

# ORANGE DEMOCRATIC MOVEMENT

# CONSTITUTION

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As amended and adopted by:

**The National Governing Council**

**Held on 31<sup>st</sup> October, 2016, at:**

**The Bomas of Kenya,**

**Nairobi**

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## CHAPTER 1

### **PREAMBLE:**

We, members of Orange Democratic Movement (**ODM**);

**ACKNOWLEDGING** the supremacy of the Constitution of the Republic of Kenya;

**HONOURING** those who heroically struggled to bring freedom and justice to our country;

**RECOGNIZING** the aspirations of all Kenyans for a government based on freedom, democracy, social justice and the rule of law;

**PROUD** of our ethnic, cultural and religious diversity and determined to live in peace and unity as one indivisible democratic party;

**EXERCISING** our sovereign and inalienable rights to determine the form of governance of our party and having participated fully in the making of this constitution;

**ADOPT, ENACT** and give this constitution to ourselves, as Orange Democratic Movement National Delegates Conference, members of the Orange Democratic Movement and to our future generations.

## CHAPTER 2

### 2.0: PRELIMINARY

2.1 This Constitution shall be cited as the **Orange Democratic Movement Party** (ODM) Constitution and shall come into operation on such day as it is approved by the National Delegates Conference.

2.2 In this Constitution, unless the context otherwise requires:

“**Party**” means the Orange Democratic Movement (ODM).

“**Registrar**” means the registrar of political parties designated as such under section 3 of the Political Parties Act, 2011.

“**ODM**” means Orange Democratic Movement.

“**Political Party**” means any association or organization of persons which has for its objects or purposes proposing or supporting of candidates for National or local authority elections.

“**Polling Station**” means polling station as defined by IEBC at the last General Election

“**Office bearer**” means any person who is elected by the members of the party to hold a particular office.

“**Corporate**” means a registered political party which is a member of the Orange Democratic Party or *vice versa*.

“**Group Member**” means a registered organization e.g. Trade Unions, Professional Associations, Students’ Unions, etc.

## CHAPTER 3

### 3.0: IDENTITY, VISION AND MISSION

#### **Article 3.1: Establishment**

There is hereby established a Political Party known as the **Orange Democratic Movement (ODM)** (hereinafter referred to as “the Party” or “ODM” in this Constitution). This Constitution shall be the supreme organ of the Party.

#### **Article 3.2: The Emblem**

The Party Symbol is one ripe orange fruit, as is illustrated more in Schedule I hereto.

#### **Article 3.3: Party Flag**

The Party’s flag is a ripe Orange fruit embossed at the center with the words “ODM” interspersed by a streak of royal blue, conspicuously inscribed thereto in orange colors in the mid-section of the fruit and the words “*Chungwa, Tuko Tayari*” fully borne out at the bottom of the fruit, as is more particularly described in Schedule II hereto.

#### **Article 3.4: Party Slogan**

The Party’s slogan is “*Mbele Pamoja*” - more particularly illustrated in Schedule III hereto.

#### **Article 3.5: Party Salute**

The Party salute is a clenched fist with one thumb raised up.

#### **Article 3.6: Party Vision**

The Party’s vision shall be to establish a prosperous, industrialized and modern nation, in which all citizens enjoy social, economic and democratic rights, and live in dignity.

#### **Article 3.7: ODM Mission Statement**

To build a social, democratic state and society in which all Kenyans will have a better life and feel at home as individuals and cultural communities.

#### **Article 3.8: Party Headquarters**

The site of the National Headquarters of the Orange Democratic Movement will be determined by the National Executive Committee.

## CHAPTER 4

### Article 4.0: Aims/Objectives and Values

The Orange Democratic Movement's objects are as follows:

- 4.1 To establish a Government of Kenya based on democratic and Constitutional principles of a pluralistic democracy and good governance founded on principles of Unity, Justice, Fairness, Peace, Liberty and Equality, and which is transparent and accountable to the electorate and all the people of Kenya;
- 4.2 To compete with other political parties for the purpose of winning elections and forming the government by nominating and fielding candidates in all elective offices including presidential, parliamentary and civic seats;
- 4.3 To engage in and provide quality, just, fair and accountable leadership to the Kenyan public in matters of political, economic and social governance devoid of corruption, nepotism and all forms of discrimination;
- 4.4 To promote democratic, political governance within the framework of pluralist democracy based on the popular will of the people exercised through grassroots participation in Party activities, universal suffrage on principles of transparency and accountability in public affairs, justice, liberty, equality and respect for the Rule of Law, and the separation of powers between the three arms of Government, namely the Legislature, the Executive, and the Judiciary;
- 4.5 To establish, enhance and entrench sound economic institutions and fiscal policies to ensure sustainable human, economic and physical development; accountable, free and fair usage of public resources and total elimination of corruption, nepotism and mediocrity;
- 4.6 To encourage and promote coalition among parties pursuing similar objectives in Kenya;
- 4.7 To protect and enhance the enjoyment of human rights as enshrined in the Constitution of Kenya and any international Conferences to which Kenya is a signatory; to advocate, promote and comply with the United Nations International Bill on Human Rights, the African Charter of Human and People's Right and the Conference Against Torture and other Cruel, Inhuman or Degrading Treatment and any other internationally recognized Conferences;
- 4.8 To improve the quality of life for all Kenyans through promoting the eradication of ignorance, poverty and disease;

- 4.9 To establish and put into practice systems of political governance aimed at the total eradication of all forms of tribalism, discrimination, sectionalism, racism, oppression and exploitation;
- 4.10 To pursue, protect and promote civil, political, economic, religious, social or cultural rights and freedoms of the individual *inter alia*, the right to life and human dignity, and equality before the law; the freedoms of movement and association, thought, conscience, expression, religion, and to ensure the eradication of all unjust and oppressive laws and to promote law reform in accordance with principles of natural justice;
- 4.11 To work towards the independence of the Civil Service by delinking the same from any Political Party;
- 4.12 To promote national consciousness, integration, dialogue, reconciliation, peace and unity, and to safeguard national interests from sectarianism, tribalism and racism;
- 4.13 To pursue, promote and protect the rights of workers by securing a just return commensurate with their labour, or contribution, and in line with the cost of living; improved terms and conditions of service as well as promoting the rights of employers to demand commensurate output from their workers;
- 4.14 To respect and preserve our national heritage, history, cultural diversity, national monuments, historical sites and archives for the good and enjoyment of posterity and enhance cultural life of Kenyans in all spheres of national development;
- 4.15 To pursue and promote the full participation of women, youth, minorities, the disabled and any other disadvantaged groups in the management of public affairs and national development through affirmative action and mainstreaming their participation in Party activities and structures at all levels, and to advocate for and promote respect of the 1979 United Nations Conference for the Elimination of all Forms of Discrimination Against Women;
- 4.16 To promote gender equality and equity;
- 4.17 To promote and defend national sovereignty and to oppose all forms of adverse foreign domination, influence and ideologies;
- 4.18 To pursue the provision and improvement of health, education and social welfare service of all Kenyans so as to raise the standard and quality of life of the people of Kenya;
- 4.19 To formulate and pursue sound national population policies in order to improve the quality of life of all Kenyans;

- 4.20 To promote sound environmental management and conservation policies to ensure sustainable development and responsible utilization of our natural resources and protect all public utilities, national wealth and natural resources, for the betterment of the lives of all Kenyans and posterity;
- 4.21 To mobilize financial resources for the Party by means, including but not limited to, borrowing, pledging, mortgaging or charging Party property to secure loans, investing any of its monies in securities or ventures approved by the Board of Trustees, or engaging in any commercial activity or undertaking;
- 4.22 To develop or devise schemes of awards, recognition or distinction of merit or honour, and/or confer awards or marks of distinction to any person, institution or organization that has rendered exemplary service to the Party, or otherwise contributed to the advancement of the Party's interests, objectives and aims in a manner deserving award or recognition;
- 4.23 To respect and promote the national values, principles and goals enshrined in the Constitution of Kenya and any acts of Parliament;
- 4.24 To promote Kenya's participation in international political, economic and social affairs and to support and advance regional and global cooperation and integration and world peace;
- 4.25 To collaborate and work with any local, national, regional or international organization whether governmental or non-governmental in the promotion of the Party's interests, aims and objectives;
- 4.26 To promote the creation of a conducive environment for the operation of the co-operative movement, trade unions, professional organizations, welfare associations and non-governmental organizations and involve them in Party activities so as to garner their support for the Party and build a strong foundation for a democratic system of governance in Kenya;
- 4.27 To educate and create awareness among Kenyans of all walks of life on public matters, issues and Party Policies, with a view to enhancing and maintaining a just and democratic system and society;
- 4.28 To ensure the strengthening of Parliament, Parliamentary Committees and County Assemblies for the effective operation of a representative government;
- 4.29 To establish the ODM Women League, and ODM Youth League;



4.30 To form branches countrywide and recruit members to the Party.

#### **4.31 Values**

The Orange Democratic Movement's core values include, but are not limited, to:

- (i) Supremacy of Party members;
- (ii) Social and Economic justice;
- (iii) Respect for constitutionalism and the rule of law;
- (iv) Respect for individual and peoples rights and freedoms;
- (v) Democratic governance and people's participation;
- (vi) Freedom with responsibility;
- (vii) Empowerment of the marginalized groups or sections of society;
- (viii) Sustainable use of the environment;
- (ix) Positive and mutually beneficial international relations;
- (x) Avail equal opportunity irrespective of gender, race, tribe, religion, physical abilities, etc.

## CHAPTER 5

### MEMBERSHIP, RIGHTS AND DUTIES

#### **Article 5.0: Membership**

- 5.0.1 Membership of the Orange Democratic Movement shall be open, upon application to the Branch Executive Committee, to all Kenyan citizens in possession of a valid National Identification card or Passport, irrespective of gender, race, colour or creed and who accepts principles, objects, policies, programmes, directives and discipline of the Party and are prepared to profess and abide by this Constitution and rules made there-under provided that such person is not a member of another Political Party within the meaning of the Political Parties Act, 2007.
- 5.0.2 Any person who, upon application to the National Executive Committee, has manifested a clear identification with the Orange Democratic Movement and its principles, objects, policies, programmes, directives and discipline and is resident in Kenya.
- 5.0.3 Any person who, upon application to the National Executive Committee, is a citizen of the Republic of Kenya though not ordinarily resident in Kenya and has manifested a clear identification with the Orange Democratic Movement, its principles, objects, policies, programmes, directives and discipline. Such a member temporarily residing abroad for a continuous period of more than twelve months may retain his/her membership but shall notify Party Headquarters of his/her forwarding address.
- 5.0.4 No person otherwise disqualified under the Political Parties Act, 2007 shall be eligible for membership as a founding member within the meaning of that Act.
- 5.0.5 All members shall, before a Certificate of Membership is conferred to him/her, sign and subscribe to the Party's Code of Conduct and a Pledge of Commitment.
- 5.0.6 All members shall, before a Certificate of Membership is conferred him/her, pay prescribed fees for membership.

#### **Article 5.1: Categories of Membership**

- 5.1.1 Subject to the approval of the National Delegates Conference, the National Executive Committee shall have power to create or abolish any category of membership for the advancement of the Party's interest as the circumstances may permit.

The Party shall, for the time being, have the following categories of membership:

- i. Ordinary membership.
- ii. Life membership.
- iii. Group membership.
- iv. Corporate membership.

5.1.2 Provided that group membership shall be open, upon application to the National Executive Committee, to organizations including Trade Unions, Professional Associations, Co-operative Societies, Students' Unions or any other organization which subscribes to this Constitution.

5.1.3 A member may convert his/her membership from one category of membership to the other by paying the prescribed fees as may be recommended by the National Executive Committee.

## **Article 5.2: Rights of Party Member**

5.2.1 A member of the Orange Democratic Movement shall have the right to:

- a) Participate in Party activities;
- b) Take a full and active part in the discussion, formulation and implementation of Party policies;
- c) Receive copies of Party documents including the Constitution, Members' Guide, Election and Nomination Rules, Party manifesto and available information about their local branch upon request;
- d) Receive and impart information on all aspects of Party policies and activities save where such right has been lawfully restricted;
- e) Offer constructive criticism of any member, official, policy, programme or activity within the Party and its structures;
- f) Submit proposals or statements to the Branch, Region, or National Executive Committee provided that such proposals are submitted through appropriate Party structures;
- g) Take part in elections through voting and be eligible for Party and National Elections at all levels upon nomination.

## **Article 5.3: Duties of Party Member**

5.3.1 A member of the Orange Democratic Movement shall:

- a) Take all necessary steps to understand and carry out the objects, policies and programmes of ODM;
- b) Explain the objects, policies and programmes of the Party to others;
- c) Combat propaganda detrimental to the interests of the Party and defend the objects, policies and programmes of the Party;
- d) Popularize the Party;
- e) Observe discipline, the Party Code of Conduct and obey lawful decisions made by regular Party organs;
- f) Refrain from publishing and or distributing through the media any information deemed confidential, or any other view purporting the same to be the view of the Party without proper authority or mandate of a regular organ of the Party;
- g) Ensure that he or she is registered as a voter within any of the constituencies in the country and take all steps to vote during Party and national elections;
- h) If a member holds an elective office in any sphere of governance at National, Branch or local level, be a member of the appropriate Party caucus and function within its articles, abiding by all lawful decisions under general provisions of this Constitution and structures of the Party;
- i) Be liable to pay such fees as shall be prescribed by the Party;
- j) Support the Party financially and materially when called upon to do so for a good cause.

#### **Article 5.4: Termination of Membership**

5.4.1 A member of the Party shall cease to be one:

- a) Upon written resignation to the relevant Branch. Membership shall terminate with effect from the date of the receipt thereof, provided that the termination shall not absolve the member from performing any outstanding obligations owed to the Party or other members *qua* members;
- b) By a resolution passed by the National Executive Council and ratified by the National Governing Council;
- c) By accepting an office, subscribing to or promoting activities of a Political Party or Organization whose aims and objectives are in competition with or in conflict with those of ODM;

- d) Upon death;
- e) By an operation of any prescribed law.

A person who has terminated his or her membership:

- a) shall not be entitled to a refund of fees or subscriptions made by him or her to the Party prior to termination, and all rights, privileges and responsibilities or facilities granted to or enjoyed by him or her by virtue of his membership shall automatically terminate with effect from the date of receipt of written resignation from the Party;
- b) Shall return all party property within his custody, possession or control, failure to which the Party shall have a right to lay claims against such person for any money due or owing to the Party or for any damage or loss occasioned to Party property which was in his custody, possession or control prior to termination of membership;
- c) Shall have his/her name struck off from the register of Party members.

## CHAPTER 6

### NATIONAL OFFICIALS

#### Article 6.0: National Officials shall be

The National Officials shall be:

1. Party Leader
2. Deputy Party leader - Policy
3. Deputy Party Leader - Strategy
4. National Chairperson
5. Deputy Chairperson - Operations
6. Deputy Chairperson - Programmes
7. Deputy Chairperson - Strategy & Political Affairs
8. Deputy Chairperson - Internal Affairs
9. Secretary General
10. Deputy Secretary General - Political Affairs
11. Deputy Secretary General - Strategy
12. National Treasurer
13. Deputy Treasurer - Finance & Audit
14. Deputy Treasurer - Planning & Resource Mobilisation
15. National Organizing Secretary
16. Deputy Organizing Secretary - Programmes
17. Deputy Organizing Secretary - Recruitment
18. Deputy Organizing Secretary - Internal Affairs
19. Deputy Organizing Secretary - External Affairs
20. Secretary for Public Policy and Economic Affairs
21. Secretary for Legal and Constitutional Affairs
22. Secretary for Publicity and Information
23. Secretary for International Affairs
24. Secretary for Women Affairs / (ODM Women League Leader)
25. Secretary for Youth Affairs / (ODM Youth League Leader)
26. Secretary for Special Interests Groups
27. Secretary for Environment
28. Secretary for Parliamentary Affairs / (Whip) National Assembly
29. Secretary for Parliamentary Affairs / (Whip) Senate
30. Secretary for Devolved Government
31. Secretary for Science and Technology
32. Secretary for Special programmes and Social welfare
33. Secretary for Labour and Human Resource Development
34. Secretary for National Security
35. Secretary for Humanitarian and Disaster Management Affairs
36. Secretary for disability affairs
37. Secretary for Political Affairs
38. Director of Campaigns
39. Deputy Director of Campaigns
40. Deputy Director of Campaigns
41. Deputy Director of Campaigns
42. Executive Director (Ex-Officio)

## **Article 6.2: Election of National Officials**

6.2.1 The Election of National Officials shall be conducted on the guiding principle that at least one third shall be of either gender.

6.2.2 All National Officials other than the Secretary for Parliamentary Affairs, Secretary for Women Affairs, Secretary for Youth Affairs, and the Executive Director shall be elected by the National Delegates Conference. Subject to Article 6.2.2 (a), all National Officials shall hold office for a term of five years.

- a) The Party Leader shall remain in office until the next election of National Officials.
- b) In the event that the Party Leader is unable to discharge of his or her duties by reason of physical or mental infirmity, death, resignation or where he or she ceases to be a Party member or a Member of Parliament, a Special Session of the National Delegates Conference shall be convened to elect a new Party Leader.
- c) In the event that the Deputy Party Leader is unable to discharge his/her duties by reason of physical or mental infirmity, death or resignation, or where he or she ceases to be a Party member or a Member of Parliament, the Party Leader shall appoint a new Deputy Party Leader without any need to convene any National Delegates Conference.
- d) The Secretary for Parliamentary affairs shall be the Party Parliamentary Whip elected by the Party's Parliamentary Group immediately after a General Election. He or she shall hold office for a term of five years or for the residue of his/her Parliamentary term as may be current on his/her election, whichever is shorter.
- e) Elections shall be through secret ballot or any other method of voting acceptable to the delegates in session and, where an office is contested by more than one candidate, the vote shall be decided by a simple majority. Where only one candidate is nominated to an office at the close of the nominations, that candidate shall be declared duly elected to the office for which he/she was nominated. Nomination of all candidates shall be in the prescribed form.
- f) Nomination to the Office of Party Leader shall be by a written application to the National Elections Board in the prescribed form.
- g) Any National Official may attend any meeting(s) organized by the Branch as an ex-officio member.

### **Article 6.3: Duties and Responsibilities of National Officials**

6.3.1 All office bearers shall perform their functions within the spirit and provisions of this Constitution and shall ensure that they are guided by the objectives and values of the Party. Subject to any other duty expressly provided for by this Constitution, the main duties of elected National Officials shall be:

- 1) The Party Leader shall:
  - i) Provide leadership and vision to the Party.
  - ii) Promote national cohesion and wholesome integration of all Party members in national development.
  - iii) Articulate Party's aspirations and charter a clear course or strategy for the achievement of such aspiration or implementation of Party's objects.
  - iv) Champion the Party's campaign to form the next Government.
  - v) Imbue Party members with charisma and lead the membership to newer heights of loyalty and patriotism to Party ideals, values and objectives.
  - vi) Lead the Party at political negotiations to form a working coalition with any other Party or Parties with the sole purpose of forming the Government as may be desirable in the circumstance.
  - vii) Provide wise counsel and judicious directives to National Officials specifically or to Party members in general on any matter in dispute or under controversy within any Party organ or amongst Party members.
  - viii) Confer honors of recognition, merit, distinction, commendation or accolade to a member of the Party or any other person who, in the considered opinion of the National Executive Committee, has made an outstanding contribution to the Party in the achievement of its objects, policies or programmes or in furtherance of the same.



**2) The Deputy Party Leader -Policy:**

- i) Shall assist the Party Leader and carry out the duties of the Party Leader in his /her absence.
- ii) Shall deputise the Party Leader and shall perform such duties and functions as might be expressly delegated to him/her by the Party Leader.
- iii) Assist the Party Leader in developing policy formulation processes and development.
- iv) Assist the Party Leader in formulating the Party's Strategic Plan

**2A) Deputy Leader - Strategy**

- i) Shall assist the Party Leader and carry out the duties of the Party Leader in his /her absence.
- ii) Shall deputise the Party Leader and shall perform such duties and functions as might be expressly delegated to him/her by the Party Leader.
- iii) Shall be assist the Party Leader in formulating the Party's strategic plan

**3) National Chairperson**

The duties and responsibilities of the National Chairperson shall include:

- i) To provide leadership and oversee overall management and running of the Party affairs.
- ii) To articulate and defend Party policies.
- iii) To instill onto members a sense of loyalty and patriotism to the objects, policies and programmes of the Party.
- iv) To ensure discipline and proper order within the Party in accordance with the Party's Constitution.
- v) To impart onto Party membership the need to adhere to Party objects, policies programmes and laws made under this Constitution.
- vi) To forge a strong sense of unity within Party organs *inter se* and amongst Party rank and file and to ensure a pleasant working relationship between Party officers and members.
- vii) To convene and preside over National Executive Committee meetings.
- viii) To preside over the National Delegates Conference and any other meetings requiring his attendance.
- ix) To ensure order at all meetings of the Party organs.

- x) To consult and take counsel from Party Leader on any matter in dispute or under controversy within any Party organ or amongst Party members.

**4) National Deputy Chairperson - General functions**

The National Deputy Chairpersons shall, under the direction of the National Chairperson:

- i) Chair Meetings in the absence of the Chairman
- ii) Assist the National Chairperson in matters relating to coordination and liaison with other political parties;
- iii) Collect political intelligence and advice on strategies to popularize the party at the grassroots;
- iv) Assist the National Chairperson in matters relating to general Party administration, Party policies and programmes;
- v) Oversee and coordinate standing, *ad hoc* and specialized national committees of the Party;
- vi) Assist the National Chairperson in all matters pertaining to logistics and operations;
- vii) Oversee administrative operations of Branches, ODM Women League and ODM Youth League;
- viii) Perform such other specific assignments as might be delegated to him/her by the National Chairman from time to time.
- ix) Assist with matters relating to coordination of local strategic review, organizing strategic groups at the regional level to ensure that the party adopts such strategies which take cognizance of the local sensitivities and concerns;
- x) Maintain liaison with branches and established think-tanks to facilitate a feedback mechanism to the center that culminates into a coherent national strategic party planning and action.
- xi) Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the party;
- xii) Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

4A) Without prejudice to the generality of the above, the four National Deputy Chairpersons shall perform the following specific functions;

**a. National Deputy Chairperson - Operations**

The National Deputy Chairperson (Operations) shall, under the direction of the National Chairperson, assist the National Chairperson in all matters pertaining to logistics and operations; oversee administrative operations of Branches, ODM Women League and ODM Youth League, and perform such other

specific assignments as might be delegated to him/her by the National Chairperson from time to time.

**b. National Deputy-Chairperson - Programs**

The National Deputy Chairperson (Programs) shall, under the direction of the National Chairperson, assist the National Chairperson in matters relating to general Party administration, Party policies and programmes, oversee and coordinate standing, *ad hoc* and specialized national committees of the Party and perform such other specific assignments as might be delegated to him/her by the National Chairman from time to time.

**c. National Deputy-Chairperson - Strategy & Political Affairs**

The National Deputy Chairperson (Political Affairs) shall, under the direction of the National Chairperson, assist the National Chairperson in matters relating to coordination and liaison with other political parties, collect political intelligence and advice on strategies to popularize the party at the grassroots, assist with matters relating to coordination of local strategic review, organizing strategic groups at the regional level to ensure that the party adopts such strategies which take cognizance of the local sensitivities and concerns. Maintain liaison with branches and established think tanks to facilitate a feedback mechanism to the center that culminates into a coherent national strategic party planning and action. Streamline and encourage strategic discourse and activities at the grassroots level that facilitates timely response to regional needs of the party, assist the Party Leader in formulating the Party's strategic plan, and perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

**d. National Deputy - Chairperson (Internal Affairs)**

The National Deputy Chairperson (Internal Affairs) shall, under the direction of the National Chairperson, assist with matters relating to coordination and liaison with branches. Working closely with the National Deputy Party Leader (Strategy) he/she shall be responsible for dispute resolution, and engendering activities to popularize the party at the grassroots level taking into account the overall strategic aims of the party. Develop activities that focus on maintaining popular interest in the party. Perform any other duties as might be delegated to him/her by the National Chairperson from time to time.

**5) Secretary General**

He or she shall be the Party Spokesperson and be responsible for the management of the National Secretariat and remain the principal custodian of Party records from grassroots to the national level. His/her responsibilities shall include:

- i) Ensuring that all meetings including the National Executive Committee, National Governing Council and National Delegates Conference take place as provided for in the Constitution at such time as may be decided by the National Executive Committee;
- ii) Keeping or causing to be kept a proper record of minutes of all meetings of the National Executive Committee, the National Governing Council and the National Delegates Conference and ensuring the distribution of such minutes and conveying of decisions made to persons and branches concerned.
- iii) Issuing correspondence on behalf of Party organs in which he or she is a member and sending out notices of all meetings of the organs concerned.
- iv) Preparing annual reports on the work of the National Executive Committee, the National Governing Council and the National Delegates Conferences.
- v) Be the depository and custodian of all Party documents including Party Seal, Minutes Register, instruments of intellectual property rights, instruments of registration, registration of all Party Branches and Party members' register.
- vi) Corresponding and consulting with the Registrar of Political Parties on behalf of the Party as the authorized principal officer of the Party.
- vii) Any other duties conferred upon him or her by this Constitution or the National Executive Committee.

**6) Deputy Secretary General - Political Affairs**

Shall, under the direction of the Secretary General, be in charge of Party protocol, act as liaison officer with local and international organizations and agencies, play host to visiting delegations and guests of the Party, liaise with Party Parliamentary Group through the Secretary for Parliamentary Affairs, & Secretary for International Affairs, & be in charge of the implementation of Party's strategies, policies and programs, oversee the development and revision of Party manifesto, co-ordinate Party meetings and Conferences, ensuring that returns are filed as required by law and perform such other specific assignments as might be delegated to him/her by the Secretary General from time to time.

**6A. Deputy Secretary General - Strategy**

The Deputy Secretary General (Strategy) shall, under the direction of the Secretary General, assist with matters relating to coordination of local strategic plans, development and review. He/she will assist in organizing strategic groups at the regional level to ensure that the party adopts such strategy which addresses both local and national concerns; keep close liaison

with branches to ensure that the branches are made part of the national strategic party planning process; he or she will maintain relationship and interaction with the branches to ensure that operations of the party are effective and smooth throughout the year; ensure that regional needs of the party are not compromised; and perform any other duties as might be delegated to him/her by the Secretary General from time to time.

**7) National Treasurer**

The National Treasurer shall be in charge of Party finances and shall supervise all financial transactions at all Party levels under the direction of the National Executive Committee. He or she shall also:

- i) Receive and bank all monies on behalf of the National Executive Committee and operate a banking account together with such other signatories as may be specified by the National Executive Committee;
- ii) Keep such books of account as may be necessary to record clearly the financial position of the Party;
- iii) Prepare Annual Party Budgets or Estimates and overall fiscal planning;
- iv) Monitor financial allocations and expenditure according to departmental votes as may be approved by the National Executive Committee;
- v) Ensure the execution of prudent stewardship standards and best financial practices to protect Party's finances;
- vi) Prepare and submit to the National Executive Committee a Financial Statement every quarter of the year and ensure that copies of duly audited Annual Accounts are circulated to all delegates at the same time the notice convening the National Delegates Conference is sent out;
- vii) Be responsible, in conjunction with Party's Finance and Resource Mobilization Committee, for the formulation and execution of resource mobilization plans and strategies.

**7A). Deputy National Treasurers**

**i. Deputy National Treasurer - Finance & Audit**

The Deputy National Treasurer (Finance & Audit) shall, under the direction of the National Treasurer, assist the National Treasurer in matters pertaining to Accounts; assist the National Treasurer in matters pertaining to Audit by providing information to the appointed party auditors as may be deemed necessary. He/she will ensure that both internal and external audit is scheduled and executed in a timely manner and shall perform such

other specific assignments as might be delegated to him/her by the National Treasurer from time to time.

**ii. Deputy National Treasurer - Planning & Resource Mobilisation**

The Deputy National Treasurer (Planning) shall under the direction of the National Treasurer, assist the National Treasurer in matters pertaining to Budget and Planning; assist the National Treasurer in matters pertaining to Resource mobilization planning, execution and maintain contact with those who support the party with resources. and shall perform such other specific assignments as might be delegated to him/her by the National Treasurer from time to time.

**8) National Organizing Secretary**

The National Organizing Secretary shall supervise organizations of the party and in particular:

- i) Organize public meetings, functions, and meet the people tours;
- ii) Be responsible for promoting and mobilizing for party activities including the recruitment of Party members at branch level;
- iii) Coordinate effective functioning of all branches and ensuring they hold meetings in accordance with the requirements of this Constitution;
- iv) maintaining and developing new relationships with party supporters in the Diaspora
- v) In consultation with the Secretary General and the NEC, supervise the organization of the National Delegates Conference, National Governing Council and thereafter report on the progress in the holding of such meetings.

**9) Deputy National Organizing Secretaries**

**a. Deputy National Organizing Secretary - External Affairs**

- i. The Deputy National Organizing Secretary (External Affairs) shall work under the direction of the National Organizing Secretary and assist him/her in all duties pertaining to that office. He/She will work closely with the Secretary of International Affairs, and focus attention in maintaining and developing new relationships with party supporters in the Diaspora and perform all such assignments as he shall be assigned from time to time by the National Organizing Secretary.

**b. Deputy National Organizing Secretary - Internal Affairs**

- i. The Deputy National Organizing Secretary (Internal Affairs) shall work under the direction of the National Organizing Secretary, and assist him/her in all matters relating to organization of public meetings, functions and

meet-the-people tours. He/she shall be responsible for dispute resolution, and engendering activities to popularize the party at the grassroots level taking into account the overall strategic aims of the party. Develop activities that focus on maintaining popular interest in the party. He/she shall also perform such assignments, as he/she shall be assigned from time to time by the National Organizing Secretary.

**c. Deputy National Organizing Secretary - Recruitment**

- i. The Deputy National Organizing Secretary (Recruitment), shall work under the direction of the National Organizing Secretary and assist him/her in all matters relating to organization of public meetings, functions and meet-the-people tours. He/she shall focus attention on continuing recruitment of party membership while also performing all such assignments, as he/she shall be assigned from time to time by the National Organizing Secretary.

**d. Deputy National Organizing Secretary (Programs):**

- i. The Deputy National Organizing Secretary (Programs) shall work under the direction of the National Organizing Secretary and assist him/her in all matters relating to organization of public meetings, functions and meet-the-people tours. He/she shall also perform all such assignments as he/she shall be assigned from time to time by the National Organizing Secretary.

**10) Secretary for Public Policy and Economic Affairs**

The Secretary for Public Policy and Economic Affairs shall;

- i) Be responsible for the development of policy on any matter as the Party may in its wisdom choose to focus attention on and to upraise the party on merits and demerits of the same;
- ii) Be required to defend such policy so adopted whenever called upon by the party leadership in the public domain;
- iii) Perform such other related duties as may be directed by the National Executive Committee.

**11) Secretary for Legal and Constitutional Affairs**

The Secretary for Legal Affairs shall;

- i) Be the legal adviser to the Party in all legal and constitutional matters;
- ii) Perform such other duties as may be directed by the National Executive Committee.

- 12) Secretary for Publicity and Information**  
The Secretary for Publicity and Information shall:
- i) Be responsible for dissemination of information and public relations;
  - ii) Perform such other related duties as may be directed by the National Executive Committee.
- 13) Secretary for International Affairs**  
The Secretary for International Affairs shall:
- i) Be responsible for matters of foreign policy, contact with foreign organizations and creation of mutually beneficial links with foreign organizations and states;
  - ii) Perform such other related duties as may be directed by the National Executive Committee.
- 14) Secretary for Women Affairs (ODM Women League Leader)**  
The Secretary for Women Affairs (ODM Women League Leader) shall:
- i) Be the National Chairperson of the ODM Women League;
  - ii) Coordinate the activities of the ODM Women League;
  - iii) Generally promote and mobilize Party activities and policies among the women of Kenya under the direction of the National Executive Committee.
- 15) Secretary for Youth Affairs (ODM Youth League Leader)**  
The Secretary for Youth Affairs shall:
- i) Be a youth aged not more than 30 years at the time of elections;
  - ii) Be the National Chairperson of the ODM Youth League;
  - iii) Generally promote and mobilize Party activities and policies among the youth of Kenya under the direction of the National Executive Committee.
- 16) Secretary for Special Interest Groups**  
The Secretary for Special Interest Groups shall be responsible for:
- i) Promoting the interest of special interest groups within the Party mainstream, in terms of representation and participation in Party structures and activities;
  - ii) The identification and mobilization of special interest groups and ensuring that special interest groups have a national presence and profile within the Party;
  - iii) Perform such other related duties as may be directed by the National Executive Committee.
- 17) Secretary for Environment**  
The Secretary for Environment shall:
- i) Be responsible for ensuring that sound environmental conservation and management policies are articulated in the



Party manifesto and propagated in Party programmes; promoting sustainable management of natural resources at the national level;

- ii) Perform such related other duties as may be directed by the National Executive Committee.

**18) Secretary for Parliamentary Affairs (Whip)**

The Party Whip shall be responsible for:

- i) Galvanizing support of all Members of Parliament of the Orange Democratic Movement and other Members of Parliament of different persuasions for motions and bills proposed or supported by the Party;
- ii) Be responsible for calling and recording the proceedings of the meetings of the Parliamentary Group and briefing other organs of the Party on the activities of the Parliamentary Group.

**19) Secretary for Devolved Government**

The Secretary for Devolved Government shall be responsible for:

- i) Promoting policies for equitable distribution of resources among the regions and monitoring devolved government to ensure it is accountable.
- ii) Perform any other related duties as may be directed by the National Executive Committee.

**20) Secretary for Science and Technology**

The Secretary for Science and Technology shall be responsible for;

- i) the promotion of the use of Information and Communication Technology (ICT) within the Party;
- ii) Building the capacity for Party members to utilize ICT;
- iii) Promoting education policies that meet current technological needs, and promoting innovation in technological development so as to create self-sufficiency for the party and the country;
- iv) Performing any other related duties as may be directed by the National Executive Committee.

**21) Secretary for Labour and Human Resource Development**

The Secretary for Labour and Human Resource Development shall be responsible for:

- i) Developing policies that promote reform;
- ii) The enactment of labour laws that enhance equity in labour relations and match skills to industry needs;
- iii) Liaising with trade and employers' unions.

**22) Secretary for Security**

The Secretary for Security shall be responsible for development of Party policy on matters of internal security and public order.

**23) Secretary for Humanitarian and Disaster Management Affairs**

The Secretary for Humanitarian and Disaster Management Affairs shall be responsible for the development of the party's strategic plan for humanitarian and the disaster mitigation, management, evaluation and coordination of response to disaster response.

**24) Secretary for Persons with Disability**

The Secretary for Persons with Disability shall be responsible for:

- i) The promotion and advocacy of the rights of persons with disability in the Party;
- ii) To advise the Party on all matters that appertain to disability and public policy.

**25) Secretary for Special programmes, Security and Social Welfare**

The Secretary for Special Programmes, Security and Social Welfare will be responsible for:

- i) The management of all special programmes of the party;
- ii) Internal and public order
- iii) The development of the party's strategic plan for such activities and their mitigation, management, evaluation and coordination of responses.

**26) Secretary for Political Affairs**

The Secretary for Political Affairs will deal with all matters political, including but not limited to:

- i) Coordination and liaison with other political parties;
- ii) Collection of political intelligence and advice on strategies to popularize the party at the grassroots;
- iii) Perform any other duties as may be assigned by the National Executive Committee.

**27) Director of Campaigns**

The Director of Campaigns shall be in charge of all party campaign affairs and in particular:

- i. Shall be the convener and in charge of party political campaigns;
- ii. Mobilize and direct campaign resources.
- iii. Formulate and implement party strategies on voter registration and mobilization;

- iv. be the national coordinator of party campaigns and timely respond to all queries relating to the same;
- v. Devise and implement party political campaign strategies;
- vi. Advise the Central Committee on National Campaign matters and prepare briefs on behalf of the party;
- vii. Consulting and liaising with NEB on strategic approaches to elections.
- viii. perform any other function that may be assigned by NEC.

## **28) Deputy Director/s of Campaigns**

The Deputy Director/s of Campaigns shall be under the direction of the Director of Campaigns and assist the Director of Campaigns in the formulation and implementation of Party's campaign policies and programmes and any other specific assignments as might be delegated to him/her by the Director of Campaigns.

## **CHAPTER 7**

### **Article 7.0: Party Organs**

7.1 There is hereby established the following Party organs:

- a) National Delegates Convention - (NDC)
- b) National Governing Council - (NGC)
- c) National Executive Committee - (NEC)
- d) Central Committee - (CC)
- e) Regional Delegates Conference - (RDC)
- f) County Delegates Conference - (CDC)
- g) Branch Executive Committee - (BEC) (Constituency)
- h) Sub Branch Executive Committee - (SBEC) (Ward)
- i) Polling Station Steering Committee - (PSSC) (Polling Stn.)
- j) Party Parliamentary Group - (PPG)
- k) Council of Governors - (COG)
- l) Party County Assembly Group - (PCAG)
- m) ODM Women League - (OWL)
- n) ODM Youth League - (OYL)
- o) National Secretariat - (NS)
- p) National Elections Board - (NEB)

## **Article 7.2: National Delegates Conference**

7.2.1 The National Delegates Conference shall be the supreme organ of the Party with power to determine Party policy.

7.2.2A The National Delegates Convention shall be composed of the following members:

1. All members of the National Executive Committee
2. All members of the Party Parliamentary Group
3. All Members of the Council of Governors & the Deputy Governors
4. All Chairpersons of the Branch Executive Committees
5. All Chairpersons of the County Coordinating Committees
6. All members of Regional Coordinating Committees
7. Minority **OR** Majority leaders in each County Assembly
8. All National Officials of the ODM Youth League
9. All National Officials of the ODM Women League
10. Two persons of disability drawn from each county.
11. One marginalized person drawn from each county
12. One person nominated by BEC where the Member of National Assembly is an elected member of the Party.
13. One LADY nominated by the BEC, where the County Women Representative is an elected member of the party.
14. One person nominated by the BEC, where the Senator is an elected member of the Party.
15. One person nominated by the BEC, where the Governor is an elected member of the party.
16. Members of the Party's Standing Committees specially nominated by the NEC to attend the Conference as delegates.
17. At least one member from each registered Overseas Branch specially nominated by the NEC to attend the Conference as delegates.

18. Top up Delegates from branches to be determined by NEC, through the formula set out in schedule vii herein.
- 19.
20. The maximum number of Delegates present at any NDC shall not exceed 3000 Delegates.

7.2.3 The National Executive Committee may, in its wisdom, invite individuals who have made special contribution to the Party or who have special skills or experience to attend the Conference with no right to vote; provided always that this category shall include, but not limited, to representatives of special interest groups, comprising at least two representatives of persons with disability.

7.2.4 The National Delegates Conference shall have the following specific powers, duties and obligations:

- a) To review party policies and programmes and give directions regarding the organization of the Party.
- b) To consider, modify, amend and, if it thinks fit, ratify the Manifesto, Constitution, Rules and Regulations of the Party and those governing its subsidiary organizations and their operations.
- c) To establish and/or revise the by-laws, if required for the proper regulation of the affairs of the Party.
- d) To receive, examine and approve Annual Financial Statement and Audited Accounts presented by the National Treasurer for the period since the previous ordinary session of the National Delegates Conference and review annual dues payable by the Party members.
- e) To receive and discuss reports of the National Governing Council and the National Executive Committee.
- f) To appoint Party Auditor and fix his/her honorarium.
- g) To elect, from among eligible Party members, the National Officials of the Party who shall constitute the National Executive Committee for a term of five years as set out in this constitution.
- h) To delegate or confer any of its powers or duties to the National Governing Council and the National Executive Committee in addition to its functions.

- i) To elect or appoint any other Standing Committee and assign specific tasks and duties to such committee.
- j) To nominate the Party's Presidential candidate for the election of the President of the Republic of Kenya.
- k) To initiate all such activities to further the aims and objects of the Party.
- l) To perform any other duties and functions as the National Delegates Conference may deem fit.

### **Article 7.3: Procedure of Meeting at National Delegates Conference**

#### 7.3.1 Ordinary Session:

An Ordinary Session of the National Delegates Conference shall be convened by a resolution of the National Executive Committee ratified by the National Governing Council, and held once every five years but not later than 31<sup>st</sup> December of the fifth year, at a place, time and date to be determined by the National Executive Committee.

The notice and agenda convening the meeting shall be sent out by the Secretary General, failing which, any other Party official specially appointed for that purpose by the National Executive Committee at least twenty one days before such date and published in a daily English newspaper with the greatest circulation, and carried in a leading Swahili radio broadcast.

#### 7.3.2 Only agenda items as approved by the National Governing Council shall be discussed at the Ordinary Session of the National Delegates Conference.

#### 7.3.3 Special Session:

A Special Session of the National Delegates Conference shall be summoned by the National Chairperson upon the decision of the National Executive Committee or upon a requisition in writing signed by at least one third of the delegates eligible to attend an Ordinary Session of the National Delegates Conference.

The notice and agenda convening the meeting shall be sent out by the Secretary General at least twenty one days before such date and published at least twice on a daily English newspaper with the greatest circulation, in addition to at least two Swahili radio broadcasts carried by a leading broadcasting station.

#### 7.3.4 Where a Special Session of the National Delegates Conference is requisitioned by delegates, a notice calling upon the National Chairperson to summon the Conference including the agenda and date desired for the Conference shall be served upon the Secretary General

not later than sixty-five working days before the date proposed; but where the National Chairperson fails to summon the Conference within twenty one working days after due service of the notice, the Conference shall, subject only to Article 17.3.6 here-under, stand duly summoned and properly convened on the date, place and time contained on the notice.

7.3.5 Where a Special Session of the National Delegates Conference requisitioned by delegates is convened in default of the National Chairperson summoning the same, the delegates requisitioning the Conference shall, not less than twenty one working days before the proposed date, cause a notice convening the Conference to be published on a daily English newspaper with the greatest circulation, and carried by a leading Swahili radio broadcast; provided always, that such notice shall contain the agenda, place, date and time of the Conference.

7.3.6 Only agenda items prepared by the National Executive Committee or as may be requisitioned by delegates shall be discussed at the Special Session of the National Delegates Conference.

The National Chairperson or, in his absence, any of his deputies but failing which a delegate, specially elected by delegates in attendance, shall preside at a Special Session of the National Delegates Conference requisitioned by delegates. Similarly, the Secretary General or, in his absence any of his deputies but failing which a delegate, specially elected by delegates in attendance, shall be the Secretary of such Conference.

7.3.7 Quorum of the Ordinary or Special Sessions of the National Delegates Conference shall be 30% of eligible members present and voting.

7.3.8 Decisions shall be taken through the vote by consensus, secret ballot or by a unanimous resolution.

#### **Article 7.4: The National Governing Council (NGC)**

7.4.1 There is hereby established a National Governing Council, which shall be the second highest organ of the Party, and shall consist of the following members:

- a) All members of the National Executive Committee;
- b) All Chairpersons of County Coordinating Committees
- c) All Chairpersons of the Branch Executive Committees;
- d) All members of the Party's Parliamentary Group;
- e) All members of the Council of Governors & the Deputy Governors;
- f) All members of the National Elections Board;
- g) All Majority or Minority leaders of County Assemblies

- h) All Chairmen of Party's Standing Committees;
- i) All ODM Women League National Officials;
- j) All ODM Youth League National Officials.

7.4.2 The National Governing Council shall have the following functions:

- a) To review and/or formulate policies of the Party for approval by the National Delegates Conference;
- b) To act as the broader executive body of the National Delegates Conference and to ensure that all recommendations by the National Delegates Conference are duly carried out by the Party and the National Secretariat;
- c) To receive reports from the National Executive Committee on the operations of the Party;
- d) To monitor general activities of the Party on behalf of the National Delegates Conference and to provide direction for such activities;
- e) To establish specialized committees and other advisory bodies as are necessary to carry out aims and objects of the Party;
- f) To run the party and make decisions in between the National Delegates Congress;
- g) To review and develop political agenda for the Party's Civic and Parliamentary Groups;
- h) To review and recommend the reports of the National Executive Committee to National Delegates Conference;
- i) To approve the agenda for the National Delegates Congress as may be prepared and presented by the National Executive Committee or as may be notified by any Party member. A notice to include any other agenda item to the National Delegates Conference by a member shall be sent to reach the Secretary General not later than twenty one working days before the session of the National Governing Council;
- j) To make policy and administrative decisions on behalf of the National Delegates Conference if it is the considered opinion of the National Executive Committee that such decision cannot await the next National Delegates Conference but thereafter present such decisions for ratification at the Ordinary Session of the National Delegates Conference immediately following;
- k) To initiate all such activities as might further the aims and objects of the Party.



7.4.3 The National Governing Council shall be convened by a resolution of the National Executive Committee and shall meet at least once every twelve (12) months.

#### **Article 7.5: The National Executive Committee (NEC)**

7.5.1 The National Executive Committee shall be the executive organ of the Party and shall be composed of the following members:

- a) All the National Officials;
- b) The Party's Executive Director, who shall be an *ex-officio* member.

7.5.2 The National Executive Committee shall be constituted by the National Delegates Conference to hold office for a term of five years save for the Secretary of Parliamentary Affairs who shall be elected by the Parliamentary Group and ratified by the National Delegates Conference.

7.5.3 The National Executive Committee shall have the following functions and powers:

- a) To act as the executive body and carry out the decisions of the National Governing Council and the National Delegates Congress:
- b) To supervise the National Secretariat of the Party and to take such measure as it deems necessary to enforce the decisions and programmes of the Party as laid down by the National Governing Council and the National Delegates Conference.
- c) To issue and send directives and instructions to and receive reports from the Branches.
- d) To convene the meetings of and prepare the agenda for and reports to the National Governing Council and National Delegates Conference.
- e) To oversee the operations of the ODM Women League, ODM Youth League, Party Parliamentary Group and the County Assembly Group
- f) Set up committees as it deems necessary from time to time for specified tasks and to determine their terms of reference.
- g) To operate and determine the manner in which the Party accounts and finances shall be prudently managed.
- h) To appoint and fix the Terms and Conditions of Service of the Executive Director and other members of staff in the employment of the Party.

- i) To receive reports, supervise the work of, and delegate such functions to the National Secretariat and National Elections Board as it considers necessary.
- j) To recommend to the Party Leader names of any member of the Party or any other person who has made an outstanding contribution to the Party in the achievement or furtherance of its objects, policies or programmes for the conferment of honours of recognition, merit, distinction, commendation or accolade in accordance with the Party's Reward and Merits Scheme as it may deem appropriate.
- k) To initiate, prepare or cause to be prepared the necessary quarterly, semi-annual or annual financial statements for approval by National Governing Council and the National Delegates Conference.
- l) To nominate and present a Party List to the IEBC in accordance with the provisions of the Law.
- m) To receive, consider, approve and implement reports and recommendations from the various standing, *ad hoc* and specialized committees or individuals
- n) To liaise with the Party National Election Board in order to ensure the coordination of elections of Party Officials at all levels and Party nominations for Presidential, Parliamentary and Civic elections.
- o) To make Elections and Nomination Rules and lay them before the National Governing Council for approval.
- p) To appoint various schemes aimed at stimulating Party activities.
- q) To make Elections and Nomination Rules and/or Regulations as may be prescribed under this Constitution and lay them before the National Governing Council for ratification.
- r) To initiate all such activities as might further the aims and objects of the Party.
- s) To determine the multiplier to be used in the delegates top up formula.
- t) To determine the maximum number of delegates to attend any National Delegates Convention.
- u) To grant such honoraria, out of pocket expenses, to any National Official so as to reasonably facilitate his or her attendance at

meetings or to ameliorate his or her just and fair expenses, subject to the availability of funds, and in its own discretion.

7.5.4 The National Executive Committee shall meet at least once in every three months except for emergency meetings which may be convened by the Secretary General according to exigencies of time in consultation with the National Chairperson or by a written request made by 25% of the members thereof.

7.5.5 Any vacancy occurring in the National Executive Committee during the course of the term before the next National Delegates Conference may be filled through nomination by the National Executive Committee from amongst members of the National Delegates Conference until the vacancy is substantially filled at the next Delegates Conference.

#### **Article 7.5A The Central Committee**

7.5A.1 There shall be a Central Committee of the National Executive Committee of ODM.

The Central Committee shall consist of;

- a. the Party leader,
- b. the Deputy party leaders,
- c. the National Chairperson,
- d. the Secretary General,
- e. the National Treasurer,
- f. the Organizing Secretary,
- g. the Director of Campaigns,
- h. the ODM Women Leader,
- i. the ODM Youth Leader,
- j. the Executive Director (Ex-Officio)
- k. & three members specially nominated by the Party leader

#### **7.5A.2 The functions of the Central Committee shall be to:**

- i. formulate policy for consideration by NEC;
- ii. supervise the conduct of the organization's activities;
- iii. Nominate officials of the National Secretariat from amongst members of ODM for appointment by NEC;
- iv. propagate the ODM ideology and policies;
- v. advise the Party Leader and the National Executive Committee in the performance of their functions under this Constitution;
- vi. implement the decisions of the National Executive Committee;

- vii. ensure that all organs of ODM function properly and implement the policies of ODM;
- viii. mediation on internal disputes affecting the Party;
- ix. prescribe rules and regulations for the functioning and operation of special organs and Caucuses;
- x. Perform any other function that may be assigned to it by NEC.

#### **Article 7.6: The National Secretariat (NS)**

- 7.6.1 There is hereby established a National Secretariat which shall be headed by an Executive Director assisted by a Deputy Executive Director. The National Executive Committee shall determine the number and designation of the departments with the National Secretariat.
- 7.6.2 The Executive Director shall be appointed by the National Executive Committee. He/she shall be responsible for overall coordination of Party activities, budget and resource and programme management.
- 7.6.3 The main duties of the National Secretariat shall be:
- a) Management of Party operations.
  - b) Implementation of Party decisions.
  - c) Processing the clearance of persons to be appointed by the National Executive Committee as Party's nominees to the County Assembly or Parliament.
  - d) Voter outreach and membership recruitment.
  - e) Registration, mobilization and maintenance of voters or members register.
  - f) Coordination, facilitation and synchronization of Party activities and events.
  - g) Public relations, communication and media outreach.
  - h) Fundraising and resource mobilization.
  - i) Campaign strategies.
  - j) Operations and logistics.
  - k) Party policy and research.

- l) Regional coordination.
  - m) Liaison with all Party structures.
  - n) Any other duties as may be assigned by National Executive Committee.
- 7.6.4 Members of Staff appointed to each department by the National Executive Committee shall be guided by the Party Service Code.
- 7.6.5 The Secretariat shall be responsible for implementing decisions and programmes of the Party under guidance of the Secretary General, National Executive Committee and in liaison with other National Officials.
- 7.6.6 The National Secretariat shall service the operations of subsidiary organizations of the Party.
- 7.6.7 The National Secretariat shall function directly under the office of the Secretary General.

#### **Article 7.7: Party Parliamentary Group (PPG)**

- 7.7.1 There shall be established the Party Parliamentary Group comprising the following:
- a) Party Leader.
  - b) Deputy Party Leaders
  - c) All Members of the Council of Governors & the Deputy Governors
  - d) All ODM Members of Parliament (The Senate, National Assembly and EALA).
- 7.7.2 The duties of the Parliamentary Group shall include espousing, advancing and defending Party policies and programs within Parliament and shall, at all times, whether jointly or severally exercise due diligence in the discharge of their parliamentary duties.
- 7.7.3 The Parliamentary Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

## **Article 7.8: Party County Assembly (PCAG)**

7.8.1 There shall be a Party County Assembly Group consisting of the Governor, & the Deputy Governor, all the ODM elected and nominated members of the County assembly to propagate the Party's agenda within their respective County Assembly. The leader of the Party County assembly shall head the respective County Assembly Group in which they are members. Each Party County Assembly Group shall make its own rules and regulations to govern the conduct of its meetings and deliberations provided that such rules shall be laid before the National Executive Committee for approval.

## **Article 7.9: ODM Women League (OWL)**

7.9.1 There shall be a Women's League known as the ODM Women League membership of which shall be open to all women who are members of the Party. The ODM Women League shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the Party's general control and discipline at all levels.

7.9.2 There shall be ODM Women League Executive Committees at National, Branch, Sub Branch, & Polling Station level consisting of Chair, Deputy Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve Committee Members.

7.9.3 The officials of the ODM Women League Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of five years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.

7.9.4 Application for membership shall be made verbally or in writing to the Polling Station ODM Women League Committee or the nearest Party office.

## **Article 7.10: ODM Youth League (OYL)**

7.10.1 There shall be a Youth League known as the ODM Youth League, membership of which shall be open to all Party members aged between eighteen and thirty-five years. The ODM Youth League shall be an integral part of the Party and shall be subject to the general direction of the National Executive Committee and the party's general control and discipline at all levels.

7.10.2 There shall be ODM Youth League Executive Committees at National, Branch, Sub-Branch, and Polling station level consisting of Chair,

Deputy-Chair, Secretary, Deputy Secretary, Treasurer, Deputy Treasurer, Organizing Secretary, Deputy Organizing Secretary and twelve committee members.

- 7.10.3 The officials of the ODM Youth League Executive Committees at National, Branch, Sub-Branch, and Polling station shall be elected simultaneously and in the same manner as their counterpart Party Officials. The officials shall hold office for a term of 5 years, and are eligible for re-election upon expiry of their term, subject to a maximum of two consecutive terms.
- 7.10.4 Application for membership shall be made verbally or in writing to the Polling Station ODM Youth League Committee or the nearest Party office.
- 7.10.5 The organization, functions, rules and regulations of ODM Women League and ODM Youth League shall be determined, established and set out by each group respectively provided that they are in conformity with the Party's overall objectives and are laid for approval by the National Executive Committee.

**Article 7.11: National Elections Board (NEB)**

- 7.11.1 There is hereby established the Orange Democratic Movement National Elections Board whose mandate is to plan, organize, direct, conduct, supervise and or coordinate all Party elections and nominations of candidates.
- 7.11.2 The National Elections Board will be appointed by the National Executive Committee upon a resolution made by two-thirds of members and will comprise five respected and knowledgeable persons of high integrity who do not hold any elective Party position and at least one-third shall be either of gender.
- 7.11.3 The National Elections Board shall appoint a County Election Committee and a Constituency Election Panel in each County. The County Elections Committee shall be supervised by the National Elections Board, and will comprise of three persons of high integrity to supervise the Party elections in the counties. The Constituency Elections Panel shall be supervised by the National Elections Board, and will comprise of five persons of high integrity.
- 7.11.4 The National Elections Board shall appoint a County Appeals Board in each County. The County Appeals Board shall be independent, and shall communicate its resolutions to the National Elections Board.
- 7.11.5 The National Elections Board shall make its own rules of procedure for its meetings.

7.11.6 The National Secretariat shall provide secretarial support services to the Board.

7.11.7 The members of the National Elections Board may serve for a term of five years and are eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.

#### **Article 7.11A Regional Delegates Conference (RDC)**

There is established the Party Regional Delegates Conference in each of the following regions;

Nairobi, Lower Eastern, Upper Eastern, Coast, Western, Nyanza, Central, South Rift Valley, North Eastern, & North Rift Valley

7.11A.1 The Regional Delegates Conference shall:

- a. Be held at least once every year and more often if requested by at least one third of all counties in the region.
- b. Carry out the decisions of the National Delegates Conference, & the NEC.
- c. Receive and consider reports by the County Coordinating Committees.
- d. Manage, harmonise, & coordinate Regional affairs of the Party.
- e. Elect the members of the Regional Conference Committee who will hold office for 5 years.

7.11A.2 The composition of the Regional Delegates Conference shall be members of the particular region as follows:

- a) Twenty mainstream officials from each branch
- b) Branch Executive officials of ODM Women's League and ODM Youth League
- c) Governors & Deputy Governors
- d) All Members of Parliament
- e) Members of the County Assembly

7.11A.3 The Regional Conference Committee shall consist of;

- a) The Regional Conference Chairman
- b) The Regional Deputy Conference Chairman
- c) The Regional Conference Secretary
- d) The Regional Organising Secretary
- e) The Regional Conference Treasurer
- f) The Regional ODM Women League Representative
- g) The Regional ODM Youth League Representative
- h) The Regional Special Interest Representative

#### **7.11.B County Delegates Conference (CDC)**

There is established the Party County Delegates Conference in each of the 47 counties.

7.11.B.1 The County Delegates Conference shall:



- a) Be held at least once every year and more often if requested by at least one third of all branches in the County.
- b) Carry out the decisions of the National Delegates Conference, & the NEC.
- c) Receive and consider reports by the Branch Executive Committee.
- d) Manage, harmonise, & coordinate County affairs of the Party.
- e) Elect the members of the County Conference Committee who will hold office for 5 years.

7.11.B.2 The composition of the County Delegates Conference shall be members of the particular county as follows:

- a) Twenty mainstream officials from each branch
- b) Branch Executive officials of ODM Women's League and ODM Youth League
- c) Governors & Deputy Governors
- d) All Members of Parliament
- e) Members of the County Assembly

7.11.B.3 The County Conference Committee shall consist of;

- a) The County Conference Chairman
- b) The County Deputy Conference Chairman
- c) The County Conference Secretary
- d) The County Organising Secretary
- e) The County Conference Treasurer
- f) The County ODM Women League Representative
- g) The County ODM Youth League Representative
- h) The County Special Interest Representative
- i) And Twelve Committee Members

## **Article 7.12: Branch Executive Committees (BEC)**

7.12.1 The Party shall establish Branches in each Constituency in Kenya. A Branch shall be responsible to the National Executive Committee.

7.12.2 Each Branch shall be managed by a Branch Executive Committee consisting of the Branch Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Deputy Treasurer, Secretary for Women Affairs (ODM Women League Leader), Secretary for Youth Affairs (ODM Youth League Leader), and a special interest representative, persons with disability representative and eight Committee Members, all of whom shall be elected at the Branch Electoral College and the Branch Executive Coordinator, appointed by the Branch Executive Committee in consultation with the National Secretariat, who shall be in an *ex-officio* member.

7.12.3 The duties of the office bearers of the National, Branch, Sub-Branch, and Polling station Executive Committee shall be as follows:

a) **The Chairperson**

He/she shall convene and preside over all meetings.

b) **The Deputy Chairperson**

He/she shall perform such duties as shall be assigned to him by the Chairperson. He/she shall assist and assume the office of the chairman in the latter's absence.

c) **The Secretary**

The Secretary shall keep proper records of all proceeding and minutes of the meetings of the Branch. He/she shall issue notices convening all meetings of the Branch under the direction of the Chairperson and perform all such duties as may from time to time be assigned by the Committee including handling of correspondence.

d) **The Deputy Secretary**

He/she shall perform such duties as shall be assigned to him by the Secretary. He/she shall assist and assume office of the Secretary in the latter's absence.

e) **The Treasurer**

The Treasurer shall be in charge of the Branch Finances and accounting. He/she shall prepare and submit to the Committee the Financial Statement of Accounts.

f) **Deputy Treasurer**

He/she shall perform such duties as shall be assigned to him by the Treasurer. He/she shall assist and assume the office of the Treasurer in the latter's absence.

g) **The Organizing Secretary**

The Organizing Secretary shall organize and supervise the programme of work of the Party at the Branch level, and shall ensure the proper and effective functioning of the organs of the Party at the Branch level. He/she shall ensure the proper and effective functioning of the other organs of the Party at the Branch level, including Youth and Women Groups.

h) **The Deputy Organizing Secretary**

He/she shall perform such duties as shall be assigned to him by the Organizing Secretary. He/she shall assist and assume the office of the Organizing Secretary in the latter's absence.

i) **The Branch Executive Coordinator**

The Branch Executive Coordinator shall be appointed by the National Secretariat in consultation with the Branch Executive Committee.

The Branch Executive Coordinator shall be an employee of the National Secretariat and shall be under the direction of the Branch Executive Committee and shall be the custodian of all the Branch property, books of accounts, minute books, membership register and all the records of the party at the Branch. He/she shall be an employee of the National Secretariat.

- j) The duties of the **Branch Executive Committee** shall be to:
- i) Promote party policies and activities among the people in the Constituency in order to realize the Party's objectives, policies and programs.
  - ii) Recruit members to the Party.
  - iii) Represent views and interests of the Branch members at the National Governing Council and the National Delegates Conference.
  - iv) Ensure discipline and adherence to Party policies and programmes among individual Party members and the ODM Women and ODM Youth League Leagues.
  - v) Investigate any allegations of misconduct of any member and make recommendations to the National Executive Committee.
  - vi) Promote political and general civic and voter education amongst the people for the benefit of the Party.
  - vii) The Branch Executive Committee shall meet at least once every three months.

### **Article 7.13: The Sub-Branch Executive Committee (SBEC)**

7.13.1 There is hereby established a Party Sub Branch in each Ward in Kenya. The Sub-Branch shall be under the general direction of the Branch as the case may be.

7.13.2 The Sub-Branch shall be governed by a Sub Branch Executive Committee which shall consist of:

Sub-Branch Chairperson, Deputy Chairperson, Secretary, deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (ODM Women League Leader), secretary for Youth Affairs (ODM Youth League Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members

- a) Duties of the Sub-Branch Executive Committee shall be similar to those of the Branch.
- b) The Chairman of a Sub-Branch may invite one or more of the Local Opinion Leaders to attend a Sub-Branch Executive Committee meeting if it is in the best interest of the Party. Such invited leaders shall have the right to speak but not to vote thereat.
- c) The Sub-Branch Executive Committee shall meet at least once a month.

#### **Article 7.14: Polling Station Steering Committee**

There is hereby established a Party Polling Station Steering Committee. Each polling station shall be managed by a Polling Station Steering Committee consisting of; Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Organizing Secretary, Deputy Organizing Secretary, Treasurer, Sub-Branch deputy Treasurer, Secretary for Women Affairs (ODM Women League Leader), secretary for Youth Affairs (ODM Youth League Leader), special interest/or marginalized representative, persons with disability representative and eight Committee Members all of who shall be elected by universal suffrage of all of the Party members resident in the polling area.

#### **Article 7.15: Branch Offices**

7.15.1 The National Secretariat shall establish Branch Offices in each Constituency which shall be managed by a Branch Executive Coordinator under the direction of the Branch Executive Committee. He/she shall maintain accurate and permanent records regarding membership registers, particulars of any contributions made, inventory of Party assets and an inventory showing Party stock and materials in store.

#### **Article 7.16: Procedure at Branch Meetings**

7.16.1 Notices for all meetings including the agenda shall be sent out by the Branch Secretary or Sub-Branch Secretary as the case may be.

7.16.2 There shall be two classes of meetings as follows:

- a) Ordinary meetings shall be convened by a written notice of twenty one days.
- b) Special meetings shall require a notice of fourteen days and shall be requisitioned for a specific purpose only by order in writing to the Branch Secretary. No other matter shall be discussed other than that stated in the requisition.

7.16.3 Quorums for all meetings shall be one-third of the membership thereof. Any official who fails to attend three consecutive meetings without reasonable apology shall be liable to suspension.

7.16.4 At all meetings the Chairpersons or in their absence the Vice-Chairpersons shall preside, else the members shall elect one among themselves to preside.

7.16.5 Resolutions, unless otherwise stated in the constitution shall be decided by a simple majority by secret ballot or any other method of voting acceptable to the delegates. Decision as to what method of voting to employ shall first be put to members to choose unanimously by consensus.

7.16.6 In the event of an equality of votes at any voting, there shall be a second voting, after which the Chairperson shall have a deciding vote.

#### **Article 7.17: Overseas Branches**

7.17.1 The National Executive Committee shall approve and register overseas branches provided that there shall not be more than one branch in any given country except the United States of America which shall have three branches. An overseas branch shall consist of at least 50 members, provided that there shall not be more than one branch in any given city. A branch so formed shall apply to the Party Headquarters for registration and upon approval, be furnished with a Certificate to that effect. Other provisions applying to branches in this Constitution shall apply *mutatis mutandis*.

#### **Article 7.18: Resignation**

7.18.1 Any Party Member holding a County or Branch Party office and elects to seek election at Parliamentary or County Assembly General Elections shall be required to resign from office by a written notification to the National Executive Committee at least one month before the scheduled date of party nominations provided that this provision shall not apply in the event of an abrupt dissolution of Parliament or the County Assembly or by- elections.

## CHAPTER 8:

### COMMITTEES

#### **Article 8.0: Strategic Planning Committee**

- 8.0.1 The National Executive Committee shall appoint a Strategic Planning Committee as a Standing Committee consisting of seven Members, provided one third shall be of either gender.
- 8.0.2 Members of this Committee shall serve for a term of 5 years and are eligible for reappointment.
- 8.0.3 The Strategic Planning Committee shall be responsible for proposing Party Policy, conducting research and overall Organization, Planning and Strategy.
- 8.0.4 The Strategic Planning Committee shall meet at least once three months.

#### **Article 8.1: Finance and Resource Mobilization Committee**

- 8.1.1 The National Executive Committee shall appoint the Finance and Resource Mobilization Committee as a Standing Committee consisting of nine members including the National Treasurer and the Deputy National Treasurers. The appointed members shall elect the Chairperson and Secretary among themselves. Provided that one third shall be of either gender
- 8.1.2 The Finance and Resource Mobilization Committee shall be responsible for:
- a) Developing strategies for and realizing financial resource mobilization and any other support to the Party.
  - b) Ensuring that the books of the Party are audited by the appointed auditor.
  - c) Developing principles of stewardship, financial discipline, ethics and best practices to guide the Party in matters of fiscal planning and management.
- 8.1.3 The members shall be in office for five years and shall be eligible for re-appointment at the expiry of their term, subject to a maximum of two consecutive terms.
- 8.1.4 The Committee shall work closely with the National Executive Committee and will report at least twice a year on the finances and budget of the party.

## **Article 8.2: Legal Committee**

- 8.2.1 There is hereby established a Legal Committee as a Standing Committee of the Party consisting of the Secretary for Legal Affairs and nine other legal experts who are Party members. The Committee shall be appointed by the National Executive Committee and shall advise the Party on all legal matters. The appointed members shall elect the Chairperson who shall be an Advocate of the High Court of Kenya of not less than ten years standing and a Secretary among them provided one third of their membership shall be of either gender.
- 8.2.2 The members shall be in office for five years and are eligible for re-appointment at the expiry of their term.

## **Article 8.3: Disciplinary Committee**

- 8.3.1 There is hereby established a Disciplinary Committee comprising five Party members of good standing, honour and integrity and appointed by the National Executive Committee. The Chairperson, who shall be an Advocate of the High Court of Kenya of not less than ten years standing, shall be appointed by the National Executive Committee.
- 8.3.2 The Disciplinary Committee shall make its own rules of procedure which shall be approved by the National Executive Committee. The Rules shall comply with written laws of Kenya, the Rule of Law and Rules of Natural Justice.
- 8.3.3 The members shall be in office for five years and are eligible for re-appointment at the expiry of their term.

## **Article 8.4: Discipline**

- 8.4.1 The Disciplinary Committee as established under this Constitution shall have the power to receive, hear and determine all cases of discipline concerning Party members. Any Party member may, by a written and signed complaint, refer to the Committee an issue of discipline. A Disciplinary issue shall arise on the ground of gross misconduct and a member shall be liable to the Party's disciplinary measures if he/she engages in any conduct proscribed as shall be provided by the rules in the Schedule of this Constitution.
- 8.4.2 The Disciplinary Committee shall afford a fair hearing to such member complained against with reasonable opportunity to defend him/herself against the charges or allegations made against him/her in accordance with Rules of Natural Justice.
- 8.4.3 The Disciplinary Committee shall, after a determination of facts on a complaint, make recommendation to the National Executive Committee which shall have the power to pass a penalty including, but

not limited to Reprimand, Censure, Sanction, and Suspension for a period definite, or Expulsion. A Decision to suspend or expel shall be ratified by two thirds of the National Governing Council whose decision shall be final. Vacancies thus or otherwise created shall be filled in the same manner as they were originally filled.

- 8.4.4 The Party Branch, Sub-Branch, or Polling Station shall have no power to suspend or expel a member of the Party. Where an issue of discipline is referred to the Party Branch, Sub- Branch, or Polling Station, it shall constitute a Special Branch Disciplinary Committee to deliberate on the issue. Where the Committee is on the view that the misconduct is so serious as to invite suspension or expulsion, the Committee shall refer the matter to the Standing Disciplinary Committee at the Party Headquarters which shall summarily review the facts and make an appropriate recommendation to the National Executive Committee. Provided however the Branch/Sub-Branch/Ward or Polling Station shall have the power to censure or reprimand.
- 8.4.5 Any Party member under a disciplinary process shall be entitled to represent him/herself in person or by an authorized representative or next friend.



**CHAPTER 9:**  
**STEWARDSHIP**

**Article 9.0: Funds**

9.0.1 The National Executive Committee shall establish rules governing the collection, management and expenditure of funds. All withdrawals shall be against expenditures in the approved budgets or by resolutions of the National Executive Committee.

9.0.2 The source of funds for the Party shall include the following:

- a) Funding by the Exchequer.
- b) Membership Fees.
- c) Fundraising and Contributions.
- d) Voluntary Contributions.
- e) Donations Contracts, bequests, and grants from any other source not being a foreign government, inter-governmental or non-governmental organization.
- f) Proceeds of any investment, project or undertaking in which the party has an interest.
- g) Net income from Publications and Consultancies.
- h) Nomination fees.
- i) Contributions from Party Members of Parliament, Governors and County Assembly Representatives.

9.0.3 The Party shall operate Account(s) with local Bank(s) according to modalities laid down by the National Executive Committee.

9.0.4 The signatories to the Bank Account(s) shall be as approved by a resolution of the National Executive Committee.

**Article 9.1: Auditor**

9.1.1 The Party shall appoint or re-appoint a qualified, registered Auditor to audit the books of the Party at the National Delegates Congress. The Auditor shall not be an office bearer or a member of any committee of the Party.

9.1.2 All Party accounts, records and documents shall be open to inspection by the auditor at any time.

9.1.3 The National Treasurer shall produce and submit audited accounts made up-to-date, which shall not be less than four weeks and not more than two months before the date of the National Delegates Congress.

9.1.4 The Auditor shall be paid such honorarium for his duties as shall be approved by the National Delegates Congress.

### **Article 9.2: Inspection of Accounts and Membership Registers**

9.2.1 The books of accounts and all documents relating thereto and the list of members of the Party shall be available for inspection at the registered office of the Party by any officer or members of the Party by giving not less than fourteen days notice in writing.

### **Article 9.3: Liability**

9.3.1 No office bearer shall be held personally liable for any reasonable act or omission in good faith in the performance of his or her duties as an official.

### **Article 9.4: Contractual liability**

9.4.1 No instrument shall bind the Party or create legal relationship with the party unless the person executing it has written authorization from the National Executive Committee (NEC) and such authorization shall indicate the extent of that authority.

### **Article 9.5: Party Seal**

9.5.1 The Party shall have a seal which shall be kept in the custody of the Secretary-General. Other than documents which by law must be sealed, the National Executive Committee may, by a resolution in writing, determine what class of contracts or documents which must be sealed.

9.5.2 The Party Seal shall be authenticated by appending to the document under seal the signature of the National Chairperson and the Secretary General or, in his absence, any other member of the National Executive Committee specifically mandated to do so by the National Executive Committee by a resolution in writing.

### **Article 9.6: The Press and Publication**

9.6.1 The Party may own and/or operate a Printing Press, Radio and/or Television Station as well as an interest or shares in any existing entities.

9.6.2 The Party may publish its own Literature, Newspaper, Periodical Magazine, Pamphlets, and Books among others.

## CHAPTER 10:

### COALITIONS, DISPUTE SETTLEMENT AND AMENDMENT

#### **Article 10.0: Affiliations, Alliances and Coalitions**

10.0.1 The Party may form alliances and coalitions with other likeminded political parties. The decision to form such alliances and coalitions shall be determined by two-thirds of the National Executive Committee.

10.0.2 Instruments of such coalition, affiliations and alliances shall be executed and deposited with the Registrar of Political Parties. The Secretary General shall keep custody of all such Instruments.

#### **Article 10.1: Dispute Resolution**

10.1.1 Any dispute that cannot be resolved by Party organs shall be adjudicated through arbitration. The aggrieved party (ies) shall agree on three arbitrators. The recommendations of the arbitrators shall be communicated to the National Governing Council in writing. The National Governing Council will make its decision and communicate in writing to the National Delegates Conference for ratification.

#### **Article 10.2: Amendment of the Constitution**

10.2.1 National Executive Committee may propose or receive proposals from any member of the Party for amendments or review of the entire constitution, which proposals shall be presented for approval by at least two-thirds of members present at the National Delegates Conference.

10.2.2 The quorum for any meeting at which the amendment of the Constitution is proposed shall two-thirds of the delegates eligible to attend and vote.

10.2.3 A resolution to amend the Constitution shall be supported by at least two-thirds of the delegates eligible to attend and vote.

## CHAPTER 11

### DISSOLUTION

#### **11.0: Dissolution**

- 11.0.1 The Party may be dissolved by a resolution passed by two-thirds majority of registered members of the Party at a Special National Delegates Conference called expressly for the purpose of dissolution.
- 11.0.2 In such dissolution, all properties and funds of the Party less liability shall be distributed in a manner as shall be determined by the Special National Delegates Conference at which the resolution in favour of the dissolution is passed. Such assets shall be granted to one or more organizations in Kenya whose objectives conform to those of the Party.
- 11.0.3 The quorum for any meeting at which the dissolution of the Party is proposed shall be two-thirds of the delegates eligible to attend an Ordinary Session of the National Delegates Conference.
- 11.0.4 A resolution to dissolve the Party shall be supported by at least two-thirds of the delegates eligible to attend and vote
- 11.0.4 Voting shall be by Secret Ballot only.

## CHAPTER 12

### GENERAL

#### **Article 12: Gender and Affirmative Action**

12.0.1 In the Endeavour to reach the objective of full representation of women in all decision -making structures the Party shall implement a programme of affirmative action, including the provision of a quota of not less than one-third (1/3) in all organs, appointments, committees, nominations to enable such effective participation.

12.0.2 All Party Officials shall not hold more than one office in the Party.

12.0.3 Any vacancy occurring in the Party organs during the course of the term before the next National Delegates Conference or Party Election as the case may be, shall be filled in acting capacity ,through nomination by the National Executive Committee upon recommendations of the relevant Party organ until the vacancy is substantially filled.

#### **Article 12.1: Repeal and Replacement**

12.1.1 The Orange Democratic Movement Constitution dated 7<sup>th</sup> December 2012 is hereby repealed and replaced with this Constitution.

#### **Article 12.2: Transition**

12.2.1 All Organs, Committees or Offices previously existing under the Constitution dated 7<sup>th</sup> December 2012 and all appointments or nominations made thereunder including assets, liabilities or contractual obligations entered into shall remain in force unless otherwise dissolved pursuant to this Constitution.

#### **Article 12.3: Miscellaneous**

12.3.1 The National Executive Committee shall have the power to make rules for the better carrying out of all matters provided in this Constitution. Such Rules shall be consistent with provisions of this Constitution and, where inconsistent, such rules made shall be void to the extent of the inconsistency thereof.

## SCHEDULE

**Schedule I: Party Symbol**

THE ODM Symbol is one ripe orange



**Schedule II: Party Flag**

The ODM flag is rectangular; it is one and a half times longer than it's wide. It is horizontal comprising from top to bottom, the colour orange with a streak of royal blue

**Schedule III: Party Slogan**

The party slogan is "Mbele Pamoja"

**Schedules IV: Party Salute**

The party salute is a clenched fist with one thumb up

**Schedule V: Membership fees**

CATEGORY	JOINING	ANNUAL SUBSCRIPTION
<i>Life</i>	20,000/=	5,000/=
<i>Ordinary</i>	10/=	5/-
<i>Corporate Membership</i>	600,000/=	100,000/=
<i>Group Membership</i>	300,0000/=	50,000/=

The above membership fees shall be subject to review from time to time by the National Executive Committee, subject to ratification by the National Delegates Conference.

## Schedule VI: Counties

1. Mombasa
2. Kwale
3. Kilifi
4. Tana River
5. Lamu
6. Taita/Taveta
7. Garissa
8. Wajir
9. Mandera
10. Marsabit
11. Isiolo
12. Meru
13. Tharaka-Nithi
14. Embu
15. Kitui
16. Machakos
17. Makueni
18. Nyandarua
19. Nyeri
20. Kirinyaga
21. Murang'a
22. Kiambu
23. Turkana
24. West Pokot
25. Samburu
26. Trans Nzoia
27. Uasin Gishu
28. Elgeyo/Marakwet
29. Nandi
30. Baringo
31. Laikipia
32. Nakuru
33. Narok
34. Kajiado
35. Kericho
36. Bomet
37. Kakamega
38. Vihiga
39. Bungoma
40. Busia
41. Siaya
42. Kisumu
43. Homa Bay
44. Migori
45. Kisii
46. Nyamira
47. Nairobi City



**Schedule VII: Delegates top up formula:**

$$\frac{\text{Total number of Registered Party Members Nationally}}{\text{Total Number of Constituencies in the Republic of Kenya}}$$

$$= \text{Target Number}$$

**Registered Party Members**

Determined by the number of registered members as per Party records

**Target Number**

This is the minimum number of members a branch must have to qualify for one (1) delegate.

$$\frac{\text{Number of Registered Party Members in Good Standing @ the Branch}}{\text{Target Number}}$$

$$= \text{Qualifying Delegates per branch}$$

**Qualifying Delegates**

This is the number of delegates that qualify from each branch.

$$\text{Qualifying Delegates X Multiplier}$$

$$= \text{Actual Top Up Delegates per branch}$$

**Multiplier**

A number that is determined by the NEC to be applied uniformly in the determination of the actual delegates in each branch.

**Actual Delegates per Branch**

The number Top Up delegates that can represent each branch and fully participate in the Party's NDC as per this formula.

## **Schedule VIII**

### **Nairobi**

Counties:

Nairobi

### **Lower Eastern**

Counties:

Makueni, Kitui, Machakos, Embu, Tharaka Nithi, Meru

### **Upper Eastern**

Counties:

Isiolo, Samburu, Marsabit

### **North Eastern**

Counties:

Garissa, Wajir, Mandera

### **Coast**

Counties:

Taita Taveta, Kwale, Mombasa, Kilifi, Tana River, Lamu

### **Western**

Counties:

Vihiga, Kakamega, Bungoma, Busia

### **Nyanza**

Counties:

Kisumu, Siaya, Homa Bay, Migori, Kisii, Nyamira

### **Central**

Counties:

Kiambu, Muranga, Nyeri, Kirinyaga, Nyandarua, Laikipia

### **South Rift Valley**

Counties:

Kajiado, Narok, Bomet, Kericho, Nakuru

### **North Rift Valley**

Counties:

Nandi, Uasin Gishu, Kitale, Baringo, Elgeyo Marakwet, West Pokot, Turkana