

REPUBLIC OF SOMALILAND
Voters' Registration (Amendments and Additions) Law
Law No. 37/2007 (2014)

This is a translation of the [final \(corrected\) copy of the Law](#) as published by the House of Representatives at its website on 31 March 2015 (and which replaced the text previously published by the House at its website in early January 2015 and gazetted on 3 January 2015 [Issue 12 \(2014\)](#) of the Somaliland Official Gazette). A Corrigendum dated 02 May 2015 ([Issue 4 \(2015\)](#) of the Somaliland Official Gazette) has later covered the corrections.

The earlier title of the bill was 'Registration of Citizens and Voters (Amendments and Additions) Law' and retained, as it still does, the same numbering as the original [2007 Voters' Registration Law](#) - Law No. 37/2007¹ as it lumps together the continuous process of registration of citizens over (and issue of identity cards) and the periodic registration of citizens eligible to vote.

The first amending law of the original 2007 Voters' Registration Law (that came into force on 8 July 2007) was promulgated on 23 June 2008 (Presidential Decree No. 345/062008 of 23 June 2008) and consisted of 12 Articles. These 2008 Amendments were specifically identified as being of a temporary nature² so as to enable the completion of the 2009 first [comprehensive](#)³ nation-wide voters' registration exercise in Somaliland. The final Register was used for the 2010 Presidential election, but was scrapped later (largely because of multiple registration problems that were difficult to clear completely) under the Voters' Registration (Amendments) Law of 2011 ([Presidential Decree 0810/122011 of 13 December 2011](#)). This

¹ It is unfortunate, in my view, that an amending law is not given a new separate number and date/year, as the title, in any case, identifies the original Law that it is amending. It will also be clearer if the title of each amending indicates whether it is the first or second or third such amending law and that the current practice of sometimes referring to amending as Annexes or schedules (*lifaaqyo*) (a legacy of some the 1960s Somali Republic laws) is abandoned. Secondly, I would urge the House to ensure that short amending laws are drafted in a way that links clearly each new amending article/clause directly to the article/clause that it is amending, and, in the cases of numerous or extensive amendments, to issue a consolidated text of the law that has been amended so as to ensure that the extent of all the repeals is clear and unambiguous.

² Article 1 of the 2008 Amendments: *'These amendments shall have a temporary repealing effect ...'* on the specified articles/clauses. They were, in effect, 'sunset clauses' to enable the completion of the 2009 voters' registration. The amendments were all procedural provisions which have no relevance to the 2016 voters' registration, the procedural aspects of which were mostly left outside the 2014 Law to be dealt with in more detailed regulations issued by the National Electoral Commission. This was a sensible decision which meant, so far (as at February 2016), that there has been no need to go back to Parliament for further amendments of the 2014 Law on procedural issues.

³³ There were previously three minor Somaliland voter's registration exercises (which were very limited in both the electorate and the areas they covered) that were undertaken (or attempted in the last one) in early 1959 for the first ever March 1959 elections – boycotted by the SNL Party - to the then Legislative Council where only 2,508 men in 3 (then main) towns were registered; in December 1959 for the second February 1960 Legislative Assembly elections where 37,540 men were registered in the 5 main towns (source for both figures: Colonial Office *Somaliland 1958 & 1959*, HMSO1960, p. 6 – 7); and lastly in 2002 before the 2002 nation-wide Local District Councils elections when (according to [this post-election report, p.3](#)) approximately 350,000 persons were registered in some urban areas of the country before the registration was abandoned.

was, in effect, the second amending legislation (although it is described as the 3rd Annex) and set out the following five points only:

1. The voters' registration carried out in 2008 has been voided.
2. The then impending local District Councils elections only shall be held without a voters' register.
3. A new voters' registration shall be undertaken prior to the next elections of the House of Representatives and the next presidential elections, which will both be based on the new voters' register.
4. The amending articles in the Election Law No. 20/2001 (Presidential & Local Elections Law) relating to the voters' register are repealed.
5. Any provisions contrary to the above (four) clauses are repealed.

The main purpose of this 2014 Amending Law is therefore to lay the legal foundations and procedures for the new nation-wide voters' registration exercise to be conducted before for the forthcoming House of Representatives and Presidential elections which are currently planned to be held in early 2017. This 2014 Law should also be read with the very few provisions of the original 2007 Voters' registration Law that have not been expressly repealed by any of the new 2014 provisions, as all the **2008 amendments** which were only of a temporary "sun set" nature to facilitate the completion of the registration to be completed ((see Art. 1 of the 2008 Amendments) can be safely disregarded, anyway. Furthermore, although the earlier draft version of this 2014 Law included the standard article on repeals of previous provisions inconsistent with the provisions of this Law, for some unexplained reasons that article (then numbered 43) was deleted. In the circumstances, the very few provisions of the previous **2007 Voters' registration Law** which do not contradict the provisions of this new 2014 Law still remain current and, if appropriate, can be used to fill any gaps.

Note also that unlike the 2007 Law and its 2008 amendments, this 2014 Amending Law leaves the detailed procedures of the voters' registration process to be set out in Regulations issued by the National Electoral Commission (see, for example, Article 27(3), 29(1), 34(1&2), 35(4) and 40(2), and the Commission has already issued detailed Regulations (**Voters Registration Implementation Regulations – No. 01/2015**), some of which I refer to in the annotations of this translated text of the 2014 Law.

The biometric (iris recognition) nationwide voters' registration has now started in early January at Togdher, one of the six (electoral) regions of the country and has been completely within the 28 days allotted for each region, and it is now being carried in next region in line which is Awdal in the west.

Editor, www.somalilandlaw.com

editor@somalilandlaw.com

03 March 2016

REPUBLIC OF SOMALILAND
Voters' Registration (Amendments and Additions) Law
Law No. 37/2007 (2014)

ARRANGEMENT OF THE ARTICLES

PART ONE: GENERAL PRINCIPLES

- Article 1: Additions and Amendments
- Article 2: Definitions
- Article 3: Scope of application
- Article 4: Somaliland National Registers of *Voters*
- Article 5: Ownership of the Registers
- Article 6: Persons who shall not be registered
- Article 7: Custody of the registration (*Registers*) and the production of the final lists
- Article 8: Persons who are unable to sign
- Article 9: Procedure for securing the registration materials
- Article 10: Script format of the name of the citizen
- Article 11: Correction of inaccurate particulars
- Article 12: Type of the Identity Card⁴ and the Voting Card
- Article 13: Loss of the Identity Card or the Voting Card
- Article 14: Protection of the citizen's and *voter's* particulars
- Article 15: Acquisition of more than one Identity Card or one Voting Card

PART TWO [No title but this Part deals with Citizenship Registration]

- Article 16: Citizenship registration
- Article 17: Verification of the citizen
- Article 18: Citizenship registration process
- Article 19: Procedure for the registration of the citizen
- Article 20: Implementation of the citizenship registration
- Article 21: Citizenship registration form
- Article 22: Particulars recorded on the Identity Card
- Article 23: Staff for the registration of verified citizenship
- Article 24: The functional role of the Ministry in the citizenship registration

PART THREE [No title but this Part deals with Voters' Registration]

- Article 25: Voters' registration
- Article 26: Voters' Registration procedure
- Article 27: Functions of the National Electoral Commission
- Article 28: Announcement of the Voters' registration
- Article 29: Implementation of the Voters' registration

⁴ There are references in the official Somali text to (National ID) or (ID Card) in parenthesis and in English in various places after the Somali phrase '*Warqadda Aqoonsiga muwaadinka*' (i.e Citizen's Identity document) or sometimes '*Warqadda Aqoonsiga*' (i.e Identity Document) , or, as set out, in definitions Article 2, '*Kaadhka Aqoonsiga*' (i.e Identity Card). I have therefore used the term 'Identity Card' consistently throughout the Law as that is the term defined in Article 2 as meaning the Citizenship Identity Card.

- Article 30: Voters' Registration Form
- Article 31: Particulars recorded on the Voting Card
- Article 32: Correction of and disagreements about age
- Article 33: Staff for the voters' registration
- Article 34: Voters' registration procedures and stations
- Article 35: National Parties' Representatives (Observers) at the voters' registration
- Article 36: Functions of the National Electoral Commission officer at the voters' registration station
- Article 37: Production and publication of the voters' lists
- Article 38: Production of the final voters' lists
- Article 39: Distribution of Voting Cards

PART FOUR: MISCELLANEOUS PROVISIONS

- Article 40: Registration Activities Technical Committee
- Article 41: Participation in the matters of security and public guidance relating to registration activities
- Article 42: Observers
- Article 43: Duties of the law enforcement agencies
- Article 44: Penalties for contraventions
- Article 45: Power to issue Regulations
- Article 46: Coming into force

REPUBLIC OF SOMALILAND
Voters' Registration (Amendments and Additions) Law
Law No: 37/2007 (as amended in 2014)

THE HOUSE OF REPRESENTATIVES

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

Having Seen: The importance of the registration of citizens and the voters' registration;

Having Debated: The crux of the proposals made by the Council⁵ of Government in respect of the Amendments and Additions to the Voters' Registration Law;

Having Considered: The proposed Amendments and Additions to the Voters' Registration Law - Law No. 37;

Taking Note: Of the circumstances relating to the democratisation process and the facilitation of the achievement of an election held in a fair manner;

(Having Seen: The legislation procedures set out in Articles 77/78 of the Constitution⁶.)

**Has made⁷ Amendments and Additions to the bill -
The Voters' Registration (Amendments and Additions) Law No. 37/2007**

⁵ Which is the Somaliland Cabinet.

⁶ This appears in one of final versions published by the House of Representatives. Its inclusion (or exclusion) makes no difference to the Law as the House is obliged to follow the constitutional set legislative procedures and this clause is not normally recited in preambles.

⁷ This refers to the various changes made to the bill after its return from the House of Elders (HoE). Normally in any new Law, the House of Representatives (HoR) usually states here also that it has passed the Law, which it did, for the second and last time, on 6 December 2014 on a vote of 39 for, 1 against and 2 abstaining. The HoR previously approved the bill on 30 September 2014 (on a vote of 64 for, 1 against and 1 abstaining) before it forwarded it to the House of Elders in early October 2014. There was considerable controversy at the House of Elders about the 'correctness' of the version of the HoR passed bill that was forwarded to them as it was apparently alleged by some of the HoR members that the final text of the bill forwarded to the HoE did not reflect the final resolution voted upon at the HoR. The HoE then stopped the consideration of bill on 14 October 2014 and referred it to one of its committees, but also sent, on 19 October 2014, written queries to the HoR whose Chairman responded promptly in writing by refuting the allegations.

The bill was finally approved by the HoE on 2 December 2014. On its return to the HoR, the bill was approved on 6 December 2014 (on a vote of 39 for and 1 abstention). The President then signed the bill into Law on 23 December 2014, and, as set out in Article 46, the Law came into force on its publication in the Official Gazette, which was on 3 January 2015.

PART ONE: GENERAL PROVISIONS

Article 1: Additions and Amendments⁸

These are additions and amendments to Law No. 37/2007 – Voters' Registration Law.

Article 2: Definitions

Unless otherwise indicated, the following terms shall have the following meaning:

Citizen: means every person who fulfils the conditions set out in the Citizenship Law - Law No: 22/2002⁹.

Citizenship registration: means the registration of every Somaliland citizen by the Ministry of Internal Affairs and the local government of the districts of the Republic of Somaliland.

Registration of the Voter¹⁰: means the citizens who have registered to vote at the elections of the state of the Republic of Somaliland.

The Register: means the register recording the particulars of the citizens' identity cards and the voters at every polling station.

The General Register: means the central register(s) placed at the headquarters of the Minister of Internal Affairs and the Electoral Commission, which shall record all the particulars of the citizens and the voters.

Voter: means every citizen who has the right to elect and be elected and who has also reached the voting age¹¹.

Regional or District Register: means the register of the *Identity Card or the Voting Card* at regional or district level.

Voting Card: means the card issued, after registration, to the voter.

Identity Card: means the card confirming citizenship (*teesarada*¹²).

Commission: means the National Electoral Commission.

Party Representative: means the member which a party nominates as its representative at the voters' registration stations.

Observers: means international and local observers who ascertain the proper conduct of the elections¹³.

⁸ This title of the article is as set out in the final Law with the word 'additions' coming before 'amendments'.

⁹ English language translation of [the 2002 Somaliland Citizenship Law](#).

¹⁰ Perhaps this should have been plural - 'voters'.

¹¹ The voting age is no less than 16 years during the year the election is being held – Art. 5 of the 2001 [Presidential and Local Elections Law](#) and Art. 5 of the [2005 House of Representatives Election Law](#).

¹² '*Teesarada*' is a Somalised version of the Italian term '*tessera*', meaning 'card', which was widely used in Somalia before the 1960 union of Somaliland and Somalia and the extension of the practice of the local government issued identity card for access to any governmental service. Somaliland did not have an Identity Card system before the union with Somalia and there was therefore no somali language term for this type of document. The formal term used in this Law is '*Kaadhka Aqoonsiga*', which literally means the 'Card which enables one to be recognised', shortened to 'Identity Card' – in this case the recognition is that one's identity as a citizen of the Republic of Somaliland.

¹³ The early versions of the bill mentioned here '*the proper conduct of the voter registration process*'. This is another inexplicable deletion in the final version of the Law and insertion in its place of the word '*elections*'. The registration precedes the election (to be held in 27 March 2017) and whilst observers at any election may consider how the voter registration has worked, as well, the original phrase in the bill was aimed, in my view, at

Constitution: means the Constitution of the Republic of Somaliland.

Ministry: means the Ministry of Internal Affairs of the Republic of Somaliland.

Article 3: Scope of application

These additions and amendments shall govern the registration of citizens and the registration of voters of the state of Somaliland, which shall be the respective responsibilities of the Ministry of Internal Affairs/the districts local government and the National Electoral Commission, and shall be fulfilled in the sequence they are mentioned in this Article¹⁴.

Article 4: Somaliland National Registers of Voters¹⁵

1. The state of (*the Republic of*) Somaliland shall have a Citizens' Register in which every citizen *born to*¹⁶ Somaliland shall be recorded.

2. The state of (*the Republic of*) Somaliland shall have a Voters' Register in which every citizen who has the right to elect or be elected¹⁷, as set out in the Constitution and the other laws of the country¹⁸, is registered.

any observers that may wish to observe the conduct of the voter registration itself. See also Article 35 of the Law for the role of the political parties' representatives at the registration stations.

¹⁴ This meant that the Citizenship Registration would start firstly, which it did in 2014. This was not the first citizenship registration exercise but it is now based on biometric registration and is a continuing scheme. The separate voter' biometric (iris recognition) registration conducted by the Somaliland National Electoral Commission (NEC) region by region, started in one of the six Somaliland regions (Togdher) on 16 January 2016, and will end in roughly six months' time.

¹⁵ This likely to be another drafting error brought about perhaps by the unwieldy combination of two the two bills that initially dealt with citizenship and voters' registrations separately. The heading of this Article which with both Registers should not have mentioned only one of the national Registers (plural)!

¹⁶ In Somali '*u dhashay*' which means belonging to by birth rather than '*born in*' Somaliland. It is phrase used in connection with belonging to a place or to a clan/sub clan. As stated, however, in Article 2 (Definitions) a Somaliland citizen is any person who fulfils the conditions in the 2002 Citizenship Law which includes persons who may not have been 'born to' or 'born in' Somaliland but have acquired citizenship under the relevant acquisition provisions of the 2002 Law. This clause, therefore, has to be read simply as 'every Somaliland citizen' without the additional qualification of being 'born to' and the meaning of a 'Somaliland citizen' is amply set out in Article 4 of the Constitution and the 2002 Citizenship Law issued under [Article 4\(2\) of the Constitution](#). This an example of the various drafting errors in this Law.

¹⁷ This wording related to candidates for elections was also in Article 4 of the 2007 Voter Registration Law, but interestingly the numerous requisite conditions, in the electoral (and local government) laws as well the Constitution, for candidacy to elected public office do not expressly include a requirement to be in the Voters' Register. After all, the Register is about the electors and not about 'the elected'.

¹⁸ 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 provisions are 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

3. The two Registers referred to in (*the preceding*) clauses 1 and 2 shall be documents kept in electronic format and in registers, and shall contain all the particulars obtained from each citizen at the time of his/her registration as a citizen or as a voter.

Article 5: Ownership of the Registers

1. The Registers are national assets belonging to the state of the Republic of Somaliland.¹⁹
2. Every political party shall have the right to observe the establishment, implementation and publication of the lists of the Voters' Register.²⁰

Article 6: Persons who cannot be registered

1. Persons who are forbidden to be registered as citizens are indicated in the Citizenship Law – Law No. 22/2002.²¹
2. The following persons shall not be registered as voters:
 - a) Any person suffering from mental incapacity²².

citizens (as well as citizens by registration, or however lese acquired under the 2002 Citizenship Law) are therefore entitled to be registered as voters.

¹⁹ The corresponding article relating to the voters' register only, (Article 6) in the [2007 Voters' Registration Law](#) includes the following additional provision which, subject to confidentiality of the Registers in Article 14 of this Law, still appears to be in force as it has not been replaced by a provision of this Law addressing the public access to some or parts of the voters' register that do not relate to identifiable particulars of the individual registrants:

'The Register is open to the public. Every citizen has the right to consult the Register for any information that he needs, which relates to electoral matters.' (My underlining)

Notwithstanding the provisions of Article 14 of this Law, there may well still be a corresponding statutory duty on the National Electoral Commission to devise and set up procedures for making it possible for the public to access and consult the non-confidential parts of the Voters' Register, whilst also fulfilling its other statutory duty under Article 14 of this Law to safeguard the personal particulars of the registered voters.

²⁰ This ensures the transparency of the voter registration process. See also Article 35 of this Law for the role of the Political Parties' agents at the registration stations.

²¹ This unnecessarily convoluted clause simply means that the Citizenship Law defines persons who are citizens and therefore it follows that those who do not qualify as citizens are not eligible for registration as citizens (or voters). A simple wording of '*persons who are not citizens of the Republic of Somaliland are not eligible for registration*' in this clause would have sufficed.

²² This clause 2 re-produces Article 10 of the 2007 Voter Registration Law and I have therefore reiterated here the comments I made then on this clause 2(b). This mental incapacity disqualification 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 down for an objective identification of persons who lack capacity in 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 (as amended) nor Article 5 of the 2005 Parliamentary Election Law include mental incapacity as a condition limiting the right to vote (see footnote 11 above). The introduction of such a disqualification in this voter registration law therefore needs to include (or have added to it in Regulations) clear and unequivocal criteria for ascertaining mental incapacity, otherwise, if this is left exclusively to registration officers, who have no standing or expertise to adjudge mental incapacity, this could be seen as an unreasonable restriction of a right protected under both the Constitution and international

- b) Convicted and remand²³ prisoners.
- c) Foreigners staying in the country.
- d) Any person who has not reached the registration qualifying age²⁴ (who is below the age of maturity [?]²⁵).

Article 7: Custody of the Registration and the production of the final lists

1. The Ministry of Internal Affairs is responsible for the custody, safekeeping and production of the final list of the registration of citizens.
2. The Commission is responsible for the custody, safekeeping and production of the final list of the voters' registration 6 months²⁶ before every election polling day.

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, in the case of persons who may be of unsound mind and are incapable of understanding the nature and significance of voting, a simple objective criteria meeting this test can be adopted, with the agreement of all the parties, by the Electoral Commission, under its general power to issue Regulations under Article 45 of this new Amending Law.

²³ Again I reiterate my previous comment on the identical Article 10(2) of the 2007 Voter Registration Law. As this relates to persons who are in prison *on remand* during the registration period, this follows the broadly drawn Article 5(3) of the 2002 Election Law and Article 5(3) of the 2005 Election Law which exclude anyone who is in prison on the polling day from voting. 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 as some of these persons may well be free to vote by the polling day. Perhaps, the meantime, this can be addressed administratively by the detaining authorities who might be in a better position to decide during registration periods, the remand prisoners who might be able and allowed to register as they are likely to be free to vote later at the polling date.

²⁴ The voter '*registration qualifying*' age is of course slightly different from the '*voting qualifying*' age. Article 5(2) of the 2001 Elections Law, and the same numbered Article of the 2005 Election Law, deal with the latter and both set the voting qualifying age as '*16 years during the year the elections are being held*' – a rather imprecise wording which is grounded on the fact that birth registration was never universally adopted and maintained and the traditional age counting was based on the seasons of year rather on specific calendar dates/years. Nonetheless anyone who is likely to be 16 at the polling day is therefore entitled to be registered as a voter, and so the voter '*registration qualifying age*' was addressed in Article 21 of the 2007 Voter Registration Law as follows:

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

As I have repeatedly pointed out in my commentaries of the previous electoral laws, it is important that the NEC adopts clear and unequivocal procedures for registration officers to follow when dealing with persons aged between 15 and 16 years, otherwise these uncertainties might perpetuate the previous problems of underage registration/voting or, perhaps in some cases, due to unforeseen postponements of polling dates, disenfranchise some young persons. Note also that under Article 25 of the 2007 Law the information supplied by parents about the age of their offspring was considered as the main determining factor – a matter which is now also addressed in Article 44 of the 2015 Voters' Registration Regulations.

²⁵ [Question mark added]. This is another drafting error in this Law. The reference to '*age of maturity*' (*qaangaadh*) in parenthesis, as set out in the Law, is totally irrelevant and unnecessary. Both the age of voters' registration and the age of voting are set by Law and have nothing to do with the imprecise '*maturity age*' phrase. In fact, Article 44(2) of the Civil Code states that '*the age of majority of a person is fixed at eighteen years in accordance with the Gregorian calendar*', but, on the other hand the more recent 2007 Juvenile Justice Law mentions a different definition for *age of maturity*, meaning '*any person who has reached 15 years of age exhibiting the signs of majority*' but then adds also '*and any person who has reached 18 years of age if s/he does not show any signs of maturity*'. This reference to '*maturity*' (which appeared also in the earlier versions of the bill) should be deleted in the earliest revision of this Law.

Article 8: Persons who are unable to sign

Any person who is unable to sign the Registration Form, shall affix his left thumb print on it. If he is disabled (*and is unable to use his left thumb*), he could use his right thumb, but if he has neither, he shall use one of his fingers. If he has none of his thumbs and fingers, the Registration Officer shall sign, on his behalf, and this act shall be recorded in the Registration Form²⁷.

Article 9: Procedure for securing the registration materials

1. On conclusion of the registration activities of each day, all the materials used for the registration shall be returned to the District Office. If this is not done, it is the duty of the District Registration Officer to inform the police as quickly as possible and to ask that the officer responsible for this failure be arrested and brought before 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 criminal offence, the officer may be punished under the provisions of the Penal Code²⁸.

2. Where there is lack of transport, the Registrar²⁹ shall be responsible for the registration materials and shall forward them to the District Registrar once a week³⁰. However, the Registration Officer shall be responsible (*also*) for the recording of all the daily registration activities and the safeguarding of the registers.

3. The daily activities of the registration station shall commence at six o'clock in the morning and shall end at six o'clock in the evening. If there is a delay, the reason for the delay shall be clearly stated in a report, and, if there is no justification for the delay, action must be taken by the District Registration Officer who shall so report to his/her superior officers. If, at six o'clock in the evening, there are still people who have not been registered yet, the relevant provisions of the Electoral Law³¹ shall be followed and these people shall continue to be registered until all those present (*at six o'clock*) are dealt with.

²⁶ This wording about the 6 months period appears to have been changed as the bill went through parliament. Some versions included the word 'within' 6 months, but that no longer matters as Article 26(2) is crystal clear in stating that the list of Voters' registration list shall be produced by the NEC six (6) months before the polling date, which accords with the wording in this Article 7(2).

²⁷ This Article replaces Article 20 of the 2007 Voter Registration Law.

²⁸ 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 of up to SL Sh.10,000,000. The Article covers any '*public officer or a person entrusted with a public service who wrongfully refuses, omits or delays to perform an act pertaining to his office or service*'. Other articles of the Penal Code cover more serious offences committed by public officers or persons entrusted with a public service (see also footnotes to Article 44(4) below).

²⁹ The terms 'Registrar' (*Diiwaangeliyaha*) and 'District Registrar' (*Diiwaangeliyaha Degmada*) are used in this clause whilst the rest of the Law often refers to the "Registration Officer" (*Masuulka Diiwaangeliyaha*) and the District Registration Officer' (*Masuulka Diiwaangelinta ee Degmada*).

³⁰ The previous Voter Registration Law specified Thursday (the last day of the Somaliland week) as the day for the weekly dispatch of registration materials in these circumstances.

³¹ For example, Article 45 of the 2005 House of Representatives Election Law states as follows:

Article 10: Script format of the name of the citizen

The name of the citizen shall be recorded³² in even-sized letters which are not varied³³.

Article 11: Correction of inaccurate particulars

1. Any citizen who sees in the registration list erroneous particulars relating to him must inform the Registration Officer and must note it in, and sign, the appropriate form designed for this purpose. The Officer must make the correction as soon as possible and must forward a report, through the officers at district and regional level, to the officer in charge of the Register at national level.

2. When the period set for amendments and corrections expires, the National Registration Officer³⁴ shall prepare a detailed report on all the amendments and shall forward this information to the relevant official³⁵ for endorsement and approval that the amendments be entered in the Register.

Article 12: Type of the Identity Card and the Voting Card³⁶

The citizen Identity Card (*National ID*)³⁷ or the Voting Card shall be made of material which does not wear out or disintegrate easily and which cannot be amended or forged (hard material³⁸).³⁹

“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.”

For the 2016 Voters' Registration, the period of daily registration and the action to be at closing time at 6.00 o'clock in the evening is dealt with by Article 55 of the 2015 Voters' Registration Regulations.

³² It is not clear whether this refers to the initial recording of the particulars of the person to be registered (i.e on the registration forms) or to the information to be put on the ID or Voting cards or to both.

³³ Presumably in their font and size.

³⁴ As this Article appears to apply to both the citizenship and the voter registration schemes, then presumably this means the relevant National Officer for each type of registration

³⁵ Unusually, this clause fails to identify clearly who this person (presumably in the Ministry of Internal Affairs) that appears to have the final word on the amendments.

³⁶ Although Article 2 (definitions) gives the Somali term “ to the term 'Voting card' in this Article and throughout this Law, the 'Voting card' is referred to, mistakenly, I think, in this title as '*Warqadda Codbixinta*' meaning 'Voting or ballot Paper'. To avoid confusion and to follow the definitions article, I have used consistently through this translation the term 'Voting card' (*Kaadka Cod-bixinta*). Having studied previously the early draft bill versions of this Law, it seems that the term 'Voting Paper' was previously used in the bill, even in its definitions article, but, in the final version of the Law, the definition article was amended without the consequential amendments being made to the term in the rest of the Law. Unfortunately this is another drafting error in this Law.

³⁷ This English language phrase (National ID) appears as indicated here in the Somali Text of the Law. It also appears in Article 24(1). The similar English term (ID card) also appears in Articles 13(3) and 22(4). Neither of these terms appears in either the definitions Article 2, where this document is formally referred as the 'Identity Card', nor in the rest of the Law. For consistency, I have used the term 'Identity Card' throughout this translation.

Article 13: Loss of the Identity Card or the Voting Card

1. Any person who loses his Identity Card or Voting Card or has it damaged may ask the officers responsible for them (*for a replacement*), and, when so requested, the officers shall, on verifying the reasons for the loss, give the person a new Identity Card or Voting Card⁴⁰ which contains the previous particulars and reference.
2. A person whose Card is damaged is entitled, after production of the damaged Card, to its replacement.⁴¹
3. Any person who finds a citizen Identity Card (ID Card) or a Voting Card must take it to the nearest Police station or Local Government office.

Article 14: Protection of the citizen's and the voter's⁴² particulars

The information in the Registers is particularly confidential to the state and to each person who, as a citizen, has registered himself, and therefore -

1. It shall not, in any manner contrary to the law⁴³, be benefited⁴⁴ from nor transferred or amended.

³⁸ The Somali word '*laʃ*' which literally means 'bone' is used here and I have translated it as 'hard material'. Such a freestanding word, on its own, should not appear in a law as it lacks clarity and precision required for interpreting the term. One can assume that this relates to the material which the cards must be made of, which in all probability would be some sort of hard wearing plastic. This is another shortcoming of the way this Law was drafted.

³⁹ The earlier version of the bill included an additional clause (which was also in Article 32 of the 2007 Voter Registration Law in respect of Voting cards) and which stated: '*The Identity Card of the Voting card shall become invalid and shall not be accepted if it has been erased or has parts missing and is thereby illegible*'. This obviously sensible provision has not appeared in the final version of the Law.

⁴⁰ Article 69 of the 2015 Voters' Registration Regulations deals with more details about the replacement procedure for loss (or damaged) Voting Cards including mandatory reporting to the police in the case of lost cards, and verification of the identity of the person.

⁴¹ Note also Article 34 of the 2007 Voter Registration Law which included similar provisions as above but also states the additional underlined provision:

'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.'
(Underlining added)

⁴² The Somali term used here, '*Codbixinta*', means 'Voting', but this is likely to be an error and should read 'Voter' (*Codbixiyaha*).

⁴³ The general offence of disclosure of '*official information which ought to remain secret*' is Art. 253 of the Penal Code which applies to any '*public officer or a person entrusted with a public service who, in violation of the duties inherent in his functions or service, or in any way abusing his position, discloses official information which ought to remain secret or in any manner facilitates the disclosure*' of such information. The punishment for such intentional offence is imprisonment from six months to three years, and if the disclosure was done through *culpa* (negligence), the punishment is imprisonment for up to one year. Note, however, that Article 44(4) also makes in offence for any officer to contravene the provisions of this Law and disclosure by an officer of confidential voter registration information will also be covered by that broad offence. As set out in the footnotes to Article 44 Article 14 of the Penal Code gives precedence to any special criminal law that overlaps an offence in the Penal Code.

2. Any person who unlawfully accesses it⁴⁵, gives away or steals it shall be punished with imprisonment of 3 to 5 years.⁴⁶
3. The proceedings of such case(s) shall be conducted under the Criminal Procedure Code.⁴⁷
4. The information about the citizen may be disclosed to the security agencies if the disclosure is necessary for the security and public order of the state and the citizens, but can only be so disclosed if a law makes it obligatory or a competent court so orders.
5. It is forbidden for the information about the citizens and voters to be forwarded to a foreign country⁴⁸.

Article 15: Acquisition of more than one Identity Card or one Voting Card

1. It is forbidden for any citizen to obtain more than one Identity Card or more than one Voting Card.⁴⁹
2. If a citizen obtains fraudulently, amends, (*or*) forges an Identity Card or a Voting Card or more, he shall incur the punishment set out in this Law⁵⁰.

PART TWO: [No title, but this Part deals with Citizenship Registration]

Article 16: Citizenship Registration

⁴⁴ If a public officer or a person entrusted with a public service benefits from the disclosure of official information which ought to be secret (confidential), then this could amount to corruption under the various Penal Code offences in Book II, Part II, Chapter I – Crimes by Public Officers against the Public Administration – and/or Crimes of Individuals against the Public Administration, if the offences are committed or instigated by members of the public.

⁴⁵ The Somali phrase used is '*la baxa*', meaning literally 'takes it out' is used but as the information is essentially kept in electronic format (and in printed Voters' lists) I have translated it as accessing (unlawfully) the information.

⁴⁶ This specific offence will, where relevant, override the Penal Code general provisions. The Somali wording of '*ula baxa*' (takes out) will cover, in my view, accessing the information unlawfully, and '*u bixiya*' (gives away) covers all unlawful disclosures. These offences may be committed by any persons, and not just 'public officers or persons entrusted with a public service' – these two terms are defined in Article 240(a) and (b) of the Penal Code.

⁴⁷ This is an unnecessary clause as the CPC applies to all criminal cases.

⁴⁸ Rules against transfer of personal data across borders are common and protect the privacy of individuals. The National Electoral Commission may, however, issue guidelines about the boundaries of the legitimate use for studies or reporting of general information concerning, for example, the numbers of voters in each region, district, polling station or the proportions of the gender of registered voters etc in ways that do not identify the personal particulars of individuals. See also footnotes on Article 14 of this Law dealing with the confidentiality of the particulars of individuals.

⁴⁹ This will be an offence under Article 44 of this Law, but even if the possession of more than one card does not fall within the offences in Article 44, it is likely to amount to an offence under the Penal Code - Articles 366 to 382 of the Penal Code deal with offences of falsification of documents by public officers and individuals.

⁵⁰ This Article relates to offences committed by citizens only and clauses (1) and (6) of Article 44 of this Law set out specific offences such as multiple registration or providing false (or fraudulent) information. Note, however, that if the citizen (or any other person) commits an offence involving fraud or forgery which is not covered by this special law, the relevant provisions in the Penal Code would still be applicable. Article 14 of the Penal Code states that the provisions Penal Code '*shall apply to matters governed by other penal laws is so far as the latter do not provide otherwise*'. See the footnotes to Article 44 of this Law for examples of some of the Penal Code offences that could also cover offences related to the registration of citizens or voters.

When the Citizenship confirmation registration is being undertaken, the (*entitlement to*) Somaliland citizenship of the person must be verified in accordance with the provisions of the Citizenship Law No. 22/2002⁵¹.

Article 17: Verification of the citizen

The verification of the citizen(*ship*) shall be conducted as follows:

1. Any person wishing to be registered (*as a citizen*) shall have his identity verified by a Sultan⁵², an Akil⁵³, a member (*of one*) of the two House of Parliament or of the Districts Councils, a village Head, a person engaged in business in the district, (*or*) a village prayer leader, and (*then*) approved by a Court Representative after he has administered an oath to the relevant above mentioned verifier.
2. When the citizenship of the person registering himself is confirmed, the officer at the centre⁵⁴ shall enter the particulars of the citizen in the official Registration Form, which shall entitle the citizen to be issued with an Identity Card.

Article 18: Citizenship registration process

The beginning of the process of the registration of citizens shall be based on (*the steps set out in*) the following provisions which must be finalised:

1. When the Identity Card registration is being conducted, the person's (*entitlement to*) Somaliland citizenship must be verified.
2. When the citizenship of the person to be registered is verified, his particulars shall be entered in the official form.
3. Any person whose citizenship has been verified shall be issued, in the same place, with an Identity Card.⁵⁵
4. Any person who is unsuccessful in having (*one of*) the persons referred to in clause 1 of Article 17 verify his citizenship shall be informed to bring with him a well-known person owning immovable (*real*) property in the district/country, who can verify that the person is a Somaliland citizen and can pledge his property as surety.

Article 19: Procedure for the registration of the citizen

Before the registration station is opened every day, the officers of the centre shall:

⁵¹ Translated copy of the Law is available at this link: http://www.somalilandlaw.com/citizenship_law.htm

⁵² Traditional leader.

⁵³ Akils are accredited and registered as traditional leaders of their respective communities, by the Ministry of Internal Affairs.

⁵⁴ I have used the term 'centre(s)' for citizenship registration places and 'stations' for the voter registration places as the latter are (despite the reference in Article 19(4) to citizenship registration centres and polling stations) much more closely linked to polling stations even though, in Somali, both are termed '*goobo*' i.e 'places'. At the voters' registration centres, registrants who do not want that station as their polling station can choose a different polling station. Secondly the citizenship registration shall continue whilst voter registration is periodic and depends on the time table of the elections as to when it should be held and completed.

⁵⁵ The earlier version of this clause stated that the person shall be issues with a '*provisional*' Identity Card, at this stage, but that was deleted in the final version of the Law.

1. check that they are all present and sign the registration materials whilst recording the reference number of the Registration Form on which they will be working in that day;
2. when the work for the day is concluded, confirm the number of citizens registered during that day in writing signed by all the officers; *(and)*
3. record all the incidents they face during that day.
4. Every polling station⁵⁶ shall become a citizen registration station.

Article 20: Implementation of the citizenship registration

Whilst utilising all the various different forms of media available in the country -

1. the period specified for the registration of citizens and all the information the citizens need to know shall be published and disseminated; *(and)*
2. citizens must also be educated about and given guidance on the importance of the registration of citizenship.

Article 21: Citizenship registration form

The registration form shall serve as the basis of the citizen Identity Card registration, and shall have recorded on it, as a minimum, the following particulars of the citizen:

1. The name of the citizen in four⁵⁷.
2. The name of the mother in three⁵⁸.
3. The year and place of birth.
4. Male or female (*gender*).
5. Marital Status.
6. The signature of the citizen or an indication that he is unable⁵⁹ to sign.
7. The unique number of the citizenship registration.

Article 22: Particulars recorded on the Identity Card

The Citizenship Identity Card shall have recorded on it the following particulars:

1. The name in four⁶⁰.
2. The date of birth.
3. The photograph of the citizen.
4. The number of the Identity Card (ID Card).
5. The place of birth

⁵⁶ This clause was added to the Law in its last stages. As the citizenship registration is going to be an ongoing scheme, it was by no means clear why the separate citizenship registration (Identity Card Scheme) conducted by the Ministry of Internal Affairs should need to be linked to previous polling stations.

⁵⁷ '*Afaran*' in Somali. Somaliland's patronymic naming system (with no surnames) involves the use of the first three (or four) names of any person (male or female), which indicate his (or her) first name followed by the first names of the father, grandfather, and great grandfather (and so on). In practice only the first two or three (or occasionally, four) names are used. The fourth is added sometimes, for official purposes, to distinguish persons who may have the same first three names.

⁵⁸ See the preceding footnote – '*Saddaxan*' in Somali i.e the first three names, which is not unusual when people use popular names.

⁵⁹ See also Article 8 of this Law.

⁶⁰ See the footnote relating to Article 21(1).

6. Gender (Male or female).
7. It shall contain⁶¹ –
 - a) the information of the eye⁶² scan of the citizen, (*and*)
 - b) the information of the finger-prints of the citizen.

Article 23: Staff for the registration of verified citizenship

1. In order to implement the citizenship registration, the Ministry of Internal Affairs shall appoint employees possessing expertise and skills in the implementation of the registration, who will include the following:
 - a) The Identity Card National Register Officer who shall be responsible for the management of the Identity Card Register and shall also be the head of the Identity Card Registration Section whose headquarters shall be at the Ministry of Internal Affairs.
 - b) The Identity Card Register Officer for each District
 - c) The Identity Card Register Officer for each Region⁶³.
2. The employees appointed for the various Identity Card registration offices must be Somalilanders who are independent of politics and are chosen for their expertise and knowledge necessary for the post they shall hold.
3. Before any such employee is appointed, the following shall be specified:
 - a) The conditions and skills required of the person 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.

Article 24: The functional role of the Ministry in the citizenship registration

The Ministry shall:

1. verify the citizenship of the person to be issued with an Identity Card (National ID⁶⁴);
2. print, organise, and put into operation the register verifying citizenship.
3. The Ministry of Internal Affairs shall issue Regulations⁶⁵ for the implementation of the citizenship registration.

⁶¹ This clause 7 was added to the bill in its last stages.

⁶² This sub clause does not specify 'iris' or 'retinal' eye scans. Incidentally, see also clause 26(4) of this Law which deals with eye (ocular) scan identification, which, in respect of the voters' registration shall involve 'iris' scanning.

⁶³ Under Article 5 and 6 of the Regions and Districts Law, Law No: 23 of 2002, as amended in 2007, Somaliland is divided into six regions and 42 districts. In 2008/9 presidential decrees announced the creation of seven additional regions and no less than 16 new districts. In 2014, the current President announced another new region and one new district. None of these new regions and districts has, as yet, been approved by Parliament under the assessment procedures set out in the 2002 (2007) Law and they are disregarded in connection with in elections and voter registration which is still based on the previous six regions (and their districts).

⁶⁴ See footnote on Article 12.

⁶⁵ I am not aware of any new Regulations issued after this Law came into force on 3 January 2015. However, a [Presidential Decree \(No. 0378/032014\) dated 20 March 2014](#) established a Steering Committee (of 7 Ministers) and a Task Force (mainly public officials) for the citizenship registration. Also, the [Regulations on Citizens' Registration \(Presidential Decree No. 04/062014\)](#) were issued on 8 June 2014 (and gazetted on 5 July 2014) well before this Law came into force. Citizenship registration has been conducted previously in 2008 under [Regulations issued by the Minister of Internal Affairs](#) on 15 October 2008 at the time when the last voter

PART THREE [No title but this Part deals with Voters' Registration]

Article 25: Voters' registration

1. Any person wishing to register as a voter in the national elections (Presidential and Parliamentary⁶⁶) and in the Local Government elections must possess a Citizenship Identity Card.
2. In the event that it is not possible for some of the citizens to acquire beforehand the citizen Identity Card, the Ministry of Internal Affairs shall verify their citizenship at the station⁶⁷ where Voting Cards are being issued⁶⁸.

Article 26: Voters' Registration procedure

1. Only a person who is a citizen and registered in the Voters' Register can vote at the nation's elections⁶⁹.
2. The Voters' Register list shall be issued by the National Electoral Commission **six (6) months**⁷⁰ before the time (*date*) of the election.

registration in 2009 was being undertaken so as to confirm the citizenship of the potential voters' and provide them with identity cards. The statutory authority for such citizens' registration was the Citizenship Law (Article 3(1)) (and the citizenship requirement in the electoral laws) as well as Article 7 of the 2007 Voter Registration Law which specifically stated that the confirmation of citizenship and issue of Identity Cards shall be undertaken at the same time as the voters' registration. Nonetheless, this Law now provides a solid statutory basis for citizenship registration although, in view, there ought to have been a separate law(s) for not only citizenship registration which is currently limited to citizens aged 16 or above, but wider civil registration of the whole population, as well as registers of births, deaths, marriages etc. (I understand the Ministry of Internal Affairs is working on these wider civil registration issues).

⁶⁶ Currently planned parliamentary elections are for the House of Representatives as the method for the s/election of the House of Elders has still not been settled.

⁶⁷ The earlier versions of the bill included only clause 1 in this Article and there were considerable concerns that as the Citizenship Registration was planned to be completed before the voter registration started, persons who have failed to register their citizenship may be barred from the forthcoming voter registration. Clause 2 was therefore added to the Law so that for those people, the verification of citizenship can be undertaken during the forthcoming voter registration exercise. Note that the verification at the voter registration stations was previously used under Article 7 of the 2007 Voter Registration Law and the procedures set out therein.

⁶⁸ This ought to have read '*where the voter registration is being conducted*'. As set out in the detailed Regulations, registrants are initially given at the registration station a 'certificate of registration' after their citizenship is verified and their registration particulars, photograph, iris scans and finger prints are recorded (see Articles 43,39 and 40 of the 2015 Voters' Registration Regulations). The distribution of the Voting Card comes later after the Final Voters' Register is published (see Article 68 of the Regulations). That is why the distribution of the Voters' Cards is dealt with in the Law in Article 39 after the Article 38 which deals with the production of the final voter's (Register) lists. This is, in my view, another example of the shortcomings of the final text of this Law.

⁶⁹ The earlier bill added 'local government' elections after the phrase '*the elections of the nation*' – or 'national elections'. The deletion, however, does not necessarily mean that the 'nation-wide' local elections are not an integral part of '*the elections of the nation*' as they are, by law, all held at the same time throughout the nation and are used as a litmus test for the emergence of the new three national parties allowed under Article 9(2) of the constitution.

3. The registration of the voters shall not be made conditional on payment of fees or on other financial conditions or expenditure incurred by the voter.

4. Every citizen registering with the National Electoral Commission as a voter, in accordance with the law, shall undergo a Unique Biometric Identification⁷¹ process involving a picture scan of the citizen's eye.⁷²

Article 27: Functions of the National Electoral Commission

Without prejudice to the functions and duties of the National Electoral Commission set out in other laws -

1. it shall implement in the country a voters' registration process before the date of an election.
2. The National Electoral Commission is responsible for the arrangement, implementation and publication of the voters' register.
3. The National Electoral Commission shall issue regulations, decisions, procedures and directives for the implementation of the voters' registration.⁷³

Article 28: Announcement of the Voters' registration

The President shall announce the date when the voters' registration shall start⁷⁴. The announcement shall be issued as a presidential decree within fifteen days after the President receives the proposal of the National Electoral Commission.⁷⁵

⁷⁰ There has been a considerable controversy about the need for this six months period, which is also set out in Article 13 of this Law (see above). This 6 months period stipulation has been severely criticised for creating an unnecessary delay in the polling dates after the final register/list have already been finalised and published. The amended 6 months stipulations were in 2007 Law (Articles 12(1) and 13) were worded differently and, for example, the latter Article 13 stated that the Commission must open the (future) voter registration process six months prior to the polling day for a period of not less than one month for the updating of the Voters' Register. Once the current (2016) voter registration is conducted properly in readiness for the planned 27 March 2017 elections, the Commission will be in a better position in 2017 to review before the following (local districts councils) elections whether this six months deadline needs to be changed to a shorter more flexible period.

⁷¹ The term 'Unique Biometric Identification' is stated in English in the Somali text of the Law.

⁷² This clause was added to the bill in its last stages. The clause does not specify the type of eye (or ocular) scan, but it has been reported that the NEC has already tested 'iris' (and not retina) recognition scans. The corresponding provision relating to biometric identification in respect of the Citizenship Identity Card is Article 22(7) of this Law.

⁷³ Note also that Article 45 of this Law also gives the NEC power to issue Regulations, Codes of Conduct and Directives.

⁷⁴ Earlier, on 12 April 2015, the President initially announced that the voters' registration exercise shall commence on 21 July 2015, as was then recommended to the President by the Electoral Commission on 09 April 2015. This has since been revised when on 3 January 2016, a Presidential Decree (JSL/M/DEC/249-3756/012016) stated that, on the basis of a recommendation received from the Electoral Commission on 2 January 2016, the voters' registration shall start on 16 January 2016 at the Togdher region.

⁷⁵ This clause is identical to Article 12(6) of the 2007 Voter Registration Law. The first such presidential decree was issued in 23 July 2008 and announced that the (core) voter registration process would start on Tuesday, 14 October 2008, but because of various interruptions and delays, the then Register was only finalised in early 2010 and was only used for one election in June 2010. The earlier text of the 2014 Bill read that the NEC shall, after

Article 29: Implementation of the voters' registration

1. The period⁷⁶ of the conduct of the voters' registration and its procedure shall be set out in Regulations⁷⁷ issued by the National Electoral Commission.
2. Whilst utilising all the various media in the country, the Commission shall print and publish information about the period set for the voters' registration and all the relevant details the citizens need to be aware of.
3. It shall be the duty of the Commission to educate and also provide guidance to the citizens about the importance of the voters' registration.
4. In order to fulfil this duty, the Commission shall prepare, as part of the conduct of the registration, programmes aimed at educating and prompting the public to prepare for the voters' registration.⁷⁸

Article 30: Voters' Registration form

The registration form shall form the basis of the process of voters' registration and the following particulars shall be recorded therein⁷⁹:

1. The name of the voter in four⁸⁰ written in the same way as recorded in Identity Card.
2. The year⁸¹ and place of birth.
3. Male or female.

consulting the national parties, announce the date the voter registration was due to commence and shall so inform the President, which has since amended (as above) to accord with 2007 provision .

⁷⁶ Article 8 of the 2015 Voters' Registration Implementation Regulations sets out the period starting with a 15 days preparation and publicity programme in each region, followed by the actual voters' registration in each region which will last a total of 28 days, split between a core period of 7 days (or 14 days in the regional capital) of registration in all the voter registration stations, and the remaining residual period of 21 days in the district capitals (or 14 days in the regional capitals) which will cover anyone in each district that have not managed to register during the initial core period. This will be followed by the screening of the registers, production of preliminary voters' lists and corrections and then finally the publication of the final lists and issue of Voting Cards. The [2007 Voters Registration Law](#) process was broadly similar but not identical – see Article 7.4 (inserted in the 2008 amendments) of the 2007 Law.

⁷⁷ Voters' Registration Implementation Regulations No. 01/2015 of 2 January 2016 (*referred to hereafter in these footnotes as the 2015 Voters' Registration Regulations*)

⁷⁸ Clauses 2-4 of the Article are re-productions of clauses 3 to 5 of the 2007 Voter Registration Law (as amended).

⁷⁹ Note that Article 8(10) of the 2007 Voter Registration Law also included in the list of particulars on the Voter Registration form the polling station in which the voter will cast his vote and the photograph of the voter. More importantly, it also added that '*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*'. See, therefore, Article 56 of the 2015 Voters' Registration Regulations which lists 8 items that need to be on Voter's Registration Form which include the ones listed in this Article 30, but differs in including the name of the mother of the person, the telephone number (if he has one) and the name and number of the polling station s/he will vote.

⁸⁰ See the footnote to Article 21(1) above.

⁸¹ With no birth registration system, it is often the year that is known than the date. This has also implications for identifying the minimum qualifying age for voting and for registration which do differ – see the above footnote relating to Article 6(2)(d) of the Law.

4. The signature of the voter or an indication that the voter is unable to sign.
5. The unique number of the registration of the voter.⁸²
6. The reference number of the registration of the voter.
7. The Identity Card number (ID Card).

Editor's Note: Article 34 gives the National Electoral Commission to issue detailed Regulations for the voters' registration and how the registrant may designate the polling station s/he wishes to cast his vote. Article 8(10) of the 2007 Voters' Registration Law also gave express power to the Commission to add to Registration Form any additional information it deems necessary for the conduct of a democratic election. Article 56 of the 2015 Regulations issued by the Commission, therefore, states that the particulars of the voter to be recorded in the Registration Form are as follows:

- a) The name of the voter, in four⁸³, and, if s/he carries an Identity Card, recorded as written in the Identity Card.
- b) The name of the mother, in three⁸⁴.
- c) The year and place of birth.
- d) Male or female.
- e) Telephone number, if s/he has one.
- f) The number of the Identity Card, if s/he has one.
- g) The name and the specific number of the polling station that s/he will cast his/her vote.
- h) Signature of the voter or an indication that s/he is unable to sign.

Article 31: Particulars recorded in the Voting Card

The Voters' Card shall contain the following particulars⁸⁵:

1. The name, in four⁸⁶.
2. The photograph of the voter.
3. The number of the Identity Card.
4. The reference number of the registration of the voter.
5. The year of birth.
6. Gender (Male or female).
7. The Polling Station where the voter shall cast his vote.

Article 32: Correction of and disagreements about age

The age of the voter shall be decided on the basis of the age indicated in the citizen's Identity Card⁸⁷.

⁸² In the 2008 Amendments to the 2007 Law (Article 5), it was decided that the unique number of the registration of the voter shall be the same as the number of the Identity Card of the citizen, but this is now dealt with by Article 56 of the 2015 Voters' Registration Regulations.

⁸³ See the footnote to Article 21(1) above.

⁸⁴ See preceding footnote. In this sub clause relating to the registrant's mother, only 3 names are required – first name followed by the father's and grandfather's first names.

⁸⁵ These are also re-produced (with no changes) in Article 68(1) of the 2015 Voters' Registration Regulations.

⁸⁶ See the footnote to Article 21(1) above.

⁸⁷ Note though in situations relating to persons who have not yet obtained an Identity Card and whose citizenship and age have to be verified at the voter registration station in line with the provisions of Article 25(2) of this Law,

Article 33: Staff for the voters' registration

1. In order to implement the registration, the Commission shall appoint staff⁸⁸, possessing expertise and skills in the implementation of the registration, who shall include⁸⁹ the following⁹⁰:

- a) The Voters' Register Officer(s)⁹¹ who shall be responsible for the management of the Register and shall also act as head of the Voters' Card Section whose headquarters shall be the National Electoral Commission.
- b) The Voters' Registration Officer for each centre.
- c) The Voters' Registration Officer for each district.
- d) The Voters' Registration Officer for each region⁹².

2. Employees recruited for the various Voters' Registration offices must be Somalilanders⁹³ who are independent of politics and who shall be chosen for their expertise and knowledge required for the post(s) they shall hold.

3. Prior to their recruitment, the following shall be specified:

any concerns about age will have to be dealt with, presumably, initially as part of the process of verifying the citizenship of the person. Article 25 of the 2007 Voter Registration Law headed '*dispute about the age of a voter*' addressed this situation as follows: '*If a Ministry officer' or a court officer, who dealt with citizenship verification matters under the 2007 Law registration procedures 'is not sure of or have concerns about whether a citizen has reached the qualifying age for voting, the age confirmed by the citizen's parent shall be accepted, but failing this, the officers at the [Voter Registration] centre shall reach a decision about it'.* This time round no court officers are involved in the voter registration process, but Article 44 of the 2015 Voters' Registration Regulations addresses the situation by following, to some extent the 2007 Law provisions and confirms that other identification documents indicating age may be looked at and failing that the parent's information, if available, shall be accepted. However, if none of those options are available, the registration station chairman shall reach a decision about the citizen's age. Under age voting (and voter registration in 2009) has been a problem in the past. This will, no doubt, be compounded by the fact that in the first two months of current voters' registration that started on 16 January 2016, someone who is 14 years old and approaching or just under 15 years is entitled to be registered to vote at the 27 March 2017 elections, so long as s/he will be 16 year old before the polling day. See further the footnote to Article 6 of this Law - this was made clear in Article 21 of the 2007 Law but, alas, not as well in Article 6(2)(d) of this 2014 Law.

⁸⁸ Part Four (Articles 24 to 41) of the 2015 Voters' Registration Regulations deal in detail with Voters' Registration staff.

⁸⁹ This means that the NEC has the power to appoint more employees, other than those listed in this Article, should they deem it necessary for the performance of their statutory voter registration duties. For example, in the very early draft version of these Amendments, as proposed then by the NEC, included in the article corresponding to this one a clause stating that '*in districts with large population, the Commission may appoint for the District Registration Office more than one District Officer so that the voter registration operations can be conducted properly*'.

⁹⁰ The equivalent article (Art. 11(4)) in the 2007 Voter Registration Law also added that '*the administrative structure of the (voter) registration centres shall reflect that set out in the national elections law*' for voting. The relevant law was the 2001 Electoral Law (as amended), Article 10 of which set 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).

⁹¹ This word is in plural in the text of this clause although the rest of the clause refers to the section 'Head'.

⁹² See footnote on Article 23(1)(c) above relating to Article 5 of the Regions & Districts Law.

⁹³ i.e. Somaliland citizens.

- a) The conditions and skills required of the person to be recruited to a post;
- b) the employee selection procedures to be followed; and
- c) the work duties of every person (every post) in the conduct of the Voters' Registration functions.

Article 34: Voters' registration procedures and stations

1. The National Electoral Commission shall issue in detailed Regulations⁹⁴ the procedures for the voters' registration and the registration stations⁹⁵ at the district and region⁹⁶.
2. The Commission shall, in the same way, issue Regulations setting out that the citizen may, *actually*⁹⁷, register himself at the station or town where he is present but may designate (*then*) the (*polling*) station where he will cast his vote⁹⁸.

Article 35: National Parties' Representatives (Observers) at the voters' registration

1. Each political party⁹⁹ shall appoint a representative to be sent to each registration station.

⁹⁴ See the 2015 Voters' Registration Regulations.

⁹⁵ This Law leaves it to the Commission Regulations to set the details and locations of the voters' registration station. The lists of registration stations (by region and district) are now set out in detail as a schedule to the 2015 Voters' Registration Regulations and are based on the polling stations used for the last nation-wide district councils elections in 2012.

In contrast, for the purposes of the 2009 voters' registration, Article 14 of the 2007 Voters' Registration Law, Article 14, stated:

'Taking note of the experiences of the previous elections -

- a) The Commission shall specify the polling stations 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. (*This last requirement was reinforced in the 2001 electoral law when it was election was based on a voters' Register in 2010 – see Article 5(d) insertion to the effect that the voter must be 'registered 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.*)

Following the passage of the 2007 Law (which came into force in June 2008), and before the beginning of the nation-wide (core) voter registration exercise on 14 October 2008, the NEC announced, in August 2008, that there would be 985 polling stations which would act also as the voter registration stations as, by law, persons could only cast their vote at the polling station they were registered.

⁹⁶ The Commission has designated (as a Schedule to the 2015 Regulations) 1146 Voters' Registration Stations which are overwhelmingly the same as the 2012 nationwide local elections' polling stations with the exception of some adjacent polling stations in urban areas being combined as single registration centres where the registrants can then choose to which of the combined polling station they would prefer to be registered in line with Article 34(2) of this 2014 Law.

⁹⁷ The Somali phrase use is '*farsomo ahaan*' which means in this context '*in practice*'. I have chosen, however, the term 'actually' which is more apt. In fact the phrase appears to be entirely redundant and adds nothing to this clause.

⁹⁸ Articles 56(1)(g) and 68(1)(g) of the 2015 Voters' Registration Regulations both signify the choice of the polling station that a registrant may cast his vote in the polling day.

⁹⁹ Under Article 9(2) of the Constitution, Somaliland can only have a maximum of three parties, and the current three parties (since 2012) are KULMIYE, UCID and Wadani.

2. The representatives of the parties shall ensure that the registration activities are conducted in accordance with the law, no discrimination takes place, and that no citizen is unlawfully denied registration.¹⁰⁰

3. The representatives of the parties can register any complaints¹⁰¹ concerning these (*preceding*¹⁰²) matters.

4. The conditions for the selection and the period for the submission of the representatives of the parties (*details*) shall be set out in Regulations¹⁰³ issued by the Commission.

Article 36: Functions of the National Electoral Commission officer at the voters' registration station

1. The officer shall ask the voter to confirm that the particulars recorded in the citizenship form¹⁰⁴ are official.

2. The officer shall then record the above mentioned particulars in the voters' registration form, and, also read it aloud to the voter.

3. The voter shall sign the voters' registration form or otherwise *follow the steps*¹⁰⁵ set out in Article 8 of this Law.

Article 37: Production and publication of the voters' lists

The National Electoral Commission shall issue voters lists¹⁰⁶, based on the list of names in the Register, which are necessary for the conduct of election. To be an official voters' list, each list must carry the seal of the National Electoral Commission.

¹⁰⁰ Article 16 of the 2007 Voters' Registration Law which was worded similarly, and Article 17 of the 2007 Law which dealt with the involvement of the representatives in some aspects of the registration have now be replaced by this Article and by Articles 45 and 46 the 2015 Voters' Registration Regulations. Unlike the 2007 Law (as amended), the 2014 Law leaves almost all the procedures for the conduct of the voters' registration to regulations issued by the National Electoral Commission.

¹⁰¹ Article 45(4) &(5) and Article 62(2) of the 2015 Voters' Registration Regulations deal with complaints from the political parties. Complaints are addressed by Article 18 and 19 of the Voters' Registration Code of Conduct for the Political Parties signed by the three political parties and the National Electoral Commission on 07 January 2016. This Code running into 22 articles is more extensive than the 2009 (10 February) Code for the last voter registration.

¹⁰² Presumably the matters referred to in the preceding clause.

¹⁰³ Articles 47 and 48 of the 2015 Voters' Registration Regulations address these issues relating to the accreditation of both local and international observers.

¹⁰⁴ The reference to a citizenship 'form' here is not clear, but it might well the information recorded by the Ministry of Internal Affairs by a person who had no Citizenship Identity Card but had his citizenship confirmed at the registration station. Anyone presenting a Citizenship Identity Card is already tendering an official document. On the other hand, this may be a formality so that the person can confirm verbally that the person did indeed tender the information in the form (or Identity Card). Incidentally this Article is similar to Article 18 of the 2007 Voter Registration Law (as amended).

¹⁰⁵ Article 8 relates to persons who are unable to sign the form.

Article 38: Production of the final voters' lists

1. After all amendments¹⁰⁷ are registered, the final list shall be prepared, which shall be the list from which the National Electoral Commission shall order the publication of all the other necessary lists required by law.
2. It is the duty of the National Electoral Commission to provide the Ministry of the Internal Affairs and the political parties the final voters' list(s).

Article 39: Distribution of Voting Cards

The Commission shall issue a Voting Card to every citizen who has registered.¹⁰⁸

PART FOUR: MISCELLANEOUS PROVISIONS

Article 40: Registration Activities Technical Committee¹⁰⁹

1. The Commission shall appoint a Technical Committee consisting of the Electoral Commission at national level, the Ministry of Internal Affairs and the three National Parties so that the technical aspects of the registration activities can be prepared and the registration activities can be co-ordinated.
2. The National Electoral Commission shall lay down in Regulations the powers and duties of the Technical Committee.

¹⁰⁶ As set out further in Article 61 of the 2015 Voters' Registration Regulations, these are initially produced as 'preliminary voters' lists' which shall be checked and, where necessary corrected to become the final lists covered by the following Article 38 of the Law. The comparable Article in the 2007 Law was Article 26 which has now been replaced by this Article 37 that requires the seal of the Commission, rather than a signature of a commissioner, for its verification.

¹⁰⁷ Unlike 2007 Voter Registration Law (as amended) which included Article 28 titled 'correcting erroneous information', this amending law does not address how the corrections/amendments of the particulars gathered might be made in cases where they may be errors, before the final lists are produced. However, as Article 34 and 45 of this Law empowers the NEC to issue detailed Regulations for the registration procedures, this is now addressed in, for example, Articles 62 to 65 of 2015 Voters' Registration Regulations which deals with procedures for complaints about the information in the preliminary lists.

¹⁰⁸ Article 30 of the 2007 Voter Registration Law which dealt with the distribution of Voters' Cards, but also stated the following:

'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 station whilst carrying his voting card.'

¹⁰⁹ This is a new Article which was not previously in the bill, but was added at the last stages of the bill. It mirrors Article 36 of the 2007 Voter Registration Law. The latter, though, specified the number of the members as being 2 from the NEC, 2 from the Ministry and 3 from the three political parties. The first members of such Technical Committee members under the 2007 Law were announced on 9 October 2009 and the Committee was chaired by the then Deputy Chairman of the NEC. The new Technical Committee set up under this 2014 Law is now covered by Articles 9 to 13 of the 2015 Voters' Registration Regulations and have the same composition as above. The Regulations also cover, among other things, the functions and duties of the Technical Committee.

Article 41: Participation in the matters of security and public guidance relating to registration activities

On security matters during the registration period, the Police Force of the Republic of Somaliland shall, through the Ministry of Internal Affairs, assist the National Electoral Commission.¹¹⁰

Article 42: Observers

The (*particulars of the*) international and local observers or inspectors who are checking the proper conduct of the voters' registration activities shall be forwarded by the National Electoral Commission to the Ministry of Internal Affairs so that it can reach decisions about the entry into the country permissions.¹¹¹

Article 43: The duties of Law enforcement bodies

The Government, law enforcement agencies, the National Electoral Commission and the political parties shall have a duty to apply and implement this Law.

Article 44: Penalties for contraventions

Any person who infringes¹¹² or contravenes any article or articles of this Law¹¹³ shall be punished (*as follows*):

1. Any person who registers himself more than once or gives false particulars about himself shall incur punishment of 3 months imprisonment¹¹⁴ and a fine of SL. Sh. 1 million Somaliland shillings.¹¹⁵

¹¹⁰ This is a reproduction of the Article 37 of the 2007 Law.

¹¹¹ This Article read previously in the Bill that '*international and local 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*'. The current wording of the article is, however, now difficult to comprehend as the local observers would not, in any case, require permission to enter the country, and for foreigner observers, the entry formalities will be dealt with by the Immigration authorities (and visas are obtainable at the Somaliland legations abroad). The Ministry's role on security matters and that of the police and security forces is, however, a different matter. The appropriate body for making decisions about the suitability or otherwise of observers at voters' registrations or at elections must always be the Electoral Commission, who shall no doubt liaise with the security and immigration authorities, as appropriate, in respect of foreign international observers. The 2015 Voters' Registration Regulations deal with observers and the media in Article 48 and 49 respectively.

¹¹² The literal translation of the Somali word '*jabiya*' is '*breaks*', but I have preferred the term '*infringes*'.

¹¹³ Although the Articles 40 to 43 and Article 45 of this Miscellaneous Part of the Law specifically relate to the Voter Registration and the NEC, the penalties Article 44 relates to contravention of 'this Law' and so, unless otherwise specified, the 'registration' referred to in its provisions relate to both the citizenship registration and the voters' registration.

¹¹⁴ Note that, unless the law prescribes otherwise, a judge passing a sentence of imprisonment of under one year is given a very limited and carefully prescribed discretion, under Article 112(3) of the Penal Code to allow an offender to convert the imprisonment into a fine so long as the offender '*has not been previously convicted of a crime with criminal intent*' and the judge feels that the circumstances of the offence, the character of the offender and the other factors listed in Article 110 (which relate to both the gravity of the offence and the offender's

2. Any person who registers himself more than once shall lose the right to vote¹¹⁶ at an election until the next round of (voter) registration is reached.¹¹⁷

criminal intent) to justify such a conversion. This decision is by no means automatic and the person must pay the alternate fine which is calculated, as set out in Article 112, as SL Sh. 25,000 or a fraction thereof for every 1 day of imprisonment, and so a 30 day calendar month may be converted to SL Sh. 750,000. Note, in contrast, the 5 months prison term punishment under clause 3 of this Article relating to the different offence of registering whilst being a non-Somaliland citizen, cannot be converted into a fine as the clause expressly forbids such conversion (see the footnote below on Article 44(3)). (With the falling value of the shillings as compared to the dollar or other foreign currencies, the levels of fines would need to be revised again soon). Incidentally any other fines imposed on top of the prison term must also be paid at the same as the conversion of prison term.

¹¹⁵ As this is an offence created in this special law, it shall, under Article 14 of the Penal Code, take precedence over the provisions in the Penal Code that may apply to the circumstances of this offence. Indeed, as anyone who commits this offence has provided the Registration Officer with false information relating to their personal particulars, the relevant Penal Code article that would otherwise apply to these situations (Article 373) carries punishment of imprisonment of up to 2 years and not less than 3 months. It states:

Article 373 (False Certification of a Public Document by a Private Individual).

- 1. Whoever falsely certifies to a public officer, for inclusion in a public document, facts of which the document is intended to prove the truth, shall be punished with imprisonment up to two years.*
- 2. The period of imprisonment shall not be less than three months in cases of false certification of documents relating to personal status [such as the identity of the person – my comment].*

If there are aggravating circumstances (such as for example, those listed in Article 39 of the Penal Code), the person could be charged with the more serious offence under the Penal Code which could attract a heavier sentence than the one set out in this Law.

It is worthwhile noting that Article 33 of the 2007 Voters' Registration Law addressed specifically fraud and falsification offences and linked them to the Penal Code, by stating –

'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 Code'.

The relevant Penal Code falsification of documents offences which cover both the offenders and any officials involved in the offences re set out in Articles 366 to 382 of the Code, and can be used if applicable to fill in the gaps not covered by the provisions of Article 44 of this Law.

¹¹⁶ Accessory (i.e. additional) penalties, including interdictions from voting and from public offices after convictions for some offences are also found in the Penal Code (Articles 101 to 108). This accessory punishment in this Article is, in effect, a loss of the right to be registered as a voter until the next voter registration round and will this time be limited, in practice, to loss of right to vote in the forthcoming March 2017 elections. Although this interdiction is a clear restriction of the person's constitutional right to vote (under Article 22(2) of the Constitution), such a voting right, as set out in Article 25, might be limited under a law 'protecting the public morals, the security of the country or the rights of other individuals'. The fraudulent abuse of the Voters' Register does indeed affect the rights of other citizens and widespread abuses can also lead to security problems. The test, therefore, is whether the temporary legal interdiction is a justifiable proportionate response in a democratic society to address the problems of multiple voter registration that has already seen in the 2009 voters' registration and the subsequent 2010 election, after which the then Voters' Register was voided entirely.

Query: *Does this accessory punishment also apply in connection with someone who has registered or attempted to register for an Identity Card more than once? Answer: No, in my view.*

On the whole, the offences and penalties in this Article apply to both the registration of voters and that of the citizens, but this accessory punishment is specifically linked to the voting which follows the 2016 voter registration and seeks to deprive the right of participation in such voting by anyone eligible for voting who is convicted of the offence of registering (or attempting to register) as a voter. The citizenship registration happens to have started in 2014 and shall continue after the forthcoming (2017) election and such registration is not directly linked to any specific election, although of course citizenship (and age of not less than 16 years and not being not in prison on the date of the election – see Article(s) 5 of either the 2001 Election Law or the the 2005 Election Law) is a requirement of eligibility to vote. It seems, therefore, unlikely that Parliament intended that anyone who commits such an offence in the ever on-going citizenship registration scheme and serves the punishment set out in Clause 1 (3 months prison

3. Any person who is not a Somaliland citizen and who attempts¹¹⁸ to register shall incur punishment of 5 months imprisonment which cannot be converted into a fine¹¹⁹, a fine SL. Sh. 2 million Somaliland Shillings¹²⁰ and deportation after completion of the prison sentence¹²¹.

4. Any officer engaged in the registration who contravenes the provisions¹²² of this Law shall incur punishment of imprisonment of 3 to 5 years.¹²³

and fine) must also lose the right to be registered to vote for the following election that could be years away. The Law, clearly and correctly, in my view, does not deprive such offenders their right to register as citizens after serving their sentence (which is against international law, any way, for many reasons). Whilst the temporary deprivation of the right to vote at forthcoming election for anyone who abuses the voter registration for that election may be a proportionate response in a democratic society, depriving the right to vote from someone who abuses citizenship registration and is then punished, when other offenders who have committed more serious crimes and are no longer in prison (or have not be interdicted and lost their right to vote under Article 101(2a) of the Penal Code) are allowed to vote, illustrates the incongruity of such an accessory punishment, which will not meet the test of justifiable proportionate response in a democratic society that I have referred to above.

¹¹⁷ This penalty obviously relates only to citizens who have a right to vote.

¹¹⁸ The previous versions of the bill included two clauses (3 and 4) of this Article which dealt respectively with (a) attempts to register and (b) actual registration, with the former attracting punishment of 5 months imprisonment and a fine of 2 million SL Sh. (and deportation) whilst the latter attracted twice that punishment – 10 months imprisonment and a fine of 4 million SL Sh. (and deportation). As the previous Clause 4 dealing with the actual (and not attempted offence) has been deleted from the final version of the Law, even if the person succeeds in acquiring a voter's card, which s/he is plainly not entitled, then when discovered, s/he can still be charged with this offence, but if the registration has been effected, then in the absence of a specific offence of registering without being entitled to do so, a prosecution could still be mounted under the more serious Penal Code offence of Art. 373 – False certification of a public document by a private individual, which attracts punishment of (3 months) to 2 years (see footnote 114 above). There is also no reason why an order of deportation cannot be made also on completion of sentence. If an attempt merits such deportation, then a successful completion of the offence ought to also attract similar accessory punishment of deportation. In any case, deportation can also be ordered by the Minister under Art. 30 of the 1995 Somaliland Immigration Law (relating to undesirable foreigners).

¹¹⁹ Under Art. 109(3) of the Penal Code '*where a Judge pronounces a sentence of imprisonment for a period not exceeding one year, whether or not the sentence includes a pecuniary punishment (i.e. a fine), against an offender who has not been previously convicted of a crime committed with criminal intent, he may, upon request by the offender, and taking into account the circumstances referred to in Article 110, order the conversion of the imprisonment into the equivalent pecuniary punishment, calculated in accordance with Article 112*'. In contrast to the prison term set out in clause 1 of this Article relating to citizens, in the case of the 5 months prison term under clause 3 of this Article relating to the different offence of attempting to register (or actually registering) whilst, as a non-Somaliland citizen, not being entitled to do so, the judge has no discretion under Art. 109 of the Penal Code or under any other law to convert the prison term into a fine. Note also that where there are aggravating circumstances, the person may be charged, in any case, with a more serious offence under the Penal Code which may attract a sentence longer than one year.

¹²⁰ Under Article 113 of the Penal Code, if the person cannot or does not pay the fine, this will be converted to imprisonment of not more than 3 years for a crime, which in the case of this level of fine will be 1 day imprisonment for every SL. Sh. 25,000 fine or a fraction thereof (Article 112) i.e a further 80 days imprisonment. This further imprisonment shall end as soon as the person pays the fine '*reduced by the sum of money corresponding to the duration of the detentive punishment already served*' (Article 113(2)).

¹²¹ And presumably also payment of the fine.

¹²² In the earlier versions of the bill, this Clause was more specific and read as follows: '*Any officer engaged in the registration who wilfully facilitates the registration of or registers a person more than once shall incur punishment of imprisonment of 3 to 5 years*'. It is unfortunate that there is such high minimum punishment for every type of contravention of this Law by an official as some minor procedural contraventions may not merit such punishment. It would have made sense to retain wording similar to that in the earlier versions of the bill which set out the different possible offences that may committed by officials. Note also, as set out below there are also various specified offences in the Penal Code that can cover such public officials/officers (as defined in Article 240 of the Penal Code) in respect of offences committed in their voter or citizenship registration functions activities such as

5. Any person who falsifies a Voting Card¹²⁴ or the Voters Register shall incur punishment of 3 to 5 years imprisonment.¹²⁵

(See also this footnote¹²⁶ on multiple offences by one offender– Editor)

Article 45: Power to issue Regulations

The Electoral Commission shall have the power to issue Regulations, Codes of Conduct and Directives that are not in conflict with the provisions of this Law.¹²⁷

Article 46: Coming into force

These Additions and Amendments to Law No. 37/2007, Voters' Registration Law, shall come into force on their approval by the Republic of Somaliland Parliament, signature by the President and publication in the Official Gazette.¹²⁸

corruption (Articles 245 and 246); Disclosure of official secrets (Article 253); Omission or refusal to perform official acts (Article 255) and offences of falsification of public documents (see below).

¹²³ Note also that any falsification of a public document by a public officer in the performance of his duties as a Registration Officer could come under Article 366 of the Penal Code, and would be punishable by imprisonment of 1 to 8 years. Overall, it is questionable whether this general clause addressing all 'contraventions' of this Law, which are of varying gravity, is likely to displace totally, under Article 14 of the Penal Code, the relevant more specific Article 366 Penal Code offences and the Prosecution needs to look carefully into the applicability of the Penal Code provisions in relevant cases.

¹²⁴ Falsification of a Citizenship Identity Card, which is not covered by this Clause, would come under the Penal Code Article 366 to 382 (Falsification of public documents).

¹²⁵ Falsification of public documents by a private person is dealt with in the Penal Code by Article 372 which attracts a third of the punishment for public officers.

¹²⁶ This Article 44 does not cover multiple offences which are likely to arise in the case of people who may be determined to abuse the voter registration (or citizenship registration). Prosecutors and the Police would no doubt note that as set out Article 14 of the Penal Code, in the absence of any specified provisions dealing with multiple cases in this special Registration Law, the relevant provisions of the Penal Code shall apply. For example, Article 44 of the Penal Code states as follows:

'Article 44 More than One Breach of One or Various Provisions of Law by One or More Acts

Whoever, by a single act or omission, violates various provisions of law, or commits more than one breach of the same provision of law, shall be punished, for the various offences provided for by law. In such a case, the punishments imposed in the same judgment shall be added together, subject to the maximum limits fixed by law'.

This means that each charge of registering or attempting to register more than once against one offender shall, if proven, attract the punishment set for that offence in each case.

¹²⁷ Note also that other than general power in Article 45, there are other provisions in this Law which also give the National Electoral Commission power to issue Regulations, decisions etc. such as Articles 27(3) - a general power; 29(1) - another wide power on the period, conduct and procedures of the registration; 34(1) - another wide power on procedures; 34(2) - a specific power on choice of polling station during registration; 35(4) - a specific power on parties' representatives; and 40(2) - a specific power on the technical committee.

¹²⁸ This Law was passed by the House of Representatives (for the second time) on 6 December 2014, after it was returned by the House of Elders, who approved it on 2 December 2014, and was signed by the President on 23 December 2014 (Presidential Decree No. 0413/12214). This Law was then published in the *Somaliland Official Gazette 2014, Issue 12, dated 3 January 2015*, p308, and hence came into force on that date. As there some errors in the version published in the Gazette in January, a *Corrigendum* (correction) was published in the *Somaliland Official Gazette 2015, Issue 4, dated 2 May 2015, p201*.

PRAISE BE TO ALLAH

Abdirahman Mohamed Abdillahi
The speaker of the House of Representatives

Mohamed Hassan Kahin
The General Secretary

(Note: The previous 'standard' repeal article in the bill, then numbered 45 has been unusually deleted in the final version of the Law, but the principle of new legislative provisions amending older identical ones would still apply. It goes without saying again that the sooner amendments, whether partial or total of previous identical provisions are added to every law, even if that is listed in a schedule, the better - editor)