

This is an unofficial consolidation of the Somaliland Presidential and Local Elections Law (Law No. 20/2001) and its 2009 and 2010 amendments.

This English language version of the Law is based on my 2001 translation with the new amendments added in italics. Clauses/sub clauses or words which have been replaced entirely have been omitted.

I have also revised the previous extensive footnotes to the 2001 law published in the Somaliland Electoral Laws Handbook and left in this consolidation only those footnotes which are essential to understanding the text or which point to the other relevant laws or the 2010 Electoral Code of Conduct. The footnotes do not appear in the Somali language unofficial consolidation of this law which is also available in the website.

Both versions together with the various codes will be gathered into an electronic first supplement to the 2009 Somaliland Electoral Laws Handbook which should be available shortly. In the meantime all the various documents are already available individually on the Somaliland Law website as the presidential election has now been set to take place on 26 June 2010

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THE LAW ON PRESIDENTIAL & LOCAL DISTRICT COUNCILS ELECTIONS 2001 (LAW NO: 20/2001) with the 2009 and 2010 Amendments

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF SOMALILAND

Having seen: Articles 9, 22, 25, 83 and 111 of the National Constitution of the Republic of Somaliland;

Having considered: The need to move away from a (political) system based on representation through the various communities and the need to realise the long-awaited aspiration of the nation to have free contests for positions of authority in the state;

HAS HEREBY APPROVED THIS LAW:

Article 1: Definitions

Election: means the sifting of candidates running for office by means of majority votes cast by the relevant electorate.

Commission: means the highest committee responsible for the organisation of and the decision-making in respect of the elections.

Polling Station: means the place where a number of the members of the public who reside near each other cast their votes.

- Electoral Area¹:** means the area which encompasses various polling stations which are all set for voting in connection with two or more specified candidates.
- Agent:** means the person appointed by an association²/party to act as its agent to follow the election activities at the polling station or the electoral offices.
- Candidate:** means the person nominated by an association/party to contest an election.
- Voter:** means the person who fulfils the conditions for voting and casts his vote.
- Local Council:** means the council elected by the voters in a district to act as the administrative and legislative local government in the district.
- Electoral Region:** means an area which covers a number of electoral districts.
- Electoral District:** means an area which includes at least one polling station.
- Seat:** means a position of authority which will be filled by one person through an election.
- Symbol/Symbols:** means a unique logo or sign which identifies one association/party.
- List/Lists:** means the names of candidates submitted by an association/party, which are arranged in the order in which they are to be elected³.
- Election Campaign:** means the activities of the associations/parties and candidates in competing for the understanding and support of the voters.
- Central Office:** means the supreme headquarters for the management of the election activities to be carried out by the Commission.
- District Office:** means the office which manages the polling stations in the district.
- Regional Office:** means the office which manages the election activities in the region.
- Polling Station Office:** means the office which manages the election activities at the polling station.
- Observers:** mean the international or local inspectors accredited by the Commission, who shall ensure that the election activities are conducted properly.

Article 2: General Principles

This Law shall govern the election of local ⁴ Councils and the election of the President and Vice-President.

¹ No “electoral areas (or wards)” (or constituencies) other than the various electoral offices or units set out in Article 10 of this Law (polling station, district, region and national) have been set up under either this Law or the 2005 Electoral Law. This term “electoral areas” has, in my view, survived from the earlier (2000) draft versions of this Law, which, at various stages, initially covered the elections of both Houses of Parliament and of the local (municipal) district councils. In that earlier (2000) bill, the actual districts were chosen as the electoral “areas” and had their district electoral offices and polling stations, but for the parliamentary elections the bill proposed that “the country will be divided into electoral areas which are based on the borders of the existing districts”. As no agreement could be reached on the allocation of the parliamentary electoral “areas” or constituencies and the allocation of seats for each area, it was decided to separate the parliamentary election law from that relating to the local elections. For the moment therefore the electoral “area” for local elections remains as the district where candidates contest seats and for the presidential election, it is the whole country – in parliamentary elections, however, the electoral area, under the 2005 Law, is the region.

² The phrase association/party (i.e. *urur/xisbi*) is used throughout the Law to underline the fact that of the registered associations/parties which were going to participate in the first nationwide local elections in 2002, only three would, after that first election, be accepted as the three political parties allowed under Article 9 of the Constitution (see Article 3 of the Political Parties Law).

³ The party lists for the local elections are therefore closed, in contrast to the lists in the 2005 Election Law, which are partially open, except in the case of any region where the parliamentary election could not take place (see Articles 1 and 12 of the 2005 Law).

Article 3: Term of office

The term of office of the elected candidates shall be:

- a) Five years for the President and the Vice-President.⁵
- b) Five years for the Local Councils.⁶

Article 4: Membership of the local councils

The total membership of the Local Councils⁷ to be elected shall be:

- a) The Local Council of the Capital City, 25 members.
- b) The Local Councils of category A Districts, 21 members.
- c) The Local Councils of category B Districts, 17 members.
- d) The Local Councils of category C Districts, 13 members.
- e) The Local Councils of category D Districts, 09 members.

Article 5: Conditions relating to voters

- a) He⁸ must be a patrial citizen⁹ of Somaliland.

⁴ The law covers the elections of the local district councils. The regional councils are currently unelected and consist of central government employees and the elected mayors of the districts in each region – see Article 12 of the Districts & Regions Law 2002, as amended in 2007 (Law No. 23/2002). But as Article 111 of the Constitution states that a Law shall determine the election of the regional (as well as the district) councils, the amended Article 12 of the Regions & District Law makes it clear that that the current arrangements apply only until the regional councils are elected. No law to govern such elections has so far been passed.

⁵ Article 88 of the Constitution already sets out that the term of office of the President/Vice-President is five years “beginning from the date that they are sworn into office”.

⁶ This is also set out in Article 111(7) of the Constitution.

⁷ The districts and their assigned categories are set out in Article 6 of the Regions and Districts Law 2003, as amended in 2007, and are as follows: 6 Category A districts, other than the capital city; 5 B districts; 11 C districts and 19 D districts (42 in total). The Annex to the Law (and Article 7) state that all the 19 category D districts are to be considered as “temporary administrative” districts until such time the Government delineates their borders, assesses them as fulfilling the legal criteria set out in the Law and submits its assessments to the House of Representatives, within 12 months of the promulgation of the Law. It is only then that the requisite number of councillors for such districts can be elected. Prior to the completion of this process, these temporary districts shall remain a part of the districts from which they were separated (Article 7(4)). No assessments have yet been made and submitted to the House. This reconfirms the position in 2002 when Article 7(d) of the then Regions & Districts Law 2002(d) confirmed that the districts graded D would not have district councils elected for them at 2002 local elections, but as that express clause has been re-worded in the 2007 revision of this Law, a clearer provision need to be introduced before the next local elections. Similar considerations apply to the 16 D districts created by Presidential Decrees on 23 March 2008 although the Decrees made it clear that the announcements would have no effect on the “forthcoming” elections.

⁸ It is trite to state that ‘he’ includes ‘she’ throughout this Law. Note also Article 8 of the Constitution which gives all citizens equality of rights and obligations before the law regardless of gender, birth, status etc.

⁹ Article 22(2) of the Constitution also states that “every citizen who fulfils the requirements of the Law shall have the right to be elected (to an office) and to vote”. Article 4 of the Constitution defines citizenship on grounds of patriality (i.e. descent from a person residing in Somaliland on 26 June 1960 or earlier) and confirms that the law shall determine the acquisition and loss of Somaliland citizenship. The Somaliland Citizenship Law (Law No. 22/2002) sets out both the patriality principle and the rules relating to naturalisation (i.e. ten years residence, surrender of other nationality, etc.). Naturalised citizens and others, like wives who acquire citizenship under the Citizenship Law, have, as citizens, the right to vote. Any differential treatment of citizens in connection with this basic democratic right is likely to be contrary to Article 25 of the International Covenant on Civil and Political Rights 1966 and Article 13 of the African Charter on Human and Peoples’ Rights 1981. It was no surprise, therefore, that by the time the 2005 Election Law was passed, this issue was addressed and the comparable Article in that Law (Article 5(1)) includes the additional phrase “or a naturalised

- b) He must not be less than 16 years of age during the year¹⁰ the elections are being held.
- c) He must be free and not in prison.
- d) *He must be a voter registered¹¹ at the polling station that he is casting his vote unless he is a member of the polling station officials, the agents of the political parties at the station or the members of the police force that have been formally assigned to keep the order at the polling station.*
- e) *The candidates for the offices of President and Vice President may cast their vote at any polling station, but the electoral officers shall so register them.*

Article 6: Rights of the voter

Every voter who fulfils the conditions set out in the Law¹² shall have the right to:

1. *cast his vote at the polling station in which he is registered¹³ as an elector.*
2. A voter who is away from the territory of the Republic of Somaliland shall cast his vote at the nearest diplomatic office of the Republic of Somaliland, but the Commission shall decide whether that is available or feasible¹⁴.
3. Voting shall be personal, free, direct, and secret, and all votes shall be given equal weighting.
4. Each voter shall have only one vote for each election.
5. The members of the Electoral Commission shall not be entitled to vote while in office.
6. *The polling station officials, the agents of the political parties at the polling station and the members of the police force that have been formally assigned to keep the order at the polling station can vote at the station that they have been assigned on the polling day.*

citizen in accordance with the Citizenship Law". This is an improvement, but it would have been more comprehensive if the change covered not just all naturalised citizens, but all persons who "acquired citizenship in accordance with the Citizenship Law", which would also cover, for example, wives who acquire citizenship through Article 9 of the Citizenship or children who acquire it under Article 10 of the same Law. Nonetheless, as the new Voter Registration Law 2007 now confines the right to cast votes to citizens who have registered themselves, the confirmation of Somaliland citizenship is now more pertinent at the registration stage and not necessarily on the polling day, and Article 1(4) of the 2007 Law correctly defines citizens as every person who fulfils the conditions set out in the 2002 Citizenship Law. Perhaps similar words can be used when an official consolidated electoral law is finally promulgated.

¹⁰ The choice of this imprecise phrase in this Law as well as in the 2005 Law, has, in my view, more to do with the Somali custom of identifying age by year and season, rather than by date, as there was (and is) no birth registration. As the registration of voters has now been completed, the issue of the qualifying age of prospective voters would be addressed now at the registration stage and not at the election polling stations (see Article 21 of the Voter Registration Law which links the registration age to the date of the forthcoming election) but as the registration has taken over 15 months, this issue of the registration of 15 year old youths in circumstances of unplanned delays in polling dates needs to be addressed before the next election.

¹¹ Article 30 of the Voter Registration Law 2007 states that "the Commission shall issue a voting card to every citizen who has registered. To exercise his right to vote, it is incumbent on a citizen to go to the (relevant) polling station¹¹ while carrying his voting card". This is in effect the main condition relating to voters. Article 10 of the 2007 Law enumerates the above conditions as also being necessary for voter registration.

¹² Presumably this Law, and now also the Voter Registration Law 2007.

¹³ See also Article 14(c) of the Voter Registration Law 2007.

¹⁴ Somaliland is as yet unrecognised, and therefore has no accredited legations abroad which can facilitate registration and voting of expatriates. The 2007 Law does not cater for registration of citizens outside the country and does not envisage in its current state voting outside the country. Nonetheless, this Clause is an enabling provision which can be activated by the Electoral Commission when circumstances permit, but any future registration of voters abroad will require an amendment of both the 2007 Law and the two electoral laws.

Article 7: Employees of the state and of governmental bodies

1. The employees of the state and those of the independent governmental bodies, as well as members of the armed forces of whatever rank, shall not be eligible to stand for the local or Presidential/Vice-Presidential elections unless they have submitted their written resignations 180 days¹⁵ before the date of the elections. *But in this current election (the first forthcoming election¹⁶) the period for resignation shall be 60 days before the date of the election.*
2. Such resignation must be confirmed in writing by the office or the body which has the power to do so¹⁷.

Article 8: Timing of the elections

The Commission shall declare, in accordance with the Constitution¹⁸, the dates when elections shall be held and their declarations shall be published as Presidential Decrees.

Article 9: Polling stations

1. When the elections of the President and the Vice-President are being held, the country shall be divided in line with the respective areas of the Regions¹⁹ of the Republic of Somaliland into electoral regions, which shall be further subdivided into polling stations.
2. When the local council elections are being held, the administrative area of each district shall be recognised as an electoral district, and shall be subdivided into polling stations where the votes will be cast.
3. The Commission shall, in consultation with the Ministry of Internal Affairs²⁰, the Chairmen of the Regions²¹ and of the Districts, set up the polling stations of the districts/regions, at the latest, 40 days before the date of the elections.

THE ELECTORAL COMMISSION OF THE REPUBLIC OF SOMALILAND**Article 10: Structure of the Electoral Commission**

The structure of the offices of the Electoral Commission shall be as follows:

- a) Polling Station Electoral Office.
- b) District Electoral Office.
- c) Regional Electoral Office.
- d) Central Electoral Office.

¹⁵ These are minimum periods. Note the comparable provision in the 2005 Law, which sets the period as four months – see Article 7(3).

¹⁶ The much delayed Presidential election which is now expected to be held on 26 June 2010.

¹⁷ Presumably, this is the governmental office or body which employed the person concerned.

¹⁸ In the case of Presidential elections, Article 83(2) of the constitution states that the election shall “take place a month before the end of the term of office of the outgoing President”. As for the local elections, Article 20 of the Regions & Districts Law 2002 (as amended) confirms that the five-year term starts from the date when the (Regional) Court announces the outcome of the local district council elections (under Article 62 of this Law) and adds, confusingly, that it ends 14 days after the Court announcement relating to the new elections!

¹⁹ These are still the six regions set out in Article 5 of the Regions & Districts Law 2002, as amended in 2007.

²⁰ Note also Article 11(1) of the 2005 Election Law includes the additional stipulation that the Commission shall also consult the national parties about the setting up of the polling stations, and Article 11(2) sets the deadline for their establishment as being no later than 60 days before the polling day.

²¹ Otherwise known as Governors who are unelected employees of the government.

Article 11: Electoral Commission

1. The Commission shall consist of seven members who are as follows:
 - a) The Chairman and six members.
 - b) The Commission shall elect²² from among its members the Chairman and the Deputy Chairman.
 - c) The term of office of the Commission is five years, beginning from the date the House of Representatives approves its appointment, and the term of office may be renewed²³.
 - d) Employees of the state, members of Parliament, members of the Council of Ministers²⁴, and members of the armed forces and persons who hold positions in associations/parties²⁵ cannot become members of the Commission.
2. The Electoral Commission shall be appointed by the President²⁶ of the Republic of Somaliland after he has received the (following) nominations:
 - a) 2 members selected by the House of Elders.
 - b) 2 members selected by the registered opposition associations/parties²⁷.
 - c) 3 members selected by the President.
3. The appointment of the Commission shall be approved by the House of Representatives²⁸ on an absolute majority vote of half of their members plus one, and after the House Internal Affairs Committee has ensured that the appointees fulfil the conditions²⁹ set out in this Law.
4. The central office of the Electoral Commission shall have its headquarters at the capital city.

²² It follows from this also that the Commission may de-select the Chairman and Deputy Chairman so long as the legal and procedural matters mentioned in Clause 5 of this Article, and any agreed internal procedures which are not contrary to the Constitution and laws of the land are followed.

²³ The renewal of membership on expiry of the five-year term is subject to the nomination procedure under Clause 2 of this Article.

²⁴ For the Council of Ministers, see Article 94 of the Constitution.

²⁵ The Law refers to associations/parties as it was introduced before the first local council elections in 2002 which was contested by registered associations only. No formally accepted "parties" existed at the time when this Law was passed, so the addition of the word parties signifies, in my view, the fact that the Law would still be in force long after the three parties allowed under Article 9 of the Constitution are identified from among the registered associations under the selection process set out in the Political Parties Law. Nonetheless if, as advanced by aspiring new political associations, the same, or similar, 2000 Political Associations/Parties Law registration process is restarted, this Law is unlikely to require many amendments.

²⁶ There are differing (and strong) views about the President's role in this process, which could well do with clarification when this Law is revised.

²⁷ In December 2001 when the first Electoral Commission under this Law was being nominated, the political associations, other than the (governing) UDUB association, registered under the Political Parties Law after the first deadline for registration on 21 September 2001, were Hormood, UCID, ILEYS, SAHAN, UMAD and BIRSOL (seven in total, including UDUB). ILEYS and UMAD were later de-registered and ASAD and KULMIYE were registered when the registration was formally reopened from 18 March to 17 May 2002. After the 2002 local elections (and the following 2003 Presidential elections), there were only two opposition parties (not political associations) and it was accepted that, from then onwards, they would make these two nominations. The arrangement that each party should nominate one appointee only crystallised, in my view, after the president's rejection in December 2004 of the nomination made by both parties, and his acceptance of another nominee by one of the parties.

²⁸ The appointment of all the current members of the Electoral Commission was approved (on a vote of 65 for, none against and no abstentions) by the House of Representatives on 24 October 2009 after the mass resignation of the previous Commission.

²⁹ The conditions are set out in Article 12.

5. The Commission shall fulfil its duties in accordance with the Constitution and this Law³⁰. Commission meetings shall be quorate³¹, and resolutions of the Commission shall be approved on a simple majority vote.
6. The Commission shall carry out its duties independently, and shall in no way be interfered with by anyone.

Article 12: Eligibility criteria for membership of the Commission

1. He must be a patrial³² citizen of Somaliland.
2. He must be no less than 40 years of age and no more than 70 years³³.
3. He must be a Muslim³⁴ and must behave in accordance with Islamic religion.
4. He must be educated to at least secondary school level or equivalent.
5. He must not be a member of a political association/party and must be independent of all of them.
6. He must be renowned for respect, honour and fairness towards (all) the members of the society.
7. He must never have been convicted by a court for a crime.
8. He must be physically and mentally able to fulfil his duties.

Article 13: Dismissal of the Commission (*Members*)

1. A member of the Commission may be dismissed³⁵:
 - a) when he breaks one of the conditions of his appointment;
 - b) when he is unable to fulfil his duties due to lack of capability or ill health;
 - c) when he commits acts of wanton behaviour, theft, corruption or similar matters³⁶.
2. When it is suspected³⁷ that the matters set out above have happened, the President shall appoint an investigation committee which shall report on the issues so that he can reach a decision thereupon.
3. The President has the power to dismiss³⁸ the Commission³⁹ provided that the House of Representatives approves the decision on a simple majority vote.

³⁰ In addition, of course, to the 2005 Election Law and the 2007 Voter Registration Law.

³¹ The Article does not set the quorum of the Commission. In the circumstances a reasonable quorum could be half of the Commission members plus one, i.e. four.

³² See the comments made in connection with Article 5(1) of this Law, where this phrase is also used in connection with voters.

³³ It was often rumoured that the previous upper age condition of 60 years was not applied rigorously.

³⁴ This religion condition is also found in the Somaliland Constitution (i.e. Article 41(1) relating to members of the House of Representatives). Somalilanders are Muslims, but the interpretation of the second part of the requirement relating to behaviour has not arisen, so far, in any proposed appointment.

³⁵ This Article covers dismissal of commissioners and, by implication, steps leading to such action, but does not cover disciplinary action short of dismissal.

³⁶ Some of these acts may well amount to crime, in which case issues relating to the privileges and immunities of the Commissioners will also need to be addressed – see Article 21 of this Law and Article 63 of the 2005 Law.

³⁷ The Clause does not explain who the appropriate persons/bodies are who might articulate such suspicions relating to individual commissioners, what procedures they should follow and, more importantly, the threshold that might trigger the President's decision to appoint an investigation committee. Issues of capability and conduct have been addressed by the Commission under its general power to conduct its duties in accordance with the Constitution and the electoral laws (Article 11(6)) and its internal procedures, but the Commission has no specific power to discipline its members in the same way that it can discipline staff of the electoral offices under 14(3) of this Law.

4. When a vacancy arises in the Commission due to dismissal, death or resignation, it shall be filled in accordance with the procedure adopted when the outgoing member was initially appointed⁴⁰.

Article 14: Powers of the Commission

The Commission shall have the power⁴¹ to:

1. set the date⁴² of the elections, and inform the President so that he can issue a Decree⁴³;
2. set the number and the location of the polling stations of the districts and the regions;
3. appoint, dismiss, or discipline the staff⁴⁴ of the central office and those of the electoral districts and the electoral regions;
4. plan the budget for administering the electoral activities⁴⁵;
5. declare the provisional results of the elections of the President and the Vice-President pending their confirmation by the Supreme Court;
6. inspect the polling stations and any other places connected with their duties either randomly or in a planned fashion;
7. adjudicate on the disagreements relating to the elections, which have been forwarded to them by their electoral offices;
8. conduct research into how the country can have polling stations where candidates can compete for votes;
9. register⁴⁶ voters before the date of the election.

³⁸ This power to dismiss is circumscribed by Clause 1 of this Article, which lists the circumstances in which a Commissioner may be dismissed, and Clause 2 which sets out the investigatory process which must be followed by the President before a dismissal can be put to the Representatives for approval.

³⁹ This of course also includes individual members of the Commission.

⁴⁰ Although it is not expressly stated in the Law, the term of the whole Commission is five years starting from the first date of confirmation of their appointments (or of the first group, if not all) as set out in Article 11(1)(c) of this Law, and hence any replacements of the original appointees shall serve only for the remainder of the original five-year term. This should have been made clear in this Law.

⁴¹ Note also the additional “general” powers and duties given to the Commission under the 2005 Election Law, which, in my view, are not just confined to the House of Representatives election. These are set out in Article 31 (schedule of electoral activities) and Article 32 (electoral officeholders) – both Articles, because they expressly refer to this Law. There are also Article 63 (allegations against the Commission), Article 64 (disciplinary action) and Article 33 (contracts offered by the Commission) which all relate to the Commission and arguably are no more confined to the House elections than the other general provisions relating to the Commission which are included in this Law relating to presidential and local elections.

⁴² This Law does not set the minimum period between announcement of the dates of the elections and the polling date, but note that under Article 26 the lists of candidates should be submitted to the electoral offices 45 days before the polling day, and, therefore any announcement must predate this deadline.

⁴³ The comparable provision in the 2005 Law is Article 8. In practice, the Commission consults widely before deciding on a date and the President’s role is confined to issuing the decision as a Presidential Decree.

⁴⁴ The phrase staff (or employees), *‘shaqaalaha’* in Somali, is used in this Clause, and does not extend to officeholders appointed by the Commission to cover the electoral offices at the regions, districts and polling stations, who are covered primarily by Article 19 of this Law and Article 32 of the 2005 Law.

⁴⁵ See also the additional duty under Article 31 of the 2005 Law to “publish officially a schedule with time frames, which sets out the plan” of its electoral activities.

⁴⁶ This Law did not set up the details of a registration scheme for electors, but the initial intention of the Electoral Commission (and of the international donors) had been to register potential voters in early 2002. With the passage of the Voter Registration Law 2007 (as amended in 2008), the Commission embarked on a nation-wide registration exercise in October 2008. In May 2010 a nation-wide exercise of changing all the previous voters’ cards was undertaken.

Article 15: Budget of the Electoral Commission

- a) The Commission shall have its own budget, which is prepared by it and submitted to the President. When an agreement is reached on the budget, it shall be forwarded to the House of Representatives for approval.
- b) The Commission shall utilise the elections budget independently, and shall submit quarterly accounts to the Comptroller General.

Article 16: Polling station office⁴⁷

- a) The Polling Station Electoral Office shall consist of a chairman and two scrutineers. The elder of the two scrutineers shall act as deputy chairman. The Office shall also have a secretary, *and a fifth officeholder who shall be responsible for gathering any complaints and shall also assist the voters (help desk officer⁴⁸)*.
- b) The chairman, the secretary and the two scrutineers shall be appointed by the Commission which has the power to transfer them, if that is deemed necessary.
- c) If, due to urgent matters, it becomes necessary to replace a scrutineer or the secretary while the voting is in progress, the chairman of the polling station shall replace him with someone selected from the persons present at the polling station and meeting the criteria for eligibility for voting set out in this Law.
- d) The Polling Station Office has the responsibility for conducting the election activities at the station.

Article 17: District Electoral Office

1. There shall be a District Electoral Office at the headquarters of each district. The Office shall consist of a chairman, a deputy chairman and a scrutineer.
2. The District Electoral Office shall also have a secretary and two counting officers.
3. The chairman, *the deputy chairman, the scrutineer, the secretary and the counting officers shall be appointed by the Commission which has the power to change their roles.*
4. The District Electoral Office has the responsibility for conducting the electoral activities in the district.

Article 18: Regional Electoral Office

1. There shall be a Regional Electoral Office at the headquarters of each region. The Office shall consist of a chairman, a deputy chairman and secretary appointed by the Commission.
2. The Regional Electoral Office has the responsibility for conducting the election activities in the region.

Article 19: Electoral officeholders⁴⁹

⁴⁷ This was referred to as the "Polling Station Electoral Office" in Article 10(a) above.

⁴⁸ This English language title is used in the Somali text.

⁴⁹ Note also Article 32 of the 2005 Election Law which, in respect of electoral officeholder, places a duty on the Commission to:

1. check thoroughly that the officeholders entrusted to undertake the heavy responsibilities of the election are proficient and able to fulfil these responsibilities;
2. provide the officeholders with adequate training and, at the same time, ensure that the officeholders can fulfil their duties properly, before the polling day;

1. Persons appointed by the Commission to hold electoral offices must be informed of their appointments at least 60 days before the date of the election.
Save for the age qualification of no less than 36 years and no more than 70 years, the qualifying conditions for appointment of the chairmen of the District and Regional Electoral offices shall be the same as those applicable⁵⁰ to the appointment of the national commission.
2. No one appointed to serve in an electoral office may be excused from the appointment unless there is a true reason which satisfies the Commission.
3. Persons appointed to the membership of the polling stations, district or regional electoral offices shall have administered to them the following oath of office by Chairman of the District Court:
“I SWEAR BY ALLAH THAT I SHALL FULFIL MY ELECTORAL DUTIES IN A CONSCIENTIOUS AND HONEST WAY AND THAT I SHALL BE IMPARTIAL IN RESPECT OF THE ASSOCIATIONS/PARTIES AND THE CANDIDATES AND THAT I SHALL WORK IN ACCORDANCE WITH THE LAW AND JUSTICE.”
4. The members of the Commission shall have the above oath administered to them by the Chairman of the Supreme Court.
5. Members of the armed forces, members of organisations which are organised⁵¹ in ways similar to those of the armed forces, the chairmen of the districts, regions and local councils, and candidates standing for elections cannot be appointed to electoral offices.
6. The term of office of the members of the polling station, district and regional electoral offices shall come to an end when the results of the elections are declared. The Commission may, however, extend the term of office of any of them, if it considers necessary.
7. State employees, members of the national armed forces, and members of associations/parties are not eligible to serve as chairmen of the district and regional electoral offices. The eligibility criteria for the appointment of the chairmen of the district and regional electoral offices shall be the same as those for the appointment of the members of the Commission⁵².

Article 20: Allowances for officeholders

1. The allowances payable to electoral officeholders shall be set by the Commission. The allowances shall be based on the varying responsibilities of each officeholder.
2. Officeholders who are assigned to work at (*electoral*) offices which are away from their place of residence shall be entitled to subsistence allowance during their absence. Such allowance shall be set by the Commission.

Article 21: Privileges of the Commission, candidates and officeholders

1. All officeholders working at the electoral offices and agents of associations/parties set out in this Law shall enjoy the legal status of public officers.

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3. prepare transport for undertaking the activities and communication equipment for the electoral offices and the inspectors.

⁵⁰ See Article 12 – the lower age for commissioners is 40.

⁵¹ This is likely to cover the police, the corrections service, and any other uniformed public services. Article 23 of the Constitution (freedom of movement and association) outlaws any (private) associations which are military in nature or are armed.

⁵² See Article 12 above and clause 1 of this Article.

2. Candidates, electoral officeholders and the agents of the parties shall not be detained during the elections unless they have been caught *in flagrante delicto* in respect of an offence punishable by imprisonment for three years or more.
3. Any offences committed by the above persons shall be pursued after the election has taken place and the persons concerned are relieved of their responsibilities.
4. The members of the Commission shall, during their term of office, have privileges⁵³ similar to those enjoyed by the members of the Council of Ministers, and their privileges may be removed in line with Article 94(8) and Article 96(4) of the Constitution⁵⁴.

THE ELECTION PROCESS

Article 22: The Election system

1. The local elections shall be based on a 'proportional representative system'⁵⁵ where the seats are allocated on the basis of the proportion of votes cast in the region⁵⁶ or district for each association/party. The election of the President and the Vice-President shall, however, be based on a 'majority system'⁵⁷ as set out in the Constitution⁵⁸.

⁵³ See also Article 63 of the 2005 Election Law:

"Allegations against the Electoral Commission: If a member (or members) of the Electoral Commission commits an act which may amount to a serious crime or may jeopardise the conduct and order of the election or the public order in the country, the allegations against the member, the removal of his privileges and the prosecution shall all be dealt with in line with the procedures set out in Clauses 96(1), 96(4) and 96(5) of the Constitution."

⁵⁴ These Articles relating to the Council of Ministers state the following:

"94(8): No Minister or Deputy Minister may be detained unless caught *in flagrante delicto* in respect of an offence punishable by imprisonment for three years or more, or the President has removed his privileges after having been satisfied by proposals put to him by the Attorney General.

96(4): If the Attorney General charges a Minister or a Deputy Minister with an offence set out in Clause 1 of this Article (i.e. Article 96(1) relating to high treason and contravention of the Constitution), he shall forward the details of the charges to the President. If the President is satisfied with the details provided by the Attorney General, he shall remove the privileges of the Minister or Deputy Minister. But if he is not so satisfied he shall order the Attorney General to drop the charges.

See also Article 63 of the 2005 Law for acts which "may amount to a serious crime or may jeopardise the conduct and order of the election or the public order in the country" and the procedures for removal of privileges and immunities in such cases.

⁵⁵ The English language phrase 'proportional representative system' is used in parenthesis in this Clause in the original Somali version. See also Article 59 below for how the local seats shall be divided up on the basis of the Hare Quota and, presumably, the largest remainders.

⁵⁶ It is not clear why the region is mentioned in this sentence.

⁵⁷ This English language phrase 'majority system' is used in parenthesis in this Clause in the original Somali version.

⁵⁸ See Article 83:

"1. The President and the Vice-President shall be elected jointly through a direct general election by means of a secret ballot.

2. The joint election of the President and the Vice-President shall be based on the list system and shall take place a month before the end of the term of office of the outgoing President.

3.

4. The two candidates in the list which obtains the highest number of votes cast in the Presidential and Vice-Presidential election shall be recognised as the successful candidates.

5."

2. In local elections, each association/party shall submit a list of the candidates standing for election. The number of candidates in each list must not be less than twice the number of seats to be filled at each district.
3. The number of seats won by each list containing the candidates contesting the local council elections shall be allocated on the basis of 'proportional representative list system'⁵⁹.
4. Voting shall not be held in any district where there is only one list submitted and there is no contest. The seats of the district shall then be allocated to the top corresponding number of candidates in the list.

Article 23: Procedure for declaration of candidates

1. The list of candidates for election to the local council shall be declared by the district committee of each association/party and shall show clearly the names of each candidate in full (three names)⁶⁰, their place of birth and year of birth. If there are candidates whose full names are the same, then they shall be differentiated through the addition of their nicknames (if they have them) and their fourth name⁶¹. The list shall also confirm clearly the district in which the candidates are standing for election.
2. The list of candidates shall be accompanied by the following:
 - a) Confirmation of resignation from public service appointments as set out in Article 7 of this Law.
 - b) Four (4) copies (of the list) which show clearly the emblem/symbol of the association/party.
 - c) Declaration by each candidate to the effect that he accepts his candidacy and that he fulfils the relevant conditions.
 - d) Receipts for payment of the deposits of the candidates issued by the Ministry of Finance as set out in Article 25 of this Law.
3. The sequential order of the names of the candidates in a list shall be accepted as having been so chosen by the relevant association/party.
4. Any disagreements within an association/party about the declaration and submission of a list of candidates shall be resolved by the central Committee of that association/party.
5. *Every candidate standing for election to the offices of President and Vice President has the right to withdraw from his candidacy provided that he has informed formally in writing his party that he was standing for and the National Electoral Commission at least 21 days before the polling date. The Party that he was a candidate for election can only substitute him during the period up to 7 days before the polling date.*
6. *In the event that one of the political parties' candidates for the offices of President or Vice President dies after the submission of the candidates' list, the relevant party shall have the right to submit another candidate up to 7 (seven) days before the polling date. If, however, a candidate dies within the 7 days before the polling date, the relevant party shall have no right to submit another candidate and the provisions relating to the*

⁵⁹ The English language phrase 'proportional representative list system' is used in parenthesis in this Clause in the original Somali version.

⁶⁰ To reflect the patrilineal nomenclature of Somalis, a full name (be it male or female) consists of the (first) name of the person followed by the (first) name of his/her father and then the (first) name of his/her grandfather.

⁶¹ The fourth name shall be that of the great grandfather (see above).

vacancies of the office of President or Vice President set out in Article 86 and 89 of the Constitution⁶² shall be followed accordingly.

7. *If a political party does not substitute, before the seven days period set out in clauses 5 and 6 of this Article, the candidate whose candidacy was vacated on grounds of the reasons set out in these clauses, the election shall be contested with the name of the vacating candidate⁶³.*

Article 24: Symbols of the lists of candidates

1. The symbols shown in the lists of candidates declared by the associations/parties shall be different from each other.
2. No association/party shall use a symbol which has been used previously in an election by another association/party.
3. Symbols shall be unique and shall show a recognised sign, but shall not show a governmental, tribal or sectarian sign.
4. An association/party shall use the same symbol when declaring candidates for elections at local or Presidential/Vice-Presidential level.

Article 25: Deposit

Candidates for office shall pay the following non-refundable deposit:

- a) *Sl.Sh. 5,000,000 (five million Shillings)* in respect of each candidate for presidential⁶⁴ office.
- b) *Sl.Sh. 1,000,000 (one million Shillings)* in respect of each candidate for a local council.

Article 26: Receipt of the list of candidates

1. The lists of candidates for President and Vice-President shall be submitted to the Commission office⁶⁵ and those for the local councils to the District Electoral Offices before six o'clock in the afternoon (6 p.m.) of the day which is 45 days⁶⁶ before the polling day. The lists shall be accompanied by the attachments set out⁶⁷ in this Law.
2. The Commission office⁶⁸ or the District Electoral Offices shall ensure that the candidates in the lists fulfil the relevant conditions, and the name of any candidate who did not fulfil the relevant conditions shall be referred back to the association/party which submitted it for a substitution to be made by that association/party within a set period.

⁶² The election will go ahead and so following the provisions of Articles 86 and 89 of the constitution would mean that if the relevant party wins, then in the case of the death of the presidential candidate, the vice-presidential candidate shall act as a temporary president and the election of the president (and presumably also the vice-president as Article 83 makes their election as a joint election on one ticket) will be held within 6 months and in the case of the death of the vice-presidential candidate, the president shall, subject to confirmation by the House of Representatives, appoint a member of the House of as vice-president.

⁶³ The clause fails to mention what happens if this party then wins the election, but perhaps the preceding clause 6 points the only possible answer – i.e the application of Article 86 and 89 of the Constitution dealing with the vacancies of the office of President and Vice-President (see also the preceding footnote).

⁶⁴ There are no specific deposits to be paid by vice-presidential candidates. This may be because each party's candidate list will include both a presidential and a vice-presidential candidate – see Article 83(2) of the Constitution and Article 26 of this Law.

⁶⁵ This is presumably the Central Electoral Office as set out in Article 10 above.

⁶⁶ 60 days in the 2005 Law – Article 16(1).

⁶⁷ See Article 23 above.

⁶⁸ The Central Electoral Office.

Article 27: Publicising the lists of candidates

1. The Commission and each District Electoral Office shall prepare the methods for publicising the (list of) candidates and shall ensure that the sequential order of the candidates in the lists is kept and their symbols are clearly shown.
2. The Commission and all its Polling Station Electoral Offices shall prepare written publicity of the lists of district candidates and shall display them in all the polling stations of the district.
3. The Commission and its offices shall display 30 days⁶⁹ before the polling day the lists of district candidates at public meeting places, notice-boards, local government offices, etc.⁷⁰, and shall also publicise the lists through a loudspeaker transported around the streets, and, if possible, through radio broadcast or publication in the press.

ELECTION CAMPAIGNS**Article 28: The beginning and end of the election campaign⁷¹**

1. Election campaigns shall start when the publicity set out in Article 27 is carried out⁷² and shall end 48 hours before the polling day.
2. *If the election campaign period falls in the blessed month of Ramadan, the election campaign shall start 60 (sixty) days before the polling date and end 48 hours before the polling date, so as to allow any party wishing to do so to undertake the bulk of their campaigning before the month of Ramadan.*
3. *The current (presidential election of 2010) period of campaigning shall be three week (21 days). The campaign shall start 23 days before the polling date and end 48 hours before the polling date⁷³. If, however, the election campaign period falls in the month of Ramadan, clause 2 of this Article, which was in the Amendments Annexure to this Law passed by the House of Representatives on 26/07/2009, shall be followed.*

Article 29: The holding of meetings and demonstrations

1. Persons organising meetings and demonstrations relating to the election campaign shall inform in writing the Chairman of the District and the relevant police station 48 hours before the event. The Chairman of the District may ban the holding of such meetings or demonstrations if he is satisfied that they might damage the health, morals or general peace etc., and it is incumbent on him to order that the meetings or demonstration may be held at places and times set by him⁷⁴.

⁶⁹ 45 days in the 2005 Law – Article 20(3).

⁷⁰ The abbreviation 'iwm' in Somali is the same as 'etc.'. In this context, it can be read to refer to 'other similar places'.

⁷¹ See also the various provisions of the 2010 Electoral Code of Conduct which relates to the conduct of the political parties during the election campaign.

⁷² This in effect means that the official election campaigning will be confined to a maximum period of 28 days.

⁷³ The National Electoral Commission announced that the election campaign for the 2010 presidential election shall start on 3 June 2010. The polling date is 26 June 2010.

⁷⁴ See also Article 18(2) of the 2010 Code of Conduct:

"The National Electoral Commission shall prepare and issue, after consultation with the political parties, the schedule of planned public rallies and demonstrations and rallies of the three parties during election campaign period, setting out an equal allocation of days for all the parties.

Where the Mayor is minded to stop a party from a rally or a demonstration allotted in the NEC schedule, he shall forward a reasoned request to the District Electoral Office which, if convinced of reasons for the request, shall inform the concerned party or parties of the stoppage and of the alternative day allotted to it."

2. No more than two meetings or demonstrations can be held in a town or village in any one day.

Article 30: Display of boards

1. Board displays and election campaign leaflets shall be submitted to the office of the Chairman of the District 48 hours before they are displayed. No fees shall be charged for these submissions.
2. No election campaign boards or leaflets shall be displayed at mosques, government offices and transport, diplomatic and international organisations centres, etc.

Article 31: Weapons and military uniforms

No weapons, military uniforms⁷⁵ or similar materials may be carried or worn in election campaign meetings or demonstrations.

Article 32: Agents of the parties/associations

1. The central committee or the regional/district committees of each association/party may send an agent⁷⁶ who has the right to vote to any polling station where their candidates are standing for election. They may also send a substitute if the agent is absent.
2. Agents sent by the associations/parties shall be present when the electoral office is conducting its activities⁷⁷, and shall submit any concerns or requests for clarification that they may have, which shall be recorded.
3. The names of the agents of the associations/parties shall be submitted to the Commission or its offices ~~ten~~ 20 days⁷⁸ before the polling day. The Commission or its offices shall issue each agent with a written permission allowing him access into and freedom to exercise his duties at his designated polling station.

ELECTION OF LOCAL COUNCILS

Article 33: Conditions relating to candidates for local councils

1. He must be a patrial citizen of Somaliland.
2. He must be actually resident in the district where he is standing for election.
3. He must be a Muslim and must be known to behave in accordance with Islamic religion.
4. He must not be less than 35 years of age during the year the election is taking place.
5. He must be suitable for this office on the basis of his standing within the community.

⁷⁵ Besides other laws relating to possession of weapons, Article 23(4) makes unlawful any association which is military in nature or is armed.

⁷⁶ Two agents in the 2005 Law – Article 28(1). The 2005 Law also includes an article (Art.29) which sets out the qualifying conditions for party agents, such as citizenship, age (not less than 25 years), literacy and behaviour. It also sets out that the Commission shall train them on the duties of being an agent. The 2010 Coe adds that, if necessary, parties may change their agents and any substitute agents must have been received agents' training from the Commission.

⁷⁷ Note, however, that under Article 42(5) of this Law, the electoral activities will not be hampered if a party fails to assign an agent to a polling station.

⁷⁸ 21 days in the 2005 Law – Article 28(3).

6. He must not have been the subject of a final sentence for a criminal offence proven in a court within the preceding ten years⁷⁹.
7. He must be educated to secondary school level if standing for elections in districts graded Category A or B, or, at a minimum, to intermediate school level or equivalent if he is standing for election in districts graded Category C or D.
8. He must be a local district tax-payer or must have participated in a voluntary capacity in activities which are of public interest in the district.

Article 34: Association which do not become parties

Associations which do not succeed in becoming an approved party but gain seats in the local elections in some districts must join one of the three approved parties⁸⁰.

ELECTION OF THE PRESIDENT AND THE VICE-PRESIDENT

Article 35: Conditions for candidacy to the offices of the President/Vice-President

1. The conditions for candidacy to the offices of the President and Vice-President shall be those set out in Article 82⁸¹ of the Constitution.
2. Candidates standing for election to the offices of President and Vice-President must be members of and be nominated for election by an association/party which has been registered or approved.

Article 36: System for election of the President and the Vice-President

The system for electing the President and the Vice-President shall be as set out in Clauses 1 to 4 of Article 83⁸² of the Constitution.

⁷⁹ This period is twice that applying to candidates for both Houses of Parliament – Articles 41 and 59 of the Constitution.

⁸⁰ Under Article 3 of the Political Parties Law 2000, the three associations which obtained the highest votes in the first nationwide local elections were approved as the three political parties allowed under Article 9 of the Constitution. The successful local council candidates belonging to the other three political associations (SAHAN, HORMOOD and ASAD) were obliged to join the three main parties.

⁸¹ “Article 82: The Conditions for Eligibility for Election as President or Vice-President

To be elected as President or Vice-President, a person must fulfil the following conditions:

1. He must be a citizen of Somaliland by birth, and, notwithstanding residence as a refugee in another country, must not hold any other citizenship.
2. He must be a Muslim, and must behave in accordance with Islamic religion.
3. He must not be less than 40 years of age.
4. He must be physically and mentally able to fulfil his duties.
5. He must possess knowledge of and experience in management (public and otherwise).
6. He must not have been convicted by a court for an offence against the Somaliland nation.
7. His spouse must be Muslim.
8. He must be fully apprised of the realities of the country, having been resident in the country for a period of at least two years before the date when the election is scheduled to take place.
9. He must register his private property.”

⁸² “Article 83: Election Procedures

1. The President and the Vice-President shall be elected jointly through a direct general election by means of a secret ballot.
2. The joint election of the President and the Vice-President shall be based on the list system and shall take place a month before the end of the term of office of the outgoing President.
3. The outgoing President and Vice-President shall continue in office until the new President and the Vice-President assume their offices within a month (*of the election*).

PROCEDURES FOR CONDUCT OF THE ELECTIONS

Article 37: Electoral offices equipment⁸³

1. The National Electoral Commission shall prepare for each polling station the following materials:
 - a) A copy of this Law.
 - b) A sealed container which has in it the stamp of the polling station as well as ink and a stamp pad.
 - c) A sealed container which has in it the ballot papers.
 - d) The ballot boxes.
 - e) A container for carrying the ballot papers.
 - f) Three forms to record the voting activities.
 - g) A tabulated form.
 - h) Enough ballpoint pens for marking the ballot papers. At least five posters showing how voters can mark the ballot papers⁸⁴.
 - i) A bottle of indelible ink for marking the voters.
 - j) The various written materials that may be required.
 - k) *A ruler which is not shorter than the length of the tabulated list containing the details of the voters.*
 - ~~l) *Special instrument for punching voters' cards.*~~⁸⁵
2. When combined⁸⁶ local elections are being held, the materials referred to in 1(c) to 1(g) in the preceding clause shall be provided in duplicate, but shall be marked differently.
3. The Commission shall prepare for the Central Electoral Office and for each district/region the following materials:
 - a) A copy of this Law.
 - b) A sealed container which has in it the stamp of the District or Regional (Electoral) Office as well as ink and a stamp pad.
 - c) Three forms to record the election⁸⁷ activities of the District/Region (Electoral offices).
 - d) Tabulation forms.
 - e) Various stationery.
 - f) *The official list of the voters in the district/region.*
4. The equipment for each (electoral) office shall be placed in a separate container which shall be locked and sealed. The Commission shall send the equipment and the ballot

4. The two candidates in the list which obtains the highest number of votes cast in the Presidential and Vice-Presidential election shall be recognised as the successful candidates.”

⁸³ Throughout the Law, the Somali words of “qalab” (equipment) and “agab” (materials) are sometimes used interchangeably.

⁸⁴ This sentence was previously numbered (i).

⁸⁵ This line was originally inserted by the 2009 Amendments and then deleted by the 2010 amendments.

⁸⁶ The reference to combined local elections is not clear unless it is presaging the possibility of regional council elections being held at the same time as district council elections. Although it is not stated, this Clause could apply to occasions when Presidential or parliamentary elections may be held at same time as those for the district councils.

⁸⁷ The Law refers here to the voting activities, but as voting only takes place at the polling stations, it is submitted that this refers to the “election” activities conducted by the District and Regional Electoral Offices.

boxes at the appropriate time to the electoral offices of the district/region which shall, in turn, pass them on to the polling stations.

5. a)⁸⁸ *The Commission shall match the number of ballot papers for each polling station with the total number of voters set out in the official list of voters for that polling station and the (additional) number of persons working⁸⁹ at polling station which consists of the polling station officials, party agents of the polling station, and the members of the police force who are officially assigned to safeguard the conduct of the election at the polling station.*

b) The Commission shall prepare for each polling station additional ballot papers the number of which shall not exceed 2% of the total number of ballot papers referred to in sub clause (a) of this clause, and their (serial) numbers and the polling stations to which they are sent shall be noted in a special register kept by the National Electoral Commission. These ballot papers shall be kept in a special sealed box placed in the election container for the relevant polling station.

c) The additional ballot papers shall only be used to replace ballot papers spoilt before they are cast, provided that the chairman and the political agents at the polling station are satisfied with their use. Every occasion when such an additional ballot paper is used to cast a vote and the reasons necessitating its use shall be registered.

Article 38: Ballot papers

An upright and rectangular symbol of each association/party shall be printed on each ballot paper. Each symbol shall have an accompanying blank space for the voter's mark. Each ballot paper shall have a small gummed edge⁹⁰ so that it can be folded and sealed.

Article 39: Proper use of the official lists and the polling stations

1. Every polling station where voting is taking place shall have two small booths where voters can enter and mark their ballot papers therein and are so arranged as to ensure secret balloting.
2. The ballot boxes for holding the ballot papers shall be placed in full view of or beside the tables used by the Chairman of the polling station.
3. *The list of persons registered in the same polling station shall be arranged sequentially in the alphabetical order of their first names or, in the case of persons with similar names, in the alphabetical order of their second, or third or fourth names.*

Article 40: Display of the list of candidates

1. A copy of the display referred to in Article 27 of this Law shall be affixed to places which can be seen by everyone and form parts of the electoral offices or are inside and outside of the polling stations.
2. A copy of the publicity referred to in Article 27 of this Law which the Commission prepared from the list of candidates in the order in which the lists were passed to it shall be affixed to visible places outside and inside the electoral offices.

⁸⁸ This sub clause is not numbered (a) in the original Somali text, but it is referred to as such in the body of the next sub clause.

⁸⁹ See also the allied Article 6(6) above which allows such personnel to vote at their assigned polling station.

⁹⁰ The practical design of the ballot papers may not allow for gummed edges which would be susceptible to tearing at the count.

Article 41: Distribution of electoral equipment

1. The District Electoral Office shall ensure that the necessary equipment shall reach each polling station where the voting will take place at six o'clock⁹¹ in the morning (6 a.m.) before the polling day.
2. The Commission shall deliver to the district electoral offices the equipment required for voting at the latest four o'clock⁹² in the afternoon (4 p.m.) of the day before the polling day.
3. Every polling station shall be issued with:
 - a) A note declaring the names of the polling station officers.
 - b) A note declaring (the names of) the agents of the associations/parties who shall be present at the polling station.

Article 42: Polling Station Office

1. When the polling station Chairman receives the equipment referred to in the preceding Article, he shall:
 - a) prepare the office and inform the scrutineers and the secretary that they are the officers of the station and instruct them in how they will fulfil the duties assigned to them; *[with] the help desk officer responsible for gathering any complaints becoming a member of the polling station officers;*
 - b) ensure that the approved agents of the associations/parties are present;
 - c) having confirmed, in the presence of officers of the station and the agents of the associations/parties, that the containers are sealed, open them, and check that the equipment are complete;
 - d) having confirmed, in the presence of officers of the station and the agents, that the envelopes containing the (polling) station stamp and the ballot papers are sealed, open the envelopes, mark the ballot papers with the polling station stamp and place them neatly in a suitable container. No person, other than those approved in writing⁹³, shall be present at the polling station at this stage;
 - e) ensure that the displays setting out the voting procedures and the lists of the candidates are affixed to the assigned places;
 - f) ensure that the necessary equipment assigned for the voting is utilised in the way set out in the Law so that the election activities are carried out properly.
2. He (the polling station Chairman) shall record that all the above activities have been carried out. The record shall also show the stamp of the polling station and the total number of ballot papers received by the polling station.
3. He shall then ensure that all the officers and the agents confirm through their signatures that everything is in place as planned.
4. When the Chairman of the polling station confirms that all the above activities have been carried out, he shall declare that the voting may commence.
5. *If the political parties do not assign agents to a polling station, the electoral activities shall not be hampered and the Commission officeholders at the polling station shall proceed ahead with their work.*

Article 43: Powers of the Chairman of the polling station

⁹¹ Ten o'clock in the 2005 Law – Article 39(1).

⁹² Five o'clock in the 2005 Law – Article 39(2).

⁹³ As set out in Article 41(3) of this Law.

1. The Chairman of the polling station shall keep order during the election. He may instruct the police to remove a person from the polling station or detain a person who has committed an offence in connection with the election activities or a person who is manifestly insane.
2. The police shall not enter the polling station unless ordered to do so by the Chairman.
3. Police officers and state employees shall fulfil any requests made by the Chairman of the polling station so as to ensure smooth voting and avoid overcrowding around the polling station officers' table or in the immediate vicinity of the polling station.
4. The Chairmen of the polling stations and those⁹⁴ of the central (electoral) office shall have the right to exercise the powers set out in this Article.

Article 44: Access to the polling station

1. Only persons⁹⁵ managing the polling station, agents of associations/parties and voters may enter the polling station.
2. It is forbidden for voters to carry weapons at the polling station. Voters shall proceed ahead of each other in the order of their arrival, but if there are persons who are working on election activities and who wish to cast their ballot, they may be allowed to proceed ahead of the other waiting voters. Only one person at a time may enter the polling station.

Article 45: Steps before voting

A voter may cast his vote after [the following steps]:

1. *The voter has handed his voting card to the Deputy Chairman of the polling station (the older of the two scrutineers⁹⁶) so that the latter can check its validity by comparing its details to those in the correct voters' list. The Deputy Chairman shall also examine for any signs of indelible ink stains on the voter's left hand little finger, or if the voter has none, his right hand little finger, or if he has neither, the other visible parts of his body. The Deputy Chairman shall then pass the card to the polling station secretary, who, together with any party agents present at the polling station, shall also cast their eyes over the card.*
[Any polling station where the voters exceed 750 shall have two ballot boxes A and B.]⁹⁷
2. *The Secretary of the polling station has confirmed that the voting card name is in the official polling station voters' register and that the (voting) card number accords with the corresponding number in the voters' register; and then the voter has put his left thumb mark at the appropriate place in the voters' register.*
3. *The voter has undertaken properly, in accordance with the procedures, the steps set out in the above clauses of this article to the satisfaction of the officeholders and political parties' agents present at the polling station, after which the voter shall be handed the ballot paper.*

Article 46: Persons who cannot Vote

⁹⁴ The word used here is in the plural, but there is only one central office as set out in Article 10 above.

⁹⁵ This Clause seems to overlook the right of observers and also of the Central Electoral officeholders to enter the polling stations for observation and inspection. Indeed, other than Article 1 which defines observers, there is no mention of the role of observers in this Law.

⁹⁶ As also mentioned in Article 16(a) above.

⁹⁷ This line would have been more appropriately added to Article 37(1)(d).

1. Voters who attend the polling station in person may place their votes in the ballot box.
2. If, due to physical incapacity, a person may not be able to cast his vote, the Chairman of the polling station may allow another voter who is trusted by the incapacitated person to help him cast his vote.
3. The Secretary of the polling station shall record the reason why the incapacitated person was allowed to be helped in casting his vote. The record shall also show the details of the incapacitated person and his helper.

Article 47: The Voting Procedure

1. *On completion of the activities set out in Article 45, as amended, the Secretary shall:*
 - a) *hand the voter a ballot paper for casting whilst ensuring that the ballot paper's counterfoil remains and is stamped;*
 - b) *pass the voter's card to the other scrutineer at the polling station;*
 - c) *using a pen and a ruler, draw a line across the name and all the other details of the voter in the relevant row of the voters' list whilst ensuring that the crossed out details of the voter are still legible.*
2. *If, before he casts his vote, the voter notices that the ballot paper is incomplete or torn, he shall return it and ask for a replacement. Such an incident shall be recorded in writing.*
3. *The voter shall then enter the small booth where the ballot papers are marked.*
4. *Using one of the ballpoint pens provided, the voter shall put a mark anywhere within the section of the ballot paper which is specifically for the party/candidate that he wishes to vote for, and then fold the ballot paper and leave the booth.*
5. *The voter shall then put his ballot paper in the ballot box.*
6. *The voter shall then proceed to (the position of) the second scrutineer who had his voting card and who shall mark the voter's left hand small finger with indelible ink. The ink shall be marked on the voter's right hand small finger if he has no left hand small finger, and if he has neither, on, preferably, any other finger in his left hand. If the voter has no hands, the mark shall be placed on any other visible part of his body.*
7. *Any member of the polling station officials, the agents of the political parties at the polling station and the members of the police force that have been formally assigned to keep the order at the polling station can vote at the station by following the steps set out in clauses 1 to 6 of this article after the polling station has been made ready for voting and the polling station officials and the party agents have confirmed that the voting card of the member is valid and has not been previously used for voting, and the following details are recorded in the relevant form provided by the National Electoral Commission:*
 - a) *His name in full (covering his four names⁹⁸).*
 - b) *The number and name of the polling station he is registered as a voter.*
 - c) *The number and name of the polling station in which he is casting his ballot.*
 - d) *His position (duties) at the polling station.*
 - e) *His left thumb print on the appropriate position in the relevant form.*
8. *The voting card of any of the persons referred to in clause 7 of this article shall be held by the Chairman of the polling station and can only be returned to him after the voting activities at the polling station are concluded.*
9. *The polling station Chairman shall oversee the other polling station officials' performance of their duties and shall be free to run smoothly the activities at the station.*

⁹⁸ First name followed by the three patrilineal names.

11. *The Chairman of the polling station shall have the power to expel from the station any voter who, without any excuse, loiters at the station, and to confiscate his ballot paper. Any such expelled voter shall be allowed to vote after all the other waiting persons cast their votes.*
12. *If a voter presents at a polling station a voting card which is not registered at that station, the Chairman of the station shall direct him at the location of the appropriate polling station.*
13. *The Chairman of the polling station shall order promptly that any voter, who has a voting card which does not belong to him or additional ballot papers or ballot papers which are different from the ones in use, has the card or ballot papers removed from him and shall, if possible, hand him over to the security forces so that he can be prosecuted. Any such incident shall be recorded in writing.*

Article 48: Conduct of the Voting

1. Voting shall be completed within one day, beginning at seven o'clock⁹⁹ in the morning (7 a.m.) and finishing at six o'clock in the evening (6 p.m.).
2. If there are voters who are still queuing outside to vote, the finishing time shall be disregarded and voting shall continue until all such waiting voters have cast their votes.

Article 49: Decisions about Complaints at the Polling Station

The Polling Station (Electoral) Office shall reach provisional decisions about complaints (if any), such as those made orally or any arguments relating to voting activities of the polling station. These complaints and arguments shall be recorded in writing.

Article 50: Activities before the Counting of Votes

1. After all the voters have cast their votes, the Chairman of the (polling) station shall announce loudly that the voting has finished.
2. When the Chairman of the (polling) station gathers from the table all the papers and equipment which are not necessary for the count, he shall start the following activities:
 - a) Check the total number of voters by looking at the number of ballot papers issued.
 - b) Collect and count all the ballot papers that have not been used and place them in the first envelope.
 - c) Confirm and affix his signature on the damaged or incorrect ballot papers which were returned by the voters or were seen by the officers to be so, and place them in the second envelope.

Article 51: Counting of the Votes

1. When the Chairman of the (polling) station has completed the activities set out in the preceding Article, he shall start the count of the ballot papers in the ballot box. To enable this, a scrutineer shall remove from the ballot box *one* ballot paper at a time, which he shall pass on to the Chairman. The Chairman shall open each ballot paper and announce loudly (the name of) the association/party which gained each vote. The ballot paper shall then be passed by the scrutineer to the second scrutineer and shown to the agents of the associations/parties. The Secretary shall then record the vote in the

⁹⁹ Six o'clock in the 2005 Law – Article 45(1).

- appropriate tabulated form which relates to the association/party for which the vote was cast and shall place the ballot paper in the appropriate box.
2. No ballot paper shall be removed from the ballot box while the preceding ballot paper is still being processed and placed in the (appropriate) box. Only the officers of the (polling) station shall manage these tasks.
 3. When the Chairman of the (polling) station completes the count, he shall confirm the total number of (issued) ballot papers¹⁰⁰ and reconcile them with the total votes cast for the associations/parties as well as the total number of disputed ballot papers or incorrect ballot papers or those which are invalid in accordance with Article 57¹⁰¹ of this Law.
 4. When the Chairman of the (polling) station completes his confirmation and affixes his signatures, he shall:
 - a) place the ballots adjudged as void and the complaints of the party agents in the envelope (numbered) 3;
 - b) place the disputed ballot papers in the envelope (numbered) 4; and
 - c) finally put all the valid and counted ballot papers in the envelope (numbered) 5.
 5. If extra (unaccounted for) ballot papers or ballot papers which are different from those used in the (polling) station, such as those without the stamp or the ballot numbers of the station or are of a type different from those used in the station for voting, are found in the ballot box, the polling station officers shall separate them from ballot papers to be counted and, having shown them to the political parties' agents at the station, shall discard¹⁰² them and record the incident in writing.

Article 52: The Closure of the Counting Activities

1. When the Chairman of the (polling) station completes the counting activities set out in the preceding Article, he shall declare publicly the total number of voters, the correct votes cast and the number of votes cast for each association/party list.
2. The envelopes shall then be sealed, and shall have affixed to them on the outside the stamp of the polling station and the signatures of the Chairman of the (polling) station, and those of at least one of the scrutineers and of all the agents of the associations/parties which have candidates standing for election at the polling station.
3. The details of the materials in each envelope shall be noted on the outside of each envelope.
4. The counting activities shall be completed as set out (above) in a continuous manner and without interruptions or engagement in other activities.
5. The written records shall show clearly the activities set out above.

Article 53: Spoilt¹⁰³ or Disputed Votes

1. When the ballot papers are being counted, the following papers shall be considered void:

¹⁰⁰ That is presumably the total number of issued ballot papers.

¹⁰¹ It is Article 53 and not Article 57 which sets out the details of void ballot papers and this did not appear to have been addressed in the amendments..

¹⁰² To keep an audit trail of these fraudulent ballot papers, it may be more prudent for the Chairman and the polling station officers, with the agreement of the party agents, to cross out these papers and place them in a separate envelope, together with their record.

¹⁰³ It appears that various words have been used for incomplete or incorrect or spoilt ballot papers in various clauses. This Article deals with ballot papers which can be rendered void.

- a) If they are different from the ballot papers which the Commission has chosen for use in the election.
- b) If they do not have the stamp of the polling station affixed to them.
2. The counted ballot papers shall become void if:
 - a) the ballot paper contains any writing or signs or skilfully applied impressions, which are not as authorised; (or)
 - b) the ballot paper does not show clearly the association/party for which the vote was cast and this cannot be recognised; (or)
 - c) the ballot paper shows that the voter has marked the symbols of more than one association/party.
3. A vote may become void when the all the officers of the polling station so resolve jointly. If, however, there is no such joint resolution and there is disagreement, the relevant ballot paper shall be recognised as a disputed one.
4. The District Electoral Office can reach decisions about disputed ballot papers.

Article 54: The Written Records of the Polling Station

1. *The record of the results of the polling station shall be kept in the appropriate forms designed by the National Electoral Commission for this purpose which shall consist of an original record and six copies. The Chairman of the polling station shall declare publicly:*
 - a) *The total number of votes cast at the station.*
 - b) *The number of spoilt votes.*
 - c) *The number of disputed votes.*
 - d) *The number of valid votes.*
 - e) *The number of votes cast for each party/candidate contesting the election.*
2. *The original form referred to in clause 1 of this article shall be forwarded to the Chairman of the Regional Electoral Office. Two copies of the form shall be placed in the same container which holds the sealed envelopes referred to in clauses 55(1) and (2) of this Law and, together with the remaining electoral materials, shall be forwarded to the District Electoral Office. The remaining three copies shall be given to the agents of the three parties.*

Article 55: The Transport and Transfer of Equipment

1. The Chairman of the polling station, accompanied by at least one of the officers (of the polling station) and the guarding police officers, shall transport without any delay the written records and the envelopes of the polling station and hand them over¹⁰⁴ to the District Electoral Office.
2. When the envelopes are being handed over to the District Electoral Office, they shall be checked so as to ensure that they are sealed and have not been opened or interfered with¹⁰⁵. The Chairman of the District Electoral Office shall issue a receipt confirming transfer of the materials.

Article 56: The Work of the District Electoral Office

1. On receipt of the materials set out in Article 55 of this Law, the Chairman of the District Electoral Office shall:

¹⁰⁴ The 2005 Law sets a time limit of 12 hours within which the handover should take place – Article 52(1).

¹⁰⁵ The 2005 Law says that this should be done in the presence of the party agents – Article 52(2).

- a) instruct the scrutineers, the secretary and the counting officers to get ready for the work;
 - b) call the agents of the associations/parties, which have fielded candidates at the District elections and were approved by the Commission, so they can be present during the conduct of the (electoral) activities;
 - c) after he and the officers and the agents have ensured that the containers are sealed and have not been opened previously, open the containers and check and remove the materials; *(and)*
 - d) after they¹⁰⁶ have jointly ensured that the envelopes are sealed and have not been opened previously, open the envelope which contains the stamp and check that the number on the stamp has been affixed to the written records.
2. The District Electoral Office shall then check that the written records and the envelopes set out in Articles 50, 51 and 54 of this Law are complete.

Article 57: The Counting of the Votes for the Presidential Election

On receipt of the polling station electoral materials, in the presence of the political parties' agents, the District Electoral Office shall:

1. *check that the various envelopes are properly sealed;*
2. *check the number of the void ballot papers and add any emerging changes to the totals for the relevant competing parties/candidates;*
3. *reach decisions about the disputed ballot papers and where it has been decided that disputed votes shall be counted, add these to the total votes of the parties/candidates for which they have been cast;*
4. *reach decisions about the disputed polling station ballot boxes and record the results of these polling stations in the voting results record forms of these polling stations.*
5. *A ballot box may be:*
 - a) *counted if it is accepted that its votes have been cast in accordance with the law;*
 - b) *rendered void if it is shown that its votes have been cast in a manner not consistent with the law.*
 - c) *The validity of any contested ballot box must be determined on the basis of the two options set out in (the preceding) sub clauses (a) and (b) of this clause.*
6. *The decisions of the District Electoral Office shall validated by a simple majority vote of the officeholders¹⁰⁷.*
7. *If the District Electoral Office cannot resolve finally disputes about a polling station ballot box or complaints about disputed ballot papers, or complaints are made about the checking of ballot papers adjudged by the Polling Station Office as void, it shall forward the relevant ballot box and a written report or the complaints (whichever is the case) to the Regional Electoral Office which shall strive to settle the disputes.*
8. *The District Electoral Office shall add up all the voting results of all the district's polling stations and shall record the district voting results in the relevant forms designed for this purpose, which consist of one original copy and five copies, and shall declare publicly the:*
 - a) *total votes cast in the district;*

¹⁰⁶ The Chairman, officers and agents.

¹⁰⁷ See Article 17 for the list of the District officeholders. The amendments are not drafted clearly but it appears that there are six officeholders – chairman, deputy chairman, scrutineer, secretary and two counting officers. The simple majority vote is therefore half of the members plus one. No additional casting vote has been given to the chairman in the case of a tie of votes.

- b) *number of spoilt votes;*
 - c) *number of disputed vote;*
 - d) *number of valid votes; and*
 - e) *number of votes cast for each contesting party/candidate.*
9. *The District Electoral Office shall forward to the Regional Electoral Office the original copy of the district voting results, as well as the original voting results of the district's polling stations and the copies of all the total results of all the polling stations. Two copies (of the district results) shall be placed in the box (for the regional office) and the other three shall be given to the three political parties' agents at the District Electoral Office.*

Article 58: The Work of the Regional Electoral Office¹⁰⁸

1. *After receiving the third copy of the written records of the polling stations, the total result of the votes as declared by the districts in the region and the total votes cast for each party as forwarded by the District Electoral Offices of the region, the Regional Electoral Office shall check the calculations of the results of the total votes.*
2. *The Regional Electoral office shall, in the presence of the contesting political parties' agents, reach decisions about any outstanding complaints or disputes which have been forwarded to it, and shall add up the voting results of all the districts in the region and produce the:*
 - a) *total number of votes cast in all the districts of the region;*
 - b) *total number of spoilt votes in all the districts of the region;*
 - c) *total number of valid vote in all the districts of the region ;*
 - d) *number of votes cast for each contesting party.**After recording the voting results of the region in the relevant forms designed for this purpose, the Regional Electoral Office shall declare publicly the voting results of the region.*
3. *The Chairman of the Regional Electoral Office shall:*
 - a) *record the voting results of the region in the forms referred to in clause 2 of this article which consist of one original copy and five copies;*
 - b) *forward to the Supreme Court the original copy together with a copy of the voting results of every district in the region;*
 - c) *forward to the National Electoral Commission two copies, as well as the original copies of the voting results of all the districts in the region; (and)*
 - d) *give the remaining three copies to the three political parties' agents at the Regional Electoral Office.*

Article 59: The Counting of the Local Elections and the Declaration of the Result

On receipt of the materials set out Article 55 (of this Law) in relation to the local elections, the Chairman of the District Electoral Office shall:

1. *count and add up all the votes cast in the polling stations of the District;*
2. *confirm the void votes of all the polling stations in the district;*
3. *reach decisions about the disputed votes;*
4. *count the number of valid votes cast for each association/party in the district election;*

¹⁰⁸ It would probably have been more appropriate for this Article relating to the Regional Electoral Office to come after the following three Articles which conclude the work of the District Electoral Office.

5. divide the total number of valid votes cast in the district by the number of seats¹⁰⁹ of the local district, and calculate the proportion of the votes each association/party has gained;
6. confirm the number of local seats each association/party is entitled to;
7. declare then the names of the candidates of each association/party who have won the election, in the sequence of their positions in the lists as set out in Article 23 of this Law¹¹⁰;
8. declare publicly the result of the district election and display on the notice-board of the District Electoral Office the names of the successful candidates.

Article 60: Forwarding the Records

1. The records of the activities set out in Articles 55, 56 and 58 of this Law shall be noted on the appropriate forms designed by the Commission for these purposes, and must be kept in triplicate.
2. The copies of the records shall be distributed as set out in Articles 55 and 58 of this Law.

Article 61: Issuing Resolution Relating to the Local Elections

The District Electoral Office shall issue the resolution relating to the district elections by means of a concise written notice setting out the names of the candidates who were successful in the local elections, which shall be displayed at the administration office of the relevant local government, and copied to the Central (Electoral) Office.

Article 62: The Review of the Local Elections

1. The Chairman of the Regional Court shall review and confirm the resolution relating to the local elections. He shall reach decisions about any disputes or complaints which have arisen during the voting activities and have been generally forwarded to him by the District Electoral Office(s)¹¹¹.
2. Any concerns or claims which have not been submitted to the electoral offices may be forwarded to the Regional Courts within ten days, beginning from the date¹¹² of the announcement of the result of the elections.

Article 63: The Work of the Central Electoral Office

¹⁰⁹ This will give the quota (or quotient) of votes for each seat (the Hare Quota). Seats are then allocated for each full quota that a party/association obtains. As there is no further prescription about any remaining seats, it is submitted that these will be assigned on the basis of largest remainders. This is, in effect the 'quotient and largest remainders' proportional representation system which was set out in the Elections Bill and was used in the last 1969 democratic elections in Somalia. See also Article 22(1) of this Law.

¹¹⁰ See Article 23(3) – the higher a name is on a party list, the more likely it is that he shall get one of the seats on the basis of the proportion of votes cast for the party.

¹¹¹ The Regional Court, like the Regional Electoral Office, covers all the districts in the region – see Article 7 of the Organisation of the Judiciary Law.

¹¹² In common law jurisdictions, this has been interpreted as meaning that the first date is counted, but, the practice in Somaliland has been to count the period of 10 or 20 days from the day following the announcement or incident. Article 110 of the 1974 Civil Procedure Code lays down the general rule for calculation of time limits – if the period is in days or hours, the beginning day/hour is not counted, and if the period is based on months/years, the time limit shall be counted on the basis of the calendar. Days which are holidays are still counted, but if the last day of the period is a holiday, the time limit shall expire on the following working day. Similar provisions apply to criminal matters under Article 88 of the 1963 Criminal Procedure Code.

1. On receipt of the materials and the written records set out in Article 60 of this Law, the Chairman of the Commission shall:
 - a) instruct the assistants and the secretariat to get ready for the tasks;
 - b) call the agents of the associations/parties so that they can be present during the conduct of the (election) activities;
 - c) check, together with others, that the envelopes are sealed and have not been opened and then open them and remove the materials therein;
 - d) after checking, together with others, that the envelopes are sealed and have not been opened, open the envelope containing the stamp of the electoral office and note in the written record the number of the stamp; *(and)*
 - e) pass the remaining materials on to the Secretary.
2. The Central Electoral Office shall then confirm the receipt of the written records set out in Article 60 of this Law which are expected from the District and Regional Electoral Offices.

Article 64: The Declaration of the Result of the Presidential Elections

When the Chairman of the Commission receives from the District and Regional Electoral Offices (all the written records¹¹³), he shall:

- a) reach decisions about the claims relating to the voting and the count;
- b) count and add up (arithmetically¹¹⁴) the valid votes and the incorrect or invalid votes which have been forwarded by the Regional Electoral Offices;
- c) having confirmed fully and being satisfied that the (election) activities have been conducted properly, declare the provisional results of the elections of the President and the Vice-President.

Article 65: Elections claims

1. The Supreme Court shall have (the sole) jurisdiction to deal with claims relating to the elections of the President and the Vice-President. These claims must reach the Court office within 10 days, beginning from the date¹¹⁵ when the *National Electoral Commission declares the provisional results. The Supreme Court must reach decisions about these claims before the expiry of the constitutional (presidential term) period¹¹⁶. If a claim falls outside the limitation period¹¹⁷, it shall not be considered.*

¹¹³ See the preceding Article 63(2).

¹¹⁴ This phrase which appears in parenthesis in the Somali text is presumably used to emphasise that the job involves calculating the sums only and not recounting the actual votes.

¹¹⁵ The time limit in the law before it was amended 20 days. See also the note relating to the calculation of this time limitation period in the similarly worded Article 62(2) above.

¹¹⁶ The period referred to here is the maximum of one month after the polling date set out in Article 83(2) and 83(3) of the Constitution. The presidential election is to be held always one month before the end of the term of office of the incumbent President who shall continue in office until the newly elected President assumes the office within a month of the election. The current President had his constitutional 5 year term extended many times and the last extension was set out in a House of Elders Resolution (passed on 25 September 2009) and an internationally brokered Accord signed by all the three political parties on 30 September 2010, which further extended the president's term of office from 29 October 2009 until one month after the polling date. The National Electoral Commission has since formally declared, and the president confirmed it in a decree, that the long delayed election will now take place 26 June 2010.

¹¹⁷ Clearly if a claim is submitted outside the time limit of 10 days for submission, it will be not be considered, but there is an additional constitutional expiry of the term of office of the incumbent President which also serves as another deadline for the Supreme Court to observe. In the 2003 presidential election (which was

2. On receipt of the written records from the Regional Electoral Offices¹¹⁸ and from the Central Office of the Commission, and having checked that the election has been conducted properly in law and in the way the calculations were done, the Supreme Court shall declare the result of the election of the President and the Vice-President.

Article 66: The Implementation and use of the amendments to the Election Law No. 20/2001¹¹⁹

1. *The amendments to the Election Law NO. 20/2001 shall be used only in every election held in the country of the Republic of Somaliland which is based on a voter registration electoral system¹²⁰.*
2. *The amendments to the Election Law NO. 20/2001 shall come into force when passed by legislative houses and is signed¹²¹ by the President of the Republic of Somaliland (and published in the state official bulletin)¹²².*

Abdirahman Mohamed Abdullahi (Ciro)
Chairman, House of Representatives

Mohamed Hassan Kahin (Keyse)
General Secretary, House of Representatives

won narrowly by the incumbent president), the election took place on 14 April 2003, the NEC issued its provisional results on 19 April 2003 and the Supreme Court declared the results on 10 May 2003, which was within the one month “constitutional” limitation period.

¹¹⁸ See also Article 58(3)(b) of this Law.

¹¹⁹ The President signed this 2001 Law on 6 December 2001 and it came into force on that date.

¹²⁰ This clause was inserted by the 2009 Amendments when it unclear as to whether the voter registrations exercise could be completed successfully.

¹²¹ The President signed the 2010 amendments on 1 June 2010.

¹²² The second amendments passed in May 2010 did not include this additional requirement.