

REPUBLIC OF SOMALILAND



NATIONAL ELECTORAL COMMISSION

VOTERS' REGISTRATION IMPLEMENTATION REGULATIONS - NO. 01/2015

This an unofficial English Language Translation of the final text of the Regulations which is partly based on an incomplete English version of an earlier draft of the Regulations before its final amendments. My translation of the [Voters' Registration \(Amendments and Additions\) Law](#) - Law No. 37/2007 (as amended in 2014) - is also available and should be considered in conjunction with these more extensive Regulations. The Regulations were issued by the NEC (on 2 January 2016) in the exercise of the powers accorded to it under various provisions of the Voters' Registration Law. The 46 page Schedule of the Regulations listing the voters' registration stations (and the polling stations) by district and region is available separately.

(The Official Somali versions of both the Regulations and the 2014 Law are also available electronically at this Somaliland Voter Registration [webpage](#).)

I am grateful to the Somaliland National Electoral Commission for providing me with a copy of the Regulations.

Ibrahim Hashi Jama, www.somalilandlaw.com
03 March 2016

ARRANGEMENTS OF THE ARTICLES

PREAMBLE
SIGNATURE

CHAPTER ONE: IMPLEMENTATION OF REGISTRATION OF VOTERS

PART ONE: GENERAL PROVISIONS

- Article 1 Title of the Regulations
- Article 2 Definition
- Article 3 General principles
- Article 4 The implementation of the registration of voters

PART TWO

- Article 5 Awareness raising about the voters' registration activities

PART THREE: THE VOTERS' REGISTRATION ACTIVITIES PROCESS

- Article 6 Persons ineligible to register
- Article 7 The start and end of the registration of voters

Article 8 The process of the registration of voters

CHAPTER TWO: MANAGEMENT OF THE VOTERS' REGISTRATION

PART TWO

Article 9 Establishment of the Voters' Registration Activities Technical Committee

Article 10 Objects of the Voters' Registration Activities Technical Committee

Article 11 Functions and Duties of the Voters' Registration Activities Technical Committee

Article 12 Seat of the Technical Committee

Article 13 Meetings of the Committee

PART TWO: MONITORING BOARD FOR THE PROPER CONDUCT OF THE VOTERS' REGISTRATION (MONITORING BOARD)

Article 14 Purpose of the formation of the Board

Article 15 Functions and Duties of the Board

Article 16 Powers of the Board

Article 17 The total membership of the Board and the procedure for their selection

Article 18 Criteria for the selection of the Board members

Article 19 Term of office of the Board

Article 20 The working relationship of the NEC and the Board

PART THREE

Article 21 Establishment of the Regional Registration of voters Operation Team (ROT)

Article 22 Objects of the Operation Team

Article 23 Functions and duties of the Operational Team

PART FOUR

Article 24 Voters' Registration staff

Article 25 Staff allowance

Article 26 Regional and district staff of the Commission

Article 27 Duties and responsibilities of the Regional Chairman

Article 28 Functions and duties of the Regional Secretary

Article 29 Functions and duties of the Deputy Chairman

Article 30 Functions and duties of the Regional Coordinator

Article 31 Functions and duties of District Chairman

Article 32 Functions and duties of the District Secretary

Article 33 Functions and duties of the District Office Tallier

Article 34 Functions and duties of the District Scrutineer

Article 35 Oath of the voters' registration staff

Article 36 Staff working at the voters' registration stations

Article 37 Requisite Criteria for staff of the voters' registration stations

Article 38 Functions and duties of the station chairman

Article 39 Functions of the Operator

Article 40 Functions of the Interviewer

Article 41 Security personnel

Article 42 Functional role of the of the Ministry of Internal Affairs

Article 43 Verification of the citizen

Article 44 Confirmation of the voter's age

PART FIVE

Article 45 Parties' representatives

Article 46 Functions and duties of political parties' representatives

Article 47 Criteria for party representatives

Article 48 International and local observers

Article 49 Local and international media

Article 50 Training of voters' registration staff

Article 51 Protection of registration information

CHAPTER THREE: VOTERS' REGISTRATION MATERIALS

PART ONE

Article 52 Equipment/Materials for the voters' registration offices

Article 53 Getting the registration stations ready

Article 54 Order at the voters' registration stations

Article 55 Period of the voters' registration process

PART TWO

Article 56 Voters' registration form

PART THREE: VOTERS' REGISTRATION PROCEDURE

Article 57 Voters' registration procedure

CHAPTER FOUR: REFUSAL AND COMPLAINTS

PART ONE

Article 58 Refusal of registration request

PART TWO

Article 59 Complaints against refusal of registration

CHAPTER FIVE: CLOSURE OF THE REGISTRATION STATION

PART ONE

Article 60 Closing the voters' registration process and transferring the equipment/materials

CHAPTER SIX: PRELIMINARY LISTS

PART ONE

Article 61 Production of preliminary voters' registration lists

PART TWO

Article 62 Complaints relating to the production of the preliminary voters' lists

Article 63 Complaint Forms

Article 64 The period complaints can be made and appeals

Article 65 Decision making on complaints relating to the preliminary voters' lists

PART THREE

Article 66 The Administrative Panel for the Resolution of Voters' Registration Complaints

PART FOUR

Article 67 Final Voters' Register

Article 68 Distribution of the Voting Card

Article 69 Loss of Voting Card

Article 70 Amendments of the Official Voters' Register

CHAPTER SEVEN: MISCELLANEOUS PROVISIONS

CHAPTER ONE

Article 71 Prohibition of more than one card

Article 72 Erroneous information

Article 73 Amendment

Article 74 Coming into force

**REPUBLIC OF SOMALILAND
NATIONAL ELECTORAL
COMMISSION**



**JAMHUURIYADDA SOMALILAND
GUDDIDA DOORASHOYINKA
QARANKA**

Ref: GDQ/XK/497/2015

Date: 02/01/2016

The National Electoral Commission:

Having Seen: Article 45 of Voters' Registration Law (Law No: 37/2007) as amended and added to in 2014.

Having Seen: Articles 27(3), 29(1), 34(1&2), 35(4), 40 (2) of the Voters' Registration Law (Law No: 37/2007) as amended and added to in 2014.

Cognisant: Of the great need for a verifiable registration of voters, which is essential for the advancement of the elections and democracy in the state of the Republic of Somaliland.

Having Considered: The advice and recommendations of the Commission's legal advisors.

Realising: That the registration of voters requires Regulations elaborating the provisions of Law No: 37/2007.

Have issued the
Voters' Registration Implementation Regulations (**Regulations No: 01/2015**).

Praise be to Allah

Signature of the Members of the Commission:

| | | |
|-----------------------------|-----------------|--------------|
| 1. Abdiqadir Iman Warsame | Chairman | Signed _____ |
| 2. Mohamed Hassan Wa'ys | Deputy Chairman | Signed _____ |
| 3. Abdifatah Ibrahim Hassan | Member | Signed _____ |
| 4. Kaltun Sh. Hassan Abdi | Member | Signed _____ |
| 5. Abdirahman Osman Aden | Member | Signed _____ |
| 6. Mohamed Jama Mohamed | Member | Signed _____ |
| 7. Said Ali Musa | Member | Signed _____ |

CHAPTER ONE: IMPLEMENTATION OF REGISTRATION OF VOTERS

PART ONE: GENERAL PROVISIONS

Article 1 Title of the Regulations

These Regulations shall be titled the "Voters' Registration Implementation Regulations" (Regulations No. 01/2015).

Article 2 Definitions

Unless these Regulations or the Law (*Law No. 37/2007*) otherwise indicate, the following terms shall mean as set out below:

- Registrar: means the Commission staff conducting the registration of voters.
- Registration: means the registration of voters which is the responsibility of the the Commission.
- National Councils: means the national councils of the Republic of Somaliland, such as the Parliament, the executive, and the judiciary.
- Commission: means the National Electoral Commission.
- Law: means the Voters' Registration Law (*Law No. 37/2007*) which had amendments and additions made to it in 2014
- Ministry: means the Ministry of Internal Affairs of the Republic of Somaliland.

Article 3 General principles

These Regulations shall govern and be used for the implementation of the registration of voters

Article 4 The implementation of the registration of voters

1. The Commission shall implement the registration of voters in a manner consistent with the Law¹ and these Regulations.
2. The Commission shall set out, in accordance with the provisions of the Law and these Regulations, all the plans necessary for an accurate registration.
3. The Commission shall undertake all the requisite timely preparations for the conduct of the voter registration activities.
4. The Commission shall announce the period specified for the registration in each region and all the information the citizens need to know.

¹ That is the Voter Registration (Amendments and Additions) Law (*Law No. 37 /2007* as amended in 2014). This last extensive amendments of the originally 2007 Law were signed into law by the President on 23 December 2014 and came into force on their publication in the Somaliland Official Gazette on 3 January 2015.

PART TWO

Article 5 Awareness raising about the voters' registration activities

1. The Commission shall implement in all regions of country a wide awareness raising exercise for informing the public about the importance of registration of voters and the ways in which one can register.
2. In implementing this Article, the Commission shall utilise the available media outlets of the country by making awareness raising programmes that can enhance the public understanding of the registration of voters.
3. This stage shall be a period of no less than 15 days in which the citizens of each region shall be urged to get ready for the voters' registration.
4. The Commission shall also undertake nationwide awareness raising for the wider Somaliland public by utilising the media outlets that exist in the country.
5. In implementing the above articles, the Commission shall produce messages, writings, literary works and any other communication tools that it considers can deliver the awareness raising message to the public.

PART THREE: PROGRESS OF THE VOTERS' REGISTRATION ACTIVITIES

Article 6 Persons ineligible to register

The following persons are ineligible to be registered:

- a) Citizens with mental incapacity²;
- b) convicted or remand prisoners;
- c) foreigners staying in Somaliland;
- d) person who has not reached the age of majority³.

² My footnote comments on the identical first two corresponding Clauses 6(2)(a) and (b) of the 2014 (Amendments and Additions) Law and relating to mental incapacity and to prisoners might provide more explanations on the issues this Clause 6(a) of the Regulations.

³ The first three ineligibility criteria for voter registration follow the wording of Article 10 of the [2007 Voters' Registration Law](#) and the almost identical Article 6(2) of the 2014 (Amendments and Additions) Law, but the fourth criteria (in Regulation 6(d) above) diverts drastically from both the corresponding fourth criteria of the corresponding provisions of the 2007 law and the 2014 law. It introduces only one criterion of reaching age of maturity (*qaangaadh*) which is a rubbery concept in Somaliland law as it has different meanings in the civil law (which is 18 years old for the age of 'majority'), in sharia law (which is generally linked to age of puberty) and in electoral laws (which it has no relevance as voting is based on an age set by law). Article 10(4) of the 2007 Law did not mention age of maturity and simply set the criterion as being '*any person who has not reached the qualifying age for voting*' (at the time of voting), which is, in turn, defined by similarly numbered articles 5 of the 2001 and the 2005 Election Laws as reaching '*16 years during the year the elections are being held*'. This was then further clarified in Article 21 of the 2007 Law to the effect that '*if the citizen is aged less than the qualifying age of voting at the date of the election, but will reach the qualifying age at the date of election, s/he shall be registered and issued with a Voter Card*'.

Unfortunately, rather than following completely the previous correct provisions of the 2007 Law, Article

Article 7 The start and end of registration of voters

1. The Commission shall publicise the period when registration shall take place in each region before the start of the registration.
2. The registration shall take place in every region for 28 days⁴ which are -
 - a) in the rural areas⁵, 7 days⁶;
 - b) in the regional capitals, 14 days with a residual⁷ period of 14 days where registration teams shall be left in special stations specified by the Commission;

6(2)(d) of the 2014 Law states simply that the age ineligibility criterion is '*any person who has not reached the registration qualifying age*' which is correct but does not explain what that age is, and then muddies the whole issue by continuing to add, in parenthesis, '*who is below the age of majority*' – a concept that has no meaning in electoral laws. These Regulations then follow only this latter additional part of the 2014 Clause. In the circumstances, in my view, this 2014 sub Clause 6(2) has not affected or repealed the clearer and separate Article 21 of the 2007 Law which identified correctly the statutory voter registration criterion of being anyone who, at the time of registration is clearly adjudged as reaching the qualifying age of voting at the forthcoming election(s) on 27 March 2017. *This means that the current voters' registration from 16 January 2015, someone who is 15 (or just under 15 before March 27 this year) is eligible for voter registration, so long as s/he will be 16 by 26 March 2017. Clearly there will continue to be considerable problems for a long time with lack of age/birthday records and judgment has to be made in many cases along the lines set out Article 44 of these Regulations, but introducing a 'maturity' test is unlikely to be of much help and not, in any case, in line with the current law.* I have made similar comments in connection with Article 6 of the 2014 Law.

⁴ This is an overall maximum actual registration period of 28 days for each region (which contrasts favourably with the 2008/9 actual registration period of 20 days) and is divided into an initial core period of 7 (in non-regional capital districts) or 14 days (in regional capital districts). People residing in the rural and district capitals who have not registered in the allotted 7 days 'core period' (see Article 57(1)) can register in the NEC specified special stations during the additional 'residual period' (see Article 57(3)) of 21 days in their district capital - hence a total of 28 days. In the regional capitals, the initial core period is 14 and the additional residual period is also 14 days, again a total of 28 days running concurrently with the 28 period for rural/district areas in the same region. Note also as regional capitals are also designated district capitals under the Regions and Districts (Self-Management) Law - Law No 23/2003 & 2007 (Articles 5(1) and 6), they invariably include some surrounding rural areas that will have the same registration period regime as their own district capital.

⁵ The Regulations do not define the term 'rural areas', but the import of the following two sub Clauses (b) and (c), is that they are, 'in any region, all the rural areas of the districts other than the Regional Capital district' and which will then have their residual registration period of 21 days in their district capital town. .

⁶ People residing in the rural areas and their district capitals, with the exception of the (regional capital district) who have not registered in the allotted 7 days 'core period' (see Article 57(1)) can register in the NEC specified special stations during the additional 'residual period' (see Article 57(3)) of 21 days in their district capital - hence a total of 28 days (see sub Clause 7(2)(c) below).

⁷ This second 'period (referred to as '*kabis*' (additional), in Somali, is referred to as '*hadhaa*' (residual) in Article 57(3) of these Regulations). Those persons who have not registered themselves in the core period can register during this residual period of 14 days in the regional capital town or 21 days (see sub Clause (c) below) in the other district capitals, also choose which polling station within the district they shall cast their vote in the election. The rationale for the 14 days core period for the regional capital cities/towns is the density/size of their population.

Although it is not specified in this Article, the rural areas within the regional capital district will still only have a 7 day core period, as in all other rural areas in other district in the same region, but will join the 14 residual period of their district (and regional) capital, which means that in effect their total registration period could be less than the standard 28 days. I understand, however, that the NEC has arranged for some extra mobile registration units for some of these rural areas.

- c) in district capitals, 7 days with a residual⁸ period of 21 days where registration teams shall be left in special stations specified by the Commission.
 - d) If the Commission deems it necessary, the period of registration in the districts of some of the regions may be aligned with the period of registration in a different region⁹.
3. The Commission shall issue a timetable scheduled setting out clearly the plan of their activities.
4. After the publication of the schedule, the Commission may, if it deems it necessary, amend the plan of their activities.

Article 8 The process of the registration of voters

1. The process of the registration of voters shall consist of five (5) successive stages which shall be undertaken, at every region of the country during its specified period, sequentially one region at a time.
2. The five(5) stages are as follows:
- A. Stage one:** preparation
- i. This stage shall be a period of not less than 15 days when the citizens of each region shall be urged to get ready for the registration of voters.
 - ii. During this stage, all the voter registration staff shall be recruited and all the training of the voters' registration staff shall also be conducted.
- B. Stage two:** The official registration of voters
- i. On the conclusion of the preparation stage, the next period (*Core period*¹⁰) of not less than seven (7) days, each region shall be visited by groups of voters' registration staff, the number of which shall be determined by the Commission, who shall undertake the official Registration of voters.
 - ii. When the period of seven (7) days ends, additional groups will remain in each region to register any person who has not yet registered during the previous seven (7) days. (*Residual period*)¹¹
- C. Stage three:** On conclusion of the registration activities in the regions and the districts, the information in the main server at the Commission Headquarters shall screen all the registered citizens and shall pick out any person who registered more than once.

⁸ See the preceding footnote for the voter registration during the residual period in district capital towns serving their rural areas.

⁹ On the basis of this Clause the NEC announced in early January 2016 that the voters' registration in the Buhodle district of the Togdher region shall not take place at the same time of the registration of the rest of other Togdher Region districts, which was planned for the period of 16 January 2016 to 12 February 2016, but will instead take place at the same time as the neighbouring Sool Region districts.

¹⁰ This 7 day period is also referred to, in English, as the 'core' period in Article 57(1) of these Regulations and so I have this term in brackets in this sub Clause. See also Article 7(2) of the Regulations about the core period.

¹¹ This second registration period in each region is termed, under Article 57(3), the residual period. See also Article 7(2) of the Regulations about the duration of the residual period.

i. When the screening process is completed, the Commission shall produce the preliminary lists of the registration of voters which will be displayed at places specified by the Commission in each region and/or district.

D. Stage Four: Any person complaining about the preliminary lists must submit his/her complaint within the period specified in these Regulations¹² and a decision about it shall be made.

E. Stage Five: after a decision is made about all erroneous information and appropriate corrective measures are taken, the Commission shall produce the official Register of Voters, and shall issue a Voting Card to the citizens in the Register who have the certificate¹³ of registration.

CHAPTER TWO: MANAGEMENT OF THE VOTERS' REGISTRATION

PART TWO

Article 9 Establishment of the Voters' Registration Activities Technical Committee

1. The Voters' Registration Activities Technical Committee is hereby established.
2. The members of the Committee shall consist of the following:
 - a) Two members from the Electoral Commission at national level;
 - b) two from the Ministry of Internal Affairs; and
 - c) three members from each of the three political parties.
3. The Technical Committee shall commence its functions when these Regulations are approved and end them on conclusion of the registration activities and the production of the final (*Voters'*) List¹⁴. However, the Committee shall be established again whenever a (*voters'*) registration is to be undertaken.
4. The two members of the Electoral Commission shall serve as the Chairman and Deputy Chairman of the Committee¹⁵.
5. The Technical Committee members shall sign the Code of Conduct of the Technical

¹² The limitation period for making such complaints about the preliminary lists is, as set out in Article 64 of these Regulations, seven (7) days beginning from the date when the preliminary lists are published. Note that, in Somaliland law (unlike in some other jurisdictions), unless otherwise specified, the first day of the publication of the preliminary lists is not included when counting the seven (7) day limitation period – see for example Article 110 of [the Civil Procedure Code](#) which states that any periods calculated on the basis of days (or hours) shall not include the day (or the hour) the period begins from, and that if the final day (in this case the 7th day) is a public holiday, the following working day shall be considered as the final day.

¹³ See Article 39(2) of the Regulations for the issue of a 'Certificate of Registration' by the Registration Station Operator of every person who has registered at that station, and Article 68(2) for the replacement of any lost or damaged certificates prior to the issue of the actual Voting Card.

¹⁴ See Article 67(1) for the production of the final lists.

¹⁵ In view of the fact that the Electoral Commission has to decide which two of its eight members shall serve on this Committee, it might be expedient to include in their decision the designation of the two chosen as chairman and deputy chairman respectively.

Committee.

6. The following are ineligible for membership of the Technical Committee:

- a) Members of the national councils¹⁶.
- b) Persons who are not citizens.
- c) Persons with mental incapacity.
- d) Persons aged less than 30 years.
- e) Persons who appear to be incapable of shouldering responsibility.

Article 10 Objects of the Voters' Registration Activities Technical Committee

1. The objects purpose of the Technical Committee is to -
 - a) assist the Commission in the proper conduct of voters' registration activities; (*and*)
 - b) provide advice on the implementation of the registration of voters.

Article 11 Functions and duties of the Voters' Registration Activities Technical Committee

The functions and duties of the Committee are to:

1. provide technical advice to the Commission on the ways of implementing the registration of voters;
2. contribute to and support any activities that the Commission requires their contribution or support;
3. advice on any technical problems which might be arise in the voters' registration process;
4. act as a liaison between the the offices they represent and the Commission;
5. keep the offices they represent updated on the progress of the voters' registration activities;
6. follow the progress of the on-going registration of voters in the regions and districts of the Republic of Somaliland and submit any advice and guidance to the Commission;
7. participate, if the Commission requires it, in the awareness raising (*programmes*) in the regions and districts aimed at impressing on the public the importance of the registration of voters.

Article 12 Seat of the Technical Committee

The seat of the Technical Committee shall be the main headquarters of the Commission.

Article 13 Meetings of the Committee

¹⁶ The 'national councils' (*Golayaasha Qaranka*) are defined in Article 2 of the Regulations as '*the Parliament, the executive, and the judiciary*'. This means usually the two Houses of Parliament and the Council of Government (i.e the Cabinet), and the judiciary are not usually included. Local Councils (mainly the district and regional councils) are technically not 'national' bodies although collectively they are nation-wide and perhaps should have been included in this ineligibility criteria, in which case a more comprehensive wording would have been 'national and local councils'. The Judiciary (which, under the Somaliland Constitution, still unfortunately includes the prosecution – a legacy of the Italian drafted 1960 Somalia constitution which became the constitution of the 'Somali Republic' after the union of Somalia and Somaliland) has already special laws which do not allow its involvement in other public offices or posts.

1. The Committee shall meet once a week, the date of which will be determined by the Chairman of the Committee who shall inform the other members.
2. If, due to urgent circumstances, an emergency meeting is needed, the Committee Chairman shall call a meeting of the members of the Committee.
3. The quorum for convening a meeting is the attendance of half plus one of the Committee members¹⁷.
4. The members of the Technical Committee may lose their membership if-
 - a) s/he resigns his/her own membership;
 - b) s/he dies;
 - c) one of the requisite conditions for his/her selection is no longer valid;
 - d) s/he fails to attend three successive meetings without any excuse.
5. Any member who vacates his membership prior to the conclusion of the registration shall be replaced by the body that s/he represented¹⁸.

PART TWO: MONITORING BOARD FOR THE PROPER CONDUCT OF THE VOTERS' REGISTRATION (MONITORING BOARD)

Article 14 Purpose of the formation of the Board

1. The Monitoring Board for the Proper Conduct of the Voters' Registration is hereby established.
2. The purpose of the establishment of the Board is to advance the realisation of the holding of a proper registration in the country and for such registration to be undertaken and concluded without disputes and in accordance with the (*Registration*) Law and the (*other*) laws of the country.

Article 15 Functions and Duties of the Board

The Board is responsible for:

- a) The monitoring of the proper implementation of the provisions of the Voters' Registration (Amendments and Additions) Law, the Voters' Registration Implementation Regulations, the electoral laws and the Registration of voters Code of Conduct for the Political Parties.
- b) The Resolution of disputes and disagreements arising within the (political) parties and relating to the Registration of Voters Code of Conduct for the Political Parties.
- c) The production of reports relating to how the various sides have implemented the provisions of the Voters' Registration (Amendments and Additions) Law, the Voters' Registration Implementation Regulations, the electoral laws and the Registration of

¹⁷ For the seven members of the Committee, the quorum is, therefore, four. There is no provision in here for disregarding, for example, vacant membership or any other justifiable absences.

¹⁸ These bodies are listed in Article 9(2) of these Regulations.

Voters Code of Conduct for the Political Parties, and to the progress of the registration, in general.

Article 16 Powers of the Board

1. The Board has the power to –
 - a) resolve any dispute arising between the parties that signed the Registration of voters Code of Conduct for the Political Parties;
 - b) ensure the implementation of the Registration of Voters Code of Conduct for the Political Parties;
 - c) take disciplinary action, in accordance with the Code of Conduct, against any infringements that have come to the notice of the Board or its representatives¹⁹.

Article 17 The total membership of the Board and the procedure for their selection

1. The Board shall consist of seven knowledgeable Somaliland citizens²⁰.
2. The Board shall elect, from among themselves, a Chairman, Deputy Chairman and Secretary.
3. The Board shall be selected and appointed by the National Electoral Commission.
4. The Board shall have, in each of the six electoral regions, two representatives selected by the National Electoral Commission, who shall be entrusted by the Board to fulfil the Board's duties in the regions.

Article 18 Criteria for the selection of Board members

A member of the Board must fulfil the following conditions:

1. S/he must have a good reputation amongst the community.
2. S/he must be a person who is decisive, able, and possessing knowledge and experience that will enable him/her to undertake the serious responsibilities bestowed on him/her.
3. (S/he must) be known for political impartiality.
4. S/he must possess report writing skills.

Article 19 Term of Office of the Board

1. The term of office of the Board, at national level, is six months beginning from the date of their signature of the (*appointment*²¹) agreement.
2. The term of office of the Board's representatives in the regions is limited to two months beginning from the date of their signature of the (*appointment*) agreement.

¹⁹ See Article 17(4) for the Board's 12 representatives in the country's six electoral regions.

²⁰ The term used here in Somali is colloquial '*reer Somaliland*' which, in legal terms, is 'Somaliland citizens'.

²¹ This is likely to be their appointment agreement.

Article 20 The working relationship of the NEC and the Board

1. The Monitoring Board for the Proper Conduct of the Registration shall be independent in the performance of its duties, and shall always hold consultations with NEC.
2. Any disciplinary recommendations made by the Board shall be forwarded to the NEC for action.
3. The Political Parties shall work with and assist the Monitoring Board for the Proper Conduct of the Voters' Registration, and shall support its work.

PART THREE

Article 21 Establishment of the voters' registration Regional Operation Team (ROT)

1. The voters' registration Regional Operation Team consisting of the following members is hereby established:
 - a) A member of the National Electoral Commission.
 - b) The Chairman of the Commission at regional level.
 - c) The Chairman of the Commission at regional level.
 - d) Member/s of the Commission staff at national level.
2. An Operation Team shall be employed at each of the six regions of the Somaliland Republic during the period the voters' registration is being undertaken, and shall, whilst always consulting the Commission, be responsible for the conduct of the registration of voters in each region.

Article 22 Objects of the Operation Team

The objects of the Operation Team are:

- a) Execution and realisation of the Commission's plans.
- b) Fulfilment of the Commission's policies and plans relating to the registration of voters.
- c) Keeping the Commission informed and reporting to it about the progress of the registration.

Article 23 Functions and duties of the Operation Team

The duties and responsibilities of (*Regional*) Operation Team are:

1. Fulfilment of the policies and plans of the Commission.
2. Undertaking the day to day Commission activities relating to the registration of voters.
3. Keeping the Commission informed and reporting to it about the progress of the registration in the (*relevant*) region.
4. Keeping the Commission informed and reporting to it about the technical problems that may arise during the registration process and proposing any advice relating to

the resolution of such problems.

5. The Commission member of the Operation Teams shall be responsible for the meetings and the coordination of the Operation Team members.

PART FOUR

Article 24 Voters' Registration

1. Without prejudice to the matters set out in Article 33 of the Law²² relating to the (*voters' registration*) staff, the Commission shall -

- a) check thoroughly that the staff members to whom it will entrust the huge responsibility of the registration of voters are capable persons who can perform their assigned work;
- b) train them in the conduct of (*voters'*) registration and ensure, at the same time, that they can perform their duties efficiently, before the date of the registration of voters;
- c) get ready the work transport, for undertaking the functions, and the communication equipment.
- d) The Commission shall, have the power to increase the number²³ of staff in the voters' registration stations and regional and district centres, if it appears that there is a need to do so.
- e) The period of employment of the voters' registration staff at the stations (*and centres*) shall end when their agreement with the Commission expires, but the Commission may, as needed, extend or shorten the period of employment.
- f) The Commission shall have the power to suspend from work, dismiss, or transfer staff members considered to be unsuitable for performing their assigned work.

Article 25 Staff allowance

The allowance for the staff of the registration offices shall be allocated by the

²² As set out in Article 2 (Definitions), 'the Law' means the Voter Registration (Amendments and Additions) Law - Law no. 37/2007 as amended in 2014. Article 33 states the following:

'1. In order to implement the registration, the Commission shall appoint employees, possessing expertise and skills in the implementation of the registration, who shall include the following :

- a) The Voters' Register Officer(s) who shall be responsible for the management of the Register and shall also act as head of the Voter Registration 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 region.

2. Employees recruited for the various Voters' Registration offices must be Somalilanders 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:

- 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.'

²³ This power is given under Article 33(1) of the Law which does not set any fixed numbers for the registration staff (see the preceding footnote).

Commission on the basis of the positions to which various staff members have been appointed.

Article 26 Regional and District Staff of the Commission

1. The Commission shall employ registration staff for the region and the district.
2. The Commission shall enter into a fixed term agreement with the staff it recruited for regions and the districts, which shall give the Commission the power to increase or decrease the period of the agreement.
3. The agreement entered into with the above mentioned staff shall specify the functions and duties of every regional or district staff member.
4. The following are ineligible for employment as Commission staff for the regions and districts:
 - i. A person who is not citizen.
 - ii. A person with mental incapacity.
 - iii. Members of the national (*political*) parties.
 - iv. Members of the national councils²⁴.
 - v. Employees of the state²⁵.
 - vi. The national Forces²⁶.
5. The other criteria shall be the same as those applicable to the chairmen of the regional and district electoral offices²⁷.

Article 27 Duties and Responsibilities of Regional Chairman

1. S/he shall manage the regional Voters' Registration Office.
2. S/he shall assist the Commission in the recruitment (*and*) training of the core staff

²⁴ See the definition of 'National Councils' in Article 2 of these Regulations, and the footnote relating to the similar requirement under Article 6(9)(a). Note, however, that the following Clause 5 of this Article links the criteria for selection of the regional and district registration staff to those applicable to the Chairmen of regional and district electoral office, which include exclusion of the chairmen of local authorities from acting as electoral staff (see Article 19(5) of the 2001 Election Law - Law No. 20/2001 as amended - and states that '*the chairmen of the districts, regions and local councils, and candidates standing for elections cannot be appointed to electoral offices*').

²⁵ I have translated 'dawladda' as the 'state' rather than the 'government', which means that the exclusion covers not just central government employees but also, unless otherwise specified, all public employees, including those of the local councils. This Clause incidentally applies only to registration staff at the regional and district level, but note that there is a similar Clause 37(1)(f) of these Regulations that applies to the more numerous staff at the registration stations, and which, significantly, exempts teachers employed by the state from the exclusion.

²⁶ This includes the Police Force and the Corrections Corps.

²⁷ These additional criteria for the chairmen of the regional or district electoral offices are set out in Article 19(7) of the [2001 Election Law \(Law No. 20/2001 as amended\)](#) which states that '*[t]he eligibility criteria for the appointment of the chairmen of the district and regional electoral offices shall be the same as those for the appointment of the members of the Commission*'. The relevant criteria for the Commission members are set out in more detail in Article 12 of the 2001 Election Law.

and their deployment at each registration station that they will be operating.

3. S/he shall lead the day to day activities of the regional registration office.
4. S/he shall oversee the performance of the district registration office(s).
5. S/he shall work closely with the district registration office(s).
6. S/he shall assist the Commission in the assessment of the conditions relating to the suitability of the voters' registration stations.
7. S/he shall assist the Commission in (*respect of*) the training venues for the registration staff.
8. S/he shall ensure that monthly and other periodic reports are submitted, at their planned times, to the headquarters of the Commission.
9. S/he shall prepare a periodic report about the regional registration office.
10. S/he shall have a close working relationship with the regional representatives of the national (*political*) parties and with the heads of the regional authorities.
11. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*²⁸, these Regulations and the agreements s/he entered into with the Commission.

Article 28 Functions and duties of the Regional Secretary

1. S/he shall report to the Commission Regional Chairman.
3. S/he shall particularly work with the financial manager of the Commission headquarters so as to ensure the timely disbursement of the regional funds for the registration work.
3. S/he shall ensure that the financial procedures are strictly followed.
4. S/he shall prepare each month a comprehensive financial statement which s/he must submit to the Commission headquarters at the end of every month.
5. S/he shall maintain the petty cash for the office.
6. S/he shall deal with inventory orders and at the same time be responsible for the

²⁸ Other than the criteria for employment of the Regional Registration Chairman which are similar to those relating to the regional electoral officers set out in the 2001 Law, which are not duties, the purpose of the referral to this Law in this Clause is not clear. It is perhaps more likely that this reference was to the more relevant Voter Registration (Amendments and Additions) Law which is mentioned in both the preamble and Article 2 of this Law. The same references to the duties in the 2001 Elections Law are repeated in Articles 28(7), 29(5), 30(5), 31(9), 32(8), 33(6) and 34(5) to which similar comments apply.

required registration equipment (*and materials*), those that are being used and those that are ordered.

7. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*²⁹, these Regulations and the agreements s/he entered into with the Commission.

Article 29 Functions and duties of the Deputy Chairman

1. S/he shall assist the chairman in ensuring that the work of the regional registration office runs smoothly and that every activity is completed by its scheduled time.

2. S/he shall assist the Commission in all the activities aimed at completing the registration of voters in the region, which is being undertaken by the Commission district registration chairmen.

3. S/he shall perform any other task delegated to him/her by the Commission or the regional chairman.

4. S/he shall fill the position of the chairman in the circumstances where the chairman leaves the position, is ill, resigns, is absent or dies.

5. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*³⁰, these Regulations and the agreements s/he entered into with the Commission.

Article 30 Functions and duties of the Regional Coordinator

1. S/he shall inspect the voters' registration stations in the region.

2. S/he shall assist the regional chairman in the assessment of the suitability and the conditions of the registration stations in the region.

3. S/he shall particularly work with the regional staff of the Commission.

4. S/he shall perform any other task assigned to him/her by the chairman or the Commission.

5. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*³¹, these Regulations and the agreements s/he entered into with the Commission.

Article 31 Functions and duties of District Chairman

1. S/he shall manage the district voters' registration office.

²⁹ *ibid.*

³⁰ *ibid.*

³¹ *ibid.*

2. S/he shall be responsible for the recruitment³² of the interviewers at the *registration stations* in the district.
3. S/he shall maintain a (*close*) working relationship with the regional registration office.
4. S/he shall assist the Commission in the assessment of the suitability and conditions of the registration stations in the district.
5. S/he shall assist the Commission in the hiring of the training venues for the registration staff of the district.
6. S/he shall ensure that monthly as well as periodic financial reports are prepared and submitted to the Commission.
7. S/he shall ensure that those periodic reports of the registration activities of the district registration office are prepared.
8. S/he shall maintain a close working relationship with the representatives of the (*political*) parties in the district and with the district authorities.
9. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*³³, these Regulations and the agreements s/he entered into with the Commission.

Article 32 Functions and duties of the District Secretary

1. S/he shall report to the chairman of the district (*registration office*).
2. S/he shall assist the chairman in the *recruitment* and *selection* of the interviewers³⁴.
3. S/he shall particularly work with the financial manager so as to ensure that the funds assigned for the registration are properly utilised as planned.
4. S/he shall ensure that the financial procedures are strictly followed.
5. S/he shall prepare a comprehensive financial statement every month and shall submit it to the headquarters of the Commission at the end of every month.

³² In the light of the corresponding provision (Article 27(2)) relating to the role of the regional chairman recruitment of registration staff, which is limited to assisting the Commission, and the express provision in Article 36(4) stating that the Commission is responsible for the appointment of registration station staff members including the interviewer, it is not clear whether the district chairman shall be 'responsible for the recruitment' of interviewers, but it might well be the case is this is an exception to the other provisions. It is perhaps possible that task is '*assignment*' rather than '*recruitment*'.

This Clause 31(2) also referred incorrectly to 'polling' rather than 'registration' stations.

³³ See the above footnote comment relating to the identical Article 27(11) of these Regulations.

³⁴ This is linked to district chairman' role set out in Article 31(2) of these Regulations and the footnote comments there apply equally to this Clause.

6. S/he shall be particularly responsible for maintaining the petty cash for the office.
7. S/he shall deal with inventory orders and at the same time be responsible for the required registration equipment (*and materials*), those that are being used and those that are ordered.
8. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*³⁵, these Regulations and the agreements s/he entered into with the Commission.

Article 33 Functions and duties of the District Office Tallier

1. S/he is a member of district registration office.
2. S/he shall assist the chairman and other staff in the performance of their duties.
3. S/he shall participate in the voters' registration activities in the district office.
4. S/he shall assist the chairman in the proper administration of the district office.
5. S/he shall assist in any other tasks assigned to him/her by the chairman.
6. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*³⁶, these Regulations and the agreements s/he entered into with the Commission.

Article 34 Functions and duties of the District Scrutineer

1. S/he shall assist the chairman in the proper administration of the office
2. S/he shall undertake the role of scrutineer in the registration of activities.
3. S/he shall assist chairman during the tallying of the voters' registration forms.
4. The Scrutineer shall perform any other tasks assigned to him/her by the district chairman.
5. S/he shall perform the other functions and duties set out in the *Presidential and Local Council Elections Law (Law No 20/2001)*³⁷, these Regulations and the agreements s/he entered into with the Commission.

Article 35 Oath of the voters' registration staff

The members appointed for regional and district registration stations shall be publicly

³⁵ See the above footnote comments relating to the identical Article 27(11) of these Regulations.

³⁶ *ibid.*

³⁷ *ibid.*

sworn in by the Chairman of the District Court who shall administer the following oath:

"I SWEAR BY ALLAH [repeated³⁸] THAT THAT I SHALL PERFORM THE REGISTRATION WORK EFFECTIVELY AND HONESTLY, AND SHALL ACT IN ACCORDANCE WITH THE LAW AND JUSTICE"

Article 36 Staff working at the voters' registration stations

1. The Commission voters' registration staff engaged at the voters' registration station are the following three persons:
 - a) The station chairman (supervisor).
 - b) Interviewer.³⁹
 - c) Operator.⁴⁰
2. The staff referred to above (in the preceding Clause) shall be assisted by the security forces and by the representatives of the Ministry of Internal Affairs (*assigned to the station*).
3. The Commission has the power to increase or decrease the number of staff on the basis of the existing needs at any time.
4. The chairman, the interviewer and the operator shall be appointed by the Commission which can, if necessary, substitute their respective roles.

Article 37 Requisite Criteria for staff of the voters' registration stations

1. The criteria for the appointment of the Commission staff working at the voters' registration stations shall include⁴¹ the following:
 - a) S/he must be a Somaliland citizen *born to*⁴² the Republic Somaliland.
 - b) S/he must be mentally fit;
 - c) S/he must not be a member of the national councils (*golayaasha*⁴³) of the Republic of Somaliland.
 - d) S/he must not be a member of the national (*political*) parties.
 - e) S/he must not be an employee of the state⁴⁴, with the exception of teachers.
 - f) S/he must be a responsible person who is capable of undertaking the registration

³⁸ In Somali: '*Waxa igu Walaahiya oo igu billaahiya ...*'

³⁹ In Somali '*Xog-ururiye*' meaning '*Information Collator*'. The English term 'interviewer' is, however, already used by the Commission for this role and is noted in brackets in the Somali text.

⁴⁰ In Somali '*Xog-geliye*' meaning '*Information Input Operator*'. The term 'operator' is already used for this role and appears in brackets in the Somali text.

⁴¹ This list is therefore not exhaustive.

⁴² As I have often raised, this wording has to be read as simply being a partial of Somaliland in accordance with Article 4(1) of the Constitution, but, as the Somaliland Citizenship Law indicates, citizenship can be acquired in other ways, as well, and therefore in view of the constitutional guarantee of equal treatment of citizens (Article 8), unless there is a lawful reason to do otherwise, criterion like this should simply state (or be read as stating) that person must be '*a Somaliland Citizen*' with no other additional qualifying terms.

⁴³ See above footnotes to Article 9(6)(a) and to Article 26(4)(iv) of these Regulations relating to this condition about 'national councils'. Article 2 of the Law also provides a brief definition of the term.

⁴⁴ See footnote relating to the similar wording in Article 26(4)(v) of these Regulations.

functions.

g) S/he must show capability, honesty, and trustworthiness, and have a good reputation within the community.

h) S/he must have a university degree, or be a university student or hold equivalent qualifications.

i) With the exception of the interviewers, s/he must have good knowledge of and be able to use computers and modern equipment.

j) S/he must not have been subject of a final conviction for a criminal offence within the last three years

k) S/he must comply with the laws and with the Voters' Registration Law.

Article 38 Functions and duties of the station chairman

1. The registration station chairman shall be responsible for the day to day activities of the registration station.

2. S/he shall open and also close the registration station every working day in accordance with the (*Voter Registration*) Law and these Regulations.

3. S/he shall be particularly responsible for the materials and equipment used for the voters' registration.

4. Whilst utilising the services of the security forces, the chairman shall keep the order at the registration station and determine the number of registrants who can be admitted into the registration station once, without including (*the number of*) the registration staff, parties' representatives, observers and any other persons approved by the Commission.

5. The station chairman may order the security forces to arrest any person who is shown to be attempting to register more than once, and the security forces must then transfer such persons as soon as possible to the closest (*police*) station so that they can be prosecuted *for the offences* attracting the punishment set out in Article 44 of the (*Voters' Registration*) Law⁴⁵.

6. The registration station chairman shall order anyone, including (*political*) parties' representatives, observers, and the media, who contravenes the provisions of these Regulations or disrupts the proper conduct of the registration to be expelled from the registration station or from the queue.

7. Any person who fails to comply with the orders of security forces (*at the registration station*) commits an offence and the security forces shall take the (*appropriate*) steps against the person in accordance with the law⁴⁶.

⁴⁵ For more details about the relevant offences and their punishment, see Article 44 of the Law (and its related extensive footnotes).

⁴⁶ For example, under Article 505 (*Non-observance of Orders of the Authorities*) of the Penal Code - 'Whoever fails to observe an order lawfully given by any public Authority, in the interests of justice, public security, public order or hygiene, shall be punished, where the act does not constitute a more serious offence, with imprisonment of up to three months or with fine of

8. The registration station chairman shall take all steps s/he deems necessary for the protection of every person at the registration station, so as to prevent the occurrence of any disturbance or trouble at the registration station.

9. The powers set out above in this Article shall, in no way, be exercised so as to refuse the registration of a citizen who fulfils the eligibility registration criteria⁴⁷.

Article 39 Functions of the operator

1. The operator shall be responsible for entering the information on the voters' registration form into a computer, performing the screening of the particulars of the eye (iris) and taking the photograph of the person.

2. After registering a person, s/he shall issue a Certificate of Registration to him/her.

Article 40 Functions of the interviewer

1. The interviewer shall interview the person and enter the *particulars of the person* in the voter's registration form.

2. S/he shall complete the voter's registration form.

3. After completing the voter's registration form, he shall ensure that the name and the other particulars are accurate and read it back to the registrant for confirmation.

Article 41 Security personnel⁴⁸

1. The police officers⁴⁹ guarding the registration station are responsible for safeguarding the security of the station, organising the queues, and arresting any person who attempts to register twice.

2. They shall undertake the protection and safeguarding of the security of the registration equipment and staff.

3. The security forces working at the (*voters' registration*) station may enter inside the station if the station chairman asks them to do so, and, (*if so,*) shall take their orders

up to *SL Shs. 3,000,000.*'

In particular, if the security forces were fulfilling the lawful order of the registration station chairman, then the failure to observe such an order would amount to an offence (albeit a contravention rather than a crime) under this article of the Penal Code.

⁴⁷ If that is done by any of the registration staff, then this will amount to a criminal offence under Article 44(4) of the Voter Registration (Amendments & Additions) Law, punishable by imprisonment of 3 to 5 years. This would also amount to an unlawful denial of the citizen's fundamental right to vote enshrined in Article 22(2) of the Constitution.

⁴⁸ It is only in this Article heading and in Clause 4 of this Article that the term 'security personnel' (*shaqaalaha amniga*) is used for the 'security forces' (*ciidamada amaanka*). The latter term is used throughout the rest of these Regulations, such as in Articles 36, 38, 41, 54, 55 and 58.

⁴⁹ In the rest of these Regulations, the police force is referred to as the security forces.

from the station chairman.

4. If it appears that there is a real danger facing the registration staff or the persons registering, the security personnel shall, whilst consulting the station chairman, instruct that the persons in the queues should disperse and that the station be closed until the danger is dealt with/removed.

5. The station chairman must report (*the incident*) as soon possible to the Commission and to its district/regional offices.

Article 42 Functional role of the of the Ministry of Internal Affairs

1. The functional role of the Ministry of Internal Affairs in the conduct of the voters' registration process shall be the verification of the citizenship of the registrants who do not possess an Identity Card⁵⁰.

2. The Ministry shall send a representative to every voters' registration station who shall verify the citizenship of citizens who possess a citizenship Identity Card.

Article 43 Verification of the citizen

1. The person who does not possess a citizenship Identity Card shall have his identity verified by a representative from the Ministry of Internal Affairs.

2. The representative of the Ministry must be satisfied that the registrant is, in accordance with the law⁵¹, a citizen of the Republic of Somaliland.

3. If s/he (*the representative of the Ministry*) is not satisfied that the person is citizen, s/he shall ask the person to bring someone well known in the locality, such as a Sultan, an Akil; a member (*of one*) of the two Houses of Parliament (*or of*) the local councils; a village Imam; a local business person⁵².

4. The citizenship of the person can also be verified by (*the production of*) a Somaliland passport, an identity card issued by a local government, (*or*) a birth certificate issued by Somaliland.

Article 44 Confirmation of the voter's age

1. The age of the citizen shall be the age recorded in the citizen's Identity Card.

2. The citizen who does not possess an Identity Card may have his/her age verified by (*the production of*) of other identification documents such as an identity document (*or*)

⁵⁰ This role of the Ministry is set out in Article 25(2) of the 2014 Voters' Registration Law (and previously in Article 15 of the 2007 Law).

⁵¹ The relevant law is the [Somaliland Citizenship Law](#) (Law No. 22/2002).

⁵² These are essentially the acceptable verifiers of citizenship for the issue of a citizenship Identity Card under Article 17(1) of the 2014 Voters Registration (Amendments and Additions Law). Note this Clause of the Law also includes 'village Head'.

passport indicating the age (birth) of the person.

3. If the registrar⁵³ is unsure or has is unclear about whether the age of the citizen has reached the qualifying age for registration for the (*forthcoming*) election, the citizen's parent shall be accepted asked and the age so confirmed shall accepted. If no parent is available, the station chairman shall make a determination about the citizen's age.

4. If the citizen is a person who does not reach the qualifying age for voting at the time of the registration, but will reach that age at the polling date, that person shall be registered.

PART FIVE

Article 45 Parties' representatives

1. The three national parties shall each send one representative to each (*registration*) station. They may also send substitutes⁵⁴ if any of them are absent.

2. The representatives sent by the parties must be present at their stations at the times when the registration activities are being conducted, and shall submit, if any, their concerns or complaints.

3. The names of parties' representatives must be submitted to the Commission offices 10 days before the (*start*) date of the registration in the region.

4. The Commission shall issue each representative an accreditation (*card*) or a written approval allowing him/her to work at the assigned registration station.

5. Every party representative must, at all times, carry with his/her accreditation card⁵⁵ issued by the Commission, and any representative who not carry the accreditation card, shall lose the right to enter the voters' registration station.

6. Every party representative must comply with the Code of Conduct for the Political Parties⁵⁶ and with the registration laws in force.

7. The parties may substitute their representatives only when they have submitted a written request to the Commission and the request has been approved.

8. The party must include in its written request the reasons for substituting its representative and the details of the substitute.

⁵³ Note that under Article 2 of these Regulations, 'registrar' means any of 'the Commission staff conducting the registration of voters'.

⁵⁴ See, however, the procedures for substitution set out in Clauses 7 to 9 of this Article.

⁵⁵ Or, presumably, the Commission written approval mentioned as an alternative in the preceding Clause 4 of this Article.

⁵⁶ **The Voters' Registration Code of Conduct for the Political Parties** consisting of 22 articles was signed by the three political parties and the National Electoral Commission on 7 January 2016. The Code is much more detailed than the 2009 Code relating to then voters' registration.

9. In places where it is not possible to receive the written request for substitution, the Commission at that place (*station*) shall reach a decision about the request.

Article 46 Functions and duties of political parties' representatives

1. The parties' representatives shall check that the registration process is being conducted in accordance with the law, and shall observe, in their assigned stations, the registration activities carried out by the station registration staff.

2. The parties' representatives shall not interfere with or obstruct the ongoing registration process.

3. If the parties' representatives contravene the Code of Conduct, the (registration) station chairman has the power to expel him/her from the station, and shall so inform the Commission as soon as possible.

4. The parties' representatives may complete the complaint forms if they notice one or all of the following situations:

a) If persons who have not reached the (*qualifying*) registration age, as set out in the Voters' Registration Law, are registered.

b) If persons who are not born to (*citizens*) of the Republic of Somaliland are registered.

c) If persons who have met the requisite conditions for registration are refused registration.

d) If registrants are treated in a discriminatory⁵⁷ manner.

e) If registrants are put in a state of fear.

f) If the (*registration*) law and/or the Voters' Registration Regulations are not applied.

g) If, during the normal working hours, the registration station is not opened or no activity is carried out, without any reason.

5. The complaints made by the parties' representatives must be submitted to the Administrative Panel for the Resolution of Complaints⁵⁸ as soon as possible but no later than two days⁵⁹.

6. The parties' representatives shall not exhibit a writing, a sign, a card or any other

⁵⁷ As the prohibited grounds of discrimination are not specified in the Law or in these Regulations, it is the constitutional non-discrimination grounds set out in Article 8 (Equality of citizens) of the Constitution that could be applicable in these circumstances. The equality/discriminatory grounds listed in Article 8 are colour, clan (and clan affiliation), birth, language, gender, property, status, opinion, ethnicity, clan affiliation and residence. The underlying principle of Article 8 is that '*[a]ll citizens of Somaliland shall enjoy equal rights and obligation before the law*' and so, in general, unjustified less favourable treatment of a citizen in comparison to others in the same circumstances may be discriminatory.

⁵⁸ This is the Administrative Panel for the Resolution of Voters' Registration Complaints – see Article 66 of these Regulations.

⁵⁹ Presumably the two days' time limit starts from the date the complaint is made by the parties' representatives at the station. See more about the Administrative Panel for the Resolution of Voters' Registration Complaints in Article 66 of these Regulations.

matter indicating that they are representatives of a specific party, and shall not campaign at the registration station or its surroundings.

7. The parties' representatives shall come to work when the station is opened and shall leave when the station is closed.

Article 47 Criteria for party representatives

(Any) representative appointed by the parties must meet the following conditions:

1. S/he shall be a citizen born⁶⁰ to Somaliland.
2. S/he shall not be younger than 25 years of age during the year that the voters' registration is being conducted.
3. S/he shall not be a member of the national councils⁶¹ or of the district councils.
3. S/he shall be able to read and write.
4. S/he shall be a responsible person and of good conduct.

Article 48 International and local observers

1. The observers approved by the Commission shall observe the voters' registration activities being conducted at the voters' registration stations. The observers shall abide by the Code of Conduct (*for observers*)⁶².

2. The Commission shall issue accreditation cards to international and local observers after they have completed the approval form and signed the Code of Conduct.

3. International and local observers must carry their accreditation cards whenever they are performing their tasks.

Article 49 Local and international media

1. Local and international media may cover and, at the same time, report on the ongoing conduct of the voters' registration.

2. The approved media may enter the registration stations during normal working hours, but they cannot disrupt or obstruct the ongoing voters' registration activities at the station.

3. The media shall abide by the Voters' Registration Media Code of Conduct⁶³ and shall always carry an identity card indicating their respective media house.

⁶⁰ See footnote to the similar sub Clause 37(1)(a) of these Regulations.

⁶¹ See footnotes to Article 9(6)(a) and to Article 26(4)(iv) of these Regulations relating to this condition about 'national councils'. Article 2 of the Law also provides a brief definition of the term.

⁶² **The Code of Conduct for Voters' Registration Observers** has been issued by the National Electoral Commission in the exercise of the general powers given to the Commission under Article 45 of the 2014 Voters' Registration Law.

⁶³ It was reported that such a Code might have been signed by the Ministry of Information, Somaliland Journalist Association (SOLJA), Somaliland Women Journalist Association (WIJA) and NEC at a two day workshop held at the [Academy for Peace & Development](#) on 2-4 June 2015. No copy is available.

Article 50 Training of voters' registration staff

1. The Commission shall provide training to all the voters' registration staff so that they can perform their functions in an effective manner.
2. The voters' registration staff shall perform their functions in an honest, confident, fair, patriotic, thorough and proper manner.

Article 51 Protection of registration information

1. It is the duty of all the voters' registration staff to protect the confidentiality of the office and of the registration information.
2. Any person who discloses or otherwise benefits⁶⁴ from the registration information commits an offence punishable in accordance with the provisions of the Penal Code⁶⁵.
3. The duty to protect the confidentiality of the registration information shall continue to apply even after the completion of the registration activities or the expiry of the (*employment*) agreement with the person.

CHAPTER THREE: VOTERS' REGISTRATION MATERIALS

PART ONE

Article 52 Equipment/Materials for the voters' registration offices

1. The Commission shall prepare for the voters' registration stations the materials needed for undertaking the registration activities.
2. The Commission shall dispatch, at an appropriate time, the registration equipment including computer kit/s for the registration with their unique numbers for each station, for delivery at the voters' registration station.
3. All the various materials and equipment for use for the voters' registration must be strictly safeguarded and every station they are held should be recorded. They should then be returned to the places in the district/region specified by the Commission.
4. The Commission shall deliver, at the appropriate time, the necessary materials to the voters' registration stations.

⁶⁴ There is a specific offence of using the particulars of citizens in the Register in any manner contrary to the law or using it for benefit - Article 14(1) of the 2014 Voters' Registration Law.

⁶⁵ For example, Article 253 of the [Penal Code](#) - disclosure of official (or secret) information by a public officer or a person entrusted with a public service, which carries punishment from 6 months to 3 years, unless the disclosure was merely through *culpa*(negligence), in which case the punishment shall be imprisonment up to one year. This offence applies to both Commission staff/members as public officers and any other private persons the Commission entrusts him/her with working on the information or data and is not an employee may come under the rubric of a 'person entrusted with a public service'.

Article 53 Getting the registration stations ready

1. When the voters' registration is being conducted, the country shall be divided into different registration stations in line with the six regions into which the country is divided.
2. The Commission shall announce through the media the voters' registration stations assigned to each region/district.
3. The polling stations in the last election⁶⁶ shall serve as registration stations. However, the Commission shall have the power to set up new stations or to move the old stations to other locations in order to expedite the registration process.
5. The Commission may set up new registration stations in a region/district prior to the day⁶⁷ of registration of voters in such a region.
6. The registration stations of the country are set out in **Schedule One**⁶⁸ (*of these Regulations*).
7. The Commission shall lay down a system for identifying different registration stations by assigning each voters' registration station a unique code.

Article 54 Order at the voters' registration stations

1. Only the Commission staff, the registrants, the parties' representatives, the observers and the approved media may enter the registration station.
2. It is prohibited for anyone, other than the security forces working at the station, to bring weapons to the registration station
3. Registrants shall form queues and the number entering the station at any time shall be determined by the chairman of the station.
4. The registrants shall be processed in the order of their arrival, but consideration may be given to processing earlier in the event of special circumstances, such as (*in the case of*) a disabled person, the elderly, lactating or pregnant mother, a sick or feeble person, or a person working at the registration process who wants to register him/herself.

⁶⁶ The 2012 nation-wide local elections.

⁶⁷ This appears to refer to 'the first' day (or the commencement date) of the registration in that region.

⁶⁸ The Schedule is titled '**Voters Registration Stations by District/Region**' and lists 1146 stations in the six regions of the country by district, number and name of the station and the polling station it is based on and in the few cases where more than polling station is merged into one registration centre, the names of all such merged polling stations. The Schedule runs to 46 (A4) pages. Article 34(1) of the 2014 Law gives the Commission the statutory power to set out the details registration station in Regulations. The polling station used are those set up for the last (nation-wide local district councils) elections in 2012, but the Commission has, in any case, specific powers to set up polling stations for elections under Article 9(3) of the 2001 Election Law and Article 11(2) of the 2005 Election Law.

Article 55 Period of the registration of voters' process

1. The registration process shall start at 6:00 am in the morning and finish at 6:00 pm in the evening. However, the voters' registration staff and the parties' representatives must be present at their assigned work places at least half an hour (30 minutes) before the start of the registration.
2. The registration shall continue, if (*at the closing time*) there are registrants still in the queue who have not been registered yet, until the completion of the registration of all such registrants in the queue.
3. It is the duty of the security forces to mark the last person in the queue at the closing time of the registration (*at 6.00 pm*) and, at the same time do not allow any new comers to join the queue.

PART TWO

Article 56 Voters' Registration Form

1. The Registration Form shall form the basis of the voters' registration, and only the particulars of the person in a fully completed Registration Form can be registered. The following particulars of the voter shall be recorded in the Registration Form:
 - a) The name of the voter, in four⁶⁹, and, if s/he carries an Identity Card, recorded as written in the Identity Card.
 - b) The name of the mother, in three⁷⁰.
 - c) The year⁷¹ 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.
2. The Electoral Commission has the power to add to the Registration Form any additional information it considers to be important for the registration.

PART THREE: VOTERS' REGISTRATION PROCEDURE

Article 57 Voters' registration procedure

⁶⁹ This indicates, in Somaliland's patrilineal personal nomenclature, the first name of the person (male or female) followed by the (first) names of his/her father, grandfather and great grandfather. Normally the first three names are used, but for identity databases in a country where home addresses are not available, four names assist in the differentiation of persons who have similar popular sequence of names.

⁷⁰ See preceding footnote. In this sub clause relating to the registrant's mother, only 3 names are required – first name followed by the (first) names her father and grandfather.

⁷¹ 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 footnote relating to Article 6(1)(d) of these Regulations and that relating to the similar Article 6(2)(d) of the 2014 Voters' Registration Law.

1. During the initial core period⁷² of the registration, registrants must register themselves at the stations⁷³ where they will be casting their votes.
2. Where, in towns, some (*polling*) stations are combined (*into one registration station*), the citizen may register at the registration station, but may choose one of the other combined polling stations⁷⁴ as the polling station where s/he can cast his vote.
3. During the residual period⁷⁵ of the registration, registrants shall choose at the district (*registration*) stations left open for this period the specific polling station within the district that they shall cast their votes.
4. The Commission shall issue a comprehensive procedures manual setting out the procedures and proper conduct of the registration process from beginning to end.

CHAPTER FOUR: REFUSAL AND COMPLAINTS

PART ONE

Article 58 Refusal of registration request

1. If the registrar⁷⁶ or representative of the Ministry is not satisfied that a person does not fulfil the registration criteria, s/he shall give that person seeking registration a refusal notice whilst stating the reasons for the refusal.
2. If the registrar notices that the person seeking registration has already registered him/herself at another station or the same station, s/he shall reconfirm the particulars of the person and print out the details showing that the person has attempted to register more than once. If it appears to the registrar that the person has intentionally committed the act deliberately did it, he shall inform the person that s/he committed an offence⁷⁷ and shall order the security forces to arrest him/her.
3. The refusal notice form of the person seeking registration shall consist of three copies of different colours with the original copy being handed to the person refused

⁷² See Articles 7(2) of the Regulations for the core and residual stages of the actual registration period.

⁷³ The vast majority of the total planned 1146 Registration Stations will be the electoral polling stations of the last 2012 election, but some registration stations in the regional capital towns may be covering more than one to four adjacent polling stations (see the following Clause 2 of this Article).

⁷⁴ As an example, there are roughly 78 Registration stations (in the 6 capital towns), each of which includes two to four combined polling stations. More than half of these combined Registration Stations are in the capital, Hargeisa – (41 in Hargeisa; 7 in Borama, 3 in Berbera; 13 in Burao; 10 in Las Anod and 4 in Erigabo).

⁷⁵ See Article 7(2) for the residual period (of 14 or 21 days) which follows the initial core period (of 7 or 14 days) when all the registration stations in a region are open.

⁷⁶ As set out in Article 2 of these Regulations, 'registrar' means any of 'the Commission staff conducting the registration of voters'. In practice it is more than likely that the serious issues involved in refusal of registration may well involve the station chairman's attention.

⁷⁷ Article 44 to 2014 Voters' Registration Law sets out the offences of registering (or attempting to register) more than once.

registration, the second copy being forwarded to the district/regional office, and the last copy being retained in the (*refusal*) forms book which will be forwarded to the Commission headquarters.

4. At least one refusal of registration forms book shall be delivered to every registration station.

PART TWO

Article 59 Complaints against refusal of registration

1. During the registration period, the Commission must publicise the procedure for and the period in which a complaint can be made against a (*registration*) refusal decision.

2. Whilst taking the refusal form given to him/her by the registration station staff, any person who is not satisfied with the (*refusal*) decision of the registrar may complain to the district registration office within a period not exceeding two days⁷⁸.

3. The district office shall assess and reach decisions about the complaints relating to (*registration*) refusal within a period of two days of their receipt.

4. The decision of the district registration office must be communicated to the relevant station as soon as possible within a period not exceeding 2 days⁷⁹.

5. Any person who is not satisfied with the decision of the district registration (*office*) can complain through the district office to The Administrative Panel for the Resolution of Voters' Registration Complaints⁸⁰ of the Electoral Commission,

6. The district (*registration*) office must submit the complaints of the citizens to The Administrative Panel for the Resolution of Voters' Registration Complaints as quickly as possible.

7. Any decision issued⁸¹ by The Administrative Panel for the Resolution of Voters' Registration Complaints is administrative in nature and can be appealed against to the competent court⁸².

⁷⁸ The two day period starts from the date of refusal, but the Regulations do not state otherwise, the standard Somaliland practice of not counting the incident date means that the person has two clear days to submit his/her complaint (see footnote 12 above referring to Article 110 of the Civil Procedure Code).

⁷⁹ It is not clear when this 2 day period starts, but to underline the need for expedition, the Commission may well prefer to read Clauses 3 and 4 together and oblige the district office to inform the station immediately when it reaches a decision within the Clause 3 two day time limit.

⁸⁰ See Article 66 of these Regulations for the composition and powers of this Panel.

⁸¹ No time limit for reaching a decision appears to have been set for the Panel. As the Panel will be setting out their procedure for reviewing the complaints, perhaps it may see it essential to have target periods for making these final administrative decisions. Some thought needs to be given, as well, to the fact that some of these 'administrative' complaints may well involve criminal offences which are being dealt with by the prosecuting authorities and so care must be taken in not impeding, in any way, such prosecutions. Different standards of proof apply in administrative and criminal cases.

⁸² As this is a final decision of an administrative body, the competent court that has jurisdiction to deal with such administrative cases is the Somaliland Supreme Court (see Article 10(3)(c) of the Organisation

8. The (*Registration*) station chairman shall address every complaint the registrants have about the conduct of the work of the registration station.

CHAPTER FIVE: CLOSURE OF THE REGISTRATION STATION

PART ONE

Article 60 Closing the voters' registration process and transferring the equipment/materials

1. When the station chairman finalises the voters' registration process, s/he shall back up the electronic information, prepare (*a record of*) the total number of voters registered and place them in their relevant assigned boxes.
2. The station chairman shall also place in the assigned envelope⁸³ the (*records of the*) number of spoilt (*voters' registration*) forms, the (*registration*) refusal notice forms issued, and the evidences of the person(s) who attempted to register more than once.
3. The boxes (*and envelopes*⁸⁴) shall be sealed, stamped at the top with the station stamp and signed at the top by both the chairman and the of the station.
4. The details of the contents of each box (*and envelope*) shall be noted on its top.
5. The voters' station chairman, accompanied by at least a member of the station staff and the police providing security shall convey and transfer the equipment, documentary records and the boxes (*and envelopes*) of the station to the regional registration office within a period not exceeding 12 hours after the end of the registration.
6. When the equipment and the boxes (*and envelopes*) are transferred to the regional registration office, confirmation of the receipt of the transfer shall be given by the regional chairman.
7. The registration equipment shall be used again and shall be prepared for use in the region next in line to the one where the registration has been concluded.

CHAPTER SIX: PRELIMINARY LISTS

PART ONE

Article 61 Production of preliminary voters' registration lists

[of the Judiciary Law – Law No. 24/2003 \(2008\)](#). The time limit is 30 days from the receipt of the final decision of the Panel (Article 18(1) of the OJ Law).

⁸³ The term 'gal', in Somali, means 'envelope'.

⁸⁴ Although this Clause 3 and its following Clause 4 mention boxes only, the preceding Clause 2 refers to envelopes, and it is highly likely that these further requirements on the seals and notice of contents also apply to envelopes.

1. When the Commission finalises the registration of voters and is satisfied that the registration has been conducted properly, it shall produce a preliminary voters' lists.
2. The preliminary voters' list for each polling station shall be prepared. The voters' list prepared for each polling station shall include the each voter's unique number, his/her name in four⁸⁵, age, gender, photograph and polling station.
3. The Commission shall produce⁸⁶ the preliminary voters' lists after the voters' registration in all the regions is completed, screening is undertaken, anyone who registered more than once is removed, and the existing complaints are addressed.
4. The Commission shall also produce the list of any persons who have registered more than once.
5. The Commission shall, at the latest a week before the date of publication of the preliminary voters' list, issue a public notice relating to the time(s) and place(s) where the preliminary voters' lists shall be affixed.
6. The Commission shall utilise other possible methods of publicising the preliminary voters' lists.

PART TWO

Article 62 Complaints relating to the production of the preliminary voters' lists

1. When the preliminary voters' registration list is produced, only⁸⁷ a person who has the Certificate of Registration may make a complaint about it.
2. Complaints may be related to one or all of the following matters:
 - a) A polling station other than the one the person has selected has been assigned to him/her.
 - b) The person's name does not appear in the Register.
4. Any person who is complaining must fill the form designed for complaints, which shall be issued to him/her by the Electoral Commission at district level.

⁸⁵ See the footnote relating to Article 56(1)(a) above.

⁸⁶ The Somali term used here - '*soo dhajin*' - means literally 'affix', for example on a notice board, which is described further in Clause 5 of this Article. As there is no indication in this Clause 3 and the following Clause 4 where the lists shall be affixed, I have chosen the term 'produce' in these Clauses. The modes of publicising the lists through affixing them in public places and through other means are covered by the following Clauses 5 and 6 of this Article. It could also be that the term meant was '*so dajin*' (without the *h*) which means literal 'unload', but in the digital world could also mean 'download' (and print) or produce the documents i.e the lists.

⁸⁷ Note this refers to individuals complaining about their own particulars in respect of the preliminary lists and confirms that only such persons have standing to complain about the matters that concern them as individuals who already possess a registration certificate. The legitimate complaints by the political parties which relate to the process are dealt with separately under Clause 5 of this Article.

5. Any complaints the national parties may have about the provisional⁸⁸ register must be submitted⁸⁹ with 7 days beginning from the date that provisional register is published. The political parties may complain if they notice that in the published (*preliminary voters'*) lists -

- 1) persons who are not citizens, but have been registered;
- 2) persons who have not reached the registration age in accordance with the Voters' Registration Law, but have been registered;
- 3) persons entitled to be registered but have been denied registration without the existence of any justifiable reason.

Article 63 Complaint Forms

1. The Commission shall produce and deliver to every place/*station*⁹⁰ complaint forms⁹¹.

2. The complaint forms shall consist of three copies of different colours and indicating the recipient of each copy.

3. The complaint forms must be delivered to the regional offices of the Electoral Commission so that they can reach decisions about them.

4. If the regional office considers unable to address the complaint, it shall forward it to the (*Administrative*⁹²) Panel for the Resolution of Voters' Registration Complaints.

5. Any person who is not satisfied with the decision of regional office has the right to submit his/her complaint to the Commission's (*Administrative*) Panel for the Resolution of Voters' Registration Complaints.

6. The Electoral Commission shall establish a panel dealing specifically with the resolution of the administrative complaints relating to the registration of voters⁹³.

7. Any decision issued by (*Administrative*) Panel for the Resolution of Voters' Registration Complaints is an administrative decision and any person not satisfied with it may appeal to the Supreme Court of the Republic of Somaliland⁹⁴.

⁸⁸ The voters' lists published initially are described as 'preliminary', but cumulative lists, which are given to the three political parties are referred to here as 'provisional' or interim Register.

⁸⁹ Presumably to the National Electoral Commission.

⁹⁰ It not clear whether the reference to this station/place is the registration station (which is invariably also the polling station, except in the relatively few places where these were combined as one registration station) or the places where the preliminary lists have being affixed, but the publicity notice from the Commission issued under Article 61(5) will probably cover this point.

⁹¹ Presumably the forms will include clear information as to how and where the complainant will find out about the decision reached about his/her complaint (or will be informed in some other way at the time of collecting the form). See Article 65(5) for the mode of communication through public display boards, which appears to be the only practical method, at present.

⁹² The reference to 'administrative' is missing from here.

⁹³ This establishment Clause ought to have come before Clause 4 of this Article. It is repeated again in Article 66(1) below. The same Panel has already been mentioned in Article 46(5) above.

⁹⁴ This is in line with Article 10(3)(c) of the [Organisation of the Judiciary Law – Law No. 24/2003 \(2008\)](#). The time limit for taking such appeals against final administrative decisions is 30 days from the receipt of

Article 64 The period complaints can be made and appeals

Any person complaining about the information in the preliminary voters' list must submit his complaint within seven days beginning from the date of the publication of the preliminary lists.

Article 65 Decision making on complaints relating to the preliminary voters' lists

1. The Commission regional office shall reach decisions about the complaints relating , to preliminary voters' lists after it has examined them and considered whether they are justifiable, and shall put a request to the central office of the Commission where a correction (*of the lists*) is required.
2. If the complaint relates to technical issues, the chairman of the Commission regional office shall submit it to The Administrative Panel for the Resolution of Voters' Registration Complaints so it can address such a complaint.
3. After studying the nature of the complaint, the national level complaint and conflict resolution committee shall make/pass an administrative decision to address the complaint
4. A decision must be reached about every complaint within ten (10) days.
5. The decision shall be forwarded to and posted⁹⁵ on the places (*boards*) where the preliminary voters' lists have been displayed.

PART THREE

Article 66 The Administrative Panel for the Resolution of Voters' Registration Complaints

1. The Commission shall establish an Administrative Panel for the Resolution of Voters' Registration Complaints which shall reach decisions about the complaints relating to the registration of voters.⁹⁶
2. The Administrative Panel for the Resolution of Voters' Registration Complaints shall have its seat at the main headquarters of the National Electoral Commission.
3. The Administrative Panel for the Resolution of Voters' Registration Complaints shall consist of the following six members:

the final decision of the Panel (see Article 18(1) of the OJ Law) – electoral cases that that reach the courts are usually dealt with expeditiously by the courts. Note that, as set out in Article 59 of these Regulations, this Panel also deals with complaints against refusal of registration, and similar considerations apply in respect of appeals to the Supreme Court against the Panel's final decisions – see Article 59(7).

⁹⁵ See footnote 91 above relating to Article 63(1). In the current circumstances, this appears to be the only practicable method of communicating the decisions.

⁹⁶ This appears to be a repetition of Article 63(6).

- a) Two members of the Electoral Commission at national level.
- b) The Legal Affairs Adviser of the Commission.
- c) The Head of the Registration Department.
- d) The Head of the Operations Department.
- e) The Head of the IT Department.

4. In the periods when the voters' registration is ongoing, the Administrative Panel for the Resolution of Voters' Registration Complaints may work at any region where the voters' registration is being conducted and shall respond most urgently to the complaints submitted to them.

PART FOUR

Article 67 Final Voters' Register

1. After reaching decisions about the complaints and making any corrections that have been decided upon, the Commission shall produce the final Voters' Register which is divided into regional, district and polling station levels.
2. The final Voters' Register shall be produced six months⁹⁷ before the election polling date.
3. The Voters' Register shall be confidential information kept in computers and registers pulling together all the particulars recorded in respect of each citizen when being registered as a voter.
4. The Voters' Register is a national asset and the National Electoral Commission is responsible for its care and protection.
5. It is forbidden for the particulars and details in the Voters' Register to be taken out of the country⁹⁸.

Article 68 Distribution of the Voting Card

1. Any person who is recorded in the final Voters' Register has the right to be issued with a Voting Card when s/he presents his/her Certificate of Registration. The Voting Card shall have recorded on it following particulars:

⁹⁷ This reflects the unwieldy (and controversial) condition in Article 26(2) of the 2014 Voters' Registration Law. Once a comprehensive Voters' Register is established after this (2016) iris recognition based voter registration exercise, there may not be a need for such a such a long period.

⁹⁸ This mirrors Article 14(5) of the 2014 Voters' Registration Law. In a digital era, this is an imprecise wording, but the mischief that been addressed here is the wholesale or partial export out of the country of the data of the Register which includes the personal particulars of the registrants. Countries have such rules for the protection of their citizens' data. However, summaries of statistical information based on the publicly available information from the Voters' Register that do not compromise the privacy of the registrants and is used for legitimate reports or studies would presumably not contravene this Clause. The Commission needs to develop more detailed regulations addressing the confidentiality of the information in the Register, as well as the limits of the legitimate handling/use of some of the information on the Register or the lists.

- a) The (*voter's*) name in four⁹⁹ recorded in equally sized letters of the same font.
 - b) The photograph of the voter.
 - c) The number of the (*voter's*) Identity Card.
 - d) The voter's registration reference number.
 - e) His/her year of birth.
 - f) Gender (male or female).
 - g) The polling station where the voter may cast his/her vote.
2. Any person who had his Certificate of Registration damaged or lost may request a Voting Card from Commission after it is confirmed that his/her particulars in the voters' registration list have been verified.¹⁰⁰
3. Copies of the Voters' Register shall be given to the Ministry of Internal Affairs and the national political parties.
4. Every region shall be given copies of the voters' register for that region which shall be classified into districts, settlements and voters' registration stations¹⁰¹.

Article 69 Loss of Voting Card

1. Any person who losses his/her voting card must report it to the nearest police station within a period not exceeding two weeks, and must declare the reasons for the loss.
2. When the police are convinced of the reasons for the loss, they shall give a confirmation letter the person who shall take it to the Commission's office or to the Commission's district or regional representatives.
3. On receipt of the police confirmation letter, the Commission's office or its district or regional representatives shall request from the Commission to prepare for the person, within a period not exceeding one month, a Voting Card with the same reference number as the previous lost card.
4. Any person who has his/her Voting Card damaged shall take the damaged card, together with an application declaring the reasons for the damage, to the regional or district offices of the Commission, which on being convinced of the reasons for the damage to the card, shall forward the matter to the Commission headquarters for the preparation of a replacement card for the person.
5. Any person who is having his Voting Card replaced must initially have his specific particulars¹⁰² verified and have his eyes scanned.

⁹⁹ See footnote to Article 56(1)(a) above.

¹⁰⁰ Clauses 2 to 4 of this Article are numbered 6 to 8 in the original signed Somali text of the Regulations, but as the Article clearly consists of only 4 clauses, this appears to be a numbering error. I have therefore used the correct numbering in this translation.

¹⁰¹ The information will also include the polling stations which are of much more importance at this stage. Note that, with except for the polling stations that have been lumped together for the voter registration, the vast majority of the polling stations would have also served as registration stations.

¹⁰² Including, presumably, his/her Somaliland citizenship unless s/he has produced an Identity Card.

6. Without prejudice to the preceding Clause, any person who loses his/her Voting Card or has his/her card damaged during the period between the 2017¹⁰³ elections and the (*next*)¹⁰⁴ registration period is not entitled to have his/her card replaced or renewed¹⁰⁵.

7. The Commission shall, at the latest six months before every election¹⁰⁶, announce the period allowed for the registration of citizens who fulfil the registration conditions laid under the Law and who are not already registered, and for those who want to have their voters cards changed or their lost voter cards replaced.

8. The Commission shall announce periodically the times that card replacements can be done in the (*various*) regions of the Republic of Somaliland.

Article 70 Amendments of the Official Voters' Register

1. (*After the 2017 elections*¹⁰⁷), the Electoral Commission shall make amendments to the final Voters' Register (*no later than*)¹⁰⁸ six months before every election.

2. Citizens who fulfil the registration requirements and who were not in the existing Register shall then be added to the Register, and any person who has died during the period between the previous registration and that of the next registration shall be removed.

3. Any citizens wanting to amend their personal particulars (such as the name of the

¹⁰³ The next (combined) elections are the presidential and House of Representatives elections due to be on 28 March 2017. Whilst it a right (subject to a verification procedure) under Article 13 of the 2014 Voters' Registration Law to have one's lost or damaged voter's card replaced, the Commission may want to address how that replacement process can work immediately before the election day, as no cut-off date has been set in either the Law or the Regulations. Mere administrative convenience is not a legitimate factor but the dangers of abuse and damage to the integrity of the verification procedure may well be a justifiable factor in setting a cut-off deadline for replacements which should be very widely publicised well beforehand and a robust and transparent exceptional procedure for dealing with cases involving unusual exigencies.

¹⁰⁴ After this 2016 comprehensive voter registration, there will not be a rolling update of the Voter Register but, as set out in the following Clause, there will be periodic voter registrations that will be undertaken and finalised (unless the Law is changed) at the latest six months before the next nationwide or national election - disregarding the House of Elders which may well end up with an indirect election system, this is likely to be the local districts elections due to held in or around early January 2018. This Clause, therefore, refers to the relatively short period from the 28 March 2017 elections to the next registration period which should, according to current law, be some time before July 2017. The next round of national elections after that will then be 2022.

¹⁰⁵ See the preceding footnote and also the following two clauses of this Article about the issue of new voting cards during the period before the elections after the forthcoming 2017 election(s).

¹⁰⁶ This is based on the requirement in Article 26(2) of the 2014 Voters' Registration Law.

¹⁰⁷ I have added this phrase in brackets for clarity. As confirmed by Clause 3 of this Article, this Clause 1 relates to the period after the planned March 2017 elections when the final Voters' Register will be opened up again for amendments and additions six months before the following elections (which are likely to be the nationwide district councils' elections due to be held in early January 2018).

¹⁰⁸ This requirement of 'no later than six months' before the election for the production of any final Voter's Register is set out in Article 26(2) of the 2014 Voters' Registration Law (and also re-confirmed in Article 67(2) of these Regulations) applies (unless amended) to the production of the newly amended Final Register for the next elections after the forthcoming planned March 2017 elections.

person, the picture of the person, the polling station) shall be given the opportunity to have these amendments made during the period before the election, and shall sign the personal particulars amendment form which the Commission will give to him/her.

4. Prior to any amendments to personal particulars being made, the optical (eye) characteristics of the person shall be confirmed and his/her own particulars shall be verified.

5. Clauses 1, 2, 3 and 4 of this Article shall not apply to the planned 2017 elections.

6. Only the citizens in the Final Voters' Register lists have the right to vote¹⁰⁹, and (*the right*) to be elected¹¹⁰.

CHAPTER SEVEN: MISCELLANEOUS PROVISIONS

CHAPTER ONE

Article 71 Prohibition of more than one card

1. It is prohibited from any citizen to hold more than one card or to give false information to be recorded in the registration documents. If a citizen takes more than one (*voting*) card or gives false information for recording in the registration documents, s/he shall incur the punishment set out in Article 44 of the Law¹¹¹.

2. Any Commission staff member who issues more than one card (*to a person*) or falsifies registration documents or facilitates the submission by another person of false information to be recorded in the registration documents shall incur the punishment set out in Article 44 of the Law¹¹².

3. Any person who is found to have registered more than once shall lose his/her right to

¹⁰⁹ This reflects Article 26(1) of the 2014 Voters' Registration Law which states that '*only a citizen and registered in the Voter's Register can vote in the nation's elections*'. This provision has therefore replaced the brief 13 December 2011 Voters' Registration (Amendments Addendum No. 3) Law which not only voided the 2008 Voters' Register but also repealed the provisions in the 2001 Presidential & Local Election Elections Law relating to voter registration. No doubt the provisions relating to the new voter's Register will be reinserted in 2001 Election Law and introduced into the soon to be revised 2005 Election Law, hopefully, in my view, both in one new consolidated Presidential & House of Representatives Election Law.

¹¹⁰ This part of the Clause 6 relating to candidates for election follows the provisions of Article 4(2) of the 2014 Voters' Registration Law and Article 4 of the 2007 Voters' 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.

¹¹¹ These punishments for such offences by citizens are set out in Clause 1 and 2 of Article 44 of the 2014 Voters Registration Law.

¹¹² The offences by the public officials are covered by Clause 4 (and 5) of Article 44 of the 2014 Voters Registration Law, but as noted in the my footnote explanations to my translation of Article 44 of the Law, some of the criminal acts committed by public officials or by the members of the public may well also amount to offences under the Penal Code, in which case which provision applies in each case will depend on Article 14 of the Penal Code that defines the boundaries between offences created under special laws (such as the Article 44 of 2014 Law) and the standard criminal offences in the Penal Code.

vote until another voters' registration is conducted¹¹³.

Article 72 Erroneous information

If there is any erroneous information in the final Voters' Register, it will have no effect on the implementation of the rest of the Register and the Commission may issue orders to correct any such erroneous information¹¹⁴ before the (*relevant*) forthcoming election.

Article 73 Amendment

These Regulations may be amended or added¹¹⁵ to by the members of the National Electoral Commission.

Article 74 Coming into force

1. These Regulations shall come into force on their signature¹¹⁶ by the members of the National Electoral Commission, and shall at the same time be published in the Official Gazette.

2. The Commission shall issue circulars, orders, guidelines and procedures so as to implement these Regulations and the (*Voters' Registration*) Law.

¹¹³ This Clause mirrors Clause 2 of Article 44 of the 2014 Law.

¹¹⁴ This power is aimed at correcting any obviously erroneous particulars that may be discovered after the Final Register has been produced by the Commission in line with Article 38 of the 2014 Voters' Registration Law and Article 67 of the Regulations. However, if these corrections involve matters that would be of interest to the political parties such as changes of a voter from one polling station to another or the removal of a person from the Final Register because of discovery of his/her ineligibility at this late stage, then these matters should be dealt with in a transparent manner and communicated promptly to the political parties. The Commission may therefore consider adopting special procedures for the identification of these types of corrections, the forwarding information to the parties and perhaps the extension of Regulation 62(4) type procedure for the submission and consideration of any complaints the parties may submit. For obvious practical purposes, as well, the Commission may set a deadline before the election(s) after which no further corrections can be made, as this Article, in any case, confirms that erroneous information shall not affect the overall validity of the Final Register.

¹¹⁵ This amending power (which is concomitant of the main regulation making powers given to the Commission under the 2014 Voters' Registration Law) is always subject to the additions or amendments not exceeding the delegated powers given to the Commission to issue Regulations which are the general power in Article 45, and the various specific powers in Articles 27(3), 29(1), 34, 35(4) and 40(2) of the 2014 Voters' Registration Law.

¹¹⁶ The Regulations were signed by the Commission members on 02 January 2016.