

# INSTITUTE OF CERTIFIED PUBLIC SECRETARIES OF KENYA



## COUNCIL ELECTION GUIDELINES

2021

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# ICPSK COUNCIL ELECTION GUIDELINES

## 1.0 Preamble

The ICPSK elections to Council are governed by the Certified Public Secretaries of Kenya Act, Cap. 534 Laws of Kenya, and by various guidelines issued by the Council over the years and approved by membership for that purpose.

This ICPSK Elections Guidelines are meant to provide clear guidance to the Institute members on:

- (i) How to nominate and/or elect a member into ICPSK Chairman or Council positions,
- (ii) How to seek nomination or be elected, and
- (iii) The expected conduct during the election period.

## 2.0 Elections Committee

- 2.1 The Council shall, prior to each Annual General Meeting (“AGM”), appoint five (5) members to serve as members of the Elections Committee, following a recommendation by the Membership and Advocacy Committee of Council.
- 2.2 The term of Office for a member of the Elections Committee shall be one (1) year, renewable once at the discretion of the Council.
- 2.3 Elections Committee shall be comprised of a Returning Officer, who shall be the Chairperson of the Committee; Deputy Returning Officer, who shall act as the Vice-Chairperson to the Committee; and three other members all of whom shall be members of the Institute in good standing, all of whom shall be appointed by the Council.
- 2.4 Any person who is a candidate in an election shall not be eligible to become a member of the Elections Committee.
- 2.5 The Secretary to the Elections Committee shall be appointed by the Council, on recommendation by the Nominations Committee of Council.
- 2.6 The quorum for the Committee shall be three.
- 2.7 In determining the quorum of a meeting of the Committee, in addition to the member(s) present at the meeting, any member in virtual communication to the meeting shall form part of the quorum.
- 2.8 Any subsequent vacancy in the Committee shall be filled by the Council.

## 3.0 Eligibility for Election

Every ICPSK member, in good standing, shall be eligible for election to the position of Chairman or Council member as per The Certified Public Secretaries of Kenya Act, Cap 534, and as may be amended from time to time, unless s/he:

- 3.1 Has not fully paid subscriptions or any other Institute’s fees relating to any period of time.
- 3.2 Has not attained twenty (20) structured CPD points in the preceding year or has not attained sixty (60) structured CPD points averaged over the last three-year period (i.e. 60 structured CPD credits hours in a 3-year rolling cycle).
- 3.3 Has a pending disciplinary case at the Institute.
- 3.4 Is an employee of the Institute.

- 3.5 Is of unsound mind or an undischarged bankrupt.
- 3.6 Has been involved in mismanagement of public funds, corrupt practices or has been convicted of any offence or is sentenced to imprisonment for a term exceeding three months.
- 3.7 Is not validly nominated by the Elections Committee.

#### 4.0 Nomination process

- 4.1 All Members of the Institute in good standing and who are interested in contesting any of the positions are required to fill in and submit their nominations on the approved '*ICPSK Nomination Form*' and '*Candidates Profile Form*.'
- 4.2 The applicants shall get a Proposer and a Seconder, both of whom are members of the Institute in good standing, to sign the Nomination Form.
- 4.3 The completed and duly signed '*ICPSK Nomination Form*' and '*Candidates Profile Form*' should be sent to an email address designated by the Council for that purpose or hand deliver the forms to the Institute offices within such a time as may be decided by the Elections Committee from time to time.
- 4.4 Nomination Forms sent via e-mail will be acknowledged via the same e-mail within 24 hours of receipt. Such forms shall only be deemed to have been received at the Institute upon acknowledgement of receipt.
- 4.5 Upon receipt and review of the Nomination Forms, the Elections Committee will forward the list of the validly nominated candidates to the Council for approval.
- 4.6 Names and profiles of the approved candidates will be circulated to members of the Institute via e-mail and will be displayed on the Institute's website.
- 4.7 Unsuccessful applicants will be notified within seven (7) days of the date of closure of receiving of nominations.

#### 5.0 Elections

- 5.1 Only members in good standing shall be eligible to vote.
- 5.2 The elections shall be conducted through electronic voting only.
- 5.3 Electronic Voting will be conducted as per the guidance of the Elections Committee, but shall not exceed three (3) working days.
- 5.4 The Elections Committee shall not disclose results of the electronic process to any person before completion of the voting or before the date of the AGM.
- 5.5 Voting shall be one member one vote.
- 5.6 The verification of votes shall be confirmed by the Returning Officer in the presence of the scrutineers, candidates and their agents.
- 5.7 As soon as the verification has been completed and the results of election ascertained, the decision of the Returning Officer shall be final.
- 5.8 The Returning Officer shall announce to the AGM the elections result and declare candidates who get the highest number of votes in the elections as duly elected Chairman and Council members, as the case may be.
- 5.9 In case of an equality of votes, the ties shall be resolved by a lot during the AGM, and any candidate or member who is not satisfied with the results may appeal for a verification of the votes within 14 days. The appeal is to be made in writing to the Elections Committee for consideration.
- 5.10 The elected members shall commence their terms of office after the adoption of the report of the Returning Officer by the AGM.

## 6.0 Campaigns

Campaigns are allowed as a means of soliciting votes but subject to the following:

- 6.1 Campaigning shall commence as soon as the Council's approval of the nominated candidates is published, which shall not exceed seven (7) days from the date of the Council approval under clause 4.5 above.
- 6.2 The Elections Committee may organise campaign forums for the Chairmen and Council Members candidates at separate dates, where candidates will articulate their manifestos and engage with members of the Institute.
- 6.3 At the discretion of the Council, the debates under clause 6.2 may be conducted partly or wholly through electronic means.
- 6.4 The Moderator of the debates shall be appointed by the Council.
- 6.5 Each Candidate shall present their profiles of not more than 500 words and a coloured passport-size photograph to the Elections Committee for circulation to members via e-mail and for display on the Institute's website.
- 6.6 The profiles should reach the Committee within 24 hours of the Candidate being notified that they have been successfully nominated.
- 6.7 The campaigns shall be closed before the commencement of the Annual General Meeting.

## 7.0 Proxies

Proxies may be used for purposes of Council Elections as provided for in Section 11 (4) of the first schedule of the Certified Public Secretaries of Kenya Act, Cap 534 Laws of Kenya.

The proxies will be administered as follows:

- 7.1 That the persons appointing proxies must be members of the Institute in good standing.
- 7.2 That any persons appointed as proxies must be members of the Institute in good standing.
- 7.3 That the Proxy must be scanned on its original form and e-mailed to the Institute.
- 7.4 That Members should return the duly executed Proxy Form via a common e-mail address, accessible to both the secretariat and the Elections Committee, and must be received by the Institute at least forty-eight (48) hours before the Annual General Meeting.
- 7.5 That the Proxies will be verified jointly by the secretariat and the Elections Committee.
- 7.6 That due notifications will be sent to both the appointing member and appointed proxies alerting them that they have appointed or have been appointed proxies.
- 7.7 That duly verified proxies will be forwarded to the agency that is conducting the elections to redirect the voting credentials to appointed proxies.
- 7.8 That the appointed proxies will be the ones receiving the voting credentials and not the appointing member.
- 7.9 That at the Annual General Meeting, the secretary will table the proxies received for noting and recording.

## **8.0 Electoral Offences**

- 8.1** The following shall constitute election offences/misconduct subject to disciplinary action by the Council on recommendation by the Elections Committee;
- a) Making derogatory statements about other candidates and/or distribution of offensive campaign materials in any form or medium.
  - b) Voter compromise/bribery to entice members to vote for the candidate through gifts or otherwise.
  - c) Use of derogatory or defamatory communication or material, literature or and any other campaign materials in whatever medium.
  - d) Making false accusations or malicious actions against other candidates.
  - e) Contravening any of the provisions of the Council Election Guidelines.
- 8.2** Where, in the opinion of the Returning Officer and on sufficient presentation of evidence, the candidate or agents have contravened or infringed on any of the provisions of this guideline, they will be liable to have committed an electoral offence.
- 8.3** They, therefore may be liable to penalties, including, caution, warning, fines or be barred from participating in the current elections.

The ICPSK Elections Guidelines were adopted by the Council on May 13, 2021 during the 220<sup>th</sup> Special Meeting of Council and Approved as a Special Resolution during the 30<sup>th</sup> AGM held on May 28<sup>th</sup> 2021.

**————— End of ICPSK Election Guidelines —————**