

DLPS

Please deal
07/09/21



REPUBLIC OF KENYA

MINISTRY OF ICT, INNOVATION AND YOUTH AFFAIRS
Office of the Cabinet Secretary

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When replying please quote:

Ref: MIIYA/ADM/2/100

Date: 2nd September, 2021

Michael Sialai, EBS
Clerk of the National Assembly
Parliament Buildings
NAIROBI

Dear

Mr. Sialai,

THE NATIONAL YOUTH COUNCIL (ELECTION OF CERTAIN COUNCIL MEMBERS) REGULATIONS, 2021

Reference is made to the above.

The National Youth Council Act, 2009 was operationalized in December 2012 following nationwide youth elections held as per the National Youth Council Election Guidelines 2011 (Legal Notice No. 7 of 2011).

The Kenya Youth Development Policy formulated in the year 2019 clearly stipulates the challenges affecting the youth in Kenya and identifies key priority areas for policy interventions, one of which is to ensure effective civic participation and representation of the youth by prioritizing the youth voice and representation through strengthening of the National Youth Council.

Sections 5(1)(g) and (h) of the National Youth Council Act (No. 10 of 2009) empower the Cabinet Secretary to prescribe guidelines for the purpose of the election of youth representatives to the National Youth Council.

Handwritten notes: *Head, who this to register cases taking and accounts*
13/9/21

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NAIROBI - KENYA

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 SEP 2021	DAY: Tuesday
TABLED BY: Leader of Majority Party	03 SEP 2021
CLERK-AT-THE-TABLE: Finlay Muriuki	

NATIONAL ASSEMBLY
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1

03 SEP 2021

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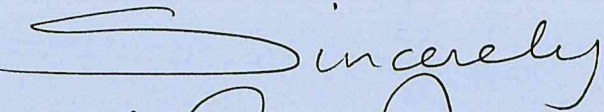
Consequently, the Ministry has formulated the National Youth Council (Election Of Certain Council Members) Regulations, 2021 intended to revoke the 2011 Guidelines.

It is expected that the Regulations will enrich the national youth election process by *inter alia* ensuring that voting is carried out in a digital and manual format as opposed to the only existing manual format, provision of an election timetable; and provision of an election dispute resolution mechanism.

The Ministry therefore encloses the necessary documentation herewith for tabling before Parliament.

We thank you for your continued support and collaboration.

Yours


 *incerely*

JOE MUCHERU, EGH
CABINET SECRETARY

Copy to: Mr. Charles Sunkuli, CBS
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State Department for Youth Affairs
NAIROBI

Mr. Roy Sasaka Telewa CHRP (K), MCIPS, MKISM
Chief Executive Officer
National Youth Council
NAIROBI

Encls.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 21 SEP 2021	DAY: Tuesday
TABLED BY:	Leader of Majority Party
CLERK-AT THE TABLE:	Finlay Muriuki

EXPLANATORY MEMORANDUM

THE UNIVERSITY OF CHICAGO PRESS



EXPLANATORY MEMORANDUM TO THE NATIONAL ASSEMBLY ON THE NATIONAL YOUTH COUNCIL (ELECTION OF CERTAIN COUNCIL MEMBERS) REGULATIONS, 2021

PART I

Name of Statutory instrument:	The National Youth Council (Election Of Certain Council Members) Regulations, 2021
Name of the Principal Act:	National Youth Council Act (No. 10 of 2009)
Enacted pursuant to:	Section 5(1)(g) and (h) of the National Youth Council Act (No. 10 of 2009)
Name of the Ministry:	Ministry of ICT, Innovation and Youth Affairs
Gazetted on:	27 th August 2021
Tabled on:	

PART II

1. Purpose of the National Youth Council (Election Of Certain Council Members) Regulations, 2021

- 1.1 The purpose of the National Youth Council (Election Of Certain Council Members) Regulations, 2021 ('the Regulations') is to provide for a framework for the conduct of free, fair and transparent national youth elections to fill vacancies in the National Youth Council established under section 3 of the National Youth Council Act (No. 10 of 2009) (the Act).
- 1.2 The Regulations provide for among others: the formation of the National Steering Committee on National Youth Council Elections to co-ordinate the National Youth Council elections at constituency levels; a framework of the National Youth Council Elections; the registration of voters; nomination of candidates; an elections timetable; voter education; voter offences; election observers and observers; the process of voting and counting of votes; management of election results; dispute resolution and appointment of elected delegates.

2. Legislative context

- 2.1 The Act was operationalized in December 2012 following nationwide youth elections held as per the National Youth Council Election Guidelines (Legal Notice No. 7 of 2011).

- 2.2 Sections 5(1)(g) and (h) of the Act (No. 10 of 2009) empower the Cabinet Secretary to prescribe guidelines for the purpose of the election of youth representatives to the National Youth Council.
- 2.3 The Regulations are intended to revoke Legal Notice No. 7 of 2011 and provide for the election of youth representatives to the National Youth Council.

PART III

3. Policy Background

- 3.1 The National Youth Policy 2007 goal was to promote youth participation in community and civic affairs to ensure that youth programmes are youth centered. It spelt out the strategic areas that must be addressed and implementation mechanisms.
- 3.2 It recognized the need to establish a National Youth Council through an Act of Parliament whose mandate would include co-ordination of youth organisations, designing and continuously reviewing the NYP and developing an "integrated national youth development plan" in collaboration with the ministry responsible for youth affairs.
- 3.3 The Policy (Kenya Youth Development Policy, 2019) takes into account emerging issues affecting the youth, and hence supersedes the National Youth Policy.
- 3.4 The Policy clearly stipulates the challenges affecting the youth in Kenya and identifies key priority areas for policy interventions, one of which is to ensure effective civic participation and representation of the youth by prioritizing the youth voice and representation through strengthening of the National Youth Council.
- 3.5 Pursuant to the provisions of Section 5(1)(g), (h) and Section 1 and 2 of the First Schedule of the National Youth Council Act, the Cabinet Secretary for Youth Affairs issues the Regulations for the purpose of the election of youth members of the National Youth Council.
- 3.6 The Regulations seek to ensure that national youth elections will be free, fair, and transparent and will to the highest extent possible contribute towards the social and political integration of the youth in this country.

3.7 The key areas of review from the 2011 Guidelines are highlighted in the matrix below:

	Title	Previous	Proposed
S/No.	Mode of election	Manual system	Digital and/or Manual
1	Electoral Area	Division, location, sub-location, District to provincial level	Ward, constituencies, National level
2	Election Committees	Permanent Secretary, Prime Minister Office, Representative of Human Rights, Four Youths, Two Males, Two Females Not part of committee	Principal Secretaries, Representative for Devolution, Council of governors, No Representative for Human Rights, two persons nominated by Cabinet Secretary age not specified Chair Person of Youth Advisory Committee
3	Education	Lowest level KCPE (sub location)	Lowest Level KCSE (Ward)
4	Secretariat	Not Specified	NYC staff to be the secretariat of the steering Committee, Principal secretary to chair the steering Committee
5	Registration	Stipulates how youths will be registered by Youth officers	Not Mentioned
6	Election Timetable	Didn't have election timelines stipulated for different election events	It has timelines including voter education
7	No of Elected Delegates	Delegates elected is six at each level	6 Delegates elected in 1450 ward levels 580(2 each level) constituencies for national Delegates
8	Regional Balance	No Province should have more than one member in the election	None of the nominees shall be from the same county
9	Election Dispute	Not provided	Provides for - The National Youth Council Appeals Committee.

10	Committee	They had election supervisory committees	Election Steering committee
11	Voter Education	Not mentioned	There shall be a voter education curriculum
12	Assessment Report	Not Mentioned	The national steering committee shall consider the duly completed fit and proper forms, and submit a fit and proper assessment report on each nominated delegate to be cabinet secretary within 14days

3.8 The Regulations have been divided into the following parts:

- PART I – Preliminary
- PART II – Election committees
- PART III – Framework of the National Youth Council elections
- PART IV - Registration of Voters
- PART V – Nomination of candidates
- PART VI - The elections time table
- PART VII – Voter education
- PART VIII – Election officers
- PART IX – Election agents and observers
- PART X - Guidelines on physical voting
- PART XI – Guidelines on process of voting and counting of votes
- PART XII – Management of election results
- PART XIII - Election disputes
- PART XIV – Appointment of elected delegates
- PART XV – Appointment of substitute members to fill vacancies
- Annexures

4. Public Consultations

- 4.1. Pursuant to Article 10 of the Constitution, the Ministry of ICT, Innovation and Youth Affairs held extensive public consultations as well as stakeholder consultations on the Regulations.
- 4.2. A public notice calling for comments from the members of the public on the Regulations dated 23rd June 2020 was published in My Gov. The notice invited the members of the public to review the Regulations and submit their written memorandums through the office of the CEO and email address

research@nationalyouthcouncil.go.ke of the National Youth Council. The advertisement was also circulated on social media platforms (Web site, Facebook and Twitter).

- 4.3. The National Youth Council also held virtual meeting with the identified stakeholders between the 27th June 2020 and 4th July 2020 on the Regulations keeping in line with the Ministry of Health Protocols on the Covid-19 Pandemic.
- 4.5. In this process of public consultations, members of the public acknowledged that the formulation of the Regulations would provide a legal framework for undertaking the election and nomination of youth members of the Council in line with Section 5(1)(g) and Section 5(1)(h) of the National Youth Council Act 2009. Further, valuable input and recommendations were made during oral hearing and through the written memorandum.
- 4.6. To sufficiently consider these views, the National Youth Council appointed a technical working committee comprising of representatives from Youth Advisory Board, Horn of Africa Youth Network, Kenya Youth Economic Empowerment organization, Youth Senate Kenya, YSO Consortium, Kenya Young Parliamentarian association and State department for Youth Affairs to review and compile a report on the recommendations. A Matrix on the concerns raised and how they were incorporated is annexed to this explanatory memorandum.

5. Guidance

The Ministry and the National Youth Council will continue to proactively sensitize and build capacity for national and county government institutions as well as stakeholders dealing with youth issues and the public on the provisions and implementation of the Regulations in order to ensure that they promote transparency in the elections.

6. Impact

- 6.1 The Impact on Fundamental Rights and Freedoms: These Regulations do not limit fundamental rights and freedoms
- 6.2. The impact on the Private Sector: The private sector will substantially benefit from positive externalities emanating from the National Youth Council elections. The benefits of the Regulations will inter alia be:
 - a) Contribute to the economic vitality of the private sector;
 - b) Contribute towards healthy civic engagements among local communities

- c) Contribute towards social and political integration
- d) Contribute towards ensuring accountability for organizational goal alignment and donor coordination.

6.3. The impact on the Public Sector: The implementation of national youth elections will benefit Government in the following ways:

- a) Contribute towards critical public policy discussions and allowing government to weigh in on issues arising
- b) Contribution towards cohesive communities and more effective advocacy
- c) Contribute fundamentally to democratic governance and hold leaders accountable for their performance in public office
- d) Contribute towards dictating the conduct of public democratic institutions

7. Monitoring and review

7.1 The Ministry shall monitor and track the implementation of the Regulations.

8. Contact

The contact persons at the Ministry of ICT, Innovation and Youth Affairs are:

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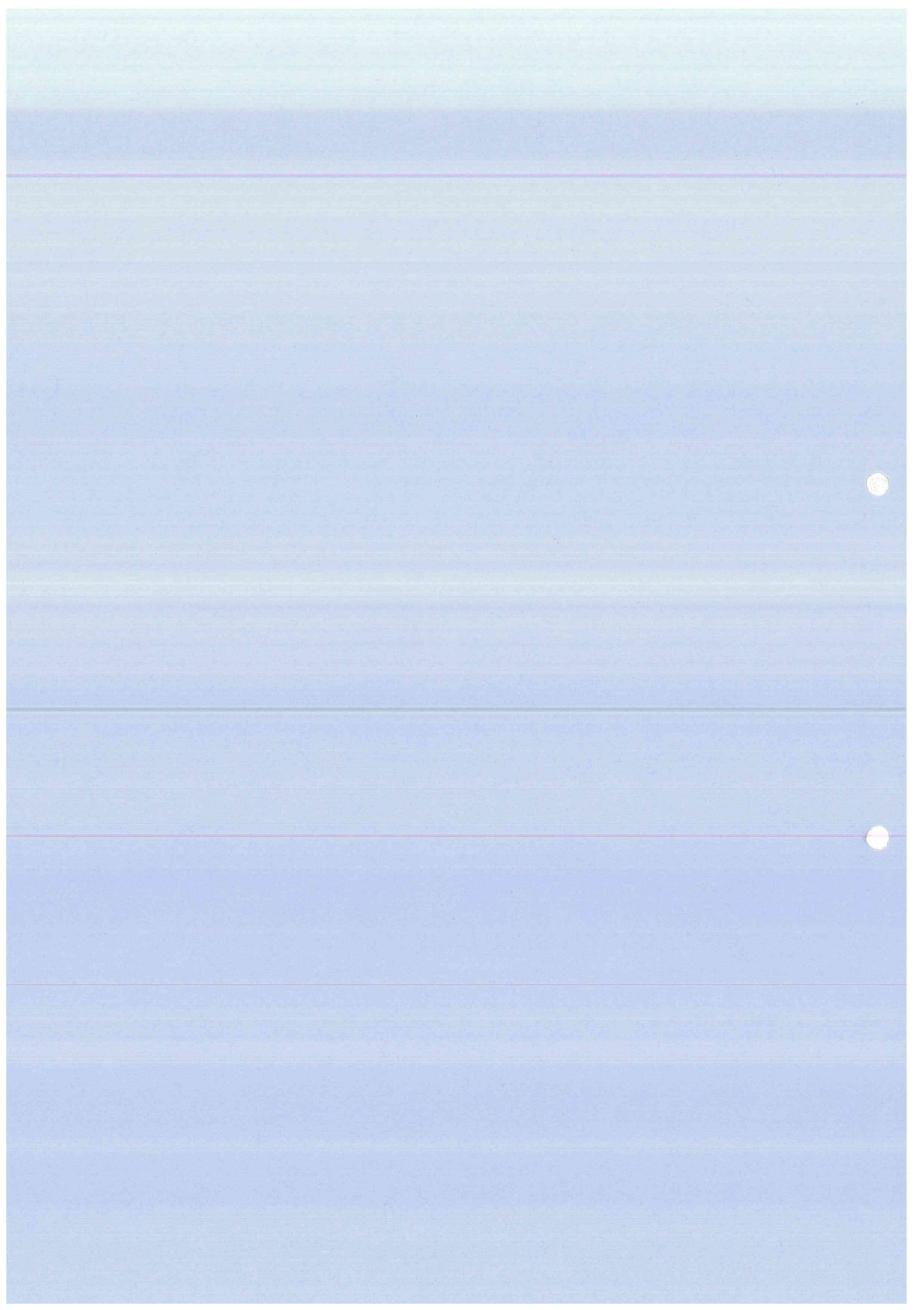
PUBLIC PARTICIPATION DOCUMENTATION

1. ADVERTISEMENT

2. LIST OF CONTRIBUTORS

3. REPORT ON PUBLIC PARTICIPATION FOR THE
NATIONAL YOUTH COUNCIL ELECTION
GUIDELINES

4. MEMBERSHIP OF THE SUB-COMMITTEE
REVIEWING THE NATIONAL YOUTH
ELECTIONS GUIDELINES



SYMPTOMS

JUNE 23, 2020

20 | ADVERTS



"The virus does not move,
people move it. We stop
moving, the virus dies"



KENYA INSTITUTE OF CURRICULUM DEVELOPMENT

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The Kenya Institute of Curriculum Development wishes to recruit qualified Professionals for various vacant positions as outlined below.

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3.	Assistant Engineering Technician	KICD Grade 9	One (1)
4.	Studio Technical Assistant	KICD Grade 10	One (1)
5.	Planning Officer	KICD Grade 7	One (1)
6.	Deputy Director, Education Broadcasting Services	KICD Grade 3	One (1)
7.	Assistant Director Information Communication Technology Services (ICT)	KICD Grade 4	One (1)

Interested applicants should forward 6 copies of their application letters, academic and professional certificates, testimonials, up-to-date curriculum vitae and ID card to the address below to be received not later than 15th July, 2020. All applicants should give full details of their address including mobile numbers as well as names and addresses of two referees. Details of these positions can be obtained from KICD Website: www.kicd.ac.ke.

AG. Director/ Chief Executive Officer Kenya
Institute of Curriculum Development
P.O. Box 30231-00100
NAIROBI

NB: Only shortlisted candidates will be contacted and any canvassing will lead to automatic disqualification.

KICD is an equal opportunity employer and people with disability and the marginalized are encouraged to apply.



REPUBLIC OF KENYA

MINISTRY OF HEALTH

PUBLIC AUCTION

The Ministry of Health intends to sell the underlisted boarded vehicles through public auction on **Wednesday 8th July 2020 starting from 10.00 am at Afya Annex Auction grounds at Kenyatta National Hospital along Ngong Road.**

ITEM	DESCRIPTION	LOCATION
1	GK B991D S/BUS MITSUBISHI L400	AFYA HOUSE
2	GK 980T S/WAGON L/ROVER109	KNH YARD
3	GK A 076X D/CABIN P/UP J84	KNH YARD
4	GK A750L S/WAGON NISSAN Y61	KNH YARD
5	GK A 447A S/BUS NISSAN E24	KNH YARD
6	GK A748L S/WAGON NISSAN FY61	KNH YARD
7	GK 094T S/BUS MITSUBISHI ROSA	KNH YARD
8	GK A892F SALOON PEUGEOT 406	KNH YARD
9	GK A415S SALOON NISSAN AN16	AFYA HOUSE
10	GK A620B S/WAGON MITSUBISHI V96W	KNH YARD
11	GK A952R NISSAN AN16 SALOON	KNH YARD
12	GK A768N NISSAN J84 D/CABIN PICK UP	KNH YARD
13	GK A259D TOYOTA L195 S/WAGON	AFYA HOUSE
14	GK A746L NISSAN Y61 S/WAGON	KNH YARD
15	KAM 134J NISSAN TD27 D/CABIN PICK UP	KNH YARD
16	GK A682Q NISSAN J85 D/CABIN PICK UP	KNH YARD
17	GK A778F TOYOTA LN166R D/CABIN PICK UP	KNH YARD
18	GK 129U MITSUBISHI FE434 VAN	KNH YARD
19	GK S792 PEUGEOT 504SR SALOON	KNH YARD
20	GK A560F D/CABIN TOYOTA LN166R	KABOLA WORKSHOP
21	GK A973N A D/CABIN P/UP J84	AFYA HOUSE
22	GK A444S SALOON NISSAN SUNNY N16	TRAFFIC HQS
23	GKA 817H MINIBUS TOYOTA BB42R	KNH YARD
24	GKA 409L S/WAGON NISSAN PATROL	AFYA HSE
25	GK A362E MINI BUS L400 MITSUBISHI	KNH YARD
26	GK T911 S/WAGON SUZUKI VAN	KNH YARD
27	GK A687Q D/CABIN PICK UP NISSAN	KNH YARD
28	GK A 324M SALOON NISSAN SUNNY	AFYA HOUSE
29	GK A429B SALOON NISSAN PRIMERA	KNH YARD
30	GK A116U VOLKSWAGEN PASSAT	KNH YARD
31	GK A231U D/CABIN TOYOTA LN166R	KNH YARD
32	GKA 874F SALOON PEUGEOT 406SR	KNH YARD
33	GK 91Q CARAVAN LANDROVER 109	KNH YARD
34	GKP 65S SALOON PEUGEOT 504	KNH YARD
35	GK B 082F SALOON TOYOTA ZRE152R	KNH YARD
36	GKA 631H S/WAGON VOLKSWAGEN HZWK	KNH YARD
37	GKA 990B SALOON NISSAN PRIMERA	KNH YARD
38	GKA 857H S/WAGON NISSAN TERRANO	KNH YARD
39	GKA 257D S/WAGON TOYOTA RZ195R	AFYA HOUSE
40	GK A 258D S/WAGON TOYOTA L195R	AFYA HOUSE

CONDITIONS

- The document containing detailed information may be obtained from the **Ministry of Health Headquarters (Afya House) 4th floor room 423B Supply Chain Management Office** within the normal working hours upon payment of **Ksh 1000/= (One Thousand Shillings)** which is non-refundable at the **cash office** located at **2nd floor Afya House Cathedral Road.**
- All interested bidders are requested to view the vehicles from the **23rd June 2020 to 8th July 2020** during normal working hours (**9.00am - 4.00pm**) at the specified locations and verify the condition themselves as these are not warranted by the Ministry.
- Interested bidders are required to pay a refundable deposit of **Ksh 50,000 (Fifty Thousand Shillings)** to obtain a bidding number. The deposit shall be paid in cash or Bankers cheque addressed to the Principal Secretary, Ministry of Health. The deposit will be treated as part payment for the successful bidders.
- No bidding whatsoever shall be allowed without bidding number.
- The vehicles are sold on **"as is where is basis"** and are subjected to **reasonable reserve price.**
- The successful bidder must pay a deposit of 25% of the purchase price by the fall of the hammer and the balance within 48 hours.
- The purchased motor vehicles must be collected from the respective yards within **14 days** after completion of the auction failure to which storage fee will be charged at **Kshs. 1000/= (one thousand)** per day.
- The successful bidder shall pay all costs, applicable duties and taxes associated with transfer of the purchased motor vehicle.
- The unsuccessful bidders will be refunded bid deposits on presentation of the original receipt within a reasonable time after the auction.
- The Ministry of Health and the appointed auctioneer reserve the right to reject all bids below the reserve price.

The Principal Secretary
Ministry of Health
Po Box 30266-00100, Nairobi



REPUBLIC OF KENYA

MINISTRY OF ICT, INNOVATION AND YOUTH AFFAIRS



NATIONAL YOUTH COUNCIL

PUBLIC NOTICE

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA ON THE NATIONAL YOUTH COUNCIL ELECTIONS GUIDELINES, 2020

The National youth Council (NYC) is a state corporation in the Ministry of ICT, Innovation and Youth Affairs established under the National Youth Council Act No. 10 of 2009, as the official voice of the youth. NYC's mandate is to advocate for youth opportunities to associate, be represented and participate in the Political, Social, Economic and other spheres.

Sections 5(1)(g) and 5(1)(h) of the National Youth Council Act have reserved a total of sixteen (16) membership positions in NYC's top governing body, the Council, to youth aged between 18-35 years, who shall be elected and nominated by the Kenya's youth.

The Ministry of ICT, Innovation and Youth Affairs has, pursuant to Sections 5(1)(g), 5(1)(h) and 24 of the National Youth Council Act, developed the National Youth Council Elections Guidelines 2020 (Elections Guidelines), with a view to streamlining and enhancing the legal framework for undertaking the election and nomination of youth members of the Council.

In observance of the legal requirements for public participation in the making of statutory instruments under Article 10 (2) (a) of the Constitution and Section 5 (1) of the Statutory Instruments Act No. 23 of 2013, interested members of the public are hereby invited to submit any representations that they may have on the Elections Guidelines by way of written memoranda.

Memoranda may be submitted in writing by email through research@nationalyouthcouncil.go.ke. The memoranda must be received on or before 7th July 2020 at 5.00 pm.

The Elections Guidelines are available for downloading on <https://www.nationalyouthcouncil.go.ke/downloads/>.

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Organizations

1. Ruaraka Reformed Youth Network
2. Youth Power
3. National Youth Council
4. County Government of Nandi
5. Muranga County Youth Bunges Forum
6. Black Coffee Network

7. Uhaki Na Usawa (Changamwe Social Justice Center)
8. Youth Senate Kenya
9. The Co-operative University of Kenya
10. YALI Alumni Chapter Nakuru
11. MMUSA
12. Tengeza Ventures
13. Kawangware Community Networking
14. Kitusuru Citizen Forum
15. Together for Africa Organization
16. Motivation Youth Group
17. Wajir County Assembly
18. Clan Youth Department
19. Forum for Progressive Future
20. Njuguna Foundation
21. KRCS
22. Red Cross Kenya
23. Activista
24. Myleader Kenya
25. JUBILEE Party
26. Dedan Kimathi University Student Council
27. Kakamega County Youth Network (CSO)
28. NRM
29. Mombasa Youth Assembly
30. Fahari Focused Handicapped
31. KYEG
32. YMCA Kenya
33. Madzimbanu Vision Youth Group
34. Cheptangulge Youth Council, Tegat
35. Kenya Youth Climate Network
36. Pishimwenga
37. Hope for life Agency
38. Bamscent
39. Amusha Youth Organization
40. Bomet Youth Bunge
41. Habaswein Youth Bunge
42. KYEOP

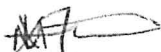
43. Youth for Sustainable Development –Kilifi
44. People Demand organization (PEO)
45. Mwakirunge Youth CBO
46. Busia Border Hub
47. Olwalo Youth Group
48. YALI Alumni Chapter of Kenya
49. NDMA
50. Rural Education and Enhancement Program
51. Kenyatta University Students Organization
52. Nairobi County Youth Assembly
53. Zebby & Company
54. #Youth4Youth Movement
55. One Nation Forum
56. GLOBCOM
57. Laikipia Huduma Mashinani
58. Pastoralist Girls Initiative
59. Jitahidi
60. TCYC
61. SHOFCO
62. Victoria Point CBO
63. Youths Against Drug Initiative-YADI
64. Rural Small Entrepreneurs CBO
65. Rhamu Youth for Peace and Development
66. KIYTA
67. World Changers Youth group
68. VSO – Kenya
69. Power Action Changers
70. Kisumu Youth Caucus
71. Kisumu Youth Olympic Council
72. National Association of Social Workers (NASW)
73. Masinde Muliro University Students Organization
74. Kuya Youth Enterprises
75. Mufya Kenya
76. Green Congress Party of Kenya
77. Youth for Sustainable National
78. Kisumu Youth Olympic Center

79. Young United Progressive Association (YUPA)
80. Agri-cool Association
81. YAS Network
82. Nairobi South Youth Network
83. Young Mediators Africa
84. Youth Power Front Association
85. K-town foundation (CBO)
86. Wajir County Civil Society Consortium
87. Liconet CBO
88. Youth Development Organization
89. Kwa Kadogo Youth Group
90. Youth Voice Matters Initiative
91. Hindu Council of Kenya
92. Zayyad Said Foundation
93. KYMCA
94. Lower Eastern Youth League
95. Le Twins Youth Group
96. Kitui South Young Professionals
97. Dzipange Youth
98. Pentagon Youth Group
99. Emminent Solution
100. Compassion
101. Islamic Aid Abd Social Care Organization
102. Youth for Sustainable Development-Bungoma
103. Makueni Youth Bunge
104. Kajiado County Youth Alliance
105. World Youth Alliance

Signed by and on behalf of the contributors:

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Signature: 

Date: 07/July/2020

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REPUBLIC OF KENYA



NATIONAL YOUTH COUNCIL

NATIONAL YOUTH COUNCIL

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REPORT ON THE PUBLIC PARTICIPATION HELD FOR THE NATIONAL YOUTH COUNCIL ELECTIONS GUIDELINES 2020

REG.	COMMENTS / PROPOSAL	PROPOSER(S)	ANALYSIS	RECOMMENDATIONS
3(1)	<p>YSOs in Elections Committees</p> <p>(1) The number of Youth Serving Organisations (YSO) representatives appointed should be stated as 3.</p> <p>(2) The process by which the YSOs will select their representatives must be defined in the Elections Guidelines. It should be</p>	<ul style="list-style-type: none"> YSO Consortium. Youth Agenda Kenya Young Members of County Assemblies (KYMCA) 	<p>1) It is confirmed that the number of YSO representatives is not stated, due to a typographical error. 2 youth YSO representatives of either gender would be reasonable and acceptable.</p> <p>2) Failure to define the process of nominating the YSO representatives must be defined in the Election Guidelines, in order to prevent stalemates in the composition of the Elections Committees.</p>	<p>1) Amend Reg. 3(1)(g) to allow for appointment of 2 youths, of opposite gender, who are YSO representatives to the Election Committees.</p> <p>2) Amend Reg. 3 to provide for the procedure by which YSOs will nominate their 2 youth representatives to the Elections Committees.</p>

	considered whether the YSOs will elect their representatives.				
3(1)	<p>MPs and MCAs in Electoral Committees</p> <p>(1) Members of the Kenya Young Parliamentarians should not sit in the Elections Committees, as it may politicize the election.</p> <p>(2) It is proposed that two representatives (Male and female) of KYMCA be included as members of the National Steering Committee on NYC Elections.</p> <p>(3) Inclusion of two representatives (male and female) KYMCA at the County Elections Steering Committees.</p>	<p>• YSO Consortium</p> <p>• Youth Agenda</p> <p>• KYMCA</p>	<p>The proposal to exclude MPs and MCAs from the Electoral Committees has merit. Nevertheless, this is a matter to be determined at the policy making level, and is accordingly left to the CS, under the guidance of a technical committee.</p>	<p>This is a policy matter, which can be determined by a technical committee whose recommendations will guide the CS's decision.</p>	
3(1)	<p>Electoral Committees (generally)</p> <p>1. The PS Devolution and ASALS proposes as follows:</p>	<p>• PS Devolution and ASALS</p> <p>• Youth Agenda</p> <p>• Pwani Youth Initiative</p>	<p>(1) The proposal from the PS Devolution and ASALS is reasonable and has value in that the PS and County Officers will have local knowledge and will assist in logistics and identifying</p>	<p>(1) It is recommended that Regulation 3(1) be amended to include the PS Devolution and ASALS in the stated Electoral Committees.</p>	

	<p>a) The PS or a representative be added to the National Steering Committee on NYC Elections.</p> <p>b) The County Officer responsible for Devolution Affairs in each County be included in the Election Committees of their respective counties.</p> <p>2. Only ministry officials at director level and above should be nominated to the electoral committees.</p> <p>3. Use of the word 'his' in reference to the Attorney General should be replaced with gender neutral wording.</p> <p>4. Include a guideline stressing for 2/3 gender representation in the National Steering Committee on National Youth Council Elections and the Election Steering Committees.</p>	<p>• Joint Youth and YSOs Memorandum (Youth Senate and others)</p>	<p>and reaching out to vulnerable youth.</p> <p>(2) The requirement for appointment of director level and above representatives interferes with the independence and discretion of the relevant PS offices.</p> <p>(3) The proposed gender neutral wording is reasonable and acceptable.</p> <p>(4) The proposal for 2/3 gender representation is in line with gender mainstreaming policies in place.</p> <p>(5) The proposal that the vice chairperson of the electoral committees should be a youth from amongst the YSOs representatives is reasonable and will be determined by a technical committee as it is a policy matter.</p>	<p>(2) It is recommended that the proposal to limit PS representatives to Director level and above be declined.</p> <p>(3) It is recommended that gender neutral wording be used at Regulation 3(1)(e).</p> <p>(4) It is recommended that a technical committee should develop a formula for ensuring implementation of the 2/3 gender rule in the electoral committees.</p> <p>(5) It is recommended that a technical committee may determine whether the vice chair of the electoral committees should be picked from amongst the youth who are also YSO representatives.</p> <p>(6) It is recommended that a technical committee may consider whether an electoral code of conduct shall be necessary to guide the electoral process.</p> <p>(7) It is recommended that a technical committee should</p>
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	<p>5. The vice chair of the electoral committees should be a youth from amongst the YSOs representatives.</p> <p>6. There is no mechanism to ensure that electoral committees demonstrate integrity and impartiality.</p> <p>7. Elections Committees should be chaired by the County IEBC representative instead of the youth officers, who lack credibility to conduct free and fair elections.</p>			engage IEBC to determine whether they are amenable to chair the Elections Committees countrywide per the proposals on amendment of Regulation 5(2).
4(e) and 6(d)	<p>Functions of Election Committees</p> <p>It is proposed that that the Election Committees should vet the candidates prior to the same being forwarded to the Cabinet Secretary for appointment.</p>	<p>• YSO Consortium</p> <p>• KYMCA</p>	<p>1) If at all vetting is to be done on successful candidates, then the National Steering Committee on NYC Elections is best placed to undertake this exercise.</p> <p>2) Vetting of candidates has merit. However, fresh elections may be triggered if at least one candidate fails to meet the required vetting threshold, unless the Elections Guidelines are amended to allow a</p>	<p>(1) Decline the proposed amendments to Reg. 6(d).</p> <p>(2) Amend Clause 4(e) to allow the National Steering Committee on NYC elections to undertake vetting and background checks on elected candidates and, thereafter, advise the CS on the fit and proper qualifications of elected candidates.</p>

3 & 5	<p>NYC as Electoral Committees Secretariat</p> <p>For the elections to be true credible, fair and transparent, we are proposing that council members should not be part of</p>	Maobe Nyanyuki	<p>replacement to be selected from the proposed substitute members' list.</p> <p>3) If vetting is accepted, clear rules/procedures to guide the process will be necessary.</p> <p>4) It is necessary to state in the Guidelines that candidates will undergo due diligence by MIIYA and NYC, which will then submit the due diligence report on the candidates to the CS.</p> <p>5) Amending both Regulations 4(e) and 6(d) would subject candidates to multiple verification processes. The process may also be very resource intensive and less thorough if devolved lower than the national level. It is prudent to limit vetting to only the candidates elected to the Council.</p>	<p>(3) Amend clause 7(2)(g) to provide for use of the substitute members list to replace elected candidates who are not cleared in the post-election due diligence processes.</p> <p>(4) Develop fit and proper forms as annexures to the Guidelines, in order to support the process of vetting elected candidates.</p>
			<p>1. NYC would not have no involvement in managing the elections, but may engage in civic education.</p> <p>2. Considering that the Ministry of ICT, Innovation and Youth Affairs (MIYA) and the National</p>	<p>It is recommended that the proposed changes be declined, on the basis that adequate controls have been built, within the Elections Guidelines, in order to ensure that good governance is</p>

	the team heading elections of NYC.		Government (in general) will also be actively involved in the elections, it may be necessary to outsource the secretarial function of the electoral committees if this proposal is accepted. This may escalate the cost of the elections.	observed in the management of the electoral processes and outcomes.
3 & 5	<p>Elections Management</p> <p>(1) IEBC should manage the elections, instead of the proposed Election Steering Committees.</p> <p>(2) A 60-day civic education period should be included in the elections calendar, in order to sensitise the youth on the Elections Guidelines and the electoral process.</p> <p>(3) Civic education should reach the vulnerable youth.</p>	<ul style="list-style-type: none"> Youth Agenda KYMCA Joint Youth and YSOs Memorandum (Youth Senate and others) Emmanuel Adika Maobe Nyanyuki 	<p>(1) It is considered that MIYA, National Government and NYC are not sufficiently independent to manage the elections. If accepted, IEBC would require lead time to prepare for the elections. This may possibly push the elections to January/February 2021 at the earliest. The cost of the election may also be increased, owing to the need to pay fees for the consultancy services provided by IEBC.</p> <p>(2) The proposal on 60 days for civic education prior to the elections is acceptable.</p>	<p>(1) The question whether the elections should be managed by IEBC is a policy matter, to be determined by a technical committee, whose recommendations will guide the CS's decision.</p> <p>(2) Amend Regulation 5 to provide for a 60 days civic education period in the elections timetable. It should be clear that civic education will be done by MIYA and NYC Secretariat. It should also be made clear that civic education must reach vulnerable youth.</p> <p>(3) Amend Regulation 5 to ensure that all election procedures, technology and material are</p>

				disability and illiteracy friendly.
5(7)	<p>Presiding Officers</p> <p>The criteria for selection of the presiding officers must be specified in the guidelines.</p>	<ul style="list-style-type: none"> Joint Youth and YSOs Memorandum (Youth Senate and others) 	<p>The proposal is reasonable and acceptable.</p>	<p>(1) It is recommended that Regulation 5 be amended to provide for the criteria for appointment of presiding officers.</p> <p>(2) It is further recommended that the structure of managing physical elections must also be defined from the polling station level, through to the ward level.</p>
7 (1)	<p>Term of Office</p> <p>(1) The term of office should be 5 years instead of 3 years.</p> <p>(2) Limit the age of Candidates to 18 to 32 years. If not, it's advisable to provide a mechanism of addressing the case of Council members who are still in office by the time they surpass the youth age bracket of 18-35 years.</p>	<ul style="list-style-type: none"> Mulango Ward Youths (Kitui County) Youth Agenda 	<p>(1) The term of office is defined in the NYC Act and Mwongozo as 3 years. Amendment would lead to non-compliance.</p> <p>(2) Sections 2 and 8 of the NYC Act imply that elected/nominated Council members shall be youth. It is therefore necessary to state that the CS shall appoint a youth from the substitute members to replace any Council member who surpasses the age of 35 years.</p>	<p>(1) It is recommended that the proposal to extend the term to 5 years be declined.</p> <p>(2) It is recommended that Regulation 7 be amended to provide for the replacement of Council members aged above 35 years by the substitute members.</p>
7(2)(a)	<p>Gender and Disability Mainstreaming</p>	<p>Youth Consortium</p>	<p>1. Implementation requires that a pre-determined/agreed list of candidates be developed, in order to</p>	<p>It is recommended that Reg. 7(2) be amended as follows:</p>

	<p>It is proposed that there should be a 50:50 gender split in respect of the candidates to be elected candidates at ward level.</p>		<p>secure the 50:50 gender split at the ballot.</p> <p>2. Youths with disability should also be considered in any list of candidates to be developed.</p> <p>3. It is necessary to develop a nomination framework for women and disabled youth.</p> <p>4. A 50:50 split is ideal. However, a two thirds split is better for balancing between affirmative action and the popular vote. Therefore, the possibility of directly electing 3 candidates and then having the remaining 3 candidates nominated to represent the minority gender and persons with disability could be considered.</p>	<p>(1) To provide that the directly elected ward level delegates shall be 3 in total.</p> <p>(2) To provide for the nomination of 3 additional ward delegates, by the elected ward delegates, as follows:</p> <p>(i) 1 person nominated from the minority gender amongst the delegates in each ward, to ensure that there is gender diversity in the composition of ward delegates; and</p> <p>(ii) 1 man and 1 woman, being persons with disability, to represent persons with disability from the ward;</p> <p>(3) Provide for the gender and disability mainstreaming delegates to be nominated from amongst those candidates, within their respective nomination categories, who received the next highest votes in the ward level elections after the 3</p>
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			directly elected ward delegates.
			(4) The identification and nomination process should be coordinated by the respective Elections Committee, which must ensure that the nominees have met the set criteria for gender and disability mainstreaming delegates.
			(5) It is recommended that where there are no disability candidates from either sex who contested the ward level elections, the nomination will be done by the National Council for Persons With Disability.
			(6) It is recommended that where there are no candidates for nomination as gender mainstreaming candidates at ward level, the selection and nomination may be done by the National Gender and Equality Commission.

7(2)(e)	<p>Diversity & Succession Planning</p> <p>(1) One representative each should be elected to represent each of the 8 former provinces to ensure regional balancing.</p> <p>(2) Clear guidelines of how the nominations will consider all special interests groups including young women and PWDs while considering regional balance should be outlined so that biasness based on gender and disability status does not affect equal representation for all these groups.</p> <p>(3) In case of a vacancy, the substitute representative shall be from the same region as the existing Council member.</p> <p>(4) For avoidance of doubt, the final list of the elected and</p>	<ul style="list-style-type: none"> • Youth Consortium • Youth Agenda • KYMCA 	<p>1. If accepted, this may provide a sound basis for benchmarking the aspect of regional balance.</p> <p>2. It is however noted that the NYC Act requires that 8 youth be elected, and a further 8 youth be nominated, and that the elected/nominated youth must include women and persons with disability.</p> <p>3. The proposals are in line with Article 10 (Values & Principles of Governance) and Article 55 (Rights of Vulnerable Groups) of the Constitution.</p>	<p>1. It is proposed that Reg. 7 be amended, so as to split the National Youth Congress into 6 balloting rounds, as follows:</p> <p>(i) Round 1: Election of the first 8 youth to represent each National Government administrative region.</p> <p>(ii) Round 2: Election of 1 man and 1 woman, being persons with disability, to represent persons with disability.</p> <p>(iii) Round 3: Election of 1 representative from an ethnic minority community. Ethnic minorities should also be defined in the guidelines.</p> <p>(iv) Round 4: Election of 1 representative from a marginalized ethnic community. Marginalised communities should also be defined in the guidelines.</p> <p>(v) Round 5: Election of 4 members to enhance gender</p>
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	<p>the substitute list shall adhere to the two-third gender rule, regional balance, inclusion of the marginalized and minorities.</p> <p>(5) the guidelines are silent on measures/procedures of addressing a tie. We therefore recommend inclusion of guidelines on addressing ties in the process.</p>			<p>diversity in the Council, to be allocated as follows:</p> <p>a. Where not more than seven candidates elected or nominated to the Council in the previous rounds of balloting are from one gender, the National Youth Congress shall nominate two male and two female members each.</p> <p>b. Where more than seven, but not more than nine members elected or nominated to the Council in the previous rounds of balloting are of one gender, the National Youth Congress shall nominate three members from the minority gender, and one member from the majority gender.</p> <p>c. Where ten or more of the Council members elected/ nominated in the previous balloting</p>
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			<p>rounds are of one gender, the National Youth Congress shall nominate four members from the minority gender.</p> <p>2. Amend Reg. 7 to provide that the procedure for nominating/electing the 16 substantive members of the Council shall also apply to the nomination of the 16 substitute members of the Council.</p> <p>3. Amend 7 to provide that, in appointing Council members from the substitutes list, the CS shall ensure that the appointed substitute represents the demographic/diversity category of his/her predecessor.</p> <p>4. Amend Reg. 7(2)(g) to ensure that in the appointment of the substitutes list, the National Youth Congress shall give first priority to youths aged below 26 years, second priority to youths aged below 30 years and then youths aged above thirty</p>
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			years will be considered only if there are insufficient youth in the first two categories.
			5. A technical committee will determine the procedure in the event of a tie between candidates. It may be considered that winners will be declared in the order of the number of votes cast in their favour. Repeat ballots should only be done if, because of the tie, the number of candidates with the highest votes exceeds the number of positions available to be filled.
7(2)(f)	Nominated Youth It is proposed that only National Youth Congress delegates should be nominated as candidates for Council membership. The rationale provided is that bringing delegates from outside the Council will erode the power and voice of the National Youth Congress delegates.	Youth Consortium	<p>1. Noting the expressed majoritarian perspectives, it is emphasized that deletion of this clause may deprive the National Youth Congress of the required flexibility in nominating candidates under the diversity and succession planning criteria, where such candidates are not available.</p> <p>2. It will be impossible to comply with the inclusivity requirements under Section 5(1)(h) of the NYC Act, if there are no diversity candidates</p>
			<p>It is recommended that Reg. 7(2)(f) be amended to provide that whenever qualified candidates cannot be identified from amongst the National Youth Congress delegates to fill the gender, disability, marginalization or ethnic minority mainstreaming positions in the Council, applications for candidature must be invited from suitably qualified elected ward level delegates who</p>

			directly nominated to the National Youth Congress, hence the importance of flexibility in nomination of candidates.	were not elected to the National Youth Congress.
7(4)(c)	<p>Post-Election fate of Delegates</p> <p>It is proposed that the National Youth Congress delegates be retained as an accountability mechanism for the Council, post-elections. It is further proposed that the National Youth Congress should meet annually to review progress and pass resolutions.</p>	<p>• Youth Consortium</p> <p>• Youth Agenda</p>	<p>1. Whereas the NYC Act is silent on the matter, there is merit in this proposal, which will aid in plugging accountability and legitimacy gaps that may arise post-election.</p> <p>2. It is necessary that the Council account to the youth for their progress, by organizing annual youth delegates meetings, where annual state of the youth reports will be presented and deliberated upon. To manage costs, each County may elect its chairperson from amongst the delegates from the county who were not elected to the council or the substitutes list, so that the annual youth delegates meetings are held between the Council and the County chairmen.</p> <p>3. It will be necessary to publish separate regulations to facilitate such accountability and feedback mechanism.</p>	<p>1. Recommend to the CS that separate Regulations be promulgated to effect the proposed accountability mechanism.</p> <p>2. Amend Regulation 7(4)(c) to allow election of county chairmen, and provide for the annual delegates conference as an accountability mechanism, if approved by the CS.</p> <p>3. Provide that the county chairmen and ward delegates shall, after elections, continue to serve as youth leaders in their communities on volunteer basis only until they reach 35 years of age.</p> <p>4. Provide that it shall be the responsibility of the Council to develop modalities and procedures for engagement with the County Chairmen and elected ward delegates for</p>

				furthurance of the Council's legal mandate.
7 (gene rally)	<p>Delegates Welfare</p> <p>(1) Delegates should be remunerated even if its sitting allowances right from ward level</p> <p>(2) There should be offices for delegates at ward, constituency as well as county level.</p> <p>(3) Ward youth officers should be employed to coordinate the youth at ward levels since majority officers are based at constituency level.</p>	<ul style="list-style-type: none"> • Mulango Ward Youths • Pwani Youth Initiative 	The issues raised have no impact on the electoral process and are administrative.	NYC and MIIYA to consider and determine the way forward on the proposals, taking into account the possibility of duplication of roles between the delegates and that of youth officers employed by MIIYA.
8	<p>Registration of Voters</p> <p>It is proposed that the elections be done using the IEBC voters register, in order to avoid duplication of work.</p>	KYMCA Youth Agenda	While this is a reasonable proposal, engagement and consensus with IEBC will be necessary. It may also be necessary to pay requisite fees to IEBC. A contract must be concluded between MIIYA and IEBC to facilitate this process.	CS, under the guidance of a technical committee, to determine this policy question.
8(3)	Registration at place of voting Registration of voters and candidates at their wards will	<ul style="list-style-type: none"> • Joint Youth and YSOs Memorandum 	This is a reasonable and acceptable proposal.	Amend Regulation 8(3) to provide for registration of voters manually and digitally, and to clarify that

	pose a challenge to those residing or working far from where they intend to vote or vie. Provide for both physical and digital registration of voters.	(Youth Senate and others)	one need not be present at the desired Ward in order to register to vote there.
9(2)	<p>Close of Voter Registration</p> <p>(1) The voter register should be closed at least 30 to 60 days prior to the election date, in order to allow comprehensive clean up, verification, publication and publicisation of the register.</p> <p>(2) Transmission of the voter register to the Elections Committee solely by the youth officer is prone to manipulation. If IEBC is not involved, include checks to prevent abuse by the youth officer.</p>	<ul style="list-style-type: none"> • Youth Agenda • Pwani Youth Initiative • Joint Youth and YSOs Memorandum (Youth Senate and others) 	<p>A technical committee may guide the CS on the timelines necessary to undertake audit, verification, correction/amendment, publication and public inspection of the register prior to commencement of elections.</p> <p>(1) The proposal to close the voter register at least 30 to 60 days prior to the elections is reasonable and acceptable.</p> <p>(2) The requirement that the youth officer's powers be checked is a reasonable one. A technical committee should consider whether to extend the period between close of the voters register and the election to 60 days, so as to allow audit of the register, closure of audit issues, corrections, publication and public inspection of the register.</p>
9(6)(h)	<p>Education bio data of voters</p> <p>Delete Reg. 9(6) as information on the highest level of education is unnecessary.</p>	<ul style="list-style-type: none"> • Joint Youth and YSOs Memorandum (Youth Senate and others) 	<p>It is recommended that Regulation 9(6)(h) be deleted.</p>

9(7)(b)	Register of Voters It is proposed that the register of voters be reviewed periodically to remove voters who have since surpassed the 35 years age limit.	Youth Consortium	This proposal will ensure that the register of voters only has youth.	Amend Regulation 9(7)(b) to provide for quarterly removal of voters aged above 35 years old.
10	Age eligibility of candidates The Regulation allows nomination of youths who are close to the age limit of 35 years. Candidates should be restricted only to those aged 31 years in December of the election year, so that the elected/appointed candidates can serve for a full 3 year term.	• Joint Youth and YSOs Memorandum (Youth Senate and others)	<p>(1) While it is critical that ward delegates must also be able to serve a 3-year term as youth leaders in the community, it would be punitive to limit the ability of the youth to vie as delegates on the basis of age, more so when there would be no legal bar to their ability to vie and become electors, e.g. the inability to serve for a full term as a Council member.</p> <p>(2) Youths who exceed the age 35 threshold can be replaced by other youth from the substitutes list.</p> <p>(3) The NYC Act does not impose an age limit on candidates for the position of council member. Therefore only those candidates who will be 35 years on their appointment dates may be considered for exclusion.</p>	(1) It is recommended that the proposal to preclude delegates aged more than 31 years old on 31 st December of the election year be declined.
10(1)(b) and	KCSE Qualification for Ward and County Delegates	• Youth Consortium	1. This will allow candidates with no education qualification and KCPE	CS, under the guidance of a technical committee, to determine the policy question of

10 (2)(b)	It is proposed that the KCSE requirement for candidates at Ward, Constituency and County levels be waived.	<ul style="list-style-type: none"> Maobe Nyanyuki 	<p>holders to contest for leadership positions.</p> <p>2. It remains doubtful whether the CS's power to prescribe the procedure for elections includes the power to issue directions on the qualifications of the delegates who will elect qualified candidates at the National Youth Congress.</p> <p>3. It is noted that the educational qualifications of the mentioned delegates remains a policy matter, which must be determined by the CS.</p>	whether the proposal to eliminate the requirement for educational qualification of candidates has merit.
10(1) (c)	<p>Reference letter for aspirants</p> <p>(1) Consider recommendation letters from YSOs as an option for aspirants.</p> <p>(2) This is likely to rule out youth with strong leadership experience, vocal and strong community influence but do not have the support of Chief, Sub Chief or National Police Service at the ward where she or he is registered as a voter, due to personal reasons. We</p>	<ul style="list-style-type: none"> Youth Agenda Pwani Youth Initiative 	<p>(1) The reference letter is a key requirement for determination of Chapter 6 compliance and good conduct. It is noted that there are several alternatives from where the recommendation may be sourced. It is highly unlikely that a good candidate will be declined a reference by all alternative sources, based on malicious considerations.</p> <p>(2) Much as YSOs may provide character references, references provided by the state security apparatus remain an objective,</p>	<p>It is recommended that these proposals be declined.</p>

	<p>recommend a certificate of Good Conduct attained within the last one year before the election instead of a recommendation letter.</p> <p>(3) The guidelines are silent on mechanisms of establishing whether a candidate has complied with chapter six. We recommend IEBC approach of sending the list of candidates to EACC for clearance.</p>		<p>reliable, compelling and adequate source of information.</p> <p>(3) The certificate of good conduct introduces a cost and procedural element that may lock out good candidates.</p> <p>(4) The proposal to share the list of candidates with EACC for clearance will prolong the electoral process, in particular owing to the high number of expected aspirants countrywide.</p> <p>(5) It has been proposed in the recommendations under Reg. 4(e) (above) that the final candidates elected by the National Youth Congress will undergo due diligence by NYC and MIYA (based on the Mwongozo fit and proper test). Due diligence reports on the elected/nominated candidates will thus be submitted to the CS for consideration.</p>		<p>It is recommended that this proposal be declined.</p>
10(1)(f))	<p>Chapter 6 Compliance</p> <p>It is proposed that chapter 6 of the Constitution compliance requirements be dispensed with</p>	Emmanuel Adika	<p>Mwongozo requires that all directors must comply with Chapter 6 of the Constitution. Deletion will lead to non-compliance with Mwongozo.</p>		

	because they are costly to the youth.			
10 (3) (c)	<p>Degree qualification for National Youth Congress Delegates and Candidates</p> <p>We feel it's not right to deny a good leader an opportunity to lead wisely simply because he/she does not meet the requirement to hold a university degree.</p>	<ul style="list-style-type: none"> • Youth Consortium • Youth Agenda • Joint Youth YSOs and Memorandum (Youth Senate and others) • Maobe Nyanyuki 	<p>1. There exists no legal justification for restricting the National Youth Congress delegates to only those holding university degrees. This requirement may possibly be challenged as an unreasonable restriction of the right to vote/representation.</p> <p>2. Notwithstanding the foregoing, Mwongozo requires Board chairpersons and directors to be holders of university degrees. It is therefore important that only degree holders are nominated by the National Youth Congress, as candidates for Council membership.</p> <p>3. It remains doubtful whether the CS's power to prescribe the procedure for elections includes the power to issue directions as to the qualifications of the delegates who will elect qualified candidates at the National Youth Congress.</p> <p>4. To balance the above legal interests and requirements, it may be useful</p>	<p>It is recommended that the Regulation 10(3)(c) be amended as follows:</p> <ol style="list-style-type: none"> 1. Allow KCSE holders to be nominated as National Youth Congress delegates; 2. Introduce a new sub-regulation, that only degree holders may be nominated as candidates for Council membership positions.

			to allow KCSE candidates to be nominated as National Youth Congress delegates, but restrict candidacy for Council membership to only university degree holders.	
10 (gene rally)	Experience in Youth Work for candidacy It is proposed that candidates must have at least 3 years' experience in youth work and demonstrates ability to provide youth leadership and youth mobilisation.	Youth Consortium	It is noted that such qualifications are not provided for under the NYC Act and may possibly be declared <i>ultra vires</i> , to the extent that the CS is not expressly mandated to declare qualifications for candidates, which are not stipulated in law.	It is recommended that this proposal be declined.
12(g)	State and Public Officers as Candidates It is proposed that State and Public Officers should be allowed to contest the elections as candidates. The rationale for this proposal is that there are public officers already serving in boards of parastatals and the Council should be no different.	<ul style="list-style-type: none"> • KYMCA • Mulango Ward Youths 	<p>(1) Article 77 of the Constitution prohibits State Officers against having gainful employment other than their employment as State Officers.</p> <p>(2) Section 23(3)(a) of the Leadership and Integrity Act prohibits the participation of public officers as candidates in an election.</p> <p>(3) The candidacy of State Officers and Public Officers would be unlawful, unless they resign or undertake to resign from their positions (in</p>	It is recommended that this proposal be declined.

			<p>writing) upon appointment to the Council.</p> <p>(4) Mwongozo requires that at least one-third of the Council must comprise of independent Council members. State and public officers are not considered independent. It may be difficult to achieve the independence thresholds if state and public officers are allowed to continue serving in their positions while they are members of the Council.</p>	
13(3)	<p>Elections Timetable</p> <p>It is proposed that the maximum duration for the elections be stated to be a maximum of 60 days, to allow candidates ample time to plan their affairs.</p>	Youth Consortium	The proposal may introduce rigidity in the elections calendar.	It is recommended that the proposal be declined.
16(5)	<p>Guidelines on Physical Voting</p> <p>(1) It is proposed that ballot boxes be opened in the presence of agents of candidates.</p>	<p>• Youth Consortium</p> <p>• Pwani Youth initiative</p>	The proposal is reasonable and should be accepted.	<p>1. It is recommended that Regulation 16(5) be amended to allow ballot boxes to be opened in the presence of the agents of candidates.</p> <p>2. It is further recommended that the guidelines be</p>

	(2) It is proposed that observers be allowed to support the monitoring of elections.			amended to define the framework for appointment of agents by candidates, as well as the monitoring of elections by observers.
18	Electronic voting The guidelines should highlight the specific mechanisms of ensuring the success of electronic voting. E.g. Procurement of Gadgets.	Youth Agenda	Part 8 provides detailed mechanisms for electronic voting. Issues such as procurement of election equipment are addressed under the Procurement Act and the Regulations and policies thereunder.	It is recommended that this proposal be declined.
18(4)(v)(i)	Audit of electronic voting It is proposed that the audit system must be capable of recording the location where a vote was cast.	Joint Youth and YSOs Memorandum (Youth Senate and others)	This proposal is reasonable and acceptable.	It is recommended that Regulation 18(4)(v)(i) be amended to provide that the audit system must capture the location of the votes cast.
19(2) and 22(1)	Guidelines on Electronic Voting It is proposed that a voter must not be allowed to alter the electronic vote after the same has been cast. The rationale provided is that it may facilitate voter bribery.	<ul style="list-style-type: none"> • Youth Consortium • Youth Agenda • Joint Youth and YSOs Memorandum (Youth Senate and others) 	<p>This will preclude the possibility of correcting errors made when voting. However, the possibility of voter bribery is noted as a key risk in the electoral process. Thus, the proposal is acceptable.</p>	<p>1. It is recommended that Regulation 19(2) be amended to preclude alteration of electronic votes cast.</p> <p>2. It is recommended that Regulation 22 be deleted.</p>

20(2)	<p>Entry of amendments to voters register in the electronic voting system</p> <p>It is proposed that amendments to the voters register should be included in the electronic voting system at least within 14 days prior to the commencement of elections.</p>	Youth Consortium	The proposal is acceptable.	It is recommended that Regulation 20(2) be amended accordingly.
25(2)	<p>Quorum for Vote Counting</p> <p>It is proposed that the threshold of National Elections Steering Committee members present for vote counting at the National Youth Congress should be increased to two-thirds, in order to ensure that a substantial majority of members are in attendance.</p>	Youth Consortium	This enhances legitimacy of the process and should be accepted.	It is recommended that Regulation 25(2) be amended accordingly.
31	<p>Dispute Resolution</p> <p>Disputes should be resolved by a committee other than the one that is managing the elections.</p>	Pwani Youth Initiative	The proposal is a reasonable one. A technical committee will determine the composition of the separate dispute resolution committee.	It is recommended that the technical team determine the composition of a dispute resolution committee comprised of individuals not involved in managing the election.

31(5)	<p>Right of Appeal</p> <p>(1) Dissatisfied candidates should be allowed to file appeals in court or to the next level of authority.</p> <p>(2) Permitting appeals from the specific electoral area to the national appeals committee and even further to the High Court gives confidence to the youth that the elections will be democratic, free and fair as follows:</p> <ul style="list-style-type: none"> - Alternative Dispute Resolution Committees at each level of elections. - An Appeals Committee at the National level to hear and determine, within seven days, appeals emanating from any of the ADR Committees. - Allow appealing of the decisions of the National Appeals Committee to the High Court. 	<ul style="list-style-type: none"> • Maobe Nyanyuki • KYMCA • Pwani Youth Initiative 	<p>(1) Conferment of a right to appeal to a court would be <i>ultra vires</i> the NYC Act, and unconstitutional. Only the Constitution and Parliament can confer appellate jurisdiction to a court of law.</p> <p>(2) The right to approach the High Court for judicial review orders is not curtailed by absence/limitation of the right to appeal.</p> <p>(3) The CS, PS, Youth Secretary or any other officer(s) designated by the CS for the purpose may be allowed to hear appeals. However, such a process may prolong the elections calendar.</p>	<p>The technical committee shall determine whether the CS, CAS, PS, Youth Secretary or other officer from MIIYA may hear and determine appeals.</p>
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31(6)	<p>Date of Fresh Elections</p> <p>It is proposed that fresh elections must be held within 14 days whenever directed by the National Steering Committee. The rationale provided is that the youth should not be subjected to an extended election period.</p>	Youth Consortium	It may not be practical, from a logistics perspective, to hold fresh elections within 14 days. The technical team shall guide on this aspect.	The technical committee shall determine this issue.	
Part 8 (gene rally)	<p>Opposition to Electronic Voting</p> <p>It is proposed that the electronic voting process should be deleted and that the elections must be conducted by manual processes only. The rationale provided is that the costs would be 'too high', that it has been proved 'not feasible', that it is 'bound to fail' and is subject to manipulation.</p>	<ul style="list-style-type: none"> • Maobe Nyanyuki • KYMCA 	<p>(1) No research based comments have been received on this matter, therefore it is difficult to weight the same in support of a decision to depart from this voting option.</p> <p>(2) The electronic voting model is an option, and may be used by the CS whenever the circumstances allow. Therefore, this would be discretionary and based on prevailing circumstances and government policy; for example, the current covid-19 related</p>	It is recommended that the proposal be declined.	

			restrictions may warrant the use of electronic voting, as a measure for preventing the spread of the virus.	
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NATIONAL YOUTH COUNCIL

ABSA TOWERS, 12TH FLOOR, P.O. BOX 28677-00100 GPO, NAIROBI, Tel: 020-2013920

Email: nationalyouthcouncilkenya@gmail.com

PARTICIPATION IN THE DRAFTING SUB-COMMITTEE OF THE TECHNICAL COMMITTEE REVIEWING THE NATIONAL YOUTH COUNCIL ELECTIONS GUIDELINES 2020 HELD AT HOTEL 67 IN MACHAKOS COUNTY BETWEEN 12TH - 14TH AUGUST 2020

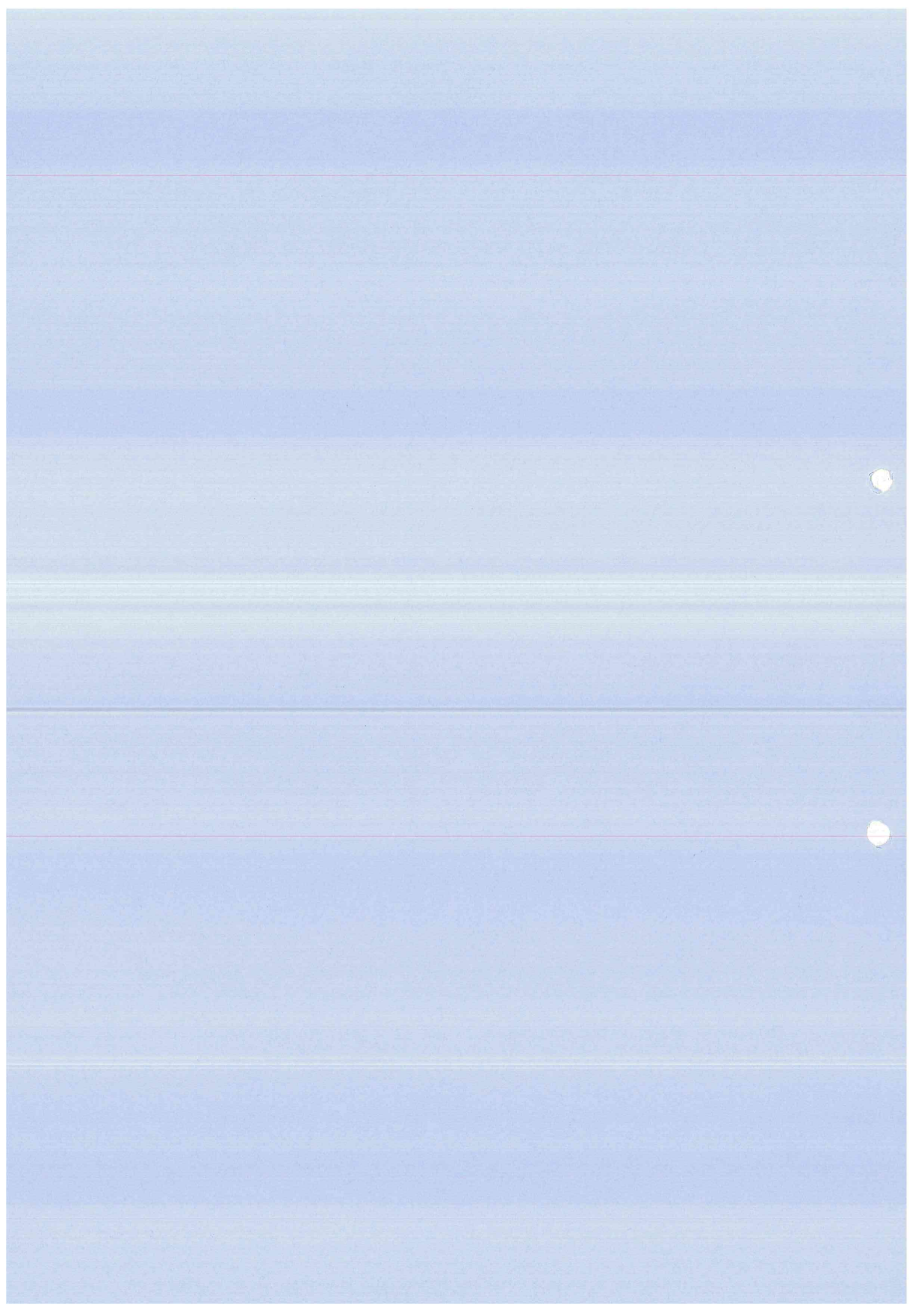
REGISTRATION FORM

Date:

	NAME	ORGANIZATION	PHONE NO.	SIGNATURE
1.	Key Saka	rease	255	
2.	Deborah Budo	Youth Planning Bureau		
3.	David Mwangi	Forum of African Youth Leaders	0725977309	
4.	Dennis J. Mak'anya	Kenya Youth Economic Empowerment Organisation	0704 648162	
5.	Edward Omondi	N.Y.C	07226427097	
6.	Christina Mwangi	N.Y.C	072244791	
7.	Dennis Saito	Youth Service Kenya	0724950156	
8.	Mburi Mburu	YSD Consortium	0733361811	
9.	Faith Nwachukwu	Youth Senate Kenya	0715090325	
10.	Tony Kithusi	N.Y.C.	0721843526	
11.	Linda Ruto	N.Y.C	0703896341	

12.	Jessica Johnson	NYC	0718115056	John
13.	Maureen Murphy	SDP	0729 460909	MW
14.	Caroline Chase	NYC	0720355517	KLP
15.				
16.				
17.				

**THE NATIONAL YOUTH COUNCIL (ELECTION OF
CERTAIN COUNCIL MEMBERS) REGULATIONS,
LEGAL NOTICE NO. 183 OF 2021**



SPECIAL ISSUE

1131

Kenya Gazette Supplement No. 166

27th August, 2021

(Legislative Supplement No. 71)

LEGAL NOTICE NO. 183

THE NATIONAL YOUTH COUNCIL ACT

(No. 10 of 2009)

IN EXERCISE of the powers conferred by section 5(1)(g) and (h) of the National Youth Council Act, the Cabinet Secretary for ICT, Innovation and Youth Affairs makes the following Regulations—

THE NATIONAL YOUTH COUNCIL (ELECTION OF CERTAIN COUNCIL MEMBERS) REGULATIONS, 2021

1. These Guidelines may be cited as the National Youth Council (Election of Certain Council Members) Regulations, 2021. Citation.
2. The election of the youth representatives of the Council under section 5(1)(g) and (h) of the Act shall be conducted in accordance with the Guidelines set out in the Schedule. Election of youth representatives.
3. The Guidelines on the Election of Youth Representatives to the National Youth Council, 2011, are revoked. L.N. No. 7 of 2011.

SCHEDULE

(R. 2)

THE NATIONAL YOUTH COUNCIL ACT

(No. 10 of 2009)

THE NATIONAL YOUTH COUNCIL ELECTIONS GUIDELINES, 2021

ARRANGEMENT OF GUIDELINES

Guideline

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7. Functions of an Election Steering Committee in an electoral area.

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13. Suspension of accreditation.
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17. Procedure for nominations.
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Form 2(b)—Declaration of results for the National Youth Council Elections at the National Tallying Centre

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2. Electoral Code of Conduct.
3. Declaration of Acceptance of Electoral Code of Conduct.
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5. Statement of Acceptance of Voter Education Code of Conduct.
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NATIONAL YOUTH COUNCIL ACT

(No. 10 of 2009)

THE NATIONAL YOUTH COUNCIL ELECTIONS GUIDELINES,
2021

PART I—PRELIMINARY

1. These Guidelines may be cited as the National Youth Council Elections Guidelines, 2021. Citation.
2. In these Guidelines, unless the context otherwise requires— Interpretation.
- “Act” means the National Youth Council Act; Act No. 10 of 2009.
- “agent” means a person duly appointed as an agent by a candidate in an election under these Guidelines;
- “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for youth affairs;
- “Electoral Code of Conduct” means the Code of Conduct set out in Annexure 2 to these Guidelines.
- “candidate” means a person contesting for an elective post;
- “commencement date of elections” means the date when the election of ward delegates is scheduled;
- “constituency” means one of the constituencies into which Kenya is divided under Article 89 of the Constitution;
- “constituency delegate” means a constituency delegate elected in accordance with paragraph 9(6) of these Guidelines;
- “constituency youth election” means the National Youth Council election held at constituency level;
- “disability” includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have a substantial or long-term effect on an individual’s ability to carry out ordinary day-to-day activities;
- “electoral area” means a ward or a constituency;
- “Election Steering Committee” means an Election Steering Committee appointed pursuant to paragraph 6 of these Guidelines;
- “National Steering Committee” means the National Steering Committee on the National Youth Council Elections appointed under paragraph 4 of these Guidelines;
- “National Youth Congress” means the National Youth Congress constituted pursuant to paragraph 9(7) of these Guidelines;
- “National Youth Congress delegate” means a National Youth Congress Delegate elected in accordance with paragraph 9(5) of these Guidelines;
- “National Youth Council” means the National Youth Council established under section 3 of the Act;

“National Youth Council Election” means the elections held under these Guidelines in the electoral areas and the National Youth Congress;

“nomination” means the submission to the National Steering Committee or to an Election Steering Committee of the name and documentation of a candidate in accordance with these Guidelines;

“political party” has the meaning assigned to it in Article 260 of the Constitution;

“polling clerk” is a person appointed by the National Steering Committee to assist the presiding officer in the conduct of an election;

“presiding officer” means a person appointed under these Guidelines to preside at a voting centre;

“Principal Secretary” means the Principal Secretary in the ministry for the time being responsible for youth affairs;

“register of voters” means a register of all youth who have registered to vote at the National Youth Council Elections prepared in accordance with these Guidelines and includes a register that is compiled electronically;

“special interest group” includes women who are youth, youth living with disability, youth from marginalised communities, youth from ethnic minorities, and youth from any other special interest groups recognised by law;

“voter” means a youth who is eligible to participate in the National Youth Council Elections by virtue of having been registered as voter in accordance with these Guidelines;

“voter education” means all forms of information or communication whose purpose is to educate voters on their rights and responsibilities in the National Youth Council electoral process;

“Voter Education Code of Conduct” means the Voter Education Code of Conduct set out in Annexure 4 to these Guidelines;

“voting centre” means a location designated by the National Steering Committee or by an Election Steering Committee as a place where voting shall take place during the National Youth Council elections;

“ward” means an electoral area within a Constituency delimited in accordance with Article 89 of the Constitution;

“ward delegate” means a ward delegate elected in accordance with paragraph 9 (2) of these Guidelines;

“youth” means a person aged between eighteen and thirty-five years;

“Youth Advisory Board” means the Board established under section 16 of the Act;

“youth officer” means the youth officer in the ministry responsible for youth affairs within an electoral area; and

“youth serving organizations” include youth groups, youth focused community based organizations, non-governmental organizations, civil society movements, and other organizations accredited to the National Youth Council, and engaged in activities and initiatives relating to the youth.

3. The purpose of these Guidelines is to set out the manner of electing and nominating youth members to the National Youth Council pursuant to section 5 (1)(g) and (h) of the Act.

Objectives of the Guidelines.

PART II—ELECTION COMMITTEES

4. (1) There shall be a committee to be known as the National Steering Committee which shall consist of—

Establishment and composition of the National Steering Committee.

- (a) the Principal Secretary in the Ministry for the time being responsible for youth affairs or a representative, who shall be the chairperson;
- (b) the Principal Secretary, Ministry of Interior and Coordination of National Government or a representative;
- (c) the Principal Secretary to the National Treasury or a representative;
- (d) the Principal Secretary in the Ministry responsible for matters relating to Social Services or a representative;
- (e) the Principal Secretary in the Ministry responsible for devolution, or a representative of the Council of Governors;
- (f) the Attorney-General or a representative;
- (g) a representative of the Independent Electoral and Boundaries Commission;
- (h) four youth, two male and two female, appointed by the Cabinet Secretary;
- (i) a representative from the National Council for Persons with Disabilities; and
- (j) the Chairperson of the Youth Advisory Board or a representative.

(2) The appointment of representatives in sub paragraph (1) shall be in writing by the respective appointing authority.

(3) The secretariat of the National Youth Council shall be the secretariat of the National Steering Committee, and shall support and coordinate the activities of the National Steering Committee.

(4) The Cabinet Secretary shall publish, in the Kenya Gazette, names of members of the National Steering Committee and issue letters of appointment.

(5) The National Steering Committee shall be appointed by the Cabinet Secretary for a term of twelve months and such term may be extended for such period as the Cabinet Secretary may consider necessary.

(6) Except as provided in these Guidelines, the National Steering Committee shall regulate its own procedure.

5. (1) The Functions of the National Steering Committee are—

Functions of the
National Steering
Committee.

- (a) to co-ordinate the National Youth Council elections at all levels;
- (b) to hear and determine complaints and disputes and, where applicable, appeals arising out of the National Youth Congress elections and nominations;
- (c) to receive and authenticate nomination papers for candidates participating in the National Youth Congress elections;
- (d) to convene and oversee the proceedings of the National Youth Congress;
- (e) to enforce the terms of any code of conduct as may be established by the Cabinet Secretary for purpose of the National Youth Congress elections or as otherwise provided in these Guidelines;
- (f) to appoint election officials for the National Youth Congress elections;
- (g) to supervise and coordinate the activities of the Election Steering Committees established under paragraph 6(1) of these Guidelines;
- (h) following the National Youth Council elections, to vet and forward the names of the elected and nominated members, and substitute members of the National Youth Council to the Cabinet Secretary;
- (i) to deploy electronic and digital technology as may be necessary for purposes of the elections, including but not limited to registration of voters, voting, vote counting and transmission of election results;
- (j) to ensure the integrity, security and reliability of all systems and technology deployed in the elections;
- (k) to retain reliable, verifiable, accurate and auditable records of all information relating to the elections, including but not limited to voting materials, voters details, election results and electronic logs and meta-data relating to the election;
- (l) to issue policy directives to Election Steering Committees including standard operating procedures and policy directives regarding the use of electronic and digital technology in elections;
- (m) to ensure compliance of the electoral process with the Data Protection Act, the Kenya Information and Communications Act and all other applicable laws; and
- (n) to undertake such other functions, powers and activities as regards the National Youth Council elections as the Cabinet Secretary may direct.

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6. (1) There shall be an Election Steering Committee in every Constituency which shall be responsible for managing National Youth Council elections at the ward and constituency levels.

Establishment and composition of Election Steering Committee.

(2) The Election Steering Committees shall be convened by the officer in charge of youth affairs in the ministry responsible for youth affairs at constituency level in consultation with the relevant corresponding officer from the Ministry of Interior and Co-ordination of National Government.

(3) An Election Steering Committee shall consist of the following members—

- (a) the officer in charge of youth affairs in the Ministry responsible for youth affairs at constituency level, who shall be the Chairperson;
- (b) the representative of the Ministry of interior and coordination of the National Government at the Constituency level;
- (c) an officer in the Ministry for the time being responsible for matters relating to Social Services at the Constituency level;
- (d) four youth, two males and two females, appointed by the Cabinet Secretary.
- (e) a representative of persons with disabilities in the respective Constituency; and
- (f) the representative of the Independent Electoral and Boundaries Commission at the constituency level.

(4) Members of the Election Steering Committee shall be appointed by the Cabinet Secretary in writing.

(5) The National Youth Council secretariat shall be the secretariat of the Election Steering Committees and shall support and coordinate the activities of Election Steering Committees countrywide.

7. (1) The functions of an Election Steering Committee within its electoral area shall be to—

Functions of an Election Steering Committee in an electoral area.

- (a) oversee the election of the youth representatives to the National Youth Council;
- (b) verify the register of voters;
- (c) allocate presiding officers to a voting centre;
- (d) to receive and authenticate nomination papers of candidates participating in ward and constituency level elections;
- (e) organise security for the elections;
- (f) supervise the voting;
- (g) secure ballots and ballot boxes;
- (h) supervise the counting of votes;

- (i) handle complaints and disputes in accordance with these Guidelines;
- (j) enforce the terms of any code of conduct issued by the Cabinet Secretary, within its respective electoral area;
- (k) ensure that the elections take into consideration the issue of gender, disability, and regional balance;
- (l) issue certificates to the elected youth delegates within their respective electoral areas;
- (m) implement any standard operating procedures, policy directives and any other directives or guidelines issued by the National Steering Committee; and
- (n) undertake such other functions, powers and activities as regards the National Youth Council elections as the Cabinet Secretary may direct.

(2) An Elections Steering Committee shall be appointed by the Cabinet Secretary for a term of six months and such term may be extended for such period as the Cabinet Secretary may consider necessary.

PART III— FRAMEWORK OF THE NATIONAL YOUTH COUNCIL ELECTIONS

8. (1) Unless otherwise determined by the Cabinet Secretary, the National Youth Council elections shall commence six months prior to the third anniversary of the date when the Cabinet Secretary publishes the names of the elected and nominated members of the National Youth Council in the Kenya Gazette:

Commencement of the National Youth Council Elections.

Provided that any outgoing members of the National Youth Council shall complete their respective three-year terms prior to commencement of the term of office of the National Youth Council members elected at a National Youth Council Election.

9. (1) The National Youth Council Elections shall be conducted in accordance to the procedure provided in this paragraph.

Procedure for the National Youth Council elections.

(2) The youth registered as voters within a ward shall elect six ward delegates from among the ward delegates elected in that ward to represent the respective wards as voters at the constituency youth elections.

(3) The first three males and the first three females to garner the highest number of votes shall be deemed to have been elected as ward delegates.

(4) A total of eight thousand seven hundred ward delegates shall therefore be elected nationally to represent the one thousand four hundred and fifty wards in Kenya.

(5) The ward delegates in each constituency shall at the constituency youth elections of their respective constituencies each elect two National Youth Congress delegates, being one male and one

female, from among their number to represent their respective Constituencies at the National Youth Congress.

(6) A total of Five Hundred and Eighty Constituency delegates shall therefore be elected nationally to represent the Constituencies in Kenya.

(7) The National Youth Congress shall be a meeting of the Five Hundred and Eighty National Youth Congress delegates elected by the Constituency delegates and shall be convened by the National Steering Committee to elect and nominate the youth members of the National Youth Council, in accordance with at sections 5(1)(g) and 5(1)(h) of the Act.

(8) Where none of the persons with disability have made it to the National Youth Congress by organic progression of the National Youth Congress, the National Steering Committee shall identify any person with disability candidates who had taken part in the elections and select twenty individuals living with disability who had garnered the highest votes calculated on prorated basis.

(9) Where no young person with disability had taken part in the elections, the National Steering Committee shall liaise with the National Council for Persons Living with Disability to identify twenty delegates to join the National Youth Congress.

(10) The National Youth Congress shall elect eight members from amongst its membership, and in the said election the National Youth Congress shall observe the principle of regional and ethnic balance and shall have due regard to the principle of fair representation.

(11) The National Youth Congress shall nominate not more than eight other youth, from amongst its membership, to be considered for appointment as National Youth Council members, under section 5(1)(h) of the Act in the following manner—

- (a) at least one of the nominees shall be a person with disability;
- (b) at least three of the nominees shall be women;
- (c) the National Youth Congress shall ensure that, to the greatest extent possible, the National Youth Council composition represents the diversity of the people of Kenya; and
- (d) None of the nominees shall be from the same county as any of the eight regional representatives elected under section 5(1)(g) of the National Youth Council Act and subparagraph 9(10) of these Guidelines to ensure that the nominees reflect the regional and ethnic diversity of the people of Kenya as provided in the Constitution of Kenya, 2010.

(12) Whenever the National Youth Congress exercises its powers to nominate council members pursuant to section 5(1)(h) of the Act, it shall ensure that—

- (a) such nomination secures that the aggregate of delegates elected and nominated as members of the National Youth Council shall not be comprised of a majority of more than two-thirds of either gender;
- (b) that the delegates so nominated are not from the same county as any delegates elected under section 5(1)(g) of the Act and paragraphs 9(10), 9(11)(a) and 9(11)(b) of these Guidelines to ensure that the nominees reflect the regional and ethnic diversity of the people of Kenya as provided in the Constitution of Kenya, 2010; and
- (c) the ward delegates elected under paragraph 9(2) are considered where there are no qualified candidates who can be validly nominated from the National Youth Congress.

(13) The National Youth Congress shall elect and nominate a total of thirty-one substitute members of the National Youth Council, whose details shall be retained by the Cabinet Secretary in a list or roster of substitute members of the National Youth Council.

(14) The substitute members shall be considered for appointment by the Cabinet Secretary to fill vacancies arising due to vacation of office by any of the youth members of the National Youth Council elected or nominated pursuant to these Guidelines.

(15) The thirty-one substitute members of the National Youth Council shall be elected or nominated as follows—

- (a) eight representatives, from amongst the membership of the National Youth Congress, shall be elected to represent the regional and ethnic balance of the people of Kenya;
- (b) not more than twenty-three other substitute members shall be nominated as follows—
 - (i) at least one of the nominees shall be a person with disability; and
 - (ii) at least nine of the nominees shall be women.
- (c) the National Youth Congress shall ensure that, in electing and nominating the substitute members:
 - (i) all candidates participating in the election and nomination of substitute members, as applicable, are not more than thirty years old on the election date;
 - (ii) the aggregate of delegates elected or nominated on the substitute members list is not comprised of more than two-thirds membership being of either gender;
 - (iii) that each county has either a member elected or nominated to the National Youth Council, or a member elected or nominated to the substitute members list;
 - (iv) the substitute members list, taken together with the National Youth Council composition, shall represent the

diversity of the peoples of Kenya to the greatest extent possible; and

- (v) the ward delegates elected under paragraph 9(2) are considered where there are no qualified candidates who can be validly nominated from the National Youth Congress.

(11) The candidates who garner the highest number of votes cast in an election shall be declared duly elected, as follows—

- (a) at the ward level elections, the six candidates who garner the highest number of votes shall be declared duly elected;
- (b) at the constituency level elections, the male candidate who garners the highest number of votes shall be declared duly elected as the male representative for the Constituency at the National Youth Congress, while the female candidate who garners the highest number of votes shall be declared duly elected as the female representative for the Constituency at the National Youth Congress; and
- (c) at the National Youth Congress elections—
 - (i) the candidates who garner the highest number of votes as representatives of their respective regions in the National Youth Council or substitute members list, as applicable, shall be declared duly elected as members of the National Youth Council or substitute members for their regions;
 - (ii) the person with disability who garners the highest number of votes in the election of the member representing persons with disability in the National Youth Council or list of substitute members, as applicable, shall be declared duly nominated to the National Youth Council or substitute member thereof;
 - (iii) the women who garner the highest number of votes in an election of women representatives in the National Youth Council or list of substitute members, as applicable, shall be declared duly nominated to the National Youth Council or elected as substitute members.

(12) Whenever a tie between any two or more candidates cannot be resolved by application of the provisions of paragraph 11 above, or by consensus, then, in order to fill an available position, a fresh election shall be held, whereby only the candidates involved in the tie shall be allowed to participate as candidates.

(13) The election of ward and constituency delegates shall not be construed as establishment of the branches of the National Youth Council in those electoral areas.

10. The Cabinet Secretary may, in his discretion implement any one or more of the following measures—

Discretion of the
Cabinet Secretary.

- (a) facilitate the conclusion of an agreement with the Independent Electoral and Boundaries Commission regarding the use of the national register of voters for the National Youth Council elections;
- (b) direct that the Independent Electoral and Boundaries Commission shall preside over the National Youth Council elections;
- (c) direct that the Independent Electoral and Boundaries Commission shall appoint the presiding and returning officers of the National Youth Council elections; or
- (d) direct, upon determination by the National Steering Committee whether the National Youth Council Elections shall be held by way of physical or electronic voting.

11. (1) The mandate of National Youth Congress delegates and the National Youth Congress shall terminate immediately upon conclusion of the National Youth Council elections at their respective levels.

Termination of the mandate of the National Youth Congress.

(2) Ward and constituency level delegates shall, immediately upon their election and after conclusion of the National Youth Council elections, start working with the National Youth Council in providing leadership and promoting the spirit of volunteerism among the youth in their respective electoral areas for a term of three years from the date of their election as such.

12. The National Youth Council shall register and issue accreditation letters to the ward, and constituency delegates on such terms and conditions as the National Youth Council may reasonably determine.

Issuance of accreditation letters.

13. The National Youth Council may, upon a fair hearing, suspend or terminate the accreditation of any delegate or delegates who fail, refuse, or neglect to comply with the terms and conditions of registration or accreditation.

Suspension of accreditation.

PART IV—REGISTRATION OF VOTERS

14. (1) There shall be a register to be known as the register of voters, which shall comprise of—

Register of voters.

- (a) the register of voters in respect of every voting centre specifying all youth registered to vote at that voting centre; and
- (b) a ward register of voters in respect of every ward specifying all youth registered to vote in that ward.

(2) Ward level youth officers shall be responsible for custody and maintenance of the register of voters in their respective wards, and each ward level youth officer shall deliver a copy of the register to the Principal Secretary.

(3) The Principal Secretary shall at all times maintain an upto date nationwide register of voters.

(4) Any youth intending to participate in the National Youth Council elections as a candidate or a voter shall be registered as a voter at the ward within which he or she intends to vote or be a candidate in the election of ward delegates.

15. (1) Registration of voters shall be done at the ward level by the relevant youth officer. Registration of Voters
at ward level.

(2) The final register of voters shall be published seven days before the commencement date of elections.

(3) Registration of voters shall resume after close of the elections.

(4) Within three days after close of voter registration each ward level youth officer shall transmit the ward level register of voters to its respective Elections Steering Committee for use in the elections.

(5) It is the responsibility of the youth officers at ward level to sensitise the youth on voter registration and shall, on yearly basis by 31st December, provide an updated register of voters to the Principal Secretary for custody together with an annual progress report on voter registration.

(6) A copy of the annual progress report shall be shared with the National Youth Council Secretariat together with the updated register of voters.

(7) The register of voters shall contain the following particulars in respect of the voter—

- (a) the name;
- (b) gender;
- (c) a recent colored passport size photograph;
- (d) nature of disability (if any);
- (e) National Identity Card number or Kenya passport number;
- (f) date of birth;
- (g) age;
- (h) county;
- (i) constituency;
- (j) ward; and
- (k) voting centre.

(8) For purposes of maintaining an updated register of voters, the ward level youth officers shall—

- (a) continuously register new voters in accordance with these Guidelines;
- (b) periodically update the register of voters by deleting the names of deceased voters and rectifying the particulars therein;

- (c) periodically update the register of voters by deleting the names of voters who have attained the age of thirty-five and above years;
- (d) conduct a fresh voter registration within any electoral area, if necessary, not more than one year immediately after the Independent Electoral and Boundaries Commission reviews the boundaries of any of the electoral areas.

PART V— NOMINATION OF CANDIDATES

16. (1) A youth shall be eligible for nomination as a candidate for election as a ward delegate if he or she— Nomination criteria.

- (a) is a Kenya citizen aged at least eighteen years old and is also aged below thirty-five years of age as at 31st December of the election year;
- (b) is a holder of a minimum qualification of the secondary or high school ordinary level certificate from a recognised institution;
- (c) is in possession of a recommendation letter issued by the Assistant Chief, Area Chief or the National Police Service at the ward where she or he is registered as a voter;
- (d) has complied with the nomination procedures under paragraph 17 of these Guidelines;
- (e) is a registered voter in accordance with these Guidelines; and
- (f) has complied with the requirements of chapter six of the Constitution.

(2) A youth shall be eligible as a candidate for election at the Constituency level as a National Youth Congress delegate if he or she—

- (a) is a Kenya citizen aged eighteen and shall not have attained the age of thirty-five years as at 31st December of the election year;
- (b) is in possession of a birth certificate;
- (c) is a holder of a minimum qualification of a secondary or high school ordinary level certificate from a recognised institution;
- (d) has complied with the nomination procedures under paragraph 17 of these Guidelines;
- (e) is a registered voter in accordance with these Guidelines; and
- (f) has fulfilled the requirements of Chapter Six of the constitution.

(3) A youth shall be eligible as a candidate for election or nomination as a member of National Youth Council if he or she is—

- (a) a Kenyan citizen who is a youth;
- (b) in possession of a birth certificate;
- (c) a holder of a minimum qualification of a secondary or high school ordinary level certificate from a recognized institution;
- (d) has complied with the nomination procedures under paragraph 17 of the Guidelines;
- (e) is a registered voter in accordance with these Guidelines;
- (f) has fulfilled the requirements of Chapter Six of the Constitution.

(4) Unless otherwise approved by the Cabinet Secretary, the recommendation letter presented by an aspirant under this paragraph shall be no more than three months old on the presentation date.

17. (1) A youth must be nominated in accordance with the following procedure in order to qualify as a candidate at the National Youth Council elections—

Procedure for nomination.

- (a) a youth aspiring for the position of ward delegate must be nominated by at least fifty registered voters;
- (b) a youth aspiring for the position of constituency delegate must be proposed by at least one ward delegate and seconded by at least one other ward delegate;
- (c) a youth aspiring for the position of National Youth Congress delegate must be proposed by at least one Constituency delegate and seconded by at least one other Constituency delegate; and
- (d) a youth aspiring for the position of member of the National Youth Council shall be proposed by at least one National Youth Congress Delegate and seconded by at least one other National Youth Congress delegate.

(2) Candidates shall be nominated in Form 1 set out in Annexure 1 to these Guidelines, which Form shall be available in the National Youth Council website and shall be presented when duly completed by the aspiring candidates to the Election Steering Committees in their respective electoral areas or, in the case of the National Youth Congress election, to the National Steering Committee, by 5.00 pm on the appointed deadline day for receiving nominations.

(3) In addition to the requirement in sub paragraph (2), aspiring candidates shall present, to the relevant elections committee, documents proving compliance with paragraph 16 of these Guidelines by 5.00 pm on the appointed deadline day for receiving nominations.

18. A candidate shall not be eligible for election as a candidate in the National Youth Council elections if the candidate—

Persons disqualified from nomination.

- (a) is not a Kenyan citizen;

- (b) is not registered as a voter within the electoral area in which he or she intends to participate in the election;
- (c) is a member of the National Steering Committee;
- (d) is a member of an Election Steering Committee;
- (e) has participated as a voter educator or voter education provider in a voter education programme organised under these Guidelines within the six months immediately preceding date of commencement of elections;
- (f) is an official of a political party;
- (g) has not complied with paragraphs 16 and 17 of these Guidelines;
- (h) is otherwise disqualified by a lawful order of the National Steering Committee or the order of an Election Steering Committee of competent jurisdiction, including but not limited to an order prohibiting or disqualifying that person as a candidate on grounds of breaching any code of conduct issued by the Cabinet Secretary for purposes of the National Youth Council elections.

PART VI— THE ELECTIONS TIMETABLE

19. (1) The procedure in respect of the timing of the National Youth Council elections whether voting is carried out electronically or manually through physical balloting shall be in accordance with this paragraph.

Planning of elections timetable.

(2) Voting shall take place between 8.00 am and 5.00 pm on the appointed date of election date and counting of votes shall commence immediately after close of voting.

(3) The National Youth Council elections at the respective levels or electoral areas shall be held on different dates declared in the Kenya Gazette by the Cabinet Secretary.

(4) The National Steering Committee and the Election Steering Committees shall ensure that, unless necessitated by the operation of these Guidelines, not more than fourteen days shall lapse between the elections at any two consecutive levels of the National Youth Council Elections.

PART VII— VOTER EDUCATION

20. The National Youth Council Secretariat, with the support of the Principal Secretary, shall develop a voter education curriculum and support materials covering all processes outlined in these Guidelines, and conduct voter education countrywide.

Voter education curriculum.

21. A voter education exercise shall be commenced at least sixty days prior to the commencement of elections.

Commencement of voter education.

22. The conduct of voter education shall in its design, message and implementation be impartial, non-partisan, and in compliance with

Conduct of voter education.

the voter education Code of Conduct set out in Annexure 4 to these Guidelines.

23. Voter educators and voter education providers shall affirm acceptance of the terms and conditions of the Voter Education Code of Conduct by completing the Form set out in Annexure 5 to these Guidelines and returning it to the National Youth Council Secretariat.

Voter Education Code of Conduct.

PART VIII— ELECTION OFFICERS

24. (1) The Principal Secretary may designate such number of returning officers as shall be necessary to conduct the National Youth Council elections.

Appointment of returning officers.

(2) Returning officers shall be responsible for—

- (a) receiving nomination papers in respect of candidates;
- (b) conducting elections at their respective levels;
- (c) tallying, announcement, and declaration, in Form 2(b) set out in Annexure 1 to these Guidelines, of the final results from each voting centre within a ward and constituency, or at the National Youth Congress, as applicable;
- (d) collating and announcing the results from each voting centre within a ward, constituency, or at the National Youth Congress, as applicable; and
- (e) submitting, in Form 3 set out in Annexure 1 to these Guidelines, the collated results for the election at their respective levels.

(3) In the performance of his or her duties, a returning officer shall take directions from the National Steering Committee and the Elections Steering Committee having jurisdiction within the electoral area assigned to the returning officer:

Provided that, in the event of conflict, a directive of the National Steering Committee shall supersede a directive of an Elections Steering Committee.

(4) The returning officer for the National Youth Congress election shall promptly table the collated election results to the National Steering Committee.

(5) The returning officer of a ward and constituency level election shall promptly transmit the collated election results to the Elections Steering Committee, which shall verify and transmit the results to the National Steering Committee.

(6) Before transmitting any elections results, a returning officer shall verify that the results transmitted under this paragraph are an accurate record of the results tallied, verified, and declared at the respective voting centres.

25. (1) The National Steering Committee shall appoint such number of presiding officers and polling clerks as shall be necessary to efficiently and effectively conduct the National Youth Council elections.

Appointment of presiding officers and polling clerks.

(2) The functions of a presiding officer shall be—

- (a) presiding over elections at an assigned voting centre;
- (b) tallying, counting and announcement of results at the voting centre in Form 1(b) set out in Annexure 1 to these Guidelines;
- (c) submitting polling station results to the returning officer; and
- (d) transmitting election results to the returning officer.

(3) A polling clerk shall assist and take directions from an assigned presiding officer in the conduct of an election at a voting centre.

(4) In the performance of his or her duties, a presiding officer shall take directions from the returning officer having jurisdiction over the election over which he or she is presiding.

PART IX— ELECTION AGENTS AND OBSERVERS

26. (1) A candidate may appoint one agent per voting centre, and every candidate shall ensure that—

Appointment of agents.

- (a) all his or her agents are registered and accredited by the Election Steering Committee responsible for the electoral area in which they shall be agents;
- (b) all his or her agents have read, understood and accepted to be bound by the Electoral Code of Conduct set out in Annexure 2 to these Guidelines and subsequently signed a declaration form; and
- (c) all the candidate's agents have returned the declaration Form set out in Annexure 3 to these Guidelines to the Election Steering Committee of the electoral area where they shall be agents.

(2) A candidate at the National Youth Congress election shall ensure that his or her agents have returned their respective Annexure 3 declarations to the National Steering Committee and those declarations are registered and accredited by the National Steering Committee.

27. (1) The National Steering Committee may register and accredit observers and media representatives, including but not limited to observers from youth serving organizations and national youth councils from other African countries, and any other countries internationally.

Registration and accreditation of observers and media representatives.

(2) Each accredit observer or media representative shall sign the declaration Form set out in Annexure 3 to these Guidelines accepting to be bound by the Electoral Code of Conduct.

(3) Each accredited observer shall present an independent report on the elections to the National Steering Committee which shall be presented to the Cabinet Secretary within seven days from the date the results of the National Youth Congress elections are declared.

PART X— GUIDELINES ON PHYSICAL VOTING

28. The Election Steering Committee shall display a list of the candidates and voting centers in public offices and market centres within the relevant electoral area or on such electronic platforms as the National Steering Committee shall determine.

List of candidates and voting centres.

29. (1) Each Election Steering Committee and the National Steering Committee shall ensure that whenever physical voting is deployed, the provisions of this paragraph shall apply.

Procedure for physical voting.

(2) Voters shall identify themselves using either the national identity card or Kenya passport.

(3) A voter's personal details and his or her identity documents shall be compared against the personal information available in the register of voters in order to authoritatively identify the voter.

(4) The voter shall sign the printed register of voters against receipt of a ballot paper.

(5) Voting shall be by secret ballot and the voting booth shall be designed to facilitate secrecy of balloting.

(6) A voting booth shall have a table and a writing instrument.

(7) The voter shall complete the ballot paper in a voting booth.

(8) The voter shall complete the ballot paper by himself or herself and where the voter is unable to complete the ballot paper due to a physical disability, another voter, but not a candidate in the election may complete the ballot on behalf of the voter at the voter's request and in the voter's presence.

(9) A voter shall be allowed to cast only one vote, and in this regard, the Election Steering Committee for the electoral area or the National Steering Committee shall ensure that adequate measures are implemented to ensure that no voter is allowed to vote more than once in the same election.

(10) The voter shall not take the ballot paper out of the voting centre and where the voter spoils the ballot paper, he or she has the right to receive another ballot paper and the voter shall return the spoilt or unused ballot paper to the election officials.

(11) After completing the ballot paper, the voter shall fold the ballot paper and hand it to an election official who shall stamp the same with a designated stamp on the outside of the folded ballot paper.

(12) The voter shall deposit the ballot paper in the ballot box by himself or herself and where a voter is unable to deposit the ballot paper in the ballot box by himself or herself due to physical disability, another voter may do so at the voter's request and in the presence of the voter.

(13) For the purpose of ensuring that persons with special needs, including persons with disabilities, realise their right to vote, the National Steering Committee and each Election Steering Committee

shall ensure that appropriate infrastructure and personnel are available and fit for the purpose.

30. (1) Each Election Steering Committee and the National Steering Committee Elections shall adopt the standards, practices and procedures provided in sub paragraph (2) with regard to election material whenever physical voting is deployed.

Standards and practices as regards election materials.

(2) Where physical voting is deployed—

- (a) all ballot papers shall be serialised and stamped with a designated stamp;
- (b) the ballot papers shall be appropriately designed to allow voters to effectively and accurately identify all the candidates and cast their votes as intended;
- (c) the ballot boxes used shall be transparent, shall remain sealed during voting, and shall only be unsealed and opened when the process of counting the votes commences;
- (d) the opening of a ballot box shall be covered and opened only while depositing a ballot paper in the box; and
- (e) the candidates, their agents, or other registered representatives, shall be afforded reasonable opportunity to witness the opening of ballot boxes before voting commences, and prior to commencement of vote counting, in order to confirm that the ballot boxes and ballots have not been tampered with.

31. (1) Counting of votes shall be done by presiding officers designated by the relevant Election Steering Committee or the National Steering Committee as applicable.

Counting of votes.

(2) Vote counting shall be done in the presence of the candidate respective agents and in public.

(3) The Election Steering Committee responsible for the electoral area or the National Steering Committee shall allow the media to publicise the vote counting exercise subject to compliance with paragraph 42 of these Guidelines.

PART XI— GUIDELINES ON PROCESS OF VOTING AND COUNTING OF VOTES

32. (1) The National Steering Committee may elect to convene the National Youth Congress elections using physical or electronic platform and to conduct the vote using manual or electronic system.

Manner of conducting votes.

(2) The Elections Steering Committees may elect to convene ward and constituency elections through a manual or electronic platform and to conduct the vote using either manual or electronic voting system with the approval of the National Steering Committee.

33. (1) The National Steering Committee and the Elections Steering Committee shall ensure that either systems i.e. manual or electronic voting systems deployed meet minimum standards set out in sub-paragraph (2).

Minimum standards of the voting system.

(2) The voting system—

- (a) enables only voters registered under these Guidelines to vote;
- (b) enables persons with disabilities and other special needs person to vote;
- (c) should be able to track the votes cast and ensure that a voter is able to cast only one valid vote;
- (d) maintains the principle of secrecy of the vote at all stages of the voting procedure;
- (e) ensures that the voter's intention shall not be affected by the voting system, or by any undue influence;
- (f) allows voters to select from multiple candidates;
- (g) identifies votes that are affected by irregularity;
- (h) allows voting to start and end at specific times;
- (i) protects the personal data of voters and other users to the standards required under the Data Protection Act;
- (j) is configured to facilitate an audit system capable of recording times, events and actions, including but not limited to—
 - (i) all voting-related information, including but not limited to the number of eligible voters, the number of votes cast, the number of valid and invalid votes, the counts and recounts;
 - (ii) any attacks on the operation of the electronic voting system and its communications infrastructure;
 - (iii) failures, malfunctions and other threats to the electronic voting system; and
- (k) complies with such other standards or technical specifications as the National Steering Committee may specify.

No. 24 of 2019.

34. The National Steering Committee, in collaboration with the Election Steering Committees, shall test and certify to the Cabinet Secretary that any electronic voting system to be deployed is ready for use in the National Youth Council elections.

Preparing the electronic voting system for elections.

35. The National Steering Committee and Election Steering Committees shall ensure that the public, in particular voters, shall be informed prior to the commencement date of the elections—

Information of the public.

- (a) of any steps a voter may have to take in order to participate and vote;
- (b) the correct use and functioning of the voting electronic voting system; and
- (c) the voting timetable.

36. The National Steering Committee shall ensure that only authorised persons shall have access to the central infrastructure, the servers and the election data.

Access by authorized persons.

37. (1) A voter shall vote personally whether the National Youth Council elections are conducted manually or electronically.

Voting.

(2) A voter shall cast only one vote and shall not be allowed to change such vote under any circumstances.

(3) A voter shall identify himself or herself by a certificate issued upon registration which shall be integrated with the Integrated Population Registration Services System so as to facilitate identity verification for voters and candidates.

(4) Following the identification of the voter pursuant to the procedure provided for in sub-paragraph (3), the consolidated list of candidates in the applicable electoral areas and election shall be displayed to the voter.

(5) The voter shall vote by selecting the candidate in the electoral area or election in which he or she is registered as a voter.

(6) A notice that the vote has been taken into account shall be displayed and delivered to the voter after the voting is confirmed in the case of electronic voting.

38. (1) The provisions of this paragraph shall apply to vote counting at the ward and constituency levels.

Vote counting and management of electronic voting results at the ward and constituency levels.

(2) The Election Steering Committee for an electoral area shall promptly verify the results of electronic or manual voting on election day after the close of voting in that electoral area.

(3) At least half of the members of the Election Steering Committee for an electoral area, including the chairpersons or secretaries of the committees, shall be present at the counting of votes.

(4) The Election Steering Committee shall verify and certify the following in each electoral area—

- (a) the number of voters who participated in electronic voting;
- (b) the number of invalid electronic votes;
- (c) the number of electronic votes annulled pursuant to these Guidelines;
- (d) the number of electronic votes cast for each candidate.

(5) Upon completion of vote counting, the chairman of an Elections Steering Committee shall ensure that the results are managed in accordance with Part XII of these Guidelines.

39. (1) The provisions of this paragraph shall apply to vote counting and management of electronic voting results at the National Youth Congress.

Vote counting and management of electronic voting results at the National Youth Congress.

(2) The National Steering Committee shall promptly verify the results of electronic voting on election day after the close of voting.

(3) At least half of the members of the National Steering Committee, including the chairperson, shall be present during voting and counting of votes.

(4) The National Steering Committee shall verify and certify the following—

- (a) the number of voters who participated in electronic voting;
- (b) the number of invalid electronic votes;
- (c) the number of electronic votes annulled pursuant to these Guidelines;
- (d) the number of electronic votes cast for each candidate.

(5) Upon completion of vote counting, the chairman of the National Steering Committee shall ensure that the election results are managed in accordance with Part XII of these Guidelines.

40. (1) The provisions of this paragraph shall apply to vote counting in any election where electronic voting is deployed.

Vote counting in electronic voting system.

(2) A manual or electronic vote which does not contain the voter registration number of the candidate or which is not in conformity with the standard format established by the National Steering Committee shall be null and void.

(3) Counting of votes cast shall be public and the media shall be allowed to facilitate public witnessing of the vote counting.

(4) Persons who are present at the counting of votes shall follow the oral orders of the members of the National Steering Committee or Elections Steering Committee for the electoral area as applicable.

41. Minutes, reports and other records of the proceedings of the National Youth Congress and the ward and constituency delegates shall be documented by the National Youth Council Secretariat and custody of the records shall be kept by the National Steering Committee.

Records of delegates meetings.

PART XII —MANAGEMENT OF ELECTION RESULTS

42. (1) Persons who are present at the counting of votes shall not be allowed to declare or communicate any election results, vote counts or vote tallies except those authorised by or already officially declared by the National Steering Committee or an Elections Steering Committee, as applicable, and in accordance with these Guidelines.

Authority to declare election results.

43. (1) The provision of this paragraph shall apply to the management of election results whether voting was conducted physically through ballots or electronically.

Rules for management and declaration of election results.

(2) The Election Steering Committee or the National Steering Committee, as applicable, shall announce the results of the election publicly, immediately upon completion of vote counting, and shall endeavour to complete vote counting and announce the results on the

election day but no later than 5.00pm on the day subsequent to the election day.

(3) Subject to the provisions of Part III of these Guidelines, the candidate with the highest number of votes cast shall be declared duly elected.

(4) In the case of electronic voting, immediately after the announcement of the results, the Chairperson of the Election Steering Committee or the National Steering Committee, as applicable, shall upload the into the elections information system.

(5) In the case of physical voting the results shall be recorded in a specified form immediately after announcement and shall be authenticated by the chairpersons of the respective Elections Steering Committee or the National Steering Committee, as applicable, by signing and stamping the same.

44. In the case of ward and constituency youth elections, the Chairperson of the Election Steering Committee shall hand over the election results in a specified form to Chairperson of the National Steering Committee, no later than 5.00 pm on the subsequent day after the elections.

Election results for ward and constituency submitted to the National Steering Committee.

45. (1) The Chairperson of the National Steering Committee shall not later than 5.00 pm on the subsequent day after the National Youth Congress election forward to the Cabinet Secretary to be considered for appointment—

Particulars of elected youth forwarded to the Cabinet secretary.

- (a) the names, contacts and other relevant personal details of the eight youth elected by the National Youth Congress pursuant to section 5(1)(g) of the Act, 2009; and
- (b) the names, contacts and other relevant personal details of the youth nominated by the National Youth Congress pursuant to section 5(1)(h) of the Act.

(2) The Chairperson of the National Steering Committee shall, not later than 5.00 pm on the subsequent day after the National Youth Congress election, forward the names, contacts, and other relevant personal details of the Thirty-One substitute members of the National Youth Council nominated by the National Youth Congress to the Cabinet Secretary for consideration in filling the vacancies arising in the National Youth Council.

46. The Election Steering Committee or the National Steering Committee, as applicable, shall issue certificates in either Form 4 set out in Annexure 1 to these Guidelines, to the elected ward and constituency delegates, upon conclusion of the verification and announcement of election results.

Issuance of certificates.

47. The Elections Steering Committee for each electoral area shall, in respect of their electoral areas, verify, reconcile and report to the National Steering Committee—

Report of the Election Steering Committee to the National Steering Committee.

- (a) on the number of voters entered in the register of voters;

- (b) the number of voters who were given a ballot paper;
- (c) the number of voters who participated in voting;
- (d) the number of invalid ballot papers; and
- (e) the number of votes cast for candidates.

48. (1) The National Steering Committee shall, within seven days from the date when the relevant level of elections was concluded countrywide, collate, analyse and transmit a report containing all information concerning the conduct of the relevant election within each Constituency to the Cabinet Secretary.

National Steering Committee report to the Cabinet Secretary.

(2) The National Steering Committee shall in respect of the National Youth Congress, verify, reconcile and report to the Cabinet Secretary—

- (a) on the number of voters entered in the register of voters;
- (b) the number of voters who were given a ballot paper;
- (c) the number of voters who participated in voting;
- (d) the number of invalid ballot papers;
- (e) the number of votes cast for candidates; and
- (f) any other information as may be required by the Cabinet Secretary.

49. The National Steering Committee may, on the recommendation of an Election Steering Committee, disqualify a candidate or nullify the results of any election or voting centre, as applicable, if any of the following election irregularities are proved—

Irregularities in elections.

- (a) use of ballots other than the prescribed ballots;
- (b) voting in a voting centre which has not been published;
- (c) voting outside the specified period and time;
- (d) writing more than one name on a ballot;
- (e) use of force and intimidation;
- (f) misrepresentation;
- (g) corruption; or
- (h) any breach of a Code of Conduct issued by the Cabinet Secretary for purposes of the National Youth Council elections.

PART XIII— ELECTION DISPUTES

50. (1) In case of ward and constituency elections any aggrieved candidate or aspirant may lodge a formal complaint or dispute within two days after the date of the election, directly to the relevant Elections Steering Committee within the respective electoral area.

Lodging election complaints or disputes.

(2) The Elections Steering Committee shall hear and determine the complaint or dispute within one day of receipt of the complaint or dispute.

51. (1) Any candidate or aspirant aggrieved by a decision or declaration of an Elections Steering Committee under these Guidelines shall, within one day from the date of such decision or declaration, lodge an appeal with the National Steering Committee. Appeal.

(2) A candidate who is dissatisfied with the decision of the National Steering Committee may lodge an appeal in the High Court.

52. Where upon receipt of a complaint, dispute or appeal, it is considered that there is no sufficient ground for granting the relief claimed, the complaint, dispute or appeal may be dismissed summarily. Dismissal of complaints, disputes or appeal.

53. During the hearing of complaints, disputes, and appeals, the relevant body may, in the exercise of its jurisdiction— Hearing of complaints, disputes, and appeals.

- (a) summon and swear in witnesses in the same manner or, as nearly as circumstances admit, as in a trial by a court in the exercise of its civil jurisdiction;
- (b) compel the attendance of any person as a witness who appears to have been concerned in the election;
- (c) examine a witness who is compelled to attend or any other person who has not been called as a witness and examined by a party to the proceedings and, after examination, the witness may be cross examined by or on behalf any or all the parties; and
- (d) decide all matters that come before it without undue regard to technicalities.

54. The following orders may be granted at the hearing of a complaint, dispute or appeal arising in this Part— Remedies.

- (a) a declaration that a candidate is validly elected;
- (b) a declaration that the election of a candidate is revoked;
- (c) an order as to whether a fresh election will be held or not;
- (d) an order for a scrutiny of votes to be carried out;
- (e) an order as to the party that will bear the costs of the proceedings, provided that costs shall follow the cause; or
- (f) such other or further orders as are deemed just and fit to be granted.

55. (1) Whenever a scrutiny of votes is ordered, the following votes shall be declared invalid— Invalid votes.

- (a) the vote of a person whose name was not on the register or list of voters assigned to the voting centre at which the vote was recorded or who had not been authorised to vote at that voting centre;
- (b) the vote of a person whose vote was procured in breach of the Electoral Code of Conduct or Voter Education Code of Conduct;

- (c) the vote of a person who impersonated or procured the impersonation another person, and thereby voted or facilitated voting by the impersonator at the election;
- (d) the vote of a person proved to have voted more than once in the same election; or
- (e) the vote of a person, who was disqualified from voting at the election by these Guidelines, the Electoral Code of Conduct, or the Voter Education Code of Conduct.

(2) An election shall not be declared void for non-compliance with these Guidelines, where such non-compliance did not substantially affect the result of the election.

56. (1) The next level of the National Youth Council elections within an electoral area shall be held after hearing and determination of any complaints, disputes or appeals arising from that electoral area, but not later than fourteen days from the date of the election held at the preceding level, unless otherwise required by the operation of these Guidelines. Next level of election.

(2) If, upon the hearing and determination of a complaint, dispute or an appeal, it is directed that a fresh election must be held, the National Steering Committee shall appoint a fresh election date for the electoral area falling on a day that is not more than fourteen days from the date of such ruling, and the next level of the National Youth Council election within the relevant electoral area shall be held not more than fourteen days from the date of the fresh election:

Provided that the National Youth Congress shall convene only upon the election and declaration of representatives of all constituencies, in accordance with these Guidelines.

PART XIV— APPOINTMENT OF ELECTED DELEGATES

57. Elections shall be deemed concluded upon the Cabinet Secretary's publication, in the Kenya gazette, names of delegates elected by the National Youth Congress to be members of the National Youth Council. Conclusion of elections.

58. (1) Each delegate nominated by the National Youth Congress as a member or substitute member of the National Youth Council shall complete the Fit and Proper form set out in Annexure 6 to these Guidelines as, and transmit the Form to the National Steering Committee Secretariat within two days from the date when the National Youth Congress election results were declared. Procedure for background checks and appointment of delegates.

(2) The Secretariat of the National Steering Committee shall, on receipt of the duly completed Fit and Proper Forms, transmit it to the National Steering Committee on National Youth Council Elections for consideration within three days from the date of receipt.

(3) The National Steering Committee shall consider the Fit and Proper Forms and submit a Fit and Proper Assessment Report on each nominated delegate to the Cabinet Secretary within fourteen days from the date of receipt of the duly completed Fit and Proper Forms by its Secretariat for custody.

PART XV— APPOINTMENT OF SUBSTITUTE MEMBERS
TO FILL VACANCIES

59. Where a vacancy occurs in the National Youth Council by operation of section 2 of the First Schedule of the Act, the Cabinet Secretary may appoint a person who has been listed as a substitute member of the National Youth Council under paragraph 45(2):

Procedure for filling
vacancies.

Provided that in making appointments from the substitute members list, the Cabinet Secretary shall maintain the diversity of membership of the National Youth Council by ensuring that regional balancing and representation of women and persons with disability is attained.

paragraph 17(2)

[illegible]

paragraph 25(2)(b)

ELECTION RESULTS AT THE VOTING CENTER

County.....

<i>Name of Candidate</i>	<i>No. of Valid Votes Obtained</i>
Total number of valid votes cast	

1.	Total Number of Registered Voters in the Polling Station;	
2.	Total Number of Rejected Ballot Papers;	
3.	Total Number of Rejection Objected To Ballot Papers;	
4.	Total Number of Disputed Votes;	
5.	Total Number of Valid Votes Cast;	

<i>Serial Number of Ballot Paper (s) with disputed vote</i>	<i>Name of Candidate assigned the vote</i>

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in.....Polling Station..... Constituency.

Presiding Officer: *Signature* Date.....

No.	Name of Candidate or Agent	ID/Passport No.	Party Name/ Independent Candidate	Tel. Contact	Signature	Date
1.						
2.						
3.						

Reasons for Refusal to Sign (if any)

.....

Presiding Officer's Comments:

.....

Form 2 (b) paragraph 23(2)(c)

THE NATIONAL YOUTH COUNCIL

DECLARATION OF RESULTS FOR THE NATIONAL YOUTH COUNCIL
 ELECTIONS AT THE NATIONAL TALLYING CENTRE

Name of National Tallying Centre:

.....

Constituency Name	Voting Center Name	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots

Signatures of Candidates or Agents

No.	Name of Candidate or Agent	ID/Passport No.	Tel. Contact	Signature	Date
1					
2					
3					

Chairperson National Steering Committee on the National Youth Council
 Elections:.....

Signature:

Date:.....

Form 3

paragraph 23(2)(e)

**THE NATIONAL YOUTH COUNCIL
COLLATION OF NATIONAL YOUTH COUNCIL ELECTION RESULTS AT THE
CONSTITUENCY TALLYING CENTRE**

Constituency.....

County.....

<i>Name of Voting Station</i>	<i>Registered Voters</i>	<i>Candidate 1</i>	<i>Candidate 2</i>	<i>Candidate 3</i>	<i>Total Valid Votes</i>	<i>Rejected Ballots</i>

Agents or Candidates (if present)

<i>No.</i>	<i>Name of Candidate or Agent</i>	<i>ID/Passport No.</i>	<i>Party Name/ Independent Candidate</i>	<i>Tel. Contact</i>	<i>Signature</i>	<i>Date</i>
1.						
2.						
3.						

Name of the Constituency Returning Officer:

ID Number:

Signature:

Date:

Form 4

paragraph 46

THE NATIONAL YOUTH COUNCIL

CERTIFICATE OF ELECTED DELEGATE OF THE NATIONAL YOUTH COUNCIL

(INSERT NAME OF WARD/CONSTITUENCY)

The Constituency Returning Officer hereby declares that
of ID No.....has been duly elected as the delegate of the
National Youth Council Elections forConstituency
in the election held on

.....day of20.....

Constituency Returning Officer:

Signature:

Dated this.....Day of.....,

20.....

Stamp

ANNEXURE 2

Paragraph 26(1)(b)

ELECTORAL CODE OF CONDUCT

1. This Code of Conduct shall be observed by—

- (a) all candidates participating in the National Youth Council elections; and
- (b) every agent, observer, and media representative registered or accredited under the National Youth Council Elections Guidelines.

2. In this Code, unless the context otherwise requires—

“agent” means an agent appointed under the National Youth Council Elections Guidelines; “Cabinet Secretary” means the Cabinet Secretary responsible for youth affairs;

“candidate” means a candidate duly nominated under the National Youth Council Elections Guidelines;

“Code” means the Electoral Code of Conduct;

“election” means the elections held under the National Youth Council Elections Guidelines;

“electoral committees” refers to the National Steering Committee or the Elections Steering Committees established under the National Youth Council Elections Guidelines;

“electoral tribunal” means National Steering Committee or the Elections Steering Committees, sitting pursuant to their respective complaints and dispute resolution jurisdictions;

“National Youth Congress” means the National Youth Congress constituted pursuant to paragraph 9(3) of the National Youth Council Elections Guidelines;

“National Youth Council” means the National Youth Council established under section 3 of the Act;

“National Youth Council Elections Guidelines” means the National Youth Council Elections Guidelines 2021;

“observer” means an observer appointed under the National Youth Council Elections Guidelines;

“voter” means a youth who is eligible to participate in the National Youth Council Elections by virtue of having been registered as voter in accordance with these Guidelines;

“voter education” means all forms of information or communication whose purpose is to educate voters on their rights and responsibilities in the National Youth Council electoral process;

“voter education provider” means a person or association duly registered by the National Steering Committee and the responsible Elections Steering Committee to deploy and coordinate voter educators within electoral areas;

“voting centre” means a location designated by the National Steering Committee or an Election Steering Committee as a place where voting shall take place in the National Youth Council elections.

3. The object of this Code is to promote conditions conducive to the conduct of free and fair elections and a climate of tolerance in which elections and election related activities may take place without fear, coercion, intimidation or reprisals.

4. All persons bound by this Code shall endeavour to promote its objects to enable free campaigning and open public debate in all parts of Kenya during an election period.

5. Candidates, agents, and their representatives do, by subscribing to this Code, further commit themselves to—

- (a) adhere to the values and principles of the Constitution;
 - (b) give wide publicity to this Code, the National Youth Council Elections Guidelines, and the National Youth Council Act;
 - (c) promote voter education campaigns;
 - (d) condemn, avoid, and take steps to prevent violence and intimidation;
 - (e) ensure that their agents and other representatives comply with this Code;
 - (f) promote gender equality;
 - (g) promote ethnic tolerance;
 - (h) promote cultural diversity;
 - (i) promote the fair representation of special interest groups;
 - (j) generally, affirm the rights of all participants in an election to—
 - (i) express divergent opinions;
 - (ii) debate and contest the policies and programmes of other candidates;
 - (iii) canvass freely for support from voters;
 - (iv) subject to the Public Order Act (Cap. 56), hold public meetings;
 - (i) attend public meetings convened by others;
 - (ii) distribute non-offensive electoral literature and campaign materials;
 - (iii) publish and distribute non-offensive notices and advertisements;
 - (iv) erect non-offensive banners, placards and posters;
 - (v) remove all banners, placards and posters erected during the election period within fourteen (14) days from the date when the relevant elections are concluded or in compliance with a notice issued by an Electoral Committee or by a County Government or by any other lawful authority;
 - (vi) promote free electoral campaigns by all lawful means; and
 - (k) co-operate with the electoral committees, electoral tribunals, and the relevant Government agencies and other authorities in the investigation of issues and allegations arising during the election period.
6. All persons bound by this Code shall, throughout an election period—
- (a) publicly and repeatedly condemn violence and intimidation and avoid the use of hate speech, language or any kind of action which may lead to violence or

intimidation, whether to demonstrate strength, gain any kind of advantage, or for any other reason;

- (b) refrain from any action involving violence or intimidation;
- (c) ensure that no arms or weapons of any kind are carried or displayed at campaign meetings or any march, demonstration or other event related to the elections;
- (d) refrain from campaigning in places of worship or during burial ceremonies;
- (e) co-operate and liaise in good faith with other parties to avoid organising public meetings, demonstrations, rallies or marches to take place at the same time and venue as similar events organised by other parties;
- (f) do nothing to impede the right of candidates, their canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, or soliciting support;
- (g) avoid plagiarising the symbols, colours or acronyms of other candidates; and to discourage and, if possible, prevent the removal, disfigurement or destruction of campaign materials of any candidate;
- (h) refrain from offering any document or reward to any person in consideration of such person either joining a candidate's campaign or voting for a candidate; attending or not attending any election related event; voting or not voting (either at all, or in any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal, state or traditional authority in relation to the elections, including any offer of reward or threat of penalty;
- (j) avoid any discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth in connection with the election;
- (k) in relation to the electoral committees—
 - (i) acknowledge the authority of the electoral committees in the conduct of the election;
 - (ii) ensure the attendance and participation of representatives at any meetings and other forums convened by or on behalf of the Cabinet Secretary or electoral committees;
 - (iii) implement the orders and directions of the electoral committees;
 - (iv) facilitate the electoral committees' respective rights of access through official observers and other representatives to all campaign meetings or other electoral activities;
 - (v) co-operate in the official investigation of issues and allegations arising during an election period;
 - (vi) take all reasonable steps to ensure the safety of observers, election officials, and other representatives of the electoral committees, from exposure to insult, hazard or threat in the course of their official duties;

- (vii) to establish and maintain effective lines of communication with the electoral committees;
- (viii) to abide by the provisions of this Code; and
- (ix) reassure voters with regard to the impartiality of the electoral committees and the secrecy and integrity of the ballot, and to reaffirm that no one should know how any other person has voted;
- (l) take reasonable steps to discipline and restrain their agents and other representatives, who—
 - (i) infringe this Code;
 - (ii) engage in activities of commission or omission which fail to observe this Code and the National Youth Council Elections Guidelines; and
 - (iii) contravene or fail to comply with any provision of the National Youth Council Elections Guidelines or this Code;
- (m) agree for candidates, supporters and representatives to submit to the disciplinary procedures related to any violation of this Code; and
- (n) accept the final outcome of the election, any election dispute or complaint, and the declaration and certification of the results of an election.

7. Where, in the opinion of an electoral committee of competent jurisdiction, any candidate, agent or other representative of a candidate, in any way infringes any provision of this Code, such electoral committee may—

- (a) in the case of a candidate, agent, or other representative of a candidate, impose upon that candidate one or more of the following penalties or sanctions, of which any or all may be suspended on specific conditions—
 - (i) a formal warning;
 - (ii) a fine determined by the relevant electoral committee;
 - (iii) notwithstanding the provisions of any other written law, issue an order prohibiting the candidate, whether permanently or for a specified period, from utilising any public media time, whether through print, television, radio, broadcasting, internet or social media service of such media;
- (b) where a candidate or any of his or her representatives fails, neglects or refuses to comply with the orders of an electoral committee or electoral tribunal of competent jurisdiction, such competent electoral committee or electoral tribunal shall impose upon the defaulting party any of the following sanctions, which may be suspended on specific conditions—
 - (i) in case of a fine imposed, prohibit the defaulting party from participating in ongoing and future elections as candidates in case of a defaulting candidate or prohibit the candidate, his or her agents or representatives from participating in ongoing elections and future elections or any activity facilitated by the Cabinet Secretary, or electoral committees, or electoral tribunals, until such fine has been paid in full;

- (ii) in case of failure to comply with any other sanctions imposed, cancel the right of such candidate or his or her agents or representatives to participate in the next election; and
- (iii) institute recovery proceedings in a court of competent jurisdiction to enforce the recovery of the fine.

8. Without prejudice to the provisions of paragraph 7, the Cabinet Secretary or an electoral committee or electoral tribunal of competent jurisdiction may report a candidate, an agent or other representative of the candidate to the relevant authorities, in relation to any conduct that is reasonably suspected to be in violation of this Code or any other law.

9. In making its decision regarding appropriate penalties or sanctions under this Code, an electoral committee or electoral tribunal of competent jurisdiction shall have regard to any other legal consequences that may result from civil or criminal proceedings instituted by reason of the same occurrence.

10. All candidates, agents, and other representatives of candidates—

- (a) shall respect the role of the media before, during, and after an election;
- (b) may not prevent access by members of the media to campaign meetings, marches, demonstrations and rallies; and
- (c) shall take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, hazard, threat or physical assault by any of their representatives or persons who support the candidate.

11. Every media house and its representative shall—

- (a) adhere to media professional ethics in its coverage of public meetings, campaign rallies and demonstrations;
- (b) during the prescribed hours of voting, not publish or distribute the result of an exit poll taken in that election;
- (c) adhere to any media regulations issued by the Cabinet Secretary; and
- (d) abide by the provisions of the National Youth Council Elections Guidelines and this Code.

12. This Code shall be enforced by the electoral committee responsible for management of an election in respect of which it is alleged that the Code has been breached.

13. Whenever the jurisdiction to enforce the Code is shared by two or more electoral committees, the National Steering Committee shall either have original jurisdiction to enforce the Code, or shall give directions on the electoral committee that shall be responsible for enforcement of the Code, including but not limited to facilitating joint, cooperative, or concurrent exercise of jurisdiction by electoral committees.

14. (1) Every candidate, official, agent and candidate representative shall—

- (a) acknowledge the authority of the relevant electoral committee to enforce the provisions of this Code;
- (b) ensure compliance with summons issued to a candidate, agent, officials, or representative by an electoral committee or electoral tribunal;
- (c) co-operate in the official investigation of issues and allegations on the breach of this Code; and
- (d) respect and comply with the orders issued by the electoral committee or electoral tribunal exercising jurisdiction over an election.

(2) An electoral committee or electoral tribunal exercising jurisdiction over an election shall issue summons to the person against whom a has been received as having infringed the provisions of this Code, and to any other person who the electoral committee or electoral tribunal has reason to believe has infringed the provisions of this Code, to attend its meetings. The meetings shall be convened at any place which the relevant electoral committee or electoral tribunal may deem fit.

(3) In its proceedings, the electoral committee or electoral tribunal exercising jurisdiction may examine the person summoned and may allow a person to have legal representation.

(4) The electoral committee or electoral tribunal having jurisdiction shall not be bound by the provisions of the Criminal Procedure Code (Cap. 75) or the Evidence Act (Cap. 80) in its proceedings.

(5) Every person who is summoned by the electoral committee or electoral tribunal exercising jurisdiction, and who attends the relevant meeting, shall be accorded the right to be heard.

(6) The electoral committee or electoral tribunal having jurisdiction shall exercise the powers provided under this Code to punish any person found to have infringed this Code.

(7) The electoral committee or electoral tribunal shall investigate, conduct a hearing, and deliver its verdict within seven (7) days from the date of receiving or initiating a report or complaint, and shall inform all relevant parties of its decision within twenty-four (24) hours.

(8) Appeals from decisions of the electoral committees regarding the breach of this Code shall be heard and determined in the High Court.

15. Every candidate, agent and other candidate representatives shall—

- (a) ensure security and full participation of women and persons with disabilities as candidates and voters;
- (b) respect the right of women to communicate freely with electoral committees and candidates;
- (c) facilitate the full and equal participation of women in campaign activities;
- (d) ensure free access of women and persons with disabilities to all campaign meetings, marches, demonstrations, rallies and other election related activities; and
- (e) take reasonable steps to ensure that women are free to engage in election related activities.

16. This Code shall have effect from the date of publication of a notice of election until the appointment of delegates elected in that election by the Cabinet Secretary.

17. (1) Any person may complain to an electoral committee about the breach of this Code.

(2) An electoral committee receiving a complaint falling outside its jurisdiction must refer to the complaint to the National Steering Committee, within twenty-four hours of receipt, for directions.

ANNEXURE 3

paragraph 26(1)(c), 26(2), 27(2)

DECLARATION OF ACCEPTANCE OF ELECTORAL CODE OF CONDUCT

I being a candidate/agent/representative/observer (highlight as appropriate) do hereby accept be bound by the Electoral Code of Conduct, and with such rules, regulations or guidelines as may be made from time for the purpose of giving effect to the said Electoral Code of Conduct.

Name.....

ID/Passport Number:.....

County.....

Constituency.....

Ward

Telephone.....

Organisation.....

P.O. Box.....

Sign

Date

ANNEXURE 4

paragraph 22

CODE OF CONDUCT FOR VOTER EDUCATORS AND VOTER EDUCATION PROVIDERS

1. The principal duty of a voter educator and a voter education provider is to promote awareness among the youth in general and the voting population of youth in particular on the need for all youth of voting age to register and vote in the National Youth Council elections.

2. (1) Voter educators and voter education providers are friends of every voter.

(2) Voter educators and voter education providers shall endeavour to provide appropriate information, insight and advice to every voter on issues relating to the voter registration and elections held under these Guidelines.

(3) A voter educator and voter education provider shall however not use his or her position to influence any voter to vote for any particular candidate.

3. A voter educator and a voter education provider shall—

- (a) conduct voter education in accordance with the curriculum prepared and approved in accordance with these Guidelines;
- (b) conduct voter education impartially and without the advocacy or influence from any person or group;
- (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Cabinet Secretary, the Government, or National Youth Council;
- (d) not in any way actively subvert the conduct of the electoral process;
- (e) not in any way solicit for funds in the name of the Cabinet Secretary, the Government, or the National Youth Council
- (f) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties
- (g) carry out voter education without intimidation, coercion, threats, duress or undue influence;
- (h) be sensitive to the needs of people with disabilities, women, youth and other marginalised groups when providing voter education;
- (i) give due consideration to special and appropriate circumstances regarding accessibility, language, and methodology in the provision of voter education;
- (j) avoid actual or apparent conflicts of interest in the provision of voter education;
- (k) refrain from disclosing any confidential information acquired in the course of their work, unless otherwise authorised by the Cabinet Secretary;

- (l) perform his or her duty in accordance with such other rules, regulations, standards as the Cabinet Secretary may set from time to time;
- (m) endeavour to use every means at his or her disposal to encourage every Kenyan youth who is eligible to register as voter to exercise his or her legal right to register and vote in the National Youth Council elections.

4. A voter educator or a voter education provider who does not abide by this Code of Conduct shall be liable to such penalty as the National Steering Committee may deem fit, including termination of the registration and accreditation, and revocation of the right to conduct voter education.

ANNEXURE 5

paragraph 23

STATEMENT OF ACCEPTANCE OF VOTER EDUCATION CODE OF CONDUCT

I do hereby
accept to serve as a voter educator.

I accept to be bound by the Code of Conduct for voter educators and voter education providers and with such rules, regulations or guidelines as may be made from time to time for the purpose of giving effect to the said Code of Conduct at all times during my term of service as a voter educator or voter education provider.

I undertake to relinquish my duty as a voter educator or voter education provider if required to do so, for good cause by the National Steering Committee.

Name.....

ID/Passport Number:.....

County.....

Constituency.....

Ward

Telephone.....

Organisation.....

P.O. Box.....

Sign

Date

ANNEXURE 6

paragraph 58

FIT AND PROPER TEST DECLARATION

NOTES:

- (a) Read the declaration on Section 5 below before completing this form.
- (b) In case the spaces provided are inadequate, use additional paper.
- (c) This form should be submitted as prescribed, duly completed, accompanied by the documents specified in the text.

1. PERSONAL INFORMATION

(a) Surname

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Other names

(b) Previous Names (if any) by which you have been known:

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Reasons for change of names:

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(c) Year and Place of birth:

(d) Nationality and how
acquired.....

(e) Personal Identification Number

(f) (i) Identification Card number (attach copy)
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(ii) Passport number (attach copy)

(g) Postal Address:

(h) Previous Postal Addresses (if any)

(i) Physical Address.....

(j) Telephone numbers.....

(k) Educational Qualifications (attach certificates)

	<i>Qualifications</i>	<i>Year Obtained</i>	<i>Institution</i>	<i>Examining Body</i>	<i>Grade Obtained</i>

(l) Professional Qualifications and years obtained (if any) (attach certificates)

	<i>Qualifications</i>	<i>Year Obtained</i>	<i>Institution</i>	<i>Examining Body</i>	<i>Grade Obtained</i>

(m) Name(s) of your bankers during the last 5 years

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2. EMPLOYMENT/ BUSINESS RECORD

	<i>Period</i>	<i>Name of Employer/ Business and Address</i>	<i>Position Held & Dates</i>	<i>Responsibilities</i>	<i>Reasons for Leaving (where applicable)</i>

3. DESCRIPTION OF YOUR PAST AND CURRENT ACTIVITIES

3.1 SHAREHOLDING (DIRECTLY OWNED OR THROUGH NOMINEES)

	<i>Company's Name</i>	<i>Date of Incorporation</i>	<i>Number of Shares held</i>	<i>% of Shareholding</i>	<i>Past Share - holding A</i>	<i>Past Share - holding B</i>	<i>Remarks</i>

A: Refers to date of closure or surrender of shares
B: Refers to reasons for closure or surrender

3.2 DIRECTORSHIPS

<i>Company's Name</i>	<i>Date of Incorporation</i>	<i>Executive or Non-executive</i>	<i>Position held in case of Executive</i>	<i>Past Directorships</i> C

C: Refers to date of retirement / cessation

D: Refers to reasons for retirement / cessation

3.3 PROFESSIONAL BODIES

<i>Name of body</i>	<i>Membership No.</i>	<i>Position Held (if any)</i>	<i>Position held in case of Executive</i>	<i>Past Membership</i>		<i>Remarks</i>	<i>Name of body</i>
				E	F		

E: Refers to date when membership ceased

F: Refers to reasons for cessation of membership

3.4 YOUTH SERVING ORGANISATIONS

<i>Name of organisation</i>	<i>Membership No. (If any)</i>	<i>Position Held (if any)</i>	<i>Position held in case of Executive</i>	<i>Past Membership</i>		<i>Remarks</i>
				G	H	

G: Refers to date of retirement, resignation or dismissal.

H: Refers to reasons for retirement, resignation or dismissal.

3.5 BORROWINGS

	Name of Borrower*	Name of Lender	Type of Facility	Amount Borrowed	Date of Offer	Terms of Facility	Security Offered	Value of Security	Current Outstanding Balance, KES	Remarks
<p><i>*Applicant to indicate individual/personal as well as borrowings by associated private companies in which the applicant controls more than of 5% of shareholding.</i></p>										

4.1 Have you or any entity with which you are associated as director, shareholder or manager, ever held or applied for a licence or equivalent authorization to carry on any business activity in any country? If so, give particulars.

If any such application was rejected or withdrawn after it was made or any authorization revoked, give particulars.

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4.2 Have you at any time been convicted of any criminal offence in any jurisdiction? If so, give particulars of the court in which you were convicted, the offence, the penalty imposed and.....

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4.3 Have you, or any entity with which you have been involved, been censured, disciplined, warned as to

future conduct, or publicly criticised by any regulatory authority or any professional body in any country?

If so give particulars

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4.4 Have you ever been disqualified, under any legislation or regulation from acting as a director or serving

in a director or managerial capacity?

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4.5 Have you, or has any entity with which you are, or have been associated as a director, shareholder or manager, been the subject of an investigation, in any country, by a government department or agency, professional association or other regulatory body? If so, give particulars.

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4.6 Have you, in any country, ever been dismissed from any office or employment, or been asked to resign or

resigned from employment or position of trust or fiduciary appointment, been subject to disciplinary proceedings

by your employer or barred from entry of any profession or occupation because of questions about your honesty

and integrity? If so give particulars

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4.7 Have you ever been diagnosed as being mentally unfit or of unsound mind?

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4.8 Have you failed to satisfy debt adjudged due and payable by you on order of court, in any country, or have you made any compromise arrangement with your creditors within the last 10 years? If so, give particulars.

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4.9 Have you ever been declared bankrupt by a court in any country or has a bankruptcy petition ever been served on you? If so, give particulars.

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4.10 Have you ever been held liable by a court, in any country, for any fraud or other misconduct? If so, give particulars

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4.11 Has any entity with which you were associated as a director, shareholder or manager in any country made any compromise or arrangement with its creditors, been wound up or otherwise ceased business either while you were associated with it or within one year after you ceased to be associated with it? If so, give particulars

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4.12 Are you presently, or do you, other than in a professional capacity, expect to be engaged in any litigation in any country? If so, give particulars

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4.13 Indicate the names, postal and e-mail addresses, telephone numbers and positions of at least three individuals of good standing who would be able to provide a reference on your personal and professional integrity.

The referees must not be related to you, and should have known you for at least five years.

<i>Name of Referee</i>	<i>Postal Address</i>	<i>e-mail address</i>	<i>Tel no. (s)</i>	<i>Position (where applicable)</i>	<i>Relationship with applicant</i>

4.14 Is there any additional information which you consider relevant for the consideration of your suitability or otherwise for the position(s) held/to be held? The omission of material facts may represent the provision of misleading information.

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N.B. The information given in response to this questionnaire shall be kept confidential, except in cases provided for by law.

5. DECLARATION

I am aware that it is an offence to knowingly or recklessly provide any information, which is false or misleading in connection with this declaration. I am also aware that

omitting material information intentionally or unintentionally shall be construed to be an offence and may lead to rejection of my application.

I certify that the information given above is complete and accurate to the best of my knowledge, and that there are no other facts relevant to this application of which the National Youth Council should be aware.

I undertake to inform the National Youth Council of any changes material to the applications which arise while the application is under consideration.

NAME.....

DATED AT..... THIS DAY OF.....

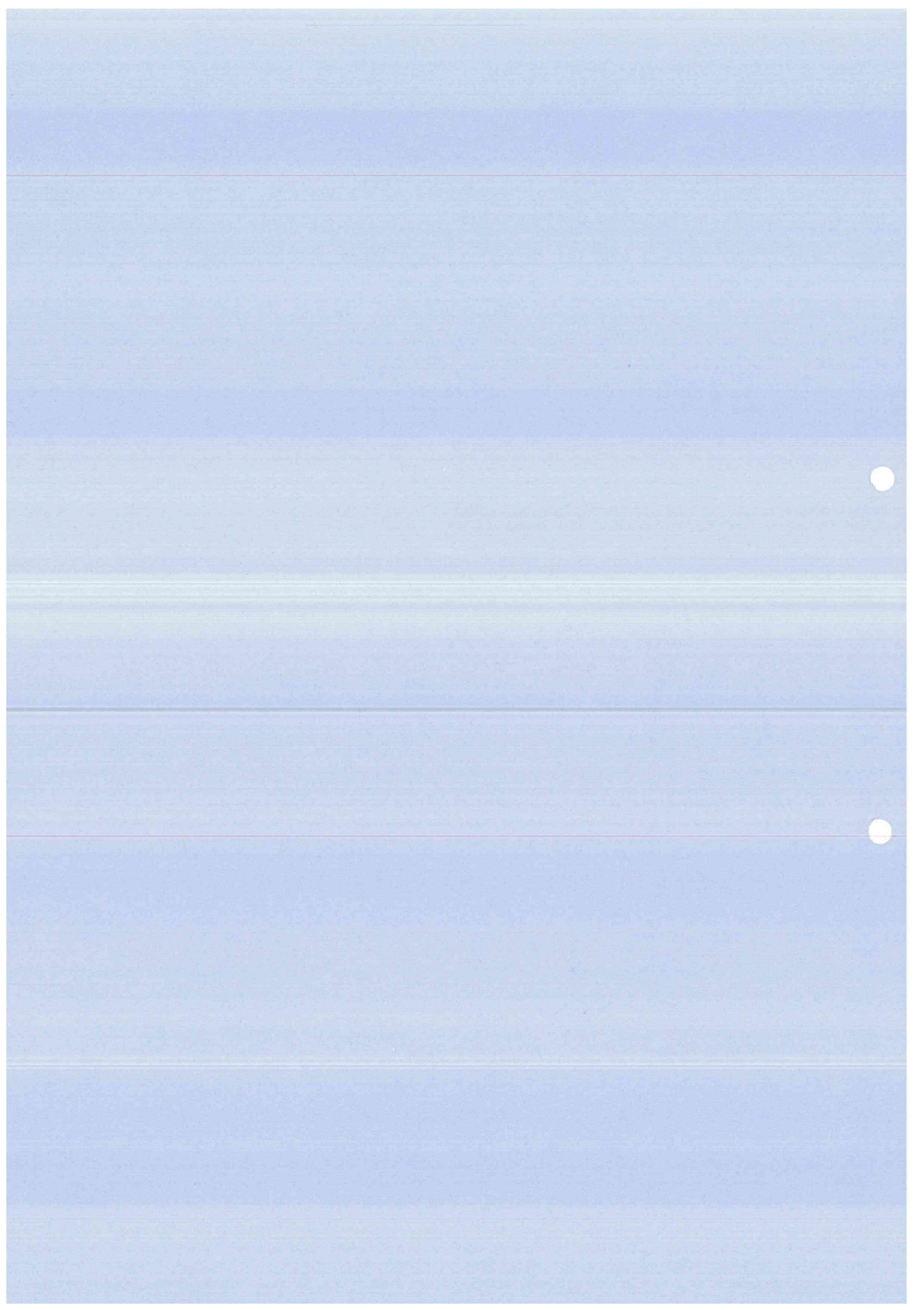
SIGNED..... (Elected Delegate)

Made on the 5th August, 2021.

JOSEPH MUCHERU,
Cabinet Secretary, Ministry of ICT, Innovation and Youth Affairs.

**GUIDELINES ON THE ELECTION OF YOUTH
REPRESENTATIVES TO THE NATIONAL YOUTH
COUNCIL, LEGAL NOTICE NO. 7 OF 2011**

**(INTENDED TO BE REVOKED BY LEGAL NOTICE
NUMBER 183 OF 2021)**



NO. 10 OF 2009

NATIONAL YOUTH COUNCIL ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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**GUIDELINES ON THE ELECTION OF YOUTH REPRESENTATIVES TO THE
NATIONAL YOUTH COUNCIL, 2011**

[L.N. 7/2011.]

Pursuant to the provisions of section 5(1)(g) and (h) of the National Youth Council Act, the Minister for Youth Affairs and Sports issues the guidelines set out in the Schedule for the purpose of the election of youth representatives to the National Youth Council.

SCHEDULE

1. The purpose of these guidelines is to—
 - (a) prescribe the manner of electing youth representatives to the National Youth Council; and
 - (b) facilitate the process of electing youth representatives to the National Youth Council.
2. The election of youth representatives at the sub-location to the provincial level shall not be construed as the establishment of branches of the National Youth Council.
3. The positions of youth representatives at the sub-location level to the provincial level shall not be remunerative.
4. The youth representatives elected at the sub-location level to the provincial level shall offer leadership and promote the spirit of volunteerism among the youth.
5. There shall be a committee to be known as the National Election Supervisory Committee which shall consist of—
 - (a) the Permanent Secretary in the Ministry for the time being responsible for matters relating to youth affairs and sports;
 - (b) the Permanent Secretary in the Ministry for the time being responsible for matters relating to provincial administration and internal affairs or his representative;
 - (c) the Permanent Secretary in the Ministry for time being responsible for matters relating to finance or his representative;
 - (d) the Permanent Secretary in the Ministry for time being responsible for matters relating to gender, children and social services or his representative;
 - (e) the Permanent Secretary in the Office of the Prime Minister or his representative;
 - (f) the Attorney-General or his representative;
 - (g) a representative of the Interim Independent Electoral Commission;
 - (h) a representative of the Kenya National Human Rights Commission;
 - (i) two persons of either gender, nominated by the Minister for the time being responsible for matters relating to youth affairs and sports.
6. The functions of National Election Supervisory Committee shall be—
 - (a) to co-ordinate the National Youth Council elections at the national level;
 - (b) to declare and ensure publication of the election dates;
 - (c) to co-ordinate all communication on the National Youth Council elections;
 - (d) to handle final appeals from grievances arising out of the National Youth Council elections;

[Subsidiary]

- (e) to oversee the National Delegates Forum;
- (f) to oversee the National Youth Congress; and
- (g) to forward the names of the youth representatives to the Minister responsible for youth affairs and sports for appointment.

7. There shall be an Election Supervisory Committee in every sub-location, location, division, district and province which shall consist of—

- (a) an officer in the Ministry for the time being responsible for matters relating to youth affairs and sports;
- (b) an officer in the Ministry for the time being responsible for matters relating to gender, children and social development; and
- (c) three persons nominated by a faith-based organization, a non-governmental organization or civil society or a youth serving organization and appointed in writing by the Minister for the time being responsible for matters relating to youth affairs or his representative.

8. The functions of an Election Supervisory Committee shall be to—

- (a) oversee the elections at the respective level;
- (b) verify the register of voters;
- (c) authenticate the candidates;
- (d) secure the ballots and ballot boxes;
- (e) identify the voting centre;
- (f) supervise the polling;
- (g) supervise the counting of votes;
- (h) organise security;
- (i) issue certificates to the elected youth representatives at the respective level;
- (j) handle grievances; and
- (k) ensure that the elections take into consideration gender and disability.

9. (1) A person shall be eligible for election at the sub-location and location level if he or she is—

- (a) a Kenyan citizen;
- (b) aged between eighteen and thirty-five years;
- (c) a holder of a minimum qualification of the Kenya Certificate of Primary Education; and
- (d) of good conduct as certified by the area Chief, Assistant Chief, religious leader or the Police.

(2) A person shall be eligible for election at the division level if he or she is—

- (a) a Kenya citizen;
- (b) aged between eighteen and thirty-five years;
- (c) a holder of a minimum qualification of the Kenya Certificate of Secondary Education; and
- (d) of good conduct as certified by the area Chief, Assistant Chief, religious leader or the Police.

- (3) A person shall be eligible for election at the district level if he or she is—
- (a) a Kenya citizen;
 - (b) aged between eighteen and thirty-five years;
 - (c) a holder of a minimum qualification of the Kenya Certificate of Secondary Education; and
 - (d) of good conduct as certified by the area Chief, Assistant Chief, religious leader or the Police.
- (4) A person shall be eligible for election at the provincial level if he or she is—
- (a) a Kenya citizen;
 - (b) aged between eighteen and thirty-five years;
 - (c) a holder of a minimum qualification of the Kenya Certificate of Secondary Education; and
 - (d) in possession of certificate of good conduct.
- 10.** (1) The National Election Supervisory Committee shall display a list of the voting centres in public offices and market centres within the voting area.
- (2) Voting and counting of votes shall take place between 8.00 am and 5.00 pm on the prescribed voting date.
- (3) Voting shall be by secret ballot.
- (4) All ballot papers shall be stamped with a designated stamp.
- (5) All ballot papers shall indicate the voting centre.
- (6) The ballot boxes shall be sealed and shall only be opened at the end of the voting exercise.
- (7) The candidates shall confirm that the ballot boxes have not been tampered with, before counting begins.
- (8) Counting of votes shall be done by the respective Election Supervisory Committee of the voting centre in the presence of the candidates.
- (9) The results shall be recorded in prescribed form.
- (10) The form shall be authenticated by at least two members of the respective Elections Supervisory Committee by signing and stamping.
- (11) The respective Election Supervisory Committee shall issue a certificate to the youth representatives elected at that level.
- (12) The respective Election Supervisory Committee shall hand over the form under paragraph 9 of this guideline to the officer from the Ministry responsible for youth affairs and sports.
- 11.** (1) The Election Supervisory Committee may disqualify a candidate or nullify the results of a centre if there are any of the following election irregularities—
- (a) use of ballots other than the prescribed ballots;
 - (b) voting in a voting centre which has not been published;
 - (c) voting outside the specified period and time;
 - (d) writing more than one name on a ballot;
 - (e) use of force and intimidation;
 - (f) misrepresentation;

[Subsidiary]

- (g) corruption; or
- (h) any offence under the Election Offences Act.

12. Any youth intending to participate in the National Youth Council elections shall register with the Youth Officer in the sub-location.

13. A candidate is not eligible for election, if he or she has participated in civic education training as a trainer on the National Youth Council elections or is an officer participating in the National Youth Council operationalization exercise.

14. (1) The election register shall be closed two months before the date of the elections.

(2) The election register shall indicate, in respect of the youth—

- (a) the name;
- (b) the identity card number; and
- (c) age.

15. A candidate for election at the sub-location level shall be nominated by at least twenty youth.

16. The youth at the sub-location level shall nominate at least two candidates, taking into consideration the issue of gender and disability.

17. In the case of groups, each group shall nominate at least two candidates who shall be of either gender or a youth with disability.

18. The elections shall be held on different dates.

19. The youth shall elect six representatives at each level.

20. The youth representatives elected in each level shall constitute the voters for the next level.

21. In as far as possible, the Election Supervisory Committee shall ensure that no more than two thirds of the youth representatives are of the same gender.

22. The youth representatives at the district level shall elect three representatives to the Provincial youth elections and three others to the National Youth Congress.

23. The youth in each Province shall elect three youth representative to the National Delegates Forum.

24. The National Delegates Forum shall be organised by the Ministry responsible for youth affairs and sports and shall held to elect eight youth in accordance with section 5(1)(g) of the National Youth Council Act.

25. The Ministry responsible for youth affairs and sports shall organise a National Youth Congress.

26. The National Youth Congress shall comprise of three representatives from each District as elected under paragraph 22 of these Guidelines.

27. The National Youth Congress shall, among other things, be held to co-ordinate the election of the eight youth representatives as provided for in section 5(1)(h) of the National Youth Council Act.

National Youth Council

[Subsidiary]

28. In electing the National Youth Congress representatives, the youth shall take into consideration the issue of gender and disability.

29. The National Election Supervisory Committee shall forward the names of the youth elected during the National Delegates Forum under paragraph 24 and those elected during the National Youth Congress under paragraph 27 to the Minister for the time being responsible for youth affairs and sports.

30. The Minister for the time being responsible for youth affairs and sports shall ensure that no province has more than one member in the National Youth Council.

31. The Minister for the time being responsible for youth affairs and sports shall appoint the sixteen youth in accordance with section 15(3) of the National Youth Council Act.
