



ORANGE DEMOCRATIC MOVEMENT

PARTY PRIMARY ELECTION RULES

As approved by:

The National Executive Committee

Held on the 12th day of February 2021 at Nairobi





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Contents

PART I: PRELIMINARIES	8
1. Short Title	8
2. Interpretation	8
3. Application	10
4. Guiding Principles	10
5. Access to information	10
PART II: NATIONAL ELECTIONS BOARD	12
6. National Elections Board	12
7. Categories of Party Primaries and Nominations	13
8. Methods of Conducting Party Primary Elections	13
9. Register of Voters	14
10. Certification and publication of the Register of Voters	14
11. Changes to Register of Voters	15
12. Periodic list of changes	16
13. Election Officers	16
14. Electoral areas and polling centres	20
15. Removal of an Election Officer	21
PART III: QUALIFICATIONS	23
16. Qualifications to Participate in Party Primaries	23
17. Disqualifications of Candidates	25
18. Fees.	26
PART IV: CONDUCT OF PARTY PRIMARIES	29
19. Categories of Elections	29
20. Notice of Vacant Positions for Party primaries	29
21. Application for Vacant Positions for Party primaries	30
22. Vetting of Candidates	31
23. Election Methods	32
24. Campaign Period	40
25. Election procedure by universal suffrage of registered Party members (certified by the Registrar of Political Parties)	40
26. Election material at polling centre	41
27. Admission to polling centre	41
28. Keeping order at polling centre	42
29. Adjournment, etc., of polling by the presiding officer	42
30. Postponement of an election by the NEB	43
31. Communication at polling centre	43
32. Polling Time and Verification of Voters	44
33. Voting Procedure under Sub- Rule 25(4)	44
34. Voting Procedure under Rule 25(5)	45

35. Spoilt ballot papers	46
36. Assisted voters	46
37. Procedure on close of polling	47
38. Attendance at counting of votes	48
39. Commencement and sequence of the count	48
40. Counting of votes	49
41. Rejection of ballot papers, etc.	49
42. Rejected ballot papers	50
43. Candidates, etc. to sign declaration	51
44. Recount	52
45. Sealing of ballot papers by presiding officer	52
46. Provisional results to be transmitted via a computer-enabled system	52
47. Tallying and announcement of election results	53
48. Venue of final tallying	54
49. Persons allowed into tallying centres	54
50. Safe keeping of election materials.	55
51. Returns of persons elected	55
52. Computer-Enabled Voting System	56
53. A Voter to Vote at Place where registered	57

PART V: PARTY LISTS ELECTIONS **59**

54. Election to Party Lists	59
55. Party Lists for the National Assembly	59
56. Party Lists for the Senate	59
57. County Assembly Party Lists	59
58. Notice of Vacant Positions for Party Lists	60
59. Application for nomination to the Party Lists	60
60. General Requirements for Party Lists	62
61. Vetting and Shortlisting	63
62. Party Lists Nomination Committees	63
63. Elections to Party Lists	64

SCHEDULE: **68**

FORM 1: Code of conduct	68
FORM 2: Subscription to the Party's Constitution, Primary and Nomination Rules and Code of Conduct	72
FORM 3: Notice of Vacancy: Party Presidential Candidate Primaries	73
FORM 4A: Notice of Vacancy: Member of the National Assembly Primaries	74
FORM 4B: Notice of Vacancy: Member of the Senate Primaries	75
FORM 4C: Notice of Vacancy: Governor Primaries	76
FORM 4D: Notice of Vacancy: Member of County Assembly Primaries	77
FORM 5: Application Form for Nomination as the Party's Presidential candidate	78
FORM 6: Application Form for Nomination as a Party Candidate	81
FORM 7: Notice of Party Primaries	84

FORM 8A: Declaration of Results for Election of the ODM Presidential Candidate at the ODM National Delegates Convention	85
FORM 8B: Declaration of Results for Election of the ODM Presidential Candidate at the ODM National Delegates Convention (consensus)	86
FORM 8C: Declaration of Results for Election of the ODM Presidential Candidate at the ODM National Delegates Convention (acclamation)	87
FORM 8D: Certificate of Nomination of the Presidential Candidate of the ODM Party	88
FORM 9A: Announcement of County Governor Election Results at the Polling Centre	89
FORM 9B: Announcement of Member of Senate Election Results at the Polling Centre	91
FORM 9C: Announcement of Member of National assembly Election Results at the Polling Centre	93
FORM 9D: Announcement of County Woman Representative Election Results at the Polling Centre	95
FORM 9E: Announcement of Member of County Assembly Election Results at the Polling Centre	97
FORM 10A: Declaration of Member of National Assembly Election Results at the Constituency Tallying Centre	99
FORM 10B: Declaration of Member of County Assembly Election Results at the Constituency Tallying Centre	101
FORM 11A: Announcement of County Governor Election Results at the Constituency Tallying Centre	103
FORM 11B: Announcement of member of senate election results at the Constituency tallying centre	105
FORM 11C: Announcement of County Woman Representative Election Results at the Constituency Tallying Centre	107
FORM 12A: Declaration of County governor election results at the County tallying centre	109
FORM 12B: Declaration of Member of Senate Election Results at the County Tallying Centre	111
FORM 12C: Declaration of County Woman Representative Election Results at the County Tallying Centre	113
FORM 13: Interim Certificate of Elected ODM Candidate for Member of County Governor/ Member of Senate/Member of National Assembly/ County Woman Representative /Member of County Assembly Ward	115
FORM 14: Certificate of Elected ODM Candidate for County Governor / Member of Senate/Member of National Assembly/ County Woman Representative / Member of County Assembly	116
FORM 15: Declaration of Results by Consensus	117
FORM 16: Declaration of Results by Direct Nomination	118
FORM 17A: Notice of Party List Vacancy: Nominated Member of the National Assembly	119
FORM 17B: Notice of Party List Vacancy: Nominated Senator	120
FORM 17C: Notice of Party List Vacancy: Nominated Member of County Assembly	121
FORM 18A: Application Form for Nomination as a Party List Candidate (National Assembly & Senate)	122
FORM 18B: Application Form for Nomination as a Party List Candidate (County Assembly)	125

ODM PARTY PRIMARIES AND NOMINATION RULES

(Pursuant to **Articles 49(2)(j)** of the **Party Constitution**, the National Governing Council makes these Party Primaries and Nomination Rules to provide for the procedure for the conduct of Orange Democratic Movement Party Primaries and Nomination of Party Lists and connected purposes).

PART I: PRELIMINARIES

PART I: PRELIMINARIES

1. Short Title

These Rules may be cited as the Orange Democratic Movement Party Primaries and Nomination Rules, 2021 (hereinafter “the Rules”).

2. Interpretation

In these Rules, unless the context otherwise requires—

“Agent” means a person duly accredited by a candidate as his or her agent and accredited by the National Elections Board pursuant to **rule 13(24)** of these Rules to represent that aspiring candidate’s interests during Party primaries and nominations within a County;

“Candidate” means a person duly cleared by the Party in accordance with these Rules to participate in Party primaries or Party List, as the case may be;

“Commission” means the Independent Electoral and Boundaries Commission established under **Article 88 (1)** of the ***Constitution of Kenya, 2010***;

“Constituency Returning Officer” means a person appointed by the National Elections Board pursuant to **rule 13(12)** of these Rules to preside over Party primaries and nominations within a Constituency;

“County Party Lists Nominations Committee” is the committee established pursuant to **rule 62(4)** of these Rules;

“County Returning Officer” means a person appointed by the National Elections Board pursuant to **rule 13(15)** of these Rules to conduct Party primaries and nominations within a County;

“Election Committee” is the committee appointed pursuant to **rule 13(2)** of these Rules;

“National Elections Board or the NEB” means the National Elections Board established under **Article 61** of the ***Party Constitution***;

“National Party Lists Nominations Committee” is the committee established pursuant to **rule 62(1)** of these Rules;

“Nomination” means the submission by the Party of the list of its candidates to the Commission to contest for elections at a general or by-election;

"Party" means the Orange Democratic Movement Party;

"Party Delegates Register" means the register of Party delegates for purposes of Presidential primaries at the National Delegates Convention as certified by National Elections Board;

"Party List" means the list of elected candidates to the Party List in accordance with **Article 90** of the **Constitution of Kenya, 2010** for purposes of filling the seats specified under **Articles 97 (1)(c), 98 (1)(b), (c), (d), and 177 (1)(b) and (c)** of the **Constitution of Kenya, 2010**;

"Party Lists Elections" means the procedure under these Rules through which the Party elects its candidates for the Party Lists only;

"Party Members' Register" means the register of ODM Party members, certified by the Registrar of Political Parties in accordance with the provisions of the **Political Parties Act**;

"Party Primary Elections" means the procedures under these Rules through which the Party elects its candidates for a General Election or By-Election other than candidates for the Party Lists;

"Person With Disability" means a person with any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the Community to have a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities; and is registered with the National Council for Persons with Disabilities;

"Polling Centre" means any room, place, vehicle or vessel set apart and equipped for the casting of votes by voters at an election as may be designated by National Elections Board in accordance with these Rules;

"Polling Clerk" means a person appointed by the National Elections Board pursuant to **rule 13(21)** of these Rules to conduct Party primaries and nominations within a polling centre;

"Presidential Election Committee" is the committee appointed pursuant to **rule 13(7)** of these Rules;

"Presiding Officer" means a person appointed or designated by National Elections Board pursuant to **rule 13(17)** of these Rules to preside over elections at a polling centre in accordance with these Rules;

"Register of Voters" is the register of voters provide for under **rule 9** of these Rules;

“Special Interest Groups” include—

- (a) Women;
- (b) Persons with Disabilities;
- (c) Youth;
- (d) Ethnic and other Minorities; and
- (e) Marginalised Communities;

“Voter” means a person whose name is included in the Party Members' Register and in a current Register of Voters compiled by the National Elections Board under **rule 9** of these Rules for the specific electoral area in which he or she is eligible to vote;

“Ward” means the electoral unit for Members of the County Assembly within the meaning of **Article 177(1)** of the ***Constitution of Kenya, 2010***;

“Youth” means the collectivity of all individuals in the Republic who have attained the age of 18 years but have not attained the age of 35 years;

3. Application

These Rules shall apply to Party primaries and Party nominations to Party Lists.

4. Guiding Principles

The NEB shall conduct Party primaries and Party nomination to Party Lists in a manner that—

- (a) Is democratic, free and fair;
- (b) Is inclusive and participatory;
- (c) Applies technology where appropriate;
- (d) Provides equal opportunities for all eligible Party candidates, including women, persons with disability, youth and minorities;
- (e) Selects the strongest candidates to position the Party to win the applicable electoral seat;
- (f) Ensures that the Party's candidates list for the general elections to the National Assembly, the Senate and County Assemblies meet the requirements of the applicable laws on gender equity;
- (g) Is open, transparent and accountable;
- (h) Is credible; and
- (i) Is peaceful.

5. Access to information

A copy of these Rules shall be available and accessible to the members of the Party;

- (a) at the Party's head office and branch offices; and
- (b) on the Party's website.

PART II: NATIONAL ELECTIONS BOARD

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6. National Elections Board

1. There is established the National Elections Board under **Article 61** of the Party Constitution comprised of a chairperson and four members.
2. 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. Subject to the Party Constitution, the National Elections Board shall plan, organize, direct, conduct, supervise and/or coordinate all Party primaries and nomination of candidates for all elective seats under these Rules where the Party fields a candidate.
4. Without derogating from the generality of **sub-rule (1)**, the specific duties of the National Elections Board in respect of Party primaries and nomination to Party Lists shall include:
 - (a) the conduct of Party primary elections for the selection of the Party's Presidential Candidate in the General Elections;
 - (b) the conduct of Party primary elections for Party candidates to represent the Party in the General Elections for the following positions:
 - i. County Governor and Deputy Governor;
 - ii. Senators;
 - iii. County Woman Representatives to the National Assembly;
 - iv. Members of the National Assembly; and
 - v. Members of the County Assemblies;
 - (c) the supervision of the conduct of Party Lists elections for compliance with **Article 90** of the ***Constitution of Kenya, 2010***;
 - (d) the conduct of Party Primaries elections for by-elections;
 - (e) the identification, acquisition, installation and utilization such technology as may be appropriate for the conduct of elections;
 - (f) notifying members of the Party of the dates by which applications must be received, as well as the dates, times and venues of the Party primaries and nomination to Party Lists;
 - (g) appointment of Party election officials including County Returning Officers, Constituency Returning Officers, Presiding Officers and Clerks who shall conduct Party primaries, County Election Coordination Committees, Rapporteurs for Party Lists nominations and Vetting Committees of applicants for Party Lists;
 - (h) declaration of results of all elections conducted under these Rules in the prescribed forms;
 - (i) keeping and maintenance of an up-to-date Party Voters' Register for the conduct of Primaries and nominations;

- (j) the vetting of all candidates aspiring for primaries or nomination in accordance with provisions of the Constitution of Kenya, 2010, applicable electoral laws, Party Constitution, these Rules, the Party's Code of Conduct and any other criteria as may be prescribed by NEB;
- (k) the procurement of all electoral materials, goods and services;
- (l) the appointment and training of the Party's electoral and nomination officials and NEB staff on electoral laws and processes;
- (m) accreditation of election observers, aspirant's agents and media representatives wishing to monitor Party primaries;
- (n) receiving election results from Returning Officers, certifying the results, issuing the final Certificates of nomination, and ensuring the Party's candidates are duly registered with the IEBC to participate in the General Elections and in by-Elections;
- (o) development of rules, guidelines and tools for carrying out of any of its functions; and
- (p) filing the necessary statutory declarations signed by the chairperson of NEB to certify that the Party has complied with these Rules in the conduct of the Party primaries and nominations to Party Lists.

7. Categories of Party Primaries and Nominations

The Party primaries and nominations activities shall comprise the following:

- (a) The Party primary elections for the selection of the Party Presidential Candidate.
- (b) The Party primary elections for the selection of candidates to vie for the following electoral positions in the General Elections and in By-Elections:
 - i. County Governor and Deputy Governor;
 - ii. Senator;
 - iii. County Woman Representative to the National Assembly;
 - iv. Member of the National Assembly; and
 - v. Member of the County Assembly.
- (c) Elections to the Party Lists pursuant to **Article 90** of the **Constitution of Kenya, 2010** and **Section 34** of the **Elections Act, 2011**.

8. Methods of Conducting Party Primary Elections

The Party primary elections and elections for nominations to Party Lists shall be conducted using the following methods (and in the following order of priority) –

- (a) Consensus among candidates, Party and Community representatives.
- (b) Direct nominations.
- (c) The use of the delegates system through the Electoral College system.
- (d) Universal suffrage of registered Party members (certified by the Registrar of Political Parties).

9. Register of Voters

- 1) Party primaries elections shall be conducted using the Party's Register of Voters, which shall be derived from the ODM Party Members' Register, as certified by the Registrar of Political Parties.
- 2) The Register of Voters shall comprise of—
 - (a) a poll register in respect of every polling centre;
 - (b) a Ward register in respect of every ward;
 - (c) a Constituency register in respect of every Constituency;
 - (d) a County register in respect of every County; and
 - (e) a register of voters residing outside Kenya, where applicable.
 - (f) a National Electoral College Voters register comprising of the list of delegates to the National Delegates Convention.
- 3) The NEB shall compile and maintain the Register of Voters referred to in **sub-rule (1)**. For purposes of this sub-rule; the Membership Department of the ODM Secretariat shall provide periodical updates of the members register to enable NEB to maintain an up-to-date Register of Voters.
- 4) The Register of Voters shall contain such information as shall be prescribed by the NEB.
- 5) Any reference, in these Rules, to the Party's Register of Voters shall be a reference to the digital and/or the hardcopy version of the Party's Register of Voters.

10. Certification and publication of the Register of Voters

- 1) Registration of voters and revision of the Register of Voters under these Rules shall be carried out at all times, except after the deadline date specified by the Registrar of Political Parties for requesting for a certified register of Party members, from the Registrar of Political Parties, (as required by **section 38C(4)** of the **Political Parties Act**)—
 - (a) in the case of Party primaries for a general election, the deadline date shall be at least twenty-one days, before the date of Party primaries nominations; or
 - (b) in the case of a by-election, a similar deadline as that specified in **paragraph (a)** above will apply.

Except where the expedited nature of the by-election, compels the NEB to shortened the timelines applicable for conducting the Party primaries nominations.

- 2) Where as a result of operation of sub-rule (1) of this rule, the registration of voters has ceased, the NEB shall compile the list of registered voters in accordance with rule 9 of these Rules.
- 3) The Party's Director of Membership shall facilitate the provision of such information from Party's Members, Register (certified by the Registrar of Political Parties), as the NEB shall require to give effect to sub-rule (2) of this rule.
- 4) The NEB shall certify and publish the Register of Voters on the Party's website and at each polling centre.
- 5) The published Register of Voters shall include the names of the County Assembly wards and the total number of registered voters therein.

11. Changes to Register of Voters

The NEB may, in accordance with these Rules, and after consultation with the Director of Membership make changes to the Register of Voters—

- (a) to update the register following to accommodate the new members registered.
- (b) to carry out a decision relating to a claim by a member;
- (c) related to transfer of registration;
- (d) to correct clerical or other errors;
- (e) to delete the name of a person who the NEB is satisfied has died;
- (f) to ensure that no person is registered more than once;
- (g) to ensure that no person is registered if the person is not qualified to be so registered;
- (h) to include any appropriate changes that may be requested by a registered voter in respect of his or her registration;
- (i) to correct loss of data owing to technological errors or any other causes;
- (j) to delete the names of persons who have renounced their membership to the Party or whose membership has been revoked in accordance with the Party Constitution; and
- (k) to notify the Registrar of Political Parties of the changes made to the Register of Voters.

For purposes of the Party primary nominations, the changes to the Register of Voters apply only to the extent that they do not contravene, by **section 38C** the ***Political Parties Act***.

12. Periodic list of changes

- (1) At least once every six months, the NEB shall require the Director of Membership to prepare a list of changes to the Register of Voters and post the list at the NEB offices, Party's website and other platforms where members have access.
- (2) The changes included on a list under **sub-rule (1)** of this rule shall consist of the changes made since the previous list was prepared under **sub-rule (1)**.
- (3) It is hereby provided that where any changes are made pursuant to this Rule, the NEB shall duly notify the Registrar of Political Parties thereof.

13. Election Officers

- (1) The NEB shall recruit and train electoral officers to support its conduct of Party elections on such terms and conditions as it deems fit. The recruitment may take place any time prior to the commencement of the Party primaries. The recruitment will take into account the skills needs relating to the selected method of voting.

Election Committees

- (2) The NEB may constitute and appoint, as it deems fit, Election Committees to support the conduct of Party primaries in any of the wards, constituencies and/or counties.
- (3) Each Election Committee shall be composed of such number of persons as NEB may deem necessary.
- (4) Members of an Election Committee shall be persons ordinarily resident in the County where an election is to be conducted and who shall be independent, neutral and distinguished persons of good moral standing in society and of high integrity and who shall not be seeking any elective post or nomination.
- (5) The Election Committee shall work under the supervision and the general direction of the NEB and shall perform all such tasks and duties as shall be assigned and delegated to them by the NEB.
- (6) The NEB shall be responsible for the recruitment and deployment of all Election Committee members.

Presidential Election Committee

- (7) The NEB may, as it deems fit, constitute a Presidential Election Committee to support the conduct of Party primaries for the Party's Presidential Candidate at the National Delegates Convention.
- (8) The Presidential Election Committee shall be composed of such number of persons as NEB may deem necessary.
- (9) Members of the Presidential Election Committee shall be independent, neutral and distinguished persons of good moral standing in society and of high integrity and who shall not be seeking any elective post or nomination.
- (10) The Presidential Election Committee shall work under the supervision and the general direction of NEB and shall perform all such tasks and duties as shall be assigned and delegated to them by NEB.
- (11) The NEB shall be responsible for the recruitment and deployment of all Presidential Election Committee members.

Constituency Returning Officers

- (12) The NEB shall appoint a Constituency returning officer for each Constituency and may appoint such number of deputy Constituency returning officers for each Constituency as it may consider necessary.
- (13) The Constituency returning officer shall be responsible for—
 - (a) conducting Party primaries at the Constituency level;
 - (b) tallying, announcing and declaring, in the prescribed form, the final results from each polling centre in a Constituency for the election of the Party candidate for member of the National Assembly and members of the County Assembly;
 - (c) collating and announcing the results from each polling centre in the Constituency for the election of the Party candidate for County Governor, Senator and County woman representative to the National Assembly;
 - (d) submitting, in the prescribed form, the collated results for the election of the Party candidates for County Governor, Senator and County woman representative to the National Assembly, to the respective County returning officer; and
 - (e) such other functions as may be assigned by the NEB.
- (14) A deputy Constituency returning officer shall, subject to the general direction and control of his or her returning officer, have all the power, and may perform all the duties, of the returning officer under these Rules.

County Returning Officers

- (15) The NEB shall appoint County returning officers to be responsible for—
- (a) receiving nomination papers with respect to candidates nominated for the post of Governor, County Woman Representative to the National Assembly, Members of National Assembly and the Senate;
 - (b) tallying results from constituencies in the County for purposes of the election of the County Governor, Senator, County Woman Representative to the National Assembly, and Member of the National Assembly;
 - (c) the declaration and announcement of results tallied under **paragraph (b)** above; and
 - (d) such other functions as may be assigned by NEB.
- (16) The NEB shall appoint a deputy County returning officer who shall, subject to the general direction and control of the County returning officer to whom he or she is a deputy, have all the power, and may perform all the duties, of the County returning officer under these Rules.

Presiding Officers at polling centres

- (17) The NEB shall appoint a presiding officer for every polling centre and may similarly appoint such number of deputy presiding officers as may be necessary.
- (18) The functions of a presiding officer shall be—
- (a) presiding over elections at an assigned polling centre;
 - (b) tallying, counting and announcement of results at the Polling centre; and
 - (c) submitting polling centre results to the Constituency returning officer.
 - (d) where computer aided voting is the method applied; aggregating the results from the different computers or electronic gadgets used at the polling centre, recording the results as reflected on each electronic gadget used on the applicable form, transmitting the results of each gadget used to the tallying centre and submitting the forms with the recorded results to the relevant Returning Officer .
- (19) A returning officer may preside at a polling centre and in that case the returning officer shall, for the purposes of these Rules, be deemed to be the presiding officer of that station.
- (20) A deputy presiding officer may perform any act, including the asking of any question, which a presiding officer is required or authorized to perform by these Rules.

Polling Clerks

- (21) The NEB shall appoint such number of polling clerks for the elections at the National Delegates Convention and for each polling venue, as it may consider necessary.
- (22) The NEB may -at its discretion- make the list of the persons appointed under **sub-rule (21)** available to Party members, within a reasonable period following the date of their appointment to enable the Party members, raise any objections.
- (23) The NEB may publish the list of the persons appointed under **sub-rule (21)** on the Party's NEB website and at the Party offices within the relevant Constituency.

Tallying Centre officials

- (24) The NEB shall designate the tallying centre/s to be used for tallying and announcing the Party primary elections results in respect of the different electoral areas as it may deem necessary.
- (25) The NEB shall appoint one or more Returning Officer(s) to each designated tallying centre, one or more deputy Returning officer(s) and the necessary number of tallying clerks to support the tallying process.
- (26) Where the Party adopts the method of computer aided voting, the NEB may set up one Tallying centre per County and develop an application that will ensure that the voting from all polling centres is designed in a manner that facilitates the transmission of all the polling centre votes to accurately aggregate the results of each electoral area including every Ward, every Constituency and the 3 County positions (County Woman Representative position , the Senate and Gubernatorial positions).
- (27) Where there is one County tallying centre the NEB will determine whether to have one or more Returning officer(s) for the centre.

Agents

- (24) An aspiring candidate in a Party primary shall appoint his or her agents to represent his or her interests during the Party primaries elections.
- (25) An agent shall be appointed by the candidate by a letter addressed to the NEB and shall—
 - (a) be accredited by the NEB prior to appointment;
 - (b) be a registered member of the Party;
 - (c) be issued with an appointment letter by the aspiring candidate identifying him or her as the agent of that candidate; and
 - (d) be issued with an accreditation pass by the NEB.

- (26) An agent may represent one candidate at a time, but where candidates so agree, he or she may represent more than one candidate, provided that the candidates are not vying for the same elective seat.
- (27) Every agent appointed by a candidate for purposes of these Rules shall at all times during the performance of the duties authorized by the candidate wear the accreditation pass.

14. Electoral areas and polling centres

- (1) The NEB shall, after determining the best way to design the Party primary logistics for efficiency, security of the process and the safety of the participants, and cost effectiveness:
 - (a) appoint a place or places at which the polling centre/s for each electoral area shall be established; and
 - (b) publish in the Party's NEB website a notice specifying—
 - i. the polling centres established for each Constituency;
 - ii. the place or places appointed for the establishment of a polling centre or centres for each electoral area.
- (2) In determining the number of polling centres and the location of any polling centre, the NEB shall have regard to geographical considerations, accessibility for persons with special needs, (including persons with disabilities), population and any other factors affecting communication between places within the electoral area.
- (3) Subject to **sub-rule (2)**, the NEB may alter the number of polling centres and the location of any polling centre made under **sub-rule (1)** and shall thereupon publish a notice in the Party's NEB website before the date of any election
- (4) The NEB may with prior arrangement with the relevant authorities, for the purposes of voting assign—
 - (a) a room or rooms in any public school within the meaning of the **Basic Education Act, 2013 (No. 14 of 2013)** or any part of the school as a polling centre; or
 - (b) such other facilities belonging to, and maintained by, public bodies.
- (5) The NEB may, with prior arrangement with the owner use private facilities where in the opinion of the NEB, public facilities are unavailable, inadequate or unsuitable for purposes of polling.
- (6) The NEB may not designate as a polling centre, at any place which, by its nature may compromise the freedom of any voter to exercise his or her right to vote.

15. Removal of an Election Officer

An election officer may be removed from office on grounds of:

- (a) Serious violation of the **Constitution of Kenya, 2010** or the electoral laws.
- (b) Serious violation of the **ODM Party Constitution** and these Rules.
- (c) Inability to perform the functions of office arising from mental or physical incapacity.
- (d) Gross incompetence.
- (e) Communications with a candidate that compromises the integrity of the electoral process.
- (f) Bribery and/or soliciting for financial or other favours from candidates and/or their agents.
- (g) Violation of any other laws relating to elections.

PART III: QUALIFICATIONS

PART III: QUALIFICATIONS

16. Qualifications to Participate in Party Primaries

Membership.

- (1) No person shall participate in Party primaries as a voter unless he or she is a Party member in good standing and his or her name appears on the Party's Register of Voters developed from the ODM Party Member's register as certified by the Registrar of Political Parties.
- (2) No person shall participate in Party primaries as a candidate/aspirant unless he or she is a Party member in good standing and his or her name appears on the Party's Register of Voters developed from the ODM Party Member's register as certified by the Registrar of Political Parties.
- (3) Any person who wishes to participate as a candidate/aspirant in the ODM Party primaries or in the elections to the Party lists for nomination under Article 90 of the Kenyan constitution shall be required to have registered as a life member.
- (4) It shall be incumbent upon a person who wishes to participate in Party primaries as a voter and/or candidate to verify their membership status subject to the provision of **rule 12** of these Rules.

Member of the County Assembly.

- (5) A person seeking nomination for election as a Party's candidate for the position of member of the County Assembly shall fulfil the following requirements:
 - (a) Be registered as a voter;
 - (b) Be a member of the Party for at least two years preceding the date of the General elections;
 - (c) Satisfy any educational, moral, ethical and other requirements prescribed by the **Constitution of Kenya, 2010**, an Act of Parliament or the Party rules; and
 - (d) Be a life member of the Party in good standing.

County Governor or Deputy Governor

- (6) A person seeking nomination for election as Party's candidate for the position of County Governor or Deputy Governor shall fulfil the following requirements:
 - (a) Be registered as a voter;
 - (b) Be a member of the Party for at least two years preceding the elections;
 - (c) Satisfy any educational, moral, ethical and other requirements prescribed by the **Constitution of Kenya, 2010**, an Act of Parliament or the Party rules; and
 - (d) Be a life member of the Party in good standing.

Member of Senate, County Woman Representative to the National Assembly and the Member of National Assembly

- (7) A person seeking nomination for Parliamentary elections, as Party's candidate for the positions of Members of the Senate, County Woman Representative to the National Assembly, and Members of the National Assembly; shall fulfil the following requirements:
- (a) Be registered as a voter;
 - (b) Be a member of the Party for at least two years preceding the elections;
 - (c) Satisfy any educational, moral, ethical and other requirements prescribed by the **Constitution of Kenya, 2010**, an Act of Parliament or the Party rules; and
 - (d) Be a life member of the Party in good standing.

Presidential Candidate

- (8) A person seeking nomination as the Party's candidate for Presidential elections shall fulfil the following requirements:
- (a) Be a Kenyan citizen by birth.
 - (b) Is qualified to stand for election as a Member of Parliament.
 - (c) Be a registered voter.
 - (d) Be a life member of the Party for at least five (5) consecutive years preceding the date of the general elections.
 - (e) Be of high moral standing and integrity.
 - (f) Meet the minimum requirements for Presidential Candidates and satisfy any educational, moral, ethical and other requirements prescribed by the **Constitution of Kenya, 2010**, an Act of Parliament or the Party rules; and
- (9) It is hereby provided that **sub-rules (5)(b), (6)(b), (7)(b) and 8(d)** of this rule may be waived by the resolution of the Party's National Executive Committee in respect of any candidate who could not comply with this requirement on the following grounds that:
- (a) he or she was a public officer who could not ethically associate openly with a political Party; or
 - (b) he or she only attained the age of eighteen years and registered as a member of the Party in a period that is less than the two-year required period preceding the day of the election; or
 - (c) the person had left the Party and rejoined within a period that is less than two years to the General elections; or
 - (d) the person is a new Party member who joined within a period that is less than two years to the General elections; or

- (e) For such other sufficient cause as the National Executive Committee may determine following an application by an affected candidate.
- (f) Any candidate who had previously registered as a life member and left the Party to become an independent candidate or for another political Party and would like to come back to the Party shall be treated as a new member and shall be required to pay the life membership fee and any other periodic payments as may be applicable.

17. Disqualifications of Candidates

- (1) A person is disqualified from being nominated as a Party candidate or to a Party List for any elective position if the person: -
 - (a) Fails to meet any qualification criteria specified for an elective position under the Constitution, an Act of Parliament or these Rules;
 - (b) Holds a State Office or other Public Office other than as the Sitting President, Member of County Assembly, Member of National Assembly, Senator, County Governor or County Woman Representative to the National Assembly;
 - (c) Is not a citizen of Kenya;
 - (d) Is an undischarged bankrupt;
 - (e) Has any outstanding dues and penalties owed to the Party;
 - (f) Has employed violence, threats to violence, or intimidation, including violence against persons with disabilities or sexual and gender-based violence, as a means for political mobilisation against opponents.

For the purposes of this paragraph; a candidate shall be held culpable and liable for the acts of omission and/or commission on the part of his or her supporters and/or agents. Violence shall include the use of derogatory language and abuses intended to demean the image of the opponents based on their disability or gender;

- (g) Is serving a sentence of imprisonment of at least six months;
 - (h) Presents fraudulent evidence of payment in support of any application under these Rules, or
 - (i) Has been found by a court of competent jurisdiction, in accordance with any law, to have misused or abused a State Office or Public Office or to have contravened Chapter Six of the **Constitution of Kenya, 2010**.
- (2) A person is not disqualified under **sub- rule (1)(g) and (i)**, unless all possibility of appeal or review of a relevant sentence or decision has been exhausted.

18. Fees.

Nomination fees for candidates for Presidential election

- (1) An application for nomination for Party candidature at a Presidential election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—
 - (a) Kenya Shillings One Million (Kshs.1,000,000.00) only for male presidential candidates; and
 - (b) Kenya Shillings Five Hundred thousand (Kshs.500,000.00) only for a candidate who is a woman or person with disability.

Nomination fees for candidate for County Governor

- (2) An application for nomination for candidature at a County Governor election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—
 - (a) Kenya Shillings Five Hundred thousand (Kshs.500,000.00) only for male gubernatorial candidates; and
 - (b) Kenya Shillings Two Hundred and Fifty thousand (Kshs.250,000.00) only for a candidate who is a youth, woman or person with disability.

Nomination fees for candidates for the Senate and National Assembly (including County Woman Representative to the National Assembly)

- (3) An application for nomination for Party candidature at a National Assembly election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—
 - (a) Kenya Shillings Two Hundred and Fifty Thousand (Kshs.250,000.00) only for male candidates; and
 - (b) Kenya Shillings One Hundred and Twenty-Five thousand (Kshs.125,000.00) only for a candidate who is a youth, woman or person with disability.

Nomination fees for candidate for County Assembly

- (4) An application for nomination for candidature at a County Assembly election shall be accompanied by a non-refundable nomination fee, in banker's draft, of—
 - (a) Kenya Shillings Fifty thousand (Kshs.50,000.00) only for a male candidate; and
 - (b) Kenya Shillings Twenty-Five thousand (Kshs.25,000.00) only for a candidate who is a youth, woman or person with disability.

Nomination fees for Party List candidate

- (5) All candidates seeking nomination to a Party List shall pay a non-refundable nomination fee, in banker's draft, of Kenya Shillings Five Thousand (Kshs.5000.00) only.
- (6) A running mate for a presidential candidate and that of a Governor shall pay half of the fees prescribed for a presidential candidate and that of a Governor respectively.
- (7) Where a male presidential candidate appoints a running mate of the opposite gender, or a person with disabilities, the candidate shall be refunded one quarter (1/4) of the fees prescribed.
- (8) Where a male gubernatorial candidate appoints a running mate of the opposite gender, or a youth or a person with disabilities, the candidate shall be refunded one quarter (1/4) of the fees prescribed.
- (9) Notwithstanding the provisions of this Rule, the National Executive Committee (NEC) reserves the right to waive or vary the nomination fees payable for any of the categories.

PART IV: CONDUCT OF PARTY PRIMARIES

PART IV: CONDUCT OF PARTY PRIMARIES

19. Categories of Elections

These Rules govern the election of the Party's candidates, seeking to run in the General Elections or By-Elections for the following positions:

- (a) President and Deputy President.
- (b) Governor and Deputy Governor.
- (c) Member of the Senate.
- (d) County Woman Representative to the National Assembly.
- (e) Members of the National Assembly.
- (f) Member of County Assembly.

20. Notice of Vacant Positions for Party primaries

- (1) The NEB shall on the Party's NEB website and in print and electronic media of wide circulation issue a notice to members regarding Party primaries, at least seven days before the date of the primaries.
- (2) A notice issued by the Party under **sub-rule (1)** shall state—
 - (a) the dates and venues of the primaries for each electoral area;
 - (b) the persons eligible to participate in the exercise;
 - (c) the date by which Party officials who wish to participate in the Party primaries must resign from their Party offices;
 - (d) the mode through which the elections by universal suffrage of registered Party members (certified by the Registrar of Political Parties) are to be held, specifying the mode of voting as either manual or by a computer-enabled means, or by a combination of both;
 - (e) the Party official(s) who shall be responsible for the exercise;
 - (f) the duration of the exercise;
 - (g) the fees, if any, that should be paid and details of how the payment should be effected;
 - (h) the date by which eligible persons must perform any act in relation to the exercise;
 - (i) where any aggrieved Party may file any grievances regarding the exercise;
 - (j) the Party official(s) who shall hear and determine any appeal in relation to the exercise; and
 - (k) any other relevant detail pertaining to the exercise.

- (3) A notice issued by the NEB for presidential primaries shall be in **Form 3** set out in the **Schedule**.
- (4) A notice for primaries for the position of County Governor shall be in **Form 4C** set out in the **Schedule**.
- (5) A notice for primaries for positions in the National Assembly shall be in **Form 4A** set out in the **Schedule**.
- (6) A notice for primaries for positions in the Senate shall be in **Form 4B** set out in the **Schedule**.
- (7) A notice for primaries for positions in the County Woman Representative to the National Assembly shall be in **Form 4A** set out in the **Schedule**.
- (8) A notice for primaries for positions in the County Assembly shall be in **Form 4D** set out in the **Schedule**.

21. Application for Vacant Positions for Party primaries

- (1) An aspiring candidate shall submit to the NEB, a duly filled application in Form 6 set out in the Schedule together with—
 - (a) a signed commitment, in the prescribed **Form 2** in the **Schedule**, to the Party's constitution, Party Code of Conduct, the electoral code of conduct and the values, Party Manifesto, and principles of the Party;
 - (b) a self-declaration form duly commissioned by a commissioner for oaths as prescribed under the **Leadership and Integrity Act, 2012 (No. 19 of 2012)**;
 - (c) copies of the candidate's national identity card or valid passport, certified by a commissioner of oaths;
 - (d) certified copies of the candidate's academic qualifications from the relevant institutions;
 - (e) evidence of registration as a life member of the Party; and
 - (f) a receipt or other evidence of payment of nomination fees to the Party's designated bank account, clearly identifying the aspiring applicant.

Where the NEB requires the applications to be submitted electronically; the digital form may be adjusted as shall be deemed necessary to facilitate this mode of application.

- (2) Where an aspiring candidate intends to be nominated on the ground that the candidate is a person with disability, the candidate shall, in addition to the requirements specified under **sub-rule (1)**, submit a certification confirming his or her registration with the National Council for Persons with Disabilities.
- (3) A person who wishes to be nominated to represent the youth shall be a person who has attained the age of eighteen years, but has not attained the age of thirty- five years and such person shall provide documentary proof of his or her age.

- (4) The NEB reserves the right to verify the authenticity on any document submitted to it, with the relevant issuing entity.

22. Vetting of Candidates

- (1) Vetting of persons seeking to become the Party's candidates for the positions of President and Deputy President, Governors and Deputy Governors, Members of the Senate, Members of the National Assembly, County Woman Representative to the National Assembly, and Members of the County Assembly; shall be conducted by the NEB.
- (2) The NEB may, in deliberating the suitability of a Candidate, consider—
 - (a) Whether the Candidate meets the constitutional criteria for election for the position to which the application relates;
 - (b) The past record of the Candidate, including prior diligence and commitment to the Party;
 - (c) Whether the candidate has any outstanding fines imposed by the Disciplinary Committee;
 - (d) Any pending or concluded criminal cases before a court of law against the Candidate;
 - (e) Pending complaints or other relevant information received from any person or body, including the Party's Disciplinary Committee;
 - (f) Whether any candidate and or his/ her supporters has/have employed violence, threats to violence, or intimidation, including violence against persons with disabilities or sexual and gender-based violence, as a means for political mobilisation against opponents; and
 - (g) Information gathered in the course of personal interviews with any adversely affected candidate as well as his or her records.
- (3) All information obtained by the NEB during any personal interviews, where these are conducted, and records of the candidate being vetted shall be confidential.
- (4) Every candidate whose suitability to participate in Party primaries is in question shall by notice be given an opportunity to respond to any allegations against him or her and the said notice shall include a summary of complaints, if any, against the candidate.
- (5) The NEB shall reserve the right to determine the manner in which the complaint may be addressed.
- (6) The NEB shall as soon as possible after the vetting process publish on its website and in print and electronic media of wide circulation the names of candidates who have been successfully vetted to participate in the Party primaries for each electoral position.

23. Election Methods

- (1) As provided in **rule 8** of these Rules, the Party shall apply the following methods to conduct the Party Primary elections.



Declaration of no contest

- (2) If at the close of the period for receiving applications from candidates for any elective post only one candidate is vetted and cleared in respect of that elective post in an electoral area, the NEB shall declare the candidate, the duly nominated Party candidate for that elective post in the relevant electoral area, publish a notice to that effect and issue the candidate with a nomination certificate in the prescribed form for that elective post.



Election by Consensus

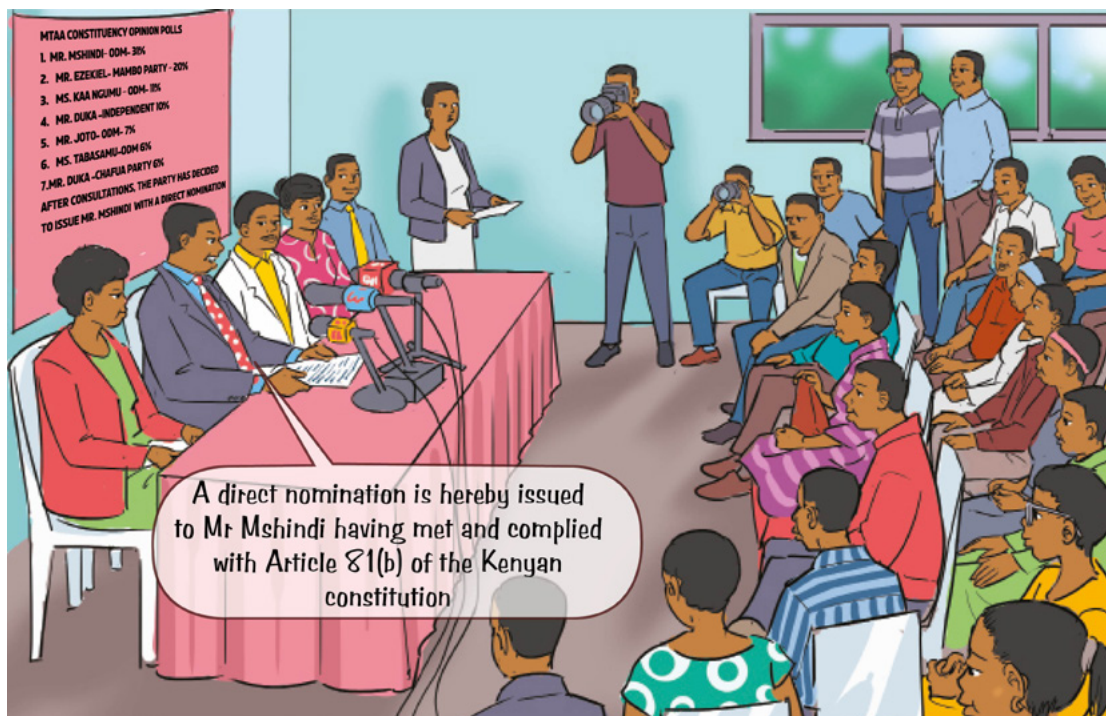
- (1) Where an elective post has attracted more than one candidate, the candidates, the Party officials, the community leaders and the Party members from that electoral area, may initiate a consensus-building process.
- (2) The parties to a consensus-building process may arrive at any of the following decisions:
 - (a) One candidate to represent the Party at the elections; or
 - (b) Two strong candidates whose names are to be submitted to the NEB, to determine the candidate, to run on the Party ticket.
- (3) When determining the consensus candidates, the following shall be taken account:
 - (a) That the selected consensus candidates qualify to contest for the position, in accordance with the applicable laws.
 - (b) That the selected consensus candidates are the best suited to represent the Party in the electoral area.
- (4) Following the consensus-building process the candidates and other parties to the process shall sign an agreement indicating the outcome of the consensus-building process

- (5) All the candidates to the consensus agreement shall sign a formal resolution giving effect to the agreement in **Form 15** in the **Schedule**.
- (6) The Party will refund any application fees paid by the candidates who have not been selected by consensus.
- (7) The candidates who withdraw their candidature in favour of another shall give a formal undertaking not to participate in the ensuing elections either as independent candidates and/or on the tickets of other political parties.
- (8) Where the Party is privileged to make appointments and/or nominations to certain positions, the Party, in making such appointments and/or nominations, shall consider the appointment of such candidates who will have withdrawn in favour of a Party candidate under this method, provided that these candidates qualify for the position.



Direct Nomination

- (1) Notwithstanding any other provision in these Rules, the Party May issue direct nominations to candidates following a justification for such decisions. where direct nomination is the method to be applied, the NEB shall carry out a due diligence exercise to justify the use of this method.
- (2) Where direct nomination is the method to be applied, the NEB shall carry out a due diligence exercise to justify the use of this method. The due diligence exercise shall take into consideration any of the following:
 - (a) That there is consensus by candidates as set out above.
 - (b) Credible research has been carried out in regards to the relevant electoral area through a scientific survey conducted by a competent entity, to provide an evidence-based opinion that a particular candidate is best placed to deliver the relevant electoral seat for the Party.
 - (c) There is a confirmation that the aspirant is the only qualified candidate for the position that is the subject of the electoral exercise or stands elected.
 - (d) That such a direct nomination shall aid the Party to comply with the provisions of **Article 81(b)** of the **Constitution of Kenya, 2010** as to gender thresholds provided that the candidate under consideration is qualified and capable of delivering the seat for the Party.
 - (e) That the Party leadership has for compelling reasons recommended that it is in the best interest of the Party to issue direct Party nomination to certain candidates.



- (3) In the application of the direct nomination method, the Party may also consider the views other representatives of the electorate from the applicable electoral area including but not limited to community opinion leaders; Party members from the electoral area including women, youth and persons with disability; religious and cultural leaders; and;
- (4) Where a candidate and or his or her supporters disrupt the Party primaries through the use of violence, intimidation and other means that make it impossible for the conduct of a free and fair exercise, the NEB shall have the authority to give a direct nomination to any of the other opponents if the time left, or the resource factor does not permit the repeat of the exercise in a credible manner.
- (5) The Party Central Committee shall meet to consider and approve the list of persons to be given direct Party nomination certificates after consideration of the report that shall have been compiled by the NEB in line with the provisions of the sub-rules on direct nominations.
- (6) Where the Party issues a direct nomination to a candidate the other candidates who had applied for that position shall be refunded the application fees paid.

Election of Presidential Candidate

- (7) Further to **Article 16(2)(a)** of the **Party Constitution**, the Party Leader shall be the Party's presidential candidate.
- (8) The Party Leader shall be endorsed at the National Delegates Convention (NDC) as the Party's presidential candidate.
- (9) The National Delegates Convention (NDC) shall be duly convened as prescribed under **Articles 46 and 47** of the **Party Constitution**. The NDC shall constitute not more than 3,000 delegates and the delegates present shall convert into a National Electoral College and participate in the elections to endorse the Party Presidential Candidate.
- (10) Where the Party Leader is to be endorsed by the NDC as the Party's presidential candidate, the following procedure shall apply:
 - (a) A plenary of delegates who are eligible to vote at the NDC shall be convened by the relevant officials in consultation with the NEB for purposes of carrying out the election.
 - (b) The Chairperson of the NEB, after confirming that the candidate has complied with the eligibility requirements under the applicable laws and these Rules, shall call out the Party Leader's name.
 - (c) The Chairperson of the NEB after calling out the Party Leader's name, shall invite a

- proposer and seconder, to so propose and second the Party Leader.
- (d) The Chairperson of the NEB shall call on the delegates in the plenary to audibly endorse their approval or non-approval of a candidate by saying 'Aye'.
 - (e) The Party Leader duly endorsed by the delegates shall be deemed duly nominated as the Party's presidential candidate and the Chairperson of the National Elections Board shall promptly issue the Party Leader with a Certificate of Nomination in the prescribed form
- (11) Subject to these Rules, where there is a vacancy in the office of the Party Leader or the Party Leader does not wish to present his or her candidature for election to the office of President the NDC shall, acting as an Electoral College, elect a person to be the Party's presidential candidate from among suitably qualified candidates to be the Party's candidate for office of President.
- (12) Subject to this rule, the Party's Presidential candidate may be selected by the consensus of the Party presidential aspirants and affirmed through a vote by acclamation of the delegates at the NDC.
- (13) Election of the Party Presidential candidate by acclamation shall be conducted by plenary affirmation or rejection of a proposed nominee by the acclamation of 'Aye' or 'Nay' by the delegates eligible to participate in the election and present in the plenary meeting convened for this purpose. The process shall be as provided below:
- (a) A plenary of delegates who are eligible to vote at the Convention shall be convened by the relevant officials in consultation with the NEB for purposes of carrying out the election or nomination.
 - (b) The Chairperson of the NEB at the plenary shall call out for the name of any candidate for the position of Presidential candidate.
 - (c) The Chairperson of the NEB, after confirming that the candidate has complied with the eligibility requirements under these Rules, shall call out the candidate's name.
 - (d) The Chairperson of the NEB after calling out the candidates' names, shall invite the proposer and seconder of each candidate, to so propose and second each of the candidates.
 - (e) The Chairperson of the National Elections Board shall call on the delegates in the plenary to audibly acclaim their approval or non-approval of a candidate by saying 'Aye' or 'Nay', as the case may be.
 - (f) A candidate shall be deemed to have been duly elected if the 'Ayes' exceed the 'Nays'; or to have been rejected if the 'Nays' exceed the 'Ayes'.
 - (g) The Chairperson of the National Elections Board shall promptly issue the elected candidate with a Certificate of Nomination in the prescribed form.

- (14) It is further provided that where there is no consensus in the choice of a candidate or by acclamation, the election of the Party Presidential candidate shall be by the vote of the delegates at the NDC conducted as prescribed below:
- (a) The NDC shall elect the Party's Presidential Candidate from among the candidates who present applications for such election. The election shall be conducted by the NEB.
 - (b) For purposes of the Party Presidential candidate elections, the Chairperson of the National Elections Board shall be the returning officer.
 - (c) The National Elections Board shall co-opt such other members to support NEB in the effective conduct of the Presidential Election.
 - (d) Voting for elections under this Rule may be carried out through different methods including: a show of hands of the delegates in support of a candidate; a computer-enabled voting system, a requirement that delegates in support of the candidate rise up to be counted; or through a division where delegates will be separated into different clusters on the basis of the candidate they support.
 - (e) A delegate's identity will be determined before he or she is admitted into the NDC through the production of a national identity card or a passport; and verification of his or her reflection as a registered members of the Party and that his or her name appears in the Party delegate's register
 - (f) A Presidential election primary shall be determined by a majority of valid votes by the eligible voters. The Returning Officer and the electoral officers of the day shall count, in the presence of the agents of each candidate, the number of people who are clustered in a particular division for a candidate; or the number of hands raised in support of a particular candidate as the case shall be.
 - (g) The Returning Officer shall publicly declare the final results and promptly issue the Nomination Certificate to the candidate with the highest number of votes.
 - (h) In the event of a tie among the top candidates, the NEB shall hold a fresh Party primary at a date to be set by the National Delegates Convention and the candidates in that Party primary shall be only the tied candidates who garnered the highest number of votes.

Election by Delegates for Other Positions

- (15) The Party may elect to conduct Party primary elections in some electoral areas through a vote by the Party delegates from the electoral area in question. Where Party primary elections are conducted by the vote of the Party delegates the following procedure shall be followed:
- (a) The polling centre shall be a location selected by NEB in every ward;
 - (b) The tallying centre shall be a location selected by NEB in the County where the elections are being conducted.

- (c) Persons eligible to vote in this election shall be Party grassroots officials being as follows:
- i. the 20 delegates elected as ODM polling centre Party officials for the ODM Party Mainstream structure; the 20 delegates elected as ODM polling centre Party officials for the ODM Women's League; the 20 delegates elected as ODM polling centre Party officials for the ODM Youth league; and the 20 delegates elected as ODM polling centre Party officials for the ODM Party Disability League.
 - ii. The 20 delegates elected as ODM Ward Party officials for the ODM Party Mainstream structure; the 20 delegates elected as ODM Ward Party officials for the ODM Women's League, the 20 delegates elected as ODM Ward Party officials for the ODM Youth league, and the 20 delegates elected as ODM Ward Party officials for the ODM Party Disability League.
 - iii. The 20 delegates elected as ODM Constituency/ Branch Party officials for the ODM Party Mainstream structure, the 20 delegates elected as ODM Constituency/Branch Party officials for the ODM Women's League, the 20 delegates elected as ODM Constituency/Branch Party officials for the ODM Youth league, and the 20 delegates elected as ODM Constituency/Branch Party officials for the ODM Party Disability League,
 - iv. The 20 delegates elected as ODM Count Party officials and all current elected and nominated Party members of the County Assembly, current elected and nominated Party members of the national Assembly, current elected and nominated Party members of the senate.

For purposes of this provision, every delegate under this clause shall only vote in the Ward where he/she is registered as a voter.

- (d) The provisions on voting by universal suffrage of registered Party members (certified by the Registrar of Political Parties) at the polling centre including those relating to computer aided voting in these rules shall be applied with the necessary adjustments to elections under this sub-rule including the following:
- i. The counting of votes shall be done at the polling centre.
 - ii. The tallying of the votes shall be done at the tallying centre.
 - iii. The results for elections for candidates for the County Assembly shall be declared at the polling centre and an interim certificate issued to the winners after such declaration.
 - iv. All the results of the polling centre shall be digitally transmitted to NEB by the Ward Returning Officer who shall take a photograph of the results declaration form and share the photographic images of the results as reflected and signed by the Presiding Officer, candidates and/or their agents.

- v. The results for the positions of Member of the National Assembly, County Woman Representative to the National Assembly, Member of the Senate and Governor shall be declared after the tallying of their respective polling centres' results at the tallying centre.
- vi. All the results shall in sub-paragraph (v) above shall be digitally transmitted to NEB by the County Returning Officer who shall take a photograph of the results declaration form and share the photographic images of the results as reflected and signed by the Presiding Officer, candidates and/or their agents.

24. Campaign Period

No campaigns shall be permitted forty-eight hours before polling is due to begin.

25. Election procedure by universal suffrage of registered Party members (certified by the Registrar of Political Parties)

- (1) universal suffrage of registered Party members (certified by the Registrar of Political Parties) shall be employed as the method of last resort in the election of Party candidates under these Rules.
- (2) It is hereby provided that where an election shall be held under the universal suffrage method the NEB shall determine the mode to be used having due regard to the number of registered Party members (certified by the Registrar of Political Parties) as registered voters in the assigned polling centre.
- (3) Where the NEB has determined that an election will be held for a specific electoral area by way of a vote by universal suffrage of registered Party members, and further to **sub-rule (2)** above, any of the following methods may be applied:
 - (a) Through a division where voters are separated into different clusters on the basis of the candidate they support (which may include queuing in support of the preferred candidates); or
 - (b) A vote is carried out by show of hands in support of the preferred candidate;
 - (c) A vote is carried out by secret ballot.
 - i. Through the manually-cast ballot voting system
 - ii. Through a computer-enabled voting system;
- (4) Where the elections are to be held using the method set out in sub-rule (3)(a) the presiding officer at the polling centre shall conduct the elections in accordance with rule 33 of these Rules. The provisions of **rules 26 to 32, rules 36 to 40, rules 43, 44, 46 to 48** shall apply hereto mutatis mutandis (i.e. with the necessary variations having been applied to allow the respective provisions to conform with the respective differences).

- (5) Where the elections are to be held using as set out in sub-rule 3(b) the Presiding Officer at the polling centre shall conduct the elections in accordance with rule 34 of these Rules.
- (6) No person shall be allowed to vote more than once.
- (7) No person shall vote in a polling centre other than that in respect of which his or her name appears in the register of Party members.

26. Election material at polling centre

The Presiding officer shall provide each polling centre with—

- (a) hard copy of the Party Register of Voters for that polling centre;
- (b) an electronic gadget where voting will be done using a computer-enabled voting system;
- (c) the forms to be signed by the agents of candidates and polling centre officers; and
- (d) such other materials for the better carrying out of polling.

27. Admission to polling centre

- (1) The presiding officer shall regulate the process of facilitating entry to a polling centre by voters. Only the following people may be admitted into a polling centre:
 - (a) Registered Party members for the polling centre;
 - (b) a candidate for an electoral area that includes that polling centre;
 - (c) a person nominated as a deputy to the candidate, where applicable;
 - (d) a member of NEC;
 - (e) authorised Party officials;
 - (f) authorised agents;
 - (g) members of the NEB and election officers on duty;
 - (h) police officer, or any other authorized security personnel;
 - (i) persons necessarily assisting or supporting voters with special needs or assisted voter; and
 - (j) observers and representatives of the print and electronic media accredited by the NEB.
- (2) Notwithstanding sub-rule (1), the presiding officer shall admit to the polling centre not more than one agent for each candidate.
- (3) The absence of agents shall not invalidate the proceedings at a polling centre.
- (4) No person shall be admitted into a polling centre if that person is wearing a badge or has any dressing, signifying symbols or other indication of support for a candidate in the primaries.

28. Keeping order at polling centre

- (1) It shall be the duty of the presiding officer to keep order at his or her polling centre.
- (2) The presiding officer may order the removal of any person who misconducts himself or herself at the polling centre, or fails to obey any lawful instructions or orders of the presiding officer and such person shall be removed by the police officer, or any other person authorized by the order.
- (3) A person removed from the polling centre under sub-rule (2) shall not re-enter the polling centre during the continuance of the poll without the permission of the presiding officer.
- (4) The presiding officer may order the dispersal of any gathering of persons which appears to the presiding officer to be preventing free entry to, or exit from, the polling centre or to be intimidating or interfering with voters, and any such order shall be sufficient authority for a police officer, or any other person authorized by the order, to effect the dispersal.
- (5) The power conferred on a presiding officer and a police officer, or any other person authorized, under sub-rule (4) shall not be limited to the area covered by the polling centre only, but shall extend to a radius of not more than four hundred meters from the centre of the polling centre
- (6) The powers conferred by this Rule shall not be exercised so as to prevent any voter who is entitled to vote at the polling centre from having an opportunity to peaceably vote at that polling centre.

29. Adjournment, etc., of polling by the presiding officer

- (1) Notwithstanding the terms of any notice issued under these Rules, a presiding officer may, after consultation with the NEB and the returning officer, adjourn the proceedings at his or her polling centre where they are interrupted by a riot, violence, natural disaster or other occurrence, shortage of equipment or other materials or other administrative difficulty, but where the presiding officer does so, the presiding officer shall re-start the proceedings at the earliest practicable moment.
- (2) The discretionary powers of a presiding officer under sub-rule (1) shall include a power in the circumstances therein mentioned to transfer the proceedings to another polling centre or public facility in the same Constituency after consultations with NEB, and where presiding officer does so—

- (a) the presiding officer shall publicize the fact in such manner as is sufficient to bring it to the notice of voters; and
 - (b) the electoral area for the polling centre from which the proceedings are transferred shall, for all the purposes of these Rules, be deemed to be part of the electoral area of the polling centre to which the proceedings are transferred.
- (3) A presiding officer shall, in consultation with the NEB and the returning officer extend the hours of polling at the polling centre where polling has been interrupted under this Rule or for other valid cause and where polling in that polling centre has started late, extend the hours of polling by the amount of time which was lost in so starting late.
- (4) Where hours of polling have been extended as contemplated under sub-rule (3), the presiding officer shall give a detailed report on the clear facts justifying such extension of hours.

30. Postponement of an election by the NEB

- (1) The NEB may, where a date has been appointed for holding an election, postpone the election for such period as it may consider necessary where—
- (a) there is a reason to believe that a serious breach of peace is likely to occur if the election is held on that date; and
 - (b) it is impossible to conduct the elections as a result of a natural disaster or other emergencies.
- (2) Where an election is postponed under sub-rule (1), the election shall be held at the earliest practicable time.
- (3) Notwithstanding the provisions of this rule, the NEB may declare the results if satisfied that the result of the elections will not be affected by the votes yet to be received and tallied from the affected polling centres.

31. Communication at polling centre

- (1) No person other than an election officer or police officer on duty shall, except with the authority of the presiding officer, have any communication whatsoever with a voter who is in, or in the immediate precincts of, a polling centre for the purpose of voting.
- (2) This rule shall not prevent the companion of an assisted or supported voter from communicating with that voter.

- (3) Every election officer, candidate or agent attending at a polling centre shall not communicate, unless for a purpose authorized by law, any information as to the name or number on the Register of Voters of any voter who has or has not applied for a ballot paper or voted at that station.
- (4) A presiding officer may, upon request, divulge to a candidate or agent of a candidate the total number of voters who have voted at the station at any time before the poll is closed.

32. Polling Time and Verification of Voters

- (1) The polling centres shall open for the admission of voters from 6.00 am to 4.00 pm. For the avoidance of doubt, it is hereby provided that no voter shall be admitted into a polling centre after 4.00 pm.
- (2) The polling time may be adjusted by NEB based special circumstance that may be presented regarding any circumstances prevailing in an electoral area.
- (3) The verification clerk shall identify every person presenting as a voter at the polling centre by verifying their identification details against the information in the Party Voters Register. Upon verification of a voter the clerk shall cross out his or her name on the Voters Register to indicate that the voter has been identified and allowed to enter into the polling centre.
- (4) Only voters who have been identified on the Party Voters Register shall be allowed entry into the polling centre.
- (5) All voters who will have presented themselves to the polling centre by 4.00 pm shall be processed to enter into the venue to participate in the voting exercise at the polling centre.
- (6) After admitting the last voter, the verification clerk shall indicate the time of identifying the last person, shade all the names of voters that did not present themselves in yellow, sign the voter register and seal it in an envelope and hand over the Voters Register to presiding officer.

33. Voting Procedure under Sub- Rule 25(4)

- (1) Voting under Sub-Rule 25(4) may happen where the number of voters is not high and the NEB has notified all eligible voters to attend and participate in voting through this method.

- (2) After the verification and admission of all eligible Party voters to the polling centre in line with rule 32 of these Rules, the presiding officer shall call the voters to order and explain the process of voting that will take place.
- (3) Where the elections are to be conducted in accordance with rule 25(4) of these Rules, the presiding officer shall then call for a division to allow the voters to converge into different clusters based on the candidate they support. The clusters shall be in locations where they will distinctly be seen to be separated from each other.
- (4) The presiding officer shall loudly announce the names of the candidates represented by each cluster to allow any voter who may be in the wrong cluster to move.
- (5) In the presence of the agents of the different candidates and observers, the presiding officer and the clerks shall take a count of every cluster in turn, announce the number per cluster loudly, record the numbers of voters in the cluster in the Results Declarations Form in the prescribed format. The team shall then move to the next cluster and repeat the exercise until the count of the voters for every candidate is completed.
- (6) The presiding officer will then, in the presence of all the voters, announce the numbers of votes per candidate, and have all the agents sign the Results Declarations Form for every cluster.
- (7) The presiding officer shall take a photograph of the results and simultaneously send them to the Constituency returning officer and the NEB.
- (8) The Voting procedures in sub-rules (1) to (6) shall be carried out in the following order:
 - (a) Voting for the member of the County Assembly;
 - (b) Voting for the member of the National Assembly;
 - (c) Voting for the County Woman Representative;
 - (d) Voting for the Senator.
 - (e) Voting for the Governor.
- (9) No voter shall be allowed to leave the polling centre until all the five elections have been carried out.

34. Voting Procedure under Rule 25(5)

- (1) Where an election is to be conducted by secret ballot in accordance with rule 25(5) of these Rules, the procedure set out in this rule shall apply.

- (2) A voter shall, upon receiving a ballot paper—
 - (a) go immediately into one of the compartments of the polling centre and secretly mark his or her ballot paper by putting a cross, a tick, thumbprint or any other mark in the box and column provided for that purpose against the name of the candidate for whom that voter wishes to vote; and
 - (b) fold it up so as to conceal his or her vote, and shall then put the ballot paper into the ballot box in the presence of the presiding officer and in full view of the candidates or agents.
- (3) The voter shall after following the procedure specified in sub-rule (2) put each ballot paper into the ballot box provided for the election concerned.
- (4) No replacement of a ballot paper under this rule may be done more than twice in respect of any particular voter.
- (5) The voter shall not be allowed to photograph their marked ballot papers after they vote.
- (6) No person, during the voting period, shall be allowed to carry any ballot paper out of the polling centre.

35. Spoilt ballot papers

- (1) A voter who has inadvertently dealt with his or her ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and providing to the satisfaction of such officer the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered and the spoilt ballot paper shall be immediately cancelled and the counterfoil thereof marked accordingly.
- (2) Where a presiding officer determines that a ballot is a spoilt ballot, he or she shall record that fact in polling centre diary.

36. Assisted voters

- (1) On the application of a voter who is, by reason of a disability or being unable to read or write, and therefore unable to vote in the manner prescribed in these Rules, the presiding officer shall permit the voter to be assisted or supported by a person of the voter's own free choice, and who shall not be a candidate or an agent.
- (2) Where the person who applies to be assisted is not accompanied by a person who is qualified to assist him or her, the presiding officer shall assist such voter, in the presence of the agents.
- (3) The presiding officer may make such necessary and respectful inquiry in order to establish that the voter and the person the voter has chosen to assist him or her satisfy the provisions of this rule.

- (4) The person chosen by the voter is not required to be qualified to vote but is required to have attained the age of eighteen years.
- (5) Where a presiding officer grants the request of a voter under this regulation, the presiding officer shall record in the polling centre register against the name of the voter the fact that the voter was assisted and the reason for the assistance.
- (6) No person other than a person acting under this rule shall be present in a compartment of a polling centre while a voter is in the compartment for the purpose of marking his or her ballot paper.

37. Procedure on close of polling

- (1) At the end of voting, the presiding officer shall declare the polling centre closed and shall proceed to secure the ballot boxes in the presence of the candidates or agents and observers at his or her polling centre.
- (2) Immediately after the close of the polling at his or her polling centre, the presiding officer shall make in the polling centre diary a written statement of—
 - (a) the number of ballot papers issued to him or her;
 - (b) the number of ballot papers, other than spoilt ballot papers, issued to voters;
 - (c) the number of spoilt ballot papers; and
 - (d) the number of ballot papers remaining unused.
- (3) Immediately after the completion of the statement under sub-rule (2), the presiding officer, in the presence of the candidates or agents shall seal in separate tamper proof envelopes—
 - (a) the spoilt ballot papers, if any;
 - (b) the marked copy register, where necessary;
 - (c) the counterfoils of the used ballot papers; and
 - (d) any such statement as may be relevant hereto,and shall seal each of the envelopes with his or her own seal and shall allow any candidate or agent who may wish to do so, to affix his seal to the envelope and any statement recorded under these Rules.
- (4) After complying with the provisions of this rule, the presiding officer shall, as soon as practicable, deliver the ballot boxes, and the tamper proof sealed envelopes to the returning officer who shall take charge thereof.

38. Attendance at counting of votes

- (1) The presiding officer shall permit into the counting venue—
 - (a) a candidate;
 - (b) a person nominated as a deputy to the candidate, where applicable;
 - (c) members of the NEB and election officers on duty;
 - (d) authorised Party official;
 - (e) agents appointed under these Rules;
 - (f) police officer, or any other person authorized;
 - (g) observers and representatives of the media duly approved or accredited by the NEB.
- (2) A presiding officer shall not be obliged to admit more than one agent of any one candidate to the counting venue.
- (3) If a vehicle or vessel is designated as a polling centre and weather conditions exist which may interfere with the counting of votes, the returning officer may allow the vehicle or vessel to be moved to another appropriate place for the counting of the votes.

39. Commencement and sequence of the count

- (1) The presiding officer shall, in the presence of the candidates or agents, proceed to arrange the counting venue, assign duties to the clerks and begin to count the votes for that polling centre.
- (2) The presiding officer shall carry out the counting of votes for the respective elective posts in the following order—
 - (a) Member of the County Assembly;
 - (b) Member of the National Assembly;
 - (c) Senator;
 - (d) County Woman Representative in the National Assembly; and
 - (e) County Governor.
- (3) A presiding officer shall, so far as practicable, proceed continuously with the counting of votes.
- (4) A presiding officer shall not commence the counting or recount of votes unless the presiding officer is of the opinion that the count or recount, as the case may be, can conveniently be completed without a break.

- (5) At the end of voting and before counting of the ballots and in the presence of candidates and agents, the presiding officer shall enter in the polling centre diary the number of persons identified during polling using the printed register of voters.

40. Counting of votes

- (1) The presiding officer shall, in the presence of the candidates or agents—
 - (a) open each ballot box and empty its contents onto the counting table or any other facility provided for the purpose and, shall cause to be counted the votes received by each candidate; and
 - (b) record the total number of votes cast in favour of each candidate.
- (2) Each ballot paper shall be counted as follows—
 - (a) the presiding officer shall in respect of every ballot paper, announce the candidate in whose favor the vote was cast;
 - (b) display to the candidates or agents the ballot paper sufficiently for them to ascertain the vote; and
 - (c) put the ballot paper at the place on the counting table, or other facility provided for this purpose, set for the candidate in whose favor it was cast.
- (3) The presiding officer shall record the count of the vote in the relevant Polling centre Results Announcement Forms set out in the Schedule for each elective post.
- (4) A candidate or an agent shall have a right to—
 - (a) dispute the inclusion in the count, of a ballot paper; or
 - (b) object to the rejection of a ballot paper,

where upon the presiding officer may decide to uphold or reject the complaint and the decision of the presiding officer shall be final.

- (5) The presiding shall ensure that all counting of all votes in a polling centre shall be concluded not later than 4.00 pm on the voting day.

41. Rejection of ballot papers, etc.

- (1) At the counting of votes at an election, any ballot paper—
 - (a) which does not bear the security features determined by the NEB;
 - (b) on which votes are marked, or appears to be marked against the names of, more than one candidate;
 - (c) on which anything is written or so marked as to be uncertain for whom the vote has been cast;

- (d) which bears a serial number different from the serial number of the respective polling centre and which cannot be verified from the counterfoil of ballot papers used at that polling centre; or
 - (e) is unmarked,
- shall, subject to sub-rule (2), be void and shall not be counted.

(2) A ballot paper on which a vote is marked—

- (a) elsewhere than in the proper place;
- (b) by more than one mark; or
- (c) which bears marks or writing which may identify the voter,

shall not by that reason only be void if an intention that the vote shall be for one or other of the candidates, as the case may be, clearly appears, and the manner in which the paper is marked does not itself identify the voter and it is not shown that the voter can be identified thereby.

42. Rejected ballot papers

- (1) Every rejected ballot paper shall be marked with the word “rejected” by the presiding officer, and, if an objection is made by a candidate or an agent to the rejection, the presiding officer shall add the words “rejection objected to” and shall be treated as rejected for the purpose of the declaration of election results at the polling centre.
- (2) The presiding officer shall mark every ballot paper counted but whose validity has been disputed or questioned by a candidate or an agent with the word “disputed” but such ballot paper shall be treated as valid for the purpose of the declaration of election results at the polling centre.
- (3) The presiding officer shall make a decision on the validity of the disputed ballot paper under sub-rule (2) and award it to a candidate and such decision shall be final.
- (4) After the counting of votes is concluded, the presiding officer shall draw up a statement showing the number of rejected ballot papers under such of the following heads of rejection as may be applicable—
 - (a) want of security feature;
 - (b) voting for more than one candidate;
 - (c) writing or mark by which the voter might be identified; or
 - (d) unmarked or void for uncertainty,

and any candidate, counting agent or observer shall, if he or she so desires, be allowed to copy that statement.

43. Candidates, etc. to sign declaration

- (1) The presiding officer shall—
 - (a) immediately announce the results of the voting at the polling centre in form 9A;
 - (b) request each of the candidates or agents present to append his or her signature;
 - (c) Take a photo shot of the results and send the same to the relevant Returning officer by Short Messaging Service(SMS) or any other electron method.
 - (d) provide each candidate, or their agent with a copy of the form of announcement of the results; and
 - (e) Place the original copy/ies of the results in an envelope marked with the name of the polling centre and the names of the polling centres that voted at that centre and deliver to the Returning officer
- (2) Where any candidate or agent refuses or otherwise fails to sign the announcement form, the candidate or agents shall be required to record the reasons for the refusal or failure to sign.
- (3) Where a candidate or an agent refuses or fails to record the reasons for refusal or failure to sign the announcement form, the presiding officer shall record the fact of their refusal or failure to sign the announcement form.
- (4) Where any candidate or agent of a candidate is absent, the presiding officer shall record the fact of their absence.
- (5) The refusal or failure of a candidate or an agent to sign an announcement form under sub- rule (4) or to record the reasons for their refusal to sign as required under this rule shall not by itself invalidate the results announced under sub-rule (1)(a).
- (6) The absence of a candidate or an agent at the signing of an announcement form or the announcement of results under sub-rule (1) shall not by itself invalidate the results announced.
- (7) After complying with the provisions of this rule, the presiding officer shall, as soon as practicable, deliver the ballot boxes, and the tamper proof envelopes to the returning officer who shall take charge thereof.
- (8) Where the voting is computer aided the Presiding officer shall deliver the used Register of voters, the physical results forms and the electronic gadgets used in the elections at the centre to the Returning Officer.

44. Recount

- (1) A candidate or agent, if present when the counting is completed, may require the presiding officer to have the votes rechecked and recounted or the presiding officer may on his or her own initiative, have the votes recounted: Provided that the recount of votes shall not take place more than twice.
- (2) Where computer aided voting is the method used, any candidate who doubts the accuracy of the computer count may appeal the results to the Party primaries' Appeals Tribunal

45. Sealing of ballot papers by presiding officer

- (1) Where the manual voting is the method applied; upon completion of a count, including a recount, the presiding officer shall secure in each respective ballot box—
 - (a) valid votes;
 - (b) rejected ballots sealed in a tamper-proof envelope;
 - (c) unused ballot papers sealed in a tamper-proof envelope;
 - (d) counterfoils of used ballot papers sealed in a tamper-proof envelope;
 - (e) copy of election results declaration forms; and
 - (f) stray ballot papers in a tamperproof envelope.
- (2) The presiding officer shall deliver, to the returning officer—
 - (a) the secured ballot boxes;
 - (b) copy of the Register of Voters; and
 - (c) Polling centre diary.
 - (d) any such statement as may be relevant hereto.

46. Provisional results to be transmitted via a computer-enabled system

- (1) The presiding officer shall, before ferrying the actual results of the election to the returning officer at the tallying venue, simultaneously submit to the NEB and the returning officer, the results in digital form, in such manner as the NEB may direct.
- (2) The results submitted under sub-rule (1) shall be provisional and subject to confirmation after the procedure described in rules 47 and 51 of these Rules.

47. Tallying and announcement of election results

- (1) Immediately after the results of the poll from all polling centres in a Constituency have been received by the returning officer, the Returning Officer shall, in the presence of candidates or agents and observers, if present—
 - (e) tally the final results from each polling centre in a Constituency for the election of a member of the National Assembly and members of the County Assembly;
 - (f) disregard the results of the count of a polling centre where the total valid votes exceed the number of registered voters in that polling centre;
 - (g) disregard the results of the count of a polling centre where the total votes exceed the total number of voters who turned out to vote in that polling centre;
 - (h) collate and publicly announce to the persons present the results from each polling centre in the Constituency for the election of the County Governor, Senator and County women representative to the National Assembly;
 - (i) complete the results declaration forms for the respective elective position set out in the Schedule in which the returning officer shall declare, as the case may be, the—
 - i. name of the respective electoral area;
 - ii. total number of registered voters;
 - iii. votes cast for each candidate in each polling centre;
 - iv. number of rejected votes in each polling centre;
 - v. aggregate number of votes cast in the respective electoral area; and
 - vi. aggregate number of rejected votes;
 - (j) sign and date the results declaration and publicly declare the results for the position of—
 - i. member of County Assembly in Form 10B;
 - ii. member of National Assembly in Form 10A; and
 - (k) issue Provisional Certificates to persons elected as Party Candidate for the posts of County Assembly and National Assembly elections in Form 13 set out in the Schedule;
 - (l) deliver to the County returning officer the collated results for the election of the Party Candidate for the posts of County Governor in Form 9A, Senator in Form 9B and County women representative to the National Assembly in Form 9D; and
- (2) Where the voting method is computer aided, the NEB shall display the streaming of the real-time results as the voting proceeds. At the close of the voting the tallying clerks shall transfer the results of each electoral area into the relevant forms and forward the same to the Returning Officer who shall announce the provisional results for every electoral area as follows:

- (a) The Ward and Constituency results for the different constituencies in the County following an alphabetical order to determine which Constituency to begin with.
- (b) The results of the County elected leaders beginning with the County Woman Representative, The Senator and The Governor .
- (3) Where NEB has received provisional results from the returning officer, and upon verification of the results, determines that there are errors, it may:
 - (a) Where the errors substantially affect the results, order a fresh election under these Rules;
 - (b) Where computer aided voting was the method used, the NEB may carry out an audit of the computer system to verify the veracity of any claims of irregularities.
 - (c) Where the errors do not substantially affect the results order re- tallying of the results; and declare the winner.
- (4) Upon conclusion of the Party primary and exhaustion of the internal Party dispute resolution mechanisms, the NEB shall certify the provisional results submitted by the returning officer and issue the Nomination Certificate (Form 14) to the successful candidate.
- (5) The NEB shall submit the list of Party candidates to the Commission, in accordance with the relevant law.

48. Venue of final tallying

- (1) A final tallying of results for the respective elective posts shall be at a venue publicised by the NEB for that purpose.
- (2) A tallying centre shall be selected subject to the following requirements—
 - (a) the County tallying centre shall be located at the County headquarters;
 - (b) the Constituency tallying centre shall be located at the Constituency or district headquarters;

49. Persons allowed into tallying centres

- (1) The returning officer shall allow the following persons to be present at the tallying centre—
 - (a) the Tallying centre election officials as provided in these rules;
 - (b) the candidates; or a person nominated as a deputy to the candidate, where applicable;

- (c) a member of the NEB;
- (d) a member a designated elections committee where one is appointed ;
- (e) a Party official accredited as an observer by NEB;
- (f) authorized agents;
- (g) a police officer, or any other person authorized to provide security;
- (h) duly accredited election observers; and
- (i) duly accredited media persons.

- (2) Notwithstanding the provisions of this regulation, the returning officer shall not be obliged to admit more than one agent per candidate to the tallying venue.

50. Safe keeping of election materials.

After the final tallying and announcement of results, the returning officer shall keep in safe custody the following documents—

- (a) copies of all election result declaration forms; and
- (b) copies of the register of voters sealed and labelled.

51. Returns of persons elected

Where the manual voting is the method employed the following procedure shall be followed:

- (1) The Constituency returning officer shall, as soon as practicable deliver to the County returning officer all Forms from the respective constituencies and the collated results relating to the position of County Governor, County Woman Representative to the National Assembly and Senate;
- (2) The County returning officer shall upon receipt of the results from the Constituency returning officers as contemplated under sub-rule (1)—
 - (a) tally and announce the results for the County governor, senator and County woman representative to the National assembly;
 - (b) complete Form 12A, 12B and 12C respectively, as set out in the Schedule in which the County returning officer shall declare, as the case may be, the—
 - i. name of the respective electoral area;
 - ii. total number of registered voters;
 - iii. votes cast for each candidate in each polling centre;
 - iv. number of rejected votes for each Constituency;
 - v. aggregate number of votes cast in the respective electoral area; and
 - vi. aggregate number of rejected votes; and

- (c) sign and date the relevant forms publicly and declare the results for the position of—
 - i. County Governor;
 - ii. Senator; and
 - iii. County Woman Representative to the National Assembly; and

issue provisional nomination certificates to persons elected as Party candidates for the position of County Governor, Senator, County woman representative to the National Assembly in Form 13 set out in the Schedule.

- (3) Where a County Governor, Parliamentary or County Assembly primary results in a tie, the NEB shall proceed to conduct fresh primaries within seven days, in accordance with these Rules.
- (4) Where NEB has received provisional results from the returning officer, and upon verification of the results, determines that there are errors, it may:
 - (a). Where the errors substantially affect the results, order a fresh election under these Rules; and
 - (b). Where the errors do not substantially affect the results order a recount and/or re-tallying of the results; and declare the winner.
- (5) Upon conclusion of the Party primary and exhaustion of the internal Party dispute resolution mechanisms, the NEB shall certify the provisional results submitted by the returning officer and issue the Nomination Certificate (Form 14) to the successful candidate.

52. Computer-Enabled Voting System

- (1) Where circumstances demand, the NEB may opt to conduct a vote for an election through a computer-enabled method.
- (2) The procedure for a computer-enabled voting system shall comply with the provisions of Rules 25, to 32, 36 to 40, 43, 46 to 51 mutatis mutandis. (i.e. with the necessary variations having been applied to allow the respective provisions to conform with the peculiar aspects relating to computer aided voting).
- (3) Where a vote is to be conducted through a computer-enabled means the NEB shall provide every polling centre with a suitable electronic gadget containing the requisite capability to support computer-enabled voting. In particular, the gadget shall, at a minimum, have the following capabilities:
 - (a) a mode for the identification of a polling centre as determined by the NEB for the electoral area;

- (b) a mode of identification of voters for the electoral area;
 - (c) a Register of Voters for the electoral area;
 - (d) a mode of identification of the candidates for the electoral area;
 - (e) a mode of identification for the positions contested by candidates;
 - (f) a digital tallying sheet for tallying the results of votes processed through the gadget;
 - (g) a digital version of the results announcement form for the results of votes cast at the polling centre.
 - (h) a physical tallying sheet for tallying of the results of votes processed through an electronic gadget; and
 - (i) a physical version of the results announcement form for the results of votes cast at the polling centre.
- (4) The provisions of Rule 32 of these Rules as to the polling centre opening time and closing time shall apply where a computer-enabled voting system is to be used.
 - (5) The Presiding Officer and the polling clerks at the Polling Centre shall facilitate computer-enabled voting by the voters in the electoral area.
 - (6) At conclusion of voting at the Polling Centre, the Presiding Officer shall declare the polling closed.
 - (7) The Presiding Officer shall proceed to announce the results as generated by every gadget used for polling at the Polling Centre; which the Presiding Officer shall then cause to be aggregated to determine the cumulative vote results for the entire Polling Centre.
 - (8) The Presiding Officer shall declare the aggregated, cumulative results, in the presence of the candidates and /or their agents, where either is present, in accordance with Rule 43 of these Rules.
 - (9) The Presiding Officer shall transfer the results of the voting into the applicable physical forms for the results on every gadget used for voting and for the polling centre as a whole, in the presence of the agents, who shall sign these forms.
 - (10) The Presiding Officer shall transmit the Results to the Tallying Centre, using the gadget that is network-enabled, in accordance with Rule 46 of these Rules. He/She shall also take photographic evidence of the signed physical forms and send the information to the returning officer and to the NEB results centre.
 - (11) The Presiding officer shall physically deliver the signed used voters registers in sealed and marked envelopes; the signed electronic gadget and results forms and the gadgets used voting;

53. A Voter to Vote at Place where registered

For the avoidance of doubt, even where a computer-enabled voting system is used in an election, a person can only vote at a Polling Centre and/or cluster of Polling Centres where he or she is registered as a voter.

PART V: PARTY LISTS ELECTIONS

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54. Election to Party Lists

- (1) The NEB shall supervise the conduct of Party Lists elections for the National Assembly, the Senate and County Assemblies to ensure compliance with Article 90 of the Constitution of Kenya, 2010 and other applicable laws.
- (2) The Party Lists elections for the nomination of candidates prescribed in Article 90 of the Constitution of Kenya to nominate candidates for the purpose of filling the category of seats specified under Articles 97 (1)(c), 98 (1)(b), (c), (d), and 177 (1)(b) and (c) of the Constitution of Kenya, 2010 shall be as provided in this Part V of these Rules.

55. Party Lists for the National Assembly

The Party Lists for the National Assembly shall comprise of the Twelve (12) names in three lists, including:

- (a) List 1 containing Two (2) women and Two (2) men, representing persons with disabilities in order of priority
- (b) List 2 containing Two (2) women and Two (2) men representing the youth in order of priority.
- (c) List 3 containing Two (2) women and Two (2) men, representing workers in order of priority.
- (d) The Party Lists shall alternate between women and men candidates with a woman being ranked first.

56. Party Lists for the Senate

The Party Lists for the Senate shall comprise of Twenty (20) names in three lists, including:

- (a) List 1 containing Sixteen (16) women in order of priority.
- (b) List 2 containing One (1) woman and One (1) man representing persons with disabilities in beginning with the woman
- (c) List 3 containing One (1) woman and One (1) man representing the youth in order of priority.
- (d) The Party Lists in (b) and (c) of this rule shall alternate between women and men candidates with a woman being ranked first.

57. County Assembly Party Lists

- (1) The Party list for the County Assembly (Marginalized Groups namely; young women and young men, women and men with disability and women and men from ethnic and other minority groups) for each County shall have 8 names of qualified marginalized groups nominees.

- (2) The County Assembly (Marginalized Groups) Party List shall be presented in the Zebra format where the names shall alternate between the women and men nominees with a woman's name ranking first.
- (3) The 8 nominees in the County Assembly (Marginalized Groups) Party List shall have at least 3 young men and women aged below 35 of age, 3 male and female persons with disabilities and 2 male and female persons representing any other marginalized groups as may be applicable in the particular County.
- (4) The Party lists for each of the County Assemblies' (Gender Top Up) shall contain the number of qualified nominees necessary to be nominated to ensure that the County Assembly comprises not more than two thirds of either gender if the number of elected members in all the Wards in the particular County are of one gender.
- (5) The County Assembly (Gender Top up) Lists shall be two, each containing an equal number of nominees; the first of women only and the second of men only. The nominees for the County Assembly (gender top-up) shall be drawn, in order of priority, from the list of the members of the gender that is below the One-Third Thresh hold after the Elections of the County Assembly members in the particular County. The number of nominees required for each of the County Gender Top Up lists shall be provided by the NEB.

58. Notice of Vacant Positions for Party Lists

- (1) A notice inviting applications for nominations to the National Assembly Party List shall be issues by NEB at the appropriate time and shall be as set out in Form 17A set out in the Schedule.
- (2) A notice inviting applications for nominations to the Senate Party List shall be issues by NEB at the appropriate time and shall be as set out in Form 17B set out in the Schedule.
- (3) A notice inviting applications for nominations to the County Assembly Party Lists shall be issues by NEB at the appropriate time and shall be as set out in Form 17C set out in the Schedule.

59. Application for nomination to the Party Lists

- (1) Aspiring candidates for nominations to the Member of National Assembly and Senate Party Lists shall submit to the NEB a duly filled application in the form set out in Form 18A in the Schedule. Where the NEB requires the applications to be submitted electronically; the digital form may be adjusted as shall be deemed necessary to facilitate this mode of application

- (2) Aspiring candidates for nominations to the Member of any of the County Assembly Party Lists shall submit to the NEB a duly filled application in the form set out in Form 18B in the Schedule. Where the NEB requires the applications to be submitted electronically; the digital form may be adjusted as shall be deemed necessary to facilitate this mode of application.
- (3) The aspiring candidates under sub-rules (1) and (2) shall in addition submit the following to the NEB—
 - (a) a signed commitment, in the prescribed Form 2 in the Schedule, to the Party's constitution, Party code of conduct, the electoral code of conduct, the Party Manifesto, and the values and principles of the Party.
 - (b) a self-declaration form duly commissioned by a commissioner for oaths as prescribed under the Leadership and Integrity Act, 2012 (No. 19 of 2012);
 - (c) copies of the candidate's national identity card and or valid passport, certified by a commissioner of oaths;
 - (d) certified copies of the candidate's academic qualifications from the relevant institutions;
 - (e) Evidence of registration as a member of the Party indicating when you joined the Party a member and that you are a member in good standing;
 - (f) Information on the Party activities that you have participated in, any positions held in the Party and the representation opportunities that you have served in for the Party; and
 - (g) a receipt or other evidence of payment of nomination fees to the Party's designated bank account, clearly identifying the aspiring applicant.
- (4) Where an aspiring candidate intends to be nominated on the ground that the candidate is a person with disability, the candidate shall, in addition to the applicable requirements specified under sub-rules (1), (2) and (3), submit a certification confirming his or her registration with the National Council for Persons with Disabilities.
- (5) A person who wishes to be nominated to represent the youth shall be a person who has attained the age of eighteen years but has not attained the age of thirty-five years and such person shall provide documentary proof of his or her age.
- (6) The NEB reserves the right to verify the authenticity of any document submitted to it, with the relevant issuing entity.
- (7) Any person submitting false information shall automatically be disqualified as a Party list candidate.

60. General Requirements for Party Lists

- (1) A Party List nominee shall be a person qualified for election for the seat for which he or she has been nominated.
- (2) A Party List nominee shall be an ODM Party member in good standing.
- (3) A Party List Applicant shall have been a member of ODM for at least One year preceding the General elections.
- (4) Each Party List shall contain the name, address, age, sex, disability and category of disability, phone number, occupation, identity card number or passport number and colored passport size photograph image, elective post sought and such other qualifications as are provided by law, in the prescribed Form.
- (5) The NEB shall submit the Party Lists to the Commission at least forty-five days before the date of the General election.
- (6) The Party Lists shall not contain a name of a candidate nominated for an election.
- (7) The Party Lists shall not contain a name of a candidate who has benefited from Party list nominations more than once.
- (8) Except in the case of the Senate Party List and the County Party Lists for gender equity, each Party List shall comprise the appropriate number of qualified candidates and alternates between male and female candidates known as the 'Zebra Sequence' in the priority in which they are listed.
- (9) Except in the case of the Senate Party List and the County Party Lists for gender equity each Party List shall reflect the diversity of the people of Kenya by location in regard to the applicable electoral area, gender, ethnicity, age, disability and other forms of marginalisation.
- (10) A Party List shall not be amended during the term of Parliament or the County Assembly, as the case may be, for which the candidates are elected.
- (11) A Party List submitted to IEBC shall not be valid unless signed by the Chairperson of NEB.

61. Vetting and Shortlisting

- (1) The NEB shall be responsible for receiving all applications by persons wishing to be elected to any Party list. The NEB shall carry out the vetting and shortlisting of candidates to all Party lists, sort the applications into the different categories and forward the lists of eligible candidates to the National and County Party Lists Nomination Committees for the election of the members to the Party lists.
- (2) In the exercise of its function under sub-rule (1) above, the NEB may co-opt such other persons as it deems necessary.
- (3) Upon receipt of all applications to the Party List and after due verification, vetting and shortlisting therefor, the NEB shall—
 - (a) Forward the different shortlists to the respective County Party Lists Nomination Committees to elect the County Assembly (Gender Top-Up) Party List nominees, in order of priority, from the Sixth (6th) position to the last as shall be guided for every County; and to elect the 8 County Assembly (Marginalised) Party List nominees, in order of priority, from the third (3rd) position, provided that the Committee may not include the names of persons who do not come from the applicable County nor persons who do not appear on the shortlist.
 - (b) Forward the shortlisted applicants for nomination to the National Assembly and the Senate Party Lists, to the National Party Lists Nomination Committee to elect persons to the National Assembly and the Senate Party lists in the order of priority; and the lists from the County Party list nomination committees for the National committee to elect the top 5 nominees and top 2 nominees to the County Assemblies (gender equality) and (marginalized) Party Lists respectively.

62. Party Lists Nomination Committees

- (1) There shall be a National Party Lists Nominations Committee and 47 County Party Lists Nominations Committees to conduct the elections to the Party Lists in accordance with these Rules.
- (2) It is hereby provided that the Party's Central Committee established pursuant to the provisions of Article 51(1) of the Party's Constitution shall be the National Party Lists Nominations Committee for the purposes of these Rules.
- (3) The National Party Lists Nominations Committee shall be convened and chaired by the Party Leader. The Chairperson of the NEB shall be co-opted as the Secretary and shall take the minutes of the meeting.

- (4) There shall be a County Party Lists Nominations Committee for each of the 47 counties for the election of Party list nominees for the Gender Equality and Marginalised Party Nomination lists for the County Assembly as contemplated in Article 177(1) (b) and (c) of the Constitution of Kenya. The County Party Lists Nominations Committee for each County shall comprise of the following:
 - (a) The Chairperson of the County Coordinating Committee.
 - (b) All chairpersons of the Branch ODM Women Leagues.
 - (c) The County Youth League Representative in the County Coordinating Committee.
 - (d) The chairperson of the County Disability League.
 - (e) All National Executive Committee members from the County.
- (5) The County Party Lists Nominations Committees shall be chaired by the Governor, where the governor was elected on an ODM ticket. Where the Governor is not an ODM member the committee shall be chaired by a member of the NEC with priority being given to the senior most member of the National Executive Committee from the County as shall be determined by NEB following consultations with the chair of the NEC. The NEB shall appoint and nominate a rapporteur to be the ex-officio secretary of this committee for purposes of recording the minutes of the proceedings of the committee meeting, preparing the list and transmitting the same to the NEB.
- (6) Where there is no serving member of the National Executive Committee in a County, the Party Leader shall appoint such other suitably qualified person to be the chairperson of any County Party lists nomination Committee giving priority to the committed and loyal Party elected members from Parliament including members of the National Assembly, County Woman Representative in the National Assembly and Member of the Senate.

63. Elections to Party Lists

Party Lists Elections by the County Party Lists Nominations Committees

- (1) The County Party Lists Nominations Committees shall be responsible for the election of candidates to the County Assembly (Gender Equity) Party Lists, from the Sixth (6th) position to the end; and the election of candidates to the County Assembly (Marginalised including Persons with Disability and Youth) Party Lists from the Third (3rd) to the Eighth (8th) from all applications received for that purpose from the NEB.
- (2) The County Party Lists Nominations Committees shall, beyond the number of nominees indicated for the Gender Equity List for the County in question, and the Six (6) nominees for the County Marginalised List in sub-rule (1) above, elect Five (5) more nominees for the Gender Equity List and Two (2) more nominees for the list of the Marginalised from which nominees may be picked to fill any vacancy arising before the finalization of the

nomination by the National Party Lists Nominations Committee. The additional names shall also be ranked in order of priority.

- (3) Every County Party List Nomination Committee shall sit to elect members to the County Party list on a date, time and place designated by the NEB for this purpose. After the elections, a photographic image of the agreed lists, as signed by the chairperson of the nomination committee and the rapporteur, shall be taken and forwarded to the NEB immediately after the election by the committee members and the hard copies also delivered not later than the day following the elections; provided that the Committee may not nominate persons who do not come from the applicable County nor persons who do not appear on the NEB shortlist.
- (4) The NEB shall designate such suitable person, not being a member of the County Party Lists Nominations Committee, to serve as a rapporteur for the elections.
- (5) The NEB may make provision, where it deems necessary, to record the proceedings of the County Party Lists Nominations Committee through electronic means. The recording of the proceedings shall be undertaken by the rapporteur.
- (6) At the conclusion of the Party Lists elections by a County, the designated rapporteur shall immediately take a photographic image of the election's declaration form, and transmit using the network-enabled gadget, the declaration form and the digital recording referred to in sub-rule (6) above, where such recording was directed by the NEB, to the number designated by NEB.
- (7) The NEB shall, after receiving the Party lists from the County Party Lists Nominations Committees and verifying that they are in compliance with these rules forward the lists to the National Party Lists Nomination Committee.
- (8) Where the NEB refers a list back for reconsideration in a similar manner as set out in sub-rules (3) to (7) of this Rule, the relevant County Party Lists Nominations Committee shall amend the list in light of the NEB's reservations and shall re-submit it to the NEB for approval within 2 days, failing which the NEB shall amend the list for onward transmission to the National Party Lists Committee.

Party Lists Elections by the National Party Lists Nominations Committee

- (9) The National Party Lists Nominations Committee shall be responsible for the election of candidates to the National Assembly and the Senate Party Lists from all applications received for that purpose from the NEB. In addition, the National Party Lists Nominations Committee shall fill the first Five (5) positions in the County Assembly (Gender Equality) Party Lists and the first Two (2) positions in the County Assembly (Marginalized Groups) Party Lists.
- (10) After receiving the County Party Nomination lists, the National Party Lists Nomination Committee shall sit to carry out elections of persons to the Party lists for National Assembly, the Senate and the County Assemblies' lists for Gender equity and the marginalized as provided in Sub-rule (3)(b) of this Rule; provided that the Committee may not nominate persons who do not meet the qualifications in these rules. In determining whom to nominate for the County Party list positions, the Committee shall not include persons who do not come from a County for which nominees are being considered.
- (11) Where the National Committee elects to include some of the nominees already included on the Party lists forwarded by the County in the top 5 positions for gender Equity lists and in the top 2 for the Party list for the marginalized, the committee shall include the next person who did not make it to the list in the order of priority, from the additional list that shall have been provided by the County Committees as provided in sub-rule (2) of this Rule
- (12) The NEB shall submit the Party Lists, under the hand of the Chairperson of the NEB, to the independent Commission, in accordance with relevant laws.

SCHEDULE

SCHEDULE:

FORM 1: Code of conduct

THE ORANGE DEMOCRATIC MOVEMENT

CODE OF CONDUCT

I, an aspiring candidate for in
..... Constituency County do hereby
subscribe to the Orange Democratic Movement Code of Conduct and solemnly declare that—

1. I pledge my loyalty to the Orange Democratic Movement;
2. I will at all times respect, uphold and defend the Constitution of the Republic of Kenya;
3. I shall respect and uphold any other written law relating to elections and political parties;
4. I shall respect, uphold and defend the ODM Party Constitution, ODM Party Election and Nomination Rules, the ODM Party manifesto and any other Party rules and regulations developed and agreed upon in accordance with this code of conduct;
5. I will at all times abide with this code of conduct so as to promote good governance, preserve and protect the good image of the Party;
6. I shall promote policy alternatives responding to the interests, the concerns in the Party Manifesto and the needs of the Party members;
7. I shall respect, cooperate and uphold the democratic rights of other members in competition for political power so as to implement their policies;
8. I shall respect the promotion of consensus building in policy decision making on issues of national importance that affect the Party;
9. I shall respect the right of all persons to participate in the political process including the youth, minorities and marginalized groups;
10. I shall respect and promote gender equity and equality,
11. I shall respect and promote human rights, fundamental freedoms and the rule of law;
12. I will at all times be tolerant and inclusive in all my political activities.
13. I shall respect, uphold and promote human dignity, equity, social justice, inclusiveness and non-discrimination and protection of the marginalized;
14. I shall at all times promote national patriotism, national ethos and national unity;
15. I shall respect, uphold and promote democratic values and principles, and accountable representation in governance for the development of Kenya;
16. I shall respect, uphold and promote good governance, integrity, respect, tolerance,

transparency and accountability;

17. I shall respect all Party organs and the Party leadership;
18. I shall not use my official position in the Party for personal interest where I am one of the Party aspirants for the Party primaries; nor for purposes of intimidating my political opponents and competitors in the Party including denying them opportunities to participate in Party activities.
19. I shall not use my position as a Party Official to engage in partisan Party politics for the campaigns in favour of some and against some Party aspirants during the Party primary campaigns and elections.
20. I shall uphold and promote the principle of regular free, fair and credible elections within the Party organs;
21. I shall respect, uphold and promote the principle of leadership and integrity as enshrined in the constitution of the Republic of Kenya;
22. I further commit to:
 - a. At all times use constructive dialogue to manage and mitigate political differences;
 - b. Promote national reconciliation and building national unity;
 - c. Take all reasonable steps to protect election officers in their course of duty;
 - d. Take necessary and reasonable steps to instil discipline as a Party candidate, in my agents, representatives, employers and supporters;
 - e. Make agree monthly contributions towards the financing of Party operations once elected
23. I further aver that I shall not—
 - a. Engage in or encourage violence by my supporters or Party members or supporters;
 - b. Engage in or encourage any kind of intimidation of my opponents, any other person or any other political Party;
 - c. Engage in influence peddling, bribery or any other form of corruption;
 - d. Engage in peddling false hoods including falsely claiming to have the powers to issue Party Tickets to your friends.
 - e. Accept or use illicit or illegal money;
 - f. Receive monies through falsehoods including empty promises to influence the issuing of certificates during the Party Primaries.
 - g. Accept or use public resources other than those allocated to the political Party through the political Party fund;

- h. Advocate hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm;
 - i. Obstruct, disrupt, break-up or in any other way whatsoever interfere with a meeting, rally or demonstration of another political Party, or its leadership;
 - j. Establish or maintain a para-military force, militia or similar organization or having any links with such organizations;
 - k. Use state resources for partisan campaigns;
 - l. Establish or maintain a para-military force, militia or similar organization or having any links with such organizations; and
 - m. Engage in violence, intimidation in language or action that might lead to violence or intimidation against other candidates, voters, Party electoral officials, Party officials or members of the NEB;
 - n. Allow weapons to be carried at political meetings, voting stations, etc.
 - o. Publish or report false, defamatory or inflammatory allegations about political opponents;
 - p. Prevent eligible voters from having access to political opponents;
 - q. Bribe eligible voters;
 - r. Abuse positions of power or privilege;
 - s. Discriminate on the basis of race, sex, ethnicity, social class or religion.
24. Advocate and defend Party values and aspirations as set out in the Party Constitution
25. Demonstrate positive and dynamic leadership that translate the Party policy and programmes into action and impact.
26. I shall undertake to;
- a) Adhere to the Party programmes and policies for the entire duration that I shall be a member of the Party;
 - b) Respect the outcome of electoral processes conducted by the Party;
 - c) Support only the candidates nominated by the Party to represent it General and/or By Elections;
 - d) Not participate as an Independent Candidate in the ensuing elections after participating in the Party's electoral process;
 - e) Respect Party organs and institutions of the Party democratization practices;
 - f) Promote the practice of intellectual honesty in all dealings;
 - g) Articulate civility in terms of language, tolerance and expression;
 - h) Promote mutual respect to members at all levels;
 - i) Respect institutions of decisions-making to avoid sycophancy and patronage;
 - j) Appreciate and acknowledge the strength of Kenya's cultural and religious diversity;
 - k) Mitigate negative cultural norms;
 - l) Promote gender equity at all levels of governance;

- m) Advocate for non-violence of any kind;
 - n) Show patriotism to the state;
 - o) Promote affirmative action;
 - p) Ensure equitable distribution of resources; and
 - q) Promote and respect citizens' rights.
27. (1) Any member who evidently defaults on the above shall be subject to **Articles 18(e) & 75(4)** of the **ODM Party Constitution** be subjected to internal Party disciplinary procedures;
- (2) In the exercise of the powers of the Party's internal disciplinary procedures, the following sentences may be applicable:
- a) Suspension from the Party.
 - b) Denial by Orange Democratic Movement of its ticket for candidature.
 - c) Denial of Orange Democratic Movement elective leadership.
 - d) If the default borders on criminal offence, the Party shall hand over the case to the state.

This declaration is made to the best of my knowledge, information and belief.

DATED THIS DAY OF 20.....

Signed by Said:

Name of Candidate

Signature

In the presence of

.....
COMMISSIONER FOR OATHS/MAGISTRATE

For Official Use only

Received at the NEB Offices by: Date.....

Approved By Date

FORM 2: Subscription to the Party's Constitution, Primary and Nomination Rules and Code of Conduct

THE ORANGE DEMOCRATIC MOVEMENT

SUBSCRIPTION TO THE PARTY'S CONSTITUTION, PRIMARY AND NOMINATION RULES AND CODE OF CONDUCT

I of ID / Passport No.do solemnly and sincerely declare as follows: –

1. I hereby subscribe to the Party Constitution, primary and nomination rules and code of conduct.
2. I declare that I will protect, uphold and follow all requirements and provisions of the Party Constitution, primary and nomination rules and code of conduct.
3. I promise to do my uttermost to promote and enforce the requirements and provisions of the Party Constitution, primary and nomination rules and code of conduct within and among the members of my campaign team.
4. I promise to do my uttermost to promote and whenever possible enforce the requirements and provisions of Party Constitution, primary and nomination rules and code of conduct within and among my supporters.

I make this declaration conscientiously believing in the values and principles guiding us in our political Party.

Declared at this day of 20

Signature of Declarant

FORM 3: Notice of Vacancy: Party Presidential Candidate Primaries

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF VACANCY: PARTY PRESIDENTIAL CANDIDATE PRIMARIES

The election of the President of the Republic of Kenya is to be held at the forthcoming general election. (Date of the election)

Any Party member eligible for nomination as a presidential candidate and wishing to participate in the said election must submit an application for nomination at the Presidential primaries to be held by the National Delegates Conference by, 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB Offices (printed- copy) between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day on or before the
..... day of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Constitution and the ODM Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board

**FORM 4A: Notice of Vacancy:
Member of the National Assembly Primaries**

THE ORANGE DEMOCRATIC MOVEMENT

**NOTICE OF VACANCY:
MEMBER OF THE NATIONAL ASSEMBLY PRIMARIES**

Whereas the election of Members of the National Assembly of the Republic of Kenya is to be held at the forthcoming general election in respect of two hundred and ninety members of the National Assembly and forty-seven women Representatives;

Any Party member eligible for nomination as a Member of the National Assembly and wishing to participate in the said election as the Party candidate should submit an application for nomination as such by, 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB Offices (printed- copy) between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day on or before the
..... day of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board

FORM 4B: Notice of Vacancy: Member of the Senate Primaries

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF VACANCY: MEMBER OF THE SENATE PRIMARIES

Whereas the election of Member of the Senate of the Republic of Kenya is to be held at the forthcoming general election in respect of forty-seven members of each of the forty-seven counties of the Republic of Kenya;

Any Party member eligible for nomination as a Member of the Senate and wishing to participate in the said election as the Party candidate should submit an application for nomination as such by....., 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB Offices (printed- copy) between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day on or before the
..... day of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board

FORM 4C: Notice of Vacancy: Governor Primaries

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF VACANCY: GOVERNOR PRIMARIES

Whereas the election of Governor and Deputy Governor in the Republic of Kenya is to be held at the forthcoming general election in respect of each of the forty-seven counties of the Republic of Kenya;

Any Party member eligible for nomination as a Governor and wishing to participate in the said election as the Party candidate should submit an application for nomination as such by 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB Offices (printed- copy) between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day on or before the day of 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board.

FORM 4D: Notice of Vacancy: Member of County Assembly Primaries

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF VACANCY: MEMBER OF COUNTY ASSEMBLY PRIMARIES

Whereas the election of Members of County Assembly in the Republic of Kenya is to be held at the forthcoming general election in respect of each ward in each of the forty-seven counties of the Republic of Kenya;

Any Party member eligible for nomination as a Member of County Assembly and wishing to participate in the said election as the Party candidate should submit an application for nomination as such by, 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB Offices (printed- copy) between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day by the day of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board.

FORM 5: Application Form for Nomination as the Party's Presidential candidate

THE ORANGE DEMOCRATIC MOVEMENT

APPLICATION FORM FOR NOMINATION AS THE PARTY'S PRESIDENTIAL CANDIDATE

(To Be Completed in Triplicate)

To: Secretary
The National Elections Board
Orange Democratic Movement
P.O BOX 42242 – 00100 NAIROBI

PART A: CANDIDATE'S PARTICULARS

I, do hereby apply to be nominated as the
Orange Democratic Movement Party Presidential candidate to contest in the forthcoming
General Elections

1. Party Membership No
2. National Identity Card / Passport No
3. Physical Address
4. Postal Address
5. Telephone
6. Email Address
7. Sub location
8. Ward
9. Constituency
10. County

PART B: PARTICIPATION IN PARTY AFFAIRS AND PROGRAMMES

1. How long have you been a member of the Orange Democratic Movement Party?

2. Are you up to date with the payment of your membership subscriptions and other applicable
contributions? If Yes, please attach evidence of payments made

3. Provide evidence of your participation in the Party affairs. (Use separate sheet of paper if
necessary)

4. Are you a member of any organ of the Party? If yes, state the organ.

5. Have you been the subject of any Disciplinary proceedings by the Party? If yes, state the nature of the disciplinary proceedings and the outcome. (Use separate sheet of paper if necessary)

6. Do you have any pending fines imposed by the Disciplinary Committee of the Party? If so, please state how much and the nature of proceedings giving rise to the same.

7. Demonstrate your ability to mount a successful campaign (in not more than 500 words). (Use separate sheet of paper if necessary)

8. Have you sought Nomination from any other registered Political Parties as at the date of this application?

PART C: LEADERSHIP AND INTEGRITY

1. Are you a State and/or Public Officer? If you have recently resigned from a state or public officer attach appropriate evidence of resignation.

2. Have you been a Citizen of Kenya for at least ten years immediately preceding the date of this Application?

3. Have you at any time within the five years immediately preceding the date of this Application, held office as a member of the Independent Electoral and Boundaries Commission?

4. Have you ever been declared bankrupt? If yes, please state nature of proceedings and attach evidence of discharge

5. Are you currently or will you be subject to a sentence of imprisonment of at least six months, as at the date of this Application? If yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

6. Have you ever been convicted, in accordance with any law, to have misused or abused a state office or public office or in any way to have contravened Chapter Six of the Constitution? if yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

PART D: SUPPORTING DOCUMENTS

Please attach the following documents to your application;

- 1) Evidence of payment of the application fee applicable to the position sought
- 2) A detailed Curriculum Vitae
- 3) Certified copies of your educational qualifications
 - 4) A certified copy of your National Identification Card
 - 5) A certified copy of your Orange Democratic Movement Life Membership Certificate
 - 6) Duly completed, signed and commissioned Code of Conduct Form;

Dated At This Day of 20.....

.....
SIGNATURE

.....
FULL NAME OF CANDIDATE

For Official Use only

Received at the NEB Offices by: Date

Documents Reception Checklist	Present	Absence
Payment receipt for the application fee		
Curriculum Vitae		
Certified copies of your educational qualifications		
Certified copy of your National Identification Card or Passport		
Certified copy of your ODM Life Membership Certificate (as applicable)		
Completed, signed and commissioned Code of Conduct Form		

Approved By Date

FORM 6: Application Form for Nomination as a Party Candidate

THE ORANGE DEMOCRATIC MOVEMENT

APPLICATION FORM FOR NOMINATION AS A PARTY CANDIDATE

(To Be Completed in Triplicate)

To: Secretary
The National Elections Board
Orange Democratic Movement
P.O BOX 42242 – 00100 NAIROBI

PART A: CANDIDATE'S PARTICULARS

I, do hereby apply to be nominated as the Orange Democratic Movement candidate to contest in the forthcoming General Elections / By-Election in County/Constituency/ward.

1. Party Membership No
2. National Identity Card / Passport No
3. Physical Address
4. Postal Address
5. Telephone
6. Email Address
7. Sub location
8. Ward
9. Constituency
10. County

PART B: PARTICIPATION IN PARTY AFFAIRS AND PROGRAMMES

1. How long have you been a member of the Orange Democratic Movement Party?

2. Are you up to date with the payment of your membership subscriptions and other applicable contributions? If yes, please attach evidence of payments made

3. Provide evidence of your participation in the Party affairs. (Use separate sheet of paper if necessary)

4. Are you a member of any organ of the Party? If yes, state the organ.

5. Have you been the subject of any Disciplinary proceedings by the Party? If yes, state the nature of the disciplinary proceedings and the outcome. (Use separate sheet of paper if necessary)

6. Do you have any pending fines imposed by the Disciplinary Committee of the Party? If so, please state how much and the nature of proceedings giving rise to the same.

7. Demonstrate your ability to mount a successful campaign (in not more than 500 words). (Use separate sheet of paper if necessary)

8. Have you sought Nomination from any other registered Political Parties as at the date of this application?

PART C: LEADERSHIP AND INTEGRITY

1. Are you a State and/or Public Officer? If you have recently resigned from a state or public officer attach appropriate evidence of resignation.

2. Have you been a Citizen of Kenya for at least ten years immediately preceding the date of this Application?

3. Have you at any time within the five years immediately preceding the date of this Application, held office as a member of the Independent Electoral and Boundaries Commission?

4. Have you ever been declared bankrupt? If yes, please state nature of proceedings and attach evidence of discharge

5. Are you currently or will you be subject to a sentence of imprisonment of at least six months, as at the date of this Application? If yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

6. Have you ever been convicted, in accordance with any law, to have misused or abused a state office or public office or in any way to have contravened Chapter Six of the Constitution? if yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

PART D: SUPPORTING DOCUMENTS

Please attach the following documents to your application;

- 1) Evidence of payment of the application fee applicable to the position sought

- 2) A detailed Curriculum Vitae
- 3) Certified copies of your educational qualifications
- 4) A certified copy of your National Identification Card
- 5) A certified copy of your Orange Democratic Movement Life Membership Certificate (as applicable)
- 6) Duly completed, signed and commissioned Code of Conduct Form;

Dated At This Day of 20.....

.....
SIGNATURE
.....

FULL NAME OF CANDIDATE

For Official Use only

Received at the NEB Offices by: Date

Documents Reception Checklist	Present	Absence
Payment receipt for the application fee		
Curriculum Vitae		
Certified copies of your educational qualifications		
Certified copy of your National Identification Card or Pass-port		
Certified copy of your ODM Life Membership Certificate (as applicable)		
Completed, signed and commissioned Code of Conduct Form		

Approved By Date

FORM 7: Notice of Party Primaries

THE ORANGE DEMOCRATIC MOVEMENT NOTICE OF PARTY PRIMARIES

There is to be an election of the ODM Party's candidates for the position of County Governor, Member of the Senate, Member of the National Assembly, County Women Representative, and Member of the County Assembly in the following counties: -

These elections will take place from the day of, 20..., to the day of, 20.....

Dated the day of 20

.....
Chairperson, ODM National Elections Board.

FORM 8A: Declaration of Results for Election of the ODM Presidential Candidate at the ODM National Delegates Convention

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF RESULTS FOR ELECTION OF THE ODM PRESIDENTIAL CANDIDATE AT THE ODM NATIONAL DELEGATES CONVENTION

No.	Name of Candidate	Valid Votes in Figures

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots.

No.	Name of Candidate/ Agent	ID/Passport No.	Tel. Contact	Signature	Date

Dated the day of 20

.....

Chairperson, ODM National Elections Board (NEB)

FORM 8B: Declaration of Results for Election of the ODM Presidential Candidate at the ODM National Delegates Convention (consensus)

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF RESULTS FOR ELECTION OF THE ODM PRESIDENTIAL CANDIDATE AT THE ODM NATIONAL DELEGATES CONVENTION (CONSENSUS)

We, the undersigned, being the duly cleared candidates for election as the ODM presidential candidate at the ODM National Delegates Convention do hereby declare that BY CONSENSUS, out of free will, we have agreed to step down and/or withdraw our candidature in favour of of ID No. as the sole ODM Presidential Candidate for the forthcoming General Elections

No.	Name of Candidate	Signature

Dated the day of 20

.....
Chairperson, National Elections Board (NEB)

FORM 8C: Declaration of Results for Election of the ODM Presidential Candidate at the ODM National Delegates Convention (acclamation)

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF RESULTS FOR ELECTION OF THE ODM PRESIDENTIAL CANDIDATE AT THE ODM NATIONAL DELEGATES CONVENTION (ACCLAMATION)

The Chairperson of the ODM National Elections Board hereby declares that of ID No. has been duly nominated (BY ACCLAMATION) as the Presidential candidate of the ODM Party in compliance with the ODM Party Constitution and Party Primaries rules at the National Delegates Convention held on day of 20

Dated the day of 20

.....
Chairperson, National Elections Board.

**FORM 8D: Certificate of Nomination of the Presidential Candidate
of the ODM Party**

THE ORANGE DEMOCRATIC MOVEMENT

**CERTIFICATE OF NOMINATION OF THE PRESIDENTIAL CANDIDATE OF THE
ODM PARTY**

The Chairperson of the ODM National Elections Board hereby presents this duly signed certificate to of ID No. who has been duly nominated as the Presidential candidate of the ODM Party in compliance with the ODM Party Constitution and Party Primaries rules in the National Delegates Convention held on day of 20

Dated the day of 20

.....
Chairperson, ODM National Elections Board.

FORM 9A: Announcement of County Governor Election Results at the Polling Centre

THE ORANGE DEMOCRATIC MOVEMENT

ANNOUNCEMENT OF COUNTY GOVERNOR ELECTION RESULTS AT THE POLLING CENTRE

Serial Number.....

Name of Polling Centre Ward

Constituency.....County.....

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
Total number of Valid Votes cast	

Polling centre Counts:

Total Number of Registered Party Voters in the Polling centre	
Total number of Valid votes Cast	
Total Number of Rejected Ballot Papers	
Total Number of Rejection Objected to Ballot Papers	
Total Number of Disputed Votes	

Decision(s) on disputed votes if any;

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in polling centre Constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Reasons for Refusal to Sign (if any)

Presiding Officer's Comments:

FORM 9B: Announcement of Member of Senate Election Results at the Polling Centre

THE ORANGE DEMOCRATIC MOVEMENT

ANNOUNCEMENT OF MEMBER OF SENATE ELECTION RESULTS AT THE POLLING CENTRE

Serial Number.....

Name of Polling Centre Ward

Constituency..... County.....

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
Total number of Valid Votes cast	

Polling centre Counts:

Total Number of Registered Party Voters in the Polling centre	
Total number of Valid votes Cast	
Total Number of Rejected Ballot Papers	
Total Number of Rejection Objected to Ballot Papers	
Total Number of Disputed Votes	

Decision(s) on disputed votes if any;

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in
..... polling centre, Constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Reasons for Refusal to Sign (if any)

Presiding Officer's Comments:

FORM 9C: Announcement of Member of National assembly Election Results at the Polling Centre

THE ORANGE DEMOCRATIC MOVEMENT

ANNOUNCEMENT OF MEMBER OF NATIONAL ASSEMBLY ELECTION RESULTS AT THE POLLING CENTRE

Serial Number.....

Name of Polling Centre Ward

Constituency.....County.....

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
Total number of Valid Votes cast	

Polling centre Counts:

Total Number of Registered Party Voters in the Polling centre	
Total number of Valid votes Cast	
Total Number of Rejected Ballot Papers	
Total Number of Rejection Objected to Ballot Papers	
Total Number of Disputed Votes	

Decision(s) on disputed votes if any;

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in
..... polling centre, Constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Reasons for Refusal to Sign (if any)

Presiding Officer's Comments:

FORM 9D: Announcement of County Woman Representative Election Results at the Polling Centre

THE ORANGE DEMOCRATIC MOVEMENT

ANNOUNCEMENT OF COUNTY WOMAN REPRESENTATIVE ELECTION RESULTS AT THE POLLING CENTRE

Serial Number.....

Name of Polling Centre Ward

Constituency.....County.....

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
Total number of Valid Votes cast	

Polling centre Counts:

Total Number of Registered Party Voters in the Polling centre	
Total number of Valid votes Cast	
Total Number of Rejected Ballot Papers	
Total Number of Rejection Objected to Ballot Papers	
Total Number of Disputed Votes	

Decision(s) on disputed votes if any;

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in
..... polling centre, Constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Reasons for Refusal to Sign (if any)

Presiding Officer's Comments:

FORM 9E: Announcement of Member of County Assembly Election Results at the Polling Centre

THE ORANGE DEMOCRATIC MOVEMENT

ANNOUNCEMENT OF MEMBER OF COUNTY ASSEMBLY ELECTION RESULTS AT THE POLLING CENTRE

Serial Number.....

Name of Polling Centre Ward

Constituency.....County.....

Number of votes cast in favour of each candidate:

Name of Candidate	No. of Valid Votes Obtained
Total number of Valid Votes cast	

Polling centre Counts:

Total Number of Registered Party Voters in the Polling centre	
Total number of Valid votes Cast	
Total Number of Rejected Ballot Papers	
Total Number of Rejection Objected to Ballot Papers	
Total Number of Disputed Votes	

Decision(s) on disputed votes if any;

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in
..... polling centre, Constituency.

Presiding Officer: Signature Date

Deputy Presiding Officer: Signature Date

Agents or Candidates (if present)

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Reasons for Refusal to Sign (if any)

Presiding Officer's Comments:

FORM 10A: Declaration of Member of National Assembly Election Results at the Constituency Tallying Centre

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF MEMBER OF NATIONAL ASSEMBLY ELECTION RESULTS AT THE CONSTITUENCY TALLYING CENTRE

Serial Number

Name of Constituency: (that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			

Total number of registered voters:

Total number of registered voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in
..... Constituency.

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

ID Number:

Signature:

Date:

**FORM 10B: Declaration of Member of County Assembly
Election Results at the Constituency Tallying Centre**

THE ORANGE DEMOCRATIC MOVEMENT

**DECLARATION OF MEMBER OF COUNTY ASSEMBLY ELECTION
RESULTS AT THE CONSTITUENCY TALLYING CENTRE**

Serial Number

Name of Constituency:

Name of Ward:..... (that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....

.....

Constituency.

No	Name of Candi- date or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

ID Number:

Signature:

Date:

FORM 11A: Announcement of County Governor Election Results at the Constituency Tallying Centre

THE ORANGE DEMOCRATIC MOVEMENT

ANNOUNCEMENT OF COUNTY GOVERNOR ELECTION RESULTS AT THE CONSTITUENCY TALLYING CENTRE

Serial Number

Name of Constituency

Name of County.....(that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results:

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in..... Constituency.

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

ID Number:

Signature:

Date:

**FORM 11B: Announcement of member of senate election
results at the Constituency tallying centre**

THE ORANGE DEMOCRATIC MOVEMENT

**ANNOUNCEMENT OF MEMBER OF SENATE ELECTION RESULTS
AT THE CONSTITUENCY TALLYING CENTRE**

Serial Number

Name of Constituency

Name of County.....(that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results:

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			

Total number of registered Party Voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....

.....

Constituency.

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:
ID Number:
Signature:
Date:

**FORM 11C: Announcement of County Woman Representative
Election Results at the Constituency Tallying Centre**

THE ORANGE DEMOCRATIC MOVEMENT

**ANNOUNCEMENT OF COUNTY WOMAN REPRESENTATIVE ELECTION
RESULTS AT THE CONSTITUENCY TALLYING CENTRE**

Serial Number

Name of Constituency

Name of County.....(that the Candidate are vying for)

No	Name of Poll- ing Centre	Total Regis- tered Voters	Name of Candi- date 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results:

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
.			
.			

Total number of registered Party voters:

Total number of registered Party Voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby
declare that the results shown above are true and accurate count of the ballots in.....
.....

Constituency.

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

ID Number:

Signature:

Date:

FORM 12A: Declaration of County governor election results at the County tallying centre

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF COUNTY GOVERNOR ELECTION RESULTS AT THE COUNTY TALLYING CENTRE

Serial Number

Name of County.....(that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
1.			
2.			

Total number of registered Party voters:

Total number of Party voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are a true and accurate count of the ballots in County

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

ID Number:

Signature:

Date:

FORM 12B: Declaration of Member of Senate Election Results at the County Tallying Centre

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF MEMBER OF SENATE ELECTION RESULTS AT THE COUNTY TALLYING CENTRE

Serial Number

Name of County (that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
1.			
2.			

Total number of registered voters:

Total number of voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are a true and accurate count of the ballots in County.

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

ID Number:

Signature:

Date:

FORM 12C: Declaration of County Woman Representative Election Results at the County Tallying Centre

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF COUNTY WOMAN REPRESENTATIVE ELECTION RESULTS AT THE COUNTY TALLYING CENTRE

Serial Number

Name of County (that the Candidate are vying for)

No	Name of Polling Centre	Total Registered Voters	Name of Candidate 1	Name of Candidate 2	Name of Candidate ...	Total Valid Votes Cast	Rejected Ballots
1							
2.							
3							
4							
5							
	Total						

Aggregate Results

No.	Name of Candidate	Valid Votes in Figure	Valid Votes in Words
1.			
2.			

Total number of registered voters:

Total number of voters who turned out to vote:

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are a true and accurate count of the ballots in.....
..... County.

No	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1.					
2.					

Constituency Returning Officer:

Constituency Returning Officer:

ID Number:

Signature:

Date:

**FORM 13: Interim Certificate of Elected ODM Candidate for Member of
County Governor/Member of Senate/Member of National Assembly/
County Woman Representative/Member of County Assembly Ward**

THE ORANGE DEMOCRATIC MOVEMENT

**INTERIM CERTIFICATE OF ELECTED ODM CANDIDATE FOR MEMBER
OF COUNTY GOVERNOR/MEMBER OF SENATE/MEMBER OF NATIONAL
ASSEMBLY/ COUNTY WOMAN REPRESENTATIVE/MEMBER OF COUNTY
ASSEMBLY WARD**

The County/Constituency Returning Officer hereby declares that of ID
No. has been duly elected as the ODM Party Candidate for County Governor/Member
of Senate/ Member of National Assembly/County Woman Representative/ Member of County
Assembly for County/Constituency/Ward in the election held on day of
..... 20

Dated this Day of, 20

Constituency/County Returning Officer:

Signature:

**FORM 14: Certificate of Elected ODM Candidate for County Governor /
Member of Senate/Member of National Assembly/ County Woman
Representative / Member of County Assembly**

THE ORANGE DEMOCRATIC MOVEMENT

**CERTIFICATE OF ELECTED ODM CANDIDATE FOR COUNTY GOVERNOR
/ MEMBER OF SENATE/MEMBER OF NATIONAL ASSEMBLY/ COUNTY
WOMAN REPRESENTATIVE / MEMBER OF COUNTY ASSEMBLY**

The County/Constituency Returning Officer hereby declares that of
ID No. has been duly elected as the ODM Party Candidate for County Governor/ Member
of Senate/ Member of National Assembly/County Woman Representative/ Member of County
Assembly forCounty/ Constituency/Ward in the election held on
..... day of 20

Dated this Day of, 20

.....
Executive Director, ODM

.....
Secretary, ODM National Elections Board.

.....
Chairperson, ODM National Elections Board.

FORM 15: Declaration of Results by Consensus

THE ORANGE DEMOCRATIC MOVEMENT

DECLARATION OF RESULTS BY CONSENSUS

PART A

The consensus-building process has selected of ID No as the sole ODM Party Candidate for the position of County Governor/ Member of Senate/ Member of National Assembly/County Woman Representative/ Member of County Assembly, in respect of the electoral area; to represent the Party in the forthcoming General Elections.

PART B

We, the undersigned, being the duly cleared candidates for election as the ODM Party candidate for the position of County Governor/Member of Senate/ Member of National Assembly/County Woman Representative/ Member of County Assembly do hereby declare that BY CONSENSUS and by our own free will, have agreed to step down and/or withdraw our candidature:

Name:	Party Member-ship Number:	Date	Signature	Electoral area

PART C

The consensus-building process has selected of ID No and of ID No as the two strongest ODM Party Candidates for the position of County Governor/Member of Senate/ Member of National Assembly/County Woman Representative/ Member of County Assembly, in respect of the electoral area; to represent the Party in the forthcoming General Elections.

Dated this Day of20

Chairperson, ODM National Elections Board

FORM 16: Declaration of Results by Direct Nomination

THE ORANGE DEMOCRATIC MOVEMENT DECLARATION OF RESULTS BY DIRECT NOMINATION

The Chairperson of the ODM National Elections Board hereby declares that
... of ID No. has been duly nominated (BY DIRECT NOMINATION) as the as the sole ODM
Party Candidate in the forthcoming General Elections for the aforesated position in respect of
the electoral area_..... after a due diligence exercise was carried out using
the method in compliance with the ODM Party Constitution and Party
Primaries rules and following a decision reached by the Party Leadership at meeting held on
..... day of 20....

Dated this Day of20

.....
Chairperson, ODM National Elections Board

FORM 17A: Notice of Party List Vacancy: Nominated Member of the National Assembly

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF PARTY LIST VACANCY: NOMINATED MEMBER OF THE NATIONAL ASSEMBLY

Whereas the election of Members of the National Assembly of the Republic of Kenya is to be held at the forthcoming general election, notice is hereby given that the Party seeks to nominate twelve members to represent special interests including the youth, persons with disabilities and workers;

Any Party member eligible for election as a Member of the National Assembly and who wishes to be considered for nomination to the Party List should submit an application in the prescribed form for nomination as such by, 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB offices between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day by the day
of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board

FORM 17B: Notice of Party List Vacancy: Nominated Senator

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF PARTY LIST VACANCY: NOMINATED SENATOR

Whereas the election of Members of the Senate of the Republic of Kenya is to be held at the forthcoming general election, notice is hereby given that the Party seeks to nominate;

- (1) sixteen women members
- (2) two members, being one man and one woman, representing the youth; and
- (3) two members, being one man and one woman, representing persons with disabilities.

Any Party member eligible for election as a Member of the Senate and who wishes to be nominated to the Party List should submit an application in the prescribed form for nomination as such by the day of, 20

Application forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB offices between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day by the day of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board

FORM 17C: Notice of Party List Vacancy: Nominated Member of County Assembly

THE ORANGE DEMOCRATIC MOVEMENT

NOTICE OF PARTY LIST VACANCY: NOMINATED MEMBER OF COUNTY ASSEMBLY

Whereas the election of Members of the Senate of the Republic of Kenya is to be held at the forthcoming general election, notice is hereby given that the Party seeks to nominate;

- (a) Eight (8) candidates, at least two of whom shall be persons with disability, two of whom shall be the youth and two of whom shall be person representing a marginalized group in each of the 47 counties.
- (b) such number of nominees equal to the number of wards in each County.

Any Party member eligible for election as a Member of the County Assembly and who wishes to be nominated to the Party List should submit an application in the prescribed form for nomination as such by, 20

Application Forms may be obtained at the Party's NEB Website (digital-copy) or at the NEB offices between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day.

Duly filled Application forms may be delivered to the Secretary, National Elections Board between the hours of nine o'clock in the morning and one o'clock in the afternoon and between the hours of two o'clock in the afternoon and five o'clock in the evening on any week day by the day of, 20

All applications shall be received, vetted and approved in strict conformity with the ODM Party Primaries and Nomination rules.

Dated the day of 20

.....
Chairperson, ODM National Elections Board.

FORM 18A: Application Form for Nomination as a Party List Candidate (National Assembly & Senate)

THE ORANGE DEMOCRATIC MOVEMENT

APPLICATION FORM FOR NOMINATION AS A PARTY LIST CANDIDATE (NATIONAL ASSEMBLY & SENATE)

(To Be Completed in Triplicate)

To: Secretary
The National Elections Board
Orange Democratic Movement
P.O BOX 42242 – 00100 NAIROBI

PART A: CANDIDATE'S PARTICULARS

I, do hereby apply to be nominated to the
Orange Democratic Movement National Assembly/Senate Party List.

1. Party Membership No
2. National Identity Card / Passport No
3. Physical Address
4. Postal Address
5. Mobile No.
6. Email Address
7. Sub location
8. Ward
9. Constituency
10. County

PART B: PARTICIPATION IN PARTY AFFAIRS AND PROGRAMMES

1. How long have you been a member of the Orange Democratic Movement Party?

2. Are you up to date with the payment of your membership subscriptions and other applicable contributions? If yes, please attach evidence of payments.

3. Provide evidence of your participation in the Party affairs. (Use separate sheet of paper if necessary)

4. Are you a member of any organ of the Party? If yes, state the organ.

5. Have you been the subject of any Disciplinary proceedings by the Party? If yes, state the nature of the disciplinary proceedings and the outcome. (Use separate sheet of paper if necessary)

6. Do you have any pending fines imposed by the Disciplinary Committee of the Party? If so, please state how much and the nature of proceedings giving rise to the same.

7. Have you sought Nomination from any other registered Political Parties as at the date of this application?

8. Are you a person living with disability? If yes attach your certificate of registration with the National Council for Persons with Disabilities (NCPD).

9. Do you consider yourself marginalized? Is yes, please explain and attach relevant evidence.

PART C: LEADERSHIP AND INTEGRITY

1. Are you a State and/or Public Officer? If you have recently resigned from a state or public officer attach appropriate evidence of resignation.

2. Have you been a Citizen of Kenya for at least ten years immediately preceding the date of this Application?

3. Have you at any time within the five years immediately preceding the date of this Application, held office as a member of the Independent Electoral and Boundaries Commission?

4. Have you ever been declared bankrupt? If yes, please state nature of proceedings and attach evidence of discharge

5. Are you currently or will you be subject to a sentence of imprisonment of at least six months, as at the date of this Application? If yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

6. Have you ever been convicted, in accordance with any law, to have misused or abused a state office or public office or in any way to have contravened Chapter Six of the Constitution? if yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

PART D: SUPPORTING DOCUMENTS

Please attach the following documents to your application;

- 1) Evidence of payment of the application fee applicable to the position sought
- 2) A detailed Curriculum Vitae
- 3) Certified copies of your educational qualifications
- 4) A certified copy of your National Identification Card
- 5) A certified copy of your Orange Democratic Movement Life Membership Certificate (as applicable)
- 6) Duly completed, signed and commissioned Code of Conduct Form;

Dated At This Day of 20.....

.....
SIGNATURE

.....
FULL NAME OF CANDIDATE

For Official Use only

Received at the NEB Offices by: Date

Documents Reception Checklist	Present	Absence
Payment receipt for the application fee		
Curriculum Vitae		
Certified copies of your educational qualifications		
Certified copy of your National Identification Card or Passport		
Certified copy of your ODM Life Membership Certificate (as applicable)		
Completed, signed and commissioned Code of Conduct Form		

Approved By Date

FORM 18B: Application Form for Nomination as a Party List Candidate (County Assembly)

THE ORANGE DEMOCRATIC MOVEMENT

APPLICATION FORM FOR NOMINATION AS A PARTY LIST CANDIDATE (COUNTY ASSEMBLY)

(To Be Completed in Triplicate)

To: Secretary
The National Elections Board
Orange Democratic Movement
P.O BOX 42242 – 00100 NAIROBI

PART A: CANDIDATE'S PARTICULARS

I, do hereby apply to be nominated to the
Orange Democratic Movement County Assembly Party List for County as a person with
disability/a youth/a person representing a marginalized group/ordinary member.

1. Party Membership No
2. National Identity Card / Passport No
3. Physical Address
4. Postal Address
5. Mobile No.
6. Email Address
7. Sub location
8. Ward
9. Constituency
10. County

PART B: PARTICIPATION IN PARTY AFFAIRS AND PROGRAMMES

1. How long have you been a member of the Orange Democratic Movement Party?

2. Are you up to date with the payment of your membership subscriptions and other applicable
contributions? If yes, please attach evidence of payments made

3. Provide evidence of your participation in the Party affairs. (Use separate sheet of paper if
necessary)

4. Are you a member of any organ of the Party? If yes, state the organ.

5. Have you been the subject of any Disciplinary proceedings by the Party? If yes, state the nature of the disciplinary proceedings and the outcome. (Use separate sheet of paper if necessary)

6. Do you have any pending fines imposed by the Disciplinary Committee of the Party? If so, please state how much and the nature of proceedings giving rise to the same.

7. Have you sought Nomination from any other registered Political Parties as at the date of this application?

8. Do you suffer from any disability? If yes attach your certificate of registration with the National Council for Persons with Disabilities (NCPD).

9. Do you consider yourself marginalized? If yes, please explain and attach relevant evidence.

PART C: LEADERSHIP AND INTEGRITY

1. Are you a State and/or Public Officer? If you have recently resigned from a state or public officer attach appropriate evidence of resignation.

2. Have you been a Citizen of Kenya for at least ten years immediately preceding the date of this Application?

3. Have you at any time within the five years immediately preceding the date of this Application, held office as a member of the Independent Electoral and Boundaries Commission?

4. Have you ever been declared bankrupt? If yes, please state nature of proceedings and attach evidence of discharge

5. Are you currently or will you be subject to a sentence of imprisonment of at least six months, as at the date of this Application? If yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

6. Have you ever been convicted, in accordance with any law, to have misused or abused a state office or public office or in any way to have contravened Chapter Six of the Constitution? If yes, have you exhausted all review or appeal mechanisms against the decision? If no, attach evidence of appeal or review

PART D: SUPPORTING DOCUMENTS

Please attach the following documents to your application.

- 1) Evidence of payment of the application fee applicable to the position sought
- 2) A detailed Curriculum Vitae
- 3) Certified copies of your educational qualifications
 - 4) A certified copy of your National Identification Card
 - 5) A certified copy of your Orange Democratic Movement Life Membership Certificate (as applicable)
 - 6) Duly completed, signed and commissioned Code of Conduct Form.

Dated At This Day of 20.....

.....
SIGNATURE

.....
FULL NAME OF CANDIDATE

For Official Use only

Received at the NEB Offices by: Date

Documents Reception Checklist	Present	Absence
Payment receipt for the application fee		
Curriculum Vitae		
Certified copies of your educational qualifications		
Certified copy of your National Identification Card or Passport		
Certified copy of your ODM Life Membership Certificate (as applicable)		
Completed, signed and commissioned Code of Conduct Form		

Approved By Date

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