



جمهورية السودان
المفوضية القومية للانتخابات
NATIONAL ELECTIONS COMMISSION



FACTSHEET: NATIONAL ELECTIONS ACT OF 2008

The holding of free and fair elections is a key provision of the Comprehensive Peace Agreement. Both the CPA and the Interim National Constitution confirm the right to vote as a fundamental right of Sudanese citizens. Sudanese citizens will have the opportunity and the responsibility to exercise that right when elections are held under the terms of the CPA for executive and legislative offices at the national, Southern Sudan, and state levels. This Factsheet is one of a series to provide basic factual information about the electoral process in the Sudan.

The National Elections Act of 2008 was passed by the National Assembly on 7 July 2008 and was signed by the President of the Republic on 14 July 2008. The law provides the basic legal framework for conducting elections in the Sudan, in southern Sudan, and in each state. Answers to specific questions about the electoral process will be determined by Sudan's electoral authority body, the National Elections Commission (NEC). NEC will develop the regulatory framework (Regulations, Rules, and Orders) to implement the law and clarify issues related to the electoral process.

The electoral law states that an independent, impartial and transparent body, the National Elections Commission (NEC), has the authority to organize and conduct elections. The law specifies the powers of the NEC and describes how it will be organized to carry out its executive, administrative, and financial business, as well as how it will be structured to administer the elections. Additional details on the NEC are contained in a separate Factsheet.

The electoral law spells out:

- The electoral system that will be used for the executive and legislative elections
- Conditions for voter eligibility
- The legal requirements for being included on the electoral register in the Sudan and outside the Sudan
- Conditions under which an election or referendum may be delayed or postponed, and the actions to be taken to reschedule
- Authority and requirements for the demarcation, or formation, of electoral constituencies
- Corrupt and illegal practices and election offences
- Nominations criteria for candidates and political parties
- Regulations for electoral campaigns
- The process for counting of votes and declaring election results
- Rules for referendums referred to NEC by the President of the Republic or the National Assembly

The law provides for:

- all citizens, without discrimination, to exercise their political rights to nominate and to freely express their will by secret ballot at periodic elections or referendum
- a voter registration exercise in which voters establish their eligibility to vote and have their names included on the electoral register (NEC is to make rules to prescribe the means and method of registration.)

- a display of the provisional voters' list to allow for revision of voters' details and objections to names on the list
- publication of the final voters' list
- a campaign period for candidates and parties
- basic polling procedures (NEC is to set the rules for the conduct of the poll and details on the procedures)
- observation of elections and right of party agents to be present during polling

Elections for which NEC is responsible

NEC is responsible for organizing six different elections that may be categorized into two types, Executive and Legislative elections:

<i>Election for</i>	<i>Type of Election</i>
• President of the Republic of the Sudan • President of the Government of Southern Sudan • State Governors	Executive Elections
• National Assembly • Southern Sudan Legislative Assembly • State Assemblies	Legislative Elections (called Legislative Assemblies in the law)

Responsibility for Referendums

NEC is also responsible for organizing, implementing, and overseeing referendums. A referendum is the process of allowing voters to express their opinion on matters involving national or public interest. The law specifically states that NEC is not responsible for organizing the CPA-mandated referendums in southern Sudan or Abyei. A Southern Sudan Referendum Commission has responsibility for organizing the Southern Sudan referendum. Another specially-appointed commission will conduct the Abyei referendum. NEC will conduct referendums referred to it by the President of the Republic or by the National Assembly.

Who may vote in the executive and legislative elections?

The law lists four conditions for voter eligibility:

- A voter must be Sudanese
- Have reached the age of 18
- Be registered in the electoral register at least three months before the date of the elections or referendum
- Be of sound mind.

Registration: A Basic Right & Individual Responsibility

According to the law, registration in the electoral register is a basic right and an individual responsibility of every Sudanese citizen who meets the required legal conditions. The legal conditions for Sudanese living within the Sudan are:

- Be resident in the geographical constituency for at least three months before the close of the voter registration period
- Have a personal identification document or certificate authenticated from the People's committee at the locality or the native or traditional administrative authority
- Have not been registered in any other geographical constituency.

Sudanese who are living outside the country and who possess a Sudanese passport and valid resident visa in the country where they now reside, will have the right to apply for registration, or to be included in the electoral register. If their names are on the register, they will have the right to vote for President of the Republic of the Sudan and for referendums organized by the NEC.

NEC will make Rules that will prescribe the methods and means of voter registration.