

REPUBLIC OF KENYA



COUNTY ASSEMBLIES FORUM (CAF)

**RULES AND REGULATIONS**  
**GOVERNING CONDUCT OF ELECTIONS**

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## 1. Definitions

In these Rules and Regulations, unless the context otherwise requires the words used shall have the same meaning as in the CAF Constitution. In addition, the following words shall have the meaning as below

**Ballot** means the paper prepared for the marking of voters' choices in a CAF election

**Governing Council** has the meaning assigned to it in the CAF Constitution

**Independent Electoral and Boundaries Commission**, means the Commission established under the Constitution of Kenya and charged with the responsibility of conducting general elections in Kenya

**Judicial Officer** means a Judge of the High Court of Kenya or a magistrate of the Rank of Chief Magistrate currently serving as such in Kenya.

**Jurist** means a lawyer

**Presiding Officer** means a person appointed by the CAF CEO to be responsible for the voting and counting of votes at every designated voting station.

**Chapter** means a group of members of the Forum who have a common special interest and are recognised under Article 10 of the CAF Constitution

**Cluster** means a number of County Assemblies grouped together for purposes of consultations and effective discharge of the affairs of the Forum and recognised as such under the CAF Constitution

## 2. Principles of elections

The Elections under the CAF Constitution shall adhere to the following principles

- a). Integrity
- b). Inclusivity
- c). Transparency
- d). Regional balance and national outlook
- e). Free, fair and credible elections which
  - i. are by secret ballot
  - ii. free from violence, intimidation, improper influence or corruption; and
  - iii. administered in an impartial, neutral, efficient, accurate and accountable manner.

## 3. Eligibility

- a). All elected and nominated Members of the County Assembly are eligible to be elected to represent their respective County Assemblies at the Governing Council in accordance with Article 8(1)(a) of the CAF Constitution
- b). All Members of a chapter are eligible to be elected to represent their respective Chapter at the Governing Council in accordance with Article 8(1)(b) of the CAF Constitution

- c). All Members of the Governing Council are eligible to be elected to represent their respective Cluster at the Executive Committee in accordance with Article 9(1)(b) of the CAF Constitution
- d). All Speakers of County Assemblies are eligible for elections to the positions of officials specified in Article 5(1)(a) and (b) of the CAF Constitution
- e). All Members of County Assemblies in the Governing Council are eligible for elections to the positions of officials specified in Article 5(1)(c) and (d) of the CAF Constitution
- f). All Members of the Governing Council are eligible to vie for the positions of officials specified in Article 5 (1)(e), (f) and (g).

#### **4. Date and Notice of Elections**

- a). The Governing Council shall adopt a Schedule for elections for all elections under the CAF Constitution
- b). The Chief Executive Officer for CAF shall issue a notice of elections, detailing the elections date, the vacancies and an invitation for eligible and interested members to submit their nominations.
- c). The Notice of elections shall be issued to every County Assembly through their respective clerks

#### **5. Register of Voters**

- a). There will be a register of voters, which shall consist of:
  - i. For Governing Council Elections, the members of each respective County Assembly, which register shall be maintained by the County Assembly
  - ii. For the Elections of the Chapter Representative to the Governing Council, a register of all members of the respective chapters, as maintained by the CAF Secretariat
  - iii. For the Executive Committee elections, a register of all members of the Governing Council, as maintained by the CAF Secretariat.
- b). The Registers under clause (a) (ii) and (iii) above shall be finalized and published, by circulation to the respective county clerks of every County Assembly and posting on the CAF website and notice Board, at least, twenty-eight days to the respective election date
- c). The Registers in a(ii) and (iii) above shall be open for inspection for a period of seven days after publication following which the final Register shall be prepared and ready for elections, at least fourteen days before the date of elections.

#### **6. Nominations**

- a). The Nominations of candidates for Governing Council and Chapter representatives' elections shall be governed by the various County Assemblies or chapters of CAF respectively in accordance with the CAF Constitution.
- b). Every Candidate for elections as an official of CAF, under Article 5 of the CAF Constitution shall fill and submit Nomination Form Number "EC 1" and be proposed by a member of the Governing Council and seconded

by two other members. The proposer and Seconders should sign Form Number “EC 2”.

- c). Prospective candidates shall personally or by agent collect nomination forms from the office of the CEO of CAF.
- d). Every Candidate desirous of contesting a position in the CAF elections, should submit, in person or by agent, the filled forms in (b) above to the CEO of CAF at least fourteen days to the date of elections.
- e). The CEO shall maintain a register of all candidates who have submitted their nomination papers for the various vacancies and publish the list immediately on the close of nominations.
- f). The Final list of duly nominated candidates shall be published at least ten days to elections date, after clearance by the CAF CEO.

## **7. Management and Conduct of Elections**

- a). The CEO Shall preside over elections of CAF as provided for under Article 11(6) of the CAF Constitution.
- b). In presiding over the elections, the CEO, may, with the approval of the Executive Committee, either hire the Independent Electoral and Boundaries Commission or appoint an ad hoc Elections Management Committee, to assist her in undertaking that task.
- c). The Ad hoc Elections Management Committee, appointed under sub-clause (b) above shall comprise of the CEO and eight (8) clerks or their designate, one each from each of the CAF clusters
- d). The body appointed under sub-clause (b) above shall serve for a period of up to two months.

## **8. Election Observers**

- a). The Elections Management Committee may invite any organisation to observe the conduct of elections
- b). Any organisation desiring to observe the elections may apply to be accredited as an observer
- c). All observers shall have access to the election process and submit a report to the CAF CEO on their recommendations.

## **9. Campaigns**

- a). The Campaign Period shall run from the date of publication of duly nominated candidates and end twenty-four hours before the date of voting.
- b). All candidates shall be expected to carry out their campaigns in a peaceful and respectful manner devoid of hate speech, violence, incitement and other intimidating and uncivil conduct.
- c). The Elections Management Committee shall have the powers to punish any candidate who contravenes the provisions of these Rules and Regulations in the conduct of their campaigns
- d). Any candidate who violates the provision of these regulations in the conduct of their campaign may be:
  - i. Issued with a formal warning
  - ii. Fined

- iii. Struck out of the list of candidates and prevented from contesting in the current and/or subsequent elections.

## 10. Voting

- a). Elections for Members of the Governing Council representing the County Assemblies under Article 8(1)(a) shall take place at the respective County Assemblies as determined by the County Assemblies in accordance with the CAF Constitution.
- b). Elections for Members of the Governing Council representing the CAF chapters under clause 8(1)(b) shall take place at meetings convened for that purpose by the CAF CEO, in accordance with the elections schedule adopted by the Governing Council under these regulations.
- c). Elections for officials of CAF and members of the Executive Committee shall take place on the date prescribed for elections under these regulations and at a meeting convened for that purpose and venue determined by the CAF CEO.
- d). Voting will be by consensus or secret ballot, with every member being entitled to one vote in case of secret ballot.
- e). A ballot paper for use in an election shall have- (a) the names of the candidates; (b) a coloured passport photograph of every candidate; (c) a serial number printed on the front side; and (d) a counterfoil with the same serial number.
- f). Voting shall take place between 9:00 am – and 2:00 pm on the date designated for elections.
- g). Every voter must be on the register of voters and identify themselves using their national ID card or valid passport before being allowed to vote.
- h). Every voter, to be eligible to cast their vote, must be personally present at the venue for voting as there shall be no proxy voting.
- i). Voting shall be presided over by the CEO assisted by the Ad hoc Elections Management Committee.
- j). The elections for officials under Article 5 shall be conducted first, followed by the elections for representatives of CAF Clusters to the Executive Committee under Article 9(b) and (c).

## 11. Counting, Tallying and Declaration of Results

- a). At the close of voting, the Presiding Officer shall count all votes in an open and transparent manner.
- b). Every candidate shall be entitled to one agent to observe the counting and tallying process.
- c). The order of counting shall be as follows:
  - i. The Deputy Organising Secretary
  - ii. The Deputy Secretary General
  - iii. The Organizing Secretary
  - iv. The Treasurer
  - v. The Secretary General

- vi. The Deputy Chairperson
- vii. The Chairperson
- d). The Presiding Officer and the candidates or their agents shall sign a declaration acknowledging the results in respect of the election.
- e). The CAF CEO shall announce the results of the elections and declare the winners for each elective position.
- f). The CAF CEO shall thereafter issue every official elect, with a certificate as evidence of their election.

## 12. Dispute Resolution

- a). Any Candidate who is dissatisfied with the process of elections, may petition the CAF CEO at any stage of the process before declaration of results.
- b). During counting process, a candidate or agent, if present when the counting is completed, may require the presiding officer to have the ballots re-checked or recounted so long as the recount does not take place more than once.
- c). A person who is aggrieved by the results of an election may, within 7 days of the announcement of the results, lodge a complaint in writing to an Elections Dispute Resolution Tribunal appointed in respect of that election.
- d). The Elections Dispute Resolution Tribunal shall comprise of five people constituted as follows:
  - i. An eminent person, who has served in a leadership position either in Executive Committee or Governing Council of CAF, with knowledge and experience in dispute resolution nominated by the Executive Committee and approved by the Governing Council, to act as chairperson
  - ii. 4 other members, one of whom must be a Clerk of a County Assembly, appointed from within the membership of CAF, who are not serving in the Governing Council, nominated by the Executive Committee and approved by the Governing Council.
- e). The elections Dispute Resolution Board shall expeditiously, and within not more than fourteen days from the date of elections, hear and determine all disputes or complaints referred to it.
- f). Members of the elections Dispute Committee shall be appointed at least one week to elections and serve for a period of 1 month.

## 13. Assumption of Office

- a). All persons elected to the various offices under the CAF Constitution and in accordance with these Rules and Regulations shall be sworn into office within a period of twenty-one days from the date of elections.
- b). The Swearing in Ceremony shall be conducted by a Judicial Officer of the Republic of Kenya or an eminent jurist nominated by the Executive Committee and approved by the Governing Council
- c). The outgoing officials shall hand over during the swearing in ceremony.