

SOMALILAND VOTER REGISTRATION LAW 2007 (Law No: 37/2007), AS AMENDED IN 2008

(Unofficial English language translation by Ibrahim Hashi Jama, www.somalilandlaw.com)

Introduction

This Law came into force, initially, on 8 July 2007 (see Presidential Decree 287/2007 of that date). The registration was not carried out in 2007, and by mid 2008, the three parties and the Somaliland Electoral Commission agreed that urgent amendments need to be made to the Registration Law so that the delayed local and presidential elections can be held as soon as practicable. It was the view of the Commission that some of the deadlines and registration procedures set out in the Law were not conducive to a speedier conclusion of the process that can allow for the holding of early elections.

On receipt of the Commission's proposals for the amendments, the President, using his power under Article 46 of the Constitution, called on 7 June 2008 an extra-ordinary session of the House which was in recess, at that time. The House finally considered the amendment bill on 10 June 2008 and approved it on a vote of 33 for, 8 against and 2 abstaining. The bill then went to the House of Elders and on 15 June 2008, the Elders voted to amend articles 1, 11 and 12 of the bill on a vote of 45 for and 1 against. The proposed changes to Article 1 and 12 were minor and sought to clarify further the temporary nature of the changes and their application to the forthcoming two elections only, but the second change to Article 11 suggested that the agreement between the three parties and the Commission on the length of the period between the two forthcoming elections should only be advisory, in character, and not binding. This proved to be very controversial as it was seen as another attempt by the Elders to reassert their right to be the final decision makers on extensions to the terms of office of the sitting President and the current local councils whose terms have already expired.

When the bill returned to the House of Representatives, the latter insisted on passing the bill again, in its original format, on 21 June 2008, with a vote of 28 for, 8 against and 4 abstaining. In the absence of the President on an official visit abroad, the bill was signed by the Vice-President on 23 June 2008 (Decree No: 345/062008) and came into force on that date. There is no record of the bill having been returned to the Elders, as set out in Article 78(1)(b), but, in any case, the Elders can only make the same amendments once and have no power to overrule an amendment already rejected by the Representatives. In this case also, as they have already set out the reasons for their changes, they Elders would not have been able to bring into play their power under Article 78(5) - "in principle" rejection on a 2/3's majority.

These 2008 amendments were not clearly drafted. Each amendment ought to have set out the actual article in the main law which it was amending, as well as the precise extent of the amendment or replacement, which should have all been written as insertions to the relevant article, so that a consolidated law with all the amendments can be published for use by the Commission, the political parties, the national or international observers and the public. The amendments are published in the way they were passed, i.e as an addendum to the Law. All the amendments are described as "temporary" and were introduced to facilitate the conduct of the first voter registration

before the Presidential election (which is now set to take place on 29 March 2009) and the following nationwide district council elections. I have, therefore, identified the amended articles in the Law in italics to indicate where the articles/clauses have been temporarily repealed and have added brief notes setting out the repealing provisions and, in some cases, the extent of the repeal.

The first voter registration

In line with Article 12(6) of the Law, a Presidential Decree announced that the voter registration process shall start on Tuesday, 14 October 2008. The Commission clarified (on 18 August 2008) that 14 October marks the start of the core registration stage (see Article 7(4), as amended) and that the preceding preparatory stage commenced on 19 August 2008. The minimum period for the preparatory stage set out in the Law is 25 days (see Amendment 2(2)(a)(i) – insertion of Article 7(4)). With the month of Ramadan taking all of September, it remains to be seen how effective the preparatory stage activities were in alerting the public to the forthcoming core registration period.

Starting at the Sahil region (with 90 registration/polling stations) on 14 October 2008, the core registration shall take place at each region for a period of 5 day. The other five regions shall follow as the core registration teams shall be moving from region to region, whilst both the electronic information and the hard copies of the forms are dispatched regularly to the National Electoral Commission headquarters.

To provide a further opportunity for registration, there will be a final registration stage for a period of 15 days at each district registration office (see Article 7(4)(2)(c)) where new registrants will have to identify the polling station they will vote at.

All registrants shall be issued with a Citizenship (Identity) Card and Voter Card. Voters must be present their Voter Cards at the relevant polling station when they wish to cast their votes at the elections (see Article 30).

www.somalilandlaw.com

REPUBLIC OF SOMALILAND
Voter Registration Law 2007, as amended in 2008
Law No: 27/2007

THE HOUSE OF REPRESENTATIVES

Having Seen: Articles 4(1), 8(1), 9(1), 22(2), and 111(2) of the Constitution of the Republic of Somaliland;

Having Seen: The importance of benefiting from the experience gained from the various previous elections that the Somaliland nation has seen, which showed the need for strengthening the legal processes facilitating the casting of votes by citizens and also the elimination of the occurrence of illegal multiple voting;

Having Realised: That the best way of improving the electoral process is the setting up of a system of registration of all voters which will enable voters to cast their votes easily on the polling day;

Having Debated: The amendments and the proposals the House of Elders made about the provisions of the Bill;

Has hereby approved and promulgated the Voter Registration Law

CHAPTER I

Article 1

Definitions

1. The Register: means the register recording the names of the voters at every polling station.
2. The General Register: means the central register placed at the headquarters of the Electoral Commission, which records the names of all the voters of the country of Somaliland.
3. Voter: means every citizen who has the right to elect and be elected and who has reached the voting age.
4. Citizen: means every person who fulfills the conditions set out in the Citizenship Law, Law No: 22/2002.
5. Regional/District Register: means the register at regional or district level.
6. Voting Card: means the card issued, after registration, to the voter.
7. Identity Card: means the card confirming citizenship.
8. Commission: means the National Electoral Commission.
9. Party Agent: means the member which a party nominates as its representative at a voter registration station.
10. Observers: mean international and local observers who ascertain the proper conduct of the voter registration activities.
11. Constitution: means the Constitution of the Republic of Somaliland.

Article 2

General principles

This Law governs the registration of the voters of the state of Somaliland.

Article 3

Functions of National Electoral Commission

The National Electoral Commission shall, in consultation with the Ministry of Internal Affairs, undertake the registration of the voters in the country of Somaliland.

Article 4

Somaliland national voters' register

This Law establishes the Somaliland national voters' register¹ which shall record all the citizens who have the right to elect or be elected, as specified in the Constitution and other laws of the country². The register shall be a document kept in electronic, as well as, paper formats and shall contain all the information obtained from each citizen at the time of his registration as a voter.

Article 5

Publication of the voters' register

The National Electoral Commission shall be responsible for the establishment, implementation and publication of the voters' register. The General Register shall be kept at the headquarters of the National Commission and shall be managed by a special section headed by an officer responsible for the National Voters' Register and appointed by the National Electoral Commission. There shall also be regional, district and polling station registers.

Article 6

Ownership of the register

The register is public property and is open to the public. Every political party shall have the right to observe the establishment, implementation and publication of the register. Every citizen has the right to consult the register for any information that he needs, which relates to electoral matters³.

Article 7

The voter registration activities and confirmation of citizenship

The beginning of the registration activities shall be based and grounded on the provisions of the following Articles, which must be followed:

1. When the registration is being carried out for the first time, the confirmation of the citizenship of Somalilanders (Citizenship ID Card) and the registration of voters (Registration Card) shall be undertaken at the same time.
2. In the light of (the provisions of) Article 3(2) (a) and (b) of the Citizenship Law No. 22/2002⁴ and the non-availability of a court at every locality, which do not make the confirmation of

¹ This probably refers to the General Register defined in Article 1(2) of this Law.

² For potential electors, Article 22(2) of the Constitution states that everyone who fulfils the requirements of the law shall have the right to vote. The relevant laws for presidential, parliamentary and local elections Article 5 of the 2002 Local & Presidential Elections Law and Article 5 of the 2005 Parliamentary Election Law. For example, Article 5 of the latter Law states that the conditions relating to any voter are that:

1. He must be a patrial citizen of Somaliland or a naturalised citizen in accordance with the Citizenship Law.
2. He must not be aged less than 16 years during the year the elections are being held.
3. He must be free and not in prison on the date of the election.

Article 5 of the earlier 2002 Law is in similar terms, but did not include "naturalised citizens", which, in my opinion, was an oversight as Article 8 of the Somaliland Constitution confirms the equality of citizens. Naturalised citizens are therefore entitled to be registered as voters.

³ This reasserts the transparency of the process, but this Law has failed to address the issue of wrongful disclosure of personal data beyond that which appears in the public register. The Commission can address this in a code.

⁴ This is, in effect, an amendment, for voter registrations purposes only, of Article 3(1) of the 2003 Citizenship Law which states that:

"The confirmation of proof of Somaliland citizenship may be obtained by an individual on the production of:

- a) A declaration relating to the individual made at a court by the Ministry of Internal Affairs registered Akil (clan chief) of the individual's community.
- b) The form designed for the purpose by the Citizenship Office and signed by the individual."

the citizenship and (*hence*) the registration of a voter easy, the power to undertake confirmation of citizenship shall be exercised, in the presence of the agents of the Commission and the political parties, by officials of the Ministry of Internal Affairs and officials of the court.

3. The following (*group*) shall operate at every registration station:
 1. The Ministry of Internal Affairs – two members
 2. Court official – one member
 3. National Commission – two members
 4. Party agents – two members

(This Article shall be implemented only during the first voters' registration⁵. Article 3 of the Citizenship Law, No. 22/2002, shall, however, be followed at all times when there are no voter registration activities.)⁶

4. *The registration shall be conducted along the following stages or steps:*
 - a) *Any person wishing to be registered shall see the officials of the Ministry of Internal Affairs and the court and shall, after confirmation of his citizenship, proceed to see the Commission officers who shall register him, in the presence of the agents of the parties*
 - b) *Any person whose citizenship has been confirmed shall, in the same place (station), be issued with a Citizenship Card and a voter registration card.*
 - c) *After the citizenship of the prospective registrant is confirmed and the sworn declaration of his citizenship has been made, the Ministry of Internal Affairs official shall enter the details of the registrant's four⁷ names, his year⁸ of birth, gender and marital status in the official form and shall sign the form in the presence of the court official.*
5. *Any person whose citizenship cannot be confirmed by the Ministry and the court shall be informed that he should bring before the committee⁹ an Akil (an accredited¹⁰ chief), or failing that, a well-known person who owns an immovable property in the district that he can use as surety for attesting to the fact that the person is a Somaliland citizen.*
6. The Appeal Court of each region shall appoint all the officials of the court who shall act as court officials at voter registration centres. Court officials and party agents must possess official authorisation letters and identity cards.
7. The registration is a matter of national interest which shall be conducted over a set period.
(Note: Clause 4 of this Article is replaced by Article 2 of the attached Amendments – editor)

Article 8

Registration form

⁵ Note also the amendments which only apply to the first voter registration exercise.

⁶ This part of this Clause applies to the whole Article and it would have been more appropriately positioned as a numbered separate Clause.

⁷ Somalilanders usually use three names, which consist of their first name, followed by their father's name and their grandfather's name. The fourth name is that of the great grandfather.

⁸ As there was no systematic registration of births, year of birth is used, and is likely to be more accurate.

⁹ The station registration officers listed in Clause 3 of this Article.

¹⁰ Akils are accredited and registered, as traditional leaders of their respective communities, by the Ministry of Internal Affairs.

The registration form shall form the basis¹¹ of the process of registration of citizens and it is only when it is properly completed that the details can be entered in the register.

The registration form shall, as a minimum, contain the following information about the voter:

1. The four¹² names of the voter written in the same way as those recorded in Citizenship form completed by the Ministry of Internal Affairs.
2. The year and place of birth.
3. Gender.
4. The regional¹³ polling station in which the voter will cast his vote.
5. The photograph of the voter.
6. The signature of the voter or an indication that he cannot sign.
7. The unique number of the registration of the voter
8. The reference number of voter's registration
9. The identity card number.
10. The Commission has the power to add to the form, in consultation with the national parties, any additional information it deems necessary for the conduct of a democratic election.

(Note: Article 5 of the attached Amendments - In the first voter registration, the unique number referred to in 7 above shall be the same as the number in the Citizenship Card (identity card in 9 above) and the number in the Voters Card – editor.)

Article 9

Employees undertaking confirmation of citizenship

Any persons employed at various offices to undertake confirmation of citizenship shall be selected on the basis of the following conditions:

1. He must be a Somaliland citizen.
2. He must not be aged less than 25 years.
3. He must be physically and mentally healthy.
4. He must not have been subject of a final criminal conviction by a court.
5. He must be educated to secondary school level, (or)¹⁴ university level, or equivalent.
6. He ought to be described as able, honest and trustworthy and has a good reputation among the public.
7. The other required specifications are those used for the appointment of the (voter) registration staff¹⁵.

Article 10

Restrictions

The following persons shall not be registered as voters:

1. Any person suffering from mental incapacity¹⁶.

¹¹ This is a very badly drafted sentence.

¹² See note 2 above.

¹³ It is not clear why the word "regional" is added to this clause.

¹⁴ Translator's addition, for clarity

¹⁵ These person specifications for voter registration staff are set out in Article 11(2) of this Law.

¹⁶ This provision is not reflected in the Electoral laws and, in my view, is far too imprecise that it is likely to fall foul of constitutional provisions relating to equality of treatment (Article 8(1)) and the right to participate in political life and to vote (Article 22) unless clearer procedures are laid for an objective identification of persons who lack capacity in

2. Convicted and remand¹⁷ prisoners.
3. Foreigners staying in the country.
4. Any person who has not reached the qualifying age¹⁸ for voting.

(Note: Clause 4 of this Article is clarified by Article 3(a)(i) of the attached Amendments – editor)

Article 11

Registration staff

1. In order to implement the registration, the Commission shall appoint employees, possessing knowledge and skills in the registration. These employees shall include the following:
 - a) The National Register Officer who shall be responsible for the management of the Register and shall also act as head of the Voter Registration Section at the headquarters of the National Electoral Commission.
 - b) The Registration Officer for each region¹⁹.
 - c) The Registration Officer for each district, but in heavily populated districts, the Commission may appoint for the district registration stations more than one officer so that the electoral activities can be properly held and concluded.
 - d) The Registration Officer for each polling station.

civil law because of mental impairment. In general, Article 45(1) of the 1974 Civil Code states that “a person lacking discernment, due to young age, mental impairment or insanity is incapable of exercising his civil rights”, but it should be noted that neither Article 5 of the 2002 Local & Presidential Elections Law nor Article 5 of the 2005 Parliamentary Election Law include mental incapacity as a condition limiting the right to vote. The introduction of such a disqualification in this law therefore needs to include clear and unequivocal criteria for ascertaining mental incapacity, otherwise, if this is left exclusively to registration officers, who have no standing to adjudge mental incapacity, this could be seen as an unreasonable restriction of a right protected under both the Constitution and international human rights conventions (see, for example Article 25 of the ICCPR 1966 and Article 21 of the UDHR). Overall, any restrictions on the right to vote must be reasonable, objective and proportionate, and, and in the case of persons who may be of unsound mind and are incapable of understanding the nature and significance of voting the, criteria for assessment meeting this test can be adopted, with the agreement of all the parties, by the Electoral Commission, under its power to issue a Code of Conduct (see Article 11 of the Amendment Law).

¹⁷ Presumably this relates to persons who are in prison during the registration period, which will be in accord with Article 5(3) of the 2002 Election Law and Article 5(3) of the 2005 Election Law. As anyone who is in prison on the polling day is not allowed to vote under the electoral laws, the automatic disqualification of all remand prisoners from the whole registration process may need to be looked at again by parliament when this law is reviewed. Many countries are even revising the automatic loss of civil rights of all convicted prisoners in the light of developments in international human rights law and are listing separately the classes of convicted prisoners denied the right to register for voting.

¹⁸ Article 5(2) of the 2001 Elections Law, and the same numbered Article of the 2005 Election Law, both set this as “16 years during the year the elections are being held”. Anyone who is likely to be 16 at the polling day is therefore entitled to be registered as a voter. That is confirmed in Article 21 of this Law and also Article 3(a)(i) of the Amendment Law. Nonetheless, as the first registration and any subsequent periodic updates of the register will be undertaken months before the polling day, the Commission needs to adopt clear and unequivocal procedures for registration officers to follow when dealing with persons aged between 15 and 16 years. Note also that under Article 25 the information supplied by parents about age of their offspring is the main determining factor.

¹⁹ Under Article 5 of the Regions and Districts Law, Law No: 23 of 2002, as amended in 2007, Somaliland is divided into six regions. Despite the recent (23 March 2008) presidential decrees which announced the creation of six additional regions, the legal position remains as set out in the 2002 Law, and all the registration and voting will be conducted on the basis of the current six regions and the polling stations and districts used in the last elections. The presidential decrees which announced the 16 new districts expressly re-confirmed the current legal position that the creation of the new districts/regions (which has, as yet not been approved by the House of Representatives) will have no effect on the forthcoming elections.

2. The employees appointed for the various registration offices must be Somalilanders who are not involved in politics and are chosen for their knowledge and skills necessary for the post they hold. Before any such employees are recruited, the Commission, whilst following “international criteria”²⁰, shall specify:
 - a) the conditions and skills required of the persons to be recruited to the post;
 - b) the procedure for the selection of the employees; and
 - c) the duties of each person (each post) in respect of the conduct of the registration activities.The post of National Register Officer is a permanent post²¹.
3. The administrative structure of the registration centres shall reflect that set out in the national elections law²².

CHAPTER II

THE REGISTRATION OF VOTERS

Article 12

The implementation of the registration (*process*)

1. *The Commission shall implement²³ the (process of) registration of voters at least six months prior to the polling day.*
2. *The registration shall be undertaken during a period of not less than one month and not more than three months.*
3. *Using all the various media in the country, the Commission shall print and publish information about the period set for the registration and all the relevant details the citizens need to be aware of.*
4. It shall be the duty of the Commission to educate and also to provide guidance to the citizens about the importance of the registration.
5. In order to fulfill this duty, the Commission shall, as part of the registration process, prepare a program aimed at educating and prompting the public to prepare for the election.
6. The President shall announce the date when the voter registration shall be start. The announcement shall be issued as a presidential decree²⁴ within fifteen days after the President receives the proposal of the National Electoral Commission.

(Note – Clauses 1 and 2 of this Article are amended by Articles 3 and 4 of the attached Amendments. Clause 3 is amended by Article 7 of the Amendments - editor)

²⁰ This English language phrase is used in the Law.

²¹ This sentence would have been better placed in Clause 1 of this Article.

²² The relevant law is the 2001 Electoral Law. Article 10 sets out the overall structure of the electoral offices and the composition of staffing of the electoral offices at the various levels are set out in Article 18 (region), Article 17 (district) and Article 16 (polling station). At both the polling station and district level, the electoral staff consists of a chairman, a secretary and two other staff (scrutineers or counting officers).

²³ This is, by no means, a clear Clause and has already created controversy. As it should be read with read with Article 27(1) setting a 5 month deadline for the arrival of the registration officers at the registration stations, it is logical to assume that the use of the word “implementation” (dhaqan-gelid) in this Article refers to the start and not the end e registration process.

²⁴ The first such presidential decree issued in July 2008 announced that the (core) voter registration process shall start on Tuesday, 14th October 2008.

Article 13

Approval of the voter registration

The National Electoral Commission shall approve (of the conduct) of the voter registration at every election. However, the Commission must open the voter registration process, six months before any election, for a period of not less than one month²⁵, for the registration of new voters and for any changes that have arisen in respect of the previously registered voters. Voters cards previously issued shall also remain valid.

Article 14

Registration centre

Taking note of the experiences of the previous elections -

- a) The Commission shall specify the polling stations²⁶ and shall establish a system of identifying each polling station by allocating each one a unique code.
- b) Every voter shall be registered at a specific polling station.
- c) At election polling day, every voter shall cast his vote at only the polling station where he was registered.

(Note: See Article 4 of the attached Amendments. The last two clauses are varied for persons registered at district level at the final stage of the registration, who, under Article 4(3) of the Amendment Law, shall choose, at the time they are registered, the polling stations which they wish to vote before they are issued with the Voter Cards, and can then cast their votes only in those specified stations. Article 14 shall, however, continue to apply to the majority of the registrants who shall be registered during the main core registration period at the polling stations – editor)

Article 15

The functional role of the Ministry

The functional role of the Ministry of Internal Affairs in the conduct of the voter registration process shall be based on the provisions of Article 4 of the Constitution²⁷ and those of the Citizenship Law, No: 22/2002. The Ministry shall, therefore, verify the citizenship of the individuals seeking to register as voters, and shall undertake the citizenship verification during the conduct of the registration activities but prior to the beginning of the actual registration.

²⁵ This Article mirrors the preceding Article, but relates to the periodic updates of the Register, which shall only take place before each election. No other periodic updates of the Register are planned under this Law. The terms of office of the various elected offices are set out in the Somaliland Constitution, and whilst extensions of the terms have been common so far, the Electoral Commission would still be able to work out and set the periods before the future elections when the register ought to be updated.

²⁶ The Commission has announced in August 2008 that there will be 985 polling stations which shall act also as the voter registration stations.

²⁷ ARTICLE 4 of the Constitution defines the citizenship of Somaliland and states that the law shall determine its acquisition and loss. The relevant law is the Somaliland Citizenship Law (Law No: 22 of 2002).

Article 16

The agents of the political parties (Observers)

Each political party²⁸ shall appoint one agent who shall represent it at each registration station. The agents of the parties shall ensure that the registration is conducted in accordance with the laws, no discrimination takes place, no citizen is unlawfully denied registration, and that the procedures adopted in the conduct of the registration are correct. The party agents may put on record any complaints relating to these matters.

Article 17

The process of the registration of voters

Before the opening of the registration station every day, it is incumbent on:

1. the officers of the Ministry of Internal Affairs and those of the National Electoral Commission, as well as the agents of the political parties, to check that they are all present and to sign for the registration materials whilst recording the serial number of the registration form that they will be using for that day.
2. On the conclusion of the activities at end of the day, they shall, in the same manner, sign all their names whilst confirming the total number of citizens registered during the day, the recording of any incidents they have encountered, and, in particular, any spoilt or misprinted forms and the number of forms that have not been used.
3. Before signing the documents, the agents of the political parties have the right to tender any advice or complaints relating to the registration undertaken during the day.
4. Copies of both signed documents²⁹ shall be passed on to the officer of the Ministry of Internal Affairs and to the agents of the parties, present at the station.
5. If one or more of the agents of the political parties refuse(s) to sign the documents, the Electoral Commission officer must record the incident. In any case, the refusal of a party agent to sign the documents shall have no prejudicial effect on the registration activities.

Article 18

Duties of the National Electoral Commission officer

When the officer from the National Electoral Commission receives the document confirming the citizenship of a voter, he shall undertake the following tasks:

1. *The officer shall ask the voter to confirm the accuracy of the information recorded in the citizenship form.*
2. *The officer shall then record the above mentioned information in the registration form, and, also read it aloud to the voter.*
3. *The voter shall sign or affix his left thumb print on the voter registration form and the Voter Card*
4. *The voter's photograph shall be taken and he shall then be issued with a Voter Card.*
5. *The voter shall receive the Voter Card in the presence of the officer and the agents of the political parties.*
6. *The voter shall sign for the receipt of the Voter Card.*

²⁸ Under Article 9(2) of the Constitution, Somaliland can only have a maximum of three parties, and the current three parties are UDUB, KULMIYE and UCID.

²⁹ Those are the two documents mentioned in Clauses 1 and 2 of this Article.

(Note: This Article is replaced by Articles 3 and 4 of the attached Amendments – editor)

Article 19

Voter's complaint about the information in the form

If the voter states that he is not satisfied with the information entered in the citizenship form, the National Electoral Commission officer shall return the document to the Ministry officer for correction.

(Note: This Article is replaced by Article 3 and 4 of the attached Amendments – editor)

Article 20

A voter who is not capable of signing

If the voter cannot sign the registration form, he shall affix his thumb print on it. If the voter is disabled and is unable to use his left thumb, he could use his right thumb, but this should be recorded in the register. If the voter is totally handicapped, this should be recorded into the registration form³⁰.

Article 21

Correcting the age

If the citizen is aged less than the qualifying age of voting at the registration period but will reach the qualifying age³¹ at the date of the election, he shall be registered and issued with a Voter Card.

Article 22

The procedures for safeguarding the registration materials

- 1. On conclusion of the registration activities of each day, all the registration forms, citizenship forms, as well as all the other materials used in the registration shall be returned to the district registration office and deposited there for collection on the following working day. If this is not done, it is the responsibility of the district registration officer to inform the police as quickly as possible and ask that the officer responsible for this failure be caught and brought to him. If the failure is due to negligence or malice, the district officer shall dismiss summarily the officer responsible for the failure or, taking into account the circumstances and the gravity of the offence, the latter may be punished under the provisions of the Penal Code³².*
- 2. Where there is lack of transport, the documents could be kept overnight by the station registration officer, who shall forward them to the district registration officer once a week, on Thursdays³³. However, it is the responsibility of the station registration officer to record the daily registration activities and to safeguard the register, as set out in Article 17 of this Law. Having consulted the political parties, the Commission shall indicate the registration stations that fall within provisions of this Article.*

³⁰ Consequently, there will be no need for such a voter to attempt to make a mark.

³¹ See also the footnote to Article 10(4) dealing with the qualifying age. As the majority of Somalilanders have as no recorded dates of birth and age is normally signified by the year and season, rather than a specific date, the Commission would need to adopt a transparent procedure, agreed with the parties, on the registration of prospective voters aged between 15 and 16.

³² This could, as a minimum, amount to the offence of omission to perform official acts, under Article 255 of the Penal Code, which is punishable by imprisonment up to one year or by a fine.

³³ Friday being the weekend in Somaliland..

3. *The daily work of the registration station shall commence at 6.00 o'clock in the morning and shall end at 6.00 o'clock in the evening. If there is an unjustifiable delay in the opening times of the station, the district registration officer shall take action and shall report accordingly. If, at 6.00 o'clock in the evening, there are still people who have not been registered yet, the relevant provisions of the Electoral Law³⁴ shall be followed and these people present at that time shall all be registered.*

(Note: This Article is replaced by Article 8 of the attached Amendments – editor)

Article 23

The duties of the registration officers

1. *The district registration officer shall manage, keep and enter the reports of the registration which has been conducted every week in the specific form issued to him by the Commission and shall forward to the regional officer detailed information about the progress, during the preceding week, of the registration in the district. After collecting all the district reports, the regional officer shall forward a comprehensive report to the National Commission.*
2. It is the duty of the Commission to publish in the national press, radio and Television, the number of citizens who have registered themselves, and to take steps to educate the public so as to bring about the registration of the highest possible number of citizens. The Commission shall distribute all the necessary tables. The information shall bear the signature of the officer who released it.

(Note: Clause 1 of this Article is replaced by Article 8 of the attached Amendments – editor)

Article 24

The recording of names

The names of the voters shall be written in standard agreed spelling, and there should be no variations in the letters and spelling used during the registration by Ministry of Internal Affairs and the officers of the Commission officers.

³⁴ See Article 48(2) of the 2001 Presidential & Local Councils Elections Law which states that:
“ 1.Voting shall be completed within one day, beginning at 7.00 o'clock in the morning and finishing at 6.00 o'clock in the evening.

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.”

Also Article 45 of the House of Representatives Election Law 2005 includes a similar provision as follows:

“1. Voting shall be completed within one day, beginning at 6.00 o'clock in the morning and finishing at 6.00 o'clock in the evening. However, electoral officeholders and party agents must be present at their assigned stations an hour before the voting starts.

2. If, at the finishing time for the voting, there are voters who are still queuing and have not yet voted, the finishing time shall be disregarded and voting shall continue until all such waiting voters cast their votes.”

Article 25

Dispute about the age of a voter

If a Ministry officer or a court officer is not sure of or have concerns about whether a citizen has reached the qualifying age for voting³⁵, the age confirmed by the citizen's parent shall be accepted, but failing this, the officers at the station shall reach a decision about it.

CHAPTER III THE VOTERS' LIST

Article 26

Production the Voters' List

The National Electoral Commission shall, on the basis of the names in the register, issue various voters lists which are necessary for the conduct of election. To be an official voting list, each list must be signed by a member³⁶ of the National Electoral Commission.

Article 27

Publication and production of the list

1. *The registration officers shall reach the registration stations five months³⁷ before the election polling day and shall start the registration by gathering the names and the other necessary information about the voters.*
2. *The list must be printed on the official paper of the Commission and must bear the stamp of the office³⁸.*
3. *If when the period³⁹ of registration finishes, there are still people at the station who have not yet been registered, the registration will continue until all those people who were present are registered.*

(Note: This Article is partially replaced by Articles 6 and 10 of the attached Amendments – editor)

Article 28

Correcting erroneous information

1. *Any voter who notes in the registration list any erroneous information relating to him must inform the registration officer in writing and sign the appropriate form. The Officer must make the correction as soon as possible and must forward a report, through the district and regional officers, to the National Register Officer.*

³⁵ This is a pragmatic solution in a society where there is no comprehensive birth registration. Note also Article 21 of this Law which confirms that the age qualifying date is calculated from the election polling day and not the registration day. See also Article 10(4) of this Law and its footnotes.

³⁶ There are 7 members of the national Commission.

³⁷ This heading of this article and its location indicate that may have been meant for registration drives after the first national one to establish the first voters register. Indeed this law suffers from the lack of separation between the establishment of the first register and subsequent periodic updating. As it is now, this Article must be read with Article 12(1) and so the six month period referred to in there heralds the preliminary preparations for the registration whilst this Article sets the deadline for the commencement of the actual registration activities at the registration stations.

³⁸ And presumably, also, the signature of the NEC member, if it is to be considered as an official list under Article 26.

³⁹ This Clause relates to the end of the whole registration period, whilst Article 22(3) above covers the end of each day of the registration period.

2. *Any voter who changes his residence after his registration and wishes to vote at a different polling station must visit the relevant district registration officer before the end of the two week period mentioned in Article 27 of this Law⁴⁰ and, whilst showing the officer his Voter Card, inform him of the alternative polling station that he wishes to vote at. The district registration officer shall record the change in the appropriate form which he shall forward to the National Register Officer*
3. *When the period set aside for amendments and corrections expires, the National Registration Officer shall prepare a detailed report on all the changes made and shall forward it to the Commission for approval and for endorsement of the changes into the Register.*

(Note: This Article is replaced by Articles 9 of the attached Amendments – editor)

Article 29

Production of the final list

After all the corrections to the Register have been made, the final list shall be prepared and saved in a computer. This shall be the list from which the Commission can order the publication of all the other necessary lists as set out in the electoral laws and, as the Commission deems it necessary for the conduct of the elections. When these activities are completed, the Commission shall issue, in electronic format, one list each to the Ministry of the Internal Affairs and to the political parties. This list, arranged by district and by polling station, shall contain the names of all the voters, in alphabetical order, and the unique number of each of voter.

CHAPTER IV

THE VOTING CARD

Article 30

Distribution of the Voting Card

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 station⁴¹ whilst carrying his voting card.

Article 31

The information recorded in the card

The Voter Registration Card shall contain the following information:

1. The four names of the voter.
2. The photograph of the voter.
3. The signature of the voter, or his thumb print.
4. The number of the identity card (ID card).
5. The voter registration reference number.
6. The year of birth
7. Male or female.
8. The polling station where the voter may cast his ballot.

⁴⁰ This seems to be a drafting error as Article 27 does not specifically refer to a two week period.

⁴¹ See Article 31(8) – the Voter Card confirms the relevant polling station.

(Note: Although the final Amendment Law lists this Article as one of those which have been amended in total, the Presidential decree proposing the amendment law and dated 07 June 2008 referred to the changes relating to this Article as being only partial. The changes are the numbers mentioned in 5 and 6 of the Article - editor.)

Article 32

The type of voting card

The Voting Card shall be made of material which does not worn out or disintegrate easily and cannot be forged. The voting card shall become invalid and shall not be accepted for voting if it has been erased or has parts missing and is thereby illegible.

Article 33

Prohibition to have more than one card

No citizen may be issued with or can hold more than one voting card. If a card is obtained fraudulently or by means of false pretences or is issued to a voter through such means, or more than one card is possessed, this shall amount to a falsification of a public document. Any person (officials or voters) committing such acts shall attract punishment as set out in the Penal Code⁴². All relevant responsible bodies⁴³ shall have the duty to take legal action against any person who commits such offences. Any person who tenders wrong information to the officer registering him shall attract punishment as set out in the Penal Code⁴⁴. The same punishment⁴⁵ shall also be meted to any officer of the Ministry of Internal Affairs who issues a citizenship form to a non-citizen.

Article 34

Loss of voting card

Any person who loses his Voting Card or has his card damaged may request a replacement from the Commission or its officers at the district or regional level. Having received the request and having confirmed the reasons for the loss, the Commission shall issue a new voting card, and shall cancel the previous one so as to avoid fraud.

Article 35

Changes on the voter's registration card

(We⁴⁶ have added the following second clause to Article 35 of the bill, as forwarded by the House of Representatives)

⁴² Articles 366 to 382 of the Penal Code deal with offences of falsification of documents by public officers and individuals.

⁴³ That is the police and the Attorney General (and his Deputies) as the prosecuting authority under the Somaliland Constitution and the Organisation of the Judiciary Law.

⁴⁴ Article 373 of the Penal Code – providing false information to a public officer for inclusion in a document shall attract imprisonment of up to two years.

⁴⁵ Falsification of a public document by a public officer in the performance of his duties could attract imprisonment of one to eight years under Article 366 of the Penal Code. See also Articles 367 to 370 of the Penal Code.

⁴⁶ Unfortunately although the House of Representatives has finally accepted this insertion by the House of Elders, this explanatory sentence has not been removed from the final version of the law, as approved by both Houses and the President. These two lines, however, add nothing to the Article.

1. Taking into consideration new technological advances which can affect personal identification in relation to the Voter Card, and also subject to the Commission not restricting unduly the design of the identification card as required by this Law, the National Electoral Commission shall have the power to make, in consultation with the Ministry of Internal Affairs and the Political Parties, changes on the voter identification card or to introduce a new one. In any case, in the light of the country's prevailing capabilities and circumstances, the Commission shall ensure that the materials/equipment and technology used is the most appropriate and transparent one that can also guarantee the security of the Register.
2. At elections, the Voting Card shall have a hole punched through it so as to indicate that the holder has cast his vote.

CHAPTER V MISCELLANEOUS PROVISIONS

Article 36

Technical committee for registration

In order to implement this Law and to prepare the technical matters relating to the registration activities and to co-ordinate all the matters this Law requires to be undertaken:

1. the Commission shall appoint⁴⁷ a Technical Committee consisting of the following -
 - a) two members from the Electoral Commission, at national level,
 - b) two from the Ministry of Internal Affairs, and
 - c) three members from the various political parties.
2. The duties of the Technical Committee shall be the preparation and completion of all the technical issues this Law sets out.
3. The Technical Committee shall start its work as soon as this Law is passed, shall end its functions when the registration activities are completed. However, the Committee shall be set up again whenever there is (voter) registration is to be undertaken. The Committee shall be chaired by one of its two members who represent the Electoral Commission.

Article 37

Contribution to the security matters and to the public education about the registration process

On security matters, the Police of the Republic of Somaliland shall, through the Ministry of Internal Affairs, assist The National Electoral Commission during the registration period.

Article 38

Observers

⁴⁷ On 9 October 2009 the Commission announced the members of the Technical Committee chaired by the (then) Deputy Chairman of the Commission as follows:

1. Hirsi Haji Ali Hassan, NEC Deputy Chairman.
2. Mohamed Ismail, NEC member.
3. Ahmed Janbir Kahin, Deputy Minister of Internal Affairs.
4. Mohamed Jama Alow, Director General, Ministry of Internal Affairs.
5. Omar Jama Farah, UDUB Party.
6. Ahmed Mohamed Bubaa, UCID Party.
7. Hussein Ahmed Aideed, KULMIYE Party.

International and national observers or inspectors who are checking the proper conduct of the voter registration activities shall be approved by the National Electoral Commission which shall consult the Ministry of Internal Affairs about security matters.

Article 39

The duties of all law enforcement bodies

The heads of the Government, law enforcement bodies, the National Electoral Commission, as well as the political parties shall have a (specific) duty to apply and implement this Law.

Article 40

Punishment

Any person who violates or contravenes a provision or provisions of this Law shall be punished in accordance with the Penal Code⁴⁸ of the country.

Article 41

Repeal

This Law repeals and makes null and void all laws or provisions which are in conflict with it.

Article 42

Coming into force

This Law shall come into force when it is passed by the legislative chambers (the Representatives and the Elders) and is signed by the President.

ALL PRAISE TO ALLAH

Abdirahman Mohamed Abdillahi
The speaker of the House of Representatives

Mohamed Hassan Kahin
The General Secretary

ADDENDUM: AMENDMENTS & ADDITIONS TO THE VOTER REGISTRATION LAW (Law No: 37/2007)

Article 1: Effect of this Amendment Law

These amendments shall have a temporary⁴⁹ repealing effect on the following articles of the Voter Registration Law: **7.4(j); 8(1 & 9); 10(4); 12(1 & 2); 13; 14(t & j); 18; 19; 22; 23(1); 27; 28 and 31;**

⁴⁸ This is subject to the act or omission in question amounting to a crime or a contravention specifically contained in the Penal Code.

⁴⁹ These Amendments are in the form of a sunset law and, as this Article sets out, were introduced to facilitate the first voter registration. Nonetheless this Article or Article 12 below should have been more explicit on exactly when these sunset amendments would lapse. The overruled House of Lords amendments included an Article 12 with the same

and shall also set out articles which shall apply in their place so that the first voter registration can be implemented.

Article 2: The Procedures for the conduct of the voter registration and the confirmation of citizenship

Article 7.4 of the Voter Registration Law shall be replaced by Article 2 of these Amendments, as follows:

1. The conduct of the voter registration shall consist of three successive stages which shall be carried out at every region of the country during specified periods.
2. The three stages are as follows:
 - a) The preparation stage:
 - i) This stage shall be a period of not less than 25 days when the citizens in every region shall be advised to prepare for the registration of the voters.
 - ii) During this preparatory period, the forms designed for the public and in which the registrars shall note the details needed for the registration shall be placed at the registration offices of every district. Also, the public shall be informed and details given about how they can prepare for the next stage of the voter registration process.
 - b) The core voter registration stage:
 - i) The end of the preparatory stage shall be followed by a period of not less 5 days when every region shall be visited by groups of officials whose total number shall be set by the Commission but whose composition shall be as set out in Article 7(3) of the Voter Registration Law, so that they can undertake the actual registration of the voters participating in the forthcoming two elections⁵⁰. Also every citizen fulfilling the conditions shall be issued, at these places (stations), with a Citizenship Card and a Voter Card.
 - ii) If during the last day of the core registration period there are persons remaining who have not yet been registered, the National Electoral Commission shall take all steps to ensure that all the persons, present at the station prior to the (*planned*) time of the closure of the registration, are registered.
 - iii) The polling stations at the last election⁵¹ shall become registration stations. The National Electoral Commission, however, shall have the power to establish new stations or to transfer the previous stations to other locations so that the registration process can be expedited.
 - c) The final registration stage shall follow the core registration stage and shall last for 15 days when groups of officials shall work at every district registration office so that they can collate all the information from the citizens who could not arrive in time for the participation in the core registration stage.

heading as the current Article 12 but stated explicitly that these Amendments shall only be in force during the first voter registration and an Article 13 headed “Addendum Law coming into force” with the same words as the current Article 12.

⁵⁰ These are the Presidential election planned for 29 March 2009 and the following local elections (no date set yet).

⁵¹ The House of Representatives election in September 2005.

Article 3: The organisation of the core registration

This Article shall amend Articles 12(1 & 2), 18, and 19 of the Voter Registration Law, and is as follows:

All the following steps must be taken in the same sequence when the core registration is being undertaken:

- a) The Ministry of Internal Affairs officer -
 - i) shall ask the person whether he is a Somaliland citizen, and after confirmation, the Court officer shall, in his presence, administer an oath to the citizen whose age must not be less than 16 years on the polling day for the forthcoming presidential elections.
 - ii) If the Ministry officer is satisfied with the replies of the registrant, he shall allow the registration of the person whose citizenship has been confirmed to proceed.
- b) Using laptop computers, the officers of the National Electoral Commission shall record the relevant details of the registrant, as set out in Article 8 of the Voter Registration Law, and shall also take an electronic scan of the fingerprint of the registrant, which shall be saved in the computer.
- c) The registrant shall have read out to him the recorded information relating to him and must confirm his acceptance (*of its accuracy*), following which the information shall be saved in the computer.
- d) The registration officer shall print out from the computer -
 - i) two identical copies of registration form, one of which to be given to the Ministry of Internal Affairs and the other shall become the register of the registrant; and
 - ii) The Citizenship Card and the Voter Card.
- e) The Commission officer, who is the chairman of the station, shall sign the Voter Card and the Ministry officer shall sign the Citizenship ID Card. Both officers shall also sign the two copies of the registration form. The registrant shall affix his left thumb print or sign both forms, as well as the Voter Card and the Citizenship ID Card.
- f) The registrant's left little finger shall be dipped in indelible ink, and if he is missing such finger, the right little finger shall be used. If both fingers are missing, the ink shall be marked on a visible part of his body.
- g) The registrant shall be issued with the Citizenship ID Card and the Voter Card whilst he is still at the station.

Article 4: The organisation of the final stage of the registration

This Article shall amend and replace Articles 12(1 & 2), 18 and 19, and also makes some amendments to Article 14 of the Voter Registration Law, as follows:

1. The procedure to be followed in the conduct of the final stage of the registration shall be similar to that used at the core voter registration stage. However, after the registrant is registered, he shall not be issued with the Voter Card and the Citizenship ID Card, but instead shall be given a printed copy of the information relating to him which was kept in the computer.
2. After the Commission has confirmed that there are no persons who have registered themselves more than once, each (new) registrant shall then be issued with the Voter Card and the Citizenship ID Card by the office that has registered him.

3. Clauses (b) and (c) of Article 14 of the Voter Registration Law shall not apply⁵² to the registration conducted during the final stage of the registration. Every citizen (*at this stage*) shall specify the polling station at which he wants to vote, which shall be recorded in his registration form as well as his two cards and which shall be the only place where the citizen can cast his vote at the polling day.

Article 5: The registration forms

This Article makes some amendments and alterations to Articles 8(7 & 8) and 31(4 & 5) as follows: The unique registration number mentioned in Article 8 of the Voter Registration Law shall be the same as the ones used for the Voter Card and the Citizenship ID Card.

Article 6: The closure of the registration

This Article alters and improves Articles 27 & 30 of the Voter Registration Law as follows⁵³:

- a) No one shall be registered after the final stage of the registration is completed in all the regions.
- b) The (*next*) registration shall be conducted after⁵⁴ the forthcoming elections of the local district councils and the President in 2008/9.
- c) The National Electoral Commission shall announce the next period when the voter registration shall be opened again.

Article 7: The announcement of the registration period (Registration Calendar)

This Article shall make amendments to Article 12(3) of the Voter Registration Law as follows:

The period of registration in the regions shall be announced and publicised by the National Electoral Commission through the media of the country. The Commission shall pay particular attention to ensuring that all citizens in all the regions are informed of the period set for the conduct of the voter registration in their respective regions.

Article 8: The methods of securing the registration materials

This Article amends and replaces Articles 22 and 23(1) of the Voter Registration Law as follows:

1. During the core registration stage, all equipment and materials used for the registration a safe place by the officer who is assigned, by the Electoral Commission, to be responsible for their safe keeping.
2. At both the beginning and the end of the registration activities in each day, the officials shall complete the start of activities form and the form for recording the outcome of the activities undertaken on that day. All officials involved in the registration and, in particular, the agents of the political parties, must all sign all the forms.

⁵² This is logical as all the new registrants, at this final stage, would have been registered at the district station and would therefore need to specify their preferred polling station.

⁵³ It is not apparent how Articles 27 and 30 are specifically affected by these provisions which are aimed at emphasising the fact that no further voter registration shall take place until after the forthcoming 2009 presidential and local government elections.

⁵⁴ The first nation-wide registration to be undertaken in October 2008 shall therefore be used for both of the forthcoming elections in 2009.

3. On completion of the core registration of the region, the procedures for forwarding the forms used for the registration, the reports of the conduct of the registration and the electronic data of the registration shall be laid down by the National Electoral Commission.

Article 9: The submission of citizens' complaints

This Article amends and replaces Article 28 of the Voter Registration Law as follows:

The National Electoral Commission shall, before the polling day of the first forthcoming election, deposit at every polling station forms to be used by citizens for the submission of any complaints relating to the registration. The Commission shall reach decisions about these complaints before the following election.

Article 10: The printing and publication of the lists

This Article shall make some amendments to Article 27 of the Voter Registration Law as follows:

- a) The list of citizens registered and eligible to vote at the polling stations printed on the official paper of the National Electoral Commission and carrying the office stamp shall be affixed at every polling station within two months of the day set for the election.
- b) With the exception of the provisions which are mentioned in this Addendum (*Amending Law*), Articles 13, 27 and 28 of the Voter Registration Law shall not apply to the registration of voters for the first (forthcoming) election.

Article 11: Code of Conduct

- a) Further details relating to the conduct of the voter registration, the starting date of the campaign⁵⁵ for the first forthcoming election, the resolution of the complaints of the political parties, and the gap between the first and second forthcoming elections shall be decided through an agreement reached by the National Electoral Commission and the political parties.
- b) The agreement mentioned in Clause (a) of this Article shall become a code of conduct which shall form part of the laws governing the conduct of the first voter registration.

Article 12: The period⁵⁶ of implementation of this Law

This Addendum Law shall come into force on its approval by the Legislature and signature by the President of the Republic of Somaliland.

Praise be to Allah

Mr Abdirahaman Mohamed Abdillahi (Irro)
Chairman of the House of Representatives

Mr Mohamad Hassan Kahin (Kayse)
Secretary General of the House of
Representatives

⁵⁵ Note Articles 28 (and 27) of the 2001 Election Law which set the timetable for the beginning and end of the presidential and local election campaigns. These amendments do not affect the provisions of the two electoral laws.

⁵⁶ This Article covers only the date when the Amendment Law comes into force. The Vice-President signed the Law on 23 June 2008 (Presidential Decree No: 345/062008).