



MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

MANUAL FOR ELECTION OF REPRESENTATIVES OF SMALL- SCALE AND MEDIUM SCALE TEA GROWERS IN THE BOARD OF THE TEA BOARD OF KENYA

Interpretation

In this manual:

'Board' has the meaning assigned to it under the Tea Act, 2020;

"Region" means the areas specified for representation of small-scale and medium-scale tea growers as specified under the Second Schedule of the manual;

'Smallholder Tea Factory Company Limited' means a tea factory collectively owned through shares by small and medium scale tea growers;

'Tea block' has the meaning assigned to it under the Tea Act, 2020;

'Tea factory' has the meaning assigned to it under the Tea Act, 2020;

'Voter' means a director of a smallholder tea factory company limited representing small-scale and medium-scale tea growers in the elections of the small-scale and medium-scale tea growers' representative to the Board.

REQUIREMENTS FOR ELECTION OF BOARD MEMBERS TO THE TEA BOARD OF KENYA

1.0 BACKGROUND

The Tea Board of Kenya (TBK) is established under Section 3 of the Tea Act 2020. Section 7 of the Act provides for the membership of the Board as follows:

The management of the Board shall vest in the Board of Directors consisting of:

- - (a) a Chairperson appointed by the President by notice in the *Gazette*;
 - (b) the Principal Secretary responsible for agriculture or a representative nominated by the Principal Secretary in writing;
 - (c) the Principal Secretary responsible for trade or a representative nominated by the Principal Secretary in writing;
 - (d) the Principal Secretary responsible for National Treasury or a representative nominated by the Principal Secretary in writing
 - (e) one person of either gender, who shall have knowledge and experience in the tea sector and be from either the East and West tea blocks, nominated alternately by the Council of Governors;
 - (f) four persons, two of either gender, representing and elected by small scale and medium scale tea growers from the East and West of the tea blocks: Provided that two persons shall be from each of the tea blocks;
 - (g) one person elected and representing large scale tea growers;
 - (h) one person elected and representing tea traders;
 - (i) a Chief Executive Officer appointed in accordance with section 13 who shall be an ex-officio member of the Board.

Section 7(2) of the Act provides that the **Cabinet Secretary shall appoint** the members under subsection (1) (e), (f) (g) and (h) by notice in the Gazette;

Section 7(3) provides that the appointment of the chairperson or members of the Board under subsection (1) (a), (d), (e), (f), (g) and (h) and **shall take into account the gender, regional and other diversities of the people of Kenya.**

This election manual shall guide the process of electing Board members to represent small and medium scale tea growers in the Board.

To facilitate the election of the representative of small-scale and medium-scale tea growers in the Board of the Tea Board of Kenya the following requirements have been developed setting out: -

- i. the eligibility criteria for candidates;
- ii. procedure for election of candidates;
- iii. application and vetting of candidates;
- iv. the election process;
- v. voting process.

2.0 ELIGIBILITY FOR ELECTION TO THE BOARD

A person shall be eligible to vie for elections to represent small-scale and medium-scale tea growers to the Board if the person;

1. Is an active small-scale and medium-scale tea grower in the twelve months period preceding the date of elections;
2. Is registered as a tea grower in a smallholder tea factory company limited;
3. has delivered to the respective tea factory during the preceding year not less than 5,000 kilos of green leaf from own tea farm;
4. Holds a degree from a university recognized in Kenya;
5. Meets the requirement of Chapter Six of the Constitution on Leadership and Integrity;
6. Has not been employed by The Tea Board of Kenya in an executive capacity within the last five years;
7. Is not an undischarged bankrupt;
8. Is an adult of sound mind;
9. Has at least five (5) years knowledge and experience in the tea sector;
10. Payment into the Tea Board of Kenya account a non-refundable fee of Kenya shillings thirty thousand (Kshs. 30,000) only.

OTHER CRITERIA

Each candidate representing small-scale and medium-scale tea growers shall be proposed by at least one smallholder tea factory company limited and seconded

by at least one third of the smallholder tea factory companies limited in the tea block in which the candidate intends to vie using **Form TBK/SM/1B**.

3.0 ELECTION PRINCIPLES

3.1 General Principles

1. The election of persons to represent small-scale and medium scale tea growers from the East and West blocks to the Board under Section 7 (1) (f) shall be carried out in accordance with these principles.
2. Election of the person to represent small-scale and medium-scale tea growers shall give due regard to gender, regional and other diversities of the people of Kenya.
3. Each tea block shall be divided into two regions as specified in the second schedule.
4. Voters from each block shall elect two persons, one of either gender to represent small-scale and medium scale tea growers in the Board.

Provided that the persons elected shall not be from the same region.

5. Elections shall be done through secret ballot.
6. Each candidate shall be entitled to one election agent nominated using **FORM TBK/SM/2**.
7. Voters for the purpose of election of small-scale and medium-scale tea growers' representative to the Board shall be the Directors of smallholder tea factory companies limited.

3.2 Election process

1. Issuance of a notice of elections for small-scale and medium-scale tea growers' representatives to the Board;
2. Application by interested candidates;
3. Vetting of the candidates using the prescribed criteria;
4. Publishing of candidates who meet the vetting criteria;
5. The Board shall publish the voters register;
6. Voters from each block shall elect two persons of either gender to represent small-scale and medium scale tea growers in the Board.

Provided that the persons elected shall not be from the same gender or from same region.

7. The following procedure shall be followed to ensure that the persons elected shall not be from the same gender or same region
 - i. Each tea block shall be divided into two regions as specified in the second schedule.
 - ii. Each region shall elect one person of either gender.
 - iii. The person who shall garner the highest number of votes in either of the two regions within a block shall become the first representative of small-scale and medium-scale tea growers for that tea block in the Board.
 - iv. The person of the opposite gender in the other region of the tea block who shall garner the highest number of votes shall be become the second representative of small-scale and medium-scale tea growers for that tea block in the Board.
8. If the shortlisted candidates from a region within a block are all of the same gender, elections for the missing gender shall be deferred to a later date.
9. Formal appointment and gazettlement by the Cabinet Secretary for Agriculture and Livestock Development.

3.3 Application and vetting of candidates

1. Interested candidates shall submit their application to the Board using **FORM TBK/SM/1A** within such timelines as shall be specified by the Board and attach the following certified documents:-
 - i. Copy of the ID card or passport;
 - ii. Grower pay slips for the twelve months' period (1st July 2023 to 30th June 2024);
 - iii. Copies of Academic certificates;
 - iv. Curriculum Vitae;
 - v. Duly filled and stamped self-declaration form presented to the Board from Ethics and Anti-Corruption Commission (EACC) clearance;
 - vi. Credit Reference Bureau Certificate;
 - vii. Valid Tax Compliance Certificate;
 - viii. A valid Police Clearance Certificate or proof of payment of not more than three months prior to the date of submission;
 - ix. Proposer and seconder form **TBK/SM/1B** duly filled by a proposer and seconded by at least one third of the smallholder tea factories companies in the tea block in which the candidate intends to vie;

- x. Board resolutions from the smallholder tea factory companies proposing and seconding the candidate to vie for elections.
- xi. Payment receipt from the Board of a non-refundable election fee of Kenya Shillings thirty thousand (Kshs. 30,000) only.
- 2. The candidate shall be vetted for eligibility using the specified eligibility criteria.
- 3. The Board shall verify the documents submitted by the candidates and shortlist and publish the names of candidates that meet the criteria.

3.4 Voting process

1. A voter shall on the date of election present to the Presiding Officer for verification a National Identity Card or Passport.
2. The presiding officer shall confirm the voters' identity.
3. Before commencement of the voting, the Presiding Officer shall ensure the ballot box is empty and properly sealed.
4. A voter shall vote by placing a legible mark in the space provided next to the name of the candidate of their choice.
5. Upon voting the polling clerk shall strike out the name of the voter from the register using a red inked pen.
6. A voter shall be provided with privacy during the voting exercise.
7. A person with disability may be assisted to mark the ballot paper after ascertaining their eligibility to vote.

3.5 Counting of votes and declaration of results

1. Counting of votes cast shall commence immediately after closing of the voting process.
2. The Presiding Officer shall in the presence of candidates open each ballot box and count the number of votes cast in favour of each candidate.
3. The Presiding Officer shall record the number of the votes cast in favour of each candidate in **FORM TBK/SM/3**.
4. The Presiding Officer shall witness the candidates or their agents append their signatures to confirm the election results.
5. The Presiding Officer shall announce the results of the voting and thereafter submit the results to the Returning Officer.
6. The Presiding Officer shall as soon as practicable, deliver the ballot boxes, counted ballot papers, rejected, disputed ballot papers and the results of the voting to the Returning Officer who shall take charge thereof.
7. Upon summarizing the results, the Returning Officer shall announce and declare the results in **FORM TBK/SM/4**
8. The Returning Officer shall issue the elected candidates with an election certificate in **FORM TBK/SM/5**.

9. The Returning Officer shall submit the declared results to the Cabinet Secretary for appointment and gazettlement of the Board members.

Election Dispute Resolution Committee

- (1) There is hereby established an Election Dispute Resolution Committee to consider and determine disputes arising from shortlisting of candidates, elections of directors to the Board.
- (2) The Election Dispute Resolution Committee shall comprise of three members appointed by the Cabinet Secretary for Agriculture and Livestock Development.
- (3) Tea Board of Kenya shall provide secretariat to the Election Dispute Resolution Committee.
- (4) The quorum for conducting the business of the Election Dispute Resolution Committee shall be two members.
- (5) Unless a unanimous decision is reached, a decision on any matter before the committee shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairperson or person presiding over the meeting shall have a casting vote.
- (6) The Election Dispute Resolution Committee shall be appointed by the Cabinet Secretary at least seven (7) days prior to the date of the elections.

Dispute Arising from shortlisting and elections:

- (1) A dispute arising from the shortlisting of candidates or elections shall be made in writing to the Chairman of the Dispute Resolution Committee within twenty-four (24) hours from the date of shortlisting of candidates or declaration of election results.
- (2) The aggrieved party shall file the grounds of the disputes together with copies of relevant documents with the Election Dispute Resolution Committee, and pay to the Boards account a non-refundable fee of Kshs. 20,000/= (Twenty Thousand only).
- (3) The aggrieved party shall serve the other party (ies) and the Board with the particulars of the dispute arising from the shortlisting or election within twenty fours (24) hours of filing the dispute. Service shall be effected by hand delivery or through a process server or email address or WhatsApp or to the last known postal address by prepaid recorded delivery or registered post.

(4) The Election Dispute Resolution Committee shall within twenty-four (24) hours of receiving a dispute arising from the shortlisting or election, give notice to the parties concerned of the date and place of hearing of the dispute.

(5) The Election Dispute Resolution Committee shall consider and determine the dispute arising from the shortlisting or election and communicate the final decision in writing to the affected parties within four (4) days of receiving the dispute arising from the shortlisting or election.

(6) The filing of an election dispute pursuant to Clause 8(1) shall not operate as a stay of the election unless the Election Dispute Resolution Committee so orders.

(7) Any dispute arising from the election shall in the first instance be referred to the Election Dispute Resolution Committee.

(8) Any person who is not satisfied with the decision of the Election Dispute Resolution Committee may seek alternative redress.

TEA BOARD OF KENYA
FORM TBK/SM/1A

APPLICATION FORM

Part 1: Personal Particulars:

1. Name of Candidate.....
2. Gender.....
3. Date of Birth.....
4. National Identity Card No./Passport No.....
5. Occupation.....
6. Address: Postal..... Email.....
7. Cell Phone Number.....
8. County
9. Ward.....Village/road.....

Part 2A: Grower Particulars (representatives for small-scale & medium scale tea growers):

1. Tea Block.....
2. Region.....
3. Tea Factory.....
4. Tea Factory Grower Registration No.....

Part 3: Candidate academic Qualifications:

		Institution/University	Year
(i).	Post-Graduate		
(ii).	Graduate		
(iii).	Diploma		
(iv).	Certificate		
(v).	O-Level/KCSE		

Part 4: attach certified copies of the following documents where applicable:

(i).	Identity card/passport	
(ii).	Grower pay slips for twelve months' period (1 st July 2023 to 30 th June 2024);	
(iii).	Academic certificates	

(iv).	Curriculum Vitae	
(v).	Duly filled and stamped self-declaration form presented to the Board from Ethics and Anti-Corruption Commission (EACC) clearance	
(vi).	Valid Tax compliance certificate	
(vii).	A valid Police Clearance Certificate or proof of payment of not more than three months prior to the date of submission	
(viii).	Credit Reference Bureau Certificate	
(ix).	Proposer and seconder form TBK/SM/1B duly filled by a proposer and seconded by at least one third of the smallholder tea factories companies in the tea block in which the candidate intends to vie	
(x).	Board resolutions from the one third of the smallholder tea factory companies proposing and seconding the candidate to vie for elections	
(xi).	Payment receipt from the Tea Board of Kenya of non-refundable election participation fee of Kenya shillings thirty thousand only	

Part 5: Declaration by the Candidate:

I.....of ID No./Passport

No..... do solemnly and sincerely declare that the particulars provided above are true to the best of my knowledge.

Signature:.....Date:.....

Witness:.....Date:.....

.....

Part 6: Acknowledgment by the Tea Board of Kenya

I,..... of The Tea Board of Kenya hereby acknowledge receipt of candidate application form for Mr./Mrs./Ms./Dr./Prof..... of tea factory in Region..... block

Signature:.....Date:.....

Tea Board of Kenya Stamp:

.....

TEA BOARD OF KENYA
FORM TBK/SM/1B

PROPOSER AND SECONDER FORM

We, the undersigned smallholder tea factory companies limited support the nomination of Mr./Mrs./Ms./Dr./Prof..... ID No. Grower No. of Tea Factory Company Limited as a candidate for election as a Board Member of the Tea Board of Kenya to represent small-scale and medium-scale tea growers.

PROPOSER:

Name of Director

ID No...... **Grower No.**

Cellphone No......

Name of Tea Factory Company Limited :.....

Region No. **Tea Block**

Signature **Date**

SECONDED BY:

#	NAME OF TEA FACTORY	NAME OF DIRECTOR	GROWER NO.	SIGNATURE	DATE
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

TEA BOARD OF KENYA

Form TBK/SM/2

APPOINTMENT OF AGENT

I

Prof./Dr./Mr./Mrs./Ms.....ID/Passport No of Tea Factory Company Limited having been cleared to contest for the election of the Board of the Tea Board of Kenya to represent small-scale and medium-scale tea growers in Region No. do hereby appoint Prof./Dr./Mr./Mrs./Ms.....ID/Passport No..... to be my agent in polling station/tallying centre in the elections to be held onDay of20.....

Name of

Candidate:.....Signature:.....

Date:.....

TEA BOARD OF KENYA

FORM TBK/SM/3

DECLARATION OF THE RESULTS AT THE POLLING STATION

- 1) Tea Block.....
- 2) Region.....
- 3) Polling Station.....

Number of Votes cast in favour of each candidate

Name of Candidate	No. of valid votes
Total number of valid votes cast	

Polling station count

1	Number of registered Voters	
2	Total number of Rejected Ballot(s)	
3	Total number Disputed Votes	
4	Total number of valid votes cast	

Decision on Disputed Votes (if any)

Serial number of the ballot paper(s) with disputed votes	Name of candidate assigned the Vote

I/We, the undersigned being present when the results of the counts were announced do hereby declare that the results shown above are true and accurate count of the ballots in polling station Tea Block.

Presiding Officer (Name)..... National ID/ Passport No
..... Signature:..... Date.....

Candidate/Agent if present:

No	Name of Candidate	Agent's Name	ID No./ Passport No.	Cellphone No.	Signature	Date

Reasons for refusal to sign (if any) :

.....
.....
.....

Comments by the Presiding Officer:

.....
.....
.....
.....

TEA BOARD OF KENYA

FORM TBK/SM/4

DECLARATION OF THE RESULTS BY THE RETURNING OFFICER

No.	Name of the elected candidate	Gender	Tea Block
1			
2			
3			
4			

I being the Returning Officer of the elections of representatives to the Board of Tea Board of Kenya, do hereby declare the above listed candidates have been elected to represent small-scale and medium-scale tea growers in the Board.

ID No. Cellphone Number.....

Email address:.....

Signature:..... Date:.....

Stamp

.....

TEA BOARD OF KENYA

FORM TBK/TB/5

Serial No.....

CERTIFICATE OF ELECTION

I..... being the Returning Officer for election of the Board Members of the Tea Board of Kenya do hereby confirm that Prof./Dr./Mr./Mrs./Ms. ID No..... has been duly elected as a Board Member to represent.....in the elections held on20.....

Returning Officer (Name):

Signature:.....Date:

Stamp

Dated this -----day of -----2024

SECOND SCHEDULE

ELECTION OF DIRECTORS TO THE BOARD OF TEA BOARD OF KENYA

REGIONS

SMALL AND MEDIUM SCALE TEA GROWERS

EAST BLOCK			
#	REGION	FACTORIES	COUNTY
1.	REGION 1	(1) Kambaa (2) Kagwe (3) Gachege (4) Mataara (5) Theta/Ndar ugu	Kiambu - 5 factories
		(6) Nduti (7) Ngere (8) Gacharage (9) Kanyenyaini (10) Githambo (11) Gatunguru (12) Makomboki (13) Ikumbi (14) Njunu (15) Kiru	Murang'a - 10 factories
		(16) Iriaini (17) Gitugi (18) Chinga (19) Ragati (20) Gathuthi	Nyeri -5 factories
		-	Narok
2.	REGION 2	(1) Ndima (2) Kimunye (3) Mununga (4) Kangaita (5) Thumaita	Kirinyaga - 5 factories
		(6) Mungania (7) Rukuriri (8) Kathangariri	Embu - 3 factories

		(9) Imenti (10) Kionyo (11) Kinoro (12) Githongo (13) Michimikuru (14) Kiegofi/ Igembe	Meru - 6 factories
		(15) Weru	Tharaka-Nithi-1 factory
WEST BLOCK			
3.	REGION 3	(1) Tegat/Toror (2) Kapkatet/Tebes onik (3) Litein / Chelal (4) Momul	Kericho - 4 factories
		(5) Mogogosiek/Kob el / Boito (6) Kapset/ Rorok (7) Kapkoros /Tirgaga / Motigo/Olengur uone	Bomet/Nakuru- 3 factories
		(8) Chebut/Kaptum o	Nandi - 1 factories
4.	REGION 4	(1) Nyankoba (2) Kebirigo (3) Sanganyi (4) Nyansiongo/ Matunwa	Nyamira - 4 factories
		(5) Gianchore (6) Kiamokama/Ria nyamwamu (7) Tombe (8) Ogembo/ Sombogo/ Eberegge (9) Nyamache/Itum be	Kisii – 5 factories
		(10) Kapsara	Trans-Nzoia - 1 factory
		(11) Mudete	Vihiga - 1 factory

