



LAWS OF KENYA

THE POLITICAL PARTIES ACT

CHAPTER 7A

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CHAPTER 7A

THE POLITICAL PARTIES ACT

L.N. 59/2008.

Commencement: 1st July, 2008

AN ACT of Parliament to provide for the registration, regulation, and funding of political parties and for matters incidental thereto and connected therewith.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

Short title and commencement.
L.N. 59/2008.
Interpretation.

1. This Act may be cited as the Political Parties Act, 2007, and shall come into operation on 1st July 2008.

2. In this Act, unless the context otherwise requires—

“alien” means any natural or legal person who is not a citizen of Kenya;

“Commission” means the Electoral Commission of Kenya established by section 41 (1) of the Constitution;

“corporate member” means a registered political party which is a member of another registered political party;

“election” means the act of selecting by vote of a person or persons from among a number of candidates to fill an office or to membership of any political party and includes a Presidential or parliamentary election conducted under the National Assembly and Presidential Elections Act or, as the case may be, a local government election conducted under the Local Government Act;

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“founding members of a political party” means the persons who are specified in the written declaration under section 24(2) to have contributed or offered to contribute either in cash or kind to the initial assets of the party in respect of the first year of its existence;

“office bearer” in relation to a political party means any person who is elected by the members of the political party and registered with the Registrar of Societies;

“political party” means any association or organization of persons which has for its objects or purposes or one or more of its objects or

purposes the proposing or supporting of candidates for national or local authority elections, with a view to forming or influencing the formation of the Government of Kenya or any local authority within Kenya:

Provided that in the case of a political party whose membership includes corporate members, each such member shall, unless the context otherwise requires, be deemed to be a political party within the meaning of this Act;

“public officer” means a person in the service of or holding office under the Government of Kenya, whether that service or office is permanent or temporary, or paid or unpaid, but does not include a Member of Parliament or a councillor;

“Registrar” means the Registrar of political parties designated as such under section 3;

“State” means the Republic of Kenya as by law established; and

“Tribunal” means the Political Parties Dispute Tribunal established by section 5.

PART II—REGISTRAR OF POLITICAL PARTIES

3. (1) There shall be an office of the Registrar of Political Parties which shall be an office within the Commission. Registrar of political parties.

(2) The office of Registrar shall be headed by an officer who shall be designated Registrar of Political Parties by the Commission.

(3) The Registrar shall be responsible for the registration of political parties in accordance with the provisions of this Act.

(4) The Registrar shall be responsible for the arbitration of disputes between members of a political party.

4. (1) The Registrar shall keep and maintain a register containing a list of the registered political parties and such other particulars relating to a registered political party as may be prescribed. Register of political parties.

(2) A copy of an entry in the register certified by the Registrar shall, for the purposes of any written law, be prima facie evidence of the facts stated in the certificate.

PART III—POLITICAL PARTIES DISPUTES TRIBUNAL

Establishment of Tribunal.

5. (1) There is established a Tribunal to be known as the Political Parties Disputes Tribunal.

(2) The Tribunal shall consist of the following members appointed by the Chief Justice, subject to approval by Parliament—

- (a) a chairman who shall be a person qualified to be appointed a judge of the High Court;
- (b) two other members of high moral standing and integrity, one of whom shall be an advocate of the High Court of Kenya of five years standing.

(3) A person shall not be qualified to be appointed as a member of the Tribunal if that person is a member of the public service or takes an active part in the activities of a political party.

(4) A member of the Tribunal shall hold office for a term of five years and shall be eligible for appointment for a further term of five years.

Purpose of Tribunal.

6. The Tribunal shall determine—

- (a) disputes between the members of a political party;
- (b) disputes between political parties forming a coalition; or
- (c) appeals from decisions of the Registrar under this Act.

Determination of disputes.

7. (1) The Tribunal shall determine any dispute before it expeditiously, but in any case, shall determine a dispute within a period of three months from the date the dispute is lodged.

(2) The decisions of the Tribunal shall be final.

Rules of procedure of Tribunal.

8. The Chief Justice shall make rules to regulate the procedure of the Tribunal.

Removal of member of Tribunal.

9. (1) The Chief Justice may remove a member of the Tribunal if the member—

- (a) becomes an undischarged bankrupt;
- (b) is convicted of a criminal offence;

(c) is incapacitated by reason of prolonged physical or mental illness from performing his duties; or

(d) is otherwise unable or unfit to discharge the functions of his office.

10. The Attorney- General shall designate an officer to be the secretary to the Tribunal. Secretary to Tribunal.

11. (1) The members of the Tribunal shall be paid such allowances and be reimbursed such expenses as shall be determined by the Chief Justice. Expenses of Tribunal.

(2) The expenses of the Tribunal, including the allowances of the members of the Tribunal shall be paid by the Government.

PART IV—FORMATION, REGISTRATION AND REGULATION OF POLITICAL PARTIES

12. (1) Political parties may, subject to the provisions of this Act, be formed in Kenya to further purposes which are not contrary to the Constitution or any written law. Formation of political parties.

(2) A citizen of Kenya who has attained the age of eighteen years has, subject to the provisions of this Act, the right to form a political party.

13. Where two or more political parties resolve to form a coalition before or after an election, the instruments of the coalition agreement shall be deposited with the Registrar for the purposes of arbitration between the coalition parties. Instruments of coalition.

14. (1) The Registrar shall not register a political party which— Prohibition of ethnic or religious parties etc.

(a) is founded on an ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional or religious basis or which seeks to engage in propaganda based on any of these matters;

(b) uses words, slogans, emblems or symbols which could arouse ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional or religious division;

(c) has a constitution or operational ethic that provides in any way for discriminatory practices contrary to the provisions of the Constitution or of any written law;

- (d) accepts or advocates the use of force or violence as a means of attaining its political objectives;
- (e) advocates or aims to carry on its political activities exclusively in one part of Kenya; or
- (f) does not allow regular, periodic and open election of its office bearers.

(2) For the purposes of subsection (1), a political party is formed on an ethnic, age, tribal, racial, gender, regional, linguistic, corporatist, professional or religious basis if its membership or leadership is restricted to or includes only members of a particular ethnic, age, tribal, gender, regional, linguistic, corporatist or racial group, profession or religious faith or if its structure and mode of operation are not national in character.

Certain public officers not to be founding members of or hold office in political party.

15. A person who is a member of the Armed Forces, the Kenya Police Force, the Administration Police Force, the Prisons Service, the Kenya Wildlife Service, the Judicial Service, or any other person who is a public officer shall not—

- (a) be eligible to be a founding member of a political party;
- (b) be eligible to hold office in a political party;
- (c) engage in political activity that may compromise or be seen to compromise the political neutrality of his office; or
- (d) publicly indicate support for or opposition to any political party or candidate in an election.

Qualification of executive and founding members of political party.

16. (1) A Political party shall not have as its leader or as a member of its executive any person who under any law for the time being in force—

- (a) is not qualified to be elected as a member of Parliament or councillor; or
- (b) is not qualified to hold public office.

(2) A political party shall not have as a founding member a person who under any law for the time being in force—

- (a) is not qualified to be elected as a member of Parliament or councillor; or

(b) is not qualified to hold public office.

17. (1) Subject to the provisions of this Act and of any other written law every citizen who has attained the age of eighteen years has the right—

Participation in political activities and rights of party members.

(a) to participate in political activities which are intended to influence the composition and policies of the Government; and

(b) to join any political party of his own choice.

(2) A member of a political party who intends to resign from his party shall give a fourteen-days written notice prior to his resignation to—

(a) the political party;

(b) the Clerk of the National Assembly, if he is a member of the National Assembly; or

(c) the Minister responsible for local government, if he is a councillor.

(3) A person shall not be a member of more than one political party at the same time.

(4) A person who, while a member of a political party—

(a) forms another political party;

(b) joins in the formation of another political party;

(c) joins another political party; or

(d) in any way or manner, publicly advocates for the formation of another political party,

shall, notwithstanding the provisions of subsection (2) or the provisions of any other law, be deemed to have resigned from the previous political party.

(4A) Subsections (3) and (4) shall not apply to a member of a political party which joins another political party as a corporate member.

(5) A person who by virtue of any written law is for the time being disqualified from being nominated for election as an elected member of Parliament or a councillor shall not be eligible to become a member of a political party during the time that he is disqualified.

(6) All members of a political party shall during a party election, have equal voting rights, but the exercise of such rights may be made dependent, under the provisions of the party's constitution, upon a member first paying a membership subscription fee.

(7) A member of a political party may only be expelled from that political party if he has infringed the constitution of the party or has acted in a manner contrary to the principles or rules of the party and after he has been afforded a fair opportunity to be heard.

(8) Any person who suppresses or attempts to suppress any lawful political activity of another person commits an offence and shall on conviction be liable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Conditions of provisional registration.

18. (1) An association of persons or an organization shall not operate or function as a political party unless it has first been registered in accordance with the provisions of this Act.

(2) An application for the provisional registration of a proposed political party shall be in writing, signed by the applicant or applicants and shall—

- (a) set out the name of the party;
- (b) if the party wishes to be able to use for the purposes of this Act an abbreviation of its name, set out that abbreviation;
- (c) be accompanied by a copy of the constitution of the proposed party which is to comply with the provisions of section 19; and
- (d) be accompanied by the prescribed fee.

(3) An application for registration under subsection (2) shall include a request for the registration of the emblem of the party to be used on ballot papers.

Contents of constitution or rules of a political party.

19. (1) The constitution or rules of every political party formed after the commencement of this Act shall provide, to the satisfaction of the Registrar, for all the matters specified in the Schedule to this Act

and shall not be amended so as to cease so to provide.

(2) The Registrar shall by order in writing, require any political party which, at the commencement of this Act, is registered to amend its constitution or rules within three months after the date of the order to provide for all or any of the matters specified in the Schedule.

(3) Notwithstanding the provision of the constitution or rules of a political party, a political party shall, for the purpose of complying with the order specified under subsection (2), convene a meeting as is required by its constitution or rules for amending its constitution or rules, or if the constitution or rules make no provision for such amendment, the political party shall convene a general meeting of members for that purpose.

(4) If a registered political party contravenes an order given under subsection (2), that political party shall be deregistered.

20. The Registrar may refuse an application for the registration of a political party if, in his opinion, the name of the party or the abbreviation of the name that it wishes to use for the purposes of this Act—

Parties with certain names not to be registered.

- (a) is obscene or offensive;
- (b) is excessively long;
- (c) is the name, or is an abbreviation of another political party that is registered under this Act; or
- (d) so nearly resembles the name, or an abbreviation of the name of another political party registered under this Act or any other legal entity registered under any other law.

21. (1) Upon making an application for registration, a political party shall first be provisionally registered and issued with a certificate of provisional registration within thirty days on fulfilling the conditions prescribed in section 18.

Provisional registration of a political party.

(2) A political party that has been provisionally registered under subsection (1) shall, not later than one hundred and eighty days from the date of provisional registration, apply to the Registrar for full registration.

(3) The provisional registration of a political party shall lapse and a provisional registration certificate shall cease to have effect at the expiry of one hundred and eighty days from the date of issue of the

certificate of provisional registration.

Rights and privileges
of political party.

22. (1) A political party which has been provisionally registered shall be entitled—

- (a) to hold and address public meetings in any area in Kenya in accordance with the provisions of section 30 for the purposes of publicizing their party and soliciting for membership;
- (b) to the protection and assistance of the security agencies of the State for the purposes of facilitating peaceful and orderly meetings; and
- (c) to the provision by the State of fair opportunity to present the party's programmes to the public by ensuring equitable access to the State owned media:

(2) Provisional registration shall not entitle any political party to organize or to hold public meetings in connection with any election to propose or campaign for any candidate in any parliamentary, presidential or local authority election.

Conditions of full
registration.

23. (1) A political party shall be qualified to be fully registered if it has—

- (a) first been provisionally registered;
- (b) obtained not less than two hundred members who are registered as voters for the purposes of parliamentary elections from each Province;
- (c) on its governing body, a member from each province ordinarily resident or registered to vote in such Province;
- (d) submitted a list of the names, addresses and identification particulars of at least one founding member of the political party ordinarily resident in each District and such other particulars as the Registrar may prescribe;
- (e) submitted to the Registrar the exact location of its head office, which shall be its registered office within Kenya, and a postal address to which notices and other communication may be sent, together with the exact locations and addresses of its district offices if any.

(2) An alien shall not be appointed to any office or be a founding, ordinary or other member of a political party in Kenya.

(3) The Registrar shall issue a certificate of full registration to a political party, which has fulfilled the conditions of registration.

24. (1) A political party which has been fully registered under this Act shall upon such registration become a body corporate with a common seal and shall as such have, subject to subsection (6), perpetual succession and may sue and be sued in its corporate name.

Corporate status of registered political party and declaration of assets etc.

(2) A political party shall, within sixty days after the issue to it of a certificate of full registration under section 15, submit to the Registrar a written declaration giving details of all assets and expenditure including, without prejudice to the generality of the foregoing, all contributions, donations or pledges of contributions or donations, whether in cash or in kind, made or to be made to the initial assets of the party by its founding members in respect of the first year of its existence.

(3) A declaration submitted to the Registrar under subsection (2) shall—

- (a) state the sources of all funds and other assets of the political party;
- (b) contain such other relevant particulars as the Registrar may prescribe; and
- (c) be supported by a statutory declaration made by the national or general secretary of the political party.

(4) The Registrar shall, within thirty days after the receipt of the declaration required under subsection (2), cause it to be published in the Gazette and in one daily newspaper having a nationwide circulation.

(5) Without prejudice to any other penalty prescribed by this Act or any other written law, the Registrar shall cancel the registration of a political party which—

- (a) refuses or neglects to comply with this section; or
- (b) submits a declaration, which is false in any material particular.

(6) A fully registered political party loses its status as a political party and as a body corporate if—

- (a) it has not participated in a parliamentary election or a local government election with candidates of its own for a period

of six years; or

- (b) it fails to participate at the next general election following its full registration,

whichever is earlier.

Notification of changes, alterations in constitution etc. of political party.

25. Where a fully registered political party intends to change or amend—

- (a) its constitution;
- (b) its rules and regulations;
- (c) the title, name or address or any person or office; or
- (d) its name, emblem, slogans or colour,

it shall notify the Registrar of its intention and the Registrar shall, within fourteen days after the receipt of the notification cause to be published in the Gazette and in one daily newspaper having a nationwide circulation a notice of the intended change or alteration.

Cancellation of registration political party.

26. (1) The Registrar shall cancel the registration of a political party if satisfied that the political party—

- (a) is in breach of the provisions of sections 14, 30 and 31 or of a provision of its own constitution;
- (b) has not complied in a material particular with the provisions of sections 14 and 30;
- (c) obtained its registration in a fraudulent manner;
- (d) instigated or participated in the commission of an election offence;
- (e) has not, for each of the two previous general elections secured at least five percent of the national vote; or
- (f) has used moneys allocated to it for purposes not allowed under section 30 (2).

(2) The Registrar shall, before he cancels the registration of a political party, inform the political party, in writing, of the intention to cancel the registration and direct the political party to, within ninety days, remedy the breach or comply with the provisions of this Act.

27. Where the registration of a political party is cancelled under this Act or by virtue of decisions taken under any other law, no person shall—

Effect of cancellation of registration.

- (a) summon a meeting of members or officers of the political party;
- (b) attend or make a person attend a meeting in the capacity of a member or officer of the political party;
- (c) publish a notice or advertisement relating to a meeting of the political party;
- (d) invite persons to support the political party;
- (e) make a contribution or loan to funds held or to be held by or for the benefit of the political party or accept a contribution or loan; or
- (f) give a guarantee in respect of such funds.

PART V—FUNDING AND ACCOUNTS OF POLITICAL PARTIES

28. There is established a Fund to be known as the Political Parties Fund, which shall be administered by the Registrar.

Political Parties Fund.

29. (1) The sources of the Fund are—

Sources of moneys in the Fund.

- (a) such funds as may be provided by the Minister of Finance in the annual estimates; and
- (b) contributions and donations to the Fund from any other source.

(2) The moneys in the Fund not immediately required for payment to political parties shall be invested in such securities as may be approved by Treasury.

30. (1) Moneys allocated to a registered political party from the Fund may be used for purposes compatible with democracy including—

Purposes of the Fund.

- (a) promoting active participation by individual citizens in political life;
- (b) covering the election expenses of the political party and the

broadcasting of the policies of the political party;

- (c) ensuring continuous vital links between the people and organs of State;
- (d) the organization by the political party of civic education in democracy and other electoral processes;
- (e) bringing the party's influence to bear on the shaping of public opinion; and
- (f) not more than twenty-five per cent for the administrative expenses of the party.

(2) Moneys allocated to a registered political party from the Fund shall not be used—

- (a) for paying directly or indirectly remuneration, fees, rewards, or any other benefit to a member or supporter of the political party;
- (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, except where the right or interest in the immovable property is to be used by the party solely for ordinary party political purposes; or
- (d) for any other purpose incompatible with the promotion of a multiparty democracy and the electoral processes.

(3) The Fund shall be distributed as follows—

- (a) fifteen percent shall be distributed equally among political parties;
- (b) eighty percent shall be distributed proportionately by reference to the total number of votes secured at the last general election by each political party's presidential, parliamentary and civic candidates; and
- (c) five per cent for the administration expenses of the Fund:

Provided that—

- (i) where a presidential candidate is supported by more than one political party, only the votes cast for parliamentary and civic candidates of the respective parties shall be taken into account in calculating the amount payable to the respective parties; and
- (ii) in the case of a political party with corporate member parties which opt for joint nomination of parliamentary and civic candidates, its share of the Fund under paragraph (b) shall be further distributed proportionately to the member parties in reference to the total number of votes secured at the last general election by each parliamentary and civic candidate belonging to the party.

(3A) For the purposes of paragraph (ii) of the proviso to subsection (3), a political party with corporate member parties which opt for joint nomination of parliamentary or civic candidates shall, on the date for the nomination of candidates, indicate to the Commission the party to which each candidate belongs.

(4) No political party shall benefit from the Fund if its registered national office bearers do not reflect at least a third of either gender.

31. (1) The sources of other funds for a political party are—

Other sources of funds.

- (a) membership fees;
- (b) voluntary contributions;
- (c) donations, bequests and grants from any other source, not being a foreign government, inter-governmental or non-governmental organization; and
- (d) the proceeds of any investment, project or undertaking in which the political party has an interest.

(2) A political party shall disclose to the Registrar full particulars of all funds or other resources obtained by it from any source.

(3) Subject to subsection (4) no person shall, in any one year, contribute to a political party an amount, whether in cash or kind, exceeding five million shillings, and, in addition to any penalty that may be imposed under section 41 against a person who contravenes this subsection, any amount in excess of five million shillings or its equivalent value in kind contributed by that person shall be forfeited to

the State and the political party to which it was paid shall, on demand, pay it to the State:

Provided that the Registrar may, on request, allow a person to contribute an amount exceeding five million shillings.

(4) Subsection (3) shall not apply to any contribution or donation whether in cash or kind, made by any founding member of the political party as his contribution to the initial assets of the party within the first year of its existence.

(5) An alien shall not directly or indirectly make a contribution, donation or loan, whether in cash or in kind to the funds to be held by or for the benefit of a political party and no political party shall demand or accept a contribution, donation or loan from an alien.

(6) In addition to any other penalty imposed in relation to a contravention of subsection (5)—

- (a) any amount, whether in cash or in kind paid contrary to subsection (5) shall be forfeited to the State and the political party or any person in whose custody the amount is for the time being, shall pay it to the State; and
- (b) the alien concerned shall be deemed to be a prohibited immigrant and if resident in Kenya, shall be liable to deportation under the Immigration Act.

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(7) An official of a political party or other person liable to disclose to the Registrar, on behalf of a political party, the funds or other resources of that political party, who fails to disclose to, or gives false information in relation to the funds or resources obtained by the political party from sources outside Kenya, commits an offence and shall on conviction be liable to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given, or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

32. (1) A political party shall, after it has been registered as a participant in an election pursuant to the provisions of the National Assembly and Presidential Elections Act, within ninety days before the election, submit to the Registrar a statement of its assets and liabilities in the prescribed form.

(2) A political party which has participated in an election shall, within ninety days after that election, submit to the Registrar a detailed statement, in the prescribed form, of all expenditure incurred in respect

Declaration of assets, liabilities and expenditure in relation to elections.

of each candidate supported by that political party specifying the manner in which any money was spent.

(3) Any statement required to be submitted under this section shall be supported by a statutory declaration made by the general or national secretary of the political party and the national treasurer of that party.

(4) Without prejudice to any other penalty provided in this Act or in any other written law, the Registrar shall cancel the registration of a political party which—

(a) refuses or neglects to comply with this section; or

(b) submits a statement which is false in any material particulars.

33. (1) A political party shall, within three months of its financial year, publish the sources of its funds stating— Publishing sources of funds.

(a) the amount of money received from the Political Parties Fund;

(b) the amount of money received from its members and supporters, and

(c) the amounts and sources of the donations given to the party.

34. (1) The accounts of every political party shall be audited by the Auditor-General annually and shall be forwarded to Parliament and the Registrar: Audit of political parties' accounts.

Provided that the Registrar may at any time request the Director of Internal Audit to carry out an audit of the accounts of a political party.

(2) Any person shall be entitled, upon payment of a fee prescribed by the Commission to inspect and, if that person so requests, be issued copies of the audited accounts filed by a political party.

(3) The Registrar shall publish an annual report on the audited accounts of every political party.

PART VI—GENERAL PROVISIONS

35. (1) Every political party shall maintain at its head office or national office in a form approved by the Registrar, an accurate and Records of political party.

permanent record of—

- (a) a register of its membership;
- (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 political party;
- (c) particulars of any property that belongs to the political party and the time and mode of acquisition of the property;
- (d) a statement of its accounts, kept in books of account approved by the Registrar and in accordance with the principles of accounting having regard to the purpose of this Act, 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 political party which are conducted through, by or with the head or national office of the political party; and
- (e) such other relevant particulars as the Registrar may prescribe.

(2) A political party shall maintain at each of its district offices an accurate and permanent record in relation to the requirements under subsection (1) of the matters relating to the district and constituencies comprised in the district.

Duty of political party to inform Registrar.

36. (1) The Registrar may, in writing, request any office bearer of a political party to furnish for inspection by the Registrar, the records, or any of them, required to be maintained under section 35, or such other information as is reasonably required by the Registrar to enable him to ensure that the provisions of this Act are complied with.

(2) The Registrar may make copies of or take extracts from any records or other information furnished to it under this section.

(3) A political party or an office-bearer shall comply with any request made by the Registrar under subsection (1).

Protection of Commission and Registrar.

37. No suit shall lie against the Registrar or the Commission for anything done or omitted to be done in good faith and without negligence in the performance of any function under this Act.

Public meetings of political party.

38. A political party intending to hold a public meeting in any area shall comply with the provisions of the existing laws relating to public meetings for the time being in force.

39. The Registrar shall cancel the registration of a political party, which has been declared to be a prohibited organization under the provisions of any other law, and the provisions of section 20 shall apply to that party.

Cancellation of registration of organizations declared to be prohibited organizations.

40. Where a provision of this Act requires the Commission or the Registrar to publish anything in the Gazette, the Commission or the Registrar may, in addition to or in exceptional circumstances in lieu of such publication, cause it to be published in a daily newspaper having a nationwide circulation and the provisions of this Act shall have effect accordingly.

Gazette Notices.

41. (1) A political party which or person who contravenes a provision of this Act, commits an offence.

Penalties.

(2) A person who, in furnishing particulars or information required to be furnished by a political party or by him under this Act, makes a statement which he knows to be false or which that person has no reason to believe to be true, or recklessly makes a false statement, commits an offence.

(3) An offence under this Act shall, unless otherwise specifically provided for, be punishable by a fine not exceeding five hundred thousand shillings or a term of imprisonment not exceeding two years or both such fine and imprisonment.

(4) Where an offence under this section is committed by a political party, every officer of that political party shall also be deemed to have committed the offence.

(5) Where an offence under this section is committed by a body of persons other than a political party—

(a) in the case of a body corporate other than a partnership, every director and the secretary of the body corporate shall also be deemed to have committed the offence; and

(b) in the case of a partnership, every partner shall be deemed to have committed the offence.

(6) A person shall not be guilty of an offence by virtue of subsection (4) or (5) if that person proves to the satisfaction of the court or tribunal that the act in respect of which such person is charged was committed by a person other than himself, and was without his consent or connivance, and that he exercised all diligence to prevent the commission of that act as he ought to have exercised, having regard

to all the circumstances.

Winding up political party.

42. Upon the cancellation of the registration of a political party or its declaration as a prohibited organization under any law, the Attorney-General shall make an application for the winding up and dissolution of that political party, and the disposition of the property, assets, rights and liabilities of the political party and the High Court shall make such orders as appear to it to be just and equitable in the circumstances of the case.

Regulations.

43. (1) The Commission may make regulations for the purpose of carrying out or giving effect to provisions of this Act.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Commission may make regulations—

- (a) prescribing the manner of registration of political parties under this Act;
- (b) regulating or restricting the use or changes of names of political parties;
- (c) prescribing the forms, which may be used for carrying out the provisions of this Act.
- (d) for securing the submission to the Registrar of accounts relating to the assets and liabilities, income and expenditure of political parties;
- (e) prescribing the fees in respect of anything to be done under this Act;
- (f) requiring the submission to the Commission of annual or other periodical returns relating to the constitution, objects and membership of political parties;
- (g) prescribing the rate and manner in which funding may be granted to political parties;
- (h) prescribing and regulating the forms to be used and the procedure to be followed in the winding-up of any political party; or
- (i) prescribing anything which is required to be prescribed or is necessary to give effect to this Act.

PART VII—TRANSITIONAL PROVISIONS

44. (1) A political party, which has been duly registered as a society under the provisions of the Societies Act and is in existence at the commencement of this Act (hereinafter called “the Original Party” shall, in the prescribed manner, apply to the Registrar for full registration under section 23 (1) within one hundred and eighty days after the commencement of this Act, or before such date, or within such extended period as the Registrar may either generally or in any particular case allow, and, notwithstanding anything contained in this Act, no such Original Party shall be deemed to be an unlawful political party until that period or extended period has lapsed.

Transitional provisions relating to existing political parties.
Cap. 108.

(2) An Original Party, which has not applied for registration under subsection (1), shall be deemed to be an unlawful political party:

Provided that an Original Party in respect of which—

- (i) an application for full registration has been fully and lawfully made by it under the provisions of subsection (1) and has not been refused; or
- (ii) an appeal has been lawfully made under section 6 and remains undetermined,

shall not be deemed to be an unlawful political party pending such refusal or determination and shall be entitled to enjoy the rights and privileges of a provisionally registered political party.

(3) Where an Original Party does not apply for registration within the time stipulated under subsection (1), that Original Party shall be deemed to have ceased to qualify for registration under this Act and thereupon the provisions of section 27 of this Act shall apply to the Original Party in default.

(4) Upon the full registration of an Original Party under this Act, all the funds, assets and other property, movable and immovable, which immediately before such registration were held by that Original Party or on its behalf shall, vest in the fully registered political party in its corporate capacity (hereinafter referred to as “the New Party”).

(5) A public officer having the power or duty to effect or amend any entry in a register relating to property, or to issue or amend any certificate or other document effecting or evidencing title to property, shall, without payment of fee or other charge and upon request by or on behalf of the New Party, do all such things as are by law necessary to give final effect to the transfer of the property mentioned in subsection (4).

(6) All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before coming into operation of subsection (4) were vested in, imposed on or enforceable by or against the Original Party shall, be transferred to, vested in, imposed on or be enforceable by or against the New Party.

(7) On the coming into operation of subsection (4) all actions, suits or legal proceedings pending by or against the Original Party shall be carried on or prosecuted by or against the New Party and no such suit action or legal proceedings shall abate or be prejudicially affected by the coming into operation of subsection (4).

(8) The officers, members and servants of the Original Party in office on the day of coming into operation of subsection (4) shall be deemed to be the duly appointed officers, members and servants of the New Party and shall accordingly be subject to the disciplinary provisions relating to the New Party, from time to time in force.

SCHEDULE

(S.19)

MATTERS FOR WHICH PROVISION SHALL BE MADE IN THE CONSTITUTION OR RULES OF A POLITICAL PARTY

1. The name of the Party and any abbreviation (if used.)
2. The objects of the political party.
3. The situation of the registered office of the party.
4. The eligibility for membership of the party.
5. The admission and resignation of members.
6. The rights and duties of members.
7. Disciplinary measures against members and the methods and procedures for their suspension or expulsion from the party, including the reasons for such measures and in the cases of suspension and expulsion from the party stating of the justification for the decision taken.
8. The general organization of the party.
9. The district organizations, of the party and their functions.
10. Disciplinary measures against district branches.
11. Composition and powers of the governing body and other organs.

12. Titles of officers, their terms of office and the method of their election, appointment, dismissal and suspension.
13. The authority for and the method of filling vacancies on committees.
14. The frequency of, quorums for and dates of general meetings of the members of the party.
15. The rates of entrance and subscription fees (if any) for party membership.
16. The custody and investment of the funds and property of the party, and the designation of the persons responsible for them.
17. The purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members.
18. The inspection of the books and list of members of the party by any member or officer.
19. The annual or periodical audit of accounts.
20. The formation of district branches.
21. The manner of amending the name, constitution or rules of the party.
22. The manner of the dissolution of the party and the disposal of its property on dissolution.
23. Matters which may only be decided upon by a meeting of party members or, as the case may be, of district representatives.
24. The preconditions, form and time limits for convening meetings of party members and district representatives and the official recording of the resolutions passed at such meetings.
25. Which district branches (if any) and other organs of the party are authorized to submit or sign election proposals for elections to Parliament or any local authority where there are no other relevant legal provisions.
26. The form and details of a financial structure, which satisfies the provisions of this Act.
27. Polling of members and the procedures to be adopted when there is a vote on a poll passing a resolution for the dissolution of the party or of a district branch.
28. Democratic practices that cover gender, nomination and human rights.

[Subsidiary]

L.N. 111/2008.

SUBSIDIARY LEGISLATION**THE POLITICAL PARTIES (REGISTRATION)
REGULATIONS, 2008**

Citation. 1. These Regulations may be cited as the Political Parties (Registration) Regulations, 2008.

Interpretation. 2. In these Regulations, unless the context otherwise requires—

“financial year” means the period of twelve months ending on the thirtieth June in every year;

“register” means the register of particulars of political parties kept by the Registrar;

“registered political party” means a political party provisionally or fully registered under the Act.

Applications for provisional registration of a political party.

3. (1) An application for provisional registration of a proposed political party under section 18 of the Act shall be in Form PP. 1 set out in the First Schedule and shall be submitted in duplicate together with—

(a) two copies of the constitution and rules of the political party;

(b) a declaration in support of the application in Form PP. 2 set out in the First Schedule;

(c) the name, emblem, motto and any other marks or features of the proposed political party which shall be distinct from, and bear no resemblance to that of any other political party which has already been registered.

(2) The Registrar shall, on receipt of an application under paragraph (1), scrutinize it and shall, within thirty days of such receipt, issue a certificate of provisional registration on payment by the applicant of the fees specified in the Second Schedule, if satisfied that the prescribed conditions for registration have been fulfilled.

(3) The certificate of provisional registration of a political party shall be in Form PP. 3 set out in the First Schedule.

Application for full registration of a political party.

4. (1) An application for full registration of a political party shall be in duplicate in Form PP. 4 set out in the First Schedule, and shall be submitted to the Registrar in duplicate together with a declaration by two office bearers of the proposed political party in support of the application in Form PP. 5 set out in the First Schedule.

(2) The Registrar shall, on receipt of an application under paragraph (1), scrutinize it and may issue a certificate of full registration on payment by the applicant of the fees specified in the Second Schedule, if he is satisfied that the conditions prescribed for full registration have been fulfilled.

(3) The certificate of full registration of a political party shall be in Form PP.6 set out in the First Schedule.

(4) Where an application is made for full registration of a political party, the applicants shall surrender the certificate of provisional registration to the Registrar, unless they account for its absence to his satisfaction by way of an affidavit and a police abstract.

5. (1) Where an office bearer of a registered political party ceases to hold office, or a person is appointed to be an office bearer of a registered political party, the political party shall, within thirty (30) days, send notice thereof to the Registrar. Notice of change of office bearers.

(2) A notice under paragraph (1) shall be in duplicate in Form PP. 7 set out in the First Schedule.

6. (1) Where a registered political party changes the location of its head office or changes its postal address, it shall, within fourteen days of such change, send notice thereof to the Registrar. Notice of change of location of head office or postal address.

(2) A notice under paragraph (1) shall be in duplicate in Form PP. 8 or Form PP. 9, as the case may be, set out in the First Schedule.

7. (1) A notification by a registered political party of its intention to change its name, abbreviated name, distinguishing mark or symbol shall be in duplicate in Form PP.10 set out in the First Schedule, and the Registrar shall, in writing, notify the applicant of his decision thereon. Notification of changes, alterations in name, constitution etc. of political party.

(2) The Registrar may refuse to register a change in the name of a registered political party, where the proposed name—

- (a) is identical to that of any other registered political party; or
- (b) so nearly resembles the name of another registered political party as, in the opinion of the Registrar, is likely to deceive, mislead or confuse the public or the members of either party; or
- (c) is in the opinion of the Registrar, undesirable; or
- (d) is prohibited under section 20 of the Act or under any other written law.

Provided if for historical reasons the names resemble the names shall be allowed.

(3) A notification by a registered political party of its intention to change any of the provisions of its constitution, rules or regulations shall, be made in duplicate in Form PP. 11 set out in the First Schedule.

(4) The Registrar shall, prior to refusing to effect a change under this regulation, notify his intention and reasons to the political party concerned and

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shall give the political party an opportunity to submit reasons, if any, why the application should not be refused.

(5) Where the name of a registered political party is changed, the Registrar shall issue a fresh certificate or registration upon the original certificate being surrendered to him unless its absence is accounted for to his satisfaction by way of an affidavit and a police abstract.

Approval of change.

8. A notification to the Registrar under regulations 5 or 7 shall be accompanied by a copy of the minutes of the meeting at which the resolution to effect the change was passed, certified as a true copy by three of the office bearers of the political party.

Register of particulars of political parties.

9. (1) The register of political parties required to be kept under section 4 of the Act shall be in Form PR.1 set out in the Third Schedule.

(2) The Registrar shall record in the register all registration, changes of the registered names, abbreviated names, distinguishing marks or symbols of parties and cancellations of registrations.

(3) The Registrar may remove a political party's entry from the register—

(a) in the case of a party that has been registered provisionally and has not applied for full registration, one hundred and eighty days after that registration; or

(b) on cancellation of the registration of a political party.

(4) On payment of the prescribed fee, any person may inspect the register and any other documents relating to any political party lodged under this Act, and may obtain from the Registrar a copy of any document.

Correction of information.

10. If the Registrar determines that the requirements of the regulations have not been met, he shall inform the applicant of the proposed political party and require him to correct any information within fourteen days of such notification.

Annual Accounts.

11. (1) Every fully registered political party shall submit to the Registrar, not later than six months after the end of financial year, a copy of an audited statement of accounts and the auditor's report on those accounts.

(2) The Accounts referred to in paragraph (1) shall be accompanied by a statement in duplicate in Form PP. 12 set in the First Schedule.

Returns and reports.

12. (1) Every fully registered political party shall submit to the Registrar annually a return related to its Constitution, objects, office bearers, membership and finances which shall be accompanied by a resolution of the annual general meeting in support thereof.

(2) The Registrar may, at any time, require a party to submit to him a return or report relating to the constitution, objects, office-bearers and

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membership as well as the finances of the party.

(3) Every office-bearer and every person managing or assisting in the management of a party shall forthwith comply with any requirement made by the Registrar under paragraph (2).

13. Every notice, application, statement or other document required under the Act or these Regulations to be furnished or sent to the Registrar shall be signed by at least two office-bearers of the political party concerned. Notices to be signed by office bearers.

14. Any notice which the Registrar is required under the Regulations to give to any political party shall be deemed to have been given to the party if sent by registered post addressed to the party at its postal address. Notices by Registrar to be sent by registered post.

15. In the event of a breach of political party of any provision of these Regulations, every office-bearer of the party concerned shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings, or to imprisonment for a term not exceeding six months, or to both. Offences and penalties.

16. Where under section 26 or 39 of the Act the Registrar cancels the registration of a political party, he shall give notification of the cancellation to the party in Form PP. 13 set out in the First Schedule. Notification of cancellation of registration of a political party.

FIRST SCHEDULE

FORM PP. 1

(r. 3 (1))

APPLICATION FOR PROVISIONAL REGISTRATION OF A POLITICAL PARTY

Application is hereby made for provisional registration of (Name of political party) (Hereinafter called "the party") under the Political Parties Act, 2007.

1. The principal office of the party is situated at

2. The postal address of the party is

3. The titles, names, and postal addresses of the proposed office bearers

4. The abbreviation of the proposed party is

5. We annex hereto marked "A" two true copies of the constitution and or rules of the party and the proposed emblem. Provision has been made in the constitution or rules of the political party for the following matters in accordance with section (19) (1) of the Act.

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	<i>Matters to be set forth in the constitution or rules</i>	<i>Number of the rule under which provision is made for each matter</i>
1.	The name of the party and any abbreviation (if used).	
2.	The objects of the political party.	
3.	The situation of the registered office of the party.	
4.	The eligibility for membership of the party.	
5.	The admission and resignation of members.	
6.	The rights and duties of members.	
7.	Disciplinary measures against members and the methods and procedures for their suspension or expulsion from the party, including the reasons for such measures, and in the case of suspension or expulsion from the party, stating the justification for the decision taken.	
8.	The general organization of the party.	
9.	The district organizations of the party and their functions.	
10.	Disciplinary measures against district/constituency branches.	
11.	Composition and powers of the governing body and other organs.	
12.	Titles of officers, their terms of office and the method of their election, appointment, dismissal and suspension.	
13.	The authority for and the method of filling vacancies on committees.	
14.	The frequency of, quorums for, and dates of general meetings of the members of the party.	
15.	The rates of entrance and subscription fees (if any) for party membership.	
16.	The custody and investment of the funds and property of the party, and the designation of the persons responsible for them.	
17.	The purposes for which the funds may be used, and in particular the prohibition against the distribution of funds among members.	
18.	The inspection of the books and list of members of the party by any member or officer.	
19.	The annual or periodical audit of accounts.	

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20.	The formation of district/constituency branches.	
21.	The manner of amending the name, constitution or rules of the party.	
22.	The manner of the dissolution of the party and the disposal of its property on dissolution.	
23.	Matters which may only be decided upon by a meeting of party members or, as the case may be, of district representatives.	
24.	The pre-conditions, form and time limits for convening meetings of party members and district representatives and the official recording of the resolutions passed at such meetings.	
25.	Which district/constituency branches (if any) and other organs of the party are authorized to submit or sign election proposals for elections to Parliament or any local authority where there are no other relevant legal provisions.	
26.	The form and details of a financial structure, which satisfies the provisions of this Act.	
27.	Polling of members and the procedures to be adopted when there is a vote on a poll passing a resolution for the dissolution of the party or of a district/constituency branch.	
28.	Democratic practices that cover gender, nomination and human rights.	

6. We annex hereto marked "B" a declaration in Form PP.2 in support of this application.

<i>Name</i>	<i>ID/Passport No.</i>	<i>Signature</i>
1.		
2.		

Dated

NOTE: The attention of applicants is drawn to the need to complete and submit form PP. 2

[Subsidiary]

FORM PP. 2

(r. 3(1))

DECLARATION IN SUPPORT OF AN APPLICATION FOR PROVISIONAL REGISTRATION OF A POLITICAL PARTY

We, the founding members, whose signatures are subscribed hereto, do hereby solemnly declare as follows—

- 1. That the constitution or policy of our party—
(a) does not advocate or further the interests of—
(i) any religious belief or group; or
(ii) any tribal, ethnic or racial group or gender; or
(iii) only a particular area within Kenya.
(b) does not accept or advocate the use of force or violence as a means of attaining its political objectives.
(c) does not advocate or aim to carry on its political objectives exclusively in one part of Kenya.

2. That the party will carry out periodic and democratic elections of its leadership as provided in the constitution submitted with the application for provisional registration.

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20

Names and signatures of three founding members

- 1. Name
Signature
ID/Passport No.
2. Name
Signature
ID/Passport No.
3. Name
Signature
ID/Passport No.

In the presence of a
Commissioner of Oaths/Magistrate

FORM PP. 3

r. 3(3)

Serial No.

CERTIFICATE OF PROVISIONAL REGISTRATION OF A POLITICAL PARTY

I hereby certify that has this day been provisionally registered as a political party under the Political Parties Act, 2007

Dated this day of 2007

This certificate is valid for one hundred and eighty days from the date of issue.

.....

REGISTRAR OF POLITICAL PARTIES.

Official Stamp

FORM PP. 4

(r. 4(1))

APPLICATION FOR FULL REGISTRATION OF A POLITICAL PARTY

Application is hereby made for full registration of

.....

(Name of the party) as a political party under the Political Parties Act, 2007.

- 1. The political party has been provisionally registered under Certificate of Provisional Registration No which is annexed hereto, marked "A" or is an original party registered under the Societies Act and the Certificate Registration Number is Which is annexed hereto and marked "A" (*delete as applicable*)
- 2. The party has fulfilled all the conditions as regards:
 - (a) Obtained not less than two hundred members who are registered as voters for the purposes of parliamentary elections from each province;
 - (b) On its governing body, a member from each province ordinarily resident to vote in such province;
 - (c) Submitted a list of the names, addresses and identification particulars of at least one founding member of the political party ordinarily resident in each district and such other particulars as the Registrar may prescribe;
 - (d) Submitted to the Registrar the exact location of its head office, which shall

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be its registered office within Kenya, and a postal address to which notices and other communication may be sent, together with the exact locations and addresses of its district offices if any;

- (e) The nomination and disposition of the party leadership, as stated in our declaration in Form PP.5 which is annexed hereto, marked “B”.
- (f) We annex hereto, marked “C”, two true copies of the revised constitution and rules of the party (*where applicable*);

Dated this day of 20

Names and signatures of three officials

- 1. Name Signature
ID/Passport No.
- 2. Name Signature
ID/Passport No.
- 3. Name Signature
ID/Passport No.

FORM PP. 5

(r. 4 (1))

DECLARATION IN SUPPORT OF AN APPLICATION OR FULL REGISTRATION OF A POLITICAL PARTY

..... (Name of the political party)

We, the applicants whose signatures are subscribed hereto do hereby solemnly declare as follows—

- 1. The political party in respect of which we seek full registration has been provisionally registered and the provisional registration is subsisting.
- 2. The party has obtained not less than two hundred members who are registered as voters for purposes of parliamentary elections from each province.
- 3. The names of the founding members of the party are indicated in Part II of this Form.
- 4. The no alien has been appointed to any office to be a founding, ordinary or other member of the political party.

[Subsidiary]

PART I

NUMBER OF MEMBERS OF THE POLITICAL PARTY ACCORDING TO PROVINCES

<i>Name of Province</i>	<i>Number of Members</i>
(1)
(2)
(3)
(4)
(5)
(6)
(7)
(8)

Signed by Officials/Applicants

<i>Name</i>	<i>Address</i>	<i>Signature</i>
1. ID/Passport No.
2. ID/Passport No.
3. ID/Passport No.

In the presence of:

Commissioner of Oaths/Magistrate

PART II

PARTICULARS OF FOUNDING MEMBERS OF THE POLITICAL PARTY

<i>Name</i>	<i>Address</i>	<i>Designation</i>	<i>Position Held</i>	<i>Date of Appointment/ Election</i>
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20

[Subsidiary]

Names and signatures of three Founding members

- 1. Name
- Signature
- ID/Passport No.
- 2. Name
- Signature
- ID/Passport No.
- 3. Name
- Signature
- ID/Passport No.

In the presence of:

Commissioner of Oath/Magistrate

PART III

PARTY MEMBERSHIP VERIFICATION*

Name of Province

Name of Member

Age

Sex

Occupation

Profession

Religion

Residence (District, town, village)

Postal Address

.....

Village/Ward or other Local Leader

.....

Party Membership Card No.

Issued (date) at (place)

ID/Passport No.

*Note: These particulars must be given in respect of at least 200 party members per province.

FORM PP. 6

(r. 4(3))

Serial No.

CERTIFICATE OF FULL REGISTRATION OF A POLITICAL PARTY

I here by certify that
has this day been fully registered as a political party under the Political Parties Act, 2007

Dated this day of 20

.....
REGISTRAR OF POLITICAL PARTIES

Official Stamp.

FORM PP. 7

(r.5(2))

NOTICE OF CHANGE OF OFFICE-BEARERS OF A POLITICAL PARTY

Name of political party

1. The following persons have ceased to be office-bearers of the party:

<i>Full name</i>	<i>Designation</i>	<i>Date of Vacating</i>	<i>Office</i>
.....
.....
.....

2. The following persons have been appointed/elected office-bearers of the party

<i>Full name</i>	<i>Designation</i>	<i>Date if Appointment/ Election to Office</i>
1.
2.
3.

Dated this day of 20

<i>Name</i>	<i>Designation</i>	<i>Signature</i>	<i>ID/Passport No.</i>
1.
2.

NOTE: "Office-bearer", in relation to a party, means any person who is the chairman, deputy chairman, secretary or treasurer of that party, or who is a member of the governing or executive body thereof or who holds in the party any office or position similar to any of those offices.

[Subsidiary]

FORM PP. 8

(r. 6 (2))

NOTICE OF CHANGE OF LOCATION OF HEAD OFFICE OF A POLITICAL PARTY

Notice is hereby given that the location of the head office of the political party known as was on the day of 20... .. changed from to

Dated this day of 20

<i>Full Name</i>	<i>Designation</i>	<i>Signature</i>	<i>ID/Passport No.</i>
1.			
2.			
3.			

FORM PP. 9

(r. 6 (2))

NOTICE OF CHANGE OF POSTAL ADDRESS OF A POLITICAL PARTY

Notice is hereby given that the postal address of the political party known as was on the day of 20 changed from to

Dated thisday of 20

<i>Full Name</i>	<i>Designation</i>	<i>Signature</i>	<i>ID/Passport No.</i>
1.			
2.			
3.			

FORM PP. 10

(r.7 (1))

NOTICE OF CHANGE OF NAME OF A POLITICAL PARTY

Notice is hereby made for approval to change the name of the political party known as

to

The reason why this change is desired is

.....

We annex minutes with resolution for change of name.

Dated this day of 20

<i>Full Name</i>	<i>Designation</i>	<i>Signature</i>	<i>ID/Passport No.</i>
1.			
2.			
3.			

FORM PP. 11

(r. 7(4))

NOTICE OF CHANGE OF CONSTITUTION OR RULES OF A POLITICAL PARTY

Notice is hereby given that the political party known as

..... has

changed its Constitution/Rules in the following respects, that is to say:

.....

.....

.....

Dated this day of 20

<i>Full Name</i>	<i>Designation</i>	<i>Signature</i>	<i>ID/Passport No.</i>
1.....
2.....
3.....

[Subsidiary]

FORM PP. 12

(r.11 (2))

RETURN OF ANNUAL ACCOUNTS OF A POLITICAL PARTY FOR THE YEAR ENDED
..... 20

We, the undersigned, being authorized office-bearers of the political party
known as
.....
.....

do hereby submit herewith a copy of the audited statement of accounts for the
year stated above and the auditors' report on those accounts as approved by the
resolution of the Annual General Meeting.

Dated this day of 20

<i>Full Name</i>	<i>Designation</i>	<i>Signature</i>	<i>ID/Passport No.</i>
1.
2.
3.

FORM PP. 13

(r.16)

Serial No.

NOTIFICATION OF CANCELLATION OF THE REGISTRATION OF A POLITICAL PARTY

To
.....

I hereby give you notice that, in exercise of the powers conferred upon me by
section (*indicate applicable section*) of the Political Parties
Act, 2007, I have this day cancelled the registration of the political party known
as

on the ground that
.....
.....

Dated this day of 20

REGISTRAR OF POLITICAL PARTIES

Official Stamp

[Subsidiary]

SECOND SCHEDULE

(r. 3 (2), (4 (2))

FEEs

Matter

Fees (KSh.)

- 1. Application for provisional registration 100,000
- 1. Application for full registration 500,000
- 3. Application for official search 500
- 4. Application for a copy of any certificate or filed document or for a certified extract from the register (per page) 10

THIRD SCHEDULE

FORM PR 1

(r.9)

REGISTER OF PARTICULARS OF POLITICAL PARTIES

FOLIO No.

A. Name of Political Party File No

B. Postal Address of Party

C. Location of Head Office of Party

D. Particulars of Provisional Registration.

Date of receipt of application for provisional registration	Date when application refused or granted (<i>delete as applicable</i>)	Certificate Serial No. (Form PP.3)	Date of issue

E. Particulars of Full Registration of Political Party:

Certificate of full registration serial No (Form PP. 6)	Date of issue	Date of cancellation

F. Change of name of Political Party:

- (i) New name
- (ii) Date of change of name
- (iii) Change of constitution/Rules (date)
- (iv) Change of office bearers

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L.N. 162/2009.

THE POLITICAL PARTIES (FUNDING) REGULATIONS

Citation.

1. These Regulations may be cited as the Political Parties (Funding) Regulations, 2009.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Act” means the Political Parties Act;

” financial year” means the period of twelve months ending on the thirtieth June each year;

“Commission” means the Interim Independent Electoral Commission of Kenya established by section 41 of the Constitution;

“Fund” means the Political Parties Fund established under section 28 of the Act;

“political party” means a political party registered under the Act;

“Registrar” means the Registrar of political parties designated as such under section 3 of the Act.

“workplan” means a schedule showing the activities the political party intends to undertake, their costs and timeframe.

Fund account.

3. (1) The Commission shall open a bank account for the Fund.

(2) Payment of moneys allocated to political parties in accordance with these Regulations shall be made, with the approval of the Commission, out of that bank account.

Management and control of the Fund.

4. (1) The Registrar shall be responsible for the administration and day to day management of the Fund.

(2) The Registrar shall cause to be kept all proper books and records of the income and expenditure of the Fund.

(3) The accounts of the Fund shall be audited and reported upon by the Controller and Auditor General in accordance with the provisions of the Public Audit Act

Allocation from the Fund.

5. Allocation of moneys from the Fund to political parties shall be made—

(a) in accordance with section 30 (3) of the Act; and

(b) on the approval of the annual work plan of the political party.

Declaration of assets upon registration.

6. (1) A political party shall within sixty days after it is issued with a certificate of full registration, submit to the Registrar a statement giving details

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of the assets and liabilities of the political party at the time of registration.

(2) The statement under paragraph (1) shall be in Form PP14 set out in the Schedule.

(3) The statement of assets and liabilities of a political party shall be supported by a declaration made by the signatories to the political parties fund account in Form PP15 set out in the Schedule.

7. An application for allocation of moneys from the Fund shall be in Form PP16 set out in the Schedule. Application for funds.

8. (1) Every fully registered political party shall, at least ninety days before an election, submit to the Registrar a declaration of the assets and liabilities of the political party. Declaration of assets before elections.

(2) The declaration under paragraph (1) shall be in Form PP17 set out in the Schedule.

9. (1) Every fully registered political party participating in an election shall, within ninety days after the elections, submit to the Registrar a declaration of expenditure for each candidate supported by the political party. Declaration of assets after elections.

(2) The declaration under paragraph (1) shall be in Form PP18 set out in the Schedule.

10. (1) Every fully registered political party shall within three months of the financial year, submit to the Registrar a declaration of the sources of the funds of that political party. Sources of Funds.

(2) The declaration under paragraph (1) shall be in Form PP19 set out in the Schedule.

11. (1) The Secretary-General of a political party which is allocated moneys from the Fund shall Accounting officer.

(a) be the accounting officer of the political party with respect to the moneys allocated from the Fund;

(b) be one of the two signatories to the bank account of the funds allocated to the political party;

(c) account for the moneys allocated to that political party;

(d) ensure that the political party complies with these Regulations; and

(e) in addition to any other duties imposed by the Act and these Regulations ensure that the money allocated to the political party is not used for a purpose not authorized by the Act.

(2) The accounting officer shall keep separate books and records of accounts in the prescribed manner, in respect of the funds of the political

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party and all transactions for each financial year for which moneys have been allocated from the Fund.

Bank account.

12. (1) Every political party to which moneys are allocated from the Fund shall—

- (a) open a banking account with a bank registered in Kenya, for the funds allocated to the political party; and
- (b) appoint one other party official as a signatory to the bank account.

SCHEDULE

FORM PP. 14

(r. 6 (2))

STATEMENT OF ASSETS AND LIABILITIES UPON REGISTRATION
OF A POLITICAL PARTY

NAME OF POLITICAL PARTY.....

CERTIFICATE NO.....

STATEMENT OF ASSETS AND LIABILITIES AS OF.....

.....

(This date being Sixty Days from date of full registration)

CURRENT ASSETS

Cash on Hand

Cash on Deposit

Accounts Receivable

Bonds, Stocks, Other Investments

Inventory

Other (Describe)

TOTAL CURRENT ASSETS

LONG TERM ASSETS

Investments

Furniture And Fixtures

Office Equipment

Land And Buildings

Others (Describe)

LONG TERM ASSETS

TOTAL ASSETS

A

CURRENT LIABILITIES

Accounts Payable	
Wages, Salaries Payable	
Short Term Loans Payable	
Others (Describe)	
TOTAL CURRENT LIABILITIES	

LONG-TERM LIABILITIES

Long Term Loans Payable		
Others (Describe)		
LONG TERM LIABILITIES		B
TOTAL LIABILITIES		C
SURPLUS/DEFICIT (A-FIC)		

ITEMIZED DETAILS OF SOURCES OF ASSETS AND LIABILITIES

(1) CURRENT ASSETS

Particulars	Name of Contributor	Address	Amount (KSh.)	Date Received
Cash on Hand	(a)			
	(b)			
Cash on Deposit	(a)			
	(b)			
Accounts Receivable	(a)			
	(b)			
Other (Describe)	(a)			
	(b)			

(2) LONG-TERM ASSETS

Particulars	Name of Contributor	Address	Amount (KSh.)	Date Received
Investments	(a)			
	(b)			
Furniture And Fixture	(a)			
	(b)			
Office Equipment	(a)			
	(b)			
Other (Describe)	(a)			
	(b)			

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(3) CURRENT LIABILITIES

<i>Particulars</i>	<i>Name of Contributor</i>	<i>Address</i>	<i>Amount (KSh.)</i>	<i>Date Received</i>
Accounts Payable	(a)			
	(b)			
Wages And Salaries	(a)			
	(b)			
Short Term Loans	(a)			
	(b)			
Others (Describe)	(a)			
	(b)			

(4) LONG-TERM LIABILITIES

<i>Particulars</i>	<i>Name of Contributor</i>	<i>Address</i>	<i>Amount (KSh.)</i>	<i>Date Received</i>
Long Term Loans	(a)			
	(b)			
Others (Describe)	(a)			
	(b)			

STATEMENT OF INCOME AND EXPENDITURE

INCOME

Membership Fees		
Dividends on Shares		
Rent Received		
Profit on Sale of Assets		
Others (Describe)		
TOTAL INCOME		A

EXPENDITURE

Salaries		
Rent Paid		
Transport		
Electricity Bill		
Stationary, Printing, Photocopying		
Others (Describe)		
TOTAL EXPENDITURE		B
		C

SURPLUS/DEFICIT (A – B)

[Subsidiary]

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20.....

Name and signatures of two party officials

1. Name
 Signature
 ID/Passport No

2. Name
 Signature
 ID/Passport No

In the presence of a

Commissioner of Oaths/Magistrate

FORM PP. 15

(r. 6 (3))

DECLARATION OF SIGNATORIES TO POLITICAL PARTIES FUND ACCOUNT

PART A: ADMINISTRATIVE INFORMATION

Name of Political Party:	
Full Name of Treasurer:	
Address	ID. No.
Full Name of Secretary General:	
Address	ID. No.

PART B:

(to be used only for the Political Parties Fund Account)

Account Number	
Name of Signatories to Account	(1) (2)
Full Name of Bank	
Address	
Town/Branch	

[Subsidiary]

Account Number	
Name of Signatories to Account	(1) (2)
Full Name of Bank	
Address	
Town/Branch	

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20.....

Name and signatures of two party officials

1. Name
- Signature
- ID/Passport No
2. Name
- Signature
- ID/Passport No

In the presence of a

Commissioner of Oaths/Magistrate

FORM PP. 16

(r. 7 (1))

APPLICATION FOR FUNDING OF A POLITICAL PARTY

A. Party Information:

1. Date of application:
2. Name of Party:
3. Registration No:
4. Physical Address:
5. Current Address:
6. Tel No: Fax:
7. Website URL: Email:

[Subsidiary]

B. *Contact Information:*

(Please provide contact information of person responsible for programme/project)

- 1. Name:
- 2. Title:
- 3. Tel No: Fax:
- 4. Email:

C. *Expenditure Information:*

1. Please list the project's budget expense items to be supported by this fund:

<i>Type of Expense</i>	<i>Amount</i>	<i>Purpose</i>
TOTAL		

D. ENCLOSURES:

- Original copy of all required forms
- Work Plan

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20.....

Names and signatures of two party officials

- a. Name
- Signature
- ID/Passport No
- b. Name
- Signature
- ID/Passport No

In the presence of a

Commissioner of Oaths/Magistrate

[Subsidiary]

FORM PP. 17

(r. 8 (2))

DECLARATION OF ASSETS AND LIABILITIES OF POLITICAL PARTY

NAME OF POLITICAL PARTY..... CERTIFICATE NO

STATEMENT OF ASSETS AND LIABILITIES AS OF.....
(This date being Ninety Days before date of Election)

CURRENT ASSETS

Cash on Hand	
Cash on Deposit	
Accounts Receivable	
Bonds, Stocks, Other Investments	
Inventory	
Other (Describe)	

TOTAL CURRENT ASSETS

FIXED ASSETS

Investments	
Furniture And Fixtures	
Office Equipment	
Land And Buildings	
Others (Describe)	

TOTAL FIXED ASSETS

TOTAL ASSETS

CURRENT LIABILITIES

Accounts Payable	
Wages, Salaries Payable	
Loans Payable	
Others (Describe)	

TOTAL CURRENT LIABILITIES

LONG-TERM LIABILITIES

Loans Payable	
Others (Describe)	

TOTAL LONG TERM LIABILITIES

TOTAL LIABILITIES

SURPLUS/DEFICIT (A-B)

STATEMENT OF INCOME AND EXPENDITURE AS AT

INCOME

Membership Fees	
Dividends on Shares	
Rent Received	
Profit on Sale of Assets	
Others (Describe)	
TOTAL INCOME	

EXPENDITURE

Salaries	
Rent Paid	
Transport	
Electricity Bill	
Stationary, Printing, Photocopying	
Others (Describe)	
TOTAL EXPENDITURE SURPLUS/DEFICIT (A—B)	

This declaration is made to the best of our knowledge, information and belief.

Made this day of 20.....

Name and signatures of two party officials

1. Name

Signature

ID/Passport No

2. Name

Signature

ID/Passport No

In the presence of a

Commissioner of Oaths/Magistrate

[Subsidiary]

FORM PP. 18

(r. 9 (2))

DECLARATION OF EXPENDITURE AFTER ELECTIONS FOR EACH CANDIDATE
SUPPORTED BY A POLITICAL PARTY

NAME OF POLITICAL PARTY.....CERTIFICATE NO.....

Details of Candidate

Name of Candidate Supported:		
Membership No:	I.D. No:	
Constituency/Ward:		
Telephone No:	Address:	
Email:		

ITEMIZED DETAILS OF INCOME AND EXPENDITURE INCURRED IN
RELATION TO THE ELECTION

<i>Source of Income</i>	<i>Details of Expenditure Incurred Before & During Elections</i>	<i>Amount</i>
(Examples are given below)	(details to whether the expenditure was incurred before or during the election period)	
(A) Members contribution	Broadcasting an election-related advertisement e.g. a television or radio advertisement Publishing an advertisement in a journal (including papers and magazines)	
	Displaying an election-related advertisement at a place of entertainment (e.g. cinema)	
	Production of any advertisement which is broadcast, published or displayed as above (even if such production is done outside the election period)	
(B) Donation from...	Producing and distributing electoral matter addressed to particular persons or organizations (e.g. mail-outs to households)	
	Consultant's or advertising agent's fees for services provided during election period	
	Costs of carrying out an opinion poll or other research related to the election	
	Transport costs to the polling stations	
	<i>Include others (describe)</i>	
	TOTAL OF ALL EXPENDITURE	

DECLARATION OF CANDIDATE

I certify that the information contained in this return and its attachments is true, complete and accurate in every particular, that no other expenditure of any kind to be disclosed were incurred on my behalf and that the relevant records required to be kept have been kept and will, if requested for, be made available for inspection at (being the party offices)

Signature of Candidate Date

This declaration is made to the best of our knowledge, information and belief.

Made this..... day of.....20.....

Name and signatures of Secretary General and Treasurer

1. Name

Signature

ID/Passport No.....

2. Name

Signature

ID/Passport No.

In the presence of a

Commissioner of Oaths/magistrate

This declaration must be lodged within ninety days after polling day in the election and any relevant document pertaining to details in this declaration must be made available for inspection and audit by the Registrar.

[Subsidiary]

FORM PP. 19

(r.10 (2))

DECLARATION OF SOURCES OF FUNDS OF A POLITICAL PARTY

NAME OF POLITICAL PARTY..... CERTIFICATE NO.....

STATEMENT OF SOURCES OF FUNDS AS OF
(Being Within Three Months of the Financial Year)

<i>Source</i>	<i>Name of Contributor</i>	<i>Address</i>	<i>Amount (KSh.)</i>	<i>Date Received</i>
Political Parties Fund	(a)			
	(b)			
Membership Fees	(a)			
	(b)			
Member Contributions	(a)			
	(b)			
Contributions In Kind	(a)			
	(b)			
Donations	(a)			
	(b)			
Others (Describe)	(a)			
	(b)			
TOTAL				

ITEMIZED DETAILS OF CONTRIBUTORS

(A) MEMBERSHIP CONTRIBUTIONS

	<i>Name of Contributor</i>	<i>ID. No. / PIN No.</i>	<i>Address</i>	<i>Amount (KSh.)</i>
1				
2				
3				

1

(B) CONTRIBUTIONS IN KIND

	<i>Name of Contributor</i>	<i>ID. No. / PIN No.</i>	<i>Address</i>	<i>Amount (KSh.)</i>
1				
2				
3				

(C) DONATIONS

	<i>Name of Contributor</i>	<i>ID. No. / PIN No.</i>	<i>Address</i>	<i>Amount (KSh.)</i>
1				
2				
3				

Note.—Any contributions exceeding Kshs.5 Million should be accompanied by written authorization by the Registrar

This declaration is made to the best of our knowledge, information and belief.

Made this day of20

Name and signatures of Secretary General and Treasurer

1. Name

Signature

ID/Passport No.

2. Name

Signature

ID/Passport No.

In the presence of a

Commissioner of Oaths/magistrate

