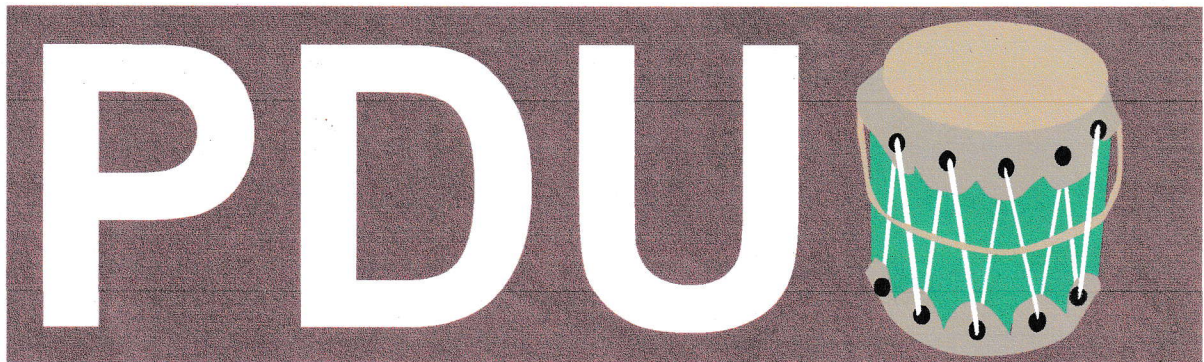


PDU 



PARTY OF DEMOCRATIC UNITY

(PDU)

PART A



**PDU CONSTITUTION
NAIROBI, 2012 EDITION**

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PART A CONSTITUTION, PART B NOMINATION RULES

**PART A
CONSTITUTION**

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PART A

CONSTITUTION OF PARTY OF DEMOCRATIC UNITY (PDU)

ARTICLE 1: NAME OF THE PARTY.

The name of the party shall be PARTY OF DEMOCRATIC UNITY (PDU) herein referred to as "the party" alternatively (PDU)

ARTICLE 2: STATEMENT OF DECLARATION.

We members of PARTY OF DEMOCRATIC UNITY (PDU), being citizens of Kenya and being desirous of forming a united, strong and dynamic political party in the pursuit of our constitution rights;

AND strongly convinced that it is through such a strong political party that we can effectively articulate our political vision for our country and nurture our political independence, defend our national sovereignty, harness our rights and civil liberties and mobilizing our people for greater national unity, development and progress;

AND to compete successfully in the national arena against other political parties with a view of winning and forming a national government;

HAVE HEREBY FORMED a political party under the name PARTY OF DEMOCRATIC UNITY (PDU) herein after referred to as "the party" alternatively (PDU) and consequently DECLARE;

THAT PDU is formed as a political party for political mobilization at the grass root level, business empowerment, poverty alleviation, entrenchment and enhancement of social justice.

ARTICLE 2B: REGISTERED HEAD OFFICE, OTHER OFFICES AND THE RECORDS OF THE PARTY.

1. The registered head office of the party shall be in NTIRANKO GROVE GARDEN ESTATE OPPOSITE EMBEUT RESORT IN KAJIADO TOWN PLOT NO. 2836 P.O BOX 51748-00200 NAIROBI TEL 0724335997/0721232232 or any other place as may be decided by the national chairman or the national delegates assembly.
2. The party may establish such regional, county or local offices as may be determined from time to time by the party organ(s) to be ratified by the national delegates' assembly.
3. PDU shall maintain at its registered head office in a form approved by the registrar of political parties or any other office with powers over political parties under a written law in force in Kenya, an accurate and permanent record of;
 - a. PDU membership register



- b. Particulars of any contribution, donations or pledge of contribution or donation, whether in cash or in kind, made by the founding members of the party.
- c. Particulars of any property that belongs to the political party and the time and the mode of accusation of the property.
- d. A statement of its accounts, kept in books of account showing the source of its funds and names of any persons whom have contributed there to, membership dues paid, donations in cash or in kind and all the finances transactions of the political party which are conducted through, by or with the leadership of **PDU** and; or such other relevant particulars as may be required by any other written law.

ARTICLE 3: INTERPRETATION

In this constitution unless the context otherwise permits;

"Auditor" means an auditor appointed under this constitution, who shall be reputable certified public accountant;

"Arbitration Board" is the arbitration board established under this constitution;

"Appeals Tribunal" is the appeals tribunal established under this constitution;

"Branch" shall for purposes of this constitution be conterminous with a parliamentary constituency;

"Branch Executive Committee" refers to a branch executive committee established under this constitution;

"Cell" shall be for the purposes of this constitution be conterminous with administrative sub-locations;

"Cell steering committee" refers to a branch executive committee in a sub-location as established under this constitution;

"Constitution" means these constitutions:

"Constituency" means the electoral area from which a member of parliament is elected or Nominated in a country;

"Ward representative" means a ward representative elected on PDU ticket or nominated by this party;

"Country" refers to the Republic of Kenya;



"Ward" means the electoral area from which a member of a county Assembly representative (MCA) is elected or Nominated in a county;

"Member of parliament" means a member of the national Assembly elected on a party ticket or nominated by this party;

"Organizing secretary" means the national organizing secretary as provided for under this constitution;

"Party" means the **PARTY OF DEMOCRATIC UNITY (PDU)**

"National chairperson/chairman" means the party chairperson;

"Nominated" means the nomination process as set out in this constitution;

"Nomination rules" means nomination rules and procedures as set out in this constitution;

"National executive council"/"National Governing Body" means the National Executive councils of this party;

"Parliamentary Whip" means the whip elected or appointed by the party parliamentary group;

"Party parliamentary Group" refers to the members of parliament elected or nominated on (PDU) party ticket;

"Person with disability league" means person with disability league established under this constitution;

"President" means the president of the Republic of Kenya;

"Presidential Elections" means presidential elections held under the constitution of Kenya.

"Rules" means rules made pursuant to these constitutions;

"Sub- branches" shall for pursuant of this constitution be coterminous with Administrative ward;

"Tribunal" means the tribunal established under this constitution;

"Trustee" refers to trustees of PDU party as appointed by PDU under constitution;

"Women league" means the women league established under this constitution;



"Youth" means a person between the ages of 14 and 35 years who subscribes to the ideals of the party.

ARTICLE 4: PARTY FLAG, FRATERNITY SALUTE, MOTTO, SEAL AND SYMBOL.

1. The flag.

- a) The party shall have a flag whose designs shall be rectangular with a symbol of **A DRUM** inserted. The colors shall be the following: **Black for Africa, Green** for our country environment, **red** in recognition of the sacrifice made by Kenyans during the **struggle** for **justice** and **emancipation** and the party's commitment to the establishment of a **just government** for all Kenyans, **white strip** for peace transparency and commitment of purpose, **Brown** for party ceremonials.
- b) Party officials and officers shall endeavor to hoist and fly the party flag at all party establishment, functions and activities, Provided that such hoisting and flying shall be subservient to that of national flag and the presidential standards provided further that the provision of flag & Emblems Act shall be adhered to all times.

2. The fraternity salutes.

- a) The party shall have a fraternity salute for public identification and salutation of members among themselves and for general party enthusiasm activism.
- b) The salute shall be **two closed palm** attached together raised in front of the chest.

3. The motto.

The party shall have a motto known as; **LETS HOLD OUR HANDS IN ONENESS** which shall also be known by the Kiswahili translations of **TUSHIKANE MIKONO KWA UMOJA.**

4. THE SEAL.

- a) The party shall have a seal whose design shall be approved by the national chairperson in consultation with the National Executive council.
- b) The seal shall be kept in the custody of the secretary-general and be affixed on documents duly approved by the national chairperson.
- c) The seal shall be authenticated by the signature of the secretary – general, National chairman or that of another person duly authorized in writing by the national executive council.



- d) When authenticated as provided in clause 4(c) of this article, the affixation of the seal on the documents approved as provided in clause 4(b) of this article, shall be presumed to have been duly authorized and the contents of the documents so affixed shall be binding on the party and:
- e) The seal may be modified as circumstances and interests of the party may dictate PROVIDED that sufficient public notice shall be given such amendments and any documents previously sealed shall continue to be valid as against the party.

5. The symbol.

- a) The party shall have a symbol with or without a caption or slogan as the National chairperson or national Executive Council or party National Delegates Assembly shall decide from time to time.
- b) Without prejudice to the generality of paragraph (a) of this clause, the symbol of the party shall be a **DRUM**. The **DRUM** shall be known by Swahili language translation of "**Darama**".
- c) It shall be the duty of the party National chairperson or the National Executive council on behalf of the party Delegates Assembly to take any action within its powers and means to defend preserve and protect as the case may be, the dignity of the party symbol.

ARTICLE 5: CORE VALUES AND PRINCIPLES OF THE PARTY.

- a) **PDU** embraces the principle that government are instituted and maintained to promote and protect human societies and cultures, individual dignity, personal growth and fulfillment and the provision of basic human needs and amenities and the pursuit of happiness for all.
- b) **PDU** is bound by an unwavering and uncompromising political commitment to the principles of universal suffrage, a truly open, free libertarian and equal opportunity and unified society with democratic safeguards for all people of the Republic of Kenya.
- c) **PDU** recognizes the need to harness the great resources of the country, and to fight impunity, greed, corruption, poverty, hunger, unemployment, diseases, ignorance, insecurity and homelessness and moral decadence within the institutions of government and in the greater society.
- d) **PDU** is committed to the establishment of political and economic structure that encourage free enterprise and creation of wealth, while promoting social justice social responsibility and solidarity with families, communities and work place throughout the country.



- e) **PDU** believes that political pluralism in our country must be protected and promoted by means of strong democratic structures, protection of all minorities and marginalized groups or special interest groups, a parliamentary system of government the practice of direct and participatory democracy accountability of political representatives and efficiently, transparent and good environment and public administration.
- f) **PDU** believes that individual and collective rights are the foundation of society, and that all human rights must be protected, made justifiable entrenched and made obligatory in the constitution with respect to all relations under control of the government.
- g) **PDU** also believes that an advanced culture of human right must be developed to address not only all and well known past forms of abuse, but also to prevent new forms of abuse of the people by the actions of the government and Organizations which exercise control of power over the people.

ARTICLE 6: NATIONAL VALUES, PRINCIPLE AND GOALS FOR THE REPUBLIC OF KENYA.

PDU is committed to the pursuit and inculcation of the following national Values, principles and Goals for all the people of Kenya.

- a) Recognition of the sovereignty of people of Kenya, protection and promotion of the cultures of communities.
- b) Promotion of National Unity and commitment of all citizens to the spirit of National Hood and patriotism.
- c) Guaranteeing and ensuring full participation of (special interest groups)-the youth, women, and persons with disability, minorities, marginalized communities and all other citizens in the political, socio economic life of the country.
- d) Promotion of the participation of the people in public affairs and the sharing and devolution of power.
- e) Open and transparent government and accountability of state officers, public officers, State organs, public and private authorities.
- f) Eradication of all forms of corruption and eradication of poverty.
- g) Equal access by the people to independence, impartial, competent, timely and affordable institutions of justice and governance.



- h) Acceptance and recognition of the existence of the role of civil society in government and its role in ensuring the accountability of the government.
- i) Systematic eradication of impunity in all forms and manifestations.
- j) Protection and promotion of human rights and fundamental, freedoms and enhancement of the dignity of the individual and communities.
- k) Actualization of the principle that not more than two-thirds of the members of elective and appointive bodies shall be of the same gender.
- l) Actualization of the principle that at least five percent of the members of elective and appointive bodies shall be persons with disability.
- m) Recognition of the special responsibilities that the state, society and parents owe to children and uphold the family and the institution of marriage.
- n) Commitment to social justice and the realization of the rights of the people of Kenya to basic needs and to live in a secure environment.
- o) Ensuring rights of freedom, rights to acquire title deeds to land within 180 days of Application and rights to a fair and quick judicial process of 180 days for filing and completion of any court matter.
- p) Promotion, development, recognition and advancement of the role of science and technology.
- q) Elimination of disparities in the development between various parts of the country and sectors.
- r) Recognizing responsibilities to future generations of the people of Kenya by pursuing policies for the sustainable management of the environment.
- s) Managing of national resources fairly and efficiently for the welfare of the people and,
- t) Being a good citizen of Africa and the World and committing to self-work for international peace and solidarity.

ARTICLE 7: AIMS AND OBJECTIVES OF THE PARTY

- a) The party shall work towards restoration of national unity and democracy, eradication and criminalization of tribalism, peace, organizations and movements



for the promotion and protection of democracy, human rights, and the rights of the youth, women and persons living with disabilities, individuals, civil and political liberties, economic, social and cultural rights.

- b) The party shall work to promote and protect the freedoms of movement, conscience, thought, associations, media, and religion expression and shall entrench a justifiable bill of rights reflecting the highest standards of individual and collective human rights protections.
- c) The party is committed to a constitutional democratically elected government, founded on the principles of good governance, accountability and transparency.
- d) The party shall promote social justice, equal access to national resources and wealth with the vision of improving people's standards of living, poverty alleviation, housing, education, general working conditions and welfare.
- e) The party shall facilitate mutual linkages with Kenyans in Diaspora with a view of having them actively participate in Kenyans democratization and development.
- f) The party shall works towards peace, cooperate with the East African Community, Africa Unions, United nations, International human rights organizations and other relevant agencies
- g) The party shall work for independence, impartial, autonomous judiciary to uphold rule of just law.
- h) The party shall work for independent, impartial, autonomous judicial service commission representative of all stakeholders.
- i) The party shall work towards promotion of microenterprises with a view of enhancing the economic growth and empowerment to all Kenyans through positive government intervention.
- j) The party shall form and incorporate or cause to be formed or incorporated companies, cooperative societies community based organizations and any other associations for the purpose of commercial and social activities that address issues of poverty alleviation and for harnessing the natural and national resources for the benefit of the majority poor.
- k) The party shall pursue a national reform and reconstruction policy in government structures and processes.
- l) The party shall work towards a comprehensive and just land policy.



- m) The party shall encourage participation of the youth in decision making within the party and in public and private institutions.
- n) The party shall protect women rights and encourage their participation in all decision making structures within the party and in the national life.
- o) The party shall mobilize and unite all Kenyan women to participate in the liberation of all oppressed groups, promote national consciousness, patriotism, unity, affirmative action programs and work actively for the elimination of oppressive laws, customary and structures which militate against equality.
- p) The party shall champion the rights of Kenyans to access birth registration, requisite national identification cards, voter's card/slip and the right to vote.
- q) The party shall champion/introduce legislation in the national Assembly to criminalize voter bribery, voter stealing or unfair practice that may confer leadership position to voter in an election.
- r) The party shall promote the conservation, improved and proper management of the environment and natural resources for the benefit of the whole country for now and for prosperity.
- s) The party shall establish and promote fair and just leadership in governance, fight greed, corruption, economic crimes, discrimination, nepotism sexism and tribalism.
- t) The party shall nominate and field acceptance candidates for presidential, , Governors, deputy Governors, senators MPs women representatives, county representative and other elective posts and shall refuse to nominate any person perceived to have participated in the abuse of Human rights.
- u) The party shall work towards the inclusion in the Kenya constitution the following Mandatory ascertainment of the mental and physical capacity of all aspiring presidential, parliamentary, county representatives, governor's senators or any elective post.

Impeachment of the president

- A provision for national referenda involving all citizens entitled to vote on matters affecting the national constitution and sovereignty of the people of Kenya.
- Devolution of power and management of national resources and wealth.

- Proper management of a senate or upper house to ensure effectiveness of the principles of separation of powers and checks and balances.
- The strengthening of office of the Ombudsman and /or the peoples arbiter to monitor incidents of human rights violations, transparency, accountability and activities of the government , civic and civil servants and all those entrusted with public property within the entire country,
- The party shall establish cells, sub-branches, branches and other organs in Kenya and beyond
- The party shall pursue principles of transition justice and in this regard work towards maintenance of truth, justice and reconciliation mechanism for Kenya
- The party shall propose and design proper programs aimed at disaster preparedness and prompt responses to national and regional disaster, terrorism and emergencies as integral to national and regional security.
- The party shall through the national executive councils or the National chairperson have powers to enact such rules and regulations for the smooth running and management of the party and its constitutional offices and
- The party shall undertake such other activities and programs which, in the opinion of the party are conducive to the attainment of the aims and objectives of the party.

ARTICLE 8: MEMBERSHIP

All Kenyan citizens who have attained the age of 18 years and who accept and adhere to the party's objectives, policies, programs and are eligible to be members of the party and provided that he/she is not an office bearer or a member of any other political party.

1. Enrolment

Those who are eligible and desiring members of the party may apply either verbally or in writing to any authorized official or agent of the party for enrolment. On enrolment, each member shall be issued with the party's membership card.

2. Categories of membership

- a) The categories of membership shall be as follows;
 - Life
 - Gold
 - Corporate
 - Honorary
 - Ordinary



- b) The national Executive councils or the National chairperson shall prescribe terms and conditions for each category of party membership and the rights and privileges attached thereto.
- c) There shall be category of student's members who shall be exempted from membership fee. Such members shall be between the ages of eighteen (18) and twenty five (25) years and must be pursuing studies in recognized academic institutions of learning.
- d) There shall also be a category of members who have not attained the ages of 18 years who shall be exempted from membership fee.

3. Membership fee

- The fee payable by **ordinary** members shall be Kenya Shillings twenty (Kshs. 20) per year. The fee payable by **life** member shall be Kenya shillings twenty Thousand (Kshs. 20,000/=). The fee payable by **Gold** members shall be ten thousand (Kshs. 10,000/=) for 5 years. The fee payable by **corporate** members shall be Kenya Shillings Fifty Thousand (Kshs. 50,000/=) No payments for **honorary** memberships.
- That all participating members of the party in any election shall be required to obtain a **Gold** membership card before being issued with a party nomination certificate and before being cleared to vie on a party ticket.
- That failure to obtain the **Gold** membership card from the party would lead to cancellation of the party nomination certificate issued to a member.

4. Resignations

- a) Resignation from membership of the party shall be effective from the moment the letter of resignation has been delivered to the relevant party offices and duly acknowledged by way of party's received stamp on duplicate copy and there shall be no refund or subscription or fee to any member who resigns.
- b) A member shall cease to be a member of the party if he/she accepts office or promote the activities of any other political party without a written permission of the national executive Councils.
- c) That an elected or nominated member of the party who fails to contribute such monthly subscription to the party at the end of the month or falls into arrears shall be deemed to have resigned from the party.

5. Termination of membership

Membership to PDU shall terminate if a member;

- a) Submits to any organ of PDU a signed letter of resignation or
- b) supports another party other than PDU without a written permission of the National chairman or NEC or



- c) Becomes a member of another political party or
- d) Joins in the formation of another political party or
- e) Joins another political party or
- f) In any other or manner publicly advocates for the formation of another political party or
- g) promotes the ideology, interest or policies of another political party or
- h) If elected or nominated a member Refuses to remit membership subscription at the end of the month or falls into arrears or
- i) Is expelled from the party after a disciplinary process and no appeal is pending.

ARTICLE 9; OBLIGATIONS, RIGHTS AND DUTIES OF MEMBERS

1. Obligations

A member of the party shall be obliged as follows:-

- a) A member shall comply with, implement and uphold the provision of this constitution, rules and regulations as may be promulgated by the relevant party organ faithfully, honestly and sincerely.
- b) A member shall receive and impart information on all aspects of the party's policy and activities.
- c) A member shall offer constructive criticism of any member, official, policy program or activity of the party within its structures.

2. RIGHTS

A member of the party shall enjoy the following:

- a) To elect and to be elected to any of the party organ at any level.
- b) To elect and to be elected to any organ of the party at all levels
- c) To attend in person all meetings of the party that discusses and passes decision on his or her activities.
- d) To request the organs of the party at all levels up to and including the national Executive council to consider any questions or petitions of the party.
- e) Submits proposals or statements to the cells, sub-branch, branch committees the national chairman, and the national Executive Councils, provided that such proposals or statement are submitted through the appropriate structures.

3. Duties.

It shall be incumbent upon party members to undertake the following duties:-

- a) Belong to and take an active part in the life of his or her cell, sub-branch and branch.
- b) Undertakes or depends his or her understanding of the social, culture, political or economic achievements and problems of the country.
- c) Combat propaganda detrimental to the interest of the party and defend and uphold this constitution its policy, aims and programs of the party.



- d) Fight against racism, tribal chauvinism, sexism, religious and political intolerance or any other form of discrimination.
- e) Observe discipline, conduct oneself with integrity and honesty and loyalty, and carry out decision of the majority and decision of organs of the party.
- f) Refrain from publishing and/or distributing any material to media without authorization which purports to be the view of any organized grouping faction or tendency within the party.
- g) All members shall ensure that they are registered voters and shall actively encourage other Kenyans to also register and to vote.

ARTICLE 10: NATIONAL OFFICIALS

- a) The party shall have the following national officials elected by the national delegate's assembly.
 - a) National chairperson.**
 - b) National deputy chairperson.**
 - c) National Secretary General.**
 - d) National Deputy Secretary General.**
 - e) National treasurer.**
 - f) National Deputy national treasurer.**
 - g) National organizing secretary.**
 - h) National Deputy organizing secretary.**
 - i) National Publicity and information affairs secretary.**
 - j) National Deputy Publicity and information affairs secretary.**
 - k) National Legal and constitution Affairs secretary.**
 - l) National Deputy Legal and constitution Affairs secretary.**
 - m) National women leader.**
 - n) National Deputy Women leader.**
 - o) National youth leader.**
 - p) Deputy National youth leader.**
 - q) National leader of persons with disabilities.**
 - r) Deputy National leader of persons with disabilities.**
- b) The above named officials shall be elected at the national delegates' assembly through a secret ballot or consensus. They shall hold office for five years except that of the founding members who shall hold office for twelve years and shall be eligible for re-election.
- c) There shall be a national executive Director appointed by the national chairperson who shall be answerable to the national chairperson and shall perform such other duties as may be assigned to him/ her by the secretary general and the national executive council. National executive directors shall be



an ex-official member of the national delegate's assembly and national executive council.

- d) There shall be the deputy national executive director appointed by the national chair person who shall assist the national executive director in all his functions and shall assume his duties in his absence.
- e) Officials of the party may simultaneously hold an office in any cell, branch or sub branch of the party.
- f) At the election of the national official the national chairperson shall preside over the said elections save that for elections of national chairperson, which shall be presided over by such a person or institution of repute as shall have been appointed by the chairperson in consultation with national executive council.
- g) The national chairperson in consultations with national executive council may postpone and/or call off or suspend the holdings of elections of national officials or any one of them if the interest of the party so demand.
- h) For the purpose of the validity of, and elections of, and the notification of change of the office bearer pursuant to an election, shall not be valid unless they are dully signed by the outgoing chairman.

ARTICLE 11: DUTIES OF NATIONAL OFFICIALS.

1. National chairperson

- a) He/she shall preside over all meetings of the party and all its decision making organs and shall delegate such functions to his deputies in writing.
- b) He/she shall ensure party discipline and conduct among party officials, members and may direct disciplinary action to be taken against a member of relevant Organs in consultations with the disciplinary committee and the national Executive council in writing.
- c) He/she shall in all respect, maintain unity in the party.
- d) He/she shall concede and preside over all meetings as required by this constitution.
- e) He/she shall carry out any such additional tasks as the national delegate's assembly and national executive council may from time to time assign.
- f) He/she shall ensure adhesive to party policies by officials, members, Governors and their deputies, senators and members of county Assemblies and the party parliamentary group from the party.
- g) He/she shall appoint, full time officers of the national secretariat of the party in consultation with the national executive council.
- h) He/she shall provide leadership and articulate party policies and give directions as to programs for the directorate of investment, trade and economic development.

2. National deputy chairperson



- a) There shall be a national deputy chairperson of the party, elected under and in accordance with this constitution, subject to any limitations imposed by this constitution and resolutions of the NDA. The national deputy chairperson may perform such functions, exercise such powers as may be assigned to him by the national chairperson in writing in consultation with the national executive council.

3. Secretary general

- a) He/she shall be the party spokesman in consultation with the national chairperson and the national executive council.
- b) He/she shall be responsible for all party affairs and the secretariat under the direction of the national chairperson or national executive council.
- c) He/she shall ensure that all party meetings, the national executive councils meetings and the national delegates assembly take place as provided for in this constitution and at such times as may be decided by the national executive council or as directed by the national chairperson.
- d) He/she shall keep or cause to be kept proper records of such notices and minutes of all meetings of the party and ensure the distribution of such notice and minutes to persons or branches concerned.
- e) He/she shall also perform such duties that may be assigned to him from time to time by the national delegates assembly, national executive council and national chairperson
- f) He/she and the national chairperson shall file all returns required by the registrar of political parties, the electoral commission of Kenya and other statutory bodies and relevant bodies within the stipulated time.
- g) He/she and the national chairperson shall be responsible for correspondence emanating from the national secretariats unless they authorize another official in writing.

4. Deputy secretary general

- a) There shall be a Deputy Secretary General of the party, elected under and in accordance with this constitution.
- b) The deputy secretary general shall assist the secretary general in all his/her duties and shall perform such other duties as assigned to him by the national chairperson or the secretary general in writing.
- c) In the absence of the secretary general or temporary incapacity, the national chairperson in consultation with the national executive council shall appoint the deputy to assume duties of the secretary general.

5. National treasurer.

- a) The national treasurer shall be in charge of the party's financial affairs and be responsible for the national secretariats financial transactions under the direction of the national chairperson and the national executive council.



- b) The national treasurer shall prepare or cause to be prepared and submit to the national executive council financial budget estimates for approval by the national executive council or the national chairperson.
- c) The national treasurers shall prepare or cause to be prepared interim financial statements every quarter of the year and shall ensure that the duly audited annual statements of accounts for the two years proceedings the national delegates assembly are circulated to the branches and to all delegates at the same time upon the notice convening the national delegates assembly is sent out.

6. National deputy treasurers

- a) There shall be national deputy treasures of the party, elected under and in accordance with this constitution.
- b) The national deputy treasures shall assist the national treasurer in his/her duties and shall perform such other duties as assigned to him by the national treasurer or the national chairperson in writing.
- c) In the absence of the national treasurer or in case of temporary incapacity, the national treasurer may appoint in writing the deputy to perform the duties of the national treasurer. In the event of prolonged absence or incapacity or failure of the national treasurer to so appoint the national chairperson in consultation with the national executive council shall appoint the deputy to assume the duties of the national treasurer.

7. National organizing secretary

- a) He/she shall under the direction of the national executive council and the national chairperson be responsible for promoting and mobilizing party activities including recruitment and maintaining/upgrading members register at the cells, sub-branches and branches and shall ensure proper and effective functioning of all the branches.
- b) He/she shall in consultation with the secretary general prepare and assist in the preparing of the meetings of the national delegates assembly and the national executive council and all other party meetings.
- c) He/she shall ensure that the cells, branches and sub-branches hold their meetings in accordance with the requirement of this constitution.

8. National deputy organizing secretary/party coordinator.

- a) He/she shall be the deputy national organizing secretary who shall assist the national organizing secretary in all his duties.
- b) He/she shall also be the party national coordinator who shall perform such other functions as may be directed by the National chairperson in writing.
- c) In the absence of the national organizing secretary he/she shall assume the duties of the national organizing secretary or as may be directed by the national chairperson or the national executive council in writing.

11 National publicity and information secretary



- a) He/she shall be responsible for research and information gathering and analysis, initiate publications of party promotional material, radio and television, pamphlets, books, journals and shall maintain library and an archive for the same.
- b) He/she shall perform such other duties as directed by the National chairperson or the national executive councils.

9. National deputy publicity and information secretary

- a) He/she shall be the deputy publicity and information secretary who shall assist the national publicity and information secretary in all his duties.
- b) In the absence of the publicity and information secretary he/she shall assume the duties of the publicity and information secretary or as may be directed by the national chairperson or the national executive council.

12. National Legal and constitutional affairs secretary.

- a) He/she shall be the party officer on constitution and legal matters.
- b) he/she shall perform such duties as may be directed by the national chairperson or national executive councils and in consultation with the secretary general
- c) He/she shall be ex-official member of the party trustees.

13. National deputy Legal and constitutional affairs secretary.

- c) He/she shall be the National deputy Legal and constitutional affairs secretary who shall assist the National Legal and constitutional affairs secretary in all his duties.
- d) In the absence of the National Legal and constitutional affairs secretary he/she shall assume the duties of the National Legal and constitutional affairs secretary or as may be directed by the national chairperson or the national executive council in writing.
- e) He/she shall be ex-official member of the party trustees.

14. National women's leader (the women league)

- a) There shall be a **PDU** women's league, open to women who are members of the party
- b) The women's league shall have the same basic structures as those of the party namely national, county, constituency and branch organs.
- c) The objectives of the women's leagues shall be to defend and advance the rights of women, both inside and outside the **PDU**, against all forms of political, economic, social and gender oppression and discrimination and to ensure that the women play the full role in their life of the party and national life.
- d) The women's league will function as an autonomous body within the overall structure of **PDU** of which it will be of integral part.



- e) It may have its own rules, regulations and policies so long as they are in accordance with this constitution and approved by **NEC**, or the national chairman.
- f) She shall be responsible for representing the interest of women in the party.
- g) She shall promote party policies and mobilize women for party activities and perform such other duties as are assigned by the national chairperson and the national executive council.
- h) She shall be the chairperson of the party women league.

15. National deputy women's leader.

- a) She shall be the National deputy women's leader who shall assist the National women's leader in all his duties.
- b) In the absence of the National women's leader she shall assume the duties of the National women's leader or as may be directed by the national chairperson or the national executive council in writing.

16. National Youth leader (the youth wing)

- a) There shall be a **PDU** youth wing, open to all persons between the age of **14** and **35**. It will operate at the national, county and branch levels.
- b) Its objectives will be to unite and lead young men and women in confronting and dealing with the problems that face the Kenyan youth and ensuring that the young make a full and rich contribution to the work of **PDU** and the life of the nations.
- c) The youth wing will function as an autonomous body within the overall structures of the **PDU**. It may have its own rules, regulations and policies so long as they are in accordance with this constitution and approved by **NEC** or the national chairman.
- d) He/she shall be in liaison with the national organizing secretary, the secretary general the national chairperson.
- e) He/she shall organize civil education forums, voter registration and other youth related activities.
- f) He/she shall be the chairperson of the youth league.
- g) Members of the **PDU** youth wing of the age of **18** years old and below the age of **35** years shall be expected to participate fully in the general political life of **PDU**.

17. National deputy youth leader.

- c) She/he shall be the National deputy youth leader who shall assist the National youth leader in all his duties.
- d) In the absence of the National youth leader she shall assume the duties of the National youth leader or as may be directed by the national chairperson or the national executive council in writing.



18. National representative of person with disabilities

- a) He/she shall be responsible for representing the interest of the persons with disabilities and shall organize workshops, voter registration and other activities that address the needs of persons with disabilities.
- b) He/she shall operate in consultation with the secretary General
- c) He/she shall operate in consultation with the national chairperson.

19. National deputy representative of person with disabilities

- a) He/she shall be the Deputy Representative of person with disabilities who shall assist the National representative of person with disabilities in all his duties.
- b) In the absence of the National representative of person with disabilities He/she shall assume the duties of the National representative of person with disabilities or as may be directed by the national chairperson or the national executive council in writing.

20. Gender parity and special interest groups.

- a) The party shall aspire to attain gender parity in all positions of leadership at all levels at any time.
- b) Every organ of the party must be constituted by not more than two-thirds of either gender.
- c) The party shall monitor the framework for the promotion of the special interest groups in parliament, county assemblies and other elective and appointive positions.
- d) The party shall monitor the compliance with the electoral code of conduct as it relates to special interest groups.

21. PDU parliamentary group

- a) There shall be a PDU parliamentary Group which shall consist of elected or nominated members of the national assembly and the national chairperson.
- b) The national chairperson shall preside over all meetings and deliberations of the parliamentary group.
- c) The parliamentary group shall articulate party policies in parliament. It shall consult closely with the national executive council.
- d) Members of the parliament group may be required by the party to pay a contribution in support of the party.

22. Party parliamentary whip

There shall be a party parliamentary whip whose duties shall be to coordinate the affairs of the members of parliament.

23. National executive director



- a) There shall be a national executive director of the party who shall be appointed by the national chairperson in writing.
- b) The national executive Director shall be a full time employee of the party and shall serve on such terms and conditions as the national chairperson shall determine from time to time.
- c) No person shall qualify to be appointed the national executive director unless he/she is at the time of appointment not a member of the party.
- d) The national executive director shall be the chief administrative officer of the party's national secretariat.

24. Deputy national executive director

- a) The Deputy national executive director shall assist the deputy national executive director in all his duties and shall assume his duties in his absence.

25. Oath of office bearers

Before assuming party office acting in a party office or performing any functions of the party office, a person shall take and subscribe to the oath or affirmation of office in the manner and form prescribed by NEC.

ARTICLE 12: DECISION MAKING ORGAN

The decision making organs of the party shall be

- a) The national delegates Assembly (**NDA**)
- b) The national executive council (**NEC**)/The national Governing Body.(**NGB**).

ARTICLE 13: THE NATIONAL DELEGATES ASSEMBLY (NDA)

1. The national Delegates Assembly shall consist of all members of the national Executive council and delegates as follows:

- c) All the national Executive council (NEC) (NEC)/The national Governing Body.(NGB) members
- a) All PDU members of Parliament elected or nominated by the party
- b) All senators, governors, members of parliament or ward representatives from every branch (constituency) elected on the party ticket being the following :
 - The branch chairperson
 - The Branch Secretary
 - The branch treasurer
 - The branch organizing secretary
 - The branch women leader



- One representative of persons with disabilities
- d).PDU party ordinary members.

N.B not more than two-thirds (2/3) of the delegates shall be of the same gender.

2. The national delegates' assembly shall be the highest authority of the party and shall determine its policy.

3. It shall have the following specific powers and obligations

- a. To receive a report from the national chairperson of the state of the party.
 - b. To receive reports from the national executive council on the operations of the party
 - c. To approve all policies of the party
 - d. To receive, examine and if deemed appropriate, approve the audited accounts for the period since the previously sessions of the national delegates assembly.
 - e. To receive, consider, modify and if it thinks fits, amend and ratify this constitution, rules and regulations of the party in consultation with the national chairperson.
 - f. To appoint the auditor and fix his/her remuneration
 - g. To receive from the national executive councils report, review and if deems fit approve and adopt the party manifesto.
 - h. To elect from among its members the national officials of the party as set out in this constitution
 - i. To nominate the party presidential candidate
 - j. To consider any other agendas as may be referred to it by the national executive council or the National chairperson.
4. The ordinary session of the national delegate assembly shall be held at least once in five years at a place and date to be determined by the national chairman in consultation with the national executive council. The notice of the meetings shall be sent out by the secretary general at least six weeks before such date. The agenda for the meeting shall be communicated by the secretary general to all delegates at least three weeks before the date of the Meeting.
5. The national chairperson at his discretion may summon a special session of the national delegates' assembly.

d) ARTICLE 14: THE NATIONAL EXECUTIVE COUNCIL (NEC)/THE NATIONAL GOVERNING BODY (NGB).

The national executive council shall consist of:

- a) National chairperson
- b) The national deputy chairperson.
- c) Secretary general



- d) The deputy national secretary general
 - e) National treasurer.
 - f) The deputy national treasurer.
 - g) National organizing secretary
 - h) The deputy national organizing secretary/party coordinator.
 - i) Publicity and information secretary
 - j) Deputy Publicity and information secretary
 - k) Legal and constitutional affairs secretary
 - l) Deputy Legal and constitutional affairs secretary
 - m) National women leader
 - n) Deputy National women leader
 - o) National youth leader
 - p) Deputy National youth leader
 - q) National leader for persons with disability
 - r) Deputy National leader for persons with disability
 - s) Party members of parliament (ex-officials)
 - t) Party parliamentary whip
 - u) National executive director (ex-officio)
2. The national executive councils shall have the following functions and power
- a) To act as the executive body of the national delegates assembly and to ensure that all decision and policies made by the national delegates' assembly are duly carried out by the party and its secretariat.
 - b) To supervise the administrative machinery of the party at all levels and to take such measures as it deem necessary to enforce the decision as laid down by the national delegates' assembly.
 - c) To work in liaison with the party parliamentary group.
 - d) To set the scale of annuals, monthly subscription and fees to be paid by the party members.
 - e) To appoint other committee for specified tasks and terms of office including the manner and frequently monitoring reports by or from such committees.
 - f) To appoint party representatives in other organizations to which the party relates
 - g) To establish, coordinate and conduct various schemes aimed at stimulating party activities and programs



- h) To make and prescribe rules and regulations for the efficient management of the party from time to time subject to the constitution and ratifications by the national delegates assembly.
- i) To receive the estimate budgetary proposals and authorize and oversee the expenditure thereof.
- j) To prepare the agenda for and report to the national delegates assembly.
- k) To confer and bestow such honors to party members and supporters as it may deem appropriate.
- l) To make or cause to be made rules and/or regulations prescribing anything which requires to be prescribed under this constitution and generally for the better carrying out of the provisions of this constitution and matters incidental thereto and
- m) To exercise any such powers and form such other functions as are conferred upon it by this constitution.
- n) A member of the national executive council, who absents him/herself for three consecutive meetings without leave or apology in writing to the national chairperson, shall forfeit his/her position. In such case the national chairman in consultation with national executive council shall have the powers to nominate another member of the party to replace him/her subject to approval by the subsequent national delegates' assembly.
- o) For the purpose of clause **(n)** above invitations to meetings shall be through the last known contacts/addresses and shall be communicated through either phone calls, whats-up Account, Face book Accounts, letters, E-mail, Newspaper advertisement or any other means appropriate by the National chairman.
- p) The national chairman can delegate in writing clause **(o)** above to be carried out by the secretary general, organizing secretary or their deputies.



- q) The national executive council shall control its own calendar but in any event it shall meet at least twice a year. In the event of an emergency it shall assume full responsibility of the party and shall report to the national delegates' assembly as determined by this constitution and its rules and regulations thereto.

ARTICLE 15: PROCEDURES AT MEETING.

- a) At a meeting of the national executive council, the national delegates' assembly the national chairperson shall preside or he/she may delegate his power in writing to a deputy chairperson.
- b) At all meetings of the cell, branch or sub-branch the chairperson or in his/her absence he/she may delegate his power in writing to a deputy chairperson who shall preside
- c) Resolutions, unless otherwise stated in this constitution, shall be decided by a simple majority and voting be by a show of hands or otherwise as agreed by the meeting
- d) In an event of equality in votes at any meeting, the national chairperson or any other person chairing such meetings shall have a last casting vote.
- e) Meetings of the party shall be conducted physically by members being present in person or electronically using the latest simple technology.
- f) Logging details shall be sent to members by the secretary general or the national chairperson for those members who request in writing to join any party meetings electronically.

ARTICLE 16: BRANCH, SUB-BRANCH AND CELL ORGANIZATION

- 1. The branch
 - a) There shall be a party branch and the parliamentary constituency shall be the branch organizing unit of the party and shall be responsible to the national chairperson and national executive council.
 - b) Each branch shall be managed and controlled by a branch executive committee which shall consist of:
 - **Chairperson**
 - **Deputy chairperson**
 - **Secretary**
 - **Treasurer**
 - **Organizing secretary**
 - **Women leader**
 - **Youth leader**
 - **Sub-branch secretary**
 - **Sub- branch treasures**
 - **Member(s) of parliament (Ex-officials)**
 - **Members of county assembly (Ex-officials)**
 - **Leaders of persons with disabilities all of which shall be elected at the branch delegates' assembly.**



➤ **An executive officer (Ex-officio) appointed by the national secretariat on recommendation by the Branch Executive committee**

c) Duties of the branch executive committee shall be:

- ✚ To carry out party activities among the people in order to realize the aims, objectives policies and programs of the party.
- ✚ To promote political and general education amongst the people of the constituency.
- ✚ To recruit, review and coordinate party membership and all names of the persons recruited as members including any renewals of membership shall be forwarded to the national secretary general who shall keep a national register of all members. A certificate/membership card issued by the secretary general or any one authorized by the national chairman in writing to issue shall be conclusive proof of the membership of the party.
- ✚ To ensure strict adherence to party policies and programs among individual party members.

d) Branch office bearers shall be elected at the branch delegates assembly meeting and shall hold office for five years and be eligible for re-election

e) The branch delegates assembly shall consist of:-

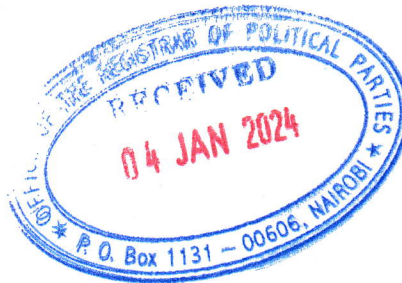
- Office bearers of the branch
- Office bearers of all sub-branches in a constituency, including sub-branch executive officer
- Officer bearers of all cells steering committee in the constituency including cell liaison officers

2. The sub-branch

a) There shall be a party sub-branch and each sub-branch shall be divided into party units conterminous with the ward. A sub-branch shall be responsible to the national chairperson and the national executive council through the branch executive committee.

b) Each sub-branch shall be governed by a sub-branch committee which shall consist of:-

- Sub-branch chairman
- Sub-branch deputy chairman
- Sub-branch secretary
- Sub-branch deputy secretary
- Sub-branch treasurer
- Sub-branch women leader
- Sub-branch youth leader
- Sub-branch leader of person with disability
- Sub-branch executive officer (Ex-officio)
- The cell chairperson
- The cell secretary
- The cell treasurer



- c) The functions of the sub-branch committee shall mutatis mutandis be similar to those of branch committee
- d) Collections of subscriptions and membership fees shall be forwarded to the branch executive officer
- e) Sub-branch committee shall submit their claim for funds to the branch treasurer through their respective party unit for consideration by the Branch Executive committee
- f) The sub-branch shall have a committee which shall consist of
 - Chairperson
 - Vice chairperson
 - Secretary and one representative each from women, youth and person with disabilities

3. The cell

- a) There shall be a party cell which shall be the basic unit for the party coterminous with administrative sub-location
- b) There shall be cell steering committee at the cell level which shall be composed of the following officials
 - The cell chairperson
 - The cell deputy chairperson
 - The deputy chairperson
 - The cell secretary
 - The cell deputy secretary
 - The cell treasurer
 - The cell women leader
 - The cell youth leader
 - The cell of polling stations
- c) The cell steering committee shall be responsible to the party sub-branch committee and shall be responsible for efficient and effective networking at the grass root level.

ARTICLE 17: FINANCE

- 1) The sources of the funds of the party shall include but not limited to the following
 - a) Membership subscriptions,**
 - That all elected and nominated members both the presidency, his deputy, Members of National assemblies, women representatives, members of the senate, Governors and their Deputies and members of the county assemblies shall upon Gazzetment in their respective offices by the independent electoral and



boundaries commission Or any other body tasked with the mandate to conduct elections in Kenya submit a mandatory minimum contribution of ten per cent of gross salary to the party at the end of every month through a check off system to the party account ~~or any other convenient method agreeable by the national~~ *organ* chairman when the member shall be in office. Such subscription shall be remitted to the party on the 1st day of every month.

- That an elected or nominated member of the party who fails to contribute to the party at the end of the month without written permission of the national chairman or falls into arrears shall be deemed to have resigned from the party.
- Other sources of funds includes;

b) Contracts, donations and legacies accepted by the national executive council on behalf of the party.

c) Net income from publications and sales and

d) Revenue from capital investments

e) Grants from the government

f) Political parties fund or any other lawful source

- 2) The party and its organs shall not incur expenditure in excess of the approved funds at their disposal.
- 3) The financial year of the party shall be the calendar year.
- 4) The party through the National chairman shall establish rules and regulations governing the collection keeping and expenditure of the finances.
- 5) The national chairman in consultation with the national executive council shall suspend any member, official or employee of the party who.
 - a) Is guilty of misappropriation of party funds
 - b) Ignore directive contained in this constitution or in any rules and Regulations made by the national executive council for proper management of the parties finances whether at the national, branch sub-branch or cell level.
- 6) The funds of the party shall be used in furtherance of the aims and objectives of the party.
- 7) The party shall be free to raise funds and to accept donations in cash or kind from any lawful source and in any legal manner from within or outside Kenya.
- 8) A sum agreed to by the national chairman and the national executive council, the branch executive committee the sub-branch and the cells steering committee may be kept by the treasurer as petty cash for which proper accounts shall be kept duly vouched by two persons other than the treasurer.
- 9) The national chairman in consultation with the national executive council shall make rules and regulations as for the signatories to the bank account of the party at all levels.
- 10) The national chairperson must be in the list to signatory to the party accounts at all time and must sign for any withdrawal of the party funds to be effected.



11) At all levels money received for the party must be banked in the name of the party account and proper records shall be kept by the person depositing and shall ensure the same is kept at the party office and original copies sent to the national secretariat through the national chairman.

12) The party shall notify all its members in writing its bank account, m-pesa number, pay bill number or any other banking facilities used by the party.

ARTICLE 18: RULES AND REGULATIONS

The national chairman in consultation with the national executive council shall make such rules and regulations governing the party's affairs as it may from time to time deem necessary concerning the following but not limited to:

- a) Nomination rules for national elections
- b) Disciplinary rules
- c) Management and financial probity policies
- d) Party nomination and election rules

ARTICLE 19: CODE OF CONDUCT

The party leaders shall subscribe to the following code of conduct:

- a) All the leaders in the party shall not involve themselves in dishonorable which includes but not limited to:
 - Corrupt application of public resources.
 - Discrimination on the grounds of race, tribe, place of origin, sex or religion
 - Practice of nepotism, tribalism, clansim and favourism in management of public affairs and defrauding public revenue.
 - Human trafficking of human persons.
 - Incitement of people against the party or against other Kenyan.
 - Any other conduct deemed dishonorably by the National chairman and the national executive council.
- b) In order to ensure a clean party leadership as indicated in (a) above all party leadership shall bind them by signing the pledge of commitment.

ARTICLE 20: NOMINATIONS OF PARTY CANDIDATES

- a) If the office of the president (O.P) of the republic of Kenya becomes vacant through sufficient cause, then a special national delegates Assembly shall be convened for the purpose of nominating the party's presidential and Deputy presidential candidate.



- b) The party members shall have the right to participate in the nominations of presidential parliamentary and county candidates.
- c) Where only one person is nominated without opposition as a candidate for president or Deputy in respect of presidential elections, parliament in respect of parliamentary elections and women MPs, governor, Deputy Governor, senator, ward representative in respect of county elections. Such persons shall be declared the party candidate subject to approval of the direct nomination of presidential parliamentary and county candidates and issued with a party nomination certificate in Form 2.
- d) The party through the national chairman in consultation with the national executive council shall have the right and power to direct nominate presidential, Deputy presidential, parliamentary, women representative, governor's, Deputy Governors, senators ward representative, at any level and or any other positions as required by the constitution, the elections act or any other law.
- e) The national chairman in consultation with national executive council shall promulgate rules and regulations governing nominations procedures for party candidates.
- f) It shall be a condition, precedent to the nomination that persons seeking parties nomination shall obtain a **Gold** membership card and execute a bond on such terms and conditions as shall be drawn by the national chairman and national executive council.

ARTICLE 21: INSPECTION OF ACCOUNT AND MEMBERS LIST

The books of account and all documents relating thereto and the list of members of the party shall be available for inspection at the registered office of the party by any officer or member of the party on giving not less than seven (7) days' notice in writing to the national chairman.

ARTICLE 22: AUDITORS

- a) The party shall appoint or reappoint an independent auditor of all party account, including records and documents of its branches, sub- branches, cells and any other organ of the party and shall be open for inspection by the auditor for audit purposes at any time.
- b) The auditor shall present the financial statements for the years preceding the national delegates Assembly for examinations, approval and adoption.
- c) The auditor shall compile the audited accounts for the period preceding the national delegates' assembly for examinations, approval and adoption.
- d) The auditor shall compile the audited account for the period preceding the national delegates' assembly not less than six weeks prior to the date of the national delegates' assembly.
- e) The auditors shall be paid such fee for his/her duties as may be approved by the national delegates' assembly.



- f) The auditors shall not be an office bearer or a member of any committee of the party.

ARTICLE 23 TRUSTEES

- a) The party shall have five (5) trustees appointed by the national chairperson in writing in consultation with the national executive council.
- b) Trustees shall hold office for a period of five(5) years and shall be eligible for re-appointment
- c) A trustee shall not be removed from office except for any of the following reasons;
 - voluntary resignation in writing
 - Bankruptcy
 - Mental incapacity
 - Incapacity to perform his/her duties for one continuous calendar year
 - If a motion calling for his removal is passed by a simple majority of the delegates present and entitled to vote at the national delegates' assembly.
 - If he/she is found to be guilty by a committee of five, appointed by the national chairperson or corrupt practices in relation to the party's property and resources and is under a sentence of imprisonment (By whatever name called)exceeding six months imposed on him by a court of competent jurisdiction.
- d) All land building and other immovable `property, investment and securities that may be acquired by the party shall be vested in the names of the party.
- e) The quorum necessary to transact business by the trustees shall be three (3) trustees present.
- f) The trustees shall deposit all incomes received from property to the party account and transaction records to be kept by the treasurer and expenditure in respect of such property investment or securities which in opinion of the trustees is necessary or desirable shall be reported to the national chairperson who shall authorize expenditure of such money as it deems fit.
- g) The trustees shall maintain, collect rents, pay outgoing and repairs and keeps a list of party properties.
- h) The trustee shall prepare and submit their annual report and accounts to the national chairman.
- i) The trustee shall subject to the written approval of the national chairman purchase and/or cause monies belonging to the party to be invested in or used, exchanged for the purchases of such bonds mortgages shares and other forms of investments as deemed necessary.
- j) That the national chairman shall sign all transactions of the party properties.



ARTICLE 24: DISCIPLINE

1) All members without exception shall abide by the party constitution rules and regulations, managements and financial probity policies, code of conduct and any other such rules, regulations codes and polices adopted and/or amended from time to time. Any member or official of any organ of the party must adhere to party disciplinary code. The party disciplinary code prohibits party members or officials to

- a) Get involved in violence as a means of promoting their individual or party position on any political matter, they shall not misrepresent the party members or party organs, any such misrepresentation will attract disciplinary proceedings in accordance with this constitution.
- b) Tamper with party records, documents or accounts
- c) Vie in an election of county government or national government elections or act as the election agent or canvassers of a person vying for such election in opposition to a candidate of **PDU** duly endorsed by the **NEC**.
- d) Joins or supports political organizations or party other than **PDU** or a party in a coalition or in an alliance with **PDU**.
- e) Prejudices the integrity or repute of the party, its personnel or its operational capacity by impeding the activities of the party or creating division within its ranks.
- f) Fail to pay their subscriptions for more than a month or falls into arrears if elected or nominated by the party or one year in case of other members.
- g) Misappropriates the funds of the party or destroys its properties
- h) Abuses elected or employed officers in the party or in government to obtain any direct or indirect undue advantage or enrichment
- i) Breaches the peace through disorderly behavior
- j) Deliberately disrupts meetings or otherwise interferes with the orderly functioning of the party.
- k) Does or fails to do any other thing that undermines the aims or objectives of the **PDU** or otherwise contravenes the party rules or regulations made under this constitution or the constitution of Kenya.
- l) Demeaning the office the officer holds.

2. Disciplinary proceedings against a member shall be confined to violation of party constitution, the Kenyan constitution, rules and regulation, management and financial probity polices, code of conduct, or the commission of offences as set out below and such disciplinary proceedings shall not.

- Be used as a means of stifling debate or denying members their basic democratic rights.
- Be instituted as a means of solving private problems or as means of interfering in the private life of members where norms of the party are not directly affected unless such conduct itself constitutes a violation or an offence affecting the party



3) Disciplinary proceedings shall be conducted at the level where the alleged violation or offence took place namely the cell, sub- branch, branch
The national chairman may direct that the disciplinary proceedings be heard at a higher level other than from where the alleged violation or offence took place save for that of national officials of the party who's proceedings can only be conducted by the National disciplinary committee.

4) Any person faced with disciplinary proceedings shall be served with written allegations and charges against him or her and a notice of any hearing thereof, and shall be afforded a reasonable opportunity to be heard in his or her defense and;

a. That the notice shall be sent through his/her last known address, mobile number E-mail, what's-up account, Facebook accounts or any other means that will reach the member.

b. That a member who refuses to attend the disciplinary committee meeting and there is evidence of service such disciplinary committee shall continue with the matter and conclude his absence notwithstanding and such ruling/decisions, shall be binding against the member and the party.

c. That any member of the party who faces disciplinary action (except for the National chairman) shall remain suspended from the party until he/she is cleared from such allegations.

5) A national disciplinary committee (NDC) shall be established by the national chairman in consultation with the national executive council, branch, sub-branch and cell committee shall establish disciplinary committee in consultation with the national chairman and national executive council. The national disciplinary committee shall draw up rules and regulations for the interpretation and implementation of this section.

6) A national disciplinary committee who the national chairperson shall chair, shall have the power to initiate any disciplinary actions to suspend or temporary replace such members or officials in writing subject to ratification by the national executive council within three months from the date of such suspension, failure such suspension shall automatically lapse.

That the national chairman shall disqualifies himself from chairing the national disciplinary committee if such allegation directly touches on him, in such a case the disciplinary committee shall choose one of its member to chair.

7) Any person found guilty in a disciplinary proceedings or is dissatisfied with the outcome of the proceeding shall within 30 days appeal against such decision to the next higher organ of the party.

8) Penalties for proven violations of the constitution, principals, norms and decision of the party shall include reprimand payments of compensation and or the performance of useful tasks, suspension and expulsion.

9) The national chairman in consultation with the national executive council may authorize other structures of the party to institute disciplinary proceedings and to set up appropriate structure to apply the provision of this article.



10) Any sitting MP or women representatives or senator or governor, Deputy Governor or ward representative who breaches this disciplinary provision shall bear the consequences of his/her action as stipulated in this disciplinary provision and in addition, the consequences set out in the bond to this constitution.

ARTICLE 25: PRESS AND PUBLICATIONS

- a) The party may own and operate a printing press and may have interest or shares in any existing printing press and may publish its own literature, periodical magazines, pamphlets, books etc.
- b) The party may own and run television and radio stations.

ARTICLE 26: INTERNATIONAL RELATIONS

- a. The national chairman shall deal with all international relations matters affecting the party including party representatives abroad, attendance at conference and receiving dignitaries to Kenya and shall place these matters before the national executive council.
- b. The national chairman can delegate in writing such dealings, attendance to conferences and receiving dignitaries to any official or members of the party provided that such official or member shall inform the national chairman on all the deliberations arrived at within 1 day.

ARTICLE 27: PARTY MANIFESTO, POLICES AND ELECTIONS PLATFORM

- a) The party shall have a manifesto outlining the vision, mission, programs and strategies of achieving its goals
- b) The manifesto shall be reviewed and received every five (5) years and presented to the national executive council for ratification
- c) The party shall have an election platform outlining its priorities in any given election.

ARTICLE 28: MERGERS, COALITIONS, FORMATION, MAINTENANCE AND TERMINATIONS OF COALITION

- The national delegate assembly may by recommendation by the national executive council or the national chairman pass a resolution by a simple majority of the delegates presents and entitled to vote, the party to cooperate, merge and enter into a coalition(s) with any other political party(s) in the country, before or after any presidential parliamentary or county elections, in that event the modalities of formation, maintenance and termination of such a coalition will be determined by the constitution of Kenya and any other law enforced then.
- The national chairman shall have the power to engage the party to enter into any coalitions provided that such engagement is for the benefit of the party.

ARTICLE 29: AMENDMENTS OF THE CONSTITUTION

- a) Any amendments to this constitution shall be by a two-third majority of the delegates present and voting at an ordinary or special national delegate's assembly.



- b) Notice of intent to propose any amendments to the constitutional shall be forwarded to the office of the secretary general at least three (3) months before the national delegation assembly.
- c) In case of special national delegates assembly the notice of intent shall be forwarded to the secretary general or the National chairman within a period not exceeding sixty (60) days and notice to the delegates within 30 days as to the intended special national delegates' assembly.

ARTICLE 30 SPECIAL NATIONAL DELEGATES ASSEMBLY

A special national delegates assembly may be convened by the national executive council or the national chairperson at any time or at the request of a majority of the branches for a stated purpose.

ARTICLE 31 CONTRACTUAL LIABILITIES

The party national officials shall have the authority to bind or to create any legal relationship on behalf of the party provided that they have the written authority of the national chairperson or the national executive council. *

ARTICLE 32: APPEALS TRIBUNAL

- a) The party shall establish an appeal tribunal to be known as the PDU appeals tribunal which shall have powers to hear and resolve all party disputes relating to nominations and or elections provided under clause (20) of this article.
- b) The tribunal shall consist of a chairman and not less than two and not more than four other members who shall all be appointed by national chairperson in consultation with the national executive council on such terms and conditions as the national chairman and the national executive council shall agree. This tribunal shall be established from time to time as the need may arise.
- c) No person shall be appointed to the tribunal unless if he/she is a member of the party and in making appointments as provided for in clause (b) of this article, the national chairman and national executive council shall appoint persons who are of integrity and not more than two-thirds must be of either gender.
- d) No person shall qualify to be appointed a member of the tribunal if he/she is directly or otherwise interested in the outcome of the tribunal verdict or was in any way substantially or otherwise, responsible or connected with any factor leading, causing or contributing to the disputes and if after the commencement of the hearing of a dispute it appears the continued participation of any member of the tribunal if the hearing is likely to contravene the provision of this paragraph, that member shall disqualify himself immediately if the member has already demanded for such disqualification.
- e) The tribunals will make rules and regulations to govern procedures and conduct of its affairs under this article.
- f) The national chairman in consultation with the national executive council shall establish such numbers of arbitration panels from time to time as circumstances

may warrant, for purposes of arbitration of disputes specified in clause (b) of this article provided that no panel shall hear the dispute in question unless the parties to the dispute agree to its composition.

- g) The national chairman in consultation with the national executive council may establish a panel at national level if, in the opinion, the dispute at hand is of national importance and may appoint a local panel within the jurisdiction of the branch, sub-branch or cell if the dispute is locally confined.
- h) Members of the arbitration panels shall serve on such terms and conditions as the national chairman and national executive council shall determine
- i) The provisions of article 24 clauses(7) shall apply mutatis mutandis to the appeals tribunal.
- j) No member as a condition precedent for membership of the party shall result to the court of law for the resolution of any dispute arising out of the conduct of any matter, issues or affairs unless the machinery herein established has been exhausted.
- k) If the dispute in question is within the party or any matter connected therewith the aggrieved members shall refer the same to PDU appeal tribunal established under clause (a) of this article and in case of any other dispute it shall be referred to the arbitration panel(s) as provided for under clause (f) of this article.

ARTICLE 33: ARBITRATION

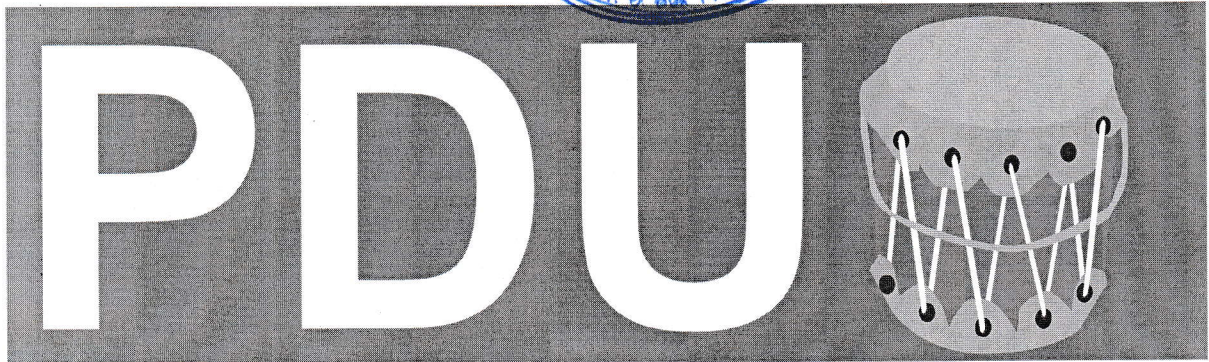
- All disputes relating to or arising from regarding the interpretation of this constitution or any regulation of this constitution or any regulations or rules made hereunder or the exercise of any power conferred herein shall be referred to arbitration.
- Any aggrieved member or members shall notify in writing such grievances to the national chairman and if the national chairman is of the opinion that such grievances are reasonable and or have merit, then the national chairperson shall refer such grievances to the national executive council, who shall appoint a panel of 3 arbitrators who shall be persons of good standing and repute in the society.
- The decision of arbitrators shall be final.

ARTICLE 34: DISSOLUTION

- A notice of dissolution shall be given at least 90 days before the national delegates' assembly to the national chairman.
- The national delegates assembly may, by resolution, passed by two thirds of majority of its members present and entitled to vote at a special national delegates assembly, called explicitly for the purpose of dissolution, resolve that the party be dissolved.
- All the properties and funds of the party after meeting all liabilities shall be distributed in such a manner that shall be determined by the national chairman and national delegates assembly at which the resolution dissolving the party has been passed or such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the dissolved party.

END OF PDU CONSTITUTION.

PDU



PARTY OF DEMOCRATIC UNITY

(PDU)

PART B

**NOMINATION RULES
NAIROBI, 2012 EDITION**

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PART 1

INTRODUCTION

1. These Rules shall be cited as the **PARTY OF DEMOCRATIC UNITY (PDU)** Nomination rules “hereafter referred to as the Rules
2. These Rules shall govern the nomination of party Candidates in respect of any election or elections in Kenya, done under the Kenyan constitution, the political parties’ act 2011, the elections Act 2011, the election general regulation 2012 or any other law that govern election in Kenya .
3. All party candidates shall sign and honor the cord of conduct and pledge of commitment in Form 1.

PART 2

NATIONAL NOMINATIONS COMMITTEE AND NOMINATION

1. The national chairman in consultation with the national Executive Council shall before the commencement of nomination procedures establish a National Nominations committee, which shall supervise and guide the nomination of party Candidates. The said committee shall consist of a chairman and four other members all of whom shall be persons of good standing and who are themselves or their relatives, not seeking nomination as party Candidates.
2. The Branch Executive committees shall before the commencement of nomination procedure and under the direction of the National Nomination Committee shall establish a Nominations board which shall consist of a Chairman and four other members all of whom shall be persons of good standing.
3. The national chairman in consultation with the National Executive council shall set a timetable for the completion of the nomination of Party candidates before any election or elections.
4. The National nominations Committee and the Branch Nomination Board shall appoint officials or agents to assist the committee and the Board in the conduct of the Nomination of Party candidates.



5. Voting for the nomination of party candidates shall be by secret ballot or any other agreeable method and on the basis a simple majority.

PART 3

NOMINATION OF PRESIDENTIAL AND DEPUTY PRESIDENTIAL CANDIDATE (FORM 3 AND FORM 4)

1. If the office of the president of the Republic of Kenya becomes vacant through sufficient cause, then a special national delegate's assembly shall be convened for the purpose of nominating the party's presidential and Deputy presidential candidate.
2. The party members shall have the right to participate in the nomination of the Presidential and Deputy presidential candidate.
3. The presidential and Deputy presidential candidates shall submit form 3 and form 4 to the National chairperson on the date meant for nomination of party candidates. The national chairperson shall forward the duly completed form 3 and form 4 to the national nomination committee.
4. Where only one person is nominated without opposition as a candidate for presidential and Deputy presidential elections, such persons shall be declared the party candidate subject to approval of the direct nomination of presidential and Deputy presidential candidate by National Executive Council and the subsequent national delegates assembly.
5. The Chairman of the National Nominations Committee shall forward the name of the presidential and Deputy presidential candidate to the national chairman and the National Executive Council. The presidential and Deputy presidential candidate shall then be issued with a certificate of Nomination signed by authorized party officials.



6. The party may by resolution of the national chairman in consultation with the national executive council support another presidential candidate in coalition with the party or not in coalition with the party subject to article 20 of PDU constitution.

PART 4

NOMINATION OF CANDIDATES FOR PARLIAMENTARY AND COUNTY GOVERNMENT ELECTIONS

1. Any party member seeking nomination of the Party in respect of parliamentary and County Government election shall submit to the National Nomination Committee through the National chairman an application in writing in form 5 or 6 or 7 or 8 or 9 or 10, with copies thereof to the Branch. Such application shall be accompanied with evidence of receipt of nomination fees duly paid, party membership i.e. Gold membership card and life membership card, National identity card and registration as an elector. The applicant shall deliver personally his application to the National Nominations committee.
2. The National Nominations committee shall submit names of the applicant to relevant Branch Nomination Boards.
3. The following non-refundable nomination fees shall be payable by candidates to the party account and original and copies of receipt received by the National Nominations committee.

a) President	Kshs.1, 000,000
b) Deputy President	Kshs.500, 000.
c) Members of National assembly	Kshs.100, 000.
d) Senators	Kshs.125, 000.
e) Governors	Kshs.125, 000.
f) Deputy Governors	Kshs.100, 000.
g) Member of county assemblies	Kshs.20, 000.
h) Women MPS	Kshs.80, 000.
- Members of the party who wants to appear at the party list shall be required to apply and comply with procedures as elected members
- The party shall not be responsible for any money received by unauthorized persons

No party member shall be nominated as a party candidate unless he/she has;

- a) A valid party membership card (Gold membership card).
 - b) An elector's card
 - c) A national identity card and is,
 - d) Qualified to be a member of parliament or a county government in accordance with the constitution of Kenya and the Elections Act 2011 or any other law that govern elections in Kenya.
 - e) Paid Nomination fee in full/or has been exempted by NEC to pay such nomination fee.
4. The Nomination Board under the direction of the National Nominations Committee shall set down the time and place of nomination of party candidates.
 5. At the commencement of the nomination exercise the applicants shall submit Nomination papers duly completed (in form 5 or 6 or 7 or 8 or 9 or 10) together with the names, particulars addresses and signatures of proposer, seconder and at least twenty supporters all of whom shall be members of the party and registered electors in the electoral area one is vying.
 6. The Nomination Board shall ensure compliance with the provisions herein.
 7. If after the close of the receipt of nomination, papers for any seat in parliamentary of local Government Elections, there shall be only one valid application, the applicant shall be declared nominated as the party Candidates.
 8. If after the close of the receipt of nominations papers there are more than one candidate, then an election shall be held in accordance with ARTICLE 20 of PDU Constitution and the party nomination rules (**this**).
 9. The National executive council shall determine the number of delegates who shall participate in the nomination exercise.
 10. At the close of the poll, the ballots shall be counted and the winner of the election declared nominated as the Party candidate by the returning officer.
 11. After the poll, the Nomination Board shall prepare in triplicate a return of the election showing the results thereof and thereafter sent the original copies of the return to the National Nominations Committee through the National chairman and the duplicate copy thereof shall be sent to the Branch. The return shall be in **form 12**.



12. Any member of the party who wishes to be nominated by the party to the National assembly, senate or county assemblies if the party was to be allocated special seats in accordance with the constitution of Kenya or any other law shall apply during the period set for nomination of party list candidate by the party, submit to the party through the national nomination committee through the national chairman an application in the prescribed form i.e. form 7 or 9 or 10 to the national nomination committee.
13. That if a member of the party is dissatisfied with the party list prepared by the national nomination committee such a member shall lodge such complains in a prescribed form within the time provided by the party to the party Appeals tribunal establish under article 32 of PDU constitution.
14. That no member of the party shall result to a court of law unless the Appeals tribunal has dispensed with the matter conclusively.
15. The national nominations committee shall prepare a party lists in consultation with the national chairman and in accordance with the constitution of Kenya, political parties act 2011, election act 2011 or any other law in force. The party list shall be presented to the national chairman for ratification before it is forward to the IEBC or the body authorized by law to conduct election. Candidate contained in the party list may be required to pay such fees as may be determined by the NEC.
16. The party shall have discretion to nominate any member to the party list.



PART 5

GENERAL

- a) Any member or contestant who is dissatisfied with the result of the Nominations shall appeal to the National Nomination committee within three days after the declaration of the nomination.
- b) The National Nominations Committee shall after considering the appeal confirm or reject the nomination and where a nomination is rejected the nomination exercise shall be repeated.
- c) If a member is dissatisfied with the recommendation of the National Nomination committee he/she shall raise such complains in writing in a prescribed form provided by the party to the party Appeals tribunal as set out in article 32 of PDU constitution.
 1. The party shall assist in the nomination process.
 2. The national executive Council in consultation with the national chairman may issue directions and enact procedure for the better carrying out of these rules.

PART 6

PARTY NOMINATION CERTIFICATE AUTHORIZED SIGNATURE

1. The Nomination Certificates to the independent Electoral and boundaries commission shall be signed by the National chairman.



PART 7

INTERPRETATION

1. In the Rules, unless the context otherwise requires:

“Branch” means a branch established under the constitution.

“Branch Executive committee” means the Branch Executive committee established under the constitutions,

“Constitution” means constitution of the party

“Election Official” means Chairman or member of the National Nomination Committee and Nomination Board or official or agent appointed under part 2 Rules 4.

“Nomination board” means Nominating Board established under part 2.

“National Executive Council” means National Executive Council Established under the PDU Constitution.

“Party” mean the PARTY OF DEMOCRATIC UNITY (PDU).

“President” Means president of the Republic of Kenya.

“Sub-Branch” means chairman of the National Nominations Committee and Chairman of the nomination Board and

“Rules” Means the rules made pursuant to this nomination rules.