

Somaliland Presidential & Local Councils Elections (Amendment) Bill

*This is the text of the **Presidential & Local Councils Elections (Amendment) Bill 2007** as submitted to the House of Representatives last week at the end of their session. This Bill which was prepared by the **Internal Affairs, Defence & Security Committee** of the House, by and large, amends the 2001 Law by taking note of the provisions of the new **Registration of Voters Law** which was signed into law by the President on 14 June 2007.*

In view of the relatively short period left before the planned date of the local elections, the Committee is commended for confining the changes to the minimum necessary ones to implement the changes brought about by the Voter Registration Law, the essential changes made in the 2005 Parliamentary Election Law, which need to be reflected in the municipal and presidential elections and the changes proposed by the various international observers in the previous elections.

Somalilandlaw.com welcomes the proposals of quotas for women and excluded minority groups. For comments on the Bill, please see the main page of www.somalilandlaw.com.

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WAX-KA BEDELKA IYO KABISTA XEERKA DOORASHOYINKA MADAXWEYNAHA IYO GOLAYAASHA DEGMOOYINKA JULY 2007

JAMHUURIYADA SOMALILAND



GOLAHA WAKIILADA

Qodobka 1aad

Macnaha erey-bixinta

Erey-bixinta waxaanu ku soo darnay eryada hoos ku qoran :

Liis/Liisaska: Waxa loola jeedaa magacyada murashaxiinta doorashada Golaha Deegaanada ee urur/ xisbi kasta u soo gudbiyo komishanka. Kuwaas oo si siman ugu tartamaya doorashada, kala horaynta

magacyadooduna wax tixgelin ah aanay u lahayn kala doorashadooda.

Jajab: Waxaa loola jeedaa tirada codadka ee ka yar inta hal kursi lagu heli karo

Si taxane ah: waxaa loola jeedaa wax kala duwan oo xidhiidhsan oo loo qoray si isdaba taala oo midba midka kale ka horreeyo.

Dadka laga

tirada badan yahay: waxa loola jeedaa dadka la hayb sooco gaar ahaan beelaha gabooyaha (madhibaanka, muusedheriyo, yibro iyo tumaalo)

Qodobka 5aad

Shuruudaha cod-bixiyaha

Qodobkan Faqradda 1aad waxaanu ku samaynay kaabis ah qaybta khadka madow ah : iyo ku darid faqrada 2aad .

1. Waa inuu yahay Muwaadin u dhashay Somaliland **ama qaatay muwaadinimada Somaliland, si waafaqsan Xeerka Jinsiyadda Xeer. NO.22/2002 Qodobadda 3aad iyo 4aad.**
2. Waa inuu ka diiwaangashan yahay **Goob-Codbixineed, haystaana kaadhkii codbixinta.**

Qodobka 6aad

Xuquuqda Cod-bixiyaha

Qodobkan Faqradiisa 1aad waanu bedelnay , faqradiisa 2aad kaabis baan ku samaynay:

1. **Codbixiyuhu wuxuu codkiisa ka dhiiban karaa goobta codbixineed ee uu ka diiwaan gashan yahay oo keliya .**
2. **Marka JSL hesho aqoonsi caalami ah, lana diiwaangeliyo muwaadiniinta, cod-bixiyaha ku sugan dal shisheeye xilliga doorashada la qabanayo, wuxuu codkiisa ka dhiiban karaa xafiisyada diblomaasiyadeed ee JSL ku leedahay dalalka shisheeye ee ugu dhow.**

Qodobka 7aad

Is Sharaxaada Shaqaalaha Dawladda & Hay'adaha Dawliga ah

Qodobkan, Cinwaankiisa ayaan ku darnay errayga (is sharaxaada)

Qodobka 9aad

Goobaha Cod-bixinta

Qodobkan waxaan ku soo kordhinay faqrad 4aad, faqrada 3aad waxaanu ku samaynay kaabis :

3. Komishanku waa inuu sameeyo goobaha codbixinta ee degmooyinka/gobolada ugu yaraan 40 maalmood ka hor taariikhda cod-bixinta la qabanayo, waxanu Komishanku arrintaas kala tashanayaa Wasaaradda Arrimaha Gudaha, Gudoomiyayaasha Gobolada iyo Degmooyinka **iyu Xisbiyada/Ururada.**

4. Degmooyinka doorasho (electoral districts) waxay ahaanayaan kuwii ay ka qabsoontay doorashooyinkii Golayaaalasha deegaanka ee Diisambar 2002.

Qodobka 22aad

Habka Doorasho

Qodobkan dhammaantii isbedel baanu ku samaynay marka laga reebo faqrada 2aad

1. **Habka Doorashada Goleyaasha Deegaanku Wuxuu noqonayaa Habka Doorashada Tooska ah ee codbixinta qarsoon (Secret Ballot, One Man One Vote).**
2. Habka Doorashada Madaxtooyadu wuxuu noqonayaa habka aqlabiyada Haldheeriga (Majority System), sida dastuurku tilmaamay Qod. 83aad.
3. **Doorashada Goleyaasha Deegaanada urur/xisbi kastaaba waxaa uu u soo bandhigayaa liiska musharixiinta uu doonayo in degmada looga doorto. tirada murashixiinta degmo kastaa waa inay ku salaysnaataa tirada kuraasida degmo kasta loo xaddiday sida ku xusan Qodobka 4aad, ee Xeerkan .**
4. **Kuraasta degmo-doorasho, waxa ururada/xisbiyadu ku kala helayaan habka saami-qaybsiga (proportional system) ee kuraasida iyo codadka xisbi waliba ka helo degmadaas.**
5. **Marka Doorashadu qabsoonto ee laysu geeyo wadarta guud ee codadka ansaxay ee degmo kasta, waxaa loo qaybinayaa tirada kuraasta degmada loo cayimay, waxa la ogaanayaa qaderka codadka ah ee hal kursi lagu heli karo . Intaas dabadeed waxa laysu qaybinayaa tirada codadka xisbi/urur kasta ka helo degmadaas iyo qaderka codadka hal kursi lagu heli karo, halkaasna waxaa ka soo baxaya tirada kuraasida degmada ee xisbi/urur kasta ku guulaystay .**
6. **Marka tirada codadka ansaxay ee degmo iyo tirada kuraasida degmadaas laysu qaybiyo, haddii ay jiraan tirooyin codad jajib ah oo xisbi/urur kasta marka gaarkiisa loo eego ka yar qaderka codadka hal kursi lagu heli karo, waxa xisbiyadu/ururadu kursiga ama kuraasida hadhay u kala qaadanayaan sida ay u kala badan yihiin tirada codadka jajibka ah ee ay haystaan.**
7. **Marka la fuliyo talaabooyinka ku tilmaaman faqrada 5 iyo 6aad ee qodobkan, tirada kuraasida xisbi/urur kasta marka gaarkiisa loo eego kuraasida degmada u xaddidan, waxa musharixiinta urur/xisbi kasta gudihiisa u kala helayaa sida ay u kala codad badan yihiin, iyaga oo ku kala helaya aqlabiyad fudud(Simple Majority).**
8. **Haddii ay timaado duruuf suurtagellin wayda in ay doorashada Goleyaasha Deegaanku ku qabsoonto xilligeedii waxa go'aan wadajir ah ka wada gaadhaya ururada/xisbiyada iyo komishanka qaranka**
9. **Haddii degaamo dalka ka mid ah ay la soo gudbaanato duruuf culus ama xaaladdo aan saamaxayn in doorasho ka qabsoonto, waxaa soo qiimaynaya go'aana ka gaadhaya xaaladaas Komishanka Doorashooyinka Qaranka, marka ay sidaas isla gartaan komishanka iyo Ururada/Xisbiyada.**
10. **Haddii ay dhacdo in mar la wada qabto Doorashada Goleyaasha Deegaanka iyo doorashada Madaxtooyada sababo jira awgood oo waafaqsan shuruucda dalka, waa in labada doorasho mid kasta gaarkiisa u yeesho waraaqo codbixineed .**

Qodobka 22A aad

Haweenka iyo Dadka Laga Tirada Badan yahay

Qodobkani waanu ku soo darnay Xeerka .

1. Haweenka iyo Dadka laga tirada badan yahay (Dadka la hayb-sooco) waxay Ururadu/Xisbiyadu u xaddidaya saami go'an oo ah sidan:-
 - a) G/Deegaanka Hargeysa waxa loo dhigayaa 5 kursi : 4 kursi haweenka iyo 1 kursi dadka laga tirada badan yahay.
 - b) Goleyaasha Deegaanka Degmooyinka darajada A waxaa loo dhigayaa 4 kursi:
3 kursi haweenka iyo 1 kursi dadka laga tirada badan yahay
 - c) Goleyaasha Deegaanka Degmooyinka darajada B/C. waxaa loo dhigayaa 3 Kursi: 2 Kursi haweenka iyo 1 kursi dadka laga tirada badan yahay .
2. Tirada loo xaddiday haweenka iyo dadka laga tiro badan yahay (dadka la hayb sooco) waxay xisbiyada/ururada u kala qaadanayaan saami u dhigma sida ay u kala heleen wadarta guud ee codadka ansaxay ee degmada.

Qodobka 23aad

Qaabka soo bandhigida Murashaxiinta

Qodobkan waxaanu faqrada 1aad ku kaabnay xarafka (a)

2.Liisaska murashaxiinta ururka/xisbiga waxa kale oo la soo raacinayaa:-

- a) **Caddeynta,caafimaadka, Dembi la'aanta,waxbarashadda, lahaansho hanti ma guurto ah, cashuur-bixinta iyo shaqo ka tegidda hadday jirto .**

Qodobka 25aad

Deebaaji

Qodobkan waxaanu isbedel ku samaynay qaderka lacagaha deebaajiga ah oo sidan ah:

- a) **SI.Sh. 5,000,000** Murashaxiinta Madaxtooyada midkiiba
- b) **SI.Sh 500,000** Murashaxiinta Goleyaasha Deegaanka

Qodobka 31aad

Anshaxa Shirarka iyo Banaanbaxyadda

Qodobkan waxaan bedelnay cinwaankiisa, waxaana loo bedelay sidan :

Shirarka iyo banaanbaxyada ololaha doorashooyinka waxaa ka reebban:-

1. **In loo qaato hub iyo lebbis ciidan wax u eg.**
2. **In ololaha ama bannaan baxa lagu sameeyo agagaarka meelaha xurmada iyo meelaha aan ku haboonayn sida Masaajiddada, Dugsi, cusbitaalada iyo xafiisyada dawladda I.W.M.**
3. **In lagu tiraabo hadalo ama lagu soo bandhigo muuqaalo wax u dhimaya dhaqanka,Diinta,Nabad-gelyadda iyo xasiloonaada guud ama sidoo kale wax dhawaacayo sharafta iyo karaamada xisbi,murashax,qabiil,deegaan I.W.M.**
4. **In urur/xisbi ama murashax u adeegsado hantidda qaranka sifo kasta ha lahaatee.**

Qodobka 31A aad

Isticmaalka Hantida Qaranka

Qodobkan waanu soo kordhinay dhammaantii

1. Ururada/Xisbiyada qaranku waa in ay si siman u isticmaalaan warbaahinta dawladda iyo fagaareyaasha kheyriyadaha, hubinta iyo dabagalka arrintan waxaa iska leh komishanka qaranka.
2. waxa reebban in Urur/Xisbina si gaar ah ugu takri falo hantida qaranka.
3. waxa kale oo reebban in urur/xisbina si dadban iyo si toos ahba u isticmaalo dhaqaale shisheeye .
4. Ciddii ama Urur/xisbigii ay ku caddaato in uu ku kacay falalka faqrada 1,2,3aad ku xusan ee qodobkan waxa lala tiigsanayaa sharci waafaqsan falalka uu ku kacay

Qodobka 33aad

Shuruudaha Murashaxa Golaha Deegaanka

Qodobkan waxaanu kaabis ku samaynay faqrada 3aad,7aad iyo 8aad, waxa kale oo aannu ku darnay_aqrada 6aad iyo11aad .

3. Waa in uu muslin yahay, **laguna yaqaan** inuu ku dhaqmo Diinta Islaamka
8. **Waa inuu ku leeyahay hanti ma gurto ah, cashuur bixiyena ka yahay degmada uu iska sharaxay**, isla markaana waa inuu ka qayb qaatay si mutadawacnimo ah hawlaha danta guud ah ee degmada uu iska sharaxayo .
7. Waa in uu leeyahay ugu yaraan aqoon dugsi sare, **isla markaana uu leeyahay waayo aragnimo maamul oo aan ka yarayn 3 sano**, haddii uu iska sharaxayo degmooyinka Darajada A iyo B.
6. **Waa inuu yahay muwaadin ku sugnaa dalka labadii sano ee u dambeeyay doorashada ka hor**
11. **Waa inuu maskax ahaan caafimaad qabaa.**

Qodobka 34Aaad

murashaxiinta guuldaraysta

Qodobkan dhammaantii waanu soo kordhinay

1. **Musharixiinta Xisbiyada/ururada ee kuraasi waaya ama guuldaraysta waxay noqonayaan murashixiin kayd ah, waxayna xaq u leeyihiin inay buuxiyaan marka ay jago baneeyaan mudaneyaasha xisbigooda kaga jira Golaha Deegaanka ee Degmada.**
2. Marka ay banaanato xubin/xubno ka mid ah Golaha Deegaanka ee Degmo, waxaa komishanku xubinta/xubnaha banaan ku buuxinayaan musharaxiinta kaydka xisbiga ee degmada ay ka soo jeedaan kuwa baneeyay, muddo aan ka badnayn bil .
3. Buuxinta Jagada banaanatay waxaa loo raacayaa sida ay u kala codbadnaayeen xubnaha kaydka ahi .

Qodobka 38aad

Waraqaha Cod-bixinta

Qodobkan waxaanu ku soo darnay faqrada 2aad iyo 3aad

- 1.
2. waan in komishanka daabaco waraaqo ku filan Ururada/Xisbiyada oo tusaale ah (Sample), loona qaybiyo Ururada/Xisbiyada si loo gaadhsiiyo ama loo fahamsiiyo habka codaynta.
3. Waraaqaha codbixintu waa in ay noqdaan kuwo leh astaamo qarsoon (Hologramed), oo aan la been abuuri Karin, isla markaana waa inay leeyihiin tirsi taxane ah (Serial Number).

Qodobka 39aad

Qolka Calaamadaynta iyo Sanduuqa codbixinta

Qodobkan waxaanu u samaynay cinwaan.

Qodobka 41aad

Qaybinta Qalabka Doorashada

Qodobkan waxaan ku darnay faqrada 3aad xarafkeeda (c)

3. Goob kasta oo cod-bixineed waa in la siiyo:-
 - a. Nuqul muujinaya magacyada hawl-wadeenada goobta
 - b. Nuqul muujinaya wakiilada ururada/axsaabta ee goob-jooga ahaanaya
 - c. Nuqul muujinaya magacyada goobjoogayaalsha caalamiga ah iyo kuwa maxaliga ah ee deegaanka ka hawlgelaya

Qodobka 42aad

Xafiiska Goobta cod-bixinta

Qodobkan waxan ku kaabnay weedha hoosta ka xarriiqan ee faqradda 2aad.

1. Waa inuu diiwaan-geliyo dhamaan hawlgalka kor ku xusan in la fuliyey. Qoraalka waa inay ku cadaato shaambadda goobta, tirada waraaqaha cod-bixinta ee goobta cod-bixintu heshay **iyu buugga diiwaangelinta**.

Qodobka 43aad

Awoodda Gudoomiyaha Goobta cod-bixinta

Qodobkan waxan ku darnay faqrada 3aad

2. Haddii ay timaado xaalad lama filaan ah oo wax u dhimi karta habsami u socodka doorashada Gudoomiyaha goobtu wuxuu awood u leeyahay inuu qaato go'aan ku meel gaadh ah oo uu ku xallinayo dhibaata taagan, isagoo go'aankaas qoraal ahaan u diiwaangelinaya, una gudbinaya xafiiska doorashada degmada.

Qodobka 45aad:

Talaabooyinka Ka Horreeya Cod-bixinta

Qodobkan dhammaantii waanu bedelnay wuxuuna u akhrismayaa sidan:

1. Cod-bixiye kasta wuxuu codkiisa dhiiban karaa markuu:-
 - a) la yimaado Kaadhka Aqoonsiga (ID Card) iyo Kaadhka Codbixinta (Registration

Card).

Qodobka 47aad

Nidaamka cod-bixinta

Qodobkan waxaan ku darnay faqrada 8aad oo u qoran sidan:

- 8. Guddoomiyaha goobta codbixinta iyo wakiillada ururada/xisbiyada waxa waajib ku ah inay hubiyaan inay shaamabadaysan tahay warqad kasta oo codbixineed.**

Qodobka 50aad

Hawsha ka horraysa Tirinta Codadka

Qodobkan waxaanu kaabis ku samaynay faqrada 2aad xarafka (a)

- Markuu guddoomiyaha goobtu ka ururiyo miiska dhamaan waraaqaha iyo qalabka aan tirinta wax ahmiyad ah u lahayn wuxuu bilaabayaa hawsha soo socota:-
 - Hubinayaa tirada cod-bixiyayaasha isagoo isu eegaya tirada waraaqaha cod-bixinta **ee la isticmaalay iyo tirada codbixiyayaasha diiwaanka ku qoran ..**

Qodobka 51aad

Tirinta codadka

Qodobkan waxa annu kaabis ku samaynay errayada iyo weedhaha hoosta ka xarriiqan ee faqrada 1aad iyo 2aad .

- Marka guddoomiyaha goobtu dhameeyo hawsha ku xusan qodobka 50aad wuxuu bilaabayaa tirinta waraaqaha cod-bixinta ee sanduuqa ku jira. Si taa loo fuliyo, Hubiyuhu wuxuu markiiba sanduuqa ka soo saarayaa **hal warqad cod-bixineed**, wuxuuna u dhiibayaa Guddoomiyaha, Guddoomiyuhuna wuxuu furayaa warqaddii codbixinta oo cod sare ku dhawaaqayaa **magaca murashaxa** codka la siiyey; warqadaas waxa hubiyuhu u sii gudbinayaa hubiyaha kale oo isna tusiya wakiillada Xisbiyada/Ururada, markaas xoghayaha ayaa gelinaya foomka khaanadaysan ee loogu talagalay **murashaxa** codkaas helay waxaanu warqadaas ku ridayaa sanduuqa loo sameeyay
- Ma banaana in sanduuqa laga soo saaro warqad kale oo cod-bixineed inta tii ka horraysay laga dhammaynayo ee sanduuqa lagu ridayo. Hawsha waxa maamulaya hawl-wadeenada goobta oo keliya, **hase yeeshee Wakiillada Ururada/Xisbiyada waxay si fiiro leh ula soconaya hawlgalka tirinta codadka.**

Qodobka 52aad

Xidhitaanka Hawsha Tirinta

Qodobkan waxan ku darnay faqrada 3aad iyo 4aad, waxaanu faqrada 1aad ku kaabnay weedha **(codadka xumaaday iyo tirada codadka uu helay xisbi/urur kasta)**.

- Markuu Guddoomiyaha goobtu dhammeeyo hawsha tirinta ee ku xusan qodobada 50aad iyo 51aad, wuxuu iyadoo fagaare ah ku dhawaaqayaa wadarta tirada cod-bixiyayaasha, codadka saxda noqday, **codadka xumaaday iyo tirada codadka uu helay xisbi/urur kasta .**
- Iyadoo laga taxadirayo inaan la lumin codadka muwaadiniinta, haddii wakiil xisbi/urur si kas ah u diido ama ka hakado ama muran geliyo inuu saxeexo**

natiijada goobta waxa saxeexaya labada wakiil xisbi/urur iyo hawlwadeenada goobta. waxna u dhimi mayso sharcinimada hawsha, hasa yeeshee cabashadiisa waa loo diiwaan gelinayaa.

4. Haddiise laba wakiil iyo ka badan saxeexi waayaan cabasho darteed waxa cabashadaas loo gudbinayaa muddo aan ka badnayn 12 saacadood xafiiska doorashada degmada si uu go'aan uga gaadho, Arrintaasna waa la diiwaangelinayaa

Qodobka 53aad

Codadka xumaada ama Lagu muransanyahay

Qodobkan waxa faqrada 2aad xarafka (b) ku beddelay murashax halkii ahayd urrurka/xisbiga, waxa kale faqradda 2aad xarafka (c) ku kordhinay errayga Murashax

1. Waraaqaha cod-bixinta ee la tiriyay waxay noqonayaan waxba kama jiraan haddii:-
 - a) Haddii warqadda cod-bixinta ay ka muuqdaan qoraal ama calaamado ama raad si xirfad leh loo soo agaasimay oo aan loogu talagelin in lagu qoro.
 - b) Haddii warqadda cod-bixinta aanay si fiican uga muuqan Karin **murashaxa** codka la siiyey oo la aqoonsan kari waayo.
 - c) Haddii warqadda cod-bixinta ay ka muuqato in cod-bixiyuhu calaamadeyay hal astaan urur/xisbi ama **murashaxa** wax ka badan

Qodobka 54aad

Qoraalka raadraaca Goobta Cod-bixinta

Qodobkan waxan ku darnay faqrada 3aad

1. Qoraalka raadraaca ee goobta cod-bixinta waxa lagu qorayaa foom loogu talagalay oo **siddeed(8) nuqul ah**, kaas oo Komishanku u soo diyaariyey.
2. Laba nuqul oo qoraalka raadraaca ka mid ah waa in lagu rido saxaradda oo la raaciyey baqshadaha lingaxan ee ku xusan qodobka 55aad oo loo gudbiyo xafiiska doorashada degmada, nuqulka saddexaad waa in loo gudbiyo Gudoomiyaha xafiiska doorashada ee gobolka, iyadoo la raacinayo wixii ka hadhay agabkii doorashada ee kala duwan
3. **Shanta nuqul ee qoraalka raad-raaca ka hadhay waxa loo qaybinayaa saddexda wakiil xisbi, hal nuqul oo xarunta dhexe ee komishanka qaranka, nuqulka kalena Maxkamadda Gobolka.**

Qodobka 55aad

Qaadista iyo wareejinta Qalabka

Qodobkan waxan ku kaabnay faqrada 1aad iyo 2aad weedhaha hoosta ka xariiqan

1. Gudoomiyaha goobta cod-bixinta oo ugu yaraan ay la socdaan xubin hawlwadeenada ka tirsani, Boolis ilaalo **ahi iyo wakiilada xisbiyada/urrurada** ayaa qaadaya qoraalka raadraac iyo baqshadaha goobta kuna wareejinaya xafiiska doorashada ee degmada, **muddo aan ka badnayn 12 saacadood.**
2. Marka xafiiska doorashada ee degmada lagu wareejinayo baqshadaha waa in la hubiyo inay lingaxan yihiin oo aan la furin lana farafarayn. Gudoomiyaha

doorashada ee degmadu waa inuu bixiyo caddaynta la wareegidda agabkaas **iyadoo ay goob joog yihiin wakiilada xisbiyada/ururadu.**

Qodobka 59aad

Tirinta codadka doorashada Degaanka & ku dhawaaqidda natiijada

Qodobkan waxaanu kaabis ku samaynay faqrada 7aad oo keliya , oo aannu ku darnay (iyaga oo isugu xiga sida ay u kala cod badan yihiin.)

7. Markaas ku dhawaaqo magacyada murashaxiinta ee xisbi/urur kasta ku guulaystay doorashada, **iyagoo isugu xiga siday u kala cod badan yihiin.**

Guddiga Arrimaha Gudaha, Difaaca iyo Nabad-Gelyada

- | | | |
|----|----------------------------|------------|
| 1. | Siciid Cilmi Rooble | Guddoomiye |
| 2. | Axmed Maxamuud Maxamed | Xoghaye |
| 3. | C/raxmaan Yuusuf Cartan | Xubin |
| 4. | Maxamed Xuseen X. Ciise | Xubin |
| 5. | Maxamuud Axmed Obsiiye | Xubin |
| 6. | Jaamac Xasan Aadan | Xubin |
| 7. | Ibraahim Mahdi Buubaa | Xubin |
| 8. | Axmed Maxamed Nuur | Xubin |
| 9. | C/casiis Ismaaciil Ducaale | Xubin |

ALLAA MAHAD LEH