



**OFFICE OF THE REGISTRAR OF POLITICAL PARTIES**

# **ANNUAL REPORT**

**2020/2021**

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## Vision

A model regulator of political parties for a credible democratic multiparty system

## Mission

To promote the realization of political rights through registration and regulation of political parties in Kenya

## Core Values

- ▶ Professionalism
- ▶ Integrity
- ▶ Respect for the rule of law
- ▶ Impartiality
- ▶ Innovativeness
- ▶ Inclusivity

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## LIST OF ABBREVIATIONS AND ACRONYMS

|          |  |
|----------|--|
| COVID-19 | Coronavirus Disease                                |
| FY       | Financial Year                                     |
| GJLO     | Governance, Justice, Law and Order                 |
| GOK      | Government of Kenya                                |
| HR       | Human Resource                                     |
| ICT      | Information and Communication Technology           |
| IEBC     | Independent Electoral and Boundaries Commission    |
| IPPMs    | Integrated Political Parties Management System     |
| MTEF     | Medium Term Expenditure Framework                  |
| ORPP     | Office of the Registrar of Political Parties       |
| PP       | Political parties                                  |
| PFMA     | Public Financial Management Act                    |
| PPA      | Political Parties Act                              |
| PPDT     | Political Parties Dispute Tribunal                 |
| PPF      | Political Parties Fund                             |
| PPLC     | Political Parties Liaison Committee                |
| PSC      | Public Service Commission                          |
| RPP      | Registrar of Political Parties                     |
| TORs     | Terms of Reference                                 |
| LSK      | Law Society of Kenya                               |
| PRSK     | Public Relations Society of Kenya                  |
| CSR      | Corporate Social Responsibility                    |
| ICPAK    | Institute of Certified Public Accountants of Kenya |
| IPPD     | Integrated Payroll and Personnel Database          |
| SPAS     | Staff Performance Appraisal System                 |
| LAN      | Local Area Network                                 |
| NGO      | Non-Governmental Organization                      |
| NDC      | National Delegates Conference                      |
| NEC      | National Executive Council                         |
| SIG      | Special Interest Groups                            |
| PWDS     | Persons with Disabilities                          |

## FOREWORD

The Office of the Registrar of Political Parties is pleased to present its annual report in line with the requirement of Article 254 of the Constitution of Kenya, 2010 on reporting by Commissions and Independent Offices. The report details the performance of the Office for the period between 1st July, 2020 and 30th June, 2021. This yearly review is critical in evaluating Office milestones whose outcome inform strategic interventions in the realization of its mandate. It examines the performance of the Office against strategic objectives set out in the Strategic Plan 2020/2025. This reporting period is the first year of the implementation of the five-year plan.

In view of the dynamic political environment in Kenya and political realignments focusing on the 2022 General Election, the Office seeks to re-strategize to ensure effective and efficient implementation of its programmes and activities. Being a critical player in the political and electoral processes, the office has adopted a collaborative approach in preparation of the 2022 general election in adherence to the electoral calendar.

The achievement of the Office mandate of registration, regulation and administration of the Political Parties Fund was pegged on availability of financial and human resources. Due to the adverse effects on the country's fiscal environment occasioned by the COVID-19 pandemic, the budgetary allocations from the exchequer was negatively affected. It is worth noting that the Office was able to operate with the available resources whilst working closely with our stakeholders and partners.

The ORPP is grateful for the recruitment of substantive Registrar and two (2) Assistant Registrars to steer the strategic leadership of the Office. I would like to thank the President, National Assembly and the Public Service Commission for the appointment of the State Officers. I acknowledge the effort and commitment of ORPP staff for working tirelessly towards the fulfillment of the Office mandate.

Finally, the Office endeavors to continue to serve the public and discharge its mandate guided by the Constitution of Kenya, 2010, the Political Parties Act, 2011 and all other applicable laws regulations and policy guidelines. We urge our stakeholders and partners to continue cooperating with us towards the realization of a credible multiparty democratic system in Kenya.



Ann N. Nderitu, MBS

Registrar of Political Parties

## EXECUTIVE SUMMARY

The Office of the Registrar of Political Parties presents this report for the period ending 30th June, 2021 that summarizes the performance of the planned Office activities as outlined in the annual work plan. This report highlights achievements, challenges experienced during the year under review and proposes recommendations for adoption during implementation of 2020/2025 Strategic Plan.

Chapter one of this report contains a brief background of the Office of the Registrar of Political Parties, states the mandate, outlines the strategic direction, the organogram and the top management team. Chapter two highlights the performance of the Office based on the Key Result Areas as outlined in the ORPP Strategic Plan. These Key Result Areas include; Registration and Documentation of Political Parties; Regulation of Political Parties; Institutional Capacity; Strategic Partnerships and Collaboration, and Political Parties Participation in Elections.

During the period under review, the Office discharged its mandate of registration, regulation and administration of the Political Parties Fund. Key achievements included; processing applications for provisional and fully registration of political parties; supervising and guiding the seventy-three (73) fully registered political parties on compliance; and administering nine hundred and forty-five million, four hundred and seventy-eight thousand (Kshs 945,478,000) to qualifying political parties. In respect to maintenance of political parties' records, the Office upgraded the Integrated Political Parties Management System (IPPMS).

The Office also developed draft Political Parties (Amendment) Bill, 2021 and draft Political parties (Membership) Regulations, 2021. In addition, the ORPP produced thirteen (13) editions of internal bulletins, and enhanced media partnership and engagement. The Office capacity-built political parties through training of one hundred and eighty (180) political parties governing officials and seven hundred and thirty-six (736) political parties' agents for various by-elections carried out that year. In addition, the office constituted the Audit Committee to oversight the governance, risks and financial processes as per the Public Finance Management Regulations, 2016.

Chapter three focuses on the analysis of Office budget performance. As at 30th June 2021, the cumulative expenditure for the office was Kshs. One billion, two hundred and ninety-four million seven hundred and sixty-eight thousand seven hundred (Kshs 1,294,768,700) against a budget allocation of Kshs one billion three hundred and six million one hundred twenty-one thousand nine hundred ninety-one (Kshs. 1,306,121,991). This translated to 99.13% absorption rate.

Chapter four discusses the challenges faced and the recommendations. Key challenges included; COVID-19 pandemic, budgetary constraints and inadequate staffing. The chapter also puts forth recommendations including continuous engagement with relevant institutions to address budgetary and staffing shortfall as well as explore and adopt alternative ways of engagement and operations in view of Covid-19 ramifications.

# CHAPTER ONE

# INTRODUCTION



# CHAPTER ONE: INTRODUCTION

## 1.1 Background

Kenya is a multiparty democratic state founded on the national values and principles of governance as outlined under Article 10 of the Constitution of Kenya. Article 38 guarantees political rights, which are realized through institutionalization of political parties. Further, Article 91 sets out the basic requirements for political parties in Kenya, which include; have national character, promote and uphold national unity, abide by the democratic principles of good governance, respect rights of all persons to participate in elections including minorities and marginalized groups and promotion of human rights and fundamental freedoms.

The Political Parties Act, 2011 was enacted to actualize provisions of Article 92 that calls for legislation of political parties on registration, regulation, supervision and funding of political parties. The Office of the Registrar of Political Parties is established under section 33 of the Political Parties Act, 2011 as a state office within the meaning of Article 260 of the Constitution.

## 1.2 Mandate

The mandate of the Office of Registrar of Political Parties is to register, regulate and administer the Political Parties Fund.

The functions of the Office as outlined under section 34 of the Political Parties Act, 2011 is to;

- i) Register, regulate, monitor, investigate and supervise political parties to ensure compliance with the Act;
- ii) Administer the Political Parties Fund;
- iii) Ensure publication of audited annual accounts of political parties;
- iv) Verify and make publicly available the list of all members of political parties;
- v) Maintain a register of political parties and the symbols of the political parties;
- vi) Ensure and verify that no person is a member of more than one political party and notify the Independent Electoral and Boundaries Commission of his findings;
- vii) Investigate complaints received under the Act; and
- viii) Perform such other functions as may be conferred by the Act or any other written law.

## 1.3 Strategic Direction

The ORPP espouses tenets of good corporate governance premised on its vision and mission statements that provide the strategic direction of the Office.

### **1.3.1 Vision**

A model regulator of political parties for a credible democratic multiparty system.

### **1.3.2 Mission**

To promote the realization of political rights through registration and regulation of political parties in Kenya.

### **1.3.3 Core Values**

The ORPP's core values form the basis of the Office corporate culture from which staff derive their convictions. The core values are;

- i) Professionalism- The Office will inculcate competence and skills in order to efficiently, effectively and transparently serve internal and external clients.
- ii) Integrity- The Office will uphold high moral standards and honesty in the provision of services.
- iii) Respect for the rule of law- The Office shall adhere to the applicable laws, rules and regulations.
- iv) Innovativeness- The Office will adapt creative processes aided by modern technology
- v) Impartiality- The Office will observe political neutrality and offer equal treatment in the provision of services
- vi) Inclusivity –The Office will provide equal access to opportunities and resources for all people including special interest and marginalized groups.

## **1.4 ORPP 2020/2025 Strategic Plan**

The ORPP is currently implementing the 2020/2025 Strategic Plan. During the financial year 2020/2021, the Office prioritized activities in line with the strategic objectives for the five (5) Key Result Areas as listed below;

- i) Registration and Documentation of Political Parties
- ii) Regulation of Political Parties
- iii) Institutional Capacity
- iv) Strategic Partnerships and Collaboration
- v) Political Parties Participation in Elections

## 1.5 ORPP Organizational Structure

The Political Parties Act stipulates that the Office shall be headed by the Registrar and deputized by three (3) Assistant Registrars. During the financial year 2020/2021, the Registrar and two (2) Assistant Registrars were substantively recruited and assumed Office. The Registrar and the Assistant Registrars form the Top Management and provide strategic and policy leadership.

To enhance service delivery to the public, the Office has decentralized its operations and has presence in seven (7) regions. The regions are;

- i) Coast comprising of Mombasa, Taita Taveta, Kwale, Kilifi, Tana River and Lamu counties.
- ii) Lower and North Eastern comprising of Kitui, Machakos, Makueni, Garissa, Wajir, and Mandera counties.
- iii) Upper Eastern comprising of Meru, Tharaka Nithi, Isiolo, Samburu and Marsabit counties.
- iv) Central comprising of Nyeri, Kirinyaga, Murang a, Laikipia and Embu counties.
- v) Central Rift comprising of Nakuru, Baringo, Nyandarua, Kericho, Bomet and Narok counties.
- vi) North Rift comprising of Turkana, West Pokot, Transnzoia, Elgeyo Marakwet, Uasin Gishu, Nandi counties.
- vii) Nyanza and Western comprising of Kisumu, Migori, Homabay, Siaya, Kisii, Nyamira, Kakamega, Bungoma, Vihiga and Busia counties.

### ***The ORPP organizational structure is attached as annex 1***

In compliance with the law and principles of governance, the Office established the following committees;

- i) Top Management Committee / Plenary
- ii) Management Committee
- iii) Audit Committee
- iv) Budget Implementation Committee
- v) Human Resource and Administrative Committee
- vi) Information, Communication and Technology (ICT) Steering Committee
- vii) Communication, CSR and Resource Centre Committee
- viii) Legal Standards Committee
- ix) Training and Development Committee
- x) Staff Mortgage and Car Loan Advisory Committee
- xi) Name Search and Registration Committee

## 1.6 ORPP Top Management



**Ann N. Nderitu, MBS**  
Registrar of Political Parties



**CPA Florence Birya,**  
ARPP, Registration and Field Services



**Ali Abdullahi Surraw,**  
ARPP, Regulation and Compliance,



**CHAPTER TWO**

**PERFORMANCE OF THE  
OFFICE FOR THE FINANCIAL  
YEAR 2020/2021**

## CHAPTER TWO: PERFORMANCE OF THE OFFICE FOR THE FINANCIAL YEAR 2020/2021

This chapter highlights the performance of the Office during the period under review, which is pegged on Key Result Areas as set out in the 2020/2025 Strategic Plan.

The Key Result Areas are:

1. Registration and Documentation of Political Parties
2. Regulation of Political Parties
3. Institutional Capacity
4. Strategic Partnerships and Collaboration
5. Political Parties Participation in Elections



*Stakeholders validation of 2020/2025 Strategic Plan in January 2021*

### 2.1 REGISTRATION AND DOCUMENTATION OF POLITICAL PARTIES

The Constitution of Kenya, Article 36(1) stipulates that every person has the right to freedom of association, which include the right to form, join or participate in the activities of an association of any kind. An association of persons or an organization shall not operate or function as a political party unless it is registered in accordance with the provisions of the Political Parties Act. Registration of political parties is one of the key functions of the Office and involves provisional registration and full registration.

The Registrar may refuse an application for the registration of a political party if the name of the political party, the abbreviation of the name or the symbol that it wishes to use;

- a) is obscene or offensive;
- b) is the name, or is an abbreviation of another political party that is registered under this Act; or

- c) nearly resembles the name or symbol, or an abbreviation of the name of another registered political party in Kenya or any other legal entity registered under any other written law.

### **2.1.1 Name search for a proposed political party**

An association of persons or organizations that wishes to register a political party must apply for name search to set off the registration process. The Registrar of Political Parties may refuse an application for registration of a political party if the name, abbreviation of the name or the symbol contravenes section 8 of PPA.

During the period under review, the Office received one thousand one hundred and two (1,102) applications for name search. Nine hundred and nineteen (919) were rejected while one hundred and eighty-three (183) applications were accepted to proceed with application for symbol search.

### **2.1.2 Symbol Search**

Once a name has been approved, the applicant should submit an application for distinct symbol for review. During the period under review, the Office received one hundred and thirty-seven (137) applications for symbol search. Out of this, fifty-two (52) were rejected while (85) eighty-five applications were approved to proceed with application for provisional registration.

### **2.1.3 Provisional Registration**

An association of persons or an organization that wishes to be provisionally registered is expected to apply for registration in the prescribed manner.

An application for provisional registration should

- i) Be in writing;
- ii) Include signed minutes of the first meeting of the founding members of the political party;
- iii) Set out the name of the political party;
- iv) If the political party wishes to use abbreviation of its name, set out that abbreviation;
- v) Be accompanied by a copy of the Constitution of the proposed political party which shall comply with the provisions of section 8 of the Political Parties Act, 2011;
- vi) Include an undertaking by the founding members to be bound by Political Parties Act, 2011 and the Code of Conduct for Political Parties;
- vii) Be accompanied by the prescribed fee.





***Chama ya Mapatano Kenya officials receive certificate of provisional registration at the ORPP headquarters office in June, 2021***

During the period under review, the Office received twenty-nine (29) formal applications for provisional registration and notices published in the Kenya Gazette and newspapers of nationwide circulation inviting objections from public. The table below provides the names of the formal applications for provisional registration.

**Table 2.1: List of formal applications for provisional Registration**

| S/No | Name                                   |
|------|--|
| 1    | Wakenya Sote Party                     |
| 2    | Boresha Maisha Party                   |
| 3    | United for Peace and Development Kenya |
| 4    | Movement United for Super Action       |
| 5    | Universal Unity Party                  |
| 6    | Accountability & Transparency Party    |
| 7    | Msingi wa Utaifa                       |
| 8    | New Dawn Party of Kenya.               |
| 9    | Daraja Redevelopment Party             |
| 10   | Mkenya Daima                           |
| 11   | National Economic Development Party    |
| 12   | Adopt Development Assembly Party       |
| 13   | The People s National Republican Party |
| 14   | Chama ya Mapatano Kenya                |
| 15   | Common People s Party                  |
| 16   | Kenya Democracy for Change             |
| 17   | Kenya Union Party.                     |

|    |                                      |
|----|--------------------------------------|
| 18 | United for Peace and Development     |
| 19 | Kenya Vitendo na Sera Party          |
| 20 | Nationalistic Patriotic Party        |
| 21 | Chama Cha Kazi                       |
| 22 | The Equitable Party                  |
| 23 | Pamoja Alliance Party                |
| 24 | Kenya Transformative Movement        |
| 25 | Free Democracy and Development Party |
| 26 | Kenya Charter for Democracy          |
| 27 | The We Alliance party                |
| 28 | Tujibebe Wakenya Party               |
| 29 | Kenya Liberals Alliance Party        |

The applications were processed with twenty-one (21) applications being successful and were issued with certificates of provisional registration. Eight (8) applications did not meet the requirements. The table below shows the list of the parties that were provisionally registered.

**Table 2.2: Provisionally Registered Parties as of 30th June 2021.**

| S/No. | Provisionally Registered Parties       | Date of Registration             |
|-------|--|----------------------------------|
| 1.    | Party for Peace and Democracy          | 22 <sup>nd</sup> June, 2020      |
| 2.    | Mabadiliko Party of Kenya              | 21 <sup>st</sup> September, 2020 |
| 3.    | Universal Unity Party                  | 14 <sup>th</sup> October, 2020   |
| 4.    | Accountability and Transparency        | 21 <sup>st</sup> October, 2020   |
| 5.    | National Democracy Expansion Party     | 21 <sup>st</sup> October, 2020   |
| 6.    | Chama Changamko Kenya                  | 25 <sup>th</sup> February, 2021  |
| 7.    | Msingi wa Utaifa                       | 21 <sup>st</sup> October, 2020   |
| 8.    | Green Thinking Action Party            | 22 <sup>nd</sup> April, 2021     |
| 9.    | Umoja Summit Party                     | 22 <sup>nd</sup> April 2021      |
| 10.   | Entrust Pioneer Political Party        | 13 <sup>th</sup> April, 2021     |
| 11.   | Movement United for Super Action       | 10 <sup>th</sup> May, 2021       |
| 12.   | Chama ya Mapatano                      | 21 <sup>st</sup> May, 2021       |
| 13.   | African Democratic Congress            | 21 <sup>st</sup> May, 2021       |
| 14.   | The People s National Republican Party | 21 <sup>st</sup> May, 2021       |
| 15.   | Mkenya Daima Party                     | 21 <sup>st</sup> May, 2021       |
| 16.   | Integrity Party of Kenya               | 21 <sup>st</sup> May, 2021       |
| 17.   | National Rebirth Party                 | 31 <sup>st</sup> May, 2021       |
| 18.   | Party for Growth and Prosperity        | 31 <sup>st</sup> May, 2021       |

|     |                                  |                             |
|-----|----------------------------------|-----------------------------|
| 19. | Chama Cha Kazi                   | 23 <sup>rd</sup> June, 2021 |
| 20. | Common People s Party            | 9 <sup>th</sup> June, 2021  |
| 21. | Daraja Redevelopment Party       | 23 <sup>rd</sup> June, 2021 |
| 22. | Adopt Development Assembly Party | 18 <sup>th</sup> June, 2021 |

### 2.1.4 Full Registration

A political party that is provisionally registered is required to make an application for full registration within 180 days. To qualify for full registration, the party should meet the requirements set out in Article 91 of the Constitution, which include.

- i) It has recruited as members, not fewer than 1,000 registered voters from each of more than half of the counties;
- ii) Has offices in at least half of the counties;
- iii) The members and the composition of the governing body reflect regional and ethnic diversity, gender balance and representation of minorities and marginalized groups;
- iv) Not more than two-thirds of its governing body are of the same gender; and
- v) Members of its governing body meet the requirements of Chapter Six of the Constitution and the laws relating to ethics

The applications for full registration were verified to ensure compliance with the Political Parties Act, 2011 upon which a certificate of full registration is issued.

During the financial year, the Office received nine (9) applications out of which, two (2) applications were successful and were issued with certificates of full registration, namely;

- i) National Reconstruction Alliance (NRA) party; and
- ii) Democratic Action Party- Kenya (DAP-K).



**Registrar of Political Parties Ann Nderitu (right) issuing a certificate of full registration to Democratic Action Party- Kenya (DAP-K) Officials at the ORPP headquarters.**

The number of fully registered political parties as at 30th June 2021 was seventy-three (73).

List of fully registered political parties and particulars is attached as annex 2

### **2.1.5 Continuous Update of Political Parties Records**

The Political Parties Act, 2011, Section 17 provides that a political party shall maintain at its head office and at each of its county office an accurate and authentic record of—

- a) a register of its members in a form prescribed in the Second Schedule to the Political Parties Act;
- b) a copy of the constitution of the political party;
- c) a copy of the policies and plans of the political party;
- d) particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made by the founding members of the political party;
- e) estimates of the expenditure of the political party in accordance with the laws relating to public finance management;
- f) particulars of any property that belongs to the political party and the time and mode of acquisition of the property;
- g) latest audited books of accounts of the political party which shall be in accordance with the principles of accounting showing:
  - i) the sources of the funds of the political party and names,
  - ii) addresses and such other contact details as the Registrar may require;
  - iii) membership dues paid;
  - iv) donations in cash or in kind;
  - v) indirect contributions to the party and all receipts and
  - vi) disbursements, including income and expenditure transactions of the political party;
  - vii) all the financial transactions and records of assets and liabilities of the political party;and
  - viii) such other relevant particulars as the Registrar may prescribe.

The Office, as the official custodian of political parties' records, continuously updated particulars of political parties during the year under review.

Article 38 of the Constitution of Kenya guarantees political rights to citizens to make political choices including the right to join a political party of their choice; the Office received and processed five thousand three hundred and twenty-four (5,324) resignations in the year under review, which were processed in accordance with section 14 of PPA, 2011.

During the year under review, the Office maintained a register of provisional and fully registered political parties. The political parties register was made available to the public through the ORPP website, internal office notice board and through various media and public engagements. The same was unpacked and shared through social media platforms.

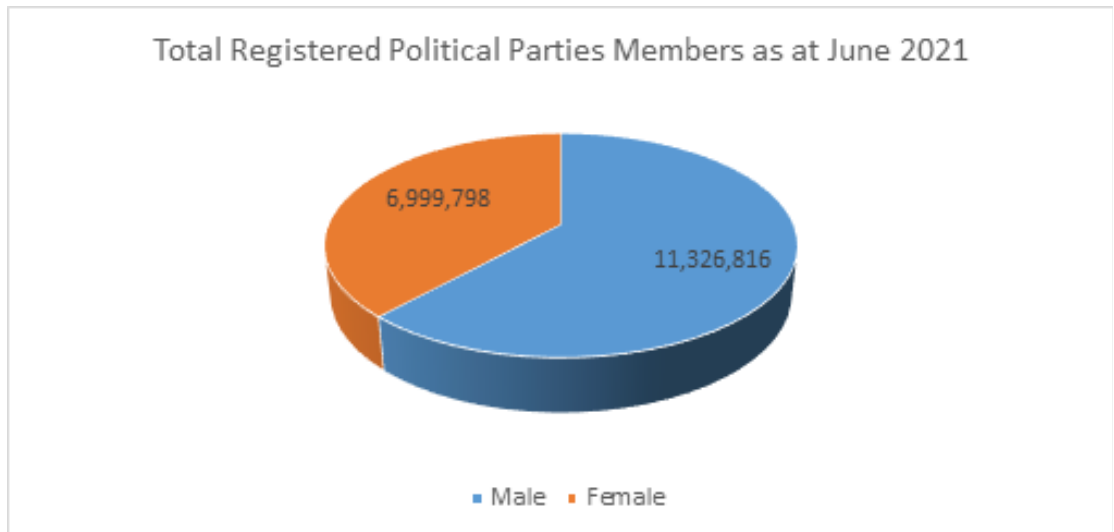
### 2.1.6 Maintained Secure, Reliable and Verifiable Database of Political Parties

The Integrated Political Parties Management System (IPPMS) is a web application developed by ORPP to facilitate efficient and effective management of; political party membership, party officials and signatures; party symbols and colours; party funding; bank accounts details; and records of assets and liabilities amongst other features.

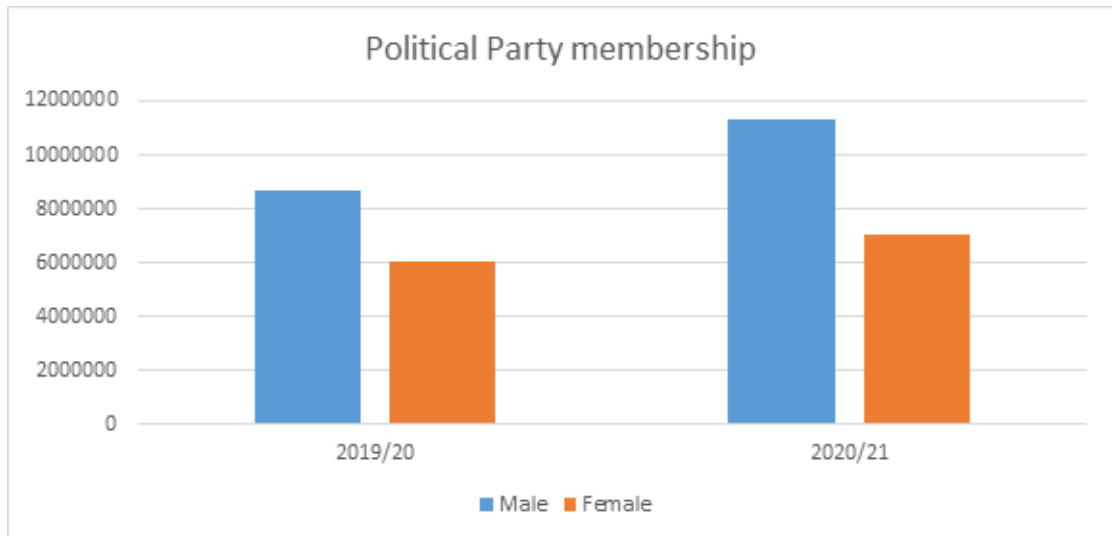
The ORPP maintains an up to date register of political party members and symbols and ensures that, no person is a member of more than one political party at the same time. The membership of the party should be voluntary and open to all the citizens of Kenya without discrimination on account of gender, disability, religious belief, race, tribe, ethnic origin, profession or occupation.

As at 30th June 2021, the political parties membership was eighteen million, three hundred and twenty-six thousand, six hundred and fourteen (18,326,614) comprising 61.8% male and 38.2% female.

**Fig 2.1: Registered Political Parties Members by Gender**



**Figure 2.2: Incremental change in membership by gender**



The change in membership reflected a 24.8% increase from the previous year comprising 30.8% and 16.3% increase in male and female respectively.

### **2.1.7 Business Re-engineering of Membership Data Management**

The Political Parties Act, 2011 Section 34 requires the Registrar of Political Parties to verify and make publicly available the list of all members of political parties. The Registrar is also expected to ensure and verify that no person is a member of more than one political party. To accomplish these functions, the Office initiated the process of business re-engineering of membership data management.

During the period under review, the Office developed a road map for the re-engineering of IPPMS. In order to enhance the efficiency and effectiveness of IPPMS in the management of political parties, the following up-grades were undertaken:

- (i) Integrated the IPPMS with other stakeholders such as Independent Electoral and Boundaries Commission (IEBC), Integrated Population Registration System (IPRS) National Council for People with Disabilities (NCPWD), National Registration Bureau, National Gender and Equality Commission (NGEC), Ministry of Public Service, Gender, senior citizens Affairs and special programmes
- (ii) Developed a political parties registration module to ensure that any political party name, abbreviation or symbol proposed for registration by an applicant is not among or closely resembles the registered or reserved particulars;
- (iii) Improved IPPMS to ensure that reports pertaining to political party particulars are automatically shared with the political parties through email.

- (iv) Collaborated with eCitizen to make the membership register of political parties available to the public for self-verification.

Further, the Office initiated further upgrade on the IPPMS to include;

- I. The Unstructured Supplementary Service Data (USSD) that is linked with the IPPMS to facilitate public verification of membership status and also resignation.
- II. Mobile technologies (bulk sms) to share reports of membership and resignation with political parties
- III. The independent candidate management system
- IV. Enhanced security of the system through firewall, system audit and biometric.

As a result of the aforementioned upgrade, the Office held consultative meeting with sixty-eight (68) Secretary-Generals of political parties to sensitize them on the upgrades and onboarding of membership services to eCitizen. In addition, the Office trained seventy-one (71) data clerks drawn from the fully registered and provisionally registered political parties on how to use IPPMS, the digitized political parties constitutions and nominations rules.

The upgraded system (IPPMS) support:-

- a) Political parties to upload of their membership data in mass and electronically submit the data to a centralized database hosted by ORPP with little/no human intervention.
- b) Officers in ORPP regional offices to interact with the political parties' membership data and provide services to the public.
- c) Management of political parties funds easier as the status of funds disbursement can be accessed with ease.
- d) Effective management of political parties records.

## **2.2 REGULATION OF POLITICAL PARTIES**

In line with the mandate to regulate and supervise political parties to ensure adherence to PPA, 2011, the Office developed strategies, policies and guidelines for tracking compliance by political parties. During the period under review, the Office monitored and supervised compliance status of seventy-three (73) fully registered political parties under the following key processes.

### **2.2.1 Review of political parties' statutory files**

During the year under review, the Office reviewed statutory files of all political parties and offered compliance guidance through written correspondences and verbal advisory services. Key guidance involved proper procedures to be followed during the process of effecting changes

of political party particulars, inclusion requirements, the procedure of electing members to the governing body and fiduciary responsibilities.

### **2.2.2 Compliance audits**

During the financial year, the Office conducted three (3) compliance audits on all fully registered political parties to evaluate the compliance status on the following thematic areas.

- i) Political party Constitutions;
- ii) Membership requirements;
- iii) County (branch) offices;
- iv) Composition of governing bodies;
- v) Inclusion of Special Interest Groups (Women, Youth, PWDs, ethnic minorities, marginalized, and not more than two-third gender rule);
- vi) Conduct of political party meetings including Party National Delegates Conferences (NDCs), National Governing Council (NGC), National Executive Council (NEC); and
- vii) Declaration of assets and liabilities;



*Compliance workshop with political parties' officials held at crown plaza hotel, Nairobi*

Political parties that had breached the compliance requirements were notified and directed to remedy the breaches in line with section 21 of the Political Parties Act, 2011.

### **2.2.3 Inspection of political party offices**

During the year under review, the Office conducted inspection exercise of headquarter offices for fully registered political parties. A total of sixty-five (65) political parties' headquarters were inspected. The inspection team verified physical existence of political parties offices to ascertain that political party records were maintained in line with section 17 of the PPA.



Records that were inspected included lease agreements, political party constitution, statement of Ideology, election & nomination rules, disaggregated membership register, financial records and assets register. Eight (8) political party offices were not available for inspection and the officials were issued with notice of deregistration and directed to remedy breaches within 90 days as stipulated in the Political Parties Act.

The summary of the findings was as follows;

- I. All the political parties' offices that were inspected had Office premises which were rated against the set criteria as indicated below: -

| <b>Score</b>   | <b>5/5<br/>VERY<br/>GOOD</b> | <b>4/5<br/>GOOD</b> | <b>3/5<br/>FAIR</b> | <b>2/5<br/>POOR</b> | <b>1/5<br/>VERY<br/>POOR</b> | <b>TOTAL</b> |
|----------------|------------------------------|---------------------|---------------------|---------------------|------------------------------|--------------|
| No. of Parties | 23                           | 15                  | 26                  | 1                   | 0                            | 65           |

- II. A review of the political party policy documents such as Constitution, Ideology election & nomination rules. Majority of the parties had their constitution stamped by ORPP as well as an updated copy of election and nomination rules. Additionally, many of the parties had embedded their party ideology and manifesto in their constitution.

| <b>Score</b>   | <b>4/4<br/>Good</b> | <b>3/4<br/>Fair</b> | <b>2/4<br/>Poor</b> | <b>1/4<br/>Very Poor</b> | <b>Total</b> |
|----------------|---------------------|---------------------|---------------------|--------------------------|--------------|
| No. of Parties | 31                  | 17                  | 11                  | 6                        | 65           |

- III. A review of the details of the party membership was conducted and revealed that fourteen (14) political parties had met all the membership requirements as specified in the criteria namely; had disaggregated data in terms of gender, youth as well as PWDs categories. Seventeen (17) political parties were reasonably good, while fourteen (14) scored fairly. Twenty (20) parties performed poorly on the requirements for membership.

| <b>Score</b>   | <b>4/4<br/>Very Good</b> | <b>3/4<br/>Good</b> | <b>2/4<br/>Fair</b> | <b>1/2<br/>Poor</b> | <b>Total</b> |
|----------------|--------------------------|---------------------|---------------------|---------------------|--------------|
| No. of parties | 14                       | 17                  | 14                  | 20                  | 65           |

- IV. A review of the details of the party financial records was conducted on set criteria which revealed that majority of the parties that were inspected did not have their latest audited books and contend that they do not receive funding to be audited and some had their own private auditors. Most of the parties did not keep a record of donations especially from party members and they noted that majority of the party assets are donations from party officials and members.

| Score          | 4/4<br>Good | 3.5/4<br>Fair | 3/4 | 2.5/4<br>Poor | 2/4 | 1.5/4 | 1/4 | 0/4<br>Very Poor | Total |
|----------------|-------------|---------------|-----|---------------|-----|-------|-----|------------------|-------|
| No. of Parties | 25          | 1             | 19  | 0             | 8   | 0     | 5   | 7                | 65    |

V. A review of the asset management revealed that majority of the parties do not have asset registers despite all the offices being furnished with office equipment.

| Score          | 3/3<br>Very Good | 2.5/3<br>Good | 2/3<br>Fair | 1/3<br>Poor | Total |
|----------------|------------------|---------------|-------------|-------------|-------|
| No. of Parties | 19               | 1             | 12          | 33          | 65    |

The Office took the following measures to address the shortcomings;

- I. Held compliance meetings with non-compliant parties to sensitize them on areas of non-compliance
- II. Eight (8) notices of deregistration were sent to political parties that were not available for inspection requiring them to remedy the breaches within ninety (90) days; and
- III. Held personalized one-on-one training with responsible officials including the finance officers, ICT officers.

#### 2.2.4 Facilitation of the process of changes of political parties particulars

The Office facilitated the process of change of political party names, constitutions, composition of governing bodies, name and address of party officials, colors and physical locations of county and head office in line with statutory procedures. Notices of the intended change were published in newspapers of nationwide circulation and Kenya Gazette within stipulated legal timelines. The following change of political party particulars were received and effected.



Kenya National Congress being presented with certificate of change of officials at the ORPP headquarters

**Table 2.3: Change of political party particulars**

| S/No | Nature of Change | No. of political parties |
|------|------------------|--------------------------|
| 1    | Officials        | 7                        |
| 2    | Constitutions    | 6                        |
| 3    | Addresses        | 2                        |
| 4    | Symbols          | 1                        |
| 5    | Name             | 1                        |

### **2.2.5 Compliance meetings**

The Office conducted two (2) compliance meetings with political parties in order to evaluate and update officials on the compliance progress. The meetings also apprised the new officials appointed as accounting officers on their individual responsibilities. The sensitization forums were conducted for officials of six (6) newly registered political parties namely- Civic Renewal Party, Party of Economic Democracy, The Service Party, National Ordinary People Empowerment Union, Grand Dream Development Party and the United Green Movement Party. The objectives of the meeting were to sensitize the governing body officials on;

- i) Political parties management requirements and
- ii) Compliance with the PPA and other relevant laws.

A total of twenty-five (25) political party officials (15 males and 10 females) were sensitized.



**A session of sensitization of governing officials of newly registered political parties on compliance with the PPA, 2011.**

## 2.2.6 Development of regulatory instruments

The Office spearheaded the development of regulatory instruments including regulations, compliance guidelines, circulars and notices comprising of; compliance sanctions & enforcement guidelines and political parties membership regulations.

During the year, the Office held two (2) external stakeholders' consultative meetings as well as various internal meetings with the aim of finalizing the draft Political Parties (Membership) Regulations, 2021.

## 2.2.7 Strengthened legal and regulatory framework

### a) Review of the Political Parties Act, 2011

The Office embarked on the process of reviewing the Political Parties Act, 2011 by collecting proposals from relevant stakeholders through various meetings and then subjecting the proposals and recommendations to public participation as required under the law. The proposals together with input from the public were consolidated into a Bill namely the Political Parties (Amendment) Bill, 2021. The input of Secretary Generals of political parties, Political Parties Liaison Committee (PPLC) and the Office of the Attorney General were considered in the Draft Bill before it was submitted to the relevant Committee in Parliament for deliberation. It is the intention of the Office that the Bill be considered, approved and become law before 2022 General Election.

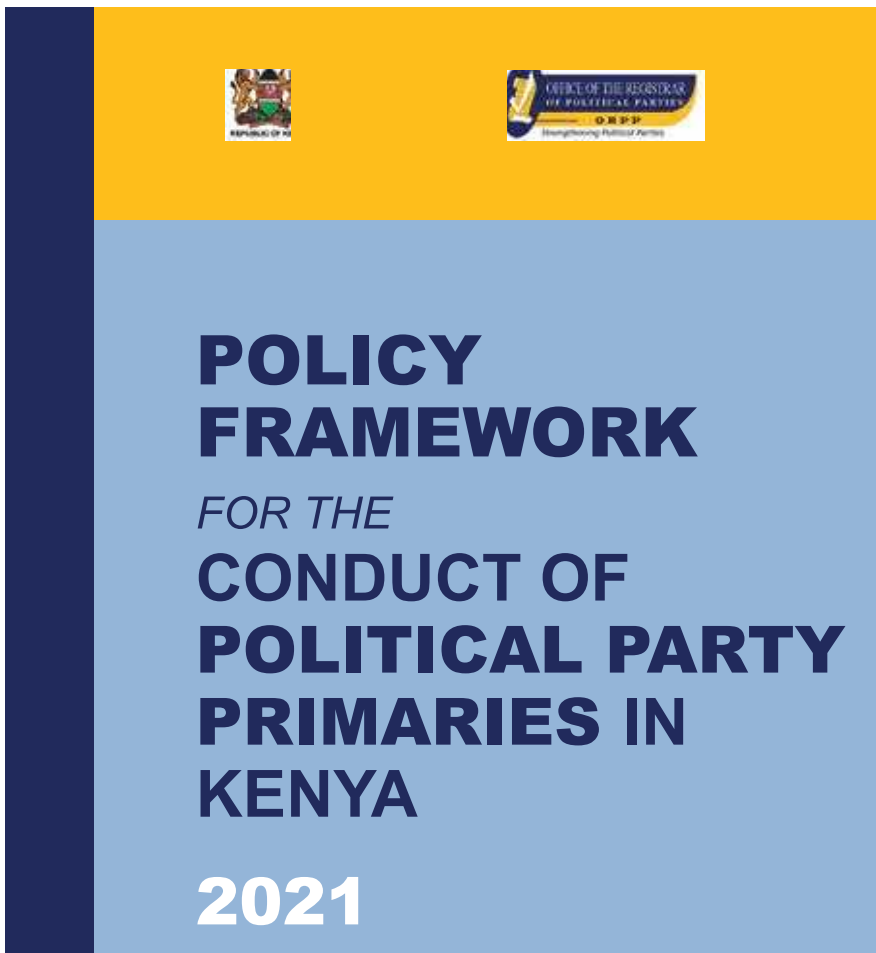


*Members of governing bodies of CRP, GDDP, UGM after training conducted by ORPP in October, 2021*

## **b) Political Parties Primaries Bill, 2020**

The Office spearheaded the development of policy and legislative framework for political parties' primaries in Kenya through the inter-agency taskforce. Following extensive public participation fora, the legislative proposals culminated to Political Parties Primaries Bill, which was presented to Senate for debate. Upon public participation process, the Office developed three (3) resultant output documents;

- i) The Memorandum on the Senate Bill
- ii) The Hybrid Political Parties Primaries Bill, 2020
- iii) Proposals for amending the Senate Bill, 2020



*Cover presentation of the Policy Framework for Political Parties Primaries in Kenya*

## **c) Draft Political Parties Membership Regulations, 2021**

The draft regulations were evaluated and recommendations incorporated as proposed. The draft regulations are due for final rehashing with support from the Kenya Law Reform Commission

and the State Law Office for further scrutiny before being shared with stakeholders as part of public participation.

## 2.2.8 Litigation

Political parties are recognized as important institutions in the promotion of democracy under the Constitution. Considering the competitive nature of democratic politics, disputes and conflicts are common amongst members of political parties and the political parties. Political party constitutions provide internal dispute resolution mechanisms. In addition, Political Parties Act, 2011 allow members to resort to the Political Parties Dispute Tribunal (PPDT), when dissatisfied with the findings of the internal mechanisms.

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### **Political rights.**

**38.** (1) Every citizen is free to make political choices, which includes the right—

- (a) to form, or participate in forming, a political party;
- (b) to participate in the activities of, or recruit members for, a political party; or
- (c) to campaign for a political party or cause.

(2) Every citizen has the right to free, fair and regular elections based on universal suffrage and the free expression of the will of the electors for—

- (a) any elective public body or office established under this Constitution; or
- (b) any office of any political party of which the citizen is a member.

(3) Every adult citizen has the right, without unreasonable restrictions—

- 
- (a) to be registered as a voter;
  - (b) to vote by secret ballot in any election or referendum; and
  - (c) to be a candidate for public office, or office within a political party of which the citizen is a member and, if elected, to hold office.

### **Freedom of movement and residence.**

**39.** (1) Every person has the right to freedom of movement.

(2) Every person has the right to leave Kenya.

(3) Every citizen has the right to enter, remain in and reside anywhere in Kenya.

### **Protection of right to property.**

**40.** (1) Subject to Article 65, every person has the right, either individually or in association with others, to acquire and own

The Act also provides that the decisions of the Registrar under the Act can be appealed before the PPDT for hearing and determination. Appeals arising from decisions of the Tribunal lie before the High Court on determination on matters of law and facts.

During the year under review, the Office was enjoined in eight (8) cases before the PPDT and six (6) cases before the High Court.

**Table 2.4: List of cases and status**

| <b>POLITICAL PARTIES DISPUTES TRIBUNAL</b> |  |  |   |                                    |
|--|--|--|---|------------------------------------|
| <b>S/No</b>                                | <b>Case citation</b>                   | <b>Case</b>  | <b>Reason</b>   | <b>Status as of 30th June 2021</b> |
| 1  | PPDT Complaint 8 of 2020               | Caleb Koistany and others V ORPP and others.       | Challenging change of officials in Jubilee Party.   | Complaint dismissed.               |
| 2  | PPDT Appeal 2 of 2020                  | Caleb Koistany and others V ORPP and others.       | The Petitioners faulted the ORPP on approving the Jubilee-KANU coalition agreement.   | Appeal dismissed                   |
| 3  | Civil Appeal No. E496 of 2020          | David Eseli Vs Ford Kenya                          | The dispute on the change of party officials  | On going                           |
| 4  | PPDT Complaint No. 2 2019              | Godfrey Osotsi V. Registrar & ANC                  | The complainant challenged the decision of Registrar to expunge his name from the party list  | The complaint concluded            |
| <b>HIGH COURT</b>                          |  |  |   |                                    |
| 1  | E250 of 2020 (Constitutional Petition) | Patrick Kabundu and 2 others vs The PSC and others | Various including the constitutionality of the ORPP, appointment of the Registrar and assistants, administration of the Political Parties Fund. | On going                           |
| 2  | Constitutional Petition 197 of 2020    | Ford Kenya vs ORPP & Anne Nderitu                  | Various; That ORPP erred in gazetting proposed change of officials of Ford Kenya.   | On going                           |

|   |                                    |  |   |          |
|---|------------------------------------|--|---|----------|
| 3 | Constitutional Petition 55 of 2020 | Dr. Angela Mwikali Nyalita and Others v Ekuru Aukot and others | Various; disclosure of funds and alleged failure on the part of ORPP on ensuring Third Way Alliance is compliant. | On going |
| 4 | E002 OF 2020                       | ODM vs Perpetua Mbonjiwa and others                            | Constitutionality of non-party members being elected through party  | On going |
| 5 | Civil Appeal No. 155 of 2019       | ANC party Vs Godfrey Osotsi & ORPP                             | The ANC party appealed against the ruling of PPDT over the suspension of Hon. Osotsi                              | On going |
| 6 | Civil Appeal No. 295 of 2019       | Alphonse Nzioki Vs. PNU  | The Appellant appealed the ruling from the PPDT on the Petition on the Party Elections                            | On going |

## 2.3 INSTITUTIONAL CAPACITY

Institutional capacity encompasses human capital, training and development of staff, work environment, resources & assets and corporate image initiatives.

### 2.3.1 Staff establishment

Achievement of planned activities is pegged on filling vacant positions and maintaining an optimal staffing level. This requires that the Office proactively seeks to attract, develop and retain quality and competent staff at all levels.

The Office has an approved staff establishment of two hundred and thirty-five (235). During the period under review, three (3) State Officers assumed office for the positions of Registrar and two (2) Assistant Registrars who were interviewed by the Public Service Commission, vetted by National Assembly and appointed by the President. In the same period, two (2) staff exited the organization while twelve (12) were recruited on contractual basis.





**Registrar of Political Parties, Ann Nderitu (2nd left) and Assistant Registrars Ali A. Surraw (2nd right) and CPA Florence T. Biryra (right) and Chief Justice and President of the Supreme Court Hon David Maraga (centre) during the inauguration of the Registrar and Assistant Registrars of Political Parties at the Supreme Court of Kenya, in November, 2020**

The Office advertised twenty-one (21) positions to fill various vacancies. The shortlisting of applications was conducted followed by interviews and recruitment of successful candidates.

**Table 2.5: ORPP Staffing Level as at 30th June 2021**

| Particulars           | Total Number of Employees | Male      | Female    | Persons with Disability |
|-----------------------|---------------------------|-----------|-----------|-------------------------|
| Pensionable Employees | 79                        | 40        | 39        | 1                       |
| Contractual Employees | 12                        | 8         | 4         | 0                       |
| <b>Total</b>          | <b>91</b>                 | <b>48</b> | <b>43</b> | <b>1</b>                |

As at 30th June 2021, the Office had an in post of ninety-one (91) staff against an approved establishment of two hundred and thirty-five (235).

### 2.3.2 Staff development

In the year under review, the Office identified staff training capacity needs and implemented the following training programmes aimed at retaining qualified and competent staff.

**Table 2.6: Programme and number of staff trained**

| S/No  | Programme  | No. of staff trained | Male | Female |
|---|--|----------------------|------|--------|
| <b>Individual Short Training Programmes</b> |  |                      |      |        |
| 1.  | Strategic Public Affairs and Government Relations course | 2                    | -    | 2      |
| 2.  | Knowledge Management                                     | 1                    | 1    |        |
| 3.  | Senior Management Course                                 | 2                    | 2    | -      |
| 4.  | Job Evaluation   | 4                    | 3    | 1      |
| 5.  | Election Management Course                               | 3                    | 2    | 1      |
| <b>Long Term Training Programmes</b>        |  |                      |      |        |
| 6.  | Master of Laws Project                                   | 1                    | 1    | -      |
| <b>Group Training Programmes</b>            |  |                      |      |        |
| 7.  | Health and Wellness                                      | 64                   | 34   | 30     |
| 8.  | Induction  | 2                    | 1    | 1      |
| 9.  | Job Evaluation   | 7                    | 3    | 4      |
| 10.   | Audit Committee Induction                                | 7                    | 4    | 3      |
| <b>Professional Bodies Workshops</b>        |  |                      |      |        |
|   | LSK Professional Development Training                    |                      |      |        |
|   | ICPAK  |                      |      |        |
|   | Public Relations Society of Kenya (PRSK)                 |                      |      |        |

### 2.3.3 Conducive work environment

During the year under review, the Office procured resources, systems and assets to enable it execute its mandate. In adherence to Public Procurement and Assets Disposal Act (2015), the Office undertook the following;

- i) Partitioned Office space at ORPP headquarters and Eldoret regional office;
- ii) Procured two (2) motor vehicles;
- iii) Procured medical cover for staff
- iv) Ensured that all the systems including IPPD, human resource information system and Integrated Financial Management Information System were well maintained, accessible, secure and regularly updated;
- v) Implemented electronic Staff Performance Appraisal System (SPAS);



**Computer view of ORPP HR system**

### **2.3.4 Enhanced ORPP corporate image**

The Office undertook various activities geared towards creating awareness of the mandate and operations among varied stakeholders. These included:

- i) Reviewed print information material;
- ii) Maintained an updated corporate website and social media platforms;
- iii) Coordinated a partnership between ORPP and various media outfits to address topical issues;
- iv) Published a print journal on ‘Political party’s role in promoting democracy and good governance’;
- v) Conducted a Corporate Social Responsibility (CSR) activity, a visit to Mukuru kwa Njenga, Nairobi;



**ORPP staff posing for a photo during the CSR visit to Reli women self-help group**

- vi) Procurement and installation of suggestion and corruption reporting boxes at the ORPP headquarters to enhance feedback and transparency;
- vii) Production of thirteen (13) editions of internal bulletins to enhance internal communication engagement; and
- viii) Partnered with the county government of Uasin Gishu ran public messaging in Eldoret town.



*ORPP advertisement running on an electronic billboard in Eldoret town*

### **2.3.5 Strengthened prudent financial management and reporting**

In the year under review, the Office operated within the Public Finance Management principles as provided for in the Constitution and the Public Finance and Management Act, 2012.

#### **a) Financial reporting**

The Office prepared and submitted financial year 2020/2021 annual and quarterly expenditure reports to the Controller of Budget and the National Treasury. In addition, 2019/2020 statement of income and expenditure, statement of financial position and cash flow statement were submitted to the Auditor General within the statutory timelines. During the year, the accounts for financial year 2019/2020 were audited by the Auditor General who issued the Office with a certificate where the opinion was unqualified.

## **b) Audit and publication of political parties' financial statements**

The Office ensured publication of political parties' sources of funds, income and expenditure and assets and liabilities. Further, in line with section 31(2), the Office also verified that all fully registered political parties submitted their financial statements to the Auditor General within three (3) months after the end of the financial year. Political parties who had not prepared their financial books were directed to make the necessary amendments.

## **c) Inspection of ORPP regional offices' assets and financial records**

The Office conducted inspection of regional offices to assess risks, physical assets, stores management and maintenance of financial records. The inspection findings highlighted the risks faced by the respective regional offices and the mitigation strategies instituted.

## **2.4 STRATEGIC PARTNERSHIPS AND COLLABORATION**

The Office continued its engagement with political parties and other stakeholders in the execution of its mandate. These collaborations were geared towards strengthening political parties as institutions of democracy.



*Registrar of Political Parties Ann Nderitu (2nd left) and ORPP officials with Norwegian Ambassador to Kenya Elin Bergithe (left) and an embassy official during a collaboration meeting.*

During the year, despite disruptions occasioned by the Covid-19 pandemic and containment measure thereof, the Office embraced appropriate technologies in holding meetings thus ensured continued collaboration with stakeholders.

#### **2.4.1 Tripartite dialogue platform**

The Political Parties Liaison Committee (PPLC) is established under section 38 of the PPA, 2011. The principal function of the PPLC is to provide a platform for dialogue between the Registrar, IEBC and political parties.



*Registrar of Political Parties Ms Ann Nderitu, MBS addressing PPLC plenary meeting*

During the period under review, the following activities were undertaken.

- i) Preparation of PPLC 2020/2021 work plan;
- ii) Participation of PPLC within the electoral cycle;
- iii) Deliberations on the two-thirds gender rule and mechanisms for increased women participation in the electoral processes;
- iv) Fill in of the positions of PPLC steering Committee Chairperson, Vice Chairperson and Steering Committee member;



***Steering Committee Chairperson of the Political Parties Liaison Committee (PPLC) addressing a plenary meeting***

**Table 2.7: Political Parties Liaison Committee Meetings**

| S/NO | PPLC ACTIVITY             | DATE AND VENUE           | PURPOSE OF MEETING                      | REMARK / RESOLUTION/ WAY FORWARD  |
|------|---------------------------|--------------------------|---|---|
| 1.   | PPLC Plenary              | 2nd - 4th September 2020 | Prepare for the PPLC Work plan          | Chairs & Secretaries of Subcommittee to identify their activities and submit to ORPP and PPLC Finance Committee |
| 2.   | PPLC Women Program        | 16th September 2020      | Preparation of 2020/2021 key activities | Activities identified to be presented to steering Committee for inclusion in the work plan                      |
| 3.   | PPLC Finance Subcommittee | 17th September 2020      | Preparation of PPLC Work plan           | Draft work plan incorporating 2019/2020 activities prepared.  |

| S/NO | PPLC ACTIVITY  | DATE AND VENUE         | PURPOSE OF MEETING  | REMARK / RESOLUTION/ WAY FORWARD  |
|------|--|------------------------|---|---|
| 4.   | PPLC Steering Committee,                             | 11th November 2020     | Deliberations on way forward for PPLC activities for FY 2020/2021                       | The resource mobilization sub committee to spearhead formulation of a resource mobilization strategy                      |
| 5.   | PPLC Steering Committee                              | 11th January 2021      | Deliberations on the vacant position of the Office of Chairperson of Steering Committee | The Vice-Chairperson to act as Chairperson until confirmation   |
| 6.   | PPLC Plenary   | 2nd -5th February 2021 | Statutory quarterly meeting for the PPLC  | Resource mobilization strategy to be expedited<br>Work plan to cover the second half of the financial year to be prepared |
| 7.   | PPLC Steering Committee and Chairs of Sub committees | 24th -27th June 2021   | Review of PPLC activities for FY 2020/2021  | PPLC road map to elections developed  |

#### 2.4.2 Engagements with stakeholders

The Office worked closely with state and non-state actors in execution of its mandate. The table below shows areas of engagements with various stakeholders.



**Table 2.8: List of stakeholders and areas of partnership**

| S/No | Partner/Stakeholder                                    | Areas of Partnership   |
|------|--|--|
| 1.   | Independent Electoral and Boundaries Commission (IEBC) | <p>Ensure registered members of political parties are registered voters.</p> <p>Ensure nominated candidates for an election are members of the political parties that nominated them</p> <p>Share election results for computation of the Political Parties Fund</p> <p>Developing election training materials</p> <p>Training of political parties agents</p> <p>Ensure persons in the party list submitted by parties to IEBC for the purpose of nominations to Counties and National Assembly are members of that political party</p> <p>Legal reforms in the electoral and political processes</p> |
| 2.   | Political Parties Dispute Tribunal (PPDT)              | Hearing and determining appeals from political parties disputes  |
| 3.   | Parliament   | <p>Legislations on the Political Parties (Amendment) Bill 2021, Political Parties Primaries Bill, 2020</p> <p>Resource allocation</p>  |
| 4.   | The National Treasury                                  | <ul style="list-style-type: none"> <li>• Adherence to financial guidelines and circulars</li> <li>Resource allocation</li> <li>Training political parties on prudent management of public resources</li> </ul>   |
| 5.   | Auditor General  | • Submission of financial statements   |
| 6.   | National Gender and Equality Commission (NGEC)         | <p>Capacity building for Special Interest Groups (SIG) of political parties</p> <p>Compliance of political parties with the Constitutional requirements on inclusivity</p> <p>Mainstreaming gender in the political processes</p>  |
| 7.   | Security Agencies                                      | Vetting of applicants for political party registrations  |
| 8.   | Development Partners                                   | <p>Technical support of ORPP programmes and activities</p> <p>Training political parties on governance</p> <p>Capacity building of SIGs to assist them participate and vie for political positions</p>   |

| S/No | Partner/Stakeholder | Areas of Partnership        |
|------|---------------------|-----------------------------|
| 9.   | Civil societies     | Civic education<br>Advocacy |

## 2.5 POLITICAL PARTIES PARTICIPATION IN ELECTIONS

The Political Parties Act, 2011 outlines the Code of Conduct set out under the first schedule of PPA which shall regulate the behavior of members and office holders of political parties, aspiring candidates, candidates and their supporters to promote good governance and eradicate political malpractices. All registered political parties are bound by the Political Parties Act, 2011 and Political Parties Code of Conduct in conducting their activities.

### 2.5.1 Capacity building of Political Party Chief Agents

During the year under review, the Office conducted training of political parties and independent candidates' chief agents involved in by-elections for election of five (5) member of National Assembly, twelve (12) member of County Assembly and one (1) member of Senate. A total of seven hundred and thirty-six (736) agents were trained.



*A session of agents training being conducted by ORPP in Matungu constituency, Kakamega county*

## 2.5.2 Monitoring of political party activities during by elections

Pursuant to its role to monitor and supervise political parties under section 34 of PPA, the Office monitored compliance with the code of conduct by political parties in by-elections held during the period under review. The monitoring exercise covered areas of distribution of election materials, voting, tallying, announcement and declaration of results.



*A Returning Officer of the Independent Electoral and Boundaries Commission (IEBC) issuing certificate to the declared winner of Bonchari constituency by election. The ORPP monitored the by-election*

**CHAPTER THREE**

**ANALYSIS OF ORPP  
FINANCIAL PERFORMANCE**

## CHAPTER THREE: ANALYSIS OF ORPP FINANCIAL PERFORMANCE

The Office of the Registrar of Political parties participates in the budget making process under the Medium Term Expenditure Framework (MTEF). During the financial year 2020/2021, the Office was allocated a budget of Kshs. one billion, three hundred and forty-five million, seven hundred and ninety-one thousand nine hundred and ninety-one shillings (Kshs. 1,345,791,991) to finance one (1) programme and three (3) sub-programmes. The programme is Registration, Regulation and Funding of Political Parties while the sub-programmes are Registration and Regulation of Political Parties, Funding of Political Parties and Political Parties Liaison Committee (PPLC).

**Table 3.1: Printed estimates by sub-programme**

| Programme   | Printed Budget (Kshs. M) |
|---|--------------------------|
| <b>Programme-</b> Registration, regulation and funding of political parties |                          |
| Sub-programme 1:Registration and Regulation of political parties            | 335.56                   |
| Sub-programme 2:Funding of Political Parties                                | 995.24                   |
| Sub-programme 3: Political Parties Liaison Committee                        | 14.99                    |
| <b>Total Vote</b>   | <b>1345.79</b>           |

During the year, there were two (2) supplementary budget estimates that affected the Office budget. Through supplementary budget estimate one (1), the budget was reduced by Kshs fifteen million four hundred and seventy thousand (Kshs. 15,470,000) and in supplementary budget estimate two (2), the budget was further reduced by Kshs. twenty-four million two hundred thousand (kshs. 24,200,000). The net effect of the supplementary budgets totaled Kshs thirty-nine million six hundred and seventy thousand (Kshs. 39,670,000) resulting to an approved budget of kshs one billion three hundred and six million one hundred twenty-one thousand nine hundred ninety-one (Kshs. 1,306,121,991).

**Table 3.2: Overall budget**

| Printed Estimates<br>Kshs (m) | Supplementary budget<br>Kshs (m) | Revised Budget<br>Kshs (m) |
|-------------------------------|----------------------------------|----------------------------|
| 1,345.79                      | (39.67)                          | 1,306.12                   |

### 3.1 Budget performance by sub-programmes

The table below indicates the budgetary provision and actual expenditure as at 30th June 2021 by sub-programmes.

**Table 3.3: Approved Budget Vs Actual Expenditure by Sub-Programmes**

| <b>Sub-programme</b>                | <b>Printed Budget (Kshs. M)</b> | <b>Revised Budget (Kshs. M)</b> | <b>Expenditure (Kshs. M)</b> | <b>Percentage Absorption</b> |
|-------------------------------------|---------------------------------|---------------------------------|------------------------------|------------------------------|
|                                     | 2020/21                         | 2020/21                         | 2020/21                      | 2020/21                      |
| Registration and Regulation         | 335.56                          | 302.10                          | 290.87                       | 96.28%                       |
| Political Parties Fund              | 995.24                          | 995.24                          | 995.24                       | 100%                         |
| Political Parties Liaison Committee | 14.99                           | 8.78                            | 8.68                         | 99.86%                       |
| <b>Total</b>                        | <b>1,345.79</b>                 | <b>1,306.12</b>                 | <b>1,294.79</b>              | <b>99.13%</b>                |

As indicated in table 3.3 above, the absorption rate for the sub-programmes on registration and regulation as well as Political Parties Liaison Committee was 96.28% and 99.86% respectively as at 30th June 2021. The two sub-programmes did not achieve 100% absorption level because the Integrated Financial Management Information System (IFMIS) was closed to allow for the preparation of the first and second supplementary estimates. Further, there was the effect of COVID-19 pandemic causing disruption in the implementation of planned activities.

### 3.2 Budget Performance by Economic Classification

The Office budget was utilized by economic classification as illustrated in the table below

**Table 3.4: Approved Budget Vs Actual Expenditure by Economic Classification**

| <b>Economic Item</b>             | <b>Printed Budget (Kshs. M)</b> | <b>Revised Budget (Kshs. M)</b> | <b>Expenditure (Kshs. M)</b> | <b>Percentage Absorption</b> |
|----------------------------------|---------------------------------|---------------------------------|------------------------------|------------------------------|
|                                  | 2020/21                         | 2020/21                         | 2020/21                      | 2020/21                      |
| Compensation to employees        | 193.06                          | 159.66                          | 155.98                       | 97.69%                       |
| Use of goods and services        | 133.74                          | 103.55                          | 97.51                        | 94.17%                       |
| Grants and other transfers (PPF) | 995.24                          | 995.24                          | 995.24                       | 100%                         |
| Non-financial assets             | 9.25                            | 36.80                           | 35.19                        | 95.62%                       |
| Financial Assets                 | 14.50                           | 10.87                           | 10.87                        | 100%                         |
| <b>Total</b>                     | <b>1345.79</b>                  | <b>1306.12</b>                  | <b>1294.79</b>               | <b>99.13%</b>                |

As at 30th June 2021, the cumulative expenditure for the Office was Kshs. 1,294.79 million compared to the revised budget allocation of Kshs one billion three hundred six million one hundred twenty-one thousand nine hundred ninety-one(Kshs. 1,306,121,991). This translates to 99.13% absorption rate. The item on compensation of employees did not achieve 100% absorption rate because the recruitment of new staff was finalized towards the end of the year whereas the budget allocation was for the entire year.

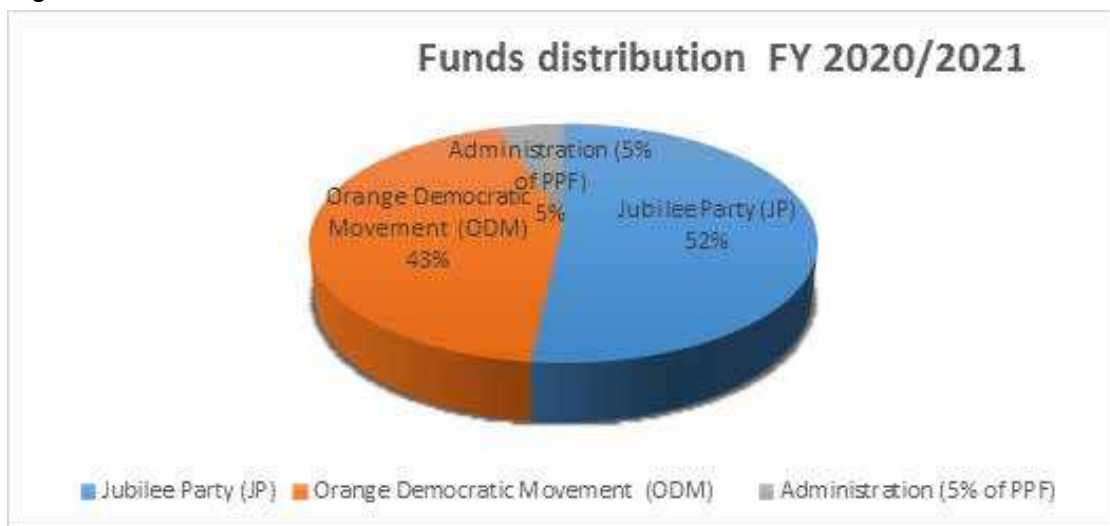
### 3.3 The Political Parties Fund.

The Political Parties Fund is established under Section 24 of the Political Parties Act, 2011. During the FY2020/21, the Fund was allocated Kshs. 995.24 million which was disbursed to qualifying political parties in line with the criteria set out under section 25 of the PPA.

**Table 3.5: Distribution of Political Parties Fund as at 30th June 2021**

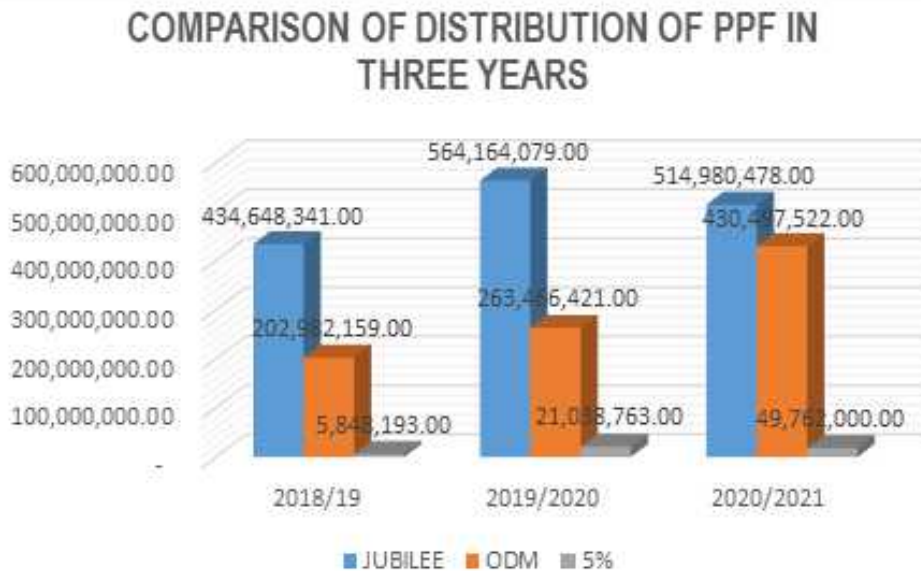
| S/No | Party Name                       | Budget Provision for PPF | Total Funds Disbursed as at 30.06.2021 |
|------|----------------------------------|--------------------------|--|
| 1.   | Jubilee Party (JP)               | 514,980,477.20           | 514,980,477.20                         |
| 2.   | Orange Democratic Movement (ODM) | 430,497,522.80           | 430,497,522.80                         |
| 3.   | 5% for PPF Adm.                  | 49,762,000.00            | 49,762,000.00                          |
|      | <b>Total</b>                     | <b>995,240,000.00</b>    | <b>995,240,000.00</b>                  |

**Figure 3.1: Distribution of the Political Parties Fund in FY 2020/21**



### 3.4 Trend analysis of the Political Parties Fund

Figure 3.2 below shows the distribution of funds to the two political parties that qualified for funding as set out in the criteria for the last three (3) years. It further shows the growth of the PPF over the years which is an indication that with time, the zero point three percent as stipulated in the Act will be realized.



**Figure 3.2: Trend analysis for the last three yea**

### 3.5 Effects of supplementary budget

The Office budget was reduced by Kshs. fifteen million four hundred and seventy thousand (Kshs. 15,470,000) during supplementary budget estimates No. 1. As a result of the budget cut, some items including those with contractual obligations and statutory timelines experienced budgetary deficits. Consequently, the Office sought authority from the National Treasury to reallocate Kshs. seven million two hundred and thirty-one thousand eight hundred and seventy (Kshs 7,231,870) towards various items that faced budgetary deficits and the request was granted.

### 3.6 Preparation of Medium Term Expenditure Framework (MTEF) for FYs 2021/2022 2023/2024

The ORPP participated in the MTEF budgetary process for the period 2021/2022 2023/2024 under the Governance, Justice, Law and Order (GJLO) sector. The table below illustrates resource requirement against proposed allocation by sub-programme.



Table 3.6: Resource requirements and proposed allocation by sub-programmes

| Sub-programme                       | Resource Requirements |                 |                 | Allocation      |                 |                 |
|-------------------------------------|-----------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
|                                     | 2021/22               | 2022/23         | 2023/24         | 2021/22         | 2022/23         | 2023/24         |
| Registration and Regulation         | 965.61                | 975.61          | 719.82          | 356.24          | 405.91          | 368.55          |
| Political Parties Fund              | 4,500.00              | 4,500.00        | 4,500.00        | 975.26          | 1,005.73        | 1,044.45        |
| Political Parties Liaison Committee | 103.24                | 113.24          | 95.23           | 14.99           | 15.64           | 21.32           |
| <b>Total</b>                        | <b>5,568.85</b>       | <b>5,588.85</b> | <b>5,315.05</b> | <b>1,346.49</b> | <b>1,427.28</b> | <b>1,434.32</b> |

**CHAPTER FOUR**

**CHALLENGES AND  
RECOMMENDATIONS**

## CHAPTER FOUR: CHALLENGES AND RECOMMENDATIONS

This chapter highlights the challenges faced during the financial year 2020/2021 and proposes corresponding recommendations.

### 4.1 Challenges

- i) **Budget constraints.** The budget constraint affected implementation of Office activities and programmes.
- ii) **Accumulation of pending bills.** As a result of IFMIS system closures and disruptions towards the end of the financial year, the Office accumulated pending bills that adversely affected the implementation of planned programmes as pending bills took the first charge of the subsequent budget cycle.
- iii) **COVID 19 Pandemic-** The raging COVID 19 pandemic continued to hamper planned Office activities in terms of its effects on government budgetary allocations and the containment measures.
- iv) **Inadequate staffing.** During the period under review, the Office obtained approval from National Treasury and the head of Public Service to recruit twenty-one (21) additional staff. Therefore, the staff in post as at the end of the financial year was ninety-one (91) which was way below the authorized establishment of two hundred thirty-five (235).
- v) **The Political Parties Fund.** Section 24 of the Political Parties Act, 2011 stipulates that the Political Parties Fund shall receive *such funds not less than zero point three per cent of the revenue collected by the national government as may be provided by the Parliament* . In the 2020/21 financial year, the Fund was allocated Kenya shillings nine hundred and ninety-five million and two hundred forty thousand (Kshs 995,240,000) which was way below the anticipated 0.3% of the revenue collected by the national government as may be provided by the Parliament.
- vi) **Limited presence of the ORPP at the county level.** Currently the Office has 7 Offices against 47 counties.
- vii) **Litigation-**The Office of the Registrar of Political Parties is frequently enjoined in matters filed in courts and in the Political Parties Dispute Tribunal (PPDT) arising from intra and inter political parties' wrangles. This affects the Office in terms of legal fees and time used.
- viii) **Political Parties Fund managers-** The high turnover of Political Parties Fund managers pose a challenge to the management of the Fund and the Office has to continuously sensitize them on Public Finance Management.

## 4.2 Recommendations

In view of the challenges identified, the Office will;





- i) Continuously engage the National Treasury on the need for seamless operation of IFMIS;
- ii) Continuously liaise with the National Treasury and Public Service Commission for adequate funding and recruitment of additional staff;
- iii) Engage the relevant authority for provision of PPF as per the Political Parties Act, 2011;
- iv) Guide and sensitize political parties to adopt alternative dispute resolution mechanisms;
- v) Continuously sensitize political parties managers on prudent management of PPF;
- vi) Continue to explore and adopt alternative ways of engagement and operations in view of Covid-19 ramifications and emerging realities.



## Annex 2: List of Fully registered political parties





| S/No. | CODE | PARTY NAME                               | ABBREV     | SYMBOL NAME    | SYMBOL  |
|-------|------|--|------------|----------------|---|
| 1.    | 001  | National Rainbow Coalition-Kenya         | NARC-KENYA | Flower         |    |
| 2.    | 002  | The National Vision Party                | NVP        | Light House    |    |
| 3.    | 003  | The Labour Party Of Kenya                | LPK        | Star           |    |
| 4.    | 005  | Mwangaza Tu Party                        | MTP        | Nyumba         |    |
| 5.    | 007  | Party Of Independent Candidates Of Kenya | PICK       | Child          |   |
| 6.    | 008  | Restore And Build Kenya                  | RBK        | The Rising Sun |  |
| 7.    | 009  | Kenya National Congress                  | KNC        | Key            |  |
| 8.    | 010  | Mazingira Greens Party Of Kenya          | MGPK       | Tree           |  |
| 9.    | 011  | National Democratic Movement             | NDM        | Green Compass  |  |

| S/No. | CODE | PARTY NAME                       | ABBREV | SYMBOL NAME             | SYMBOL  |
|-------|------|----------------------------------|--------|-------------------------|---|
| 10.   | 012  | Wiper Democratic Movement- Kenya | WDM-K  | Umbrella                |    |
| 11.   | 013  | Democratic Party Of Kenya        | DP     | Lantern                 |    |
| 12.   | 014  | Party Of National Unity          | PNU    | Two Torches with Flames |    |
| 13.   | 015  | United Democratic Alliance       | UDA    | Wheelbarrow             |   |
| 14.   | 017  | Agano Party                      | AGANO  | Lamb                    |  |
| 15.   | 019  | Kenya Social Congress            | KSC    | Broom                   |  |
| 16.   | 021  | Orange Democratic Movement       | ODM    | Orange                  |  |




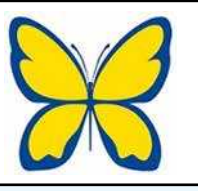





| S/No. | CODE | PARTY NAME                               | ABBREV     | SYMBOL NAME                       | SYMBOL  |
|-------|------|--|------------|-----------------------------------|---|
| 17.   | 022  | Peoples Party Of Kenya                   | PPK        | Microphone                        |    |
| 18.   | 023  | Forum For Restoration Of Democracy-Kenya | FORD-KENYA | Lion                              |    |
| 19.   | 025  | Progressive Party Of Kenya               | PPOK       | Battery Torch                     |    |
| 20.   | 027  | Jubilee Party                            | JP         | Clasped Hands                     |    |
| 21.   | 028  | Maendeleo Democratic Party               | MDP        | Camera                            |   |
| 22.   | 029  | National Rainbow Coalition               | NARC       | Traditional African Torch(Mwenge) |  |
| 23.   | 030  | Kenya African Democratic Union-Asili     | KADU-ASILI | Coconut Tree                      |  |
| 24.   | 031  | Kenya Patriots Party                     | KPP        | Wheel                             |  |
| 25.   | 032  | Communist Party Of Kenya                 | CPK        | Sickle and Hammer                 |  |















| S/No. | CODE | PARTY NAME                     | ABBREV | SYMBOL NAME               | SYMBOL  |
|-------|------|--------------------------------|--------|---------------------------|---|
| 26.   | 033  | Kenya African National Union   | KANU   | Cockerel                  |    |
| 27.   | 034  | Safina                         | SAFINA | Safina                    |    |
| 28.   | 036  | Chama Cha Uzalendo             | CCU    | Whistle                   |    |
| 29.   | 037  | National Agenda Party Of Kenya | NAPK   | Teacher                   |    |
| 30.   | 038  | Peoples Empowerment Party      | PEP    | Elephant                  |   |
| 31.   | 039  | Peoples Democratic Party       | PDP    | Traditional African Banjo |  |
| 32.   | 040  | The New Democrats              | TND    | Bridge                    |  |
| 33.   | 041  | United Democratic Movement     | UDM    | A Crane                   |  |

| S/No. | CODE | PARTY NAME                | ABBREV   | SYMBOL NAME            | SYMBOL  |
|-------|------|---------------------------|----------|------------------------|---|
| 34.   | 042  | Shirikisho Party Of Kenya | SPK      | Fish                   |    |
| 35.   | 044  | Party Of Democratic Unity | PDU      | Drum                   |    |
| 36.   | 045  | Millennium Party Of Kenya | MPK      | Train                  |    |
| 37.   | 046  | Frontier Alliance Party   | FAP      | A Milking Guard        |    |
| 38.   | 047  | Farmers Party             | FP       | Maize Plant            |    |
| 39.   | 048  | Economic Freedom Party    | EFP      | Acacia Tree            |    |
| 40.   | 049  | Federal Party Of Kenya    | FPK      | Fist                   |   |
| 41.   | 050  | Muungano Party            | MUUNGANO | Two Interlocking Rings |  |
| 42.   | 051  | National Party Of Kenya   | NPK      | Book                   |  |
| 43.   | 052  | Mzalendo Saba Saba Party  | MSS      | Open Door              |  |

| S/No. | CODE | PARTY NAME                     | ABBREV | SYMBOL NAME            | SYMBOL  |
|-------|------|--------------------------------|--------|------------------------|---|
| 44.   | 054  | Chama Cha Mashinani            | CCM    | The Trumpet            |    |
| 45.   | 055  | Alliance For Real Change       | ARK    | Aeroplane              |    |
| 46.   | 056  | Forum For Republican Democracy | FORD   | Two fingers Raised     |    |
| 47.   | 058  | Republican Liberty Party       | RLP    | The Horse              |    |
| 48.   | 059  | Roots Party Of Kenya           | RPK    | The Tree               |    |
| 49.   | 061  | Citizens Convention Party      | CCP    | Fishing Net            |   |
| 50.   | 062  | Amani National Congress        | ANC    | Olive Branch           |  |
| 51.   | 063  | Devolution Party Of Kenya      | DPK    | Tap with running water |  |
| 52.   | 064  | United Democratic Party        | UDP    | Shield                 |  |

| S/No. | CODE | PARTY NAME                            | ABBREV | SYMBOL NAME             | SYMBOL  |
|-------|------|---------------------------------------|--------|-------------------------|---|
| 53.   | 065  | Diligence Development Alliance        | DDA    | Ostrich                 |    |
| 54.   | 066  | Peoples Trust Party                   | PTP    | Arrow                   |    |
| 55.   | 067  | Maendeleo Chap Chap Party             | MCCP   | Road                    |    |
| 56.   | 068  | Democratic Congress                   | DC     | Butterfly               |    |
| 57.   | 069  | Liberal Democratic Party              | LDP    | Satellite Dish          |   |
| 58.   | 070  | Green Congress Of Kenya               | GCK    | Green Trees             |  |
| 59.   | 071  | National Liberal Party                | NLP    | Giraffe                 |  |
| 60.   | 072  | Movement For Democracy And Growth     | MDG    | A Half Scale of Justice |  |
| 61.   | 073  | Alternative Leadership Party Of Kenya | ALPK   | Burning Candle          |  |

| S/No. | CODE | PARTY NAME                       | ABBREV | SYMBOL NAME                  | SYMBOL  |
|-------|------|----------------------------------|--------|------------------------------|---|
| 62.   | 074  | Ukweli Party                     | UP     | U-Shaped Sugarcane           |    |
| 63.   | 075  | Empowerment And Liberation Party | ELP    | Tushikane                    |    |
| 64.   | 076  | Thirdway Alliance Kenya          | TAK    | Camel                        |    |
| 65.   | 077  | Justice And Freedom Party        | JFP    | A Hand Holding Freedom Torch |    |
| 66.   | 078  | Grand Dream Development Party    | GDDP   | Sack of Dreams               |  |
| 67.   | 079  | United Green Movement            | UGM    | Unity of Purpose             |  |
| 68.   | 080  | Usawa Kwa Wote Party             | UKW    | Cow and Milking Can          |  |
| 69.   | 081  | Party Of Economic Democracy      | PED    | Radio                        |  |

| S/No. | CODE | PARTY NAME  | ABBREV | SYMBOL NAME                    | SYMBOL  |
|-------|------|---|--------|--------------------------------|---|
| 70.   | 082  | The Service Party                                   | TSP    | Red Heart<br>Encircled in Blue |  |
| 71.   | 083  | National<br>Ordinary People<br>Empowerment<br>Union | NOPEU  | Ladder                         |  |
| 72.   | 084  | National<br>Reconstruction<br>Alliance              | NRA    | Eagle                          |  |
| 73.   | 085  | Democratic Action<br>Party- Kenya                   | DAP-K  | Fertilizer (Mbolea)            |  |





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