



## **NATIONAL YOUTH COUNCIL**

### **ELECTORAL CODE OF CONDUCT**

1. This Code of Conduct shall be observed by—

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

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

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

"candidate" means a candidate duly nominated under the National Youth Council Elections Guidelines; "Code" means the Electoral Code of Conduct;

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

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

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

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

"National Youth Council" means the National Youth Council established under [section 3](#) of the Act;

"National Youth Council Elections Guidelines" means the National Youth Council Elections Guidelines 2021;

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

"voter" means a youth who is eligible to participate in the National Youth Council

Elections by virtue of having been registered as voter in accordance with these Guidelines;

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

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

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

3. The object of this Code is to promote conditions conducive to the conduct of free and fair elections and a climate of tolerance in which elections and election related activities may take place without fear, coercion, intimidation or reprisals.
4. All persons bound by this Code shall endeavour to promote its objects to enable free campaigning and open public debate in all parts of Kenya during an election period.
5. Candidates, agents, and their representatives do, by subscribing to this Code, further commit themselves to—
  - (a) adhere to the values and principles of the Constitution;
  - (b) give wide publicity to this Code, the National Youth Council Elections Guidelines, and the National Youth Council Act;
  - (c) promote voter education campaigns;
  - (d) condemn, avoid, and take steps to prevent violence and intimidation;
  - (e) ensure that their agents and other representatives comply with this Code;
  - (f) promote gender equality;
  - (g) promote ethnic tolerance;
  - (h) promote cultural diversity;



- (i) promote the fair representation of special interest groups;
- (j) generally, affirm the rights of all participants in an election to—
  - (i) express divergent opinions;
  - (ii) debate and contest the policies and programmes of other candidates;
  - (iii) canvass freely for support from voters;
  - (iv) subject to the Public Order Act ([Cap. 56](#)), hold public meetings;
  - (v) attend public meetings convened by others;
  - (vi) distribute non-offensive electoral literature and campaign materials;
  - (vii) publish and distribute non-offensive notices and advertisements;
  - (viii) erect non-offensive banners, placards and posters;
  - (ix) remove all banners, placards and posters erected during the election period within fourteen  
  
(14) days from the date when the relevant elections are concluded or in compliance with a notice issued by an Electoral Committee or by a County Government or by any other lawful authority;
  - (x) promote free electoral campaigns by all lawful means; and
- (k) co-operate with the electoral committees, electoral tribunals, and the relevant Government agencies and other authorities in the investigation of issues and allegations arising during the election period.

6. All persons bound by this Code shall, throughout an election period—

- (a) publicly and repeatedly condemn violence and intimidation and avoid the use of hate speech, language or any kind of action which may lead to violence or intimidation, whether to demonstrate strength, gain any kind of advantage, or for any other reason;
- (b) refrain from any action involving violence or intimidation;
- (c) ensure that no arms or weapons of any kind are carried or displayed at campaign meetings or any march, demonstration or other event related to the elections;



- (d) refrain from campaigning in places of worship or during burial ceremonies;
- (e) co-operate and liaise in good faith with other parties to avoid organising public meetings, demonstrations, rallies or marches to take place at the same time and venue as similar events organised by other parties;
- (f) do nothing to impede the right of candidates, their canvassers and representatives, to have reasonable access to voters for the purposes of conducting voter education, fund raising, or soliciting support;
- (g) avoid plagiarising the symbols, colours or acronyms of other candidates; and to discourage and, if possible, prevent the removal, disfigurement or destruction of campaign materials of any candidate;
- (h) refrain from offering any document or reward to any person in consideration of such person either joining a candidate's campaign or voting for a candidate; attending or not attending any election related event; voting or not voting (either at all, or in any particular manner); or accepting, refusing or withdrawing such person's nomination as a candidate in the election;
- (i) refrain from any attempt to abuse a position of power, privilege or influence, including parental, patriarchal, state or traditional authority in relation to the elections, including any offer of reward or threat of penalty;
- (j) avoid any discrimination based on race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth in connection with the election;
- (k) in relation to the electoral committees—
  - (i) acknowledge the authority of the electoral committees in the conduct of the election;
  - (ii) ensure the attendance and participation of representatives at any meetings and other forums convened by or on behalf of the Cabinet Secretary or electoral committees;
  - (iii) implement the orders and directions of the electoral committees;
  - (iv) facilitate the electoral committees' respective rights of access through official observers and other representatives to all campaign meetings



or other electoral activities;

- (v) co-operate in the official investigation of issues and allegations arising during an election period;
  - (vi) take all reasonable steps to ensure the safety of observers, election officials, and other representatives of the electoral committees, from exposure to insult, hazard or threat in the course of their official duties;
  - (vii) to establish and maintain effective lines of communication with the electoral committees;
  - (viii) to abide by the provisions of this Code; and
  - (ix) reassure voters with regard to the impartiality of the electoral committees and the secrecy and integrity of the ballot, and to reaffirm that no one should know how any other person has voted;
  - (l) take reasonable steps to discipline and restrain their agents and other representatives, who—
    - (i) infringe this Code;
    - (ii) engage in activities of commission or omission which fail to observe this Code and the National Youth Council Elections Guidelines; and
    - (iii) contravene or fail to comply with any provision of the National Youth Council Elections Guidelines or this Code;
  - (m) agree for candidates, supporters and representatives to submit to the disciplinary procedures related to any violation of this Code; and
  - (n) accept the final outcome of the election, any election dispute or complaint, and the declaration and the certification of the results of an election.
7. Where, in the opinion of an electoral committee of competent, jurisdiction, any candidate, agent or other representative of a candidate, in any way infringes any provision of this Code, such electoral committee may—
- (a) in the case of a candidate, agent, or other representative of a candidate, impose upon that candidate one or more of the following penalties or



sanctions, of which any or all may be suspended on specific conditions—

- (i) a formal warning;
  - (ii) a fine determined by the relevant electoral committee;
  - (iii) notwithstanding the provisions of any other written law, issue an order prohibiting the candidate, whether permanently or for a specified period, from utilizing any public media time, whether through print, television, radio, broadcasting, internet or social media service of such media;
- (b) where a candidate or any of his or her representatives fails, neglects or refuses to comply with the orders of an electoral committee or electoral tribunal of competent jurisdiction, such competent electoral committee or electoral tribunal shall impose upon the defaulting party any of the following sanctions, which may be suspended on specific conditions—
- (i) in case of a fine imposed, prohibit the defaulting party from participating in ongoing and future elections as candidates in case of a defaulting candidate or prohibit the candidate, his or her agents or representatives from participating in ongoing elections and future elections or any activity facilitated by the Cabinet Secretary, or electoral committees, or electoral tribunals, until such fine has been paid in full;
  - (ii) in case of failure to comply with any other sanctions imposed, cancel the right of such candidate or his or her agents or representatives to participate in the next election; and
  - (iii) institute recovery proceedings in a court of competent jurisdiction to enforce the recovery of the fine.
8. Without prejudice to the provisions of paragraph 7, the Cabinet Secretary or an electoral committee or electoral tribunal of competent jurisdiction may report a candidate, an agent or other representatives of the candidate to the relevant authorities, in relation to any conduct that is reasonably suspected to be in violation of this Code or any other law.
9. In making its decision regarding appropriate penalties or sanctions under this Code, an electoral committee or electoral tribunal of competent



jurisdiction shall have regard to any other legal consequences that may result from civil or criminal proceedings instituted by reason of the same occurrence.

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

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

11. Every media house and its representative shall—

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

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

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

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

- (a) acknowledge the authority of the relevant electoral committee to enforce



the provisions of this Code;

- (b) ensure compliance with summons issued to a candidate, agent, officials, or representative by an electoral committee or electoral tribunal;
  - (c) co-operate in the official investigation of issues and allegations on the breach of this Code; and
  - (d) respect and comply with the orders issued by the electoral committee or electoral tribunal exercising jurisdiction over an election.
- (2) An electoral committee or electoral tribunal exercising jurisdiction over an election shall issue summons to the person against whom a has been received as having infringed the provisions of this Code, and to any other person who the electoral committee or electoral tribunal has reason to believe has infringed the provisions of this Code, to attend its meetings. The meetings shall be convened at any place which the relevant electoral committee or electoral tribunal may deem fit.
- (3) In its proceedings, the electoral committee or electoral tribunal exercising jurisdiction may examine the person summoned and may allow a person to have legal representation.
- (4) The electoral committee or electoral tribunal having jurisdiction shall not be bound by the provisions of the Criminal Procedure Code (Cap. 75) or the Evidence Act (Cap. 80) in its proceedings.
- (5) Every person who is summoned by the electoral committee or electoral tribunal exercising jurisdiction, and who attends the relevant meeting, shall be accorded the right to be heard.
- (6) The electoral committee or electoral tribunal having jurisdiction shall exercise the powers provided under this Code to punish any person found to have infringed this Code.
- (7) The electoral committee or electoral tribunal shall investigate, conduct a hearing, and deliver its verdict within seven (7) days from the date of receiving or initiating a report or complaint, and shall inform all relevant parties of its decision within twenty-four (24) hours.
- (8) Appeals from decisions of the electoral committees regarding the breach of this Code shall be heard and determined in the High Court.



15. Every candidate, agent and other candidate representatives shall—
- (a) ensure security and full participation of women and persons with disabilities as candidates and voters;
  - (b) respect the right of women to communicate freely with electoral committees and candidates;
  - (c) facilitate the full and equal participation of women in campaign activities;
  - (d) ensure free access of women and persons with disabilities to all campaign meetings, marches, demonstrations, rallies and other election related activities; and
  - (e) take reasonable steps to ensure that women are free to engage in election related activities.
16. This Code shall have effect from the date of publication of a notice of election until the appointment of delegates elected in that election by the Cabinet Secretary.
17. (1) Any person may complain to an electoral committee about the breach of this Code.
- (2) An electoral committee receiving a complaint falling outside its jurisdiction must refer to the complaint to the National Steering Committee, within twenty-four hours of receipt, for directions.



MINISTRY OF YOUTH AFFAIRS,  
CREATIVE ECONOMY AND SPORTS



NATIONAL YOUTH  
COUNCIL KENYA  
*Amplifying the Youth Voice*

### **DECLARATION OF ACCEPTANCE OF ELECTORAL CODE OF CONDUCT**

Pursuant to **Regulation 26** and **27** of The National Youth Council (Election of Certain Council Members) Regulation, 2021

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

Name .....

ID/Passport-

Number: .....  
...

County .....

Constituency .....  
.....

Ward .....

Telephone .....  
.....

Organisation .....  
.....

P.O.Box .....  
...



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COUNCIL KENYA**  
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Sign .....

Date .....