


THE CONSTITUTION OF THE

# LABOUR PARTY OF KENYA (LPK) 2011

In line with

## The Political Parties Act, 2011

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**Introduction**

The Labour Party of Kenya strives for the achievement of equality, social and economic justice, community solidarity and freedom, good governance, equity and meritocracy, respect for citizen's rights, gender equity, respect for rule of law, hard work and selflessness, transparency and accountability.

It seeks to have these values reflected in the laws and institutions of Kenya. We believe in the right of all citizens to participate fully in society and to develop their personal and social identity in Kenya that is truly democratic, fair and inclusive.

The Labour Party of Kenya believes in social democracy and, will seek to be part of the international socialist movement working for equality and to empower citizens, consumers and workers in a world increasingly dominated by big business, greed and selfishness.

The Labour Party of Kenya was first registered under the Societies Act on 30th March 1998 to provide a means by which working people could bring about social and economic justice.

Labour Party of Kenya was then later registered under the Political Parties Act (PPA), 2007 and registered as a political party complying with Political Parties Act, 2011.

The aspiration of the party's founder, Julia Auma Ojiambo to "close the gap between what ought to be and what is" remains valid today. Despite Kenya have made great strides in economic wealth, class divisions continue to exist and many of its citizens continue to experience, from childhood, major inequalities in wealth, health and life chances.

Tackling growing poverty and inequality throughout the world, in all their manifestations, is the single greatest challenge now facing humanity. Labour Party of Kenya stands for democratic, workable global institutions to confront this challenge; and asserts that people in the developing world have a particular responsibility to accomplish the structural changes required to share the world's resources more equitably.

**What Labour Party of Kenya stands for:**

The Labour Party of Kenya believes in tackling the underlying conditions which generate the systematic and deeply rooted inequality which people experience. The achievement of **equality** requires that society be reorganized with the specific objective of a more equal distribution of wealth and power.

Labour Party of Kenya is committed to recognizing and valuing diverse identities and experiences. The Labour Party of Kenya believes that community solidarity, a common sense of belonging and a willingness to work for the common good in the local and the wider community, is essential to creating a good quality of life for all.

The environment is central to a true sense of community, locally and globally. Without clean water, air and safe food there is no life. All human interaction with the environment must be sustainable so that we can meet the needs of today without compromising the rights of future generations

Labour believes in a democracy in which all people can participate in decision-making on an equal basis wherever their interests are affected. To function effectively, democracy requires access to information and analysis through a media that is under diverse ownership and underpinned by effective freedom of information legislation. A commitment to democracy requires equality in political competition, with proportionate resources being available to all parties within the political system.

The Labour Party of Kenya rejects the use of force, intimidation and violence as a means of achieving political aims in a democratic society. It also rejects all forms of corruption in political and public life.

The Labour Party of Kenya stands for a dynamic, positive role for the State working through responsive and accountable public institutions at local, national, and international levels. In expressing the democratically determined public good, the State can be an enabling, civilizing and

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bonding force. The State is central to the creation and distribution of wealth through the investment, development and management of the country's assets and resources. It is also responsible for the provision of effective, high quality and accountable public services, regulation of markets for the public good, and a fair taxation system.

Labour affirms the role of the State in ensuring that all men, women and children enjoy basic human rights, including the right to a home, to an adequate standard of living, to proper levels of health care and education and to employment. Such rights should not depend on income, power or privilege.

The Labour Party of Kenya favours an efficient and competitive public sector, operating in an open, mixed economy, responsive to consumer needs, generating and maintaining quality employment and a sustainable environment.

Freedom involves not only the freedom of individuals to pursue personal goals and to seek to fulfill their potential, but also freedom from external oppression, hunger, ignorance and fear. All people should have opportunities for enjoyment of and participation in cultural life.

The Labour Party of Kenya seeks to advance its values in the wider world while promoting Kenya's independence and interests. Labour Party of Kenya's vision is that of a prosperous Kenyan Nation which espouses the principles of social democracy, equity, justice, peace and freedom

**What Labour Party of Kenya does**

The Labour Party of Kenya believes that its principles and values provide the best means by which Kenya can be transformed into a more equal, safe, caring and prosperous society. The Labour Party of Kenya believes that political action is central to the achievement of a fair society. The political process provides the best means of articulating the difficult choices facing society and of providing the leadership needed to address them.

The Labour Party of Kenya is committed to democracy and equality in the way it operates as a political party. It seeks to draw towards the Party all of those who share its vision and to value their contribution whether as members, activists, supporters or voters.

Party members progress these values through advocacy in their communities and workplaces, by participation in community organizations and trades unions, and by working for the election of the maximum number of Labour Party of Kenya public representatives at local, national and International levels.

The Labour Party of Kenya works on a daily basis at local and national level to advance the values and objectives set out in this Constitution and is committed to promoting these principles in its parliamentary activities and in all governments in which it may participate.

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**Preamble**

We the members of Labour Party of Kenya;

**ACKNOWLEDGE** the sovereignty of the Republic of Kenya and the supremacy of the Constitution of Kenya as given by the people of Kenya:

**REAFFIRM** our commitment to the national values and principles of governance enshrined in the Constitution of Kenya:

**RECOGNIZE** that in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of social democracy which entail human dignity, equality and equity at all levels:

**DEDICATED** in the process of reconstruction and development aimed at reducing the problems of poverty, injustice, inequitable economic and social order:

**DETERMINED** to establish a government based on the essential values of the rule of law, security, human rights and freedoms including the freedom of assembly, association, movement, residence and social, economic and cultural interaction:

**COMMITTED** to change and transformation through the promotion of Social Democracy, Unity, Peace and Patriotism

**RESOLVE** that Labour Party of Kenya shall be a party of choice for the citizens of Kenya and will strengthen and respect the rule of law where all people are equal before the law therefore creating a just society where there is equal opportunity for all:

**ADOPT** and give to ourselves and bequeath to our future generations this constitution.

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**Vision, Mission, Goal, Ideology, Value System**

**Vision**
The vision of the Party is that of a prosperous Kenyan Nation which espouse s the principles of democracy, equity, justice, peace and freedom.

**Mission**
To improve the quality of life of Kenyans by promoting people-centered democratic governance thereby ensuring equity, economic and political advancement, social justice, freedom, rule of law, peace and human dignity for sustainable prosperity.

**Goal**
The LPK Goal is to achieve sustainable development by providing exemplary leadership.

**Ideology**
LPK espouses the principles of Social Democracy

**Value System**
LPK Value system is based on the following:

- Good Governance
- Equity and Meritocracy
- Respect for citizen's rights
- Gender equity.
- Respect for Rule of Law.
- Hard work and Selflessness.
- Transparency and Accountability

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## Article .1. Name Of The Party

1.1 The name of the Party shall be **Labour Party of Kenya (LPK)** hereinafter referred to as "The Party"

1.2 The logo, slogan and the colours of the Labour Party of Kenya are as described in the attached schedule

1.3 The registered office of the Party shall be situate in the Republic of Kenya

## Article .2. Aims And Objectives:

2.1 To serve as a political party with a view of forming a constitutional Government of the Republic of Kenya both at the National and County levels characterized by good governance, transparency and accountability in the public affairs in Kenya within the framework of a pluralist democracy.

2.2 To protect, and uphold and defend the rights and freedoms of the people as well as the sovereignty, unity and dignity of the Republic of Kenya and its Constitution.

2.3 To promote and offer able candidates of integrity and to protect the positive aspects of the rich diversity and national integration of the people of Kenya for a strong and prosperous society.

2.4 To develop policies that enhance the quality of life of all and to promote sound economic and fiscal policies necessary to set Kenya on the path of social, political, financial and economic sustainability.

2.5 To work for protection and promotion of liberties; freedom and rights of individual including civil, political, economics, social, religious and cultural rights, the rule of law, the freedom of movement, thought, conscience, expressio9n, press, religion, conduct of public affairs, the right to work and enjoyment of just and favorable condition of work.

2.6 To advocate and work for the establishment and maintenance of free and independent trade unions; Professional organizations; pressure groups; Welfare associations so as to ensure a healthy development of a civil society as a strong foundation for democratic system of government in Kenya.

2.7 To encourage and promote the welfare and interests of Kenyan farmers; guarantee the public food security and to eliminate the squatter problem in Kenya with sound land policy.

2.8 To encourage and promote a strong cooperative movement devoid of corruption, exploitation and mismanagement.

2.9 To protect, and improve the management of the environment and natural resources for the betterment of all Kenyans and future generations.

2.10 To ensure and promote the interest and participation of youth and women in the conduct of public affairs and to struggle against gender discrimination in society by promoting a 50:50 gender equity and their protection against any form of abuse.

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2.11 To create and promote a fair and just leadership in governance devoid of corruption, tribalism, nepotism and discrimination of all kinds, to cooperate with other political parties in ensuring social democratic governance in Kenya.

2.12 To educate Kenyans about their rights and obligations as citizens and the values and ideals of social democracy and to promote social democracy internationally through cooperation with other social democratic parties.

2.13 To promote the rights of children and minor and protect them against any form of abuse.

2.14 To work and campaign for free and fair elections under an independent Electoral Board .

2.15 To support, promote and defend all rights of all religious denominations against any form of discrimination or marginalization.

2.16 To work and promote the rule of Law under an independent and impartial judiciary.

2.17 To promote a free market economy and implement sound economic, Investment and monetary policies in order to achieve rapid and sustained development with social justice.

2.18 To create conducive climate for equal opportunities of employment and quality education; devise methods of creating more employment opportunities for Kenyans.

2.19 To articulate a sound national population policy; that will ensure improvement of quality of life of all Kenyans.

2.20 To work and promote rational exploitation of natural resources and equal distribution of national wealth and resources.

2.21 To provide and improve health, social and welfare services so that the people can fully enjoy all the fruits of their industry and labour and raise the standard and quality of living.

2.22 To enhance the cultural life of all Kenyans in all spheres of national development.

2.23 To support and promote regional and international organizations or groupings aimed at the achievement of social and economi9c development; Scientific and technical development and or innovation, the conservation and improvement of the environment.

2.24 To promote and maintain Africa unity, regional and sub regional cooperation.

2.25 To advocate and promote the United Nation International Bill of Human Rights, the African Charter of Human and People Rights and the Convention Against Torture and Other cruel, inhuman or degrading treatment and to Ensure that the government complies with her Obligations under these instruments including Submissions of reports on human rights practices and Violations.

2.26 To nominate and field candidates for the Presidential, Senate, Parliamentary and County Assemblies and as per the constitution of Kenya.

2.27 To promote and maintain the system of devolved government in the counties.

2.28 To form and operate branches of the Party all over Kenya.

2.29 To do all that which is incidental to, ancillary and or necessary to the attainment of the above aims and objectives

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## Article .3. Membership:

3.1 Any Kenyan who is or has attained the age of 18years and above and who accepts the objectives, policies, programs and discipline of the party under this constitution shall be eligible for membership.

3.2 Membership application: A person who qualifies to be a member of the party may apply for membership in writing to the party Branch Executive Committee or directly to the national office. Each individual member of the party shall, on enrolment, fill a membership form and pay an admission fee consistent with the type of membership one wishes.

3.3 The branch executive committee and the national office have the power to accept or decline any application.

3.4 Membership fees: Upon being admitted to membership, each member of the party shall pay such admission fees and thereafter such subscription fees as may be determined from time to time by the National Executive Council.

3.5 Each member shall be entered in a register of members to be kept by the party and filed at the Registrar of Political Parties.

3.6 There shall be an annual subscription fee of Kshs. 50.00 for ordinary members, Kshs.500 for star members,

## Article .4. Membership Categories:

4.1 The party type of memberships shall be categorized as follows:

- 4.1.1 Ordinary Membership
- 4.1.2 Star Membership
- 4.1.3 Gold Membership
- 4.1.4 Founder Membership
- 4.1.5 Party Representatives
- 4.1.6 Honorary Membership
- 4.1.7 Affiliate Membership

4.2 **Ordinary Membership**: Ordinary membership shall be open to individuals upon payment of the standard admission and subscription fees as determined and subjected to revision by the National Executive Council. An Ordinary member shall participate in party nominations and elections through voting.

4.3 **Star Membership:** Star Membership shall be open to young people between the ages of 18 yrs and 35yrs. Star members will be allowed to actively participate in the activities of Labour Party of Kenya. May offer themselves to take part in the youth congress elections and seek to be elected or appointed in any committee, organ or delegation or appointed in any committee, organ or delegation or nominated as a candidate for the youth congress in any congress elections, upon undergoing prescribed leadership training and subject to the provision of the constitution.

4.4 **Gold Membership:** Gold membership shall be open to individuals upon payment of the fees liable to be paid by Gold members as set by the National Executive Council. The Gold members will be allowed to attend the Annual National Convention and can be recommended to Founder Membership by a Founder member. May offer themselves to take part in party elections and seek to be elected or appointed in any committee, organ or delegation or appointed in any committee, organ or delegation or nominated as a candidate for the party in any elections, upon undergoing prescribed leadership training and subject to the provision of the constitution. If a Gold member is between the ages of 18yrs and 35years, may offer themselves to participate in the youth congress elections as well.

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4.5 **Founder Membership:** Founder membership shall be open to individuals who in addition to paying the admission and subscription fees have contributed in cash or in kind to the initial set up of the party in its first year of existence and whose names shall have been entered in the Founder Members Registered. At each regular Annual National Convention, The Founder members shall recommend one person who holds a Gold membership to be invited to Founder Membership. Founder members are automatic members of the Party's Action Committee on Human Rights. Founder membership may cease upon receipt of a written notice by the Secretary General or upon removal through a resolution passed at the Annual National Convention. May offer themselves to take part in party elections and seek to be elected or appointed in any committee, organ or delegation or appointed in any committee, organ or delegation or nominated as a candidate for the party in any elections, upon undergoing prescribed leadership training and subject to the provision of the constitution.

4.6 **Party Representatives:** Party Representatives membership will be for the elected, nominated or appointed members of the party.

4.7 **Honorary Membership:** Honorary Membership may be granted to any person who has demonstrated unwavering commitment to the policies, ideologies, principles, aims and objectives of Labour Party of Kenya. May offer themselves to take part in party elections and seek to be elected or appointed in any committee, organ or delegation or appointed in any committee, organ or delegation or nominated as a candidate for the party in any elections, upon undergoing prescribed leadership training and subject to the provision of the constitution.

4.8 **Affiliate Membership:** Affiliate Membership shall be open to a company, an organization or group of persons including trade unions, professional associations, cooperative societies, student unions, co-operative societies, community based organizations, and others which subscribes to the party's policies, ideologies, principles, aims and objectives and involved in activities that promote the principles of Social Democracy.

4.9 Membership Fee for each category shall be payable as per the attached schedule and is subject to revision by the National Executive Council.

4.10 A member may convert from one membership to another provided that he/she has met the requisite conditions of such membership.

4.11 Any member wishing to resign from the Party shall do so in writing. The resignation shall take effect from the moment the letter of resignation is delivered to the Party office concerned, a member who has resigned will not be entitled to a refund of any subscription paid.

4.12 Disciplinary matters calling for suspension of a member will be handled by the National Disciplinary and Cohesion Committee (NDCC). Any gross misconduct by a member will be reported to the higher party office with he member being given a fair and reasonable opportunity to answer allegations or charges against him/her in accordance with the Rule of Natural Justice. The final decision of suspension of a member lies with the National Disciplinary and Cohesion Committee (NDCC) who will rectify the decision of the Party hierarchies.

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## Article .5. Rights and Duties of Members

5.1 Rights:

Every member of the Labour Party of Kenya has a right to:

a. Take a full and active part in the discussion, formulation and implementation of the policy of the Labour Party of Kenya.
b. To inspect audited accounts and the Register of Members upon payment of a fee as may be prescribed by the Executive Board from time to time
c. Receive and impart information on all aspects of Labour Party of Kenya policy and activities.
d. Offer constructive criticism of any member, official, policy programme or activity of the Labour Party of Kenya within its structures.
e. Take part in elections and seek to be elected or appointed to any committee, organ, structure, commission or delegation or nominated as a candidate for the party in any elections, upon undergoing prescribed leadership training and subject to the provisions of the constitution of the Labour Party of Kenya.
f. To educate other Kenyans and be educated on all policies and aspects of the party and to cause the party to be known by the Kenya public
g. To participate in the formulation of party policies, manifestos and guidelines by offering suggestions through any party organ.
h. Submit proposals or statements to the branch or NEC, provided such proposals or statements are submitted through the appropriate structures.
i. To receive a receipt upon payment of membership and annual subscription fees.

5.2 Duties:

A member of the Labour Party of Kenya will:

a. To publicize the party, its policies, programmes, activities, principles and ideologies to the Kenyan public.
b. To promote, protect and defend the unity of the party.
c. To abide by the party constitution, rules and regulations.
d. To support the party financially through promptly paying any subscription fees liable to be paid as well as through making gifts, donations and participating in party fund-raising activities.
e. Discharge their civic duties of registering as a voter, voting during national and county elections and if interested in leadership to avail themselves for nominations to contest for such positions on the party ticket upon undergoing prescribed leadership training and in accordance with the party nomination rules.
f. Support, actively campaign for the party and publicize the party's candidates at all levels of elections, notwithstanding the loss of their preferred candidate during party nominations.
g. Belong to and take an active part in the life of his or her branch.
h. Take all necessary steps to understand and carry out the aims, policy and programme of the Labour Party of Kenya.
i. Explain the aims, policy and programme of the Labour Party of Kenya to the people.
j. Deepen his or her understanding of the social, cultural, political and economic problems of the country.
k. Combat propaganda detrimental to the interests of the Labour Party of Kenya and defend the policy, aims and programme of the Labour Party of Kenya.
l. Fight against tribal chauvinism, religious and political intolerance or any other form of discrimination or chauvinism.
m. Observe discipline, behave honestly and carry out loyally decisions of the majority and decisions of higher bodies.

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n. Inform his or her branch of movement to any other area and report to the branch committee secretary on arriving at any new area so that s/he can be introduces to the Labour Party of Kenya membership in that area.
o. Refrain from publishing and/or distributing any media without authorization which purports to be the view of any organized grouping, faction or tendency within the Labour Party of Kenya.
p. All members shall ensure that they are registered as voters in the constituency where they live.
q. Labour Party of Kenya members who hold elective office in any sphere of governance at national, county or local level are required to be members of the appropriate congress, league or caucus, to function within its rules and to abide by its decisions under the general provisions of this Constitution and the constitutional structures of the Labour Party of Kenya.
r. Offer any required lawful service to the party and its candidates as and when requested.

## Article .6. Termination of Membership

6.1 Membership may be terminated
a) By resignation in writing to the Party Office nearest to the member. Membership shall terminate from the date of receipt of such a letter
b) By bankruptcy
c) By death
d) By a resolution passed by the National Executive Committee and ratified by the Annual General Meeting.
e) By the office of the Secretary General upon realizing incorrect or fraudulent membership registration.

6.2 Membership fees shall not be refunded to a person whose membership has ceased

6.3 A person whose membership has ceased shall return to the Party all Property of the Party within his/her custody

6.4 A person whose membership has ceased shall be struck off from the register of members

6.5 Termination of membership from NEC may be by
a) Resignation
b) Acts of Gross Misconduct contrary to the party constitution and party code of Conduct.
c) Absenteeism from NEC Meetings and party activities/events.
(I). Any member of NEC who misses a meeting of any of the decision making organs of the party three times consecutively without any written apology or explanation, shall remain suspended from the NEC for the rest of the term.

(II). Abstaining from party activities/events/meetings.

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## Article .7. National Officials:

7.1 The Party shall have the following elected officials;

- 7.1.1 Party Leader
- 7.1.2 Deputy Party Leader
- 7.1.3 Chairperson
- 7.1.4 Deputy Chairperson (2)
- 7.1.5 Secretary General
- 7.1.6 Deputy Secretary General (2)
- 7.1.7 Treasurer
- 7.1.8 Deputy Treasurer (2)
- 7.1.9 National Organizing Secretary
- 7.1.10 Deputy National Organizing Secretary (2)
- 7.1.11 National Women Coordinator
- 7.1.12 Deputy National Women Coordinator
- 7.1.13 National Youth Coordinator
- 7.1.14 Deputy National Youth Coordinator.
- 7.1.15 Persons with Disabilities Coordinator
- 7.1.16 Deputy Persons with Disabilities
- 7.1.17 Representative of Marginalized Groups
- 7.1.18 Deputy Representative of Marginalized Groups
- 7.1.19 Secretary for Information and Publicity
- 7.1.20 Secretary for Public Policy and Economic Affairs.
- 7.1.21 Secretary for International Affairs
- 7.1.22 Secretary for Legal Affairs
- 7.1.23 Secretary for Security
- 7.1.24 Secretary for Social Security
- 7.1.25 Secretary for Culture and Religious Affairs
- 7.1.26 Secretary for Labour and Trade Union Affairs
- 7.1.27 Secretary for Environment
- 7.1.28 Secretary for Special Interest Groups
- 7.1.29 Secretary for Parliamentary Affairs
- 7.1.30 Secretary for Education, Science and Technology
- 7.1.31 Deputy Secretary for Education, Science and Technology
- 7.1.32 Secretary for Health and Sanitation
- 7.1.33 Secretary for Agriculture
- 7.1.34 Secretary for Industrialization and Vision 2030

7.2 All these officials shall be elected at the Annual National Convention by secret ballot. They shall hold office for five years and shall be eligible for reelection at the expiry of their term in office.

7.3 At least one third of all the elected officials shall be of either gender

7.4 There shall be "Executive Labour Party Director" appointed by the party chairperson in consultation with the National Executive Council and the said Director shall be answerable to the Secretary General and or the National Executive Council and shall, in addition perform such duties as may be assigned to him by the National Executive Council.

7.5 Any official who ceases to be a member of the Party shall automatically cease to be an office bearer

7.6 The National Executive Council may suspend/expel any office bearer for gross misconduct after due process subject to ratification by two thirds of the members present at an Annual National Convention and as per the decisions of the National Disciplinary and Cohesion Committee.

7.7 An aggrieved party may appeal to the Tribunal in line with the Political Parties Act, 2011.

## Article .8. Duties of The National Officers:

8.1 Party Leader:

8.1.1 The Party Leader has overall executive responsibility and authority. The party leader is typically responsible for managing the party's relationship with the general public. As such, he or she will take a leading role in developing and communicating party policy, especially election platforms, to the electorate.

8.1.2 He or she is also typically the public face of the party and the principal media contact. S/He will serve as principal representative and spokesperson of the party nationally. And shall advance the well-being of the Party and to ensure that it makes a leading contribution to national life.

8.1.3 The party leader to seek election to the National Assembly, and, if elected, will simultaneously serve as the party's parliamentary leader.

8.1.4 The party leader shall be an elected member of the National Executive Council.

8.1.5 The Party Leader shall ensure that there is liaison, co-ordination of activities and transmission of information between the Party leadership and the members,

8.1.6 The Party Leader shall ensure that there is liaison in the management framework for major projects such as conferences, policy initiatives and public campaigns,

8.1.7 The Party Leader shall ensure that there is liaison in a timely and focused deliberation on key strategic issues, including in particular the formulation and implementation of plans for the development and expansion of the Party at branch and constituency level, membership recruitment and electoral readiness, and to undertake any other tasks that may be deputed to him or her by the National Executive Council.

8.2 Deputy Party Leader:

8.2.1 Shall Deputize the party leader in all duties and shall assume all other duties in the latter's absence.

8.2.2 Shall assist the Party Leader in the performance of his or her functions

8.3 Chairman:

8.3.1 The Party Chairperson is elected by the Annual National Conference and, as provided by this Constitution.

8.3.2 Shall be Head of the Party providing leadership and articulating Party policies. And shall ensure discipline and proper order in the Party in accordance with the constitution of the Party.

8.3.3 Shall in all respects establish unity in the party and will be the Party's spokesman. Shall ensure adherence to the Party policy by officials, members and the Party parliamentary group.

8.3.4 Shall in consultation with the National Executive Council, appoint full time officers for all the departments of the Party at the Party Headquarters.

8.3.5 Shall be a signatory to all official party documents.

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8.4 Deputy Chairman:

8.4.1 The Party Deputy Chairperson is elected by the Annual National Conference and, as provided by this Constitution and in accordance with the party nomination rules.

8.4.2 Shall be responsible for the administration and in the Party and assist the Chairman in all duties and shall assume all other duties in the latter's absence.

8.5 Secretary General:

8.5.1 The Party Secretary General is elected by the Annual National Conference and, as provided by this Constitution.

8.5.2 Will be the accounting officer of the party and s/he shall be a signatory to the party bank account and the nomination certificates.

8.5.3 S/He shall be in charge of the Secretariat responsible for all Party affairs thereon under the direction of the National Executive Council.

8.5.4 Shall ensure that the meetings of the National Executive Council, the supreme Council and the Annual National Convention take place as provided for in the party Constitution and at such times as may be decided by the National Executive Council.

8.5.5 Shall keep or cause to be kept a proper record of minutes of all meetings of the National Executive Council, the supreme Council and the Annual National Convention and ensure the distribution of such minutes to persons or Branches concerned.

8.5.6 Additionally, he/she shall keep the Membership register, a Register of all Party property showing how and when it was acquired.

8.5.7 The Secretary General Shall ensure that all meetings of NEC are conducted in accordance with the procedures for conducting NEC meetings.

8.6 Deputy Secretary General:

8.6.1 The Deputy Secretary General is elected by the Annual National Conference and, as provided by this Constitution

8.6.2 Shall assist the Secretary General in all duties and shall assume such duties in the latter's absence

8.7 Treasurer:

8.7.1 The Party Treasurer is elected by the Annual National Conference and, as provided by this Constitution

8.7.2 Shall be in charge of the Party's financial offices and supervise branch financial transactions under the direction of the National Executive Council.

8.7.3 Shall prepare and submit to the National Executive Council a financial Statement every quarter of the year, and shall ensure that duly audited Annual STATEMENT OF Accounts is circulated to the branches and to all the delegates at the same time the notice convening the Annual National Convention is sent out.

8.7.4 S/He shall also keep a record of accounts for inspection by members and in Line with the Political Parties Act. S/He shall be a signatory to the party bank accounts and nomination certificates.

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8.8 Deputy Treasurer:

8.8.1 The Party Deputy Treasurer is elected by the Annual National Conference and, as provided by this Constitution

8.8.2 Shall assist the National Treasurer in all functions and shall assume all duties in latter's absence.

8.9 National Organizing Secretary:

8.9.1 shall be responsible for and supervision of the Party; Recruitment of members, parliamentary and county assembly elections.

8.9.2 The Party National Organizing Secretary is elected by the Annual National Conference and, as provided by this Constitution.

8.9.3 Shall coordinate the activities of the youth and women directorates, and in liaison with the Secretary General, shall supervise the organization of the Annual National Convention.

8.10 Deputy National Organizing Secretary:

8.10.1 The Deputy National Organizing Secretary is elected by the Annual National Conference and, as provided by this Constitution.

8.10.2 Shall assist the National Organizing Secretary in all functions and shall assume all duties in the latter's absence.

8.11 Other Officers:

8.11.1 The Party Officers elected by the Annual National Conference and, as provided by this Constitution.

8.11.2 The secretaries and the National Coordinators shall undertake relevant or specified duties and assignments under the direction of the Chairman and the National Executive Council.

8.12 No National Official of the Party shall hold at the same time an office in any branch.

## Article .9. Gender And Affirmative Action

9.1 In the endeavor to reach the objective of full representation of either gender in all decision-making structures, the Labour Party of Kenya shall implement a programme of affirmative action, including the provision of a quota of not less than one-third (1/3) in all its structures to enable such effective participation.

9.2 The method of such implementation will be addressed in all Labour Party of Kenya structures on a continuing basis.

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## Article .10. Director Of Women Affairs And The Women Congress:

10.1 The Women Congress will be open to women who are members of the Labour Party of Kenya

10.2 There shall be one directorate taking special interests of women.

10.3 Women and Gender Affairs Directorate: will be responsible for women and gender issues right from grassroots to national level.

10.4 The Women's Affairs Directorate will be represented at the Party Headquarters by a Director.

10.5 There shall be women and gender Affairs Director.

10.6 The women and gender Director will be elected during the Women's' Conference to be held once in five years.

10.7 The elected women and gender Director shall be a member of NEC and will attend all meetings of NEC.

10.8 The objectives of the Women Congress will be to defend and advance the rights of women, both inside and outside the Labour Party of Kenya, against all forms of national, social and gender oppression and to ensure that women play a full role in the life of the organization and in the people's struggle and in national life.

10.9 The Women Congress will function as an autonomous body within the overall structure of the Labour Party of Kenya, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the Labour Party of Kenya.

## Article .11. The Disability Congress

11.1 Labour Party of Kenya will have a Special Needs League.

11.2 The Special Needs League will be open to all persons with special needs and disabilities.

11.3 Its objectives will be to unite and lead all persons with special needs in confronting and dealing with the problems that face the persons with disabilities, and in ensuring that they make a full and rich contribution to the work of the Labour Party of Kenya and the life of the nation.

11.4 The Special Needs League will function as an autonomous body within the overall structure of the Labour Party of Kenya, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the Labour Party of Kenya.

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## Article .12. The Labour Party Youth Congress:

12.1 There shall be a Youth Congress comprising of all elected Youth leaders from the county branches and sub branches.

12.2 The Youth Congress shall also be referred to as the Labour Party Youth Congress

12.3 The official Logo for the Labour Party Youth Congress shall be a star on top of "Y" reflecting the Labour Party of Kenya (LPK) colours depicting the worlds "Labour Party of Kenya Youth Congress" as per the attached schedule

12.4 The Youth Congress shall be led by an elected President and Secretary General and shall exercise their duties in accordance with the Labour Party Youth Congress constitution.

12.5 The Youth Congress shall have two representatives on the National Executive Council of the Labour Party of Kenya.

12.6 Youth Congress President and Secretariat: will deal with youth matters and will provide services to the Party right from grassroots to national level.

12.7 The Youth Congress shall be open to all persons between the ages of 15 and 35yrs and may have persons over the age of 35yrs who will offer guidance and serve as mentors to the youths.

12.7.1 Persons over 35years in the congress may serve in the active leadership of the Youth Congress. They will be regarded as veterans but will only serve for a single 5year term only.

12.7.2 At no given time will persons over the age of 35years be more than a third of the leadership of the Youth Congress and will not hold key leadership positions in the Youth Congress.

12.8 The objectives of the Youth Congress will be to unite and lead young men and women in confronting and dealing with the problems that face the youth, and in ensuring that the youth make a full and rich contribution to the work of the Labour Party of Kenya and the life of the nation.

12.9 The Youth Congress will function as an autonomous body within the overall structure of the Labour Party of Kenya, of which it will be an integral part, with its own Constitution, rules and regulations, provided that these shall not be in conflict with the Constitution and policies of the Labour Party of Kenya.

12.10 Members of the Youth Congress over the age of 18 are expected to play a full part in the general political life of the Labour Party of Kenya.

12.11 A member of the Youth Congress shall not be eligible for any position as office-bearer of the Labour Party of Kenya or to attend Labour Party of Kenya conferences, members' or executive meetings of the Labour Party of Kenya (unless specially invited), unless he or she is a full member of the Labour Party of Kenya.

12.12 Elections of the Youth Congress shall be conducted every five years in Accordance with the Youth Congress Constitution.

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## Article .13. Action Committee On Human Rights:

13.1 There shall be an action committee on human rights at the National level. The committee shall be in charge of all human rights issues and directions within the party.

13.2 The Action Committee on Human Rights shall oversee human rights violations in the country and make reports to appropriate authorities at home and abroad.

13.3 It shall consist of:
- a) Founder members
- b) The three national officials: the Chairman General, Secretary General and Treasurer General.
- c) The directors of youth affair and women and gender affairs.

13.4 The Chair of the Action Committee On Human Rights shall be elected by members not holding any party office for a term of two years.

13.5 The quorum for the Action Committee On Human Rights meeting shall be eight of whom 3 must be Founder members.

## Article .14. Party County And Parliamentary Group:

14.1 There shall be Party County and Parliamentary Groups which will automatically form the Party Representatives Membership;

14.1.1 Party County Group:
- a) The Party County Group will have an elected Party County Group Secretary who will be elected nationally and such a secretary will automatically become a member of the NEC during his tenure.
- b) All Party elected County Representatives will be members of the Party County Group and will form caucus in their respective county,

14.1.2 Party Parliamentary Group;
- a) The Party Parliamentary Group will comprise of all the Party Members of the National Assembly and the Senate.
- b) There shall be Party Parliamentary Group Secretary who will be elected by the Party elected members in the beginning of each new parliament and such a secretary will automatically become a member of the NEC during his tenure.

## Article .15. Decision Making Organs:

15.1 The decision making organs of the party shall be:

- a) The National Executive Council
- b) The Supreme Council, and
- c) The Annual National Convention
- d) The National Executive Committee

15.2 There shall be also other consultative decision making committees established for internal management of the party affairs;
- a. Policy Committee;
- b. Campaigns and Candidates Committee
- c. Party Conference Committee.

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## Article .16. The National Executive Council

16.1 The National Executive Council shall consist of :

a) All National officials elected at the Annual National Convention.
b) The Party County Group Secretary
c) The Party Parliamentary Secretary
d) The Women and Gender Affairs Director
e) The Youth Congress President and Secretary
f) The Chief Whip, and
g) The Executive Labour Director

16.2 The National Executive Council shall have the following functions

a) To act as the executive body of the Supreme Council and the Annual National Convention to ensure that all decisions and policies made are duly carried out by the Party and the secretariat.
b) To supervise the administrative machinery of the Party at all levels and to recommend measures to be taken by the Supreme Council it deems necessary to enforce decisions and programmes of the Party as laid down by the Annual National Convention.
c) TO consider any recommendation from the Branches of the Party
d) To prepare the agenda for and reports to the Supreme Council.
e) To operate and determine the manner in which the Party accounts and Finances shall be managed and shall meet at least quarterly and in event of an emergency it shall assume full responsibility of the Party and shall report to the Supreme Council.
f) To create offices and fill vacant positions subject to ratification by the Supreme Council
g) To receive and approve the recommendations of the Labour Party Elections Board

## Article .17. The Supreme Council:

17.1 The Supreme Council shall consist of:

a) All National officials elected at the Annual National Convention.
b) Two members elected at the Annual National Convention representing each administrative Constituency.
c) The Party Secretary
d) The Party County Group Secretary
e) The Women Gender Affairs Director
f) The Youth Congress President.
g) The Chief Whip
h) The Chairman, Secretary, Treasurer, Women Affairs Leader and Youth Affairs Leader of each branch in the country.
i) The Executive Labour Party Director
j) The Chairman Action Committee on Human Rights.

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17.2 The Supreme Council shall have the following functions:

a) To act as the broader executive body of the Annual National Convention and to ensure that all recommendations by the National Executive Council are duly carried out by the Party and the Secretariat.

b) To work in liaison with the Party County assembly Group and Party Parliamentary Group.

c) With the approval of the Annual National Convention to appoint and fix the terms and conditions of service of the Executive Labour Director, Women and Gender Affairs Director, Youth Affairs Director and other members of staff in the employment of the Party.

d) To appoint committees for specified tasks; coordinate elections of the delegates to the Annual National Convention; to research, establish, co-ordinate and conduct various schemes aimed at stimulating party activities and

e) To prepare the agenda for and reports to the Annual National Convention.

17.3 The Supreme Council shall meet at least once every six months.

## Article .18. The Annual National Convention:

18.1 The Annual National Convention shall consist of all members of the National Executive Council, the Supreme Council and delegates made up as follows:

i) All Party Members of Parliament

ii) All Party Elected County assembly Leaders (County Assembly Representatives)

iii) The Chairman, Secretary, Treasurer, Women and Gender Affairs Director and Youth Director of each branch in the country and

iv) Three delegates from each branch elected at the Annual National Convention.

v) All Gold Members.

18.2 The Annual National Convention shall be the highest authority of the Party and shall determine the Party's policy. It shall have the following functions and powers.

a) To approve all the policies of the Party.

b) To examine and approve the audited accounts for the period since the previous ordinary session of the Annual National Convention which will be presented by the Treasurer General and to set the scale of annual dues to be paid by Party members.

c) To elect among its members the officers of the Party as set out in Section 4 of this constitution.

d) To consider, modify and, if it thinks fit, rectify the constitution and rules of the Party.

e) To consider any such other item as may be referred to it by the Supreme Council.

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f) To receive, examine, and approve the annual report and audited accounts.

g) To appoint the Auditor and fix his/her remuneration.

h) To appoint other committees for specified tasks and terms of office, this will report to the National Executive Council.

i) To establish and or revise the bylaws, if required for the regulation of the affairs of the Party.

j) To receive regular reports from the Supreme Council on the operations of the Party; and

k) To receive and approve the Party Manifesto from the Supreme Council.

l) To delegate or confer any of its powers or duties to the National Executive Council or the Supreme save the powers and duties specified in (d) above.

18.3 An ordinary session of the Annual National Convention shall be held every year at the place and date to be determined by the Supreme Council. The notice of the meeting shall be sent out by the Secretary General at least four weeks before such date. The agenda shall be communicated by the Secretary General to all branches for onward transmission to all delegates at least two weeks (14 days) before the date of the meeting; and

18.4 The Chairman shall summon a special session of the National Convention upon the decision of the National Executive Council or if requested in writing by one third of the entire delegates at the preceding Annual national Convention.

## Article .19. National Financial Resource and Membership Committee

19.1 The shall be established a National Finance and Membership Committee which shall be composed of

a) the Treasurer;
b) the Secretary General,
c) the Chairman,
d) two members of the National Executive Council appointed by the National Executive Council;
e) a member of the Party Conferences Committee appointed by the Party Conferences Committee;
f) a member of the Campaigns and Candidates Committee appointed by the Campaigns and Candidates Committee.

19.2 The Finance and Membership Committee shall be responsible and accountable to the National Executive Council for:

a) Sourcing for party finances for party activities
b) Managing the recruitment and retention of members;
c) Resource mobilization at national level.

## Article .20. Policy Committee

20.1 There shall be a Policy Committee which shall have the duty of researching, developing and formulating policy, and managing and overseeing the policy-making process. It shall have the powers and responsibilities contained in this article.

20.2 The Policy Committee shall consist of:

a. The Policy Convener who shall normally chair the Committee;
b. the Party Leader;
c. the Chairman
d. one person from each branch, appointed by the Brach Executive Council
e. one member appointed by the Labour Party Youth Congress.

20.3 The ANC shall have the power to make the policy of the Party. This power shall be exercised in accordance with the provisions of this Section of the Constitution.

20.4 The Party Leader and spokespeople, in exercising their duty to promote the cause of the Party, shall have the power to express and update the Party's policy in order to respond to day to day political developments. Any material change in policy made in this manner shall only remain the policy of the Party if it is approved by the first appropriate meeting of the ANC.

20.5 The Policy Committee shall commission, publish and submit to the Conference policy motions or proposals, either on its own initiative or at the request of the ANC. In discharging this duty, the Policy Committee shall ensure proper consideration of varying viewpoints within the Party and, where appropriate, offer options for consideration. When approved by the ANC, a policy proposal shall, subject to any amendment or qualification the ANC makes, become the policy of the Party.

20.6 The Policy Committee shall submit an annual report for approval or amendment to the ANC on its programme of policy development.

20.7 The Policy Committee may request that any proposal, whether by motion or amendment or otherwise to be considered by any annual conference at different levels of the party structure which would, if approved, state, amend or otherwise affect the policy of the Party, should first be remitted to itself for further consideration. The conference shall not be bound to accede to the Policy Committee's request, or may accede to it subject to qualifications.

20.8 The Policy Committee shall have power:

a. to make interim policy on topical issues, but such policy will remain the policy of the Party only if it is approved by the first appropriate meeting of Conference;
b. to make detailed policy of the kind needed to implement the principles and thrust of a policy proposal or motion that has already been adopted by Conference, and
c. take such other action as appears to them expedient, taking into account their constitutional responsibility to Conference.

20.9 The Policy Committee shall be responsible for the preparation and approval of the Party's election manifesto for any General, or supplement to, the manifesto for any General Election.

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20.10 When practicable, and always in the case of an ordinary election, the Policy Committee shall prepare a pre-manifesto document to be presented to the ANC for approval. An election manifesto shall be based upon the pre-manifesto document as approved, and policy adopted by, the ANC. If no policy has been adopted on some issue which in the view of the Policy Committee needs to be referred to, the Policy Committee shall have power to pronounce a policy on that issue for inclusion in the manifesto.

20.11 The Policy Committee shall also be responsible for:

a. presenting the policies and opinions of the Party to the membership;
b. placing the policies of the Labour Party of Kenya in dialect that can be understood by a certain cultural context and promoting them within Kenya;
c. presenting the policies and opinions of the Party to outside bodies in Kenya and elsewhere;
d. consulting outside bodies and people with relevant expertise in relation to proposed policies of the Party;
e. approving official policy publications of the Party;
f. supporting the development of policy seminars, and
g. assisting branches and other relevant bodies to formulate motions for party conference.

## Article .21. Other Party Committees

21.1 There shall be other established party committees whose composition, life and terms of reference will be determine by the NEC. Such committees may include and not limited to;

a. Campaigns and Candidates Committee to take care of the national elections promotions and publicity.
b. Party Conference Committee to take care of the commercial aspects of the party conferences.

## Article .22. The Party Headquarters

The site of the National Headquarters of the Labour Party of Kenya (LPK) will be determined by the Executive committee of NEC and communicated to the membership of the party.

## Article .23. Branch Organization/County:

23.1 The branch shall be the basic organization of the party and shall be formed on the basis of the county level.

23.2 Each branch shall have a Branch Executive Committee (BEC) which shall have the following officials:

a) The Chairperson, Vice Chairperson, Secretary, Assistant Secretary, the Treasurer, Assistant Treasurer, Organizing Secretary, Assistant Organizing Secretary, Coordinator for women affairs, Deputy Coordinator for women Affairs, Coordinator for youth affairs, Assistant Coordinator for youth affairs, Persons with disabilities and Deputy persons with disabilities.

b) The Branch Executive Officer appointed by the Branch Executive Committee (BEC).

c) The Party Members of Parliament.

d) Fifteen Committee members selected at the Branch Annual Convention (BAC).

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23.3 No branch official of the party shall hold office at the lower echelon of the party

23.4 The branch officials and Branch Executive Committee members shall hold office for five years. They shall be eligible for re-election. The Branch Annual Convention shall consist of

a) Officials and members of the Branch Executive Committee.

b) Officials of all sub branches in the Constituency and

c) Fifteen delegates elected from each sub branch of which at least three shall be women and three youths.

23.5 Duties of the Branch Executive Committee shall be:

a) To carry out Party activities among the people in order to realize the aims, objects, policies and programmes for the branch.

b) To promote political and general education amongst the people of the branch.

c) To recruit and review party membership.

d) To scrutinize and vet the names of the persons aspiring to stand for county assembly and parliamentary elections for the party ticket and make appropriate recommendations.

e) To liaise and work under the direction of the decision making organs of the party; and

f) To ensure strict discipline and adherence to party policies and programmes among individual party members.

g) To hear and determine cases of discipline within the branch and to make recommendations for suspension/expulsion of members to the National Executive Committee

h) Recommendations anticipated in paragraph 18.5(e) above shall be a consequence of due process.

23.6 Duties of the Branch Annual Convention shall include:

a) To elect the Branch Executive Counsel.
b) To direct and supervise the Branch Executive Committee.
c) To receive annual financial report on the branch.
d) To receive report on party activities during the year
e) To elect delegates to the Annual National Convention.

23.7 Pending the holding of the first Branch Annual Convention, the Branch Executive Committee shall be nominated by the National Executive Committee.

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## Article .24. Sub Branch Organisation/Constituency:

24.1 Each Branch shall be subdivided into sub branches organized on the basis of Administrative constituencies.

24.2 The sub branch shall have an Executive Committee which shall consist of:

a) Chairperson, Vice chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary and Deputy Organizing Secretary, the Coordinator for women affairs, Deputy Coordinator for women affairs, Coordinator for youth affairs, Deputy Coordinator for youth affairs.

b) County Representatives of County Assemblies and members of parliament

c) Fifteen Committee members elected at the Sub branch Annual Convention of which at least three shall be women and three youths.

24.3 No sub branch official of the party shall hold office at the lower echelon of the party.

24.4 The duties of the sub branch executive committee shall be similar to those of the branch but at the sub branch level but will be represented to the Annual Branch Convention by the Sub branch Chairperson and Secretary respectively.

24.5 The Sub Branch officials and the members of the Sub Branch Executive Committee shall hold office for five years. They shall be eligible for reelection. The Sub branch Annual Convention Shall consist of:

a) Officials and members of the sub branch executive committee.

b) Officials of all sub location/area Committees in the Sub branch; and

c) Fifteen delegates elected from each sub location of whom at least three shall be women and three youths.

24.6 Duties of the Sub Branch Annual Convention shall be to direct and to supervise the Sub Branch Executive Committee and to elect delegates to the Branch Annual Convention (BAC)

24.7 The sub-branch head office will be determined by the sub-branch delegates conference

## Article .25. Location/Ward:

25.1 Each/Location/Ward shall be divided into Locations/Areas based on Administrative Locations in the rural areas or wards in urban areas.

25.2 Each Location shall be governed by a Location/Area Committee which shall consist of:

a) Chairman, Vice chairman, Secretary, Assistant Secretary, Treasurer, Women and Gender Affairs Leader, Youth Affairs Leader, Organizing Secretary, and Assistant Organizing Secretary.

b) Twelve Committee members whom at least three shall be women and three youths.

c) The elected officials in (a) above shall be responsible for the day to day management of the Location/Area.

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25.3 The duties of the Location/Area Committees shall be similar to those of the Location/Ward but at a Location/Area Level.

25.4 The Location/Area officials and the members of the Location/Area Committees shall be elected at the Location/Area Annual General Convention and shall hold office for five years. The Sub Location/Area Annual General Convention shall consist of:

a) Officials and members of the Location /Area Committee.

b) All paid up members in the Location/Area.

25.5 Duties of the Location Annual General Convention shall be:

a) The establishment of Village Popular Committees.

b) To direct and supervise all Location /Area Committee; and To promote

## Article .26. Sub Location/Area Organisation:

26.1 Each party ward/location shall be divided into sub location/area formed on the basis of administrative sub location/ward committee.

26.2 The sub location/ward/area shall have the following officials: Chairperson, Vice Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary and Deputy Organizing Secretary, Coordinator for Women and Gender Affairs leader, Youth affairs, Youth Affairs Assist coordinator for Youth Affairs.

26.3 The Sub location /Ward/Area Committee shall be elected at the Sub location Annual Convention which shall be held not later 30th September of every year, by secret ballot or any other acceptable method, hold office for a period of five years and shall be eligible for re-election.

26.4 The Sub location/ward/Area Annual National Convention shall include all the Party within the area.

26.5 The Sub location committee shall meet at least once a month and shall be responsible for membership recruitment collection recruitment collection of membership dues, propagation of party policies at the grassroots, and the management of all party affairs at the grassroots level.

## Article .27. Procedure Of Meetings At All Party Levels:

27.1 A quorum for the National Executive Council, the Supreme Council, the Annual National Convention, all Branch, Sub Branch and Locational/Ward Meetings shall be two third of the membership thereof.

27.2 All meetings of the National Executive Council, the Supreme council, the Annual National Convention, all Branches, Sub Branch and Locational/Ward, the Chairman or in his absence the Vice Chairman, the members shall elect one among themselves to preside.

27.3 Resolution, unless otherwise stated in the constitution shall be decided by simple majority by show of hands during voting.

27.4 In the event of an equality votes at any meeting, the Chairman shall have a casting vote.

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## Article .28. Procedure For Nominating Party Candidates:

28.1 Party members shall have the right to participate in the nomination of candidates by voting through secret ballot for:

a) President in respect of presidential elections.

b) Member of parliament in respect of parliamentary elections, and

c) County Assembly Representative in respect of County Assembly elections.

28.2 Members of the Party shall cast their votes through secret ballot for any of the candidates to be nominated for:

a) President in respect of Presidential elections.

b) Members of Parliament in respect of Parliamentary elections; and

c) County Assembly Representatives in respect of County Assembly elections.

28.3 Notwithstanding Article 25.1 and 25.2 above the special Annual National Convention may take decision in respect of nomination of Presidential candidate and both the National Executive Council and the Branch Executive Committee (BEC) may take decision in respect of nomination o Parliamentary and county assembly candidates respectively where time and other exigencies do not permit the holding of elections as provided for in the constitution.

28.4 Where only one person is nominated without opposition as a candidate for:

a) President in respect of Presidential elections.

b) Members of Parliament in respect of Parliamentary elections; and

c) County Assembly Representatives in respect of county assembly elections; such person shall be declared the Party candidate.

## Article .29. Labour Party Elections Board (LEB):

29.1 The Party shall establish an independent National Elections Board comprising of respected and knowledgeable persons of integrity at least one third (1/3) of each gender, directly appointed by the National Executive Council. The Board members shall be persons who are Kenya Citizens over the age of eighteen (18) years and must not be holders of an elective party office.

29.2 Composition. The LEB shall be composed of 13 members. One member representing each of the following eleven (11) Regions.

29.2.1 Nairobi
29.2.2 Central
29.2.3 Western
29.2.4 Nyanza
29.2.5 North Rift
29.2.6 Central Rift
29.2.7 South Rift
29.2.8 Coast
29.2.9 Upper Eastern
29.2.10 Lower Eastern
29.2.11 North Eastern
29.2.12 Chairperson
29.2.13 Secretary who will have no voting powers.

29.3 Mandate:

29.3.1 Presenting to the LPK NEC names of the successful applicants for nomination as Presidential, Parliamentary and County assembly candidates.

29.3.2 Design all relevant forms required for the Nomination Process.

29.3.3 Take all the necessary measures to ensure that the LPK nominations are transparent, peaceful, free and fair and that the choice of LPK candidates truly reflects the will of LPK members.

29.3.4 Implement and oversee the operations of the Labour Party of Kenya Nomination Rules in liaison with the National Executive Council.

29.3.5 Plan, organize, coordinate and supervise party Nominations for Presidential, Parliamentary, Senate and County assembly Candidates.

29.3.6 Establish Constituency Nomination Panels (CNP's), make rules and regulations to govern their operation, in each Constituency in consultation with the NEC.

## Article .30. Appeals Board:

30.1 The Appeals Board shall comprise of experienced and mature people of integrity and shall be appointed by NEC excluding the Labour Elections Board members, six months prior to the date of elections and must not be holding any party office. At least one third of the members shall be of either gender

30.2 Composition. It will be composed of 5 members:

30.2.1 The Chairperson
30.2.2 Secretary who will have no voting powers
30.2.3 Three (3) members

30.3 Mandate:

30.3.1 Receive nomination appeals
30.3.2 Study the facts of the appeal case
30.3.3 Adjudicate on the appeal
30.3.4 Communicate the decision to the appellants, in a timely fashion i.e. not later than 48hours after lodgments of the appeal. Appeals fee will be determined by the NEC (10% of Nomination fees) The decision of the Appeals Board will be final.

## Article .31. Trustees

31.1 There shall five (5) trustees the party who are founding members of the party and shall be the custodians of all party property.

31.2 Any land, buildings and immovable property, investments and securities that may be acquired by the Party shall be vested in the name of the party with the trustees as overseers.

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31.3 The trustees shall be appointed for a period of ten years and none of them shall be removed from office except on the following grounds:

i) Voluntary resignation in writing.

ii) Bankruptcy.

iii) Two-thirds majority at the NEC passes a motion calling for his/her removal.

31.4 Quorum for a trustees' meeting shall be a half of the total membership.

## Article .32. Finance:

32.1 The source of funds for the party shall include the following:

i) Membership dues.
ii) Grants, Subventions, contracts, donations and legacies accepted by the National Executive Council and approved by the Supreme Council on behalf of the Party
iii) Revenue from capital investments;
iv) Net income from Publications and consultancies; and
v) Funds from the Government

32.2 The Party shall establish rules governing the collection, keeping and expenditure of finances which shall be managed by the Treasurer of the party;

32.3 The Party shall after budget has been allocated forward the same to the Treasurer who shall oversee its implementation;

32.4 The Treasurer shall prepare a financial report and cause the same to be audited in line with the Political Parties Act

32.5 Funds will be utilized for supporting Party programmes as determined by the National Executive Committee in line with the Political Parties Act

32.6 No Party funds shall be used in contravention of the Political Parties Act

## Article .33. Auditors:

33.1 The Party shall appoint or reappoint an Auditor at the Annual National Convention in line with the Political Parties Act. the party accounts, records and documents shall be open to inspection of the Auditor at any time. The Treasurer shall produce and submit Audited accounts made up o date, which shall not be less than four weeks and not less than two months before the date of the Annual National Convention.

33.2 The Auditor shall not be an office bearer or a member of any Committee of the Party

33.3 The Auditor shall be paid such honorarium for his duties as may be approved by the Annual National Convention.

33.4 The audited accounts of the Party shall be published in accordance with the Political Parties Act

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## Article .34. Inspection Of Accounts And List Of Membership:

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 on giving not less than fourteen (14) days notice in writing.

## Article .35. Amendment Of The Constitution:

No amendment or change may be made to the Constitution except with the approval of the Annual National Convention and by at least two thirds of the Votes cast by the members present or in proxy subject to the approval of the Registrar of the Political Parties.

## Article .36. The Press And Publications:

36.1 The party may own and operate a printing press and may have an interest or shares in any existing printing press; and

36.2 The Party May publish its own literature, periodicals, magazines, pamphlets, books e.t.c.

## Article .37. Accredited Bipartisan Observers At National Level:

37.1 There shall be accredited bipartisan observers during the Annual National Convention at the Headquarters.

37.2 The accredited bipartisan observers will be compromised of:

- 37.2.1 Trade Unions
- 37.2.2 Farmers Association
- 37.2.3 Juakali Artisan Groups
- 37.2.4 Hawkers Groups
- 37.2.5 Matatu Transport Organizations
- 37.2.6 Women Groups
- 37.2.7 National Youth Organizations
- 37.2.8 Disabled Persons
- 37.2.9 Human Rights Groups
- 37.2.10 Cultural Groups and Community based Organizations
- 37.2.11 Children Rights Groups
- 37.2.12 Student Representatives.
- 37.2.13 Employers Association.
- 37.2.14 Chamber of Commerce and Industry.
- 37.2.15 Association of Manufacturers and Consumer Organizations
- 37.2.16 Public and Private Universities
- 37.2.17 Professional Association.
- 37.2.18 Religious Bodies
- 37.2.19 Non-Governmental organizations both local and International based in Kenya
- 37.2.20 Any other organizations that are operating in Kenya which feel party at the National level

37.3 The accredited bipartisan observers will have no voting power during the sessions they will be entitled to attend.

37.4 The accredited bipartisan observers will be required to inform the Secretary General of the intention to attend seven days prior to the date of the Annual National Convention in writing specifying the names and the positions of those to attend.

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37.5 Any interested "Accredited bipartisan observer" group who feels that there are issues of national or international relevance to the sound management of any policies contained in the Party's constitution that needs to be considered by the party he may have sent in writing to the Secretary General fourteen (14) days before the date of the meeting of the National Executive Council.

37.6 The Party reserves the right to reject or accept any proposal and or accepts the proposals without prejudice.

### Article .38. The Institute For Democracy, Liberty, Peace and Development Studies:

38.1 The Party may affiliate itself to a "think-tank" set up with the aims and objectives of carrying out research on various policy issues dealing with good governance, human rights, peace, equality, security, foreign Policies, financial and economic policies and strategic studies.

38.2 At its inception the party may help set up an independent and autonomous institute to research on matters that the party will consider relevant to good governance, human rights, accountability, transparency and patriotism.

38.3 The institute will be run by an independent Board of Trustees who will appoint a Director to run it.

38.4 The party has also a registered college, Nyota Institute which is the name of a trustee, this institute will empower young people with relevant skills that will enable them fend for their lives in an honest way.

38.5 The Director will be responsible for day to day running of the institute and appoint an Administrative staff.

38.6 The Institute will be operated by the Board of Trustees as a "think-tank" specializing on research in various fields of human development such as human rights violations in the region. Organize seminars, publish reports on abuse of the internationally accepted Freedom of the individual, child Abuse, Discrimination on the basis of Sex, Race etc. invite speakers on their areas of specialization.

38.7 The institute may organize international conferences on matters of Democracy, Liberty, Peace, Security, Equality, Foreign Policy, Development and Strategic studies.

38.8 The institute may be involved in conjunction with other established centers and institutes, undertake consultancies on issues of human development.

38.9 The institute shall be selffinancing through consultancy fees, donations, subventions, sale of publications and any other means of raising money that does not compromise its independent and autonomous nature.

38.10 The Institute may offer memberships, fellowships, awards, honors to individuals and organizations that will have distinguished themselves in the areas the institute has been established to research on.

38.11 The institute will work closely with local universities, centers of research professional organizations, religious groups, business organizations involved in research for betterment of humankind with the objective of translating the "Ivory Tower" research findings to the benefit of the "wananchi" in their struggle to uplift standards of living.

38.12 The institute will offer and award certificates, diplomas to those who will participate in specialize management training programmes.

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## Article .39. Dispute Resolution:

Disputes between members shall in the first instance be resolved in accordance to Article 44. An appeal from the decisions of the Disciplinary Committe lies to the Political Parties Dispute Tribunal.

## Article .40. Execution of Papers and Party Documents

40.1 Party correspondence documents will be signed by the Chairperson and or the Secretary General.

40.2 Signatories to the party bank accounts and nomination certificates will be by the Chairperson, The Secretary General and The Treasurer or another member appointed by the NEC however the Secretary General must be a signatory to the party bank accounts given that s/he is the accounting officer of the party.

## Article .41. Party Seal:

The Party shall have the Party Seal which shall be in the custody of the Secretary General. The National Executive Council may from time to time determine what class of documents must be sealed.

## Article .42. Coalitions:

42.1 The Labour Party of Kenya may form coalitions and alliances with other like minded Political Parties having their own programs principles and policies.

42.2 The decision to form alliances and coalitions and alliances shall be determined by two thirds of members present at the National Executive Council.

42.3 The Chairperson, the Secretary General and 1(one) NEC member appointed by the NEC shall execute the coalition and alliances instruments.

## Article .43. Mergers

43.1 The Labour Party of Kenya may merge with another or more registered parties, at any time other than during the period beginning 3 months before the issue of a writ for an election and ending on polling day, apply to become a single registered party resulting from their merger

43.2 An application to merge Labour party of kenya with another or more registered parties must

a) Be certified by the Party leaders and Secretary Generals of the merging parties;
b) Be accompanied by a resolution of the Governing Council from each of the merging parties approving the proposed merger; and
c) Contain the information required from a party to be registered, under PPA 2011.
d) Ensure that the merging parties have discharged their obligations under the PPA 2011 Act, including their obligations to report on their financial transactions and their election expenses and to maintain valid and up-to-date information concerning their registration status and membership across the counties.

43.3 The Labour Party of Kenya shall in all mergers remain the "Merged Party" whereas those political parties merging with LPK will be the "merging parties".

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43.4 Any process of Merging between the Labour Party of Kenya and other Political Parties shall adopt three stages that is the Pre-Merger agreement, The Merger agreement and The Post Merger agreement.

43.5 If the Registrar of Political Parties, amends the registry of parties, he or she shall cause to be published in the Kenya ***Gazette*** a notice that the names of the merging parties have been replaced in the registry with the name of the merged party this shall also be in line with section/Article 20 of the Political Parties Act 2011.

43.6 A merger of registered parties takes effect on the day on which the Registrar of Political Parties amends the registry of parties under subsection 43.5

43.7 On the merger of Labour Party of Kenya with one or two or more, registered political parties,

a) The merged party(LPK) is the successor of each merging party;
b) The merged party(LPK) becomes the only registered party.
c) The assets of each merging party belong to the merged party(LPK);
d) The merged party shall not be responsible for the liabilities of each merging party;
e) The merged party shall not be responsible for the obligations of each merging party to report on its financial transactions and election expenses for any period before the merger took effect;
f) Any decision of a judicial or quasi-judicial nature involving a merging party shall not be enforced by or against the merged party.

## Article .44. The Disciplinary Committee

44.1 Constitution of the LPK , Rules and Regulations, the Standing Orders and Codes of Conduct;

a) All members, without exception, must abide by the Constitution of the LPK, and the Rules and Regulations, the Standing Orders and Codes of Conduct, as adopted or amended from time to time, as well as all policies and decisions properly adopted or made in terms of the Constitution.

b) Every candidate representing the LPK during an election at any level, must undertake, in writing, prior to the elections, to abide by the Constitution of the LPK and the relevant Code of Conduct for elected representatives, and to submit to and abide by any disciplinary proceedings instituted against her or him in terms of the Constitution or such Code, directly or indirectly arising from her or his conduct as a public representative of the LPK.

c) All LPK members , without exception, are subject to the discipline of the party and must submit to the provisions of the Constitution, Rules and Regulations, Standing Orders and Codes of Conduct with regard to the conduct of party matters/affairs, and applicable disciplinary procedures, in particular Article 44.

44.2 Disciplinary proceedings against LPK members shall be confined to violations of the LPK Constitution, Rules and Regulations, Standing Orders, Codes of Conduct and the policies and decisions of the LPK. The misconduct referred to in Article 43.5 or provided for in terms of Article 44.13 (b) shall not be used as a means of stifling debate or denying members their basic democratic rights; or

44.3 NEC, may invoke disciplinary proceedings under this Constitution, if satisfied that the institution of a disciplinary procedure is warranted against an LPK member in respect of any conduct referred to in Article 44.5 or any other misconduct prohibited in LPK Constitution, NEC may decide to institute disciplinary proceedings against such member in respect of such misconduct and refer the matter to the NDCC be, or any other body authorized in terms of the Constitution to conduct disciplinary proceedings, to proceed with such disciplinary hearing.

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44.4 A disciplinary committee, which has conducted a disciplinary hearing in terms of this Constitution, may find any member or public representative guilty of any misconduct referred to in Article 44.5 or any other misconduct prohibited in terms of the Constitution, only if it is satisfied that the evidence presented is of such a cogent and sufficient nature as to prove the guilt of such member or public representative on a balance of probabilities.

44.5 The following conduct by a member shall constitute misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her:

a) Conviction in a court of law and being sentenced to a term of imprisonment without the option of a fine, for any serious non-political offence;

b) Conviction in a court of law, for any serious non-political offence;

c) Behavior which brings the party into disrepute or which manifests a flagrant violation of the moral integrity expected of members and public representatives or conduct unbecoming that of a member or public representative;

d) Sowing tribal chauvinism, religious and political intolerance, regionalism or any form of discrimination;

e) Engaging in sexual or physical abuse of women or children or abuse of office to obtain sexual or any other undue advantage from members or others;

f) Abuse of elected or employed office in the party or in the State to obtain any direct or indirect undue advantage or enrichment;

g) Behaving corruptly in seeking or accepting any bribe for performing or not performing any task;

h) Misappropriation of the funds of the party or destruction of its properties;

i) Behaving in such a way as to provoke serious divisions or a break-down of unity in the party;

j) Undermining the respect for or impeding the functioning of the structures of the organization;

k) Participating in organized factional activity that goes beyond the recognized norms of free debate inside the party and threatens its unity;

l) Supporting a political organization or party other than an organization in alliance with the LPK in a manner contrary to the aims, objectives and policy of the LPK;

m) Supporting in an election at County or national level or acting as the election agent or canvasser for a person standing for such an election in opposition to a candidate duly endorsed by the NEC and LEB;

n) Prejudicing the integrity or repute of the party, its personnel or its operational capacity by:

   a. Impeding the activities of the party;

   b. Creating division within its ranks or membership;

c. Doing any other act, which undermines its effectiveness as an political party; or

d. Acting on behalf of or in collaboration with:

i) Counter-revolutionary forces;

ii) A political organization or party other than an organization or party in alliance with the LPK in a manner contrary to the aims, policies and objectives of the LPK ;

iii) Intelligence or the security services of other countries; or

iv) Any person or group who seriously interferes with the work of the party or prevents it from fulfilling its mission and objectives.

o) Fighting or behaving in a grossly disorderly or unruly way;

p) Deliberately disrupting meetings and interfering with the orderly functioning of the party;

q) Fraudulent membership recruitment

r) Recruitment of members who do not reside at an address claimed, where this is done in order to manipulate branch meetings or the outcome of party votes; or

s) Giving, collecting or raising of funds for campaigning activities within the LPK aimed at influencing the outcome of a conference or meeting.

44.6 Appointment of the National Disciplinary Committee

a) The NEC shall appoint a National Disciplinary and Cohesion Committee (NDCC) from among its party membership.Which will consist of at least 5 but not more than 9 members. At least a third (1/3) member of the NDCC shall constitute its quorum. The national officials of NEC may refer any violation or misconduct directly to the NDCC for determination of a compliant. In addition, the National Disciplinary and Cohesion Committee shall hear and determine appeals from appropriate organs of the LPK in terms of Article 44. The decisions of the NDCC shall be final.

b) Each Branch shall appoint a Branch Disciplinary and Cohesion Committee (BDCC). These respective Disciplinary Committees must be appointed as soon as possible after the election of the respective executive committees and will consist of at least 3 but not more than 5 members. At least three members of a disciplinary committee shall constitute its quorum.

c) Disciplinary proceedings will normally be conducted at the level where the alleged violation or misconduct took place, namely the branch, ward or national level, and may be heard by the relevant structure.

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d) Disciplinary proceedings may only be instituted at sub-branch level if the relevant branch has granted that sub-branch written permission to do so.

e) The NDCC may direct that the disciplinary proceedings should be heard at a higher level than where the alleged violation or misconduct took place.

f) No member of a disciplinary committee may participate in a decision to institute disciplinary proceedings against another member in the same committee and such member of the disciplinary committee shall disqualify himself or her self from such discussion and decision, save in the exceptional circumstances contained in Article 44.6 (a). However, this does not prohibit such member from participating in any political discussion on any issue, which later becomes the subject of a discussion and decision to institute such disciplinary proceedings against a committee member.

44.7 Persons faced with disciplinary proceedings;

a) Any person faced with disciplinary proceedings shall receive due written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defense.

b) Any person faced with disciplinary proceedings is entitled to be represented by a member in good standing and who is a paid up member for at least three months prior to the receipt of such written notice referred to in Article 44.7 (a).

c) If disciplinary proceedings are instituted against a member and such member does not appear at the venue and at the time determined for such proceedings or does not remain in attendance when required to do so, the relevant disciplinary committee, if satisfied that such member was properly and timorously notified of such venue and time, may order that the proceedings continue in the absence of such member. The disciplinary committee may form an opinion of the evidence led, after applying the test provided for in Article 43.4, and it may proceed and make a finding of guilty or not guilty, as the case may be, even if such member was absent from part or the whole of the proceedings.

44.8 Penalties or sanctions

a) Penalties or sanctions, which may be imposed by a disciplinary committee, for proven violations of the Constitution, other relevant instruments, principles, norms, policies and decisions of the LPK , will include reprimand, payment of compensation and/or the performance of useful tasks, remedial action, and suspension of membership or expulsion from the LPK , and in the case of a public representative also the removal from any list or instrument which entitles such person to represent the LPK at any level of government.

b) A disciplinary committee may suspend the imposition of any of the above penalties or sanctions, with or without certain conditions for a period to be determined by such disciplinary committee.

c) Any member found guilty of the misconduct referred to in Article 44.5.(m) and (n), shall be ineligible to be or remain a member, and shall be expelled from the organization.

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44.9 How a decision of a disciplinary committee takes effect;

a) A decision of a disciplinary committee only takes effect once the internal appeal procedures and remedies provided for in terms of Article 44 have been exhausted. Any person found guilty during a disciplinary proceeding, or the complainant, has the right, within 14 days from the date of sentencing, to appeal against the conviction or sentence, to the next highest body of the LPK . A member is only entitled to one appeal to such next highest body, whose decision shall, subject to paragraph (b), be final and binding, provided that the NDC may, upon application to it and if it deems it necessary, grant a further appeal to be heard by itself. The NDCC may direct that a body higher than the one to which the appeal has been made should hear any appeal. An appeal against the decision of a Branch Disciplinary and Cohesion Committee should be heard directly by the Branch Disciplinary Committee.

b) Where a disciplinary committee, other than the National Disciplinary Committee, arrives at a decision to suspend or expel a local government County Assembly Representative or a member of a County legislature or Parliament, such a decision shall be suspended pending the outcome of an automatic appeal to the National Disciplinary Committee. The National Disciplinary and Cohesion Committee must commence with such an appeal within 14 days of the notification of the decision of such disciplinary committee.

44.10 All disciplinary proceedings shall be disposed of expeditiously, but within 6 months from the date that notice of the charge has been delivered to the member, provided that the NDC may, upon application from the relevant disciplinary committee, in writing, at any stage before or after the expiry of such period extend this period in a particular case, if it deems it necessary.

44.11 The relevant Disciplinary Committee shall in writing report the outcome of each disciplinary proceeding to the secretary of the executive structure which established it and then the decision shall be publicly announced by the relevant Disciplinary Committee.

44.12 Temporary Suspension

a) The Branch Disciplinary and Cohesion Committee with regard to disciplinary matters not being dealt with at a national level, and the National Disciplinary and Cohesion Committee may summarily suspend the membership of any member, by acting in accordance with the procedures prescribed in Article 44.12.

b) Before any of the above structures make such a decision, it must have due regard to the nature and seriousness of an alleged violation or misconduct by a member and/or public representative only after the accusations have been put to him or her for comment by the person or body tasked with such duty by the relevant structure, and he or she has had an opportunity to respond, provided that if such member has been given proper and timeous notice of such opportunity and does not avail himself or herself of such opportunity, and/or does not attend or does not stay in attendance, the matter may be proceeded with in his or her absence.

c) Exceptional circumstances, as determined by the NDCC as the case may be, may warrant an immediate decision of temporary suspension of a member without eliciting the comment of such member, as provided for in paragraph (b).

d) The member or public representative shall immediately be informed of such suspension.

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e) In the case of the suspension of an elected public representative, the relevant structure making the decision must also provide for any terms and conditions, which will regulate his or her participation and conduct as a public representative during the period of suspension.

f) The member or public representative shall immediately be informed of such terms and conditions.

g) When a Branch Disciplinary Committee imposes a temporary suspension on a member or a public representative, it must immediately forward a report of such suspension and the reasons for it, to the NDCC and the NDCC may, if circumstances warrant it, at any stage set aside such suspension.

h) The temporary suspension shall lapse if a notice of a charge relating to such suspension is not delivered to the member within 30 days of the date of the commencement of the temporary suspension.

i) Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.

j) The temporary suspension shall, subject to paragraph (g), remain in force until the finalization of the disciplinary proceedings, including any appeals, provided that the NDCC may, upon application and if the circumstances so warrant, at any stage set aside such suspension.

k) The temporary suspension may at any stage be set aside by the structure, which imposed it, if it deems it necessary.

44.13 The NEC must adopt Rules and Regulations dealing with disciplinary proceedings;

a) The NEC must adopt Rules and Regulations for the regulation of the effective and appropriate implementation and functioning of Article 44 dealing with disciplinary proceedings in the LPK .

b) Without prejudice to the generality of Article 44.5, the NEC may, in regulations, prescribe further conduct by a member or public representative, constituting misconduct in respect of which disciplinary proceedings may be invoked and instituted against him or her.

c) The National Disciplinary and Cohesion Committee shall draw up guidelines for the interpretation of Article 44 and for the rules of procedure applicable during disciplinary proceedings, including time limits to be followed before, during and after a hearing.

d) The NEC may:

i) authorize other structures of the LPK to institute disciplinary proceedings; and

ii) establish appropriate structures to implement or make the appropriate arrangements to apply the provisions of Article 44, including a proper and appropriate investigative capacity at all levels of the organization to investigate all complaints received, which may lead to disciplinary proceedings being instituted.

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## Article .45. Rules And Regulations

45.1 The NEC may adopt rules and regulations for the better carrying out of the activities of the LPK .

45.2 The Branch Executive Committees (BEC) may adopt rules and regulations for the better functioning of the LPK in their respective branches.

45.3 All such rules and regulations shall be consistent with the constitutional norms of the LPK , and rules and regulations framed by the BEC shall only become operative when approved by the NEC, or, on a provisional basis pending approval by the NEC.

45.4 The NEC may frame a code of conduct to cover all structures, officials, public representatives, office bearers and members.

## Article .46. Dissolution:

The Party may be dissolved by a resolution passed by a two thirds majority of members present at an Annual General Meeting subject to the approval of the Registrar of Political Parties, all properties and funds of the party after meeting all liabilities shall be distributed in such a manner as shall be determined by the Annual General Meeting at which the resolution favoring dissolution is passed, and such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.

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## LS-0 Schedule to LPK Constitution

## LS-1 LPK Symbol and Colours

The LPK symbol of the party shall be form of a red "Star" which symbolizes light.



## LS-2 The LPK Flag

The colours of the party shall be Black, Gold and Green. Colour Red stands for the black people, Gold stands for the richness of our resources as a nation and Green speaks of our environment. The Party Flag shall consist of three horizontal bars of black, gold and green and to the left of the three bars will be the Party Symbol



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## LS-3 The Youth Congress Logo

The official Logo for the Labour Party Youth Congress shall be a star on top of "Y" reflecting the Labour Party of Kenya (LPK) colours depicting the worlds "Labour Party of Kenya Youth Congress" as below;




## LS-4 The Party Slogan is

LS-4.1 "**LPK-Nyota ya Kenya**" "**Nyota Kenya – LPK**"

LS-4.2 It can also be put, "**Labour Party – Nyota ya Kenya**", "**Nyota Ya Kenya – Labour Party**"

LS-4.3 The slogan shall be used in all its forums, meetings, the youth congress, women congress, and any other leagues that may be established by the party.

## LS-5 Party Membership Category Fees

The party type of membership category Fees shall be as below and may be revised from time to time by the National Executive Council (NEC);

| | | |
|---|---|---|
| LS-5.1 | Ordinary Membership | Kshs. 20.00 (Twenty shillings) |
| LS-5.2 | Star Membership | Kshs. 2,500/- (Two thousands Five Hundreds shillings) |
| LS-5.3 | Gold Membership | Kshs. 5,000/- (Five Thousand shillings) |
| LS-5.4 | Founder Membership | Kshs. 50,000/- (Fifty Thousand Shillings) |
| LS-5.5 | Party Representatives | Determined by NEC depending on position elected. |
| LS-5.6 | Honorary Membership | Free but membership determined by the NEC |
| LS-5.7 | Affiliate Membership | Kshs. 10,000/- (Ten Thousands Shillings) |

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## LS-6 Appendix:

# (Disciplinary Procedure as established in November 2011)

### LS-7 INTRODUCTION

Article 43 of the Constitution deals with discipline. This disciplinary procedure prescribes how the disciplinary procedure is to be used and how disciplinary proceedings are to be conducted.

### LS-8 OBJECTIVE OF DISCIPLINARY PROCEDURE

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

- There is a formal procedure.
- There is a just and fair procedure.
- A member is presumed innocent until proven guilty.
- A member has a chance to defend herself or himself.
- A member has the right to appeal.

### LS-9 STARTING DISCIPLINARY PROCEDURE

Disciplinary Proceedings may be instituted:

LS-9.1 Only for violations or offences of the LPK Constitution, the Rules and Regulations, the Standing Orders, Codes of Conduct, all policies and decisions properly adopted or made in terms of the Constitution, or the violations and offences set out in Article 44.5 or Article 44.13 (b) [See Article 44.5. of the LPK Constitution.]

LS-9.2 By any organ or official of the LPK at Branch, Regional, County or National level. However, the NDCC may direct that the disciplinary proceedings should take place at a higher level than where a violation or offence was committed [Article 44.6 (e)].

LS-9.3 By the National Disciplinary and Cohesion Committee which can hear and decide cases:

- Referred to it by the LPK National Officials, NDCC, or the NEC.
- Of very serious violations or offences on its own initiative [Article 44.6(a)].

At Branch, Regional, County or National level by a Disciplinary Committee unless:

- The NDCC directs that the disciplinary proceedings should take place at a higher level than where a violation or offence was allegedly committed [Article 44.6(e)].
- The National Disciplinary and Cohesion Committee institutes disciplinary proceedings referred by the LPK National Officials, or the NEC [Article 44.6(a)]
- The National Disciplinary and Cohesion Committee institutes disciplinary proceedings itself for very serious violations or offences. [Article 44.6 (a)]

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**LS-10 HOLDING DISCIPLINARY PROCEEDINGS**

LS-10.1 A charge must be made within reasonable time of the violation or offence. [Article 44.7]

LS-10.2 A charge must be prepared on behalf of the organ or officials of the LPK instituting the disciplinary proceedings. The charge must:

- Be in writing
- Set out the information forming the reason for the charge and the alleged violation or offence in reasonable detail.
- Identify the:
    - Provision of the LPK Constitution, the Rules, the Standing Orders, Codes of Conduct alleged to have been violated.
    - The violations and offences set out in Article 44.5 alleged to have been committed.
    - Advise the charged member of her or his right to be represented by a member of the LPK in good standing, to have an interpreter present, to call witnesses for defence of the charge, and to recall and question witnesses called for prosecution of the charge.
    - Specify the time and place of the disciplinary proceedings.
    - Be delivered to the charged member seven days before the disciplinary proceedings or sooner if this is necessary in certain serious circumstances.

LS-10.3 The following persons must be present at a Disciplinary Proceeding:

- The Chairperson and members of the Disciplinary Committee.
- The presenter of the charge.
- The charged member, who can be tried in her or his absence if she or he does not appear.
- The charged member's representative and/ or interpreter who is a member of the LPK in good standing.
- The witnesses.
- A minute taker.

LS-10.4 The Chairperson of the Disciplinary Committee must ensure that:

- The disciplinary proceedings are held in a fair manner. He or she will rule on all matters that may arise and ensure order is maintained.
- The charged member is informed of the charge, is informed of her or his rights and is asked to plead guilty or not guilty to the charge.
- The presenter of the charge details the charged member's alleged violation or offence and may call witnesses in support of the charge and may produce relevant documentation in support of the charge.
- The charged member or her or his representative presents the defence to the charge and may call witnesses and may request the recall of and question witnesses called in support of the charge, and may produce relevant documentation.

**LS-11 ADJUDICATION**

At the end of the disciplinary proceedings, the Chairperson of the Disciplinary Committee must ensure that:

LS-11.1 The members of the Disciplinary Committee discuss the issues raised at the disciplinary proceedings in private and make a finding based on the facts and evidence of the case and make a ruling within ninety days.

LS-11.2 The Chairperson and the members of the Disciplinary Committee decide a penalty. The penalties are:

- Reprimand
- Payment of compensation and/or performance of useful tasks
- Suspension
- Expulsion.

LS-11.3 The charged member is advised of the ruling and the penalty of the Disciplinary Committee with the reasons for these and is advised of her or his right to appeal.

LS-11.4 That the ruling and penalty are publicly announced. (Article 44.11).

**LS-12 APPEAL**

LS-12.1 An appeal may be lodged by:

- The charged person against whom a finding has been made or a penalty imposed by the Disciplinary Committee.
- The organ and/or officials who laid the charge against a finding or a penalty imposed by the Disciplinary Committee.

LS-12.2 An Appeal Hearing must be held by the next higher level unless:

- The BEC directs that any appeal from a Branch Disciplinary and Cohesion Committee appeal should be heard by the Branch Disciplinary and Cohesion Committee.

- The NDCC directs that any appeal should be heard by a higher level than the next higher level.

LS-12.3 The National Disciplinary and Cohesion Committee is the final structure for appeals to be heard. However, the NEC may at its discretion review a decision of the National Disciplinary and Cohesion Committee in accordance with standing orders adopted by the NEC. [Article 44.6 (a)]

**LS-13 APPEAL PROCEDURE**

The following procedure must be followed for appeals:

LS-13.1 The appeal must be made at the next higher level or the level which the NDCC or the BEC directs to hear the appeal.

LS-13.2 The appeal must:

- Be made within fourteen days of the charged member being informed of the ruling and penalty with the reasons for these.

- Be in writing

- Set out the reason for the appeal in reasonable detail.

- Set out the grounds for the appeal in reasonable detail.

LS-13.3 Except in exceptional circumstances determined by the Chairperson of the Disciplinary Committee hearing the Appeal, no new evidence may be presented or considered at the appeal. No new charges may be brought at the appeal.

LS-13.4 The Chairperson and the members of the Disciplinary Committee must discuss the issues raised at the appeal hearing, and come to a finding based on the facts and evidence of the appeal hearing and make a ruling which can confirm, vary or amend the original ruling and/or penalty.

LS-13.5 The person who appeals must be advised of the ruling and the confirmation or variation of the original ruling and/or penalty.

LS-13.6 Any further appeal will need the permission of the next higher level.

LS-13.7 Any such further appeal must follow the above appeal procedure.

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# Glossary:

**EXPLANATION OF TERMS USED IN THE CONSTITUTION**

**Accountable:** To answer for, or explain, one's conduct, decisions or acts.

**Additional Members:** NEC Members who are elected.

**Annual subscription fee:** The NEC decides the annual subscription fee.

**Appeal:** A resort or an application to a higher authority for a decision.

**Articles and Regulations:** In addition to the Rules contained in this constitution, the NEC may also adopt subordinate Rules for the better carrying out of the activities of the LPK .

**Assign:** To give out as a task.

**Autonomous:** The Leagues operate independently, next to and in addition to LPK structures and within the framework of the Constitution and policies of the LPK .

**Bribe:** A bribe includes any promise or offer to give something, usually money, to procure services or gain influences in an improper manner.

**Candidate duly endorsed:** A candidate nominated and elected democratically by the constitutional structures of the LPK at the appropriate levels, and endorsed by the NEC, the BEC or the Branch.

**Chaplaincy:** Does not have the usual meaning which necessarily refers to one faith only, and it is therefore qualified by the word "interfaith" in the next line.

**Consistent with:** Agreeing, compatible, not contradictory.

**Constitution:** The Constitution of the LPK contains the rules and principles that prescribes the rights and duties of its official structures and members. It is the basic law of the movement which must be observed by all members.

**Contractual liability:** The effect of this is to protect the LPK against being held responsible by outsiders (e.g. a money lender) for the actions of an individual member who may have been acting on his or her own account.

**Co-opt:** This is an option whereby an elected body appoints further (non-elected) members to itself.

**County List and Candidates Committee:** Refers to the Committee in each province responsible for the compilation of elections lists and ward candidates.

**County:** A (geographical) area distinguished from adjacent parts by some distinctive feature or character as per the Independent Elections and Boundaries Commission (IEBC).

**Deemed [necessary]:** Considered, regarded as a subjective opinion; indicates a state of affairs which does not necessarily or in fact exists, but is taken or regarded to exist.

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**Designated to administer...oaths:** The LPK designates someone within the organization to administer the oath.

**Direct:** To conduct the affairs of, manage, regulate. Directive: An order or instruction, especially one issued by a central authority.

**Disrepute:** The absence or loss of reputation; discredit; disgrace.

**Election agent:** Representative of a candidate contesting an election and who represents the interests of the candidate.

**Elective office:** Refers to an office held as Member of the County Legislature or Member of Parliament.

**Electoral Board :** The LPK appoints from among its members a body to constitute an Electoral Board .

**Eligible/Ineligible [for membership]:** These are the rules that determine which persons are eligible for (qualified for or worthy to be) members of the organization. A person qualified for membership is not necessarily entitled to membership.

**Endorsed:** Approved or supported

**Ethnic chauvinism:** A prejudiced belief in the superiority of a certain ethnic group (a cultural or social group with certain characteristics like religion, language, ancestry or physical traits).

**Ex officio:** Means by virtue of his or her position or office.

**Good cause shown:** Sufficient reasons. Any fact or circumstance that would make it just and fair between the parties. Good cause should not merely be alleged, but must be able to be shown.

**Honorary membership:** Membership given as a mark of honour without the usual requirements or privileges of membership.

**Impeding [activities]:** Obstruct the way of, hinder the progress of. Incapacity: Lack of strength or ability; disability, helplessness.

**Invalidly obtained [membership]** Membership obtained falsely, not in accordance with the Constitution, and therefore legally ineffective.

Labourites**: Refers to the Labour Party of Kenya Youth Congress whose membership is open from the ages of 15years to 35 years with a few exceptions as per this constitution.**

**Legal relationship:** A relationship, like for example a contract, from which legal rights, obligations (like debts) and duties flow.

**Logo and Colours:** The LPK is the sole copyright holder of its logo and colours.

**Member:** A person who has applied for and being accepted as a paid up member of the LPK . Kenyan citizens over 18 years of age may apply for membership.

**Members not in good standing:** A member who fails to pay his or her subscriptions for three months and whose membership has lapsed.

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**Misappropriation:** To use money or funds wrongly or dishonestly, especially for one's own use.

**National Democratic Revolution:** Refers to the process of transforming the country from dictatorial and discriminative state to a non-racial, non-sexist, united democratic society in which all people enjoy equal rights.

**National List Committee:** This is appointed annually by the NEC and which is responsible for drawing up regulations and procedures to be used in the selection of candidates for National Parliament. It shall consist of at least five members and not more than nine members.

**Nominate:** To propose by name as candidate.

**Official:** One who holds an office or position of authority in the organization.

**Party in alliance:** Includes our alliance partners: as decided by the NEC.

**Perpetual succession and power:** Articles that confers legal personality on the LPK , by which it exists in law as an entity with rights and duties independent from the change in its members or officials from time to time, and these rights vests indefinitely in the organization as a legal person.

**Provisional membership:** Refers to a member whose membership has not yet been confirmed, but who may participate in the activities of the organization except election onto any committee, structure, commission or delegation of the LPK .

**Quorum:** The minimum number of officials or members of a structure, committee or assembly, usually a majority, who must be present for the valid transaction of the business of the meeting.

**Ratify:** Approve, give formal sanction to.

**Reasonable Period:** The NEC may declare a time frame as to when an appeal may be lodged

**Region:** This means the geographic area of bringing together a number of Counties

**Registered political party:** This refers to registration in terms of the Political Parties Act 2007.

**Rescind:** To void or repeal.

**Review [of membership application]:** The reconsideration of an acceptance or refusal of membership.

**Second:** An utterance or show of endorsement of a proposal or nomination.

**Shall/may [convene, etc]:** 'Shall' normally means 'must' (obligatory, no discretion). 'May' is permissive, and usually confers a discretionary power or function.

**Supervise:** To direct and inspect the performance of work, to oversee.

**Suspend/suspension:** To bar for a period from a privilege, office or position; to render temporarily ineffective or inoperative under certain conditions.

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**Tied vote:** A state of equality of votes; a draw Tribalistic exclusivism: To prevent persons from certain tribes to play a role in the organization, or to admit only persons from certain tribal backgrounds to memberships or participation.

**Undermines:** To weaken, injure or ruin insidiously or secretly.

**Universal Suffrage:** The right of all persons to vote.

**Voting and speaking rights [at meetings]:** The right to vote is a matter that is regulated in the Constitution of the organization. The reason why non-members of a structure are afforded speaking rights (when they do not have voting rights) is to ensure that the non-members have spoken at the meeting and by virtue of their forceful character possibly unduly influenced the meeting or inhibited free discussion or decision.

## Abbreviations Used in this Constitution:

| | |
|---|---|
| ANC: | Annual National Conference |
| BAC | Branch Annual Convention |
| BDC: | Branch Delegates Conference |
| BDCC: | Branch Disciplinary and Cohesion Committee |
| BEC: | Branch Executive Council |
| BEC: | County Executive Council |
| CNP | Constituency Nomination Panel |
| EAB: | Elections Appeals Board |
| IEBC | Independent Elections and Boundaries Commission |
| LPK: | Labour Party of Kenya |
| NDCC: | National Disciplinary and Cohesion Committee |
| NEB: | National Elections Board |
| NEC: | National Executive Council |
| NFC: | National Finance Committee |
| NFMC: | National Finance and Membership Committee |
| PCG: | Party County Group |
| PPA | Political Parties Act |
| PPG: | Party Parliamentary Group |

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