



SOUTH EASTERN KENYA UNIVERSITY

SOUTH EASTERN KENYA UNIVERSITY STUDENTS' ASSOCIATION ELECTORAL CODE OF CONDUCT

IN EXERCISE of the powers contained in Article 40 of the South Eastern Kenya University Students' Association (SEKUSA) Constitution, 2017, the following Regulations are hereby made with respect to the South Eastern Kenya University Students' Association elections of 2019:

PART I PRELIMINARY

Title

1. This Code of Conduct may be cited as the SEKUSA Electoral Code of Conduct 2019.
2. This Code shall be subscribed to by-
 - (a) Every candidate: and
 - (b) Every, agent or official involved with the electoral process.
3. This Code shall, in so far as is applicable, bind every candidate nominated under SEKUSA electoral rules.
4. All candidates shall execute this Code to signify their willingness to be bound by the provisions of this Code and their commitment to strive to ensure that their supporters abide by this Code at all stages of elections.
5. 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 campaigns may take place without fear, coercion, intimidation or reprisals.

Interpretations

6. In this Code of Conduct, unless the context otherwise requires:

“Campaign material” means a candidate's manifestos, fliers, posters, and any other material with a candidate's symbols or pictures of a candidate used in connection with the SEKUSA election;

“Campaign period” means such period as may from time to time be determined by the Electoral Committee;

“Candidate” means a person duly nominated and cleared as a candidate for the SEKUSA elections by the Electoral Committee;

“Committee” means the Electoral Code of Conduct Enforcement Committee.

PART II

CODE OF CONDUCT

Rights of Candidates

7. A candidate has the right to:-
 - (a) Vie for any position he or she wishes in the SEKUSA elections
 - (b) express his or her divergent opinions as long as they are within the confines of the SEKUSA Constitution and any other written law;
 - (c) debate and contest the policies and programmes of other candidates;
 - (d) canvas freely for support from voters;
 - (e) distribute non-offensive electoral literature and campaign materials;
 - (f) publish and distribute non-offensive notices and advertisements;
 - (g) erect non-offensive banners, placards and posters in appropriate places;
 - (h) campaign freely as long as the campaign is conducted within the confines of the SEKUSA Constitution and the SEKUSA Electoral Rules and Regulations;
 - (i) participate freely in partisan campaign activities;
 - (j) seek the protection of the law from harm as a result of his/her opinion or affiliation;
 - (k) remove all banners, placards and posters erected during the election period;
 - (l) Promote free electoral campaigns by all lawful means; and
 - (m) co-operate with the Committee and other relevant authorities in the investigation of matters and allegations arising during the election period.

Duties of Candidates

8. All candidates do, by subscribing to this Code, commit themselves to:
 - (a) adhere to the values and principles of the Constitution;
 - (b) give wide publicity to this Code;
 - (c) promote voter education campaigns;
 - (d) condemn, avoid and take steps to prevent violence and intimidation;
 - (e) promote gender equality;
 - (f) promote ethnic tolerance; and
 - (g) promote cultural diversity.

Campaign Period

9. The campaign period shall commence and close on such a date as the Electoral Committee may determine.

Duties and responsibilities-

10. All those bound by this Code shall, throughout an election period:
 - a) promote voter education campaigns in a fair, truthful, free and transparent manner;
 - b) avoid, condemn and prevent violence and intimidation or abusive language or words that may disparage his or her opponents;
 - c) instruct his or her agents, supporters and campaigning teams to respect the rules and regulations governing these elections;
 - d) respect and affirm all the rights of all participants and supporters of opponents in the elections to:
 - i. express divergent political opinions,
 - ii. debate and contest the policies and programmes of other candidates in a positive, objective and lawful manner without causing bad blood or ridiculing them, and
 - iii. canvass freely for support and votes.
 - e) bind himself or herself to and respect the Statutes and other regulations of South Eastern Kenya University when holding public meetings and conducting campaigns;

- f) refrain from distributing offensive electoral literature and campaign materials in hard or soft forms in the mass media or elsewhere;
- g) refrain from publishing or distributing offensive notices and advertisements through any medium;
- h) avoid erecting banners, placards or posters in unauthorised places;
- i) promote free and fair campaigns by all lawful means;
- j) avoid any corrupt practices such as bribing voters to vote for him/her, buying voter's cards, manipulating voting documents or individual voters or offering any inducement or rewards to voters;
- k) respect all the sanctity of polling by avoiding offering money or presents at polling centres in an attempt to woo, convince or influence voters, election officers, security officers or agents to act in his/her or another person's favour;
- l) refrain from infringing on the right of any candidates, campaigners or representatives to have access to voters for purposes of voter education, canvassing for support or soliciting votes;
- m) avoid, eliminate and stop plagiarising the symbols, colours, slogans or acronyms of other candidates' posters, and discourage and prevent the removal or defacing or destruction of political campaigns material;
- n) refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person involved in the elections with a view to defaming or disparaging such a person;
- o) refrain from any attempts to abuse a position of power, privilege or influence for political purposes, including any offer of reward or threat to refuse to pay a penalty properly imposed by the Electoral Committee for errant behavior by him/her or his/her supporters during the electioneering period;
- p) avoid discrimination based on age, race, gender, tribe or place of origin or residence or other local connection, political opinion, colour, creed or sex in connection with the elections;
- q) uphold all national values and ethos as espoused in Article 10 (2) of the Constitution of Kenya, 2010;
- r) in relation to the Electoral Committee,
 - (i) acknowledge the authority of the Committee in the conduct of the election,
 - (ii) ensure the attendance of any meeting convened by the Committee,

- (iii) implement the orders and directions of the Committee,
 - (iv) facilitate the Committee's right of access through its officials to all public campaign meeting or other electoral activities,
 - (v) respect and honour fines or any conditions imposed on his/her candidature due to misconducts and unbecoming campaigns behaviour or conduct by him/her or his/her supporters or agents during the entire electioneering period, and
 - (vi) take all reasonable steps to ensure the safety of agents and other officials of the Committee from exposure to insult, hazard or threat in the course of their official duties;
- (h) take responsible steps to discipline, stop and control his/her agents and/or supporters from infringing this Code or any other regulations currently in force, engaging in acts of commissions or comission which amount to an offence under the electoral rules and regulations, or otherwise contravening or failing to comply with any provision of the electoral rules;
- (i) without prejudice to the right to present a petition to the Appeals Committee, accept the final outcome of the election and the Appeals Committee's declaration and certification of the results thereof;
- (j) accept and observe that the following areas are prohibited from posting of campaign or posters or banners; or writing or painting campaign messages or images: walls, window, noticeboards and fences of all halls of residence or administration, tuition or research blocks, Guest House, Health Unit, Engineering Building, National Bank and adjacent buildings or any other areas declared as out of bound for campaign activities;

General Offences

11. A Candidate shall not:-

- (a) cause violence or use any language or engage in any conduct which leads or is likely to lead to violence or intimidation during an election campaign or election;
- (b) carry or display arms or weapons, traditional or otherwise, of any kind at a campaign meetings;
- (c) make false, defamatory or inflammatory allegations concerning any candidate or any other persons in connection with these election;

- (d) arrange a campaign meeting or rally the same time and venues as another similar event organised by another candidate;
- (e) prevent the reasonable access to voters of any candidate or in any manner for the purposes of conducting voter education or soliciting support;
- (e) plagiarise the symbols, colours, slogans or acronyms of other candidates;
- (g) deface, remove or destroy any campaign materials of any candidate or publication of the electoral committee ;
- (h) offer any inducement, reward or bribe to any person in consideration of such person:-
 - (i) joining or not joining any camp;
 - (ii) attending or not attending any election or campaign event;
 - (iii) voting or not voting;
 - (iv) accepting, refusing or withdrawing that person's nomination as a candidate in an election;
 - (v) abuse or attempt to abuse a position of power, privilege or influence, including any offer of a reward or the issuance of a threat;
 - (vi) propagate any opinion or action which is prejudicial to:-
 - (i) the wellbeing, integrity or security of the University;
 - (ii) the maintenance of public order.
- (m) discriminate against any person on grounds of race, ethnicity, class, disability, gender, religion or in any other manner in connection with an election or campaign activity; and
- (n) carry any statue, caricature or anything which tends to ridicule, revile or scandalise any candidate at any gathering or meeting.

The Electoral Code of Conduct Enforcement Committee

12. The Electoral Committee shall set up the Electoral Code of Conduct Enforcement Committee which shall comprise not fewer than five members of the Electoral Committee and shall be chaired by a member appointed by the Chairperson; the Electoral Committee may nominate a member of its staff to be the Secretary to the Committee.
13. Every candidate, official and agent shall:
 - (i) acknowledge the authority of the Committee to enforce the provisions of this Code on behalf of the Electoral Committee;
 - (ii) ensure compliance with summons issued to the candidates by the Committee;
 - (iii) co-operate in the official investigation of issues and allegations arising during the election period; and
 - (iv) respect and comply with the orders issued by the Committee.

14. The Committee shall issue summons to the person against whom a complaint has been received as having infringed the provisions of this Code and any other person who the Electoral Committee has reason to believe to have infringed the provisions of this Code to attend its meetings.
15. In its proceedings, the Committee may examine the person summoned.
16. Any person who is summoned by the Committee and who attends the meetings of the Committee shall be accorded the right to be heard.
17. The Committee shall exercise the powers provided under this Code to punish any person found to have infringed this Code.
18. The Committee shall deliver its verdict expeditiously and inform the parties of the decision through the Electoral Committee.
19. where, in the opinion of the Electoral Committee, and upon presentation of sufficient evidence, he or she or his/her supporters or agents have contravened any of the provisions of the Electoral Rules and Regulations, or the SEKUSA Constitution, be liable to the penalties stated here-below, disqualification from these elections, or both.
 - (a) Formal warning;
 - (b) A fine determined by the Committee;
 - (c) Being barred from holding any meetings, campaigns or otherwise meeting with voters during the election period.
 - (d) Being barred from participating in any one or more future SEKUSA elections.

Application

20. This Code shall apply from the date of publication of a notice of election until the swearing in of newly elected candidates.

Breach

21. Any person may complain about the breach of this Code.

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PROF. FELIX KIOLI
CHAIRMAN,
SEKUSA ELECTORAL COMMITTEE, 2018