

**THE CONSTITUTION  
OF  
UNITED PATRIOTIC MOVEMENT**



**(UPM)**

**STABILITY AND PROSPERITY**

*“Entrenching Democratic structures and systems that guarantee all constitutional freedoms, security, justice, and unity for a prosperous and stable nation based on the tenets of rule of law, human rights, transparency, accountability and public participation”*

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## **PREAMBLE**

We, the Members of UNITED PATRIOTIC MOVEMENT

Hereby form a Political Party with the ultimate goal of democratically seeking to attain power and forming a Just Government for all in the Republic of Kenya,

**Appreciating** sole advocacy for multi-party democracy that led to repeal of section 2(a) of The Constitution of Kenya, introduction of pluralism and limiting the presidential tenure to two terms.

**Honoring** the Founding Heroes of the Nation and of the movement for Multiparty Democracy push and the clamor for a new constitution and the meaningful course of reforms during the Seventh Parliament, being the brain child of 2nd liberation struggle,

**Promoting** a system of government and the general welfare of the People of the Republic of Kenya;

**Acknowledging** and honoring the Almighty God

ADOPT, ENACT and give ourselves and future members of the Party this Constitution.

UNITED PATRIOTIC MOVEMENT CONSTITUTION

## CHAPTER ONE

### PARTY IDENTITY, MISSION, VISION, AIMS AND OBJECTIVES

#### **Article 1: Establishment of Constitution, party name, abbreviation, symbol and website**

This Constitution shall be cited as the **UNITED PATRIOTIC MOVEMENT (UPM)** and shall come into operation on such day as it is approved by the Registrar of Political Parties in line with all relevant national laws.

The “**Party**” name shall be **United Patriotic Movement (UPM)**

The party abbreviation shall be **UPM**

The **party symbol** shall be a **facemask** inscribed with the slogan “**Stability and Prosperity**” as provided below



**“Stability and Prosperity”**

The party colours shall be Orange, Black and White.

The party website of the UPM shall be [www.upm.org](http://www.upm.org).

The party’s National Executive Committee shall have powers to make changes to the party’s website domain.

#### **Article 2: The Party Headquarters**

The registered liaison office of the Party shall be at Wajir Road opposite Simba Motors, Plot No. XII/III Mombasa Island, P.O. Box 90374 (80100), Mombasa. The location of the UPM head office shall be determined by the party’s NEC who shall have the powers to make changes.

The UPM shall maintain at its registered Head Office and at its County Offices in a form approved by the Registrar of Political Parties or any other officer with powers over political parties under a written law in force in Kenya, an accurate and permanent record of:

- a) The UPM Membership Register containing party members details including name, national Identification number, county, ethnicity, party branch, gender, region, religion, disability, telephone contacts, postal address and membership category. The party shall regularly update the membership register and submit to the Registrar for updating and record keeping as prescribed by law.
- b) Particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the Party;
- c) Particulars of any property that belongs to UPM and the time and mode of acquisition of the Property;
- d) A statement of the Party's accounts, kept in books of account showing the sources of its funds and names of any persons who have contributed thereto, membership dues paid, donations in cash or in kind and all the financial transactions of the UPM which are conducted through, by or with the leadership of the UPM; and
- e) Such other relevant particulars as may be required under any written law.

### **Article 3: Mission, Vision, values, guiding principles, aims and objectives**

#### **a) Vision**

The Party envisages a free, secure, all inclusive, just and prosperous society and country.

#### **b) Mission**

To achieve justice, democracy, public participation for political, socio- economic development, equitable distribution of national resources and foster devolution.

#### **c) Guiding Principles and Values**

- i. The Party believes in integrity, justice, equity, democracy and good governance, transparency, accountability, tolerance, dialogue and negotiated or shared Democracy.
- ii. The Party is founded on the ideology of Social Democracy and its tenets of social justice, fair and equitable distribution of resources, services and opportunities civil

liberties, human dignity and human rights, functional literacy and education, quality and adequate health care, social welfare and social security for all citizens, the rule of law and the due process as well as constitutionalism.

**d) Aims and Objectives**

The Party aims to secure political, social and economic emancipation of the People of Kenya, promote, protect and defend their fundamental freedoms and liberties; assure socio-economic justice; constantly promote and advance economic development and the wellbeing of all the people of Kenya, irrespective of their ethnic origin, gender, cultural background, marital status, health status, place of origin, religious persuasion or on any other ground and shall have the following specific aims and objectives:

- i. To establish structures of the Party at the International, National and County levels and perform all such other things and acts as may be necessary for the attainment of the aims and objects of the Party.
- ii. To identify, create and nurture transformative leadership in all governance structures, including fielding of candidates in all National and County elections.
- iii. To protect and promote the fundamental rights and freedoms enshrined in the Bill of Rights of the Constitution of Kenya and general rules of International Law.
- iv. To formulate and advocate for legislations of policies that are just and improve quality of life for all Kenyans
- v. To conduct public education and awareness among citizens on social, economic and political issues.
- vi. To protect and promote full participation of women, the youth, persons with disability, ethnic minorities and other marginalized groups in the conduct of public affairs.
- vii. To enhance the cultural life of Kenyans in all spheres of national development by recognizing, respecting, preserving and promoting diverse progressive cultural beliefs and practices.
- viii. To promote and implement responsive citizen-driven economic policies in order to achieve rapid growth and sustainable development through the establishment of independent and democratic trade unions, cooperative movements, interest and pressure groups, professional organizations and welfare associations.
- ix. To ensure that all national resources of Kenya are conserved and only responsibly exploited and equitably distributed in a sustainable manner.

- x. To protect, conserve and improve the management of the environment and ensure viable efficient and sustainable use.
- xi. To protect and promote the right of all Kenyans to quality education and equal opportunities for employment and entrepreneurship.
- xii. To protect and promote the right to adequate and quality healthcare services including reproductive healthcare.
- xiii. To promote Science and Information Communication Technology.
- xiv. To promote regional integration and partnerships across the continents and the globe.
- xv. To protect and promote the principle and practice of devolution in governance.
- xvi. To protect and promote the functioning of commissions and independent offices.
- xvii. Protect and strengthen the principle of separation of powers, checks and balances  
Among the organs of government.
- xviii. Whenever it will dim fit to do so, enter into coalition with other like-minded political parties with similar philosophy with a view to acquiring or retaining power for the purpose of advancing its aims and objectives under this Constitution as sanctioned by the highest decision making organ of the Party.
- xix. To enter into co-operation so as to enhance its aims and objectives with other like-minded political parties and organizations as sanctioned by the National Executive Committee.
- xx. To promote and protect all initiatives aimed at promoting national, regional and global peace.
- xxi. To protect and promote the rule of law, liberty, justice, pluralism, and accountability in governance.
- xxii. To protect, defend and promote the national values and principles of governance, sovereignty of the people and supremacy of the Constitution of Kenya and its objects.

## **CHAPTER TWO**

### **MEMBERSHIP: RIGHTS AND DUTIES**

#### **Article 4: Membership**

Subject to the provisions of this Constitution, any person who accepts and shares in the vision and supports the objectives, policies, programs and discipline of the Party shall be eligible to become a member of the Party.

A Person shall be eligible as an Ordinary Member, Senior Member, Associate Member and Diaspora member upon payment of a subscription fee determined by the National Executive Committee.

The Party shall keep a register of all registered party members with their identification details; name, region, religion, Id number, ethnicity, gender, age, county of residence and disability details.

## **Article 5: Categories of Membership**

### **i. Ordinary Membership**

Any person over the age of 18 years shall be eligible to become an ordinary member of the Party upon acceptance of the Party's ideology, vision, mission, guiding principles and values on undertaking to support its objectives, policies, programs and adherence to its Code of Conduct & Discipline.

A person shall become an ordinary member upon payment to the Party of such an amount and annual subscription fee or other fees as determined by the National Executive Committee with approval of the National Delegates Congress.

An ordinary member shall have the right to vote and be voted for and take part in all activities of the Party and shall be eligible to vie and hold any office in the Party, access documents and information relating to the Party's programs and activities.

### **ii. Senior Party Membership**

- a. Founder members shall automatically qualify into the status of senior party membership. Any person who has also been an ordinary member of the Party for a continuous period of 10 years shall be eligible to become a senior member of the Party on application to the Party National Executive Committee and upon payment of such fees as shall be prescribed by the Party
- b. A senior member shall pay to the Party at the headquarters an annual subscription fee or such amount as shall be prescribed by the National Executive Committee with the approval of the National Delegates Congress.
- c. A senior member shall be eligible to hold any office in the Party and can apply to the National Executive Council for permission to observe at own cost the meetings of the General Committee and the National Delegates Congress.

iii. **Associate Membership**

Any legal person, entity or organization, other than a registered political Party, can apply to the National Executive Committee to be an associate member of the Party. An Associate member of the Party shall upon payment of a prescribed fee have rights and duties as an ordinary member.

iv. **Diaspora Members**

Subject to the provisions of the Constitution of Kenya, any other written law and this Constitution, any person in the Diaspora who accepts and shares in the ideology, vision, mission, guiding principles and values and supports the objectives, policies, programs and discipline of the Party shall be eligible to become a member of United Patriotic Movement.

**Article 6: Rights, Duties and Responsibilities of members**

**a) Rights**

Every member of the party shall have the right to:

- i. Participate in the affairs of the Party and or any of its Committees in accordance with the Party Constitution and Rules;
- ii. Participate in the review, formulation and development of the Party's policies and programs in such manner and at such forum as provided for in this constitution;
- iii. Have access to published Party records; and
- iv. Be generally kept informed on matters of Party policy, administrative and organizational affairs.
- v. Shall market Party policies locally and in the Diaspora.

**b) Duties and Responsibilities**

It shall be the duty of every member to:

- i. Acquire information on Party Policies, understand the Party Constitution and rules, ideology, vision, mission, guiding principles and values, vie for leadership and participate in its programs as provided for in its rules and procedures.
- ii. Support and propagate the Party ideology, vision, mission, guiding principles and
- iii. values and programs and to portray the true Party image at all times;
- iv. Support the Party financially, materially, intellectually, morally and in all other
- v. respects subject to the member's volition, ability and capacity;

- vi. Adhere to the Party discipline and Code of Conduct; Adhere to provisions of the Constitution of Kenya, The Elections Act, 2011, The Political Parties Act, 2011 and any other written laws of the Country.

#### **Article 7: Membership Register**

The register of the party members shall contain such details such as:

- a) Name of member
- b) ID number
- c) Religion
- d) Age
- e) Gender
- f) Region
- g) Ethnicity
- h) County of residence
- i) Occupation
- j) Disability

The party shall continuously update the party membership register and submit it to the Registrar for updating and custody.

#### **Article 8: Termination of Membership**

a) A member of the Party shall cease to be one:

- i. Upon written resignation to the relevant Branch Office. 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;
- ii. By a resolution passed by the National Executive Committee and ratified by the National Governing Council.
- iii. Upon completion of a disciplinary process in the party and the member is expelled.
- iv. Upon death;
- v. By an operation of any prescribed law in this constitution.

b) A person who has terminated his or her membership:

- i. shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by him or her by virtue of his membership shall automatically terminate with effect from the date of receipt of written resignation.

- ii. 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.
- iii. Shall have his/her name struck off from the register of Party members.

### **CHAPTER THREE:**

#### **ORGANIZATIONAL AND GOVERNANCE STRUCTURES OF THE PARTY**

##### **Article 9: Organization of the Party**

To ensure a strong grassroots network, the party shall be organized in five (5) levels: The ward, Sub-branch (Constituency), Branch (County), National level and the Diaspora branch.

##### **9.1 The Ward level**

###### **A. Ward structure**

- i. There shall be participation of all party members who are registered voters in any given ward as determined by the Independent Electoral and Boundaries Commission.
- ii. Party members of any given ward shall elect their Ward Executive Committee (WEC) of not more than fifty (50) members.
- iii. The Committee shall amongst themselves elect their Chairperson, Vice Chairperson, Secretary, Treasurer, Organizing Secretary, Women Council Representative, Workers Representative, Disability Council Representative and Youth Council Representative.
- iv. For avoidance of doubt, the Ward Executive Committee shall adhere to the two-third gender rule, representation of youth, PWD representation and inclusion of all the marginalized social groups in that ward.
- v. The Ward Executive Committee shall meet at least once every three months and its quorum shall be at least a third of its members.

###### **B. The Duties of the Ward Executive Committee shall be: -**

- i. To conduct party activities among the general public in order to realize the aims, objectives, policies and programs of the party at the ward level.
- ii. To promote political and general education amongst the members and the general public of the Ward.
- iii. To recruit and review party membership at the ward level.
- iv. To liaise and work under direction making organs of the party.

- v. To ensure strict discipline and adherence to party policies and programs among individual party members at ward level.
- vi. Pending the holding of Ward Elections interim Ward Executive Committees may be nominated by the NEC.

## **9.2 The sub-branch (Constituency) level**

### **A. Sub-branch (Constituency) level structure**

The Sub-branch of the party shall comprise of all elected Ward Executive Committee (WEC) members in any given Constituency as ascertained by the Independent Electoral and Boundaries Commission.

The WEC members within a constituency shall form the Sub-Branch Executive Committee (SBEC).

The Sub Branch Executive Committee shall amongst themselves elect their Chairperson, Vice Chairperson, Secretary, Treasurer, Organizing Secretary, Women Council Representative, Workers Representative Disability Council Representative and Youth Council Representative.

For avoidance of doubt, the Sub-Branch Executive Committee shall adhere to the two-third gender rule, representation of youth, PWD representation and inclusion of all the marginalized social groups in that Constituency.

The Sub-Branch Executive Committee shall meet at least once every six months and its quorum shall be at least a third of its members.

### **B. The Duties of the sub-branch (Constituency) Executive Committee shall be: -**

- i. To conduct party activities among the general public in order to realize the aims, objectives, policies and programs of the party at the sub-branch (Constituency).
- ii. To promote political and general education amongst the members and the general public of the sub-branch (Constituency).
- iii. To recruit and review party membership at the sub-branch (Constituency level).
- iv. To liaise and work under direction making organs of the party.
  - v. To ensure strict discipline and adherence to party policies and programs among individual party members at sub-branch (Constituency level).

- vi. Pending the holding of sub-branch (Constituency) Elections interim sub-branch (Constituency) Executive Committees may be nominated by the NEC.

### **9.3 The Branch (County) level.**

#### **A. Branch (County) level Structure.**

- i. The Branch or County level of the party shall comprise of all elected Sub-Branch (Constituency) Executive Committee (SBEC) members in any given County.
- ii. The SBEC members within a County shall form the Branch Executive Committee (BEC).
- iii. The Branch Executive Committee members shall amongst themselves elect their Chairperson, Vice Chairperson, Secretary, Treasurer, Organizing Secretary, Women Council Representative, Workers Representative, Disability Council Representative and Youth Council Representative.
- iv. For avoidance of doubt, the Branch Executive Committee shall adhere to the two-third gender rule, representation of youth, PWD representation and inclusion of all the marginalized social groups in that Constituency.
- v. The Branch Executive Committee shall meet at least once every six months and its quorum shall be at least half of its members.
- vi. The Branch officials and the Branch Executive committee members shall hold office for four (4) years. They shall be eligible for re-election.

#### **B. The Duties of the Branch Executive Committee shall be: -**

- i. To conduct party activities among the general public in order to realize the aims, objects, policies and programs of the party.
- ii. To promote political and general education amongst the members and the general public of the branch;
- iii. To recruit and review party membership
- iv. To liaise and work under direction making organs of the party and;
- v. To ensure strict discipline and adherence to party policies and programs among individual party members.
- vi. Pending the holding of Branch Elections interim Branch Executive Committees may be nominated by the NEC.

#### **9.4 Procedure for branch meetings.**

- i. Meeting shall be convened by the secretaries.
- ii. The secretary shall give a notice for the meeting.
- iii. The meetings shall be presided over by the applicable chairperson of the executive committees.
- iv. The quorum for such meetings shall be two-thirds of the eligible members of the executive committees.
- v. The resolutions shall be through consensus and in critical matters, there shall be voting by secret ballot

#### **9.5 National Level**

There is hereby established the following Party organs at the National level:

- (i) National Delegates Convention (NDC)
- (ii) National Executive Committee (NEC)
- (iii) National Governing Council
- (iv) Parliamentary Group
- (v) County Assemblies Forum;
- (vi) Youth Council
- (vii) Women Council
- (viii) Disability Council
- (ix) National Elections Board
- (x) Diaspora Council
- (xi) National Secretariat

#### **9.6 Diaspora Branch**

- i. There is established a Diaspora Branch for Kenyans abroad as an arm of United Patriotic Movement. Party Members in the Diaspora shall set up Chapters based on residential Cities to uphold and disseminate the party's Vision, Mission, Core Values, Aims and Objectives.
- ii. Every Diaspora branch shall meet quarterly and submit progress reports to the Party Headquarters.

#### **9.7 The National Delegates Congress**

##### **A. The National Delegates Congress Structure.**

The National Delegates Congress shall be the highest decision-making organ of the party and shall be composed of the following delegates:

- i. All members of NEC,
- ii. All members of NGC
- iii. Parliamentary Group,
- iv. All Branch (County) Committee's Chairperson, Vice Chairperson, Secretary, Treasurer and Organizing Secretary of each County;
- v. All Constituency Chairpersons, Vice Chairpersons, Secretaries, Treasurers and Organizing Secretaries of each Sub-Branch (Constituency) branch;
- vi. All Chairpersons and Secretaries of each Constituency Youth Council;
- vii. All Chairpersons and Secretaries of each Constituency Women Council
- viii. All Chairpersons and Secretaries of each Constituency Disability Council
- ix. Chairpersons and secretaries of all committees and organs created by NEC.

### **B. Duties of the National Delegates Convention**

The National Delegates Convention shall be held the year preceding the General Elections.

The National Delegates Congress shall have the following roles and responsibilities;

- a) Approve and ratify all the policies and rules of the Party as presented by the National Executive Council.
- b) Elect the National Officials to sit in NEC.
- c) Ratify various appointments
- b) Receive, examine and approve the audited accounts for the period since the previous ordinary session of the National Delegates Congress and determine the scale of annual subscription to be paid by the Party members.
- d) To appoint the Auditor and fix his/her remuneration with recommendation from National Executive Committee.
- e) To ratify or reject any decision of the Party made by any of the Party organs under this Constitution.
- f) To ratify or reject any proposed amendments on the Party Constitution by the NEC.
- g) To consider, any such other item as may be referred to it by the National Executive Committee or the Governing Council.
- h) To appoint other Committees for specified tasks and terms of reference to report to the relevant organ of the Party.
- i) To receive regular reports from the National Executive Council on the operations of the Party.

- j) To consider, approve or otherwise authorize useful alliances, coalitions, and/or co-operations between the Party and other organizations, political parties or bodies to realize the aims and objectives of the party.
- k) To consider and approve or otherwise mergers and/or dissolution of the party.
- l) To nominate at an extra-ordinary session the Party Presidential Candidate and running mate for the Presidential Elections, Runoffs and By-elections.
- m) To perform such other functions as is necessary for the realization of the Party's Aims and objectives.
- n) To delegate or confer any of its powers or duties to the National Executive Council or the General Council saves that of ratifying the Party Constitution.

## **Article 10: Procedure of Meeting at National Delegates Convention**

### **1. Ordinary Session:**

- a. An Ordinary Session of the National Delegates Conference shall be convened by a resolution of the National Executive Committee in consultation the National Governing Council and held the year preceding the general elections at a place, time and date to be determined by the National Executive Committee.
- b. The notice, venue and agenda convening the meeting shall be sent out by the Secretary General at least fourteen (14) days before such date and published in the party official website, print and electronic media for circulation and publicizing.
- c. Only agenda items as approved by the National Executive Committee shall be discussed at the Ordinary Session of the National Delegates Convention.

### **2. Special Session:**

- a) 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 Convention.
- b) The notice, venue and agenda convening the meeting shall be sent out by the Secretary General at least seven days before such date and published in two daily newspapers of national circulation.
- c) Where a Special Session of the National Delegates Conference is requisitioned by delegates, a notice calling upon the National Chairperson to summon the Convention including the agenda and date desired for the Convention shall be served upon the Secretary General not

Later than forty-five working days before the date proposed;

- d) Where the National Chairperson fails to summon the Convention within twenty one working days after due service of the notice, the Convention shall stand duly summoned and properly convened on the date, place and time contained on the notice.
- e) Where a Special Session of the National Delegates Convention 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 in in the party official website, print and electronic media for circulation and publicizing.
- f) 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.
- g) The National Chairperson or, in his absence, the Deputy Chairperson or any other person designated by the delegates in attendance, shall preside over a Special Session of the National Delegates Conference requisitioned by delegates. Similarly, the Secretary General or, in his absence Deputy SG or any other person designated by the delegates in attendance, shall be the Secretary of such Conference.
- h) Quorum of the Ordinary or Special Sessions of the National Delegates Convention shall be 30% of members eligible to attend the NDC.
- i) Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.

#### **Article 11: National Governing Council**

- a) The National Governing Council of the Party shall consist of the following members;
  - (i) All members of the Party National Executive Council;
  - (ii) All the Party Branch Chairpersons;
  - (iii) All the party Sub-Branch chairpersons
  - (iv) The Members of the Party Parliamentary Group;
  - (v) Two representatives Party Students and Youth Council;
  - (vi) Two representatives Party Women's Council;
  - (vii) Two representatives Party Professional Caucus; and
  - (viii) Two representatives Party's Senior Council.
  - (ix) Two representatives Party Diaspora

(x) One County Representative from each County

(xi) All elected party MCAs

b) The functions and duties of the National Governing Council shall be:

(i) To formulate and review the policies of the Party.

(ii) To receive reports from the National Executive Council on the operations of the Party.

(iii) To direct and supervise the affairs of the Party between sessions of the National Delegates Congress.

(iv) Between the sessions of the National Delegates Congress, under extra-ordinary circumstances, to function as an electoral college for nomination of Presidential candidate and running mate and to elect officers to the Party National Offices that may fall vacant by reason of death, resignation or on other account.

(v) Subject to ratification by the National Delegates Congress, to perform such other Functions as may be necessary for the proper running of the Party.

(c) The General Council shall meet at least once a year.

(d) The procedure and quorum for calling the meeting for the General Council shall be the same as those for the meetings of the National Delegates Congress.

c. Rights of the National Governing Council.

i. Right to be issued with copies of all UPM party documents i.e.: UPM constitution, Ideology Document, Election Nomination Rules Document, Financial policy documents, Management Policy documents.

ii. Right to appoint members of other party organs i.e. Strategy Organ, Asset Organ ETC.

iii. Right to reveal party policy documents

iv. Right to demand party operational reports from NEC.

v. Right to act as an electoral college for purposes of nominating presidential candidate and running mate.

## **Article 12: The National Executive Committee**

1. There shall be establishment of the UPM National Executive Council which shall be the executive organ of the party with decision making powers and shall consist and be composed of:
  - a) National Officials elected at the National Delegates Congress
  - b) The Party Parliamentary Chief Whip to represent the Parliamentary Group
  - c) The Chair, County Assembly Caucus
  - d) The Chair, Governors Caucus
  - e) The representative/liaison of the Diaspora
  - f) The Executive Director as an ex-officer
  
2. The National Executive Committee shall have the following functions:
  - a) To act as the executive organ of the National Delegates Convention and to ensure that all decisions made by the said organ are duly carried out;
  - b) To appointment not more than 10 sector secretaries in line with Chapter 4 of this Constitution
  - c) To appoint the National Party Executive Director and other staff members for all departments of the secretariat and the party, approving terms and conditions of their service;
  - d) To set up and appoint internal party committees;
  - e) To recommend auditors and fix the auditors remuneration;
  - f) To determine location of head office;
  - g) To create and abolish Party Branches as it may deem necessary;
  - h) To provide for disciplinary measures against party branches;
  - i) To fill vacancies in NEC awaiting ratification of the NDC at its next meeting;
  - j) To prepare and adopt a Code of Conduct and disciplinary rules, guidelines and regulations for the party members and party organs;

- k) To formulate and adopt rules, regulations and guidelines as may be provided for in the schedules of this Constitution and for the better carrying out of the activities of the Party;
  - l) To prepare agendas for, and reports to, the National Delegates Convention;
  - m) To determine the membership fee and the annual subscription;
  - n) To make rules for the elections of party officials at the National Delegates Convention;
  - o) To make rules and guidelines for the National Elections Board on Party Nominations;
  - p) Establish departments and set up committees, as it considers appropriate;
  - q) To do any other task as provided by the National Delegates Convention.
3. The Diaspora NEC representatives shall be elected by members of UPM in their Diaspora regions and shall be eligible to attend NEC meetings either in person or virtually.
4. The Diaspora region shall be considered as a branch of UPM and thus the rules of nomination and election of the branch officials shall apply. After such elections the said branch will elect its representative to the NEC by secret ballot, acclamation, consensus or any other method agreed upon.
5. The elected person's details shall be forwarded to the party for inclusion in the NEC.

### **Article 13: Meetings of the National Executive Committee**

- a) The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the National Chairperson according to exigencies of time in consultation with the National Secretary General or by a written request made by 25% of the members thereof.
- b) A notice for any NEC meeting or its Committees shall be sent at least 7 days before the due date.
- c) The quorum for every meeting of NEC and its Committees shall be two-thirds of the members eligible to attend NEC meetings.
- d) The NEC shall endeavor to reach to a consensus for all the decisions it makes. In case there is no consensus, a vote shall be taken by secret ballot.
- e) All resolutions shall be recorded in the minutes of the meeting and shared with the attendees within a reasonable time.

- f) The NEC may hold virtual meetings in accordance with the procedures laid down by this constitution, the Political Parties Act and all other relevant laws.
- g) All resolutions from NEC shall send to NDC for approval and ratification.

#### **Article 14: UPM Caucuses**

There shall be establishment of three main caucuses:

- a) Parliamentary (National Assembly and Senate) Group
- b) County Assembly Caucus
- c) Governors Caucus

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

14.1 In the formation of the Parliamentary Group Caucus the following shall be done: -

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

14.2 In forming the County Assemblies caucuses, the following shall be done: -

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

- 14.3 In forming the Governors Caucus, all elected governors on a UPM ticket shall choose their own Chairperson.
- 14.4 UPM caucuses duties and responsibilities;
- a) To champion the interests of the party in their various representative areas.
  - b) To realign their development plan to the party's manifesto

#### **Article 15: UPM Women Council**

- a. There shall be a Women Council known as the UPM Women Council. Membership to the UPM Women Council shall be open to all women who are members of the UPM. The UPM Women Council 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.
- b. There shall be an UPM Women Council Executive Committees at the National, Branch, Sub Branch, Ward and Diaspora Levels consisting of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and six Committee Members.

#### **15.1 Roles of UPM Women Council**

- a) The Women's Council shall be constituted by female members of the Party who subscribe to the Council and shall concern itself with matters, issues and programs affecting women and children in Kenya and generally and all such other matters as the Women Council and the Party may decide.
- b) The Women's Council shall propagate, disseminate and advocate the Party vision, mission, core values, aims and objectives among the women of Kenya and sensitize the Kenyan society with regard to the rights of women and children, the need for gender equality and generally be one of the main agencies through which the Party shall reach the Kenyan public with a view to achieving its vision.
- c) The Women's Council shall have structures similar to the Party organization at the National, county and lower levels.
- d) The Women's Council shall be led by a National Committee with such offices as the Council may determine. The National Committee shall be constituted by a representative from every County.

- e) The Women's Council National Committee shall meet at least once in every twelve months and shall formulate its own rules of procedure for its meetings and for the regulation of its affairs and business.
- f) The Women's Council shall nominate and be represented in the Party organs as specifically provided in this constitution.

### **Article 16: UPM Youth Council**

There shall be a Youth Council known as the UPM Youth Council. Membership to the UPM Youth Council shall be open to all youth who are members of the UPM. The UPM youth Council 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.

There shall be a UPM Youth Council Executive Committees at the National, Branch, Sub Branch, Ward and Diaspora Levels consisting of the Chairperson, Deputy Chairperson, Secretary, and Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and six Committee Members.

#### **1. Role of the Youth Council**

- a) The Youth Council shall propagate, disseminate and advocate the Party vision, mission, Core Values, Aims and Objectives among the Youth in Kenya and shall concern itself with National Agenda and programs affecting a cross-section of the Youth to ensure they are value and issue based.
- b) The Youth Council shall recruit members into the Party and its movement, Mobilize Resources, fund raising and perform any other Function as may be delegated by the National Executive Council.
- c) The Youth Council shall in pursuance of its mandate link its activities with those of the mother party in order to promote the aims and objectives of the Party and shall regularly consult with the Management Committee.

### **Article 17: The National Elections and Nomination Board**

There shall be a National Elections and Nomination Board (NENB) appointed by the National Executive Committee consisting of five (5) members who shall not hold any other position in the

party. The term of Office for the members shall be 5 years. The UPM National Executive Committee shall formulate Party Elections and Nominations.

In appointing the National Elections Board members, the National Executive Committee shall have regard and ensure that at least one third (1/3) representation of either gender in accordance to the law.

The powers and duties of NENB shall be:

- a) To conduct internal party elections and nomination of candidates for purposes of national elections.
- b) To appoint appropriate officers to conduct Party elections or nominations at National, Branch, Sub Branch, Ward and polling center levels.
- c) To vet Party nominees for appointment by the requisite Party Organ to any position that the Party by law nominates to in consultation with the NEC.
- d) Establish dispute resolutions panels at the Branch, Sub Branch, Ward and Polling center levels. The panels are ad hoc in nature.
- e) Carry out any other functions assigned to it by the NEC, NGC or NDC.
- f) In consultation with NEC, collect all funds paid as nomination fees and all direct expenditure or remittance to the Party in conjunction with NEC.

The NENB shall be independent and act in accordance with the rules of natural justice and in consultation with NEC.

#### **Article 18: National Disability Council**

- a) The party's National Disability Council shall be the wing championing for the needs of PWDs.
- b) There shall be Constituency Disability Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing PWDs, special interest groups, people with disabilities and marginalized groups;

- c) These Branch Disability councils will be part and parcel of the Party branches but act as semi-independent chapters carrying out duties and functions as mandated by the respective Branch Committees
- d) Each Constituency Disability Council shall meet at least once annually.
- e) There shall be a National Disability Council comprising of a National Chairperson, a Deputy National Chairperson a Secretary all elected by the National Convention and six (6) other members representing people with disabilities appointed by NEC.
- f) The duties and functions of the Disability Council shall be as mandated by NEC;
- g) The National Disability Council shall meet at least once annually;

**Article 19: Party Employees (Secretariat)**

- a) There shall be establishment of a National Secretariat to be headed by the Party's Executive Director.
- b) The National Executive Committee shall be responsible for recruiting of the Party's Executive Director and all employees.
- c) The hiring of party employees shall be on competitive basis.
- d) All party employees shall be hired on negotiated contract basis.
- e) There shall be establishment of three Directorates – Finance and Resource Mobilization; Party Programs; and Human Resource Directorate. These Directorates shall be under the direct supervision of the Executive Director.
- f) The National Executive Committee will formulate the Party's Human Resource Policy that will guide the conduct of all employees and their remuneration. This Policy shall adhere to all relevant labor laws and practices at both national and international levels and ensure that all the affairs of party staff are taken care of.
- g) With the guidance of the Party's National Treasurer, the Finance and Resource Directorate shall formulate the financial and audit administration policy for review and amendment by NEC for NDC's ratification.

**CHAPTER FOUR:**  
**NATIONAL OFFICIALS: DUTIES, POWERS & RESPONSIBILITY**

**Article 20: National Officials**

The Party shall have the following National Officials elected by the National Delegates Congress (NDC) on the basis of National values, the face of Kenya and on Leadership and Integrity.

- a) Party Leader
- b) Deputy Party Leader
- c) National Chairperson
- d) National Deputy Chairperson
- e) Secretary General
- f) Deputy Secretary General
- g) National Organizing Secretary
- h) National Deputy organizing Secretary
- i) National Treasurer
- j) National Deputy Treasurer
- k) Chairlady, Women's Council
- l) Deputy Chairlady, Women's Council
- m) Chairperson, Youth Council
- n) Two Deputy Chairpersons, Youth Council (one of either gender)
- o) Chairperson, Disability Council
- p) Not more than 10 Sector Secretaries

**Article 21: Elections of National Officials**

- a) All the National officials of the party shall be elected by the National Delegates Convention of the party save for the party leader and sector secretaries who shall be nominated by the National Executive Committee. Such nomination shall be ratified by the National Delegates Convention in its next sitting.
- b) All National Officials shall hold Office for a term of four (4) years renewable unless removed from office by a resolution of NEC duly ratified by the National Delegates Convention in its next meeting but pending such ratification the national official concerned remain suspended from office.
- c) Any vacancy that arises shall be filled by the NEC and the same shall be ratified in the next NDC

- d) All elections and selections of National Officials shall adhere to democratic principles including the two-thirds gender rule and inclusivity of the minorities and the disabled.
- e) The National Executive Committee shall formulate Elections and Nominations Rules that shall provide for the procedure of elections of party officials.

## **Article 22: Duties of the National officials**

### **(a) The Party Leader:**

The party leader shall:

- (i) Be the head and face of the Party;
  - (ii) Provide Policy and political direction of the party
  - (iii) Provide leadership, articulate party policies and ensure discipline in accordance with this Constitution and the Code of conduct;
  - (iv) Be the unifying figure of the party by providing unity and ensure adherence to the party policies by all officials and organs of the party;
  - (v) Be a mandatory signatory in all matters concerning coalitions, merger and certificates of nominations.
- (b) The Office of the Party Leader shall fall vacant only through the following circumstances:**
- a) Death of party leader;
  - b) Permanent incapacity;
  - c) Through a vote of 51% of members of the NDC.

### **(c) The Deputy Party Leader:**

The deputy party leader shall:

- (i) Deputize the Party Leader in his/her absence or upon such delegation of duties by the party Leader or the NEC;
- (ii) Articulate Party policies and encourage discipline in accordance with this constitution and the Code of conduct;

### **(d) The Chairperson:**

The Chairperson shall:

- (i) The chairperson shall be the convener of the party's NDC and NEC meetings.
- (ii) chair and preside over all meetings of the National Delegates Convention, NEC, and all the party organs unless otherwise determined by the NEC;
- (iii) Deputize the party Leader/Deputy party leader in their absence or upon such delegation of duties by the Party Leader or the NEC.

**(e) The Deputy Chairperson:**

Deputize the Party Chairperson in his/her absence or upon such delegation of duties by the Party Chairperson or the NEC;

**(f) Secretary General**

The Secretary General shall;

- (i) Be responsible for the Party's National Secretariat;
- (ii) Be the party's spokesperson under the general direction of NEC;
- (iii) Ensure that the meetings of the National Delegates Convention, the NEC and the Party organs take place as provided by this Constitution and at such time as may be decided by NEC;
- (iv) Cause to be kept minutes of all the said meetings and ensure the distribution of such minutes to all persons, organs and/or branches concerned.
- (v) Be the official record keeper of Party documents.
- (vi) Be an authorized signatory to documents to be presented to the registrar including minutes, any reports, nomination certificates, bank accounts, financial records, and coalition and merger documents.

**(g) The Deputy Secretary General:**

Shall deputize the Party Secretary General in his/her absence or upon such delegation of duties by the party Secretary General or the NEC;

**(h) National Organizing Secretary:**

The National Organizing Secretary shall oversee organizations of the party and in particular shall be in-charge of:

- i. Registration of Party Members
- ii. All matters pertaining to logistics and operations;
- iii. Organize public meetings, functions, and meet the people tours;
- iv. Be responsible for sensitizing the public on party activities including the recruitment of Party members at branch level;
- v. Maintaining and developing new relationships with party supporters in the Diaspora;
- vi. In consultation with the National Executive Committee and party secretariat, coordinate the organization of the National Delegates Convention, National Governing Council and the National Executive Committee and thereafter report on the progress in the holding of such Meetings.
- vii. Ensure order at all Meetings of the Party Organs.

**(i) Deputy Organizing Secretary**

Shall deputize the National Organizing Secretary in his or her absence or upon such delegation of duties by the party National Organizing Secretary of NEC

**(j) Treasurer:**

The treasurer shall:

- i) Be in charge of the party's financial affairs and be responsible for the secretariat's financial transactions under the direction of the NEC, the Trustees and the Management Committee;
- ii) Prepare and submit to the NEC final statements quarterly and shall ensure that duly audited annual statements of accounts are circulated to the branches and to all delegates at the time the notice convening the National Convention is sent out;
- iii) Ensure that Party funds approved by NEC are used for the purposes compatible with democracy as outlined in the Political Parties Act, 2011.
- iv) Together with the Secretary General and Chairperson be an authorized signatory to the bank account and financial records.

**(k) The Deputy Treasurer**

He/ She will deputize the Party Treasurer in his/her absence or upon such delegation of duties by the Party Treasurer or the NEC;

**(l) National Youth Council Chairpersons:**

- i) There shall be two National Youth Council Chairpersons. One of either gender;
- ii) They shall unite and lead young men and women in confronting and dealing the problems that face the Kenyan youth;
- iii) They shall ensure that the youth make a full and rich contribution to the work of the party and the life of Kenya.
- iv) They shall be the Party's spokespersons on youth affairs including recruitment and establishment of youth chapters at the various levels of the party.
- v) They shall be responsible for the party's youth affairs including recruitment and establishment of youth chapters at the various levels of the party.

**(m) Chairlady Women's Council:**

- i) She shall unite and lead women in confronting and dealing with the problems that face the Kenyan women;
- ii) She shall ensure that the women make a full and rich contribution to the work of the Party and the life of Kenya;
- iii) Be the Party's spokesperson on women matters under the general direction of NEC;
- iv) She shall be responsible for the Party's women affairs including recruitment and establishment of women chapters at the various levels of the Party.

**(n) Deputy Chairlady Women Council**

She will deputize the Party Chairlady Women Council in her absence or upon such delegation of duties by the Party National Women Council Chairperson or the NEC.

**(o) National Chairperson, Equality and Disability Council:**

- i) He/ She shall unite and lead people with disabilities in confronting and dealing with the problems that face the Kenyan people with disabilities and the marginalized.
- ii) He/ She shall ensure that the disabled and marginalized make a full and rich contribution to the work of the Party and the life of Kenya;
- iii) Be the Party's spokesperson on peoples with disabilities and the marginalized on their needs under the general direction of NEC;

**(p) The Deputy National Disability Council Chairperson:**

He/ She will deputize the Party National Equality Council Chairperson in his/her absence or upon such delegation of duties by the Party National Women Council Chairperson or the NEC;

**(q) Party Executive Director**

The Party Executive Director, who shall oversee the daily running of the administrative arm of the party, shall be an ex-Officio of the Party and NEC.

The Executive Director shall be recruited by the NEC.

**Article 23: Termination and vacancy of national party officials**

Any Party official will cease to hold office if: -

- a) Convicted by a court of competent jurisdiction of an offence involving dishonesty, theft, or misuse of public funds, corruption, breach of trust, the manufacture, sales or trafficking of drugs, or other serious offences of a public nature and sentenced to a term of imprisonment exceeding six months, having exhausted the procedure of appeal provided by law;
- b) Is or becomes a member or supports any other political party or grouping whose purpose and objects are, in the opinion of NEC inconsistent with or are likely to be in conflict with those of the Party without prior authority from NEC;
- c) The official is or accepts an office of profit, in the Civil Service of the Republic of Kenya or in the Armed or Police or other Disciplined Service of the Republic of Kenya or other public office the discharge of whose duties would be in conflict with the discharge of his or her duties as a Party official;

- d) Violates any of the fundamental tenets of the Party;
- e) Is or becomes insane, bankrupt, or is, in the opinion of two thirds of NEC, found unfit to be a party official.
- f) In case of a vacancy in the National Executive Committee, the NEC shall nominate an individual to occupy the vacant position awaiting ratification by the NDC during its next meeting.

#### **Article 24: Party Documents Signatories**

Notwithstanding any other rules created by any organ of the party, the following shall be the signatories of all party documents:

- a) The Secretary General and the party leader shall be the Official signatory of any correspondences with the Registrar of political parties including signing off of the membership register and party reports
- b) The Chairperson, Secretary General, Treasurer shall be signatories of the party's bank accounts.
- c) The Treasurer, Chairperson and Secretary General shall sign the party's annual audited books of accounts and financial reports.
- d) The Party Leader and Secretary General shall be mandatory signatories of nomination certificates and party lists submitted to the Registrar and IEBC.
- e) The Party Leader and Secretary General shall be mandatory signatories of any merger.
- f) The Party Leader and Secretary General shall be mandatory signatories of any coalition document.

## CHAPTER FIVE

### FINANCIAL STRUCTURE AND SYSTEMS

#### **Article 25: Rules relating to party funds**

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.

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

The signatories to the Bank Account(s) shall be the National Chairperson, the Secretary General and the Treasurer who shall all be mandatory signatories.

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

#### **Article 26: Usage of Party Funds**

Party funds shall be used for purposes compatible with democracy.

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

**Article 27: Restrictions on usage of party funds:**

Party funds shall not be used—

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

**Article 28: Audit of Books of Accounts**

- a) The Party through the National Executive Committee shall appoint or re-appoint a reputable auditor to carry out financial audit every year.
- b) All Party accounts, records and documents shall be open to inspection by the auditors at any time upon written request;
- c) The auditor shall not be an office bearer or a member of any committee or decision making organ of the Party.

**Article 29: Inspection of Book of Accounts and Member's Register**

Party accounts and register of members shall be available for inspection by an officer of the Government who is empowered so to do by law, and/or by any member of the Party or the general public;

The Books of Accounts and the Member's Register shall be available for such inspection upon giving a written notice of 14 days and paying the relevant fee as provided by the NEC

### **Article 30: Assets Management (Board of Trustees)**

The party's NEC shall establish a Board of Trustees of not more than five members who shall be persons of integrity. The five Trustee members shall not hold any other leadership position in the Party. This appointment shall be ratified by the NDC in its next sitting. The Party Treasurer shall sit in the Board as an ex-officio member and shall not have any voting rights.

The functions of the Board of Trustees shall be:

- a) Any Land, buildings and immovable property, investments and securities that may be acquired by the party shall be vested in the names of the Trustees.
- b) The Trustees shall pay all income received from the property and securities vested in them to the National Treasurer.
- c) Any expenditure in respect of such property shall be reported to the NEC which may authorize expenditure of such monies as it thinks fit;
- d) The Trustees shall be appointed for a period of five (5) years and none of them shall be removed from office during this period except on the following grounds: -
  - i. Voluntary resignation in writing
  - ii. Bankruptcy
  - iii. If a motion calling for his/her removal is passed by a two thirds majority of members present at the National Executive Committee.

## **CHAPTER SIX: PARTY DISCIPLINE**

### **Article 31: Establishment of National Disciplinary Committee.**

- a. The disciplinary committee shall be constituted by NEC and shall comprise of seven members with gender rule upheld.
- b. A quorum of five members will be sufficient for the proceedings to commence.

#### **1. Disciplinary Measures**

- a) Disciplinary Measures against National Officials and party members shall be dealt with under this article.
- b) The National Executive Council with the approval of the General Council may suspend or dismiss any office bearer from office for reason of misconduct, conviction on a charge of corruption, moral impropriety or any other offense under the Penal Code.

- c) An official or member of the party can be disciplined on grounds of:
  - i) Violation of the Party Constitution, National Constitution and any other written laws
  - ii) Gross misconduct defined in the Party Constitution, 16 (i), National Constitution and any other written laws
  - iii) Absenteeism from meeting without reasonable explanation
  - iv) Abdication from duties or responsibilities without reasonable explanation
  - v) Misconduct and disorderliness during meetings or elsewhere.
- d) Before taking the disciplinary action aforesaid, the National Executive Council shall first give the office bearer or party member a reasonable opportunity to be heard and make a defense to the allegations or charges made against him/her in accordance with the rules of natural justice and fair play.

## **2. Disciplinary Sanctions.**

The disciplinary procedure shall follow the provisions stated in the Party's Disciplinary Rules. The Sanctions and Penalties imposed shall include the following;

- a) Reprimand
- b) Suspension
- c) Expulsion
- d) Dismissal from office
- e) And any other measures that may be determined by the National Executive Council.

## **3. Disciplinary procedure**

- a) The National 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.
- b) Any person faced with disciplinary proceedings shall receive 21 days written notice of any hearing and of the basic allegations and charges against him or her and be afforded a reasonable opportunity to make his or her defense.
- c) Serious offences shall be committed by any member who prejudices the integrity or repute of the party, its members, employees or its operational capacity by:
  - i. Impeding the activities of the party;
  - ii. Creating division within its ranks or membership;
  - iii. Doing any other act which undermines its effectiveness as an organization.
  - iv. Acting on behalf of or in collaboration with others to undermine the interests of United Patriotic Movement.

- d) The penalties for breaching party discipline include a warning, reprimand, and payment of fine, suspension and in grave circumstances, expulsion or any other punishment as may be prescribed by the Disciplinary Committee and recommended to the NEC.
- e) Any penalty prescribed by the NEC may be challenged in the NGC whose decision shall be final.
- f) All disciplinary proceedings shall adhere to the following principles: -
  - i. There is a formal, just and fair procedure;
  - ii. A member or official is presumed innocent until proven guilty, and that one has been given a chance to defend herself or himself;
  - iii. A member or official has the right to appeal to the NGC whose decision shall be final.
  - iv. Discipline at the Branch level shall be maintained by the Branch Committees, who shall use the party's Code of Conduct as a basis for their actions and decisions. A member may appeal any decision by the Branch Committee at the National Executive Committee.

#### **4. Disciplinary Consequences.**

##### **a. Suspension.**

- i. A suspended member or official shall cease to participate in an active party activities for the period of his/ her suspension.
- ii. Such a member will not play any active role in party activities such as development of party documents or being a party delegate until such a suspension is lifted.

##### **b. Expelled Member.**

- i. An expelled member or official shall cease to be a member of the UPM party hence not eligible to play any role or participate in any party activities unless he/she has an appeal in his/ her favor.

##### **c. Dismissal from Office.**

- i. All rights and privileges of a dismissed member shall be withdrawn immediately.

## CHAPTER SEVEN

### DISPUTE RESOLUTION

#### **Article 32: Establishment of Internal Dispute Resolution Mechanism**

There is establishment of the United Patriotic Movement National Disputes Resolution Committee (UPM NDRC) that shall be appointed by the National Executive Committee.

- a) The Committee shall be composed of:
  - i. Two Advocates of the High Court with a minimum 3-year practice who shall occupy the positions of Chair and Secretary of the Committee respectively.
  - ii. Three members of the party who shall not occupy any other position of leadership in the party.
  - iii. The Secretary General or anyone else appointed by the NEC who shall be ex-officio and will not have voting rights.
- b) The Committee shall formulate its own procedure rules which shall be subject to the Constitution of Kenya, any written laws and this Constitution.
- c) Upon reception of a dispute, the committee will issue a 72 hours' notice to the concerned parties to appear before it serving them with the particulars of issues at hand.
- d) The parties in the dispute can appear in person or by legal representation.
- e) The Committee shall listen to disputes concerning the interpretation of this constitution or any disputes involving members of the Party or between the Party and its members or any dispute concerning any matters relating to Party affairs or the management of the Party within fourteen (14) days of the lapse of the said notice.
- f) The quorum of the committee shall be at least three members eligible to sit in the committee gender rule upheld.
- g) The decisions of the Committee shall be final.
- h) At the Branch Level, there shall be establishment of a Branch Dispute Resolution Committee whose membership shall be determined by the Branch Executive

Committee whose role shall be to listen and determine disputes at the County level under their jurisdiction within fourteen (14) days of the lapse of the said notice.

- i) Upon reception of a dispute, the committee will issue a 72 hours' notice to the concerned parties to appear before it serving them with the particulars of issues at hand.
- j) All decisions at the Branch Dispute Resolution level may be appealed at the National Disputes Resolution Committee.

## **CHAPTER EIGHT**

### **POLICY DOCUMENTS**

#### **Article 33: Formulation of policy documents**

- i. Party policy documents shall be originated by the various Sector Secretaries as established and appointed by the NEC. The NDC shall approve and ratify such policy documents that may touch on various ranges of issues such as Resource Mobilization, Manifesto, Strategic Plan, ICT Policy, Economic Recovery Plan, Policy on Eradication of Hunger, etc. after review and amendment by NEC. These documents shall be published in the Official party website and copies of the same at all the party offices.
- ii. Every four years, the National Executive Council shall review the impact the policy documents have had over the period. The impact of the policy documents shall be measured against feedback from party members, professionals, sector experts and general public.
- iii. The party shall only review and change the party policies once it is satisfied that it has achieved its purpose for which it was formulated.
- iv. The Party Leader and the secretary general shall be mandatory signatories to all management policy documents (such as financial policy document, human resource policy document and management policy documents).

## CHAPTER NINE.

### MERGERS AND COALITIONS

#### Article 34: Formation of mergers and Coalitions

##### 1. Mergers

- i. The party may in pursuing its political interests consolidate its operations and combine its officers, structures and other functions of its operations with two or more Political parties, in line with provisions of existing law on political parties.
- ii. The UPM National Governing Council may, upon recommendation of the National Executive Committee, resolve to merge with other political parties before or after any Election.
- iii. The procedure for entering into such mergers shall be as follows:
  - a. The UPM National Executive Committee shall upon making the resolution to enter into a merger present the same to the National Governing Council.
  - b. The Secretary General in consultation with the party leader shall issue a 14-day notice of meeting to the NGC clearly indicating the date, venue and agenda of the meeting to be matters relating to entering into a merger.
  - c. Once deliberated, the NGC shall make a resolution to either confirm or reject the proposal by NEC. The quorum of the meeting shall be at least half of all members entitled to attend the NGC meeting.
  - d. After the constitution and procedures have been followed the merger will be agreed upon.
  - e. The merger agreement will then be signed and deposited with the registrar of political parties within 21 days of signing.
  - f. Instruments of such mergers shall be executed by the SG and Party Leader.

##### 2. Coalitions

- i. The party may in pursuing its political interests enter into alliance with two or more political parties for the purposes of pursuing common goals in line with provisions of existing law on political parties.

- ii. The UPM National Governing Council may, upon recommendation of the National Executive Committee, resolve to enter into a coalition with other political parties before or after any election. The procedure for entering into such coalitions shall be as follows:
- a. The UPM National Executive Committee shall upon making the resolution to enter into coalition present the same to the National Governing Council.
  - b. The Secretary General in consultation with the party leader shall issue a 14-day notice of meeting to the NGC clearly indicating the date, venue and agenda of the meeting to be matters relating to entering into a coalition.
  - c. Once deliberated, the NGC shall make a resolution to either confirm or reject the proposal by NEC. The quorum of the meeting shall be at least half of all members entitled to attend the NGC meeting.
  - d. After the constitution and procedures have been followed the coalition will be agreed upon.
  - e. The coalition will be governed by written agreement deposited with the Registrar of Political Parties within 21 days of signing.
  - f. Instruments of such coalitions shall be executed by the SG and Party Leader.
  - g. The UPM national governing council may upon recommendation of the national executive council resolve to terminate a coalition in tandem with the laws governing formation and termination of coalitions.

## CHAPTER TEN

### NOMINATION OF CANDIDATES FOR NATIONAL ELECTIONS

#### Article 35:

##### 1. Nomination of candidates for purposes of national elective Posts.

- i. Nomination of candidates for elections in UPM shall be done in accordance with the Party's Elections and Nomination Rules and other national laws for the positions of Presidential, Gubernatorial, Members of National Parliament, senatorial, Women Representative and Members of County Assembly.
- ii. The Elections and Nomination Rules shall be formulated by the National Elections and Nominations Board (NENB) in consultation with NEC.
- iii. Notwithstanding what the rules may provide, UPM shall always adhere to the rules of equity, natural justice and inclusivity in determining the nominees to represent the party in elections.
- iv. Upon dissolution of the Parliament and/or County Assemblies or a Presidential election being occasioned by any event NEC shall issue a notice convening a special National Delegates Congress for the purpose of nominating the Party's candidate/s which shall take place within sixty (60) days of the said dissolution or the event occasioning such election;
- v. Issue a two months' notice notifying party members of the vacant positions.
- vi. Call for potential candidates to submit their applications for consideration to elections for party elective positions. National Officials candidates shall submit their applications to the National Elections and Nomination Board while County, Constituency and grass roots candidates shall submit their applications to their respective County Elections Boards.
- vii. The shortlisted applicants' names shall be published and made available for the public for a period of two weeks for the purposes of allowing voters to have their input and candidates to verify if captured.
- viii. Prior to the elections there shall be political education to members of the party and an enhanced recruitment of party members.
- ix. The list shall be forwarded to the relevant governmental agency for necessary action (ORPP and IEBC)

## **2. Nomination of candidates for purposes of UPM Party List.**

- i.** Nomination of candidates for UPM party list, shall be done in accordance with the Party's Elections and Nomination Rules and other national laws.
- ii.** The Elections and Nomination Rules shall be formulated by the National Elections and Nominations Board (NENB) in consultation with NEC.
- iii.** Notwithstanding what the rules may provide, UPM shall always adhere to the rules of equity, natural justice and inclusivity in determining the nominees to represent the party in elections.
- iv.** Upon dissolution of the Parliament and/or County Assemblies or a Presidential election being occasioned by any event NEC shall issue a notice convening a special National Delegates Congress for the purpose of nominating the Party's candidate/s which shall take place within sixty (60) days of the said dissolution or the event occasioning such election;
- v.** Issue a two months' notice notifying party members of the vacant positions.
- vi.** Call for potential candidates to submit their applications for consideration for nomination for party list purposes. National Officials candidates shall submit their applications to the National Elections and Nomination Board while County, Constituency and grass roots candidates shall submit their applications to their respective County Elections Boards.
- vii.** The shortlisted applicants' names shall be published and made available for the public for a period of two weeks for the purposes of allowing party members/delegates to have their input.
- viii.** Prior to the nominations there shall be political education to members of the party and an enhanced recruitment of party members.
- ix.** Candidates for the party list shall pay equal nomination fees as for those paid by Candidates for elective positions in their various categories.
- x.** Eligibility for part listing candidacy shall be pegged on individual's significant contribution to UPM party development among other requirement as per this constitution.
- xi.** An aspirant for party nomination list shall be disqualified for lack of quantified contribution to the party's development and lack of any other requirement as stipulated in this constitution and the constitution of the republic of Kenya.
- xii.** The list shall be forwarded to the relevant governmental agency for necessary action (ORPP and IEBC)

- xiii.** The signatories to the Party List shall be the party leader and secretary general.

## **CHAPTER ELEVEN AMENDMENT TO THE CONSTITUTION**

### **Article 36: Amendment to the Party Constitution**

This Constitution including the party name and rules, symbol, slogan, party colors or any other details may be amended by the National Executive Committee supported by at least 75% of the members eligible to sit in the NEC meeting that made such amendment.

### **Article 37: Procedure of amendment**

- a) The Secretary General shall give notice to party members of the intended amendment and provide a 45 day period for receiving any views from the party members.
- b) The Secretary General shall compile the views of the party members and present the same to the National Executive Committee during the meeting making the resolution to amend any part of this Constitution.
- c) Upon deliberations by the National Executive Committee, a vote shall be taken for amendment of this Constitution.
- d) The amendment shall be confirmed if it receives 75% of votes of the members eligible to sit in the NEC.
- e) An application shall be made to the relevant agency for the intended changes and amendments seeking approval for the same (to ORPP).
- f) Upon approval, the amendments shall be adopted by the party.

## **CHAPTER TWELVE.**

### **DEMOCRATIC PRACTICES AND HUMAN RIGHTS**

- a) No Member of the Party will be discriminated against on the basis of ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional, or religious consideration.

- b) For avoidance of doubt, any organ of the party shall adhere to the two-third gender rule, ethnic representation, inclusion of youth, inclusion of PWDs and the marginalized and minorities.
- c) The party will encourage within its membership only practices that uphold human rights, rule of law and democracy.

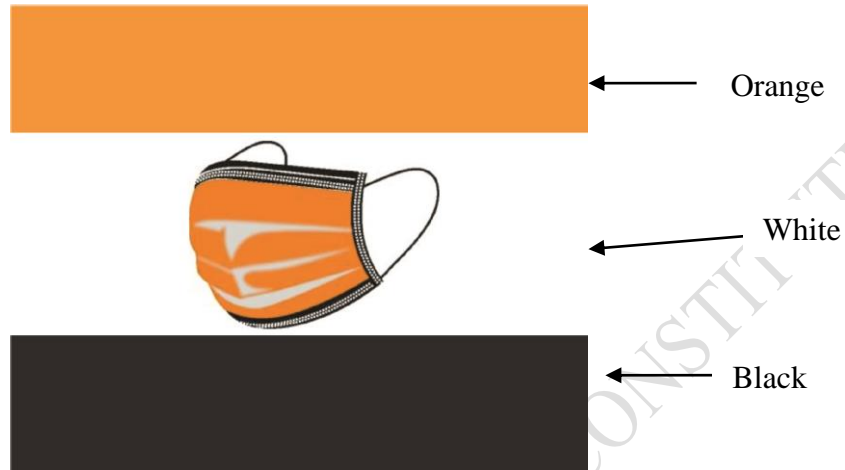
## **CHAPTER THIRTEEN**

### **DISSOLUTION**

- i. The Party may be dissolved by a resolution passed by a two-thirds majority at a Special National Delegates Convention called expressly for the purpose of dissolution.
- ii. In such dissolution, all properties and funds of the Party less liability shall be distributed in a manner as shall be determined by the Special National Delegates Convention at which the resolution in favor of the dissolution is passed. Such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party. 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 Convention.
- iii. A resolution to dissolve the Party shall be supported by at least two-thirds of the delegates eligible to attend and vote.
- iv. Voting shall be either by Secret Ballot, acclamation, consensus or any other method agreed upon.
- v. In the case of a branch/sub-branch being dissolved, the branch/sub-branch secretary or chairperson shall write to the party National Executive Committee seeking its approval to dissolve such a branch/sub-branch giving valid reasons for the same.
- vi. The NEC upon reception of the same will make an informed decision and if consent is granted such a branch/sub-branch will stand dissolved, its properties and funds less liabilities be returned to the party national headquarters.
- vii. A resolution to dissolve a party branch/sub-branch must be supported by at least two-thirds of NEC members and voting shall be either by secret ballot, acclamation, consensus or any other method agreed upon.

**SCHEDULE 1: THE UNITED PATRIOTIC MOVEMENT (UPM) SYMBOL AND COLOURS**

**Flag Description**



**Symbol Description**



**SCHEDULE 11. MEMBERSHIP CATEGORIES OF UPM**

TYPE OF MEMBERSHIP	PARTY JOINING FEE	YEARLY SUBSCRIPTION FEE
Ordinary Member	Ksh. 150	Ksh. 100
Senior Member	Ksh. 1,000	Ksh. 500
Associate Member	Ksh. 10,000	Ksh. 5,000
Diaspora	Ksh. 500	Ksh. 250