

NYC ELECTION GUIDELINES



NO. 10 OF 2009

THE NATIONAL YOUTH COUNCIL ACT

SUBSIDIARY LEGISLATION

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**THE GUIDELINES ON THE ELECTION OF YOUTH
REPRESENTATIVES TO THE NATIONAL YOUTH COUNCIL**

[Legal Notice 7 of 2011]

Revoked by Legal Notice 183 of 2021 on 3rd September, 2021

**THE NATIONAL YOUTH COUNCIL (ELECTION OF
CERTAIN COUNCIL MEMBERS) REGULATIONS**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation
2. Election of youth representatives
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SCHEDULES

GUIDELINES OF THE ELECTIONS OF CERTAIN YOUTH REPRESENTATIVES

THE NATIONAL YOUTH COUNCIL (ELECTION OF CERTAIN COUNCIL MEMBERS) REGULATIONS

[Legal Notice 183 of 2021]

1. Citation

These Guidelines may be cited as the National Youth Council (Election of Certain Council Members) Regulations.

2. Election of youth representatives

The election of the youth representatives of the Council under section 5(1)(g) and (h) of the Act shall be conducted in accordance with the Guidelines set out in the Schedule.

3.

[Spent]

SCHEDULE

[r. 2]

GUIDELINES OF THE ELECTIONS OF CERTAIN YOUTH REPRESENTATIVES

PART I – PRELIMINARY

1. Citation

These Guidelines may be cited as the National Youth Council Elections Guidelines.

2. Interpretation

In these Guidelines, unless the context otherwise requires—

"Act" means the National Youth Council Act (Cap. 132);

"agent" means a person duly appointed as an agent by a candidate in an election under these Guidelines;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for youth affairs;

"Electoral Code of Conduct" means the Code of Conduct set out in Annexure 2 to these Guidelines;

"candidate" means a person contesting for an elective post;

"commencement date of elections" means the date when the election of ward delegates is scheduled;

"constituency" means one of the constituencies into which Kenya is divided under Article 89 of the Constitution;

"constituency delegate" means a constituency delegate elected in accordance with paragraph 9(6) of these Guidelines;

"constituency youth election" means the National Youth Council election held at constituency level;

"disability" includes any physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have a substantial or long-term effect on an individual's ability to carry out ordinary day-to-day activities;

"electoral area" means a ward or a constituency;

"Election Steering Committee" means an Election Steering Committee appointed pursuant to paragraph 6 of these Guidelines;

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"National Steering Committee" means the National Steering Committee on the National Youth Council Elections appointed under paragraph 4 of these Guidelines;

"National Youth Congress" means the National Youth Congress constituted pursuant to paragraph 9(7) of these Guidelines;

"National Youth Congress delegate" means a National Youth Congress Delegate elected in accordance with paragraph 9(5) of these Guidelines;

"National Youth Council" means the National Youth Council established under section 3 of the Act;

"National Youth Council Election" means the elections held under these Guidelines in the electoral areas and the National Youth Congress;

"nomination" means the submission to the National Steering Committee or to an Election Steering Committee of the name and documentation of a candidate in accordance with these Guidelines;

"political party" has the meaning assigned to it in Article 260 of the Constitution;

"polling clerk" is a person appointed by the National Steering Committee to assist the presiding officer in the conduct of an election;

"presiding officer" means a person appointed under these Guidelines to preside at a voting centre;

"Principal Secretary" means the Principal Secretary in the ministry for the time being responsible for youth affairs;

"register of voters" means a register of all youth who have registered to vote at the National Youth Council Elections prepared in accordance with these Guidelines and includes a register that is compiled electronically;

"special interest group" includes women who are youth, youth living with disability, youth from marginalised communities, youth from ethnic, minorities, and youth from any other special interest groups recognized by law;

"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 Code of Conduct" means the Voter Education Code of Conduct set out in Annexure 4 to these Guidelines;

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

"ward" means an electoral area within a Constituency delimited in accordance with Article 89 of the Constitution;

"ward delegate" means a ward delegate elected in accordance with paragraph 9(2) of these Guidelines;

"youth" means a person aged between eighteen and thirty-five years;

"Youth Advisory Board" means the Board established under section 16 of the Act;

"youth officer" means the youth officer in the ministry responsible for youth affairs within an electoral area; and

"youth serving organizations" include youth groups, youth focused community based organizations, non-governmental organizations, civil society movements, and other

organizations accredited to the National Youth Council, and engaged in activities and initiatives relating to the youth.

3. Objectives of the Guidelines

The purpose of the Guidelines is to set out the manner of electing and nominating youth members to the National Youth Council pursuant to section 5(1)(g) and (h) of the Act.

PART II – ELECTION COMMITTEES

4. Establishment and composition of the National Steering Committee

(1) There shall be a committee to be known as the National Steering Committee which shall consist of—

- (a) the Principal Secretary in the Ministry for the time being responsible for youth affairs or representative, who shall be the chairperson;
- (b) the Principal Secretary, Ministry of Interior and Coordination of National Government or a representative;
- (c) the Principal Secretary to the National Treasury or a representative;
- (d) the Principal Secretary in the Ministry responsible for matters relating to Social Services or a representative;
- (e) the Principal Secretary in the Ministry responsible for devolution, or a representative of the Council of Governors;
- (f) the Attorney-General or a representative;
- (g) a representative of the Independent Electoral and Boundaries Commission;
- (h) four youth, two male and two female, appointed by the Cabinet Secretary;
- (i) a representative from the National Council for Persons with Disabilities; and
- (j) the Chairperson of the Youth Advisory Board or a representative.

(2) The appointment of the representatives in subparagraph (1) shall be in writing by the respective appointing authority.

(3) The secretariat of the National Youth Council shall be the secretariat of the National Steering Committee, and shall support and coordinate the activities of the National Steering Committee.

(4) The Cabinet Secretary shall publish, in the Kenya *Gazette* names of members of the National Steering Committee and issue letters of appointment.

(5) The National Steering Committee shall be appointed by the Cabinet Secretary for a term of twelve months and such term may be extended for such period as the Cabinet Secretary may consider necessary.

(6) Except as provided in these Guidelines, the National Steering Committee shall regulate its own procedure.

5. Functions of the National Steering Committee

The functions of the National Steering Committee are—

- (a) to co-ordinate the National Youth Council elections at all levels;
- (b) to hear and determine complaints and disputes and, where applicable, appeals arising out of the National Youth Congress elections and nominations;
- (c) to receive and authenticate nomination papers for candidates participating in the National Youth Congress elections;
- (d) to convene and oversee the proceedings of the National Youth Congress;
- (e) to enforce the terms of any code of conduct as may be established by the Cabinet Secretary for purpose of the National Youth Congress elections or as otherwise provided in these Guidelines;
- (f) to appoint election officials for the National Youth Congress elections;

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- (g) to supervise and coordinate the activities of the Election Steering Committees established under paragraph 6(1) of these Guidelines;
- (h) following the National Youth Council elections, to vet and forward the names of the elected and nominated members, and substitute members of the National Youth Council to the Cabinet Secretary;
- (i) to deploy electronic and digital technology as may be necessary for purposes of the elections, including but not limited to registration of voters, voting, vote counting and transmission of election results;
- (j) to ensure the integrity, security and reliability of all systems and technology deployed in the elections;
- (k) to retain reliable, verifiable, accurate and auditable records of all information relating to the elections, including but not limited to voting materials, voters details, election results and electronic logs and meta-data relating to the election;
- (l) to issue policy directives to Election Steering Committees including standard operating procedures and policy directives regarding the use of electronic and digital technology in elections;
- (m) to ensure compliance of the electoral process with the Data Protection Act (Cap. 411C), the Kenya Information and Communications Act (Cap. 411A) and all other applicable laws; and
- (n) to undertake such other functions, powers and activities as regards the National Youth Council elections as the Cabinet Secretary may direct.

6. Establishment and composition of Election Steering Committee

(1) There shall be an Election Steering Committee in every Constituency which shall be responsible for managing National Youth Council elections at the ward and constituency levels.

(2) The Election Steering Committees shall be convened by the officer in charge of youth affairs in the ministry responsible for youth affairs at constituency level in consultation with the relevant corresponding officer from the Ministry of Interior and Co-ordination of National Government.

(3) An Election Steering Committee shall consist of the following members—

- (a) the officer in charge of youth affairs in the Ministry responsible for youth affairs at constituency level, who shall be the Chairperson;
- (b) the representative of the Ministry of interior and coordination of the National Government at the Constituency level;
- (c) an officer in the Ministry for the time being responsible for matters relating to Social Services at the Constituency level;
- (d) four youth, two males and two females, appointed by the Cabinet Secretary.
- (e) a representative of persons with disabilities in the respective Constituency; and
- (f) the representative of the Independent Electoral and Boundaries Commission at the constituency level.

(4) Members of the Election Steering Committee shall be appointed by the Cabinet Secretary in writing.

(5) The National Youth Council secretariat shall be the secretariat of the Election Steering Committees and shall support and coordinate the activities of Election Steering Committees countrywide.

7. Functions of an Election Steering Committee in an electoral area

(1) The functions of an Election Steering Committee within its electoral area shall be to—

- (a) oversee the election of the youth representatives to the National Youth Council;
- (b) verify the register of voters;
- (c) allocate presiding officers to a voting centre;
- (d) to receive and authenticate nomination papers of candidates participating in ward and constituency level elections;
- (e) organise security for the elections;
- (f) supervise the voting;
- (g) secure ballots and ballot boxes;
- (h) supervise the counting of votes;
- (i) handle complaints and disputes in accordance with these Guidelines;
- (j) enforce the terms of any code of conduct issued by the Cabinet Secretary, within its respective electoral area;
- (k) ensure that the elections take into consideration the issue of gender, disability and regional balance;
- (l) issue certificates to the elected youth delegates within their respective electoral areas;
- (m) implement any standard operating standard procedures, policy directives and any other directives or guidelines issued by the National Steering Committee; and
- (n) undertake such other functions, powers, and activities as regards the National Youth Council elections as the Cabinet Secretary may direct.

(2) An Elections Steering Committee shall be appointed by the Cabinet Secretary for term of six months and such term may be extended for such period as the Cabinet Secretary may consider necessary.

PART III – FRAMEWORK OF THE NATIONAL YOUTH COUNCIL ELECTIONS

8. Commencement of the National Youth Council Elections

Unless otherwise determined by the Cabinet Secretary, the National Youth Council elections shall commence six months prior to third anniversary of the date when the Cabinet Secretary published the names of the elected and nominate members of the National Youth Council in the Kenya *Gazette*:

Provided that any outgoing members of the National Youth Council shall complete their respective three-year terms prior to commencement of the term of office of the National Youth Council members elected at a National Youth Council Election.

9. Procedure for the National Youth Council elections

(1) The National Youth Council Elections shall be conducted in accordance with the procedure provided in this paragraph.

(2) The youth registered as voters within a ward shall elect six ward delegates from among the ward delegates elected in that ward to represent the respective wards as voters at the constituency youth elections.

(3) The first three males and the first three females to garner the highest number of votes shall be deemed to have been elected as ward delegates.

(4) A total of eight thousand seven hundred ward delegates shall therefore be elected nationally to represent the one thousand four hundred and fifty wards in Kenya.

(5) The ward delegates in each constituency shall at the constituency youth elections of their respective constituencies each elect two National Youth Congress delegates, being one male and one female, from among their number to represent their respective Constituencies at the National Youth Congress.

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(6) A total of five hundred and eighty Constituency delegates shall therefore be elected nationally to represent the Constituencies in Kenya.

(7) The National Youth Congress shall be a meeting of the five hundred and eighty National Youth Congress delegates elected by the Constituency delegates and shall be convened by the National Steering Committee to elect and nominate the youth members of the National Youth Council, in accordance with at sections 5(1)(g) and 5(1)(h) of the Act.

(8) Where none of the persons with disability have made it to the National Youth Congress by organic progression of the National Youth Congress, the National Steering Committee shall identify any person with disability candidates who had taken part in the elections and select twenty individuals living with disability who had garnered the highest votes calculated on prorated basis.

(9) Where no young person with disability had taken part in the elections, the National Steering Committee shall liaise with the National Council for Persons Living with Disability to identify twenty delegates to join the National Youth Congress.

(10) The National Youth Congress shall elect eight members from amongst its membership, and in the said election the National Youth Congress shall observe the principle of regional and ethnic balance and shall have due regard to the principle of fair representation.

(11) The National Youth Congress shall nominate not more than eight other youth, from amongst its membership, to be considered for appointment as National Youth Council members, under section 5(1)(h) of the Act in the following manner—

- (a) at least one of the nominees shall be a person with disability;
- (b) at least three of the nominees shall be women;
- (c) the National Youth Congress shall ensure that, to the greatest extent possible, the National Youth Council composition represents the diversity of the people of Kenya; and
- (d) None of the nominees shall be from the same county as any of the eight regional representatives elected under section 5(1)(g) of the National Youth Council Act and subparagraph 9(10) of these Guidelines to ensure that the nominees reflect the regional and ethnic diversity of the people of Kenya as provided in the Constitution of Kenya, 2010.

(12) Whenever the National Youth Congress exercises its powers to nominate council members pursuant to section 5(1)(h) of the Act, it shall ensure that—

- (a) such nomination secures that the aggregate of delegates elected and nominated as members of the National Youth Council shall not be comprised of a majority of more than two-thirds of either gender;
- (b) that the delegates so nominated are not from the same county as any delegates elected under section 5(1)(g) of the Act and paragraphs 9(10), 9(11)(a) and 9(11)(b) of these Guidelines to ensure that the nominees reflect the regional and ethnic diversity of the people of Kenya as provided in the Constitution of Kenya, 2010; and
- (c) the ward delegates elected under paragraph 9(2) are considered where there are no qualified candidates who can be validly nominated from the National Youth Congress.

(13) The National Youth Congress shall elect and nominate a total of thirty-one substitute members of the National Youth Council, whose details shall be retained by the Cabinet Secretary in a list or roster of substitute members of the National Youth Council.

(14) The substitute members shall be considered for appointment by the Cabinet Secretary to fill vacancies arising due to vacation of office by any of the youth members of the National Youth Council elected or nominated pursuant to these Guidelines.

(15) The thirty-one substitute members of the National Youth Council shall be elected or nominated as follows—

- (a) eight representatives, from amongst the membership of the National Youth Congress, shall be elected to represent the regional and ethnic balance of the people of Kenya;
 - (b) not more than twenty-three other substitute members shall be nominated as follows—
 - (i) at least one of the nominees shall be a person with disability; and
 - (ii) at least nine of the nominees shall be women.
 - (c) the National Youth Congress shall ensure that, in electing and nominating the substitute members:
 - (i) all candidates participating in the election and nomination of substitute members, as applicable, are not more than thirty years old on the election date;
 - (ii) the aggregate of delegates elected or nominated on the substitute members list is not comprised of more than two-thirds membership being of either gender;
 - (iii) that each county has either a member elected or nominated to the National Youth Council, or a member elected or nominated to the substitute members list;
 - (iv) the substitute members list, taken together with the National Youth Council composition, shall represent the diversity of the peoples of Kenya to the greatest extent possible; and
 - (v) the ward delegates elected under paragraph 9(2) are considered where there are no qualified candidates who can be validly nominated from the National Youth Congress.
- (16) The candidates who garner the highest number of votes cast in an election shall be declared duly elected, as follows—
- (a) at the ward level elections, the six candidates who garner the highest number of votes shall be declared duly elected;
 - (b) at the constituency level elections, the male candidate who garners the highest number of votes shall be declared duly elected as the male representative for the Constituency at the National Youth Congress, while the female candidate who garners the highest number of votes shall be declared duly elected as the female representative for the Constituency at the National Youth Congress; and
 - (c) at the National Youth Congress elections—
 - (i) the candidates who garner the highest number of votes as representatives of their respective regions in the National Youth Council or substitute members list, as applicable, shall be declared duly elected as members of the National Youth Council or substitute members for their regions;
 - (ii) the person with disability who garners the highest number of votes in the election of the member representing persons with disability in the National Youth Council or list of substitute members, as applicable, shall be declared duly nominated to the National Youth Council or substitute member thereof;
 - (iii) the women who garner the highest number of votes in an election of women representatives in the National Youth Council or list of substitute members, as applicable, shall be declared duly nominated to the National Youth Council or elected as substitute members.
- (17) Whenever a tie between any two or more candidates cannot be resolved by application of the provisions of paragraph 11 above, or by consensus, then, in order to fill an available position, a fresh election shall be held, whereby only the candidates involved in the tie shall be allowed to participate as candidates.

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(18) The election of ward and constituency delegates shall not be construed as establishment of the branches of the National Youth Council in those electoral areas.

10. Discretion of the Cabinet Secretary

The Cabinet Secretary may, in his discretion implement any one or more of the following measures—

- (a) facilitate the conclusion of an agreement with the Independent Electoral and Boundaries Commission regarding the use of the national register of voters for the National Youth Council elections;
- (b) direct that the Independent Electoral and Boundaries Commission shall preside over the National Youth Council elections;
- (c) direct that the Independent Electoral and Boundaries Commission shall appoint the presiding and returning officers of the National Youth Council elections; or
- (d) direct, upon determination by the National Steering Committee whether the National Youth Council Elections shall be held by way of physical or electronic voting.

11. Termination of the mandate of the National Youth Congress

(1) The mandate of National Youth Congress delegates and the National Youth Congress shall terminate immediately upon conclusion of the National Youth Council elections at their respective levels.

(2) Ward and constituency level delegates shall, immediately upon their election and after conclusion of the National Youth Council elections, start working with the National Youth Council in providing leadership and promoting the spirit of volunteerism among the youth in their respective electoral areas for a term of three years from the date of their election as such.

12. Issuance of accreditation letters

The National Youth Council shall register and issue accreditation letters to the ward, and constituency delegates on such terms and conditions as the National Youth Council may reasonably determine.

13. Suspension of accreditation

The National Youth Council may, upon a fair hearing, suspend or terminate the accreditation of any delegate or delegates who fail, refuse, or neglect to comply with the terms and conditions of registration or accreditation.

PART IV – REGISTRATION OF VOTERS

14. Register of voters

(1) There shall be a register to be known as the register of voters, which shall comprise of—

- (a) the register of voters in respect of every voting centre specifying all youth registered to vote at that voting centre;
- (b) a ward register of voters in respect of every ward specifying all youth registered to vote in that ward.

(2) Ward level youth officers shall be responsible for custody and maintenance of the register of voters in their respective wards, and each ward level youth officer shall deliver a copy of the register to the Principal Secretary.

(3) The Principal Secretary shall at all times maintain an upto date nationwide register of voters.

(4) Any youth intending to participate in the National Youth Council elections as a candidate or a voter shall be registered as a voter at the ward within which he or she intends to vote or be a candidate in the election of ward delegates.

15. Registration of voters at ward level

(1) Registration of voters shall be done at the ward level by the relevant youth officer.

(2) The final register of voters shall be published seven days before the commencement date of elections.

(3) Registration of voters shall resume after close of the elections.

(4) Within three days after close of voter registration each ward level youth officer shall transmit the ward level register of voters to its respective Elections Steering Committee for use in the elections.

(5) It is the responsibility of the youth officers at ward level to sensitise the youth on voter registration and shall, on yearly basis by 31st December, provide an updated register of voters to the Principal Secretary for custody together with an annual progress report on voter registration.

(6) A copy of the annual progress report shall be shared with the National Youth Council Secretariat together with the updated register of voters.

(7) The register of voters shall contain the following particulars in respect of the voter—

- (a) the name;
- (b) gender;
- (c) a recent colored passport size photograph;
- (d) nature of disability (if any);
- (e) National Identity Card number or Kenya passport number;
- (f) date of birth;
- (g) age;
- (h) county;
- (i) constituency;
- (j) ward; and
- (k) voting centre.

(8) For purposes of maintaining an updated register of voters, the ward level youth officers shall—

- (a) continuously register new voters in accordance with these Guidelines;
- (b) periodically update the register of voters by deleting the names of deceased voters and rectifying the particulars therein;
- (c) periodically update the register of voters by deleting the names of voters who have attained the age of thirty-five and above years;
- (d) conduct a fresh voter registration within any electoral area, if necessary, not more than one year immediately after the Independent Electoral and Boundaries Commission reviews the boundaries of any of the electoral areas.

PART V – NOMINATION OF CANDIDATES

16. Nomination criteria

(1) A youth shall be eligible for nomination as a candidate for election as a ward delegate if he or she—

- (a) is a Kenya citizen aged at least eighteen years old and is also aged below thirty-five years of age as at 31st December of the election year;
- (b) is a holder of a minimum qualification of the secondary or high school ordinary level certificate from a recognised institution;

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- (c) is in possession of a recommendation letter issued by the Assistant Chief, Area Chief or the National Police Service at the ward where she or he is registered as a voter;
- (d) has complied with the nomination procedures under paragraph 17 of these Guidelines;
- (e) is a registered voter in accordance with these Guidelines; and
- (f) has complied with the requirements of chapter six of the Constitution.

(2) A youth shall be eligible as a candidate for election at the Constituency level as a National Youth Congress delegate if he or she—

- (a) is a Kenya citizen aged eighteen and shall not have attained the age of thirty-five years as at 31st December of the election year;
- (b) is in possession of a birth certificate;
- (c) is a holder of a minimum qualification of a secondary or high school ordinary level certificate from a recognised institution;
- (d) has complied with the nomination procedures under paragraph 17 of these Guidelines;
- (e) is a registered voter in accordance with these Guidelines; and
- (f) has fulfilled the requirements of Chapter Six of the constitution.

(3) A youth shall be eligible as a candidate for election or nomination as a member of National Youth Council if he or she is—

- (a) a Kenyan citizen who is a youth;
- (b) in possession of a birth certificate;
- (c) a holder of a minimum qualification of a secondary or high school ordinary level certificate from a recognized institution;
- (d) has complied with the nomination procedures under paragraph 17 of the Guidelines;
- (e) is a registered voter in accordance with these Guidelines;
- (f) has fulfilled the requirements of Chapter Six of the Constitution.

(4) Unless otherwise approved by the Cabinet Secretary, the recommendation letter presented by an aspirant under this paragraph shall be no more than three months old on the presentation date.

17. Procedure for nomination

(1) A youth must be nominated in accordance with the following procedure in order to qualify as a candidate at the National Youth Council elections—

- (a) a youth aspiring for the position of ward delegate must be nominated by at least fifty registered voters;
- (b) a youth aspiring for the position of constituency delegate must be proposed by at least one ward delegate and seconded by at least one other ward delegate;
- (c) a youth aspiring for the position of National Youth Congress delegate must be proposed by at least one Constituency delegate and seconded by at least one other Constituency delegate; and
- (d) a youth aspiring for the position of member of the National Youth Council shall be proposed by at least one National Youth Congress Delegate and seconded by at least one other National Youth Congress delegate.

(2) Candidates shall be nominated in Form 1 set out in Annexure 1 to these Guidelines, which Form shall be available in the National Youth Council website and shall be presented when duly completed by the aspiring candidates to the Election Steering Committees in their respective electoral areas or, in the case of the National Youth Congress election, to the National Steering Committee, by 5.00pm on the appointed deadline day for receiving nominations.

(3) In addition to the requirement in subparagraph (2), aspiring candidates shall present, to the relevant elections committee, documents proving compliance with paragraph 16 of these Guidelines by 5.00pm on the appointed deadline day for receiving nominations.

18. Persons disqualified from nomination

A candidate shall not be eligible for election as a candidate in the National Youth Council elections if the candidate—

- (a) is not a Kenyan citizen;
- (b) is not registered as a voter within the electoral area in which he or she intends to participate in the election;
- (c) is a member of the National Steering Committee;
- (d) is a member of an Election Steering Committee;
- (e) has participated as a voter educator or voter education provider in a voter education programme organised under these Guidelines within the six months immediately preceding date of commencement of elections;
- (f) is an official of a political party;
- (g) has not complied with paragraphs 16 and 17 of these Guidelines;
- (h) is otherwise disqualified by a lawful order of the National Steering Committee or the order of an Election Steering Committee of competent jurisdiction, including but not limited to an order prohibiting or disqualifying that person as a candidate on grounds of breaching any code of conduct issued by the Cabinet Secretary for purposes of the National Youth Council elections.

PART VI – THE ELECTIONS TIMETABLE

19. Planning of elections timetable

(1) The procedure in respect of the timing of the National Youth Council elections whether voting is carried out electronically or manually through physical balloting shall be in accordance with this paragraph.

(2) Voting shall take place between 8.00 am and 5.00 pm on the appointed date of election date and counting of votes shall commence immediately after close of voting.

(3) The National Youth Council elections at the respective levels or electoral areas shall be held on different dates declared in the Kenya *Gazette* by the Cabinet Secretary.

(4) The National Steering Committee and the Election Steering Committees shall ensure that, unless necessitated by the operation of these Guidelines, not more than fourteen days shall lapse between the elections at any two consecutive levels of the National Youth Council Elections.

PART VII – VOTER EDUCATION

20. Voter education curriculum

The National Youth Council Secretariat, with the support of the Principal Secretary, shall develop a voter education curriculum and support materials covering all processes outlined in these Guidelines, and conduct voter education countrywide.

21. Commencement of voter education

A voter education exercise shall be commenced at least sixty days prior to the commencement of elections.

22. Conduct of voter education

The conduct of voter education shall in its design, message and implementation be impartial, non-partisan, and in compliance with the voter education Code of Conduct set out in Annexure 4 to these Guidelines.

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23. Voter Education Code of Conduct

Voter educators and voter education providers shall affirm acceptance of the terms and conditions of the Voter Education Code of Conduct by completing the Form set out in Annexure 5 to these Guidelines and returning it to the National Youth Council Secretariat.

PART VIII – ELECTION OFFICERS

24. Appointment returning officers

(1) The Principal Secretary may designate such number of returning officers as shall be necessary to conduct the National Youth Council elections.

(2) Returning officers shall be responsible for—

- (a) receiving nomination papers in respect of candidates;
- (b) conducting elections at their respective levels;
- (c) tallying, announcement, and declaration, in Form 2(b) set out in Annexure 1 to these Guidelines, of the final results from each voting centre within a ward and constituency, or at the National Youth Congress, as applicable;
- (d) collating and announcing the results from each voting centre within a ward, constituency, or at the National Youth Congress, as applicable; and
- (e) submitting, in Form 3 set out in Annexure 1 to these Guidelines, the collated results for the election at their respective levels.

(3) In the performance of his or her duties, a returning officer shall take directions from the National Steering Committee and the Elections Steering Committee having jurisdiction within the electoral area assigned to the returning officer:

Provided that, in the event of conflict, a directive of the National Steering Committee shall supersede a directive of an Elections Steering Committee.

(4) The returning officer for the National Youth Congress election shall promptly table the collated election results to the National Steering Committee.

(5) The returning officer of a ward and constituency level election shall promptly transmit the collated election results to the Elections Steering Committee, which shall verify and transmit the results to the National Steering Committee.

(6) Before transmitting any elections results, a returning officer shall verify that the results transmitted under this paragraph are an accurate record of the results tallied, verified, and declared at the respective voting centres.

25. Appointment of presiding officers and polling clerks

(1) The National Steering Committee shall appoint such number of presiding officers and polling clerks as shall be necessary to efficiently and effectively conduct the National Youth Council elections.

(2) The functions of a presiding officer shall be—

- (a) presiding over elections at an assigned voting centre;
- (b) tallying, counting and announcement of results at the voting centre in Form 1(b) set out in Annexure 1 to these Guidelines;
- (c) submitting polling station results to the returning officer; and
- (d) transmitting election results to the returning officer.

(3) A polling clerk shall assist and take directions from an assigned presiding officer in the conduct of an election at a voting centre.

(4) In the performance of his or her duties, a presiding officer shall take directions from the returning officer having jurisdiction over the election over which he or she is presiding.

PART IX – ELECTION AGENTS AND OBSERVERS

26. Appointment of agents

(1) A candidate may appoint one agent per voting centre, and every candidate shall ensure that—

- (a) all his or her agents are registered and accredited by the Election Steering Committee responsible for the electoral area in which they shall be agents;
- (b) all his or her agents have read, understood and accepted to be bound by the Electoral Code of Conduct set out in Annexure 2 to these Guidelines and subsequently signed a declaration form; and
- (c) all the candidate's agents have returned the declaration Form set out in Annexure 3 to these Guidelines to the Election Steering Committee of the electoral area where they shall be agents.

(2) A candidate at the National Youth Congress election shall ensure that his or her agents have returned their respective Annexure 3 declarations to the National Steering Committee and those declarations are registered and accredited by the National Steering Committee.

27. Registration and accreditation of observers and media representatives

(1) The National Steering Committee may register and accredit observers and media representatives, including but not limited to observers from youth serving organizations and national youth councils from other African countries, and any other countries internationally.

(2) Each accredit observer or media representative shall sign the declaration Form set out in Annexure 3 to these Guidelines accepting to be bound by the Electoral Code of Conduct.

(3) Each accredited observer shall present an independent report on the elections to the National Steering Committee which shall be presented to the Cabinet Secretary within seven days from the date the results of the National Youth Congress elections are declared.

PART X – GUIDELINES ON PHYSICAL VOTING

28. List of candidates and voting centres

The Election Steering Committee shall display a list of the candidates and voting centers in public offices and market centres within the relevant electoral area or on such electronic platforms as the National Steering Committee shall determine.

29. Procedure for physical voting

(1) Each Election Steering Committee and the National Steering Committee shall ensure that whenever physical voting is deployed, the provisions of this paragraph shall apply.

(2) Voters shall identify themselves using either the national identity card or Kenya passport.

(3) A voter's personal details and his or her identity documents shall be compared against the personal information available in the register of voters in order to authoritatively identify the voter.

(4) The voter shall sign the printed register of voters against receipt of a ballot paper.

(5) Voting shall be by secret ballot and the voting booth shall be designed to facilitate secrecy of balloting.

(6) A voting booth shall have a table and a writing instrument.

(7) The voter shall complete the ballot paper in a voting booth.

(8) The voter shall complete the ballot paper by himself or herself and where the voter is unable to complete the ballot paper due to a physical disability, another voter, but not a candidate in the election may complete the ballot on behalf of the voter at the voter's request and in the voter's presence.

[Subsidiary]

(9) A voter shall be allowed to cast only one vote, and in this regard, the Election Steering Committee for the electoral area or the National Steering Committee shall ensure that adequate measures are implemented to ensure that no voter is allowed to vote more than once in the same election.

(10) The voter shall not take the ballot paper out of the voting centre and where the voter spoils the ballot paper, he or she has the right to receive another ballot paper and the voter shall return the spoilt or unused ballot paper to the election officials.

(11) After completing the ballot paper, the voter shall fold the ballot paper and hand it to an election official who shall stamp the same with a designated stamp on the outside of the folded ballot paper.

(12) The voter shall deposit the ballot paper in the ballot box by himself or herself and where a voter is unable to deposit the ballot paper in the ballot box by himself or herself due to physical disability, another voter may do so at the voter's request and in the presence of the voter.

(13) For the purpose of ensuring that persons with special needs, including persons with disabilities, realise their right to vote, the National Steering Committee and each Election Steering Committee shall ensure that appropriate infrastructure and personnel are available and fit for the purpose.

30. Standards and practices as regards election materials

(1) Each Election Steering Committee and the National Steering Committee Elections shall adopt the standards, practices and procedures provided in subparagraph (2) with regard to election material whenever physical voting is deployed.

(2) Where physical voting is deployed—

- (a) all ballot papers shall be serialised and stamped with a designated stamp;
- (b) the ballot papers shall be appropriately designed to allow voters to effectively and accurately identify all the candidates and cast their votes as intended;
- (c) the ballot boxes used shall be transparent, shall remain sealed during voting, and shall only be unsealed and opened when the process of counting the votes commences;
- (d) the opening of a ballot box shall be covered and opened only while depositing a ballot paper in the box; and
- (e) the candidates, their agents, or other registered representatives, shall be afforded reasonable opportunity to witness the opening of ballot boxes before voting commences, and prior to commencement of vote counting, in order to confirm that the ballot boxes and ballots have not been tampered with.

31. Counting of votes

(1) Counting of votes shall be done by presiding officers designated by the relevant Election Steering Committee or the National Steering Committee as applicable.

(2) Vote counting shall be done in the presence of the candidate respective agents and in public.

(3) The Election Steering Committee responsible for the electoral area or the National Steering Committee shall allow the media to publicise the vote counting exercise subject to compliance with paragraph 42 of these Guidelines.

PART XI – GUIDELINES ON PROCESS OF VOTING AND COUNTING OF VOTES

32. Manner of conducting votes

(1) The National Steering Committee may elect to convene the National Youth Congress elections using physical or electronic platform and to conduct the vote using manual or electronic system.

(2) The Elections Steering Committees may elect to convene ward and constituency elections through a manual or electronic platform and to conduct the vote using either manual or electronic voting system with the approval of the National Steering Committee.

33. Minimum standards of the voting system

(1) The National Steering Committee and the Elections Steering Committee shall ensure that either systems i.e. manual or electronic voting systems deployed meet minimum standards set out in subparagraph (2).

(2) The voting system—

- (a) enables only voters registered under these Guidelines to vote;
- (b) enables persons with disabilities and other special needs person to vote;
- (c) should be able to track the votes cast and ensure that a voter is able to cast only one valid vote;
- (d) maintains the principle of secrecy of the vote at all stages of the voting procedure;
- (e) ensures that the voter's intention shall not be affected by the voting system, or by any undue influence;
- (f) allows voters to select from multiple candidates;
- (g) identifies votes that are affected by irregularity;
- (h) allows voting to start and end at specific times;
- (i) protects the personal data of voters and other users to the standards required under the Data Protection Act (No. 24 of 2019);
- (j) is configured to facilitate an audit system capable of recording times, events and actions, including but not limited to—
 - (i) all voting-related information, including but not limited to the number of eligible voters, the number of votes cast, the number of valid and invalid votes, the counts and recounts;
 - (ii) any attacks on the operation of the electronic voting system and its communications infrastructure;
 - (iii) failures, malfunctions and other threats to the electronic voting system; and
- (k) complies with such other standards or technical specifications as the National Steering Committee may specify.

34. Preparing the electronic voting system for elections

The National Steering Committee, in collaboration with the Election Steering Committees, shall test and certify to the Cabinet Secretary that any electronic voting system to be deployed is ready for use in the National Youth Council elections.

35. Information of the public

The National Steering Committee and Election Steering Committees shall ensure that the public, in particular voters, shall be informed prior to the commencement date of the elections—

- (a) of any steps a voter may have to take in order to participate and vote;
- (b) the correct use and functioning of the voting electronic voting system; and
- (c) the voting timetable.

36. Access by authorized persons

The National Steering Committee shall ensure that only authorised persons shall have access to the central infrastructure, the servers and the election data.

[Subsidiary]

37. Voting

(1) A voter shall vote personally whether the National Youth Council elections are conducted manually or electronically.

(2) A voter shall cast only one vote and shall not be allowed to change such vote under any circumstances.

(3) A voter shall identify himself or herself by a certificate issued upon registration which shall be integrated with the Integrated Population Registration Services System so as to facilitate identity verification for voters and candidates.

(4) Following the identification of the voter pursuant to the procedure provided for in subparagraph (3), the consolidated list of candidates in the applicable electoral areas and election shall be displayed to the voter.

(5) The voter shall vote by selecting the candidate in the electoral area or election in which he or she is registered as a voter.

(6) A notice that the vote has been taken into account shall be displayed and delivered to the voter after the voting is confirmed in the case of electronic voting.

38. Vote counting and management of electronic voting results at the ward and constituency levels

(1) The provisions of this paragraph shall apply to vote counting at the ward and constituency levels.

(2) The Election Steering Committee for an electoral area shall promptly verify the results of electronic or manual voting on election day after the close of voting in that electoral area.

(3) At least half of the members of the Election Steering Committee for an electoral area, including the chairpersons or secretaries of the committees, shall be present at the counting of votes.

(4) The Election Steering Committee shall verify and certify the following in each electoral area—

- (a) the number of voters who participated in electronic voting;
- (b) the number of invalid electronic votes;
- (c) the number of electronic votes annulled pursuant to these Guidelines;
- (d) the number of electronic votes cast for each candidate.

(5) Upon completion of vote counting, the chairman of an Elections Steering Committee shall ensure that the results are managed in accordance with Part XII of these Guidelines.

39. Vote counting and management of electronic voting results at the National Youth Congress

(1) The provisions of this paragraph shall apply to vote counting and management of electronic voting results at the National Youth Congress.

(2) The National Steering Committee shall promptly verify the results of electronic voting on election day after the close of voting.

(3) At least half of the members of the National Steering Committee, including the chairperson, shall be present during voting and counting of votes.

(4) The National Steering Committee shall verify and certify the following—

- (a) the number of voters who participated in electronic voting;
- (b) the number of invalid electronic votes;
- (c) the number of electronic votes annulled pursuant to these Guidelines;
- (d) the number of electronic votes cast for each candidate.

(5) Upon completion of vote counting, the chairman of the National Steering Committee shall ensure that the election results are managed in accordance with Part XII of these Guidelines.

40. Vote counting in electronic voting system

(1) The provisions of this paragraph shall apply to vote counting in any election where electronic voting is deployed.

(2) A manual or electronic vote which does not contain the voter registration number of the candidate or which is not in conformity with the standard format established by the National Steering Committee shall be null and void.

(3) Counting of votes cast shall be public and the media shall be allowed to facilitate public witnessing of the vote counting.

(4) Persons who are present at the counting of votes shall follow the oral orders of the members of the National Steering Committee or Elections Steering Committee for the electoral area as applicable.

41. Records of delegates meetings

Minutes, reports and other records of the proceedings of the National Youth Congress and the ward and constituency delegates shall be documented by the National Youth Council Secretariat and custody of the records shall be kept by the National Steering Committee.

PART XII – MANAGEMENT OF ELECTION RESULTS**42. Authority to declare election results**

Persons who are present at the counting of votes shall not be allowed to declare or communicate any election results, vote counts or vote tallies except those authorised by or already officially declared by the National Steering Committee or an Elections Steering Committee, as applicable, and in accordance with these Guidelines.

43. Rules for management and declaration of election results

(1) The provision of this paragraph shall apply to the management of election results whether voting was conducted physically through ballots or electronically.

(2) The Election Steering Committee or the National Steering Committee, as applicable, shall announce the results of the election publicly, immediately upon completion of vote counting, and shall endeavour to complete vote counting and announce the results on the election day but no later than 5.00pm on the day subsequent to the election day.

(3) Subject to the provisions of Part III of these Guidelines, the candidate with the highest number of votes cast shall be declared duly elected.

(4) In the case of electronic voting, immediately after the announcement of the results, the Chairperson of the Election Steering Committee or the National Steering Committee, as applicable, shall upload the into the elections information system.

(5) In the case of physical voting the results shall be recorded in a specified form immediately after announcement and shall be authenticated by the chairpersons of the respective Elections Steering Committee or the National Steering Committee, as applicable, by signing and stamping the same.

44. Election results for ward and constituency submitted to the National Steering Committee

In the case of ward and constituency youth elections, the Chairperson of the Election Steering Committee shall hand over the election results in a specified form to Chairperson of the National Steering Committee, no later than 5.00 pm on the subsequent day after the elections.

45. Particulars of elected youth forwarded to the Cabinet Secretary

(1) The Chairperson of the National Steering Committee shall not later than 5.00 pm on the subsequent day after the National Youth Congress election forward to the Cabinet Secretary to be considered for appointment—

[Subsidiary]

- (a) the names, contacts and other relevant personal details of the eight youth elected by the National Youth Congress pursuant to section 5(l)(g) of the Act; and
- (b) the names, contacts and other relevant personal details of the youth nominated by the National Youth Congress pursuant to section 5(1)(h) of the Act.

(2) The Chairperson of the National Steering Committee shall, not later than 5.00 pm on the subsequent day after the National Youth Congress election, forward the names, contacts, and other relevant personal details of the thirty-one substitute members of the National Youth Council nominated by the National Youth Congress to the Cabinet Secretary for consideration in filling the vacancies arising in the National Youth Council.

46. Issuance of certificates

The Election Steering Committee or the National Steering Committee, as applicable, shall issue certificates in either Form 4 set out in Annexure 1 to these Guidelines, to the elected ward and constituency delegates, upon conclusion of the verification and announcement of election results.

47. Report of the Election Steering Committee to the National Steering Committee

The Elections Steering Committee for each electoral area shall, in respect of their electoral areas, verify, reconcile and report to the National Steering Committee—

- (a) on the number of voters entered in the register of voters;
- (b) the number of voters who were given a ballot paper;
- (c) the number of voters who participated in voting;
- (d) the number of invalid ballot papers; and
- (e) the number of votes cast for candidates.

48. National Steering Committee report to the Cabinet Secretary

(1) The National Steering Committee shall, within seven days from the date when the relevant level of elections was concluded countrywide, collate, analyse and transmit a report containing all information concerning the conduct of the relevant election within each Constituency to the Cabinet Secretary.

(2) The National Steering Committee shall in respect of the National Youth Congress, verify, reconcile and report to the Cabinet Secretary—

- (a) on the number of voters entered in the register of voters;
- (b) the number of voters who were given a ballot paper;
- (c) the number of voters who participated in voting;
- (d) the number of invalid ballot papers;
- (e) the number of votes cast for candidates; and
- (f) any other information as may be required by the Cabinet Secretary.

49. Irregularities in elections

The National Steering Committee may, on the recommendation of an Election Steering Committee, disqualify a candidate or nullify the results of any election or voting centre, as applicable, if any of the following election irregularities are proved—

- (a) use of ballots other than the prescribed ballots;
- (b) voting in a voting centre which has not been published;
- (c) voting outside the specified period and time;
- (d) writing more than one name on a ballot;
- (e) use of force and intimidation;

- (f) misrepresentation;
- (g) corruption; or
- (h) any breach of a Code of Conduct issued by the Cabinet Secretary for purposes of the National Youth Council elections.

PART XIII – ELECTION DISPUTES

50. Lodging election complaints or disputes

(1) In case of ward and constituency elections any aggrieved candidate or aspirant may lodge a formal complaint or dispute within two days after the date of the election, directly to the relevant Elections Steering Committee within the respective electoral area.

(2) The Elections Steering Committee shall hear and determine the complaint or dispute within one day of receipt of the complaint or dispute.

51. Appeal

(1) Any candidate or aspirant aggrieved by a decision or declaration of an Elections Steering Committee under these Guidelines shall, within one day from the date of such decision or declaration, lodge an appeal with the National Steering Committee.

(2) A candidate who is dissatisfied with the decision of the National Steering Committee may lodge an appeal in the High Court.

52. Dismissal of complaints, disputes or appeal

Where upon receipt of a complaint, dispute or appeal, it is considered that there is no sufficient ground for granting the relief claimed, the complaint, dispute or appeal may be dismissed summarily.

53. Hearing of complaints, disputes, and appeals

During the hearing of complaints, disputes, and appeals, the relevant body may, in the exercise of its jurisdiction—

- (a) summon and swear in witnesses in the same manner or, as nearly as circumstances admit, as in a trial by a court in the exercise of its civil jurisdiction;
- (b) compel the attendance of any person as a witness who appears to have been concerned in the election;
- (c) examine a witness who is compelled to attend or any other person who has not been called as a witness and examined by a party to the proceedings and, after examination, the witness may be cross examined by or on behalf of any or all the parties; and
- (d) decide all matters that come before it without undue regard to technicalities.

54. Remedies

The following orders may be granted at the hearing of a complaint, dispute or appeal arising in this Part—

- (a) a declaration that a candidate is validly elected;
- (b) a declaration that the election of a candidate is revoked;
- (c) an order as to whether a fresh election will be held or not;
- (d) an order for a scrutiny of votes to be carried out;
- (e) an order as to the party that will bear the costs of the proceedings, provided that costs shall follow the cause; or
- (f) such other or further orders as are deemed just and fit to be granted.

55. Invalid votes

(1) Whenever a scrutiny of votes is ordered, the following votes shall be declared invalid

—

 [Subsidiary]

- (a) the vote of a person whose name was not on the register or list of voters assigned to the voting centre at which the vote was recorded or who had not been authorised to vote at that voting centre;
- (b) the vote of a person whose vote was procured in breach of the Electoral Code of Conduct or Voter Education Code of Conduct;
- (c) the vote of a person who impersonated or procured the impersonation another person, and thereby voted or facilitated voting by the impersonator at the election;
- (d) the vote of a person proved to have voted more than once in the same election; or
- (e) the vote of a person, who was disqualified from voting at the election by these Guidelines, the Electoral Code of Conduct, or the Voter Education Code of Conduct.

(2) An election shall not be declared void for non-compliance with these Guidelines, where such non-compliance did not substantially affect the result of the election.

56. Next level of election

(1) The next level of the National Youth Council elections within an electoral area shall be held after hearing and determination of any complaints, disputes or appeals arising from that electoral area, but not later than fourteen days from the date of the election held at the preceding level, unless otherwise required by the operation of these Guidelines.

(2) If, upon the hearing and determination of a complaint, dispute or an appeal, it is directed that a fresh election must be held, the National Steering Committee shall appoint a fresh election date for the electoral area falling on a day that is not more than fourteen days from the date of such ruling, and the next level of the National Youth Council election within the relevant electoral area shall be held not more than fourteen days from the date of the fresh election:

Provided that the National Youth Congress shall convene only upon the election and declaration of representatives of all constituencies, in accordance with these Guidelines.

PART XIV – APPOINTMENT OF ELECTED DELEGATES

57. Conclusion of elections

Elections shall be deemed concluded upon the Cabinet Secretary's publication, in the Kenya *Gazette*, names of delegates elected by the National Youth Congress to be members of the National Youth Council.

58. Procedure for background checks and appointment of delegates

(1) Each delegate nominated by the National Youth Congress as a member or substitute member of the National Youth Council shall complete the Fit and Proper form set out in Annexure 6 to these Guidelines as, and transmit the Form to the National Steering Committee Secretariat within two days from the date when the National Youth Congress election results were declared.

(2) The Secretariat of the National Steering Committee shall, on receipt of the duly completed Fit and Proper Forms, transmit it to the National Steering Committee on National Youth Council Elections for consideration within three days from the date of receipt.

(3) The National Steering Committee shall consider the Fit and Proper Forms and submit a Fit and Proper Assessment Report on each nominated delegate to the Cabinet Secretary within fourteen days from the date of receipt of the duly completed Fit and Proper Forms by its Secretariat for custody.

PART XV – APPOINTMENT OF SUBSTITUTE MEMBERS TO FILL VACANCIES

59. Procedure for filling vacancies

Where a vacancy occurs in the National Youth Council by operation of section 2 of the First Schedule of the Act, the Cabinet Secretary may appoint a person who has been listed as a substitute member of the National Youth Council under paragraph 45(2):

Provided that in making appointments from the substitute members list, the Cabinet Secretary shall maintain the diversity of membership of the National Youth Council by ensuring that regional balancing and representation of women and persons with disability is attained.

ANNEXURE 1

Form 1 (para. 17(2))

THE NATIONAL YOUTH COUNCIL
FORM FOR NOMINATION OF NATIONAL YOUTH COUNCIL ELECTION
CANDIDATES

We, the undersigned, being registered voters/ward delegates/constituency delegates/ National Youth Congress delegates (highlight as appropriate), do hereby support the nomination of of National Identity Card No. as a candidate for election as a Candidate for the Ward/Constituency/National Youth Congress level election.

Table with 7 columns: No., Name, ID/Passport No., Voter Reg. No., County, Constituency, Ward, Signature

Form 2 (a) (para. 25(2)(b))

THE NATIONAL YOUTH COUNCIL
ELECTION RESULTS AT THE VOTING CENTER

Name of Voting Centre:
Ward
Constituency
County

Number of votes cast in favour of each candidate:

Table with 2 columns: Name of Candidate, No. of Valid Votes Obtained

Total number of valid votes cast

- Voting Centre Counts
1. Total Number of Registered Voters in the Polling Station;
2. Total Number of Rejected Ballot Papers;
3. Total Number of Rejection Objected To Ballot Papers;
4. Total Number of Disputed Votes;
5. Total Number of Valid Votes Cast;

Decision(s) on disputed votes if any

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Serial Number of Ballot Paper (s) with disputed vote Name of Candidate assigned the vote

Declaration

We, the undersigned, being present when the results of the count were announced, do hereby declare that the results shown above are true and accurate count of the ballots in Polling Station..... Constituency.

Polling clerk: Signature Date Presiding Officer: Signature Date

Agents or Candidates (if present)

Table with columns: No., Name of Candidate or Agent, ID/Passport No., Party Name/Independent Candidate, Tel./Contact, Signature, Date

- 1.
2.
3.

Reasons for Refusal to Sign (if any)

.....
.....

Presiding Officer's Comments:

.....
.....

Form 2 (b) (para. 23(2)(c))

THE NATIONAL YOUTH COUNCIL

DECLARATION OF RESULTS FOR THE NATIONAL YOUTH COUNCIL

ELECTIONS AT THE NATIONAL TALLYING CENTRE

Name of National Tallying Centre:

.....

Table with columns: Constituency Name, Voting Center Name, Candidate 1, Candidate 2, Candidate 3, Total Valid Votes, Rejected Ballots

Signatures of Candidates or Agents

Table with columns: No., Name of Candidate or Agent, ID/Passport No., Tel./Contact, Signature, Date

- 1.
2.
3.

Chaiperson National Steering Committee on the National Youth Council Elections:.....

Signature:

Date:.....

Form 3

(para. 23(2)(e))

THE NATIONAL YOUTH COUNCIL

COLLATION OF NATIONAL YOUTH COUNCIL ELECTION RESULTS AT THE CONSTITUENCY TALLYING CENTRE

Constituency.....

County.....

Name of Voting Station	Registered Candidate Voters	Candidate 1	Candidate 2	Candidate 3	Total Valid Votes	Rejected Ballots
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Agents or Candidates (if present)

No.	Name of Candidate or Agent	ID/ Passport No.	Party Name Independent Candidate	Tel. Contact	Signature	Date
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- 1.
- 2.
- 3.

Name of the Constituency Returnmg Officer:

ID Number:.....

Signature:

Date:

Form 4

(para. 46)

THE NATIONAL YOUTH COUNCIL

CERTIFICATE OF ELECTED DELEGATE OF THE NATIONAL YOUTH COUNCIL (INSERT NAME OF WARD/CONSTITUENCY)

The Constituency Returning Officer hereby declares that of ID No..... has been duly elected as the delegate of the National Youth Council Elections forConstituency in the election held onday of 20.....

Constituency Returning Officer:

Signature:

Dated this Day of, 20

Stamp

ANNEXURE 2

(para. 26(1)(b))

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—

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"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;

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- (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 an 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;

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- (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.

ANNEXURE 3

(para. 26(1)(c), 26(2), 27(2))

DECLARATION OF ACCEPTANCE OF ELECTORAL CODE OF CONDUCT

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

Sign

Date

ANNEXURE 4

(para. 22)

CODE OF CONDUCT FOR VOTER EDUCATORS AND VOTER EDUCATION PROVIDERS

1. The principal duty of a voter educator and a voter education provider is to promote awareness among the youth in general and the voting population of youth in particular on the need for all youth of voting age to register and vote in the National Youth Council elections.
2. (1) Voter educators and voter education providers are friends of every voter.
 (2) Voter educators and voter education providers shall endeavour to provide appropriate information, insight and advice to every voter on issues relating to the voter registration and elections held under these Guidelines.
 (3) A voter educator and voter education provider shall however not use his or her position to influence any voter to vote for any particular candidate.
3. A voter educator and a voter education provider shall—
 - (a) conduct voter education in accordance with the curriculum prepared and approved accordance with these Guidelines;
 - (b) conduct voter education impartially and without the advocacy or influence from any person or group;
 - (c) refrain from engaging in or supporting any activity that would discredit the work or image of the Cabinet Secretary, the Government, or National Youth Council;
 - (d) not in any way actively subvert the conduct of the electoral process;
 - (e) not any way solicit for funds in the name of the Cabinet Secretary, the Government, or the National Youth Council;
 - (f) refuse any gift, favour, hospitality or any inducement that would influence or appear to influence the discharge of his or her duties;
 - (g) carry out voter education without intimidation, coercion, threats, duress or undue influence;
 - (h) be sensitive to the needs of people with disabilities, women, youth and other marginalized groups when providing voter education;
 - (i) give due consideration to special and appropriate circumstances regarding accessibility, language, and methodology in the provision of voter education;

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- (j) avoid actual or apparent conflicts of interest in the provision of voter education;
- (k) refrain from disclosing any confidential information acquired in the course of their work, unless otherwise authorized by the Cabinet Secretary;
- (l) perform his or her duty in accordance with such other rules, regulations, standards as the Cabinet Secretary may set from time to time;
- (m) endeavour to use every means at his or her disposal to encourage every Kenyan youth who is eligible to register as voter to exercise his or her legal right to register and vote in the National Youth Council elections.

4. A voter educator or a voter education provider who does not abide by this Code of Conduct shall be liable to such penalty as the National Steering Committee may deem fit, including termination of the registration and accreditation, and revocation of the right to conduct voter education.

ANNEXURE 5

(para. 23)

STATEMENT OF ACCEPTANCE OF VOTER EDUCATION CODE OF CONDUCT

I do hereby accept to serve as a voter educator.

I accept to be bound by the Code of Conduct for voter educators and voter education providers and with such rules, regulations or guidelines as may be made from time for the purpose of giving effect to the said Code of Conduct at all times during my term of service as a voter educator or voter education provider.

I undertake to relinquish my duty as a voter educator or voter education provider if required to do so, for good cause by the National Steering Committee.

Name

ID/Passport Number:

County

Constituency

Ward

Telephone

Organisation

P.O.Box

Sign

Date

ANNEXURE 6

(para. 58)

FIT AND PROPER TEST DECLARATION

NOTES:

(a) Read the declaration on Section 5 below before completing this form.

(b) In case the spaces provided are inadequate, use additional paper.

(c) This form should be submitted as prescribed, duly completed, accompanied by the documents specified in the text.

1. PERSONAL INFORMATION

- (a) Surname
Other names
- (b) Previous Names (if any) by which you have been known:
Reasons for change of names:
.....
.....
- (c) Year and Place of birth:
- (d) Nationality and how acquired
- (e) Personal Identification Number
- (f) (i) Identification Card number (attach copy)
(ii) Passport number (attach copy)
- (g) Postal Address:
- (h) Previous Postal Addresses (if any)
- (i) Physical Address
- (j) Telephone numbers
- (k) Educational Qualifications (attach certificates)

Qualification	Year	Institution	Examining	Grade
s	Obtained		Body	Obtained
- (l) Professional Qualifications and years obtained (if any) (attach certificates)

Qualification	Year	Institution	Examining	Grade
s	Obtained		Body	Obtained
- (m) Name(s) of your bankers during the last 5 years
.....
.....

2. EMPLOYMENT/ BUSINESS RECORD

Period	Name of Employer/ Business and Address	Position Held & Dates	Responsibilities	Reasons for/Leaving (where applicable)
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3. DESCRIPTION OF YOUR PAST AND CURRENT ACTIVITIES

3.1 SHAREHOLDING (DIRECTLY OWNED OR THROUGH NOMINEE:S

Company's Name	Date of Incorporation	Number of Shares held	% of Shareholding	Past Shares Holding A	Past Shares Holding B	Remarks
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A: Refers to date of closure or surrender of shares

B: Refers to reasons for closure or surrender

3.2 DIRECTORSHIPS

Company's Name	Date of Incorporation	Executive or Non-executive	Position held in case of Executive	Past Directorships C
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C: Refers to date of retirement/cessation

D: Refers to reasons for retirement/cessation

3.3 PROFESSIONAL BODIES

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Name of body	Members No.	Position Held (if any)	Position held in case of Executive	Past Membership	Remarks	Name of body
				E	F	

E: Refers to date when membership ceased
 F: Refers to reasons for cessation of membership

3.4. YOUTH SERVING ORGANISATIONS

Name of organisation	Members No. (if any)	Position Held (if any)	Position held in case of Executive	Past Membership	Remarks
				G	H

G: Refers to date of retirement, resignation or dismissal.
 H: Refers to reasons for retirement, resignation or dismissal.

3.5 BORROWINGS

Name of Borrower	Name of Lender	Type of Facility	Amount Borrowed	Date of Offer	Terms of Facility	Security Offered	Value of Security	Current Outstanding Balance, KES	Remarks
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**Applicant to indicate individual/personal as well as borrowings by associated private companies in which the applicant controls more than of 5% of shareholding.*

4.1 Have you or any entity with which you are associated as director, shareholder or manager, ever held or applied for a licence or equivalent authorization to carry on any business activity in any country? If so, give particulars.

If any such application was rejected or withdrawn after it was made or any authorization revoked, give particulars.

.....

4.2 Have you at any time been convicted of any criminal offence in any jurisdiction? If so, give particulars of the court in which you were convicted, the offence, the penalty imposed and

.....

4.3 Have you, or any entity with which you have been involved, been censured, disciplined, warned as to future conduct, or publicly criticised by any regulatory authority or any professional body in any country?

If so give particulars

4.4 Have you ever been disqualified, under any legislation or regulation from acting as a director or serving in a director or managerial capacity?

.....

4.5 Have you, or has any entity with which you are, or have been associated as a director shareholder or manager, been the subject of an investigation, in any country, by

a government department or agency, professional association or other regulatory body? If so, give particulars.

.....
.....

4.6 Have you, in any country, ever been dismissed from any office or employment, or been asked to resign or resigned from employment or position of trust or fiduciary appointment, been subject to disciplinary proceedings by your employer or barred from entry of any profession or occupation because of questions about your honesty and integrity? If so give particulars

.....
.....

4.7 Have you ever been diagnosed as being mentally unfit or of unsound mind?

.....
.....

4.8 Have you failed to satisfy debt adjudged due and payable by you on order of court, in any country, or have you made any compromise arrangement with your creditors within the last 10 years? If so, give particulars.

.....
.....

4.9 Have you ever been declared bankrupt by a court in any country or has a bankruptcy petition ever been served on you? If so, give particulars.

.....
.....

4.10 Have you ever been held liable by a court, in any country, for any fraud or other misconduct? If so, give particulars

.....
.....

4.11 Has any entity with which you were associated as a director, shareholder or manager in any country made any compromise or arrangement with its creditors, been wound up or otherwise ceased business either while you were associated with it or within one year after you ceased to be associated with it? If so, give particulars

.....
.....

4.12 Are you presently, or do you, other than in a professional capacity, expect to be engaged in any litigation in any country? If so, give particulars

.....
.....

4.13 Indicate the names, postal and e-mail addresses, telephone numbers and positions of at least three individuals of good standing who would be able to provide a reference on your personal and professional integrity.

The referees must not be related to you, and should have known you for at least five years.

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<i>Name of Referee</i>	<i>Postal Address</i>	<i>e-mail address</i>	<i>Tel no. (s)</i>	<i>Position (where applicable)</i>	<i>Relationship with applicant</i>
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4.14 Is there any additional information which you consider relevant for the consideration of your suitability or otherwise for the position(s) held/to be held? The omission of material facts may represent the provision of misleading information.

.....
.....

N.B. The information given in response to this questionnaire shall be kept confidential, except in cases provided for by law.

5. DECLARATION

I am aware that it is an offence to knowingly or recklessly provide any information, which is false or misleading in connection with this declaration. I am also aware that omitting material information intentionally or unintentionally shall be construed to be an offence and may lead to rejection of my application.

I certify that the information given above is complete and accurate to the best of my knowledge, and that there are no other facts relevant to this application of which the National Youth Council should be aware.

I undertake to inform the National Youth Council of any changes material to the applications which arise while the application is under consideration.

NAME

DATED AT THIS DAY OF

SIGNED (Elected Delegate)
