

ANNEX TO LAW

N. 19 . OF 14 AUGUST 1963

Local Council Elections

CHAPTER I

General Provisions

Article 1.

(Councillors).

1. The number of Councillors is established in article 4 of this law.
2. The system and mode of election of Councillors are governed by this Annex.

Article 2.

1. Somali citizens,
 - a) who have completed eighteen years of age in the year in which the elections are held;
 - b) who have not been declared of unsound mind by judicial authorities;
 - c) who have not been interdicted from public office or deprived of electoral rights as a consequence of penal convictions;
 - d) who are not serving sentences of imprisonment;
 - e) who are residents within the territorial limits of the Local Administration,shall be entitled to vote for the election of Councillors.
2. Every voter shall have one vote.
3. The vote shall be personal, equal, free, direct and secret.

Article 3.

(Qualifications of Candidates).

1. Voters, who have completed twenty-five years of age in the year in which the elections are held and who can read and write, shall be eligible to be elected as Councillors.
2. The following shall be ineligible to be elected as Councillors:
 - a) members of the Judiciary in service;
 - b) members of the Armed or para-military Forces in service;

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- c) Regional Governors, District Commissioners and heads of sub-Districts, the employees of the Region or of the District where the Local Administration has its seat;
 - d) employees serving in the Municipal Administration in which the elections are held.
3. Civil servants, who have been nominated candidates, shall automatically be placed on leave without pay from the date of the presentation of candidature.

Article 4.

(Incompatibility).

1. During their councillorship, Councillors shall not perform functions referred to in paragraph 2 of the previous article, and shall not be deputies of the National Assembly or District Councillors.
2. If a civil servant is elected Councillor, he shall remain on leave during the period of his councillorship. The period during which an officer is on such leave, shall be counted for promotion and periodic increments. However, during such period, the Councillor shall receive only the emoluments due to him as such Councillor.

Article 5.

(Fixing of Elections).

Elections shall be fixed by decree of the Minister of Interior which shall indicate the date of voting. The voting shall take place within thirty days from the date of expiry of the term of the Local Councils.

Article 6.

(Subdivision of the Territory for Elections).

1. The territory of each Local Administration shall constitute an electoral district.

2. Each electoral district will be subdivided into one or more electoral sections. The District Commissioner shall arrange for the subdivision of the electoral district into electoral sections at least forty days before the date of elections, having heard the Local Councils. Notice of such subdivisions shall be immediately sent to the Ministry of Interior and the Regional Governor.

Article 7.

(Electoral System).

Candidatures shall be presented in lists covering an electoral dis

tract. The number of candidates contained in each list shall not be less than, nor more than twice, the number of Councillors to be elected.

2. The representation in the Local Council shall be proportional to the votes obtained by each list and shall be calculated on the basis of the quotient and the highest remainder.

3. Where only one list is presented, no vote shall be taken and the candidates in such list shall be proclaimed elected.

CHAPTER II

Presentation of Candidature

Article 8.

(Lists of Candidates).

1. The lists of candidates shall indicate the name, the names of the father and of the paternal grandfather, the year and the place of birth and the nickname, if any, of the candidates.

2. The list of candidates shall be accompanied by:

a) the symbol of the list, in four copies;

b) a written declaration signed by the candidate, accepting his candidature and stating that he possesses the qualifications prescribed in article 3 of this Annex.

3. The names of the candidates shall be marked with a progressive number.

Article 9.

(Symbols of Lists of Candidates).

1. The symbol annexed to the list shall be such as not to be mistaken with the symbols of other lists presented in the same electoral district.

2. The symbol may be figurative; and shall not contain emblems, flags of States or symbols of an ethnical character.

Article 10.

(Supporters of Lists of Candidates and Presentation).

1. Each list of candidates shall be signed by a number of voters of the electoral district neither below nor above the following numbers in the presence of the Mayor or of a person designated by him:

Class A : minimum 600 — maximum 800

Class B : minimum 400 — maximum 600

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2. Matters relating to the supporters regarding their rights as voters in the electoral district shall be decided by the authorities authorized to receive the lists, in a summary manner.
3. No one shall support more than one list.
4. The list shall indicate the names and the addresses of three voters who shall be empowered to:
 - a) present the list in accordance with article 12 of this Annex;
 - b) perform all other incidental acts of a procedural and executive nature;
 - c) appoint the agents of the list referred to in article 21 of this Annex.
5. Where a supporter of a list loses his rights as a voter after he has supported a list, such disqualification shall not render invalid the list supported by him.

Article 11.

(Security Deposit).

1. The presentation of each list shall be accompanied by the following security deposit:
 - Sh. So. 7,000 — in the case of Class A Local Administrations.
 - Sh. So. 4,000 — in the case of Class B Local Administrations.
 - Sh. So. 2,000 — in the case of Class C Local Administrations.
 - Sh. So. 1,000 — in the case of Class D Local Administrations.A list not accompanied by a receipt for such deposit shall not be accepted.
2. The security deposit shall be made in a Bank or Post Office in the name of the Local Administration and shall be returned by the Local Administration where the list obtains at least the votes necessary for the election of two Councillors; otherwise the security deposit shall be forfeited and credited to the revenue of the Local Administration.

Article 12.

(Presentation of the Lists).

1. The lists of candidates shall be presented to the office of the District Commissioner territorially competent before 12 noon of the fortieth day prior to the date of the elections.
2. The District Commissioner shall immediately verify whether the lists and the annexes are regular, allot to each list, which is regular, a progressive number issuing a receipt, and return the lists which are not regular stating in writing the reasons for rejecting them.
3. The representatives of the lists referred to in paragraph 4 of arti-

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cle 10 of this Annex may file a petition before the Regional Court territorially competent against the order rejecting the presentation of the list within five days from the date of such rejection; and the Court shall decide within five days from the date of the filing of the petition. An appeal shall lie to the Supreme Court on questions of law against the decision of the Regional Court rejecting an appeal, within three days from such decision. The Supreme Court shall decide the appeal within twenty days prior to the date of the elections.

4. The appeals provided for in the previous paragraph shall be filed without any particular formality of procedure, and may be sent by telegram also.

Article 13.

(Notice of the Lists of Candidates).

1. The District Commissioner shall prepare a notice containing the lists of candidates, arranged in the order of their presentation, with their respective symbols.
2. He shall also on the thirtieth day prior to the date of the elections, arrange for affixing the said notice on the notice boards of District and Local Administration offices and other public places; the notice may also be read aloud by criers.

CHAPTER III

Electoral Propaganda

Article 14.

(Commencement and Termination).

Electoral meetings, processions and public gatherings will begin in each electoral district after the publication of the notice referred to in article 13 of this Annex, and will terminate twenty-four hours prior to the commencement of voting.

Article 15.

(Electoral Meetings).

1. The promoters of electoral meetings, processions and public gatherings shall give notice to the District Commissioner territorially competent at least forty-eight hours prior to such meetings, processions or gatherings. The District Commissioner may prohibit such meetings, processions or gatherings for reasons of hygiene, safety, morals or order and may order that such meetings, proces-

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- sions or gatherings be held in such time and place as he may direct.
2. Not more than two electoral meetings, processions or public gatherings shall be held in an electoral district on one day.

Article 16.

(Posters and Leaflets).

1. Posters and leaflets for the electoral propaganda shall be filed with the District Office at least twenty-four hours before their publication. They are exempt from any taxes or dues.
2. It is forbidden to affix posters and leaflets for electoral propaganda on buildings for religious worship and on private buildings without the permission of the proprietors thereof.

Article 17.

(Arms and Military Uniforms).

It shall be forbidden to carry arms and wear uniforms of a military type or which could be mistaken for a military uniform in electoral meetings, processions and public gatherings.

CHAPTER IV

Electoral Offices

Article 18.

(Electoral Organization).

The electoral organs are:

- a) Electoral Section Offices;
- b) Electoral District Office.

Article 19.

(Electoral Section Offices).

1. The Electoral Section Offices shall be composed of a Chairman and two Scrutineers. The Scrutineer who is senior in age shall be the Vice-Chairman.
2. Each Electoral Section Office shall have a Secretary.
3. The Chairman and the two Scrutineers shall be selected from amongst the voters; the Secretary may be selected from amongst non-voters.

ed by the District Commissioner, who shall also provide for any substitution that may be necessary.

5. Should it become necessary in cases of urgent necessity to substitute a Scrutineer or the Secretary during the voting operations, the Chairman shall provide for their substitution from amongst persons present who have the qualifications prescribed by law.

Article 20.

(Electoral District Office).

1. The Electoral District Office shall have its seat in the District Headquarters. It shall be composed of a Chairman and two Scrutineers. The Scrutineer who is senior in age shall be the Vice-Chairman.

2. Each office shall have a Secretary and two Computers.

3. The President of the District Court shall be the Chairman of the Electoral District Office.

4. The Scrutineers shall be selected from amongst the voters; the Secretary and the Computers may be selected from amongst non-voters.

5. The Scrutineers, the Secretary and the Computers shall be appointed by the Regional Governor who shall also provide for any substitution that may be necessary.

6. Should it become necessary in cases of urgent necessity to substitute any member of the Electoral District Office during the voting operations, the District Commissioner shall provide for the substitution of such member.

Article 21.

(Agents of the List).

1. The representatives of the list referred to in paragraph 4 of article 10 of this Annex shall have the right to appoint an Agent for the Electoral District Office and for each Electoral Section Office from amongst the voters, and to appoint a substitute who will act in the absence of the Agent.

2. The Agents of the lists shall have the right to assist in the operations of the Electoral Offices to which they are assigned and to have their statements, if any, kept on record.

3. The appointment of Agents shall be presented not later than ten days prior to the date of the elections to the District-Commissioner, who shall deliver to each Agent a written authorization to enter the electoral office to which he is assigned.

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Article 22.

(Appointment and Oath of Members of Electoral Offices).

1. The appointment of the members of the electoral offices shall be effected and notified to the persons concerned at last fifteen days prior to the date of the elections.
2. No member appointed may be exempted from these offices except for compelling and proved reasons. Exemptions can be authorized by the same authority who has the power to appoint.
3. Before assuming his functions, each member of the electoral office shall take publicly the following oath before the President of the District Court:

« I swear in the name of God to discharge the electoral duties entrusted to me conscientiously, loyally and in strict observance of the law ».

Article 23.

(Legal «Status»).

1. All the members of the electoral offices and the agents of lists authorized to assist in the official operations shall be considered for all legal purposes public officials in the exercise of their functions.
2. The members of the Armed Forces, the members of the para-military organizations, Regional Governors, District Commissioners, heads of Sub-Districts, Mayors and leaders of central or local political parties shall not be appointed to the above mentioned offices.

Article 24.

(Emoluments).

1. The following daily allowances shall be paid to the members of electoral offices:

Chairman	Sh. So. 40
Vice-Chairman of District Office	Sh. So. 35
Scrutineers, Secretary and Computers	Sh. So. 30

2. Payment shall be made for each day of participation in the operations in the electoral office. The allowances shall be reduced by half for civil servants and employees of other public bodies.
3. For each day during which they are required to stay away from their normal place of residence, the above mentioned persons shall in addition receive as a missione allowance:

Chairman	Sh. So. 20
Scrutineers, Secretary and Computers	Sh. So. 15

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Article 25.

(Supervision).

The supervision on the conduct of electoral operations and the proper application of the law shall be exercised by the Minister of Interior.

CHAPTER V

Preliminary Operations

Article 26.

(Material for the Electoral Offices).

1. The Ministry of Interior shall provide each Electoral Section Office with the following material:
 - a) a copy of this Annex;
 - b) a sealed package containing the stamp of the Electoral Section Office with ink and pad;
 - c) a sealed package containing ballots;
 - d) a ballot box;
 - e) a container for the ballots;
 - f) three printed forms for the purpose of recording the voting operations of the Electoral Section Office;
 - g) an adequate number of forms for the purpose of preparing a register of voters;
 - h) tabulation forms:
 - i) an adequate number of copying pencils for marking ballots;
 - j) five notices containing the procedure to be followed by the voters for marking ballots;
 - k) a bottle of indelible ink;
 - l) the stationery and any other necessary material.
2. The Ministry of Interior shall provide each Electoral District Office with the following material:
 - a) a copy of this Annex;
 - b) a sealed package containing the stamp of the Electoral District Office with ink and pad;
 - c) three printed forms for the purpose of recording the voting operations;
 - d) tabulation forms;
 - e) the stationery and any other necessary material.
3. The material for each electoral office shall be placed in a special crate. After closing and sealing the crate, the Ministry shall, at the

appropriate time, send them together with the ballot boxes to the District Commissioner territorially competent.

4. The Ministry shall, at the same time, provide the District Commissioner with an adequate number of spare ballots, in sealed envelopes, for distribution to the Electoral Section Offices upon request, stating the reason therefor, of their respective Chairmen. Where communications are particularly difficult, the District Commissioner may deliver to one or more delegates part of the spare ballots in closed and sealed envelopes for the purpose of being kept at the disposal of the Chairmen of the Electoral Section Offices in places distant from the District Headquarters.

Article 27.

(Stamps, Records, Ballot Boxes, Tabulation Forms).

1. The stamps of Electoral Offices, the records, the ballot boxes and the tabulation forms shall be the same for the whole territory of the Republic.

2. The stamps shall be consecutively numbered in one series.

Article 28.

(Ballots).

1. The ballots shall be of thick white paper detachable from a counterfool book containing one hundred ballots each; the stubs shall be consecutively numbered.

2. The ballots of each electoral District shall have the symbols of the lists of candidates printed in horizontal squares and, beside each of the symbols, shall have a blank space for marking the vote.

Article 29.

(Polling Booths and Ballot Boxes).

1. In each Electoral Section Office two polling booths shall be set up in such a way as to ensure secrecy of the vote.

2. The ballot boxes shall be placed either on, or near, the table of the Chairman of the office.

Article 30.

(Notice with Instructions for the Voters).

1. One copy of the notice referred to in letter j) of article 26 of this Annex shall be affixed in a place clearly visible to the public both inside and outside the Electoral Section Office and also in a manner clearly visible to the voter inside each polling booth.

2. A copy of the notice provided by the District Commissioner under article 13 of this Annex containing the lists of candidates, arranged in the order of their presentation with their respective symbols, shall be affixed in the same manner

Article 31.

(Delivery of Material to Electoral Offices).

1. The District Commissioner shall ensure that, on or before 6 a.m. on the day fixed for voting, the crate and the ballot boxes intended for each Electoral Section Office are delivered to the said office.

2. The District Commissioner shall, on or before 4 p.m. of the same day, also provide for the delivery of the crate intended for the Electoral District Office.

3. Each electoral office shall be provided with:

- a) a copy of the order appointing the members of the office;
- b) a copy of the authorization delivered to the Agents of the lists.

CHAPTER VI

Voting Operations

Article 32.

(Setting up of the Electoral Section Office).

1. After receiving the material mentioned in the preceding article, the Chairman of the Electoral Section Office shall:

- a) set up the office and request the Scrutineers and the Secretary to discharge their functions as members of the office;
- b) invite the representatives of the lists to assist in the operations;
- c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, and verify the material contained therein;
- d) after having ascertained himself and had it ascertained by the other members that the seals closing the package containing the stamp of the Electoral Section Office and that containing the ballots are unbroken, open the said packages, stamp the ballots with the stamp of the office and place them in the appropriate container;
- e) after examining the ballot box, see to it that it is closed and

sealed, leaving open only the slot for introducing the ballots at the time of voting;

f) arrange for the posting of a notice containing instructions to voters;

g) see to it that all the material necessary for the voting operations is arranged in such a way that the operations can take place properly.

2. It shall be noted in the records that the above operations have been completed. The records shall also indicate the number of the stamp of the office and the total number of ballots received in the office.

3. After completing the operations in the shortest time possible, the Chairman shall declare the voting open.

Article 33.

(Police Power of the Chairman).

1. The Chairman of the Electoral Section Office has the duty to maintain order during the operations. He may call upon the police force to eject or arrest any person who commits any offence, disturbs the orderly operations of the elections or shows clear signs of insanity.

2. The police force may not enter the Electoral Section Office without being authorized to do so by the Chairman of the Office.

3. Civil authorities and officers of the police shall comply with the Chairman's request in order also to ensure free access of the voters and prevent unwarranted gatherings in the immediate vicinity of the office.

4. The Chairmen of the Electoral District Offices shall exercise similar powers.

Article 34.

(Access to Offices).

1. Besides the members of the offices and the Agents of the lists, only the persons who have the right to vote shall have access to the Electoral Section Offices

2. Voters are forbidden to carry arms or dangerous instruments; they shall go in one by one and shall be admitted to vote in the order of arrival. However, priority shall be given to any person having duties connected with electoral operations.

Article 35.

(Preliminaries to Voting).

1. Every voter may vote after:
 - a) he has given particulars regarding his identity and age;
 - b) his entitlement to vote has been ascertained by the office which for this purpose shall decide immediately by summary procedure, on the basis of identification documents, testimonies or any other suitable proof.
2. The name of the voter is entered in the appropriate register.
3. Immediately after, a visible sign shall be made with indelible ink on the left hand, or in its absence, on the right hand, or in absence of both, on any other visible part of the body of the voter.

Article 36.

(Voters Unable to Vote in Person).

1. Votes shall be cast only by the voters who present themselves in person at the electoral offices.
2. Any voter who, because of evident physical handicap, is unable to cast his vote shall be allowed by the Chairman to do so with the assistance of another voter in whom the incapacitated person has confidence.
3. The Secretary shall indicate in the record the specific reason for which the voter has been authorized to obtain assistance, the voter's name and the name of the person who assisted him.

Article 37.

(Voting Procedure).

1. As soon as the operations mentioned in article 35 of this Annex have been completed, the Chairman shall hand over to each voter a ballot stamped with the stamp of the office and detached from its counterfoil following the consecutive number of the stub.
2. The voter shall then go to one of the booths where the voting shall take place.
3. The voter shall cast his vote by making a mark on the ballot with the pencil furnished by the electoral office either on the blank space on the right hand side of the symbol of the selected list or on the symbol itself. He shall then fold the ballot, come out of the booth and put the folded ballot in the ballot box.
4. As soon as he has cast his vote, the voter shall leave the office.

5. If a voter notices that the ballot given to him is damaged or not whole, he may request another one from the Chairman and shall return the first one. The matter shall be noted in the records.

6. The Chairman may decide that voters who unnecessarily prolong their staying in the office, expelled from the office after having returned the ballot and be readmitted only after all the other persons present have voted.

7. If a voter is found in possession of two or more ballots, or of ballots not of the prescribed type, or if he has already voted, the Chairman shall seize the ballots in his possession and hand him over immediately to the Police for action by judicial authority. The matter shall be noted in the records.

Article 38.

(Voting Hours).

1. The voting operations shall be held in a day from 7 a.m. to 6 p.m. without interruption.

2. The voting shall, however, continue until all the voters who are present in front of the electoral offices at the time fixed for closing have cast their votes.

Article 39.

(Decisions of the Office).

The Electoral Section Offices, by a majority vote, shall rule provisionally on complaints including those made orally, and incidents connected with the operations of the said offices. Such complaints and incidents shall be noted in the records.

CHAPTER VII

Operation of the Electoral Section Office

Article 40.

(Operations Preliminary to Counting).

After the voters have voted, the Chairman shall clear the table of papers and material not necessary for the counting of ballots and shall:

- a) declare the closure of the voting;
- b) ascertain the number of voters from the appropriate register;
- c) authenticate with his signature the register of voters and place it in envelope No. 1;

- d) collect and count the unused ballots and place them in envelope No. 2;
- e) authenticate with his signature the damaged or irregular ballots returned by voters and place them in envelope No. 3.

Article 41.

(Counting).

1. After completing the operations referred to in the previous article, the Chairman shall proceed to count the votes. To that end, a Scrutineer shall take out the ballots one at a time from the box and deliver them to the Chairman. The Chairman shall open the ballot and read out aloud the name of the list to which the vote was given, and pass it on to the other Scrutineer who, with the help of the Secretary, shall enter on the appropriate tabulation form the vote obtained by the list and place the counted ballots in a box. It shall be forbidden to draw out of the ballot box a ballot if the preceding one has not yet been placed in the appropriate box after having been counted. Ballots can be handled only by the members of the electoral offices.
2. After completing the counting, the Chairman shall verify the number of the counted ballots, and ascertain that it corresponds to the number of voters as well as the number of votes obtained on the whole by the lists of candidates, added to the contested, void and annulled votes referred to in article 43 of this Annex.
3. He shall authenticate with his signature the ballots corresponding to the void, annulled or contested votes and the papers relating to claims and complaints and place them in envelope No. 4.
4. He shall gather and place in envelope No. 5 the other ballots which have been counted.
5. Finally, after finishing the counting operations, the Chairman shall announce publicly the number of voters, of valid votes, and of the votes obtained by each list.

Article 42.

(Closing of the Counting Operations).

1. After finishing the operations mentioned in the preceding article, all the envelopes shall be sealed with the stamp of the office and authenticated with the signatures of the Chairman and of at least one of the Scrutineers.
2. The contents of the envelopes shall be noted on the face of the envelopes.
3. Counting operations shall be carried out without interruption

until their completion and in the order indicated.

4. The record shall specifically indicate the above operations.

Article 43.

(Void and Contested Votes).

1. Votes from counted ballots shall be void if the ballots are:
 - a) of a type different from the prescribed ones;
 - b) without the stamp of the electoral office.
2. Votes from counted ballots shall be voidable if the ballots:
 - a) show traces of unnecessary writing or marks which could be considered to have been done artfully;
 - b) do not indicate to which list the vote is cast, or are such that the chosen list cannot be identified.
3. Voidable ballots may be declared void by the electoral office by unanimous decision. In cases of diversity of opinions, the ballots shall be declared to be «contested».
4. The Electoral District Office shall decide on the contested ballots.

Article 44.

(Records of the Electoral Section Office).

1. The records of the Electoral Section Office shall be prepared in triplicate in the appropriate forms.
2. Two copies of the records shall be placed in the appropriate box along with the sealed envelopes referred to in article 42 of this Annex and delivered to the Electoral District Office; the third copy shall be delivered to the District Commissioner along with the remaining electoral material.

Article 45.

(Transport and Delivery of Material).

1. The Chairman, accompanied by a least one member of the office, and escorted by police, shall, without delay, transport and deliver to the Electoral District Office, the records and the accompanying envelopes.
2. At the time of the delivery of the envelopes to the Electoral District Office it shall be verified that the seals are unbroken; and the Chairman of the Office shall issue a receipt.

CHAPTER VIII

Operations in the Electoral District Office and Confirmation of Elections

Article 46.

(Setting up of the Electoral District Office).

1. After receiving the material referred to in article 31 of this Annex, the Chairman of the Electoral District Office shall;
 - a) set up the office and request the Scrutineers, the Secretary and the Computers to discharge their functions;
 - b) invite the Agents of the lists to assist in the operations;
 - c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, take out the material contained therein and verify it;
 - d) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the envelopes are unbroken, open the envelopes containing the stamp of the office, and note the number of the stamp in the records;
 - e) pass the remaining material to the Secretary.
2. The Electoral District Office shall then wait for the receipt of the records and the envelopes referred to in article 45 of this Annex from the Electoral Section Offices.

Article 47.

(Counting of Votes).

After receiving the records and the envelopes from all Electoral Section Offices, the Chairman of the Electoral District Office shall do the following:

- a) calculate the total number of voters of the electoral districts in the District;
- b) ascertain the void and annulled votes in all the electoral sections of the electoral districts;
- c) decide on the contested votes;
- d) sum up the total number of valid votes cast for each list in the electoral sections of each electoral district (electoral figure);
- e) calculate the electoral quotient in each electoral district by

- dividing the total number of votes received by all the lists in the said district by the number of Councillors to be elected in the same electoral district;
- f) allot to each list as many seats as the number of electoral quotients contained in the electoral figure, and the remaining seats to the lists which have obtained the highest remainders, taking into account also those lists which have not reached the quotient; in case of equal remainders, he shall draw a lot;
 - g) proclaim the election of as many candidates as the number of seats allotted to a list in the order in which they are indicated in the list;
 - h) proclaim the results of the counting.

Article 48.

(Records of the Operations).

1. The records of the above operations shall be prepared in triplicate.
2. The original of the records shall be transmitted to the Regional Court together with the first copy of the records of the Electoral Sections and written complaints, if any, received during the operations. The second and third copies shall be sent to the Regional Governor and the Ministry of Interior. A copy of the records shall be transmitted to the Chairman of the Local Administration.
3. The remaining electoral material shall be sent to the District Commissioner, who shall issue a receipt.

Article 49.

(Publication of the Electoral Results).

An abstract of the records of the Electoral District Office containing the names of the Councillors elected shall be published by affixing it on the notice board of the office of the Local Administration.

Article 50.

(Confirmation of the Elections).

1. The President of the Regional Court shall confirm the elections. He shall decide on disputes, complaints and in general on all claims received by the Electoral District Offices during and after their operations.
2. Claims and complaints not presented directly to the above mentioned offices shall be presented to the Regional Court within ten days from the proclamation of the results of the elections.

CHAPTER IX

Penal Provisions Regarding Elections

Article 51.

(Violation of the Right of Propaganda).

1. Whoever, in any manner, hinders or disturbs an electoral propaganda meeting, either public or private, legally assembled, or impedes the posting or distribution of printed propaganda material, shall be punished with imprisonment for a crime up to two years or with fine for a crime up to So. Sh. 2,400.
2. Whoever uses propaganda means and methods which are not allowed by law and whoever violates the prohibitions contained in article 15 of this Annex shall be liable to the same punishment.

Article 52.

(Violation of the Right to Vote).

1. Whoever, by offering or promising to give money, valuables or other personal gains, or by promising, granting or arranging to obtain a public or private position, attempts to interfere with the right of voting shall be punished with imprisonment for a crime up to three years or with fine for a crime up to So. Sh. 3,000.
2. Whoever uses violence, threat, tricks or contrivances for the above mentioned purposes shall be punished with imprisonment for a crime up to four years or with fine for a crime up to Sh. So. 4,000.

Article 53.

(Corruption).

1. Any voter who accepts offers or promises of money or other personal gains for giving or refusing to give his signature for the presentation of a list of candidates or the electoral vote shall be punished with imprisonment for a crime up to three years or with fine for a crime up to four years or with fine for a crime up to So. Sh. 4,000.
2. The same punishment shall apply also to persons who make such offers or promises.

Article 54.

(Interference with the Regular Carrying out of Voting) and Counting Operations).

Whoever, by violence or threat, hinders the free exercise of the

right to vote or disturbs the regular carrying out of the operations of the electoral offices, shall be punished with imprisonment for a crime up to four years or with fine for a crime up to So. Sh. 4,000.

Article 55.

(Illegal Access to the Electoral Offices).

1. - Whoever, without having the right to do so, enters the electoral offices during the electoral operations and remains therein in spite of being asked to leave, shall be punished with imprisonment for a contravention up to one month or with fine for a contravention up to Sh. So 100.
2. If the person is armed the punishment shall be doubled.

Article 56.

(Illegal Voting).

1. Whoever, being aware that he is not entitled to vote or personating another person, presents himself for the purpose of voting, or whoever votes more than once or, when entrusted with casting the ballot for an incapacitated voter, casts it in a manner different from the one indicated to him, shall be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,000.
2. Whoever falsely identifies one person for another in an electoral office or whoever retains the ballots in the cases prohibited by, or in a manner contrary to those laid down in, this Annex shall be liable to the same punishment.

Article 57.

*(Falsification or Theft of Documents and Alteration
of Electoral Data).*

1. Whoever falsifies any ballot or other documents relating to electoral operations, or alters, or purloins, or destroys, in whole or in part, authentic documents, or knowingly uses a falsified or altered document shall, where the act does not constitute a more serious offence, be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400
2. Whoever in any way alters the results of the elections shall be liable to the same punishment.

Article 58.

(Unjustified Refusal to be a Member of an Electoral Office).

Whoever, having been nominated as a member of an electoral office, refuses, without valid reason, to serve as such or is not present or goes away when the office is called to order shall be punished with fine for a crime up to Sh. So. 600.

Article 59.

(Other Infractions).

Whoever violates the provisions of this Annex, where no specific punishment is provided, shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 1,000.

Article 60.

(Accessory Penalty).

Persons found guilty of offences under this Chapter and sentenced to imprisonment for a crime for not less than two years, shall be deprived of their electoral rights for a period of five years.

CHAPTER X

Miscellaneous Provisions

Article 61.

(Oath).

A Councillor shall, on assuming office, take the following oath before the President of the District Court:
« I do swear in the name of God that I will abide loyally by the laws
« of the Republic, and will fulfil the duties of my office with diligence
« and zeal in the sole interest of the Republic».

Article 62.

(Vacancy).

Where the seat of a Councillor becomes vacant for any reason, the President of the District Court shall appoint the person whose name appears in the list immediately below the name of the last candidate elected.

Article 63.

(Election Expenditure).

The expenditure incurred in respect of the election of Councillors shall be borne by the State.