

ICPAK POLICY GOVERNING ELECTIONS OF CHAIRMAN AND MEMBERS OF THE COUNCIL

1.0 Background:

The elections to ICPAK Council are governed by the Accountants Act no. 15 of 2008, By Laws and various decisions made by the Council over the years.

This policy document seeks to clarify on the conduct of candidates and govern the process of campaigning by the candidates during the election period

2.0 Duly completed nomination form for election

Persons willing to run for election shall be required to send to the Institute a duly completed nomination form in a sealed envelope in accordance with the requirements not later than 5:00 pm of the required deadline. The nomination shall contain a declaration that the information contained therein is true and correct and will include a declaration as to any convictions in court or declaration of bankruptcy through court or any information the Institute shall deem necessary for the nomination of candidates.

In the event there is information on the nomination form that would lead to disqualification of the aspirant, the Institute shall communicate the same to the aspirant requesting him/her to respond within 2 days failure to which he/she shall be automatically disqualified.

2.1 Communication to the nominees and candidates

All communication to the nominees and candidates will be made by the Chief Executive Officer of the Institute or his nominee. Any correspondence by other means shall not be construed to be the official communication of the Institute.

2.2 Election Panel

The Institute shall form an election panel comprising of four scrutineers one of whom will be the Returning Officer and the Chief Executive Officer who shall be an ex officio member.

The panel shall be responsible for authenticity, validity and integrity of the voters register and shall have oversight over the electoral medium and electoral process.

The Returning Officer and the Chief Executive Officer shall jointly have the super rights to the electoral system and will be in charge and responsible for any changes in the electoral system.

The quorum of the election panel shall be the Returning Officer and any two of the scrutineers

The Returning Officer and the Scrutineers shall be required to attend the Council meetings at which the nominations are to be opened. The results of the election panel will be communicated to the candidates by the Chief Executive Officer or his nominee.

Candidates will have a period of seven days to appeal against the decision of the election panel.

2.3 Appeals Committee

The Council shall form an appeals committee which shall review the appeals from the nominees. The decision of the appeals committee shall be ratified by the Returning Officer who shall communicate to Council of the decision. The decision of appeals committee shall then be officially communicated to members of the Institute by the Chief Executive Officer or his nominee.

2.4 Personal Information Sheet (PIS)

1. The following requirements will be applicable for this purpose Candidates are required to provide a two-page A4 size PIS which must be lodged with the Institute together with the duly completed Nomination Form as soon as possible but not later than required deadline. Candidates are free to provide in their PIS any information they deem fit and shall be wholly responsible for the information provided.
2. For candidates' guidance, the following information will be considered mandatory:-
 - ✓ Name-
 - ✓ Membership number-
 - ✓ Photograph-
 - ✓ Relevant academic and professional qualification(s)-
 - ✓ Election category-
 - ✓ Career progression in the last five years including current engagement
 - ✓ Participation in various boards including ICPAK Council Committee(s)/ Sub-Committee(s) / Task Force(s) / Working Group(s) for past two years shall not be considered mandatory but shall be preferred.

The following information may also be availed

- ✓ Age
- ✓ Designation(s)
- ✓ Gender
- ✓ Candidate's website and / or email address
- ✓ Candidate's personal statement
- ✓ Any other information that the candidate may deem necessary

3. The Institute will vet the PIS for any incorrect or misleading statements, but only in respect of information that can be checked against the Institute's record in recent two years to the election date. The Institute is not obliged to check other information in the PIS and will not be responsible for the contents of the PIS.
4. Candidates should take note of the following printing specifications when preparing their PIS:
 - i. The PIS will be printed in full colour.
 - ii. On request from the candidate, the Institute shall help the candidate insert his / her hardcopy photograph in the PIS. His / her photo should be trimmed to the right measurement by the candidate. Electronic photo will only be acceptable JPEG format (300 dpi) or TIF format. The file size should be between 600K ó 1MB. In the case of a hardcopy photo, the name of the candidate should be clearly written at the back or while for an electronic photo the file name should indicate the name of the candidate.
 - iii. If the candidate chooses to prepare the layout artwork of his / her PIS, s/he should provide the layout artwork in PDF format (file size of 1MB or above) or JPEG format (300 dpi and file size of 2MB or above).

3.0 Voters Register

The Institute will close the register of members thirty (30) days before the next Annual General Meeting and the names therein shall be eligible to vote on condition that the members have fully paid up their subscriptions and are in good standing. Any member who makes payment after the close of the register shall not be eligible to vote. The election team shall inspect the register for authenticity, validity and integrity immediately after the close of the register. The approved nominated candidates by Council shall inspect the voters register on closure of the register but after validation by the Returning Officer.

3.1 Availability of Voter Register

The Institute shall request for consent of members to avail their details to the candidates prior to the start of the campaign period. On consent by the members, a voters register consisting of the names, telephone number and the email addresses shall be prepared. Candidates shall be given a voters register consisting of only consenting members and will be free to contact the names in the consenting voters register during the election period.

4.0 Campaign Forum

Two campaign forums will be organized each year after the close of the nomination process one of which will be held at the annual seminar. The first campaign forum will be held immediately after the approval of nominations by Council. This will provide an opportunity to interact with and get to know the candidates better.

All candidates are required to notify the Institute in writing of their intention to attend or otherwise to facilitate the Institute's logistical arrangements.

4.1 Rules of the Forum

1. All Institute members are eligible to attend the campaign Forums. Pre-enrolment is necessary and will be accepted on a first-come first- served basis.
2. During the forum, each candidate will be assigned space to display their election materials within the venue of the forum.
3. The media will not be invited to the Forum, other than the video crew authorised by the Institute.
4. The Returning Officer or the Chief Executive shall Chair the Forum.
5. The Forum will be recorded and uploaded on the Institute's website during the campaign period.
6. The speaking sequence of the candidates will be determined alphabetically using the first name of the Candidates.
7. Each candidate will be given equal time to present their campaign message.
8. Members present may raise questions orally or in writing, the acceptance of a question is at the discretion of the session Chair. Members are encouraged not to give statements or comments.
9. Questions must be addressed to all the candidates and not to individual candidates. The Chair will see to it that all the candidates will be give equal opportunities to respond to the questions.
10. Equal speaking time is allocated to each candidate to respond to the questions from the floor. The candidates will take turn to answer questions in accordance with the direction from the session Chair.
11. Each candidate will be given equal speaking time to make their concluding remarks. A candidate will be requested by the session Chair to round up his / her concluding remarks immediately when the maximum time allocated has passed.

5.0 Election Period

The election period shall consist of a campaign period and a voting period.

5.1 Campaign Period

The campaign period will commence upon confirmation of the nominated candidates to the start of the voting period. No member of the Institute will be allowed to engage in unsolicited campaigns and campaign materials before the campaign period. Such acts will constitute breach on the election guidelines, of the Institute By laws and Accountants Act and will be liable to disciplinary action and may lead to disqualification of the member from elections.

5.2 Voting Period:

The Institute shall have a voting period of seven (7) days, which shall be a period of four (4) days before the next Annual General meeting (that is the voting shall end four days before the next Annual General Meeting and will take a period of seven days.)

6.0: Electoral Offences:

The following shall constitute election offences subject to disciplinary action by the Council;

- i. Making derogatory statements about other candidates and the Institute
- ii. Distributing gifts to members to entice them to vote for the candidate.
- iii. Distribution of offensive campaign materials
- iv. Unsolicited campaigns and campaign materials before the campaign period
- v. Unqualified members of the Institute who propose or second candidates while not being in good standing commit an offence.

7.0 Code of Conduct

All candidates shall be required to sign the election code of conduct after their nomination. Staff of the Institute will also be required to sign an electoral code of conduct.

THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA
ELECTION CODE OF CONDUCT 2015

I _____ . Confirm that I am desirous of contesting the elections to be held on _____ for the position of _____ ..having been validly proposed by _____ Membership No _____ . and seconded by; _____ ..Membership _____ No _____ AND the following members of the Institute

i. _____

ii. _____

iii. _____ ..

iv. _____ ..

v. _____

With a view of maintaining a healthy and peaceful atmosphere during the election process and for ensuring a free and fair election, the Election Code of Conduct for observation by the candidates and their authorized representatives is hereby notified to all concerned.

The Election Code of Conduct contains instructions and norms to be followed by candidates and their authorized representatives and members during the entire election process.

The Election Code of Conduct shall be in addition to that prescribed by the Accountants Act No 15 of 2008 and the Institutes By- Laws and shall come into force from the date of issue of the election notification by the Returning Officer.

In conformity with the Accountants Act 2008 and the ICPAK By ó Laws I do solemnly declare that I and my Agents will subscribe and observe all provisions of the Election Code of Conduct and in particular to;

1. Promote the ideals of the Institute of Certified Public Accountants of Kenya, in a fair, truthful and transparent manner.
2. Avoid, condemn prevent violence and intimidation or abusive language or words that will disparage the conduct of my opponents or opposing candidates.
3. Instruct my agents, supporters and campaigning teams and, members of the Institute who have nominated me to respect the Election Code of Conduct by avoiding violence and intimidating or abusive language.
4. Avoid scrupulously all activities, which are corrupt practices, such as providing incentives to voters, intimidation of voters, giving gifts to voters etc.
5. Respect and affirm all the rights of all participants and supporters of opponents in the election ;
 - (i) To express divergent opinions.
 - (ii) To debate and contest the policies and programmes of other candidates in a positive manner without causing bad blood or ridiculing them.
 - (iii)To canvass freely for support from members of the Institute.
 - (iv)Respect and be subject to the Public Order Act, when holding meetings and General campaigns.
 - (v) To refrain from distributing derogatory and defamatory notices, literature or and other campaign materials in whatever medium.
 - (vi)To promote free and fair campaigns by all lawful means.
 - (vii) To co-operate with the Secretariat and other relevant institutions and other authorities in the investigation of issues and allegations arising during the election period.
 - (viii) To avoid any corrupt tendencies like bribing the voters to boycott the elections and attempting to manipulate the voting system in place.
 - (ix)To refrain from impeding the right of any candidate, canvassers and representatives to have access to members for purposes of voter education, canvassing for votes and soliciting support for election.
 - (x) To avoid, eliminate and stop plagiarizing the opponent's messages, posters and to discourage and prevent the removal disfigurement or destruction of campaign materials of any contestants.

- (xi) To refrain from publishing or repeating false, defamatory or inflammatory allegations concerning any person connected with the election and not to defame the character of contestants.
 - (xii) To refrain from any attempt to abuse a position of power, privilege or influence, including any offer of reward or threat to refuse to pay a penalty properly imposed by the Secretariat for errant behaviour by me or my supporters during campaigns and voting.
 - (xiii) To avoid any discrimination based on age, race, gender, tribe or place of origin or residence or other local connection, political opinion, colour, creed or sex in connection with the election activity.
 - (xiv) To acknowledge the Secretariat's authority in the conduct of election, ensure the attendance and participation of representatives at meetings of any Returning Officer and other forums convened by the Secretariat in dispute resolution, respect and honor fines or any condition imposed on my candidature due to misconduct and unbecoming campaign behaviour by me or my supporters during campaign for votes.
 - (xv) To facilitate the Secretariat's right of access through the Returning Officer and scrutineers and other official observers and other representatives to all public meetings or other electoral activities co-operate in the official investigation of issues and allegations arising during any election period.
 - (xvi) To take reasonable steps to discipline, stop and control my agents, employees, candidates, members and supporters from infringing this code, engaging in activities of commission or omission which amount to offences under the electoral laws or otherwise for not observing this code or contravening or failing to comply with any provision of the electoral laws.
 - (xvii) To refrain and deter my supporters and agents from conducting campaigns and speeches in any Continuing Professional Development forums of the Institute during the election period.
 - (xviii) To avoid sponsorship to any Institute forums by a candidate or by the employers of the candidates.
 - (xix) Without prejudice to any other rights, to accept the final outcome of the election and the Returning Officer's declaration and certification of the results thereof.
6. Not to give interviews other than those given in a non professional capacity to newspaper(s) or electronic media.
7. A manifesto or circular issued shall conform to the following requirements in the interest of maintaining dignity in the election, namely:
- a) A manifesto or circular shall contain information regarding the candidate himself and shall not make any reference, directly or indirectly, to any other candidate;
 - b) The distribution of a manifesto or circular shall be restricted only to the members of the Institute;
 - c) A certified copy of such manifesto or circular shall be sent to the Returning Officer via email within 2 days after its issue ;

8. In the event of having any specific complaint or problems regarding the conduct of the elections, the matter to be first reported to the Returning Officer for determination. In so determining the Returning officer shall have the right to compose a team to consider the matter and the decision of the Returning Officer shall be final.
9. Any candidate who contravenes the Election Code of Conduct during the election period and who shall in the conduct of elections bring the Institute into disrepute shall be subject to the Institutes Disciplinary Process.
10. Notwithstanding clause 9 above, where, in the opinion of the Returning Officer and on sufficient presentation of evidence, I or my supporters and agents have contravened or the members nominating me has contravened or infringed on any of the provisions of this Code, I will be liable to have committed an electoral offence and may be liable to the following penalties or may be disqualified from the elections or both.
 - (i) A fine as follows:
 - penalty for breach by candidates and agents for Chairperson and vice chairperson is Ksh 100,000
 - Penalty for breach by candidates and agents for Council members is Ksh. 50,000
 - (ii) Be warned from holding any public meetings, campaigns or meeting the voters during election period
 - (iii) Be barred from participating in the current and future elections
 - (iv) The members nominating the candidate may also be cautioned, warned, be fined or barred from participating in any future elections.

I í . have read the Code, and confirm that I have understood the contents of this code of Conduct, declare that I respect and abide by all the conditions of the Code and to that end promise to undertake objective and mature campaigns free from coercion, abusive language and violence.

So help me God.

Signed by the said

Name of Candidate í

Membership No í

Signature í

In the presence of Returning Officer

Name: í í í í í í í í í í í í í í í í ..Signature í í í í í í í í í í í í í í í í

THE INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS OF KENYA
ELECTION CODE OF CONDUCT FOR SECRETARIAT STAFF 2015

A. Introduction

The following Code is meant to act as a guide to Secretariat in understanding their responsibilities to the Council and to the Institute generally in relation to the elections. It is made in furtherance of good corporate governance within the Council, Secretariat and adherence by candidates, in the administration of respective duties and activities in the electoral process.

The Code of Conduct is binding to the Secretariat. It will be enforced by the Institute, whose working procedure will be regulated by international best practices and Institutes By-Laws.

B. Secretariat

1. The Secretariat shall be independent, non-partisan, impartial, and transparent which bases itself on democratic election principles.
2. The Secretariat are obliged to abide by the following:
 - i. Exercising authority based on By-laws
 - ii. Behaving and acting in a non-partisan and impartial manner
 - iii. Acting in a transparent and accountable manner that is ensuring quality of service to voters and contestants in accordance with the professional standards of the Institute
 - iv. Serving voters in exercising their rights
 - v. Not getting engaged in conflicts of interest that is ensure that the secretariat shall not cause or facilitate the sending of emails, unsolicited sms and other forms of communication which is not formally presented and sent through the Institute laid down structure
 - vi. Not influencing, or communicating in a partisan manner with voters that is no sharing of members information/database or contacts to candidates unless through a formal channel from the Secretariat

C. Basic Principles in the Electoral Code of Conduct for Secretariat

The Secretariat are obliged to abide by the following:

- a. Not being involved in personal activities that might generate a sympathetic or antagonistic attitude towards particular candidates, or contestants, or others with particular candidate affinities;
- b. Avoiding acts of omission and/or commission that would have a negative effect on the conduct of the election activities, and avoiding interventions by members;

- c. Not wearing, carrying nor displaying symbols, signs or attributes which clearly identify partisan attitudes to contestants, or voters
- d. Not making open public statements that are personal attacks on candidates or contestants
- e. Not getting involved in any official or unofficial activity, including personal activity (use of Institute's database, unsolicited sms, blogs and twitter), which has the potential to raise a conflict of interest.
- f. Abiding by the Institute's by-laws

D. Mandatory Provision

This Electoral Code of Conduct is stipulated, to be fully obeyed and implemented.

E. Penalties

Notwithstanding clause b and c above, where, in the opinion of the Returning Officer and on sufficient presentation of evidence, I have contravened or infringed on any of the provisions of this Code, I will be liable to have committed an electoral offence and may be liable to the following penalties or may be disciplinary action from the elections or both.

- 1. A fine as follows:
 - penalty for breach by Secretariat is Ksh 60,000
- 2. Disciplinary action for breach of election code for which a warning letter will be issued. In the event that more than one warning letter is issued for the electoral offences the staff will be construed to be unfit to hold any office at the secretariat.

F. Declaration

I _____ have read and understood the provisions in the Electoral Code of Conduct as stipulated, and commit to fully abide by it. I will also take responsibility for non adherence to the Code of Conduct as stipulated and agree to the resulting consequences a result of the breach as provided for in the Institute's by-laws and regulations.

Signature _____

Date: _____