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**THE CONSTITUTION OF THE KENYA CHARTER FOR  
DEMOCRACY (KCD)**

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# CHAPTER 1: PRELIMINARY PROVISIONS

## Article 1: Preamble and Ideological Foundation

1.1. WE, THE MEMBERS of the Kenya Charter for Democracy (KCD), acknowledging the supreme authority of the Almighty God of all creation and the sovereignty of the People of Kenya, do hereby establish this Constitution as the primary instrument of our collective political will.

1.2. The Kenya Charter for Democracy is founded upon the fundamental realization that the Republic of Kenya does not suffer from a resource deficit but from a chronic and debilitating management deficit. For decades, the political landscape has been cluttered with manifestos comprising expensive wishes without viable execution plans. This Constitution enshrines a departure from the politics of handouts toward a "Production-First" model of governance.

1.3. The Party carries the "Black Briefcase" as its official symbol and guiding philosophy. This briefcase signifies that the government is a sacred trust, which shall be managed with the professional efficiency of a private enterprise and the profound empathy of a family unit. We believe that the primary duty of the state is to lower the cost of production, thereby enabling every citizen to make an honest profit and achieve personal dignity through Labor and enterprise.

1.4. This Constitution is designed to foster a "Briefcase Economy" characterized by competence, production, and dignity. It establishes the legal framework for a movement that seeks not just to promise, but to execute a transformative social contract.

1.5. ADOPTED and ENACTED by the National Delegates Conference, this document shall serve as the irrevocable bond between the Party and its members, ensuring that the march toward a more accountable and prosperous Kenya remains "Tuko Safarini".

## **Article 2: Supremacy and Authority of the Constitution**

2.1. This Constitution is the supreme governing document of the Kenya Charter for Democracy (KCD). It derives its legal validity and authority from Article 91 and 92 of the Constitution of Kenya (2010) and the Political Parties Act (2011).

2.2. Subject to the provisions of the Constitution of Kenya (2010), any rule, regulation, policy, or resolution of the Party that is inconsistent with this Constitution shall, to the extent of its inconsistency, be null and void.

2.3. Definitions: In this Constitution, unless the context otherwise requires:

2.3.1. "Party" means the Kenya Charter for Democracy (KCD).

2.3.2. "Registrar" means the Registrar of Political Parties designated under Section 2 and Section 33 of the Political Parties Act, Cap. 7D.

2.3.3. "Constitution" means the Constitution of the Kenya Charter for Democracy. 2.3.4.

"Member" means a person who has fulfilled the eligibility criteria and is registered in the Party membership register. 2.3.5. "Special Interest Groups (SIGs)" include women, persons

with disabilities, youth, ethnic minorities, and marginalized communities as defined under Section 2 of the Political Parties Act.

2.4. This Constitution shall be binding on all members, officials, and organs of the Party. Every member has an obligation to defend and protect the integrity of this document.

# CHAPTER 2: IDENTITY AND CHARACTER

## Article 3: Identity, Symbols, and Official Communications

3.1. Name: There is hereby established a political party known as the "Kenya Charter for Democracy".

3.2. Abbreviation: The official abbreviation of the Party shall be "KCD".

3.3. Symbol: The official symbol of the Party shall be the "Black Briefcase." The briefcase shall be depicted as a single black briefcase with a white line running horizontally across the centre, featuring the letters "KCD" in the middle, rendered in the colours: K, C and D in all in navy blue.

3.4. Colours: Pursuant to Regulation 3(5) of the Political Parties (Registration) Regulations (2019), the official colours of the Party shall be:

3.4.1. Navy Blue: Represents the Productive Economy (The Blue Economy) and stability.

3.4.2. Black: Represents the People of Kenya and the Discipline of hard work required to build the nation.

3.4.3. White: Signifying integrity, transparency, and the purity of democratic intent.

3.5. Slogan: The official slogan of the Party shall be "Tuko Safarini".

3.6. Flag: The Party flag shall be comprised of Black, White, and Navy-Blue horizontal stripes with the official symbol (the Black Briefcase) displayed at the centre.

3.7. Official Website: The official website of the Party is [www.kcdparty.co.ke](http://www.kcdparty.co.ke).

3.8. Electronic Notice:

3.8.1. The website [www.kcdparty.co.ke](http://www.kcdparty.co.ke) is hereby validated as the primary portal for official party notices, including but not limited to, meeting notices, nomination dates, electoral results, and policy changes.

3.8.2. Publication of any document or notice on the official website shall be deemed sufficient legal notice to all members and officials of the Party.

## **Article 4: Mandatory Constitutional Parameters and Prohibitions**

4.1. Pursuant to Article 91(1) of the Constitution of Kenya (2010), and notwithstanding any other provision contained herein, the Kenya Charter for Democracy (KCD) shall:

4.1.1. Maintain a national character as prescribed by an Act of Parliament;

4.1.2. Maintain a democratically elected governing body;

4.1.3. Promote and uphold national unity;

4.1.4. Abide by the democratic principles of good governance, and promote and practise democracy through regular, fair, and free elections within the Party;

4.1.5. Respect the right of all persons to participate in the political process, including minorities and marginalised groups;

4.1.6. Respect and promote human rights and fundamental freedoms, and gender equality and equity;

4.1.7. Promote the objects and principles of the Constitution of Kenya and the rule of law; and

4.1.8. Subscribe to and observe the code of conduct for political parties as codified in the First Schedule of the Political Parties Act, 2011.

4.2. In strict accordance with Article 91(2) of the Constitution of Kenya (2010), the Party, its organs, its officials, and its members shall not:

4.2.1. Engage in or encourage violence by, or intimidation of, its members, supporters, opponents or any other person;

4.2.2. Establish or maintain a paramilitary force, militia, or similar organisation;

4.2.3. Engage in bribery or other forms of corruption; or

4.2.4. Accept or use illicit or illegal money.

# CHAPTER 3: MEMBERSHIP

## Article 5: Eligibility for Membership

5.1. Mandatory Status: Membership of the Party is open to any citizen of Kenya who has attained the age of eighteen (18) years and who is a REGISTERED VOTER as evidenced by a valid National Identity Card or Passport and inclusion in the National Register of Voters.

5.2. Ideological Alignment: A person shall be eligible for membership if they accept and adhere to the "Black Briefcase" philosophy, the "Production-First" model, the vision, aims, objectives, and the Code of Conduct of the Party.

5.3. Disqualification: A person shall not be eligible for membership if they are: 5.3.1. A member of another political party. 5.3.2. A public officer, unless otherwise allowed under the law. 5.3.3. Found to have a criminal record involving corruption or moral turpitude that renders them unsuitable under Chapter Six of the Constitution of Kenya.

## Article 6: Classes of Membership and Fees

Pursuant to the Second Schedule of the Political Parties Act, the Party establishes the following categories of membership and their respective fees:

Category	Description	Joining Fee (Kshs)	Annual Subscription (Kshs)
Ordinary Membership	Standard status for Kenyan residents.	20	10
Gold Membership	Premium status for members contributing to special party projects.	5,000	2,500
Life Membership	Permanent status requiring a one-time high-level contribution.	10,000	5,000
Corporate Membership	For registered political parties or organizations seeking affiliation.	350,000	100,000
Group Membership	For registered associations (Trade Unions, Professional Bodies).	200,000	50,000

6.1. Special Interest Group (SIG) Fees: In accordance with the Party's commitment to inclusivity and Regulation 3(5) of the Political Parties (Registration) Regulations (2019), all Women, Youth, and Persons with Disabilities (PWDs) are entitled to a 50% discount on all membership joining fees and annual subscriptions.

6.2. Fee Review: The National Executive Council (NEC) shall have the power to review these fees from time to time, subject to ratification by the National Delegates Conference.

## **Article 7: Rights and Duties of Members**

7.1. Rights: Every member of the Party shall have the right to:

7.1.1. Participate in the democratic processes of the Party, including voting in primary elections and internal party elections.

7.1.2. Contest for any party office or seek nomination as a KCD candidate for any public elective office, subject to the eligibility criteria for that office.

7.1.3. Access information regarding the management and financial status of the Party.

7.1.4. Inspect the Party membership registers and books of accounts upon giving sixty (60) days' written notice to the Secretary General.

7.1.5. Contribute to the development of party policies, manifesto reviews, and strategic plans.

7.2. Duties: Every member of the Party shall have the duty to:

7.2.1. Uphold and defend this Constitution and the "Charter for Prosperity" ideology.

7.2.2. Pay all prescribed membership and subscription fees promptly.

7.2.3. Campaign vigorously for and vote for the Party's candidates in all general elections and by-elections.

7.2.4. Conduct themselves with respect, decorum, and integrity, avoiding any behaviour that brings the Party into disrepute.

7.2.5. Implement all Party resolutions and defend the legitimate leadership of the Party.

## **Article 8: Resignation and Termination of Membership**

8.1. Voluntary Resignation: A member may resign by submitting a signed letter of resignation to the Secretary of the Sub-Branch Executive Committee. For National officials, the letter shall be submitted to the Secretary General.

8.1.1. Resignation shall be effective upon receipt of the notice by the Party.

8.1.2. The Party shall notify the Registrar of the resignation within seven (7) days.

8.2. Deemed Resignation (Constructive Resignation): A member shall be deemed to have resigned from the Party if they:

8.2.1. Form, join, or publicly advocate for the formation of another political party.

8.2.2. Support or promote the ideology, interests, or policies of another political party.

8.2.3. Stand as an independent candidate or as a candidate of another party in an election.

8.3. Expulsion: A member may be expelled for gross violation of this Constitution or the Party's Code of Conduct.

8.3.1. Expulsion shall only be affected after the member has been afforded a fair opportunity to be heard by the Disciplinary Committee, following a minimum of fourteen (14) days' notice of the allegations.

8.3.2. Expulsion of a member who holds an elective seat shall constitute a ground for recall from office under the relevant laws.

# CHAPTER 4: PARTY ORGANS AND GOVERNANCE

## Article 9: The National Delegates Conference (NDC)

9.1. Composition: The NDC is the supreme organ of the Party and shall consist of:

9.1.1. All members of the National Executive Council (NEC).

9.1.2. All members of the National Assembly and Senate caucuses.

9.1.3. All County Governors and Deputy Governors elected on the KCD ticket.

9.1.4. All members of the Branch Executive Committees (47 Counties).

9.1.5. Chairpersons of all Sub-Branched (Constituencies).

9.1.6. Representatives of the Women, Youth, and PWD Leagues as determined by the NEC.

9.1.7. The total number of delegates shall not exceed 3,000 persons.

9.2. Powers and Functions: The NDC shall have the following supreme powers:

9.2.1. To enact, amend, or repeal the Party Constitution.

9.2.2. To elect the National Officials of the Party including the Party Leader, National Chairperson, and Secretary General.

9.2.3. To nominate the Party's Presidential and Deputy Presidential candidates.

9.2.4. To approve the general principles, policies, and programs of the Party.

9.2.5. To ratify mergers, coalitions, and alliances with other political parties by a two-thirds (2/3) majority vote.

9.2.6. To exercise the power of dissolution of the Party.

9.3. Meetings:

9.3.1. An ordinary NDC shall be held once every five (5) years.

9.3.2. A special NDC may be convened by the National Chairperson in consultation with the National Management Committee, or upon a written resolution supported by at least two-thirds (2/3) of the members of the NEC.

9.3.3. Notice for an ordinary meeting shall be twenty-one (21) days, and for a special meeting, fourteen (14) days, published in the national media.

## **Article 10: The National Governing Council (NGC)**

10.1. Composition: The NGC shall be a standing committee of the NDC and shall comprise:

10.1.1. All members of the National Executive Council (NEC).

10.1.2. All members of the National Assembly and Senate caucuses.

10.1.3. The Governors Forum.

10.1.4. All Branch and Sub-Branch Chairpersons.

10.1.5. The National Secretariat.

10.2. Powers and Functions: The NGC shall:

10.2.1. Process policy and other measures for consideration by the NDC.

10.2.2. Approve the Party's annual budget and audited accounts.

10.2.3. Set the scale of annual membership dues.

10.2.4. Determine appeals from the decisions of the National Executive Council.

10.2.5. Ratify rules and regulations for the implementation of this Constitution.

10.2.6. Meet at least once annually.

## Article 11: The National Executive Council (NEC)

11.1. Composition: The NEC is the principal governing and management body of the Party. It shall consist of the following twenty-five (25) officials, ensuring that at least one-third (1/3) are of either gender:

<b>Position</b>	<b>Docket/Role</b>
1. Party Leader	Head of Party; Visionary and Policy lead.
2. Deputy Party Leader	Policy & Political Affairs.
3. Deputy Party Leader	Strategy & Planning.
4. National Chairperson	Presiding Officer of NDC, NGC, and NEC.
5. National Deputy Chairperson	Operations & Programs.
6. National Deputy Chairperson	Strategy & Political Affairs.
7. Secretary General	Chief Executive Officer; Secretary to NDC, NGC, NEC.
8. Deputy Secretary General	Political Affairs & Education.
9. Deputy Secretary General	Strategy & Partnerships.
10. National Organizing Secretary	Outreach, Recruitment & Supervise organization.
11. National Treasurer	Financial management & Resource mobilization.
12. National Women's Leader	Head of Women's League.
13. National Youth Leader	Head of Youth League.

<b>Position</b>	<b>Docket/Role</b>
14. National PWD Leader	Head of Persons with Disabilities League.
15. Director of Elections	Convener of Campaigns.
16. Executive Director	Head of Secretariat (Ex-Officio).

11.2. Powers and Functions: The NEC shall:

11.2.1. Supervise the day-to-day conduct of the Party's activities and administrative machinery.

11.2.2. Appoint the members of the National Elections Board (NEB) and the National Appeals Tribunal (NAT).

11.2.3. Negotiate and execute instruments of mergers and coalitions.

11.2.4. Exercise the power of "Direct Nomination" where consensus or single-candidate status is achieved.

11.2.5. Appoint reputable auditors to audit the Party's accounts.

11.2.6. Meet at least once every three (3) months. The quorum shall be one-third (1/3) of the membership.

## **Article 12: The National Secretariat**

12.1. There is established a National Secretariat as the administrative arm of the Party, reporting to the NEC through the Secretary General.

12.2. The Secretariat shall be headed by an Executive Director, who shall be responsible for the implementation of all Party policies and decisions on a day-to-day basis.

12.3. Staffing: All staff of the Secretariat shall be appointed by the NEC on professional merit and shall be governed by a Human Resource Policy Manual.

## **Article 13: County and Branch Structures**

13.1. Branch Formation: The Party shall establish branches in all forty-seven (47) counties of the Republic of Kenya.

13.2. Branch Executive Committee (BEC): Each Branch shall be managed by twenty-two (22) officials, including a Chairperson, Secretary, and Treasurer. At least one-third (1/3) of the officials must be of either gender.

13.3. Structural Levels: The Party organization shall follow five (5) levels:

13.3.1. Polling Centre level (The Base Unit).

13.3.2. Ward level (County Assembly Representation Area).

13.3.3. Sub-branch level (Constituency).

13.3.4. Branch level (County).

13.3.5. National level.

13.4. Each level shall have its own Executive Committee and Management Committee tasked with disseminating policy, recruiting members, and identifying potential aspirants for elective positions.

# CHAPTER 5: ELECTIONS AND NOMINATIONS

## Article 14: The National Elections Board (NEB)

14.1. Establishment: There is hereby established the National Elections Board (NEB) as a permanent and semi-autonomous organ of the Party.

14.2. Mandate: The NEB shall possess the exclusive mandate to plan, organize, direct, and coordinate all internal party elections and candidate nominations for national and county elective offices.

14.3. Composition: The NEB shall consist of between five (5) and nine (9) members of high integrity appointed by the Party Leader upon the recommendation of the National Executive Council (NEC).

14.4. Gender and Diversity: Appointment to the NEB shall strictly adhere to the two-thirds gender principle, ensuring that no more than two-thirds of the members are of the same gender. The composition shall reflect the regional and ethnic diversity of the Republic.

14.5. Leadership: The members of the NEB shall elect a Chairperson, a Vice-Chairperson of the opposite gender, and a Secretary from among themselves at their first sitting.

14.6. Quorum: The quorum for a meeting of the NEB to conduct official business shall be four (4) members. Notwithstanding the foregoing, the quorum must concurrently include either the Chairperson or the Secretary to be legally valid.

14.7. Qualifications: A person shall be qualified for appointment to the NEB if they hold a degree from a university recognized in Kenya, possess at least ten (10) years of professional experience, and are not currently seeking any elective party position or national office.

14.8. Independence: The NEB shall act independently and shall not be subject to the direction or control of any person, authority, or organ, except where the KCD Election and Nomination Rules require the express approval of the NEC.

## **Article 15: Nomination Rules**

15.1. Regulatory Framework: The nomination of candidates for the Presidency, Senate, National Assembly, Gubernatorial, and County Assembly seats shall be conducted strictly in accordance with the gazetted KCD Election and Nomination Rules.

15.2. Methodology: Subject to statutory compliance, the Party may utilize Universal Suffrage, Indirect Nomination (Electoral College), Consensus-based selection, or Direct Nomination by the NEC.

15.3. Party Lists and the Zebra System: In the formulation of Party Lists for proportional representation, the NEB shall strictly enforce the "Zebra System," mandating that candidates on the list alternate sequentially between male and female to ensure progressive gender parity.

# **CHAPTER 6: CORPORATE STATUS, FINANCE, AND ASSET MANAGEMENT**

## **Article 16: Corporate Status and Legal Personality**

16.1. Pursuant to Section 16 of the Political Parties Act, 2011, the Kenya Charter for Democracy (KCD), upon full registration, is hereby established as a body corporate with perpetual succession and a common seal.

16.2. The Party shall be capable, in its corporate name, of:

16.2.1. Suing and being sued;

16.2.2. Purchasing, acquiring, holding, and disposing of movable and immovable property;

16.2.3. Entering into valid contracts; and

16.2.4. Performing all such other acts and things as a body corporate may lawfully do or perform.

## **Article 16A: Sources of Funds**

16A.1. The funds of the Party shall be derived exclusively from lawful sources, including:

16A.1.1. Membership joining fees and annual subscriptions;

16A.1.2. Mandatory monthly financial contributions from elected and appointed officials;

16A.1.3. Nomination fees paid by aspirants, subject to a fifty percent (50%) discount for Women, Youth, and Persons with Disabilities (PWDs);

16A.1.4. Disbursements from the Political Parties Fund;

16A.1.5. Lawful investments and business ventures; and

16A.1.6. Diaspora Investment Bonds utilized strictly for infrastructure and party development.

## **Article 17: Financial Management, Bank Accounts, and Signatories**

17.1. The Party shall open and maintain primary and subsidiary bank accounts in registered and regulated commercial banks within the Republic of Kenya.

17.2. The authorized signatories to all Party bank accounts shall be any two of the following National Officials, acting jointly:

17.2.1. The National Chairperson;

17.2.2. The Secretary General; and

17.2.3. The National Treasurer.

17.3. The National Treasurer shall serve as the primary accounting officer of the Party and shall ensure that proper books and records of account are maintained in strict accordance with international financial reporting standards and the Public Finance Management Act.

**Article 17A: Mandatory Asset Declaration**

17A.1. In accordance with Section 30 of the Political Parties Act, 2011, the Party shall, at least ninety (90) days before a general election, submit to the Registrar a complete register of its members and a certified statement of its assets and liabilities in the prescribed statutory format.

**Article 17B: Mandatory Audit and Special Interest Allocations**

17B.1. Pursuant to Section 31 of the Political Parties Act and Article 229 of the Constitution of Kenya, all funds received from the Political Parties Fund shall be subject to mandatory annual audit by the Auditor-General.

17B.2. Audited accounts shall be submitted to the Registrar and tabled in the National Assembly annually.

17B.3. Notwithstanding any other budgetary requirement, at least thirty percent (30%) of the monies received from the Political Parties Fund shall be ring-fenced and utilized specifically for promoting the representation of Women, Youth, Persons with Disabilities, and marginalized communities in Parliament and County Assemblies.

# CHAPTER 7: DISCIPLINE AND DISPUTES

## Article 18: The Disciplinary Committee

18.1. The NEC shall appoint a National Disciplinary Committee to handle complaints against members and officials.

18.2. Sanctions: The Committee may impose reprimands, fines, suspensions, or recommend expulsion to the NEC.

## Article 19: Due Process

19.1. Right to Fair Hearing: No member shall be disciplined or expelled without being afforded the right to a fair hearing under Article 47 and 50 of the Constitution of Kenya.

19.2. Procedure: A member must be served with written notice of the charges at least fourteen (14) days prior to the hearing and has the right to legal representation.

## Article 20: The National Appeals Tribunal (NAT)

20.1. Establishment: Pursuant to Section 40 of the Political Parties Act (2011), there is hereby established the KCD National Appeals Tribunal (NAT) as the final internal judicial organ of the Party.

20.2. Composition: The NAT shall consist of five (5) members of high integrity appointed by the NEC at least thirty (30) days prior to any election or nomination.

20.3. Qualifications and Diversity:

20.3.1. The Chairperson shall be a person qualified for appointment as a Judge of the High Court of Kenya.

20.3.2. At least two (2) members shall be Advocates of the High Court of Kenya possessing no less than seven (7) years of post-qualification experience.

20.3.3. Not more than two-thirds of the NAT members shall be of the same gender.

20.4. Quorum: The NAT shall sit in a panel of an odd number of members. The quorum for any sitting or determination of an appeal shall be a minimum of three (3) members.

20.5. Jurisdiction: The NAT shall possess the original and exclusive internal jurisdiction to hear and determine all disputes arising from vetting, primary elections, and the formulation of Party Lists.

20.6. Timelines and the 72-Hour Rule: Any person aggrieved by an election result or NEB decision shall lodge a written appeal with the NAT within forty-eight (48) hours of the formal announcement. The NAT shall hear the parties and deliver a final, binding judgment within seventy-two (72) hours of the filing of the appeal.

# CHAPTER 8: COALITIONS AND MERGERS

## Article 21: Mergers

21.1. The decision to merge with another political party shall be made by a two-thirds (2/3) majority vote of the National Delegates Conference.

21.2. All instruments of merger shall be deposited with the Registrar within twenty-one (21) days of signing.

## Article 22: Coalitions

22.1. Power to Negotiate: The NEC is empowered to negotiate and enter into pre-election or post-election coalitions.

22.2. All coalition agreements must be in writing and preserve the distinct identity and "Production-First" ideology of KCD.

# CHAPTER 9: GENERAL PROVISIONS

## **Article 23: Amendment of Constitution**

23.1. This Constitution may only be amended by a two-thirds (2/3) majority vote of the members present at a National Delegates Conference.

## **Article 24: Dissolution and Disposal of Assets**

24.1. The Party may be dissolved by a resolution of 2/3 of the NDC.

24.2. Disposal of Assets: Upon dissolution, remaining assets shall be transferred ONLY to a charitable society with similar democratic objectives.

**FIRST SCHEDULE: OATH OF OFFICE**

I, ....., having been elected/appointed as..... of the Kenya Charter for Democracy (KCD), do solemnly swear/affirm that I will be faithful and bear true allegiance to the KCD Constitution and the "Production-First" ideology; that I will discharge my duties with the efficiency of a private enterprise and the empathy of a family; that I will uphold the "Black Briefcase" as a sacred trust; that I will resist and report corruption through "Sema na KCD"; and that I will serve the members of KCD and the people of Kenya with integrity and justice. So, help me God.

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**AUTHORIZED SIGNATORIES**

Pursuant to the administrative mandates vested in the National Executive Council (NEC) under Article 11, the following officials are hereby designated and authorized to jointly sign all statutory documents presented to the Registrar, including but not limited to membership registers, coalition agreements, and merger instruments:

1.....

**NATIONAL CHAIRPERSON**

2.....

**SECRETARY GENERAL**