

# PEOPLES DEMOCRATIC PARTY (PDP)

## CONSTITUTION



**As amended and adopted by: The National Delegates Convention  
Held on the 1st day of December 2023**

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## CHAPTER ONE

### 1.0 PREAMBLE

We the members of **Peoples Democratic Party (PDP)**

**ACKNOWLEDGING** the supremacy of the constitution of the republic of Kenya:

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

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

**PROUD** of our ethnic, cultural and religious diversity and determined to live in peace and firmly; one indivisible democratic party:

**EXERCISING** our sovereign and inalienable rights to determine the form of governance of our party and having participated fully in the making of this constitution:

**ADOPT, ENACT** and give this constitution to ourselves as Peoples Democratic Party National Delegates Convention, members of Peoples Democratic Party and to our future generations.



## CHAPTER TWO

### 2.0 PRELIMINARY

2.1 This constitution shall be cited as the Peoples Democratic Party (PDP) Constitution and shall come into operation on such day is adopted by the delegates and as it is filed with the Registrar. AND it's supreme to party members.

2.2 **In this constitution, unless the context otherwise requires: -**

**"Registrar"** means the registrar of political parties designated as such under section 33 of the political parties Act 2011

**"PDP"** means Peoples Democratic Party

**"Political Party"** means any association or organization of persons which has for its objects or purposes proposing or supporting of candidates for National or local authority elections

**"Office bearer"** in relation to a political party means any person who is elected/appointed by the members of the political party to hold a particular office and registered with the Registrar of societies.

**"Election"** means the act of selecting by vote of a person or persons from among a number of candidates to fill an office or membership of any political party and includes a presidential, parliamentary and county government

**"Corporate"** means a registered political party which is a member of Peoples Democratic Party or visa vas

**"Group Member"** means a registered organization e.g. Trade Unions, Professional Association, Student Union and any other registered associations.

**"A member"** A registered person by Peoples Democratic Party's Constitution

**"Party"** The Peoples Democratic Party (PDP)

## CHAPTER THREE

### **3.0 IDENTITY**

#### **3.1 Establishment**

There is hereby established a political party known as the PEOPLES DEMOCRATIC PARTY (PDP) in this constitution referred to the Party or "PDP"

#### **3.2 Flag**

The party flag will be as described in the third schedules.

#### **3.3 Slogan**

The party slogan shall be: PDP! "MAMLAKA KWA MWANANCHI" "MAMLAKA KWA MWANANCHI! PAMOJA TWAVEZA

#### **3.4 Party's Symbol**

The party symbol is an African Traditional Banjo (*8 stringed musical instrument*)

#### **3.5 PDP Vision Statement**

Peoples Democratic Party vision is to have a Society in which each and every Kenyan is empowered to live in dignity and enjoy abundant economic prosperity, social justice and democratic rights.

#### **3.6 PDP Mission Statement.**

Peoples Democratic Party mission is to transform Kenya from poor governance and poverty into a democratic, prosperous, socially just, and equitable society, through progressive economic, political, social policies and programs.

#### **3.7 PDP Ideology**

The Party is founded on principles of Social Democracy and upholds ideals that foster equitable distribution of the Nation's Resources and opportunities amongst all citizens.

#### **3.8 PDP Motto**

The motto of the Party is "MAMLAKA KWA MWANANCHI".

## CHAPTER FOUR

### 4.0 OBJECTS/ VALUES

#### 4.1 Objectives

The Peoples Democratic Party's objectives are as follows:

- i) To compete in election with other political parties for purposes of winning election and forming government
- ii) To respect and promote the national values, principles and goals as enshrined in the constitution of Kenya.
- iii) To promote and defend national sovereignty.
- iv) To formulate and pursue sound national policies in order to improve the quality of life of all Kenyan
- v) To promote the party interests, aims and objectives
- vi) To promote the full participation of women, youth, minorities, disabled and vulnerable groups in public affairs
- vii) To advocate and protect the rights of Kenyans
- viii) To advocate and promote coalition among parties sharing similar policies
- ix) To provide quality, just and accountable leadership to the Kenyan Public in matters of governance
- x) To form branches countrywide and enlist members to realize the objects of the party
- xi) To advocate for, articulate and promote democratic political governance based on a popular *will* of the people as sovereign
- xii) To promote, respect and preserve national heritage and history and cultural diversity
- xiii) To champion democratic political governance within the framework of pluralist democracy
- xiv) To encourage resource mobilization for the party by all just means
- xv) To inform and create awareness among Kenyans on Public matters, party policies with view of enhancing and maintaining democratic system and society

#### 4.2 Party's Value

Peoples' Democratic Party's value includes but not limited to

- i) Supremacy of party members
- ii) People's participation and democratic governance
- iii) Social and Economic justice
- iv) Supremacy of the constitution and rule of law
- v) Respect for individual and people's rights and freedom
- vi) Avail equal opportunity irrespective of gender, tribe, religion or race
- vii) Just empowerment of marginalized groups and societies

## CHAPTER FIVE

### 5.0 Membership

#### 5.1 General Principles on Membership.

- i) Membership to the Party shall be open to all Kenyans who are above the age of eighteen (18) years irrespective of tribe, race, religion, creed, gender and social or economic status.
- ii) Registered members of the party shall abide to the Party constitution, party rules, the Political Parties Act and all other applicable laws.
- iii) A person who has manifested a clear identification with the Party, its principles, policies and ideologies and is resident in Kenya is eligible to be a member.
- iv) Subject to the provisions of the Constitution of Kenya, any other written law and this Constitution, any Kenyan Citizen that is not ordinarily resident in Kenya and has demonstrable identification with the party's vision, ideology, values and objectives and supports its activities and programs shall be eligible to become a member.
- v) All members shall sign and subscribe to the party's code of conduct and a pledge of commitment before membership certificate is conferred to him/her
- vi) The National Executive Committee shall reserve the right not to admit any applicant seeking to be a member upon such reasons as they may deem fit.
- vii) No person otherwise disqualified under the Political Parties Act shall be eligible for membership within the meaning of that Act.

#### 5.2 Categories of Membership

- i) The membership of the party will be categorized as: -
  - a) Life Membership
  - b) Ordinary Membership
  - c) Corporate Membership
  - d) Group Membership
- ii) Ordinary and Life membership shall be open to individuals upon such terms as set out in this Constitution.
- iii) Group membership shall be open, upon application to the National Executive Committee, to organizations including Trade Unions, Professional Associations, Co-operative Societies, Students' Unions, or any other organization which subscribes to this Constitution.
- iv) The National Executive Committee shall have power to create or abolish any category of membership in 5.2 (i) above for the advancement of the party interest from time to time.
- v) Membership may be converted from one category to the other by paying the prescribed fees as may be recommended by the National Executive Committee (NEC)

### **5.3 The Party Membership Register**

- i) The Party shall keep a register of members which shall contain the details of the members including their Full Names, National Identification Number (I.D), Date of Birth, Ethnicity, Gender, special interest group status (SIGs) Region, County, Constituency, Ward and Polling Station and any other details as may be required by any applicable law.
- ii) Membership registration shall be a continuous exercise and the party shall regularly update the register.
- iii) The party shall file the most up to date register with the registrar of political parties every six months or such other time as the Registrar may require.
- iv) The National Elections Board shall use, as its voters' register, the most up to date Party's members register as shall have been certified by the Registrar of Political Parties.

### **5.4 Rights of Party Member**

A member of Peoples' Democratic Party shall have the right to: -

- (i) Take part in elections by voting at party elections, and nominations in all levels
- (ii) Participate in party activities as provided for in the Constitution
- (iii) Fully participate in formulation and implementation of party policies
- (iv) Access party documents and information upon written request

### **5.5 Duties of Party Member**

The Peoples Democratic Party member shall have the following duties

- (i) Avail personal data for registration which will include, Full Names, National Identification Number (I.D), Date of Birth, Ethnicity, Gender, special interest group status (SIGs) Region, County, Constituency, Ward and Polling Station to be kept in the membership register
- (ii) To popularize the party
- (iii) To support the party financially, materially and morally when called upon.
- (iv) To obey lawful decisions made by regular party organs
- (v) To register as a voter and vote during party and National Elections
- (vi) Observe the party code of conduct and keep information deemed confidential
- (vii) If a member holds an elective office on behalf of the Party, he/she shall actualize/promote party policies and manifesto
- (viii) If a member is sponsored and elected on the party's ticket or hold appointed office on behalf of the Party, he/she shall remit a monthly subscription as may be decided by the National Executive Committee (NEC) but not exceeding 10 % of his/her periodic emolument remuneration to the party

## 5.6 Membership Subscription Fee

- i) The members, persons elected on the Party ticket and officials of the Party shall pay a monthly subscription fee as set out in the party rules. The NEC may review the subscription fee from time to time.
- ii) Subscription fee shall be payable either in advance or as prescribed in the party rules when they fall due.
- iii) A member who fails to pay subscription fees for three (3) consecutive months without reasonable cause and the subscription fee remains outstanding after the member has been issued with a written notice to settle the outstanding fees, shall not be regarded as a member in good standing.
- iv) Outstanding membership fees shall be deemed as a debt to the Party and shall be recoverable against the member in accordance with the law.
- v) Such a member with outstanding fees shall lose his or her membership in accordance with provisions of this Constitution

## 5.7 Termination of Membership

- a. A member shall cease to be one
  - i) Upon death
  - ii) By a resolution passed by the National Executive Committee and ratified by National Governing Council.
  - iii) Notwithstanding subsection (ii) above, if a member is not five years old in the party and takes the decision of any party organ to court of law will render the members an automatic expulsion
  - iv) By taking an office, subscribing to or promoting activities of another registered political party
  - v) Upon written resignation
  - vi) By an operation of any prescribed law.
- b. A person who has terminated his or her membership:
  - i) Shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by virtue of his/her membership shall automatically terminate with effect from the date of receipt of written resignation from the Party;
  - ii) Shall return all party property within his/her custody, possession or control, failure to which the Party shall have a right to lay claims against such person for any money due or owing to the Party or for any damage or loss occasioned to Party property which was in his custody, possession, or control prior to termination of membership
  - iii) Shall have his/her name struck off from the register of Party members.

## CHAPTER SIX

### 6.0 PARTY LEADERSHIP

#### 6.1 National Officials

The Peoples Democratic Party shall be managed by the following officer who shall be referred to as National Officials

- (i) Party leader
- (ii) Deputy Party leader
- (iii) National Chairperson
- (iv) Deputy Chairperson.
- (v) Secretary General
- (vi) Deputy Secretary General
- (vii) National Treasurer
- (viii) Deputy Treasurer
- (ix) National Organizing Secretary
- (x) Deputy Organizing Secretary
- (xi) Secretary for policy, Foreign Affairs, information and publicity.
- (xii) Secretary for Legal, Constitutional and parliamentary Affairs.
- (xiii) Secretary for Youth Affairs
- (xiv) Secretary for Women Affairs
- (xv) Secretary For Special Interest Groups

#### 6.2 Election of National Officials

- (i) All National officials shall be elected by the National Delegates Convention and shall hold office for a term of five years. Provided that when desirable Special NDC may declare and hold elections for all or part of the national officials.
- (ii) Any National official deemed to be grossly indiscipline and or acting in direct contravention to the party's object shall be removed from office by a resolution by at least two third majority of the National Executive Committee which shall be ratified by the National Governing Council.
- (iii) Election shall be through secret ballot or any other method of voting acceptable to the delegates in session.
- (iv) A situation where an office is contested by more than one candidate, the vote shall be decided by a simple majority.
- (v) Where only one candidate is nominated to an office at the close of the nominations, the candidate shall be declared duly elected to the office for which he/she was nominated.

- (vi) Nomination of all candidates shall be in the prescribed form.
- (vii) Any vacancy occurring in the Party organs during the course of the term before the next National Delegates Convention or Party Election as the case may be, shall be filled in acting capacity, through the recommendation of the National Executive Committee.
- (viii) The Secretary for Youth Affairs shall not be more than 35 years of age at the time of election irrespective of gender.
- (ix) The secretary for women affairs shall be a female.

### **6.3 Duties of National Officials**

- i) National officials shall perform their functions and duties within the Provisions of this constitution.
- ii) National officials shall ensure that they are guided by the objectives and values of the party.
- iii) Subject to any other duty provided by this Constitution the main duties of elected national officials shall be:

### **6.4 Vacancies**

A person shall cease to hold office of the Party by-

- i) Tendering a written resignation to the Secretary General of the Party or Party Leader
- ii) Expulsion from the Party;
- iii) Absenteeism without reasonable cause from at least three (3) consecutive meetings or for such period as shall be prescribed by NEC
- iv) Death;
- v) Incapacitation and unsound mind
- vi) Being a public officer pursuant to the Political Parties Act except for the President, Deputy President, a Member of Parliament, Governor, Deputy Governor, or a Member of a County Assembly; or
- vii) Disqualification to hold office under the Constitution of Kenya or any other written law.

#### **(a) Party leader**

- (i) The Party Leader shall champion the party's campaign to form the next government.
- (ii) The Party Leader shall lead the party in consultation with the National Executive Committee at political negotiations to form a working coalition with any other party or parties with sole purpose of forming Government.
- (iii) The Party Leader shall promote national cohesion and integration of all members in National Development.
- (iv) The Party Leader shall act as liaison officer with local and international organizations & Agencies.

- (v) The Party Leader shall provide leadership and vision to the party.
- (vi) The Party Leader shall confer honors of recognition, distinction or accolade to members of the party.
- (vii) The Party Leader shall preside over National Delegates Convention (NDC) meeting.
- (viii) The Party Leader shall be the leader of delegation of the party organs he/she is a member

**(b) Deputy leader**

- (i) Deputy leader shall be the principal deputy of the party leader and shall perform such duties and functions as might be delegated to him/her by the party leader
- (ii) Deputy leader shall assist the party leader in his/her absence.

**(c) National Chairperson**

- i) The National Chairperson shall preside over National Executive Committee (NEC) meetings.
- ii) The National Chairperson shall be a signatory to political negotiations to form a working coalition with any other party or parties with sole purpose of forming Government.
- iii) The National Chairperson shall ensure order at all party meetings of the organs he/she is a member.
- iv) The National Chairperson shall provide leadership and oversee overall management and running of the party affairs.
- v) The National Chairperson shall co-ordinate party meeting and conventions.
- vi) The National Chairperson shall be in charge of protocol.

**(d) National Deputy Chairperson**

- (i) He/she shall under the direction of the National Chairperson, assist him/her in all matters pertaining to logistics, administrative & operations
- (ii) He/she shall under the direction of the National Chairperson, assist in matters relating to party policies and programs.

**(e) Secretary General**

- i) The Secretary General shall be responsible for the management of the National Secretariat in consultation with the National Executive Committee.
- ii) The Secretary General Shall be the party's official spokesperson to articulate and defend party policies.
- iii) The Secretary General shall be the custodian of certified copies of party records from grassroots to the National level.

- iv) The Secretary General shall receive and approve party lists from National Election Board/ branches and forward the approved list to Independent Electoral and Boundary Commission for nomination.
- v) The Secretary General shall be a mandatory signatory to nomination certificates
- vi) The Secretary General shall prepare and forward lists of duly nominated candidates to the Independent Electoral and Boundary Commission.
- vii) The Secretary General shall prepare annual reports on the work of the National Executive Committee, National Governing Council and National Delegates Convention and be endorsed by the Party leader, the Chairperson or their deputies before they are filed.
- viii) The Secretary General shall issue correspondence on behalf of party organs in which he /she is a member.
- ix) The Secretary General shall send out notices of all meeting of the organs in which he/she is a member.
- x) The Secretary General shall be a mandatory signatory to political negotiations to form a working Coalition with any other party or parties with sole purpose of forming Government.

#### **(f) The Deputy Secretary General**

The Duties of deputy secretary general include:

- (i) He/she shall be the principal deputy to the Secretary General.
- (ii) He/she shall be in charge of the implementation of party's strategies policies and programs.
- (iii) He/she shall co-ordinate party meeting and conventions ensuring that returns are filed as required by law.
- (iv) He/she shall perform such other specific assignments as might be delegated to him/her by the Secretary General.

#### **(g) National Treasurer**

The National Treasurer shall be responsible for party finances.

- (i) Receive and bank all monies on behalf of the National Executive Committee (NEC).
- (ii) Operate a banking account together with the Secretary General and such other signatories as may be specified by the National Executive Committee.
- (iii) Supervise all financial transactions at all party levels.
- (iv) Prepare Annual Party Budgets and Estimates.
- (v) Prepare and submit to the National Executive Committee a financial statement bi-annually.
- (vi) Be responsible for the formulation and execution of resource mobilization plans and strategies.
- (vii) Keep books of account.

**(h) Deputy National Treasurer**

The Deputy National Treasurer shall:

- i) Under the direction of the National Treasurer, assist him/her in matter pertaining to Accounts and Audit.
- ii) Assist the National Treasurer in matters pertaining to the Budget and Planning.
- iii) Perform such other specific assignments as may be delegated to him by the National Treasurer from time to time.

**(i) National Organizing Secretary.**

The National Organizing Secretary shall: -

- i) Be responsible for promoting and mobilizing party activities.
- ii) Coordinate effective functions of all branches.
- iii) Supervise the organization of National Delegates Convention and National Governing Council in consultation with the Secretary General and the National Executive Committee.
- iv) Be responsible for organizing public meetings and functions.
- v) Be responsible for mobilizing party member recruitment nationally and at branch level.

**(j) The Deputy National Organizing Secretary.**

The Deputy National Organizing Secretary:

- i) Shall work under the direction of the National Organizing Secretary and assist in all matters relating to the organization of Public Meeting, functions and meet the people tours.
- ii) Shall work under the direction of the National Organizing Secretary and assist in all duties pertaining to the office of the organizing Secretary.

**(k) Secretary for Policy, Foreign Affairs, Information and Publicity**

The office bearer shall: -

- (i) Be responsible for matters of foreign policy
- (ii) Contact foreign organization and create mutual beneficial links
- (iii) Be responsible for dissemination of information and public relations
- (iv) Be responsible for Development of any policy matter
- (v) Be responsible for the Defense of party policies in the public domain
- (vi) Perform such other related duties as may be directed by the National Executive Council.

**(l) Secretary for legal, constitutional and parliamentary affairs**

The office bearer shall: -

- i) Be the legal adviser to the party in all legal and Constitutional matters.
- ii) May or may not necessarily be elected as Member of Parliament but will remain the nexus between the party's elected members and the party.
- iii) Be responsible for galvanizing support of all party Members of Parliament of different persuasions for motions and bills proposed or supported by the party.
- iv) Call and record the proceeding of the meetings of the parliamentary Group.
- v) Perform such other related duties as may be directed by the National Executive Council.

**(m) Secretary for youth affairs**

- i) The secretary shall Faithfully and dutifully represent the interests and affairs of PDP young Democrats
- ii) The secretary shall Promote and mobilize party activities and polices among the youth.

**(n) Secretary for women affairs**

- i) The office bearer shall Faithfully and dutifully represent the interests and affairs of PDP Women Democrats.
- ii) The office bearer shall Promote and mobilize party activities and Policies among the women.

## CHAPTER SEVEN

### 7.0 PARTY ORGANS

#### 7.1 (A) There is hereby established the following party organs

- i) National Delegates Convention (NDC)
- ii) National Governing Council (NGC)
- iii) National Executive Committee (NEC)
- iv) National Secretariat (NSC)
- v) Party Parliamentary Group (PG)
- vi) Young Democrats Convention (YDC)
- vii) Women Democrats Convention (WDC)
- viii) Branches

#### 7.1 (B) Quorum

The quorum for the conduct of business of the organs shall be as follows-

- i) 50% PLUS One of all members of the NEC shall form a quorum;
- ii) 50% of the branch, sub-branch and polling station membership shall form a quorum of all meetings of a branch, subbranch, polling station and meetings of any other organ whose quorum has not been specified;
- iii) Delegates from 40% of the total number of branches in the county shall form a quorum for all county conferences; and
- iv) In the case of NGC and a special NGC, delegates from 50% PLUS One of the members shall constitute a quorum.
- v) in the case of NDC and a special NDC, delegates from 50% PLUS One of the counties representing at least 50% of the total membership of the NDC shall constitute a quorum.

#### 7.1(C) General Principles

- i) Written notices for all National, County, Branch, Sub-Branch, and polling station meetings shall be sent out by the respective Secretaries.
- ii) Meetings may be conducted either physically, virtually, or both physically and virtual
- iii) There shall be two classes of meetings –
  - Ordinary meetings which shall be convened by a written notice of Such number of days as specified for each organ and
  - Special meetings which shall be convened by a notice of at least such number of days as specified in each organ or as may be deemed reasonable. Such meetings shall be requisitioned for a specific purpose and no other matter shall be discussed other than as stated in the notice.

- iv) Any official who fails to attend three (3) consecutive meetings without reasonable cause may be suspended.
- v) All meetings, unless specifically provided for in this Constitution, shall be presided over by the chairperson or in absentia the deputy-chairperson. In the absence of both the chairperson and the deputy-chairperson, a member elected from among those present shall preside.
- vi) Resolutions shall, unless otherwise specifically provided for in this Constitution, be by simple majority by show of hands during voting and shall be recorded in the minutes.
- vii) In the event of an equality of votes at any voting, the person presiding shall have a deciding vote.

## 7.20 National Delegate Convention (NDC)

- (i) The National Delegates Convention shall be the supreme organ of the party with power to determine the party policy
- (ii) National Delegates Convention shall be Composed of: -
  - (a) All national officials.
  - (b) All Members of the National Governing Council.
  - (c) All National Executive Committee Members.
  - (d) All PDP Parliamentary Group.
  - (e) Five members of each branch Executive Committee.
  - (f) One member of each overseas registered Branch.
  - (g) Five members of each party's standing committees specially nominated to attend the convention as delegates.
  - (h) The National Executive Committee may, in its own wisdom, invite individuals who have made special contribution to the party or who have special skills or experience to attend the convention with no right to vote.
- (iii) National Delegates Convention (NDC) shall have the following specific powers, duties and obligation:
  - (a) To receive and discuss reports of the National Governing Council and National Executive Committee in addition to its functions.
  - (b) To confer any of its powers or duties to the National Executive Committee in addition to its functions.
  - (c) To nominate the party presidential candidate/party leader for the election of the President of the Republic of Kenya.
  - (d) To elect from among eligible party members, the National official of the party.
  - (e) To review party policies and programs and give direction regarding the organization of the party.
  - (f) To consider, modify, amend and ratify the manifesto, constitution, rules and regulations of the party and those governing its subsidiary organization.

- (g) To receive, examine and approve Annual financial statement and Audited Accounts presented by the National Treasurer for the period since the previous ordinary session of the National Delegates Convention and review annual dues payable by the party members.
- (h) To appoint Board of Trustees of the party.
- (i) To perform any other duties and functions as the National Delegates Convention may deem fit.
- (j) To elect or appoint any other standing committee and assign specific tasks and duties to such committee.

(iv) Procedure of meeting at National Delegate Convention.

- (a) Decisions shall be taken through the vote by consensus, secret ballot or any other acceptable method as the delegates present may by a unanimous resolution decide.
- (b) Quorum of ordinary or special sessions of National Delegates Convention shall be 50%+1 of eligible members.
- (c) Only agenda items as approved by the National Governing Council shall be discussed at the ordinary session of National Delegates Convention.
- (d) Ordinary sessions of the National Delegates Convention shall be convened by resolution of the National Executive Committee ratified by the National Governing Council and held once every five years.
- (e) The venue, time and date of the ordinary session of National Delegates Convention shall be determined by the National Executive Convention.
- (f) The notice and Agenda convening the ordinary session of National Delegates Convention shall be sent by the Secretary General or party official specially appointed for that purpose by the National Executive Committee at least three (3) weeks before such date and published at least once on a daily newspaper with Nationwide circulation and website.
- (g) Only agenda items prepared by the National Executive Committee or as may be requisitioned by delegate shall be discussed at the special session of the National Delegates Convention.
- (h) For a special session of the National Delegates Convention, the National Chairperson or, in his/her absence, any of his/her deputies but failing which a delegate specially elected by delegates in attendance shall preside at the meeting requisitioned by delegates. Similarly, for the Secretary General which a delegate specially elected by delegates shall be the Secretary of such convention.

- (i) A special session of National Delegates Convention shall be summoned by the National Chairperson upon the decision of National Executive Committee or upon a requisition in writing signed by at least one third of the delegate eligible to attend an ordinary session of the National Delegates Convention.
- (j) Notice and Agenda convening the special session shall be sent out by the Secretary General at least three weeks before such date and published at least once on a daily English Newspaper with nationwide circulation.
- (k) Special sessions of the National Delegates Convention requisitioned by delegates a notice calling upon the national Chairperson to summon the convention shall be served upon the Secretary General not later than forty-five working days before the date proposed.
- (l) Where the National Chairperson fails to summon the convention in the article K above within twenty-one (21) working days after due service of the notice the convention shall subject only the article M hereunder, stand duly summoned and properly convened on the date, place and time contained on the notice.
- (m) Where a special session of the NDC requisitioned by delegates is convened in default of the national Requisitioning the convention shall, not less than twenty-one working days before proposed date, cause a notice convening the convention to be published at once on a daily English Newspaper with a nationwide circulation, provided that such notice shall contain the agenda, place, date and time for the convention.
- (n) In event delegates requisition for a Special National Delegates Convention the chairman or the secretary general shall give notice of not less than 21 days for the Special National Delegates Convention.

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

- (i) The National Governing Council will be the second highest organ of the party.
- (ii) The National Governing Council shall consist of the following: -
  - a) All National officials.
  - b) All members of the party's Parliamentary Group.
  - c) All members of Board of Trustees.
  - d) All members of National Election Board.
  - e) All chairpersons of the Branch Executive Committees.
  - f) All Chairpersons of the Party's standing committee.
- (iii) Procedure for meeting of National Governing Council
  - a) The National Governing Council shall be convened, by a resolution of the National Executive Committee.
  - b) The National Governing Council shall meet at least once every 12 months.
  - c) Quorum of ordinary or special sessions of National Governing Council shall be 50% PLUS One of eligible members.

- d) The notice and Agenda convening the ordinary session of National Governing Council shall be sent by the Secretary General or party official specially appointed for that purpose by the National Executive Committee at least 14 days before such date and published on the party website.

(iv) The National Governing Council shall have the following functions:

- (a) To receive reports from the National Executive Committee on the operations of the party.
- (b) To run the party and make decision in between the National Delegates Convention.
- (c) To review and develop political agenda for the parliamentary group
- (d) To review or formulate policies of the party for approval by the National Delegates Convention.
- (e) To initiate all such activities as might further the aims and objects of the party.
- (f) To monitor general activities of the party on behalf of the National Delegates Convention and to provide direction of such activities.
- (g) To act and ensure that all recommendation by the National Delegates Convention are duly carried out by the National Official.
- (h) To establish specialized committees and other advisory bodies as are necessary to carry out aim and objects of the party,
- (i) To receive and approve agenda for the National Delegate Convention from the National Executive Committee.
- (j) To make policy and administrative decisions on behalf of the National Delegates Convention if the issues cannot wait the next session of National Delegates Convention and thereafter present such decisions for ratification at the ordinary session of National Delegates Convention.

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

- i) The National Executive Committee shall be the executive organ of the party.
- ii) The National Executive Committee shall be composed of the following members: -
  - (a) All National officials
  - (b) All Chairpersons of the party's standing committee
  - (c) The Party's Executive Director (ex-officio member)

- iii) Procedure for meeting of National Executive Committee
  - a) The National Delegates Council shall meet at least once every 12 months.
  - b) Quorum of ordinary or special sessions of National Executive Committee shall be 50% PLUS One of eligible members
  - c) The notice and Agenda convening the ordinary session of National Executive Committee shall be sent by the Secretary General or party official specially appointed for that purpose by the NEC at least 7 days before such date.
  - d) Any member who misses three consecutive meetings without a written apology will cease to be a NEC Member.
- iv) The National Executive Committee shall have the following functions and powers: -
  - (a) To appoint and fix the terms and condition of service of the executive director or other members of staff in the employment of the party.
  - (b) To issue and send directives and instruction's to and receive report from the branches.
  - (c) To oversee the operations of the party parliamentary group, women democrats and youth democrats.
  - (d) To operate and determine the manner in which the accounts and finances shall be prudently managed.
  - (e) To recommend names of members of the party to the National Delegates Convention for consideration or appointment to the board of trustees.
  - (f) To receive reports, supervise the work of, and delegate such functions to the National Secretariat and National Election Board as it considers necessary.
  - (g) To recommend to Party Leader names of members who have made outstanding contribution for conferment of honors or recognition.
  - (h) Establish and abolish departments and set up committees as it deems necessary from time to time for specified tasks and determine their terms of reference.
  - (i) To act as the executive body and carry out the decisions of the National Governing Council and National Delegates Convention.
  - (j) Implement decisions and programs of the party made by National Governing Council and National Delegates Convention.
  - (k) To receive, approve, consider and implements reports and recommendation from the various standing specialized committees or individuals.
  - (l) To make rules/regulations as may be prescribed under this constitution and lay them before the National Governing Council for ratification.
  - (m) Liaise with the Party National Election Board to ensure coordination of elections of party official at all levels and party nominations for Presidential, Parliamentary and County Government Elections.
  - (n) Constitute dispute resolution committees;
  - (o) Receive and review reports from disciplinary committees at the National and County Level

- (p) Receive from Election Board and recommend any person to be nominated by the Party to Parliament or County.
- (q) To prepare the necessary annual financial budget for approval by National Governing Council and National Delegates Convention.
- (r) To appoint various schemes aimed at stimulating party activities.
- (s) To initiate all such activities as might further the aims and objects of the party.
- (t) Approve rule and regulations made and forwarded by the parliamentary group for its operations.
- v) The National Executive Committee shall be constituted by National Delegates Convention to hold office for a term of five years.
- vi) The National Executive Committee shall meet at least once every three months except for emergency meetings.
- vii) A vacancy is filled through nomination by the National Executive Committee from amongst members of the National Delegates Convention until the vacancy is substantially filled at the next National Delegates Convention.

## 7.5 The National Secretariat (NS)

- (i) There is hereby established a National Secretariat which shall be headed by an Executive Director assisted by a Deputy Executive Director.
- (ii) The Secretariat shall be divided into departments each headed by a Director.
  - (a) The Executive Director shall be appointed by the National Executive Committee.
  - (b) The Executive Director shall be responsible for overall coordination of party activities, budget, resource and program management.
- (iii) The National Secretariat shall have the following duties:
  - (a) Implementation of party decisions.
  - (b) Voter outreach and membership recruitment.
  - (c) Operation and logistics.
  - (d) Coordination and facilitation of party activities and events.
  - (e) Registration, mobilization and maintenance of Members register.
  - (f) Management of party operations.
  - (g) Public relations, communication and media outreach.
  - (h) Fundraising / resource mobilization.
  - (i) Party Policy and research.
  - (j) Liaison with all party structures.
- (iv) The national secretariat shall function under the office of the Secretary General.
- (v) Members of the National Secretariat staff appointed to each department by the National Executive Committee shall be guided by the party service code.

- (vi) The National Executive Committee may terminate services of an employee for gross misconduct after giving the employee written warning and an opportunity to defend himself/herself against the charges.

#### **7.6 Party Parliamentary Group (PG)**

- i) There is hereby established the party Parliamentary Group.
- ii) The Parliamentary Group shall comprise of the following: -
  - (a) Party Leader.
  - (b) Deputy party Leader.
  - (c) Party Parliamentary Whip.
  - (d) Party Secretary for Parliamentary affairs.
  - (e) All PDP members of Parliament.
- iii) The party Parliamentary Group shall:
  - (a) Advance and defend party policies and programs within the National Assembly.
  - (b) Exercising due diligence in the discharge of their parliamentary duties jointly or separately.
  - (c) Make its own rules and regulations to govern the conduct of its meeting provided such rules shall be laid before the NEC for approval.

#### **7.7 PDP Young Democrats**

- i) There shall be a youth convention known as PDP young democrats.
- ii) Membership shall be open to all party members aged between 18 and 35 years.
- iii) The organization, functions, rules and regulations of PDP young democrats Convention shall be determined, establish by the memberships provided that they are in line with party's overall objectives and are tabled for approval by the National Executive Council.

#### **7.8 PDP Women Democrats**

- i) There shall be a Women Convention known as PDP Women Democrats.
- ii) Membership shall be open to all party female members.
- iii) The organization, functions, rules and regulations of PDP women democrats' convention shall be determined established by the membership provided that they are in line with Party's overall objectives and are tabled for approval by the National Executive Council.

## 7.9 Party Branch

The Party shall establish Branches in each County in Kenya and overseas cities where the party has supporters. A Branch shall be responsible to the National Executive Committee.

### 7.9.1 Branch Offices

The National Executive Committee shall establish Branch Offices each in all Party Branches which shall be managed by a Branch Executive officer under the direction of the Branch Executive Committee. He/she shall maintain accurate and permanent records regarding membership registers, particulars of any contributions made, inventory of Party assets and an inventory showing Party stock and materials in store.

### 7.9.2 Procedure at Branch Meetings

- i) Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Secretary as the case may be.
- ii) There shall be two classes of meetings as follows:
  - (a) Ordinary meetings shall be convened by a written notice of twenty-one days.
  - (b) Special meetings shall require a notice of fourteen days and shall be requisitioned for a specific purpose only by order in writing to the Branch Secretary, no other matter shall be discussed other than that stated in the requisition.
- v) Quorums for all meetings shall be one-third of the membership thereof. Any official who fails to attend three consecutive meetings without reasonable apology shall be liable to suspension.
- vi) At all meetings the Chairpersons or in their absence the Vice-Chairpersons shall preside or else the members shall elect one among themselves to preside.
- vii) Resolutions, unless otherwise stated in the constitution shall be decided by simple majority by secret ballot or any other method of voting acceptable to the delegates. Decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus.
- viii) In the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote.

### 7.9.3 Overseas Branches

An overseas branch shall consist of at least 50 members, provided that there shall not be more than one branch in any given city. A branch so formed shall apply to the Party Headquarters for registration and upon approval, be furnished with a Certificate to that effect. Other provisions applying to branches in this Constitution shall apply *mutatis mutandis*.

#### 7.9.4 Branch Executive Committees

- (i) The Party shall establish Branches in each County in Kenya. A Branch shall be responsible to the National Executive Committee.
- (ii) Each Branch shall be managed by a Branch Executive Committee consisting of the Chairperson, Vice Chairperson, Branch Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (Women Democrats Leader), Secretary for Youth Affairs (Young Democrats Leader), and Ten Committee Members, all of whom shall be elected at the Branch Delegates Convention and The Branch Executive officer , appointed by the Branch Executive Committee in consultation with the National Executive Council, who shall be in an *ex-officio* member.
- (iii) The duties of the office bearers of the Branch, Sub-Branch/Ward Executive Committee shall be as follows: -
  - a) **The Chairperson**  
He/she shall convene and preside over all meetings.
  - b) **The Deputy -Chairperson**
    - i) He/she shall perform such duties as shall be assigned to him by the Chairperson.
    - ii) He/she shall assist and assume the office of the chairman in the latter's absence.
  - c) **The Secretary**
    - i) The Secretary shall keep proper records of all proceeding and minutes of the meetings of the Branch,
    - ii) He/she shall issue notices convening all meetings of the Branch under the direction of the chairperson.
    - iii) He/she shall perform all such duties as may from time to time be assigned by the Committee including handling of correspondence.
  - d) **The Deputy Secretary**
    - i) He/she shall perform such duties as shall be assigned to him by the Secretary.
    - ii) He/she shall assist and assume office of the Secretary in the latter's absence.
  - e) **The Treasurer**
    - i) The Treasurer shall be in charge of the Branch Finances and accounting;
    - ii) He/she shall prepare and submit to the Committee the Financial Statement of Accounts.
  - f) **Deputy Treasurer**
    - i) He/she shall perform such duties as shall be assigned to him by the Treasurer;
    - ii) He/she shall assist and assume the Office of the Treasurer in the latter's absence.

**g) The Organizing Secretary**

- i) The Organizing Secretary shall organize and supervise the program of work of the Party at the Branch level;
- ii) He/she shall ensure the proper and effective functioning of the organs of the Party at the Branch level;
- iii) He/she shall ensure the proper and effective functioning of the other organs of the Party at the Branch level, including Youth and Women Groups.

**h) The Deputy Organizing Secretary**

- i) He/she shall perform such duties as shall be assigned to him by the Organizing Secretary.
- ii) He/he shall assist and assume the office of the Organizing Secretary in the latter's absence.

**i) The Branch Executive Officer**

- i) He/she shall be the Party's officer within the Branch under the direction of the Branch Executive Committee.
- ii) He/she shall be the custodian of all the Branch property, books of accounts, minute books, membership register and all the records of the party at the Branch.
- iii) He/she shall be an employee of the Branch who may be hired or terminated by the Branch Executive Committee.

**(iv) The Branch Executive Committee shall have the following duties: -**

- a) Promote party policies and activities among the people in the County in order to realize the Party's objectives, policies and programs to recruit members to the Party.
- b) To represent views and interests of the Branch members at the National Delegates Convention.
- c) To ensure discipline and adherence to Party policies and programs among individual Party members and the Women and Youth Conventions.
- d) Investigate any allegations of misconduct of any member and make recommendations to the National Executive Committee.
- e) To promote political and general civic and voter education amongst the people for the benefit of the Party.
- f) To represent views and interests of the members in the Branch at the National Governing Council.
- g) The Branch Executive Committee shall meet at least once every three months.

### 7.9.5 The Sub-Branch Committee

- i) Every Branch shall, in the interest of efficient organization be subdivided into Sub Branches organized on the basis of Constituencies. The Sub-Branch shall be under the general direction of the Branch.
- ii) The Sub-Branch shall be governed by a Working Committee which shall consist of:
  - (a) *Chairperson, Vice Chairperson, Branch Secretary, Deputy Secretary, Organizing Secretary, deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (Women Democrats Leader], Secretary for Youth Affairs (Young Democrats Leader), and Ten Committee Members who must include all the PDP County representatives from the Sub-Branch and, in addition, the Chairman, Secretary and Treasurer from each Working Committee of the Ward*
  - (b) The Chairman of a Sub- Branch may invite one or more of the Local Opinion Leaders to attend a Sub- Branch Executive Committee meeting if it is in the best interest of the Party. Such invited leaders shall have the right to speak but not to vote thereat
- iii) Duties of the Sub-Branch Executive Committee shall be similar to those of the Branch.
- iv) The Sub-Branch Executive Committee shall meet at least once in every six months.

### 7.9.6 Ward Working Committee

- i) Each Sub- Branch shall be divided into party units on the basis of wards according to local county assembly units in the interest of effective party organization in such areas.
- ii) The Ward shall be governed by a Ward Working Committee which shall consist of: Chairperson, Vice Chairperson, Branch Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary For Women Affairs (Women Democrats Leader), Secretary For Youth Affairs (Young Democrats Leader), And Ten Committee Members.

### 7.9.7 Branch Delegates Convention

- (i) The Branch Delegates Convention shall be composed of:
  - a) Branch Executive Committee
  - b) Sub-Branch Executive Committee
  - c) Ward Working Committees
- (ii) Duties of the Branch Delegates Convention shall be to:
  - a) Elect the Branch Executive Committee.
  - b) Approve Party delegate strategy.
  - c) Propose to the National Executive Committee Party programs and policies relevant to their respective Branches.
  - d) Propose to the N.E.C party lists in their branch.

## CHAPTER EIGHT

### 8.0 Standing committees:

There is here established the following standing committees:

- a) Strategic & Planning.
- b) Finance & Resource Mobilization.
- c) Legal Committee.
- d) Disciplinary Committee.
- e) National Election Board.

### 8.1 Strategic and Planning Committee. (SPC)

- i) The National Executive Committee shall appoint a Strategic Planning Committee as a Standing Committee consisting of five Members, provided one third shall be of either gender,
- ii) Members of this Committee shall serve for a term of 5 years and are eligible for reappointment.
- iii) The Strategic Planning Committee shall be responsible for proposing Party Policy, conducting research and overall Organization; Planning and Strategy,
- iv) The Strategic Planning Committee shall meet at least once in every three months.
- v) The NEC shall fill vacant positions of the committee as they fall vacant.

### 8.2 Finance and Resource Mobilization Committee.

- i) The National Executive Committee shall appoint the Finance and Resource Mobilization Committee as a Standing Committee consisting of five members including the National Treasurer and the deputy National Treasurers. The appointed members shall elect the Chairperson and Secretary among themselves. Provided that where the Chairperson is a member other than the Treasurer, the Treasurer shall become the Secretary.
- ii) Finance and Resource Mobilization Committee shall be responsible for:
  - a) Develop strategies for and realize financial resource mobilization and any other support to the Party.
  - b) Ensuring that the books of the Party are audited by the appointed auditor.
  - c) Preparing regulations for approval by National Executive Committee on how best the Board of Trustees may exercise their powers of investment.
  - d) Development of principles of stewardship, financial discipline, ethics and best practices to guide the Party in matters of fiscal planning and management.

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

#### **8.3 Legal Committee**

- i) There is hereby established a Legal Committee as a Standing Committee of the Party consisting of the Secretary for Legal Affairs and four other legal experts who are Party members. The Committee shall be appointed by the National Executive Committee and shall advise the Party on all legal matters. The appointed members shall elect the Chairperson who shall be an Advocate of the High Court of Kenya of not less than five years standing or has been elected in any position for more than twice and a Secretary among them provided one third of their membership shall be of either gender.
- ii) The members shall be in office for five years and are eligible for re-appointment at the expiry of their term.

#### **8.4 Disciplinary Committee**

- i) There is hereby established a Disciplinary Committee as a Standing Committee of the Party comprising of five Party members of good standing, honors and integrity, appointed by the National Executive Committee. The chairperson shall be appointed by the National Executive Committee (NEC).
- ii) The Disciplinary Committee shall make its own rules of procedure which shall be approved by the National Executive Committee. The Rules shall comply with written laws of Kenya, the Rule of Law, PDP Constitution and Rules of Natural Justice.
- iii) The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline. A Disciplinary issue shall arise on the ground of gross misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct proscribed by this Constitution, the Party's Election and Nomination Rules or any written law.
- iv) The Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend him/herself against the charges or allegations made against him/her within a period not exceeding sixty working days and in accordance with Rules of Natural Justice.

- v) The Disciplinary Committee shall, after determination of facts on a complaint, make recommendation(s) to the National Executive Committee, which shall have the power to pass a penalty including, but not limited to Reprimand, Censure, Sanction, and Suspension for a period definite, or Expulsion. A Decision to suspend or expel shall be ratified by two thirds of the National Executive Committee (NEC), whose decision shall be final. Vacancies thus or otherwise created shall be filled in the same manner as Prescribed in this constitution as were originally filled.
- vi) The Party Branch, Sub-Branch, or Polling Unit shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub-Branch, or Polling Unit, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue.
- vii) Where the Special Branch Disciplinary committee is of the view that the misconduct is so serious as to invite suspension or expulsion, the committee shall, through the chairperson of NEC refer the matter to the Party Disciplinary Committee at the national level which shall summarily review the facts and make an appropriate to the National Executive Committee.
- viii) The decision of the disciplinary committee shall be communicated to the relevant Branch, Sub-Branch and Polling center for implementation.
- ix) Any party member under disciplinary process shall be entitled to a representation by him/herself in person or by a representative or next friend
- x) provided that they are members of the PDP.
- xi) The members shall be in office for five years and are eligible for re-appointment at the expiry of their term.
- xii) Definition of Gloss Misconduct and Indiscipline is as outlaid in schedule six

### **8.5 National Elections Board**

- i) There is hereby established the Peoples Democratic Party National Elections Board whose mandate is to plan, organize, direct and coordinate the Peoples Democratic Party Internal Party elections and the Peoples Democratic Party Presidential, Parliamentary and County Government Nomination of candidates throughout the Republic of Kenya, in readiness for the Presidential, Parliamentary and County Government General Elections or by-elections.
- ii) The National Elections Board will be appointed by the National Executive Committee upon a resolution made by two thirds of members and will comprise five respected and knowledgeable persons of high integrity who do not hold any elective Party position and at least one third shall be either of gender.
- iii) The National Election Board shall comprise a Chairperson and Deputy Chairperson either of whom shall be an Advocate of the High Court of Kenya of not less than ten years standing and five other members. Both the Chairperson and Deputy Chairperson shall be appointed by the National Executive Committee. The Board Members shall be persons who are Kenyan Citizens.

- iv) The National Elections Board shall make its own rules of procedure for its meetings and Nomination Rules and Regulations to be approved by the National Executive Committee
- v) The National Elections Board shall consult with the Secretary General, Party Leader and National Chairperson if they are not candidates themselves in their service delivery.
- vi) All members of the Board shall be-
  - a) Fully paid-up member of the Party
  - b) Experienced in dispute resolution, politics or election matters
  - c) Eligible to vote at an election;
  - d) Not been convicted of an election offence;
  - e) Not a holder of any other office in the Party; and
  - f) Satisfies the requirements of the National Constitution relating to leadership and integrity.
- vii) The National Secretariat shall provide secretarial support services to the Board.
- viii) 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.

## **8.6 General Provisions for Committees**

- i) It is hereby provided, subject to Clause (2) below, that all committees will develop their respective rules of procedure.
- ii) It is further provided that upon the respective committees developing their rules of procedure they shall present the said rules of procedure to the Legal Committee for review and thereafter to the National Executive Committee for adoption.
- iii) The members of all committees shall assume office upon being sworn into respective offices by an Advocate of the High Court of Kenya of not less than ten years standing
- iv) A member of any committee may be removed from office for gross misconduct, failure to adhere to this Constitution or for any other reason, upon the resolution of the National Executive Committee.

## CHAPTER NINE

### 9.0 Stewardship

#### 9.1 Funds

- a) The National Executive Committee shall establish rules governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee,
- b) The source of funds for the Party shall include the following:
  - (i) Funding by the Exchequer,
  - (ii) Membership Fees,
  - (iii) Fundraising and Contributions,
  - (iv) Voluntary Contributions,
  - (v) Donations Contracts, bequests, and grants from any other source not being a foreign government, inter-governmental or non-governmental organization
  - (vi) Proceeds of any investment, project or undertaking in which the party has an interest,
  - (vii) Net income from Publications and Consultancies,
  - (viii) Nomination fees,
  - (ix) Contributions from Party Members of Parliament and County representatives
- c) The Party shall operate Accounts with local Bank(s) according to modalities laid down by the National Executive Committee.
- d) The funds collected from b) (i) above shall be used to run the party programmes, activities and for administration of its offices and will not be used for distribution among members.
- e) The signatories to the Bank Account(s) shall be as approved by a resolution of the National Executive Committee.

#### 9.2 Accounts & Audit

- i) The Party shall appoint or re-appoint a qualified, registered Auditor to audit the books of the Party at the National Delegates Convention. The Auditor shall not be an office bearer or a member of any committee of the Party,
- ii) All Party accounts, records and documents shall be open to inspection by the auditor at any time,
- iii) The National Treasurer shall produce and submit audited accounts made up-to-date, which shall not be less than four weeks and not more than two months before the date of the National Delegates Convention
- iv) The Auditor shall be paid such honorarium for his duties as shall be approved by the National Delegates Convention.

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

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

### **9.4 Liability**

- i) No office bearer shall be held personally liable for any reasonable act or omission in good faith in the performance of his or her duties as an official.
- ii) No instrument shall bind the Party or create legal relationship with the party unless the person executing it has written authorization from the National Executive Committee (NEC) and such authorization shall indicate the extent of that authority

### **9.5 Party Seal**

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

### **9.6 Press and Publication**

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

## CHAPTER TEN

### 10.0 Affiliations, Alliances Merges and Coalitions

- i) The Peoples Democratic Party may form alliances and coalitions with other likeminded political parties having their own programs, principles and policy or possessing branches in the constituencies or engaged in the promotion of Parliamentary or County government candidates or having allegiance to any political organization situated abroad. The decision to form alliances and coalitions shall be led by the Secretary General and determined by two thirds of the National Executive Committee.
- ii) The coalition may be a pre-election coalition or post-election coalition.
- iii) The Party may enter a pre-election or post-election coalition with one or more political parties upon a resolution supported by at least two thirds of the members of the National Executive Committee.
- iv) The National Executive Committee shall appoint a Coalition Committee as a standing committee of the Party consisting of at least three but not more than five members provided that not more than two thirds of the members shall not be of the same gender.
- v) The Coalition Committee shall develop a strategy in preparation for possible coalition arrangement to be approved by the National Executive Committee at least six months before (for pre-election coalition) or one month after (for post-election coalition) the general election. The strategy may be reviewed at any time on the advice of the National Executive Committee.
- vi) Where the National Executive Committee resolves to enter into a coalition the Coalition Committee shall serve as the Party's negotiation team for the purposes settling the terms of a coalition agreement.
- vii) The Party Leader shall execute the coalition agreement for and on behalf of the Party.
- viii) The coalition agreement shall be executed and deposited with the Registrar of Political Parties in accordance with the provisions of the Political Parties Act.
- ix) The Party may, by a resolution supported by at least two thirds of the members of the National Executive Committee, may vary, amend, vitiate and/or terminate a coalition agreement.
- x) The Secretary General shall be a mandatory signatory to the coalition agreement with either the Party Leader, or the National Chairperson.
- xi) The coalition agreement shall be sealed.
- xii) The Secretary General shall keep custody of the coalition agreement.
- xiii) It is hereby provided, subject to Clause (iv, v) above procedure will be followed for alliances and merges but the decision on merges will be taken and supported by at least two thirds at a special NDC

## CHAPTER ELEVEN

### 11.0 Dispute Resolution

- i) If a dispute arises within the Party, the same shall be referred to the National Executive Committee, which shall preside over and resolve that dispute.
- ii) If the dispute is of such a nature that the National Executive Council cannot resolve it, the NEC shall appoint a mediator.
- iii) The NEC shall appoint a hard hock panel to hear and determine disputes arising from –
  - a) Party elections;
  - b) Party nominations to contest for all positions
  - c) Party lists for nomination as Member of Parliament or County Assembly.
- iv) No member of the Party shall refer any dispute to the Courts or Tribunal before exhausting the internal dispute mechanism set out herein unless the dispute relates to a criminal offence.
- v) Mediators will be engaged on voluntary terms or on such terms as parties to the dispute will agree
- vi) The mediators and conciliators shall communicate the outcome of the mediation, conciliation, or reconciliation to the NEC for adoption.
- vii) Members that are dissatisfied with the outcome of any alternative dispute resolution mechanisms shall escalate the dispute to the Disciplinary Committee for consideration.
- viii) Members dissatisfied with decisions of the Disciplinary Committee can refer the matter to NEC whose decision in the matter will be final
- ix) A party may nonetheless appeal any such outcome to the Tribunal.
- x) The party will make efforts to establish from its membership a list of qualified dispute resolvers who may be from all sectors and professions and include religious leaders.

## CHAPTER TWELVE

### 12.0 Amendment of the Constitution

- i) National Executive Committee (NEC) may propose or receive proposals from any member of the Party for amendments or review of the entire Constitution, which proposals shall be presented for approval by at least two thirds of the members at the National Delegates Convention.
- ii) The NEC may similarly propose amendments to the party Name, Symbol Colors and rules which amendments will be presented before the NDC or a special NDC for approval

- iii) A member of the Party may by a notice in writing, propose any amendments to the Constitution and such proposal shall be forwarded to the office of the Secretary General at least three (3) months before the NDC or the special NDC.
- iv) The NEC shall give at least one (1) months' notice of any proposed amendment to the Constitution to the general membership and specifically to all counties, branches, sub-branches and all other structures as provided for under this Constitution.
- v) The quorum for any meeting at which the amendment of the Constitution is proposed shall be two-thirds of the members of the National Delegates' Convention.
- vi) A resolution to amend the Constitution shall be supported by at least two- thirds of the members present and voting.

## CHAPTER THIRTEEN

### 13.0 Dissolution

- i) The Party may be dissolved by a resolution passed by a two-thirds majority of registered members of the Party at a Special National Delegates Convention called expressly for the purpose of dissolution.
- ii) In such dissolution, all properties and funds of the Party less liability shall be applied in such manner as shall be determined by the Special National Delegates Convention at which the resolution in favor of the dissolution is passed. Such assets shall be granted to one or more organizations in Kenya whose objectives advance a course or courses advanced by the party.
- iii) The quorum for any meeting at which the dissolution of the Party is proposed shall be two-thirds of the members eligible to attend an Ordinary Session of the National Delegates Convention.
- iv) A resolution to dissolve the Party shall be supported by at least two-thirds of the members of the National Delegates' Convention.
- v) Voting for purposes of dissolving the party shall be by Secret Ballot only.

## CHAPTER FOURTEEN

### 14.0 Repeal and Replacement

The Peoples Democratic Party Constitution dated **5<sup>th</sup> December 2008** is hereby repealed and replaced with this Constitution.



## CHAPTER FIFTEEN

### 15.0 Transition

- (i) All organs, committees or offices previously existing under the Constitution dated **5<sup>th</sup> December 2008** and all appointments or nominations made there under including assets, liability or contractual obligations entered into shall remain in force unless otherwise dissolved pursuant to this constitution.

## CHAPTER SIXTEEN

### 16.0 Miscellaneous

The National Executive Committee shall make rules for the better carrying out of all matters provided in this constitution.

## SCHEDULE TO PDP CONSTITUTION

### First Schedule: Party Symbol.

THE PDP Symbol is Traditional Banjo (8 stringed African traditional musical instrument)

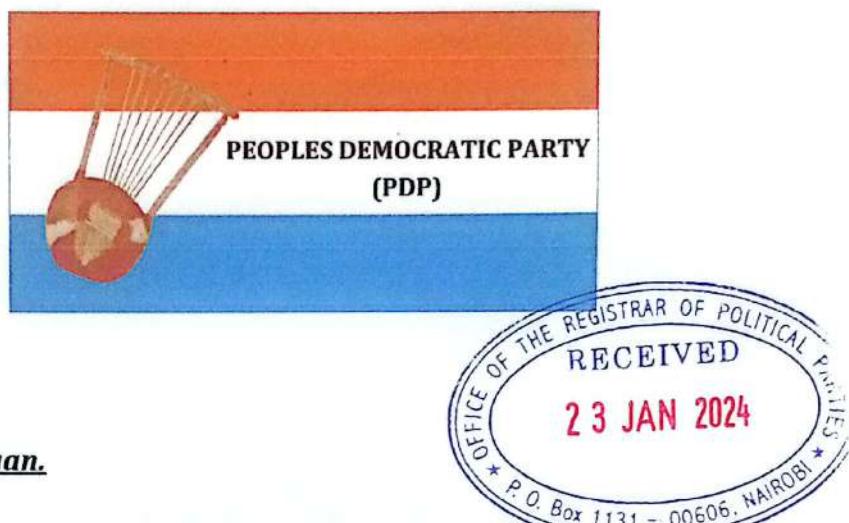


**Second Schedule: Party office.**

The PDP registered National Office is at Milimani Lane off Rophe Bunche Road, Tetu Flats Block C1

**Third Schedule: Party Flag.**

The PDP flag is rectangular; it is two times longer than its width. It is horizontal comprising of three strip of equal width top to bottom, one band of **pale orange, white and royal blue** with party symbol at the left margin and the party name in the white strip.



**Fourth Schedule: Party Slogan.**

The party slogan is first call of "PDP" Answer of MAMLAKA KWA MWANANCHI" second call MAMLAKA KWA MWANANCHI Answer of TOGETHER WE CAN" and the party salute is one clenched fist with thumb up.

**Fifth Schedule: Membership fees.**

CATEGORY	JOINING	ANNUAL SUBSCRIPTION
Life	20,000/=	5,000/=
Ordinary	20/=	10/=
Group membership	100,000/=	20,000/=
Corporate Membership	200,000/=	50,000/=

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

**Sixth Schedule: Definition of Gross Misconduct and Indiscipline**

Any member whether individual or group who commits any of the following acts shall be liable for disciplinary action:

- (i) The payment of subscription fees for persons or groups of persons who would otherwise be unwilling to pay their own subscriptions fees;
- (ii) The offer of reduced rate membership fee or subscription fee to persons who are ineligible for that category of membership;
- (iii) The recruitment of voters who do not reside at the address claimed for purpose of manipulating branch meetings or the outcome of an election;
- (iv) Any member vying for any elective seat or acting as the campaign or election agent of any such person, or sponsors or such party which is directly competing with a candidate duly endorsed by the party;
- (v) Joining or advancing the interests of other parties or organizations whose ideologies, and objectives are contradictory to those of the party.
- (vi) Failure to pay membership subscriptions for a period of at least three (3) months without any justifiable reason;
- (vii) Engaging in corruption;
- (viii) Misappropriation of party funds or misuse of party property
- (ix) Publicly declaring loyalty to another political party;
- (x) Showing disrespect to the party organs and party officials;
- (xi) Contravention of the party's code of conduct;
- (xii) Failure, refusal or neglect to carry out directives or instructions of the party; and
- (xiii) Committing such acts as set out in the party regulations and disciplinary

The objective of disciplinary procedure is to ensure that in all disciplinary proceedings:

- i) There is a formal procedure.
- ii) There is a just and fair procedure.
- iii) A member is presumed innocent until proven guilty
- iv) A member has a chance to defend herself or himself.
- v) A member has the right of appeal.

A member has a right to be heard in person or by his/her appointed representative.

We the members of **Peoples Democratic Party (PDP)** ADOPT, ENACT and give this Constitution to ourselves as Peoples Democratic Party National Delegates Convention, members of Peoples Democratic Party and to our future generations.

