



THE KENYA INSTITUTE OF PLANNERS

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KIP ELECTIONS REGULATIONS

IN EXERCISE of the powers conferred by the 2010 Constitution of the Kenya, The Kenya Institute of Planners (the “Institute”), the Governing Council makes the following Regulations to provide a transparent, fair, accountable and predictable framework in the conduct and management of elections of the Institute.

PART I—PRELIMINARY

1. Citation and commencement

- (1) These Regulations may be cited as the Kenya Institute of Planners Elections Regulations.
- (2) These Regulations shall come into operation on the date approved by the Governing Council of the Institute, as provided in the Constitution of the Institute.

2. Interpretation

In these Regulations, unless the t otherwise stated

“Act” means any applicable written law in Kenya governing elections, associations, data protection, and the conduct of meetings, as relevant;

“candidate” means a member whose nomination to contest in an election has been received and accepted by the Election Management Committee;

“corporate member” means a corporate member of the Institute within the meaning of the Constitution;

“election” means an election for office in the Governing Council, Trustees, or any other elective office of the Institute conducted under these Regulations;

“Election Management Committee” or “EMC” means the committee established under regulation 6;

“General Meeting” includes an Annual General Meeting and a Special General Meeting;

“good standing” means compliance with subscription and any other eligibility requirements set out in the Constitution and applicable rules;

“list of voters” means the list of members entitled to vote, prepared, verified and published in accordance with these Regulations;

“voting member” means a member eligible to vote under the Constitution and in good standing as at the cut-off date set under these Regulations;

“polling” includes physical and/or electronic voting approved under these Regulations;

“secretary” means the Honorary Secretary of the Institute, unless the context otherwise requires; and

“spoilt ballot” means a ballot paper or electronic ballot that is invalidated during counting because it does not clearly communicate the voter’s intention.

3. Object and application

(1) The object of these Regulations is to operationalize constitutional provisions on elections by prescribing procedures for—

- (a) election planning and administration;
- (b) nomination of candidates;
- (c) voting, counting and declaration of results;
- (d) election disputes and enforcement;
- (e) handover of office by elected officials; and
- (f) by-elections and casual vacancies.

(2) These Regulations apply to elections of the Governing Council and Trustees and, with necessary modifications, to elections of elective officials established under the Constitution.

4. Guiding principles

All elections under these Regulations shall be—

- (a) transparent, verifiable, fair and credible;
- (b) conducted by secret ballot, unless a lawful and duly-approved electronic voting method is used;
- (c) free from undue influence, intimidation, bribery or misuse of Institute resources; and
- (d) administered in a manner that promotes inclusion, professional ethics and public confidence in the Institute.

PART II—ELECTION MANAGEMENT AND OVERSIGHT

5. Election cycle and term of office

- (1) Members of the Governing Council shall be elected at every third successive Annual General Meeting, and the term of the Council shall be three (3) years, in accordance with the Constitution.
- (2) A member of the Council shall serve in one position for a maximum of one term as provided in the Constitution.

6. Establishment of the Election Management Committee (EMC)

- (1) There is established an Election Management Committee responsible for the conduct and management of elections under these Regulations.
- (2) The EMC shall be appointed by the Governing Council not less than two (5) weeks before the scheduled election date and shall consist of—
 - (a) a Chairperson, who shall be a Fellow member in good standing and not a candidate and who shall be the returning officer for the election;
 - (b) two (2) corporate members in good standing; and
 - (c) one (1) independent co-opted person with electoral or governance experience, where feasible.
- (3) In appointing the EMC, the Governing Council shall have regard to integrity, impartiality, gender equity and regional balance.

- (4) A member of the EMC shall not contest in the election administered by that EMC.
- (5) The term of the EMC shall come to an end one (1) week after the handover of the new office bearers, or one (1) week after finalization of an election appeal, whichever is later.

7. Functions and powers of the EMC

- (1) The EMC shall—
 - (a) publish an election timetable and administer the election process;
 - (b) receive, scrutinize and confirm nominations;
 - (c) prepare, verify and publish the list of voters;
 - (d) design and secure election materials and systems;
 - (e) appoint and supervise presiding, tallying and support officers where required;
 - (f) ensure compliance with these Regulations and the Constitution;
 - (g) declare and publish results;
 - (h) hear and determine complaints and disputes in the first instance, as provided under Part VII;
 - (i) preside over the handover process of elected officials in accordance with Part X; and
 - (j) make recommendations to the Governing Council on improvements for the conduct of elections.
- (2) For the effective discharge of its mandate, the EMC may issue administrative directions consistent with these Regulations.

8. Secretariat support and resources

- (1) The Secretariat shall provide logistical and administrative support to the EMC.
- (2) The Secretariat shall not interfere with the impartial discharge of the EMC's functions and or influence.
- (3) The Governing Council shall ensure reasonable budgetary provision for the conduct of elections.

PART III—ELECTION PREPARATIONS

9. Notice of vacancies and election timetable

- (1) The EMC shall issue a notice of vacancies and call for nominations not less than thirty (30) days before the election date.
- (2) The notice shall—
 - (a) specify each elective office;
 - (b) state eligibility requirements;
 - (c) state the nomination period, closing date and submission method; and
 - (d) set out key dates including publication of candidates, campaign window and polling date.
- (3) The notice shall be communicated to members by email and at least one other accessible method determined by the EMC.

10. Voters' register and list of voters

- (1) The EMC shall prepare a list of voters consisting of members entitled to vote under the Constitution.
- (2) The list of voters shall be published not less than three (3) weeks before polling.
- (3) A member may lodge a correction request regarding the list of voters within three (3) days of publication, and the EMC shall determine the request within four (4) days.
- (4) A member who is not in good standing as at the cut-off date set by the EMC shall not be eligible to vote.
- (5) The EMC shall publish the final list of voters not less than seven (7) days to the election date.

11. Voting method, polling centers and accessibility

- (1) Elections may be conducted by physical secret ballot, electronic voting, or a hybrid method approved by the Governing Council on recommendation of the EMC.
- (2) Where physical polling is conducted, the EMC shall designate polling centers and publish them with the list of voters.
- (3) The EMC shall make reasonable arrangements to facilitate participation of members in different regions, including through regional polling centers, secure electronic voting or other lawful means.

12. Election materials and security

- (1) The EMC shall determine the form of ballot paper or electronic ballot and shall ensure the materials are secure, auditable and verifiable.
- (2) Election materials shall include nomination forms, the list of voters, ballot papers, declaration of results forms and such other materials as the EMC may prescribe.
- (3) The EMC shall maintain a chain-of-custody register for all election materials used in the elections.

PART IV—NOMINATIONS

13. Qualification for nomination

- (1) A member may be nominated as a candidate only if the member—
 - (a) is eligible under the Constitution for the relevant office;
 - (b) is a paid-up member in good standing; and
 - (c) meets any additional professional or ethical requirements prescribed by the Institute.
- (2) Without prejudice to the Constitution, only corporate members in good standing are eligible for election to the Governing Council.
- (3) A member shall only be eligible for nomination to one position in an election cycle, unless the KIP Constitution expressly provides otherwise.

14. Nomination paper and proposers

- (1) Nomination shall be by a nomination paper submitted to the EMC within the nomination period.
- (2) A nomination shall be supported by not fewer than two (2) members eligible to vote for that election.
- (3) A nomination paper shall be accompanied by the candidate's written consent to serve if elected.

15. Content of nomination paper

- (1) A nomination paper shall specify—

- (a) the candidate's name and contact details;
- (b) membership category and registration details;
- (c) the office contested;
- (d) a brief profile of not more than 150 words; and
- (e) a declaration of compliance with the KIP Constitution, the Institute's code of ethics and these Regulations.

(2) The EMC may prescribe standard nomination forms.

16. Scrutiny of nomination papers

- (1) The EMC shall scrutinize nomination papers within seven (7) days after close of nominations.
- (2) Where a nomination paper is defective, the EMC may allow the candidate a reasonable period, not exceeding three (3) days, to rectify the defect.
- (3) The EMC shall communicate acceptance or rejection of a nomination in writing, giving reasons for rejection.
- (4) Where a position has not attracted any candidate upon the lapse of the nomination period, the EMC may grant a reasonable extension of time for nominations in the said positions.

17. Publication of candidates and withdrawal

- (1) The EMC shall publish the final list of candidates not less than fourteen (14) days before polling.
- (2) A candidate may withdraw by written notice to the EMC not later than seven (7) days before polling.

PART V—CAMPAIGNING AND ELECTION CONDUCT

18. Campaign period and fair access

- (1) Campaigning shall commence upon publication of the final list of candidates and shall end twenty-four (24) hours before polling.
- (2) The EMC shall issue campaign guidelines to ensure fair access to Institute platforms and equitable treatment of candidates.
- (3) No candidate shall use the Institute funds, property or staff for campaign purposes.

19. Code of conduct, prohibited practices and sanctions

- (1) Candidates and their agents shall comply with a code of conduct issued by the EMC consistent with these Regulations.
- (2) A candidate or agent shall not—
 - (a) engage in bribery, undue influence or intimidation;
 - (b) publish false statements about another candidate;
 - (c) harass members or disrupt Institute events; or
 - (d) interfere with the work of the EMC or election officials.
- (3) The EMC may impose proportionate administrative sanctions including warnings, withdrawal of campaign privileges, or referral to the Governing Council for disciplinary action.

20. Agents and observers

- (1) Each candidate may appoint one (1) agent to observe polling and counting at a polling centre or in the electronic tallying process.
- (2) The EMC may accredit neutral observers.
- (3) Where required or appropriate, the Secretariat may invite the Office of the Registrar of Societies or other relevant bodies to observe the elections.

PART VI—POLLING, COUNTING AND RESULTS

21. Procedure for voting

- (1) Voting shall be by secret ballot unless a duly approved electronic voting method is used, in which case secrecy and integrity shall be assured.
- (2) A voter shall not cast more than one vote for the same office.
- (3) The EMC shall prescribe voting procedures, including identification of voters, issuance of ballots and handling of assisted voting for members with disabilities.

22. Spoilt ballots

- (1) Where a ballot paper is spoilt, a voter may apply to the presiding officer for a replacement, and the spoilt ballot shall be marked and kept separately.

(2) In electronic voting, a spoiled ballot is one that fails validation or is cast outside the permitted window, subject to system audit logs.

23. Counting, recount and tallying

(1) Counting shall be done immediately after the close of polling at the polling centre or at an authorized tallying centre, as determined by the EMC.

(2) A candidate or agent may request a recount once, and the presiding officer may order a recount on own motion where necessary.

(3) The EMC shall tally results and certify final results for each office.

24. Declaration and publication of results

(1) The presiding officer and the candidates or their agents present shall sign the declaration of results form.

(2) Where a candidate or agent refuses to sign, the presiding officer shall record the refusal and the reason, and the refusal shall not by itself invalidate the results.

(3) The EMC shall publish results at the AGM or within twenty-four (24) hours after close of polling.

25. Election without ballot and unopposed candidature

(1) Where only one candidate is validly nominated for an office, that candidate shall be declared elected unopposed.

(2) Where no candidate is validly nominated for an office, the EMC shall re-open nominations for that office for a period not exceeding seven (7) days and shall notify members accordingly.

(3) Where no candidate is nominated after re-opening of nominations, the Governing Council may appoint an eligible member to act in that office pending a by-election or the next election meeting, subject to the Constitution.

PART VII—ELECTION DISPUTES

26. Settlement of election disputes

(1) A complaint or dispute relating to nominations, campaigning, polling, counting or results shall be lodged in writing with the EMC within seven (7) days of the event complained of.

- (2) The EMC shall hear and determine the complaint within fourteen (14) days and communicate its decision in writing.
- (3) A party aggrieved by the decision of the EMC may appeal to the Governing Council within seven (7) days of the decision, and the Governing Council shall determine the appeal within thirty (30) days.
- (4) The lodging of a complaint does not automatically stay the election process unless the EMC, for good cause, orders a stay.

PART VIII—CASUAL VACANCIES AND BY-ELECTIONS

27. Casual vacancy and interim arrangements

- (1) Where a vacancy occurs in an elective office before expiry of term, the Governing Council shall declare the vacancy and notify members.
- (2) The Governing Council may appoint an eligible member to act in the vacant office pending a by-election, where the Constitution permits.
- (3) A by-election shall be held within sixty (60) days of the declaration of a vacancy unless the vacancy occurs within six (6) months to the next scheduled election, in which case the Governing Council may defer the by-election.

28. By-election procedure

- (1) The procedure for a by-election shall, with necessary modifications, follow these Regulations.
- (2) The EMC appointed for the main election may be reconstituted for the by-election, or the Governing Council may appoint a new EMC.

PART IX—MISCELLANEOUS

29. Use of information and communication technology

The Institute may employ appropriate information and communication technology to administer elections, including notices, nominations, publication of voters lists, electronic voting, and results communication, provided that security, privacy and auditability are assured.

30. Records and access to information

- (1) The EMC shall keep proper election records for not less than six (6) years.
- (2) Subject to applicable law, a member may request access to election records, and the EMC may grant access in a manner that protects ballot secrecy and personal data.

31. Transitional provisions

- (1) Any election process commenced prior to the approval of these Regulations may continue under the procedures in force at the time, unless the Governing Council resolves otherwise.
- (2) Where a provision in these Regulations conflicts with the Constitution, the Constitution shall prevail.

PART

X—HANDOVER OF OFFICE BEARERS

32. Handover timeline and convening

- (1) All elected office bearers shall assume office only after a formal handover and swearing in.
- (2) The handover and swearing in shall be conducted within fourteen (14) days after the declaration of election results under regulation 24.
- (3) The Secretary shall, in consultation with the EMC, convene the handover meeting and notify outgoing and incoming office bearers in writing.
- (4) Where an election dispute is pending and a stay has been issued, the handover for the affected office shall be deferred until determination of the dispute.

33. Handover documentation and accountability

- (1) The outgoing office bearer shall prepare a handover note in the prescribed form and shall deliver to the incoming office bearer all Institute records, assets, correspondence, and any other materials relating to the office.
- (2) The handover note shall include—
 - (a) an inventory of assets and custody items;
 - (b) ongoing programmes, resolutions and pending actions;
 - (c) outstanding liabilities, commitments and disputes;
 - (d) financial status, including statements of income and expenditure and any outstanding accountabilities; and
 - (e) access credentials for official digital platforms, where applicable.
- (3) The EMC shall oversee the handover process and shall file a brief handover completion note with the Secretariat.

34. Failure to hand over

- (1) Where an outgoing office bearer fails or refuses to hand over within the period specified in regulation 32(2), the Governing Council may—
 - (a) issue written directions for immediate handover; and
 - (c) commence disciplinary action in accordance with the Constitution and applicable rules.

PART

XI—ELECTION OF TRUSTEES

35. Election of Trustees

- (1) Elections for Trustees shall be conducted in the same manner, process and timelines as elections for the Governing Council.
- (2) The election of Trustees shall be held on the same polling date and at the same meeting as the Governing Council elections, and shall be administered by the EMC.
- (3) The notice of vacancies under regulation 9, nominations under Part IV, campaigning under Part V, polling and counting under Part VI, and dispute resolution under Part VII shall apply to Trustee elections, with necessary modifications.
- (4) Eligibility to vote for Trustees and eligibility to be nominated as Trustee shall be as prescribed in the Constitution.

PART XII—ELECTIONS FOR REGIONAL BRANCHES

36. Timing of Regional Branch elections

- (1) Elections for Regional Branch office bearers shall be conducted not more than one week after the Governing Council elections.

37. Administration and procedure

- (1) Each Regional Branch shall conduct its elections in accordance with the Constitution and the Regional Branches Regulations, and in a manner consistent with these Regulations.
- (2) The EMC shall issue minimum procedural directions for branch elections (including forms, voter register cut-off, and reporting) to ensure consistency and integrity across branches.
- (3) Subject to sub-regulation (1), the nomination, voting, counting, declaration of results, and dispute management provisions under these Regulations may be adopted for Regional Branch elections with necessary modifications.

38. Reporting of Branch election outcomes

- (1) The Regional Branch returning officer or branch elections committee shall submit to the Secretariat a declaration of results form within seven (7) days of branch elections.

PART

(2) The Secretariat shall publish the list of Regional Branch office bearers to members within fourteen (14) days of receipt of results.

XIII—REMOVAL FROM OFFICE (IMPEACHMENT)

39. Grounds for removal

(1) An office bearer may be removed from office on any ground provided in the Constitution, including—

(a) gross misconduct or breach of the Constitution, Regulations or ethical standards; (b)

financial impropriety or persistent failure to account for Institute funds or assets;

(c) abuse of office, conflict of interest, or conduct that brings the Institute into disrepute;

(d) persistent non-performance or neglect of duty; or (e)

incapacity to perform the functions of office.

(2) Removal shall be conducted in accordance with due process, including notice and an opportunity to be heard.

40. Initiation of removal

(1) A removal process may be initiated by a written petition by voting members or by the Governing Council, as provided for in the Constitution.

(2) A petition shall state the grounds and particulars relied upon and shall be served upon the affected office bearer within seven (7) days of receipt.

41. Hearing and decision

(1) The affected office bearer shall have the right to respond in writing and to be heard at the relevant General Meeting.

(2) The vote on removal shall be by secret ballot.

(3) The voting threshold for removal shall be the threshold prescribed in the Constitution; where the Constitution is silent, removal shall require a two-thirds (2/3) majority of votes cast.

42. Effect of removal and filling of vacancy

- (1) Where removal is approved, the office shall fall vacant immediately upon declaration of the vote.
- (2) The resulting vacancy shall be filled in accordance with Part VIII and the Constitution.
- (3) The removed office bearer shall hand over Institute property, records and assets and or liabilities within fourteen (14) days in accordance with Part X.

43. Appeals

Any appeal arising from an impeachment decision shall be handled in accordance with the Constitution and applicable dispute resolution mechanisms of the Institute.