

# NEEMA CONGRESS PARTY NCP



## CONSTITUTION

✉ P.O Box 923 UKUNDA, KENYA.

✉ [neemacongress@gmail.com](mailto:neemacongress@gmail.com) [www.neemcongress.org](http://www.neemcongress.org)

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NEEMA CONGRESS PARTY

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## CHAPTER 1

### **PREAMBLE:**

We the members of **NEEMA CONGRESS PARTY (NCP)**

**ACKNOWLEDGING** the supremacy of the Constitution of the Republic of Kenya;

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

**RECOGNIZING** the supremacy of the Almighty God and sovereignty of the members and supporters of **NEEMA CONGRESS PARTY (NCP)** in realization of our vision, mission and implementing our ideology, policies and our party Agenda.

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

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**NEEMA CONGRESS PARTY**

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

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

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

**DISTURBED** that the Country's political discourse is normally organized outside a people-centered, social partnership, participatory framework and unifying vision and ideology;

**DISMAYED** that the current political parties are by and large moribund and remain agents of disunity and instability and that the core activities of political parties are usually consigned to the period preceding elections;



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

**RECOGNIZING** that with transformative servant leadership and re-mobilization of the human resource potential and re-socialization of the citizenry, our Country can rapidly become a modern democracy free from all forms of impunity, corruption, discrimination exclusion tendencies, exploitation, oppression and social crime.

**APPRECIATING** that the Constitution has not only recognized the role of political parties in governance but also set benchmarks with high standards and requirements for their institutionalization and democratic functioning;

**COMMITTED** to the democratic ideals of rule of law, fairness, social justice, gender equity and equality, affirmative action, voluntary participation, respect for human rights and freedoms, unity of purpose in diversity as well as the national values and principles of governance enshrined in the Country's Constitution.



## CHAPTER 2

### 2.0: PRELIMINARY

2.1 This Constitution shall be cited as the **NEEMA CONGRESS PARTY (NCP)** 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.

2.2 And In this Constitution, unless the context otherwise requires:

The “**Party**” means the **NEEMA CONGRESS PARTY**

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

(**NCP**), means the **NEEMA CONGRESS PARTY NCP**

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

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

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

## CHAPTER 3

### 3.0: IDENTITY, VISION AND MISSION

#### Article 3.1 Party Name and abbreviation

There is hereby established a Political Party known as **NEEMA CONGRESS PARTY** (herein referred to as the “Party”) whose abbreviation is **NCP**

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**NEEMA CONGRESS PARTY**

### Article 3.2 Party Logo, symbol and colors



**Description:** The Neema Congress Party Symbol name is „Mnara“ represented by a tower and the words ‘Neema Congress party’ in bold capital and ‘*JAMII YA MAFANIKIO*’ as a slogan as illustrated graphically above.

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### Article 3.4: Party Slogan

The Party’s slogan is “*Jamii ya mafanikio*”

### Article 3.5: Party Colours

Pink and Grey with the emblem in the midst

### Article 3.6: Party Vision

NCP’s vision is to a Nation where all citizens enjoy their fundamental political, social, economic, cultural, and religious rights and freedoms in an environment of dignity and integrity



**Article 3.7: NCP Mission**

The mission of the NCP Party is to enhance a social, democratic state and society in which all Kenyans will have a better life and feel at home as individuals and cultural communities as well as nurture and sustain a democratic Government and State so as to enhance the political, social and economic welfare and equal opportunities for all citizens in Kenya based on the principles of liberty, social justice, equity, and unity.

**Article 3.8: Party Headquarters**

The registered office of the Party shall be at:

Lungalunga Road, Mkongeni  
Kinondo Junction,  
Kwale County  
P. O Box 923-80400  
UKUNDA

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3.8.1 The location of the NCP head office shall be determined by the party’s NEC who shall have the powers to make changes.

~~3.8.2~~ The NCP 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 NCP Membership Register containing party members details including name, national identification number, county, region, ethnicity, party branch, gender, 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.~~

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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;~~

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e) ~~Particulars of any property that belongs to NCP 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 NCP which are conducted through, by or with the leadership of the NCP; and~~

e) ~~3.8.2 Such other relevant particulars as may be required under any written law.~~

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### Article 3.9: Party Website

The website of the NCP shall be [www.neemcongress.org](http://www.neemcongress.org).

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

## CHAPTER 4

### Article 4.0: Aims/Objectives

The Neema Congress Party aims and objectives are as follows:

- i. To acquire and retain power democratically to form a just government so as to implement its ideology, vision, policies and programs;
- ii. To promote the realization and advocacy of mental health.
- iii. To provide transformative political leadership to make a Kenya a united, stable and prosperous, democratic modern State and Society within the framework of Rule of Law,



respect for national values and principles of governance, respect for fundamental rights and freedoms, servant leadership, pluralism, recognition and respect for cultural, religious, regional, ethnic and gender diversity.

- iv. To promote political awareness, participatory and people-centered development in partnership with local communities, civil society, the private sector and Kenyans in diaspora.
- v. To build a nation and society anchored in the knowledge of God with spiritual, ethical and moral values inculcated among its citizenry.
- vi. To promote economic, social, political, scientific, cultural, intellectual and spiritual development for all Kenyans regardless of their gender, cultural, ethnic, geographical, age and religious backgrounds.
- vii. To foster the unity of purpose for all the people of Kenya and protect and promote their cultural diversity and their uniqueness.
- viii. To protect the independence, security, sovereignty, and the vital interests of the people of Kenya.
- ~~ix. To pursue, protect, and promote civil, political, economic, religious, socio-cultural rights and freedoms of the individual and groups as defined in international, regional, and national human rights instruments.~~
- ~~x. To protect and promote the democratic principle of separation of powers between the Legislature, the Executive and the Judiciary as well as those structures of the National Government and County Government.~~

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- ~~xi. To promote social justice and strive to eliminate all forms of discrimination, marginalization and imbalances across all social groups, counties and regions.~~
- ~~xii. To promote the full participation of youth in the Party structures of decision making, governance and development of institutions in the Country.~~
- ~~xiii. To protect and promote the fundamental social, economic and political rights and freedoms of persons living with disabilities, minorities and marginalized groups in accordance with the Bill of Rights in the Country's Constitution.~~
- ~~xiv. To champion the equality of all persons and to fight against all forms of discrimination against children and women and to support affirmative action programs aimed at ensuring the equity and equality of men and women in governance structures and other spheres of life.~~
- ~~xv. To promote devolution and decentralization of power specifically strengthen county government and ensure equitable distribution of resources and efficient delivery of better quality services to tax payers and general citizenry.~~
- ~~xvi. To promote industrial, agricultural and service sector development as the basis of modernizing Kenya through our value addition policies and strategies.~~
- ~~xvii. To pursue the provision and improvement of basic needs such as education, health, shelter, food, clothing and social security so as to raise the standard and quality of life of the people of Kenya, in line with the Bill of Rights in the Country's Constitution.~~
- ~~xviii. To promote African unity, sub regional and regional cooperation and integration specifically to work towards the creation of the East African Federation.~~



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



~~xxvii. To raise funds and other resources necessary for the implementation of Party policies and programs.~~

~~xxviii. To adhere to the principles of good governance characterized by justice, participation, non-discrimination, transparency in the management of public affairs.~~

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

#### **4.1 Values and guiding principles**

**Neema Congress Party** core values and principles shall include, but not limited, to:

- i. Respect for human rights and freedoms.
- ii. Integrity in leadership.
- iii. Rule of Law.
- iv. Social Justice and fairness.
- ~~v. Devolution of power and resources.~~
- ~~vi. Equity, equality and inclusivity.~~
- ~~vii. Unity in diversity.~~
- ~~viii. Accountability and transparency.~~
- ~~ix. Citizen's effective participation in governance and decision making.~~



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## **CHAPTER 5**

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

#### **Article 5.0: Membership**

5.0.1 Party membership is open to any Kenyan who has attained the age of Eighteen (18) years and above, living in Kenya or abroad notwithstanding their gender, religion, ethnicity, disability, race, class or social status.

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**NEEMA CONGRESS PARTY**

5.0.2 Any person who, upon application to the National Executive Committee, has manifested a clear identification with the NCP and its principles, objectives, policies, programs, directives and discipline and is resident in Kenya.

5.0.3 Anyone intending to become a member of the party shall make either a verbal or written application to the party office nearest to him or her for consideration. The application shall be accompanied by payment of the prescribed subscription fee for the category which they wish to join.

If the application is successful, the person shall be enrolled as a member of the party and the enrolment shall be signed by an entry of the person's name and other relevant particulars in the Register of members kept for that purpose at the relevant office. Upon such enrolment, the person shall be issued with a Membership Card, duly serialized, dated, signed and stamped with the party's Official Stamp.

5.0.4 All members shall, before a Certificate of Membership is conferred to him/her, sign and subscribe to the Party's Code of Conduct and a Pledge of Commitment.

5.0.5 All members shall, before a Certificate of Membership is conferred him/her, pay prescribed fees for membership of which will be determined by the national executives committee.

#### **Article 5.1: Categories of Membership**

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

The Party shall, for the time being, have the following categories of membership which shall be subject to review by the National Executive Committee:



i. Ordinary membership.

ii. Life membership.

iii. Group membership.

iv. Corporate membership.

~~The membership subscription fees shall be as provided in the 2<sup>nd</sup> Schedule of this Constitution.~~

~~5.1.2 The group membership shall be open, upon application to the National Executive Committee, to organizations including Trade Unions, Professional Associations, Co-operative Societies, Students' Unions or any other organization which subscribes to this Constitution.~~

~~5.1.3 A member may convert his/her membership from one category of membership to the other by paying the prescribed fees as may be recommended by the NEC.~~

~~5.1.4 The register of the party members shall contain such details such as:~~

~~i. Name of member~~

~~ii. Age~~

~~iii. Gender~~

~~iv. Ethnicity~~

~~v. Region~~

~~vi. County of residence~~

~~vii. Occupation~~



vii. ~~Disability if any.~~

~~5.1.5 As provided by Article 3.8.2 (a), the party shall continuously update the party membership register and submit it to the Registrar for confirmation and custody.~~

### **Article 5.2: Rights of Party Member**

5.2.1 A member of the Neema Congress Party (NCP) shall have the right to:

- a) Participate in Party activities within the Law.
- b) Take a full and active part in the discussion, formulation and implementation of Party policies;
- c) Receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and available information about their local branch upon request;
- d) Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted;
- e) Offer constructive criticism of any member, official, policy, programme or activity within the Party and its structures;
- f) Submit proposals or statements to the Branch, Region, or National Executive Committee provided that such proposals are submitted through appropriate Party structures;
- g) Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.

### **Article 5.3: Duties of Party Member**



5.3.1 A member of the Neema Congress Party (NCP) shall:

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



## Article 5.4: Termination of Membership

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

- a) 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;
- b) By a resolution passed by the National Executive Committee and ratified by the National Governing Council.

~~e) Upon completion of a disciplinary process in the party and the member is expelled.~~

~~d) Upon death;~~

~~e) By an operation of any prescribed law in this constitution.~~

~~5.4.2 A person who has terminated his or her membership:~~

~~a) shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by him or her by virtue of his membership shall automatically terminate with effect from the date of receipt of written resignation from the Party unless is one of the founders of the group because are immune to prosecution.~~

~~b) Shall return all party property within his custody, possession or control, failure to which the Party shall have a right to lay claims against such person for any money due or owing to the Party or for any damage or loss occasioned to Party property which was in his custody, possession or control prior to termination of membership.~~



e) ~~Shall have his/her name struck off from the register of Party members.~~



## CHAPTER 6

### PARTY ORGANS, ORGANIZATIONAL AND MANAGEMENT STRUCTURE

**Article 6.0** To ensure a strong grassroots network, the party shall be organized in four (4) levels:

**i. The Ward level**

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.

Party members of any given ward shall elect their Ward Executive Committee (WEC) of not more than fifty (50) members.

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

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.

The Ward Executive Committee shall meet at least once every three months and its quorum shall be at least a third of its members.

**ii. The sub-branch (Constituency) level**

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, Equality and 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.

**iii. The Branch (County) level**

The Branch or County level of the party shall comprise of all elected Sub-Branch (Constituency) Executive Committee (SBEC) members in any given County.

The SBEC members within a County shall form the Branch Executive Committee (BEC).

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



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.

The Branch Executive Committee shall meet at least once every six months and its quorum shall be at least half of its members.

The Branch officials and the Branch Executive committee members shall hold office for five (5) years. They shall be eligible for re-election.

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 programmes 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 programmes among individual party members.

Pending the holding of Branch Elections interim Branch Executive Committees may be nominated by the NEC.

***Procedure of meetings at ward and branch level***

Notices and Agenda for all Meetings shall be sent out by the Secretary. Party conventions at branch and lower party organs shall be sanctioned by the national secretary general in concurrence with the party leader.

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There shall be two classes of meetings:

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

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

— At all meetings, the Chairperson or in their absence the Vice Chairperson shall preside, and in the absence of both, the members shall elect one among themselves to preside.

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

**iv. — National Level**

**Article 6.0:**

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~~



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- ~~(v) County Assemblies Forum;~~
- ~~(vi) Youth Council~~
- ~~(vii) Women Council~~
- ~~(viii) Equality and Disability Council~~
- ~~(ix) National Elections Board~~
- ~~(x) National Secretariat~~
- ~~(xi) Diaspora League~~

**Article 6.1.: THE NATIONAL DELEGATES CONVENTION**

The National Delegates Convention, which shall be the highest organ of the party, shall consist of:

- ~~(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 Equality and Disability Council~~

~~(ix) — Chairpersons and secretaries of all committees and organs created by NEC.~~

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

~~The NGC with the approval of NEC may however convene a Special National Delegates Convention at its discretion;~~

~~The National Delegates Convention shall be the highest decision making organ of the party and shall have the following specific powers, duties and obligations:-~~

~~(i) — To approve long term policies of the party;~~

~~(ii) — To receive, examine and approve the audited accounts of the party and its organs since the previous meeting of the National Delegates Convention;~~

~~(iii) — To elect or ratify members of NEC;~~

~~(iv) — To ratify the nomination of the Party leader by NEC;~~

~~(v) — To appoint the Board of Trustees;~~

~~(vi) — To ratify members of various committees as mandated by this constitution;~~

~~(vii) — To consider and transact any other business that may be laid and/or referred to it by NEC;~~

~~(viii) — To nominate the party's Presidential Candidate and his or her running mate;~~



(ix) ~~To approve any resolutions on coalitions, mergers or dissolution of the party.~~

### **Procedure of Meeting at National Delegates Convention**

#### ***6.1.1 Ordinary Session:***

~~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.~~

~~The notice, venue and agenda convening the meeting shall be sent out by the Secretary General at least twenty one days before such date and published in two daily newspapers of national circulation.~~

~~Only agenda items as approved by the National Executive Committee shall be discussed at the Ordinary Session of the National Delegates Convention.~~

#### ***6.1.2 Special Session:***

- ~~i. 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.~~
- ~~ii. 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.~~
- ~~iii. 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;
- iv. ~~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.~~
- v. ~~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 two daily newspapers of national circulation, that such notice shall contain the agenda, place, date and time of the Conference.~~
- vi. ~~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.~~
- vii. ~~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.~~
- viii. ~~Quorum of the Ordinary or Special Sessions of the National Delegates Convention shall be 30% of members eligible to attend the NDC.~~
- ix. ~~Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.~~

**~~ARTICLE 6.2: THE NATIONAL EXECUTIVE COMMITTEE (NEC): GOVERNING BODY~~**



**6.2.1 Composition of NEC:**

~~The National Executive Committee, which shall be the governing body of the party and have decision making powers, shall consist of:-~~

- ~~— Party Leader~~
- ~~— Deputy Party Leader~~
- ~~— National Chairperson~~
- ~~— National Deputy Chairperson~~
- ~~— Secretary General~~
- ~~— Deputy Secretary General~~
- ~~— National Organizing Secretary~~
- ~~— National Deputy organizing Secretary~~
- ~~— National Treasurer~~
- ~~— National Deputy Treasurer~~
- ~~— Chairlady, Women's Council~~
- ~~— Deputy Chairlady, Women's Council~~
- ~~— Chairperson, Youth Council~~
- ~~— Two Deputy Chairpersons, Youth Council (one of either gender)~~
- ~~— Chairperson, Equality and Disability Council~~



~~Executive Director (ex Officio)~~

~~1. Party Leader~~

~~2. Deputy Party Leader~~

~~3. National Chairperson~~

~~4. National Deputy Chairperson~~

~~5. Secretary General~~

~~6. Deputy Secretary General~~

~~7. National Organizing Secretary~~

~~8. National Deputy organizing Secretary~~

~~9. National Treasurer~~

~~10. National Deputy Treasurer~~

~~11. Chairlady, Women's Council~~

~~12. Deputy Chairlady, Women's Council~~

~~13. Two Chairpersons, Youth Council (Male and Female)~~

~~14. Chairperson, Equality and Disability Council~~

~~15. Party Executive Director (Ex Officio)~~

**6.2.2 Eligibility criteria**

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Any person who wishes to be elected and sit in the National Executive Committee of NCP shall meet the following conditions:

- Be a fully paid up member of NCP with no outstanding subscriptions
- Be a fully paid up member of NCP for at least nine (9) months
- Not have served a sentence of more than 6 months for a criminal offence
- Be of sound mind
- Meet the requirements of chapter 6 of the Constitution

**6.2.3 Rights, powers and functions The functions of NEC and members therein**

The rights, powers and functions of NEC shall be as follows:

- (i) 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;
- (ii) To regulate its own procedures and in the absence of the Chairperson at any meetings, to nominate one of its members to preside over its meetings;
- (iii) To supervise the administrative machinery of the party and to take such measures as it may deem fit to enforce the decisions and the programmes of the Party.
- (iv) 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;
- (v) To appoint other committees that, it may deem necessary for specified tasks to determine their terms of reference;

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- ~~(vi) — To recommend auditors and fix the auditors remuneration;~~
- ~~(vii) — To determine location of head office;~~
- ~~(viii) — To create such Party Branches as it may deem necessary, and to abolish nonviable ones;~~
- ~~(ix) — To provide for disciplinary measures against party branches;~~
- ~~(x) — To create other National Offices of the Party as it may deem necessary and/or expedient and to fill vacancies thereof pending ratification of the National Convention at its next meeting;~~
- ~~(xi) — To prepare and adopt a Code of Conduct and disciplinary rules, guidelines and regulations for the party members and party organs;~~
- ~~(xii) — 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;~~
- ~~(xiii) — To prepare agendas for, and reports to, the National Delegates Convention;~~
- ~~(xiv) — To determine the membership fee and the annual subscription;~~
- ~~(xv) — To make rules for the elections of party officials at the National Delegates Convention;~~
- ~~(xvi) — To make rules and guidelines for the National Elections Board on Party Nominations;~~
- ~~(xvii) — Establish departments and set up committees, as it considers appropriate;~~



~~(xviii) To fill a vacancy should one occur on the NEC for any reason, by appointing a replacement who shall take up office until such a time that they are ratified by the NDC;~~

~~(xix) To do any other task as provided by the National Delegates Convention.~~

~~All members of NEC shall have the right to sit in meetings and shall all have equal voting power.~~

#### **Procedure for National Executive Committee meetings**

- ~~i. 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.~~
- ~~ii. A notice for any NEC meeting or its Committees shall be sent at least 7 days before the due date.~~
- ~~iii. The quorum for every meeting of NEC and its Committees shall be one third of the members eligible to attend NEC meetings.~~
- ~~iv. 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.~~
- ~~v. All resolutions shall be recorded in the minutes of the meeting and shared with the attendees within a reasonable time.~~
- ~~vi. For avoidance of doubt, 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.~~

#### **Committees of the Neema Congress Party**



There are hereby established the following Standing Committees of the NCP;

**~~a) Strategy and Planning Committee~~**

- ~~i. The Committee shall be responsible for advising the Party on strategy, planning, Party organization and Party policy.~~
- ~~ii. The Committee shall conduct appropriate research and advise the Party on its findings~~
- ~~iii. Membership and composition shall be determined by the NEC and approved by the NGC.~~

**~~b) Finance, Administration and Resource Mobilization Committee~~**

- ~~i. The Committee shall be responsible for developing strategies for and realizing financial resource mobilization and other support to the Party.~~
- ~~ii. Membership and composition shall be determined by the NEC and approved by the NGC.~~
- ~~iii. It shall assist NEC to recruit and manage employees working at the national secretariat and other offices.~~

**~~c) Legal Committee~~**

- ~~i. The Committee shall advise the Party on all legal matters.~~
- ~~ii. Membership and composition shall be determined by the NEC and approved by the NGC.~~

**ARTICLE 6.31 NATIONAL GOVERNING COUNCIL**

The National Governing Council shall comprise of the Party Leader, the National Chairperson, the Secretary General (as Secretary and ex-officio member), all members of the National Assembly Caucus and all members of the senate Caucus.



The National Governing Council shall meet on a need basis. The quorum of all NGC meetings shall be at least one-third of the members entitled to attend NGC meetings.

#### **6.24 PARLIAMENTARY GROUP: NATIONAL ASSEMBLY AND SENATE CAUCUSES**

- a) The Parliamentary Group shall consist of: -
  - (i) Party members elected or nominated to the National Assembly on the Party's ticket;
  - (ii) Party members elected or nominated to Senate on the Party's ticket;
- b) The Parliamentary Group shall have the following functions:
  - (i) To articulate and support Party policies, Bills, programmes in the National assembly and/or senate;
  - (ii) Other duties and functions of the Parliamentary Group shall be as mandated by NEC;
- c) The Parliamentary Group shall at their first meeting elect one amongst themselves as a Chairperson and a Secretary, a National Assembly whip and a Senate whip;
- d) The Parliamentary Group shall meet at least once every six (6) months.

#### **~~ARTICLE 6.5: COUNTY ASSEMBLY FORUM~~**

- ~~a) There shall be a County Assembly Forum in each County consisting of:-~~
  - ~~(i) Party members elected or nominated to the County as Governors on the party's ticket;~~



- (ii) ~~Party members elected or nominated to the County as Members of the County Assembly on the Party's ticket;~~
- b) ~~The County Assembly Forum shall have the following functions:~~
  - (i) ~~To articulate and support Party policies, Bills, programmes in the County assemblies;~~
  - (ii) ~~Other duties and functions of the County Assembly Forum shall be as mandated by NEC;~~
- e) ~~The County Assembly Forum shall at their first meeting elect amongst themselves a Chairperson, a Secretary and a County Whip;~~
- d) ~~The county Assembly Forum shall meet at least once every six (6) months.~~

#### **~~ARTICLE 6.6: YOUTH COUNCIL~~**

- a) ~~The Party's Youth Council shall consist of members of the Party aged between 18-35 years. These members shall be represented at branch level as chapters attached to the branch membership;~~
- b) ~~There shall be Constituency Youth Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing the business, professional & tertiary institution, and student groups in this age category. These Branch youth 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.~~
- e) ~~Each Constituency Youth Council shall meet at least once annually.~~
- d) ~~There shall be a National Youth Council comprising of two National Chairpersons one of either, and a Secretary all elected at the National Convention and six (6) other members~~



~~representing the business, professional & tertiary student groups in this age category appointed by NEC;~~

~~e) The duties and functions of the National Youth Council shall be as mandated by NEC;~~

~~f) The National Youth Council shall meet at least once annually.~~

#### **~~ARTICLE 6.7: WOMEN COUNCIL~~**

~~a) The Party's Women Council shall consist of women members of the Party;~~

~~b) There shall be Constituency Women Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing women bodies business, professional, religious, tertiary institution and welfare groups;~~

~~e) These Branch women councils will be a 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 Women Council shall meet at least once annually.~~

~~e) There shall be a National Women Council comprising of a National Chairperson a Deputy National Chairperson and a Secretary all elected at the National Delegates Convention and six (6) other members representing women bodies business, professional, religious, tertiary institution and welfare groups appointed by NEC;~~

~~f) The duties and functions of the National Women Council shall be as mandated by NEC;~~

~~g) The National Women Council shall meet at least once annually.~~

#### **~~ARTICLE 6.8: NATIONAL ELECTIONS BOARD~~**



- ~~i. There shall be a NCP National Elections Board consisting of the Director of Elections who shall also be the Chairperson, a Deputy Director of Elections and a Secretary and six (6) other members all appointed by NEC;~~
- ~~ii. The Board shall organize and supervise freely and fairly the Party's process;~~
- ~~iii. The rules and guidelines for the Board on Party Elections and Nominations shall be formulated by NEC.~~
- ~~iv. In appointing the National Elections Board members, the National Executive Committee shall have regard and ensure that at least one third (1/3) representation of either gender in accordance with the Party Constitution and the Country's Constitution.~~
- ~~v. The powers and duties of NEB shall be:
  - ~~a. NEB shall appoint appropriate officers to conduct Party elections or nominations at National, Branch, Sub Branch, Ward and polling centre levels.~~
  - ~~b. NEB shall vet Party nominees for appointment by the requisite Party Organ to any position that the Party by law nominates to in consultation with the NEC.~~
  - ~~c. NEC shall cause an account to be opened in the name of NEB to collect all funds paid as nomination fees and direct all expenditure on the account.~~
  - ~~d. NEB may establish dispute resolutions panels at the Branch, Sub Branch, Ward and Polling centre levels. The panels are ad hoc in nature.~~
  - ~~e. Provided that where the NEB has for any reason been unable to perform all or any other duties specified herein above, the NEC shall assume all the powers and duties of the NEB.~~
  - ~~f. NEB shall be independent and act in accordance with the rules of natural justice and in consultation with NEC.~~
  - ~~g. Carry out any other functions assigned to it by the NEC, NGC or NDC.~~~~



~~h. NEB in consultation with NEC shall collect all funds paid as nomination fees and all direct expenditure or remittance to the Party in conjunction with NEC.~~

#### **~~ARTICLE 6.9: EQUALITY AND DISABILITY COUNCIL~~**

~~a) The party's Equality and Disability Council shall consist of special interest groups, people with disabilities and marginalized groups/members of the Party.~~

~~b) There shall be Constituency Equality Councils at each Constituency comprising of a Constituency Chairperson, a Secretary and at least six (6) members representing special interest groups, people with disabilities and marginalized groups;~~

~~e) These Branch Equality 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 Equality and Disability Council shall meet at least once annually.~~

~~e) There shall be a National Equality and 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 special interest groups, people with disabilities and marginalized groups appointed by NEC;~~

~~f) The duties and functions of the National Equality and Disability Council shall be as mandated by NEC;~~

~~g) The National Equality and Disability Council shall meet at least once annually;~~

#### **ARTICLE 6.103: NATIONAL SECRETARIAT**



- i. There shall be establishment of a National Secretariat to be headed by the Party's Executive Director.
- ii. The National Executive Committee shall be responsible for recruiting of the Party's Executive Director and all-Party employees.
- iii. There shall be establishment of three Directorates – Finance and Resource Mobilization; Political Activities and Publicity; and Human Resource Directorate. These Directorates shall be under the direct supervision of the Executive Director.
- iv. 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.
- v. With the guidance of the Party's National Treasurer, the Finance and Resource Directorate shall formulate the financial and audit administration policy for approval by the NEC. This Policy shall articulate ways in which the party shall mobilize financial resources and the usage of the same.

#### **ARTICLE 6.114: DIASPORA LEAGUE**

There shall be establishment of a Diaspora League that shall incorporate party members who reside of Kenya.

The League shall be divided in 4 segments: Neema Congress Africa League; Neema Congress Europe League; Neema Congress American League and the Neema Congress Asian League.

Each League shall make contributions to sustain the running of their affairs.

The role of the Diaspora League shall be to popularize NCP and its agenda in various cities and regions across the world and recruit Kenyans living abroad as members.



**CHAPTER 7**

**NATIONAL OFFICIALS**

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**NEEMA CONGRESS PARTY**

Article 7. 0: The National Party Officials shall be:

1. Party Leader
2. Deputy Party Leader
3. National Chairperson
4. National Deputy Chairperson
5. Secretary General
- ~~6. Deputy Secretary General~~
- ~~7. National Organizing Secretary~~
- ~~8. National Deputy organizing Secretary~~
- ~~9. National Treasurer~~
- ~~10. National Deputy Treasurer~~
- ~~11. Chairlady, Women's Council~~
- ~~12. Deputy Chairlady, Women's Council~~
- ~~13. Chairperson, Youth Council~~
- ~~14. Two Deputy Chairpersons, Youth Council (one of either gender)~~
- ~~15. Chairperson, Equality and Disability Council~~

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**Article 7.1: ELECTIONS OF NATIONAL OFFICIALS**



- i. All the National officials of the party shall be elected by the National Delegates Convention of the party save for the party leader who shall be nominated by the National Executive Committee. Such nomination shall be ratified by the National Delegates Convention in its next sitting.
- ii. All National Officials shall hold Office for a term of five (5) years renewable once save for the Party Leader who shall hold Office for ten years (10) 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 party leader shall remain suspended from office.
- iii. Any vacancy that arises shall be filled by the NEC and the same shall be ratified in the next NDC
- iv. 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.
- v. The National Executive Committee shall formulate Elections and Nominations Rules that shall provide for the procedure of elections of party officials.

## **Article 7.2 DUTIES OF THE NATIONAL OFFICIALS**

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

The party leader shall be:

- (i) 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) 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 the party's Presidential Candidate in the event of a National Presidential election.~~

~~(vi) be a mandatory signatory in all matters concerning coalitions, merger and certificates of nominations.~~

~~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.~~

**(b) 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;~~

~~(iii) be the party's Presidential Running mate in the event of a National Presidential election.~~

**~~(c) 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.~~

~~(iv) be a mandatory signatory of all NEC and National Convention minutes, nomination certificates, bank accounts and financial records.~~



~~(d)~~ **The Deputy Chairperson:**

- ~~(i)~~ — deputize the Party Chairperson in his/her absence or upon such delegation of duties by the Party Chairperson or the NEC;

~~(e)~~**(c)** **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, coalition and merger documents.

~~(f)~~**(d)** **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;

~~(g)~~ **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.~~

**~~(h) 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~~

**~~(i)(e) 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.~~



~~(j)~~(f) \_\_\_\_\_ **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;

~~(k)~~ **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.~~

~~(l)~~ **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.~~



**~~(m) 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~~

**~~(n) 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;~~

**~~(o) The Deputy National Equality 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;~~

**~~(p) 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 7.3 PARTY SIGNATORIES~~**

~~For avoidance of doubt, and notwithstanding any other rules created by any organ of the party:~~



- ~~i. The Secretary General shall be the Official signatory of any correspondences with the Registrar of political parties including signing off of the membership register and party reports~~
- ~~ii. The Chairperson, Secretary General, Treasurer shall be the signatories to the party's bank accounts. The NEC may whenever it deems necessary appoint any other additional person to be the party's bank signatories.~~
- ~~iii. The Treasurer, Chairperson and Secretary General shall sign the party's annual audited books of accounts and financial reports.~~
- ~~iv. The Party Leader, Secretary General and National Chairperson shall be mandatory signatories of nomination certificates and party lists submitted to the Registrar and IEBC.~~
- ~~v. The Party Leader, National Chairperson and Secretary General shall be mandatory signatories of any merger or coalition document.~~

#### ~~Article 7.4 TERMINATION AND VACANCY OF NATIONAL PARTY OFFICIALS~~

~~a) Any Party official will cease to hold office if:-~~

- ~~(i) 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;~~
- ~~(ii) 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;~~



- ~~(iii) — 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;~~
  - ~~(iv) — Violates any of the fundamental tenets of the Party;~~
  - ~~(v) — Is or becomes insane, bankrupt, or is, in the opinion of two thirds of NEC, found unfit to be a party official.~~
- ~~b) 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.~~



## CHAPTER 8

### FINANCE(S) & INVESTMENTS

#### Article 8.1 Party Funds

- a) Subject to any written law governing funding of political parties, the sources of funds of the Party shall include the following: -
- (i) Membership subscription fee.
  - (ii) Grants, subventions contracts, donations and legacies accepted by the NEC or authorized Party officials on behalf of the Party;
  - ~~(iii) Net income from Party's publications and any other salable items offered for sale to the public;~~
  - ~~(iv) Revenue from capital investments;~~
  - ~~(v) Any other source permitted under the laws of Kenya~~
- b) The Party and bodies created by it shall not incur expenditures in excess of the funds at their disposal;



- e) ~~The Party, through the NEC, may borrow funds from any source it deems appropriate for the purpose of promoting the party's aim, objects, programmes and activities;~~
- d) ~~The financial year of the Party shall be the Kenya Government financial year;~~
- e) ~~NEC shall establish Rules governing the collection, custody and expenditure of Party finances;~~
- f) ~~The Party's funds will be used to further the good of the Party and its aims. Party funds will not be used for personal gains;~~
- g) ~~For avoidance of doubt, no organ of the party shall make any proposal to distribute party funds amongst the members.~~
- h) ~~Only designated members in the NEC and/or Board of Trustees shall have authority to contract on behalf of the Party.~~

#### **Article 8.2 Asset Management**

- i. ~~The National Executive Council shall appoint or re-appoint five individuals to sit in the Board of Trustees. 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.~~
- ii. ~~The Party Treasurer shall sit in the Board as an ex-officio member and shall not have any voting rights.~~
- iii. ~~The Board shall amongst themselves vote for the Chairperson and Secretary to the Committee.~~



- ~~iv.— 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.~~
- ~~v.— The Trustees shall pay all income received from the property and securities vested in them to the National Treasurer.~~
- ~~vi.— Any expenditure in respect of such property shall be reported to the NEC which may authorize expenditure of such monies as it thinks fit;~~
- ~~vii.— 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:-~~
- ~~a) Voluntary resignation in writing~~
  - ~~b) Bankruptcy~~
  - ~~c) If a motion calling for his/her removal is passed by a two thirds majority of members present at the National Executive Committee.~~

**Article 8.3: 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 8.4: Inspection of Book of Accounts and Member's Register**



~~Party accounts and register of members shall be available for inspection by any 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 by the general public upon giving a written notice of 28 days and paying the relevant fee as provided by the NEC.~~

## **CHAPTER 9**

### **POLICY DOCUMENTS OF THE PARTY**

In order to achieve its objective and mission, the party through the National Executive Committee and other established Committees shall publish the following policy documents:

- i. Party Policy on Jamii Ya Mafanikio Program
- ii. NCP Party Ideology Document
- iii. Party Human Resource Policy
- iv. Party Finance and Resource Mobilization
- v. Policy on the Development of the Jua Kali Economy
- ~~vi. Policy on Development of the ICT Sector~~
- ~~vii. Policy on eradication of drought and hunger~~
- ~~viii. Party Strategic Plan~~
- ~~ix. Party Manifesto~~



~~The NEC shall be responsible for approving all policy documents which shall be published and distributed in all print and electronic media in Kenya and the Diaspora and shall always be accessible in the party website.~~

~~After every two years and a half year, the party shall conduct thorough a review of the performance of the policies put in place and shall report on the same using:~~

- ~~— Reports~~
- ~~— Scorecards~~
- ~~— Performance analysis~~
- ~~— Financial statements~~

~~A review and status report of these policy documents shall be done after every five years. Every review of the various policies shall be sanctioned by the NEC and conducted by the relevant NCP Committee. The reports shall be presented to NEC which shall in turn present to the NDC.~~

~~The party shall only review and change the party policies once it is satisfied that it has achieved its purpose as provided for in the party manifesto, party ideology and strategic plan.~~

## CHAPTER 10

### PARTY DISCIPLINE

#### Article 10.1 Disciplinary Committee

- i. The NCP NEC shall nominate five members of the party to the Disciplinary Committee (DC). The members of the DC shall not sit in any other organ of the party.
- ii. In the event a member of the Disciplinary Committee is to appear before the Committee, the Party Leader shall appoint a replacement.



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iii. The Disciplinary Committee may discipline a member and exclude him/her from enjoying and/or exercising his or her rights in the party for breach of the Code of Conduct and/or for gross misconduct and/or disloyalty to the Party after having given and or afforded such a member a fair hearing and/ or reasonable opportunity to defend himself/herself against allegations or charges against him/her in accordance with the rules of natural justice.

~~iv. The quorum of all the Committee's meetings shall be at least three members eligible to sit in the committee.~~

#### **Article 10.2 Disciplinary procedure**

~~i. The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline.~~

~~ii. Any person faced with disciplinary proceedings shall receive 14 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.~~

~~iii. 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:~~

~~a) Impeding the activities of the party;~~

~~b) Creating division within its ranks or membership;~~

~~e) Doing any other act which undermines its effectiveness as an organisation.~~



~~—Acting on behalf of or in collaboration with others to undermine the interests of Neema Congress Party.~~

~~—Corruption~~

d) ~~Being convicted of a criminal offence.~~

~~—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 NECthe Disciplinary Committee~~

~~iv. The Disciplinary Committee having regard to the nature and seriousness of an alleged violation or offence by a member, may summarily suspend the membership of any member pending the preparation of a charge against the member and the finalization of disciplinary proceedings against the member. The member shall be informed of such suspension. The temporary suspension shall lapse if no disciplinary proceedings are instituted against the member within 30 days of the date of the temporary suspension. Such disciplinary proceedings shall be attended to as quickly as possible and completed within a reasonable period.~~

~~1. Any penalty prescribed by the Disciplinary Committee and acted on by NEC may be challenged in the NGC whose decision shall be final.~~

~~2. All disciplinary proceedings shall adhere to the following principles:—~~

~~a) There is a formal, just and fair procedure;~~

~~b) A member or official is presumed innocent until proven guilty, and that one has been given a chance to defend herself or himself;~~

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e) ~~A member or official has the right to appeal to the National Executive Committee whose decision shall be final.~~

~~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~~

~~Only in disciplinary matters where a member at both national or county level has been convicted of a criminal offence by a competent court of law will the procedures outlined herein be suspended. In such an instance, anyone shall furnish the NEC with the sentencing order who shall submit it to the Disciplinary Committee for verification and preparation of a report recommending expulsion from the party.~~

3. ~~\_\_\_\_\_~~

## **CHAPTER 11**

### **DISPUTE RESOLUTION**

a) ~~There is establishment of the Neema Congress Party National Disputes Resolution Committee (NDRC) that shall be appointed by the National Executive Committee.~~

b) ~~The Committee shall be composed of:~~

i. ~~Two Advocates of the High Court with a minimum 5 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.~~

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~~iii.—The Secretary General or anyone else appointed by the NEC who shall be an ex-officio and will not have voting rights.~~

~~e) The Committee shall formulate its own procedure rules. For avoidance of doubt, the rules shall be subject to the Constitution of Kenya, any written laws and this Constitution.~~

~~d) 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.~~

~~e) The quorum of the committee shall be at least three members eligible to sit in the committee.~~

~~—The decisions of the Committee shall be final.~~

### ***Procedure of IDRM***

~~—The dispute resolution process will be guided by principles of objectivity, fairness and justice, considering, among other things, the rights and obligations of the parties and the circumstances surrounding the dispute, including any previous relationships and practices between the parties.~~

~~—A person who is an eligible and fully paid up member of a political party or a member of a party organ or party official may refer a dispute the national dispute resolution committee for determination.~~

~~—A party may commence a dispute resolution under these rules, by submitting a written request to the Secretary to the internal dispute resolution committee.~~

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~~The Secretary to the internal dispute resolution committee shall upon receipt of a written request, within s fourteen (14) days, write to the respondent informing him or her of the written request and requesting his or her response concerning the matter in dispute to:~~

~~— a) Any or all of the claims.~~

~~b) A statement of the nature and circumstances of his rebuttal.~~

~~Where the secretary, upon receipt of the response, is satisfied there is indeed a dispute, the secretary shall within seven (7) days, refer the dispute to the NDRC for determination.~~

~~— NDRC shall summon the respective parties within reasonable time but not later than fourteen (14) days after the statement and response has been filed.~~

~~— The internal dispute resolution committee shall hear and determine the dispute within ninety~~

~~— (90) days of the dispute being lodged.~~

~~f) ***Dispute Resolution at the branch level***~~

~~g) — 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.~~

~~— All decisions at the Branch Dispute Resolution level may be appealed at the National Disputes Resolution Committee.~~

~~h) —~~

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## CHAPTER 12

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NEEMA CONGRESS PARTY

## **RULES FOR MERGERS, ALLIANCES AND COALITIONS**

### **12.1 Rule for Mergers**

The Party may dissolve and merge with other political parties.

Such mergers shall only happen if it is clear that:

- There are like-minded political parties that align with the ideology and ambitions of the NCP
- There is a need to strengthen the support base of NCP and the only way is to merge with other parties.
- There is need for a strategic alignment
- For survival and sustainability

### **12.2 Rules for coalitions**

NCP may enter into coalitions with other likeminded parties.

Such coalitions shall be entered under the following circumstances:

- To broaden the support of NCP
- To strengthen the NCP support numbers in parliament and county assemblies
- To necessitate government formation
- For Political stability.

### **12.3 Procedure for entering mergers and coalitions**

The procedure to enter into coalition agreements or merging with other political parties shall be the same.

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~~merge or form alliances and coalitions with other likeminded political parties. The decision to form such mergers and coalitions shall be determined by two thirds of the National Delegates Conference.~~

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~~The Chairperson shall provide a notice of 30 days to the members of NDC indicating the date, time and venue of the meeting with the agenda of the meeting being either a merger or coalition.~~

~~The NEC shall invite a competent lawyer to the meeting to provide a legal advisory opinion to the NDC before any vote is taken.~~

~~Instruments of mergers or coalitions shall be executed and deposited with the Registrar of Political Parties. The Party Leader, Secretary General and National Chairperson shall be mandatory signatories of such instruments. The Secretary General shall keep custody of all such Instruments.~~

## **CHAPTER 13**

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### **NOMINATIONS FOR NATIONAL, PARLIAMENT, & COUNTY ELECTIONS AND PARTY LISTS**

#### **13.1 Nomination for National, parliamentary and county elections**

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~~The National Elections Board in consultation with the NEC shall formulate the Neema Congress Party Elections and Nomination Rules that shall provide for the manner in which the party shall conduct internal party elections and~~

~~a. Nomination of candidates who shall represent the party in the universal suffrage elections;~~

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b. ~~Nominate candidates who shall represent the party in the party list to be submitted to the Commission for purposes of proportional nominations.~~

~~The Rules, to be referred to as the Neema Congress Party Elections and Nomination Rules shall form part of this Constitution and shall be read together with this Constitution.~~

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~~Notwithstanding what the rules may provide, NCP shall always adhere to the rules of equity, natural justice and inclusivity in determining the nominees to represent the party in elections.~~

~~Save for the party leader, no member shall be qualified to be nominated as a Parliamentary or county election candidate whilst She/he is a member of NEC, Branch Executive Committee or who is a member of any Party organ or committee unless such candidacy requires one to be a member of the said organs first.~~

~~Every candidate who wishes/desires to be nominated in any of the aforesaid election shall first resign any of the positions before his or her name is submitted to the party's National Elections Board for Nominations or to NEC in case of a by election;~~

~~If such a member wishes to vie in Senatorial, National Assembly, or County Elections She/he must state so at least three (3) calendar months before the appropriate nomination date;~~

~~NEC may in any particular case and for sufficient cause dispense with the requirements of the time limits under the whole of this present rule;~~

~~Upon dissolution of the Parliament and/or County Assemblies or a Presidential election being occasioned by any event NEC shall convene a Special National Committee 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;~~

~~A party member wishing to be nominated as a Senatorial, National Assembly, or County candidate must submit his/her name to the Party Branch Executive Committee or in the absence of a Party Branch to NEC within (14) fourteen days of the event necessitating such election. The Party Branch Manager shall forward the whole list of names of such applicants to NEC within (14) days of the receipt thereof;~~

~~Upon receipt of the list of candidates by NEC, such list shall be forwarded with or without recommendations to the Party's Special Committee on Elections;~~

~~The party's NEB shall then select and inform successful candidates and send their names to NEC for formal nomination to contest national offices. The NEB acting on the advice of NEC may in any of the aforesaid election/s decide to support a joint candidate with any of the other political parties;~~

~~All the candidates for by election shall be nominated by NEC and the nomination process for candidates in any election shall adhere to the two third gender rule and principles of justice.~~

~~***13.2 Nomination of candidates to the NCP Party List***~~

~~The Party through the Secretary General shall submit the party list to the Independent Electoral and Boundaries Commission as prescribed by the Constitution of Kenya, Elections Act or any other written law.~~

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~~The National Elections Board shall call for applications for all candidates intending to be nominated to the party list to submit their names at least 30 days before the deadline for the submission of the party lists as set by the Commission.~~

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~~The preparation of the party list shall adhere to the following rules:~~

~~Persons for consideration to be nominated to the party list shall apply to the party, through the National Elections Board for consideration.~~

~~The National Elections Board shall make a public advertisement calling for interested party members to submit their application for consideration.~~

~~The applicants shall provide the following:~~

~~Detailed CV~~

~~Copy of ID Card or Passport~~

~~Evidence of registration as a voter~~

~~Copies of academic and professional qualifications~~

~~Position interested in~~

~~Sign the party's code of conduct~~

~~Meet all the requirements for election into the position they seek nomination on.~~

~~The National Elections Board shall use all criteria including interviewing the prospective nominees to ensure they formulate a party list that is inclusive and democratic.~~



The National Executive Committee shall prepare comprehensive rules that shall guide the party in preparation of the party list.

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## CHAPTER 114

### AMENDMENTS TO THIS CONSTITUTION

- a) No changes may be made to the name of the Party, Symbol, colours, slogan or to this Constitution except with the approval of the party's National Executive Committee and supported by at least two thirds ( $\frac{2}{3}$ ) majority of the members in attendance of the meeting approving any changes;
- b) The Secretary General shall give notice to party members of the intended amendment and provide a 21 day period for receiving any views from the party members.
- c) 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.
- d) Upon deliberations by the National Executive Committee, a vote shall be taken for amendment of this Constitution.
- e) Amendments to the rules, Schedules, and regulations may be made by a decision of the majority of members of the organs that are so empowered to make them.

## CHAPTER 125:

### DEMOCRATIC PRACTICES AND HUMAN RIGHTS

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NEEMA CONGRESS PARTY

- 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 16:**

### **DISSOLUTION**

#### ***16.1 Dissolution of party branch***

~~The National Executive Committee may, by a resolution of two thirds of its membership resolve to dissolve any branch of the party.~~

~~Upon such resolution, all property and assets of that branch shall be distributed equally to all the other existing branches or in any manner as may be determined by the NEC.~~

#### ***16.2 Dissolution of NCP***

~~The party may by a resolution passed by a two thirds majority of members at a Special National Delegates Convention expressly for the purpose of dissolution of the Party, resolve that it be dissolved. In the case of such dissolution, all properties and funds of the party after meeting all liabilities shall be distributed in such manner as shall be determined by the National Convention at which the resolution favoring the dissolution is passed, and such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.~~

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SCHEDULE 1: NEEMA CONGRESS PARTY SYMBOL



Description as approved

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SCHEDULE 2: NEEMA CONGRESS PARTY MEMBERSHIP SUBSCRIPTION FEE

- a) The following categories of membership are open to all members who enjoy equal rights

Category

Annual subscription

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NEEMA CONGRESS PARTY

- i. Ordinary Kshs 50
- ii. Life member Kshs. 5,000
- iii. Patron Kshs 50,000

b) These annual subscriptions and categories are subject to changes as directed by the Party's NEC.

**PARTY MEMBERSHIP RECRUITMENT FORM**

Name of County.....

Name of Member .....

Age .....

Gender .....

Disability (if any) .....

Occupation .....

Profession .....

Residence: County .....Constituency .....

Town .....

Telephone.....Email.....

Address.....

Membership Card Number .....

Issued (Date) ..... at ..... (Place)

ID/Passport.....

Elector's Number .....

Member's Signature .....



