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# UNITED DEMOCRATIC ALLIANCE

## NOMINATION AND ELECTIONS RULES

### PART I

#### Article 1: Preamble

- i) These Rules may be cited as the United Democratic Alliance (UDA) Party Nomination and Election Rules, 2021 (hereinafter “the Rules”). The Rules shall come into operation upon ratification by the National Executive Committee (NEC);
- ii) Whenever a General or by-election is called, there shall be a process as prescribed within these Rules, for the nomination of Candidates for the elections. The process must be done in accordance with the Party Constitution, Political Parties Act, the Elections Act, the Constitution of Kenya 2010 and all other applicable laws and regulations.

#### Article 2: Interpretation.

In these Rules unless the context otherwise admits;

“**Agent**” means a person duly appointed by a Political Party or Candidate to act as their agent for the purposes of an election or nomination under these Rules.

“**Aspirant**” means a person interested and has registered to contest for nominations of a particular elective position as defined in the Constitution of Kenya, 2010.

“**Ballot box**” means an appropriate and secure container with a slot on the top sufficient to insert a ballot paper in an election or nomination but which prevents access to the votes until the closing of the voting period.

“**Ballot paper**” means a paper used to record the choice made by a voter and may include an electronic version of a ballot paper or its equivalent for the purposes of electronic voting.

“**Board**” means the United Democratic Alliance Party National Elections Board established under Article 21 of the Party Constitution.

“**Candidate**” means a person duly cleared by the Party in accordance with these Rules, the Constitution and the Election Act to vie for nomination for an elective post.

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

**“Constituency”** means one of the constituencies into which Kenya is divided under Article 89 of the Constitution.

**“County”** means the Counties into which Kenya is divided under Article 6 (1) of the Constitution and specified in the First Schedule of the Constitution.

**“County Assembly”** means a County Assembly constituted in accordance with Article 177 of the Constitution

**“Disability”** has the meaning assigned to it in Article 260 of the Constitution.

**“Election material”** means ballot boxes, ballot papers, counterfoils, envelopes, packets statements, badges, reflectors and other documents used in connection with voting in an election and includes information technology equipment for voting, the voting compartments, instruments, seals and other materials required for the purpose of conducting an election.

**“Election offence”** means an offence under the electoral laws for the time being governing elections in the Country.

**“Election results”** means the declared outcome of the casting of votes by voters at an election or nomination;

**“Electronic voting”** means voting by electronic means.

**“Electronic Voter Device”** Means an electronic mobile gadget used to conduct electronic voting.

**“Member”** means a person whose names are entered in the register of members of United Democratic Alliance (UDA) and has met all the requirements as prescribed by the Party.

**“Nomination”** means the process of electing a person including an aspirant qualified under these Rules to contest for elections at a general or by-election (whatever the case may be) on the Party ticket;

**“Party”** means the United Democratic Alliance (UDA);

**“Party list”** means a Party list prepared by the Party and submitted to the Commission pursuant to and in accordance with Article 90 of the Constitution of Kenya, 2010;

**“Polling station”** means any room, place, vehicle or vessel set apart and equipped by the Party for the casting of votes by voters at an election;

**“Special Interest Groups”** includes women; persons living with disabilities; youth; ethnic and other minorities; and marginalized communities as defined in the Constitution of Kenya, 2010.

**“Ward”** means an electoral area within a County delimited in accordance with Article 89 of the

Constitution of Kenya, 2010.

**“Youth”** mean persons between the ages of 18 years to 35 years.

## **PART II: NATIONAL ELECTIONS BOARD**

### **Article 3: Establishment, Constitution and Functions of the Board**

1. The National Elections Board is established under Article 21 of the Party Constitution.
2. The composition of the Board shall be as outlined under Article 21 (vi.) of the Party Constitution and shall comprise of not more than seven and not less than three members including the Chairperson.
3. There shall be at least one member of the Board appointed to represent special interest groups.
4. The Director of Elections shall be an ex-officio member and the Secretary to the Board.
5. The Board may outsource support as it deems necessary for the discharge of its mandate.
6. The members of the Board shall be appointed by the NEC from amongst Members of the Party, who shall be persons knowledgeable in law, elections and do not hold any elective Party position and persons of good standing and high integrity.
7. Quorum for the NEB shall be a third of the members provided it is not less than 2.
8. The Board composition shall be guided by Article 21 of the Party Constitution in ensuring compliance with the two-thirds gender rule.
9. The functions of the Board are as stipulated in Article 21.1 of the Party Constitution.
10. The board shall make its own its rules of procedure for conducting its meetings.
11. A person may be removed as a member of the Board if that person;
  - a) resigns from the Party;
  - b) defects from the Party;
  - c) violates the Party's Constitution, these Rules or the Party code of conduct;
  - d) has declared interest in a particular nomination;
  - e) is incapacitated;
  - f) is convicted of an election offence or a criminal offence which attracts a sentence of more than six months of imprisonment and has exhausted all legal channels of appeal.
12. A vacancy may arise in the Board where a member;
  - a) resigns in writing;
  - b) dies; or

c) is removed from the Election Board under Rule 9;

Provided;

The Party will, within thirty days after the occurrence of the vacancy commence the process of replacement.

13. The tenure of the members of the Board shall be as stipulated under Article 21 (iv.) of the Party Constitution.

### **PART III: NOMINATION AND ELECTIONS.**

#### **Article 4: Eligibility Criteria for the Nomination of Party Candidates**

1. This article deals with provisions for Elections and nominations for the positions of Governors, Members of Parliament and Members of the County Assembly.
2. The criteria for the nomination of the Party Presidential Candidate shall be as set out under Article 31.1 of the Party Constitution.
3. Registration of interested Aspirants shall be done at the National Secretariat in a prescribed form upon payment of nomination fees as determined by the NEC;
4. No person shall be qualified for nomination as a Party Candidate in any election for the positions referred to in Rule 4.1, unless that person meets the following qualifications:
  - a) The person must be conversant with, supports and subscribes to the Party ideology, philosophy, mission and values;
  - b) The person is a registered Member of the Party in any branch and his or her name appears in the Register of the Party members as a fully paid-up member;
  - c) The person is a citizen of Kenya and a holder of a National Identity Card or such other document of national identity as may be prescribed by Law;
  - d) The person is a registered voter;
  - e) A person applying to be considered for nomination as Governor, Member of parliament and Member of the County Assembly must possess all the relevant qualifications as per the Constitution of Kenya 2010, The Elections Act, The Party Constitution and all other relevant provisions of the Law;
  - f) Where an Aspirant intends to be nominated on the ground that the aspirant is a person living with disability, the aspirant shall, in addition to the requirements specified under this Rule, apply in Form 5 set out in the Schedule, which shall be certified by the National Council for Persons with Disabilities.
  - g) A person who wishes to be nominated by the Party to represent the youth shall be a person who has attained the age of eighteen years but has not attained the age of thirty-five years upon provision of documentary proof of his or her age.

### **Article 5: Disqualification from Nomination**

This applies to Governors, Members of Parliament and County Assembly.

A person is not qualified for nomination as a Candidate for the Party if that person:

- a) Has at any time within the five years immediately before the date of election held office as a member of the Independent Electoral and Boundaries Commission as per the Elections Act and other provisions of the law,
- b) Is not of sound mind,
- c) Is an undischarged bankrupt,
- d) Is serving a sentence of imprisonment exceeding six months and has exhausted all legal channels of appeal.

### **Article 6: Nomination procedures**

1. In accordance with the General Elections Calendar as provided for in Law and published by IEBC, or in the event of a by-election, the board shall cause to be published a notice inviting and requiring members to make recommendations and interested persons to apply for nomination as Party candidates in either general or by-elections.

The board shall employ any of the following methods to determine the Party candidate;-

- a) Where two or more aspirants show interest in contesting for the Party ticket for any position,
  - i) The board shall proceed to conduct free, fair and democratic nomination exercise;
  - ii) The Board may build consensus among the aspirants to support one of them;
  - iii) In special circumstances, the Board may undertake direct nomination and proceed to issue certificate.
2. All aspirants shall swear, sign and affirm to the United Democratic Alliance (UDA) Code of Conduct.
3. The recommendations and applications for nomination in writing shall be made to the National Elections Board;
4. The Board shall cause a list of all the aspirants to be appropriately published and displayed;
5. The Board shall prepare the provisional list of the recommended candidates and applicants and submit the same to the NEC for approval;



6. If the NEC shall be satisfied with the list, it shall endorse and certify the list and submit it to the IEBC;
7. The date, Venue and officials overseeing the nomination exercise at the national, county, constituency and ward levels shall be appointed by NEB.
8. Voting during nominations shall be done at centers decided by the Board;
9. The board shall have power to recruit returning officers, presiding officers, clerks and other officials for the smooth and democratically running of the nomination exercise provided such recruitment is done transparently and not to the advantage of any aspirant;
10. Members of the Party, whose names appear in the Party and IEBC register may be eligible to vote;
11. An Aspirant for nomination shall have the right to appoint an agent at the election and the counting of the votes;
12. The votes shall be counted at the polling station where they are cast in the presence of the Aspirant /agent; Provided that in the event of the Aspirant and/or the Aspirant's agent refusing or failing to be present at the counting at the time required, the Presiding Officer may take note of such absence/failure/refusal and proceed with the counting as if such aspirant was present;
13. The Presiding Officer shall announce the results at the polling center and all the Aspirant and or their agents present will confirm the result by endorsing and signing the tally of votes cast in a form to be provided;
14. The results shall then be relayed to a constituency tallying Centre in respect of MNA and MCA and to a County Tallying Centre in respect of Women Representative, Senator and Governor positions for tallying;
15. Upon tallying and verification of the same by the Aspirant and or their agents, the relevant returning officer shall announce the results and declare the candidate in whose favor the highest number of votes cast, to be the winner;
16. If any Aspirant and/or agent refuses/fails to certify the aggregate of votes cast as correct, the presiding or returning officer, as the case may be, shall take note of such refusal and record the reasons thereby and sign and announce the results;
17. After declaration of the winner, the returning officer shall relay the results, the signed

tallying form, any objections and a personal report of the entire exercise to the board within

- 24 hours unless otherwise not practical with reasons given to that effect;
18. Upon receipt of the aforesaid, the Chairperson of the Board shall, table the same to the board for adoption, correction, rejection and/or any other appropriate mechanism;
  19. If satisfied that the nomination has been conducted in accordance with these rules and the Party Constitution, the Election Board shall endorse and confirm the nomination of the candidate and issue a provisional Certificate and relay the same to the NEC for approval;
  20. These nomination rules shall be effective upon ratification by NEC.

**Article 7: Nomination of Party List Members.**

1. Criteria of election of members for National Assembly, Senate and County assemblies for Party list seats specified under Article 97(1) (c) and 98(1) (b) (c) and (d) and article 177 (1) (b) and (c) of the National Constitution shall be on the basis of proportional representation and in accordance with article 90 of the Constitution;
2. UDA shall submit its Party list to the IEBC upon National Executive Committee checking and endorsing the same;
3. The Party list shall contain alternatives between male and female candidates and shall prioritize women, the youth, persons living with disability and any other candidate representing a marginalized or minority group;
4. Only persons with demonstrable active contribution and sacrifice to the Party shall qualify to be in the Party list.
5. Persons interested in nomination under the Party list shall submit an application in the prescribed form to the NEB within the set timelines and upon payment of requisite fee.

## **PART IV: ELECTION OF PARTY OFFICIALS**

### **Article 8: Procedures for Elections**

The Party in the fulfilment of the requirements of the Constitution of Kenya, any other written law and the Party Constitution shall conduct internal Party elections in accordance with the principle of free and fair elections.

These elections shall be held from the lowest to the highest structures within the Party. The following criteria and qualifications shall apply:-

- a. Prior to the elections the Party shall create awareness on its Constitution, structures, policy and Party documents.
- b. The Party Secretariat in liaison with the NEC shall cause recruitment of members, compilation and verification of the register for the Party elections.
- c. The NEC shall issue a public notice of not less than 21 days specifying the venue, time and date of the elections.
- d. The NEC will establish an Election board to manage internal Party elections at all levels.

### **Article 9: Eligibility Criteria**

No person shall be eligible to participate in the Party Polling Centre, Ward, Constituency, County and National elections unless that person:

1. Is a fully paid up member of the Party and his or her name appears in the register of members.
2. Is a Kenyan citizen with a valid National identification document as may be prescribed by law.

### **Article 10: Venue, time and date of elections**

- a. The Party Grass-roots elections will start at the Polling center, Ward, Constituency, County and National level.
- b. The polling, Ward, Constituency, and County elections shall be held in a central place as may be set and approved by NEB.
- c. The elections shall be held between 8.00am to 5.00pm which timelines may be adjusted by the returning officer with the approval of the NEB.

- d. The Party County Secretary under the supervision of the entire County Executive Committee will keep the membership registers at the County level.
- e. Only registered members are eligible to inspect the registers to verify their eligibility to vote as prescribed in the Party's Constitution.

#### **Article 11: Management and Supervision**

1. The Party elections at all levels shall be supervised by the National Elections Board.
2. The Party elections for National officials shall be carried out by the National Delegates Congress on such a date, time and venue as shall be determined by the National Executive Committee and notice thereof published in print media with national circulation or coverage not less than twenty one (21) days before the date of the elections.
3. For the purposes of the elections of the National officials, the National Executive Committee may appoint such a person(s), or organization for the purposes of conducting, supervising and managing the elections as it may deem fit.
4. A registered member vying for any post in the elections shall not be appointed as an election official.

#### **Article 12: Voting procedure**

1. Unopposed candidates who are fully qualified for positions applied for will be declared unopposed and duly elected to positions applied for on the Election Day.
2. Voting shall be either by secret ballot, acclamation, or consensus and the person obtaining the highest number of votes cast for any office shall be declared the winner.
3. The returning officer shall require all contestants for an office to confirm the results in writing by signing the Election Returns form. Provided that where a contestant declines, refuses, or otherwise fails to sign the form, the Returning Officer shall take note and counter sign the form and proceed to declare the results of the exercise.
4. In special circumstances where an election has not been conducted, the Party may directly appoint a Party Official to fill in the vacancies.
5. Any person who having been elected to an office in either polling center, ward, Constituency or County and who subsequently contests, wins, and is elected into an office in a higher Party structure shall relinquish the office previously elected which shall become vacant immediately.

6. Consequently, a by-election may be held within 60 days to fill the vacancy arisen.
7. No person shall use bribery, intimidation, coercion, violence or any unscrupulous behavior and any person who does so shall be disqualified by the Returning Officer.

### **Article 13: Elections returns**

The Returning Officer appointed for the purpose of supervising and managing each election at the Polling Centre, Ward, Constituency, County and the National Delegates Congress shall complete a prescribed Elections Return Form duly signed by the Chairman of Elections Board and counter signed by himself/herself and the candidates and return the same to the office of the Executive Director who shall keep a record thereof and compile a register of the elected Party officials at all levels.

### **Article 14: Electronic Voting**

1. Voting shall be conducted using an electronic voter device.
2. The Polling Centre shall be opened and closed in the electronic voting system by the returning officer.
3. Voters shall be identified electronically using their Original ID or Passport in the electronic voter register.
4. No person shall be allowed to vote unless their name appears on the electronic voter register.
5. Votes shall be cast electronically in the electronic voter device.
6. Votes shall be cast in secret electronic ballot.
7. Tallying of votes cast shall be done electronically in the electronic voter device during the voting exercise.
8. The final electronic tally shall be electronically generated and transmitted to the UDA Public Portal by the electronic voter device in the presence of the Returning Officer, candidates and or their agents etc.
9. The Returning Officer shall announce the election results as automatically generated in the electronic voter device.
10. The Returning Officer shall issue a provisional certificate to the winners of the election.

### **Article 15: Resolution of disputes**

- a. Where a dispute arises on the election of a candidate to any office, such disputes shall be determined by the Electoral and Nomination Dispute Resolution Committee, established under Article 32 of the Party Constitution.
- b. The complainant will pay such a fee as prescribed by the National Executive Committee.
- c. The decision of the committee shall be communicated to the elections Board within the same day for appropriate action.
- d. Where a repeat election is recommended, the Elections Board shall order fresh elections to be held within a period of fourteen (14) days thereof.
- e. The committee will resolve disputes arising from these process within 48 hours or such other reasonable time as may be set out by the Committee.

### **Article 16: Nomination and Election Offences**

1. Soliciting or receiving bribes to encourage voting for a candidate
2. Hate speech during campaigns;
3. Destruction of nomination and election materials of the opposing candidate.
4. Use of another person's membership card to vote
5. Prevention, obstruction or barring of a person from voting.
6. Election offences under the Election Offences Act.

The offences may lead to a warning and disqualification of a member.

### **Article 17: Duties of members during Nominations/elections**

1. Report election offences as soon as possible to Designated Party or IEBC Security Officer's desks, Designated election observers or the nearest Police Station;
2. Conduct campaigns in a peaceful manner and to always adhere to the laws, rules and regulations guiding elections in Kenya;
3. Participate in the nomination and elections.

**SCHEDULE**

**FORM 1(a) PLEDGE OF COMMITMENT**

I .....of ID No. In the  
Republic of Kenya wishing to be nominated for election as a Party official/ candidate in the  
..... elections do hereby solemnly swear and pledge as follows:

**THAT** I shall respect, defend and safeguard the United Democratic Alliance Constitution.

**THAT** I shall abide with the Party’s motto of Kazi ni Kazi.

**THAT** I shall work towards the implementation of the Party manifesto.

**THAT** I swear this pledge on the understanding that I may be disqualified or required to resign from leadership if I contravene it.

Signed:.....

**That I have been proposed by,**

NAME.....

MEMBERSHIP NO.....

ID NO.....

**And seconded by;**

NAME.....

MEMBERSHIP NO.....

ID NO.....



**APPLICATION FOR NOMINATION (Form 2)**

**Date** \_\_\_\_\_

1. Name.....

2. ID Number.....

3. Membership Number.....

4. Voters Number.....

5. Position (Party official/MCA/MP/Senator/Governor).....

6. Age.....

7. County.....

8. Constituency.....

9. Ward.....

10. Polling Centre.....

11. Phone Number.....

12. Email Address.....

Signature of Applicant.....

**NOMINATION CERTIFICATE (Form 3)**

This is to certify that

Hon/Prof/Dr./Mr./Mrs./Ms.

ID

No.....

Has been nominated by

United Democratic

Alliance

To contest in the Presidency/ Parliamentary/ Governor/ County Assembly  
in the forthcoming General/ by-elections.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

-----  
Party Chairperson

-----  
Secretary General

**ELECTION RETURNS (form 4)**

Nomination for \_\_\_\_\_ (President/ Deputy President/  
Governor/Senator/ MP/ Women Rep/ MCA/ Party Official)

**Results**

| <b>Name</b> | <b>ID Number</b> | <b>Phone Number</b> | <b>Number of votes</b> | <b>Name &amp; Signature of Agent</b> | <b>Comments</b> |
|-------------|------------------|---------------------|------------------------|--------------------------------------|-----------------|
|             |                  |                     |                        |                                      |                 |
|             |                  |                     |                        |                                      |                 |
|             |                  |                     |                        |                                      |                 |
|             |                  |                     |                        |                                      |                 |
|             |                  |                     |                        |                                      |                 |
|             |                  |                     |                        |                                      |                 |

I hereby declare.....of ID No.....

the winner of the \_\_\_\_\_ Nominations

Dated.....this day of.....year.....

Signed \_\_\_\_\_

**(Returning Officer/Presiding Officer)**

**DECLARATION CERTIFYING DISABILITY (Form 5)**

I .....of..... (Name of institution) do certify that  
..... (Name of the aspiring candidate seeking  
nomination representing person with disability) holding ID/Passport number is a person  
living  
with disability, more specifically (Type of disability) for the  
last... (no of years/months).

Certified at .....this.....day of ..... 20 .....

\_\_\_\_\_  
Signature and Stamp

National Council for Persons living with disability