HUSIKA
A YOUTH ACTION GUIDE
ON POLITICAL PARTICIPATION
About the Booklet

This booklet is a general readership information guide for young people to understand the new governance dispensation and how to engage with it including exercising of their rights and responsibilities as Kenyan citizens. The adoption of the new constitution in August 2010 and the continued reforms call for a different Kenyan.

There are tremendous changes that make the new order completely different from the old governance mandate and arrangement. The new order requires and places enormous responsibility on the people in as much as public governance instruments and authority are considered; trusts that must work in the interest and the wellbeing of the people. The booklet therefore provides information on the factual arrangement of the new government, the new electoral system and how young people may participate in the whole public processes.
The Youth Agenda

The Youth Agenda (YAA) is an independent, national, non-partisan, non-profit, youth development and advocacy organization. It is also a membership organization with representation in the forty seven counties. Founded in 1996, the YAA is one of Kenya’s leading youth voices in facilitating participatory processes that enable young people to assert their role and visibility in governance and development in Kenya.

It was conceived by a group of young people, then student leaders in Kenya’s Public Universities, who during the formative days of reintroduced plural politics in Kenya were concerned about the status of the country’s governance and leadership. This necessitated the organized involvement of young people in Kenya’s democratic processes. Towards this end, following the formation of YAA, structured dialogue among young people from the different sectors in Kenya on how to radically redefine the role of young people in political, economic and social discourses were facilitated by YAA, starting with the first National Youth Convention in Limuru in 1997.

Youth Agenda has in the last sixteen years, evolved into a premier youth organization registering phenomenal growth in stature through fostering positive change by mobilizing youth consciousness and nurturing young ethical leadership across the Republic. Today, the Youth Agenda has to its credit, an increased youth consciousness through participation in critical governance processes, enhanced visibility of young people occupying leadership positions in various sectors and the proliferation of youth led organizations aimed at making a difference.

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The youth are defined in the constitution as a collective group of persons who are between the ages 18 and 35 years. They are an integral part of the Kenyan society constituting 35.4% of the 78.3% total percentage of Kenya’s population of young people below 35 years (Youth Fact Book. IEA, 2010). The experiences – bad or good, that the Kenyan citizen undergo translatex directly to the proportion of the population. The negative indicators cumulatively witnessed over the years- bad governance, misuse and misplacement of public resources, corruption, unemployment, ill health, urban immigration, exclusive representation, primitive accumulation of wealth, inequality, crime and skewed policy implementation negatively affects the young people up to 78.3%.
The nature of the country’s politics has for a long time worked against the young people.

Elections and public governance run together. It is elections that provide opportunities for leaders to emerge to subsequently fill positions of authority. Governance system and public policy arrangements are dependent on the extent at which different sectors in the society are able to influence their dynamics and outcome. The youth are disadvantaged in this aspect as elections are demanding in resources, skills and networking. They hardly manage beyond 10% representation in public bodies.

The new constitutional dispensation has turned round the position of young people. In overall, the constitution 2010, addresses many weaknesses that characterized the old order. It addresses the concerns in three broad areas.

The first broad area deals with principles that provides for the object and purpose of the constitution and what Kenyans want to achieve as a people. The objects are set in the opening statement – the preamble, chapters one and two and are strengthened by principles and objects set before the provisions of every public institution. The main objects include;

- a commitment to protecting and nurturing the well being of the individual, the family, community and the nation,
- guaranteeing peace, national unity and the integrity of the Republic of Kenya,
- establishing a free and democratic system of government that guarantees good governance, constitutionalism, rule of law, human rights, gender equity and equality, and affirmative action,
- recognizing and placing responsibility among state organs so as to enhance checks and balances and government accountability to the people,
- promoting peoples participation in government i.e. in elections, exercise of power, participation in the management of public affairs,
- respecting ethnic and regional diversity,
- ensuring provision of basic needs of all Kenyans,
- promoting and facilitating of regional and international cooperation.
The second broad area of the constitution deals with the place of the individual. The constitution in chapters one, three, four and five are individual centered. The constitution defines Kenyans as a people and places sovereign power on them. It defines who the citizens are, lists entitlements of individuals (individual rights), and shows how the individuals are to relate to the governing institutions, public and natural resources. The individual rights are broadened and cover the basic rights, political rights, socio-economic rights, cultural rights and group rights initially not covered by the old constitution. It isolates affirmative recognition for the hitherto marginalized groups like the youth, the disability, the minority communities as well as firm gender equity principles. The state is mandated to progressively address the concerns of the young people particularly in employment, inclusion in representative bodies and repugnant cultural practices.

The third broad area is public focused. It deals with how the needs of the people of Kenya are to be met by establishing public institutions and lays out a leadership and integrity code for those entrusted with authority to work in the interests of the people. It creates two levels of government with functions clearly demarcated as National and County governments. Chapters 7 through to chapter 18 together with all the six schedules deal with the public matters including how to transit from the old order to the new dispensation in a specified period.
The individual rights are built on the principle that rights:

(a) belong to each individual and are not granted by the State,

(b) do not exclude other rights and fundamental freedoms unless they are inconsistent with constitution,

(c) are subject only to the limitations provided in the Constitution,

(d) applies to all law and binds all State organs and all persons. It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights.

The youth in the new constitution are part of the larger human community. They are entitled to all the fundamental rights and freedoms guaranteed in the constitution like everybody else in as much as they have additional affirmative rights specifically allocated to them. The following are the fundamental rights and freedoms that are to be enjoyed by every person including the youth.
The youth in the new constitution are part of the larger human community. They are entitled to all the fundamental rights and freedoms guaranteed in the constitution like everybody else.

- Every person has the right to life.
- Every person is equal before the law and has the right to equal protection and equal benefit of the law.
- Women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres.
- Every person has inherent dignity and the right to have that dignity respected and protected.
- Every person has the right not to be;
  (a) deprived of freedom arbitrarily or without just cause,
  (b) detained without trial, except during a state of emergency,
  (c) subjected to any form of violence from either public or private sources,
  (d) subjected to torture in any manner, whether physical or psychological,
  (e) subjected to corporal punishment, or
  (f) treated or punished in a cruel, inhuman or degrading manner.
- A person can not be held in slavery or servitude.
- Every person has the right to privacy.
- Every person has the right to freedom of conscience, religion, thought, belief and opinion.
Every person has the right to freedom of expression, which includes—
(a) freedom to seek, receive or impart information or ideas (b) freedom of artistic creativity and (c) academic freedom and freedom of scientific research. The right to freedom of expression does not extend to propaganda for war, incitement to violence or hate speech.

Freedom and independence of electronic, print and all other types of media is guaranteed.

Every citizen has the right of access to—
(a) information held by the State (b) information held by another person and required for the exercise or protection of any right or fundamental freedom.

Every person has the right to the correction or deletion of untrue or misleading information that affects the person.

Every person has the right to freedom of association, which includes the right to form, join or participate in the activities of an association of any kind. Any legislation that requires registration of an association of any kind must provide that—
(a) registration may not be withheld or withdrawn unreasonably;
(b) there is a right to have a fair hearing before a registration is cancelled.

Every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

Every citizen is free to make political choices, which includes the right—
(a) to form, or participate in forming, a political party;
(b) to participate in the activities of, or recruit members for, a political party;
(c) to campaign for a political party or cause.
Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors.

Every adult citizen has the right, without unreasonable restrictions—
(a) to be registered as a voter;
(b) to vote by secret ballot in any election or referendum; and
(c) to be a candidate for public office, or office within a political party of which they are a member and, if elected, to hold office.

Every person has the right to freedom of movement.

Every person has the right to leave Kenya.

Every citizen has the right to enter, remain in and reside anywhere in Kenya.

Every person has the right, either individually or in association with others, to acquire and own property of any description and in any part of Kenya.

Every person has the right to fair labour practices.

Every worker has the right to fair remuneration, reasonable working conditions, to form, join or participate in the activities and programs of a trade union and to go on strike.

Every person has the right to a clean and healthy environment.

Every person has the right—
(a) to the highest attainable standard of health;
(b) to accessible and adequate housing and to reasonable standards of sanitation;
(c) to be free from hunger, and to have adequate food of acceptable quality;
(d) to clean and safe water;
(e) to social security;
(f) to education.
Every adult has the right to marry a person of the opposite sex, based on the free consent of the parties. Parties to a marriage are entitled to equal rights at the time of the marriage during the marriage and at the dissolution of the marriage.

Every adult has the right to marry a person of the opposite sex

Consumers have the right—

(a) to goods and services of reasonable quality;
(b) to the information necessary for them to gain full benefit from goods and services;
(c) to the protection of their health, safety, and economic interests; and
(d) to compensation for loss or injury arising from defects in goods or services.

An arrested person has the right—

– to be informed promptly,
– to communicate with an advocate, and other persons whose assistance is necessary;
– not to be compelled to make any confession or admission that could be used in evidence against the person;
– to be held separately from persons who are serving a sentence;
– to be brought before a court as soon as possible, but not later than—
  (i) twenty-four hours after being arrested; or
  (ii) if the twenty-four hours ends outside ordinary court hours or day, then the end of the next court day;
– at the first court appearance, to be charged or informed of the reason for the detention or to be released; and
– to be released on bond or bail, on reasonable conditions, pending a charge or trial, unless there are compelling reasons not to be released;
— not be remanded in custody for an offence if the offence is punishable by a fine only or by imprisonment for not more than six months.

Every accused person has the right to a fair trial, which includes the right—

(a) to be presumed innocent until the contrary is proved;
(b) to be informed of the charge;
(c) to have adequate time and facilities to prepare a defense;
(d) to a public trial before a court of law;
(e) to have the trial begin and conclude without unreasonable delay;
(f) to be present when being tried, unless the conduct of the accused person makes it impossible for the trial to proceed;
(g) to choose, and be represented by, an advocate, and to be informed of this right promptly;
(h) to have an advocate assigned to the accused person by the State and at State expense, if substantial injustice would otherwise result, and to be informed of this right promptly;
(i) to remain silent, and not to testify during the proceedings;
(j) to be informed in advance of the evidence the prosecution intends to rely on, and to have reasonable access to that evidence;
(k) to adduce and challenge evidence;
(l) to refuse to give self-incriminating evidence;
(m) to have the assistance of an interpreter without payment if the accused person cannot understand the language used at the trial;
(n) not to be convicted for an act or omission that at the time it was committed or omitted was not—
(i) an offence in Kenya; or
(ii) a crime under international law;

(o) not to be tried for an offence in respect of an act or omission for which the accused person has previously been either acquitted or convicted;

(p) to the benefit of the least severe of the prescribed punishments for an offence, if the prescribed punishment for the offence has been changed between the time that the offence was committed and the time of sentencing;

(q) if convicted, to appeal to, or apply for review by, a higher court as prescribed by law.

An accused person charged with an offence, other than an offence that the court may try by summary procedures, is entitled during the trial to a copy of the record of the proceedings of the trial on request; and has the right to a copy of the record of the proceedings within a reasonable period after they are concluded, in return for a reasonable fee as prescribed by law.

Specific Youth Rights

Besides the youth being included in the enjoyment of rights like anybody else, the youth have clear cut demarcated rights specific to themselves. The youth have rights to:

- access relevant education and training;
- have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;
- access employment;
- be protected from harmful cultural practices and exploitation.

The youth have clear cut demarcated rights specific to themselves.
Role of the State in safeguarding rights of all

The constitution provides that the State is to observe, respect, protect, promote and fulfill the rights and fundamental freedoms in the Bill of Rights. It is the responsibility of the state;

■ To allocate resources to ensure progressive enjoyment of individual rights and fundamental freedoms.

■ To ensure that all State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities.

■ To enact and implement legislation to fulfill its international obligations in respect of human rights and fundamental freedoms.

■ Parliament is not allowed to enact a law that permits the State or any person to arbitrarily deprive a person of property.
Not to penalize any person for any opinion or view or the content of any broadcast, publication or dissemination.

Not to discriminate against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

To ensure that the judiciary gives exemptions to technical judicial procedures in handling rights related matters in the courts of law i.e. commencement procedures (nolongerfeesmaybechargedforcommencingproceedings), use of informal documents, etc.

To take measures, including affirmative action programs, to ensure that the youth—

(a) access relevant education and training;
(b) have opportunities to associate, be represented and participate in political, social, economic and other spheres of life;

(c) access employment; and
(d) are protected from harmful cultural practices and exploitation.

Individual Roles and Responsibilities

Individual rights run alongside individual responsibilities:

- It is ones’ responsibility to ensure that his/her rights are respected.
- Institute court proceedings on rights denial, violation or infringement or threatened.
- Educate others on their rights and responsibilities.
- Ensure that the constitution is respected, upheld and defended by everyone and state institution.
- Take action including going to court in case of threat or violation of self and rights of others.
Understanding Kenya’s New Government

A government is an instrument of the state that is charged with the overall responsibility of coordination and administration of public life. The Constitution establishes one government for the Republic of Kenya but breaks it into two units: The National and the County Governments.

Each of the two units is provided with organs that are guided by the principle of separation of powers and responsibilities to facilitate proper checks and transparent and accountable use of authority. While the sovereign power is placed on the people by the constitution, it is delegated to the state organs that are to facilitate the execution of functions to benefit the people. The people may only collectively exercise their sovereign responsibility directly in elections or through participation in various public processes that the constitution has widely opened.
## Functions of the National Government

### National Legislation

#### National policy formulation and approval
- Health policy.
- Agricultural policy.
- Veterinary policy.
- Energy policy.
- Tourism policy.

### National Standards

### National Services

- Foreign affairs and international trade
- Immigration and citizenship
- National defense, Police services and correctional services.
- Courts.
- National planning.
- Monetary services, currency, banking regulation, insurance and financial corporations.
- National statistics and data on population,
- Education services, curricula, examinations, granting of university charters, universities, tertiary educational institutions, institutions of research, higher learning, primary schools, special education and secondary schools.
- Promotion of sports and sports education.
- Transport and communications, including,
  - (a) road traffic;
  - (b) the construction and operation of national trunk roads;
  - (c) telecommunications; and
  - (d) radio and television broadcasting.

### National public works

- Protection of the environment and natural resources.
  - (a) fishing, hunting and gathering;
  - (b) protection of animals and wildlife;
  - (c) water protection.
- National referral health facilities.
- Disaster management.
- Ancient and historical monuments.
- National elections.
- Capacity building and technical assistance to the counties.
- Public investment.
- National betting, casinos and other forms of gambling.
- Tourism development.
The Structure of Government

The National government has three substantive organs and support independent institutions. These are the Parliament (both the National Assembly and the Senate), the Executive, the Judiciary and the Independent State Offices and Commissions.

Parliament

Parliament is the direct manifestation of people as a government. It demonstrates a fulfillment that democracy may be exercised by a few elected by many to act on behalf of all. The reason of establishing parliaments is that not all the citizens can sit at one place and deliberate on their issues. People of different sectors and shades of the society choose representatives in a free and fair process to represent their interests. Parliaments serve as a check on the overall powers of the government such that the authorities and institutions do not turn against the people but only serves their interest and common good. The parliament is sometimes also referred to as the legislature.

The National parliament comprises of two houses, the National Assembly and the Senate.
Parliament is the direct manifestation of people as a government. It demonstrates a fulfillment that democracy may be exercised by a few elected by many to act on behalf of all.

Role of the National Assembly

- represents the people of the constituencies and special interests in the National Assembly.

- deliberates on and resolves issues of concern to the people.

- enacts legislation.

- determines the allocation of national revenue between the levels of government and other national State organs.

- exercises oversight over State organs, national revenue and its expenditure.

- reviews the conduct in office of the President, the Deputy President and other State officers and initiates the process of removing them from office.

Role of the Senate

- represents the counties and serves to protect the interests of the County governments.

- participates in the law-making.

- determines the allocation of national revenue among counties, and exercises oversight over national revenue allocated to the county governments.

- participates in the oversight of State officers.

- has the last vote on consideration for removing (impeaching) the President or Deputy President from office.
Parliament

National Assembly

290 Elected from constituencies
47 Women elected from counties
12 Nominated from political parties – youths, disability and workers
1 Speaker

350

Senate

47 Elected from counties
16 Women nominated by parties
2 Youth
2 Disability reps
1 Speaker

68
Qualification for election as Member of Parliament

A person qualifies for election as a Member of Parliament (National Assembly/Senate) if the person—

(a) is registered as a voter;

(b) has post secondary qualification;

(c) satisfies moral and ethical requirements prescribed by this Constitution or by an Act of Parliament;

(d) is nominated by a political party, or is an independent candidate who is supported—

(i) in the case of election to the National Assembly, by at least one thousand registered voters in the constituency; or

(ii) in the case of election to the Senate, by at least two thousand registered voters in the county.

A person is disqualified from being elected as a Member of Parliament if the person—

(a) is a State officer or other public officer, other than a Member of Parliament;

A person is disqualified from being elected as a Member of Parliament if the person has not been a citizen of Kenya for at least the ten years immediately preceding the date of election.
(b) has, at any time within the five years immediately preceding the date of election, held office as a member of the Independent Electoral and Boundaries Commission;

(c) has not been a citizen of Kenya for at least the ten years immediately preceding the date of election;

(d) is a member of a county assembly;

(e) is of unsound mind;

(f) is an under charged bankrupt;

(g) is subject to a sentence of imprisonment of at least six months, as at the date of registration as a candidate, or at the date of election; or

(h) has been found in accordance with any law to have misused or abused a State office or public office.

YOUTH ACTION TIPS

☑ Encourage qualified people to stand

☑ Vet potential candidates

☑ Stop undeserving candidates from standing by sharing information about them

☑ Stand for elections if qualified

☑ Educate the public about the required qualifications

☑ Participate fully in electing the right candidates

☑ Originate, discuss and input on bills

☑ Petition parliamentary outcomes

☑ Discuss and input on policy drafts
National Executive

The executive arm of government normally is the arm that administers the state. It is the one that is in charge of implementation of all legislations and resolutions of parliament and decisions of the judiciary.

The national executive of the Republic comprises the President, the Deputy President, the Cabinet, and the public service. The independent state offices and commissions supplement the traditional role of the executive.

The President is elected by registered voters in a general election for a term of five years. He/she cannot hold office for more than two terms. A person qualifies for nomination as a presidential candidate if the person—

(a) is a citizen by birth;

(b) has the qualifications required of a Member of Parliament;

(c) is nominated by a political party, or is an independent candidate;

(d) is nominated by not fewer than two thousand voters from each of county;

(e) holds a university degree from a university recognized in Kenya;

(f) A person is not qualified for nomination as a presidential candidate if the person owes allegiance to a foreign state.

A candidate only wins a presidential election if he/she receives—

(a) more than half of all the votes cast in the election; and

(b) at least twenty-five per cent of the votes cast in more than half of the counties.

In case no candidate is elected, a fresh election is held within the next thirty days between the top two candidates. The candidate who receives the most votes in the fresh election gets declared elected as President.
National Executive

President

Deputy President

Cabinet
(not less than 14 and not more than 22)

Principle secretaries

National Public Service

PRESIDENT  ➔  DEPUTY PRESIDENT

ELECTED

CABINET
BETWEEN 14-22

PRINCIPLE SECRETARIES, AG

NATIONAL PUBLIC SERVICE

NATIONAL GOVERNMENT SERVICES

PEOPLE OF KENYA
The President—

- is the Head of State and Government;
- the Commander-in-Chief of the Kenya Defense Forces;
- the chairperson of the National Security Council;
- is a symbol of national unity;
- safeguard the sovereignty of the Republic;
- promotes and enhance the unity of the nation;
- promotes respect for the diversity of the people and communities of Kenya;
- ensures the protection of human rights, fundamental freedoms and the rule of law;
- nominates, with the approval of the National Assembly, appoints, and may dismiss —
  (a) the Cabinet Secretaries,
  (b) the Attorney-General,
  (c) the Secretary to the Cabinet,
  (d) Principal Secretaries,
  (e) high commissioners, ambassadors and diplomatic and consular representatives.
- chairs Cabinet meetings,
- directs and co-ordinate the functions of ministries and government departments;
- receives foreign diplomatic and consular representatives;
- confers honors in the name of the people and the Republic;
- declares a state of emergency;
- with the approval of Parliament, may declare war;
- ensure that the international obligations of the Republic are fulfilled;
- President may exercise a power of mercy based on the advice of the Advisory Committee.
The Judiciary

The judiciary is the arm of government that is charged with the administration of justice. In administering justice the judiciary interprets the laws and arbitrates on disputes between differing parties. The constitution outlines the guiding principles that the justice system has to observe. These include:

- Justice must be done to all regardless of status. Equality before the law.

- Justice shall not be delayed.

- Justice to be administered with minimal procedures and technicalities.

- Promotion of alternative dispute resolution mechanisms i.e. reconciliation, mediation, arbitration and traditional dispute resolution mechanisms as long as they are consistent with the constitution and moral values of the society.

The judiciary is broadly divided into two vertical levels; the subordinate courts and the superior courts. Each of the vertical levels has horizontal arrangements called divisions.

The subordinate courts comprise the magistrates of varying levels i.e. senior magistrates, principle magistrates and chief magistrates. It also includes the Kadhis courts. The subordinate courts handle both civil and criminal matters of first application. However, they do not handle grave criminal matters that are sometimes referred to as capital offences i.e. murder, robbery with violence, etc. and they do not deal with civil cases involving sums not exceeding Kshs. 1 million.

The constitution outlines the guiding principles that the justice system has to observe including Justice to all, regardless of status. Equality before the law.
The superior courts include the high court, courts of appeal and the supreme court. The courts serve both as courts of appeal and as first application only on specific matters. The high court handles matters that are grave i.e. on violation of the constitution, individual rights and fundamental freedoms, capital offences and referred matters from the magistrates’ courts. The constitution has also created additional courts to handle land matters, environment and industrial matters as part of the high court. The court of appeal only presides over matters of appeal as a second reference court against decisions of the high court. The Supreme Court serves as a last reference or a third appeals court but also has jurisdiction over first application on certain matters i.e. presidential election petition.

YOUTH ACTION TIPS

☑️ Learn and be informed on judicial processes

☑️ Encourage and facilitate learning and information sharing of the judicial processes.

☑️ Take action alone or with others to help in the administration of justice (representative suits)

☑️ Follow up on judicial matters i.e. cases.

☑️ Refer people, victims and the vulnerable to judicial offices for action.

☑️ Take matters to the offices of the ombudsman - public defender
Judiciary/Courts of Law

- Supreme Court
- Court of Appeal
- High Court
- Special Courts (e.g. on land, labour, environment)
- Superior Courts
- Subordinate Courts
- Magistrates’ Courts
- Tribunals (e.g. on rent & business premises)
- Kadhis’ Courts
The Devolved (County) Governments

Devolution means allowing or giving powers of decision making to smaller or local units that have means to implement the decisions. The decision making powers are for all spheres including political, economic, social and cultural. There are 47 county governments. The number is based on the number of districts in Kenya by 1992 (Provinces and Districts Act, 1992). Each county is mandated to have its own legislature and executive and is required to individually decentralize its functions and the provision of services to lower levels in a manner that is efficient and practical.
## Functions of County Governments

- **County Legislation.**
- Implementation of national policies and legislations.
- County policy formulation and approval.
- Application of national standards in county services.

### County Services:

- **Agriculture,** including—
  - (a) crop and animal husbandry;
  - (b) livestock sale yards;
  - (c) county abattoirs;
  - (d) plant and animal disease control;
  - (e) fisheries.

- **County health services,**
  - (a) county health facilities;
  - (b) veterinary services;
  - (c) cemeteries, funeral parlors and crematoria; and
  - (d) refuse and waste disposal.

- **Control of pollution,**
  - - cultural activities, public entertainment and public amenities
  - (i) county parks, beaches and recreation facilities.

- **County transport,** including—
  - (a) county roads;
  - (b) street lighting;
  - (c) traffic and parking;
  - (d) public road transport; and
  - (e) ferries and harbors (excluding the regulation of international and national shipping).

- **Trade development and regulation,** including—
  - (a) markets;
  - (b) trade licenses (excluding regulation of professions);
  - (c) fair trading practices;
  - (d) local tourism; and
  - (e) cooperative societies.

- **County planning and development,**
- **Pre-primary education,** village polytechnics, home craft centers and childcare facilities,
- **County public works and services,**
- **Fire fighting services and disaster management,**
- **Control of drugs and pornography.**
Structures of County Governments

The county governments have two organs, the County Assembly (County parliament) and the County Executive. It shares in judiciary with the National Government.

County Assembly

Ward representatives*

1/3 Gender principle

Special group representatives

4 Youths

4 Disability

1 Speaker

*Note: The number of County Assembly members varies from one county to the other depending on county sizes particularly on population.

County Assemblies

County Assemblies are the legislative organ of county governments. They are to:

- make laws for the county government;
- exercise oversight over the county executive organs;
- receive and approve plans and policies for the Counties.
Qualification for Elections in County Assembly

A person qualifies for election as a county assembly member if the person—

(a) is registered as a voter;

(b) has post secondary qualification;

(c) satisfies moral and ethical requirements; prescribed by this Constitution or by an Act of Parliament;

(d) is either—

(i) nominated by a political party; or

(ii) an independent candidate supported by at least five hundred registered voters in the ward concerned.

A person is disqualified from being elected a member of a county assembly if the person—

(a) is a State officer or other public officer;

(b) has, at any time within the five years immediately before the date of election, held office as a member of the Independent Electoral and Boundaries Commission;

(c) has not been a citizen of Kenya for at least ten years immediately before the date of election;

(d) is of unsound mind;

(e) is an undischarged bankrupt;

(f) is serving a sentence of imprisonment of at least six months; or

(g) has been found in accordance with any law to have misused or abused a State office or public office.

County Executive

The county executive comprises the governor, the deputy governor, the executive committees and the municipal boards/ the city boards for urban areas and cities. The county governor and the deputy county governor are the chief executive and deputy chief executive of the county respectively. Members of a county executive committee are accountable to the county governor for the performance of their functions and exercise of their powers.
The county governor is to be directly elected by the voters registered in the county, on the same day of the general election. Each candidate for election as county governor nominates a person who is qualified for nomination for election as county governor as a candidate for deputy governor.

To be eligible for election as county governor, a person must—

- be eligible for election as a member of the county assembly;
- be a holder of a degree from a recognized university.
Removal of a county governor

A county governor may be removed from office on any of the following grounds—

(a) gross violation of the constitution or any other law;

(b) there are serious reasons for believing that the county governor has committed a crime under national or international law;

(c) abuse of office or gross misconduct; or

(d) physical or mental incapacity to perform the functions of office of county governor.

Vacancy in the office of county governor

The office of the county may become vacant if the holder of the office—

(a) dies;

(b) resigns in writing addressed to the speaker of the county assembly;

(c) ceases to be eligible, to be elected county governor;

(d) is convicted of an offence punishable by imprisonment for at least twelve months;

(e) is removed from office under this constitution.

If a vacancy occurs in the office of county governor, the deputy county governor assumes office as county governor for the remainder of the term of the county governor. If, more than two and a half years remain before the date of the next election it will be treated as a full term. If a vacancy occurs in the office of county governor and that of deputy county governor or if the deputy county governor is unable to act, the speaker of the county assembly acts as county governor for sixty days within which election to the office of county governor shall be held.

The County Governor is to be directly elected by the voters registered in the county, on the same day of the general election.
**County Executive Committees**

The executive authority of the county is placed in county executive committee. The committee is the cabinet of the county government. It consists of—

(a) the county governor and the county deputy governor;

(b) members appointed by the county governor, with the approval of the county assembly, from among persons who are not members of the assembly.

The number of members of the committee is to be in a ratio of 1:3 (one-third) of the number of members of the county assembly if the assembly has less than thirty members or a maximum of ten if the assembly has thirty or more members. All the members of the executive must have an education qualification of at least a degree from a recognized university.

**Functions of county executive committees**

(a) implement county legislation,

(b) implement national legislations within the county,

(c) manage and coordinate the functions of the county administration and its departments,

(d) prepare proposed legislation for consideration by the county assembly,

(e) provide the county assembly with full and regular reports on matters relating to the county,

(f) advise the governor on conferment of townships within the county.

**County Funds/Revenue**

There is a Revenue Fund (County Treasury) for each county government where all money raised or received by or on behalf of the county government is deposited. The county governments are to raise their own revenue and will further receive a share of revenue raised nationally. Internally, Counties have revenue raising powers on;

(a) property rates;

(b) entertainment taxes;

(c) charges for services;
(d) any other tax authorized to impose by an Act of Parliament;

(e) external borrowing which must be approved by the county assembly and guaranteed by the national government.

From the National government, Counties are to get:

- not less than 15% share of the annual national revenue shared equitably amongst the 47 counties.

- one half (½) of annual national revenue as equalization fund to marginalized areas only (to uplift quality of services to almost equal levels with other areas for an initial 20 years).

The county governments are to raise their own revenue and will further receive a share of revenue raised nationally.

There are set conditions and criteria for the transfer of funds. Some of the conditions include:

- fiscal capacity and efficiency of the county government

- capacity to raise internal revenue

- maximum use of economic opportunities in the county.
Urban Areas and Cities

Urban Areas and Cities formation, classification and management are provided for in the Urban Areas and Cities Act, 2011. In the Act, Urban area means a Town or a Municipality while a city means an area conferred with the city status by the president with approval of the Senate. Town is conferred by the governor in consultation with the county executive committee. A municipality is conferred by the governor on approval of the county assembly. To be conferred the status; a town must have among other things a population of ten thousand residents, a municipality must have 250,000 residents and a city must have 500,000 residents.

Management of towns are under the direction of the governor through governor appointed town committees approved by the county assembly.

The management of a municipality is under the direction of the county government but administered by a municipality board. The board comprises 9 people of whom 4 are appointed and 5 elected in a manner prescribed by the county assembly.

The city governance and management is similar to that of a county. The only difference is that the city has an additional organ called city board. The city board comprises not more than 11 members. It has the mandate of supporting the city executive committee.

Note:
The current municipal authorities that do not have a population of 250,000 people will revert to be towns under the oversight of the executive.
Summary structure and linkage between the two governments

**NATIONAL GOVERNMENT**

- **PRESIDENT**
- **DEPUTY PRESIDENT**
- **CABINET** (between 14-22)
- **PRINCIPLE SECRETARIES, AG**
- **NATIONAL PUBLIC SERVICE**
- **JUDICIARY / COURTS OF LAW**
- **STATE OFFICES**
  - **INDEPENDENT STATE OFFICES AND COMMISSIONS**

**DEVOLVED (COUNTY) GOVERNMENT**

- **GOVERNOR**
- **DEPUTY GOVERNOR**
- **EXECUTIVE COMMITTEE**
  - (not less than 3 and not more than 10)
- **COUNTY PUBLIC SERVICE**
- **Serves both National and County**
- **JUDICIARY / COURTS OF LAW**
- **SERVES BOTH NATIONAL AND COUNTY**

**LEGISLATURE**

- **SENATE**
  - (47 elected from counties + 16 women nominated by parties + 2 youth + 2 disability reps + speaker) = 68
- **NATIONAL ASSEMBLY**
  - (290 elected from constituencies + 47 women elected from counties + 12 nominated – youths, disability and workers + Speaker) = 350

**Counts**

- (47 elected from counties + 16 women nominated by parties + 2 youth + 2 disability reps + speaker) = 68
- (290 elected from constituencies + 47 women elected from counties + 12 nominated – youths, disability and workers + Speaker) = 350

County Assembly: An Assembly of Ward reps + 1/3 gender principle + 8 special group reps (4 youths and 4 disability reps) + Speaker
Leadership and Integrity Requirements

For a long time the leadership of the country has been wanting despite numerous efforts that have been put in place. Corruption, nepotism, mediocrity and god ‘fatherism’ continue to characterize public service with many leaders thinking that service to the people is a favor.

The constitution now makes it express that public authority is a public trust that must be exercised in a manner that is consistent with the purposes and objects of the constitution, demonstrates respect for the people, brings honor to the nation and dignity to the office and promotes public confidence in the integrity of the office. The leaders have a responsibility to serve the people, and not themselves.

The guiding principles of leadership and integrity include—

(a) selection based on personal integrity, competence and suitability, or election in free and fair elections;

(b) objectivity and impartiality in decision making, and in ensuring that decisions are not influenced by nepotism, favoritism, other improper motives or corrupt practices;

(c) selfless service based solely on the public interest, demonstrated by—

(i) honesty in the execution of public duties; and

(ii) the declaration of any personal interest that may conflict with public duties;

(d) accountability to the public for decisions and actions; and

(e) discipline and commitment in service to the people.
The leaders have a responsibility to serve the people, rather than themselves.

It is further expected of public service to exercise;

(a) high standards of professional ethics;
(b) efficient, effective and economic use of resources;
(c) responsive, prompt, effective, impartial and equitable provision of services;
(d) involvement of the people in the process of policy making;

LEADER–CITIZEN RELATIONSHIP IS TWO WAY
LEADER SERVICE TO THE PEOPLE AND CITIZEN RESPONSIBILITY WITHIN THE CONSTITUTION
(e) accountability for administrative actions;

(f) transparency and provision to the public of timely, accurate information;

(g) fair competition and merit as the basis of appointments and promotions;

(h) representation of Kenya’s diverse communities; and

(i) affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of—

(i) men and women;
(ii) the members of all ethnic groups; and
(iii) persons with disabilities.

A gift or donation to a state/public officer on a public or official occasion is a gift or donation to the Republic and is to be delivered to the State. A state officer/public officer is not allowed to;

(a) maintain a bank account outside Kenya except in accordance with an Act of Parliament; or

(b) seek or accept a personal loan or benefit in circumstances that compromise the integrity of the state officer. There are further restrictions that require a full-time state officer not to participate in any other gainful Employment, and not to hold office in a political party. Retired State officers on pension from public funds are restricted from holding other public offices.

**Youth Action Tips**

- **✓ Raise issues on integrity of leaders**
- **✓ Vet leaders**
- **✓ Monitor behavior and performance in office**
- **✓ Inform and educate others on what is expected of public officers**
Electoral System and Process of Elections

Election is a process where chances are availed for every citizen to chose and determine the kind of leaders to fill the positions in government that require representation. Representative democracy is rated highly world over as the only way that can replace direct participation of the people.

Carrying out elections gives individuals opportunities to exercise their political right enshrined in the constitution and provides an opportunity to demonstrate the equality of the vote. The system of elections in Kenya has been changed tremendously by the new laws in the country. It comprises of a direct election for elective positions, proportional representation based on political party listing and special seats for the youth, persons with disabilities and the workers.

The electoral system is to be guided by the following principles.

a) Membership to the elective bodies must not have more than two thirds of one gender.

b) Fair representation of persons with disabilities.

c) Fair representation and equality of the vote.

d) Free and Fair elections:
   i. that are free from violence, intimidation, improper influence, or corruption;
   ii. that are transparent;
   iii. that are conducted by an independent body and administered in an impartial, neutral, efficient, accurate and accountable manner;
   iv. done by secret ballot.
There are five different types of elections that may be carried out in Kenya.

1. General elections

General elections are elections carried out every five years and involves the election of all political elective positions held at once.

The elective positions are:

i. President/Deputy president as running mate.

ii. Senator.

iii. Member of the National Assembly.

iv. One woman member of the National Assembly elected by county voters.

v. Governor/Deputy Governor as running mate.

vi. Ward Representative.

2. By elections

By elections are elections conducted when a vacancy occurs in any of the six elective positions. Vacancy may occur when the office occupant—

- dies;
- resigns;
- misses eight consecutive sittings of the respective house;
- leaves a political party that nominated him/her;
- joins a political party when was initially an independent;
- is lawfully disqualified.

3. Run off elections

A run-off is an election conducted when there is no clear winner in a presidential election. It may be occasioned by a presidential candidate scoring the required majority but fails to get at least 25% from half of the counties. The re-run must be conducted within the next 30 days after election.
4. Recall elections

Recall elections are elections carried out when a member of parliament looses a seat if found to have violated leadership and integrity provisions or mismanaged public resources or is convicted of electoral offences. The process of recall can only be initiated through a petition by a voter who participated in the election and not an unsuccessful candidate in the election. The petitioner files the matter with the IEBC specifying grounds for the recall in writing and accompanying the petition with—

a. Order of the high court.

b. List of names of registered voters in the constituency/county, electors card numbers, identity card/passport and signature of the voters supporting the petition. The list must have at least 30% of the registered voters from at least 15% from more than half the wards in the constituency/county. The list is collected and submitted to the commission within 30 days after filling the petition.

c. Five hundred thousand shillings petition fees.

The IEBC verifies the lists of names in a 30 day period and when satisfied, issues a notice to the Speaker of the relevant House in 15 days then conducts a recall election within 90 days. A recall election is only valid when there is at least 50% voter turn out. The result is decided on by a simple majority. A successful recall election gives way to a by-election where a recalled member of parliament may still run.

5. Referenda

Referenda are polls conducted for choice on an issue or matter of concern to the people. It does not have individual candidates but is more of approval or disapproval of an issue. The referendum conducted on the constitution in 2010 is an example.
Management of Elections

The management of elections is charged on the Independent Electoral and Boundaries Commission (IEBC).

The commission is—

- to conduct continuous registration of voters;
- revision of voters roll;
- reviewing names and Drawing of electoral boundaries;
- regulate political parties’ nomination of candidates for elections and to monitor political parties’ compliance with legislations;
- settle electoral disputes;
- registration of candidates for elections;
- voter education;
- facilitate election observation, monitoring and evaluation.

The boundaries of a county may not be altered except by a resolution of both houses of parliament upon recommendations from an independent commission set up for that purpose.
Drawing of Electoral Boundaries

The commission is responsible for reviewing of names and boundaries of constituencies at intervals between 8 and 12 years. The number of constituencies is set at 290, meaning that it is only their boundaries and names that will be changing. The review for wards are however open and may be done periodically based on the commissions’ assessment. The constituencies are supposed to have as nearly equal number of people as possible, but there are factors provided that may allow for variation. These include geographical features, urban areas, community ties and means of communication.

The variation allowed is 40% high for urban areas, 40% low for sparsely populated areas and 30% for the rest of areas in relation to the population quota. Population quota is the national population figure divided by 290 constituencies. The commission is to work progressively towards ensuring that constituency/ward inhabitants are as close to the population quota.

In reviewing the names and boundaries, the commission must consult all the interested parties.

The boundaries of a county may not be altered except by a resolution of both houses of parliament upon recommendations from an independent commission set up for that purpose. The boundaries of a county may be altered to take into account—

(a) population density and demographic trends;

(b) physical and human infrastructure;

(c) historical and cultural ties;

(d) the cost of administration;

(e) the views of the communities affected;

(f) the objects of devolution of government; and

(g) geographical features.

Registration of voters

All adult Kenyans are allowed to be voters. For one to register as a voter at elections or referenda, the person has—

(a) to be an adult citizen;

(b) to be of sound mind;
(c) not been convicted of an election offence in the last five years;

(d) to register at only one registration centre.

Diaspora registration and voting

The laws allow for Kenyan citizens staying outside the country to register and vote as any other citizen. The IEBC has to make arrangement to facilitate their registration and voting.

Inspection of registers

The register of names compiled after registration of voters are required to be opened up for voters to cross check and verify if their details are correctly posted i.e. names, identity card numbers, etc. The inspection of registers offers the voters a chance to make any corrections early enough before the polling day. The inspection of registers may be done during the entire duration of the electoral period but is closed three months before the general elections date or one month before a by election.
Political Parties in Elections

Political parties are organized political associations whose main difference with other civil groups and associations is their intent to control state power.

Political parties offer an opportunity for political competition in the society and broaden political space for plural democratic practice. Freedom of political choice as a political right only gets clear manifestations through availability of players to choose from. Unlike in many parts of the world where democracy has been practiced over time and political parties have been fully accepted as critical players, Kenya’s political party history has been checkered, we have had along history of single party rule to an extent that it was not possible for some time to differentiate between a political party and the government. Political parties’ emergent after the 1992 altogether accelerated the gusto of political parties’ formation without clear cut operational framework.

Political parties’ role is now fully recognized both by the constitution and the Political Parties Act, 2011. Political parties are to play the role of political socialization and education, nature political leadership, offer alternative policy choices and are to participate in elections by nominating candidates for elections for all the elective positions. Besides, the parties also nominate persons through party lists for special seats in parliament and county assemblies.

The law has streamlined political party’s operation. All parties must be registered by the registrar of political parties. The registrar is an independent office unlike before when parties were registered as any other association. The registrar of political parties is to deal with political parties issues. These include—

- registration, regulation, monitoring, investigation and supervision of political parties to ensure compliance with the law;
- administer the political parties fund;
- publication of the audited annual accounts of political parties;

- maintaining registers of political parties;

- verification of membership to ensure no person is a member of more than one political party;

- deregistration of political parties. A political party may be deregistered if the party:
  - contravenes the constitution
  - does not promote free and fair nomination of candidates
  - does not adhere to the law relating to the nomination of candidates

- obtained registration fraudulently

- has instigated or participated in the commission of an election offence

There are conditions which political parties must meet to qualify for registration. Every political party must—

(a) have a national character;

(b) have a democratically elected governing body;

(c) promote and uphold national unity;

(d) abide by the democratic principles of good governance, promote and practice democracy through regular, fair and free elections within the party;

(e) respect the right of all persons to participate in the political process, including minorities and marginalized groups;

(f) respect and promote human rights and fundamental freedoms, and gender equality and equity;

(g) promote the objects and principles of the constitution and the rule of law;

All parties must be registered by the registrar of political parties.
(h) subscribe to and observe the code of conduct for political parties.

A political party cannot—

(a) be founded on a religious, linguistic, racial, ethnic, gender or regional basis;

(b) engage in or encourage violence by, or intimidation of its members, supporters, opponents or any other person;

(c) establish or maintain a paramilitary force, militia or similar organization;

(d) engage in bribery or other forms of corruption.

Political parties are further supposed to observe a code of conduct meant to regulate the behaviour of members and office holders of political parties, aspiring candidates and their supporters, promote good governance and eradicate political malpractices. Every political party has to:

i. respect all persons to participate in political processes;

ii. respect and promote gender equity and equality, human rights, human dignity, social justice, rule of law and fundamental freedoms;

iii. be tolerant and inclusive in their political activities;

iv. respect, uphold and defend the constitution, respective party constitutions, rules and regulations;

v. promote national patriotism and national unity;

vi. promote cooperation in political competition;

vii. promote sharing and devolution of power and resources;

viii. promote democratic practices through regular, free, fair and credible elections and nominations;

ix. promote inter-party relations.

A political party is not to—

- engage or encourage violence by its members or supporters;

- intimidate opponents;

- engage in influence peddling, bribery or any other form of corruption;
Political parties nominate persons through party lists for special seats in parliament and county assemblies.

Political Parties in Nominations

There are two different levels of party nominations.

a) The internal political parties’ nominations sometimes referred to as party primaries. The political parties conduct their own individual internal nominations based on each political party’s constitution, nomination rules and regulations. The IEBC is to issues time period of 21 days for parties to conduct their primaries and also regulates the process by which political parties nominates candidates for elections.

b) Nomination through party lists. Political parties are to provide lists of names of potential qualified candidates for fielding special seats in the Senate, the National Assembly and the county assembly as follows:

- 12 candidates (Youth, Disability and workers) for nomination to the National Assembly.
- 16 women candidates for nomination to the Senate.
- 2 youth candidates to the Senate.
- 2 disability candidates to the Senate.
- A number of candidates reflecting a third of total number of wards for purposes of gender equity.
- 4 persons with disability to county assembly.
- 4 youth candidates to the county assembly.

- accept or use illicit or illegal money;
- engage in incitement;
- obstruct, disrupt break –up or in any way interfere with another political party;
- establish or maintain a paramilitary force, militia or similar organization or having links with such organizations.
Political Party list

- 12 candidates
  - Youth, Disability and workers

- 16 Women candidates

- 2 Youth candidates

- 2 Disability candidates

A number of candidates reflecting a third of total number of wards for purposes of gender balance

- 4 Persons with disability

- 4 Youth candidates

Nomination:
- to the NATIONAL ASSEMBLY
- to the SENATE
- to the COUNTY ASSEMBLY
Each participating political party submits a list to the commission 45 days before the general elections. The list is submitted in order of priority with individuals who have been members of the submitting party for at least three months before the date of elections. The party list is valid for the term of parliament or county assembly. The names once presented to the IEBC can not be changed unless the nominated person dies, resigns or violates the electoral code of conduct. If anything happens to a representative in the list that can not make him/her be in the list then the slot gets allocated to the next representative in the list. Based on the results, participating parties get slots proportional to the number of seats each party wins in that election.

**Political parties funding**

Political parties are to receive funds from the public coffers. The fund is at least 0.3% of the revenue collected annually by the national government. Parties are further allowed to receive donations and contributions from lawful sources. The distribution of the fund to various political parties is based on the proportion of votes a political received in a preceding general election. 95% of the fund is shared out while 5% is retained for administrative expenses by the registrar.

Political parties are however only entitled to the fund if they receive 5% and above of votes in a preceding general election and that they do not have more than two thirds of their office bearers being of the same gender.

**The political party list of names once presented to the IEBC can not be changed and is valid for the term of parliament or county assembly.**
Independent candidates

Individual candidates are allowed to stand as an independent candidate for elections unlike before when every potential candidate had to be cleared by a political party. One qualifies as an independent candidate if the person is not a member of a registered political party and has not been a member of any party for at least three months immediately before the date of the election. The person in addition has to meet the requirements needed from all the other candidates.

One qualifies as an independent candidate if the person is not a member of a registered political party and has not been a member of any party for at least three months immediately before the date of the election.
Elections Disputes Resolution

Electoral processes and political competition is replete with disputes. Disputes are bound to arise at all levels from formation of political parties through to elections and post polling stages.

The pre electoral party disputes are to be settled by the registrar of political parties while the IEBC is responsible for the settlement of all pre polling electoral disputes but not on any dispute that touches results and election petitions. The commission has seven days within which it has to clear out disputes lodged with it. The disputes related to nominations or elections have to be dealt with before the date of nomination or election.

Election Petitions

All the elections including referenda may be petitioned. Petition against presidential elections may only be filed with the Supreme Court within seven days after the declaration of results. The court has 14 days within which to hear and determine the petition. Its decision is final. If it finds out that the election was not proper then a fresh election is called within the next 60 days. The petitioner to the elections is required to deposit a security of Kshs. 1 million.

Election petition concerning parliamentary election and county election are filed with the High Court within 28 days after the results announcement. The court has to hear and determine them within 6 months. The process of serving the petition may be direct to the person or through a newspaper advertisement in a newspaper with national circulation. The petitioner is required to deposit with the court a security of Kshs 500,000 in case of parliamentary petition or Kshs 100,000 for county assembly respectively.

Referendum petitions are allowed and are to be presided over by a bench of three judges appointed by the Chief Justice. The petitions are to be heard and determined in a period of 6 months. The security fees payable is determined by the Rules Committee constituted under the Civil Procedure Act.
Election Offences

Election offences are acts committed against the conduct of free, fair and impartial elections. Potential culprits cut across all actors, directly or indirectly, concerned or involved in the electoral process.

It is illegal for any person to—

- develop or be in a possession of a register of voters, a voters card or supply a voters card or ballot paper without authority;
- be in possession of another persons voters card;
- destroy, damages or alters anything in the voters card, ballot paper or any other election material;
- sell or purchase a voters card or ballot paper;
- register or vote more than once;

- aid a person to register more than once;
- put into any ballot box anything other than ballot paper;
- be in possession of ballot paper or other election materials outside a polling station;
- mark on another persons ballot paper when not authorized;
- interferes with another persons right to secrecy of the ballot;
pretend to be unable to read or write or being visually impaired in order to be assisted;

obtain information from a voter on their preferred candidate;

communicate with a voter upon receipt of a ballot paper except the presiding officer;

accept any foodstuffs or monies or any other rewards from candidates or their agents;

compel, intimidate or force a person to vote or support a particular candidate or political party;

impersonate, treat, unduly influence or bribe in the electoral process;

interfere in campaigns using abusive language, inciting to violence, use of force or preventing the conduct of any political meeting.

It is illegal for any person to accept any foodstuffs or monies or any other rewards from candidates or their agents.

Election officials and members of staff of the commission are not allowed to—

conduct activities related to polling duties without making an oath of secrecy;

make any false or untrue entries to any materials under their custody;

permit assistance to voters who are able to read and write;

prevent any voter from casting their vote in the right polling station;

reject or refuse to count a vote intended for any particular candidate;
- count a doubtful ballot paper;
- interfere with the casting of vote in secret;
- offer undue advantage to any political party or candidate.

Candidates to elections are not allowed to—
- treat voters. Treating includes influencing a voter to vote or refrain from voting for a particular candidate, promising a reward or aids provision of foodstuffs to voters or makes payment in any manner to a voter;
- directly or indirectly threaten use of force or any form of harm;
- compel a person to vote in a particular manner;
- prevent a voter from a free exercise of franchise;
- prevent a person from being nominated as a candidate;
- influence the result of an election;
- use public resources;
- directly or indirectly participate in fund-raising or harambee eight months before the date of elections.

**YOUTH ACTION TIPS**

- Do not handle any election materials unless authorised
- Report unlawful transaction actions
- Do not register more than once
- Do not interrupt or participate in any actions that may be negative to the election process
- If an official, adhere to the code of conduct
IEBC clears candidates (45 days) Closes nomination of candidates.

Political Parties presents party members register to IEBC.

Political Party Candidates must be members of their parties.

Independent candidates must not be members of any political party.

Parties present nomination list to IEBC.

Independent candidates submit symbols to IEBC.

Coalition before elections submit MOUs to Registrar of political parties.

Political parties submit register of members.

Potential aspirants must be members of their political parties.

Aspiring candidates in Public Service resign.

Aspirants/candidates not to participate in fundraising.

Coalition after elections MOU submitted to Registrar of Political Parties.
Conclusion

Constitution as it is currently set is an action law. It has moved the citizenry from a docile recipient entity to a responsible player in whose hands action is required.

The citizenry has been moved from the position of demanding rights to executioners of rights. It is a move from rights to responsibility. All those in authority are to occupy those positions at the whim of the people. It is the responsibility of every citizen to see that only those deserving, suitable and competent are in positions of public responsibility.

While the youth do not have a broad affirmative political arrangement like the gender equity principle, they are included in representative bodies through political party nominations. The youth must therefore compete like anybody else in the elections. They have to be positively involved in political party activities to warrant inclusion in the representative bodies.

Besides political parties’ participation, the constitution has created space for independent candidates to run for political positions. Many times political parties are undemocratic in terms of how they conduct their internal nominations. One does not necessarily have to belong to a political party in order to stand for elections. Young people need to seize the chance to filled independent candidates particularly at the lower levels at the wards and constituencies.

The youth have to be positively involved in political party activities to warrant inclusion in the representative bodies.
The money needed for running campaigns has substantially been reduced. The elections law has banned all the harambees, fundraising and electoral bribery for potential candidates. This has been the most expensive part of elections as aspirants with money and not necessarily leadership qualities have always managed to hoodwink voters into electing them because of money.

The youth have additional advantages that are guaranteed by the constitution. Citizen participation in public processes is a right and standing principle in the constitution. The youth are about 60% of the voting power. Positive participation in voting for youth friendly policies may only take root through the youth directly influencing the voter patterns with the youth vote.

There are many other public processes other than elections that the young people may participate in to influence directions and output in public governance. The choice of other public and state officers for various public governing institutions is through open scrutiny and vetting processes. The youth must participate in these based on the leadership and integrity requirements on public service. The citizens are required to participate in the legislative processes, planning, budgeting and monitoring of both the national and county governments. The youth as alluded to already are the biggest portion of the citizens. They therefore have an obligation under the law not to allow public governance to degenerate to the levels that harm them like in the past.
Elections and governing processes provide adequate field for everyone to participate and to participate meaningfully. The youth have the chance not by mere dint of numbers but with a background of exclusion and denial to seize the opportunity lawfully. If young people fail to add up in elections they have a final chance to influence and determine the direction of governance through sustained individual and collective engagement in all public processes both at the counties and at the national government.

The youth are about 60% of the voting power. Positive participation in voting for youth friendly policies may only take root through the youth directly influencing the voter patterns with the youth vote.