



ELECTION REGULATIONS 2023

1. INTRODUCTION

- 1.1. These Election Regulations (henceforth referred to as the “Regulations”) are intended to ensure transparency, fairness, respect for democratic principles and fundamental constitutional rights in the election process for the Kenya Rugby Union (henceforth referred to as the “Union”).
- 1.2. Elections for the Officers and Board Members of the Union are governed by the provisions of the Union’s Constitution, applicable World Rugby rules, applicable Rugby Africa regulations on Member Associations’ constitutions and Election Process, the Constitution of Kenya, 2010, the Sports Act, 2013, and the Sports Registrar’s Regulations.
- 1.3. These Regulations apply to the electorate in the Union’s By-Election /Election scheduled for 24th March, 2023.
- 1.4. The Union will give at least thirty (30) calendar days’ written notice of the place, date, time and agenda of the Annual General Meeting (henceforth referred to as the “AGM”) to all Members and Associate Members of the Union, and to any other persons entitled to attend such meeting.

2. ELECTION PERIOD AND POSITIONS

- 2.1. The Union’s Board shall be elected at an AGM of the Union.
- 2.2. The following positions shall be elected at the By- elections: -
 - a) Vice Chairman;
 - b) Secretary;
 - c) Treasurer; and
 - d) Two (2) Directors
- 2.3. The following positions shall be elected at the Elections: -
 - a) Chairman; and
 - b) Four (4) Directors
- 2.4. The By-election for positions under Rule 2.2 shall precede the Election for positions under Rule 2.3.



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3. THE INDEPENDENT ELECTORAL PANEL

- 3.1. Following the Court Order issued by the Sports Disputes Tribunal on 14th February 2023, the Union has appointed an independent panel of 5 members for purposes of conducting the Union's elections.
- 3.2. As per the Sports Disputes Tribunal's orders, the Independent Electoral Panel comprises of:
- (i) 2 members, each from either gender, nominated by the existing Board of the Union;
 - (ii) 1 member nominated by Kenya Cup Clubs;
 - (iii) 1 member nominated by Championships Clubs;
 - (iv) 1 woman member nominated by Women's Rugby Clubs; and
 - (v) The CEO of the Union who shall serve as the secretary to the independent panel with no voting rights.
- 3.3. The Electoral Panel may issue directions for the application of these Regulations as necessary before and during the course of the electoral process.
- 3.4. The Electoral Panel shall receive and publish the names of delegates who are entitled to vote during the GM according to the Union's Constitution.
- 3.5. The Electoral Panel shall assess whether or not an election candidate meets the criteria provided for by the Union's Constitution before approving and publishing their candidature.
- 3.6. The Electoral Panel shall settle all electoral disputes that arise in relation to the nomination of any candidates and delegates.

4. ELIGIBILITY & NOMINATION OF CANDIDATES

- 4.1. In order to be eligible as a candidate the individual concerned must be a Kenyan citizen.
- 4.2. A candidate must have served:
- (i) in either executive committee of an Affiliate of the Union, or on the technical committee of such an Affiliate; or
 - (ii) as an accredited coach, referee or administrator or medical practitioner of the game of Rugby for a period of at least four (4) years.
- 4.3. A candidate must possess and present to the Independent Electoral Panel the following valid documents:



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- (i) Certificate of Good Conduct / Police Clearance Certificate;
 - (ii) Clearance from the Credit Reference Bureau;
 - (iii) Good Knowledge of both written and oral English and Kiswahili
 - (iv) Basic World Rugby Certification including but not limited to World Rugby Level One Coaching or Refereeing or Club Administration, Laws of the Game and Rugby Ready Certification;
 - (v) Kenya Revenue Authority Tax Clearance Certificate;
 - (vi) Higher Education Loans Board Clearance Certificate;
 - (vii) Anti-Corruption Clearance Certificate; and
 - (viii) Certified copy of the National I.D certified by a Commissioner for Oaths.
- 4.4. All office bearers who have served a term of four years shall be eligible for re-election in the same office for one further term of four years, in line with the Union's Constitution and the Sports Act, 2013.
- 4.5. Any office-bearer who vacated office by way of resignation before expiry of his/her term is eligible for re-election after a lapse of 4 years.
- 4.6. All candidates shall be nominated in writing and shall be duly proposed by a Full Member in good standing with the Union and seconded by at least two other Members in good standing with the Union. The proposers and seconders must be either Chairman, Secretary or Treasurer of the Full Member of the Union. Serving Officers or Board Members seeking re-election are exempt from this requirement.
- 4.7. Nominations shall be sent to the Electoral Panel and copied to the office of the CEO of the Union no later than seven (7) days before the AGM. Candidates shall be provided with nomination forms for this purpose. Each nomination must be accompanied by the nominee's written acceptance of the nomination.
- 4.8. The Election Panel shall approve and publish the final candidate's list no later than three (3) days before the AGM.

5. ELIGIBILITY OF DELEGATES

- 5.1. The AGM shall consist of delegates appointed by Members, Associate Members, Officers of the Union and Board Members.



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- 5.2. Only Officers of the Union and delegates of Full Members of the Union are entitled to vote at the AGM.
- 5.3. Full Members who have NOT paid up their affiliation fees by no later than seven (7) days before the AGM are NOT entitled to vote at the AGM.
- 5.4. Clubs which are eligible to nominate TWO delegates who are entitled to ONE vote each must have:
- For the By-election:
- (i) A side in the Senior League; - for the time being The KENYA CUP and must have played at least 75% of their League Fixtures in the 2021-2022 Season; and
 - (ii) A side in the Kenya Cup reserve league, for the time being the ERIC SHIRLEY SHIELD.
- For the Election:
- (iii) A side in the Senior League; - for the time being The KENYA CUP and must have played at least 75% of their League Fixtures in the 2022-2023 Season; and
 - (iv) A side in the Kenya Cup reserve league, for the time being the ERIC SHIRLEY SHIELD and must have played at least 75% of their League Fixtures in the 2022-2023 Season.
- 5.5. Clubs which are eligible to nominate ONE delegate who is entitled to ONE vote must have: a side in either the CHAMPIONSHIP or the NATIONWIDE leagues and played at least 75% of their League Fixtures in the 2021-2022 Season for the By-Election and in the 2022-2023 Season for the Election
- 5.6. For purposes of eligibility, the season cut-off shall be the end of the regular Leagues prior to the play-offs in the respective seasons.
- 5.7. Any Association, Society, or Body which is admitted to full membership of the Union is eligible to nominate ONE delegate entitled to ONE vote.
- 5.8. Duly elected Officers of the Union who are currently serving their term(s) are each entitled to ONE vote.
- 5.9. The names of the voting delegates shall be submitted to the Union's CEO no later than 4 PM, ten (10) days before the AGM.
- 5.10. The Election Panel shall verify and publish the final delegate's list no later than 4 PM, seven (7) days before the Elective AGM.



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5.11. Only the delegates whose names are on the published list and are present in person at the AGM are entitled to vote. Voting by proxy is not allowed.

6. VOTING PROCEDURE

- 6.1. Polling Officers shall verify the identities of delegates who are present and eligible to vote. Delegates must be in possession of a national identification document.
- 6.2. The number of ballot papers that have been distributed shall be announced by the appointed Presiding Officer before casting of ballots.
- 6.3. The delegates shall cast their votes in alphabetical order of their Affiliations.
- 6.4. Votes shall be cast by secret ballot.
- 6.5. Each delegate who is present in person and eligible to vote shall cast ONE vote for each elective position of Officers of the Union.
- 6.6. For the By-election of the position of Directors, each delegate who is present in person and eligible to vote shall select TWO names from the list of nominees present on the ballot.
- 6.7. For the Election of the position of Directors, each delegate who is present in person and eligible to vote shall select FOUR names from the list of nominees present on the ballot.

7. BALLOT COUNTING AND DECLARATION OF RESULTS

- 7.1. Ballot counting and declaration of results shall take place immediately after casting of ballots.
- 7.2. The Polling Officers shall collect the ballot papers and shall be responsible for ensuring that the process is properly documented.
- 7.3. The appointed Presiding Officer shall first count the number of ballots cast for each elective position.
- 7.4. If the number of ballot papers returned is less than or equal to the number of ballot papers distributed, then the election shall be declared valid and the Presiding Officer shall proceed to count the votes cast for each candidate.
- 7.5. If the number of ballot papers returned exceeds that of the ballot papers distributed, the vote shall be declared null and void and another vote shall be taken immediately.
- 7.6. **Valid ballot:** any mark(s) made in the target area showing the voter's intention shall be counted as a valid vote.
- 7.7. **Spoilt ballot:** any mark(s) made outside of the target area which cast doubt on the voter's intention shall NOT be counted as a valid vote, or in the case of election of Directors - any ballot

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which has more than the required number of nominees selected shall NOT be counted as a valid vote.

- 7.8. **Stray ballot:** any ballot paper cast in the wrong ballot box shall NOT be counted as a valid vote.
- 7.9. The Presiding Officer shall make the final decision on the validity of a vote.
- 7.10. A simple majority of the valid ballots cast is sufficient to declare the winner.
- 7.11. In case of a tie between candidates with the highest number of votes, a runoff of the tied candidates shall be held until a clear winner is declared.
- 7.12. The Returning Officer shall pronounce the vote tally for each candidate and declare the winners of each elective post.
- 7.13. Any candidate(s) who run unopposed shall be declared the winner(s) of their elective post(s).
- 7.14. The mandate of the elected office-bearers shall become effective at the close of the AGM.

8. APPEALS

- 8.1 Any candidate who is aggrieved by the election results may appeal such a decision to a court of competent jurisdiction within thirty (30) days of the election by subscription to Court of Arbitration for Sports policies and rules which conform to requirements set out in Sports Disputes Tribunal policy and rules for sports disputes resolution. The appellate court shall have the authority to scrutinize cast ballots, to order a recount of ballots, to order a rerun of elections, or to declare an annulment of results and any other legal finding.



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ANNEXE 1

ELECTIONS TIMETABLE 2023 – KENYA RUGBY UNION AGM – 24 MARCH 2023

Friday 3rd March 2023	Dissemination of the Election Regulations and Election Schedule to Members
Tuesday 14th March 2023	Deadline for receiving Delegates Nomination Forms
Friday 17th March 2023	Publishing of the Final Delegate List
Friday 17th March 2023	Deadline for receiving Candidates Nomination Forms
Tuesday 21st March 2023	Publishing of the Final Candidates List
Friday 24th March 2023	Election Day.

Notes:

1. By-Election - Eligible Delegates will be drawn from the 2021-2022 season membership.
2. Election - Eligible Delegates will be drawn from the 2022-2023 season membership.
3. Delegates - Delegates applying to represent members in both the By-Election and Election MUST fill separate forms as appropriate.