

(Legislative Supplement No. 31)

## CORRIGENDA

IN Legal Notice No. 47 of 2007—

*Delete 6226/4 and insert thereof 6626/4.*

IN Legal Notice No. 122 of 2006—

Page 23, third column—

Under Mboghoni, *delete* “Kimala Sub-location of Jipe Location and”Under Mata, *insert* “and Kimala” immediately after mata.

IN Legal Notice No. 13 of 2007—

Page 23—

*Delete* “Nyakongo” and in place thereof insert “Mwabosire”.Under Tombe, *delete* “Mwabosire” and in place thereof *insert* “Nyakongo”

## LEGAL NOTICE NO. 70

## THE COTTON ACT

(Cap. 335)

IN EXERCISE of the powers conferred by section 41 (w) and (x) of the Cotton Act, the Minister for Agriculture, upon consultation with the Kenya Cotton Growers Association, makes the following Regulations:—

THE COTTON (ELECTIONS AND NOMINATIONS)  
REGULATIONS, 2007

1. These Regulations may be cited as the Cotton (Elections and Nominations) Regulations, 2007.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“assistant presiding officer” means a person appointed by the

returning officer to be in charge of the electoral process in a polling station;

“election” means the process of selecting representatives of registered cotton growers by vote;

“electoral zone” means any administrative zone in which cotton is grown, specified in the Schedules to these Regulations;

“nomination” means the process of selecting representatives of the associations;

“presiding officer” means a person appointed by the returning officer to be in charge of the electoral process in an electoral zone;

“register” means a register of cotton growers kept by the District Agricultural officer or the associations ;

“returning officer” means a person appointed by the Minister to be in charge of the electoral process.

Notice to  
convene  
meetings.

3. (1) The Minister shall, after giving twenty-one days notice in the Gazette and in at least two local daily newspapers of nationwide circulation, convene meetings in the electoral zones specified in the First and Second Schedule respectively.

(2) The registered growers shall attend the meeting convened by the Minister for the purpose of electing persons to represent them in the Board.

(3) The registered members of the Kenya Cotton Growers Association and the Kenya Cotton Ginners Association in the specified electoral zone shall attend the meeting convened by the Minister for the purpose of nominating persons from their respective associations to represent the associations in the Board.

(4) The number of members to be elected to the Board by registered growers from an electoral zone shall be as specified in the third column of the First Schedule, while the number of members to be nominated to the Board by their associations shall be as specified in the third column of the Second Schedule.

Returning  
officer.

4. The Minister shall appoint a public officer from the Ministry for the time being responsible for matters relating to Agriculture to be the returning officer for the purpose of the election of the members of the Board.

Eligibility to  
vote.

5. (1) Every registered cotton grower shall be entitled to one vote and be eligible to vote in one zone.

(2) Every member of the association shall be eligible to nominate a member in one zone.

6. (1) The District Agricultural Officers in the districts shown in the First Schedule shall prepare and keep a register of registered cotton growers for purposes of the first elections.

Registers.

(2) The associations named in the Second Schedule shall prepare and keep a register of their registered members.

(3) The register kept under paragraphs (1) and (2) shall, in respect of each registered grower or member contain his or her—

- (a) full names and address;
- (b) national identity card number or membership number;
- (c) gender or legal status;
- (d) size of area planted with cotton (in Hectares) or area of operation; and
- (e) administrative location, division, district and province.

(4) The Secretary to the Board shall, thereafter, prepare, keep and regularly review the register of registered cotton growers, for purposes of subsequent elections.

7. The register kept under regulation 6 shall be available for inspection at the District Agricultural office or at the office of the Secretary to the Board, as the case may be, during official working hours.

Inspection of Registers.

8. (1) Any candidate seeking to be elected to represent growers in the Board shall be a registered grower in the electoral zone in which the candidate aspires to represent.

Grower candidates.

(2) No person shall be a candidate in more than one zone.

(3) A candidate shall not be qualified for election where such candidate—

- (a) has not attained at least ordinary level of education;
- (b) is a public officer;
- (c) is an employee of the Authority;
- (d) is un-discharged bankrupt;
- (e) is of unsound mind;
- (f) has been convicted for mismanagement of public resources, corrupt practices or dishonesty;

- (g) has been convicted of any offence under this Act; and
- (h) has no outstanding debt owing to the cotton growers.

(4) All candidates aspiring to represent the growers and meet the qualifications set in paragraph (3) shall submit their names to the returning officer fourteen days before the date of the election.

Publication of  
list of  
candidates.

9. The Returning Officer shall publish, in at least two daily newspapers of nationwide circulation, a list of the names of the candidates and the zones for which they aspire to be elected seven days before the date of the elections.

Election  
procedure.

10. Every presiding officer shall display prominently, in every polling station, the names of the candidates who are vying in the elections.

Proposal and  
seconding of  
candidates.

11. Each candidate for election shall be proposed and seconded by at least ten registered growers in the prescribed Form 1 set out in the Third Schedule or such other number as may be determined from time to time by the Minister.

Election by  
secret ballot.

12. The elections of the growers' representatives to the Board shall be by secret ballot.

Elections of  
growers'  
representatives.

13.(1) Where there is only one candidate, the Returning Officer shall forthwith declare such candidate to be duly elected to the Board.

(2) Where there is more than one candidate for election, the assistant presiding officer shall cause a plain piece of ballot paper to be delivered to every registered grower present and entitled to vote at a polling station.

(3) The registered cotton grower shall record his or her vote by writing on the ballot paper the name of the candidate whose name has been published in accordance with regulation (9) and shall not make any other mark, writing or signature on the ballot paper.

(4) The registered cotton grower shall forthwith fold the ballot paper so as to conceal his or her vote and shall deliver it or cause it to be delivered to the assistant presiding officer in such a manner as the presiding officer shall direct.

(5) After delivering the ballot paper to the assistant presiding officer the voter shall dip the left index finger in indelible ink provided for the purpose.

(6) Upon receipt and counting of votes cast under paragraph (4), the presiding officer shall announce the number of votes cast for each candidate and shall declare the candidate for whom the greatest number of votes has been cast to have been duly elected to represent that zone in the Board.