

**ORANGE DEMOCRATIC MOVEMENT**



**PARTY CONSTITUTION**

## ORANGE DEMOCRATIC MOVEMENT



## PARTY CONSTITUTION

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**As amended and adopted by:**

**The National Executive Committee**

**Held on the 12<sup>th</sup> day of February 2021 at Nairobi:**

## Contents

CHAPTER 1	5
Preamble:	5
CHAPTER 2	7
Preliminary	7
CHAPTER 3	9
Identity, Vision and Mission	9
CHAPTER 4	11
Objectives and Values	11
CHAPTER 5	15
Membership, Rights and Duties	15
CHAPTER 6	20
National Officials	20
CHAPTER 7	39
Party Organs	39
CHAPTER 8:	62
Committees	62
CHAPTER 9:	67

Stewardship	67
CHAPTER 10:	71
Coalitions, Dispute Settlement and Amendment	71
CHAPTER 11	73
Dissolution	73
CHAPTER 12	75
General	75
SCHEDULE	77
Schedule I:	77
Schedule II:	77
Schedule III:	78
Schedules IV:	78
Schedule V:	78
Schedule VI:	79
Schedule VII:	80
Schedule VIII	82

# Chapter 1

# CHAPTER 1

## PREAMBLE:

We, members of **ORANGE DEMOCRATIC MOVEMENT**:

**ACKNOWLEDGING** the supremacy of the Constitution of the Republic of Kenya;

**HONOURING** those who heroically struggled to bring freedom and justice to our country;

**RECOGNIZING** the aspirations of all Kenyans for a government based on freedom, democracy, social justice, and the rule of law;

**PROUD** of our ethnic, cultural, and religious diversity and determined to live in peace and unity as one indivisible democratic nation;

**EXERCISING** our sovereign and inalienable rights to determine the form of governance of our Party and having participated fully in the making of this Constitution;

**ADOPT, ENACT**, and give this Constitution to ourselves, as Orange Democratic Movement National Delegates Convention, members of the Orange Democratic Movement and to our future generations.

# Chapter 2

## CHAPTER 2

### PRELIMINARY

#### Article 1

This Constitution shall be cited as the **Orange Democratic Movement Party Constitution** and shall come into operation on such day as it is approved by the National Delegates Convention. This Constitution shall be the supreme law of the Party.

#### Article 2

In this Constitution, unless the context otherwise requires:

**"Financial Year"** shall be for the period 1<sup>st</sup> July to 30<sup>th</sup> June of every year;

**"Group Member"** means an organization registered in Kenya including but not limited to Trade Unions, Professional Associations and Students' Unions;

**"IEBC"** means the Independent Electoral and Boundaries Commission established pursuant to Article 88(1) of the Constitution of Kenya;

**"ODM"** means Orange Democratic Movement Party;

**"Office bearer"** means any person who is elected by the members of the Party to hold a particular office and/or otherwise appointed to hold an office pursuant to this Constitution;

**"Party"** means the Orange Democratic Movement Party;

**"Political Parties Act"** is the Political Parties Act enacted by the Parliament of Kenya including such amendments, alterations and/or modifications and/or such other legislation repealing the legislation;

**"Political Party"** has the meaning ascribed to the term in the Political Parties Act, 2011;

**"Polling Unit"** means polling station as designated as such by the IEBC at the last General Election or a cluster of such polling stations as may be determined by the National Elections Board;

**"Registrar"** means the registrar of political parties designated as such under section 3 of the Political Parties Act, 2011.

# Chapter 3



## CHAPTER 3

### IDENTITY, VISION AND MISSION

#### Article 3

##### Establishment of the Party

There is hereby established a Political Party known as the **Orange Democratic Movement (ODM) Party** (hereinafter referred to as "the Party" or "ODM"). This Constitution shall be the supreme law of the Party and any rule, regulation and/or policy that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.

#### Article 4

##### Party Emblem, Flag, Slogan and Salute

1. The Party Symbol is one ripe orange fruit with a green leaf, as shown in **Schedule I** hereto.
2. The Party flag is rectangular; one and a half times longer than it is wide with a ripe orange fruit embossed at the center with the words "**ODM**" interspersed by a streak of royal blue, conspicuously inscribed thereto in

orange colors in the mid-section as shown in **Schedule II** hereto.

3. The Party slogan is "**Tuko Tayari**" as shown in **Schedule III** hereto.
4. The Party salute is a clenched fist with the thumb raised up as shown in **Schedule IV** hereto.

#### Article 5

##### Party Vision and Mission Statement

1. The Party's Vision is to establish a prosperous, industrialized, and modern nation, in which all citizens enjoy social, economic and democratic rights, and live in dignity.
2. The Party's Mission is to build a social, democratic state and society in which all Kenyans have a better life as individuals and communities.

#### Article 6

##### Party Headquarters

The Party's Headquarters shall be at Chungwa House, Loiyangalani Drive, Nairobi or as shall be determined by the National Executive Committee from time to time.

# Chapter 4

## CHAPTER 4

### OBJECTIVES AND VALUES

#### Article 7

##### 1. The Party's objects are as follows:

- a. To attain political power through constitutional means;
- b. To establish a transparent and accountable Government based on democratic and constitutional principles of pluralistic democracy and good governance founded on the principles of unity, justice, fairness, peace, liberty, and equality;
- c. To participate in elections for the purpose of forming government at the national and county levels;
- d. To field candidates in all elective offices at national and county levels;
- e. To engage in and provide quality, equitable, transparent, and accountable leadership to the people of Kenya;
- f. To promote democratic political governance based on the popular will of the people;
- g. To promote internal democracy in all Party activities based on principles of universal suffrage, transparency and accountability, justice, liberty, equality, inclusivity, and respect for the Rule of Law;
- h. To promote the principles and objectives of devolution as enshrined in the Constitution of Kenya;
- i. To establish, enhance and entrench sound economic and fiscal policies to ensure sustainable human, economic and physical development; accountable, free and fair usage of public resources and total elimination of corruption, nepotism and mediocrity;
- j. To protect and enhance the enjoyment of rights as enshrined in the Constitution of Kenya and under general rules of international law and any other treaty or convention ratified by Kenya;
- k. To promote the values and principles of public service as enshrined in the Constitution of Kenya;
- l. To promote national ethos, inclusivity, public participation, shared prosperity, safety and security, regional integration, and cohesion;
- m. To respect and preserve the national heritage, history, cultural diversity, national monuments, historical sites, and archives for the good and enjoyment of posterity; and enhance cultural life of Kenyans in all spheres of national development;
- n. To pursue, promote and protect the right to fair labour practices;

- o. To pursue and promote the full participation of women, youth, persons living with disabilities, minorities, any other disadvantaged and/or marginalized groups in the management of public affairs and national development through affirmative action and mainstreaming their participation in Party activities and structures at all levels;
- p. To promote and defend national sovereignty and to oppose all forms of adverse foreign domination, influence, and ideologies;
- q. To formulate and pursue sound national population policies in order to improve the quality of life of all Kenyans;
- r. To promote sound environmental management and conservation policies to ensure sustainable development and responsible utilization of our natural resources and protect all public utilities, national wealth, and natural resources, for the betterment of the lives of all Kenyans and posterity;
- s. To mobilize financial resources for the Party by such means, including but not limited to, borrowing, pledging, mortgaging, or charging Party property to secure loans, investing any of its monies in securities or ventures approved by the National Executive Committee, or engaging in any commercial activity or undertaking;
- t. To develop or devise schemes of awards, recognition or distinction of merit or honour, and/or confer awards or marks of distinction to any person, institution or organization that has rendered exemplary

service to the Party, or otherwise contributed to the advancement of the Party's interests, objectives;

- u. To promote Kenya's participation in international political, economic, and social affairs and to support and advance regional and global cooperation and integration and world peace;
- v. To collaborate and work with any local, national, regional, or international organization whether governmental or non-governmental in the promotion of the Party's interests, aims and objectives;
- w. To promote the creation of a conducive environment for the operation of the co-operative movement, trade unions, professional organizations, welfare associations and non-governmental organizations and involve them in Party activities so as to garner their support for the Party and build a strong foundation for a democratic system of governance in Kenya;
- x. To strengthen Parliament and County Assemblies and their respective committees for the effective operation of representative government at both levels of government;
- y. To establish such organs and structures as may be necessary to give effects to the objects of the Party;
- z. To form branches countrywide and recruit members to the Party;
- aa. To enter into coalition with political parties pursuing similar objectives in the Republic of Kenya;

- ab. To cooperate and partner with other political parties, institutions and or development partners in matters of mutual benefit; and
- ac. To promote and advocate for the independence of the media, judiciary, constitutional commissions, and independent offices.

**2. The Party's values are as follows:**

- a. Supremacy of Party members;
- b. Social and economic justice;
- c. Respect for constitutionalism and the rule of law;
- d. Respect for individual and people's rights and freedoms;
- e. Democratic governance and people's participation;
- f. Freedom with responsibility;
- g. Empowerment of the marginalized groups or sections of society;
- h. Sustainable use of the environment;
- i. Positive and mutually beneficial international relations; and
- j. Avail equal opportunity irrespective of gender, race, tribe, religion, physical abilities, etc.

# Chapter 5

## CHAPTER 5

### MEMBERSHIP, RIGHTS AND DUTIES

#### Article 8

##### 1. The membership to the ODM shall be premised on the following:

- a. Membership shall be open, upon application to the Party, either in person or through such digital and/or electronic means, to all adult Kenyan citizens in possession of a valid national Identification card or passport, irrespective of gender, disability, race, colour or creed and who accept to be subjected to the principles, objects, policies, programmes, directives and discipline of the Party and are prepared to profess and abide by this Constitution and rules made there-under provided that such person is not a member of another political party.
- b. Any Kenyan citizen who submits an application to be considered as a member of the Party and is resident in Kenya shall be admitted as a member of the Party provided they have not manifested any traits that stand in contradiction with the Orange Democratic Movement principles, objects, policies, programmes, directives, and discipline.
- c. Any person who, upon application to the Party, is a citizen of the Republic of Kenya though not ordinarily resident in Kenya and has manifested a clear identification with the Orange Democratic Movement, its principles, objects, policies, programmes, directives, and discipline shall be admitted as a member of the Party.
- d. No person otherwise disqualified under the Political Parties Act shall be eligible for membership within the meaning of that Act.
- e. A person may be registered as a member by presenting an application for such membership to the Party's offices countrywide or through such digital and/or electronic means as may be determined by the Party.
- f. Any person to whom a Certificate of Membership, Membership Card and/or such digital and/or electronic certification is issued is deemed a member of the Party and is deemed to have subscribed to the Party's Code of Conduct.
- g. Any member shall, before a Certificate of Membership is issued to such person, pay the prescribed membership fees.
- h. The National Executive Committee shall reserve the right not to admit any applicant seeking to be a member upon such reasons as they may deem fit.

## Article 9A

### Categories of Membership

1. Subject to the approval of the National Delegates Convention, the National Executive Committee shall have power to create or abolish any category of membership for the advancement of the Party's interest as the circumstances may permit. The Party shall, for the time being, have the following categories of membership:
  - a. Ordinary membership;
  - b. Life membership; and
  - c. Group membership.
2. Ordinary and Life membership shall be open to individuals upon such terms as set out in this Constitution.
3. Group membership shall be open, upon application to the National Executive Committee, to organizations including Trade Unions, Professional Associations, Co-operative Societies, Students' Unions, or any other organization which subscribes to this Constitution.
4. A member may convert his/her membership from one category of membership to the other by paying the fees as may be prescribed by the National Executive Committee.

## Article 9B

### The Party Membership Register

1. The Party shall keep a register of members which shall contain the details of the members including their identification numbers, their electoral region, their gender, age disability status and any other details as may be required by any applicable law.
2. Membership registration shall be a continuous exercise and the party shall regularly update the register.
3. The party shall file the most up to date register with the registrar of political parties every six months or such other time as the Registrar may require.
4. The National Elections Board shall use, as its voters' register, the most up to date Party's members register as shall have been certified by the Registrar of Political Parties.



## Article 10

### Rights of Party Member

1. A member of the Orange Democratic Movement shall have the right to:
  - a. Participate in Party activities;
  - b. Take full and active part in the discussion, formulation, and implementation of Party policies;
  - c. Receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and information about their local branch upon request;
  - d. Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted;
  - e. Offer constructive criticism of any member, official, policy, programme or activity within the Party and its structures;
  - f. Submit proposals or statements to the Branch, County, or National Executive Committee provided that such proposals are submitted through appropriate Party structures; and
  - g. Take part in elections through voting and be eligible for Party, County and National Elections at all levels upon nomination.

## Article 11

### Duties of Party Member

1. A member of the Orange Democratic Movement shall:
  - a. Take all necessary steps to understand and carry out the objects, policies, and programmes of the Party
  - b. Explain the objects, policies, and programmes of the Party to others;
  - c. Combat propaganda detrimental to the interests of the Party and defend the objects, policies, and programmes of the Party;
  - d. Popularize the Party;
  - e. Observe discipline, the Party Code of Conduct and obey lawful decisions made by Party organs;
  - f. Refrain from publishing and or distributing through the media any information deemed confidential, or any other view purporting the same to be the view of the Party without proper authority or mandate of a regular organ of the Party;
  - g. Ensure that he/she is registered as a voter within any of the constituencies in the country and take all steps to vote during Party, County and National elections;

- h. If a member holds an elective office in any sphere of governance at National, Branch or local level, be a member of the appropriate Party caucus and function within its articles, abiding by all lawful decisions under general provisions of this Constitution and structures of the Party;
- i. Be liable to pay such fees as shall be prescribed by the Party; an
- j. Support the Party financially and materially when called upon to do so for a good cause.

## Article 12

### Termination of Membership

1. A member of the Party shall cease to be such member:
  - a. Where a member gives a written resignation to the relevant Branch his or her membership shall terminate with effect from the date of the receipt thereof by the Branch, provided that the termination shall not absolve the member from performing any outstanding obligations owed to the Party or other members qua members;
  - b. By a resolution passed by the National Executive Council and ratified by the National Governing Council;

- c. By accepting an office, subscribing to, or promoting activities of another Political Party; or such other organization whose aims and objectives are in competition with or in conflict with those of ODM;
- d. Upon death; and
- e. By an operation of any prescribed law.

## Article 13

1. A person who has terminated his or her membership:
  - a. Shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by virtue of his/her membership shall automatically terminate with effect from the date of receipt of written resignation from the Party;
  - b. Shall return all party property within his/her custody, possession or control, failure to which the Party shall have a right to lay claims against such person for any money due or owing to the Party or for any damage or loss occasioned to Party property which was in his custody, possession, or control prior to termination of membership
  - c. Shall have his/her name struck off from the register of Party members.

# Chapter 6

## CHAPTER 6

### NATIONAL OFFICIALS

#### Article 14

1. The National Officials shall be:

- 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 and 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 and Audit).
- n. Deputy Treasurer (Planning and 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.
- ab. Secretaries for Parliamentary Affairs-National Assembly and Senate.
- ac. Secretary for Devolution.
- ad. Secretary for Science and Technology.

- ae. Secretary for Special Programmes and Social Welfare.
  - af. Secretary for Labour and Human Resource Development.
  - ag. Secretary for National Security.
  - ah. Secretary for Humanitarian and Disaster Management Affairs.
  - ai. Secretary for Disability Affairs.
  - aj. Secretary for Political Affairs.
  - ak. Director of Campaigns.
  - al. Deputy Directors of Campaigns.
2. The Executive Director shall be ex-officio.

## Article 15

### Election of National Officials

1. It is hereby provided, in respect of elections and functions of National Officials, as follows:
  - a. Subject to this Constitution, the election of National Officials shall be conducted by the National Delegates Convention.

- b. The election of National Officials shall be conducted on the guiding principle that not more than two thirds of the members shall be of the same gender.
- c. All National Officials other than the Secretaries for Parliamentary Affairs, Secretary for Women Affairs, Secretary for Youth Affairs, Secretary for Disability Affairs, and the Executive Director shall be elected by the National Delegates Convention.
- d. Subject to paragraphs (a) and (b) above all National Officials shall hold office for a term of five years.
- e. Elections shall be through secret ballot or any other method of voting acceptable to the delegates in session and, where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated.
- f. Nomination of all candidates shall be in the prescribed form.
- g. All office bearers shall perform their functions within the spirit and provisions of this Constitution and shall ensure that they are guided by the objectives and values of the Party.
- h. Any National Official may attend any meeting(s) organized by a Branch as an **ex-officio** member.

## Article 16

### The Party Leader

1. The Party Leader shall:

- a. Provide leadership and vision to the Party.
- b. Promote cohesion and integration of all Party members.
- c. Articulate and implement the Party's objects, aspirations, and strategies.
- d. Champion the Party's campaign to form Government.
- e. Imbue Party members with charisma and lead the membership to newer heights of loyalty and patriotism to Party ideals, values, and objectives.
- f. Lead the Party at political negotiations to form a working coalition with any other Party or Parties with the sole purpose of forming the Government as may be desirable in the circumstance.
- g. Facilitate the amicable resolution of disputes through mechanisms of Alternative Dispute Resolution, on any matter in dispute or under controversy within any Party organ or amongst Party members.

h. Confer honors of recognition, merit, distinction, commendation, or accolade to a member of the Party or any other person who, in the considered opinion of the National Executive Committee, has made an outstanding contribution to the Party in the achievement of its objects, policies or programmes or in furtherance of the same.

i. Once every year –

i. Report in an address to all members of the Party, on all measures taken and the progress achieved in the realization of the aims, objectives and values referred to in Article 7

ii. Ensure the preparation and publication of an annual report on the measures and progress referred to in paragraph (a) of Clause (1) above

2. It is further provided, in respect of the Party Leader, as follows:

- a. The Party Leader shall be Party's presidential candidate at the last presidential election where the Party presents a candidate for the said position. Where the Party does not present a presidential candidate, the Party Leader shall be elected at the National Delegates Convention.
- b. The Party Leader shall remain in office until the next election of National Officials.

- c. (c)Nomination to the Office of Party Leader shall be by a written application to the National Elections Board in the prescribed form.
- d. In the event that the Party Leader is unable to discharge his or her duties by reason of physical or mental infirmity, bankruptcy, death, resignation or where he or she ceases to be a Party member, a Special National Delegates Convention shall be convened to elect a new Party Leader.

## Article 17

### Deputy Party Leaders

1. The Deputy Party Leader (Policy) shall –
  - a. Deputise the Party Leader and shall perform such duties and functions as may be expressly delegated to him/her by the Party Leader.
  - b. Perform the functions conferred by this Constitution.
2. Without prejudice to the generality of paragraph (b) of Clause (1) above, the Deputy Party Leader (Policy) shall –
  - a. Assist in carrying out the duties of the Party Leader in his/her absence.

- b. Assist the Party Leader in development and implementation of policy.
  - c. In liaison with the Deputy Leader (Strategy) assist in formulating and implementing the Party's policy direction.
3. The Deputy Leader (Strategy) shall –
  - a. Deputise the Party Leader and shall perform such duties and functions as may be expressly delegated to him/her by the Party Leader.
  - b. Perform the functions conferred by this Constitution.
4. Without prejudice to the generality of **paragraph (b) of Clause (3)** above, the Deputy Party Leader (Strategy) shall –
  - a. Assist in carrying out the duties of the Party Leader in his /her absence.
  - b. Assist the Party Leader in development and implementation of strategy.
    - a. In liaison with the Deputy Leader (Policy) assist the Party Leader in formulating and implementing the Party's strategic plan.

## **Article 18**

### **National Chairperson**

1. The duties and responsibilities of the National Chairperson shall be:
  - a. To provide leadership and oversee overall management and running of the Party affairs;
  - b. To convene and preside over National Executive Committee meetings;
  - c. To preside over the National Delegates Convention and any other meetings requiring his attendance;
  - d. To articulate and defend Party policies;
  - e. To ensure discipline and proper order within the Party in accordance with the Party's Constitution;
  - f. To ensure that the Party members adhere to Party objects, policies programmes and laws made under this Constitution;
  - g. To forge a strong sense of unity within Party organs inter se and amongst Party rank and file and to ensure a pleasant working relationship between Party officers and members;
  - h. To ensure order at all meetings of the Party organs; and

- i. To consult and take counsel from the Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members.

## **Article 19**

### **National Deputy Chairpersons**

1. The National Deputy Chairpersons, under the direction of the National Chairperson, shall:
  - a. Chair Meetings in the absence of the Chairperson;
  - b. Assist the National Chairperson in matters relating to coordination and liaison with other political parties;
  - c. Collect political intelligence and advice on strategies to popularize the party at the grassroots;
  - d. Assist the National Chairperson in matters relating to general Party administration, Party policies and programmes;
  - e. Oversee and coordinate standing, ad hoc and specialized national committees of the Party;
  - f. Assist the National Chairperson in all matters pertaining to logistics and operations;



- g. Oversee administrative operations of Branches, ODM Women League, ODM Disability League and ODM Youth League;
  - h. Assist with matters relating to coordination of local strategic review, organizing strategic groups at the regional level to ensure that the party adopts such strategies which take cognizance of the local sensitivities and concerns;
  - i. Maintain liaison with branches and established think-tanks to facilitate a feedback mechanism to the center that culminates into a coherent national strategic party planning and action;
  - j. Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the party; and
  - k. Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.
2. The National Deputy Chairperson in charge of Operations shall –
  - a. Assist the National Chairperson in all matters pertaining to logistics and operations;
  - b. Oversee administrative operations of Branches, ODM Women League, ODM Disability League and ODM Youth League; and
  - c. Perform such other functions as may be delegated to him/her by the National Chairperson.
3. The National Deputy Chairperson in charge of Programmes shall –
  - a. Assist the National Chairperson in matters relating to general Party administration, Party policies and programmes;
  - b. Oversee and coordinate standing, ad hoc and specialized national committees of the Party; and
  - c. Perform such other functions as may be delegated to him/her by the National Chairperson.
4. The National Deputy Chairperson in charge of Political Affairs shall –
  - a. Assist the National Chairperson in matters relating to coordination and liaison with other political parties;
  - b. Collect political intelligence and advice on strategies to popularize the party at the grassroots;
  - c. Assist with matters relating to coordination of local strategic review
  - d. Organizing strategic groups at the regional level to ensure that the party adopts strategies which take cognizance of the local sensitivities and concerns of the citizenry;
  - e. Maintain liaison with branches;
  - f. Establish feedback mechanisms to the National Executive Committee for implementation of the Party's strategic planning and action;

- g. Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the Party;
  - h. Assist the Party Leader in formulating the Party's strategic plan; and
  - i. Perform such other functions as may be delegated to him/her by the National Chairperson.
5. The National Deputy Chairperson in charge of Internal Affairs shall –
- a. Assist with matters relating to coordination and liaison with party branches;
  - b. In consultation with the National Deputy Party Leader in charge of strategy, be responsible for dispute resolution;
  - c. Promote and engender activities to popularize the party at the grass-roots level in line with the strategic aims of the party;
  - d. Perform such other functions as may be delegated to him/her by the National Chairperson.

## **Article 20**

### **Secretary General**

1. The Secretary General shall be the Party Spokesperson, and shall be responsible to the National Executive Committee for the management of the National Secretariat. In addition, the Secretary General shall –
  - a. Ensure that all meetings including the National Executive Committee, National Governing Council and National Delegates Convention take place as provided for in the Constitution at such time as may be decided by the National Executive Committee;
  - b. Keep or cause to be kept a proper record of minutes of all meetings of the National Executive Committee, the National Governing Council and the National Delegates Convention and ensuring the distribution of such minutes and conveying of decisions made to persons and branches concerned;
  - c. Issue correspondence on behalf of the National Delegates Convention, National Governing Council and the National Executive Committee or any other Party organs;
  - d. Prepare annual reports on the work of the National Executive Committee, the National Governing Council, and the National Delegates Convention;

- e. Be the depository and custodian of all Party documents including Party Seal, Minutes Register, instruments of intellectual property rights, instruments of registration, registration of all Party Branches and Party members' register;
- f. Liaise and consult with the Registrar of Political Parties on behalf of the Party as the authorized principal officer of the Party; and
- g. Perform any other functions conferred upon him or her by this Constitution or the National Executive Committee.

## Article 21

### Deputy Secretary Generals

#### 1. The Deputy Secretary General in charge of Political Affairs shall –

- a. Be in charge of Party protocol;
- b. Act as a liaison officer with local and international organizations and agencies;
- c. Host visiting delegations and guests of the Party;
- d. Liaise with Party Parliamentary Group through the Secretary for Parliamentary Affairs;
- e. Be in charge of the implementation of Party's strategies, policies and programmes;

- f. Oversee the development and revision of Party manifesto;
- g. Co-ordinate Party meetings and Conventions;
- h. Ensure that statutory returns are filed as required by law;
- i. In so far as permitted by this Constitution, and/or as authorized by the National Executive Committee, perform the functions of the Secretary General; and
- j. Perform such other functions as might be delegated to him/her by the Secretary General.

#### 2. The Deputy Secretary General in charge of Strategy shall –

- a. Assist in the coordination, development and review of local strategic plans;
- b. Assist in organising strategic groups at the regional level to ensure that the Party adopts strategies that address both local and national concerns;
- c. Keep close liaison with Party branches;
- d. Ensure that branches are part of the national strategic planning process;
- e. Create and maintain relationship and interaction with the branches to ensure that operations of the Party are effective and smooth;
- f. Ensure that regional needs of the Party are not compromised;

- g. Perform any other duties as might be delegated by the Secretary General from time to time.

## Article 22

### National Treasurer

#### 1. The National Treasurer shall –

- a. In consultation with the National Secretariat, be in charge of Party finances;
- b. Supervise all financial transactions at all Party levels under the direction of the National Executive Committee;
- c. Ensure that all monies received on behalf of the National Executive Committee are banked and operate a banking account together with such other signatories as may be specified by the National Executive Committee;
- d. Maintain accurate, up to date records of the finances of the party and resource use;
- e. Before the commencement of each financial year, prepare annual estimates of the revenue and expenditure of the Party for that year and ensure overall fiscal planning;

- f. Monitor financial allocations and expenditure according to departmental votes as may be approved by the National Executive Committee;
- g. Ensure the execution of prudent stewardship standards and best financial practices to protect the Party's finances;
- h. Prepare and submit to the National Executive Committee a Financial Statement every quarter of the year and ensure that copies of duly audited Annual Accounts are circulated to all delegates at the same time the notice convening the National Delegates Convention is sent out;
- i. Be responsible, in conjunction with Party's Finance and Resource Mobilization Committee, for the formulation and execution of resource mobilization plans and strategies.
- j. Within a period of three months after the end of each financial year, submit to the NEC and the Auditor-General the accounts of the Party in respect of that year together with a –
  - i. Statement of the income and expenditure of the Party during that year; and
  - ii. Statement of the assets and liabilities of the Party on the last day of that financial year.

## **Article 23**

### **Deputy National Treasurers**

1. The Deputy National Treasurer in charge of Finance and Audit shall –
  - a. Under the direction of the National Treasurer in consultation with the National Secretariat, maintain accurate records of financial matters and resource use;
  - b. Assist the National Treasurer in matters pertaining to Audit by providing information to the appointed party auditors and the Office of the Auditor General, as may be deemed necessary;
  - c. Ensure that both internal and external audit is scheduled and executed in accordance with the provisions of the law; and
  - d. Perform such other functions as may be delegated to him/her by the National Treasurer.
2. The Deputy National Treasurer in charge of Planning and Resource Mobilisation shall –
  - a. Under the direction of the National Treasurer, assist the National Treasurer in matters pertaining to Budget and Planning;

- b. Assist the National Treasurer in matters pertaining to Resource mobilization planning, execution
- c. In consultation with the National Secretariat, maintain a data base of the Party's contact with those who support the Party with resources; and
- d. Perform such other functions as may be delegated to him/her by the National Treasurer.

## **Article 24**

### **National Organizing Secretary**

1. The National Organizing Secretary shall –
  - a. Organize public meetings, functions, and meet the people tours;
  - b. Be responsible for promoting and mobilizing for party activities including the recruitment of Party members at branch level;
  - c. Coordinate effective functioning of all branches and ensure they hold meetings in accordance with the requirements of this Constitution;
  - d. Maintain and develop new relationships with party supporters in the Diaspora;
  - e. Foster relationships with development partners;

- f. In consultation with the Secretary General and the National Executive Committee, supervise the organization of the National Delegates Convention, National Governing Council; and
- g. Prepare reports on the progress of such meetings.

## Article 25

### Deputy National Organizing Secretaries

1. The Deputy National Organizing Secretary in charge of external affairs shall work under the direction of the National Organizing Secretary and shall –
  - a. Work closely with the Secretary of International Affairs, and focus attention in maintaining and developing new relationships with party supporters in the Diaspora; and
  - b. Perform such other functions as may be delegated by the National Organizing Secretary.
2. The Deputy National Organizing Secretary in charge of Internal Affairs shall work under the direction of the National Organizing Secretary and shall –

- a. Assist him/her in all matters relating to organization of public meetings, functions, and meet-the-people tours;
  - b. Be responsible for dispute resolution;
  - c. Be responsible for engendering activities to popularize the party at the grassroots level taking into account the overall strategic aims of the party;
  - d. Develop activities that focus on maintaining popular interest in the party; and
  - e. Perform such other functions as may be delegated by the National Organizing Secretary.
3. The Deputy National Organizing Secretary in charge of Recruitment shall work under the direction of the National Organizing Secretary and shall –
  - a. Assist him/her in all matters relating to organization of public meetings, functions and meet-the-people tours;
  - b. Focus attention on continuing recruitment of party membership; and
  - c. Perform such other functions as may be delegated by the National Organizing Secretary.

4. The Deputy National Organizing Secretary in charge of Programmes shall work under the direction of the National Organizing Secretary and shall –
  - a. Assist him/her in all matters relating to organization of public meetings, functions, and meet-the-people tours.
  - b. Perform such other functions as may be delegated by the National Organizing Secretary.

## **Article 26**

### **Secretary for Public Policy and Economic Affairs**

1. The Secretary for Public Policy and Economic Affairs shall –
  - a. Be responsible for the development of policy on any matter as directed by the Party, and to apprise the party on merits and demerits of the same;
  - b. Defend such policy so adopted whenever called upon by the party leadership in the public domain;
  - c. Develop advisory opinions and papers to guide the Party on matters of public policy and economic affairs;

- d. Prepare and submit to the National Executive Committee through the Secretary General, reports on policies adopted by the Party and implementation of the same; and
- e. Perform such other functions as may be directed by the National Executive Committee.

## **Article 27**

### **Secretary for Legal and Constitutional Affairs**

1. The Secretary for Legal Affairs shall –
  - a. Be the legal adviser to the Party in all legal and constitutional matters;
  - b. Advise the Party on all matters relating to the Constitution of Kenya and any other legislation touching on elections and political parties;
  - c. Negotiate, draft, vet and interpret all legal instruments and documents for and on behalf of the Party and its organs, including the Party Constitution, Election and Nomination Rules and ensure conformity with the Constitution of Kenya and local and international statutes;

- d. In consultation with Party Leader, constitute legal teams responsible for representing the Party in contentious matters before courts and tribunals; and
- e. Perform such other duties as may be directed by the National Executive Committee.

## **Article 28**

### **Secretary for Publicity and Information**

1. In consultation with the Secretary General, the Secretary for Publicity and Information shall be responsible for-
  - a. Undertaking research on matters relating to publicity, disseminating information and public relations strategies;
  - b. Preparation of progress reports to be submitted to the National Executive Committee; and
  - c. Perform such other functions as may be directed by the National Executive Committee.

## **Article 29**

### **Secretary for International Affairs**

1. The Secretary for International Affairs shall:
  - a. Be responsible for matters of foreign policy and contact with foreign organizations;
  - b. Creation of mutually beneficial links with foreign organizations and states; and
  - c. Perform such other functions as may be directed by the National Executive Committee.

## **Article 30**

### **Secretary for Women Affairs**

1. The Secretary for Women Affairs shall be the National Chairperson of the ODM Women League and shall be responsible for –
  - a. Development of advisory opinions and papers on matters affecting women;



- b. Coordination of the activities of the ODM Women League;
- c. Promotion and mobilization of Party activities and policies among the women of Kenya under the direction of the National Executive Committee; and
- d. Performance of any other function as may be delegated by the National Executive Committee

## **Article 31**

### **Secretary for Youth Affairs**

1. The Secretary for Youth Affairs shall be a member aged not more than 35 years at the time of elections and shall be the National Chairperson of the ODM Youth League. The Secretary for Youth Affairs shall be responsible for-
  - a. Development of advisory opinions and papers on matters affecting the youth;
  - b. Coordination of the activities of the ODM Youth League;
  - c. Promoting and mobilizing Party activities and policies among the youth of Kenya under the direction of the National Executive Committee; and
  - d. Performance of any other function as may be delegated by the National Executive Committee

## **Article 32**

### **Secretary for Disability League**

1. The Secretary for Disability League shall be the National Chairperson of the ODM Disability League, and shall be responsible for-
  - a. Development of advisory opinions and papers on matters affecting persons living with disabilities;
  - b. Coordination of the activities of the ODM Disability League;
  - c. Promoting the interest of persons living with disabilities within the Party ensuring mainstreaming, in terms of representation and participation in Party structures and activities
  - d. Promoting and mobilizing Party activities and policies among persons living with disabilities in Kenya, under the direction of the National Executive Committee; and
  - e. Performance of any other function as may be delegated by the National Executive Committee

## **Article 33**

### **Secretary for Special Interest Groups**

1. The Secretary for Special Interest Groups shall be responsible for-
  - a. Promoting the interest of special interest groups within the Party ensuring mainstreaming,, in terms of representation and participation in Party structures and activities;
  - b. The identification and mobilization of special interest groups and ensuring that special interest groups have a national presence and profile within the Party;
  - c. Development of advisories on matters relating to special interest groups;
  - d. Coordination of the activities of the special interest groups; and
  - a. Perform such other functions as may be directed by the National Executive Committee.

## **Article 34**

### **Secretary for Environment**

1. The Secretary for Environment shall:
  - a. Be responsible for ensuring that sound environmental conservation and management policies are articulated in the Party manifesto and propagated in Party programmes; promoting sustainable management of natural resources at the national and county levels of government;
  - b. Development of advisory opinions and papers on matters affecting the environment, management, and conservation thereof; and
  - c. Perform such other functions as may be directed by the National Executive Committee.

## **Article 35**

### **Secretaries for Parliamentary Affairs**

1. There shall be two Secretaries for Parliamentary Affairs who shall be the Party's Whips in the Senate and National Assembly and shall each be responsible for:

- a. Ensuring that Members of the Party attend to their respective House of business to promote the Party's legislative and political agenda.
- b. Selecting Members to serve in the various committees for the respective House of Parliament.
- c. Enforcing party discipline among members in the respective House of Parliament.
- d. Perform such other functions as may be directed by the National Executive Committee.

## **Article 36**

### **Secretary for Devolution**

1. The Secretary for Devolution shall be a Member of Parliament, sitting in the Senate and shall be responsible for-
  - a. Promoting policies for equitable distribution of resources among the regions and monitoring devolved government to ensure it is accountable;
  - b. Protecting and promoting the objectives of the devolved system of government as provided in the Constitution of Kenya;

- c. Developing advisory opinions and papers on matters relating to the devolution; and
- d. Performing any other functions as may be directed by the National Executive Committee.

## **Article 37**

### **Secretary for Science and Technology**

1. The Secretary for Science and Technology shall be responsible for-
  - a. The promotion of the use of Information and Communication Technology (ICT) within the Party;
  - b. Building the capacity for Party members to utilize ICT;
  - c. Promoting education policies that meet current technological needs, and promoting innovation in technological development so as to create self-sufficiency for the party and the country;
  - d. Performing any other functions as may be directed by the National Executive Committee.

## **Article 38**

### **Secretary for Labour and Human Resource Development**

1. The Secretary for Labour and Human Resource Development shall be responsible for-
  - a. Developing policies that promote reform on matters of labour and human resource development;
  - b. The enactment of labour laws that enhance equity in labour relations and match skills to industry needs;
  - c. Liaising with trade and employers' unions; and
  - d. Performing any other functions as may be directed by the National Executive Committee.

## **Article 39**

### **Secretary for Security**

The Secretary for Security shall be responsible for development of Party policy on matters of internal security and public order.

## **Article 40**

### **Secretary for Humanitarian and Disaster Management Affairs**

1. The Secretary for Humanitarian and Disaster Management Affairs shall be responsible for-
  - a. The development of the party's strategic plan for humanitarian and disaster mitigation, management, and evaluation;
  - b. Coordination of response to disaster; and
  - c. Performing any other functions as may be directed by the National Executive Committee.

## **Article 41**

### **Secretary for Special Programmes, Social Security and Social Welfare**

1. The Secretary for Special Programmes, Security and Social Welfare shall be responsible for-
  - a. (The management of all special programmes of the party;
  - b. Internal and public order;
  - c. The development of the party's strategic plan for such activities and their mitigation, management, evaluation, and coordination of responses; and

- d. Performing any other functions as may be directed by the National Executive Committee.

## **Article 42**

### **Secretary for Political Affairs**

1. The Secretary for Political Affairs will deal with all matters political, including but not limited to-
  - b. Coordination and liaison with other political parties;
  - c. Collection of political intelligence and advice on strategies to popularize the party at the grassroots;
  - d. Perform any other duties as may be assigned by the National Executive Committee.

## **Article 43**

### **Director of Campaigns**

1. The Director of Campaigns shall be in charge of all party campaign affairs, including political campaigns and in particular shall:

- a. Be the convener of party political campaigns;
- b. Mobilize and direct campaign resources;
- c. Formulate and implement party strategies on voter registration and mobilization;
- d. Be the national coordinator of party campaigns;
- e. Devise and implement party political campaign strategies;
- f. Advise the National Executive Committee on National Campaign matters and prepare briefs on behalf of the party; and
- g. Consulting and liaising with National Elections Board on strategic approaches to elections.
- h. Perform any other function that may be assigned by National Executive Committee and National Elections Board.

## **Article 44**

### **Deputy Directors of Campaigns**

1. The Deputy Directors of Campaigns shall be under the direction of the Director of Campaigns and shall –
  - a. Assist the Director of Campaigns in the formulation and implementation of Party's campaign policies and programmes
  - b. Perform any other function that may be assigned by National Executive Committee

# Chapter 7

## CHAPTER 7

### PARTY ORGANS

#### Article 45

1. There is hereby established the following Party organs:

- a. National Delegates Convention (NDC).
- b. National Governing Council (NGC).
- c. National Executive Committee (NEC).
- d. Central Committee (CC).
- e. Regional Delegates Conference (RDC).
- f. County Coordinating Committee (CCC).
- g. Branch Executive Committee (BEC).
- h. Sub-Branch Executive Committee (SBEC).
- i. Polling Unit Steering Committee (PUSC).
- j. Party Parliamentary Group (PPG).
- k. Party Council of Governors (PCOG).
- l. Party County Assembly Group (PCAG).

- m. ODM Women League (OWL).
- n. ODM Youth League (OYL).
- o. ODM Disability League (ODL).
- p. National Secretariat (NS).
- q. National Elections Board (NEB).

2. Save as otherwise provided by these rules, the quorum for meetings of party organs shall be 30% of eligible members present and voting

#### Article 46

##### National Delegates Convention

1. The National Delegates Convention shall be the supreme organ of the Party with power to determine Party policy.
2. The National Delegates Convention shall be composed of the following:
  - a. All members of the National Executive Committee;
  - b. All members of the Party Parliamentary Group;

- c. All Members of the Party Council of Governors;
  - d. All Chairpersons of the Branch Executive Committees;
  - e. All Chairpersons of the County Coordinating Committee;
  - f. Minority or Majority leaders in each County Assembly;
  - g. All National Officials of the ODM Youth League;
  - h. All National Officials of the ODM Women League;
  - i. All National Officials of the ODM Disability League;
  - j. One person representing the marginalized drawn from each county;
  - k. One person nominated by Branch Executive Committee where the Member of National Assembly is an elected member of the Party;
  - l. One woman nominated by the County Coordinating Committee, where the County Woman Representative is an elected member of the party;
  - m. One person nominated by the County Coordinating Committee, where the Senator is an elected member of the Party;
  - n. One person nominated by the County Coordinating Committee, where the Governor is an elected member of the party;
  - o. Members of the Party's Standing Committees specially nominated by the National Executive Committee to attend the Convention as delegates;
  - p. At least one member from each registered Diaspora Branch, if any, specially nominated by the National Executive Committee to attend the Convention as delegates; and
  - q. Top up Delegates from branches to be determined by National Executive Committee, through the formula set out in Schedule VII herein.
3. The maximum number of Delegates present at any National Delegates Convention shall not exceed 3000 Delegates.
  4. The National Executive Committee may invite individuals who have made special contribution to the Party or who have special skills or experience to attend the Convention with no right to vote.
  3. The National Delegates Convention shall have the following specific powers, duties, and obligations:
    - a. To review party policies and programmes and give directions regarding the organization of the Party.
    - b. To consider, modify, amend, and ratify the Manifesto, Constitution, Rules and Regulations of the Party and those governing its subsidiary organizations and their operations.



- c. To receive and examine annual financial statements and audited accounts presented by the National Treasurer for the period since the previous ordinary session of the National Delegates Convention
- d. To review annual dues payable by the Party members.
- e. To receive and discuss reports of the National Governing Council and the National Executive Committee.
- f. To elect, from among eligible Party members, the National Officials of the Party who shall constitute the National Executive Committee for a term of five years as set out in this Constitution.
- g. To delegate or confer any of its powers or duties to the National Governing Council and the National Executive Committee in addition to their respective functions.
- h. To elect or appoint any other Standing Committee and assign specific tasks and duties to such committee.
- i. To nominate the Party's Presidential candidate for the election of the President of the Republic of Kenya.
- j. To initiate all such activities to further the aims and objects of the Party.
- k. To perform any other duties and functions as the National Delegates Convention may deem fit.

## **Article 47**

### **Procedure of Meeting at National Delegates Convention**

- a. There shall be, in so far as applicable under this Constitution, an Ordinary Session of the National Delegates Convention, and in respect whereof it is provided as follows:
- b. An Ordinary Session of the National Delegates Convention shall be convened by a resolution of the National Executive Committee ratified by the National Governing Council and held once every five years but not later than 31st December of the fifth year, at a place, time and date to be determined by the National Executive Committee.
- c. The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, any other Party official specifically appointed for that purpose by the National Executive Committee at least twenty-one days before such date and published in two daily English newspapers with the widest circulation, and carried in at least two Swahili radio broadcasts carried by a leading broadcasting station.
- d. Only agenda items as approved by the National Governing Council shall be discussed at the Ordinary Session of the National Delegates Convention.

## Article 48

1. There shall be, as applicable under this Constitution, a Special Session of the National Delegates Convention, and in respect whereof it is provided as follows:
  - a. A Special Session of the Convention shall be summoned by the Chairperson upon the decision of the National Executive Committee or upon a requisition in writing signed by at least one third of the delegates eligible to attend an Ordinary Session of the Convention. The notice and agenda convening the meeting shall be sent out by the Secretary General at least 21 days before such date and published in at least two daily English newspapers with the widest circulation, in addition to at least two Swahili radio broadcasts carried by a leading broadcasting station.
  - b. Where a Special Session of the Convention is requisitioned by delegates, a notice calling upon the Chairperson to summon the Convention including the agenda and date desired for the Convention shall be served upon the Secretary General not later than sixty-five working days before the date proposed; but where the National Chairperson fails to summon the Convention within twenty one working days after due service of the notice, the Convention shall stand duly summoned and properly convened on the date, place and time contained on the notice.
  - c. Where a Special Session of the Convention requisitioned by delegates is convened in default of the Chairperson summoning the same, the delegates requisitioning the Convention shall, not less than twenty one working days before the proposed date, cause a notice convening the Convention to be published in two daily English newspaper with wide circulation, and two Swahili radio broadcasts carried by a leading broadcasting station; provided always, that such notice shall contain the agenda, place, date and time of the Convention.
  - d. Only agenda items prepared by the National Executive Committee or as may be requisitioned by delegates shall be discussed at the Special Session of the Convention.
  - e. The National Chairperson or, in his/her absence, any of his/her deputies but failing which a delegate, specially elected by delegates in attendance, shall preside at a Special Session of the National Delegates Convention requisitioned by delegates. Similarly, the Secretary General or, in his/her absence any of his/her deputies but failing which a delegate, specially elected by delegates in attendance, shall be the Secretary of such Convention.
  - f. Quorum of the Ordinary or Special Sessions of the National Delegates Convention shall be 30% of eligible members present and voting.
  - g. Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.

## **Article 49**

### **The National Governing Council (NGC)**

1. There is hereby established a National Governing Council, which shall be the second highest organ of the Party, and shall consist of the following members:
  - a. All members of the National Executive Committee;
  - b. All Chairpersons of County Coordinating Committees;
  - c. All Chairpersons of the Branch Executive Committees;
  - d. All members of the Party Parliamentary Group;
  - e. All members of the Party Council of Governors;
  - f. All members of the National Elections Board;
  - g. All Majority or Minority leaders of County Assemblies
  - h. All Chairpersons of Party's Standing Committees;
  - i. All National Officials of the ODM Women League;
  - j. All National Officials of the ODM Youth League; and
  - k. All National Officials of the ODM Disability League.

2. The National Governing Council shall have the following functions:
  - a. To review and/or formulate policies of the Party for approval by the National Delegates Convention;
  - b. To act as the broader executive body of the National Delegates Convention and to ensure that all recommendations by the National Delegates Convention are duly carried out by the Party Organs;
  - c. To receive reports from the National Executive Committee on the operations of the Party;
  - d. To review and approve the reports of the National Executive Committee to National Delegates Convention;
  - e. To monitor general activities of the Party on behalf of the National Delegates Convention and to provide direction for such activities;
  - f. To establish specialized committees and other advisory bodies as are necessary to carry out aims and objects of the Party;
  - g. To run the party and make decisions in between the National Delegates Convention;
  - h. To review and develop legislative, political and socio- economic agenda for County Assembly and Parliamentary Groups in line with the objects of the Party;

- i. To approve the agenda for the National Delegates Convention as may be prepared and presented by the National Executive Committee, or as may be notified by any Party member.
- j. To make policy and administrative decisions on behalf of the National Delegates Convention if it is the considered opinion of the National Executive Committee that such decision cannot await the next National Delegates Convention but thereafter present such decisions for ratification at the Ordinary Session of the National Delegates Convention immediately following;
- k. To initiate all such activities as might further the aims and objects of the Party.

## **Article 50**

### **Procedure of Meeting at the National Governing Council**

1. The procedure of meetings of the National Governing Council shall be as follows:
  - a. The National Governing Council shall be convened by a resolution of the National Executive Committee and shall meet at least once every two (2) years.

- b. A notice to include any other agenda item to the National Delegates Convention by a member shall be sent to reach the Secretary General not later than twenty-one working days before the session of the National Governing Council;
- c. Quorum of the of the National Governing Council meeting shall be 30% of eligible members present

## **Article 51**

### **The National Executive Committee (NEC)**

1. The National Executive Committee shall be the executive organ of the Party and shall be composed of the following members:
  - a. All the National Officials; and
  - b. The Executive Director, who shall be an ex-officio member.
2. The National Executive Committee shall be constituted by the National Delegates Convention to hold office for a of term of five years save for the two Secretaries of Parliamentary Affairs, being for the National Assembly and the Senate, who shall be elected by the Party's Parliamentary Group and ratified by the National Delegates Convention.

3. The National Executive Committee shall have the following functions and powers:

- a. To act as the executive body and carry out the decisions of the National Governing Council and the National Delegates Convention;
- b. To supervise the National Secretariat of the Party and to take such measure as it deems necessary to enforce the decisions and programmes of the Party as laid down by the National Governing Council and the National Delegates Convention.
- c. To issue and send directives and instructions to and receive reports from the Branches.
- d. To convene the meetings of and prepare the agenda for and reports to the National Governing Council and National Delegates Convention.
- e. To oversee the operations of the ODM Women League, ODM Youth League, ODM Disability League, Party Parliamentary Group, and the County Assembly Group
- f. Set up committees as it deems necessary from time to time for specified tasks and to determine their terms of reference.
- g. To operate and determine the manner in which the Party accounts and finances shall be prudently managed.

- h. To appoint and fix the Terms and Conditions of Service of the Executive Director and other members of staff in the employment of the Party.
- i. To receive reports, supervise the work of, and delegate such functions to the National Secretariat and any other Party Organ or Committee, as it considers necessary.
- j. To recommend to the Party Leader names of any member of the Party or any other person who has made an outstanding contribution to the Party in the achievement or furtherance of its objects, policies, or programmes for the conferment of honours of recognition, merit, distinction, commendation, or accolade in accordance with the Party's Reward and Merits Scheme as it may deem appropriate.
- k. To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual financial statements for approval by National Governing Council and the National Delegates Convention.
- l. To receive, consider, approve, and implement reports and recommendations from the various standing, ad hoc, and specialized committees or individuals.
- m. To liaise with the Party National Election Board in order to ensure the coordination of elections of Party Officials at all levels and Party nominations for Presidential, Parliamentary and County elections.

- n. To make Elections and Nomination Rules and present them before the National Governing Council for approval.
  - o. To put in place internal dispute resolution mechanisms, appoint the Party's appeals tribunal and set out their mandate.
  - p. To recommend to Party Organs, Standing and Ad hoc Committees, programmes aimed at stimulating Party activities.
  - q. To make Elections and Nomination Rules and/or Regulations as may be prescribed under this Constitution and lay them before the National Governing Council for ratification.
  - r. To initiate all such activities as might further the aims and objects of the Party.
  - s. To determine such honoraria, out of pocket expenses, to any National Official so as to reasonably facilitate his or her attendance at meetings or to ameliorate his or her just and fair expenses, subject to the availability of funds, and in its own discretion.
  - t. To determine the multiplier to be used in the delegates top up formula.
4. The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the Secretary General according to exigencies of time in consultation with the National Chairperson or by a written request made by **25%** of the members thereof.

5. It is hereby provided that, within sixty (60) days of the close of the financial year, every member of the National Executive Committee shall submit to the Secretary General a report of all the activities, programmes and/or matters that they have undertaken for the financial year in question.
6. The reports submitted to the Secretary General by members referred to in the preceding clause shall be deliberated upon and adopted by the National Executive Committee. The National Executive Committee shall where appropriate and/or necessary, task the National Secretariat to implement the various reports.
7. Quorum of the National Executive Committee shall be **30%** of eligible members present

## Article 52

### The Central Committee

1. There shall be the Central Committee of the National Executive Committee constituted of the following:
  - a. The Party Leader;
  - b. The Deputy Party Leaders;
  - c. The National Chairperson;

- d. The Secretary General;
- e. The National Treasurer;
- f. The Organizing Secretary'
- g. The Director of Campaigns;
- h. The ODM Women Leader;
- i. The ODM Youth Leader;
- j. Three members appointed by the Party leader; and
- k. The Executive Director (Ex-Officio).

2. The functions of the Central Committee shall be to –

- a. Formulate policy for consideration by National Executive Committee;
- b. Supervise the conduct of the Party's activities;
- c. Propagate the ODM ideology and policies;
- d. Advise the Party Leader and the National Executive Council in the performance of their functions under this Constitution;
- e. Implement the decisions of the National Executive Committee;
- f. Ensure that all organs of ODM function properly and implement the policies of ODM;

- g. Mediate on internal disputes affecting the Party;
- h. Prescribe rules and regulations for the functioning and operation of special organs and Caucuses; and
- i. Perform any other function that may be assigned to it by National Executive Committee.

## **Article 53**

### **The National Secretariat**

- 1. There is hereby established a National Secretariat which shall be headed by an Executive Director assisted by a Deputy Executive Director.
- 2. The National Executive Committee shall determine the number and designation of the departments with the National Secretariat.
- 3. The Executive Director shall be appointed by the National Executive Committee and shall be responsible for overall coordination of Party activities, budget and resource and programme management.
- 4. The National Secretariat shall be responsible for-
  - a. Facilitating and coordinating Party operations.
  - b. Implementing of Party decisions.

- c. In consultation with the Finance and Resource Mobilization Committee, preparing of draft strategic plan, work plans and budgets for approval by the National Executive Committee.
- d. Processing the clearance of persons to be appointed by the National Executive Committee as Party's nominees to the County Assembly or Parliament.
- e. Voter outreach and membership recruitment.
- f. Registration, mobilization and maintenance of voters or members register.
- g. Coordination, facilitation and synchronization of Party activities and events.
- h. Public relations, communication, and media outreach.
- i. Fundraising and resource mobilization.
- j. Campaign strategies.
- k. Operations and logistics.
- l. Party policy and research.
- m. Liaison with all Party structures.
- n. Any other duties as may be assigned by National Executive Committee.

- 5. Members of Staff appointed to each department by the National Executive Committee shall be guided by the Party Service Code.
- 6. The Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance of the Secretary General, National Executive Committee and in liaison with other National Officials.
- 7. The National Secretariat shall service the operations of subsidiary organizations of the Party.
- 8. The National Secretariat shall function directly under the office of the Secretary General.

## **Article 54**

### **The Secretariat Management Board**

- 1. There is established a Secretariat Management Board which shall comprise of:
  - a. The National Chairperson;
  - b. The Secretary General;
  - c. The National Treasurer;
  - d. The Organizing Secretary;



- e. The Secretary of the Women League;
  - f. The Secretary for Labour and Human Resource Development; and
  - g. The Executive Director.
2. The Secretariat Management Board shall be responsible to the National Executive Committee for the day-to-day administration of the affairs of the Secretariat and implementation of the decisions of the National Executive Committee.
3. Without prejudice to the generality of the provisions of Clause (2) above, the Board shall be responsible for –
- a. The implementation of decisions of the National Executive Committee;
  - b. The establishment and development of an efficient administration of the Secretariat;
  - c. The organization, control, and management of staff of the Secretariat; and
  - d. Reorganization of thematic areas to suit the objectives of the Party
  - e. The staff of the Secretariat shall be paid such salaries, benefits and allowances for expenses as may be determined by the Board in consultation with the National Executive Committee.

## **Article 55**

### **Party Parliamentary Group (PPG)**

1. There is established the Party Parliamentary Group comprising the following:
  - a. Party Leader.
  - b. Deputy Party Leaders.
  - c. All ODM Members of Parliament (The Senate, National Assembly, and the East Africa Legislative Assembly).
2. The duties of the Party Parliamentary Group shall include espousing, advancing, and defending Party policies and programmes within Parliament and shall, at all times, whether jointly or severally exercise due diligence in the discharge of their parliamentary duties.
3. The Parliamentary Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

## **Article 56**

### **Party Council of Governors**

1. There is established the Party Council of Governors comprising of the following:
  - a. Party Leader.
  - b. Deputy Party Leaders.
  - c. All ODM Governors and Deputy Governors.
4. The duties of the Party Council of Governors shall include espousing, advancing, and defending Party policies and programmes in the respective county governments.
5. The Party Council of Governors shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

## **Article 57**

### **Party County Assembly Group (PCAG)**

1. There shall be a Party County Assembly Group consisting of all the ODM elected and nominated members of the County assembly to propagate the Party's agenda within their respective County Assembly. The leader of the Party County assembly shall head the respective County Assembly Group in which they are members.
2. Each Party County Assembly Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.
3. The Party County Assembly Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

## **Article 58**

### **ODM Women League (OWL)**

1. There shall be a Women's League known as the ODM Women League membership of which shall be open to all women who are members of the Party. The ODM Women League shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the Party's general control and discipline at all levels.

2. There shall be ODM Women League Executive Committees at National, Branch, Sub-Branch, and Polling Unit level consisting of Chair, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve Committee Members.
3. The officials of the ODM Women League Executive Committees at National, Branch, Sub-Branch, and Polling Unit shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of five years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
4. Application for membership shall be made verbally or in writing to the Polling Unit ODM Women League Committee or the nearest Party office.

## **Article 59**

### **ODM Disability League (ODL)**

1. There shall be a Disability League known as the ODM Disability League, which shall be open to all persons with disability who are members of the Party. The ODM Disability League shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the Party's general control and discipline at all levels.
2. There shall be ODM Disability League Executive Committees at National, Branch, Sub-Branch, and Polling Unit level consisting of Chair, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve Committee Members.

3. The officials of the ODM Disability League Executive Committees at National, Branch, Sub-Branch, and Polling Unit shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of five years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
4. Application for membership shall be made verbally or in writing to the Polling Unit ODM Disability League Committee or the nearest Party office.

## **Article 60**

### **ODM Youth League (OYL)**

1. (1) There shall be a Youth League known as the ODM Youth League, membership of which shall be open to all Party members aged between eighteen and thirty-five years. The ODM Youth League shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the Party's general control and discipline at all levels.
2. There shall be ODM Youth League Executive Committees at National, Branch, Sub-Branch, and Polling Unit level consisting of Chair, Deputy-Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members.

3. The officials of the ODM Youth League Executive Committees at National, Branch, Sub-Branch, and Polling Unit shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of 5 years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
4. Application for membership shall be made verbally or in writing to the Polling Unit ODM Youth League Committee or the nearest Party office.
5. The organization, functions, rules, and regulations of ODM Women League and ODM Youth League shall be determined, established, and set out by each group respectively provided that they are in conformity with the Party's overall objectives and are laid for approval by the National Elections Board and the National Executive Committee.

## **Article 61**

### **National Elections Board (NEB)**

1. There is hereby established the Orange Democratic Movement National Elections Board whose mandate is to plan, organize, direct, conduct, supervise and or coordinate all Party elections and nominations of candidates.

2. The members of the National Elections Board will be appointed by the National Executive Committee upon a resolution made by two-thirds of members and will comprise a chairperson and four members. The members of the National Elections Board may serve for a term of five years and are eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.
3. A person shall be qualified for appointment as a chairperson of the National Elections Board if such person—
  - a. Is qualified to hold the office of judge of the Supreme Court under the Constitution of Kenya; and
  - b. Meets the requirements of Chapter Six of the Constitution of Kenya
4. A person shall be qualified for appointment as a member of the National Elections Board if such person—
  - a. Holds a degree from a recognized university;
  - b. Has proven relevant experience in any of the following fields—
    - i. Electoral matters;
    - ii. Management;
    - iii. Finance;
    - iv. Governance;
    - v. Public administration; and
    - vi. Law.

c. Meets the requirements of Chapter Six of the Constitution.

5. In appointing the Chairperson and members of the National Elections Board, the National Executive Committee shall ensure that not more than two thirds of the members are of the same gender
6. The National Elections Board may constitute and appoint, as it deems fit, election committees to support its conduct of Party primary elections for presidential elections and in any of the electoral areas, including Wards, Constituencies and/or Counties. The National Elections Board shall develop its own rules of procedure.
7. The National Elections Board shall develop its own rules of procedure
8. The National Secretariat shall provide secretarial support services to the Board.

## **Article 62**

### **Regional Delegates Conference**

1. There is established the Regional Delegates Conference in each of the following regions: Nairobi, Lower Eastern, Upper Eastern, Coast, Western, Nyanza, Central, South Rift Valley, North Eastern, & North Rift Valley
2. The Regional Delegates Conference shall:

- a. Be held at least once every year and more often if requested by at least one third of all counties in the region;
  - b. Carry out the decisions of the National Delegates Conference, & the NEC;
  - c. Receive and consider reports by the County Coordinating Committees;
  - d. Manage, harmonise & coordinate regional affairs of the Party;
  - e. Elect the members of the Regional Conference Committee who will hold office for 5 years.
3. The composition of the Regional Delegates Conference shall be members of the particular region, as follows:
    - a. Twenty mainstream officials from each branch;
    - b. Branch Executive officials of ODM Women's League and ODM Youth League;
    - c. Governors & Deputy Governors;
    - d. All Members of Parliament;
    - e. Members of the County Assembly.
  4. The Regional Conference Committee shall consist of;

- a. The Regional Conference Chairman
- b. The Regional Deputy Conference Chairman
- c. The Regional Conference Secretary
- d. The Regional Organising Secretary
- e. The Regional Conference Treasurer
- f. The Regional ODM Women League Representative
- g. The Regional ODM Youth League Representative
- h. The Regional Special Interest Representative

## **Article 63**

### **County Coordinating Committee**

1. There is established the County Coordinating Committee in each of the 47 counties.
2. The County Coordinating Committee shall:
  - a. Hold its sitting at least once every year and more often if requested

- by at least one third of all branches in the County;
  - b. Execute the decisions of the National Delegates Convention and the National Executive Committee;
  - c. Receive and consider reports by the Branch Executive Committee;
  - d. Manage, harmonise, and coordinate County affairs of the Party; and
  - e. Organize such conferences and conventions for the Party membership in their respective counties from time to time in consultation with the National Executive Committee.
3. The County Coordinating Committee shall be composed of members of the Party in the particular county and being as follows:
  - a. Twenty officials from each branch;
  - b. Twenty branch Executive officials of ODM Women's League;
  - c. Twenty Branch Executive officials of ODM Youth League;
  - d. Twenty Branch Executive Officials of ODM Disability League;
  - a. Governors and Deputy Governors elected on the Party's ticket in the County.
  - b. All Members of Parliament elected on the Party's ticket in the County
  - c. Members of the County Assembly elected on the Party's ticket in the County.

d. Twelve Committee members.

4. The County Coordinating Committee shall submit reports of all its activities to the National Executive Committee at least twice every year.

## Article 64

### County Executive Coordinator

The County Executive Coordinator shall be appointed by the National Secretariat in consultation with the County Executive Committee. The County Executive Coordinator shall be an employee of the National Secretariat and shall be under the direction of the County Coordinating Committee. He/she shall be the custodian of all the County property, management of the County office, books of accounts, minute books, membership register and all the records of the party at the County. He/she shall be responsible for the management of the Polling Units, Sub-Branchees and Branches within the County.

## Article 65

### Branch Executive Committees (BEC)

1. The Party shall establish Branches in each Constituency in Kenya. A Branch shall be responsible to the National Executive Committee.
2. Each Branch shall be managed by a Branch Executive Committee consisting of the Branch Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (ODM Women League Leader), Secretary for Youth Affairs (ODM Youth League Leader), Secretary for Disability League (ODM Disability Leader) and a special interest representative and eight Committee Members, all of whom shall be elected at the Branch Electoral College, appointed by the Branch Executive Committee in consultation with the National Secretariat, who shall be an **ex-officio** member.
3. The term of office of the Branch Executive Committee shall be for a period of five years.
4. The duties of the Branch Executive Committee shall be to:
  - a. Promote Party policies and activities among the people in the Constituency in order to realize the Party's objectives, policies and programmes.
  - b. Recruit members to the Party.

- c. Represent views and interests of the Branch members at the National Governing Council and the National Delegates Convention.
- d. Ensure discipline and adherence to Party policies and programmes among individual Party members and the ODM Women and Youth Leagues.
- e. Investigate any allegations of misconduct of any member and make recommendations to the National Executive Committee.
- f. Promote political and general civic and voter education amongst the people for the benefit of the Party.
- g. The Branch Executive Committee shall meet at least once every three months.

## **Article 66**

### **Sub-Branch Executive Committee (SBEC)**

1. There is hereby established a Party Sub-Branch in each Ward in Kenya. The Sub-Branch shall be under the general direction of the Branch as the case may be.
2. The Sub-Branch shall be governed by a Sub-Branch Executive Committee which shall consist of:

- a. Chairperson;
  - b. Deputy Chairperson;
  - c. Secretary;
  - d. Deputy Secretary;
  - e. Organizing Secretary;
  - f. Deputy Organizing Secretary;
  - g. Treasurer;
  - h. Deputy Treasurer;
  - i. Secretary for Women Affairs (ODM Women League Leader);
  - j. Secretary for Youth Affairs (ODM Youth League Leader);
  - k. Secretary for Disability League;
  - l. Special interest/or marginalized representative; and
  - m. Eight Committee Members.
3. Duties of the Branch Executive Committee shall apply mutatis mutandis to those of the Sub-Branch.
  4. The Committee shall meet at least once a month.



## **Article 67**

### **Polling Unit Steering Committee (PUSC)**

1. (1) There is hereby established a Party Polling Unit Steering Committee.
2. Each Polling Unit shall be managed by a Polling Unit Steering Committee consisting of:
  - a. Chairperson;
  - b. Deputy Chairperson;
  - c. (c)Secretary, Deputy Secretary;
  - d. Organizing Secretary;
  - e. Deputy Organizing Secretary;
  - f. Treasurer;
  - g. Deputy Treasurer;
  - h. Secretary for Women Affairs (ODM Women League Leader);
  - i. Secretary for Youth Affairs (ODM Youth League Leader);
  - j. Secretary for Disability League (ODM Disability League);
  - k. Special interest/or marginalized representative; and
  - l. Eight Committee Members all of whom shall be elected by universal suffrage of all of the Party members resident in the polling area.
3. Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Secretary as the case may be.
4. There shall be two classes of meetings as follows:
  - a. Ordinary meetings shall be convened by a written notice of twenty-one days issued by the Secretary.
  - b. Special meetings shall require a notice of fourteen days and shall be requisitioned for a specific purpose only by order in writing to the Branch Secretary. No other matter shall be discussed other than that stated in the requisition.
5. Quorums for all meetings shall be one-third of the membership thereof
6. Any official who fails to attend three consecutive meetings without reasonable apology shall be liable to suspension.
7. At all meetings the Chairpersons or in their absence the Vice-Chairpersons shall preside. In the absence of the Chairperson and Vice Chairperson, members shall elect one among themselves to preside. Any member who fails to attend four consecutive sittings of a Committee without the written permission of the chairperson of the Committee, shall cease to hold office.
8. Decisions shall be by simple majority by secret ballot or any other method of voting acceptable to the delegates.

9. Decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus. In the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote.
10. Without prejudice to the generality of the foregoing, the duties of the office bearers of the Branch Executive Committee, Sub-Branch Executive Committee, and Polling Unit Steering Committee shall be as follows:
  - a. The Chairperson shall convene and preside over all meetings.
  - b. The Deputy Chairperson shall perform such duties as shall be assigned to him by the Chairperson. He/she shall assist and assume the office of the Chairperson in the latter's absence.
  - c. The Secretary shall keep proper records of all proceeding and minutes of the meetings of the Branch. He/she shall issue notices convening all meetings of the Branch under the direction of the Chairperson and perform all such duties as may from time to time be assigned by the Committee including handling of correspondence.
  - d. The Deputy Secretary shall perform such duties as shall be assigned to him by the Secretary. He/she shall assist and assume office of the Secretary in the latter's absence.
  - e. The Treasurer shall be in charge of the work plan, budget, branch finances and accounting. He/she shall prepare and submit to the Committee the annual financial statement of accounts.

- f. The Deputy Treasurer shall perform such duties as shall be assigned to him by the Treasurer. He/she shall assist and assume the office of the Treasurer in the latter's absence.
- g. The Organizing Secretary shall organize and supervise the programme of work of the Party at the Branch level, and shall ensure the proper and effective functioning of the organs of the Party at the Branch level. He/she shall ensure the proper and effective functioning of the other organs of the Party at the Branch level, including Youth and Women Groups.
- h. The Deputy Organizing Secretary shall perform such duties as shall be assigned to him/her by the Organizing Secretary. He/she shall assist and assume the office of the Organizing Secretary in the latter's absence.

## **Article 68**

### **Diaspora Branches**

The National Executive Committee shall approve and register diaspora branches provided that there shall not be more than one branch in any given country except the United States of America and the United Kingdom which shall have three branches. An overseas branch shall consist of at least 50 members, provided that there shall not be more than one branch in any given city. A branch

so formed shall apply to the Party Headquarters for registration and upon approval, be furnished with a Certificate to that effect. Other provisions applying to branches in this Constitution shall apply *mutatis mutandis*.

## **Article 69**

### **Conflict of Interest**

Any Party Member holding a County or Branch Party office and elects to seek election at Gubernatorial, Parliamentary or County Assembly General Elections shall cease to hold office at least one month before the scheduled date of party nominations provided that this provision shall not apply in the event of an abrupt dissolution of Parliament or by- elections.

## **Article 70**

### **Harmonization**

1. Where a vacancy arises in any office, Polling Unit, Sub-Branch, Branch and/or County and in the considered view of the National Executive Committee it is not possible or practical to hold an election to fill the vacancy so arising, the National Executive Committee, on the recommendation of the respective committee of the said Polling Unit, Sub-Branch,

Branch and/or County where the vacancy has arisen, shall appoint a Party member to assume the vacant office for the remainder of the term or until such a time that an election will be held in respect thereof. It is hereby provided that the member so appointed to assume the vacant office would otherwise be qualified to be a candidate for that position if an election were to be held.

2. Where a vacancy arises in the National Executive Committee or the National Governing Council, and in the considered view of the Party Leader it is not possible or practical to hold an election to fill the vacancy so arising, the Party Leader shall appoint a Party member to assume the vacant office for the remainder of the term or until such a time that an election will be held in respect thereof. It is hereby also provided that the member so appointed would otherwise be qualified to be a candidate for that position if an election were to be held.

## **Article 71**

### **Removal from office**

1. Any person holding an office in the Party shall cease to hold such office:
  - a. Upon the expiration of the term of office;
  - b. Upon death;

- c. Upon resignation from the said office;
  - d. Upon resignation from the Party;
  - e. Upon being declared bankrupt;
  - f. Upon the resolution of the National Executive Committee that such person ceases to hold office. The National Executive Committee may make such resolution suo moto or upon the recommendation of the Disciplinary Committee, Polling Unit Steering Committee, Sub-Branch Executive Committee or Branch Executive Committee.
2. It is hereby provided that prior to the removal of any office bearer, he/she shall be granted adequate opportunity to defend himself/herself against any allegations that may have been levelled against him/her.

# Chapter 8

## CHAPTER 8:

### COMMITTEES

#### Article 72

##### Strategic Planning Committee

1. The National Executive Committee shall appoint a Strategic Planning Committee as a Standing Committee consisting of nine members, provided that not more than two thirds of the members are of the same gender.
2. The Strategic Planning Committee shall be chaired by the Deputy Party Leader (Strategy) and eight other members appointed by the National Executive Committee. The Secretary shall be elected from amongst the members.
3. Members of this Committee shall serve for a term of 5 years and are eligible for reappointment.
4. The Strategic Planning Committee shall be responsible for proposing Party Policy, conducting research and overall Organization, Planning and Strategy.
5. The Strategic Planning Committee shall meet at least once three months.

#### Article 73

##### Finance and Resource Mobilization Committee

1. The National Executive Committee shall appoint the Finance and Resource Mobilization Committee as a Standing Committee consisting of nine members including the National Treasurer, the Deputy National Treasurers, and the Secretary Public Policy and Economic affairs, provided that not more than two thirds of the members are of the same gender.
2. The National Treasurer shall be the Chairperson. The appointed members shall elect a Secretary among themselves.
3. The Finance and Resource Mobilization Committee shall be responsible for:
  - a. Mobilization of resources for party activities including campaigns, expenditure.
  - b. Developing strategies for and realizing financial resource mobilization and any other support to the Party.
  - c. Ensuring that the books of the Party are audited by the appointed auditor.
  - d. Developing principles of stewardship, financial discipline, ethics, and best practices to guide the Party in matters of fiscal planning and management.

4. The members shall be in office for five years and shall be eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.
5. The Committee shall work closely with the National Executive Committee and will report at least twice a year on the finances and budget of the party.

#### **Article 74**

##### **Legal Committee**

1. There is hereby established a Legal Committee as a Standing Committee of the Party, consisting of the Secretary for Legal Affairs and eight other legal experts, provided that not more than two thirds of the members are of the same gender.
2. The Chairperson of the Committee shall be the Secretary of Legal and Constitutional Affairs. The Secretary shall be elected from amongst the members.
3. The Committee shall provide legal advice to the Party and undertake such functions as directed by the National Executive Committee.
4. The Committee shall be appointed by the National Executive Committee and shall advise the Party on all legal matters.

5. The members shall be in office for five years and are eligible for re-appointment at the expiry of their term.

#### **Article 75**

##### **Disciplinary Committee**

1. There is hereby established a Disciplinary Committee comprising five members appointed by the National Executive Committee, provided that not more than two thirds of the members are of the same gender. The members of the Committee shall be expected to demonstrate respect for the people, promote confidence in the office they have been appointed to serve in; and demonstrate leadership and integrity in the performance of their functions.
2. The Chairperson, who shall be an Advocate of the High Court of Kenya of not less than ten years standing, shall be appointed by the National Executive Committee.
3. The Disciplinary Committee shall make its own rules of procedure which shall be approved by the National Executive Committee. The Rules shall comply with written laws of Kenya, the Rule of Law, and Rules of Natural Justice. The members shall hold office for five years and shall be eligible for re-appointment at the expiry of their term.

4. The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline. A Disciplinary issue shall arise on the ground of gross misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct proscribed by this Constitution, the Party's Election and Nomination Rules or any written law.
5. The Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend him/herself against the charges or allegations made against him/her in accordance with Rules of Natural Justice.
6. The Disciplinary Committee shall, after determination of facts on a complaint, make recommendation(s) to the National Executive Committee, which shall have the power to pass a penalty including, but not limited to Reprimand, Censure, Sanction, and Suspension for a period definite, or Expulsion. A Decision to suspend or expel shall be ratified by two thirds of the National Governing Council, whose decision shall be final. Vacancies thus or otherwise created shall be filled in the same manner as they were originally filled.
7. The Party Branch, Sub-Branch, or Polling Unit shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub-Branch, or Polling Unit, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue.

8. (8) Where the Special Branch Disciplinary committee is of the view that the misconduct is so serious as to invite suspension or expulsion, the committee shall, through the chairperson of NEC refer the matter to the Party Disciplinary Committee at the national level which shall summarily review the facts and make an appropriate to the National Executive Committee.
9. The decision of the disciplinary committee shall be communicated to the relevant Branch, Sub-Branch and Polling centre for implementation.
10. Any party member under disciplinary process shall be entitled to representation by him/herself in person or by a representative or next friend provided that they are members of the ODM.

## **Article 76**

### **General Provisions for Committees**

1. It is hereby provided, subject to Clause (2) below, that all committees will develop their respective rules of procedure.
2. It is further provided that upon the respective committees developing their rules of procedure they shall present the said rules of procedure to the Legal Committee for review and thereafter to the National Executive Committee for adoption.



3. All members of the standing committees shall hold office upon such terms and conditions as shall be determined by the National Executive Committee.
4. The members of all committees shall assume office upon being sworn into respective offices as set out in Schedule VIII hereto.
5. A member of any committee may be removed from office for gross misconduct, failure to adhere to this Constitution or for any other reason, upon the resolution of the National Executive Committee.

# Chapter 9

## CHAPTER 9:

### STEWARDSHIP

#### Article 77

##### Funds

1. The National Executive Committee shall establish rules to govern the collection, management, and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.
2. The source of funds for the Party shall include the following:
  - a. Such funds as appropriated by Parliament for the Political Parties' Fund.
  - b. Membership fees.
  - c. Voluntary contributions from a lawful source.
  - d. Donations, bequests, and grants from any other lawful source, not being from a non-citizen, foreign government, intergovernmental or non-governmental organization.
  - e. The proceeds of any investment, project or undertaking in which the Party has an interest.

3. The Party shall operate Account(s) with local Bank(s) according to modalities laid down by the National Executive Committee.
4. The signatories to the Bank Account(s) shall be as approved by a resolution of the National Executive Committee.

#### Article 78

##### Accounts and Audit-

1. The National Executive Committee shall cause to be kept, proper books and records of account of the income, expenditure, assets, and liabilities of the Party.
2. The National Executive Committee shall appoint or re-appoint a qualified, registered Auditor to audit the books of the Party at the National Delegates Congress. The Auditor shall not be an office bearer or a member of any committee of the Party.
3. The National Executive Committee shall, within three months after the end of each financial year submit to the Auditor-General the accounts of the Party in respect of that year.
4. All Party accounts, records and documents shall be open to inspection by the auditor at any time.

5. The National Treasurer shall produce and submit up-to-date audited accounts, which shall not be less than four weeks and not more than two months before the date of the National Delegates Congress.
6. The Auditor shall be paid such honorarium for his/her duties as shall be approved by the National Executive Committee.

## **Article 79**

### **ODM Board of Trustees**

1. There is hereby established the ODM Board of Trustees composed of a Chairperson and at least four trustees appointed by the National Executive Committee.
2. In the appointment of the trustees the National Executive Committee shall ensure that not more than two thirds of the trustees are of the same gender.
3. The Board of Trustees shall be known as the ODM Registered Trustees Incorporated and duly registered pursuant to the provisions of the Trustees (Perpetual Succession) Act, Cap 164, Laws of Kenya, or such other legislation amending, repealing, or otherwise altering the said Act.
4. The terms of appointment, conditions of service, functions and powers of the Board of Trustees shall be in accordance with the Trust Deed and Rules

5. Notwithstanding the provisions of the Trust Deed and Rules and or in addition to the said provisions, the Board of Trustees shall have the power to hold and acquire, and by instruments under the common seal to convey, transfer, assign, charge and demise any movable or immovable property or any interest therein now or hereafter belonging to, or held for the benefit of, the Party in the same manner and subject to such restrictions and provisions as may be imposed by the National Executive Committee.
6. It is hereby provided that a trustee shall be appointed in his or her name and shall hold office for one term of twelve years.

## **Article 80**

### **Inspection of Accounts and Membership Registers**

The books of accounts and all documents relating thereto and the list of members of the Party shall be available for inspection at the registered office of the Party by any officer or members of the Party by giving not less than fourteen days' notice in writing.

## **Article 81**

### **Liability**

No office bearer shall be held personally liable for any reasonable act or omission in good faith in the performance of his or her duties as an official.

## **Article 82**

### **Contractual liability**

No instrument shall bind the Party or create legal relationship with the party unless the person executing it has written authorization from the National Executive Committee (NEC) and such authorization shall indicate the extent of that authority.

## **Article 83**

### **Party Seal**

1. The Party shall have a seal which shall be kept in the custody of the Secretary-General. Other than documents which by law must be sealed, the National Executive Committee may, by a resolution in writing, determine what class of contracts or documents which must be sealed.
2. The Party Seal shall be authenticated by appending to the document under seal the signature of the National Chairperson and the Secretary General or, in his absence, any other member of the National Executive Committee specifically mandated to do so by the National Executive Committee by a resolution in writing.

## **Article 84**

### **Press and Publication**

1. The Party may own and/or operate a Printing Press, Radio and/or Television Station as well as an interest or shares in any existing entities.
2. The Party may publish its own Literature, Newspaper, Periodical Magazine, Pamphlets, and Books among others.

# Chapter 10

## CHAPTER 10:

### COALITIONS, DISPUTE SETTLEMENT AND AMENDMENT

#### Article 85

##### Coalitions

1. The Party may enter a pre-election or post-election coalition with one or more political parties upon a resolution supported by at least two thirds of the members of the National Executive Committee.
2. The coalition may be a pre-election coalition or post-election coalition.
3. The National Executive Committee shall appoint a Coalition Committee as a standing committee of the Party consisting of at least five but not more than nine members provided that not more than two thirds of the members shall not be of the same gender.
4. The Coalition Committee shall develop a strategy in preparation for possible coalition arrangement to be approved by the National Executive Committee at least six months before the next election. The strategy may be reviewed at any time on the advice of the National Executive Committee.

5. Where the National Executive Committee resolves to enter into a coalition the Coalition Committee shall serve as the Party's negotiation team for the purposes settling the terms of a coalition agreement.
6. The Party Leader shall execute the coalition agreement for and on behalf of the Party.
7. The coalition agreement shall be executed and deposited with the Registrar of Political Parties in accordance with the provisions of the Political Parties Act.
8. The Party may, by a resolution supported by at least two thirds of the members of the National Executive Committee, may vary, amend, vitiate and/or terminate a coalition agreement.
9. The Secretary General shall keep custody of the coalition agreement.

#### Article 86

##### Dispute Resolution

1. Amicable Disputes resolution between members of the party, between members and the party, organs of the party or among party officials shall be resolved by way of an internal dispute resolution mechanism as prescribed in this Constitution or the Election and Nomination Rules.

2. The resolution of disputes between the Party and its coalition partners shall be as provided for in the coalition agreement.
3. Any dispute that cannot be resolved by Party organs shall be adjudicated through arbitration. The aggrieved party or parties shall agree on three arbitrators. The recommendations of the arbitrators shall be communicated to the National Governing Council in writing. The National Governing Council will make its decision and communicate in writing to the National Delegates Convention for ratification.

## **Article 87**

### **Amendment of the Constitution**

1. The National Executive Committee may propose or receive proposals from any member of the Party for amendments or review of the entire constitution, which proposals shall be presented for approval by at least two-thirds of members present at the National Delegates Convention.
2. The quorum for any meeting at which the amendment of the Constitution is proposed shall be two-thirds of the delegates eligible to attend and vote at the NDC.
3. A resolution to amend the Constitution shall be supported by at least two-thirds of the delegates eligible to attend and vote at the NDC.



# Chapter 11

## CHAPTER 11

### DISSOLUTION

#### Article 88

##### Dissolution

1. The Party may be dissolved by a resolution passed by two-thirds majority of registered members of the Party at a Special National Delegates Convention called expressly for the purpose of dissolution.
2. In such dissolution, all properties, and funds of the Party less liability shall be distributed in a manner as shall be determined by the Special National Delegates Convention at which the resolution in favour of the dissolution is passed. Such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.
3. The quorum for any meeting at which the dissolution of the Party is proposed shall be two-thirds of the delegates eligible to attend an Ordinary Session of the National Delegates Convention.
4. A resolution to dissolve the Party shall be supported by at least two-thirds of the delegates eligible to attend and vote;
5. Voting in motion for the dissolution of the Party shall be by Secret Ballot only.

# Chapter 12

## CHAPTER 12

### GENERAL

#### Article 89

In the endeavour to reach the objective of full representation of women in all decision-making structures the Party shall implement a programme of affirmative action, including the provision of a quota of not less than one-third (1/3) in all organs, appointments, committees, nominations to enable such effective participation.

#### Article 90

All Party Officials shall not hold more than one office in the Party.

#### Article 91

Any person elected and/or appointed to any office established under this Constitution shall assume immediately upon being sworn into office in the form prescribed in **Schedule VIII** hereto.

#### Article 92

Any vacancy occurring in the Party organs during the course of the term before the next National Delegates Convention or Party Election as the case may be, shall be filled in acting capacity, through nomination by the Party Leader, on the recommendation of the National Executive Committee.

#### Article 93

##### Repeal and Replacement

The Orange Democratic Movement Constitution dated 31st October 2016 is hereby repealed and replaced with this Constitution.

#### Article 94

##### Savings

All Organs, Committees or Offices previously existing under the Constitution dated 31st October 2016 and all appointments or nominations made thereunder including assets, liabilities or contractual obligations entered into shall remain in force unless otherwise dissolved pursuant to this Constitution.

## **Article 95**

### **Miscellaneous**

The National Executive Committee shall have the power to make rules for the better carrying out of all matters provided in this Constitution. Such Rules shall be consistent with provisions of this Constitution and, where inconsistent, such rules made shall be void to the extent of the inconsistency thereof.

# Schedule

## SCHEDULE

### SCHEDULE I:

#### Party Symbol

THE **ODM** Symbol is one ripe orange tilting towards the right, with a green leaf on the left



### SCHEDULE II:

#### Party Flag

The Party flag is rectangular; it is one and a half times longer than it is wide. It is horizontal comprising from top to bottom, the colour orange with a streak of royal blue



### **SCHEDULE III:**

#### **Party Slogan**

The party slogan is "**Tuko Tayari**"

### **SCHEDULES IV:**

#### **Party Salute**

The party salute is a clenched fist with one thumb up



### **SCHEDULE V:**

#### **Membership Fees**

CATEGORY	JOINING	ANNUAL SUBSCRIPTION
Life	20,000/=	5,000/=
Ordinary	100/=	100/-
Group Membership	300,0000/=	50,000/=

The above membership fees shall be subject to review from time to time by the National Executive Committee, subject to ratification by the National Delegates Convention.

## **SCHEDULE VI:**

### **Counties**

1. Mombasa
2. Kwale
3. Kilifi
4. Tana River
5. Lamu
6. Taita/Taveta
7. Garissa
8. Wajir
9. Mandera
10. Marsabit
11. Isiolo
12. Meru
13. Tharaka-Nithi
14. Embu
15. Kitui

16. Machakos
17. Makueni
18. Nyandarua
19. Nyeri
20. Kirinyaga
21. Murang'a
22. Kiambu
23. Turkana
24. West Pokot
25. Samburu
26. Trans-Nzoia
27. Uasin Gishu
28. Elgeyo/Marakwet
29. Nandi
30. Baringo
31. Laikipia
32. Nakuru
33. Narok

- 34. Kajiado
- 35. Kericho
- 36. Bomet
- 37. Kakamega
- 38. Vihiga
- 39. Bungoma
- 40. Busia
- 41. Siaya
- 42. Kisumu
- 43. Homa Bay
- 44. Migori
- 45. Kisii
- 46. Nyamira
- 47. Nairobi City

## **SCHEDULE VII:**

**Delegates Top Up Formula:**

**Total number of Registered Party Members Nationally**

**Total Number of Constituencies in the Republic of Kenya**

**= Target Number**

***Registered Party Members***

Determined by the number of registered members as per Party records

***Target Number***

This is the minimum number of members a branch must have to qualify for one (1) delegate.



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## **Number of Registered Party Members in Good Standing @ the Branch**

**Target Number**

**=Qualifying Delegates per branch**

***Qualifying Delegates***

This is the number of delegates that qualify from each branch.

**Qualifying Delegates X Multiplier**

**= Actual Top Up Delegates per branch**

***Multiplier***

A number that is determined by the National Executive Committee to be applied uniformly in the determination of the actual delegates in each branch.

***Actual Delegates per Branch***

The number Top Up delegates that can represent each branch and fully participate in the Party's National Delegates Convention as per this formula.

# SCHEDULE VIII

## OATH OF OFFICE

I ....., SWEAR/AFFIRM BY THE ALMIGHTY GOD THAT I WILL AT ALL TIMES UPHOLD THE VALUES AND PRINCIPLES OF THE ORANGE DEMOCRATIC MOVEMENT PARTY CONSTITUTION, THE CONSTITUTION OF KENYA, THE RULE OF LAW AND THE ADMINISTRATION OF JUSTICE. THAT WITHOUT FEAR OR FAVOUR I WILL AND TRULY DISCHARGE MY DUTIES AS ..... OF THE ..... OF THE ORANGE DEMOCRATIC MOVEMENT PARTY.

SO HELP ME GOD.

DATED AT NAIROBI THIS ..... DAY OF ..... IN THE YEAR OF THE LORD TWO THOUSAND AND .....

.....  
EXECUTIVE DIRECTOR

<p><b>SWORN</b> by the said</p> <p><b>NAME OF MEMBER</b></p> <p>At <b>NAIROBI</b> this    day of    20.....</p>	<p> </p> <p> </p> <p> -----</p> <p>                       <b>DEPONENT</b></p> <p> </p> <p> </p>
<p><b>BEFORE ME</b></p> <p><b><u>COMMISSIONER OF OATHS</u></b></p>	<p> </p> <p> </p>

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