

	KENYA INSTITUTE OF SUPPLIES MANAGEMENT		
	Document: PROCEDURE RULES	Ref No: KISM/Rules/DRC/01	
	Title: COUNCIL ELECTIONS DISPUTE COMMITTEE PROCEDURE RULES		
	Department: CHIEF EXECUTIVE OFFICER		
	Issue No. 1	Revision No. 0	Date: 9/9/2022

These Rules may be cited as the Council Elections Dispute Resolutions Rules, 2022, and shall come to force ninety days before the election date.

RULE 1: SCOPE OF DISPUTES

Any Member of the Kenya Institute of Supplies Management as provided in Section 3A(2) (a) & (b) of Supplies Practitioners Management Act, 2007 may lodge a dispute to the Dispute Resolution Committee in accordance with Regulation 6(3) of the Council Elections Regulations, 2022 on the following areas in the electoral processes:

- a) The publication of the register of members;
- b) The nomination of candidates for the election;
- c) The voting process; and
- d) The outcome of the election.

RULE 2: PROCEDURE OF LODING A DISPUTE

- a. A dispute shall be lodged in the prescribed timelines duly listed in the Council Elections Regulations, 2022.
- b. To lodge a dispute, a member will be required to submit in triplicate the following documents to the Chief Executive Officer of the Kenya Institute of Supplies Management (herein after known as the Institute):
 - a. The Memorandum of Complaint (Form KISM/Form/DRC/01) available on the KISM Website;
 - b. A Supporting Affidavit; and
 - c. The List of Documents to be relied upon in the Dispute.

RULE 3: FILLING OF DISPUTE DOCUMENTS

- a. The documents listed in Rule 2 shall be filled with the Chief Executive Officer of the Institute both electronically and physically between 8am and 3.59pm.

- b. Documents submitted beyond the aforementioned hours shall be deemed to be filed on the following day.

RULE 4: REGISTRATION OF DISPUTES

- a. The Chief Executive Officer of the Institute shall establish a Dispute Register to record disputes received from the Members specified in Rule 1.
- b. Any dispute lodged shall be entered into the Dispute Register duly established for purposes of the Council Elections by the Chief Executive Officer of the Institute.
- c. The Dispute shall be accorded a case number by the Chief Executive Officer of the Institute.

RULE 5: SERVICE OF DISPUTES

Upon receipt of the Dispute the Chief Executive Officer shall electronically serve the Respondent with the documents listed in Rule 2 within 24 hours of receipt.

RULE 6: RESPONSES TO DISPUTES

The Respondent will be accorded two (2) days to respond to the Dispute lodged by filling the following documents in triplicate:

- a. The Memorandum of Response (Form KISM/Form/DRC/02) (available on the KISM Website);
- b. The Supporting Affidavit; and
- c. The List of Documents to be relied upon by the Respondent.

RULE 7: SERVICE OF RESPONSES & HEARING NOTICE

- a. The Chief Executive Officer shall cause the response and supporting documents to be served upon the Complainant within one (1) day.
- b. The hearing notice shall also be served on the same day to both parties by the Chief Executive Officer.

RULE 8: HEARING OF DISPUTES

- a. The hearing of the Dispute shall be convened on the day following the service of the Respondents documents.
- b. The Dispute Resolution Committee shall hold its hearings in person at the headquarters of the Institute. All parties or their representatives shall be required to attend.

- c. The hearing shall be conducted within the prescribed timelines contained in the Council Elections Regulations.

RULE 9: DELIVERY OF RULLING

- a. The Committee shall deliver its ruling within ten (10) days as prescribed by the Regulations.
- b. The Ruling shall be delivered before the parties who shall receive copies of the same.

RULE 10: APPLICATION FOR REVIEW

- a. A Member aggrieved by a decision of the Committee but who does not intend to appeal to High Court may lodge an application to the Committee for review in accordance with Regulation 16(4) within the prescribed timelines. The provision shall only be in relation to the nomination form.
- b. The Member shall file for review of the decision of the Committee where there is an error apparent on the face of the nomination form within two (2) days of the judgement by lodging the following documents with the Chief Executive Officer:
 - i. The Application for Review form KISM/Form/DRC/03 (available on the KISM Website)
 - ii. The Supporting documents highlighting the error.
- d. The Chief Executive Officer shall within 24 hours submit the documents stated in b above to the Committee for review.
- e. The Committee shall consider and determine the applications for review summarily within three (3) days.

Dated this **9th** day of **SEPTEMBER** 2022



AG.CHIEF EXECUTIVE OFFICER
KENYA INSTITUTE OF SUPPLIES MANAGEMENT