



THE EQUITABLE PARTY

CONSTITUTION

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1 PREAMBLE

We the members of The Equitable Party (**TEP**),

ACKNOWLEDGING the supremacy of the Constitution of the Republic of Kenya,

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

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

PROUD of our ethnic, cultural, and religious diversity and determined to live in peace and unity as one indivisible democratic party.

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

ADOPT, ENACT, and give this constitution to ourselves, as members of The Equitable Party (**TEP**).

2 **PRELIMINARY**

2.1 This Constitution shall be cited as **THE EQUITABLE PARTY** Constitution and shall come into operation on such day as it is approved by the National Delegates Conference.

2.2 In this Constitution, unless the context otherwise requires:

“**Party**” means The Equitable Party (TEP).

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

“**TEP**” means The Equitable Party.

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

“**Polling Station**” means polling station as defined by IEBC at the last General Election

“**Office Bearer**” means any person who is elected by the members of the party to hold a particular office.

“**Corporate**” means a registered political party which is a member of The Equitable Party or *vice versa*.

“**Group Member**” means a registered organization e.g. Trade Unions, Professional Associations, Students Unions, etc.

3 IDENTITY, VISION AND MISSION

3.1 Establishment

There is hereby established a Political Party known as **THE EQUITABLE PARTY (TEP)** (hereinafter referred to as “the Party” or “TEP” in this Constitution). This Constitution shall be the supreme organ of the Party.

3.2 TEP Logo and Colours

The Party Symbol is a **Weighing Scale**, as is illustrated more in section 13.1 herein. The colors are Gold and Emerald

3.3 TEP Flag

The party flag is rectangular shaped with the party symbol in the middle and party slogan “*Tusawazishe*” under the party Symbol with the Theme colours in the TEP Emblem.

3.4 TEP Slogan

The Party’s slogan is *Tusawazishe* - more particularly illustrated in section 13.3 herein.

3.5 TEP Salute

The party salute is **Two Hand Palms** with **Left Palm** above and the **Right Palm Below**.

3.6 TEP Vision

The Party’s vision shall be to establish an **equitable**, prosperous, industrialized, and modern nation, in which all citizens are **empowered**, enjoy social, economic, and democratic rights, live in dignity, with **equal opportunities** for all.

3.7 TEP Mission Statement

To enable **economic** and **social justice** through **equitable distribution** of the national resources, empowering individuals, and communities to work together for the greater good. Programs and projects will be prioritized based on local needs.

3.8 TEP Headquarters

The site of the National Headquarters of The Equitable Party is LR number 209/368/14 on Mtito Andei Road off Lenana Road, Nairobi; P.O Box 7149 00200, Nairobi

4 OBJECTIVES AND VALUES

4.1 Objectives

4.1.1 To establish a Government of Kenya based on democratic and Constitutional principles of a pluralistic democracy and good governance founded on principles of Unity, Justice, Fairness, Peace, Liberty and Equality, and which is transparent and accountable to the electorate and all the people of Kenya.

- 4.1.2 To compete with other political parties for the purpose of winning elections and forming the government by nominating and fielding candidates in all elective offices at the National, County and any other elective level as defined in the most current constitution.
- 4.1.3 To engage in and provide quality, just, fair and accountable leadership to the Kenyan public in matters of political, economic and social governance devoid of corruption, nepotism and all forms of discrimination.
- 4.1.4 To promote democratic, political governance within the framework of pluralist democracy based on the popular will of the people exercised through grassroots participation in Party activities, universal suffrage on principles of transparency and accountability in public affairs, justice, liberty, equality and respect for the Rule of Law, and the separation of powers between the three arms of Government, namely the Legislature, the Executive, and the Judiciary.
- 4.1.5 To establish, enhance and entrench sound economic institutions and fiscal policies to ensure sustainable human, economic and physical development; accountable, free and fair usage of public resources and total elimination of corruption, nepotism and mediocrity.
- 4.1.6 To encourage and promote coalition among parties pursuing similar objectives in Kenya.
- 4.1.7 To protect and enhance the enjoyment of human rights as enshrined in the Constitution of Kenya and any international Conferences to which Kenya is a signatory; to advocate, promote and comply with the United Nations International Bill on Human Rights, the African Charter of Human and People's Right and the Conference Against Torture and other Cruel, Inhuman or Degrading Treatment and any other internationally recognized Conferences.
- 4.1.8 To improve the quality of life for all Kenyans through an equitable allocation of resources to promote the eradication of ignorance, poverty and disease.
- 4.1.9 To establish and put into practice systems of political governance aimed at the total eradication of all forms of tribalism, discrimination, sectionalism, racism, oppression and exploitation.
- 4.1.10 To pursue, protect and promote civil, political, economic, religious, social or cultural rights and freedoms of the individual *inter alia*, the right to life and human dignity, and equality before the law; the freedoms of movement and association, thought, conscience, expression, religion, and to ensure the eradication of all unjust and oppressive laws and to promote law reform in accordance with principles of natural justice.

- 4.1.11 To work towards the independence of the Civil Service by delinking the same from any Political Party.
- 4.1.12 To promote national consciousness, integration, dialogue, reconciliation, peace and unity, and to safeguard national interests from sectarianism, tribalism and racism.
- 4.1.13 To pursue, promote and protect the rights of workers by securing a just return commensurate with their labour, or contribution, and in line with the cost of living; improved terms and conditions of service as well as promoting the rights of employers to demand commensurate output from their workers.
- 4.1.14 To respect and preserve our national heritage, history, cultural diversity, national monuments, historical sites and archives for the good and enjoyment of posterity and enhance cultural life of Kenyans in all spheres of national development.
- 4.1.15 To pursue and promote the full participation of women, youth, minorities, the disabled and any other disadvantaged groups in the management of public affairs and national development through affirmative action and mainstreaming their participation in Party activities and structures at all levels, and to advocate for and promote respect of the 1979 United Nations Conference for the Elimination of all Forms of Discrimination Against Women.
- 4.1.16 To promote gender equality and equity.
- 4.1.17 To promote and defend national sovereignty and to oppose all forms of adverse foreign domination, influence and ideologies.
- 4.1.18 To pursue the provision and improvement of health, education and social welfare service of all Kenyans to raise the standard and quality of life of the people of Kenya.
- 4.1.19 To formulate and pursue sound national population policies in order to improve the quality of life of all Kenyans.
- 4.1.20 To promote sound environmental management and conservation policies to ensure sustainable development and responsible utilization of our natural resources and protect all public utilities, national wealth and natural resources, for the betterment of the lives of all Kenyans and posterity.
- 4.1.21 To mobilize financial resources for the Party by means, including but not limited to, borrowing, pledging, mortgaging or charging Party property to secure loans, investing any of its monies in securities or ventures approved by the Board of Trustees, or engaging in any commercial activity or undertaking.

- 4.1.22 To develop or devise schemes of awards, recognition or distinction of merit or honour, and/or confer awards or marks of distinction to any person, institution or organization that has rendered exemplary service to the Party, or otherwise contributed to the advancement of the Party's interests, objectives and aims in a manner deserving award or recognition.
- 4.1.23 To respect and promote the national values, principles and goals enshrined in the Constitution of Kenya and any acts of Parliament.
- 4.1.24 To promote Kenya's participation in international political, economic and social affairs and to support and advance regional and global cooperation and integration and world peace.
- 4.1.25 To collaborate and work with any local, national, regional or international organization whether governmental or nongovernmental in the promotion of the Party's interests, aims and objectives.
- 4.1.26 To promote the creation of a conducive environment for the operation of the co-operative movement, trade unions, professional organizations, welfare associations and non-governmental organizations and involve them in Party activities so as to garner their support for the Party and build a strong foundation for a democratic system of governance in Kenya.
- 4.1.27 To educate and create awareness among Kenyans of all walks of life on public matters, issues and Party Policies, with a view to enhancing and maintaining a just and democratic system and society.
- 4.1.28 To ensure the strengthening of Parliament, Parliamentary Committees and County Assemblies for the effective operation of a representative government.
- 4.1.29 To establish the TEP Women Alliance, and TEP Youth Alliance.
- 4.1.30 To form branches countrywide and recruit members to the Party.

4.2 Values

The Equitable Party's core values include, but are not limited, to:

- 4.2.1 Supremacy of Party members.
- 4.2.2 Social and Economic justice.

- 4.2.3 Respect for constitutionalism and the rule of law.
- 4.2.4 Respect for individual and people's rights and freedoms.
- 4.2.5 Democratic governance and people's participation.
- 4.2.6 Freedom with responsibility.
- 4.2.7 Empowerment of the marginalized groups or sections of society.
- 4.2.8 Sustainable use of the environment.
- 4.2.9 Positive and mutually beneficial international relations.
- 4.2.10 Avail equal opportunity irrespective of gender, race, tribe, religion, physical abilities, etc.

5 MEMBERSHIP, RIGHTS AND DUTIES

5.1 Membership

- 5.1.1 Membership of The Equitable Party shall be open, upon application to the Branch Executive Committee, to all Kenyan citizens in possession of a valid National Identification card or Passport, irrespective of gender, race, colour or creed and who accepts principles, objects, policies, programmes, directives and discipline of the Party and are prepared to profess and abide by this Constitution and rules made there-under provided that such person is not a member of another Political Party within the meaning of the Political Parties Act, 2011.
- 5.1.2 Any person who, upon application to the National Executive Committee, has manifested a clear identification with The Equitable Party and its principles, objects, policies, programmes, directives and discipline and is resident in Kenya.
- 5.1.3 Any person who, upon application to the National Executive Committee, is a citizen of the Republic of Kenya though not ordinarily resident in Kenya and has manifested a clear identification with The Equitable Party, its principles, objects, policies, programmes, directives and discipline. Such a member temporarily residing abroad for a continuous period of more than twelve months may retain his/her membership but shall notify Party Headquarters of his/her forwarding address.
- 5.1.4 No person otherwise disqualified under the Political Parties Act, 2011 shall be eligible for membership as a founding member within the meaning of that Act.
- 5.1.5 All members shall, before a Certificate of Membership is conferred to him/her, sign and subscribe to the Party's Code of Conduct and a Pledge of Commitment.
- 5.1.6 All members shall, before a Certificate of Membership is conferred him/her, pay prescribed fees for membership.
- 5.1.7 All members shall provide the following information for the purpose of the party register, identification details, gender, disability, region, county and ethnicity.
- 5.1.8 Membership shall be continuous and will managed within the County in which TEP has presence. The same information will be relayed to the party headquarters for updating the national party register on a monthly basis.

5.2 Categories of Membership

5.2.1 Subject to the approval of the National Delegates Conference, the National Executive Committee shall have power to create or abolish any category of membership for the advancement of the Party's interest as the circumstances may permit.

The Party shall, for the time being, have the following categories of membership:

- i. Ordinary membership,
- ii. Life membership,
- iii. Group membership,
- iv. Corporate membership.

5.2.2 Provided that group membership shall be open, upon application to the National Executive Committee, to organizations including Trade Unions, Professional Associations, Co-operative Societies, Students' Unions or any other organization which subscribes to this Constitution.

5.2.3 A member may convert his/her membership from one category of membership to the other by paying the prescribed fees as may be recommended by the National Executive Committee.

5.3 Rights of TEP Member

5.3.1 A member of The Equitable Party shall have the right to:

- a) Participate in Party activities.
- b) Take a full and active part in the discussion, formulation and implementation of Party policies.
- c) Receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and available information about their local branch upon request.
- d) Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted.
- e) Offer constructive criticism of any member, official, policy, programme or activity within the Party and its structures.

- f) Submit proposals or statements to the Branch, Region, or National Executive Committee provided that such proposals are submitted through appropriate Party structures.
- g) Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.

5.4 Duties of TEP Member

5.4.1 A member of The Equitable Party shall:

- a) Take all necessary steps to understand and carry out the objects, policies and programmes of TEP,
- b) Explain the objects, policies and programmes of the Party to others,
- c) Combat propaganda detrimental to the interests of the Party and defend the objects, policies and programmes of the Party,
- d) Popularize the Party,
- e) Observe discipline, the Party Code of Conduct and obey lawful decisions made by regular Party organs,
- f) Refrain from publishing and or distributing through the media any information deemed confidential, or any other view purporting the same to be the view of the Party without proper authority or mandate of a regular organ of the Party,
- g) Ensure that he or she is registered as a voter within any of the constituencies in the country and take all steps to vote during Party and national elections,
- h) If a member holds an elective office in any sphere of governance at National, Branch or local level, be a member of the appropriate Party caucus and function within its articles, abiding by all lawful decisions under general provisions of this Constitution and structures of the Party,
- i) Be liable to pay such fees as shall be prescribed by the Party,
- j) Support the Party financially and materially when called upon to do so for a good cause.

5.5 Termination of Membership

5.5.1 A member of the Party shall cease to be one:

- a) Upon written resignation to the relevant Branch. Membership shall terminate with effect from the date of the receipt thereof, provided that the termination shall not absolve the member from performing any outstanding obligations owed to the Party or other members *qua* members.
- b) By a resolution passed by the National Executive Council and ratified by the National Governing Council.
- c) By accepting an office, subscribing to or promoting activities of a Political Party or Organization whose aims, and objectives are in competition with or in conflict with those of TEP.
- d) Upon death.
- e) By an operation of any prescribed law.

A person who has terminated his or her membership:

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

6 NATIONAL OFFICIALS

6.1 National Officials shall be

1. Party Leader,
2. Deputy Party leader,
3. National Chairperson,
4. Deputy Chairperson,
5. Secretary General,
6. Deputy Secretary General,
7. National Treasurer,
8. Deputy Treasurer,
9. National Organizing Secretary,
10. Deputy Organizing Secretary,
11. Secretary for Diaspora Affairs,
12. Secretary for Public Policy and Economic Affairs,
13. Secretary for Legal and Constitutional Affairs,
14. Secretary for Publicity and Information,
15. Secretary for International Affairs,
16. Secretary for Women Affairs,
17. Secretary for Youth Affairs,
18. Secretary for Special Interests Groups and Programs,
19. Secretary for Environment,
20. Secretary for Parliamentary Affairs,
21. Secretary for Devolved Government,
22. Secretary for Science and Technology,
23. Secretary for Labour and Human Resource Development,
24. Secretary for National Security,
25. Secretary for Humanitarian and Disaster Management Affairs,
26. Secretary for Political Affairs and Campaigns,
27. Secretary for Corruption and National Reconciliation.

6.2 Election of National Officials

- 6.2.1 The Election of National Officials shall be conducted on the guiding principle that at least one third shall be of either gender.
- 6.2.2 All National Officials other than the Secretary for Parliamentary Affairs, Secretary for Women Affairs, Secretary for Youth Affairs, and the Executive Director shall be elected by the National Delegates Conference. Subject to Article 6.2.2 (a), all National Officials shall hold office for a term of five years.

- a) The Party Leader shall remain in office until the next election of National Officials.
- b) In the event, that the Party Leader is unable to discharge of his or her duties by reason of physical or mental infirmity, death, resignation or where he or she ceases to be a Party member or a Member of an elective position, a Special Session of the National Delegates Conference shall be convened to elect a new Party Leader.
- c) In the event, that the Deputy Party Leader is unable to discharge his/her duties by reason of physical or mental infirmity, death or resignation, or where he or she ceases to be a Party member or a Member of Parliament, the Party Leader shall appoint a new Deputy Party Leader without any need to convene any National Delegates Conference.
- d) The Secretary for Parliamentary affairs shall be the Party Parliamentary Whip elected by the Party's Parliamentary Group immediately after a General Election. He or she shall hold office for a term of five years or for the residue of his/her Parliamentary term as may be current on his/her election, whichever is shorter.
- e) Elections shall be through secret ballot or any other method of voting acceptable to the delegates in session and, where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated. Nomination of all candidates shall be in the prescribed form.
- f) Nomination to the Office of Party Leader shall be by a written application to the National Elections Board in the prescribed form.
- g) Any National Official may attend any meeting(s) organized by the Branch as an ex-officio member.
- h) The nomination certificates shall be signed by the Party Chair and the Secretary General and issued by the head of the elections board.

6.3 Duties and Responsibilities of National Officials

All office bearers shall perform their functions within the spirit and provisions of this Constitution and shall ensure that they are guided by the objectives and values of the

Party. Subject to any other duty expressly provided for by this Constitution, the main duties of elected National Officials shall be:

1. The Party Leader shall:

- i. Provide leadership and vision to the Party.
- ii. Promote national cohesion and wholesome integration of Party members in national development.
- iii. Articulate Party's aspirations and charter a clear course or strategy for the achievement of such aspiration or implementation of Party's objectives.
- iv. Champion the Party's campaign to form the next Government.
- v. Imbue Party members with charisma and lead the membership to newer heights of loyalty and patriotism to Party ideals, values and objectives.
- vi. Lead the Party at political negotiations to form a working coalition with any other Party or Parties with the sole purpose of forming the Government as may be desirable in the circumstance.
- vii. Provide wise counsel and judicious directives to National Officials specifically, or to Party members in general on any matter in dispute or under controversy within any Party organ or amongst Party members.
- viii. Confer honors of recognition, merit, distinction, commendation or accolade to a member of the Party or any other person who, in the considered opinion of the National Executive Committee, has made an outstanding contribution to the Party in the achievement of its objects, policies or programmes or in furtherance of the same.

2. The Deputy Party Leader

Policy:

- i. Shall assist the Party Leader and carry out the duties of the Party Leader in his /her absence
- ii. Shall deputize the Party Leader and shall perform such duties and functions as might be expressly delegated to him/her by the Party Leader.
- iii. Assist the Party Leader in developing policy formulation processes and development.
- iv. Assist the Party Leader in formulating the Party's Strategic Plan.

Strategy

- i. Shall assist the Party Leader and carry out the duties of the Party Leader in his /her absence.
- ii. Shall deputize the Party Leader and shall perform such duties and functions as might be expressly delegated to him/her by the Party Leader.
- iii. Shall be assist the Party Leader in formulating the Party's strategic plan

3. National Chairperson

The duties and responsibilities of the National Chairperson shall include:

- i. To provide leadership and oversee overall management and running of the Party affairs.
- ii. To articulate and defend Party policies.
- iii. To instill onto members a sense of loyalty and patriotism to the objectives, policies and programmes of the Party.
- iv. To ensure discipline and proper order within the Party in accordance with the Party's Constitution.
- v. To impart onto Party membership the need to adhere to Party objectives, policies programmes and laws made under this Constitution.
- vi. To forge a strong sense of unity within Party organs *inter se* and amongst Party rank and file and to ensure a pleasant working relationship between Party officers and members.
- vii. To convene and preside over National Executive Committee meetings.
- viii. To preside over the National delegates Conference and any other meetings requiring his attendance.
- ix. To ensure order at all meetings of the Party organs.
- x. To consult and take counsel from Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members.

4. National Deputy Chairperson

A. General Functions

The National Deputy Chairperson shall, under the direction of the National Chairperson:

- i. Chair Meetings in the absence of the Chairman.
- ii. Assist the National Chairperson in matters relating to coordination and liaison with other political parties.
- iii. Collect political intelligence and advice on strategies to popularize the party at the grassroots.
- iv. Assist the National Chairperson in matters relating to general Party administration, Party policies and programmes.
- v. Oversee and coordinate standing, *ad hoc* and specialized national committees of the Party.
- vi. Assist the National Chairperson in all matters pertaining to logistics and operations.
- vii. Oversee administrative operations of Branches, TEP Women Alliance and TEP Youth Alliance.
- viii. Perform such other specific assignments as might be delegated to him/her by the National Chairman from time to time.
- ix. Assist with matters relating to coordination of local strategic review, organizing strategic groups at the regional level to ensure that the party adopts such strategies which take cognizance of the local sensitivities and concerns.
- x. Maintain liaison with branches and established think-tanks to facilitate a feedback mechanism to the center that culminates into a coherent national strategic party planning and action.

- xi. Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the party.
- xii. Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

B. Specific Functions

Without prejudice to the generality of the above, the National Deputy Chairperson shall perform the following specific functions: -

i. Operations

The National Deputy Chairperson shall, under the direction of the National Chairperson, assist the National Chairperson in all matters pertaining to logistics and operations; oversee administrative operations of Branches, TEP Women Alliance and TEP Youth Alliance, and perform such other specific assignments as might be delegated to him/her by the National Chairperson from time to time.

ii. Programs

The National Deputy Chairperson shall, under the direction of the National Chairperson, assist the National Chairperson in matters relating to general Party administration, Party policies and programs, oversee and coordinate standing, *ad hoc* and specialized national committees of the Party and perform such other specific assignments as might be delegated to him/her by the National Chairman from time to time.

iii. Strategy & Political Affairs

The National Deputy Chairperson shall, under the direction of the National Chairperson, assist the National Chairperson in matters relating to coordination and liaison with other political parties, collect political intelligence and advice on strategies to popularize the party at the grassroots, assist with matters relating to coordination of local strategic review, organizing strategic groups at the regional level to ensure that the party adopts such strategies which take cognizance of the local sensitivities and concerns. Maintain liaison with branches and established think tanks to facilitate a feedback mechanism to the center that culminates into a coherent national strategic party planning and action. Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the party, assist the Party Leader in formulating the Party's strategic plan, and perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

iv. Internal Affairs

The National Deputy Chairperson shall, under the direction of the National Chairperson, assist with matters relating to coordination and liaison with branches. Working closely with the National Deputy Party Leader (Strategy) he/she shall be responsible for dispute resolution, and engendering activities to popularize the party at

the grassroots level considering the overall strategic aims of the party. Develop activities that focus on maintaining popular interest in the party. Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

5. Secretary General

He or she shall be the Party Spokesperson and be responsible for the management of the National Secretariat and remain the principal custodian of Party records from grassroots to the national level. His/her responsibilities shall include:

- i. Ensuring that all meetings including the National Executive Committee, National Governing Council and National Delegates Conference take place as provided for in the Constitution at such time as may be decided by the National Executive Committee.
- ii. Keeping or causing to be kept a proper record of minutes of all meetings of the National Executive Committee, the National Governing Council and the National Delegates Conference and ensuring the distribution of such minutes and conveying of decisions made to persons and branches concerned.
- iii. Issuing correspondence on behalf of Party organs in which he or she is a member and sending out notices of all meetings of the organs concerned.
- iv. Preparing annual reports on the work of the National Executive Committee, the National Governing Council and the National Delegates Conferences and any other report or document required under the political parties Act.
- v. Be the depository and custodian of Party documents including Party Seal, Minutes Register, instruments of intellectual property rights, instruments of registration, registration of Party Branches and Party members' register.
- vi. Corresponding and consulting with the Registrar of Political Parties on behalf of the Party as the authorized principal officer of the Party.
- vii. Any other duties conferred upon him or her by this Constitution or the National Executive Committee.

6. Deputy Secretary General

A. Political Affairs

Shall, under the direction of the Secretary General, be in charge of Party protocol, act as liaison officer with local and international organizations and agencies, play host to visiting delegations and guests of the Party, liaise with Party Parliamentary Group through the Secretary for Parliamentary Affairs, & Secretary for International Affairs, & be in charge of the implementation of Party's strategies, policies and programs, oversee the development and revision of Party manifesto, coordinate Party meetings and Conferences, ensuring that returns are filed as required by law and perform such other specific assignments as might be delegated to him/her by the Secretary General from time to time.

B. Strategy

The Deputy Secretary General shall, under the direction of the Secretary General, assist with matters relating to coordination of local strategic plans, development, and review. He/she will assist in organizing strategic groups at the regional level to ensure that the party adopts such strategy which addresses both local and national concerns; keep close liaison with branches to ensure that the branches are made part of the national strategic party planning process; he or she will maintain relationship and interaction with the branches to ensure that operations of the party are effective and smooth throughout the year; ensure that regional needs of the party are not compromised; and perform any other duties as might be delegated to him/her by the Secretary General from time to time.

7. National Treasurer

The National Treasurer shall oversee Party finances and shall supervise all financial transactions at all Party levels under the direction of the National Executive Committee. He or she shall also: -

- i. Receive and bank all monies on behalf of the National Executive Committee and operate a banking account together with such other signatories as may be specified by the National Executive Committee.
- ii. Keep such books of account as may be necessary to record clearly the financial position of the Party.
- iii. Prepare Annual Party Budgets or Estimates and overall fiscal planning.
- iv. Monitor financial allocations and expenditure according to departmental votes as may be approved by the National Executive Committee.
- v. Ensure the execution of prudent stewardship standards and best financial practices to protect Party's finances.
- vi. Prepare and submit to the National Executive Committee a Financial Statement every quarter of the year and ensure that copies of duly audited Annual Accounts and any other financial reports of the party are circulated to all delegates at the same time the notice convening the National Delegates Conference is sent out.
- vii. Be responsible, in conjunction with Party's Finance and Resource Mobilization Committee, for the formulation and execution of resource mobilization plans and strategies.

8. Deputy National Treasurer

A. Finance & Audit

The Deputy National Treasurer shall, under the direction of the National Treasurer, assist the National Treasurer in matters pertaining to Accounts; assist the National Treasurer in matters pertaining to Audit by providing information to the appointed party auditors as may be deemed necessary. He/she will ensure that both internal and external audit is scheduled and executed in a timely manner and shall perform such other specific assignments as might be delegated to him/her by the National Treasurer from time to time.

B. Planning & Resource Mobilization

The Deputy National Treasurer shall under the direction of the National Treasurer, assist the National Treasurer in matters pertaining to Budget and Planning; assist the

National Treasurer in matters pertaining to Resource mobilization planning, execution and maintain contact with those who support the party with resources. and shall perform such other specific assignments as might be delegated to him/her by the National Treasurer from time to time.

C. Director of Fundraising

The director will put together and execute strategy of fundraising for the party with input from the executive team.

9. National Organizing Secretary

The National Organizing Secretary shall supervise organizations of the party and in particular:

- i. Organize public meetings, functions, and meet the people tours.
- ii. Be responsible for promoting and mobilizing for party activities including the recruitment of Party members at branch level.
- iii. Coordinate effective functioning of all branches and ensuring they hold meetings in accordance with the requirements of this Constitution.
- iv. maintaining and developing new relationships with party supporters in the Diaspora.
- v. In consultation with the Secretary General and the NEC, supervise the organization of the National Delegates Conference, National Governing Council and thereafter report on the progress in the holding of such meetings.

10. Deputy National Organizing Secretary

A. External Affairs

The Deputy National Organizing Secretary shall work under the direction of the National Organizing Secretary and assist him/her in all duties pertaining to that office. He/She will work closely with the Secretary for International Affairs and focus attention in maintaining and developing new relationships with party supporters in the Diaspora and perform all such assignments as he shall be assigned from time to time by the National Organizing Secretary.

B. Internal Affairs

The Deputy National Organizing Secretary (Internal Affairs) shall work under the direction of the National Organizing Secretary and assist him/her in all matters relating to organization of public meetings, functions, and meet-the-people tours. He/she shall be responsible for dispute resolution, and engendering activities to popularize the party at the grassroots level considering the overall strategic aims of the party. Develop activities that focus on maintaining popular interest in the party. He/she shall also perform such assignments, as he/she shall be assigned from time to time by the National Organizing Secretary.

C. Recruitment

The Deputy National Organizing Secretary shall work under the direction of the National Organizing Secretary and assist him/her in all matters relating to organization of public meetings, functions, and meet-the-people tours. He/she shall focus attention on continuing recruitment of party membership while also performing all such assignments, as he/she shall be assigned from time to time by the National Organizing Secretary.

D. Programs

The Deputy National Organizing Secretary (Programs) shall work under the direction of the National Organizing Secretary and assist him/her in all matters relating to organization of public meetings, functions, and meet-the-people tours. He/she shall also perform all such assignments as he/she shall be assigned from time to time by the National Organizing Secretary.

11. Secretary for Diaspora Affairs

The Secretary for Diaspora Affairs shall:

- i. Oversee recruitment of Party Members of Kenyans living in the diaspora.
- ii. Leverage the vast resources both intellectual and financial from diaspora to expedite development of our country.

12. Secretary for Public Policy and Economic Affairs

The Secretary for Public Policy and Economic Affairs shall:

- i. Be responsible for the development of policy on any matter as the Party may in its wisdom choose to focus attention on and to upraise the party on merits and demerits of the same.
- ii. Be required to defend such policy so adopted whenever called upon by the party leadership in the public domain.
- iii. Perform such other related duties as may be directed by the National Executive Committee.

13. Secretary for Legal and Constitutional Affairs

The Secretary for Legal Affairs shall:

- i. Be the legal adviser to the Party in all legal and constitutional matters.
- ii. Perform such other duties as may be directed by the National Executive Committee.

14. Secretary for Publicity and Information

The Secretary for Publicity and Information shall:

- i. Be responsible for dissemination of information and public relations,
- ii. Perform such other related duties as may be directed by the National Executive Committee.

15. Secretary for International Affairs

The Secretary for International Affairs shall:

- i. Be responsible for matters of foreign policy, contact with foreign organizations and creation of mutually beneficial links with foreign organizations and states.
- ii. Perform such other related duties as may be directed by the National Executive Committee.

16. Secretary for Women Affairs

The Secretary for Women Affairs shall:

- i. Be the National Chairperson of the TEP Women Alliance.
- ii. Coordinate the activities of the TEP Women Alliance.
- iii. Generally, promote and mobilize Party activities and policies among the women of Kenya under the direction of the National Executive Committee.

17. Secretary for Youth Affairs

The Secretary for Youth Affairs shall:

- i) Be a youth aged not more than 35 years at the time of elections.
- ii) Be the National Chairperson of the TEP Youth Alliance.
- iii) Generally, promote and mobilize Party activities and policies among the youth of Kenya under the direction of the National Executive Committee.

18. Secretary for Special Interest Groups and Programs

The Secretary for Special Interest Groups and Programs shall be responsible for:

- i. Promoting the interest of special interest groups within the Party mainstream, in terms of representation and participation in Party structures and activities,
- ii. The identification and mobilization of special interest groups and ensuring that special interest groups have a national presence and profile within the Party,
- iii. Perform such other related duties as may be directed by the National Executive Committee.
- iv. Promotion and advocacy of the rights of persons with disability in the Party.
- v. Advice the Party on all matters that appertain to disability and public policy.
- vi. The management of all special programmes of the Party.
- vii. The development of the party's strategic plan for such activities and their mitigation, management, evaluation, and coordination of responses.

19. Secretary for Environment

The Secretary for Environment shall:

- i. Be responsible for ensuring that sound environmental conservation and management policies are articulated in the Party manifesto and propagated in Party programmes, promoting sustainable management of natural resources at the national level.
- ii. Perform such related other duties as may be directed by the National Executive Committee.

20. Secretary for Parliamentary Affairs

The Party Whip shall be responsible for:

- i. Galvanizing support of all Members of Parliament of The Equitable Party and other Members of Parliament of different persuasions for motions and bills proposed or supported by the Party.
- ii. Be responsible for calling and recording the proceedings of the meetings of the Parliamentary Group and briefing other organs of the Party on the activities of the Parliamentary Group.

21. Secretary for Devolved Government

The Secretary for Devolved Government shall be responsible for:

- i. Promoting policies for equitable distribution of resources among the regions and monitoring devolved government to ensure it is accountable.
- ii. Perform any other related duties as may be directed by the National Executive Committee.

22. Secretary for Science and Technology

The Secretary for Science and Technology shall be responsible for:

- i. The promotion of the use of Information and Communication Technology (ICT) within the Party,
- ii. Building the capacity for Party members to utilize ICT,
- iii. Promoting education policies that meet current technological needs, and promoting innovation in technological development to create self-sufficiency for the party and the country,
- iv. Performing any other related duties as may be directed by the National Executive Committee.

23. Secretary for Labour and Human Resource Development

The Secretary for Labour and Human Resource Development shall be responsible for:

- i. Developing policies that promote reform,
- ii. The enactment of labour laws that enhance equity in labour relations and match skills to industry needs,
- iii. Liaising with trade and employers' unions.

24. Secretary for National Security

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

25. Secretary for Humanitarian and Disaster Management Affairs

The Secretary for Humanitarian and Disaster Management Affairs shall be responsible for the development of the party's strategic plan for humanitarian and the disaster mitigation, management, evaluation and coordination of response to disaster response.

26. Secretary for Political Affairs

The Secretary for Political Affairs will deal with all matters political, including but not limited to:

- i. Coordination and liaison with other political parties.
- ii. Collection of political intelligence and advice on strategies to popularize the party at the grassroots.
- iii. Perform any other duties as may be assigned by the National Executive Committee.

A. Director of Campaigns

The Director of Campaigns shall oversee all party campaign affairs and in particular:

- i. Shall be the convener and in charge of party-political campaigns.
- ii. Mobilize and direct campaign resources.
- iii. Formulate and implement party strategies on voter registration and mobilization,
- iv. Be the national coordinator of party campaigns and timely respond to all queries relating to the same.
- v. Devise and implement party political campaign strategies.
- vi. Advise the National Executive Committee on National Campaign matters and prepare briefs on behalf of the party.
- vii. Consulting and liaising with NEB on strategic approaches to election.
- viii. Perform any other function that may be assigned by NEC.

B. Deputy Directors of Campaigns

The Deputy Directors of Campaigns shall be under the direction of the Director of Campaigns and assist the Director of Campaigns in the formulation and implementation of Party's campaign policies and programmes and any other specific assignments as might be delegated to him/her by the Director of Campaigns.

27. Secretary for Corruption and National Reconciliation

The Secretary for Corruption and National reconciliation shall be in charge of combating corruption and leading national reconciliation. Specific policies shall be enacted by the National Executive Council.

7 PARTY ORGANS

7.1 Party Organs

There is hereby established the following Party organs:

- i. National Delegates Conference (NDC)
- ii. National Governing Council (NGC)
- iii. National Executive Committee (NEC)
- iv. National Secretariat (NS)
- v. Party Parliamentary Group (PPG)
- vi. Party County Assembly Group (PCAG)
- vii. TEP Women Alliance (TEPWA)
- viii. TEP Youth Alliance (TEPYA)
- ix. National Elections Board (NEB)
- x. County Delegates Conference (CDC)
- xi. Branch Executive Committee (BEC) (Sub-County)
- xii. Sub Branch Executive Committee (SBEC) (Ward)
- xiii. Polling Station Steering Committee (PSSC) (Polling Station.)

7.2 National Delegates Conference

7.2.1 The National Delegates Conference shall be the supreme organ of the Party with power to determine Party policy.

7.2.2 The National Delegates Conference shall be composed of the following members:

- i. All members of the National Executive Committee
- ii. All members of the Party Parliamentary Group
- iii. All Members of the Party Governors & Deputy Governors
- iv. All Chairpersons of the Branch Executive Committees
- v. All Chairpersons of the County Coordinating Committees
- vi. All members of Regional Coordinating Committees
- vii. Minority **OR** Majority leaders in each County Assembly
- viii. All National Officials of the TEP Youth Alliance
- ix. All National Officials of the TEP Women Alliance

- x. Two persons of disability drawn from counties.
- xi. One marginalized person drawn from counties.
- xii. One person nominated by BEC where the Member of National Assembly is an elected member of the Party.
- xiii. One LADY nominated by the BEC, where the County Women Representative is an elected member of the party.
- xiv. One person nominated by the BEC, where the Senator is an elected member of the Party.
- xv. One person nominated by the BEC, where the Governor is an elected member of the party.
- xvi. Members of the Party's Standing Committees specially nominated by the NEC to attend the Conference as delegates.
- xvii. At least one member from each registered Overseas Branch specially nominated by the NEC to attend the Conference as delegates.
- xviii. Top up Delegates from branches to be determined by NEC, through the formula set out in section 13.6 herein.
- xix. The maximum number of Delegates present at any NDC shall not exceed 1,500 Delegates.

7.2.3 The National Delegates Conference may, in its wisdom, invite individuals who have made special contribution to the Party or who have special skills or experience to attend the Conference with no right to vote; provided always that this category shall include, but not limited, to representatives of special interest groups, comprising at least two representatives of persons with disability.

7.2.4 The National Delegates Conference shall have the following specific powers, duties and obligations:

- i. To review party policies and programmes and give directions regarding the organization of the Party.

- ii. To consider, modify, amend, and, if it thinks fit, ratify the Manifesto, Constitution, Rules and Regulations of the Party and those governing its subsidiary organizations and their operations.
- iii. To establish and/or revise the by-laws, if required for the proper regulation of the affairs of the Party.
- iv. To receive, examine and approve Annual Financial Statement and Audited Accounts presented by the National Treasurer for the period since the previous ordinary session of the National Delegates Conference and review annual dues payable by the Party members.
- v. To receive and discuss reports of the National Governing Council and the National Executive Committee.
- vi. To appoint Party Auditor and fix his/her honorarium.
- vii. To elect, from among eligible Party members, the National Officials of the Party who shall constitute the National Executive Committee for a term of five years as set out in this constitution.
- viii. To delegate or confer any of its powers or duties to the National Governing Council and the National Executive Committee in addition to its functions.
- ix. To elect or appoint any other Standing Committee and assign specific tasks and duties to such committee.
- x. To nominate the Party's Presidential candidate for the election of the President of the Republic of Kenya.
- xi. To initiate all such activities to further the aims and objects of the Party.
- xii. To perform any other duties and functions as the National Delegates Conference may deem fit.

7.3 Procedure of Meeting at National Delegates Conference

7.3.1 Ordinary Session:

An Ordinary Session of the National Delegates Conference shall be convened by a resolution of the National Executive Committee ratified by the National Governing Council and held once every five years but not later than 31st December of the fifth year, at a place, time and date to be determined by the National Executive Committee.

The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, any other Party official specially appointed for that purpose by the National Executive Committee at least twenty-one days before such date and published in a daily English newspaper with the greatest circulation, and carried in a leading Swahili radio broadcast.

7.3.2 Only agenda items as approved by the National Governing Council shall be discussed at the Ordinary Session of the National Delegates Conference.

7.3.3 **Special Session:**

A Special Session of the National Delegates Conference shall be summoned by the National Chairperson upon the decision of the National Executive Committee or upon a requisition in writing signed by at least one third of the delegates eligible to attend an Ordinary Session of the National Delegates Conference.

The notice and agenda convening the meeting shall be sent out by the Secretary General at least twenty-one days before such date and published at least twice on a daily English newspaper with the greatest circulation, in addition to at least two Swahili radio broadcasts carried by a leading broadcasting station.

7.3.4 Where a Special Session of the National Delegates Conference is requisitioned by delegates, a notice calling upon the National Chairperson to summon the Conference including the agenda and date desired for the Conference shall be served upon the Secretary General not later than sixty-five working days before the date proposed; but where the National Chairperson fails to summon the Conference within twenty one working days after due service of the notice, the Conference shall, subject only to Article 17.3.6 here-under, stand duly summoned and properly convened on the date, place and time contained on the notice.

7.3.5 Where a Special Session of the National Delegates Conference requisitioned by delegates is convened in default of the National Chairperson summoning the same, the delegates requisitioning the Conference shall, not less than twenty one working days before the proposed date, cause a notice convening the Conference to be published on a daily English newspaper with the greatest circulation, and carried by a leading Swahili radio broadcast; provided always, that such notice shall contain the agenda, place, date and time of the Conference.

- 7.3.6 Only agenda items prepared by the National Executive Committee or as may be requisitioned by delegates shall be discussed at the Special Session of the National Delegates Conference.

The National Chairperson or, in his absence, any of his deputies but failing which a delegate, specially elected by delegates in attendance, shall preside at a Special Session of the National Delegates Conference requisitioned by delegates. Similarly, the Secretary General or, in his absence any of his deputies but failing which a delegate, specially elected by delegates in attendance, shall be the Secretary for such Conference.

- 7.3.7 Quorum of the Ordinary or Special Sessions of the National Delegates Conference shall be 30% of eligible members present and voting.
- 7.3.8 Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.
- 7.3.9 The Secretary will take minutes of the meeting and record resolutions passed in the meeting.

7.4 The National Governing Council (NGC)

- 7.4.1 There is hereby established a National Governing Council, which shall be the second highest organ of the Party, and shall consist of the following members:

- i. All members of the National Executive Committee,
- ii. All Chairpersons of County Coordinating Committees
- iii. All Chairpersons of the Branch Executive Committees,
- iv. All members of the Party's Parliamentary Group,
- v. All members of the Party Governors & the Deputy Governors,
- vi. All members of the National Elections Board,
- vii. All Majority **or** Minority leaders of County Assemblies,
- viii. All Chairmen of Party's Standing Committees,
- ix. All TEP Women Alliance National Officials,
- x. All TEP Youth Alliance National Officials.

- 7.4.2 The National Governing Council shall have the following functions:

- i. To review and/or formulate policies of the Party for approval by the National Delegates Conference.
- ii. To act as the broader executive body of the National Delegates Conference and to ensure that all recommendations by the National Delegates Conference are duly carried out by the Party and the National Secretariat.

- iii. To receive reports from the National Executive Committee on the operations of the Party.
- iv. To monitor general activities of the Party on behalf of the National Delegates Conference and to provide direction for such activities.
- v. To establish specialized committees and other advisory bodies as are necessary to carry out aims and objects of the Party.
- vi. To run the party and make decisions in between the National Delegates Congress.
- vii. To review and develop political agenda for the Party's Civic and Parliamentary Groups.
- viii. To review and recommend the reports of the National Executive Committee to National Delegates Conference.
- ix. To approve the agenda for the National Delegates Congress as may be prepared and presented by the National Executive Committee or as may be notified by any Party member. A notice to include any other agenda item to the National Delegates Conference by a member shall be sent to reach the Secretary General not later than twenty-one working days before the session of the National Governing Council.
- x. To make policy and administrative decisions on behalf of the National Delegates Conference if it is the considered opinion of the National Executive Committee that such decision cannot await the next National Delegates Conference but thereafter present such decisions for ratification at the Ordinary Session of the National Delegates Conference immediately following.
- xi. To initiate all such activities as might further the aims and objectives of the Party.

7.4.3 The National Governing Council shall be convened by a resolution of the National Executive Committee and shall meet at least once every twelve (12) months.

7.4.4 The National Governing Council may from time to time constitute ad hoc committee to undertake a specific task.

7.4.5 Two thirds will constitute a quorum for the National Governing Council or its committees.

7.5 The National Executive Committee (NEC)

7.5.1 The National Executive Committee shall be the executive organ of the Party and shall be composed of the following members:

- i. All the National Officials,
- ii. The Party's Executive Director, who shall be an *ex-officio* member.

7.5.2 The National Executive Committee shall be constituted by the National Delegates Conference to hold office for a term of five years save for the Secretary for Parliamentary Affairs who shall be elected by the Parliamentary Group and ratified by the National Delegates Conference.

7.5.3 The Executive Committee shall have the following functions and powers:

- i. To act as the executive body and carry out the decisions of the National Governing Council and the National Delegates Congress.
- ii. To supervise the National Secretariat of the Party and to take such measure as it deems necessary to enforce the decisions and programmes of the Party as laid down by the National Governing Council and the National Delegates Conference.
- iii. To issue and send directives and instructions to and receive reports from the Branches.
- iv. To convene the meetings of and prepare the agenda for and reports to the National Governing Council and National Delegates Conference.
- v. To oversee the operations of the TEP Women Alliance, TEP Youth Alliance, Party Parliamentary Group and the County Assembly Group.
- vi. Set up committees as it deems necessary from time to time for specified tasks and to determine their terms of reference.
- vii. To operate and determine the manner in which the Party accounts and finances shall be prudently managed.
- viii. To appoint and fix the Terms and Conditions of Service of the Executive Director and other members of staff in the employment of the Party.
- ix. To receive reports, supervise the work of, and delegate such functions to the National Secretariat and National Elections Board as it considers necessary.
- x. To recommend to the Party Leader names of any member of the Party or any other person who has made an outstanding contribution to the Party in the achievement or furtherance of its objects, policies or programmes for the conferment of honors of recognition, merit, distinction, commendation or accolade in accordance with the Party's Reward and Merits Scheme as it may deem appropriate.
- xi. To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual financial statements for approval by National Governing Council and the National Delegates Conference.
- xii. To nominate and present a Party List to the IEBC in accordance with the provisions of the Law.

- xiii. To receive, consider, approve and implement reports and recommendations from the various standing, *ad hoc* and specialized committees or individuals
- xiv. To liaise with the Party National Election Board in order to ensure the coordination of elections of Party Officials at all levels and Party nominations for Presidential, Parliamentary and Civic elections.
- xv. To make Elections and Nomination Rules and lay them before the National Governing Council for approval.
- xvi. To appoint various schemes aimed at stimulating Party activities.
- xvii. To make Elections and Nomination Rules and/or Regulations as may be prescribed under this Constitution and lay them before the National Governing Council for ratification.
- xviii. To initiate all such activities as might further the aims and objects of the Party.
- xix. To determine the multiplier to be used in the delegates top up formula.
- xx. To determine the maximum number of delegates to attend any National Delegates Conference.
- xxi. To grant such honoraria, out of pocket expenses, to any National Official so as to reasonably facilitate his or her attendance at meetings or to ameliorate his or her just and fair expenses, subject to the availability of funds, and in its own discretion.
- xxii. Formulate party policies and procedures on which the party will perform

7.5.4 The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the Secretary General according to exigencies of time in consultation with the National Chairperson or by a written request made by 25% of the members thereof.

7.5.5 Any vacancy occurring in the National Executive Committee during the course of the term before the next National Delegates Conference may be filled through nomination by the National Executive Committee from amongst members of the National Delegates Conference until the vacancy is substantially filled at the next Delegates Conference.

7.5.6 The National Executive Committee shall have the final decision-making powers for the party

7.5.7 The Secretary General shall convene the National Executive Committee meetings following consultation with the Party Chairman. The meeting will be held in person with others joining virtually. Resolutions passed in the meetings will be captured in minutes that will be filed and archived.

7.6 The National Secretariat (NS)

7.6.1 There is hereby established a National Secretariat which shall be headed by an Executive Director assisted by a Deputy Executive Director. The National Executive

Committee shall determine the number and designation of the departments with the National Secretariat.

7.6.2 The Executive Director shall be appointed by the National Executive Committee. He/she shall be responsible for overall coordination of Party activities, budget, and resource and programme management.

7.6.3 The main duties of the National Secretariat shall be:

- i. Management of Party operations.
- ii. Implementation of Party decisions.
- iii. Processing the clearance of persons to be appointed by the National Executive Committee as Party's nominees to the County Assembly or Parliament.
- iv. Voter outreach and membership recruitment.
- v. Registration, mobilization and maintenance of voters or members register.
- vi. Coordination, facilitation and synchronization of Party activities and events.
- vii. Public relations, communication, and media outreach.
- viii. Fundraising and resource mobilization.
- ix. Campaign strategies.
- x. Operations and logistics.
- xi. Enforce Party policy and research.
- xii. Regional coordination.
- xiii. Liaison with all Party structures.
- xiv. Any other duties as may be assigned by National Executive Committee.

7.6.4 Members of Staff appointed to each department by the National Executive Committee shall be guided by the Party Service Code.

7.6.5 The Secretariat shall be composed of Office Manager, Secretary General, Office Administrator/Receptionist. This office structure will be replicated in the party sub-branches within each County. The terms of employment will be one-year renewable contracts for both full time staff and volunteers.

7.6.6 The Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance of the Secretary General, National Executive Committee and in liaison with other National Officials.

7.6.7 The National Secretariat shall service the operations of subsidiary organizations of the Party.

7.6.8 The National Secretariat shall function directly under the office of the Secretary General.

7.7 Party Parliamentary Group (PPG)

7.7.1 There shall be established the Party Parliamentary Group comprising the following:

- i. Party Leader,
- ii. Deputy Party Leaders,
- iii. All Party Governors & the Deputy Governors,
- iv. All TEP Members of Parliament (The Senate, National Assembly and EALA).

7.7.2 The duties of the Parliamentary Group shall include espousing, advancing and defending Party policies and programs within Parliament and shall, at all times, whether jointly or severally exercise due diligence in the discharge of their parliamentary duties.

7.7.3 The Parliamentary Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

7.8 Party County Assembly Group (PCAG)

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

7.9 TEP Women Alliance (TEPWA)

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

7.9.2 There shall be TEP Women Alliance Executive Committees at National, Branch, Subbranch, & Polling Station level consisting of Chair, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve Committee Members.

7.9.3 The officials of the TEP Women Alliance Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of five years and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.

7.9.4 Application for membership shall be made verbally or in writing to the Polling Station TEP Women Alliance Committee or the nearest Party office.

7.10 TEP Youth Alliance (TEPYA)

7.10.1 There shall be a Youth Alliance known as the TEP Youth Alliance, membership of which shall be open to all Party members aged between eighteen and thirty-five years. The TEP Youth Alliance shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the party's general control and discipline at all levels.

7.10.2 There shall be TEP Youth Alliance Executive Committees at National, Branch, Sub-Branch, and Polling station level consisting of Chair, Deputy-Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members.

7.10.3 The officials of the TEP Youth Alliance Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of 5 years and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.

7.10.4 Application for membership shall be made verbally or in writing to the Polling Station TEP Youth Alliance Committee or the nearest Party office.

7.10.5 The organization, functions, rules and regulations of TEP Women Alliance and TEP Youth Alliance shall be determined, established and set out by each group respectively provided that they are in conformity with the Party's overall objectives and are laid for approval by the National Executive Committee.

7.11 National Elections Board (NEB)

7.11.1 There is hereby established The Equitable Party National Elections Board whose mandate is to plan, organize, direct, conduct, supervise and or coordinate all Party elections and nominations of candidates.

7.11.2 The National Elections Board will be appointed by the National Executive Committee upon a resolution made by two-thirds of members and will comprise five respected and knowledgeable persons of high integrity who do not hold any elective Party position and at least one-third shall be either of gender.

7.11.3 The National Elections Board shall appoint a County Election Committee and a Sub-County Election Panel in each County. The County Elections Committee shall be supervised by the National Elections Board and will comprise of three persons of high integrity to supervise the Party elections in the counties. The Sub-County Elections Panel shall be supervised by the National Elections Board and will comprise of five persons of high integrity.

7.11.4 The National Elections Board shall appoint a County Appeals Board in each County. The County Appeals Board shall be independent and shall communicate its resolutions to the National Elections Board.

7.11.5 The National Elections Board shall make its own rules of procedure for its meetings.

7.11.6 The National Secretariat shall provide secretarial support services to the Board.

7.11.7 The members of the National Elections Board may serve for a term of five years and are eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.

7.12 County Delegates Conference (CDC)

There is established the Party County Delegates Conference in the counties.

7.12.1 The County Delegates Conference shall:

- i. Be held at least once every year and more often if requested by at least one third of all branches in the County.
- ii. Carry out the decisions of the National Delegates Conference, & the NEC.
- iii. Receive and consider reports by the Branch Executive Committee.
- iv. Manage, harmonize, & coordinate County affairs of the Party.
- v. Elect the members of the County Conference Committee who will hold office for 5 years.

7.12.2 The composition of the County Delegates Conference shall be members of the particular county as follows:

- i. Twenty mainstream officials from each branch.
- ii. Branch Executive officials of TEP Women's Alliance and TEP Youth Alliance.
- iii. Governors & Deputy Governors.
- iv. All Members of Parliament.
- v. Members of the County Assembly.

7.12.3 The County Conference Committee shall consist of:

- i. The County Conference Chairman
- ii. The County Deputy Conference Chairman
- iii. The County Conference Secretary
- iv. The County Organizing Secretary
- v. The County Conference Treasurer

- vi. The County TEP Women Alliance Representative
- vii. The County TEP Youth Alliance Representative
- viii. The County Special Interest Representative
- ix. And Twelve Committee Members

7.13 Branch Executive Committees (BEC)

7.13.1 The Party shall establish Branches in each Sub-County in Kenya. A Branch shall be responsible to the National Executive Committee.

7.13.2 Each Branch shall be managed by a Branch Executive Committee consisting of the Branch Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (TEP Women Alliance Leader), Secretary for Youth Affairs (TEP Youth Alliance Leader), and a special interest representative, persons with disability representative and eight Committee Members, all of whom shall be elected at the Branch Electoral College and the Branch Executive Coordinator, appointed by the Branch Executive Committee in consultation with the National Secretariat, who shall be in an *exofficio* member.

7.13.3 The duties of the office bearers of the National, Branch, Sub-Branch, and Polling station Executive Committee shall be as follows:

- i. **The Chairperson**
He/she shall convene and preside over all meetings.
- ii. **The Deputy Chairperson**
He/she shall perform such duties as shall be assigned to him by the Chairperson. He/she shall assist and assume the office of the chairman in the latter's absence.
- iii. **The Secretary**
The Secretary shall keep proper records of all proceeding and minutes of the meetings of the Branch. He/she shall issue notices convening all meetings of the Branch under the direction of the Chairperson and perform all such duties as may from time to time be assigned by the Committee including handling of correspondence.
- iv. **The Deputy Secretary**
He/she shall perform such duties as shall be assigned to him by the Secretary. He/she shall assist and assume office of the Secretary in the latter's absence.

- v. **The Treasurer**
The Treasurer shall be in charge of the Branch Finances and accounting. He/she shall prepare and submit to the Committee the Financial Statement of Accounts.
- vi. **Deputy Treasurer**
He/she shall perform such duties as shall be assigned to him by the Treasurer. He/she shall assist and assume the office of the Treasurer in the latter's absence.
- vii. **The Organizing Secretary**
The Organizing Secretary shall organize and supervise the programme of work of the Party at the Branch level and shall ensure the proper and effective functioning of the organs of the Party at the Branch level. He/she shall ensure the proper and effective functioning of the other organs of the Party at the Branch level, including Youth and Women Groups.
- viii. **The Deputy Organizing Secretary**
He/she shall perform such duties as shall be assigned to him by the Organizing Secretary. He/she shall assist and assume the office of the Organizing Secretary in the latter's absence.
- ix. **The Branch Executive Coordinator**
The Branch Executive Coordinator shall be appointed by the National Secretariat in consultation with the Branch Executive Committee.
The Branch Executive Coordinator shall be an employee of the National Secretariat and shall be under the direction of the Branch Executive Committee and shall be the custodian of all the Branch property, books of accounts, minute books, membership register and all the records of the party at the Branch. He/she shall be an employee of the National Secretariat.
- x. The duties of the **Branch Executive Committee** shall be to:
- a. Promote party policies and activities among the people in the Sub-County in order to realize the Party's objectives, policies and programs.
 - b. Recruit members to the Party.
 - c. Represent views and interests of the Branch members at the National Governing Council and the National Delegates Conference.
 - d. Ensure discipline and adherence to Party policies and programmes among individual Party members and the TEP Women and TEP Youth Alliance Alliances.
 - e. Investigate any allegations of misconduct of any member and make recommendations to the National Executive Committee.
 - f. Promote political and general civic and voter education amongst the people for the benefit of the Party.

- g. The Branch Executive Committee shall meet at least once every three months.

7.14 The Sub-Branch Executive Committee (SBEC)

7.14.1 There is hereby established a Party Sub Branch in each Ward in Kenya The Sub-Branch shall be under the general direction of the Branch as the case may be.

7.14.2 The Sub-Branch shall be governed by a Sub Branch Executive Committee which shall consist of:

Sub-Branch Chairperson, Deputy Chairperson, Secretary, deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (TEP Women Alliance Leader), secretary for Youth Affairs (TEP Youth Alliance Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members.

- i. Duties of the Sub-Branch Executive Committee shall be similar to those of the Branch.
- ii. The Chairman of a Sub-Branch may invite one or more of the Local Opinion Leaders to attend a Sub-Branch Executive Committee meeting if it is in the best interest of the Party. Such invited leaders shall have the right to speak but not to vote thereat.
- iii. The Sub-Branch Executive Committee shall meet at least once a month.

7.15 Polling Station Steering Committee

There is hereby established a Party Polling Station Steering Committee. Each polling station shall be managed by a Polling Station Steering Committee consisting of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (TEP Women Alliance Leader), secretary for Youth Affairs (TEP Youth Alliance Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members all of who shall be elected by universal suffrage of all of the Party members resident in the polling area.

7.16 Branch Offices

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

7.17 Procedure at Branch Meetings

7.17.1 Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Secretary as the case may be.

7.17.2 There shall be two classes of meetings as follows:

- i. Ordinary meetings shall be convened by a written notice of twenty-one days.
- ii. Special meetings shall require a notice of fourteen days and shall be requisitioned for a specific purpose only by order in writing to the Branch Secretary. No other matter shall be discussed other than that stated in the requisition.

7.17.3 Quorums for all meetings shall be one-third of the membership thereof. Any official who fails to attend three consecutive meetings without reasonable apology shall be liable to suspension.

7.17.4 At all meetings the Chairpersons or in their absence the Vice Chairpersons shall preside, else the members shall elect one among themselves to preside.

7.17.5 Resolutions, unless otherwise stated in the constitution shall be decided by a simple majority by secret ballot or any other method of voting acceptable to the delegates. Decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus.

7.17.6 In the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote.

7.18 Overseas Branches

The National Executive Committee shall approve and register overseas branches provided that there shall not be more than one branch in any given country except the United States of America which shall have more branches. An overseas branch shall consist of at least 50 members, provided that there shall not be more than one branch in any given city. A branch so formed shall apply to the Party Headquarters for registration and upon approval, be furnished with a Certificate to that effect. Other provisions applying to branches in this Constitution shall apply *mutatis mutandis*.

7.19 Guidelines and Procedure for Meetings

Annual general meetings and any other general meetings (e.g., special general meetings) shall be called by the Secretary General in consultation with the party chairman. Members will include National Executive Committee, Members of Parliament and Elected County Officials.

General meetings at the County level shall be done after consultation with the National Executive Committee.

Without prejudice to any provisions herein, meetings of the various organs of the Party shall be presided over as provided hereunder:

- i) The National Delegates Conference shall be convened in accordance with this Constitution and chaired by:
 - a) The Party Leader or
 - b) In the absence of the Party Leader, the Deputy Party leader or
 - c) In the absence of the two by the Party National Chairperson
- ii) The National Governing Council shall be convened in accordance with this Constitution presided over by the Party Leader or Deputy Party Leader or the National Chairperson PROVIDED upon a petition signed by the Chairperson of at least half of the Counties; the Secretary General shall convene the National Governing Council
- iii) The National Executive Committee shall be convened in accordance with this Constitution and the National Chairperson who shall preside over the same.
- iv) Committees of National Executive Committee or various party organs shall be convened in accordance with this Constitution and be presided over by the various respective Chairpersons PROVIDED the Secretary General may convene a meeting of members of the relevant Committees or party organs for an urgent matter.
- v) The Party Parliamentary Group meetings shall convene by the party whip.
- vi) The Governors Caucus meeting shall be convened and presided over by the Governors 'Caucus Chairperson.
- vii) The County, Constituency, Ward and Polling Station meetings shall be convened by the respective secretaries and be presided over by the respective chairpersons thereof.
- viii) The person presiding over any meeting of an organ or sub-organ of the Party may at their discretion limit the number of persons permitted to speak in favour of or against a motion and may exercise such discretions as is in the interest of the Party.
- ix) Resolutions, unless otherwise stated in this Constitution, shall as far as possible be decided by consensus PROVIDED where consensus is difficult to obtain, the following procedure shall apply:
 - a) At meetings of the National Delegates Conference, the County and Constituency Delegates Conferences, the Chairperson shall put the question to the Delegates with those in favour of the decision shouting 'YES' and those contrary opinion shouting 'NAY', and the Chairperson shall determine which side the vote has gone, and the determination thereof shall settle the matter

- b) At the meetings of the National Governing Council, the National Executive Committee, National Management Committee and the Party Parliamentary Group, contested decisions shall be determined by secret ballot
- c) In the event of an equality of any votes at any meeting, the Chairperson shall have a casting vote

QUORUM

- i) The quorum for all meetings of all the Party Organs shall be 30 % of all the members entitled to attend.
- ii) Where a quorum is not achieved in the first meeting, a second meeting shall be convened not later than three months thereafter whereof the meeting shall proceed notwithstanding that the quorum of 30% of all the members entitled to attend is not achieved.

7.20 Authorized Signatories

Without prejudice to any provisions hereinbefore, Party signatories shall be as provided hereunder:

The signatories of the annual, financial and any reports from the national level party organs shall be the Party Chairperson or designee and the Secretary General or the designee. All other reports from the County level downwards shall be delegated appropriately.

The nomination certificates at all levels shall be signed by the Party Chairperson and the Secretary General and issued by the head of the elections board.

7.21 Party Nominations

The party shall conduct open, free, fair and transparent nominations in national and county elections through consensus, secret ballot, or through the Independent Electoral and Boundaries Commission (IEBC) or other democratic method acceptable to the members under the supervision of the National Elections Board and the County Elections Board

PRESIDENTIAL CANDIDATE

Unless otherwise provided for in written agreement between the Party and any other party or coalition, the Party Presidential and Deputy Presidential candidates shall:

- i) Be fully paid-up members of the Party and shall provide copies of the following:
 - a) Detailed Curriculum Vitae
 - b) National Identity Card
 - c) Voters Card or evidence of registration as a voter
 - d) Relevant academic and / or professional certificates
- ii) Be nominated by the National Delegates Conference, in accordance with the Party Nomination Rules and Regulations.

- iii) Pay a non-refundable nomination fee as may be determined by the NEC from time to time.
- iv) Meet all the requirements for presidential elections under the Kenyan Constitution, this Constitution, the Electoral laws or any other law in force for the time being in the Republic of Kenya

GUBERNATORIAL CANDIDATES

Any person seeking nomination as Governor or Deputy Governor Candidate on the Party ticket shall:

- i) Be a fully paid-up member of the Party and shall apply in writing to the National Elections Board and provide copies of the following:
 - a) Detailed Curriculum Vitae
 - b) National Identity Card
 - c) Voters Card or evidence of registration as a voter
 - d) Academic and / or professional certificates
- ii) Pay a non-refundable nomination fee as may be determined by the NEC from time to time.
- iii) Shall meet the requirements for gubernatorial elections under the Kenyan Constitution, this Constitution and the Electoral laws or any other law for the time being in force in the Republic of Kenya.
- iv) Be nominated in accordance with the Party Nomination Rules and Regulations
- v) Sign an agreement with the Party binding themselves to abide by all duties and obligations required of them under the Party Constitution.

PARLIAMENTARY CANDIDATES (SENATE AND NATIONAL ASSEMBLY)

Any parliamentary candidate seeking nomination on the party ticket shall:

- i) Apply in writing to the National Elections Board and provide copies of the following:
 - a) Detailed Curriculum Vitae
 - b) National Identity Card
 - c) Voter's Card or evidence of registration as a voter
 - d) Academic and / or professional certificates
- ii) Pay to the Party a non-refundable nomination fee as may be determined by the NEC from time to time.
- iii) Be nominated in accordance with the Party Nomination Rules and Regulations.
- iv) Meet the requirements under the Kenyan Constitution, this Constitution and the Electoral laws or any other law for the time being in force in the Republic of Kenya.
- v) Sign an agreement with the Party binding themselves to abide by all duties and obligations required of them under the Party Constitution.

COUNTY CANDIDATES

Any candidate seeking nomination for a county position on a party ticket shall:

- i) Apply in writing to the National Elections Board and provide copies of the following:
 - a) Detailed Curriculum Vitae
 - b) National Identity Card
 - c) Voter's Card or evidence of registration as a voter
 - d) Relevant academic and / or professional certificates
- ii) Pay to the Party a non-refundable nomination fee as may be determined by the NEC from time to time.
- iii) Be nominated in accordance with the Party Nomination Rules and Regulations.
- iv) Meet the requirements under the Kenyan Constitution, this Constitution and the Electoral laws or any other law for the time being in force in the Republic of Kenya.
- v) Sign an agreement with the Party binding themselves to abide by all duties and obligations required of them under the Party Constitution.

PARTY LISTS

- i) Pursuant to, and in accordance with the Constitution of Kenya and other relevant Acts of Parliament, the Party shall submit to the Independent Electoral and Boundaries Commission Party lists containing:
 - a) Twelve (12) persons for consideration as nominated Members of the National Assembly to represent special interests including the youth, persons with disabilities and workers.
 - b) Sixteen (16) women for consideration as nominated Members of the Senate.
 - c) Two (2) members, being one man and one woman for consideration as nominated members of Senate representing the youth.
 - d) Two (2) members, being one man and one woman for consideration as nominated members of Senate representing persons with disabilities.
 - e) Persons for consideration as nominated Members of County Assembly to represent special interests including the youth and persons with disabilities.
- ii) The Party lists shall alternate between male and female candidates in the priority in which they are listed and shall reflect the regional and ethnic diversity of the people of Kenya.
- iii) The applications contemplated under this article shall originate from a public advertisement in at least two leading local newspapers by the Secretary General within the time frames spelt out by the National Legislation.
- iv) Persons who are nominated to the respective party lists shall be persons who meet the requirements of any written law as well as academic and professional qualifications to be elected to parliament and county assemblies respectively.

7.22 Resignation

Any Party Member holding a County or Branch Party office and elects to seek election at Parliamentary or County Assembly General Elections shall be required to resign from office by a written notification to the National Executive Committee at least one month before the scheduled date of party nominations provided that this provision shall not apply in the event of an abrupt dissolution of Parliament or the County Assembly or by- elections.

8 COMMITTEES

8.1 Strategic Planning Committee

- 8.1.1 The National Executive Committee shall appoint a Strategic Planning Committee as a Standing Committee consisting of seven Members, provided one third shall be of either gender.
- 8.1.2 Members of this Committee shall serve for a term of 5 years and are eligible for reappointment.
- 8.1.3 The Strategic Planning Committee shall be responsible for proposing Party Policy, conducting research and overall Organization, Planning and Strategy.
- 8.1.4 The Strategic Planning Committee shall be responsible for policy reporting documents and their regularity which the party will produce including the manner and procedures in which they will be developed, approved, and publicized.
- 8.1.5 The Strategic Planning Committee shall meet at least once three months.

8.2 Finance and Resource Mobilization Committee

- 8.2.1 The National Executive Committee shall appoint the Finance and Resource Mobilization Committee as a Standing Committee consisting of nine members including the National Treasurer and the Deputy National Treasurers. The appointed members shall elect the Chairperson and Secretary among themselves. Provided that one third shall be of either gender
- 8.2.2 The Finance and Resource Mobilization Committee shall be responsible for:
 - i. Developing strategies for and realizing financial resource mobilization and any other support to the Party.
 - ii. Ensuring that the books of the Party are audited by the appointed auditor.
 - iii. Developing principles of stewardship, financial discipline, ethics and best practices to guide the Party in matters of fiscal planning and management.
- 8.2.3 The members shall be in office for five years and shall be eligible for reappointment at the expiry of their term, subject to a maximum of two consecutive terms.
- 8.2.4 The Committee shall work closely with the National Executive Committee and will report at least twice a year on the finances and budget of the party.

8.3 Legal Committee

- 8.3.1 There is hereby established a Legal Committee as a Standing Committee of the Party consisting of the Secretary for Legal Affairs and nine other legal experts who are Party members. The Committee shall be appointed by the National Executive Committee and shall advise the Party on all legal matters. The appointed members shall elect the Chairperson who shall be an Advocate of the High Court of Kenya of not less than ten years standing and a Secretary among them provided one third of their membership shall be of either gender.
- 8.3.2 The members shall be in office for five years and are eligible for reappointment at the expiry of their term.

8.4 Disciplinary Committee

- 8.4.1 There is hereby established a Disciplinary Committee comprising five Party members of good standing, honor and integrity and appointed by the National Executive Committee. The Chairperson, who shall be Advocate of the High Court of Kenya of not less than ten years standing, shall be appointed by the National Executive Committee.
- 8.4.2 The Disciplinary Committee shall make its own rules of procedure which shall be approved by the National Executive Committee. The Rules shall comply with written laws of Kenya, the Rule of Law and Rules of Natural Justice.
- 8.4.3 The members shall be in office for five years and are eligible for reappointment at the expiry of their term.

8.5 Party Discipline

- 8.5.1 The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline. A Disciplinary issue shall arise on the ground of gross misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct proscribed as shall be provided by the rules in the Schedule of this Constitution.
- 8.5.2 The Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend him/herself against the charges or allegations made against him/her in accordance with Rules of Natural Justice.

- 8.5.3 The Disciplinary Committee shall, after a determination of facts on a complaint, make recommendation to the National Executive Committee which shall have the power to pass a penalty including, but not limited to Reprimand, Censure, Sanction, and Suspension for a period definite, or Expulsion. A Decision to suspend or expel shall be ratified by two thirds of the National Governing Council whose decision shall be final. Vacancies thus or otherwise created shall be filled in the same manner as they were originally filled.
- 8.5.4 The Party Branch, Sub-Branch, or Polling Station shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub- Branch, or Polling Station, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue. Where the Committee is on the view that the misconduct is so serious as to invite suspension or expulsion, the Committee shall refer the matter to the Standing Disciplinary Committee at the Party Headquarters which shall summarily review the facts and make an appropriate recommendation to the National Executive Committee. Provided however the Branch/Sub Branch/Ward or Polling Station shall have the power to censure or reprimand.
- 8.5.5 Any Party member under a disciplinary process shall be entitled to represent him/herself in person or by an authorized representative or next friend.

9 STEWARDSHIP

9.1 Funds

9.1.1 The National Executive Committee shall establish rules governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.

9.1.2 The source of funds for the Party shall include the following:

- i. Funding by the Exchequer.
- ii. Membership Fees.
- iii. Fundraising and Contributions.
- iv. Voluntary Contributions.
- v. Donations Contracts, bequests, and grants from any other source not being a foreign government, inter-governmental or nongovernmental organization.
- vi. Proceeds of any investment, project or undertaking in which the party has an interest.
- vii. Net income from Publications and Consultancies.
- viii. Nomination fees.
- ix. Contributions from Party Members of Parliament, Governors and County Assembly Representatives.

9.1.3 The Party shall operate Account(s) with local Bank(s) according to modalities laid down by the National Executive Committee.

9.1.4 The signatories to the Bank Account(s) shall be as the Treasurer/Deputy Treasurer, Chairman/Deputy Chairman with minimum of two officials signing.

9.1.5 The funds will be used for specific party activities like recruitment drives, advertisements, development projects as approved by the NEC. Funds will not be distributed among party members

9.2 Auditor

9.2.1 The Party shall appoint or re-appoint a qualified, registered Auditor to audit the books of the Party at the National Delegates Congress. The Auditor shall not be an office bearer or a member of any committee of the Party.

9.2.2 All Party accounts, records and documents shall be open to inspection by the auditor at any time.

9.2.3 The National Treasurer shall produce and submit audited accounts made up to date, which shall not be less than four weeks and not more than two months before the date of the National Delegates Congress.

9.2.4 The Auditor shall be paid such honorarium for his duties as shall be approved by the National Delegates Congress.

9.3 Inspection of Accounts and Membership Registers

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

9.4 Liability

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

9.5 Contractual Liability

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

9.6 Party Seal

9.6.1 The Party shall have a seal which shall be kept in the custody of the Secretary-General. Other than documents which by law must be sealed, the National Executive Committee may, by a resolution in writing, determine what class of contracts or documents which must be sealed.

9.6.2 The Party Seal shall be authenticated by appending to the document under seal the signature of the National Chairperson and the Secretary General or, in his absence, any other member of the National Executive Committee specifically mandated to do so by the National Executive Committee by a resolution in writing.

9.7 The Press and Publication

9.7.1 The Party may own and/or operate a Printing Press, Radio and/or Television Station as well as an interest or shares in any existing entities.

9.7.2 The Party may publish its own Literature, Newspaper, Periodical Magazine, Pamphlets, and Books among others.

9.8 Asset Management

- 9.8.1 The Party will maintain a database of the assets. The Operations Manager will be the custodian of the assets. All assets will be tagged for tracking and verification purposes. Verification of assets will be undertaken twice annually.
- 9.8.2 The Operations Manager will be working under the National Management Committee which will be constituted under the National Executive Committee.
- 9.8.3 The National Management Committee oversee the investment of the party Funds and Assets.

10 MERGERS, COALITIONS, DISPUTE SETTLEMENTS AND AMENDMENTS

10.1 Mergers and Coalitions

- 10.1.1 The Party may form mergers and coalitions with other likeminded political parties. The decision to form such mergers and coalitions shall be determined by two-thirds of the National Executive Committee.
- 10.1.2 Mergers shall happen when the other Party(ies) dissolve and join TEP, or when TEP dissolves to join the other party or when both (all) parties dissolve to form a new Party.
- 10.1.3 In the case where TEP will have to dissolve in a merger, the following procedure will apply:
 - a) The NEC will constitute a panel of three members from its membership to negotiate a merger with like-minded political parties
 - b) The panel of three will have a mandate to negotiate the terms and structure of the merger that will have to be approved by at least two-thirds of the NEC
 - c) The approved merger will need to be presented to the NGC for ratification.
- 10.1.4 The NEC may pass a resolution to enter a coalition (Pre-election or Post-election). The coalition agreement shall be presented before the National Governing Council for ratification
- 10.1.5 Instruments of such mergers and coalitions shall be executed and deposited with the Registrar of Political Parties. The Secretary General shall keep custody of all such Instruments.

10.2 Internal Party Dispute Resolution

A dispute will be raised and adjudicated within a Party organ in which it arose. Any dispute that cannot be resolved by Party organs shall be adjudicated through arbitration. The aggrieved party(ies) shall agree on three arbitrators. The recommendations of the arbitrators shall be communicated to the National Governing Council in writing. The National Governing Council will make its decision and communicate in writing to the National Delegates Conference for ratification.

10.3 Amendments

10.3.1 National Executive Committee may propose or receive proposals from any member of the Party for amendments or review of the entire Name, symbol, Party colours, constitution, and rules of the party which proposals shall be presented for approval by at least two-thirds of members present at the National Delegates Conference.

10.3.2 The quorum for any meeting at which the amendment any of the items in 10.3.1 is proposed shall be two-thirds of the delegates eligible to attend and vote.

10.3.3 A resolution to amend any of the items in 10.3.1 shall be supported by at least two-thirds of the delegates eligible to attend and vote.

11 DISSOLUTION

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

12 GENERAL

12.1 Gender and Affirmative Action

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

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

12.1.3 Any vacancy occurring in the Party organs during the term before the next National Delegates Conference or Party Election as the case may be, shall be filled in acting capacity, through nomination by the National Executive Committee upon recommendations of the relevant Party organ until the vacancy is substantially filled.

12.2 Repeal and Replacement

The Equitable Party Constitution dated September 15th, 2020 is new and therefore no predecessor to repeal and replace.

12.3 Transition

All Organs, Committees or Offices are new under the Constitution dated September 15th, 2020 and therefore no transition is necessary.

12.4 Miscellaneous

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

13 SCHEDULE

13.1 Party Symbol

Party Symbol	Name/Meaning/Comments
	<p>Name: Weighing Scale</p> <p>Meaning: An extra basket being added to the other side to get an equilibrium.</p> <p>Comments: Deploying resources proportionately to level the playing field.</p>

13.2 Party Flag

TEP Flag	Description/Meaning of Colours
	<p>Description: The party flag is rectangular shaped with the party symbol in the middle and party slogan “<i>Tusawazishe</i>” under the party Symbol with the Theme colours in the TEP Emblem.</p> <p>Meaning of Colours:</p> <p>Green: Freshness, Environment, Nature,</p> <p>Gold: Success and Prosperity</p> <p>White: Goodness and Possibility</p>

13.3 Party Slogan

The party slogan is “*Tusawazishe*”.

13.4 Party Salute

The party salute is **Two Hand Palms** with **Left Palm** above and the **Right Palm Below**.

13.5 Membership Fees

CATEGORY	JOINING	ANNUAL SUBSCRIPTION
<i>Life</i>	<i>KES. 20,000</i>	<i>KES.10,000</i>
<i>Ordinary</i>	<i>FREE or Any Donation</i>	<i>FREE OR Any Donations</i>
<i>Corporate Membership</i>	<i>Sliding Scale</i>	<i>Sliding Scale</i>
<i>Group Membership</i>	<i>Sliding Scale</i>	<i>Sliding Scale</i>

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

13.6 Delegate Top Up Formula

Target Number

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

The target number is determined by the following formula:

$$\text{Target Number} = \frac{\text{National Number of Registered Members}}{\text{Number of Sub Counties in which TEP has Presence}}$$

where

Registered Members: Is determined by the number of registered members as per TEP records

Sub Counties in which TEP has presence will be those that are in **Counties** that have a minimum of 1,000 TEP Members who are also registered voters.

Qualifying Delegates

This is the number of delegates that qualify from each **Sub-County**.

$$\text{Qualifying Delegates} = \frac{\text{Number of Registered Members in Good Standing}}{\text{Target Number}}$$

Actual Delegates per Sub-County

The number to Top Up delegates that can represent each branch and fully participate in the Party's NDC as per the formula below.

$$\text{Actual Top Up Delegates per Branch} = \text{Qualifying Delegates} \times \text{Multiplier}$$

where,

Multiplier

A constant number that is determined by the NEC to be applied uniformly in the determination of the actual delegates in each **Sub-County**.