

ORANGE DEMOCRATIC MOVEMENT



TUKO TAYARI

HANDBOOK FOR PARTY ELECTIONS, 2021

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FOREWORD

The Constitution of Kenya, 2010, provides that Kenya shall be a multi-party democratic State founded on the national values and principles of governance referred to in Article 10. **Article 91** provides for the establishment and governance of political parties. It requires political parties to be national in character, have democratically elected governing bodies, abide by the democratic principles of good governance and promote and **practise democracy through regular, fair and free elections within the party** respecting the rights of all persons, including minorities and marginalised groups, to participate in the party political processes. These principles are amplified in the Political Parties Act, 2011.

The Orange Democratic Movement (ODM) is a national political party whose leadership, has always been at the forefront in the quest to expand the democratic space in Kenya. ODM advocates and recognizes the need for internal democracy in all its processes. To this end, the Party is a front runner in the implementation of the laws and principles guiding political parties including the requirement to hold elections every 5 years to reinvigorate its leadership at different levels. The ODM structures begin from the grassroots - with the polling station as its lowest level and end with the national Delegates Convention at the apex . In line with its all-inclusive governance principles, the Party ensures that all its office formations respect the constitutional principles of equality, equity and inclusion. The constitution has provided for the inclusion in party structures of the male and female genders, youths, persons with disabilities and other special interest and marginalized groups. The ODM Constitution and Elections and Nominations Rules provide for a people centred process to give opportunity to members of the Party to meaningfully carry out their obligation to determine their leadership at all levels .

The Party National Elections Board (NEB), being the organ constitutionally mandated to oversee party elections and nominations is at the forefront of strengthening the electoral systems to ensure that the ODM elections at all levels are free, fair, credible, simple and verifiable. It is in response to this aspiration that NEB has developed this **Handbook** to serve as a quick guide and reference material on key information for members who participate in the party grassroots electoral processes as voters, delegates or aspirants to the various offices. This Handbook outlines the fundamental aspects that members will find useful, including without limitation, who is eligible to vote, who is eligible to run for office, which offices are open for election and the mode of elections.

The NEB wishes to point out that this Handbook is no substitute for the **Party Constitution and Election and Nomination Rules**. We urge members to read the two documents available at www.odm.co.ke/constitution; www.odm.co.ke/electionsandnominationsrules or at any of our offices countrywide.

The National Elections Board gives a solemn promise to our members that we shall deliver a free, fair and competitive Party elections in the true democratic nature of our Party; and in the spirit of our time-honoured slogan we say **Tuko Tayari**.

Catherine Muyeka Mumma,
Chairperson,
National Elections Board (NEB)

Nairobi, 12th March 2021

1. BACKGROUND

The Constitution of Kenya 2010 establishes political parties in Articles 4(2), and 91. These Articles outlines the broad principles for the management of political parties which are expounded by the *Political Parties Act, 2011*, the *Elections Act, 2011* and the Regulations and Rules made thereunder. The law thus requires parties to meet certain minimum requirements including, the regular conduct of elections for its offices in accordance with their respective Party constitutions.

This booklet contains a summary of the guidelines for the conduct of the party grassroots elections. It is intended to guide members at all levels to ensure that the elections are conducted in a manner that is free, fair, democratic and in compliance with the applicable laws and rules.

2. PARTY GRASSROOT ELECTIONS

The Orange Democratic Movement Party Constitution and the Party Election and Nomination Rules obligate the Party to undertake elections for its offices every five years. Part 3 of the rules require the Party to elect officials at grassroots (polling station), sub branch (ward), branch (constituency), county and national levels.

All registered Party members shall be accorded the opportunity to directly participate in the election of the officials at the polling station where 80 delegates are elected, 20 each to the 4 party structures which comprise of the Mainstream Party Office, the ODM Women League Office, the ODM Youth League Office and the ODM Disability League Office. NEB shall issue a notice to guide members on such elections as shall become necessary.

After the polling station election, the polling station office bearers become the delegates for electing the sub-branch officials who become the delegates for electing the branch officials who in turn elect the county officials who then elect the national officials.

3. APPLICABLE PRINCIPLES

The following Principles shall apply to the party grassroots election:

- a) Be democratic, free and fair;
- b) Be transparent and accountable;
- c) Be inclusive by ensuring equitable representation of the people from the diverse places in those areas (locations, sub-locations, villages etc.), interest groups (clans, ethnic minorities etc.) in every electoral jurisdiction (polling station, sub-branch, branch, county and national levels);
- d) Ensure that not more than 1 member from any geographical location within the area is represented in the executive positions (Chairperson, Vice Chairperson, Secretary, Deputy Secretary, and Treasurer);
- e) Ensure that not more than two-thirds of the members of all the offices, save for the OWL structure, are of the same gender. For the avoidance of doubt, that the holders of the executive offices, namely Chairperson, Deputy Chairperson, Secretary, Deputy Secretary,

Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, shall not be more than Two thirds of either gender as shall be the case also with the full offices;

- f) Ensure equitable representation of youth;
- g) Ensure the inclusion of special interest groups/or marginalized representatives;
- h) Ensure the fair representation of persons with disabilities; and
- i) Be Free from violence, intimidation, improper influence or corruption.

4. METHODS OF CONDUCTING ELECTIONS

The following methods shall apply to the conduct of the Party grassroots elections:

- (a) **Election through consensus building:** Consensus Building shall be the first method to be applied in the party elections. Consensus building is an agreement by the members or delegates on who shall hold which office. The Party encourages Party members to apply this method in all elections in the first instance provided that consensus reached does not violate the principles provided in (3) above.
- (b) **Voting by members or delegates:** Where consensus has failed, voting by eligible members and delegates shall be conducted through any method including the counting of raised hands, through queuing behind candidates ('Mlolongo'), and by secret ballot.

The member's/ delegates shall agree on a neutral person to act as the presiding officer.

Whether the elections are conducted through consensus or voting, the results of the elections shall ensure strict compliance with the principles provided in Guideline (3) above.

All party members are encouraged to, in consultation with NEB, self-organise and conduct the elections of their officials as guided by this article.

Where the members or delegates are not able to elect their officials in line with (3.) and (.4) above, the election exercise in respect of the affected entity shall be suspended and the NEB invited preside over the election of the officials for that entity.

5. ELIGIBILITY CRITERIA

- i) Only registered Party members shall participate in the ODM Party grassroots elections as either voters or aspirants.
- ii) Members will be identified using their national identity cards and the party membership register.
- iii) A Party Member is an individual who is registered in accordance with the Party membership registration rules and his/her name appears in the Party Register and the records kept by the Registrar of Political Parties.

- iv) A member can only participate in the elections for the polling station where he/she is registered as a voter. A member is not eligible to vote at any other polling station where they are not registered.
- v) Members may verify their membership status and applicable polling station with the Party prior to the grassroots elections.
- vi) NEB shall publish a list of all polling stations/ units for every County. All members are urged to verify their membership status and polling stations at least 7 days before the date of the elections.
- vii) A person qualifies to run for office at the polling station if that person is registered as a Party member and has been such member for at least 24 months prior to the date of the elections.
- viii) A person qualifies to run for office as a County Chair if that person is registered as a life member of the party.
- ix) **Youth** - means a person who has attained the age of 18 and is under 35 years.
- x) **Women** - are persons of the female gender and include young women and women with disability.
- xi) **Person with a disability** - include men, women and youth with disabilities.
- xii) **Special interest/or marginalized representatives** - refers to persons representing a minority interest group of persons that live within the geographical location of the electoral jurisdiction.
- xiii) Any official is eligible for re-election into the same office provided that one shall not have served for more than two terms or 10 years as an official in the OWL, OYL and the ODL.
- xiv) Where a vacancy has arisen in any of the structures and the members or delegates chose to re-elect the existing office bearers, they shall be free to do so provided that:
- (a) the official being re-elected has served not more than two terms or ten years;
 - (b) no official who resigned or left the party and has rejoined the Party may be considered for re-election in the vacant position.
 - (c) Notwithstanding (b) above, any official who resigned from an elective position or left the Party, has returned and wishes to serve as an official may do so by seeking fresh election as a polling unit official and proceed through the hierarchy to seek election to the other levels of the party structures if there are any vacancies.
- xv) Any new or returning member who qualifies to serve on any of the party structures by virtue of their office shall so serve.

FEES PAYABLE BY ASPIRANTS

- (a) Any member or delegate aspiring for any of the party office shall be charged a fee as provided below.
- a) Aspirants for Polling unit Offices - Ksh 100
 - b) Aspirants for Sub-branch(ward) offices -Ksh 200
 - c) Aspirants for Branch (constituency) offices - Ksh - 500
 - d) Aspirants for County Offices - Ksh 1000
 - e) Aspirants for National Offices -Ksh 5000
- (b) Aspirants for party office shall submit their applications to NEB at the address provided below and make their payments by MPESA to the Pay Bill number as provided below:
- a) NEB email address: neb@odm.co.ke
 - b) MPESA Pay Bill number

POLLING STATION ELECTIONS There will be elections of 20 officials each to the four (4) Polling Unit Offices, namely the ODM Mainstream Office; the ODM Women League; the ODM Youth League and the ODM Disability League as follows:

- a) The **Polling Station ODM Women's League** constitutes: Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, a person with disability, Special Interest/or Marginalized representative; and 9 Committee Members.
- b) The **Polling Station ODM Youth League** constitutes: Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Person with Disability, Special Interest/or Marginalized representative; and 10 Committee Members.
- c) The **Polling Station ODM Disability League** constitutes: Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, Special Interest/or Marginalized representative; and 10 Committee Members.
- d) The **ODM Polling Station Steering Committee** constitutes: Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (ODM Women League Chairperson), Secretary for Youth Affairs (ODM Youth League Chairperson), Secretary for Disability League (ODM Disability League Chairperson), Special Interest/or Marginalized representative; and 8 Committee Members.

Every registered party member shall be accorded the opportunity to participate in the elections of their polling station office bearers. Members shall be invited through a notice by NEB that shall be posted on the Party Website after consultations with current office bearers to determine the appropriate dates.

6. DECLARATION OF ELECTED OFFICE BEARERS AND TRANSMISSION OF THEIR DETAILS TO NEB.

At the close of the Polling Station elections, the persons elected as office bearers shall fill and sign the prescribed forms provided by NEB and the same shall be transmitted to NEB: where the elections are conducted by the Presiding Officer, he/she shall openly declare the persons elected into office, record their details in the prescribed forms as shall be provided by NEB and transmit them to the NEB.

7. SUB-BRANCH (WARD) ELECTIONS

There shall be elections of 20 officials for each of the sub-branch (Ward) offices, namely the ODM Mainstream Office: the ODM Women League; the ODM Youth League and the ODM Disability League as follows:

- a) The **Sub-Branch (Ward) ODM Women's League** constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, a person with disability, Special interest/or marginalized representative; and 9 Committee Members.
- b) The **Sub-Branch (Ward) ODM Youth League** constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Person with Disability, Special interest/or marginalized representative; and 10 Committee Members.
- c) The **Sub-Branch (Ward) ODM Disability League** constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, Special interest/or marginalized representative; and 10 Committee Members.
- d) The **Sub-Branch (Ward) Steering Committee** constituted of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (ODM Women League Chairperson), Secretary for Youth Affairs (ODM Youth League Chairperson), Secretary for Disability League (ODM Disability League Chairperson), Special interest/or marginalized representative; and 8 Committee Members.

Sub-branch elections shall be conducted through the delegates system. The officials elected at each polling station shall be the only delegates eligible to vote in sub-branch elections.

The sub-branch elections shall be organised to take place on a date agreed upon in consultation with NEB. The delegates shall follow the methods provided Guideline 4 above.

The election process shall ensure that the elected sub-branch office is compliant with the principles provided in Guideline 3 above.

8. BRANCH ELECTIONS

There will be elections of 20 officials for Branch (Constituency) offices, namely the ODM Mainstream Office: the ODM Women League; the ODM Youth League and the ODM Disability League as follows:

- a) The **Branch (Constituency) ODM Women's League** constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, a person with disability, Special interest/or marginalized representative; and 9 Committee Members.
- b) The **Branch (Constituency) ODM Youth League** constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Person with Disability, Special interest/or marginalized representative; and 10 Committee Members.
- c) The **Branch (Constituency) ODM Disability League** constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, Special interest/or marginalized representative; and 10 Committee Members.
- d) The **Branch (Constituency) Steering Committee** constituted of a Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (ODM Women League Chairperson), Secretary for Youth Affairs (ODM Youth League Chairperson), Secretary for Disability League (ODM Disability League Chairperson), Special interest/or marginalized representative; and 8 Committee Members.

The **Branch (Constituency)** elections shall be conducted through the delegates system. The officials elected at each sub-branch shall be the only delegates eligible to vote in Branch (Constituency) elections.

The **Branch (Constituency)** elections shall be organised to take place on a date agreed upon in consultation with NEB. The delegates shall follow the methods provided Guideline 4 above.

The election process shall ensure that the elected Branch (Constituency) office is compliant with the principles provided in Guideline 3 above.

9. Which offices are contested at the Branch and County?

At the Branch, delegates shall elect 80 delegates being 20 officials each to the Branch Executive Committee, the Branch ODM Women's League, the Branch ODM Youth League and the Branch ODM Disability League. The offices to be contested are the same as those contested at the polling station.

At the County, delegates shall elect 80 delegates being 20 officials each to the County Coordinating Committee, the County ODM Women's League, the County ODM Youth League and the County ODM Disability League. The offices to be contested are the same as those contested at the polling station.

10. DECLARATION OF WINNERS

At the close of the elections, the Presiding Officer shall declare the persons elected into office. The persons declared as winners at the Branch will fill and sign the prescribed form to be transmitted to the County Returning officer. The winners at the County level shall also fill the prescribed form to be transmitted to NEB.

11. COUNTY ELECTIONS

- a) There will be elections of 20 officials for each County office, constituted of Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Youth representative, a person with disability, Special interest/or marginalized representative; and 9 Committee Members.
- b) The **County** elections shall be conducted through the delegates system. The officials elected at each Branch shall be the only delegates eligible to in County elections.
- c) The **County** elections shall be organised to take place on a date agreed upon in consultation with NEB. The delegates shall follow the methods provided Guideline 4 above.
- d) The election process shall ensure that the elected County office is compliant with the principles provided in Guideline 3 above.

12. THE NATIONAL DELEGATES CONVENTION

- a) Further to the elections held at the polling station, sub branch, branch and county levels the Party shall convene the National Delegates Convention in accordance with the Party Constitution.
- b) The National Delegates Convention shall be convened for the purposes of electing members to the national offices set out in the Party Constitution namely the National Governing Council, the National Executive Committee, the ODM Women's League, the ODM Youth League and the ODM Disability League.
- c) After the elections in (b) above, the National Delegates Convention shall convert into the National Electoral College for purposes of electing the Party's presidential candidate for the forthcoming presidential elections.
- d) The notice convening the National Delegates Convention shall set out the terms and conditions for the Convention including but not limited to the agenda, qualifications for the various offices and any fees payable.
- e) The offices to be contested at the National Delegates Convention are as follows:
 - a) Party Leader.
 - b) Deputy Party leader (Policy).
 - c) Deputy Party Leader (Strategy).
 - d) National Chairperson.
 - e) Deputy Chairperson (Operations).
 - f) Deputy Chairperson (Programmes).
 - g) Deputy Chairperson (Strategy & Political Affairs).
 - h) Deputy Chairperson (Internal Affairs).
 - i) Secretary General.
 - j) Deputy Secretary General (Political Affairs).
 - k) Deputy Secretary General (Strategy).
 - l) National Treasurer.
 - m) Deputy Treasurer (Finance & Audit).
 - n) Deputy Treasurer (Planning & Resource Mobilisation).

- o) National Organizing Secretary.
- p) Deputy Organizing Secretary (Programmes).
- q) Deputy Organizing Secretary (Recruitment).
- r) Deputy Organizing Secretary (Internal Affairs).
- s) Deputy Organizing Secretary (External Affairs)
- t) Secretary for Public Policy and Economic Affairs.
- u) Secretary for Legal and Constitutional Affairs.
- v) Secretary for Publicity and Information.
- w) Secretary for International Affairs.
- x) Secretary for Women Affairs.
- y) Secretary for Youth Affairs.
- z) Secretary for Special Interests Groups.
- aa) Secretary for Environment.
- bb) Secretary for Parliamentary Affairs-(National Assembly and Senate).
- cc) Secretary for Devolution.
- dd) Secretary for Science and Technology.
- ee) Secretary for Special Programmes and Social Welfare.
- ff) Secretary for Labour and Human Resource Development.
- gg) Secretary for National Security.
- hh) Secretary for Humanitarian and Disaster Management Affairs.
- ii) Secretary for Disability Affairs.
- jj) Secretary for Political Affairs.
- kk) Director of Campaigns.
- ll) Deputy Director of Campaigns.

13. DISPUTE RESOLUTION

- i. The Party encourages members who are aggrieved in any way with the elections at the polling station, sub branch, branch or county levels to resolve their disputes amicably.
- ii. Where an amicable settlement is not reached, the disputes shall be referred to the NEB for determination on the best way to resolve the dispute.
- iii. The NEB may appoint a panel of 3 persons to assist in the resolution of any dispute.

PUBLISHED FOR PUBLIC USE BY:

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