



MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

MANUAL FOR ELECTION OF REPRESENTATIVE OF TEA TRADE BOARD MEMBER TO THE TEA BOARD OF KENYA

Interpretation

In this manual:

‘Board’ has the meaning assigned to it under the Tea Act, 2020.

‘Tea trader’ means a person or organization duly registered by Tea Board of Kenya to undertake tea buying, exporting, importing, warehousing, packing and brokerage.

‘Voter’ means a person nominated by a tea trader to represent them during the election of the tea traders’ representative to the Board.

REQUIREMENTS FOR ELECTION OF REPRESENTATIVE OF TEA TRADE BOARD MEMBER TO THE TEA BOARD OF KENYA

BACKGROUND

The Tea Act, 2020 was assented into law on 23rd December 2020 and commenced on 11th January 2021.

Section 3 of the Tea Act 2020, establishes the Tea Board of Kenya (TBK).

Section 7 of the Act provides that 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**”;

To facilitate the election of the representative of tea trade 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,
- vi. counting of votes and,
- vii. declaration of results.

1.0 ELIGIBILITY FOR ELECTION TO THE BOARD

A person shall be eligible to vie for elections as a Director to represent tea trade in the Tea Board of Kenya if the person;

- 1. Is an active tea trader in the twelve months preceding the date of elections;
- 2. Has a valid registration certificate from Tea Board of Kenya;
- 3. Holds a degree from a university recognized in Kenya;
- 4. Meets the requirement of Chapter Six of the Constitution on Leadership and Integrity;
- 5. Has not been employed by The Tea Board of Kenya in an executive capacity within the last five years;
- 6. Is not an undischarged bankrupt;
- 7. Is an adult of sound mind;
- 8. Has at least five (5) years knowledge and experience in the tea sector;
- 9. Payment into the Tea Board of Kenya account a non-refundable fee of Kenya shillings Fifty thousand (Kshs. 50,000) only.

2.0 ELECTION PRINCIPLES

- 1. Each candidate representing tea traders shall be:
 - i. eligible to vie for election as a board member if nominated as a candidate by an active tea trader with a valid TBK registration certificate;
 - ii. proposed and seconded by at least three (3) registered tea traders from each category of tea trade using **Form TBK/TB/1B**:
 - Three buyer/exporter/importers;
 - Three brokers;
 - Three packers;
 - Three warehouse operators.
- 2. Elections shall be done through secret ballot.

3. Each candidate shall be entitled to one election agent nominated using **FORM TBK/TB/2**.
4. Each registered tea trader (packer, buyer/exporter/importers, warehousemen, Tea brokers) shall nominate one person to represent them during the election of the tea trade representative in the Board.

3.0 Election process

The election process shall be as follows; -

1. Issuance of a notice of elections to all tea traders;
2. Application by interested candidates;
3. Vetting of the candidates using the prescribed criteria;
4. Publishing of candidates who meet the vetting criteria;
5. Election of one person to represent tea traders in the Board;
6. Formal appointment and gazettlement by the Cabinet Secretary for Agriculture and Livestock Development.

4.0 Application and vetting of candidates

1. An eligible candidate shall submit their application to the Board in the prescribed form and attach the following certified documents: -
 - i. Copy of the ID card or passport;
 - ii. Valid Tea Board of Kenya registration certificate for tea traders;
 - 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. 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. A board resolution nominating the candidate to vie for elections;
 - x. Duly filled and signed **FORM TBK/TB/2 and;**
 - xi. Payment receipt of nonrefundable election fee of Kenya Shillings fifty thousand from the Tea Board of Kenya.
2. The candidates shall submit a duly filled application form to the Board within such timelines as shall be specified by the Board using **FORM TBK/TB/1A**.

3. The proposed candidates shall be vetted for eligibility using the specified eligibility criteria.
4. The Board shall verify the documents submitted by the candidates and shortlist those who meet the criteria and issue them with a clearance certificate in **FORM TBK/TB/3**.

5.0 Voting process

1. A voter shall on the date of election present the following documents to the Presiding Officer for verification: -
 - i. National Identity Card or Passport or Driver's License or valid Police abstract in the event of loss of the said documents;
 - ii. A valid certificate of registration from the Tea Board of Kenya and has complied with the requirements to file returns to the Tea Board of Kenya;
 - iii. A resolution nominating the person to represent the tea traders during the election.
2. The presiding officer shall confirm the voters' identity and verify the supporting documents.
3. A voter shall vote by placing a legible mark in the space provided next to the name of the candidate of their choice.
4. Upon voting the polling clerk shall strike out the name of the voter from the register using a red inked pen.
5. A voter shall be provided with privacy during the voting exercise.
6. A person with disability may be assisted to mark the ballot paper after ascertaining their eligibility to vote.

5.1 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/TB/4**.
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. The Returning Officer shall upon receiving results verify and summarize the results in **FORM TBK/TB/5**.
8. The Returning Officer shall issue the elected candidates with an election certificate in **FORM TBK/TB/6**.
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.

FORM TBK/TB/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 2: Tea Trader Particulars:

1. Region.....
2. Tea Trader Category.....
3. Valid Tea Board of Kenya Registration Certificate No.....(attach copy)
4. If a corporate body, a board resolution and a special power of attorney nominating the candidate to vie for elections.....
5. Annual turnover for the preceding one (1) Year period (Kshs.).....

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).	Valid Tea Board of Kenya Registration certificate	
(iii).	Academic certificates	
(iv).	Curriculum Vitae	
(v).	Ethics and Anti-Corruption Commission (EACC) Clearance	
(vi).	Kenya Revenue Authority (KRA) compliance certificate	
(vii).	Police Clearance Certificate	
(viii).	Credit Reference Bureau Certificate	
(ix).	Board resolution nominating a candidate to vie for the elections	
(x).	Payment receipt of nonrefundable election participation fee of Kenya shillings fifty thousand	

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,.....Corporation Secretary, of the Tea Board of Kenya hereby acknowledge receipt of the application form for Mr./Mrs./Ms./Dr./Prof..... of.....

Signature: Date:

Tea Board of Kenya Stamp:

.....

FORM TBK/TB/1B**PROPOSER AND SECONDER FORM**

We, the undersigned, support the nomination of Mr./Mrs./Ms./Dr./Prof.....as a candidate for election as a Director to the Board of Tea Board of Kenya.

PROPOSER:

Name:..... **ID No.**.....

Cellphone No......

Tea Board of Kenya Registration No..... for
.....Tea Trader

Signature..... **Date**.....

SECONDER:

#	TRADER	TBK REGISTRATION NO.	NAME	SIGNATURE	STAMP
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					

FORM TBK/TB/2**APPOINTMENT OF AGENT**

I Prof./Dr./Mr./Mrs./Ms.....ID/Passport
No..... and Grower No. having been cleared to
contest for the election of a director of the Board do hereby appoint
Prof./Dr./Mr./Mrs./Ms ID/Passport No.
..... to be my agent inPolling
station/tallying centre in the elections to be held on20.....

Name of

Candidate.....Signature.....

Date.....

FORM TBK/TB/3

CLEARANCE CERTIFICATE

This is to confirm that Prof./Dr./Mr./Mrs./Ms.....ID/Passport No has been validly cleared to contest in the election to representin the Board to be held on day of20.....

Tea Board of Kenya:.....

Name: Signature:
.....
Chairperson Election Committee

Dated this.....day.....of.....20.....

FORM TBK/TB/4

DECLARATION OF THE RESULTS AT THE POLLING STATION

- 1) Region.....
- 2) 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:

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

FORM TBK/TB/5**DECLARATION OF TEA TRADERS RESULTS BY THE
RETURNING OFFICER**

No.	Name of the elected candidate	Gender	Representation
1			
2			
3			
4			
5			
6			
7			
8			
9			

I being the Returning Officer do hereby declare that the above listed candidate has been elected as the representative of in the Board of Tea Board of Kenya during the elections held on

..... 20.....

ID No. Cellphone

Number.....

Email address:

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

Stamp

.....

FORM TBK/TB/6**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 representative of tea trade in the Board of Tea Board
of Kenya during the elections held on
..... 20.....

Returning Officer (Name):

Signature:..... Date:

Stamp