

**INSTITUTE FOR EDUCATION
IN DEMOCRACY**

"Knowledge for Democracy"

FROM LAW TO PRACTICE:

A REPORT ON THE ASSESSMENT OF POLITICAL PARTIES'

ADHERENCE TO THE LAW IN KENYA

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LIST OF ACRONYMS AND ABBREVIATIONS

AEMO	African Elected Members Association
CGD	Centre for Governance and Development
CMD	Centre for Multi-Party Democracy
CCU	Chama Cha Uzalendo
CoK	Constitution of Kenya
CSOs	Civil Society Organizations
CoE	Committee of Expert
DANIDA	Danish International Development Agency
DFID	United Kingdom Department for International Development
DAP	Drivers of Accountability Programme
DRC	Dispute Resolution Committee
DP	Democratic Party
ECK	Electoral Commission of Kenya
EISA	Electoral Institute for Sustainable Democracy in Africa
ELOG	Elections Observation Group
EAA	East Africa Association
FPK	Federal Party of Kenya
FP	Ford People
FORD- Kenya	Forum for the Restoration of Democracy- Kenya
IED	Institute for Education in Democracy
IEBC	Independent Electoral and Boundaries Commission
IIEC	Interim Independent Electoral Commission
IPPG	Inter-Party Parliamentary Group
KANU	Kenya African National Union

KADU- A	Kenya African Democratic Union- Asili
KHRC	Kenya Human Rights Commission
KCA	Kikuyu Central Association
KPU	Kenya Peoples Union
KAU	Kenya African Union
LEGCO	Legislative Council
LDP	Liberal Democratic Party
MDP	Maendeleo Democratic Party
NFK	New Ford Kenya
NARC	National Rainbow Coalition
NEC	National Executive Council
NDI	National Democratic Institute
NDP	National Development Party
NAK	National Alliance of Kenya
NCEC	National Convection Executive Council
NACOSTI	National Council of Science, Technology and Innovation
ORPP	Office of the Registrar of Political Parties
ODM	Orange Democratic Movement
PPDT	Political Parties Dispute Tribunal
PPLC	Political Parties Liaison Committee
PPA	Political Parties Act
PP	Political Parties
PSC	Public Service Commission
RPP	Registrar of Political Parties
TNA	National Alliance Party
TIP	The Independent Party
URP	United Republican Party
UDFP	United Democratic Forum Party
UDPK	United Disabled Persons of Kenya
YKA	Young Kavirondo Association

OUR VISION

A free, just and democratic society

OUR MISSION

To nurture democratic culture and principles that strengthens
good governance in Kenya and Africa

OUR CORE VALUES

Integrity

Communication

Innovation

Diligence

Results focused

Teamwork

Respect

Diversity



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administration and democracy.

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We greatly acknowledge and thank key party officials of the fifteen (15) political parties that we were able to meet and held informant interviews with and for providing us with crucial information for the assessment. These parties availed important party documents that were essential for the assessment and they include the National Alliance Party (TNA), United Republican Party (URP), United Democratic Forum Party (UDFP), Forum for the Restoration of Democracy- Kenya (FORD- Kenya), Kenya African National Union (KANU), New Ford Kenya (NFK), Federal Party of Kenya (FPK), Ford People (FP), National Rainbow Coalition (NARC), Chama Cha Uzalendo (CCU), The Independent Party TIP), Kenya African Democratic Union- Asili (KADU- A), Narc – K , Maendeleo Democratic Party (MDP) and Orange Democratic Movement (ODM).

We applaud the active participation of key Civil Society Organizations (CSOs) who took part in the informant interviews and shared their views. These include Electoral Institute for Sustainable Democracy in Africa (EISA), United Disabled Persons of Kenya

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I hopes that the assessment findings and recommendations will be useful in strengthening political party internal democracy in Kenya for the purposes of the next general elections as well as subsequent elections.

Joyce Majiwa

The Chairperson

IED

FOREWORD



Political parties are not only central players in Kenya’s democratic process but also are the key determinants of who represent the people in a number of powerful institutions including but not limited to the Senate, National Assembly, County Assembly, National Executive and County Executive. From Kenya’s experience politics is played mainly through parties since parties act as connectors to democratic institutions. Political parties in Kenya have the role of nominating election candidates and members of party lists. The composition of the by-cameral Kenya parliament is structured along party lines. Policy debates and legislations are shaped by the parties represented in parliament and determine which interests are heard.

Parties are so central in Kenya’s democratic system and as such if the said parties are not participatory our politics cannot be participatory, if they are not inclusive our politics cannot be inclusive and if they are not responsive then our politics cannot be responsive. Parties’ lie at the heart of the Kenya’s democracy and examination of the state of our parties is an essential component of Kenya’s democratic audit.

Party representatives are the link between voters and policy outcomes. Parties operate at the most basic function of representation involving the translation of public opinion to political leaders. Given this need for representation, parties are an integral part of contemporary democratic practice. In recent times Kenyans have become increasingly dissatisfied with the role parties are playing as intermediaries between grassroots voters and elite decision makers.

A number of issues with current political parties have been raised. These include the way parties select their candidates and leaders; the control party officials appear to exercise over their supporters in elective institutions; the behavior of parties during elections, their failure to change party organization and membership to reflect Kenya’s society, their short coming to provide significant opportunities for political participation. The health of political parties is crucial component in the welfare of every contemporary democratic state.

Brian Weke

Executive Director

IED



EXECUTIVE SUMMARY

The Institute for Education in Democracy (IED) undertook a comprehensive assessment of the political parties' adherence to Articles 91 and 92 of the Constitution of Kenya (CoK), 2010 and the Political Parties Act (PPA), 2011 with the aim of establishing the adherence status of parties, challenges that parties and other institutions that are mandated to support the management of political parties experience and propose salient recommendations for improvement. The assessment was benchmarked by the provisions of Articles 91 and 92 of the Constitution¹ and the Political Parties Act, 2011² including the related amendments since 2012.

The assessment involved 21 political parties that were selected based on their level of representation in the National Assembly and the Senate after the 2013 general elections (refer to appendix 1). The assessment also sought to establish the performance of key institutions tasked with ensuring that political parties are well managed and comply with the law. These include the Independent Electoral and Boundaries Commission (IEBC), the Office of the Registrar of Political Parties (ORPP), the Political Parties Dispute Tribunal (PPDT) and the Political Parties Liaison Committee (PPLC).

The assessment was informed by various findings and recommendations contained in various domestic and international elections observer reports of the 2013 general elections on the conduct and performance of political parties before, during and after the elections.

The assessment was undertaken within a six-month period and included a review of political party documents both at the party offices and those at the ORPP, holding introductory meetings and discussions with fifteen Political parties and undertaking informant interviews with key institutions tasked with supporting the administration and management of political parties. Meetings were also held with key Civil Society Organizations (CSOs) and development partners working to support the democratization process within political parties. These include National Democratic Institute (NDI), Kenya Human Rights Commission (KHRC), Center for Multiparty Democracy (CMD), Uraia Trust, United Disabled Persons of Kenya (UDPK), Center for Governance and Development (CGD), Electoral Institute for Sustainable Democracy in Africa (EISA) (refer to appendix 2). This report therefore documents significant findings and recommendations for the improvement of political parties' management and democratic process for the 2017 general elections and beyond.

1 Constitution of Kenya 2010

2 Political Parties Act No, 11 of 2011

KEY FINDINGS AND RECOMMENDATIONS

1. THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES (ORPP)

Issue	Legal Framework	Key Findings	Key Recommendations	Targeted Institution
Recruitment of the Registrar of Political Parties (RPP) and Three Assistants	<p>There have been several amendments to Section 34 of PPA 2011 (The Statute law amendment Act 2012, Political Parties Amendment Act, 2013 and Miscellaneous Amendment, 2014) which provides that whenever a vacancy arises in the ORPP or the Assistants, the President shall with the approval of National Assembly appoint a Selection Committee to spearhead the recruitment process.</p> <p>Sec 50 (d) of Political Parties Act, 2011 provides that The Registrar of Political Parties holding office immediately before the commencement of this Act, shall continue to hold office until a Registrar is appointed under this Act.</p>	<p>No RPP has been appointed under this Act.</p> <p>The three Assistant positions have also been vacant since the enactment of the PPA, 2011</p> <p>The President has not executed his mandate to constitute Selection Committee to start the recruitment process</p>	<p>The President to move with speed to appoint SC to start the recruitment of the Registrar of PP and the three Assistant Registrars</p> <p>There is also need for strategic litigation to compel the President to execute his mandate as provided for by the law.</p> <p>There is also need to move to court for interpretation of the 2014 Miscellaneous Amendment Act.</p> <p>Amend Section 34 to re-introduce the timelines within which the President should constitute SC</p>	<p>President</p> <p>Judiciary</p> <p>Judiciary</p> <p>National Assembly</p>
Independence of the ORPP.	Section 35 (5) of PPA, 2011 provides that the ORPP should be independent and should be subject to no direction or control of any person or authority.	<p>Information about the ORPP, since 2011 to present is accessed from the IEBC website.</p> <p>The lack of implementation of the law as regards appointment of RPP and the 3 deputies negates the independence of the ORPP</p>	<p>ORPP to delink itself completely from the IEBC and develop its own website where information about the office can be accessed.</p> <p>Appointment of the RPP and three Assistants through a people driven process would definitely enhance independence of ORPP</p>	<p>ORPP</p> <p>CSOs</p>

Issue	Legal Framework	Key Findings	Key Recommendations	Targeted Institution
Functions of the ORPP:	Section 34 of PPA, 2011 stipulates the functions of the Registrar as follows: to register, regulate, monitor, investigate and supervise political parties to ensure compliance with the Act; administration of Political Parties Fund; ensuring publication of audited annual accounts of political parties; verifying and making publicly available the list of members of political parties; maintaining a register of political parties and their symbols; ensuring and verifying that no person is a member of more than one political party and investigating complaints	<p>The ORPP has fully registered 59 political parties, and provisionally registered 3 political parties; published audited annual accounts and maintained party membership list</p> <p>ORPP developed a data capture software and shared with the Political Parties to capture members data</p> <p>A number of Political Parties felt that this software was not very effective, citing unnecessary delays in updating party records.</p> <p>Most Political Parties do have a maintained and updated membership list</p>	<p>Enhance collaboration between ORPP and other relevant government agencies (like CID) to address the lacuna found in compliance and sanction aspect of the law</p> <p>Improve the software for effective engagement with the members and Political Parties</p> <p>Political parties to maintain their own records too.</p>	<p>Inter-Governmental Agencies;</p> <p>ORPP</p> <p>ORPP</p> <p>Political Parties</p>
Staffing of the ORPP.	Section 33 (4) of PPA 2011, stipulates that the ORPP may engage staff, experts and consultants to deliver on its functions	Approved organizational structure of ORPP envisages optimal of 209 staff members. However the office currently has 45 members of staff. A short fall of 164 staff.	Provide enough resources to enable ORPP recruit enough staff required for the execution of its mandate.	National Assembly

2). POLITICAL PARTIES

Issue	LEGAL FRAME- WORK	FINDINGS	RECOMMENDA- TIONS	Targeted Institution
Under representation of the marginalized groups within the Governing Body of the Political Parties, which is the National Executive Council (NEC).	Article 91 of CoK 2010; Section 7 (2) PPA 2011 provides that they be democratically elected, reflect regional and ethnic diversity, gender balance and should meet Chapter 6 of CoK 2010	The PPA, 2011 does not provide for threshold representation of women, youth and other marginalized groups in the NEC but rather lumps them all in one ambiguous group of the minority and marginalized.	Amend Section 7(2c) of the PPA to explicitly provide for representation threshold for women, youth and PWD's within the governing body of the party.	National Assembly.
Leagues and Caucuses within political parties	Section 26 of the Act provides that a minimum of 30% of monies allocated to a political party should be used to promote the representation in Parliament and in the County Assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.	There is lack of capacity and resources of various leagues to implement their own programmes and be active in party affairs Lack of regulations to provide for the distribution of the 30% allocated to the marginalized groups.	Amend section 26 of the PPA, 2011 to increase the minimum amount allocated to women, PWD, Youth, ethnic and other minorities and marginalized communities from 30% to 50%. Parties with support of the RPP and other stakeholders should develop clear guidelines on how the 50% of monies allocated to the marginalized groups should be shared among themselves. Parties to ensure that the various leagues within the party have capacity in project management, resource mobilization, budgeting, campaign management among others.	National Assembly Political Parties Political Parties
Political parties Membership	Section 34 (d) of the PP Act, 2011 provides that the functions of the Registrar shall be to (d) verify and make publicly available the list of members of political parties.	The Registrar does not avail the list of members as provided in this section.	There is need for interpretation of whether PP are public institutions or membership clubs with a Corporate status. The Registrar should conduct spot checks to ensure members provided by PP belong to the said PP	Judiciary ORPP
Integrity of party governing body Officials	Section 7 (2) (e) of the Act requires that members of a party governing body comply with the requirements of Chapter Six of the Constitution and the laws related to ethics.	Political Parties do not have an internal mechanism for reviewing candidates and clearing them to ensure they comply with chapter six of the constitution.	Political parties with the support of the ORPP should develop standardized guidelines for verification of officials and candidates in compliance with the Leadership and Integrity Act, 2012	Political Parties ORPP

Issue	LEGAL FRAME- WORK	FINDINGS	RECOMMENDA- TIONS	Targeted Institution
Party Elections	Article 91 of constitution	Majority of NEC members of Political parties are in Acting capacity and have continued in those positions for a long time. Most parties have not had elections since their full registration under PPA 2011	Political parties should ensure that their constitutions clear timelines for holding regular democratic elections. Political party County Boards to handle grassroots elections and not rely on National Boards. Political parties should adhere to their respective Constitutions and hold democratic regular elections failure to which they should be deregistered.	Political parties
Full registration of political parties	Section 7 of PPA 2011 sets conditions for full registration.	Lack of resources and capacity within most political parties to maintain strong structures for the recruitment exercise and maintenance of party offices in at least 24 Counties	Party formation to be based on ideological principles not on the basis of personality or handouts Diversify resource mobilization strategies to increase party funding over and beyond what is provided for by the Political Party Fund.	ORPP, Political Parties;
Details on the location of party Head Offices and Operationalization of party branch offices.	Section (7) (2) (f) of the Act provides for the operationalization of offices both at the Head Office and county offices.	A number of PPs have relocated from the addresses submitted to the ORPP during registration but have not updated the their records at ORPP None of the 15 parties had operational offices in at least 24 counties as required by law. Compliance to this provision was at 0%.	Strengthen communication mechanism between ORPP and the political parties Amend Sect 25 PPA 2011 to provide for funding for all registered PPs to enable them meet their financial obligations; Political Parties to diversify resource mobilization drives Amend the law to clarify the definition of an office as is envisaged by the PPA 2011. The ORPP to conduct spontaneous checks of PP adherence to this provision.	Political parties, ORPP National Assembly National Assembly

Issue	LEGAL FRAME- WORK	FINDINGS	RECOMMENDA- TIONS	Targeted Institution
Political Party Fund:	Section 23 PPA 2011 established a Fund for PPs.	ORPP does not receive the whole amount of 0.3%. Only three PPs URP TNA, ODM out of all the 59 registered parties benefit from the Fund;	Amend Section 25 of the Act to provide a specific % of funding for all registered PPs and another % distributed based on performance during the last general election	National Assembly
Audit of Political Party Accounts	Section 31 provides for audit of accounts of political parties who receive the fund.	The 15 parties we interviewed indicated having been audited though no documents were availed for verification. None of the county branches had these records available at the county.	Amend Section 31 of the PPA, 2011 to compel the Auditor General to audit all political parties irrespective of whether they receive public funds or not.	National Assembly

3): THE POLITICAL PARTIES DISTRIBUTE TRIBUNAL (PPDT)

Issue	Legal Frame- work	Key Findings	Key Recommen- dations	Targeted Institution
Lack of awareness on the mandate of the tribunal	Sect: 40 PPA 2011 provides for the jurisdiction of the Tribunal	Most members of the PPs do not know about the existence of PPDT	PPDT, Civil Societies and other stakeholders should spearhead civic education programs across the country to have members of the public and other stakeholders understand and appreciate the nature of the functions of the PPDT.	PPDT CSOs
Underfunding of PPDT	Sect: 40 PPA 2011 provides for the jurisdiction of the Tribunal	PPDT is underfunded	Amend the Act to create a specific Fund for PPTD; in the alternative, amend Section 25 to allow PPDT to benefit from the political party Fund;	National Assembly
Concurrent jurisdictions between the Judiciary, PPDT and the IEBC on political party nomination disputes creating confusion amongst party members in determination of party disputes	Sect: 40 PPA 2011 provides for the jurisdiction of the Tribunal	Concurrent jurisdictions	Need for constitutional reforms to harmonize these jurisdictions. Jurisdiction over party primaries should be vested in the PPDT and not IEBC	National Assembly

4. THE POLITICAL PARTIES LIASON COMMITTEE (PPLC)

Issue	Legal Framework	Key Findings	Key Recommendations	Targeted Institution
The law is silent on PPLC funding	Section: 38 of PPA 2011 establishes PPLC	Lacks funds to be enable it have offices at the county levels as required by law	Amend Sect 25 of PPA 2011 to provide for funding for PPLC from the PPF.	National Assembly
Elections of PPLC officials	Section: 38 of PPA 2011 establishes PPLC	Dissatisfaction on the manner in which the current officials of the PPLC were elected and consequently assuming office.	Review the PPLC regulations to provide for the procedure and timelines for the elections of various PPLC Committee.	PPLC
Lack of County and sub-county Offices as provided for by the law.	Section: 38 of PPA 2011 establishes PPLC	PPLC doesnot have structures at the County level as provided for in the law due to lack of financial resources.	Establish PPLC County and Constituency Committees and Steering Committees to support and coordinate the work of PPLC at the County level.	PPLC

5). THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Issue	Legal Framework	Key Findings	Key Recommendations	Targeted Institutions
Monitoring compliance on nomination rules by political parties and ensure that party nominations are free, fair and peaceful	Article 88 of the Constitution creates IEBC and provides for its roles, which include hearing of disputes arising from political parties. Further Section 4 (e) of the IEBC Act (No. 9 of 2011) gives effect to Article 88	Mechanism put in place to enforce Code of Conduct was inadequate as party primaries was largely chaotic; Most political parties did not exhaust all party internal dispute resolution mechanism before referral to IEBC	Create awareness on alternative dispute resolution mechanism within the PPs; Develop standardized party nomination rules; De-link IEBC from determining and adjudicating disputes from party primaries;	ORPP, PPs National Assembly.

6). THE NATIONAL ASSEMBLY

Legal Framework	Key Findings	Key Recommendations
Chapter 8 of the Constitution of Kenya provides for the establishment and Role of the National Assembly and the Senate.	Most respondents dissatisfied by last minute rash to amend electoral laws;	Amendments should NOT be done at least 6 months prior to general elections;

7). CIVIL SOCIETY ORGANIZATION (CSO)

Civil Society Organizations in Kenya are essential agents for promoting good governance and participatory democratic ideals both in the political parties and in other institutions of governance. Civil society election observer groups noted that the political party primaries that were conducted in January 2013 showed that the institutional structures for political parties still remain weak.

Recommendations

- Lobby and advocate to discourage interference with elections laws close to elections by the National Assembly.
- Lobby the National Assembly to enact laws to empower IEBC to exercise oversight over party nominations and deal with political parties that fail to promote free, fair and peaceful nomination of candidates or adhere to the national values and principles as provided in Chapter six of the constitution.
- Civil Society Organizations need to be vigilant in monitoring the adherence of laws governing the work of political parties and to continuously advocate for their full implementation.

CHAPTER ONE

BACKGROUND

1.1 Introduction

A political party can be defined as an association or organization of persons that seeks to attain political power within a government, usually by participating in electoral processes. Parties often espouse a certain ideology and vision, but may also represent a coalition among disparate interests. Political parties constitute groupings and or a legitimate gathering of “patriotic or nationalist” citizens with entrenched convictions to do good for all citizenry, and having common cause, and purpose. From one school of thought, such a gathering usually involves citizens with conscience and shared vision necessary to move their respective countries forward.

Political parties are widely acknowledged as fundamentals of democracy and are the accepted vehicles of communication between people and their systems of governance. They articulate their constituents' concerns and represent citizens at various levels of government. Political parties provide avenues whereby people with similar ideas can join with others to express their opinions. All political parties participate to some extent in the exercise of political power, whether through participation in government or by performing the role of opposition. Parties present to the public alternatives in government, policies and ideologies.

In its report titled “*Democratic Paradox, A report on the Kenya's 2013 General Elections*,” Kenya Human Rights Commission (KHRC) noted that one of the significant aspects of popular democracies has been the evolution and rise to prominence of political parties as the main vehicles through which groups or individuals can seek to participate in government and influence policies and that party based politics is now a central feature of modern democratic practice.

In a democracy, parties are not personalized and limited to serving only the interests of the elite. Rather, they have structures, rules, procedures, norms and principles. Also, they are institutionalized coalitions, not just for the elites but for the members as well. Their formal machinery or structures are found at all levels of political activity- national, regional, district, constituency, ward, and indeed all the way down to the grassroots. They operate within specified legal frameworks that define their membership, composition, roles and functions, financial base, and operational rules and discipline.

Analysis of Kenyan politics suggests party ineffectiveness and little consolidation due to a number of factors, the main ones being weak ideological principles, ethnicity, personalization of parties and excessive focus on power rather than policy engagement

and service to the people. They are often overly manipulated to address short-term goals rather than inculcating enduring democratic culture.

1.2 Historical Background of Political Parties in Kenya

The Kenyan political Party landscape has undergone fundamental change from the independence period to date. In explaining how the focus of parties has changed over the years, it is useful to divide the period into phases. This offers a better understanding of major political milestones. These phases are: pre-independence; post-independence and 1991 to present.

a). Pre- Independence period³

During the pre-independence period, parties' main focus was the fight against colonialism, liberation and attainment of independence and democratic governance. In the immediate post World War I, discontent among Africans against colonial policies led to widespread protests. Opposition to the colonialists at the time was led by educated Kenyans who mainly objected to high taxes, lack of opportunities and the labor control laws. East African Association (EAA) was the first opposition movement to emerge and the colonial authorities banned it in 1922.

Protests in the 1920s and 1930s mainly focused on local issues and remained within the boundaries of the ethnic units that were protesting. Among some of the groupings that spearheaded protests were the Kikuyu Central Association (KCA) and Young Kavirondo Association (YKA)⁴. These associations mainly focused their agitation on African land claims, greater educational and economic opportunities and direct representation of Africans in the Legislative Council (LEGCO). Out of these agitations, the colonial authorities in 1944 appointed the first African representative to the Legislative Assembly. These groupings however lacked national outlook and could not mobilize Africans against colonial oppression. The associations were essentially welfare organizations. This realization led to the formation of outfits such as the Kenya African Union (KAU), which later became KANU.

Due to increased frustrations in the hands of the colonial government in 1952, the Mau Mau uprising emerged, this led to the declaration of a state of emergency by the colonial government and a brutal crushing of the uprising. However, even as the colonialist declared a state of emergency, they did not proscribe political activity except in central Kenya. This saw the emergence of district-based political organizations, such as Taita African Democratic Union, Nakuru African Progressive Party, Baringo District Independence Party, and the Nandi District Independence Party in the mid-1950s.

With increased pressure from Africans, the colonial government laid down the framework for independence that was embodied in the The Lyttelton Constitution of 1954 that saw the

3 History, African Opposition to the British

4 Institutionalizing Political Parties in Kenya, Friedrich Ebert Stiftung (FES)

organization of elections in 1957 leading to the election of eight Africans to the Legislative Assembly (LEGCO). To foster unity and continue the struggle for the independence of Africans, the eight African members of LEGCO formed an African Elected Members' Organization (AEMO) in 1959. This association was however short-lived. The smaller tribes-the Kalenjin, Maasai, Luhya, Miji Kenda and other coastal tribes-feared domination by the larger tribes - Kikuyu and Luo. The split of AEMO was the forerunner to the two main political parties to be formed in 1960, KANU, composed of majority tribes, and KADU, composed of minority tribes. Following the 1962 elections, which KANU won, the country attained independence and in 1964, the constitution was changed to abolish regionalism and KADU was dissolved.

b). Post-Independence

At independence, Kenya was a *de facto* one party system with the Kenya African National Union (KANU) as the only political party in place. The one party system was a trend witnessed across the African continent in the immediate post-independence period. The push for a one party system at the time was mainly justified that it was for the sake of national stability with multi-party politics seen as spreading the seeds of discord and instability. In 1966 following disagreements between Jomo Kenyatta as the president and his Deputy Jaramogi Oginga Odinga, the Kenya Peoples Union (KPU) was formed. KPU was a radical party that challenged the dominance of KANU until it was banned in October 1969. The banning of KPU effectively made Kenya a *de facto* one party system with KANU as the only existing political party.

During the one party system, the ruling party conducted elections, but this was mainly aimed at showing that the ruling party had a popular mandate from the population to continue ruling. In June 1982, the National Assembly of Kenya officially declared Kenya a *de jure* one-party state, effectively banning the formation of any other political party. Political competition was almost entirely suffocated and only the Kenya African National Union (KANU) remained as the dominant party until 1991.

c). 1991 to present⁵.

Following internal demands for political liberalization, Kenya adapted a multiparty system on 10 December 1991. The Forum for the Restoration of Democracy (FORD), which had led the struggle for a multiparty system, transformed itself into a party after the repeal of section 2A of the constitution. It soon split into three, giving rise to FORD-K, FORD Asili and the Kenya National Congress. In December 1991, Mwai Kibaki resigned from the cabinet and founded the Democratic Party (DP).

In the elections of 1992, KANU won 100 of the 188 parliamentary seats. FORD-Asili and FORD-K won 31 seats each, and the DP and the Social Congress won the remaining seats. In the presidential election the KANU candidate, Daniel Arap Moi, won 1,962,866 votes, followed by Kenneth Matiba of FORD-Asili with 1,404,266 votes. The 1992 elections were

5 IIDEA, Kenya Country Report Based on Research and Dialogue with Political Parties P.5

marred by political violence. More than 1,500 Kenyans died and another 500,000 were displaced. KANU's victory over a fragmented opposition fuelled agitation for Constitutional Reform.

The political parties' effectiveness in opposing the regime declined as a result of weaknesses in their ideologies, political programmes and leaderships. Unable to mobilize broad support through their parties, the political elite acknowledged the parties' limited appeal and sought to create coalitions as a means of winning political power. The first parties to start this process were KANU and the National Development Party (NDP), which merged in March 2002 into New KANU. The Democratic Party (DP) which was the official opposition party, also embarked on negotiations with other parties, leading to the National Alliance of Kenya (NAK) umbrella movement.

New KANU split into two following the party's failure to hold primaries for its range of presidential aspirants, because of Moi's clear preference of Uhuru Kenyatta. One faction formed the Rainbow Alliance under the registered LDP, and later merged with the NAK to form the NARC. In the 2002 elections NARC's presidential candidate, Mwai Kibaki, won 62 per cent of the votes; Uhuru Kenyatta of KANU and Simeon Nyachae of Ford-P scored 31 per cent and 6 per cent, respectively. NARC won because of its ethnic-based coalition. Its presidential candidate received votes from all the main ethnic groups, since he was seen as part of a team comprising representatives of all groups.

The logic of coalition building has undermined the maturation of political organizations in Kenya in the sense that they seem to emerge as vehicles for winning power rather than for bringing about social transformation and institutional development. They have also seemed to favour a few elites from the majority groups, to the detriment of smaller groups.

The constitutional reform initiative led by the National Convention Executive Council (NCEC), forced the KANU government to accept the reform agenda. The government played on the fears of the political elite to bring together the elite's members under the auspices of Inter-Parties Parliamentary Group (IPPG) in 1997. This group negotiated for review of electoral laws and eventually agreed on minimum constitutional reforms, including the abolition of detention without trial; ending the requirement that parties must seek permission from the Office of the President in order to hold rallies; and the introduction of a provision allowing the then Electoral Commission of Kenya (ECK) to be expanded so as to include party nominees.

A Constitutional review team was subsequently established, but its attempts to hold a national conference were thwarted by the KANU regime. The NARC government organized the Bomas Conference but would not accept the draft approved by delegates. Underlying this were divisions in the NARC caused by the Liberal Democratic Party (LDP) preference for a stronger primership slot, devolution and the introduction of constitutional provisions on greater powers for Kadhi courts. The DP faction of the NARC took over the process and eventually produced a draft constitution that was subjected

to a referendum on 21 November 2005. No party approached the campaign as a unified institution: they were factionalized along ethnic lines, and ethnic jingoism emerged as the dominant organizing ideology. President Mwai Kibaki had campaigned for a 'yes' vote, but a majority voted against the draft effectively forcing Kenya into the 2007 general elections under the old Constitution.

Subsequently after the 2007 post election violence and after the signing of peace accord that contained agenda four that guided the reforms agenda, there was need for Constitutional reforms. The coalition government that was put in place after the 2007 post election fiasco enacted the Constitutional Amendment Act which among other things disbanded the ECK and established a Committee of Experts (CoE). The CoE mandate was to harmonize all draft Constitutions that existed and ensure all stakeholders views were considered and develop and a harmonized draft that will be subjected to a referendum.

In this regard the Constitutional referendum was held on 4th August 2010 and Kenyans passed the constitution. The new Constitution was promulgated on 27th August 2010. The Constitution of Kenya (CoK) 2010 provides very progressive clauses that are geared towards strengthening the political parties administration, management and democratic principles. For example Article 4 of the Constitution declares that the Republic of Kenya shall be a multi party democracy founded on the national values and principles of governance set out in article 10. Article 27 of the Constitution gives equality and freedom to every person and in particular it states that women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social sphere. Article 36 of the Constitution states that 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. It goes on to state that a person shall not be compelled to join an association. Article 38 of the Constitution provides every citizen with the freedom to make political choices including the right to form or participate in a political party; to participate in the activities or recruit members for a political party and to campaign for a political party or cause.

Articles 91 and 92 of the Constitution provide for basic requirements for political parties which include the need to have a national character; need to have a democratically elected governing body; parties should promote and uphold national unity; should abide by the democratic principles of good governance; promote and practice democracy through regular, free and fair elections within the party; respect the rights of all persons to participate in the political processes including minorities and marginalized groups; respects and promotes human rights and fundamental freedoms, gender equality and equity; promotes the objects and principles of the Constitution and the rule of law and to subscribe to and observe the code of conduct for political parties.

The Constitution also prohibits the formation of parties based on a religious, linguistic, racial, ethnic, gender or religious basis or seeks to engage in advocacy of hatred. Parties should not engage or encourage violence or intimidation of its members, supporters, opponents

or any other person or maintain a paramilitary force, militia or similar organization or engage in bribery or any other forms of corruption. Parties should not accept or use public resources to promote its interest or its candidate in elections.

In order to actualize Articles 91 and 92 of the Constitution, parliament enacted a number of legislations. These include the Political Parties Act, 2011, the Elections Act 2011, the IEBC Act 2011, the Leadership and integrity Act, 2012, the Elections Campaign Financing Act 2013 and related regulations. The Acts apart from the Elections Campaign Financing Act 2013 governed the management and operations of parties prior to the 2013 general elections. The issue of adherence to these laws was highlighted by a number of observers during the 2013 general elections. It is on the basis of some of these issues that observer report raised that occasioned the assessment of parties adherence to the law to establish gaps and recommend practical intervention for improvement for the 2017 general elections and beyond.

1.3. Background to the assessment of the political parties adherence to the Constitution and Political Parties Act 2011.

Three fold factors informed this assessment. First was the performance of political parties before, during and after the 2013 general elections as documented in a number of domestic and international observer reports. Second was the need to learn from past experiences and strengthen the management and administration of political parties for deepened party internal democracy prior to the 2017 general elections and third was need to provide baseline information to inform the ongoing electoral legal reforms after the 2013 general elections.

In its report KHCR⁶ found out that despite the registration of complaints by a few of the aggrieved persons to the registrar of political parties in writing, the preponderance of the cases revealed that the process of preparation of the membership lists was marked by instances of serious fraud. It was not clear whether there was sufficient inquiry to determine the full extent of the fraud to determine whether it was of such a nature as to render the process fatally defective. Fraudulent compilation of party member lists was against the principle of representation through the political party system. Furthermore the report noted that the RPP presided over a compliance process that cleared 59 political parties without closely scrutinizing the data they had submitted. The political parties registration regulations provide for a party membership verification form to be filled out in respect of each member of a political party (Form PP5 Part III). However this form was not used to verify recruitment of members. The RPP agreed with political parties to use a soft ware package that allowed political parties to simply upload unverified membership particulars into the official register⁷.

The European Union in its 2013 General Elections Report pointed out that the 2013 nomination for political party primaries took place rather chaotically around accusations of rigging. The IEBC extended the date for submission of party list of nominations from 18th

6 Democratic Paradox: A report on the Kenya's 2013 General Elections

7 The Democratic Paradox; KHRC Report on Kenya's 2013 General Elections

to 21st January hence reducing timelines to settle party disputes arising from nominations⁸

The Carter Centre Report of the 2013 General Elections noted that the decision to hold party nominations so close to the deadline resulted in the inability to conduct an all inclusive nomination process that allowed for timely dispute resolution. Following party primaries 206 complaints were filed with the IEBC Dispute Resolution Committee challenging the conduct and results of party primaries of which 47 cases proceeded to the High Court challenging the decision of the committee. Parties were not clear on what rules to use regarding those eligible to cast a vote in the nomination, resulting to non-members voting in parties in which they were not members⁹. The Elections Observations Group (ELOG) in its report noted that political parties conducted nomination that did not meet the Constitutional statutory standards.¹⁰

Having been informed by a number of observer findings, the assessment aimed at gathering comprehensive information about the management and administration of political parties for improvement.

1.4. Purpose and Scope of the Assessment

The purpose for the assessment of political parties adherence to the Constitution and Political Parties Act 2011, was to establish the adherence of political parties to Articles 91 and 92 of the Constitution and various provisions in the political parties Act 2011; to assess the supervisory framework of key institutions with regards to registration, regulation, monitoring, investigation and supervision of Political Parties to ensure compliance with the Constitution and Political Parties Act 2011 and to document gaps and practical recommendations useful for improvement of political party administration, management and internal democracy in Kenya.

In terms of scope it should be noted that while there are other legislations that were enacted and to some extent have provisions on the regulation and guidelines for the administration and management of political parties such as the Elections Act 2011, the IEBC Act 2011, Leadership and Integrity Act, 2012, the Elections Campaign and Financing Act and their related regulations, this assessment primarily focused on articles 91 and 92 of the Constitution and Political Parties Act 2011.

Similarly, the assessment focused on 21 political parties that have representation in the National Assembly and the Senate based on the party performance on elected members after the 2013 general elections (**see appendix 1**). This accounted for 36% of all registered parties.

1.5 Objectives of the Assessment

The assessment was undertaken to achieve the following objectives:

- a) To assess the level of adherence to Articles 91 and 92 of the Constitution for the selected political parties particularly in regard to having a national character;

8 EU report on Kenya's 2013 General Elections

9 Carter Centre report on the Kenya's 2013 General Elections p.33

10 ELOG Report; The Historic Vote p.32

having a democratically elected governing body; having regular free and fair elections; respecting the rights of all persons and participation of the minorities, marginalized groups, youth and women in the political processes and subscribing to and observing the code of conduct for Political Parties.

- b) To assess the level of adherence to the Political Parties Act 2011 and the related amendments by selected political parties. The assessment focused particularly on the provisional and full registration of Political Parties; procedures for resignation from party members; disclosure of party assets, expenditure and income; record keeping for Political Parties; procedures for amendment of party Constitution, rules, regulations and other party details; distribution of Political Parties fund; performance of ORPP, PPLC and PPDT.
- c) To provide detailed documentation of the gaps that exists in regard to party compliance with the Constitution and Political Parties Act 2011
- d) To develop practical recommendations to inform the ongoing electoral legal framework for the 2017 general election and beyond.

1.6. Organization of the Assessment Report

The report is organized in five chapters. Chapter one provides the background information of the assessment. It documents information on the development and regulation of political parties in Kenya focusing on the three phases of pre-independence, post independence and after the introduction of multiparty democracy in Kenya. This chapter also documents the purpose, scope and objectives of the assessment.

Chapter two provides information on the methodology that was used. It gives an in-depth explanation of how a five-tier methodology was used, development of training materials and training of various assessment personnel.

Chapter three of the report presents the assessment findings and recommendations to various institutions. Chapter four of the report documents limitations and lessons learnt while chapter five provides a list of appendixes to the report.

CHAPTER TWO

METHODOLOGY

The assessment adopted an integrated five level approach to give a comprehensive cover of the breadth and scope of the political parties assessment exercise as demonstrated in the diagram below.



2.1 Desk Review

A Desk review of key documents was conducted to establish baseline information and data on the performance of the selected parties and various institutions before, during and after election and to benchmark the performance based on the current law. In this regard a number of documents were reviewed that included the Constitution of Kenya 2010, PPA 2011, various amendments of PPA 2011, party constitutions, party nomination rules, certified copies of party code of conduct, lists of addresses and contacts for political parties head office and branch offices and composition of party governing bodies.

These include the KHRC report, ELOG report, European Union report, Carter Centre report and the African Union report. The political party compliance checklist with the Political Parties Act, 2011 that was developed by EISA before the 2013 general elections was also reviewed in addition to the Case Digest: Decisions of the Political Parties Dispute Tribunal, Case Digest; Decisions of the IEBC's Dispute Resolution Committee, Media articles on political parties and the political parties manual and guide to party registration.

2.2 In-depth Key Informant Interviews

Key informant interviews with selected political party leaders were conducted. Informant interviews were also conducted with key institutions that are mandated to support the administration and administration of political parties in Kenya. These include Registrar of political parties (RPP), Independent Elections and Boundaries Commission (IEBC), Political Parties Liaison Committee (PPLC) and Political Parties Dispute Tribunal (PPDT). We also interviewed key institutions that work to support political parties in Kenya which include the Center for Multiparty Democracy (CMD), Center for Governance and Development (CGD), Electoral Institute for Sustainable Democracy in Africa (EISA), Kenya Human Rights

Commission (KHRC), United Disabled Persons of Kenya (UDPK), National Democratic Institute for international affairs (NDI) and Uraia Trust. The key informant interviews were conducted using an interview guide. The interviews were done at a location and time convenient to the interviewees and for the most part this was at the offices of the political parties. The interviews aimed at collecting qualitative insights about compliance of political parties and factors that hampered full compliance by the parties.

2.3 Assessment of Political Party Files from the Registrar of Political Parties

Section 7 of the Political Parties Act 2011 stipulates various conditions to be met by all political parties to be fully registered. The provisions cover conditions to be met for provisional registration, full registration and overall management of the parties. To determine the compliance levels of political parties, we conducted a review of documents submitted to the Registrar of political Parties in line with the provisions of the Constitution and the Political Parties Act for registration of the parties. We developed a checklist outlining all documents necessary for a political party to be considered compliant. The audit sought to find out whether the political parties met all conditions for compliance and filed all the documents as stipulated by the law. The documents were received from the office of the Registrar of Political Parties but we also requested the same set of documents from political parties.

2.4 Review of Party Membership List

In the run up to the March 2013 general elections in Kenya, media reports raised concerns about the authenticity of party memberships with some claims that some political parties presented names of people as party members who in actual sense were not registered members of those political parties. This came following the publishing of the list of all members of political parties in the IEBC website which allowed individuals to query the IEBC database. The RPP was not willing to share with us the party membership list indicating that she needed an approval from political parties. She referred us to the respective political parties who according to her have the most current details of their party members. Efforts to acquire the party membership list from parties faced resistance from parties who feared that their members would be known by their political opponents creating room for influence or being "bought" or lured to abandon their parties.

Out of the 21 political parties assessed only three (Ford Kenya, Ford People and Kadu Asili) shared their party membership lists, which were incomplete for the list lacked contact details of the party members. According to the parties and the ORPP, the list of party members is confidential and in order to comply with the Data Protection Act the data should not be shared with the public. The failure of the ORPP and Political Parties (PP) to share the list of party members made it very difficult for us to establish whether the recruited party members reflect regional and ethnic diversity, gender balance and representation of minorities and marginalized groups.

It is however important to note that Section 34 (d) of the PP Act, 2011 as regards the

functions of the Registrar provides that the Functions of the Registrar shall be to (d) verify and make publicly available the list of members of political parties. The Act also provides that a political party registered under this Act shall be a corporate body with perpetual succession and a common seal. The ORPP argues that given that a PP is a body corporate, then the list can only be availed to members. The said Political Parties also draw monies from the public and as such, in our view, PPs are public institutions. There is need to proceed to court for interpretation.

2.5 Physical Verification of Party Branch Offices in the 47 Counties

A physical verification of the political party offices in the 47 counties was conducted. In order to undertake this exercise, a list showing the location and addresses of the 21 parties Head offices and County offices in at least 24 counties was shared by the ORPP. For effective verification we developed and branded training materials, trained the Trainer of Trainers (ToTs), recruited, trained and deployed 47 County Data Collectors (one per county).

2.5.1. Development and Branding of the assessment training materials

A number of interview guides for various stakeholders were developed. Separate interview guides were developed for government institutions, political parties, civil society organizations and development parties. In addition a comprehensive assessment questionnaire on the compliance with the constitution (Articles 91 and 91 and PPA 2011) was developed to gather comprehensive information on the level of compliance with the law. In order to enhance visibility and acceptability by the targeted respondents a number of materials such as T-shirts, Caps, folder and pens were branded. We also procured a research permit from the National Commission for Science, Technology and Innovation (NACOSTI) and prepared introductory letters to all the data collectors. The identification documents enabled the data collectors to introduce themselves to the targeted respondents and collect the relevant information.

2.5.2. Training of Trainer of Trainers (ToTs)

The Trainer of Trainers (ToTs) who trained the field county data collectors were IED staff. This training took place on 20th April 2015 at IED Boardroom. The purpose of this training was to prepare the trainers and impart facilitation skills for the training of 47 County data collectors. The content covered during this training included facilitation skills, introduction to the assessment exercise, interview techniques, the assessment questionnaire, assessment management plan, quality control mechanisms, challenges and mitigation strategies, deployment plan and reporting. All participants for this training were evaluated after training.

2.5.3. Recruitment, Training and Deployment of the 47 County Data Collectors

To support the assessment exercise, IED recruited, trained and deployed 47 county data collectors. The data collectors were recruited from the existing database of persons that

IED had engaged previously and their work was good. The training of the 47 data collectors took place on 23rd and 24th April 2015 at Hadassah Hotel. The facilitators during this training were the ToTs. The training focused on interview techniques, data capture and recording, assessment tools that included interview guides and a questionnaire, reporting strategy and field logistics. After training the 47 data collectors were deployed in the 47 counties for five days.

2.5.4. Field Work

Deployment to the 47 counties to hold informant interviews with the county and sub-county party officials took place from 27th April to 2nd May 2015. Apart from conducting interviews with party branch officials, the data collectors were also required to verify whether the party branch offices existed and whether they were operational. To do this, they were required to utilize a comprehensive questionnaire with closed ended questions. They were also required to document any information that they deemed relevant to the assessment. During fieldwork four teams of spot checkers were engaged to verify and supervise the work of the data collectors. The data collectors were responsible holding meetings with county or sub-county party officials and for completing the assessment questionnaire teams. All completed questionnaires were submitted to IED through courier, after which they were coded in readiness for the data entry.

2.5.5. Data Processing, Analysis and Reporting

Before data entry process began, IED Secretariat verified the completed questionnaire to establish data consistency and verification of the information that was collected. IED used the tablets that were procured specifically for this assessment to key in data and SPSS software was used to analyze the data.

CHAPTER THREE

FINDINGS AND RECOMMENDATIONS

1: THE OFFICE OF THE REGISTRAR OF POLITICAL PARTIES (ORPP)

The Political Parties Act 2007 established the Office of the Registrar of political parties (ORRP). Initially, registration of political parties was undertaken by the Registrar of Societies under the Societies Act (Cap 108), an umbrella law that governed the operations of all associations¹¹. Section 3 of the Political Parties Act, 2007¹² created the office within the ambit of the Electoral Commission of Kenya (ECK) as a department headed by a Registrar of Political Parties that was to be the ECK's appointee. ECK was disbanded after the 2007 disputed elections and the Interim Independent Electoral Commission (IIEC) was established. The Office transited to IIEC as a directorate.

Constitution of Kenya 2010 provides basic requirements and registration regime for political parties under Articles 91 and 92. To operationalize articles 91 and 92 of the Constitution, Parliament enacted Political Parties Act (PPA, 2011). The Act was assented to by the president on 27th August 2011 and commenced on 1st November 2011. The Act required that all parties' register a fresh after meeting certain conditions set out in section 7 of the Act.

It is on this basis that the PPA 2011 under section 33 established an independent Office of the Registrar of Political Parties (ORPP) which shall be a body corporate with perpetual succession and a seal and which shall be capable of suing and being sued in its corporate name. The Act provides for three Assistant Registrars and not more than two of whom shall be of the same gender. The office of the registrar shall be a state office within the meaning of Article 260 of the Constitution¹³.

Political Parties Act, 2011 contemplated the recruitment of a Registrar and the three Assistant Registrars. Section 34A of the PPA 2011 provided that within a period of not later than 110 days prior to the 1st elections under the new Constitution or of the occurrence of vacancy in the ORPP or Assistant Registrar and with the approval of the National Assembly, the president shall appoint a Selection Committee (SC). The composition of the SC includes the chairperson nominated by the president, one person nominated by the Law Society of Kenya, one person nominated by the Institute of Certified Public Accountants of Kenya, one person nominated by Association of Professional Societies in East Africa, two persons nominated by political parties represented in the National Assembly and two

11 The Societies Act, Cap 108

12 Political Parties Act 2007

13 Article 260 of the Constitution

persons nominated by political parties in the Senate. However it is important to note that the process of recruiting the Registrar of Political Parties and the 3 Assistants as provided in the PPA, 2011 stalled after the then President Mwai Kibaki failed to constitute a Select Committee within the stipulated guidelines. In essence time lapsed.

There were several amendments on the procedures of recruitment of the RPP and the 3 Assistants, which culminated into the Miscellaneous Amendment Act, 2014 which provides that whenever a vacancy arises in the ORPP or the Assistant Registrars, the President shall with the approval of the National Assembly, appoint a Selection Committee. The 6th Schedule PPA, 2011 (as amended in 2012) provides an elaborate procedure of the process of this recruitment as follows.

Activity	Persons responsible	Time lines
Appointment of the Selection Committee	President	Occurrence of vacancy in the ORPP or Assistant Registrars
Declaration of vacancy in the office of the RPP and the three assistants	Selection Committee	Within 7 days after appointment
Shortlisting and interviewing the candidates	Selection Committee	7 days after receiving applications. To conduct interviews in public.
Nomination and forwarding the names 3 names of nominees as the RPP and 9 names as nominee as Assistant Registrars to the president.	Selection Committee	7 days.
Nomination and forwarding one name of a person to be appointed as the RPP and 3 names to be appointed as the Assistant Registrars to parliament for approval.	President	7 days after receipt of names from the selection committee.
Parliament approval of the nominees	National assembly	14 days after receipt of names from the president.
Forwarding the approved names to the president for nomination	Clerk of the National Assembly	3 days after the Parliament approval
Appointment by the president of the RPP or Assistants Registrars by notice in the Kenya gazette.	President	7 days after receipt of names from the clerk of the National Assembly

Findings

a. Recruitment of the RPP and Three Assistants

Since the enactment of PPA 2011 and its subsequent amendments, No RPP and the three Assistants to the RPP have been appointed under this Act.

Recommendations

- The president should within the next three months (by 30th September 2015) move with speed to appoint a Selection Committee to commence the process of recruiting the three Assistants to the RPP.
- Amend the Act to re-introduce timelines within which the President should constitute the Selection Committee.

- There is need to go to court to compel the President to execute his mandate as provide for by the law
- There is also need to move to court to seek for interpretation of Section 34A together with Section 51d of PPA 2011.

b. Independence of the ORPP.

Section 33(5) of the PPA 2011 indicates that the ORPP shall be independent and shall not be subject to direction or control of any other person or authority. The assessment established that for a long time, the RPP office was an office under the IEBC and information about the RPP's office and political parties was accessed through IEBC's website. The ORPP has now been moved to a new office, which will require capacity strengthening.

The lack of implimentation of the law as regards the appointment of the RPP and the three Assistants negates the indepedence of ORPP.

Recommendation:

- The ORPP should delink itself completely from the IEBC and develop its own website where information about the office, its mandate and other information should be disseminated.
- Appointment of the RPP and three Assistants through a people driven process would definitely enhance independence of ORPP.
- A people driven process of the appointment of the three Assistants would definitely enhance indepence of ORPP.

c. Functions of the ORPP:

Section 34 of the PPA, 2011 stipulates the functions of the registrar as follows: to register, regulate, monitor, investigate and supervise political parties to ensure compliance with the PPA 2011; administration of Political Parties Fund; ensuring publication of audited annual accounts of political parties; verifying and making publicly available the list of members of political parties; maintaining a register of political parties and their symbols; ensuring and verifying that no person is a member of more than one political party and investigating complaints received under the Act.

Findings

The ORPP has fully registered 59 political parties and provisionally registered 3 political parties and to large extent, ensured that they have complied with the PPA 2011. In addition the ORPP has administered the political parties fund, published audited annual accounts of political parties, maintained register of political parties and their symbols and ensured that no person is a member of more than one political party.

A section of political parties and stakeholders interviewed felt that ORPP does not have adequate capacity to undertake investigations as envisaged by the PPA, 2011. In order to

manage political party membership, ORPP developed software that was shared with the political parties to capture party members' data. The software allows all parties to have access rights to update their members and prevents double registration of individuals. However, some political parties felt that the software does not provide for timely feedback of data. From our discussions with the 15 political parties concerns were raised on the effectiveness of this software. Parties indicated that once details are shared with the RPP, it takes too long for the office of the RPP to update party records.

Recommendations

- Collaboration between ORPP and relevant Government agencies including, Criminal Investigation Department (CID) need to be enhanced. This will address the lacuna found on the compliance and sanction aspect of the Act.
- The ORPP should ensure that data management software that is in place can be accessed by all parties and that parties should be able to interrogate and determine their registered members in real time. The system should also have provision for interrogation by individual members who want to ascertain their status in the political party registers.
- Political parties should maintain their own registers and update them regularly instead of leaving this responsibility to the RPP.

d. Staffing of the ORPP.

Sections 33(4) of the PPA, 2011 provides that the registrar may engage staff, experts or consultants as are necessary for the proper and effective discharge of its functions. It was established that the ORPP is in the process of developing Strategic Plan for the period 2015-2019. According to the approved organizational structure, the ORPP is supposed to have an optimal of 209 staff members. However, currently it has 45 members of Staff.

Recommendation:

- Provide enough resources to the ORPP to enable recruitment of enough staff members as provided in their organizational structure.

2). POLITICAL PARTIES

a). Party Governing Bodies: Section 91 of the Constitution read together with section 7 (2) (c) of the Political Parties Act, 2011 requires the governing body of a Political Party to be democratically elected and that it should reflect regional, ethnic diversity, gender balance, representation of minorities and marginalized groups. Sub-section (d) stipulates that no more than two thirds of the members of the governing body should be of the same gender.

Findings:

a. Under representation of the marginalized groups within the Governing Body of the Political Parties, which is the National Executive Council (NEC).

There is a gap in the PPA, 2011 for it does not provide a threshold on the representation of women, youth, PWD in the governing body of the Party. The RPP noted that one of the weaknesses of the Act is that it explicitly mentions representation of women but then lumps together all other groups in one ambiguous group of the minority and marginalized. This she noted provides political parties with a loophole to appoint one or two women and then claim they have sufficient representation of marginalized groups.

With regards to the representation of other marginalized groups, she noted that, parties have not been very compliant and it is out of this realization that ORPP is proposing a change in the law to explicitly mention the representation of persons with disability to ensure political parties have them represented within the party organs. It is important to note that the ORRP has singled out this in the consolidated proposed amendments to the Political Parties Act 2011.

Recommendation

- Amend Section 7(2c) of the PPA to explicitly provide for representation threshold of for women, youth and PWD's within the governing body of the parties as provided in the law.

b). Leagues and Caucuses within political parties:

It was established that even though political parties have made efforts in ensuring the marginalized groups are engaged in party affairs through the establishment of women, youth and PWD's Leagues and caucuses to champion and mobilize their participation, they lack capacity and resources to implement their own programmes. Therefore they are not very active in party affairs and especially in the mobilization and civic education of their members. Section 26 of the Act provides that a minimum of 30% of monies allocated to a political party should be used to promote the representation in parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.

Recommendations:

- Amend section 26 of the PPA, 2011 to increase the minimum amount allocated to women, PWD, Youth, ethnic and other minorities and marginalized communities from 30% to 50%. This is because these groups constitutes larger demographic statistics and therefore require more resources to support their political processes.
- Parties with support of the RPP and other stakeholders should develop clear guidelines on how the 50% of monies allocated to

the marginalized groups should be shared among themselves.

- Parties to ensure that the various leagues within the party have capacity in project management, resource mobilization, budgeting, campaign management among others.

c). Integrity of party governing body Officials: Section 7 (2) (e) of the Act requires that members of a party governing body comply with the requirements of Chapter Six of the Constitution and the laws related to ethics. It was noted that Political Parties do not have an internal mechanism for reviewing candidates and clearing them to ensure they comply with chapter six of the constitution.

Recommendations

- Political parties with the support of the ORPP should develop standardized guidelines for verification of officials and candidates in compliance with the Leadership and Integrity Act, 2012

d). Party Elections: During our assessment, we established that majority of NEC members are in acting capacity and have continued in those positions for a long time. This was attributed by the failure of political parties to hold regular democratic elections as provided by the by the constitution in article 91. In one of our meetings with the political parties, one party leader said *“You cannot expect to have a democratic process in the election of members of the governing body since as a party leader you have to put people in the governing body who will defend your position; that is how politics is played out”*

Recommendations

- Political parties should ensure that their constitutions have clear timelines for holding regular democratic elections.
- Political party county boards to handle grassroots elections and not rely on national boards.
- Political parties should adhere to their constitutions and hold democratic regular elections failure to which they should be deregistered.

e). Full Registration of Political Parties: Section 7 of the PPA, 2011 provides basic requirements for full registration of political parties which includes certificate for provisional registration; recruitment of not less than 1000 registered voters from at least 24 counties; the recruited party members should reflect regional and ethnic diversity, gender balance and representation of minorities and marginalized groups; the composition of the governing body should reflect regional and ethnic diversity, gender balance and representation of

minorities and marginalized groups; not more than two-thirds of the member of its governing body are of the same gender; has demonstrated that members of the governing body meet the requirements of Chapter 6 of the constitution and laws relating to ethics and that it has submitted to the Registrar of Political Parties (RPP) the following documents: A list of the names, addresses and identification particulars of all its members; the location of the Head Office and a postal address to which notices and communication may be sent; the location and addresses of the branch offices which shall be in more than half of the counties and a declaration that it is undertaken to be bound by this Act and code of conduct set out in the first schedule

Findings

a). Lack of resources and capacity on the part of PP to maintain a strong structure to manage the recruitment of party members from the grassroots. Lack of resources compels parties to rely on aspirants for various elective posts to undertake recruitment of party members. Thus the cost of party membership fee is borne by the aspirants who in their turn issue the membership cards for free to anyone willing to join the party. The danger with this approach is that in the event an aspirant defects from a political party, they tend to carry with them the party members they recruited.

Recommendations

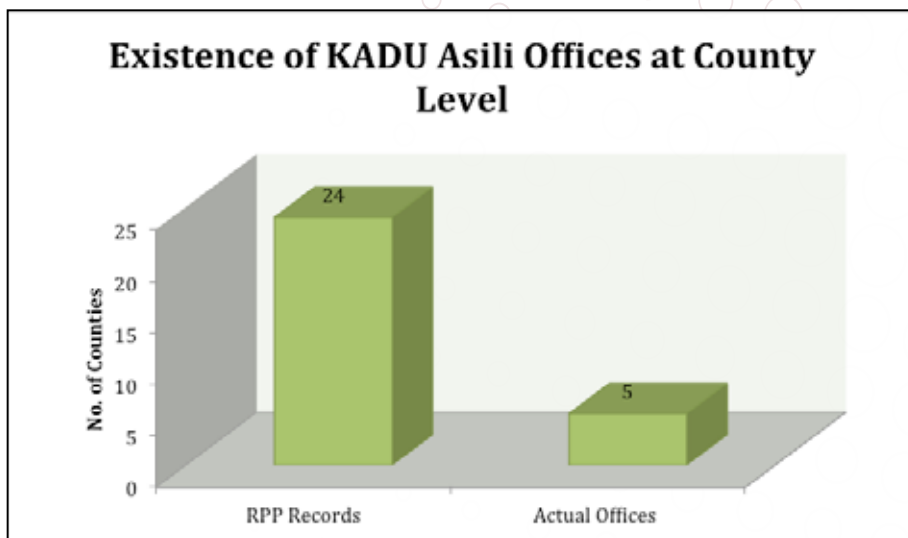
- Form parties based on ideological principles to motivate citizens to register voluntarily and not on the basis of political influence or handouts from politicians. This will ensure retention of party members despite the departure of a party leader or a key person in the party.
- Diversify resource mobilization strategies to increase party funding over and beyond what is provided for by the Political Party Fund.

b). Details on the location of party Head Offices and Operationalization of party branch offices. Section 7 (2) (f) of the PP Act, 2011 provides that for a political party to be fully registered it must submit to the registrar the location of its head office and its branches. In our preparatory stages prior to meeting with the 21 Political Parties, we requested the ORPP to share with us details of the location of head offices of the various Political Parties. It was however realized that a number of parties had relocated and they no longer had offices at the addresses they shared with the ORPP. The parties that have moved have not updated their location details with the office of the RPP. With regards to the existence and operationalization of party branches, our field verification noted that none of the 15 political parties had operational branches in 24 counties as required by the Act; compliance in this case was 0%. ODM compliance level was at 67%, KADU Asili at 21%, New Ford Kenya at 38%, Ford People at 30%, UDF at 50%, TNA at 63%, Narc Kenya at 38%, Wiper at 38%, URP at 83%, KANU at 67%, Ford Kenya at 50% and TIP at 33%.

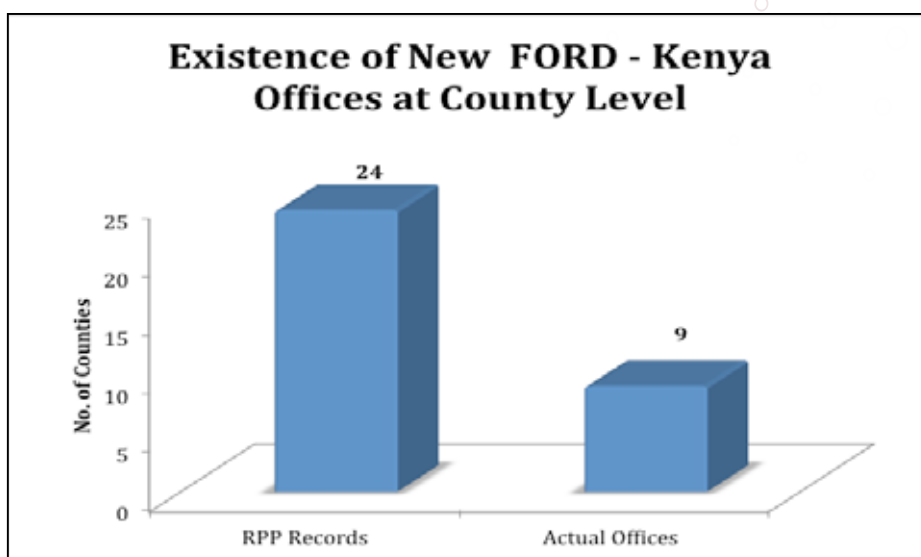
Interviews with members of the public at the county level revealed that most political parties opened up offices in the run up to the 2013 general elections, however, most of these offices were closed after the elections mainly due to default in the payment of rent, defection of party branch leaders and leadership wrangles among party branch leaders. The audit revealed that some political party branches operated from the branch chairperson's house, while some party branch leader operated party affairs from hotels where they conduct meetings. The main reason given by political parties for non-compliance in respect to having 24 branch offices was financial constraints. As one party leader noted: "The law requires parties to have offices in 24 counties, but without funds parties are forced to be creative, so some of the things we do is to establish a party branch office in the periphery of a county where the rent is cheap or sometimes we just enter into an agreement with an MPESA agent whose shop also doubles up as the party branch office. When you partner with an MPESA agent, chances are whenever the number is called there will always be someone to answer the phone. All you need is to make contribution to their monthly rent which is mostly a very small amount"

Parties have also contested the requirement to have offices in at least 24 counties arguing that with the advancement in technology the office does not need to be physical but can also imply having a virtual office. These issues have made it difficult for the office of the RPP to enforce the requirement for political parties to have offices in at least half all the counties. To ensure adherence to the law regarding parties having offices, the RPP has proposed a law that will explicitly define an office as a physical office.

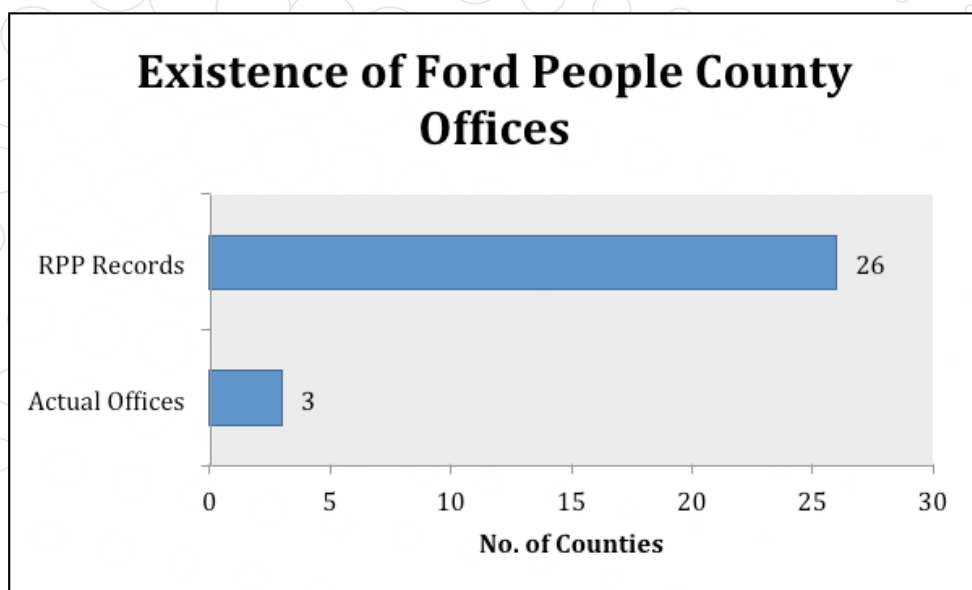
STATUS AND OPERATIONALIZATIONS OF COUNTY BRANCH OFFICES



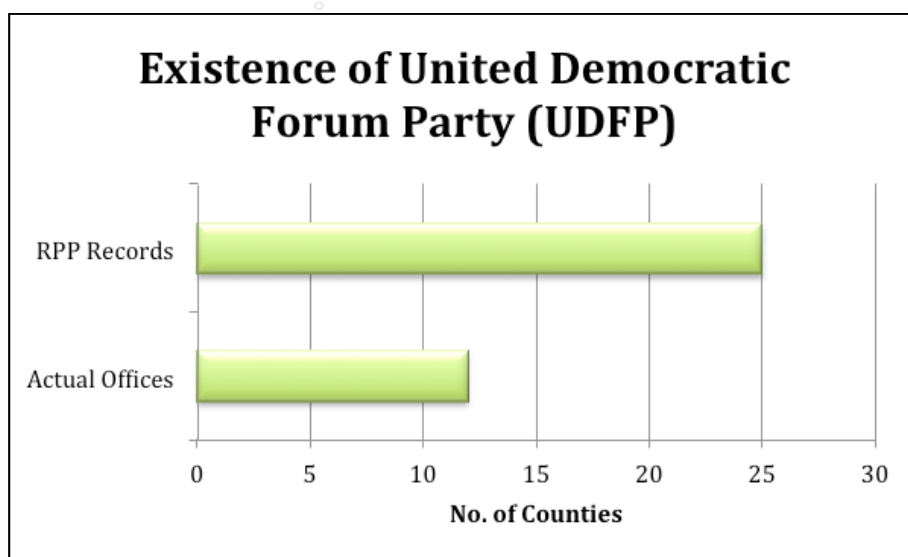
Our analysis showed that as much as the RPP records documented that KADU Asili has offices in 24 counties, the assessment found that offices only exist in 5 counties namely Kisumu, Nakuru, Tana River, Transzoia, and Uasin Gishu. It is important to note that even if parties offices exist in the five counties they are not fully operational due to lack of financial support from the head office. This accounts to 21% compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least 24 counties.



From the ORPP records, New Ford People has offices in 24 Counties. The assessment found that its offices only exist in 9 counties namely Bungoma, Kisii, Kisumu, Makeni, Nairobi, Nakuru, Nyamira, Siaya and Wajir. This accounts for 38% compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least 24 counties.



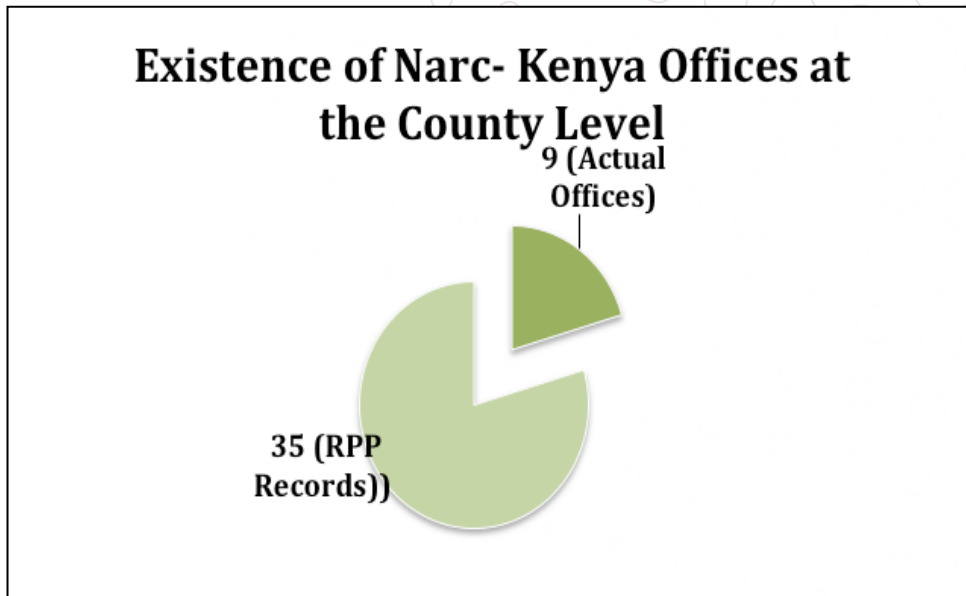
From the ORPP records, Ford People has offices in 26 Counties. The assessment found that its offices only exist in 3 counties namely, Nairobi Nyamira and Kisii. This accounts to 13 % compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least 24 counties.



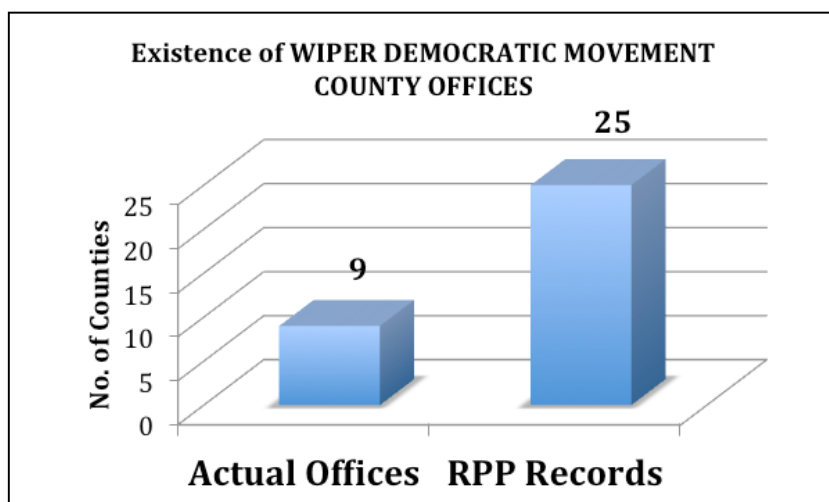
From the ORPP records, UDFP has offices in 25 Counties. The assessment found that its offices exist in 12 counties namely Bomet, Busia Nairobi, Kakamega, Kwale, Lamu, Nakuru, Nandi, Nyamira, Transzoia, Vihiga and Kisumu. This accounts to 50% compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least 24 counties.

THE NATIONAL ALLIANCE (TNA)

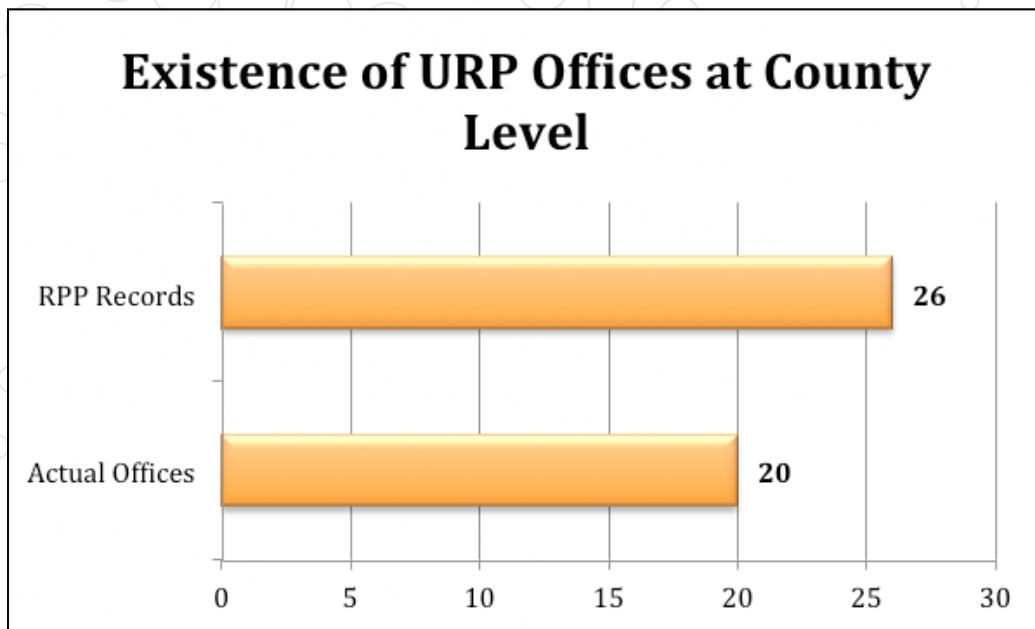
The list for TNA was not shared with us so we could not establish the counties where it had offices as per the RPP. The assessment found that TNA has offices in 16 counties namely Nyandarua, Bungoma, Kisumu, Samburu, Isiolo, Kirinyaga, Laikipia, Lamu, Meru, Nakuru, Siaya, TaitaTaveta, Busia, Kisii and Nairobi. This accounts for 63% compliance with compliance with section 7(f) of the PPA,2011 that provides that parties should have branch offices in more than half of the counties.



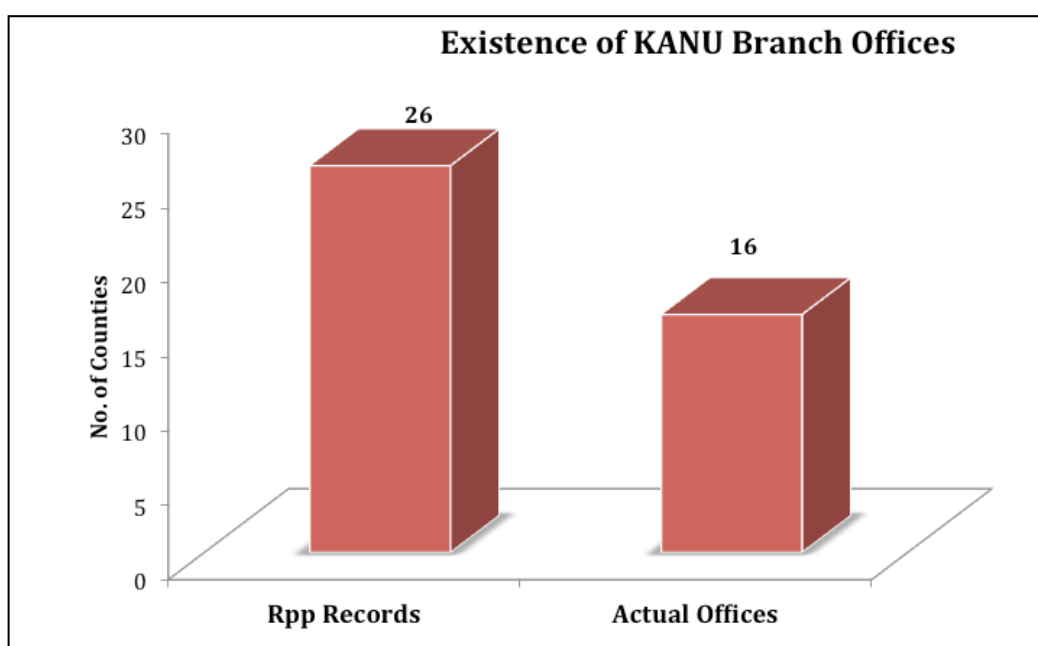
From the ORPP records, Narc Kenya has offices in 35 Counties. The assessment found that its offices exist in 9 counties namely. Taita Taveta, Kisii, Vihiga, Nairobi, Busia, Isiolo, Nyamira ,Tana River and Nyeri This accounts to 38% compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least 24 counties. In Isiolo the party chairman is a ward representative for Wabera ward and all party activities are carried out from his County Government Office. In Isiolo county the Party Chairman, who also doubles up as the Ward Representative for Wabera Ward does all the Party duties from his office allocated to him by the County Government.



From the ORPP records, WIPER has offices in 25 Counties. The assessment found that its offices exist in 9 Counties namely in Nairobi, Bungoma, Lamu, Nakuru, Nandi, Uasin Gishu, Kwale, Elgeyo Marakwet, and Tana River. This accounts for 38% compliance with section 7(f) of the PPA that provides that parties should have branch offices at least half of the counties.

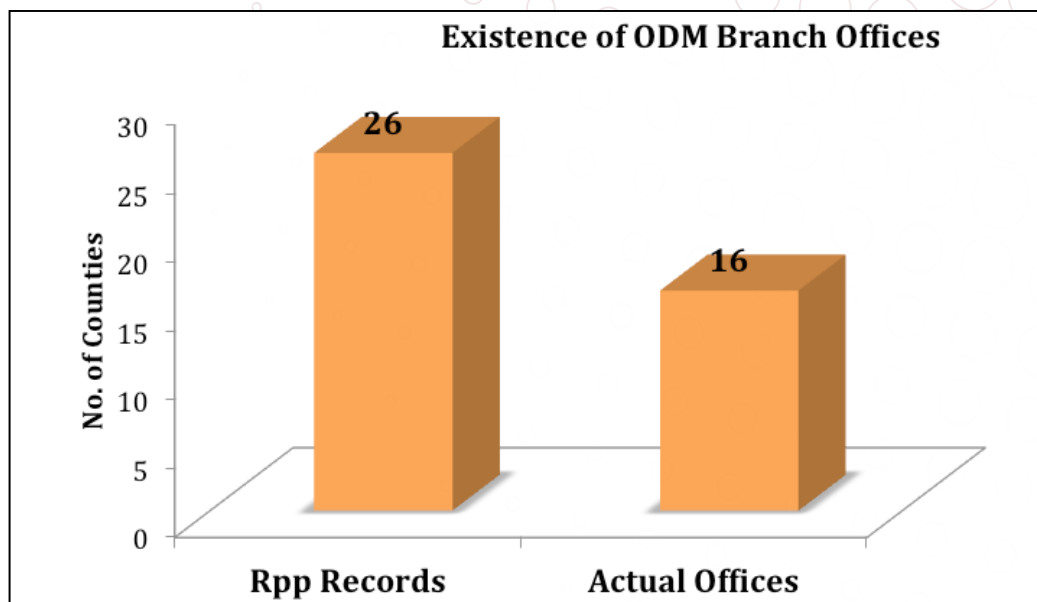


From the ORPP records, URP has offices in 26 Counties. The assessment found that its offices only exist in 20 counties namely Baringo, Bomet, Embu, Kajiado, Kakamega, Kiambu, Kirinyaga, Nakuru, Nandi, Nyamira, Transzoia, Uasin Gishu, Vihiga, Wajir, Elgeyo Marakwet, Isiolo, Kisumu, Taita Taveta, West Pokot and Bungoma. This accounts to 83% compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least half of the counties.

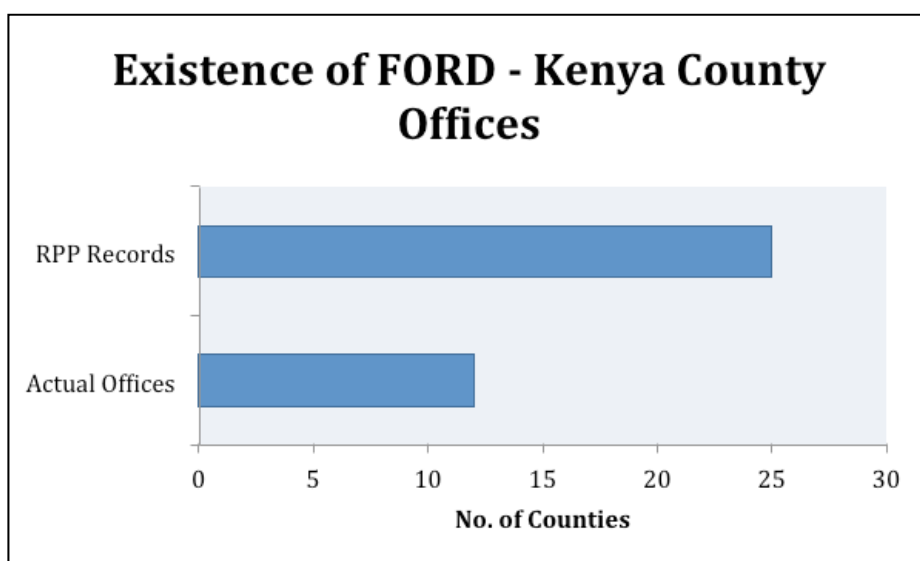


From the ORPP records, KANU has offices in 26 Counties. The assessment found that its offices only exist in 16 counties

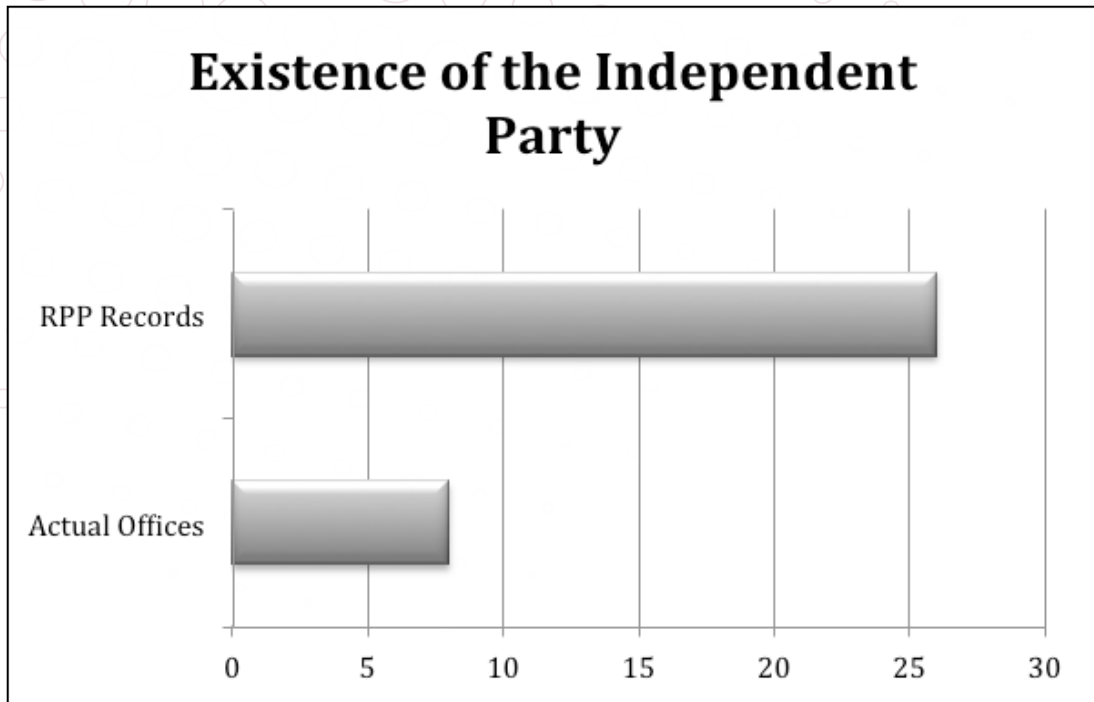
Namely ELgeyo Marakwet, Homabay, Isiolo, Kakamega , Kisii, Kisumu, Laikipia, Lamu, Migori, Mombasa, Nandi, Narok, Taita Taveta, Vihiga, Nyamira and West Pokot. This accounts for 67% compliance with section 7(f) of the PPA that provides that parties should have branch offices in at least half of the counties.



The assessment found that as much as the RPP records documented that ODM has offices in 26 counties, The assessment found that offices exist in 16 counties namely Isiolo, Bungoma, Busia, Kiambu, Kisii, Kwale, Makueni, Migori, Nakuru, Nandi, HomaBay, Nairobi, Nyamira, Siaya, Tana River, West Pokot. This accounts for 67% compliance with section 7(f) of the PPA, 2011 that provides that parties should have branch offices in at least 24 counties. In Wajir County the party office was vacated from June 2014 and it is currently being used by the Senator of Wajir County. In Nyandarua County, ODM office now operates as a church.



The assessment found that as much as the RPP records documented that FORD Kenya has offices in 25 counties, we found out that offices exist in 12 counties namely Bungoma, Busia, Isiolo, Kiambu, Kisii, Kisumu, Makueni, Migori, Nakuru, Nandi, Homabay, Nairobi, Nyamira, Siaya, Tana River and West Pokot. This accounts to 50 % compliance with section 7(f) of the PPA that provides that parties should have branch offices in at least half of the counties.



From the ORPP records, TIP has offices in 26 Counties. However our analysis showed that its offices only exist in 8 counties namely Isiolo, Laikipia, Machakos, Mandera, Nakuru, Vihiga, Busia and Nairobi. This accounts to 33% compliance with section 7(f) of the PPA that provides that parties should have branch offices more than half of the counties.

Recommendations

- Strengthen mechanisms for information sharing between parties and the RPP Office.
- Amend section 25 of the PPA, 2011 to provide funding for all parties to provide resources to be able to maintain the branch offices. Parties also diversify their resource base.
- Amend the law to explicitly define an office as a physical office

C). Political Party Funds: Section 23 of the PPA establishes the political party's fund, administered by the registrar. Sources of the funds include not less than 0.3% of the total revenue collected by the national government and contributions and donations to the fund from any other lawful source. Section 25 of the PPA, 2011 provides for criteria for distribution of the PP fund as follows: 95% of the fund proportionally shared based on the total number of votes secured by each party in the preceding general election and 5% for the administration of the fund. Section 25(2) provides that a party that does not secure 5% of the total number of votes at the preceding general election or more than two-thirds of its registered office bearers are of the same gender is not entitled to receiving funding from the PP fund

Findings

PPA 2011 requires that 0.3% of the revenue collected by the national government is set aside as political party fund. However, the ORRP never receives this amount in full. Thus, Inconveniencing political parties operations.

Based on the current requirements for eligibility to get the political party funding, only three political parties thus the Orange Democratic Movement (ODM), The National Alliance (TNA) and United Republican Party (URP) garnered at least 5% of the total votes cast in the last general elections hence qualifying to get the political party fund. Our interviews with political party leaders and stakeholders even for the political parties that received funds noted the amount of funding received is insufficient to fully support functional party branches and run party programs as required by law. None of the political parties receiving funds shared a concrete plan on how their expenditure plan complied with section 26 (1) (a) of the Act which requires parties to spend not less than thirty per cent of the moneys allocated to a political party promoting the representation in Parliament and in the county assemblies of women, persons with disabilities, youth, ethnic and other minorities and marginalized communities.

During the interview with political party leaders, their general feeling was that for multiparty democracy to take root, there is need to fund all political parties with varied suggestions on this to be done on a quota basis based on the representation of the political party in

the legislative organs both at national and county levels. Stakeholders on their part felt strongly that funding all political parties will be akin to giving a blank cheque to the parties, as it will encourage proliferation of briefcase parties. They felt that where a political party cannot sustain itself, it should be left to die a natural death. This will ensure we remain with a few stable political parties that can be adequately funded to remain vibrant.

Recommendations

- Amend Section 25 of the PPA to provide a % of funding for all parties that are registered and % that can be shared based on votes garnered in the previous general elections. Party leaders opined that there is need to rift the provisions that were contained in section 30(3a and b) of the Political Party Act, 2007 which provided for 15% of the fund to be shared equally among all the registered political parties and 80% to be distributed proportionally by reference to the total number of votes secured at the previous general elections. It is important to note that there exists a private member bill in the floor of the house to amend this section of PPA, 2011.
- The National Assembly should ensure that the 0.3% of the revenue collected by the national government actually is availed to fund political parties.

d). Audit of Political Party Accounts: Section 31 of the Act provides for the audit of the accounts of all political parties. It requires parties to keep proper books and records of accounts of the income, expenditure, assets and liabilities of the political party. Parties are also required to submit to the Auditor general the accounts of the political party within three months after the end of each financial year. The Act also provides that the accounts of every political party shall be audited annually by the auditor – general and shall be submitted to the registrar and tabled in the national assembly.

Finding

All the 15 political parties assessed confirmed during the interviews that they get their books audited by the Auditor General. However, none of the parties availed their audited books of accounts. The same was not available at the party branch offices as required by section 17 of the Act. Interview with RPP confirmed that they conduct annual audits of Political Party books of accounts through the office of the Auditor General. To ensure proper utilization of the funds, the office of the ORPP conducts periodic audits of political parties through the office of the Auditor General. They also train accountants within political parties on proper management of the political party funds. The RPP pointed out that her office is proposing an amendment to the Act to compel the Auditor General to audit all political parties irrespective of whether they receive public funds or not. This is because the law as it is currently prohibits an individual from funding more than 5% of

the political party budget. However there is no limit to how much corporates can fund parties. This creates a loophole for individuals to directly fund parties beyond the legal limit through corporate organizations with the attendant risk of having political parties controlled by corporates through funding.

Recommendations

- Amend the law to compel the Auditor General to audit all political parties irrespective of whether they receive public funds or not.

3): THE POLITICAL PARTIES DISPUTE TRIBUNAL (PPDT)

The Political Parties Dispute Tribunal was initially set up under the provisions of section 5 of the Political Parties Act No. 10 of 2007¹⁴. The tribunal has been hearing and determining political parties dispute since its inception. The Political Parties Act 2011 placed the tribunal in the judiciary, which has provided staff to support its operations. The tribunal is currently implementing its strategic plan for the period 2013- 2018 with a focus of graduating the tribunal into fully-fledged independent electoral court in the arbitration of disputes arising from political processes. The PPDT's vision is contributed to a Kenyan political environment that promotes issues based politics, justice and the rule of law.

Section 40, of the PPA, 2011 expanded the jurisdiction of PPDT and provided its mandate to determine disputes between the members of a political party; disputes between a member of a political party and a political party; disputes between political parties; disputes between an independent candidate and a political party; disputes between coalition partners; and appeals from decisions of the Registrar under this Act.

Under section 40(2) of the Act, a party cannot invoke the jurisdiction of the tribunal unless they can demonstrate that they have exhausted all internal dispute resolution mechanisms of the party. This was meant to strengthen and encourage political parties to resolve disputes using internal mechanisms as enshrined in their constitutions. The law provides for a appeal mechanisms of PPDT decisions to the High Court, Court of Appeal and Supreme Court.

Findings:

- a) All the 15 Political Parties interviewed indicated that the PPDT is undertaking its mandate as provided for in the Political Parties Act 2011 and has successfully mediated disputes brought before it by individual members of political parties who feel aggrieved.
- b) Some of the political parties interviewed felt that most party members were not aware of the existence of the Tribunal, thus explaining why some opted to file their disputes before the ordinary courts and had to be referred to the Tribunal for the hearing of their disputes.

14 See Section 5 of Political Parties Act 2007

- c) Informant interviews conducted with the representatives of PPDT indicated that the tribunal is underfunded. Currently, the expenses of the Tribunal are paid out of monies allocated by the National Assembly to the Judiciary Fund (Section 44 (1)). Similarly, PPDT felt parties need to be educated on alternative Dispute Resolution Process to meet specific needs of the parties.
- d) PPDT expressed concerns of lack of understanding by the public, political parties and other key stakeholders of the nature of the mandate and function of the tribunal.
- e) All the 15 parties interviewed expressed concerns that the concurrent jurisdictions between PPDT and the IEBC on political party nomination disputes was creating confusion amongst party members in determination of party disputes and thus felt there was need to have a streamlined system where party disputes should only be heard by the Tribunal and with a right of appeal in the manner provided in the Act.

Recommendations:

- There is a need for constitutional reforms to harmonize these jurisdictions. Jurisdiction over party primaries should be vested in the PPDT and jurisdiction over disputes relating to presentation of nomination papers to the commission should be vested in the commission.
- Amend the Section 44 (1) of the PPA to create a Fund similar to PP Fund. Alternatively, amend section 25 of the Act, to allow PPDT to benefit from the fund.
- Civil societies and other stakeholders should lobby for the devolvement of the functions of the PPDT to the counties.
- PPDT, Civil Societies and other stakeholders should spearhead civic education programs across the country to have members of the public and other stakeholders understand and appreciate the nature of the functions of the PPDT.

4). THE POLITICAL PARTIES LIASON COMMITTEE (PPLC)

In previous years political parties, the Registrar of Political Parties and the IEBC met at regular intervals to discuss processes that they are all involved in so as to find common ways to forge forward. This dialogue platform was formalized through the enactment of PPA 2011. The Political Parties Act provided for the establishment of the Political Parties Liaison Committee at the National and County levels [(Section 38(1)(2)(3)]. The role of the Committee is further emphasized in the Independent Electoral and Boundaries Commission Act 2011 [Rule 9(3), Second Schedule] and the Elections Act 2011 (Rule 6(2), Electoral Code of Conduct). The purpose of the Committee is to provide a platform

for dialogue between the Registrar of Political Parties, the Independent Electoral and Boundaries Commission (IEBC) and political parties. The Electoral Code of Conduct requires political parties to attend and participate in Political Parties Liaison Committee Meetings. The Political Parties Liaison Committee Regulations of 2014¹⁵ provides for the procedures for the establishment of a national committee and county committees as well as steering committee at the national and county levels to coordinate the activities of the committees.

Findings:

Interviews with the PPLC chair revealed that PPLC had a huge input in drafting of the Political Parties Act, has been involved in a series of election observations and referendum. She noted however, that the Steering Committee faces financial constraints that has hampered its ability to establish both national and county offices and to run programs beneficial to political parties across the country.

Our interviews with the political parties and stakeholders noted that while the PPA, 2011 established the PPLC and provided that it should have National and County Committees, the law is silent on where funding should come from for its operations. As currently constituted, PPLC does not have structures at the County levels as provided in the law due to financial constraints.

Most of the respondents were of the view that just the way Act provides for a percentage of funding to the marginalized groups, it should also provide for a percentage for the operations of the PPLC.

Listening to the majority of respondent, there was a feeling of dissatisfaction on the manner in which the current officials of the PPLC were elected and consequently assuming office. The big political parties felt that the PPLC as currently established does not represent all political parties. They held the view that small political parties fraudulently met and elected members amongst themselves hold the PPLC hostage.

Recommendations

- Amend Section 25 of the PPA, 2011 to provide for the funding of the PPLC
- Review the PPLC regulations to provide for the procedure and timelines for the elections of members of various PPLC committee members.
- Recast the provisions of section 38 of PPA to make PPLC a platform of effective oversight mechanism for the electoral process. In the alternative, lobby for the creation of Interparty Standing Committee of the two houses of parliament as a consultative forum with the IEBC on electoral matters.

15 See the Political Parties Liaison Committee Regulations, 2014

- Establish PPLC County and Constituency committees and steering committees to support and coordinate the work of the PPLC at the county level.

5). THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

Article 88 of the CoK, 2010 establishes the Independent Electoral and Boundaries Commission (IEBC) and provides for its mandate which among them is the regulation of the process by which parties nominate candidates for elections; the settlement of electoral disputes relating to or arising from party nominations; the regulation of the amount of money that may be spent by or on behalf of a candidate in respect to any elections; development of the code of conduct for candidates and parties and monitoring compliance with legislation as required by Article 82(1) b of the constitution relating the nomination of candidates by parties. Section 4 of the IEBC Act No. 9 of 2011¹⁶ affirms the mandate of the IEBC as far as political parties are concerned.

Findings

Discussions with the IEBC revealed that despite some challenges some of which were legal in nature, the IEBC performed well in adjudicating disputes from party primaries. This is evidenced by the fact that the IEBC established a Dispute Resolution Committee (DRC) during the pre-election period that saw the adjudication and determination of 206 disputes and over 606 disputes arising from the allocation of seats from political party lists¹⁷

It was also established from some of the respondents that the mechanisms put in place by the IEBC to implement and enforce the code of conduct during the last General Elections was inadequate. The commission was to monitor compliance on nomination by political parties and ensure that party nominations were free, fair and peaceful but this was the case as most of party primaries were chaotic.

Political parties did not exhaust all the party internal dispute mechanisms before referring them to the relevant bodies as provided in the Act.

As highlighted in our earlier report notably ***From Pillars to Post; Transforming the Electoral Agenda in Kenya, 2015***" the assessment also noted the multiple layers of adjudicating disputes of political parties as provided in the Political Parties Act 2011. For example the IEBC shared the responsibilities in pre-election period dispute resolution with the PPDT and ultimately with the courts causing a lot of confusion among party candidates and parties.

The assessment also noted a gap in the PPA, 2011 in the sense it does not provide for penalties to be imposed by PPDT and that the role of PPDT and other institutions in adjudicating disputes emanating from party primaries is not defined.

Some respondents were of the opinion that the IEBC is overwhelmed with handling a myriad of activities that are required to realize a free, fair and peaceful elections and therefore there is need to delink the role of determination electoral boundaries to a

¹⁶ See section 4 of the IEBC Act, 2011

¹⁷ The IEBC Evaluation Report for the 2013 general elections

different body, something that calls for a change in the constitution.

Recommendations

- Create awareness on the internal and alternative process of dispute resolution mechanisms on party nominations among parties, candidates and citizens at large.
- Political parties in liaison with the ORPP should develop standardized party nomination rules to streamline nominations for all parties
- De-link IEBC from determining and adjudication for party disputes emanating from party primaries.
- Expand the mandate of the PPDT to include hearing and determination of party disputes from party primaries.
- Parties to review their internal party dispute mechanisms to ensure they are effective and encourage them to exhaust these internal mechanisms before complaints are referred to the PPDT and courts

6). THE NATIONAL ASSEMBLY

The legislative authority of the Republic of Kenya is vested in and exercised by Parliament in accordance with Article 94 (1) of the Constitution of Kenya. Laws that govern elections and electoral processes, including the operation and regulation of political parties, are thus enacted by the National Assembly. The two fundamental laws touching on the operations of political parties in Kenya are the Political Parties Act, 2011 and the Elections Act, 2011.

Findings

Most of the respondents showed dissatisfaction by National Assembly amending laws few months to elections date. They were of the view that legislation needs to be enacted to prohibit parliament from watering elections laws six months to elections.

Recommendations

- National Assembly to pass a law prior by 2016 to prohibit amendment of electoral laws six months before elections

7). CIVIL SOCIETY ORGANIZATIONS (CSO)

Civil Society Organizations in Kenya are essential agents for promoting good governance and participatory democratic ideals both in the political parties and in other institutions of governance. Civil society election observer groups noted that the political party primaries that were conducted in January 2013 showed that the institutional structures for political parties still remain weak.

Recommendations

- Lobby and advocate discouraging interference with elections laws close to elections by the National Assembly.
- Lobby the National Assembly to enact law to empower the IEBC to exercise oversight over party nominations and deal with political parties that fail to promote free, fair and peaceful nomination of candidates or adhere to the national values and principles as provided in Chapter six of the constitution.
- Civil Society Organizations need to be vigilant in monitoring the adherence to laws governing the work of political parties and to continuously advocate for their full implementation.

CHAPTER FOUR

LIMITATIONS AND LESSONS LEARNED

The assessment sought a list of documents from the office of the RPP and political parties including copies of the certificate of provisional registration, copies of certificate of full registration, nomination rules, a copy of the constitution, official list of the names, contacts, identification and contacts of registered party members, a copy of party policies and plans, a copy of the manifesto, and a sample membership card.

From ORPP we received copies of the party constitution, code of conduct and nomination rules. On their part in addition to the constitution, code of conduct and nomination rules political parties shared copies of their full registration certificate and manifesto. The lack of the other documents limited our ability to independently verify whether parties met all the conditions set prior to their full registration.

The audit focused on looking at the compliance of political parties to Articles 91 and 92 of the Constitution and the Political Parties Act 2011. However, it should be noted that there are other laws that govern the operations of political parties which were not given much attention in this assessment.

CHAPTER FIVE

APPENDICES

Appendix 1: List of the 21 Parties Represented in the National Assembly and the Senate (Elected Members)

PARTY REPRESENTATION IN THE NATIONAL ASSEMBLY AND THE SENATE (ELECTED MEMBERS)						
	Party Name	Party Code	MP's	Senators	Women Reps	Total
1	Orange Democratic Movement (ODM)	021	78	11	15	104
2	The National Alliance (TNA)	035	72	11	14	97
3	United Republican Party (URP)	026	62	9	10	81
4	Wiper Democratic Movement- Kenya (WDM-K)	012	19	4	6	29
5	United Democratic Forum Party (UDFP)	006	11	2		13
6	Forum for Restoration of Democracy-Kenya (FORD-K)	023	10	4		14
7	Kenya African National Union (KANU)	033	6	2		8
8	Alliance Party of Kenya (APK)	016	5	2		7
9	New Ford Kenya (NFK)	020	4		2	6
10	Party of Independent Candidate of Kenya (PICK)	007	4			4
11	Federal Party of Kenya (FPK)	049	3	1		4
12	Ford-People (FP)	024	3			3
13	National Rainbow Coalition (NARC)	029	3	1		4
14	Kenya National Congress (KNC)	009	2			2
15	Chama Cha Uzalendo(CCU)	036	2			2
16	The Independent Party (TIP)	018	1			1
17	Kenya African Democratic Union-Asili(KA-DU-A)	030	1			1

Appendix 2: List of Stakeholders Interviewed

Institution	Interview Date
Maendeleo Democratic Party	9 th Feb 2015
URP	23 rd Feb 2015
FORD Kenya	2 nd March 2015
Federal Party of Kenya	3 rd March 2015
The National Alliance	23 rd March 2015
New FORD Kenya	4 th March 2015
The Independent Party	5 th March 2015
Chama Cha Uzalendo	6 th March 2015
KADU Asili	16 th March 2015
UDF	26 th March 2015
NARC Party	31 st March 2015
ODM	15 th April 2015
Muongano Party	11 th March 2015
EISA	24 th March 2015
CMD	27 th March 2015
KHRC	26 th March 2016
URAIA	10 th April 2015
IEBC	15 th April 2015
UDPK	25 th March 2015

Appendix 3: Political Parties Audit Interview Guide

Are you aware of the provisions of the new constitution and the Political Parties Act 2011 (Probe for whether they know the requirements for registration, membership etc)

1. Is your political party fully registered (Probe for when the registration was done, who are the party officials)
2. How does your political party recruit members (Probe for mobilization drives, self-availing to the party to be registered)
3. When can one claim to be a full member of your party (Probe for paid party membership fee, has a party membership card, whether the card has a serial number)
4. What challenges do political parties face in complying with the constitution and the provisions of the Political Parties Act (Probe for legal, logistical, financial)
5. To what extent are the provisions of the constitution and the Political Parties Act adhered to by your party (Probe for availability of party constitution, vetting of party officials, availability of operational party branches, availability of updated party membership lists, audited accounts)
6. What are the challenges faced in the management of political parties in Kenya (Probe for legal, financial)
7. To what extent do you think the constitution and the Political Parties Act create a level playing field for all political parties? (Probe for challenges faced by the legal provisions to small parties)
8. To what extent does your party comply with the provision to have representation of marginalized group and gender equity (Probe for representation in the governing council, other leadership roles, challenges in ensuring representation of these groups)
9. What measures has the party put in place to ensure the representation of marginalized groups and gender equity in party affairs (Probe for specials seats, programs to engage women and other marginalized groups)
10. Does your party have operational branches in at least 24 counties? (Probe for specific counties, challenges with operating branches)
11. Has your political party accounts been audited by the Auditor General
12. Have the State agencies (RPP/IEBC/ Auditor General) regulating political parties been facilitative of party development or have they undermined political party development

Appendix 4: Interview Guide for CSOs

1. What is your involvement in political party governance?
2. What do you think are some of the challenges faced by political parties in compliance to the constitution and the Political Parties Act?
3. What in your view needs to be done to ensure compliance of political parties to the provisions of the constitution and the Political Parties Act 2011?
4. In your view, do you think there are sufficient systems and structures legally to ensure compliance of political parties to the constitution and the Political Parties Act 2011?
5. In your view, what do you think are some of the reasons why there is minimal participation of minorities and special interest groups in political party activities?
6. What measures in your view needs to be taken to ensure full participation of minorities and special interest groups in political parties in line with the provisions of the constitution and the Political Parties Act 2011?
7. What amendments would you propose to be introduced to the Political Parties Act?

Appendix 5: Interview Guide Government Agencies

1. What is the role of your institution in ensuring the compliance of political parties to the provisions of the constitution and the Political Parties Act 2011?
2. What are some of the challenges faced by your institution in enforcing the provisions of the constitution and the Political Parties Act 2011 among the political parties as per your mandate?
3. In your view, do you think there are sufficient legal and institutional provisions to ensure the enforcement of the provisions of the constitution and the Political Parties Act 2011 among the political parties?
4. What do you think are some of the challenges faced by political parties in compliance to the constitution and the Political Parties Act?
5. What in your view needs to be done to ensure compliance of political parties to the provisions of the constitution and the Political Parties Act 2011?
6. In your view, do you think there are sufficient systems and structures legally to ensure compliance of political parties to the constitution and the Political Parties Act 2011?
7. In your view, what do you think are some of the reasons why there is minimal participation of minorities and special interest groups in political party activities?
8. What measures in your view needs to be taken to ensure full participation of minorities and special interest groups in political parties in line with the provisions of the constitution and the Political Parties Act 2011?

Appendix 6: Interview Guide Interest Groups and the Marginalized

1. To what extent do you feel political parties have complied with the provisions of the constitution and the Political Parties Act regarding the representation of minorities and special interest groups? (Probe for representation in party executive organs, mobilization in party membership, representation through special seats, representation in elective positions of the party)
2. What are some of the challenges faced by minorities and special interest groups in their efforts to ensure equitable representation in political parties or even in participation in party competitive opportunities?
3. What are some of the positive steps you have witnessed instituted by political parties that have been instrumental in promoting full participation of minorities and special interest groups in political parties?
4. What in your view needs to be done to mitigate against the challenges faced by minorities and special interest groups to ensure their full participation in political parties and representation in political party organs?
5. What proposals do you have to improve political party governance and administration in Kenya?
6. In your view has political parties enhanced the democratic process in Kenya or undermined it?

Appendix 7: Political Parties Assessment Questionnaire

1	Provisional Registration	Yes/ No/ NA
a.	There signed minutes from the first meeting of the founding members of the political party	
b.	The party name at registration the same as the party name currently in use	
c.	The party name abbreviation included in the application for provisional registration	
d.	The party constitution complies with Second Schedule	
e.	The party provides and undertaking to be bound by the Political Parties Act and the Code of Conduct set out in the First Schedule	
f.	There is a copy of the receipt for the prescribed fee for provisional registration	
2	Full Registration	
a.	The party at the time of seeking registration submitted a written application	
b.	Where a written application was made, is it signed by an authorized official of the party	
c.	The party at the time of seeking registration submitted at least 1000 members who are registered voters from each of more than half the counties (In total about 24,000 members)	
d.	The composition of the party governing body reflects regional and ethnic diversity, gender balance and representation of minorities and marginalized groups	
e.	The party demonstrated that members of its governing body meet the requirements of Chapter Six of the constitution and laws on ethics	
f.	At the time of seeking full registration, the party submitted a list of its members to the Registrar	
g.	At the time of seeking full registration, the party submitted to the Registrar the location and addresses of its head office and branch offices	
h.	The party provides and undertakes to be bound by the Political Parties Act and the Code of Conduct set out in the First Schedule	
3	Membership	
a.	The party has a membership record	
b.	The party membership list include member details such as names, address, date of birth, ID number and voter registration number	
c.	The party membership reflects regional balance	
d.	The party membership reflects ethnic diversity	
e.	The party membership reflects gender balance	
f.	The party membership reflects representation of minorities and marginalized groups	
g.	Party membership list is signed and authorized by party officials	
h.	Party has a 1000 members from each of the more than half of the counties	

4 Branch Offices

- a. Political party has a functioning head office that is open and accessible during office hours
- b. Political party has branch offices in more than half of the counties
- c. Political party branch offices are functioning, open and accessible during office hours

5 Composition of the Party Governing Body

- a. The party governing body reflects regional balance
- b. The party governing body reflects ethnic diversity
- c. The party governing body reflects gender balance
- d. The party governing body reflects representation of minorities and marginalized groups
- e. Members of the party governing body meet the requirements of Chapter Six of the constitution and the laws related to ethics

6 Political Parties and Public Officers

- a. There is no founding member of the party who is public officer
- b. There is no public officer who is an office holder within the political party

7 Party Constitution

- a. The party constitution complies with the requirements in the Second Schedule

8 Revision of Party Constitution

- a. The party revised its constitution
- b. If the party has revised its constitution, did it notify the Registrar of its intentions
- c. Prior to revision of the constitution, the party published the notification in at least two days newspapers having nationwide circulation
- d. Where the party published a notification, the change in the constitution was effected upon expiry of thirty days from the date of publication of notification

9 Change or Amend Party Rules and Regulations

- a. The party changed or amended its rules and regulations
- b. If the party has changed or amended its rules and regulations, it notified the Registrar of its intentions
- c. Prior to revision of the party rules and regulations, the party published the notification in at least two days newspapers having nationwide circulation

- d. Where the party published a notification, the change was effected upon expiry of thirty days from the date of publication of notification

10 Change of Title, name or address of any party officials

- a. The party changed the title, name or address of any of its officials
- b. If the party has changed the name or address of any of its officials, it notified the Registrar of its intentions
- c. Prior to revision of the name or address of any of its officials, the party published the notification in at least two days newspapers having nationwide circulation
- d. Where the party published a notification, the change was effected upon expiry of thirty days from the date of publication of notification

11 Change of Name, Symbol, Slogan or Colour of the Party

- a. The party changed its name, symbol, slogan or colour
- b. If the party has changed its name, symbol, slogan or colour, it notified the Registrar of its intentions
- c. Prior to change of name, symbol, slogan or colour, the party published the notification in at least two days newspapers having nationwide circulation
- d. Where the party published a notification, the change was effected upon expiry of thirty days from the date of publication of notification

12 Revision of Party Nomination Rules

- a. The party has written nomination rules

13 Written Declaration Giving Details of All Assets and Expenditures

- a. The party has a written declaration giving details of all its assets and expenditures

14 Party Internal Dispute and Conflict Resolution Mechanism

- a. The party has an internal dispute and conflict resolution mechanism relating to internal party nomination for general election and by-election
- b. The party has an internal dispute and conflict resolution mechanism for general internal party disputes and conflict resolution

15 Keeping of Party Records

- a. Party Head Office
- i. There is a register of all party members
- ii. There is a copy of the party constitution

iii	There is a copy of policy documents	
iv	There is a copy of party rules and regulations	
a.	Internal party elections	
b.	Party nominations	
c.	Party policy document making procedures	
v	Party Strategic Plan and annual strategy	
vi	Party budget including expenditure estimates	
vii	Particulars of any contributions, donations or pledge of a contribution or donation, whether in cash or in kind made by the founding members of the party or any other person amounting to 5% or more of the last year financial expenditure	
vii	Particulars of property that belongs to the political party and the time and mode of acquisition of the property	
ix	There is a latest audited books of account	
a.	Source of funds, names, addresses and ID number of any persons who have contributed	
b.	Membership Dues	
c.	Indirect contributions	
d.	All receipts and disbursements including income and expenditure transactions	
e.	All financial transactions	
f.	Records of assets and liabilities	
i.	Party has published in at least two newspapers having national circulation, its financial records	
16	Party Code of Conduct	
a.	Party has a written code of conduct	
17	Party Human Resource (HR) Code of Conduct	
a.	Party has a written human resource code of conduct	

Party	Provision	Status	Recommendation
The National Alliance (TNA)	Section 5 PPA 2011: Party must have attained full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 PPA 2011: Members in at least 24 Counties	Party said they have a list of party members which they were not willing to share and referred us to the ORPP.	Party should have at its own membership list at its head office as well as county offices.
	Section 7 (1) (g): Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution.	
	Section 7 (2) (f) (iii) Party Branches in counties	Party had functional offices in Nyandarua, Bungoma, Kisumu, Samburu, Isiolo, Kirinyaga, Laikipia, Lamu, Meru, Nakuru, Siaya, Taita Taveta, Busia, Kisii and Nairobi	Political Party should operationalize branches in 9 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity though women were not substantially represented	Political party should make efforts to ensure a more gender responsive governing council
	Section 12 Party Officials being public officers	No party official who is a public officer	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Enhance and effectively utilize internal dispute resolution

Party	Provision	Status	Recommendation
			mechanism
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its head office	
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party receives Political Party funds and reported that they spend it in accordance with the Act. However, we could not independently verify the same as no records were availed	These records should be availed for scrutiny by interested parties.
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	These records should be availed to interested parties;
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	These records should be availed to the interested parties.
	Section 26 (4) transparent procurement process	The party reported having a plan and procurement process but we could not independently verify the same	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Parties should avail these articles to interested parties for scrutiny.

Party	Provision	Status	Recommendation
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
Orange Democratic Movement (ODM)	Section 5 Party must have attained full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which was however not shared. Party membership list kept at the Registrar	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	Party had functional offices in Isiolo, Bungoma, Busia, Kiambu, Kisii, Kwale, Makeni, Migori, Nakuru, Nandi, Homa-Bay, Nairobi, Nyamira, Siaya, Tana River, West Pokot	Political Party should operationalize branches in 8 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity though women were not substantially represented	Political party should make efforts to ensure a more gender responsive governing council
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party	Party had a constitution which reflected the	



Party	Provision	Status	Recommendation
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	Ensure adherence to the code of conduct.
United Republican Party (URP)	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	Party had functional offices in Baringo, Bomet, Embu, Kajiado, Kakamega, Kiambu, Kirinyaga, Nakuru, Nandi, Nyamira, Transzoia, Uasin Gishu, Vihiga, Wajir, Elgeyo Marakwet, Isiolo, Kisumu, Taita Taveta, West Pokot and Bungoma.	Political Party should operationalize branches in 4 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity though women were not substantially represented	Political party should make efforts to ensure a more gender responsive governing council
	Section 12 Party Officials being public	There is no party official being in public service	

Party	Provision	Status	Recommendation
	officers		
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Strengthen internal party dispute resolution mechanism.
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its head office	
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party receives Political Party funds through the coalition and reported that they spend it in accordance with the Act. However, we could not independently verify the same as no records were availed	Avail party records for scrutiny by interested parties.
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported having a procurement plan but we could not independently verify the same	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	

Party	Provision	Status	Recommendation
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct.	Ensure adherence to the code of conduct.
Federal Party of Kenya	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There was no functional office of the party we could verify	Political Party should operationalize branches in 24 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity	

Party	Provision	Status	Recommendation
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Strengthen internal party dispute resolution mechanisms.
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its head office. This however could not be independently verified	Avail party records for scrutiny by interested parties.
	Section 17 (1) and (3) Maintain a head office and county offices.	The party reported having a functional head office, however we could not independently verify the same	Party needs to operationalize its national and branch offices
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	

Party	Provision	Status	Recommendation
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
United Democratic Forum Party (UDF)	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	The party had functional offices in Bomet, Busia Nairobi, Kakamega, Kwale, Lamu, Nakuru, Nandi, Nyamira, Transzoia, Vihiga and Kisumu.	Political Party should operationalize branches in 12 counties to meet the legal requirement

Party	Provision	Status	Recommendation
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity	
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism.	Strengthen internal dispute resolution mechanism.
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its head office. This however could not be independently verified	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	Consider funding political parties with representation in parliament; party to

Party	Provision	Status	Recommendation
			diversity resource mobilization drive
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
NARC Kenya	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had functional offices in Taita Taveta, Kisii, Vihiga, Nairobi, Busia, Isiolo, Nyamira and Tana River and Nyeri	Political Party should operationalize branches in 15 counties to meet the legal requirement

Party	Provision	Status	Recommendation
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity	
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its head office. This however could not be independently verified	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	Consider funding party with a representation in Parliament.
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	

Party	Provision	Status	Recommendation
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
Maendeleo Democratic Party	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had functional offices in Homa Bay, Mandera, Muranga, Nairobi, Tana River, and Vihiga	Political Party should operationalize branches in 18 counties to meet the legal requirement

Party	Provision	Status	Recommendation
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity	
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Enhance internal dispute resolution mechanism
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its head office. This however could not be independently verified	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	

Party	Provision	Status	Recommendation
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
KADU Asili	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had functional offices in Kisumu, Nakuru, Tana River, Trans-zoia, Uasin-Gishu	Political Party should operationalize branches in 19 counties to meet the legal requirement

Party	Provision	Status	Recommendation
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials reflected regional and gender diversity	
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Strengthen party's internal dispute resolution mechanism
	Section 17 Keeping of records at the Party Head Office	The party reported keeping records at its head office. This however could not be independently verified	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent	The party reported they lack funds	

Party	Provision	Status	Recommendation
	procurement process		
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
The Independent Party (TIP)	Section 5 Party must have attained full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had a functional head office and in Isiolo, Laikipia, Machakos, Mandera, Nakuru, Vihiga, Busia	Political Party should operationalize branches in 17 counties to meet the legal requirement

Party	Provision	Status	Recommendation
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials were reported to reflect regional and gender diversity. However, there were no records availed to ascertain the same	Avail party records for scrutiny by interested parties.
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Strengthen internal dispute resolution mechanism
	Section 17 Keeping of records at the Party Head Office	The party reported keeping records at its head office. This however could not be independently verified since the documents were said to be with an official who could not be reached	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	No funding from Parties Fund.	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets	The party reported keeping these records but we could not independently verify the	Avail party records for scrutiny by interested parties.

Party	Provision	Status	Recommendation
	and liabilities	same	
	Section 26 (4) transparent procurement process	The party reported they lack funds	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
FORD Kenya	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	

Party	Provision	Status	Recommendation
	Section 7 (2) (f) (iii) Party Branches in counties	There party had a functional offices in Bungoma, Kisii, Kitui, Kwale, Mandera, Muranga, Nairobi, Nyamira, Tana- River, Trans-zoia, Vihiga and Siaya	Political Party should operationalize branches in 12 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials were reported to reflect regional and gender diversity. However, there were no records availed to ascertain the same	Avail party records for scrutiny by interested parties.
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Strengthen internal dispute resolution mechanism.
	Section 17 Keeping of records at the Party Head Office	The party reported keeping records at its head office. This however could not be independently verified since the documents were said to be with an official who could not be reached	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does receive public funds through the coalition	

Party	Provision	Status	Recommendation
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
FORD People	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	Party did say they have a list of party members which however was not shared	Political Party should have at its Head Office and party branches list of Members that is accessible
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	

Party	Provision	Status	Recommendation
	set out in the First Schedule		
	Section 7 (2) (f) (iii) Party Branches in counties	There party had a functional offices in Nyamira, Kisii and Nairobi.	Political Party should operationalize branches in 21 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party officials were reported to reflect regional and gender diversity. However, there were no records availed to ascertain the same	Avail party records for scrutiny by interested parties.
	Section 12 Party Officials being public officers	There is no party official being in public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Strengthen internal dispute resolution mechanisms.
	Section 17 Keeping of records at the Party Head Office	The party reported keeping records at its head office. This however could not be independently verified since the documents were said to be with an official who could not be reached	Avail party records for scrutiny by interested parties.

Party	Provision	Status	Recommendation
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
Wiper Democratic Movement (WDM)	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	

Party	Provision	Status	Recommendation
	Section 7 Members in at least 24 Counties	We did not manage to secure an interview with the party. However, field verification of party office did not reveal any operational party branch other than the head office	Party needs to operationalize party branches with membership lists
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had a functional offices in Nairobi, Bungoma, Lamu, Nakuru, Nandi, Uasin Gishu, Kwale, Elgeyo Marakwet, and Tana River	Political Party should operationalize branches in 15 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	We did not manage to secure an interview with the party.	
	Section 12 Party Officials being public officers	We did not manage to secure an interview with the party.	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	
	Section 17 Keeping of records at the Party Head Office	We did not manage to secure an interview with the party.	

Party	Provision	Status	Recommendation
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does receive public funds through the coalition	
	Section 27 Disclosure of funds and sources of funds	We did not manage to secure an interview with the party.	
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	We did not manage to secure an interview with the party.	
	Section 26 (4) transparent procurement process	We did not manage to secure an interview with the party.	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	We did not manage to secure an interview with the party.	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	Ensure adherence to the code of conduct
Alliance Party of Kenya (APK)	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	

Party	Provision	Status	Recommendation
	Section 7 Members in at least 24 Counties	We did not manage to secure an interview with the party.	
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had a functional offices in Embu, Meru, Tana River and Lamu	Political Party should operationalize branches in 20 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	We did not manage to secure an interview with the party.	
	Section 12 Party Officials being public officers	We did not manage to secure an interview with the party.	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Ensure adherence to internal dispute resolution mechanism.
	Section 17 Keeping of records at the Party Head Office	We did not manage to secure an interview with the party.	

Party	Provision	Status	Recommendation
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	We did not manage to secure an interview with the party.	
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	We did not manage to secure an interview with the party.	
	Section 26 (4) transparent procurement process	We did not manage to secure an interview with the party.	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	We did not manage to secure an interview with the party.	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
NEW FORD Kenya	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	

Party	Provision	Status	Recommendation
	Section 7 Members in at least 24 Counties	The party reported having members in 24 counties. However the 2 party offices found to be operational did not have membership lists	Party needs to operationalize party branches with membership lists
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had functional offices in Bunguma, Kisii, Kitui, Makeni, Nairobi, Nakuru, Nyamira, Siaya, Wajir	Political Party should operationalize branches in 14 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	The party reported the composition of its governing body to be reflective of regional, ethnic and gender rule. However, we could not independently verify the same as there were no documents availed for the same	Avail party records for scrutiny by interested parties.
	Section 12 Party Officials being public officers	There are no party officials in the public service	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	Ensure adherence to internal dispute resolution mechanisms.

Party	Provision	Status	Recommendation
	Section 17 Keeping of records at the Party Head Office	The party reported keeping records at party head office, however, this could not be independently verified	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	There were no records we could find on such declaration	Avail party records for scrutiny by interested parties.
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported keeping these records but we could not independently verify the same	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party reported they lack funds	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits accounts to the Auditor General annually for finance auditing	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	

Party	Provision	Status	Recommendation
KANU	Section 5 Party must have attained full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	The party reported having members in 24 counties. However the party did not share its membership list	
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	The party had 7 functional offices in Homa Bay, Nairobi Elgeyo Marakwet, Isiolo, Kakamega, Kirinyaga, Kisii, Kisumu, Laikipia, Meru, Migori, Nakuru, Nandi, Tana River, Vihiga, Nyamira and West Pokot	Political Party should operationalize branches in 8 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	The party reported that its governing body reflect regional and ethnic diversity	Avail party records for scrutiny by interested parties.
	Section 12 Party Officials being public officers	No official is a public servant	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution	

Party	Provision	Status	Recommendation
		mechanism	
	Section 17 Keeping of records at the Party Head Office	The party reported that it has party records in its Head office	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	The party does not receive money from the PP fund; But funds itself through selling of its assets.	
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party reported that it keeps records of income	
	Section 26 (4) transparent procurement process	The party reported that it has a procurement plan.	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits its accounts for auditing. We did not see copies	Avail party records for scrutiny by interested parties.
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.

Party	Provision	Status	Recommendation
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
NARC	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	The party reported having members in 24 counties. However the 2 party offices found to be operational did not have membership lists	Party needs to operationalize party branches with membership lists
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had functional offices in Kitui and Vihiga	Political Party should operationalize branches in 22 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	Party governing body reflects regional, ethnic and gender diversity	
	Section 12 Party Officials being public officers	No party member is a public official.	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the	

Party	Provision	Status	Recommendation
		Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	
	Section 17 Keeping of records at the Party Head Office	The party keeps records at its Head office	Avail party records for scrutiny by interested parties.
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	The party does not receive funding from PP Fund.	
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	The party keeps books and records of income, expenditure	Avail party records for scrutiny by interested parties.
	Section 26 (4) transparent procurement process	The party has a procurement plan	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	The party submits its accounts for auditing	Avail party records for scrutiny by interested parties.
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.

Party	Provision	Status	Recommendation
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
Peoples Democratic Party (PDP)	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	The party reported having members in 24 counties. However no party offices found to be operational	Party needs to operationalize party branches with membership lists
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party had no functional offices as per field verification	Political Party should operationalize branches in 24 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	We did not manage to secure an interview with the party.	
	Section 12 Party Officials being public officers	We did not manage to secure an interview with the party.	
	Section9 Party Constitution	Party had a constitution which reflected the requirements in the	

Party	Provision	Status	Recommendation
		Second Schedule	
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	
	Section 17 Keeping of records at the Party Head Office	We did not manage to secure an interview with the party.	
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	We did not manage to secure an interview with the party.	
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	We did not manage to secure an interview with the party.	
	Section 26 (4) transparent procurement process	We did not manage to secure an interview with the party.	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	We did not manage to secure an interview with the party.	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	Avail party records for scrutiny by interested parties.

Party	Provision	Status	Recommendation
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	
Party of Independent Candidates of Kenya (PICK)	Section 5 Party must have attain full registration	Political Party had attained full registration and had been issued with a Certificate of Registration	
	Section 7 Members in at least 24 Counties	The party reported having members in 24 counties.	
	Section 7 (1) (g) Party has undertaken to be bound by this Act and the Code of Conduct set out in the First Schedule	Party has undertaken to be bound by the Act and this is enshrined in the party constitution	
	Section 7 (2) (f) (iii) Party Branches in counties	There party has one operational office in Tana River	Political Party should operationalize branches in 23 counties to meet the legal requirement
	Section 7 (2) (c) Composition of governing body should reflect regional and ethnic diversity and gender	We did not manage to secure an interview with the party.	
	Section 12 Party Officials being public officers	We did not manage to secure an interview with the party.	
	Section 9 Party Constitution	Party had a constitution which reflected the requirements in the Second Schedule	

Party	Provision	Status	Recommendation
	Internal Dispute Resolution Mechanism	Party has an internal dispute resolution mechanism	
	Section 17 Keeping of records at the Party Head Office	We did not manage to secure an interview with the party.	
	Section 26 Use of Political Parties Fund. Money allocated to the Political Party is used in accordance with the Act and Political Parties Financial and Procurement Manual.	Party does not receive public funds	
	Section 27 Disclosure of funds and sources of funds	We did not manage to secure an interview with the party.	
	Section 31 Keep proper books and records of income, expenditure, assets and liabilities	We did not manage to secure an interview with the party.	
	Section 26 (4) transparent procurement process	We did not manage to secure an interview with the party.	
	Section 31 (3) Submit accounts to the Auditor General for finance auditing	We did not manage to secure an interview with the party.	
	Section 29 Publish in at least two newspapers having national circulation its financial records.	There were no newspaper articles regarding the financial records of the party	

Party	Provision	Status	Recommendation
	Sections 7 and 49 Develop Party Code of Conduct and Party Human Resource Code of Conduct for staff and employees	The party has a Code of Conduct	

Pictorials



Figure 1: Meeting with the URP party Officials



Figure 2: Meeting with Federal Party of Kenya



Figure 3: Meeting with KANU Officials



Figure 4: Meeting with FORD People officials



Figure 5: Training of ToTs



Figure 6: A meeting with the RPP



Figure 7: Training of Field Data Collectors



Figure 8: Meeting to validate audit findings



Figure 9: A Meeting with the Registrar of Political Parties with her Legal team