

KENYA SUGAR BOARD

PROCEDURE FOR ELECTION OF MILLER REPRESENTATIVES TO THE KENYA SUGAR BOARD

2025

PART 1 – PRELIMINARY

1. In this part, unless the context otherwise requires-	Interpretation
“ Board ” means the means the Kenya Sugar Board established under section 3 of the Sugar Act No.11 of 2024	
“ Cabinet Secretary ” means the Cabinet Secretary for the time being responsible for matters relating to agriculture	
“ Delegate ” means a nominee from each registered sugar mill	
“ Election ” means the process of electing candidates to represent sugar millers in the Board	
“ Election Committee ” means a committee appointed by the Cabinet Secretary responsible for agriculture to conduct the elections of miller representatives.	
“ Independent parties ” means any person who in any way is interested in the elections of the miller representative	
“ Miller ” means a person currently licensed to operate a sugar mill and has been milling at least for the last twelve months in Kenya for the production of sugar including refined sugar and other by-products	
“ Polling Station ” means a place or venue designated by the Elections Committee where registered and licensed sugar millers shall cast their votes;	
“ Presiding Officer ” means a person appointed by the Elections Committee to be in charge of the electoral process in a polling station;	
“ Voter ” means a delegate nominated by a registered miller	
“ Voters register ” means a register of delegates nominated by a registered sugar miller	
2. This procedure shall apply to the elections of miller representatives to the Kenya Sugar Board	Application
3. The objective of this procedure is to guide elections of miller representatives to the Board and in particular to provide for: -	Object and purpose
a) Administrative procedures for conducting elections of the miller representatives to the Kenya Sugar Board; b) To ensure free and fair elections	

PART 11- MANAGEMENT OF THE ELECTIONS	
4. (1) The Cabinet Secretary shall constitute an eleven (11) member Elections Committee to manage the electoral process of the miller representatives to the Board. The committee membership shall be drawn from but not limited to the following institutions; (a) The ministry for the time being responsible for matters relating to agriculture (4) (b) Kenya Sugar Board (3) (c) Council of Governors (2) (d) Independent Electoral and Boundaries Commission (2) (2) The Cabinet Secretary shall appoint the chairperson of the committee from among members listed in 4 (1) (3) The Elections Committee shall appoint the Presiding Officers to preside over the election of miller representatives to the Board. (4) The Board shall bear all the costs of conducting the elections of the miller representatives. (5) The term of the Elections Committee shall commence from the date of appointment up to the date the elections are concluded. (6) Notwithstanding the provisions of clause 4(5) above, the committee may be recalled to conduct a repeat election arising from a court order.	Appointment of the committee
5. (1) The functions of the committee shall be to: - (a) Conduct free and fair elections of the miller representatives to the Board; (b) Issue the notice of elections; (c) Appoint presiding officer and a clerk for the polling station; (d) Designate and review polling stations for the purpose of election (e) Organize and conduct elections in accordance with the election procedure; (f) Print election materials and supervise the distribution; (g) Review and implement the election schedule; (h) Prepare and submit a report on the election to the Cabinet Secretary; (i) Make recommendations on improvement of election process; and (j) Carry out such other functions as may be necessary for the proper conduct of the elections. (2) The committee shall apply the election procedure in conducting elections of miller representatives to the Board	Functions of the Committee
PART III- ELECTIONS	
6. (1) All sugar miller delegates whose names appear in the voters register shall have the right to vote and to participate in the elections. (2) Election of candidates shall be done through a democratic system of one miller, one delegate, one vote. (3) The Cabinet Secretary shall declare vacancies for miller representatives to the Board and invite millers to nominate one (1) delegate each. (4) The Committee shall issue a notice for the elections of miller representatives to the Board in Form KSB/ELEC/25/01/A set out in the First Schedule and the election scheduled at least twenty one (21) days before the election date and forward a copy to the Kenya Sugar Board. (5) The notice for the elections and polling station shall be prominently displayed in all the sugar factories and KSB website.	Guiding Principles

(6) The Kenya Sugar Board shall prepare a voter register and submit an accurate and updated copy to the Elections Committee at least twenty one (21) days before the date of elections.	
(7) The voters register shall be displayed at all the sugar factories and the KSB website to confirm registration at least twenty-one (21) days before the date of elections.	
(8) The campaign period shall commence twenty one (21) days to the date of the elections and shall end by 5.00 p.m. on the date preceding the day of elections as specified in the notice for the election issued by the Elections Committee.	
(9) The Elections Committee shall prepare, avail and distribute adequate voting materials.	
(10) The ballot papers shall be prepared and availed at the venue. Voters shall write the full name of the preferred candidate they are voting for on the ballot paper.	
(11) The ballot box shall be a transparent container with a seal and an opening at the top to facilitate voting.	
(12) Before commencement of the voting, the Presiding Officer will ensure the ballot box is empty and properly sealed in the presence of all the delegates.	
(13) The elections shall be by secret ballot.	
(14) Elections shall be held between 9.00 a.m. and 5.00 p.m.	
(15) The Presiding Officer shall announce the results after counting and declare the two (2) elected miller representatives on the same day of the election.	
7. Once the notice of election has been issued, interested candidates shall be required to pay a non-refundable nomination fee of Kshs. 50,000 (fifty thousand only) before the date of election	Nomination procedure
8. (1) The nominated candidates shall submit the following to the Presiding Officer;	
a) Copy of the National Identity card or passport; b) A letter from the sugar factory nominating the voter as a delegate and, must be seconded in writing by another miller c) Proof of payment of non-refundable nomination fees of Kshs. 50,000/= (fifty thousand only).	
(2) All delegates shall sign Form KSB/ELEC/25/B set out in the First Schedule in which they commit to adhere to the election procedures as well as the candidacy requirements.	
(3) The Presiding Officer shall cause to be displayed names of the nominated candidates at the venue of the election.	
9. (1) A person shall be eligible to vie for elections of the miller representative to the Board if that person is: -	Eligibility of candidate(s) vying for elections
a) A nominee of a sugar miller eligible to participate in the election; b) A Kenyan citizen or a holder of a valid work permit; c) Meets the requirements of Chapter six (6) of the Constitution on leadership and integrity (Duly filled and stamped Ethics and Anti-Corruption Commission (EACC) self- declaration form, Credit Reference Bureau Certificate, Tax Compliance Certificate, Police Clearance Certificate) d) Payment into the Kenya Sugar Board account a non-refundable fee of Kshs. 50,000/= (fifty thousand only).	

10. (1) A voter shall on the date of election present the following documents to the Presiding Officer for verification: -	Voting process
(a) National Identity Card or Passport;	
(b) A letter from the sugar factory nominating the voter as a delegate	
(2) The Presiding Officer shall verify the voters' documents and identity to confirm their eligibility to vote.	
(3) A voter shall cast their vote by writing the full name of the preferred candidate on the ballot paper.	
(4) Upon voting the polling clerk shall strike out the name of the voter from the voters' register using a red inked pen.	
(5) A voter shall be accorded privacy during the voting exercise.	
(6) Any ballot that is spoilt by the voter or election official shall be clearly marked as spoilt and submitted to the Presiding Officer.	Complaints on elections day
11. (1) Any election complaint on election day shall be presented to the Presiding Officer.	
(2) The Presiding Officer shall conduct a thorough investigation on the complaint and determine the matter.	Counting of votes and declaration of results
12. (1) Counting of votes cast shall commence at the polling venue immediately after closing of the voting process.	
(2) The Presiding Officer shall in the presence of all the delegates open each ballot box at the polling venue, empty its contents onto the counting table and count the number of votes cast in favor of each nominee.	
(3) The Presiding Officer shall record the number of the votes cast in favor of each nominee in Form KSB/ELEC/25/C set out in the First Schedule.	
(4) Upon recording the number of votes cast, the Presiding Officer shall request the nominees to append his or her signature in the form.	
(5) The failure or refusal by the nominees to endorse the form under clause 12 (4), shall not invalidate the results.	
(6) The Presiding Officer shall announce the results of the voting and declare the winner and issue election certificate in Form KSB/ELEC/25/D set out in the First Schedule, at the polling venue before submitting the results to the chairperson of the Elections Committee.	
(7) The Presiding Officer shall as soon as practicable (but not later than a day), deliver the ballot boxes, counted ballot papers, rejected, spoilt, disputed ballot papers and the results of the voting at the polling venue to the Chairperson of the Election Committee who shall take charge thereof.	
(8) The Elections Committee shall ensure safe custody of the ballot papers and voting materials after the election for at least six (6) months for reference in the event of a dispute.	
(9) The Chairperson of the Elections Committee shall present the names of the elected miller representatives to the Cabinet Secretary for confirmation and appointment as directors within seven days (7) days of the elections.	
13. (1) Independent parties shall apply to the Elections Committee to become observers during the election process.	Election observers
(2) The Committee shall consider and accredit observers for the election of miller	

representatives.	
(3) The role of the observer shall be to monitor the conduct of elections, take note of any election irregularities that may arise or that may need to be addressed in elections and make recommendations that may further enhance the credibility of elections in future.	
(4) An observer shall not be a grower or a miller and shall NOT participate in or interfere with the elections.	
(5) An observer(s) shall submit a report on the elections to the Elections Committee	
14. (1) The Cabinet Secretary shall constitute a Dispute Resolution Committee to consider and determine disputes arising from the electoral process. (2) The Election Dispute Resolution Committee shall comprise the following members; (a) A chairperson appointed by the Cabinet Secretary who is a qualified/licensed arbitrator (b) A person nominated by the Council of Governors (CoG) (c) An officer from the Elections Committee. (d) A person with legal knowledge/qualifications nominated by the Chairperson of the Law Society of Kenya. (e) One person nominated by the Cabinet Secretary from the ministry in charge of agriculture (f) The secretary to the Committee shall be a representative from the Kenya Sugar Board who shall be an ex officio member. (3) The quorum for conducting the business of the Election Dispute Resolution Committee shall be two-third (2/3) of the members. (4) The Chairperson shall preside at every meeting of the committee at which he/she is present and in his/her absence, the members of the committee present shall elect one of their members to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson. (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 fourteen (14) days prior to the date of the elections. (7) In performance of its functions and subject to the provisions of these procedures, the Election Dispute Resolution Committee shall regulate its own procedures. (8) The term of the Election Dispute Resolution Committee shall commence from the date of appointment up to the conclusion of the election. (9) This notwithstanding, parties are encouraged to solve the disputes amicably	Dispute Resolution

MILLER REPRESENTATIVE ELECTIONS PROCEDURE, 2025

FORM KSB/ELEC/25/A

Serial No.....

NOTICE OF ELECTION
All sugar Millers are notified that election for miller representatives to the Board will be carried out on
All persons interested in vying for the position of miller representative to the Board during the election SHALL comply with the following conditions:
a) A licensed sugar miller and a holder of a valid current mill operating license; b) A Kenyan citizen or a holder of a valid work permit; c) Meets the requirements of Chapter six (6) of the Constitution on leadership and integrity; d) Not an undischarged bankrupt; e) An adult of sound mind; f) Payment into the Kenya Sugar Board account a non-refundable fee of Kshs. 50,000/= (fifty thousand only). g) A letter from the sugar mills nominating the delegates.
Signature Election Committee Chairperson.....
Stamp Kenya Sugar Board.....
Dated:
Note: The above conditions shall be read together with the elections procedure available at the Kenya Sugar Board and which shall apply to all contestants.

MILLER REPRESENTATIVE ELECTIONS PROCEDURE, 2025

FORM KSB/ELEC/25/B

Serial No.....

Acceptance of Election Conditions Form		
Name of delegate:		
Name of sugar mill:		
I, the undersigned, hereby confirm my understanding and acceptance of the election terms and conditions outlined in the Notice of Election and Miller Representative Election Procedures. I acknowledge that this election process is governed by the Sugar Act No.11 of 2024 and procedures established by the Ministry responsible for agriculture.		
I hereby commit to adhere to the Sugar Act No.11 of 2024 and this election procedure throughout the entire process, including but not limited to the nomination, election by the delegates and eventually confirmation and appointment by the Cabinet Secretary responsible for agriculture.		
I understand that my compliance with these conditions is essential to maintaining the integrity and fairness of the election, and I pledge to conduct myself in a manner befitting the principles of transparency, ethics and respect for the democratic values of our sugarcane millers.		
Name of delegate	Signature	Date
Before me		
Commissioner for Oaths	Stamp	
Dated		

MILLER REPRESENTATIVE ELECTIONS PROCEDURE, 2025

FORM KSB/ELEC/25/C

DECLARATION OF THE RESULTS AT THE POLLING VENUE

1. Election of a public/private mill representative.....
2. Polling Venue.....

I	Valid votes cast	
2	Votes rejected	
3	Votes disputed	
4	Votes Spoilt	
5	Total votes cast (1+2+3+4)	
6	Number of registered millers	
7	Percentage turn out ($5 \div 6 \times 100$)	

#	Name of Nominee	No. of valid votes

I..... being present when the results of the counts were announced do hereby declare that the results shown above are a true and accurate count of the ballots in.....polling venue

Reasons for refusal to sign by the Nominee:

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.....
.....

Presiding Officer (Name).....ID No.....

Cellphone Number.....Email address

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

Comments by the Presiding Officer:

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MILLER REPRESENTATIVE ELECTIONS PROCEDURE, 2025

FORM KSB/ELEC/25/D

Serial No.....

CERTIFICATE OF ELECTION

I.....being the Presiding Officer for.....polling venue
do hereby Confirm that Prof./Dr./Mr./Mrs./Ms.....1D No./PP No
.....has been duly elected as a Miller Representative to the Kenya Sugar Board
during the elections held onday.....20.....

Presiding Officer (Name).....

Signature..... Date.....