

## **AGRICULTURE SOCIETY OF KENYA**

### **ASK NATIONAL OFFICE – ELECTION RULES**

#### **PREAMBLE**

**The 2006 Constitution of the Society requires that rules be put in place for:**

***“The proper carrying out of the purposes and provisions of this Constitution”***

**In pursuance thereof, the Rules set out herein have been developed to govern the election process, of the elective offices of the National Officials, namely National Chairman and Deputy National Chairmen.**

**This exercise is intended to uphold the interest of the Society  
Harmony in the society shall be upheld at all times.**

#### **A. Elections Rules**

These Rules shall be called the elections rules 2009 to be applied during the elections of National Chairman and Deputy National Chairmen of the Agricultural Society of Kenya

These Rules are made pursuant to Article 53 of the 2006 Constitution.

#### **B. Applicability**

The Rules shall apply to the elections of the National and Deputy National Chairmen of the Society, by the members of the Council and Vice Patrons.

#### **C. Constitution**

The 2006 Constitution of the Society requires that the holders of the position of chairman and deputy chairmen will not hold their respective offices for more than one term

#### **D. Vacancy of Positions**

1. All positions of National Chairman/Deputy National Chairmen shall fall vacant at the third (3) Annual General meeting of the Society.
2. At the same meeting (above) the National and Deputy Chairmen shall be elected to the said positions.
3. The position of Deputy Chairmen shall rank pari pasu of each other. **The Constitution however dictates that Gender must be considered in elections to this position.**
4. All positions shall be competed for independent of the other.
5. The poll for the positions shall be by secret ballot.

#### **E. Declaration of Candidature**

The Constitution lays down certain conditionality for candidates to complete for the positions. They include;

- i). Has not previously been convicted of a criminal offence
- ii). Has attained an education of a University Degree
- iii). Alternatively be of at least Form Four level qualification, with necessary skills and experience to run a large organisation.
- iv). Is below the age of seventy years.
- v). All candidates must be in good standing in the Society.
- vi). A candidate must have served in the Council for at least Three (3) years prior to the elections.

#### **G. Procedure for Applications**

1. A candidate must submit his/her name stating the position that they are interested in, at least thirty (30) days prior to the Council Meeting that elects the office bearers and in any event

not later than twenty eighth (28<sup>th</sup>) January of the year of the Third Annual General Meeting.

2. A candidate will not be permitted to compete for both the position of National Chairman and Deputy National Chairmen.
3. Any candidate(s) holding the position of Branch Chairman, or Vice Patron and interested in the position of National Chairman or Deputy National Chairman, would be required to resign from those positions at the time of submission of their candidature.
4. Any candidate that resigns will not be allowed to resume the office resigned from upon conclusion of the elections.

## **H. Electoral Committee**

1. There shall be an Electoral Committee to scrutinize the applications of respective candidates and shall be made up of the office bearers of the National Staff & Finance Committee not seeking elective office and the Returning Officer.
2. Ballot papers (see Ballots below) shall be prepared by the electoral committee, indicating the name(s) of the candidates that have declared their interest for respective seats and have complied with the conditions precedent.
3. The Committee shall be convened in the month of January of the Third Annual General Meeting and function only for the purpose of the electoral process for election of National and Deputy National Chairmen positions, after which it shall remain sine die until the next January of the Third Annual General Meeting and so on ad infinitum.

## **I. Ballots**

1. Ballots for the election of National Chairman and Deputy National Chairmen and **Gender Deputy National Chairman** are as seen in the appendices to these rules.

2. There shall be a transparent/translucent Ballot Box (bucket) in which the Ballots shall be placed by the voters.
3. There shall be one ballot box clearly marked **“NATIONAL CHAIRMAN”, another “DEPUTY NATIONAL CHAIRMEN”** and in which the respective ballot papers shall be placed individually by the voters.
4. The ballot boxes shall be placed distinctly to avoid confusion.

#### **J. Voting Procedure**

1. In the case of the position for Chairman, voters (Council Members/Vice Patrons) will be required to place a mark **X** or  $\surd$  next to the name of the person they intend to vote for.
  - a) In the event of a tie of votes of the two highest candidates, there shall be a second round of voting for the two (2) highest candidates that have tied. The other candidates would automatically drop out of the race.
  - b) In the event of a second tie of votes amongst the two, then the decision will be decided by Lot.
  - c) In the unlikely event that a ballot is placed in the wrong ballot box, that ballot shall be marked as spoilt.
2. In the case of the three (3) positions for Deputy Chairmen including Gender Deputy Chairman , the voters (council members/Vice Patrons) will be required to place a mark **X** or  $\surd$  adjacent to three names of candidates for the positions of Deputy Chairmen, of their choice.
3. In the case of the Deputy Chairmen, the Gender position shall be reserved for the candidate of the gender that does not get the two highest votes in the election. The candidate with the highest votes amongst that gender will be the third Deputy Chairman.
4. If two male candidates receive the two highest votes then the female candidate with the highest votes amongst other female

candidates in the list, will be declared the winner of the gender category and become the Gender Deputy Chairman.

5. If two female candidates receive the two highest votes then the male candidate with the highest votes amongst other male candidates in the list, will be declared the winner of the gender category and become the Gender Deputy Chairman.
6. If however that one female candidate and one male candidate would have been selected as the candidates with the highest votes, then the position for the third Deputy Chairman would go to the candidate with the third highest votes, irrespective of gender.
7. Tying of Votes :
  - a) In the event of a tie of votes of two (2) top contestants, then they shall be deemed to have been elected.
  - b) In the event that there is a Candidate with the highest votes and the second two have tied, the candidate with the highest vote would be deemed elected and there would be a re-poll of the two next highest that have tied. This will however not be the case if amongst the top three candidates, two male and one female candidate or vice versa would have been amongst the three with the highest votes.
  - c) In the event that there is a tie between three (3) candidates, being top three, then there shall be a re-poll to identify the two top candidates. This will however not be the case if amongst the top three candidates, Two male and one female candidate or vice versa would have been amongst the three.
  - d) In the event of a tie of the Four (4) or more candidates being the top four, then a second round of balloting shall carried out, where the top two shall be elected as Deputy Chairmen and subject to 3 above, the Gender Deputy Chairman will have also been identified.
  - e) In the event of a second tie of the four (4), then the decision shall be decided by Lot.

- f) In the event of ballot paper for Deputy Chairmen having **four (4)** marks, the ballot shall be spoilt. In the event it has **three (3)** marks or less, the marks shall apply.
- g) In the unlikely event that a ballot is placed in the wrong ballot box, that ballot shall be marked as spoilt.

### **K. Voting Process**

1. Voting for National Chairman and Deputy National Chairmen shall be carried out simultaneously. The **two (2)** ballot papers shall be given to the voters together and placed in the Ballot boxes for counting.
2. Voting shall be restricted to Council Member and Vice Patrons. A life Governor who is also a Council Member is entitled to vote in his/her capacity as a Council member.
3. Voting by proxy is not permitted.
4. The Returning officer cannot start counting the ballots until the voting for all the seats has been concluded.
5. Candidates will be at liberty to witness the counting.
6. The results of the elections shall be announced by the Returning Officer immediately upon conclusion of the tallying of votes.

### **L. Returning Officer**

The Returning officer and Deputy Returning Officer shall be appointed by the Deputy Patron (Minister for Agriculture), in writing.

### **M. Dispute Resolution**

- a) Any dispute arising from the electoral process shall be referred at the first instance to the Returning Officer not later than fourteen (14) days from the occurrence of the

event complained of and an appeal from the decision of the Returning officer shall lie with the Deputy Patron (Minister of Agriculture).

- b) The Returning Officer will communicate the decision within fourteen (14) days of receipt of the complaint/petition. Any appeal from the decision of the Returning Officer must be submitted within forty eight (48) hours of receipt of the decision of the Returning Officer.
- c) Such complaint/petitions/Appeals shall be deposited with the Chief Executive Officer at the Society Head Office, for onward transmission to the Returning Officer and the Deputy Patron, as the case may be.
- d) The Society programme shall not be interrupted, notwithstanding the fact that there lies a complaint or a petition on the concluded elections.
- e) Rules will be gazetted in the public domain.

#### **N. Council Decision**

The Council shall place before the subsequent AGM, the names of the National Chairman and Deputy National Chairmen elect respectively, for noting.

**VALID BALLOT (ONE (1) MARK)**

<b>NATIONAL CHAIRMAN</b>		
1	Miss Chaguo Lako	<b>X</b>
2	Mr. Mtu Wetu	
3	Mrs. Aliyesema Nini	
4	Mzee Mzuri Sana	
	Voters to place <b>X</b> or √ on <b><u>one (1)</u></b> <b><u>name only.</u></b>	

**VALID BALLOT (THREE [3] MARKS)**

<b>DEPUTY NATIONAL CHAIRMEN</b>		
1	Mr. Juzi	<b>X</b>
2	Mrs. Kesho Kutwa	<b>X</b>
3	Mr. Good Day	<b>X</b>
4	Ms. Yesterday	
5	Mr. Moon	
6	Mrs. Rain	
7	Mr Friday	
	Voters to place <b>X</b> or √ mark on <b><u>not</u></b> <b><u>more</u></b> than <b><u>three (3)</u></b> <b><u>names only.</u></b>	

**SPOILT BALLOT (TWO (2) MARKS)**

<b>NATIONAL CHAIRMAN</b>		
1	Miss Chaguo Lako	<b>X</b>
2	Mr. Mtu Wetu	
3	<b>Mrs.</b> Aliyesema Nini	<b>X</b>
4	Mzee Mzuri Sana	
	Voters to place X or √ on <b><u>one (1)</u></b> <b><u>name only.</u></b>	

**SPOILT BALLOT (FOUR [4] MARKS)**

<b>DEPUTY NATIONAL CHAIRMAN</b>		
1	Mr. Juzi	<b>X</b>
2	Mrs. Kesho Kutwa	<b>X</b>
3	Mr. Good Day	
4	Ms. Yesterday	
5	Mr. Moon	<b>X</b>
6	Mrs. Rain	
7	Mr Friday	<b>X</b>
	Voters to place <b>X</b> or √ mark on <b><u>not</u></b> <b><u>more than three [3] names only.</u></b>	