

# MCCP

**Maendeleo Chap Chap Party**

*Kindly insert slogan*



**Road**

**PARTY CONSTITUTION**

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## **PREABMLE**

We, the members of **MAENDELEO CHAP CHAP PARTY (MCCP)**

RECOGNIZING the supremacy of the Almighty God and the sovereignty of the members and supporters of the MCCP in achieving our vision and implementing our ideology, policies and programs;

PROUD of the ethnic, religious and cultural diversity, geographical backgrounds, abilities and challenges;

AWARE that since the reintroduction of multi-party in the country in early 1990s, Kenyan politics have largely been organized through non-representative and ethnically based political parties

ALARMED that elite dominance has been the norm at national and local levels of public participation, while the majority of the citizens remain ignored, marginalized and manipulated for short term gains of the same political elites during elections as voters cheering crowds

CONCERNED that dictatorship and impunity has been preferred by large proportion of the county's leadership over democracy thereby rendering political organization the preserve of personality cults and the small clique of sycophants

DISTURBED that the county's political discourse is minimally organized outside a people centered, social partnership, participatory framework and unifying vision and ideology

UNHAPPY that the problem of poverty, ignorance and disease continue to afflict our society although important gains in alleviating them have been progressively achieved

RECOGNIZING that with transformative servant leadership and remobilization of human resource potential and re-socialization of citizenry, our country can rapidly become a modern democracy free from all forms of ethnically centered politics, impunity, corruption, discrimination, exclusion tendencies, exploitation, oppression and social and economic requirements for their institutionalizing democratic functions

DETERMINED that we, as the people creativity must embrace a new Kenyan dream through creativity, innovative thinking and pro-active participation of all citizens in shaping our great nation as *ONE KENYA, ONE NATION AND ONE PEOPLE*

COMMITTED To the democratic ideals of the rule of law, fairness and social justice, gender equity and equality, affirmative action, voluntary participation, respect of human rights and freedom, unity of purpose in diversity as well as the national values and principle of governance as enshrined in the constitution

DEDICATE to ourselves to the search of transformative leadership and the establishment of a transformative leadership and establishment of a democratic system of governance with transparent and accountable structures at national, county and local levels of Party organization;

**HEREBY ADOPT and PLEDGE TO RESPECT** THIS Party constitution as an affirmation of our commitment to our efforts aimed at creating, nurturing and sustaining MCCC as a truly democratic institution of governance.

**WE THEREFORE, ENACT** it for and on behalf of the members of MCCC. The Prayer for the Party shall be;

**Oh God of all creation,**

**We thank you for the gift of life, our land, our heritage and abundant blessings.**

**We pray for one Kenya, one nation and the unity of our people. We pray for peace and prosperity for all.**

**Lead us to be a party, truly representative of our people's dreams and aspirations and make us to be thankful Kenyans. AMEN!**

#### **Article I: THE NAME OF THE POLITICAL PARTY AND ANY ABBREVIATION**

This is hereby established as a Political Party known as **MAENDELEO CHAP CHAP PARTY** (herein referred to as the "Party" whose abbreviation is MCCC)

#### **Article II: THE LOGO AND SYMBOL OF THE POLITICAL PARTY AND PARTY COLOURS**



***Road***

**SLOGAN: BARABARA YA MAENDELEO CHAP CHAP**

**Note:** The dimensions given do not necessarily represent any particular measurement and are merely proportional.

**Description:** A big word MCCP, and ***a yet to be mentioned symbol*** are the symbols besides the two words. Underneath the words **SLOGAN** are to be inscribed.

***a. The Party Symbol***

***b. The Party colors (yet to be determined)***

### **Article III: THE OBJECTS OF THE POLITICAL PARTY**

- i. To acquire and retain power democratically to form a just government so as to implement its ideology, vision, policies and programs;
- ii. To provide transformative political leadership to make a Kenya a united, stable and prosperous, democratic modern State and Society within the framework of Rule of Law, respect for national values and principles of governance, respect for fundamental rights and freedoms, servant leadership, pluralism, recognition and respect for cultural, religious, regional, ethnic and gender diversity.
- iii. To promote political awareness, participatory and people-centered development in partnership with local communities, civil society, the private sector and Kenyans in diaspora.
- iv. To build a nation and society anchored in the knowledge of God with spiritual, ethical and moral values inculcated among its citizenry.
- v. To promote economic, social, political, scientific, cultural, intellectual and spiritual development for all Kenyans regardless of their gender, cultural, ethnic, geographical, age and religious backgrounds.

- vi. To foster the unity of purpose for all the people of Kenya and protect and promote their cultural diversity and their uniqueness.
- vii. To protect the independence, security, sovereignty, and the vital interests of the people of Kenya.
- viii. To pursue, protect, and promote civil, political, economic, religious, socio-cultural rights and freedoms of the individual and groups as defined in international, regional, and national human rights instruments.
- ix. To protect and promote the democratic principle of separation of powers between the Legislature, the Executive and the Judiciary as well as those structures of the National Government and County Government.
- x. To promote social justice and strive to eliminate all forms of discrimination, marginalization and imbalances across all social groups, counties and regions.
- xi. To promote the full participation of youth in the Party structures of decision making, governance and development of institutions in the Country.
- xii. To protect and promote the fundamental social, economic and political rights and freedoms of persons living with disabilities, minorities and marginalized groups in accordance with the Bill of Rights in the Country's Constitution.
- xiii. To champion the equality of all persons and to fight against all forms of discrimination against children and women and to support affirmative action programs aimed at ensuring the equity and equality of men and women in governance structures and other spheres of life.
- xiv. To promote devolution and decentralization of power specifically strengthen county government and ensure equitable distribution of resources and efficient delivery of better quality services to tax payers and general citizenry.
- xv. To promote industrial, agricultural and service sector development as the basis of modernizing Kenya through our value addition policies and strategies.
- xvi. To pursue the provision and improvement of basic needs such as education, health, shelter, food, clothing and social security so as to

raise the standard and quality of life of the people of Kenya, in line with the Bill of Rights in the Country's Constitution.

- xvii. To promote African unity, sub-regional and regional cooperation and integration specifically to work towards the creation of the East African Federation.
- xviii. To support the programmes of the United Nations and International organizations which are beneficial to the citizen's of Kenya such as direct foreign investments, climate change, environmental sustainability and global partnerships.
- xix. To support and promote world peace and abolition of all forms of oppression, sectarianism, negative ethnicity, racism, chauvinism, sexism, social bigotry, nepotism, exploitation and discrimination.
- xx. To promote constitutional reform, policy renewal and the reform agenda on a continuous basis.
- xxi. To promote good governance and the fight against abuse of office, rule of law, impunity and corruption in all its forms, dimensions and levels.
- xxii. To promote environmental protection, land reforms, land tenure rights for all and in particular the landless and squatters.
- xxiii. To promote efficiency, effectiveness and reliability of the public service, and elimination of cumbersome bureaucracies, wastage and other barriers to adequate and better quality service delivery.
- xxiv. To acquire land, buildings, movable and immovable property, securities and engage in investments, business ventures and any other profitable enterprises and activities in the pursuit of Party objects.
- xxv. To enter into structured, watertight and transparent alliances, agreements, contracts, arrangements or partnerships with like-minded political parties, civil society organizations, trade unions, and student organizations, lobby groups among others for the sole purpose of furthering Party objects.
- xxvi. To raise funds and other resources necessary for the implementation of Party policies and programs.
- xxvii. To adhere to the principles of good governance characterized by justice, participation, non-discrimination, transparency in the management of public affairs.



xxviii. To do all such things as the Party shall deem necessary or incidental to the attainment of the above objects.

#### **Article IV: VISION, MISSION, GUIDING PRINCIPLES AND VALUES**

##### **VISION**

MCCP's vision is to be the People's Voice. The Party envisions a country of one Nation with one People capable of exercising and enjoying their fundamental political, social, economic, cultural, religious rights and freedoms in an environment of dignity and integrity.

##### **MISSION.**

The mission of MCCP is to create, nurture and sustain a democratic Government and State so as to enhance the political, social and economic welfare, equal opportunities for all citizens in Kenya based on the principles of liberty, social justice, equality and unity. The Party seeks to provide and promote participatory democracy and transformative leadership, sound economic development and good governance at County and National levels, in an atmosphere that is free from corruption and impunity.

##### **GUIDING PRINCIPLES AND VALUES.**

The following shall be the guiding principles and values for the Party. These are:

- Respect for human rights and freedoms.
- Integrity in leadership.
- Rule of Law.
- Social Justice and fairness.
- Devolution of power and resources.
- Equity, equality and inclusivity.
- Unity in diversity.
- Accountability and transparency.
- Citizen's effective participation in governance and decision making.

## **Article V: THE PHYSICAL AND POSTAL ADDRESS OF THE REGISTERED OFFICE**

The registered office of the Party shall be at: Mayfair Center

1<sup>st</sup> Floor Wing A

Ralph Bunche Road

P. o Box 66032-00800

Nairobi

## **Article VI: MEMBERSHIP REQUIREMENTS**

### **a. Eligibility for Membership of the Party**

- i. Any citizen of Kenya of the age of eighteen (18) years and above who accepts and adheres to the ideology, vision, aims, objects, policies, programmes, directives and discipline of the Party shall become a member of the party.
- ii. Members eligible under 6(i) above shall be required to pay membership fees as determined by the National governing Council (NGC).
- iii. Notwithstanding the payment of membership fees of joining the Party, the Office of the Secretary General shall provide the details in terms of requisite forms to be used and has the discretion to reject or revoke an application for membership from any person, especially if the applicant is proven to be corrupt, with a criminal past and therefore cannot pass a membership and/or leadership integrity test.
- iv. Any member who ceases to be a member shall not be entitled to a refund of membership fees or contribution paid by him/her.

### **b. Subscription fees for joining the party**

There shall be the category of **Ordinary Member**, and such other membership categories as determined by the NEC. The ordinary membership shall only apply to those residing in Kenya. Other categories are open to all Kenyans regardless of where they reside. The membership enrollment fee and annual subscription fee shall be determined by NGC from time to time.

### **c. Resignation of Membership**

A member shall resign or be deemed to have resigned if he/she:

- i. If he/she conducts themselves in a manner that brings the Party to disrepute.
- ii. Submits to the Secretary of the Sub-Branch Executive Committee (SBEC) in which he/she is registered a letter of resignation signed by him/herself. For National Officials they shall submit their letters to the Party head office.
- iii. Promotes the activities of another political party provided that the other Political party is one that has no formal arrangement with MCCP.
- iv. Contravenes Party ideology, Aims, Policies, Objects, and the Code of Conduct for Leaders of the Pledge of Commitment.
- v. Forms another Political Party.
- vi. In any way or manner, publicly advocates for the formation of another Political party.
- vii. Promotes the ideology, interests or policies of another Political party.

### **d. The rights and Duties of Members**

#### **1. Rights of Members**

In respect and recognition of the provisions in the Political parties Act and the Political rights of citizens contained in the Bill of Rights of the constitution of Kenya; all members have the right to the following rights subject to the laid down Party's rules and regulations provided for by party organs. A member shall have:

- i. A right to freedom to generate and engage in debates on issues that affect the citizenry at any Party forum as long as the issue is raised following the established protocol and procedures of the Party.
- ii. A right to participate in MCCP Center Conventions and be elected as a delegate to the National Delegates Convention of the Party.
- iii. A right to question or challenge decisions made by an Organ or Leader that threaten the very existence of the Party.

- iv. A right to participate in the election of the Polling Center Executive Committee and to contest for any post within the Party and in general/by elections in the Country.
- v. A right to be informed much resources have been received by the Party/ Branch/ Sub-Branch and how such resources are utilized or managed.
- vi. A right to participate in all members meetings at the Polling center level or any other level open for Party members.
- vii. A right to access all important information from the local unit of the Party or Headquarters in line with the provisions of the Constitution in Article 35 on freedom of access to information held by the state or any other institution of governance. He/she can access all party documents and buy copies of the same through authorized officials.
- viii. A right to participate through the relevant party organs in the Party nomination process for identification of MCCP candidates for all elective position in accordance with the Election/Nomination Rules and Procedures.
- ix. A right to contribute to the policy making process of the Party, including the development of **Policy papers, Party Manifesto, Election Platforms, Party nomination rules** and **Procedures** through the various organs of the Party.
- x. A right to participate in the party outreach activities, including campaigns and meet-the-people tours by national and/or local leaders.

## 2. Duties of Members

A member of the Party shall:

- i. Adhere to the Party constitution and any other by laws or rules and regulations formulated by Party organs.
- ii. Subscribe to MCCP ideology, vision, aims and objects.
- iii. Participate in the election of Party officials according to MCCP Party Election Rules, Regulations and Procedures.
- iv. Participate in the nomination of Party candidates for all elective positions in accordance with MCCP Elections/Nomination Rules and Procedures.

- v. Regularly, actively and effectively participate in all Party members meetings and activities.
- vi. Shall participate in party outreach and membership recruitment drives.
- vii. Contribute to the Party, both time and resources.
- viii. Demonstrate commitment and loyalty to the Party.
- ix. Voluntarily pay membership fee and annual subscription fee.
- x. Be a loyal and dedicated marketing agent of the Party.
- xi. Be committed to implement all Party resolutions and positions.
- xii. Conduct him/her with respect and decorum.
- xiii. Campaign and vote for the party's candidates at the General election or by-election.
- xiv. Be a responsible member of the Party and a responsible citizen of the nation.
- xv. Defend the legitimate policies and leadership of the Party.

**e. Membership register**

The membership register shall be held at the national Secretariat in the custody of the Secretary General. The Branch Secretaries shall be the custodians of the Branch membership register. The membership register shall contain details as provided by law.

The Office of the Secretary General shall have a corresponding register with one kept at each of the Party Branches countrywide.

**f. Procedures for conducting meetings**

1. a. At all meetings of the national delegates Convention, National Governing Council, the National Executive Committee, the National Chairperson or in case of his/her absence, the Deputy national Chairperson shall preside. In the absence of the National chairperson and the Deputy National Chairperson, the members present shall select one from among themselves to preside.
- b. The notice for a NDC meeting shall be at least 21 days except for special NDC meeting which shall be 14 days to be published in the media by the National Chairperson or Secretary General.
- c. Notice for NGC shall be at least 14 days published in the media by the National Chairperson or Secretary General.

- d. Notice for NEC, BEC, SBEC, WEC, PCEC and special Organ committees shall be at least 7 days. The Management Committee shall meet at least once a fortnight.
2. At all meetings of the Branch, Sub-Branch, Ward or Polling center, the Chairperson or in his/her absence, the Deputy Chairperson shall preside; in the absence of the Chairperson and the Deputy Chairperson, the members present shall elect among themselves to preside.
  3. Resolutions, unless otherwise stated in this Constitution, shall be decided by a simple majority and voting shall be by secret ballot.
  4. In the event of a equality of votes at any meeting, the person presiding shall cast the deciding vote;
  5. Ex-officio members have the right to attend meetings of Organs where they belong but have no voting rights.
  6. The quorum of any Organ or meeting of the Party unless this Constitution otherwise provides shall be one third of the membership. However, a meeting shall be deemed to be properly constituted to conduct business at the second sitting on the same day even when such a meeting is short of the numbers necessary to constitute quorum, provided that the procedures of calling such a meeting were followed.

#### **Article VII: GOVERNING BODY**

- a. The National Executive Committee (NEC) is the governing body of the Party.
- b. Membership to the governing body is the preserve of fully paid up members of the Party.
- c. i. The positions and titles of officials of the governing body are:
  1. National Chairperson
  2. National Deputy Chairperson
  3. Secretary General
  4. Deputy Secretary General
  5. National Organizing Secretary
  6. National Deputy organizing Secretary
  7. National Treasurer
  8. National Deputy Treasurer
  9. National Women's Leader

10. National Deputy Women's Leader
11. National Youth Leader
12. National Deputy Youth Leader
13. Ten (10) Secretaries of sectors as shall be provided by the NDC/NGC
14. Party Executive Director (Ex-Officio)
15. Co-opted members representing special interests

ii. The term for all officials of the governing body shall be five (5) years. The National Party elections shall be held not more than one year following the General Election. The Party election shall be held on the second Tuesday of August of the year following a General Election. Provided that when Kenya is at war or there is any major reason not to hold elections, NEC by a resolution supported by at least two thirds (2/3) of members present from time to time may extend the term of NEC by not more than six (6) months at a time. The term of NEC shall not be extended under the above proviso for more than twelve (12) months.

- d. The rights and duties of members of the governing body are:
- a. Formulate policy for consideration by NGC and NDC.
  - b. Supervise the day to day conduct of the organization's activities.
  - c. Appoint organizational functionaries from amongst members of the Party.
  - d. Propagate Party policies.
  - e. Implement the policies and decisions of NDC, NGC, NEC and NMC;
  - f. Prescribe rules and regulations for the functioning and operation of the Organs of the Party.
  - g. Supervise the administrative machinery of the Party at all levels;
  - h. To receive, consider, approve and implement reports and recommendations from the various commissions and committees or individuals;
  - i. To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual financial budgets for approval by NGC;
  - j. To perform an advisory, supervisory and oversight function to the National Elections Board in the conduct of Party elections and nominations.

- k. To appoint Party representatives to other organizations which the Party relates to;
- l. To undertake any other necessary Party function which is not specifically ascribed to any other Party Organ provided that the NGC and NDC may subsequently vary the decision of the NEC on such matter;
- m. Perform any other function that may be assigned to it by NGC or NDC;
- n. To monitor and evaluate implementation of the programmes and performance of the Party.
- o. To determine the terms and conditions of service of secretariat personnel of the party and other employees.
- p. To establish Party Sub Branches outside Kenya as it may deem fit;
- q. To establish Organs in Kenya and the Diaspora.
- r. To invite observers to the National delegates Convention;
- s. Determine the positions for full time employment within the Organs of the Party.
- t. To establish a Party Foundation, whose functions shall be but not limited to:
  - i. Mobilize resources for the Party
  - ii. Perform such other functions as NEC may prescribe
- u. Invitations for special purposes may be made by SG provided that it is not more than 2 meetings in the case of NEC.

The National Secretary General shall be Secretary to the NDC, NGC and NEC. The executive Director (Ex-Officio) shall take and distribute the minutes after necessary approval.

#### **Article; GOVERNING BODY OFFICIALS**

Party leader shall be supreme and defactor spokesperson of the party and all decisions must be sanctioned by him/her by way of writing



## **TITLE: NATIONAL CHAIRPERSON**

### **A. Terms and Duties of Office**

The term of Office shall be 5 years from the date of election by the registered Party members.

The National Chairperson shall:

- i. Be the Head of Party Affairs. He/she shall provide leadership; ensure unity and efficiency within the Party.
- ii. Articulate Party policies.
- iii. Chair meetings of the National Delegates Convention, the National Governing Council and the National Executive Committee and the National Management Committee.
- iv. Sell the Party policy in public and private to groups and the population generally
- v. Ensure at least one public Party function at least every quarter and at least one National Management Committee meeting every month.
- vi. Ensure all national officials perform their duties.
- vii. Ensure that he/she abides by/defends the Party Constitution.
- viii. Ensure that the Party consistently occupies the National Agenda of the day.
- ix. Set at least a day once a week to serve at the National Secretariat.
- x. Perform any other function(s) assigned by NEC.

### **B. Method of Election/appointment into Office**

The Chairperson shall be elected according to the Party election/Nomination rules and Procedures.

### **C. Suspension/Dismissal from Office**

The holder of the office of the Chairperson shall be dismissed or suspended in accordance to *Article 13* of this Constitution, which covers the 'disciplinary measures against a member or official of the Political Party.'

**The term of office, method of Election/appointment into office and dismissal/suspension from office for all NEC officials shall be similar to that of the national Chairperson mutatis mutandis.**

Where before the end of the five (5) years term;

- i. The Chairperson resigns in writing;
- ii. Becomes of unsound mind;
- iii. Suffers physical invalidity that renders the Chairperson incapable of running the office.
- iv. Abdicates his/her responsibilities.
- v. Is declared bankrupt;
- vi. Abandons the Party;
- vii. Joins another Party;
- viii. For any other reasons is unable to continue discharging the functions of the functions of the Office of the Chairperson, the Deputy Chairperson shall hold the Office of the Chairperson and nominate his/her Deputy.

**TITLE: DEPUTY NATIONAL CHAIRPERSON**

He/she shall:

- i. Deputize the National Chairperson.
- ii. Be the Head of arbitration unit of the Party and report proceedings to NEC.
- iii. Perform any other duty assigned by the Chairperson, NEC, NGC, and NDC.

**TITLE: SECRETARY GENERAL (SG)**

The SG shall:

- i. Be responsible for all Party affairs at the National Secretariat.
- ii. Ensure that meetings of the National Executive Committee, National governing Council and the National Delegates Convention, take place as provided for in the Constitution.
- iii. Cause the National Secretariat to keep proper Party records including minutes of all meetings and inventory of property/assets of the Party

and ensure distribution of such minutes to persons or organs concerned once they are approved.

- iv. Hold a meeting at least once every month with the secretariat.
- v. Maintain a register of all members of the Party in all categories of membership.
- vi. Prepare a calendar of meetings of NDC, NGC, NEC, among others including the Secretariat meeting.
- vii. Be in charge of correspondences of the Party.
- viii. Set at least a day once a week to serve at the Secretariat.
- ix. Ensure that he/she abides by/defends the Party Constitution.

#### **TITLE: DEPUTY SECRETARY GENERAL (DSG)**

The Deputy Secretary General (DSG) shall:

- i. Assist the SG in all duties pertaining to that office and shall assume such duties in the former's absence.
- ii. Be the Head of Political Education, Litigation and Partnership unit of the Party,
- iii. Perform any other duty assigned by the SG.

#### **TITLE: NATIONAL TREASURER**

He/she shall;

- i. Co-ordinate all the resource mobilization and the fund raising activities of the Party.
- ii. Develop and co-ordinate resource mobilization activities.
- iii. Be in charge of the Party's financial affairs and be responsible for the National Secretariat's financial transactions under the direction of the National Chairperson and the SG.
- iv. Prepare of cause the preparation of, and submit to the National Executive Committee financial statements every quarter of the year, and shall ensure duly audited Annual Statement of Account is circulated to the Branch Executive Committee.
- v. Create a timetable for resource mobilization and/or fundraising activities for the Party for the whole year.

- vi. Maintain an inventory of all partners and well wishers, co-ordinate their activities thereon and report to NEC.

**TITLE: DEPUTY NATIONAL TREASURER**

He/she shall:

- i. Assist the National Treasurer in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Identify and pursue investment opportunities for the Party.
- iii. Perform such other functions as may be assigned by the National Treasurer.

**TITLE: NATIONAL ORGANIZING SECRETARY (NOS).**

The National Organizing Secretary shall:

- i. Develop/formulate and co-ordinate outreach programmes and report to NEC at least quarterly and/or upon request.
- ii. Supervise the organization of the Party and in particular public meetings, functions, meet-the-people tours and recruitment of members.
- iii. Supervise the organization of meetings and the National Delegates Convention in liaison with the SG and NEC.
- iv. Ensure the Party has a timetable of Public rallies, Branch/Sub-Branch trainings/visitations to promote and publicize Party policies.
- v. Ensure the Branch/Sub-Branch hold local meetings, keep minutes of the said meetings, maintain a reliable Box number/telephone contacts and email address.
- vi. Ensure that the Party activities at the Branches/Sub-Branches are carried out effectively and regularly.
- vii. Ensure that every Branch/Sub-Branch opens MCCP Branch/Sub-Branch account and exercise prudent management of the account.
- viii. Ensure there exist a physical office in every Branch.
- ix. Set at least a day once a week to serve at the National Secretariat.
- x. Perform any other duties/function assigned by NEC.

**TITLE: DEPUTY NATIONAL ORGANIZING SECRETARY (DNOS)**

He/she shall:

- i. Assist the National Organizing Secretary in all duties pertaining to that office and shall assume such duties in the former's absence.
- ii. Co-ordinate and aggregate the need(s) and issue(s) affecting Branches/Sub-Branches and report to NEC.
- iii. Perform any other duties/functions assigned by NEC.

**TITLE: NATIONAL WOMEN'S LEADER**

She shall:

- i. Co-ordinate the Women League to galvanize political support for Party programs, policies and activities nationwide.
- ii. Co-ordinate resource mobilization strategy for the women's programmes in liaison with the National Treasurer.
- iii. Design and implement Party programmes and solicit support for the same
- iv. Establish partnerships and form networks of women organizations.
- v. Develop and implement a mobilization/outreach role in liaison with the NOS and report to the NEC.

**TITLE: DEPUTY NATIONAL WOMEN'S LEADER**

She shall:

- i. Assist the National Women's Leader in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Co-ordinate and aggregate need(s)/issue(s) affecting women in the Party.
- iii. Report on the status of women's programmes in the Party.
- iv. Perform any other duties assigned by the National Women's Leader.

**TITLE: NATIONAL YOUTH LEADER**

He/she shall:

- i. Mobilize youth and students' leagues to galvanize support for Party activities.

- ii. For Youth/Student networks.

#### **TITLE: DEPUTY NATIONAL YOUTH LEADER**

He/she shall:

- i. Assist the National Youth Leader in all duties pertaining to that office and shall assume all such duties in the former's absence.
- ii. Perform any other duties assigned by the National Youth Leader.

### **Article VIII: POLITICAL PARTY MANAGEMENT STRUCTURE**

#### **THE NATIONAL SECRETARIAT (NS)**

##### **Composition of the National Secretariat**

1. There shall be a National Secretariat of the Party which shall report to the NEC through the Secretary General.
2. The National Secretariat shall consist of:
  - a) The Executive Director, who shall be the Head of the Secretariat
  - b) One or more Deputy Executive Director(s) and,
  - c) All other staff deployed/assigned Party functions as may be approved by the National Executive Committee.
3. The Executive Director, the Deputy Executive Director and all other staff shall be appointed according to Rules and Procedures provided by the National Executive Committee.
4. Management of the Secretariat staff shall be conducted according to the Policy and Procedures Manual that shall include grievances and procedures approved by NEC.

##### **Powers and Duties of the National Secretariat**

The National Secretariat shall be responsible for:

- i. Implementation of the decision of the National Delegates Convention, National Governing Council and the National Executive Committee or National Management Committee.
- ii. Implementation of all Party policies, decisions, and directives on a day-to-day basis;

- iii. Disseminating information to all party organs and soliciting and receiving feedback from them;
- iv. Enhancing the capacity of the Party for the competitive politics during elections and general management;
- v. Providing administrative and secretarial services to the NDC/NGC and NEC or NMC.
- vi. Co-ordination of activities of all organs of the Party.
- vii. Maintaining a National Register of members.
- viii. Carrying out such other functions as may be assigned to it by the NEC through the Secretary General.
- ix. Maintain communication and co-ordination with the Branch and Sub-Branch secretariats.

#### **Article IX: THE FORMING OF POLITICAL PARTY BRANCHES, INCLUDING IN THE DIASPORA, AND THEIR ROLES AND RESPONSIBILITIES**

Party branches shall be formed in all forty seven (47) counties. The formation of branches shall be done after Party elections.

There shall be a diaspora branch which shall have sub branches to be determined by NEC through the SG. The opening of sub branches shall be by application. The application shall be addressed to the SG.

The Branch is formed by election of the following twenty two (22) officials:

1. Chairperson
2. Deputy Chairperson
3. Secretary
4. Deputy Secretary
5. Treasurer
6. Deputy Treasurer
7. Organizing Secretary
8. Deputy Organizing Secretary
9. Women's Leader
10. Deputy Women's Leader
11. Youth Leader
12. Deputy Youth Leader
13. Representative of Faith Based Organizations

14. Representative of Business Community
15. Representative of Professional Associations
16. Representative of Farmers, Fishermen and Pastoralists Forums
17. Representative of Academia and Teachers Unions
18. Representative of Workers and Trade Unions
19. Representative of People living with disabilities
20. Representative of Elders
21. Representative of Informal Sector
22. Representative of Minorities and Minority Groups

#### **Article X: THE FINANCIAL STRUCTURE AND SYSTEM**

The financial transactions of the Party shall be handled by the SG, National Treasurer, finance director and any other finance officer(s).

The designated National officials and staff shall ensure that requirements as provided by law on public funds are strictly adhered to.

#### **Usage of Party Funds**

Party funds shall be used for purposes compatible with democracy.

- a. Promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.
- b. Promoting active participation by individual citizens in political life,
- c. Covering election expenses of the Political Party and the broadcasting of the policies of the Political Party,
- d. Organization by the Political Party of civic education in democracy and other electoral processes,
- e. Bringing the Party's political influence to bear on the shaping of public opinion; and
- f. Administrative and staff expenses of the Political Party which shall not be more than thirty percent of the monies allocated to the Political Party.
- g. Party funds shall not be used for any other purposes other than those specified in this Constitution.
- h. Party funds shall not be used:



- a) For paying directly or indirectly remuneration, fees, rewards, allowances or any other benefit to a member, supporter of the Political Party, other than a member of staff.
  - b) To finance or as a contribution to any matter, cause, event or occasion directly or indirectly in contravention of any code of ethics binding on public officers.
  - c) Directly or indirectly for the purposes of establishing any business or acquiring or maintaining any right or financial interest whatsoever in any business or in any immovable property; or
  - d) For any purpose incompatible with the promotion of a multiparty democracy and the electoral processes, or with the Constitution.
- i. The Party shall ensure accountability and transparency in its procurement processes.

### **The Annual or Periodic Audit of Accounts**

1. The National Governing Council shall appoint reputable auditors annually.
2. All Party accounts, records and documents shall be open for inspection by the auditors at any time.
3. The National Treasurer shall procure and submit audited annual accounts to the National Governing Council.
4. The auditors shall be paid such fees for their duties as may be determined by the National Governing Council.
5. The auditors shall be paid such fees for their duties as may be determined by the National Governing Council.
6.
  - a. The Party shall keep proper books and records of account of the income,
  - b. The Party shall, within three months after the end of each financial year submit to the auditor general.
  - c. The accounts of the Party shall be audited annually by the Auditor General and shall be submitted to the Registrar and tabled in the National Assembly.
  - d. The registrar may at any time request the auditor general to carry out an audit of the accounts of the Party.

- e. Any person shall be entitled, to inspect the audited accounts filed by the Party and, upon payment of a fee prescribed by the registrar/or NEC be issued with copies of the audited accounts.

## **Article XI: THE GENERAL ORGANIZATION STRUCTURE AND MANAGEMENT OF THE POLITICAL PARTY, INCLUDING COUNTY STRUCTURES AND SYSTEMS AND COUNTY GOVERNING BODIES**

### **THE GENERAL ORGANIZATION OF THE PARTY**

#### **The Party Structure**

The Party shall be organized at five (5) levels.

1. Polling centre
2. Ward (County Assembly Representation area)
3. Sub-Branch (Constituency)
4. Branch (County)
5. National

#### **Level 1 – The Polling Centre**

- a. Polling Centre Convention (PCC)
- b. Polling Centre Executive Committee (PCEC)
- c. Polling Centre Management Committee (PCMC)

#### **Level 2 – The Ward (County Assembly Area Representation)**

- a. Ward Convention (WC)
- b. Ward Executive Committee (WEC)
- c. Ward Management Committee (WMC)

#### **Level 3- The Sub-Branch (Constituency)**

- a. Sub Branch Convention (SBC)
- b. Sub Branch Executive Committee SBEC)
- c. Sub Branch Management Committee (SBMC)

#### **Level 4 – The Branch (County)**

- a. Branch Convention (BC)
- b. Branch Executive Committee (BEC)

- c. Branch Management Committee (BMC)

## **Level 5 – National**

- a. National Convention (NC)
- b. National Delegates Convention (NDC)
- c. National Governing Council (NGC)
- d. National Executive Committee (NEC)
- e. National Management Committee (NMC)
- f. National Elections Board (NEB)
- g. The Commissions/Committees
- h. National Assembly Caucus
- i. Senate Caucus
- j. Governors Forum
- k. National Secretariat

## **Organization of the Party and their Functions**

### **1. Polling Centre Level**

#### **a. Polling Centre Convention (PCC)**

Here, the participation shall be by all MCCP Party members who are also registered voters at the centre. This is a forum where matters pertaining to mobilization and monitoring of registration of voters and get out the vote strategies are first discussed and recommendations forwarded to relevant Organs of the Party at the Ward, Sub-Branch, Branch levels and finally the National Executive Committee (NEC). The PCC has an oversight and advisory role and is responsible for electing the Polling Centre Executive Committee (PCEC). The PCC shall meet at least once a year.

#### **b. Polling Centre Executive Committee (PCEC)**

- c. They are elected by the Polling Centre Convention to serve in the capacities of:
  - 1. Chairperson
  - 2. Deputy Chairperson
  - 3. Secretary
  - 4. Deputy Secretary
  - 5. Treasurer

6. Deputy Treasurer
7. Organizing Secretary
8. Deputy Organizing Secretary
9. Women's Leader
10. Deputy Women's Leader
11. Youth Leader
12. Deputy Youth Leader
13. Representative of Faith Based Organizations
14. Representative of Business Community
15. Representative of Professional Associations
16. Representative of Farmers, Fishermen and Pastoralists Forums
17. Representative of Academia and Teachers Unions
18. Representative of Workers and Trade Unions
19. Representative of People living with disabilities
20. Representative of Elders
21. Representative of Informal Sector
22. Representative of Minorities and Minority Groups

**It is mandatory that:**

- i. At least one third (1/3) of the Polling Centre Executive Committee shall be of either gender.
- ii. The Party elected and/or nominated County Assembly Representative(s) if previously not elected to the Polling Centre Executive Committee is/are Ex-Officio member(s) of the Polling Centre Executive Committee where he/she has a voting right.
- iii. The PCEC shall meet at least once every three months.

**d. Polling Centre Management Committee (PCMC)**

The PCMC shall comprise of nine members from the Polling Centre Executive Committee (PCEC). The PCMC shall meet at least once a month.

**The nine members of PCMV are:**

1. Chairperson
2. Deputy Chairperson

3. Secretary
4. Deputy Secretary
5. Organizing Secretary
6. Treasurer
7. Women's Leader
8. The Youth Leader
9. Any other person invited by the Secretary of the Polling Centre Executive Committee (PCEC) in consultation with the Chairperson of the PCEC.

## **2. Ward Level**

### **a. Ward Convention (WC)**

It shall comprise of the elected officials at polling centres within the Ward and shall meet once a year.

### **b. Ward Executive Committee (WEC)**

The Ward Convention (WC) shall from among themselves elect 22 ward Executive Committee members who shall serve in the capacities as specified under Article 9 of this Constitution. The WEC shall meet at least once every three months.

### **c. Ward Management Committee (WMC)**

The Ward Management Committee shall comprise of nine (9) members from the Ward Executive Committee. These members shall serve under capacities specified in Article 9 (1c) of this Constitution **mutatis mutandis**. The WMC shall meet at least once every month.

## **It is mandatory that:**

- i. At least one third (1/3) of the Ward Executive Committee members are of either gender.
- ii. The Party elected and/or nominated County Assembly Representative(s) if not previously elected serve in the Ward Executive Committee shall by virtue of their positions become ex-officio members of that Ward Executive Committee (membership is restricted to the Ward where one has voting rights).

### **3. Sub Branch Level (Constituency)**

#### **a. Sub Branch Convention (SBC)**

It shall comprise of the elected Party officials from all the Wards within the Sub Branch and shall meet once a year.

#### **b. Sub Branch Executive Committee (SBEC)**

The Sub Branch Convention shall from among themselves elect the twenty two (22) Sub Branch Executive Committee Members who shall serve in the capacities specified under Article 9 of this Constitution. The SBEC shall meet at least once every three months.

#### **c. Sub Branch Management Committee (SBMC)**

The Sub Branch Management Committee shall comprise of nine (9) members from the Sub Branch Executive Committee. These members shall serve under the capacities specified in Article 9 (1c) of this Constitution **mutatis mutandis**. The SBMC shall meet at least every month.

#### **It is mandatory that:**

- i. At least one third (1/3) of SBEC members shall be of either gender.
- ii. The Party elected and/or nominated County Assembly Representative, MP(s), Senator, Governor, Deputy Governor if not previously elected to serve in the Sub Branch Executive Committee shall by virtue of their positions become ex-officio members of that Sub Branch Executive Committee (membership is restricted to the Constituency where one has voting rights).

### **4. THE BRANCH LEVEL (COUNTY)**

#### **a. Branch Convention (BC)**

It shall comprise of the elected Party officials from all the Sub-Branches in the Branch and shall meet once a year.

#### **b. Branch Executive Committee (BEC)**

The Branch Convention shall from amongst themselves elect the twenty two (22) Branch Executive Committee members who shall serve in the capacities specified under Article 9 of this Constitution. The BEC shall meet at least once every three months.

**c. Branch Management Committee (BMC)**

The Branch Management Committee shall comprise nine (9) members from the Branch Executive Committee who shall meet at least once a month. They shall serve in the capacities specified under Article 9 (1c) of this Constitution **mutatis mutandis**.

**It is mandatory that:**

- i. At least one third (1/3) of the Branch Executive Committee members are of either gender.
- ii. The Party elected and/or nominated County Assembly Representative, MP(s), Governor, Deputy Governor and Senator if not previously elected serve in the Branch Executive Committee shall by virtue of their positions become ex-officio members of that Branch Executive Committee (membership is restricted to the Branch where one has voting rights).

**B. ROLES AND FUNCTIONS OF THE POLLING CENTER/WARD/SUB BRANCH AND BRANCH LEVELS**

The functions of the various levels shall be to:

- i. Disseminate Party policy documents and policy positions, create visibility and publicity for the Party in their respective areas of jurisdiction;
- ii. Mobilize and recruit new Party members and galvanize support for the Party.
- iii. Generate consensus on key political, economic and social policies of the Party,
- iv. Monitor the needs of the people in their area of jurisdiction and accordingly advise the relevant Organ of the Party.
- v. Monitor performance and National and County governments and other public officials and make recommendations thereon
- vi. Promote harmony amongst Party members and other residents in their area.
- vii. Set up a Party office complete with a secretariat where applicable.
- viii. Raise financial and other resources for Party programmes and activities.
- ix. Maintain an updated register of members and forward a copy to the National Secretariat through established mechanism.

- x. Identify, recruit, and induct potential aspirants/Party candidates for all elective positions;
- xi. Undertake disciplinary functions within their jurisdiction and recommend necessary disciplinary measures.
- xii. Do all other things necessary to promote goals, aims, purposes and objects of the Party.
- xiii. Undertake any other functions assigned by the Party's National Executive Committee.

## **5. THE NATIONAL CONVENTION**

There is hereby established an organ of the Party called the National Convention (NC) which shall meet once every five (5) years.

### **Composition**

Composition of NC shall be paid up members of the Party who shall finance their upkeep as and when NC is convened.

### **THE NATIONAL DELEGATES CONVENTION (NDC)**

There is hereby established an organ of the Party called the National Delegates Convention (NDC).

### **Composition**

The National Delegates Convention shall consist of:

- 1. Branch Executive Committee members
- 2. Chairpersons of sub-branches
- 3. National Assembly Caucus
- 4. Senate Caucus
- 5. Governors Forum

### **Powers and Duties of National Delegates Convention (NDC)**

The functions of the National Delegates Convention shall be to:

- a.
  - i. Determine and articulate the principles, policies and programmes of the Party.
  - ii. Generate consensus on key political, economic and social policies of the Party.
  - iii. Mobilize the people to ensure full participation in implementation of political, economic and social policies of the Party.



- iv. Promote national unity and solidarity in line with the National Values and Principles of Public Governance;
  - v. Consider any other such items as may be referred to it by NGC or NEC;
  - vi. Approve the paper of principles.
  - vii. Assign such tasks to NGC and NEC as it may deem fit.
- b.
- i. NDC meetings shall be held once every five (5) years.
  - ii. A special NDC may be held as and when the Chairperson in consultation with the National Management Committee deems it fit or a special NDC may be called by a resolution in writing by at least two thirds of the members of the NEC.
- c.
- i. NDC shall be convened by the Chairperson or in his/her absence or inability, by the Deputy National Chairperson.
  - ii. A special NDC may be convened in the manner above in C(i) or by any one of the members of the NEC who shall have chosen at the point of making the resolution by the 2/3 members of the NEC.
- d.
- i. In convening NDC, the Secretary General in consultation with the National Chairperson shall publish in national media venue and agenda for the Convention and give notice of at least 21 days provided that for a special NDC meeting, 14 days notice shall be given.
  - ii. In convening the special NDC, the SG or DSG in consultation with the person chosen by the 2/3 members of the NEC shall publish in the media and give notice of 14 days.

### **NATIONAL GOVERNING COUNCIL (NGC)**

There is hereby established a standing committee of the National Delegates Convention called the National Governing Council (NGC) which shall meet at least once annually.

## **Composition of NGC**

The composition of the National Governing Council shall be:

1. National Executive Committee (NEC)
2. National Assembly Caucus
3. Senate Caucus
4. Chairperson of Commissions/Committees that shall be constituted by NEC on need basis.
5. Branch Chairpersons
6. Sub Branch Chairpersons
7. The Governors Forum
8. The National Secretariat

## **Powers and Duties of the National Governing Council (NGC)**

The powers and duties of the National Governing Council (NGC) shall be to:

- i. Process policy and other measures to be considered by the National Delegates Convention.
- ii. Deal with policy matters on behalf of the National Delegates Convention.
- iii. Amend the Constitution for such purposes which the amendments are intended for and these amendments so made shall apply until the next NDC during which NDC shall ratify or deal with them as may determine.
- iv. Report to the National Delegates Convention on the business it has transacted in between meetings of the National Delegates Convention.
- v. Approve budget of the Party.
- vi. Consider, modify and if it thinks fit, ratify Rules, Regulations, or By-Laws for the better implementation of the provisions of this Constitution and achievement of the vision of the Party.
- vii. Examine and approve audited accounts and to set the scale of annual dues to be paid by Party members.
- viii. Receive, examine and approve the annual report of the Party.
- ix. Appoint auditors and fix their remuneration.
- x. Receive regular reports from NEC on the operations of the Party.
- xi. Determine appeals from decisions of NEC.
- xii. Approve position papers.
- xiii. Perform such other functions as the NDC may direct.

## **NATIONAL MANAGEMENT COMMITTEE (NMC)**

### **Composition of National Management Committee**

The National Management Committee shall comprise the following:

1. National Chairperson
2. National Deputy Chairperson
3. Secretary General
4. Deputy Secretary General
5. National Treasurer
6. National Organizing Secretary
7. National Women's Leader
8. National Youth Leader
9. Leader of the National Assembly Caucus
10. Leader of the Senate Caucus
11. Party Whip(s)
12. Chairperson of the Governor's Forum
13. Party Executive Director (Secretary to NMC)
14. Any other person(s) invited in writing by the Secretary General.

### **Powers and Duties of the National Management Committee (NMC)**

- a. Supervise the day to day conduct of the Party's activities
- b. Propagate Party policies
- c. Assist the National Elections Board in the conduct of Party Elections and Nominations;
- d. Appoint Party representatives to the Electoral Management Body, Forums and other organizations which the Party relates to;
- e. Formulate agenda for the NEC
- f. Supervise day to day running of the secretariat
- g. Coordinate fundraising and publicity for the Party
- h. Perform any other function assigned to it by NEC

## **NATIONAL ELECTIONS AND NOMINATIONS BOARD**

There is hereby established an organ of the Party called the National Elections and Nominations Board (NEB).

### **Composition of NEB**

The National Elections Board shall be constituted by NEC and it shall consist of nine (9) persons of integrity appointed by NEC.

1. The Director of Elections and his/her Deputy shall be ex-officio members of NEB.
2. NEC shall appoint the Chairperson of the Board, the Director and Deputy Director of Elections on recommendation of the National Management Committee; the board at its first sitting shall appoint the Deputy Chairperson.
3. The Chairperson shall head the Board and preside over its meetings. The Deputy Chairperson shall in the absence of the Chairperson perform the duties of the office of the Chairperson.
4. The Director of Elections shall be Secretary to the Board. Members of NEB shall hold office for a period of one term of five (5) years, renewable once.
5. The Director of Elections, the Deputy Director and all other persons in the Board shall not seek office in the immediate General election.

### **Powers and Duties of NEB**

- a. NEB may from time to time make rules, regulations, orders or notices for ensuring conduct of free, fair, peaceful and transparent Party elections and nominations.
- b. NEB in consultation with the National Management Committee shall organize, coordinate and supervise all Party elections and nominations in accordance with party nominations and elections Rules and Procedures.
- c. NEB, on recommendation of the NMC shall make, amend or alter party nominations Rules and Procedures.
- d. NEB shall appoint appropriate officers to conduct Party elections pr nominations at National, Branch, Sub Branch, Ward and polling centre levels.

- e. NEB shall vet Party nominees for appointment by the requisite Party Organ to any position that the Party by law nominates to in consultation with the National Management Committee.
- f. The National Chairperson, Secretary General and Deputy National Chairperson shall sign under the seal certificates of nominations. Any two (2) of the three (3) to sign.
- g. NEC shall cause an account to be opened in the name of NEB to collect all funds paid as nomination fees and direct all expenditure on the account.
- h. NEB shall consist of a Chairperson and eight (8) other persons all of whom shall be of good standing and integrity and who shall not be seeking nominations as Party candidates in Elections.
- i. In appointing the National Elections Board members, the National Executive Committee shall have regard and ensure that at least one third (1/3) representation of either gender in accordance with the Party Constitution and the Country's Constitution.
- j. NEB may establish dispute resolutions panels at the Branch, Sub Branch, Ward and Polling centre levels. The panels are ad hoc in nature.
- k. Provided that where the NEB has for any reason been unable to perform all or any other duties specified herein above, the NEC shall assume all the powers and duties of the NEB.
- l. NEB shall be independent and act in accordance with the rules of natural justice and in consultation with NEC.
- m. Carry out any other functions assigned to it by the NEC, NMC, NGC or NDC.
- n. NEB in consultation with NEC shall collect all funds paid as nomination fees and all direct expenditure or remittance to the Party in conjunction with NEC.

## **COMMISSIONS/COMMITTEES**

### **Composition of Commissions and Committees**

The commissions/committees shall be constituted by NEC on need basis.

### **Powers and Duties of Commissions/Committees**

The terms of reference shall be determined by the National Executive Committee/

**Article XII: THE ESTABLISHMENT AND MANAGEMENT OF NATIONAL ASSEMBLY, SENATE AND COUNTY ASSEMBLY CAUCUSES**

Upon completion of a General Election, the SG within one (1) month of the General Election shall cause the National Assembly, Senate and County Assemblies caucuses to be formed.

In the formation of the National Assembly, (NA) caucus, the following shall be done:

- a. The SG shall issue a letter to any member of the NA to convene a meeting at the National Secretariat for purposes of electing the NA caucus officials.
- b. The SG shall preside over the elections.
- c. The results shall be communicated in writing to those elected.
- d. Positions of Chairperson, secretary, treasurer and whip shall be contested by secret ballot.
- e. The caucus shall be subject to all Party Rules.
- f. Leadership elected shall be in place unless there is a breach of party rules or resignation.

In forming County assembly caucuses, the following shall be done:

- a. The SG shall cause a letter to be released to all county secretaries to convene a meeting in their respective county assemblies for the purposes of electing the caucus.
- b. Positions of chairperson, secretary, treasurer and whip shall be contested.
- c. The election shall be by secret ballot and shall be presided over by the County secretary.
- d. The results shall be communicated in writing to those elected.
- e. The leadership shall be in place unless there is a breach of rules and resignation.
- f. The caucus shall be subject to Party rules.

## **Article XIII: TEH DISCIPLINARY MEASURES AGAINST A MEMBER OR OFFICIAL OF POLITICAL PARTY**

### **Party Discipline**

- i. All members of the Party shall be treated equally before the law and shall be disciplined in accordance with the provisions of this Constitution without any fear or favour;
- ii. Any MCCC leader, official or person nominated by the Party to hold, or to contest elections for the Party of Public office shall have passed the leadership and integrity test in line with Chapter six(6) of the Country's Constitution.
- iii. Part members shall not be convicted of an offence involving dishonesty, theft, corruption, misuse of public funds, abuse of office, drug trafficking, sexual abuse and other serious economic crimes.
- iv. Party members shall not be or become a member of or support any other Political party or group, or engage in activities which are inconsistent or in conflict with the aims, objects, policies and decisions made collectively by the Party.
- v. Party members should not take part in fuelling conflicts or creating divisions within the ranks of the Party membership and undermining the effectiveness of the Party.
- vi. Party members shall not conduct themselves in a disgraceful, disorderly and dishonourable manner which is likely to undermine the Party, bring it into disrepute or expose it to ridicule.
- vii. A complaint by any person alleging that an offence has been committed shall be made in writing to the Sub Branch Secretary/ Branch Secretary/ National Secretary General who shall forward the same to SBEC/BEC/NEC respectively.
- viii. SBEC/BEC/NEC shall in the first instance handle and determine any complaints.
- ix. SBEC/BEC/NEC may delegate its discipline powers to a committee and should the complaint not be satisfied, he/she may appeal as provided for under Article 23 of this Constitution.
- x. Offences shall be classified as misdemeanour (small crimes) or gross indiscipline.

- xi. *Failure to attend three (3) consecutive meetings of any Organ of the Party shall constitute an offence.*
- xii. In any case, where a person is found guilty of an offence under this article, SBEC/BEC/NEC shall impose any or more of the following disciplinary measures:
  - a. Reprimand;
  - b. Demand written apology;
  - c. A fine, compensation ,or restitution;
  - d. SBEC/BEC to recommend to NEC suspension from the Party.
  - e. SBEC/BEC to recommend NEB the exclusion from Party
  - f. Elections or nominations
  - g. SBEC/BEC to recommend to NEC dismissal from office;
  - h. SBEC/BEC to recommend to NDB revocation of nomination;
  - i. SBEC/BEC to recommend to NEC recall from any office;
  - j. SBEC/BEC to recommend to NEC expulsion from the Party.
  - k. Any other disciplinary measure as prescribed by NEC.
  - l. Where there are recommendations of punishments, NEC may effect the punishments immediately pending ratification by NGC.

## **Article XIV: THE RIGHT TO INSPECT THE BOOKS OR LIST OF MEMBER OF THE POLITICAL PARTY BY A MEMBER OF THE PUBLIC**

### **INSPECTION OF BOOKS**

Any fully paid up member for a period not less than two (2) years interested in inspecting the Party books and/or lists of members of the Party shall write to the Secretary General (SG) giving notice of 60 days and specifying the kind of books or lists for scrutiny. Such a member must disclose his/her Membership number, Polling centre and such notice be submitted through his/her respective Sub Branch. Upon receiving such a notice, the Branch/Sub Branch shall forward the same within 14 days to the SG who must respond to it within the stipulated time of 30 days.

For non-members, they shall be required to write to the SG, giving notice of 120 days and shall pay a fee prescribed by NEC. They shall be required to sign an affidavit that they shall not use the information sought for adversarial effect to the Party.



**Article XV: THE AUTHORIZED OFFICIALS OF A POLITICAL PARTY WHO SHALL SIGN ON BEHALF OF THE POLITICAL PARTY**

- a. Correspondence to the Office of the Registrar and any other office on all matters of the Party shall be done by the Secretary General and/or the National Chairperson.
- b. The signatories to the accounts of the Party shall be the Chairperson, Secretary General, Treasurer and Executive Director.
- c. The signatories to the annual report and financial reports of the party shall be the Secretary General and the Treasurer.
- d. The National Chairperson and Secretary General shall be signatories to the Nomination Certificates for any nomination of a member of the Party.

**Article XV1: THE POLICY DOCUMENTS WHICH THE POLITICAL PARTY WILL DEVELOP AND ON WHICH POLITICAL PARTY WILL PERFORM INCLUDING THE MANNER AND PROCEDURES IN WHICH THEY WILL BE DEVELOPED, APPROVED AND IMPLEMENTED**

Part policy documents shall be originated to the various organs or committees or commissions for approval by NEC and implementation by NEC, NEC Committees or Sub Committees or any other Organ designated by NEC.

**Article XVII: THE POLICY REPORTING DOCUMENTS AND THEIR REGULARITY WHICH THE POLITICAL PARTY WILL PRODUCE INCLUDING THE MANNER AND TEH PROCEDURES IN WHICH THEY WILL BE DEVELOPED, APPROVED AND PUBLICIZED**

The Manifesto and Strategic Plan of the Party shall be developed by a committee of NEC for approval by NEC and launched at a public forum. The documents shall be developed once in five (5) years.

**Article XVIII: ASSET MANAGEMENT POLICIES AND PROCEDURES, THE CUSTODY AND INVESTMENT OF THE FUNDS AND PROPERTY OF TEH POLITICAL PARTY, AND THE DESINATION OF THE PERSONS RESPONSIBLE FOR THEM**

The SG and the Treasurer shall propose investments to be done by the Party to NEC for approval. The approved proposals shall be implemented by the SG, Treasurer and a committee of NEC.

**Article XIX: THE POLITICAL PARTY NOMINATION RULES AND REGULATIONS WITH RESPECT TO ELECTIONS OF THE PARTY AND RULES GOVERNING THE PREPARATION OF PARTY LISTS**

There shall be a handbook on nominations, elections, and preparation of party lists. The Nominations and Elections Rules and Procedures shall be approved by NEC for implementation by NEB.

NEB may propose amendments to the rules for approval by NEC and NEC may also propose amendments. No amendments shall be valid three (3) months to any election or nomination or preparation of Party lists.

Consideration for inclusion in the Party list shall entail the following: being

- a. A fully paid up member
- b. Actively involved in Party activities
- c. Involved in recruitment of members
- d. Involved in identifying and introducing candidates for election.
- e. Involved in resource mobilization.

**Article XX: PROVISIONS FOR THE AMENDMENT OF THE NAME, CONSTITUTION, AND RULES OF THE POLITICAL PARTY**

**i. Amendments to the Name of the Party**

No change may be made to the name of the Party except with approval of the National Delegates Convention following a proposal by any Sub Branch Executive Committee, Branch Executive Committee or the National Executive Committee and supported by at least two thirds (2/3) of the members attending in person.

**ii. Amendments to the Constitution**

No change may be made to this Constitution except with the approval of the National Delegates Convention following a proposal by any Sub Branch Executive Committee, Branch Executive Committee or the National Executive Committee and supported by at least two thirds (2/3)

of the members attending in person. The Constitution may also be amended by the NGC in accordance with Article 11 of this Constitution.

iii. **Amendments to Rules of the Party**

No changes may be made to the Rules unless if a member of NEC proposes and is supported by two thirds (2/3) of the members attending provided the changes are not done three months to the elections and those changes should be communicated at least one month to the election dates.

iv. **Amendments to Change of Office**

Any change related to Article 5 of this constitution shall be made by NEC and such a change shall require the support of simple majority of members of NEC at that sitting provided that the procedure for that sitting as provided for in this Constitution was followed.

## **Article XXI: RULES FOR COALITIONS**

The Party shall enter into coalitions before and after elections with political parties that share similar ideologies and the objectives of the Party as provided for under Article 3 of this Constitution.

### **Circumstance and Criteria for entering into Coalitions**

- a. Agreement in part or in whole with the objects of the parties to merge.
- b. Negotiations must have been ongoing between the NEC or Committee of MCCP and any other Party (s).
- c. Proof that fund to be provided for by both parties shall sustain the merger.
- d. Any other criteria the parties may agree to include.

### **Procedure**

1. The coalition agreement must be in writing and in conformity with the Political Parties Act.
2. The NEC or its duly authorized sub-committee shall make the decision to enter into a coalition.

3. NGC by 2/3 majority of members present shall approve the decision to enter into a coalition.
4. A special NDC may be called to discuss this agenda.
5. The Chairperson, Secretary General and Organizing Secretary shall be the authorized persons to execute the decision on behalf of the Party.
6. Coalition agreements shall be deposited with the Registrar within twenty one (21) days of signing the agreement.

## **Article XXII: RULES FOR MERGERS**

The Party shall embrace mergers that will only promote the objectives of the Party as provided for under Article 3 of this Constitution.

### **Circumstance and Criteria for Mergers**

- e. Agreement in part or in whole with the objects of the parties to merge.
- f. Negotiations must have been ongoing between the NEC or Committee of NEC of MCCP and any other Party (s).
- g. Proof that fund to be provided for by both parties shall sustain the merger.
- h. New name must be agreed upon beforehand.
- i. Signatories to the new Bank Account must be agreed upon.
- j. Any other criteria the parties may agree to include.
- k. Mergers shall not occur twelve (12) months to a General Election.

### **Procedure**

7. Decision to merge shall be in writing
8. The NEC or its duly authorized committee shall approve the merger.
9. NDC by 2/3 majority of members present shall approve the merger.
10. A special NDC may be called to discuss this agenda.
11. The Chairperson and SG shall be the authorized persons to execute the decision on behalf of the Party.
12. Merger agreement shall include the New Constitution, Rules, Regulations, and Principles of the envisaged new Political Parties.

13. Merger agreements shall be deposited with the Registrar within twenty one (21) days of signing the agreement.
14. Party stands dissolved upon registration of new political party.
15. Any other rule the NEC may apply in order to safeguard the interests of the existing political Party.
16. Decision to merge shall be by secret ballot.

### **Article XXIII: PROVISION ON DISSOLUTION OF THE POLITICAL PARTY.**

#### **Dissolution of the party branch**

1. The National Chairperson may recommend dissolution of any branch NEC in an emergency arising out of internal conflict, on gross violation of the Constitution of the Party or in other special circumstances.
2. NEC of a majority of 2/3 present by voting may approve recommendation to dissolve the Branch.
3. NEC shall then mandate an ad-hoc committee which shall constitute itself as an election board to oversee the elections within a period of ninety (90) days or within such a time as it is practical in the opinion of the ad-hoc committee so constituted.
4. The ad-hoc committee for purposes of clarity shall consist of members of NEC, a mixture or otherwise. They shall not be more than five (5) members in the team.
5. Secretary to the ad-hoc committee shall be the Director of elections.

#### **Dissolution of the Party**

- a. Decision to dissolve the Party must be done in writing.
- b. Decision shall be approved by NEC
- c. The decision shall be supported by 2/3 majority of members of NDC present at the sitting.
- d. Once approved, party stands dissolved.
- e. Decision to dissolve party to be communicated to the Registrar as soon as it is practically possible.

## **Disposal of Property**

- a. In the event of dissolution of a Party Branch, all property shall be handed over to the SG who shall transact matters of funds in consultation with the treasurer.
- b. Upon election of a new team, the SG then shall hand over the custody to the new Secretary of the Branch.

## **For the National Party,**

- a. At the point where the NEC approves the resolution of dissolution by transmitting the same to the NDC, the Party auditors must provide an audited report.
- b. The SG shall give an account of the property in his/her custody
- c. At the point of NDC, the audit report and SG's report must be made public.
- d. Resolution to dissolve shall be accompanied by resolution to the Registrar to declare the property of the Party. The Party shall be converted into cash and donated to the political party's fund.

## **Article XXIV: INTERNAL DISPUTE RESOLUTION MECHANISM**

Dispute resolution shall be at three (3) levels. These are Sub Branch, Branch and National. Decisions at the sub branch shall be appealed against at the branch, those at the branch at the National whereas those at the National level shall be final.

### **Procedure:**

- a. Complaints against Governor(s), Deputy Governor(s), MP(s), Senator(s), and National Official(s) shall be heard at determined at NEC.
- b. Complaints against County Assembly Representative(s) and branch official(s) shall be heard and determined at BEC.
- c. Complaints against Sub Branch, Ward and Polling station officials shall be heard and determined at SBEC.
- d. Once the complaint has been received by the SBEC, BEC or NEC; they shall be under duty to inform the accused.
- e. SG/Secretary to SBEC, Secretary to BEC to avail the request constitutes the dispute resolution committee within 7 days of receipt of the same.

- f. Within 7 days the party accused may apply in writing to the SG, Secretary to the Branch or Secretary to the Sub Branch (as case may apply) for a dispute resolution committee to be constituted to attempt to resolve the dispute.
- g. Upon receipt of the request from the accused party, the SG or Secretary to the Branch or Secretary to the Sub Branch shall constitute a dispute resolution committee instead of a disciplinary committee.
- h. When the request is not received within 7 days, the SG or Secretary to the Branch or Secretary to the Sub Branch shall constitute a disciplinary committee.
- i. Committee shall not have more than 3 members (shoot in/shoot out mechanism to apply – accused party is allowed to have a nominee to the committee).
- j. Within a period of week, if no resolution has been reached at the dispute resolution mechanism level, the SG or Secretary to the BEC or Secretary to the SBEC shall constitute a disciplinary committee.
- k. The dispute resolution mechanism provided may extend for another 7 days where necessary. The reason(s) for such extension shall be communicated in writing to all parties concerned.
- l. It shall be an act of gross misconduct for any member of the Party to disregard the dispute resolution and disciplinary mechanism under this Constitution and to proceed directly to court or any other body without exhausting the internal dispute resolution mechanism. Such an act shall earn that member an automatic expulsion from the Party. The member so expelled vide this proviso, shall bear legal costs of the suit filed in court or any other body.

#### **Article XXV: DEMOCRATIC PRACTICES THAT COVER GENDER, AFFRIMATIVE ACTION FOR MINORITIES AND MARGINALIZED GROUPS**

The Party structures and positions of leadership shall be by a team that shall reflect gender, affirmative action, representation of minorities and marginalized groups.

## **Article XXVI: DEMOCRATIC PRACTICES COVERING HUMAN RIGHTS AND GENDER**

The Party in the spirit and letter of the Constitution of Kenya and this Constitution shall implement democratic principles covering human rights and gender.

## **Article XXVII: THE MANNER OF IMPLEMENTING NATIONAL VALUES AND THE PRINCIPLES OF GOVERNANCE AS PROVIDED IN THE CONSTITUTION**

The Party observing its objects shall implement national values and principles of governance as provided in this Constitution.

## **Article XXVIII: TRANSITIONAL AND CONSEQUENTIAL PROVISIONS**

- a. The persons occupying Party positions at all levels i.e. NEC, NGC, BEC, SBEC, WEC, PCEC immediately before the effective date shall continue to serve in those positions until the first Party elections held under this Constitution, unless they vacate office in terms of the former Party Constitution.
- b. Any person who immediately before the effective date, held or was acting in an office established by the former Constitution shall on the effective date continue to hold or act in that office under this Constitution for the unexpired period, if any, of the term of the person.
- c. The 1<sup>st</sup> National Party election under this constitution shall be held on the 2<sup>nd</sup> Tuesday of August 2013, or as may be determined by NEC through a resolution.