

THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS



TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

# THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

## TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

### PREAMBLE

WHEREAS the Constitution of the Kenya Veterinary Association 2025 has been ratified by the members at a Special General Meeting;

AND WHEREAS the said Constitution requires approval by the Registrar of Societies before it can come into force;

AND WHEREAS the date of such approval by the Registrar cannot be predicted with certainty and may occur within a compressed timeframe before the Annual General Meeting scheduled for the last Thursday of April 2026;

AND WHEREAS Article 47A of the Constitution provides for the adoption of special Transitional Electoral Provisions to govern the conduct of the first elections under the Constitution;

AND WHEREAS it is necessary to ensure that, despite the compressed timeline, the elections are conducted in a manner that is free, fair, transparent, and credible;

AND WHEREAS elections are scheduled for April 2026 due to the expiry of the serving National Executive Council's term;

NOW THEREFORE, in exercise of the powers conferred by Article 47A of the Constitution of the Kenya Veterinary Association 2025, these Transitional Electoral Provisions are hereby made:

---

### PART I – PRELIMINARY

#### 1. Citation and Commencement

(1) These Provisions may be cited as the Transitional Electoral Provisions for April 2026 Elections.

(2) These Provisions shall come into force immediately upon—

(a) their adoption by the Special General Meeting at which the Constitution is ratified; and

(b) the approval of the Constitution by the Registrar of Societies.

(3) The date of approval by the Registrar of Societies shall be the Commencement Date for purposes of calculating all timelines under these Provisions.

#### 2. Application

(1) These Provisions apply where—

(a) the Constitution of the Kenya Veterinary Association 2025 is adopted at a Special General Meeting;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (b) approval by the Registrar of Societies is obtained thereafter;
- (c) the Commencement Date falls between the date of adoption and April 2026; and
- (d) elections are scheduled for the last Thursday of April 2026 due to the expiry of the serving National Executive Committee's term.

(2) These Provisions apply exclusively to the elections to be held at the Annual General Meeting on the last Thursday of April 2026.

(3) All elections conducted from April 2028 onwards shall be governed by Articles 20, 21, 22, and 23 of the Constitution without modification.

### 3. Interpretation

(1) In these Provisions, unless the context otherwise requires—

**"the Constitution"** means the Constitution of the Kenya Veterinary Association 2025 as ratified by the Special General Meeting and approved by the Registrar of Societies;

**"Commencement Date"** means the date on which the Constitution is registered and approved by the Registrar of Societies;

**"Scheduled Election Date"** means the last Thursday of April 2026;

**"Interim Period"** means the period between the Commencement Date and the Scheduled Election Date, measured in calendar days;

**"Transitioning Council"** means the National Executive Committee serving on the Commencement Date under the Kenya Veterinary Association Constitution 2014;

**"Old Constitution"** means the Kenya Veterinary Association Constitution 2014 that was in force immediately before the commencement of the Constitution;

(2) Words and expressions used in these Provisions that are defined in the Constitution shall have the same meaning as in the Constitution unless the context otherwise requires.

(3) References to "Articles" without further specification refer to Articles of the Constitution.

(4) References to numbered sections (e.g., "Article 4" or "Part II") refer to provisions within these Transitional Electoral Provisions unless otherwise stated.

(5) Headings and subheadings are for convenience only and shall not affect the interpretation of these Provisions.

### 4. Relationship with the Constitution

(1) These Provisions are adopted pursuant to Article 47A of the Constitution and form an integral part of the constitutional framework solely for purposes of the April 2026 elections.

(2) Where there is a conflict between these Provisions and Articles 20, 21, 22, or 23 of the Constitution, these Provisions shall prevail in respect of the April 2026 elections only.

(3) All other provisions of the Constitution shall apply to the April 2026 elections except to the extent expressly modified by these Provisions.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(4) These Provisions shall be interpreted liberally to facilitate the conduct of free, fair, and credible elections despite the compressed timeline.

(5) The principle of substantial compliance shall be applied in interpreting and implementing these Provisions, provided that fundamental electoral principles are not compromised.

## PART II – INTERIM ELECTORAL COMMITTEE

### 5. Determination of Electoral Scenario and Timeline

(1) Within Twenty-one days of the Commencement Date, the Honorary Secretary on behalf of the Transitioning Council shall determine and publish to all members—

- (a) the exact Commencement Date;
- (b) the exact number of calendar days constituting the Interim Period;
- (c) which Electoral Scenario (A, B, or C) as defined in Article 6 applies; and
- (d) the Electoral Timeline applicable under that scenario working backwards from the Scheduled Election Date.

(2) The determination shall be published through—

- (a) the Association's official website;
- (b) email to all members whose email addresses are on record; or
- (c) SMS to members whose mobile numbers are on record; and
- (d) any other communication channels reasonably available.

(3) The determination made under clause (1) shall be final and binding unless successfully challenged before the Interim Elections Appeals Committee within three days of publication.

### 6. Electoral Scenarios Based on the Interim Period

(1) Three Electoral Scenarios are established based on the length of the Interim Period:

**Scenario A:** Interim Period of 90 to 119 days

**Scenario B:** Interim Period of 60 to 89 days

**Scenario C:** Interim Period of less than 60 days

(2) The applicable scenario shall determine the timelines, procedures, and adaptations to be applied to the April 2026 elections as specified in this Part and throughout these Provisions.

### 7. Establishment and Appointment of Interim Electoral Committee

#### Under Scenario A (90-119 Days):

(1) Within twenty-four days of the Commencement Date, the Transitioning Council shall appoint the Interim Electoral Committee.

(2) The appointment shall be by resolution of the Transitioning Council passed by a simple majority.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(3) The appointed persons shall sign declarations of impartiality before assuming office.

(4) The appointment shall be presented to the Annual General Meeting on the Scheduled Election Date, immediately before voting commences, for ratification by a simple majority of members present and voting.

(5) If ratification fails, the Annual General Meeting shall immediately elect a new Electoral Committee by a show of hands from members present, and voting shall be postponed by not more than two hours to allow the newly elected Electoral Committee to organize and assume its functions.

### **Under Scenario B (60-89 Days):**

(6) The provisions of clauses (1) to (5) shall apply, except that the appointment by the Transitioning Council shall occur within seven days of the Commencement Date.

(7) Due to the severely compressed timeline, the ratification process at the Annual General Meeting shall be expedited, allowing for objections to be raised and voted upon within thirty minutes.

### **Under Scenario C (Less than 60 Days):**

(8) Where the Interim Period is less than sixty days, the elections scheduled for the last Thursday of April 2026 shall be postponed.

(9) Elections shall instead be conducted at a Special General Meeting to be convened within ninety days of the Commencement Date.

(10) The Interim Electoral Committee for the postponed elections shall be established in accordance with Article 20 of the Constitution, with timelines proportionately reduced to fit within the ninety-day window.

## **8. Composition and Qualifications**

(1) The Interim Electoral Committee shall consist of not less than four and not more than five members.

(2) Each member of the Interim Electoral Committee shall—

(a) be a member of the Association in good standing;

(b) be a person of high integrity with no pending disciplinary cases;

(c) Majority of them shall not be elected or co-opted members of the transitioning council or any Branch Executive Council;

(e) not have declared an intention to contest for any position in the April 2026 elections;

(g) have no conflict of interest that would compromise impartiality.

## **9. Inaugural Meeting and Election of Returning Officer**

(1) Within seven days of appointment, the Interim Electoral Committee shall convene its inaugural meeting.

(2) The inaugural meeting may be held physically, virtually, or in a hybrid format.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(3) The primary agenda of the inaugural meeting shall be to—

- (a) elect from among the members a Chairperson who shall serve as the Returning Officer;
- (b) adopt operational procedures consistent with the Constitution and these Provisions;
- (c) establish communication systems with all members;
- (d) assign specific responsibilities to members;
- (e) develop a detailed work plan for the electoral process; and
- (f) commence preparations for the election.

(4) Minutes of the inaugural meeting shall be kept and submitted to the Transitioning Council and published to members within seventy-two hours.

### 10. Tenure and Dissolution

(1) Members of the Interim Electoral Committee shall serve from the date of appointment until fourteen days after the declaration of the results of the April 2026 elections and the conclusion of any appeal process, at which point the Committee shall stand dissolved.

(2) A member of the Interim Electoral Committee may resign by giving written notice to the Chairperson or, in the case of the Chairperson, to the Transitioning Council.

(3) The Transitioning Council may, by a two-thirds majority, remove a member of the Interim Electoral Committee for—

- (a) gross misconduct;
- (b) demonstrable bias or partiality;
- (c) inability to perform duties due to incapacity; or
- (d) breach of the declaration of impartiality.

(4) Where a vacancy occurs in the Interim Electoral Committee and the remaining members are not less than three, the Committee may continue to function.

(5) Where vacancies reduce the Committee to fewer than three members, the Transitioning Council shall immediately appoint replacement members to restore the Committee to at least four members.

### 11. Functions and Powers

(1) The Interim Electoral Committee shall have all powers and discharge all functions specified in Article 20 of the Constitution, adapted as necessary to the circumstances of the April 2026 elections.

(2) Without limiting the generality of clause (1), the Interim Electoral Committee shall—

- (a) prepare, issue, and distribute nomination forms and other electoral documents;
- (b) receive, verify, and process nominations;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (c) vet candidates to ensure they meet eligibility requirements under the Constitution and Article 24 of these Provisions;
- (d) publish the list of eligible candidates;
- (e) organize and supervise the campaign period;
- (f) hold at least one open forum where prospective candidates may ask questions;
- (g) cause the council to procure a reliable voting system in accordance with Part VII;
- (h) organize, supervise, and oversee voting;
- (i) supervise the counting and tallying of votes;
- (j) certify and declare election results;
- (k) maintain accurate records and documentation of all electoral processes;
- (l) handle complaints and disputes within its jurisdiction;
- (m) ensure compliance with campaign rules set out in Part VI;
- (n) communicate regularly with members regarding electoral processes and timelines; and
- (p) prepare and submit a post-election report in accordance with Article 43 of these Provisions.

### **12. Complaints Against the Interim Electoral Committee**

- (1) Any member may lodge a complaint about the Interim Electoral Committee's conduct, decision, or omission.
- (2) Complaints shall be lodged in writing with the Interim Elections Appeals Committee within forty-eight hours of the alleged irregularity or within forty-eight hours of becoming aware of it.
- (3) The complaint shall specify—
  - (a) the nature of the irregularity;
  - (b) when it occurred or was discovered;
  - (c) which member(s) of the Committee is/are allegedly responsible;
  - (d) the evidence supporting the complaint; and
  - (e) the remedy sought.
- (4) The Interim Elections Appeals Committee shall investigate and determine the complaint expeditiously, and may—
  - (a) dismiss the complaint if found to be frivolous or vexatious;
  - (b) uphold the complaint and direct remedial action;
  - (c) recommend disciplinary action against a Committee member; or

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(d) make any other order necessary to ensure electoral integrity.

### PART III – ELECTORAL TIMELINE

#### 13. Details of the Electoral Timeline

(3) The Electoral Timeline shall specify exact dates (day, month, year) and, where applicable, times, for—

- (a) issuance of notice and nomination forms;
- (b) deadline for submission of nominations;
- (c) vetting and clearance period;
- (d) publication of eligible candidates;
- (e) commencement of campaign period;
- (f) end of campaign period;
- (g) any candidate forums or debates;
- (h) final verification of Voter Register;
- (i) commencement of voting (date and time);
- (j) close of voting (date and time);
- (k) counting and tallying;
- (l) declaration of results; and
- (m) deadline for filing petitions.

(4) The Electoral Timeline, once published, shall be binding on all parties unless modified by the Interim Electoral Committee for good cause shown.

(5) Any modification to the Electoral Timeline shall be published immediately with reasons given, and shall not materially prejudice any candidate or voter.

#### 14. Electoral Timeline for Scenario A (90-119 Days)

Where the Interim Period is between 90 and 119 days, the Electoral Timeline shall provide for the following minimum periods:

**(1) Notice and nomination forms:** Not less than forty-five days before the Scheduled Election Date;

**(2) Submission of nominations:** Nominations shall close fourteen days after the Notice of Nomination

**(3) Vetting and clearance:** The Interim Electoral Committee shall complete vetting and clearance of candidates within seven days after the nomination deadline;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(4) **Publication of eligible candidates:** Not less than twenty-one days before the Scheduled Election Date;

(5) **Campaign period:** Not less than twenty-one days, commencing from the date of publication of eligible candidates and ending not less than forty-eight hours before the opening of voting;

(6) **Cooling-off period:** Not less than forty-eight hours before voting, during which no campaigning is permitted;

(7) **Voting:** On the Scheduled Election Date at the venue of the Annual General Meeting, with provision for postal ballots and remote voting as specified in Part VII;

(8) **Counting and declaration:** Counting shall commence immediately upon close of voting, and results shall be declared on the same day or as soon as practically possible thereafter;

(9) **Petition period:** Five days from the date of declaration of results for filing petitions.

### 15. Electoral Timeline for Scenario B (60-89 Days)

Where the Interim Period is between 60 and 89 days, the Electoral Timeline shall provide for the following minimum periods:

(1) **Notice and nomination forms:** Not less than thirty days before the Scheduled Election Date;

(2) **Submission of nominations:** Nominations shall close not less than twenty-one days before the Scheduled Election Date;

(3) **Vetting and clearance:** The Interim Electoral Committee shall complete vetting and clearance of candidates within five days of the nomination deadline, applying simplified clearance criteria as specified in Article 26;

(4) **Publication of eligible candidates:** Not less than fourteen days before the Scheduled Election Date;

(5) **Campaign period:** Ten days, commencing from the date of publication of eligible candidates and ending twenty-four hours before the opening of voting;

(6) **Cooling-off period:** Twenty-four hours before voting, during which no campaigning is permitted;

(7) **Voting:** On the Scheduled Election Date at the venue of the Annual General Meeting, with provision for postal ballots and remote voting as specified in Part VII;

(8) **Counting and declaration:** Counting shall commence immediately upon close of voting, and results shall be declared on the same day or as soon as practically possible thereafter;

(9) **Petition period:** Five days from the date of declaration of results for filing petitions.

### 16. Electoral Timeline for Scenario C (Less than 60 Days) – Postponed Elections

(1) Where the Interim Period is less than sixty days, elections shall be postponed and held at a Special General Meeting convened within ninety days of the Commencement Date.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(2) The Electoral Timeline for the postponed elections shall be determined by the Interim Electoral Committee in accordance with Article 20 of the Constitution, with timelines proportionately adjusted to fit within the period between the Commencement Date and the date of the Special General Meeting.

### 17. Caretaker Provisions for Scenario C

(1) Where elections are postponed under Scenario C, the Transitioning Council shall continue in office as a caretaker body until elections are held and new officials are inducted.

(2) During the caretaker period, the Transitioning Council shall—

- (a) continue to perform routine administrative functions;
- (b) handle urgent matters necessary for the continuity of the Association;
- (c) prepare for the transition to the new Council; and
- (d) facilitate the work of the Interim Electoral Committee.

(3) During the caretaker period, the Transitioning Council shall not—

- (a) make decisions with long-term financial implications exceeding Kenya Shillings One Million (KSh 1,000,000);
- (b) dispose of any assets of the Association;
- (c) enter into contracts exceeding twelve months in duration;
- (d) co-opt new members to the Council or to Branch Executive Councils;
- (e) amend any Regulations made under Article 44 of the Constitution, except with approval at a Special General Meeting or in cases of genuine emergency to protect the Association's interests;
- (f) make appointments to positions with tenure beyond the caretaker period; or
- (g) undertake any action that would unduly bind or prejudice the incoming Council.

(4) Any action taken by the Transitioning Council during the caretaker period in contravention of clause (3) shall be voidable at the instance of the incoming Council or upon petition by any member to the Trustees.

## PART IV – VOTER ELIGIBILITY AND ELECTORAL REGISTER

### 18. Cut-off Date for Voter Eligibility

(1) The cut-off date for determining voter eligibility shall be a date specified and published by the Interim Electoral Committee, being not later than seven days before the Scheduled Election Date.

(2) In determining the cut-off date, the Interim Electoral Committee shall balance—

- (a) the need to allow recent members to participate; and
- (b) the need for sufficient time to compile, verify, and publish an accurate Electoral Register.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(3) For purposes of clause (1)(b), a member who was in arrears as at 31st December of the previous year but who pays all arrears and applicable penalties before the cut-off date shall be eligible to vote.

### 19. Criteria for Voter Eligibility

(1) A member shall be eligible to vote in the April 2026 elections if, as at the cut-off date, the member—

- (a) satisfies provisions of Articles 6, 7 and 8 of the Constitution;
- (c) is not under suspension as at the cut-off date;
- (d) has not been expelled from the Association; and
- (e) has no unresolved disciplinary proceedings that have resulted in a suspension of voting rights.

### 20. Compilation of Electoral Register

(1) The Honorary Treasurer of the Transitioning Council shall, not later than fourteen days before the cut-off date, in consultation with the Interim Electoral Committee based on the criteria in Article 21, compile into an electoral register, a complete list of all members of the Association.

(2) The Electoral Register shall contain—

- (a) full names of each eligible voter;
- (b) membership number;
- (c) membership category;
- (d) Regional and/or Specialized Branch affiliation; and
- (e) if necessary, a unique voter registration number for purposes of the election.

(3) The Electoral Register shall be organized alphabetically and shall also be sortable by Branch affiliation and membership category.

(4) The Interim Electoral Committee shall ensure the accuracy of the Electoral Register by cross-checking against—

- (a) payment records held by the Honorary Treasurer;
- (b) suspension records held by the Honorary Secretary;
- (c) membership records maintained under Article 5(4) of the Constitution; and
- (d) any other reliable records.

### 21. Publication and Verification of Electoral Register

(1) The Interim Electoral Committee shall cause the publication of a provisional Electoral Register not later than the cut-off date.

(2) The provisional Electoral Register shall be published by—

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (a) posting on the Association's official website;
- (b) sending a link to all members by email and SMS;
- (c) availing physical copies at the Association's registered office for inspection; and

(3) The publication notice shall clearly state—

- (a) that the Register is provisional;
- (b) the period for verification and objections;
- (c) the procedure for lodging objections or requesting corrections and;
- (e) the date on which the final Electoral Register will be published.

### 22. Objections and Corrections

- (1) Any member may lodge an objection or request a correction to the provisional Electoral Register within seven days of its publication.
- (2) An objection or request for correction shall be lodged in writing (including by email) to the Interim Electoral Committee, specifying—
  - (a) the nature of the error or omission;
  - (b) the evidence supporting the objection or correction;
  - (c) the specific change requested; and
  - (d) the contact details of the person lodging the objection.
- (3) The Interim Electoral Committee shall investigate each objection or correction request expeditiously within timelines set in these provisions and shall—
  - (a) verify the claim against the Association's records;
  - (b) consult with the Honorary Treasurer or Honorary Secretary if necessary;
  - (c) make a determination within three days of receipt; and
  - (d) notify the person who lodged the objection of the determination.
- (4) Where the Interim Electoral Committee determines that an error has been made, it shall make the necessary correction to the Electoral Register.
- (5) Where the Interim Electoral Committee determines that no error has been made, it shall provide reasons for the determination.
- (6) A person aggrieved by a determination of the Interim Electoral Committee under clause (7) may appeal to the Interim Elections Appeals Committee within forty-eight hours, and the Appeals Committee shall determine the appeal expeditiously.

### 23. Final Electoral Register

(1) After the expiry of the objection period and the determination of all objections and appeals, the Interim Electoral Committee shall publish the final Electoral Register.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(2) The final Electoral Register shall be published not later than three days before the Scheduled Election Date.

(3) The final Electoral Register shall be published in the same manner as the provisional Electoral Register under Article 23(2).

(4) The final Electoral Register shall be the authoritative record of persons eligible to vote in the April 2026 elections.

(5) No person whose name does not appear in the final Electoral Register shall be permitted to vote, except as provided in Article 26.

### 24. Emergency Additions to Electoral Register

(1) Notwithstanding Article 25(5), where a member can demonstrate to the satisfaction of the Interim Electoral Committee on the day of voting that—

- (a) they meet all criteria for voter eligibility under Article 21;
- (b) they should have been included in the final Electoral Register; and
- (c) their omission was due to administrative error or oversight;

the Interim Electoral Committee may, by majority decision, permit that member to vote.

(2) Any decision under clause (1) shall be recorded with reasons, and the member shall be added to a supplementary register.

(3) The supplementary register shall be appended to the final Electoral Register and shall form part of the electoral record.

(4) The Interim Electoral Committee shall exercise the power under clause (1) sparingly and only in clear cases of genuine error, not to remedy a member's failure to pay retention fees or to meet eligibility requirements.

## PART V – CANDIDATE ELIGIBILITY AND NOMINATIONS

### 25. Eligibility to Contest

(1) A person shall be eligible to contest for any position in the National Executive Council in the April 2026 elections if they—

- (a) are an Ordinary member or Life member in good standing as at the cut-off date;
- (b) meet the specific eligibility requirements for the position as set out in the Constitution;
- (c) are not subject to any disqualification under the Constitution or these Provisions; and
- (d) meet the transitional term limit requirements under Article 28.

(2) No person shall contest for more than one position in the same election.

(3) Honorary members who are veterinary surgeons may contest for positions in accordance with Article 6(3)(b) of the Constitution, provided they meet all other eligibility requirements.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

### **26. Regarding Members of the Transitioning Council:**

(1) Members of the Transitioning Council may contest for any position for which they are eligible under clauses (2) to (6) above.

(2) Members of the Transitioning Council shall not be required to resign from their current positions in order to contest for positions in the April 2026 elections.

(3) Members of the Transitioning Council who contest for positions shall observe all campaign rules equally with other candidates and shall not use their official positions to gain unfair advantage.

### **27. Special Provisions:**

(1) Any period of service as an acting or substantive office holder due to a vacancy shall count toward the term limits.

(2) Co-opted members of the National Executive Committee under the Old Constitution shall not have their co-opted service counted toward term limits, unless they subsequently contested and won an elected position.

### **28. Guidance on Eligibility**

(1) Within fourteen days of appointment, the Interim Electoral Committee shall prepare and publish a guidance note on eligibility for the April 2026 elections.

(2) The guidance note shall—

- (a) explain in simple terms the eligibility requirements under the Constitution and these Provisions;
- (b) clarify how service under the Old Constitution is counted;
- (c) provide examples and scenarios to assist prospective candidates;
- (d) specify the documentary evidence required to verify eligibility;
- (e) outline the process for obtaining individual eligibility assessments; and
- (f) include answers to frequently asked questions.

(3) Any prospective candidate may request an individual eligibility assessment from the Interim Electoral Committee.

(4) A request under clause (3) shall be made in writing, providing full details of the person's service history in the Association.

(5) The Interim Electoral Committee shall respond to requests under clause (3) within five working days, providing a preliminary determination of eligibility.

(6) The preliminary determination shall not be binding on the Interim Electoral Committee during the vetting process, but shall serve as guidance to the prospective candidate.

### **29. Public Register of Prior Service**

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(1) Upon publication of the list of eligible candidates, the Interim Electoral Committee shall maintain and publish a public register showing each candidate's—

- (a) full name;
- (b) membership number;
- (c) position(s) contested;
- (d) prior service in elected positions at the national level (positions held and periods served);
- (e) remaining eligibility for re-election; and
- (f) any other relevant information necessary for members to make informed choices.

(2) The public register shall be published on the Association's website and updated as necessary.

(3) The information in the public register shall be based on Association records and verified with the candidates.

### **30. Nomination Process**

(1) Nomination forms shall be prepared by the Interim Electoral Committee in a format that captures—

- (a) personal details of the candidate (name, membership number, contact information);
- (b) position(s) sought (only one position per candidate);
- (c) declaration of eligibility;
- (d) consent to abide by campaign rules and electoral processes;
- (e) details of proposer and seconder;
- (f) candidate's signature and date; and
- (g) any other information deemed necessary.

(2) Nomination forms shall be accompanied by clear instructions on how to complete and submit them.

(3) Nomination forms shall be issued together with the notice calling for nominations in accordance with the Electoral Timeline.

### **31. Requirements for Valid Nomination**

(1) A nomination shall be valid only if—

- (a) it is submitted on the prescribed nomination form;
- (b) the form is duly completed with all required information;
- (c) the candidate has signed the declaration of eligibility;
- (d) the candidate is proposed and seconded by Ordinary members or Life members in good standing;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (e) the proposer and seconder have signed the nomination form;
- (f) the nomination is submitted by the deadline specified in the Electoral Timeline;
- (g) the nomination is submitted to the Interim Electoral Committee through the designated channel (physical delivery, email, or online portal); and
- (h) any prescribed nomination fee (if applicable) has been paid.

(2) The proposer and seconder—

- (a) must be different persons;
- (b) must not be the candidate being nominated;
- (c) may propose or second more than one candidate, including for different positions; and
- (d) must provide their full names, membership numbers, and signatures.

(3) A candidate may submit only one nomination form for one position.

(4) The Interim Electoral Committee shall acknowledge receipt of each nomination within twenty-four hours.

### **32. Vetting and Clearance Process**

#### **Under Scenario A (90-119 Days) – Standard Vetting:**

- (1) The Interim Electoral Committee shall vet all nominations received by verifying—
  - (a) that the candidate is an eligible member under Article 27;
  - (b) that the candidate meets term limit requirements under Article 28;
  - (c) that the nomination form is properly completed and signed;
  - (d) that the proposer and seconder are eligible members in good standing;
  - (e) that the candidate is not under suspension or disqualification;
  - (f) that the candidate has no unresolved disciplinary proceedings that would disqualify them;
  - (g) that the candidate has paid any prescribed nomination fee; and
  - (h) any other eligibility requirement under the Constitution.

(2) The Interim Electoral Committee may request additional information or documentation from candidates, proposers, or seconds.

(3) Candidates shall respond to requests under clause (2) within forty-eight hours, failing which their nomination may be deemed incomplete.

#### **Under Scenario B (60-89 Days) – Simplified Vetting:**

(4) Where Scenario B applies, the Interim Electoral Committee shall conduct simplified vetting by verifying only—

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (a) paid-up membership status of the candidate as at the cut-off date;
- (b) proper nomination (proposed and seconded by eligible members);
- (c) no current suspension or disqualification;
- (d) term limits are not exceeded; and
- (e) the nomination form is properly completed.

(5) Under simplified vetting, the burden shall be on objectors to raise specific concerns about a candidate's eligibility rather than on the Interim Electoral Committee to conduct exhaustive verification.

(6) Simplified vetting shall be completed within five days of the nomination deadline.

### 33. Publication of Eligible Candidates

(1) Upon completion of vetting, the Interim Electoral Committee shall publish the list of eligible candidates in accordance with the Electoral Timeline.

(2) The list shall be published by—

- (a) posting on the Association's official website;
- (b) sending to all members by email and SMS;
- (c) posting at the Association's registered office and Branch offices; and
- (d) any other reasonable means of communication.

(3) The list shall specify—

- (a) the name and membership number of each eligible candidate;
- (b) the position for which each candidate is contesting;
- (c) brief biographical information submitted by the candidate;
- (d) contact information for the candidate (if provided); and
- (e) the date of commencement of the campaign period.

(4) The list shall also indicate any nominations that were rejected, with brief reasons, while respecting the privacy of the individuals concerned.

### 34. Challenges to Candidate Eligibility

(1) Any member may challenge the eligibility of a candidate in writing within three days of publication of the list of eligible candidates.

(2) The Interim Electoral Committee shall—

- (a) serve a copy of the challenge on the affected candidate within twenty-four hours;
- (b) allow the candidate forty-eight hours to respond;
- (c) investigate the matter expeditiously;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (d) make a determination within three days of receipt of the challenge; and
- (e) notify both the challenger and the candidate of the determination.

(3) Where the Interim Electoral Committee upholds a challenge, the candidate's name shall be removed from the list of eligible candidates, and the revised list shall be published immediately.

(4) Where the Interim Electoral Committee dismisses a challenge, the candidate shall remain on the list.

(5) A person aggrieved by a determination under clause (3) may appeal to the Interim Elections Appeals Committee within forty-eight hours in accordance with Part IX.

### 35. Withdrawal of Candidature

(1) A candidate may withdraw their candidature at any time before voting commences by submitting a written notice to the Interim Electoral Committee.

(2) Withdrawal shall be irrevocable once submitted.

(3) If withdrawal occurs after publication of the list of eligible candidates, the Interim Electoral Committee shall publish a revised list and notify all members of the withdrawal.

(4) If withdrawal occurs after ballot papers have been printed, the Interim Electoral Committee shall notify voters that votes cast for the withdrawn candidate will not be counted.

(5) Where withdrawal results in only one candidate remaining for a position, that candidate shall be declared elected unopposed.

## PART VI – CAMPAIGNING

### 36. Commencement and Duration of Campaign Period

(1) The campaign period shall commence on the date of publication of the list of eligible candidates and shall continue for the period specified in the Electoral Timeline applicable to the relevant Scenario.

(2) The campaign period shall end—

- (a) forty-eight hours before voting commences (Scenario A); or
- (b) twenty-four hours before voting commences (Scenario B).

(3) The period between the end of the campaign period and the commencement of voting is designated as a "cooling-off period" during which no campaigning whatsoever is permitted.

(4) During the cooling-off period, candidates may not—

- (a) publish, distribute, or broadcast any campaign materials;
- (b) make any public statements related to the election;
- (c) hold campaign meetings or events;
- (d) contact voters for campaign purposes; or

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(e) engage in any other activity that could be construed as campaigning.

(5) All campaign materials shall—

- (a) clearly identify the candidate and the position sought;
- (b) be truthful and not contain false or misleading information;
- (c) not contain defamatory statements about opponents;
- (d) not contain hate speech, tribalism, discrimination, or divisive content;
- (e) comply with the campaign expenditure limits in Article 40; and
- (f) be consistent with the values and professional standards of the Association.

## 37. Campaign Forums and Equal Treatment

(1) The Interim Electoral Committee shall facilitate at least—

- (a) one virtual forum accessible to all members, where candidates may present their platforms and answer questions; and
- (b) one physical forum if feasible, to be held in a central location.

(2) Additional forums may be organized by candidates themselves, Branches, or member groups, provided that—

- (a) all candidates for a position are given equal opportunity to participate;
- (b) the organizers maintain neutrality; and
- (c) the Interim Electoral Committee is notified in advance.

(3) The Interim Electoral Committee shall ensure that all candidates have equal access to—

- (a) Association communication channels (website, newsletters, member emails);
- (b) opportunities to address members;
- (c) information about members (within data protection constraints); and
- (d) any other resources provided by the Association for campaign purposes.

(4) The Association shall not provide financial support or resources to any candidate, but may provide equal facilities (e.g., meeting rooms, use of website) to all candidates on the same terms.

## 38. Prohibited Campaign Practices

(1) The following campaign practices are strictly prohibited:

- (a) **Vote buying or inducement:** Offering or giving money, gifts, employment, contracts, or any other benefit to voters in exchange for their votes or support;
- (b) **Intimidation or threats:** Threatening, coercing, or intimidating voters, candidates, or electoral officials;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (c) **Spreading false information:** Publishing or disseminating false, misleading, or defamatory information about opponents, the electoral process, or the Association;
- (d) **Hate speech and discrimination:** Using language or conduct that incites hatred, violence, or discrimination based on tribe, race, gender, religion, region, disability, or any other ground;
- (e) **Interfering with the electoral process:** Tampering with voter registers, ballot papers, voting systems, or any other aspect of the electoral process; attempting to influence electoral officials improperly;
- (f) **Abuse of official position:** Members of the Transitioning Council or Branch Executive Councils using their official positions, resources, or information for campaign advantage;
- (g) **Impersonation:** Impersonating another candidate, voter, or electoral official;
- (h) **Plagiarism:** Copying or passing off another candidate's campaign materials, manifesto, or ideas as one's own;
- (i) **Campaigning on behalf of others:** No person other than the candidate and their authorized campaign team shall campaign on behalf of a candidate using Association resources or platforms;
- (j) **Campaigning during cooling-off period:** Any campaign activity during the cooling-off period as defined in Article 37(3).

(2) Any person who engages in prohibited practices may face—

- (a) disqualification if they are a candidate;
- (b) disciplinary action if they are a member; or
- (c) such other sanctions as may be determined by the Interim Electoral Committee or Interim Elections Appeals Committee.

### 39. Incumbent Advantage Mitigation

(1) Members of the Transitioning Council who are contesting for positions shall not—

- (a) use their official titles or positions in campaign materials except to accurately state their current role;
- (b) use official Association letterhead, email addresses, or communication channels for campaign purposes;
- (c) make official announcements or decisions during the campaign period that could be perceived as campaign activities;
- (d) use Association staff or resources for campaign purposes; or
- (e) leverage access to confidential information or Association platforms in ways not available to other candidates.

## **THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS**

(2) During the campaign period, Association communications shall be strictly factual and non-promotional.

(3) The Transitioning Council shall not announce major new initiatives, projects, or benefits during the campaign period unless they are genuinely urgent and necessary for the Association's operations.

(4) Any complaints about incumbent advantage shall be filed with the Interim Electoral Committee, which shall investigate and take appropriate remedial action.

### **40. Campaign Complaints and Enforcement**

(1) Any member or candidate may file a complaint about campaign conduct with the Interim Electoral Committee.

(2) A complaint shall be filed within twenty-four hours of the alleged violation or within twenty-four hours of becoming aware of it.

(3) The Interim Electoral Committee shall—

- (a) acknowledge receipt of the complaint within twenty-four hours;
- (b) serve a copy on the person complained against within twenty-four hours;
- (c) allow the respondent twenty-four hours to respond;
- (d) investigate the matter expeditiously;
- (e) make a determination within forty-eight hours of receipt of the complaint; and
- (f) notify the parties of the determination.

(4) The Interim Electoral Committee may—

- (a) dismiss the complaint if it is frivolous, vexatious, or unsubstantiated;
- (b) uphold the complaint and order remedial action (e.g., removal of campaign materials, public apology, warning);
- (c) disqualify a candidate if the violation is serious and intentional;
- (d) refer the matter to the Interim Elections Appeals Committee if it raises complex issues; or
- (e) make any other order necessary to ensure fair campaigning.

(5) A person aggrieved by a determination of the Interim Electoral Committee may appeal to the Interim Elections Appeals Committee within twenty-four hours.

(6) The Interim Elections Appeals Committee shall determine campaign appeals expeditiously to avoid disrupting the electoral process.

## **PART VII – VOTING**

### **41. Voting Method**

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (1) The Interim Electoral Committee shall determine the voting method for the April 2026 elections based on availability, reliability, security, and accessibility considerations.
- (2) The preferred voting method is electronic voting using a secure, reliable, and auditable system.
- (3) Where electronic voting is not available or feasible, voting shall be by secret physical ballot.
- (4) The Interim Electoral Committee may use a hybrid system combining electronic and physical ballots to maximize accessibility.

### **Electronic Voting:**

- (5) Where electronic voting is used, the system shall—
  - (a) be procured from a reputable vendor with proven experience in electoral systems;
  - (b) be secure, encrypted, and protected against hacking, manipulation, or unauthorized access;
  - (c) ensure the secrecy of the ballot while preventing double voting;
  - (d) be simple and user-friendly for voters of varying technical proficiency;
  - (e) be accessible to voters with disabilities;
  - (f) provide a verifiable audit trail;
  - (g) allow voters to verify that their vote was cast as intended and counted as cast;
  - (h) have backup systems in case of technical failure;
  - (i) be tested thoroughly before deployment; and
  - (j) comply with data protection and privacy requirements.
- (6) The Transitioning Council shall make best efforts to procure an electronic voting system meeting the requirements in clause (5).
- (7) If, despite best efforts, a suitable electronic voting system cannot be procured within the timeline and budget, the Interim Electoral Committee shall certify in writing the reasons for non-use of electronic voting.

### **Physical Ballot:**

- (8) Where physical ballot is used—
  - (a) ballot papers shall be designed by the Interim Electoral Committee in a clear, simple format;
  - (b) ballot papers shall be serialized for accountability;
  - (c) ballot papers shall be printed on security paper with features to prevent counterfeiting;
  - (d) the number of ballot papers printed shall correspond to the number of voters on the Electoral Register plus a small reserve;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (e) ballot papers shall be secured at all times by the Interim Electoral Committee;
- (f) voting shall be by secret ballot in private voting booths;
- (g) voters shall mark their choices using a prescribed method (e.g., tick, cross, or stamp);
- (h) completed ballots shall be deposited in sealed ballot boxes; and
- (i) ballot boxes shall be secured and sealed until counting commences.

### 42. Postal Ballots and Remote Voting

- (1) Postal ballots shall be available for members who—
  - (a) are unable to attend the Annual General Meeting in person due to distance, disability, illness, or other compelling reasons; and
  - (b) notify the Interim Electoral Committee of their intention to vote by postal ballot at least seven days before the Scheduled Election Date.
- (2) A member requesting a postal ballot shall provide—
  - (a) their name and membership number;
  - (b) proof of identity;
  - (c) their current postal address or email address;
  - (d) the reason for requesting a postal ballot; and
  - (e) any other information required by the Interim Electoral Committee.
- (3) The Interim Electoral Committee shall verify the member's eligibility and, if satisfied, shall dispatch a postal ballot package containing—
  - (a) ballot paper(s) or electronic voting credentials;
  - (b) clear instructions on how to complete and return the ballot;
  - (c) a declaration of identity to be signed by the voter;
  - (d) a return envelope or secure submission method; and
  - (e) the deadline for return of the ballot.
- (4) Postal ballots shall be returned to the Interim Electoral Committee by the deadline specified, which shall be before the close of voting on the Scheduled Election Date.
- (5) Late postal ballots shall not be counted unless the delay was due to circumstances beyond the voter's control and the Interim Electoral Committee is satisfied of the ballot's authenticity and timely dispatch.
- (6) For diaspora members and members in remote areas, the Interim Electoral Committee shall provide secure remote voting options, which may include—
  - (a) electronic voting with appropriate authentication;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (b) email submission of scanned ballots with identity verification;
- (c) voting at designated embassies or consulates (if feasible); or
- (d) any other secure method approved by the Interim Electoral Committee.

### 43. Preparation of Voter Register for Voting

(1) The Honorary Treasurer, in collaboration with the Interim Electoral Committee, shall prepare the final Voter Register for use on the day of voting.

(2) The Voter Register shall be provided in the following formats:

- (a) a master register in electronic format (spreadsheet or database);
- (b) printed copies organized alphabetically;
- (c) printed copies organized by Branch affiliation (if voting is organized by Branches);
- (d) electronic check-in system for real-time verification (if available).

(3) The Voter Register shall be delivered to the voting venue at least one hour before voting commences.

(4) The Interim Electoral Committee shall ensure that sufficient copies of the Voter Register are available at all voting stations.

(5) A voter whose name does not appear on the final Electoral Register may be permitted to vote only in accordance with Article 26 (Emergency Additions to Electoral Register).

(6) No person shall be permitted to vote more than once.

(7) A voters' roll shall be maintained showing—

- (a) the name and membership number of each person who voted;
- (b) the time of voting; and
- (c) the signature or mark of the voter.

(8) The voters' roll shall be preserved as part of the electoral record.

### 44. Secrecy of the Ballot

(1) The secrecy of the ballot is fundamental and shall be strictly protected.

(2) No voter shall be required to disclose how they voted, and no person shall attempt to ascertain how a voter voted.

(3) Voting shall take place in a manner that ensures privacy:

- (a) physical voting booths or private spaces for marking ballots;
- (b) electronic voting systems that do not reveal individual choices; and
- (c) prohibition on photography, recording, or observation of voters while voting.

(4) Electoral officials, candidates, agents, and observers shall not—

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (a) look at or attempt to see how a voter is voting;
- (b) ask a voter how they voted;
- (c) take any action that compromises ballot secrecy; or
- (d) disclose any information that could reveal how an individual voted.

(5) Breach of ballot secrecy is a serious violation and may result in disqualification, expulsion from the voting venue, or other sanctions.

### **45. Assisted Voting**

(1) A voter with a disability or who is unable to vote independently due to visual impairment, physical impairment, or other reason may be assisted in voting.

(2) A voter requiring assistance shall inform an electoral official, who shall arrange for assistance.

(3) Assistance may be provided by—

- (a) a person of the voter's choice (who must not be a candidate or an agent of a candidate); or
- (b) an electoral official designated by the Interim Electoral Committee.

(4) The person providing assistance shall—

- (a) mark the ballot according to the voter's instructions;
- (b) maintain strict confidentiality about the voter's choices;
- (c) not attempt to influence the voter's choice; and
- (d) sign a declaration of confidentiality.

(5) A record shall be kept of all assisted voters, including the name of the person who provided assistance, but without disclosing how the voter voted.

### **46. Voting Procedure**

#### **Physical Ballot:**

(1) Where voting is by physical ballot, the procedure shall be as follows:

- (a) the voter presents themselves at the registration desk and is verified in accordance with Article 47;
- (b) the voter's name is marked on the Voter Register and voters' roll;
- (c) the voter is issued with a ballot paper for each position to be filled;
- (d) the voter proceeds to a private voting booth;
- (e) the voter marks the ballot paper(s) according to instructions (e.g., by placing a tick or cross next to the preferred candidate);
- (f) the voter folds the ballot paper(s) to conceal their choices;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (g) the voter deposits the ballot paper(s) in the appropriate ballot box(es);
- (h) the voter exits the voting area.

(2) A voter who inadvertently spoils their ballot paper may request a replacement from an electoral official, who shall issue a fresh ballot paper and mark the spoiled ballot as "CANCELLED."

### **Electronic Voting:**

(3) Where voting is electronic, the procedure shall be as prescribed by the Interim Electoral Committee and the electronic voting system, but shall generally involve:

- (a) voter verification in accordance with Article 47;
- (b) issuance of secure login credentials or access code;
- (c) voter logs in to the electronic voting system;
- (d) voter selects their preferred candidate for each position;
- (e) voter reviews their choices;
- (f) voter submits their vote;
- (g) system confirms successful submission and provides a verification receipt or code;
- (h) voter logs out.

(4) The electronic voting system shall allow voters to change their selection before final submission, but once submitted, votes shall be final.

(5) Voters shall be provided with clear instructions and, if necessary, technical support to use the electronic voting system.

### **47. Ballot Security**

- (1) All physical ballot papers, whether unused, completed, or spoiled, shall be accounted for.
- (2) Unused ballot papers shall be secured by the Interim Electoral Committee and destroyed after the election in the presence of witnesses.
- (3) Completed ballot papers shall be sealed in ballot boxes immediately after voting closes and shall remain sealed until counting commences.

(4) Ballot boxes shall—

- (a) be transparent or have transparent sections to allow visual verification that they are empty before voting commences;
- (b) be sealed with tamper-evident seals in the presence of candidates or their agents;
- (c) be secured at all times by electoral officials;
- (d) be stored securely after voting until counting commences; and
- (e) be transported securely if counting takes place at a different location.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(5) Any tampering with ballot boxes, ballot papers, or the electronic voting system shall be treated as a serious electoral offense and may result in nullification of the election.

### 48. Duration of Voting

(1) Voting shall commence and close at times specified by the Interim Electoral Committee and published in the Electoral Timeline.

(2) For voting on the Scheduled Election Date at the Annual General Meeting, voting shall generally—

(a) commence at a time that allows all members attending the meeting to vote (e.g., upon registration or during a designated period);

(b) remain open for a period sufficient to allow all eligible voters present to cast their votes (typically 2-4 hours); and

(c) close at the time announced, after which no further votes shall be accepted except for voters who were in the queue at closing time.

(3) Where electronic voting is used, the system may be opened for a longer period (e.g., 24-48 hours) to allow maximum participation, provided that adequate security measures are in place.

(4) The Interim Electoral Committee may extend voting hours if circumstances warrant (e.g., large voter turnout, technical delays), but shall announce any extension publicly and ensure that all candidates and voters are informed.

## PART VIII – COUNTING AND RESULTS

### 49. Counting Process

(1) Counting of votes shall commence immediately upon the close of voting or as soon as practically possible thereafter.

(2) Counting shall be conducted by electoral officials appointed by the Interim Electoral Committee.

(3) Counting shall take place at a location specified by the Interim Electoral Committee, which shall generally be the same venue as the voting unless logistical considerations require otherwise.

(4) Counting shall be open to observation by—

(a) candidates or their authorized agents (one agent per candidate);

(b) members of the Interim Electoral Committee;

(c) members of the Interim Elections Appeals Committee;

(d) Trustees of the Association; and

(e) such other persons as the Interim Electoral Committee may authorize.

(5) Observers shall not interfere with the counting process but may—

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (a) observe the counting from a reasonable distance;
- (b) raise concerns or objections with the Returning Officer; and
- (c) request clarification of any procedures.

### 50. Counting Procedure for Physical Ballots

- (1) Before counting commences, the Returning Officer shall—
  - (a) verify that all ballot boxes are sealed and have not been tampered with;
  - (b) open the ballot boxes in the presence of observers;
  - (c) count and record the total number of ballot papers in each box; and
  - (d) compare the number of ballot papers with the number of voters marked on the voters' roll.
- (2) Ballot papers shall be sorted by position (if multiple positions were voted for on separate ballots).
- (3) For each position, ballot papers shall be counted as follows:
  - (a) ballot papers are sorted into piles by candidate;
  - (b) spoiled, rejected, or invalid ballot papers are set aside;
  - (c) each pile is counted;
  - (d) the count is verified by a second counter;
  - (e) the results are recorded on a tally sheet; and
  - (f) the totals are announced.
- (4) A ballot paper shall be rejected as invalid if—
  - (a) it is not an official ballot paper issued by the Interim Electoral Committee;
  - (b) it is unmarked or the voter's intention is unclear or ambiguous;
  - (c) it contains marks that could identify the voter;
  - (d) it has been marked for more than one candidate (where only one is to be elected);
  - (e) it is damaged or defaced in a way that makes the vote unclear; or
  - (f) it is otherwise in breach of voting instructions.
- (5) The Returning Officer shall make the final decision on whether a ballot paper is valid or invalid, after consulting with electoral officials and considering any objections from observers.
- (6) All rejected ballot papers shall be set aside, marked with the reason for rejection, and preserved as part of the electoral record.

### 51. Tallying and Verification for Electronic Votes

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(1) Where voting is electronic, the tallying shall be conducted by the electronic voting system in accordance with its specifications.

(2) The Interim Electoral Committee shall verify that—

- (a) the electronic system functioned properly throughout the voting period;
- (b) no unauthorized access or tampering occurred;
- (c) the number of votes cast matches the number of voters who logged in;
- (d) the audit trail is complete and accurate; and
- (e) the results produced by the system are credible.

(3) The system shall produce a detailed report showing—

- (a) total votes cast for each position;
- (b) votes received by each candidate;
- (c) invalid or spoiled votes;
- (d) voter turnout statistics; and
- (e) audit trail for verification.

(4) The Interim Electoral Committee may conduct sample verifications or audits of the electronic results to ensure accuracy.

(5) Both electronic and physical ballot results (if hybrid voting was used) shall be reconciled and combined to produce the final tally.

### **52. Handling of Tied Results**

(1) In the event of a tie for any position, a run-off election shall be held immediately after the results are declared, between the two candidates who received equal votes.

(2) The run-off election shall be conducted using the same voting method as the main election.

(3) Only members present at the venue (or those with valid postal ballots already submitted) shall be eligible to vote in the run-off.

(4) The run-off election shall be conducted expeditiously, within a reasonable time to allow for voter participation (typically within 1-2 hours).

(5) If the tie persists after the run-off, the Returning Officer shall cast the deciding vote.

(6) The Returning Officer's casting vote shall be cast by secret ballot and shall be final.

### **53. Certification of Results**

(1) Upon completion of counting and tallying, the Returning Officer shall prepare a certificate of results for each position.

(2) The certificate shall specify—

- (a) the position;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (b) the names of all candidates who contested;
- (c) the number of votes received by each candidate;
- (d) the total number of valid votes cast;
- (e) the number of invalid or rejected votes;
- (f) the name of the candidate declared elected;
- (g) the date and time of counting;
- (h) the signature of the Returning Officer; and
- (i) the signatures or marks of at least two other members of the Interim Electoral Committee as witnesses.

(3) The certificate of results shall be the official record of the election results for that position.

(4) Copies of certificates of results shall be provided to—

- (a) the elected candidate;
- (b) all other candidates who contested the position;
- (c) the Transitioning Council;
- (d) the Honorary Secretary for record-keeping; and
- (e) the Interim Elections Appeals Committee.

### **54. Declaration of Results**

(1) The Returning Officer shall declare the results of the election at the Annual General Meeting on the Scheduled Election Date, or as soon as practically possible after counting is completed.

(2) The declaration shall be made publicly and shall specify—

- (a) each position;
- (b) the candidates who contested;
- (c) the votes received by each candidate; and
- (d) the name of the elected candidate.

(3) The declaration shall be made in the presence of—

- (a) members attending the Annual General Meeting;
- (b) candidates or their agents;
- (c) members of the Interim Electoral Committee;
- (d) members of the Interim Elections Appeals Committee (if present); and
- (e) any observers authorized by the Interim Electoral Committee.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(4) Upon declaration, the elected candidates shall be deemed elected to their respective positions, subject to any successful petition.

(5) The results shall be published on the Association's official website within 12 hours of declaration.

(6) Results shall also be communicated to all members by email and SMS within twenty-four hours.

## PART IX – INTERIM ELECTIONS APPEALS COMMITTEE

### 55. Appointment and Composition

(1) At the same Special General Meeting at which the Constitution and these Provisions are adopted, the members shall appoint three persons to serve as the Interim Elections Appeals Committee.

(2) Where the appointment is not made at the Special General Meeting, the Annual General Meeting held on the Scheduled Election Date shall, before voting commences, appoint the Interim Elections Appeals Committee by a simple majority vote.

(3) The appointment shall be by nomination from the floor and voting by a show of hands or such other method as the meeting determines.

(4) The three persons receiving the highest number of votes shall be appointed.

(5) If insufficient persons are nominated or appointed, the meeting may adjourn briefly to allow for further nominations.

### 56. Qualifications

Members appointed to the Interim Elections Appeals Committee shall—

- (a) be members of the Association in good standing;
- (b) be persons of high integrity with no pending disciplinary cases;
- (c) preferably have legal, arbitration, mediation, or conflict resolution experience;
- (d) not be members of the Interim Electoral Committee;
- (e) not be serving members of the Transitioning Council;
- (f) not be candidates in the April 2026 elections;
- (g) not be members of any Branch Executive Council;
- (h) be impartial and have no conflict of interest that would compromise their ability to adjudicate disputes fairly; and
- (i) be willing and available to serve throughout the election period and for sixty days thereafter.

### 57. Inaugural Meeting and Election of Chairperson

(1) Within three days of appointment, the Interim Elections Appeals Committee shall convene its inaugural meeting.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(2) The inaugural meeting shall elect a Chairperson from among the three members by consensus or secret ballot.

(3) The Chairperson shall coordinate the work of the Committee and shall be the spokesperson.

(4) The Committee shall adopt procedures for receiving, investigating, and determining petitions and appeals, consistent with principles of natural justice.

(5) The Committee shall designate a member to serve as secretary to keep records of all proceedings.

### **58. Tenure and Dissolution**

(1) The Interim Elections Appeals Committee shall serve from the date of appointment until sixty days after the declaration of election results or until all appeals arising from the April 2026 elections have been concluded, whichever is later.

(2) Upon completion of its mandate, the Committee shall submit a final report to the incoming National Executive Council and shall thereafter stand dissolved.

(4) Where a vacancy occurs and only two members remain, the Committee may continue to function, with decisions made by consensus or, if consensus is not possible, by majority with the Chairperson having a casting vote.

(5) Where vacancies reduce the Committee to fewer than two members, the General Assembly or the Transitioning Council (in consultation with the Trustees) may appoint replacement members.

### **59. Functions and Powers**

(1) The Interim Elections Appeals Committee shall have all powers and discharge all functions specified in Article 22 of the Constitution, adapted as necessary for the April 2026 elections.

(2) The Committee's jurisdiction includes—

- (a) challenges to candidate eligibility;
- (b) challenges to voter eligibility;
- (c) complaints about campaign conduct;
- (d) disputes about the Electoral Register;
- (e) complaints about the conduct of the Interim Electoral Committee;
- (f) petitions challenging election results;
- (g) disputes about vote counting or tallying;
- (h) any other electoral dispute not within the primary jurisdiction of the Interim Electoral Committee.

### **60. Powers of Investigation**

(1) In investigating petitions, complaints, or appeals, the Interim Elections Appeals Committee may—

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (a) summon any person to appear before it and give evidence or produce documents;
- (b) visit any place relevant to the investigation;
- (c) require the Interim Electoral Committee to produce electoral records, documents, or materials;
- (d) appoint experts to assist with technical matters (e.g., forensic analysis of electronic systems, handwriting analysis);
- (e) receive evidence in any form, including written submissions, oral testimony, documentary evidence, electronic records, photographs, or videos;
- (f) conduct hearings in person, virtually, or through written submissions;
- (g) set deadlines for submission of evidence or responses; and
- (h) take any other reasonable steps necessary to ascertain the truth.

(2) All persons summoned by the Committee shall cooperate fully and provide requested information or documents promptly.

(3) Failure to cooperate with the Committee without reasonable excuse may be treated as contempt and may result in adverse inferences or sanctions.

### **61. Procedure for Receiving and Processing Appeals During Campaign Period**

(1) During the campaign period, the Interim Elections Appeals Committee shall be available to receive and determine appeals from decisions of the Interim Electoral Committee, including appeals relating to—

- (a) candidate eligibility;
- (b) voter eligibility;
- (c) campaign conduct complaints; or
- (d) any other decisions or actions of the Interim Electoral Committee.

(2) Appeals shall be filed within the time limits specified in these Provisions (typically 24-48 hours of the decision being appealed).

(3) The Committee shall determine such appeals expeditiously, typically within 48-72 hours, to avoid disrupting the electoral timeline.

## **PART X – ELECTION PETITIONS AND APPEALS**

### **62. Right to Petition**

(1) Any member of the Association has the right to petition the Interim Elections Appeals Committee challenging the election of any person to the National Executive Council in the April 2026 elections.

(2) A candidate who contested an election has the right to petition challenging the results of that election.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(3) The Interim Electoral Committee may, on its own motion, refer any matter to the Interim Elections Appeals Committee where it believes electoral irregularities may have occurred.

### 63. Grounds for Petition

(1) A petitioner must demonstrate that the alleged irregularity, non-compliance, malpractice, or failure:

- (a) actually occurred;
- (b) was substantial and not trivial or technical; and
- (c) affected or may have affected the result of the election.

(2) The Interim Elections Appeals Committee shall not nullify an election for minor or technical irregularities that did not affect the result, applying the principle of substantial compliance.

### 64. Filing of Petitions

(1) An election petition shall be filed with the Interim Elections Appeals Committee within **five days** of the declaration of the results.

(2) The petition shall be in writing and shall specify—

- (a) the name, membership number, and contact details of the petitioner;
- (b) the position and the name of the elected person whose election is being challenged;
- (c) the specific grounds upon which the petition is based, with sufficient particularity;
- (d) the facts and evidence supporting each ground;
- (e) the relief sought (e.g., nullification of the election, declaration of a different candidate as winner, order for a re-run);
- (f) a declaration that the petition is brought in good faith; and
- (g) the signature of the petitioner and date of filing.

(3) The petition may be filed by physical delivery to the Chairperson of the Interim Elections Appeals Committee, by email to a designated address, or through such other method as the Committee may prescribe.

(4) The Committee shall acknowledge receipt of the petition within twenty-four hours.

### 65. Response to Petition

(1) The respondent shall file a written response to the petition within **three days** of being served.

(2) The response shall be accompanied by—

- (a) copies of all documentary evidence relied upon;
- (b) a list of witnesses the respondent intends to call (if any); and
- (c) a sworn affidavit verifying the facts stated in the response.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(3) The respondent shall serve copies of the response and accompanying documents on the petitioner, the Interim Electoral Committee, and the Honorary Secretary.

(4) Failure to file a response within the specified time shall not prevent the hearing from proceeding, and the Committee may draw adverse inferences from the failure to respond.

### 66. Interim Orders

(1) Upon receiving a petition, the Interim Elections Appeals Committee may make interim orders, including—

- (a) suspending the induction of the elected person pending determination of the petition;
- (b) restraining any party from taking certain actions that might prejudice the determination;
- (c) requiring the preservation of evidence; or
- (d) any other order necessary to preserve the status quo or ensure a fair hearing.

(2) Interim orders may be made—

- (a) upon application by a party; or
- (b) on the Committee's own motion.

(3) Before making an interim order, the Committee shall give all parties an opportunity to be heard, except in cases of urgency where an ex parte order may be made and later reviewed.

### 67. Hearing of Petitions

(1) The Interim Elections Appeals Committee shall fix a date for hearing the petition within **five days** of filing.

(2) Notice of the hearing shall be given to—

- (a) the petitioner;
- (b) the respondent;
- (c) the Interim Electoral Committee;
- (d) any other interested parties; and
- (e) the members of the Association (by publication on the website).

(3) The hearing may be conducted—

- (a) in person at a venue designated by the Committee;
- (b) virtually using video conferencing technology; or
- (c) through a hybrid format.

(4) The hearing shall be open to members of the Association unless the Committee determines that parts of the hearing should be held in camera to protect sensitive information or the integrity of the process.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

### 68. Burden and Standard of Proof

- (1) The burden of proof lies on the petitioner to establish the grounds of the petition.
- (2) The standard of proof is the balance of probabilities, meaning that the petitioner must show that it is more likely than not that the alleged irregularity, malpractice, or ground occurred and affected the result.
- (3) Where the petition alleges electoral malpractice or fraud, the Committee may require a higher degree of evidence given the seriousness of the allegations, but the standard remains the balance of probabilities.
- (4) The respondent bears the burden of proving any affirmative defenses raised in the response.

### 69. Determination of Petitions

- (1) The Interim Elections Appeals Committee shall determine the petition within **five days** of the hearing, or within **seven days** in cases of exceptional complexity.
- (2) The determination shall be made by majority decision of the three members of the Committee.
- (3) A dissenting member may append a minority opinion explaining their disagreement.

### 70. Powers and Remedies of the Committee

- (1) Upon determining a petition, the Interim Elections Appeals Committee may—
  - (a) **Dismiss the petition** if it finds that—
    - (i) the grounds are not established;
    - (ii) any irregularities were minor and did not affect the result;
    - (iii) the petition is frivolous, vexatious, or brought in bad faith; or
    - (iv) the election was substantially conducted in accordance with the Constitution and these Provisions;
  - (b) **Uphold the election with orders** if it finds that irregularities occurred but did not affect the result, and may order—
    - (i) corrective measures for future elections;
    - (ii) recommendations to the incoming National Executive Council;
    - (iii) warnings or reprimands to responsible parties;
  - (c) **Nullify the election** of one or more positions if it finds that—
    - (i) the elected person was ineligible;
    - (ii) the election was so fundamentally flawed that the result cannot be trusted;
    - (iii) electoral malpractice or irregularities affected or may have affected the result; or

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(iv) the election was not conducted substantially in accordance with the Constitution and these Provisions;

(d) **Declare a different candidate elected** if it finds that—

(i) errors in counting or tallying mean that a different candidate actually won; or

(ii) votes obtained by the elected person through malpractice, if discounted, would result in a different candidate winning;

(e) **Order a re-run or by-election** if it nullifies an election, specifying—

(i) which position(s) are to be re-contested;

(ii) whether all candidates may participate or only specific candidates;

(iii) the timeline for the re-run or by-election;

(iv) any special procedures or safeguards to be applied;

(f) **Disqualify a candidate** from the re-run or by-election if they were complicit in electoral malpractice;

(g) **Make any other order** necessary to ensure justice and electoral integrity, including—

(i) orders for costs against a party who brought a frivolous petition or defended a petition improperly;

(ii) referral of matters to the National Executive Council for disciplinary action;

(iii) recommendations for constitutional or regulatory amendments;

(iv) any other consequential or ancillary orders.

## 71. Finality of Decisions

(1) The decision of the Interim Elections Appeals Committee shall be final and binding on all parties.

(2) There shall be no appeal from the decision of the Committee.

(3) The decision shall be implemented immediately unless the Committee orders otherwise.

(4) All parties, members, and organs of the Association shall respect and comply with the Committee's decision.

## PART XI – BY-ELECTIONS

### 72. Circumstances Requiring By-Elections

(1) A by-election shall be held for any position where—

(a) the Interim Elections Appeals Committee nullifies the election and orders a by-election;

(b) no valid nomination was received for the position and it remains vacant;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (c) the elected person declines to take office; or
- (d) any other circumstance arises necessitating a by-election.

(2) By-elections shall not be held for positions that may be filled by other means under the Constitution (e.g., assistant positions assuming higher offices upon vacancy).

### 73. Timeline for By-Elections

(1) Where a by-election is ordered by the Interim Elections Appeals Committee, it shall be held within **forty-five days** of the order, unless the Committee specifies a different timeline.

(2) Where a by-election is necessitated by circumstances other than a petition, it shall be held at a Special General Meeting convened within **sixty days** of the circumstance arising.

(3) The Interim Electoral Committee shall remain in place to conduct the by-election and shall apply the procedures under these Provisions with necessary modifications to fit the timeline.

### 74. Procedure for By-Elections

(1) By-elections shall be conducted in accordance with the relevant provisions of these Provisions, including—

- (a) calling for nominations;
- (b) vetting candidates;
- (c) campaigning;
- (d) voting;
- (e) counting and declaration; and
- (f) petitions and appeals.

(2) The timelines for by-elections shall be proportionately reduced but shall ensure adequate notice and opportunity for candidates and voters.

(3) The minimum timelines for by-elections shall be—

- (a) Notice and nominations: not less than 21 days before voting;
- (b) Vetting and publication: within 7 days of nominations closing;
- (c) Campaign period: not less than 14 days;
- (d) Voting: at the Special General Meeting or on a date specified;
- (e) Petitions: within 5 days of declaration.

(4) Only the position(s) subject to by-election shall be contested; all other elected positions shall remain unchanged.

(5) Candidates who participated in the original election may participate in the by-election unless disqualified by the Interim Elections Appeals Committee.

## PART XII – RESULTS, HANDOVER, AND INDUCTION

### 75. Declaration and Certification

(1) Upon declaration of results in accordance with Article 58, the Returning Officer shall issue certificates of election to all elected persons.

(2) The certificates shall be presented at the Annual General Meeting or delivered to the elected persons within forty-eight hours.

(3) Certificates shall be in a format prescribed by the Interim Electoral Committee and shall bear the seal of the Association.

### 76. Term of Office

(1) The persons elected in the April 2026 elections shall serve a full term of three years as provided in Articles 15(4) and 15(5) of the Constitution.

(2) The term of office shall commence at the conclusion of the Annual General Meeting at which the election is held, or if induction is delayed, at the induction ceremony.

(3) The term shall continue until the commencement of the term of persons elected at the Annual General Meeting to be held on the last Thursday of April 2029.

### 77. Accelerated Handover Process

(1) Given the transition circumstances, handover from the Transitioning Council to the incoming National Executive Council shall occur within **fourteen days** of the declaration of results, or immediately upon resolution of any petitions, whichever is later.

(2) The Transitioning Council shall prioritize the transfer of—

- (a) bank signatory mandates and authorization documents;
- (b) electronic access credentials (email accounts, website admin, social media, databases);
- (c) keys and access codes to offices and facilities;
- (d) custody of the Association's seal, records, and documents;
- (e) information on pending urgent matters requiring immediate attention;
- (f) contact details and introductions to key stakeholders (government officials, partners, donors, service providers);
- (g) financial records and bank statements;
- (h) membership records and databases; and
- (i) ongoing contracts and commitments.

(3) Within fourteen days of induction, the Transitioning Council shall provide a summary handover report covering—

- (a) key achievements during their term;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (b) major challenges and how they were addressed;
- (c) financial status and outstanding obligations;
- (d) pending matters requiring follow-up;
- (e) strategic initiatives and projects in progress;
- (f) relationships with key stakeholders; and
- (g) recommendations for the incoming Council.

(4) A comprehensive handover report may be submitted within **thirty days** of induction, providing fuller details, background information, and documentation.

(5) The incoming National Executive Council shall acknowledge receipt of the handover and may seek clarifications or additional information from members of the Transitioning Council.

### 78. Induction Ceremony

(1) The induction of the incoming National Executive Council shall occur not later than **fourteen days** after the declaration of results, or immediately upon resolution of any petitions.

(2) The induction ceremony shall be a physical meeting, although virtual participation may be permitted for members unable to attend in person.

(3) The induction ceremony shall include—

- (a) formal presentation of certificates of election;
- (b) administration of oaths or affirmations of office;
- (c) delivery of the inaugural address by the incoming President;
- (d) handover of the chain of office (presidential insignia) from the outgoing President to the incoming President;
- (e) introduction of the incoming Council members;
- (f) vote of thanks to the outgoing Council;
- (g) welcome remarks from stakeholders (if appropriate); and
- (h) any other ceremonial or symbolic elements.

(4) The ceremony may be simplified and expedited given the transition circumstances, but must include the essential elements in clause (3)(a) to (d).

(5) A full ceremonial induction with greater pomp and formality may be held later if desired by the incoming Council and approved by the membership.

(6) The induction shall be chaired by—

- (a) the outgoing President; or
- (b) the Chairperson of Trustees; or
- (c) another senior member designated by the Transitioning Council.

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

### 79. Assumption of Office

- (1) Upon induction, the incoming National Executive Council shall assume full powers and responsibilities of office as provided in the Constitution.
- (2) The outgoing Transitioning Council shall cease to hold office upon the induction of the incoming Council, except for purposes of completing the handover process.
- (3) The incoming Council shall respect ongoing contracts, commitments, and obligations entered into properly by the Transitioning Council.

---

## PART XIII – CONTINGENCIES AND SPECIAL PROVISIONS

### 80. Force Majeure

- (1) If the conduct of the April 2026 elections is prevented, hindered, or substantially disrupted by force majeure events including—
  - (a) natural disasters (earthquakes, floods, pandemics);
  - (b) civil unrest, riots, or insecurity;
  - (c) government restrictions or prohibitions on gatherings;
  - (d) widespread failure of critical infrastructure (power, internet, telecommunications);
  - (e) any other event beyond the reasonable control of the Association;

the Interim Electoral Committee, in consultation with the Transitioning Council and the Trustees, may postpone the elections.

- (2) Postponement under clause (1) shall be for the shortest period reasonably necessary to allow the elections to proceed safely and credibly.
- (3) If elections are postponed, the provisions of Article 19 (Scenario C - Caretaker Provisions) shall apply, with the Transitioning Council continuing as a caretaker body.
- (4) Notice of postponement and the new election date shall be communicated to all members as soon as reasonably possible.

### 81. Technical Failures

- (1) If the electronic voting system fails or malfunctions during voting, the Interim Electoral Committee shall—
  - (a) immediately halt electronic voting;
  - (b) assess the extent of the failure and its impact;
  - (c) determine whether the failure can be remedied quickly;
  - (d) if remediable, fix the issue and resume electronic voting with extended time to compensate affected voters;
  - (e) if not remediable, switch to physical ballot voting; or

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(f) if necessary, postpone voting to allow time to procure a replacement system or prepare physical ballots.

(2) Where a switch to physical ballot voting is necessary, the Interim Electoral Committee shall—

- (a) notify all members immediately of the change;
- (b) extend the voting period to allow members who were unable to vote electronically a reasonable opportunity to vote by physical ballot;
- (c) make arrangements for postal ballots for members who cannot attend in person;
- (d) ensure that no voter votes twice (both electronically and physically); and
- (e) maintain accurate records of all votes cast by each method.

(3) Where partial electronic voting has occurred before failure, the Interim Electoral Committee shall determine whether to—

- (a) count the electronic votes already cast and combine them with physical ballot votes; or
- (b) discard all electronic votes and conduct a fresh election entirely by physical ballot.

(4) The decision under clause (3) shall be made in consultation with the Interim Elections Appeals Committee and shall prioritize electoral integrity and voter confidence.

(5) If the failure affects only a small number of voters and can be remedied without compromising the overall result, the Interim Electoral Committee may proceed with the election and allow affected voters to cast their votes through alternative secure means.

## 82. Postponement or Extension of Timelines

(1) The Interim Electoral Committee may, for good cause shown and after consultation with the Transitioning Council, extend any timeline or deadline under these Provisions, except—

- (a) the Scheduled Election Date (last Thursday of April 2026), which may only be postponed in accordance with Article 87 (Force Majeure); and
- (b) timelines for filing and determining petitions, which may only be extended by the Interim Elections Appeals Committee.

(2) Good cause for extension includes—

- (a) unforeseen delays in procurement or logistics;
- (b) technical difficulties;
- (c) need to accommodate a large number of nominations or objections;
- (d) requests from candidates or members for additional time that are reasonable;
- (e) any other legitimate reason that does not unduly prejudice the electoral process.

(3) Any extension shall be—

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (a) for the shortest period necessary;
- (b) published immediately to all members with reasons given;
- (c) applied equally to all candidates and members; and
- (d) documented in the electoral record.

(4) The Interim Electoral Committee shall not extend timelines in a manner that would materially prejudice any candidate, voter, or the overall integrity of the election.

### **83. Members in Arrears – Transitional Grace Period**

(1) Recognizing that some members may be unaware of the new Constitution's requirements or may face difficulties in paying retention fees during the transition period, the following grace provisions apply:

(2) A member who was in arrears as at 31st December 2025 but who pays all outstanding retention fees and applicable penalties before the cut-off date for voter eligibility shall be eligible to vote in the April 2026 elections.

(3) The National Executive Council may, by resolution and in consultation with the Trustees, waive or reduce penalties for members who pay their arrears during the transition period, provided that—

- (a) the member makes full payment of retention fees owed;
- (b) the waiver or reduction is applied equally to all members in similar circumstances;
- (c) the decision is communicated to all members; and
- (d) the financial impact on the Association is manageable.

(4) Members taking advantage of the grace period shall not be entitled to contest for positions unless they were fully paid-up (without need for the grace period) by the time nominations are called.

### **84. Disputes About Interpretation of These Provisions**

(1) Any dispute regarding the interpretation or application of these Provisions shall be resolved as follows:

#### **During the Electoral Process (Before Declaration of Results):**

(2) The Interim Electoral Committee shall interpret and apply these Provisions in the first instance.

(3) Any person aggrieved by the Interim Electoral Committee's interpretation may appeal to the Interim Elections Appeals Committee within forty-eight hours.

(4) The Interim Elections Appeals Committee's interpretation shall be final and binding.

#### **After Declaration of Results:**

(5) Disputes about interpretation arising after declaration of results shall be raised by way of election petition to the Interim Elections Appeals Committee.

## **THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS**

(6) The Interim Elections Appeals Committee's interpretation in determining the petition shall be final.

## **PART XIV – REPORTING AND LEARNING**

### **85. Post-Election Report by Interim Electoral Committee**

(1) Within **sixty days** of the April 2026 elections, the Interim Electoral Committee shall submit a comprehensive report to the incoming National Executive Council.

### **86. Post-Election Report by Interim Elections Appeals Committee**

(1) Within **sixty days** of the completion of all appeals, the Interim Elections Appeals Committee shall submit a report to the incoming National Executive Council.

## **PART XV – FINANCIAL PROVISIONS**

### **87. Honoraria**

(1) Members of the Interim Electoral Committee and Interim Elections Appeals Committee shall be paid reasonable honoraria for their services, recognizing the time, effort, and responsibility involved.

(2) The Chairpersons of the two Committees may receive a higher honorarium in recognition of their additional responsibilities.

(3) Honoraria shall be paid upon completion of the electoral process, or in installments as work progresses.

(4) Members who resign or are removed from the Committees shall be entitled to honoraria pro-rated to the work completed.

## **PART XVI – VALIDATION, SAVINGS, AND SUNSET PROVISIONS**

### **88. Validation of Elections**

(1) Elections conducted in accordance with these Provisions shall be deemed valid and in full compliance with the Constitution, notwithstanding any modifications to timelines or procedures necessitated by the compressed timeframe.

(2) No person shall challenge the validity of the April 2026 elections on the sole ground that the procedures followed were different from those prescribed in Articles 20, 21, 22, or 23 of the Constitution, provided that the procedures followed were in accordance with these Provisions.

(3) The persons elected in April 2026 shall hold office with the same legitimacy, authority, and powers as if they had been elected under the full procedures of Articles 20, 21, 22, and 23.

### **89. Savings Provision**

(1) No act, decision, or determination done in good faith by the Interim Electoral Committee or Interim Elections Appeals Committee shall be invalid solely by reason of—

(a) abbreviated timelines compared to those in Articles 20 and 21 of the Constitution;

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

- (b) absence of full Electoral Regulations under Article 44 of the Constitution (these Provisions serving in their stead);
- (c) non-use of electronic voting due to unavailability or technical issues;
- (d) procedural modifications or adaptations necessitated by the compressed schedule or transitional circumstances;
- (e) minor or technical irregularities that did not affect the result or compromise electoral integrity; or
- (f) any other matter arising from the special circumstances of the April 2026 elections.

(2) The principle of substantial compliance shall be liberally applied in assessing the validity of the April 2026 elections and any actions taken under these Provisions.

(3) All participants in the electoral process (candidates, voters, electoral officials, members of the Association) are expected to act reasonably, in good faith, and in the best interests of the Association.

(4) Technical objections or challenges based on minor procedural deviations shall not be entertained if the substance of the electoral process was fair, transparent, and credible.

### **90. Cessation of These Provisions**

(1) These Transitional Electoral Provisions for April 2026 Elections shall cease to have legal effect and shall be deemed spent upon the occurrence of the earliest of the following events:

- (a) the conclusion of all appeal processes arising from the April 2026 elections, including the dissolution of the Interim Elections Appeals Committee;
- (b) the expiry of the period within which petitions may be filed (five days after declaration of results), where no petition has been filed;
- (c) **30th June 2026**; or
- (d) such other date as may be determined by the incoming National Executive Council after consultation with the Trustees, being a date not earlier than 30th June 2026.

(2) Upon cessation, these Provisions shall have no further legal effect and need not be referenced or applied in any subsequent election or matter.

(3) Notwithstanding clause (1), the cessation of these Provisions shall not affect—

- (a) the validity of the elections conducted in April 2026;
- (b) the legitimacy of the persons elected in April 2026;
- (c) the term of office of those persons as provided in Article 83;
- (d) the binding nature of any decisions, orders, or determinations properly made under these Provisions;
- (e) the enforceability of any rights, obligations, or liabilities that arose under these Provisions; or

## THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS

(f) the preservation of electoral records and reports for historical and archival purposes.

(4) After cessation, all references in the Constitution to "Transitional Electoral Provisions for April 2026 Elections" shall be deemed to have no further legal effect and may be disregarded in interpreting or applying the Constitution.

(5) The incoming National Executive Council may, by resolution, formally declare these Provisions spent and archive them as a historical document once all conditions for cessation are met.

### 91. Preservation of Records

(1) All electoral records, documents, and materials relating to the April 2026 elections shall be preserved by the Association for a period of not less than **three years**.

(2) Electoral records to be preserved include—

- (a) nomination forms and supporting documents;
- (b) the Electoral Register (provisional and final);
- (c) ballot papers (if physical ballots were used);
- (d) voters' rolls;
- (e) tally sheets and counting records;
- (f) certificates of results;
- (g) minutes of meetings of the Interim Electoral Committee;
- (h) complaints, petitions, and appeals, together with decisions;
- (i) reports of the Interim Electoral Committee and Interim Elections Appeals Committee;
- (j) financial records and expenditure reports;
- (k) electronic records and audit trails (if electronic voting was used); and
- (l) any other records relevant to the electoral process.

(3) The records shall be stored securely by the Honorary Secretary in physical and/or electronic format.

(4) Access to electoral records shall be governed by the Association's policies on record-keeping and data protection.

(5) After seven years, the records may be archived, destroyed, or disposed of in accordance with the Association's document retention policy and applicable laws.

## PART XVII – GENERAL PROVISIONS

### 92. Amendment of These Provisions

## **THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS**

(1) These Provisions may be amended only by the General Assembly that adopted them, or by a subsequent General Assembly, by a two-thirds majority of members present and voting.

(2) No amendment shall be made after the Commencement Date if it would materially affect the electoral process or prejudice candidates or voters, unless the amendment is necessary to correct an error or address an unforeseen issue.

(3) Minor or technical amendments to clarify or improve these Provisions may be made by the Transitioning Council in consultation with the Interim Electoral Committee and the Trustees, provided that such amendments do not alter the substance or principles of these Provisions.

### **95. Supremacy and Severability**

(1) In the event of any conflict between these Provisions and Articles 20, 21, 22, or 23 of the Constitution, these Provisions shall prevail solely for the April 2026 elections.

(2) If any provision of these Provisions is found to be invalid, unlawful, or unenforceable, the remaining provisions shall continue in full force and effect.

(3) Any invalid provision shall be interpreted or modified to the minimum extent necessary to make it valid, or if that is not possible, shall be severed without affecting the validity of the remaining provisions.

### **96. Publication and Accessibility**

(1) These Provisions shall be published on the Association's official website immediately upon adoption and approval by the Registrar of Societies.

(2) Copies shall be made available to all members by email, and physical copies shall be available at the Association's registered office and Branch offices.

(3) The Interim Electoral Committee shall ensure that these Provisions are accessible to all members throughout the electoral process.

(4) Summaries or simplified versions of these Provisions may be prepared for ease of understanding, provided they are consistent with the full text.

### **97. Commencement**

These Transitional Electoral Provisions for April 2026 Elections shall come into force immediately upon:

(a) their adoption by the Special General Meeting at which the Constitution is ratified; and

(b) the approval of the Constitution and these Provisions by the Registrar of Societies.

## **END OF TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS**

## **THE KVA TRANSITIONAL ELECTORAL PROVISIONS FOR APRIL 2026 ELECTIONS**

### **CERTIFICATION**

These Transitional Electoral Provisions for April 2026 Elections were adopted by the Special General Meeting of the Kenya Veterinary Association held on **27<sup>th</sup> October 2025** and approved by the Registrar of Societies on **16<sup>th</sup> January, 2026**.

**Signed:**

**Chairperson of the Special General Meeting**

Date: \_\_\_\_\_

**Honorary Secretary**

Date: \_\_\_\_\_