



The Electoral Legislation of Somalia 1953-1969

Edited by Maarten Halff



DRAFT

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** United Nations Electoral Assistance Division*

Any views expressed herein are solely those of the editor, and do not necessarily represent those of the United Nations.

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Cover photos: the Legislative Assembly of Somalia as it appeared in 1956.

Source: Ministère des Affaires Étrangères, Rapport du Gouvernement Italien à l'Assemblée Générale des Nations Unies sur l'Administration de Tutelle de la Somalie – 1956 (Rome, 1957)

Note by the editor

This volume reproduces the integral text of the principal electoral legislation in force in Somalia between 1953 and 1969. At the beginning of this period stands the very first codification of electoral rules in Somalia: the 1953 ordinance applicable to the municipal council elections, held in March 1954, in the area then under Italian administration. The end of this period is marked by the electoral law that governed the last country-wide multi-party election, in early 1969. In the course of these sixteen years, a combined total of nine electoral events took place in the British Protectorate, the Italian Trust Territory and subsequently in the independent Somali Republic: six elections for members of legislative bodies, and three for local representative councils. (In addition, a constitutional referendum was held in 1961). For practically each event, a new legal document was issued (see the table below). Each piece of legislation addressed issues of political representation – mainly the electoral system and the definition of constituencies – as well as procedural and operational matters, often so in considerable detail. While some provisions remained constant, others evolved over time to address political and practical considerations.

The focus of this collection is on legislation related specifically to electoral processes. Relevant but ancillary legislation – such as laws relating to citizenship or the establishment of political parties – falls outside this scope. Furthermore, regulations and other secondary rules of a more executive nature have been left out of consideration. As a collection of legal texts, it also does not address the conduct, the results or the aftermath of the elections themselves. Nevertheless, the brief editorial notes introducing each text below mention the context in which it was applied.

The sources for these laws, decrees and ordinances have become scarce. In most cases, I have relied on official bulletins stored on microfiche, supplemented where necessary by occasional secondary sources. Before 1960, official bulletins issued by the Italian administration were published exclusively in Italian, and those by the British Protectorate in English. Thereafter, the official bulletin of the independent Somali Republic was published in both languages, as well as in Arabic.

The translation of all but one of the Italian texts was done by Professor Salvatore Mancuso, made possible by the support of UNDP Somalia. These translations have been supplemented by my revisions. To the extent possible, editorial efforts have been made to ensure consistency throughout these texts in both substance and format, particularly where this was possible as a result of translation. Nevertheless, the usage of technical terms and legal drafting styles was not constant in this period, even with respect to the same concepts (for example, terms for polling stations and for constituencies evolved over time). If the context itself does not give sufficient clarification of what was intended, a brief explanatory footnote has been added. The transliteration into English and Italian of Somali place names also varied. (*Mogadiscio*, for example, even in English original texts). No attempt has been made to “correct” these instances retroactively. While women enjoyed the right to vote and to be elected starting in 1958, all texts use the masculine form only, in cases where both would have been applicable.

Since these texts have been retyped, formatted and in many cases translated, they are of course not official versions of the original Somali legislation.

Maarten Halfff
September 2016

Electoral events and relevant legislation in Somalia 1953-1969

Date	Electoral event	Applicable legislation	Page
28 March 1954	Municipal councils (Italian Trust Territory)	-Ordinance no. 18 of 20 December 1953	5
29 February 1956	Territorial Council/ Legislative Assembly (Italian Trust Territory)	-Ordinance no. 6 of 31 March 1955 -Ordinance no. 5 of 30 March 1955 -Decree no. 215 of 26 November 1955	19 45 54
20 October 1958	Municipal councils (Italian Trust Territory)	-Law no. 15 of 25 June 1958 -Decree Law no. 3 of 20 August 1958	59 83
8 March 1959 and 17 February 1960	Legislative Council (British Protectorate)	-Legislative Council (Elections) Ordinance, 1958	87
8 March 1959	Legislative Assembly (Italian Trust Territory)	-Law no. 26 of 12 December 1958	123
26 November 1963	Local councils (Somali Republic)	-Law no. 19 of 14 August 1963	148
30 March 1964	National Assembly (Somali Republic)	-Law no. 4 of 22 January 1964	166
24-26 March 1969	National Assembly (Somali Republic)	-Law no. 13 of 6 June 1968 -Decree Law no. 8 of 28 October 1968	189 219

I. Ordinance no. 18 of 20 December 1953: Election of the municipal councils

Source: Bollettino Ufficiale dell'Amministrazione Fiduciaria Italiana della Somalia, Anno IV, Supplemento N.2 al N. 12, p. 603-615, published 24 December 1953. Translated from the Italian.

Under the terms of the United Nation Trusteeship Agreement on Somalia of 2 December 1950, the Italian Trust Administration was required "to foster the development of free political institutions". The municipal council elections held on 28 March 1954 were the first centrally organized elections held in Somalia under Italian administration pursuant to this requirement. According to the present ordinance, voting was based on "universal" male suffrage, limited to those men resident in the relevant municipality for at least one year (ie. the rural population was excluded). The seats in each municipal council, which varied in size according to the municipal population, ranging from 6 to 20 seats per council, were awarded using a closed list proportional system (using Hare quota and the method of largest remainders; no threshold). In a number of municipal councils, the ordinance provided for additional seats reserved for minority groups, including, for example, four seats for the Italian population in Mogadishu.

ITALIAN TRUST ADMINISTRATION OF SOMALIA THE ADMINISTRATOR

Having seen the Presidential Decree of 9 December 1952 no. 2357;

Having seen Article 8 of the Trusteeship Agreement for the Territory of Somalia;

Having seen Article 4 of the declaration of the constitutional principles attached to the Trusteeship Agreement;

Having seen Article 4 of the Presidential Decree of 9 December 1952 no. 2357;

ORDERS:

Section I – The Municipal Councils

Article 1

The number of councillors of the municipal councils is established as follows, according to the population permanently resident in the municipality.

- Six councillors for each municipality with no more than 3,000 residents;
- With a population higher than 3,000 residents the number of councillors increases with a ratio of 1 for each 10,00 residents or part thereof, up to 10,000 residents;
- With a population higher than 10,000 residents the number of councillors increases with a ratio of 1 for each 2,000 residents or part thereof, up to 16,000 residents;
- With a population higher than 16,000 residents the number is invariably fixed at 20 councillors;
- The municipal councils located in the regional capitals are formed by at least 13 councillors.

Article 2

The municipal councils are elected by universal male suffrage, on the basis of free, direct and secret voting, with votes cast for lists of candidates who meet the qualifications and have the titles indicated in Article 7.

Article 3

The municipal councils set forth in Article 1 include the following representatives of the minority communities:

Arabic:

Mogadiscio	3
Other municipalities	1

Indo-Pakistani:

Mogadiscio	2
Chisimaio	1
Merca	1

Italian:

Mogadiscio	4
Merca	1
Brava	1
Afgoi	1
Villabruzzi ¹	1
Chisimaio	1
Margherita ²	1

Article 4

The representatives of the minority communities, in the number established in the previous Article, are chosen by the Administrator from among a list of three candidates proposed by each community for every assigned seat.

Such proposals shall reach the Department of Home Affairs, through the relevant Residents³, within 60 days from the date of publication in the Official Journal of the decree from the Trustee set forth in Article 11 of the present ordinance.

For the four Italian councillors in Mogadiscio, the nomination will be made as follows:

- a list of three candidates from the Chamber of Commerce for each of the two representatives of the economic classes;
- a list of three candidates from the existing unions for a union representative;
- a list of three candidates from the “*Casa degli Italiani*” for a representative of the professional, artisanal and clerical classes.

¹ Modern equivalent: Johar. Full name during Italian administration: Villaggio Duca degli Abruzzi.

² Modern equivalent: Jamame. Full name during Italian administration: Villaggio Regina Margherita.

³ Senior regional administrators during Italian trusteeship.

The Italian employees of the Italian Trusteeship Administration of Somalia and of the municipalities are not eligible.

Section II – Qualifications of voters

Article 5

The voters are those Somalis who are registered in the voter lists and who have the following qualifications:

- being resident in the municipality for at least one year;
- being at least 21 years of age on 31 December of the year preceding that of the elections;
- not being under guardianship as a mentally disordered person;
- not having lost the right to vote because of a criminal conviction.

Those who have been convicted to more than 3 years in prison for a criminal offence cannot be included in the voter lists.

Article 6

Every voter has one vote, which is to be cast to a list of candidates by marking the symbol of any of the lists using an indelible pencil.

The vote is personal. Any form of agency or postal vote is not permitted.

Section III – Eligibility

Article 7

Those Somalis registered in the municipality voter lists who are able to read and speak Italian or Arabic, are at least 25 years of age, and are resident in the municipality for at least one year, may be elected as municipal councillors.

If a candidate does not have a formal title of education, proof of literacy may be provided through a written declaration before the Resident or a representative.

Article 8

The following people cannot be elected as municipal councillors.

- Those who have been convicted for the following crimes: offences against the government, offences against the public order, malicious homicide, serious malicious wounding, rape, robbery, extortion, blackmail, theft, fraud, perjury, usury and drunkenness. Rehabilitated offenders are excluded.
- Those who are classified as a permanent mentally disordered person.
- Those who are employed by the municipalities.
- The armed forces and those belonging to the militarized corps.

Article 9

[Illegible]

Article 10

The office of municipal councillor is incompatible with the office of territory councillor.⁴ In the event that a person holding the office of territory councillor is elected as municipal councillor, the regional judge shall invite him to choose one of the two offices.

The right to choose shall be exercised within 5 days of the date of notification by the regional judge.

If the elected candidate has not presented a written declaration by which he makes the choice within such deadline, it is understood that he has given up the office of territory councillor. The regional judge will immediately communicate this to the Department of Home Affairs to take the consequent measures for the termination of the office as territory councillor.

Section IV – Preparatory electoral proceedings

Article 11

The date of the election is established, for all the Territory, by decree of the Administrator, to be published in the Official Journal at least 90 days before such date.

Article 12

The lists of candidates for municipal councillors must be presented to the relevant regional judge within 40 days from the date of publication of the decree set forth in the previous Article. The lists must specify the name, paternity, date and place of birth and the nickname⁵ – if applicable – of the candidates.

Article 13

The lists of candidates must be countersigned by at least the following number of voters registered in the municipality voter lists:

- 3 for a population up to 500 residents
- 5 for a population up to 1,000 residents
- 13 for a population up to 5,000 residents
- 20 for a population up to 10,000 residents
- 40 for a population up to 25,000 residents
- 60 for a population up to 50,000 residents
- 80 for a population up to 100,000 residents

Each voter may countersign one list only.

⁴ In the original: *consigliere territoriale*, referring to the members of the Territorial Council for the territory of Somalia under Italian administration.

⁵ *Soprannome*.

Article 14

The following documents must be attached to the lists of candidates:

- declaration by the head of the municipal administration confirming that the candidates have reached the age of 25 and that they have been resident in the municipality for at least one year;
- declaration by the head of the municipal administration confirming that the signatures supporting the different candidacies are those of voters enrolled in the municipality voter lists, with the signature having been made before the head of the municipal administration or his representative;
- criminal record certificate of the candidate or a declaration from the Resident confirming that the candidate is in good standing.

Article 15

For each list the number of candidates cannot be lower than half of the councillors to be elected.

Article 16

If the cumulative number of candidates of all lists is equal to the number of councillors to be elected, the elections are not held. The head of the municipality draws up a report that is transmitted to the regional judge together with said lists. The regional judge proclaims elected the candidates of said lists when proclaiming the councillors elected in the other municipalities.

If the lists have a number of candidates lower than the number of councillors to be elected, the council is appointed by decree of the Administrator, without taking into consideration the qualifications set forth in Article 7 above.

Article 17

Every list of candidates must have a figurative symbol.

Such symbol shall be deposited in duplicate to the regional judge, who will communicate this to the Department of Home Affairs by sending one copy.

The political parties or groups which intend to compete for seats with their own lists and with a single symbol throughout the Territory must deposit their symbol with the Department of Home Affairs within 30 days from the decree of the Administrator set forth in Article 11. In the event that symbols are exactly the same or similar, the symbol that was presented first to the regional judge or the Department of Home Affairs shall be given precedence. A presentation to the Department of Home Affairs has precedence over presentations to a regional judge, irrespective of the presentation date.

The Department of Home Affairs must approve and return the symbols to the regional judges within 55 days from the publication of the decree set forth in Article 11.

Article 18

The lists of candidates must be published by the head of the municipality within 60 days from the date of publication of the decree of the Administrator fixing the elections. Within the same time the regional judge shall deliver to the head of the municipality [...].⁶

The publication is made by posting the candidacies on the public notice board and in other public places, as well as by any other instrument used by the local population.

Section V – Voter lists

Article 19

Following the model prepared by the Department of Home Affairs, the head of the municipality oversees the preparation, in duplicate, of the list of voters resident in the municipal district.

The head of the municipality is responsible for updating and the regularly maintaining the voter list.

One copy of said voter list shall be delivered to the competent regional judge each year on December 31st.

The voter list is deposited in the municipal office each year on December 31st. Public notice of the deposit is given using the formalities set forth in the last paragraph of the previous Article.

Article 20

The regional judge checks the accuracy of the registrations in the voter list.

Any complaint related to registration or lack of registration in the voter list are examined and decided by the regional judge as court of first jurisdiction. The complaints shall be addressed to him using unstamped paper.

The decisions of the regional judge can be appealed within 10 days to the “*Giudice della Somalia*”, whose decision is final.

Article 21

The certificates of registration in the voter lists shall be delivered by the municipality to the voters’ residence within 75 days from the date of publication of the decree of the Administrator set forth in Article 11.

The certificate must show the place, date and time fixed for the vote.

Voters can personally collect their certificate even after the above mentioned date.

⁶ Illegible but presumably: “the approved symbols of the lists.”

Article 22

The members of the armed forces and of paramilitary organizations vote in the municipality where they have had their military post for more than a year.

The heads of the military or paramilitary organizations shall send the list of those members of the armed forces and the paramilitary organizations who are entitled to vote two months before the fixed date of the elections.

Section VI – Voting

Article 23

Multiple electoral offices may be established in municipalities where more than two hundreds voters are registered. No more than 200 voters can vote at each electoral office.

The number of the electoral offices shall be established by the head of the municipality and approved by the Department of Home Affairs.

Article 24

Voting must be conducted in an appropriate place, where the voter can exercise his voting right in absolute secrecy.

Voters enter the polling room one at a time with their respective electoral certificate.

Article 25

The ballots must be of one type only for the entire Territory, but with a different colour for each region.

The ballot must contain only the symbols of the lists of candidates.

The Department of Home Affairs is responsible for the printing and the distribution of the ballots.

The ballot boxes must be of one type only for the entire Territory to be distributed on time by the Department of Home Affairs.

Article 26

Each electoral office consists of a chairman and two scrutineers appointed by the regional judge from among the voters of the electoral district.

A secretary and an interpreter appointed by the regional judge assist the electoral office.

The chairman and the secretary can be persons not registered in the voter list.

The scrutineers must be chosen from among the persons suggested by the list agents and must be capable of reading and writing.

Article 27

A central electoral office, composed of a chairman, two Somali members and a secretary, is also created in every municipal district.

Two people assigned to calculate the electoral figures and the electoral quotients are also part of the central electoral office.

The members of the central electoral office are appointed by the regional judge.

If a district contains one electoral office only, the activities and assignments of the central electoral office are performed by the electoral office.

Article 28

Election rallies may take place starting 30 days before the date fixed for the vote.

On the day of [illegible].⁷

Any electoral propaganda is forbidden within a radius of two hundred-meters from the entrance of the electoral office.

Only the voters who present an electoral certificate for that electoral office can be admitted in the polling room.

It is absolutely forbidden to bring weapons or other objects capable of causing damage or injury.

The chairman of the electoral office is in charge of policing the polling room.

The chairman can rely on the police and the armed forces to have those who disturb the normal course of the electoral activities or commit a crime expelled or arrested. The police or armed forces cannot enter in the polling room without the authorization of the chair.

The chairman can also order that voters who linger unnecessarily during the vote, or who do not comply with the request to return the marked ballot, be removed from the polling booth after having given back the marked ballot. Such voters may be admitted again to vote only after other voters present have voted. This shall be reported in the transcript.

Article 29

At 6 AM on the voting day the chairman starts the electoral activities and opens the sealed package containing the office stamp after having verified the integrity of the seal closing such package. The chairman reports the number indicated in the stamp in the transcript.

The chairman opens the package containing the ballots received from the head of the municipality; he takes as many ballots as the number of voters registered in the voter list, and places them in the container for the ballots provided by the Department of Home Affairs through the municipality. He keeps the other ballots in the package.

⁷ The illegible part presumably stated that rallies and campaigning are not allowed on election day and/or the day immediately before.

Article 30

Those who are registered in the voter list of the electoral office are entitled to vote. An abstract of the voter list and 4 copies of the public notice containing the lists of candidates must be visibly posted in the polling room during the electoral activities so that they can be seen by those present.

Article 31

The chairman, the scrutineers, the secretary and the interpreter of the electoral office, as well as the police officers on duty, vote in the electoral office where they are assigned to upon presentation of their electoral certificate, even if they are registered as voters in other electoral offices.

The names of the voters mentioned in the above paragraph are recorded by the chair at the bottom of the voter list of the office, and this is reported in the transcript.

Members of the armed forces are forbidden to enter the electoral offices in formation or when armed.

Article 32

Blind persons, persons whose hands have been amputated, and those affected by paralysis or other impediment of similar seriousness, exercise their right to vote with the help of a voter of their own family or, lacking such person, another voter who has been voluntarily chosen as an accompanying person, provided that the one or the other is registered as a voter in the same electoral office.

A voter can accompany one handicapped person only. The chairman of the electoral office where a voter performed this duty makes a specific note on the voter's electoral certificate.

Article 33

The voters are admitted to vote in the order of arrival.

They must show an identification document issued by the government.

The essential information of the document is recorded in the "identification column" on the list authenticated by the head of the municipality.

If the voter does not have a proper identification document, one of the members of the electoral office who personally knows the voter certifies his identity by signing the identification column.

If no member of the electoral office can take the responsibility to establish the voter's identity, the voter can propose another voter of the same municipality who is known to the electoral office members to identify him. The chair warns the voter and the scrutineer that they will be punished by law if they commit perjury.

The voter attesting to the other voter's identity must sign the identification column.

In case of doubt regarding a voter's identity the chairman decides.

Article 34

After having determined the voter's identity, the chairman takes a ballot out of the container, stamps it, and gives it to the voter, to whom he explains the procedure required to vote.

One of the members of the office ascertains that the voter voted by signing next to the voter's name in the proper column of the above mentioned voter list.

Unstamped ballots are not placed in the ballot box, and the voters who presented them cannot vote anymore. They are immediately signed by the chairman or at least two scrutineers and attached to the transcript. The transcript shall also mention those voters who did not give back the ballot after having received it.

A ballot is valid if it contains a vote for a list.

Any other sign or indication is forbidden.

If a voter finds that the ballot he received is spoiled, or if he himself spoiled it because of his negligence or ignorance, he can ask for another ballot after having given back the first, which is folded after the chairman has written "spoiled ballot" on it and signed it.

Voting must continue until all the registered voters present in the electoral office at 8 pm have voted.

Article 35

Based on the scrutineers' advice, the chairman takes provisional decisions on any difficulties and incidents related to the voting activities. Such decisions are reported in the transcript.

Any disputes related to the voting are settled by the electoral office which will prepare a specific transcript to be sent to the regional judge.

These decisions will be taken by majority.

Section VII – Counting of votes

Article 36

After the voters have voted, and after having cleared from the table all papers and things not necessary for the counting of votes, the chairman:

- declares the voting closed;
- checks the number of voters who have voted as determined from the voter list, and counts the number of the electoral certificates which must coincide with that of the voters who have voted.

Every sheet of the voter lists must be signed by two scrutineers and the chair.

Then the following activities are performed:

- one ballot at a time is taken out from the ballot box;
- the vote indicated in the ballot is recorded for the respective list of candidates and signed by one of the scrutineers.

The scrutineer who receives the ballot from the chairman's hands pronounces aloud the name of the candidate list before passing it to the scrutineer who makes the note.

Then the ballot is put into a box, of the same type for the entire Territory, provided by the Department of Home Affairs.

When the vote in a ballot is declared void, such ballot is kept aside in a package, made of a cloth envelope, which must be provided to the electoral office. The disputed ballots are kept in another identical package.

The chairman declares a vote void, upon the unanimous advice of the scrutineers, if one of the following events occurs:

- when the ballots are not those prescribed or are not stamped;
- when they present any trace of writing or sign that appears to be made deceitfully;
- when there is no expression of a vote for any list of candidates, or the vote is given to more than one list and there is no way to identify the list which has been chosen.

In the event of different opinions about whether a vote is void, the ballot is declared contested and sent to the regional judge for the final decision.

The decision on contested ballots is taken by the regional judge assisted by two Somalis.

The ballot is considered contested when one of the members of the electoral office does not agree.

The counting of votes should preferably be carried out on the same day of the elections.

If the counting of votes must continue on the following day, the electoral office must seal the windows and the doors of the polling room [*one line illegible*].

When the counting of votes is finished, the chairman:

- counts the valid ballots, adds them to those declared void or contested and checks that the total is equal to the total number of voting voters as resulting from the voter list;
- ascertains and declares the total number of valid votes received by each list of candidates.

Then the chairman draws up the transcript in triplicate of all above mentioned electoral activities, and delivers personally, accompanied by two scrutineers, one original of the above mentioned transcript to the municipal central electoral office together with all the attachments (package with the valid ballots, package with the void and disputed ballots, voter list, etc.). The municipal central electoral office proceeds as follows:

- a) determines the electoral figure resulting from the total number of valid votes given to all lists of candidates;
- b) calculates the electoral quotient by dividing the above electoral figure by the number of councillors to be elected in the electoral district;
- c) assigns to each list of candidates as many seats as the number of electoral quotients, as calculated above, are contained in the total of valid votes received by the list of candidates. If some seats remain vacant after they are awarded based on the quotients, these are awarded to those lists with the highest remainders, taking also into consideration the votes given to the lists which did not reach the electoral quotient. If a seat is to be assigned among lists of candidates which have the same remainder, the matter is decided by drawing lots among those lists.

The persons on the list of candidates are considered elected as councillors, starting from the first and ending with the name corresponding to the number of seats assigned to the list.

When such activities are completed, the chair of the central electoral office draws up the related transcript in triplicate.

One copy of the transcript with all the attachments delivered by the electoral offices is delivered to the regional judge, one copy is given to the head of the municipal administration, and one copy is sent to the Department of Home Affairs.

If a seat remains vacant for any reason, despite the preceding provisions, it is given to the candidate of the same list of candidates that immediately follows the last elected person.

The announcement of the councillors is made by the regional judge, or in the absence of such, by a judge sent by the Somali Court [*Tribunale della Somalia*], after having decided on the contested ballots. He gives immediate notice of this to the Department of Home Affairs.

Article 37

The tenure of the municipal councils elected as per the above is three years.

Section VIII – Offences and punishments

Article 38

Whoever refuses to accept an appointment to serve in the electoral offices without a valid reason, anyone who enters the polling room unlawfully, anyone who makes unlawful electoral propaganda, or anyone who countersigns more than one list of candidates is punished with imprisonment of up to three months or with a fine of up to So. 300.

Article 39

Whoever enters the polling rooms with weapons, or does not comply with an instruction to enter the assigned polling booth is punished with imprisonment up to six months or with a fine up to So. 600.

Article 40

Whoever disrupts the freedom of vote, or prevents the free course of the electoral campaign events, or alters in any way the vote results, is punished with imprisonment up to two years or with a fine up to So. 2,400.

Article 41

A conviction for electoral crimes prevent the convicted person from being able to vote or be elected for a period of 3 years.

Article 42

The offences provided for in this ordinance are adjudicated by expedited trial process.

Section IX – Repealed provisions

Article 43

Upon the assumption of office of the municipal councils elected according to the present ordinance, the rules related to the municipal councils set forth in the Ordinances no. 9 and 10 of 6 June 1951 are repealed, or modified, or integrated as follows:

at the end of Article 1 of the above mentioned Ordinance no. 9 the following paragraph is added: “The Commissioner is assisted by a council composed and elected according to the rules of the Ordinance no. 18 of 20 December 1953”;

Articles 2, 3 and 4 of the above mentioned Ordinance no. 9 are repealed;

at the end of Article 2 of the above mentioned Ordinance no. 10, as continuation of the paragraph, is added: “elected according to the rules of the Ordinance no. 18 of 20 December 1953”;

in Article 4 of the above mentioned Ordinance no. 10 the following rule is repealed: “and the number of the members of the municipal council will be determined”;

Articles 3, 5 and 6 of the above mentioned Ordinance no. 10 are repealed.

Section X – Final and transitional provisions

Article 44

In the first implementation of the present ordinance the requirement of the duration of the residence in the municipality is not taken into consideration both with reference to the qualification of voters and the qualification of candidates as set forth in the preceding Articles 5, 7 and 22.

Without prejudice to the other required qualifications, to be considered a voter or an eligible candidate it is sufficient to have been registered in the municipal registers further to the census set forth in the Ordinance n. 17 of 30 October 1952.

Article 45

In the first implementation of the present ordinance the Administrator can determine the deadlines within which the related activities shall be carried out.

Article 46

The present ordinance enters into force on the date of its publication in the Somali Official Journal.

Mogadiscio, on 20 December 1953.

The Administrator

F. Martino

DRAFT

II. Ordinance no. 6 of 31 March 1955: Election of the Territorial Council [Legislative Assembly]

Source: Natali, Guido: I prime elezioni politiche in Somalia (Mogadishu, 1957), pp. 66-101, which provides the integral text of the ordinance. Translated from the Italian.

A national "Territorial Council" with an advisory role had been established by the Italian Trust Administration in 1950, consisting initially of 35 appointed Somali members. This was subsequently converted into an elected Legislative Assembly of 70 members, for which the first elections were held on 29 February 1956. The change from "Territorial Council" to "Legislative Assembly" occurred prior to the election, but after the adoption of this ordinance (hence the reference to Territorial Council throughout this text).

60 seats were apportioned among the 25 administrative districts then in effect, based on its population, each district constituting an electoral constituency. (The apportionment, with all details of its calculation, was published separately from the ordinance and is not included here; it can be found in the source document referred to above). Within the respective constituencies, these 60 seats were awarded on the basis of a closed list proportional system (using the method of largest remainders with a Hare quota; no threshold). A number of constituencies did not have more than one seat, and there the system would have worked like a plurality (first-past-the-post) system for the list with the most votes. No constituency had more than 5 seats.

The 10 other seats of the 70 were reserved for "ethnic minorities", elected indirectly on the basis of a plurality system (for which see Decree no. 215 of 26 November 1955 in this volume, p.54). Voting in all cases was limited to men.

For the 60 regular seats, a notable distinction was made between voting in municipalities and in rural areas. In the former, voters had to be at least 21 years old and registered on municipal lists, and voting was by secret ballot. In rural areas, voting was indirect and did not involve the use of voter lists: traditional clan assemblies, or "sheer", met to choose their respective representatives who, in turn, would vote for the members of the Legislative Assembly corresponding to their respective constituency. (For this indirect voting system, see also Ordinance no. 5 of 30 March 1955 in this volume p.45).

ITALIAN TRUST ADMINISTRATION OF SOMALIA

THE SECRETARY GENERAL

Having seen the Presidential Decree of 9 December 1952 no. 2357;

Having seen Article 9, paragraph 3, of said Decree;

Having seen Article 8 of the Trusteeship Agreement for the Territory of Somalia;

Having seen Article 4 of the declaration of the constitutional principles attached to the Trusteeship Agreement;

ADOPTS AND PROMULGATES THE FOLLOWING
ORDINANCE

Title I – The Territorial Council

Article 1

The Territorial Council is elected by universal male suffrage. The population residing outside municipal districts elects the members in indirect elections through the *shir*⁸ and Electoral Representatives; the population permanently residing in municipal districts does so through direct elections.

The vote of the Electoral Representatives and that of the voters registered in municipalities is direct, free and secret, and it is cast for a competing list of candidates.

The system of representation is proportional.

Article 2

The number of Territorial Councillors is 60, and the related seats are distributed among the electoral districts⁹ in proportion to the number of voters residing in each district.

The number of voters will be determined at the end of the seasonal period fixed for the *shir* in Article 13 below, by adding the total number of voters registered in the voter lists of the Municipalities within the electoral district to the total number of voters participating in all *shir* held in the district.

Every [administrative] District will be an electoral district if the number of voters calculated as above is enough to be allocated at least 1 seat. Otherwise the electoral district will be created by joining two Districts belonging to the same Region.

Within the 15th day from the end of the seasonal period fixed for the *shir*, a table indicating the electoral districts, the number of voters living there, the number of seats allocated to each district, and the locations of Central Electoral Offices will be published in the Official Journal.

Article 3

Voting is a moral obligation, which no one can evade without violating his duty towards the country.

Article 4

The following representatives of the ethnic minority communities are part of the Territorial Council in addition to the number of Territorial Councillors set forth in Article 2 above:

⁸ Tribal assembly.

⁹ The Italian text uses “circoscrizione elettorale” or simply “circoscrizione”, as well as “collegio elettorale” to refer to an *electoral* district. This is contrast to the term “Distretto”, which refers to an administrative District, that is, one of the geographic units which Somalia was divided into at the time for governance purposes. The latter are always capitalized in this translation, with the addition of the word [administrative] the first time they are mentioned in each article, to distinguish them from electoral districts.

4 Italians, 4 Arabs, 1 Indian and 1 Pakistani, who will be elected by the respective communities according to the rules established by the Administrator by special decree.

The proclamation of the councillors elected by the ethnic minority communities is made by the Regional Judge in whose jurisdiction they normally live.

Title II – Qualification of voters

Article 5

In the primary elections for the election of the Electoral Representatives the voters are those Somalis who may participate in the *shir* according to local custom, and who are not resident in a municipal electoral district.

In the direct vote for the election of the Territorial Councillors the voters are:

- the Electoral Representatives elected in the *shir* and validated by the relevant Regional Judge;
- the Somalis registered in Municipality voter lists who are at least 21 years of age on the date of the election, are not under guardianship as a mentally disordered person, and have not lost the right to vote as a result of criminal convictions. Those who have been convicted to more than 3 years in prison as a result of a criminal offence cannot be included in the voter lists.

The voter lists are updated to the date of the announcement of the elections, and are published by the Heads of the Municipalities at least 60 days before the day fixed for the elections according to Article 19 below.

Any complaint related to registration or of lack of registration in the voter list is examined and decided by the Regional Judge as court of first jurisdiction. Complaints shall be addressed to him using unstamped paper.

The decisions of the Regional Judge can be appealed within 10 days to the *Giudice della Somalia*, whose decision is final.

Article 6

Every primary voter who participates in a *shir*, as well as every voter registered in the voter lists of a Municipality, has one vote only; every Electoral Representative has as many votes as the number of primary voters who elected him in the *shir*, plus his own vote.

The manner of voting in primary elections is according to the local custom particular to the *shir*; the votes of the Electoral Representatives and those of the voters registered in the voter lists of a Municipality are cast by marking the symbol of the chosen list of candidates with an indelible pencil.

The vote is personal. Any form of agency or postal vote is not permitted.

Article 7

The update and the annual revision of the Municipality voter lists is regulated by Articles 19 and 20 of Ordinance no. 18 of 20 December 1953.

Title III – Eligibility

Article 8

Those Somalis who are at least 30 years of age by the day of the elections, who are able to read and speak Arabic or Italian, who are resident in the Territory for at least a year, and who are not mentally disabled, are eligible as Territorial Councillors.

Article 9

The following persons cannot be elected as Territorial Councillors:

Heads of the Regions, of the Districts and of the Municipalities;
Judges;
members of the armed forces and paramilitary forces.

Article 10

The office of Territorial Councillor is incompatible with the office of Municipal Councillor.

In the event that a person already holding the office of Municipal Councillor is elected as Territorial Councillor, the Regional Judge in whose jurisdiction the electoral district where the candidate has been elected is located invites the elected to choose one of the two offices within ten days from the notice of the invitation. If the elected person has not presented a written declaration by which he makes the choice within such deadline, it is understood that he has given up the office of Municipal Councillor.

If the elected candidate chooses the office of Municipal Councillor, the Regional Judge declares that he has lost the office of Territorial Councillor, and shall proclaim in his place the candidate who is entitled to replace him according to Article 64 below.

Title IV – Primary elections

Article 11

Persons living outside of the municipal electoral districts elect their Electoral Representatives through the traditional *shir* held according to local custom. Such Representatives will vote directly in the election of the Territorial Councillors on the voting date established under Article 19 below.

Article 12

The election of Electoral Representatives is by [administrative] District, and is carried out by those tribal units, or other groups of people organized on a territorial basis, who reside permanently or for most of the year in the same District.

Article 13

The *shir* for the election of Electoral Representatives are held during a seasonal period of no less than four months, determined by a decree of the Administrator to be published in the Official Journal at least 15 days before the commencement date of said period. Such period must fall within the eight months before the voting date established under Article 19 below.

The Heads of the [administrative] Districts shall widely give notice of such decree to the people concerned.

Within the timeframe set forth in the first paragraph of this Article, the date of each *shir* will be determined by the relevant Head of District.

Article 14

Each group of people who are convened in *shir* can elect one or more Electoral Representatives, up to a maximum of five.

If the number of elected representatives is greater than five, the voters will be invited for a second vote, to vote only for the five candidates who received the highest number of votes in the first election.

Each voter can vote for one candidate only.

Only Somalis who are at least 25 years of age, are able to read and speak Italian or Arabic, and are resident in the [administrative] District where the *shir* is held for at least one year, can be elected as Electoral Representative.

The relevant Head of District or the person delegated by him to Chairman the *shir* is responsible for ascertaining the age, literacy and residence of the candidates.

A person permanently living in a municipal electoral district can also be elected as Electoral Representative.

When elected in a *shir*, each Electoral Representative must accept in writing the mandate conferred to him by the voters, under penalty of his election being voided.

Immediately after the election of an Electoral Representative, the voters who elected him shall designate by majority decision a Substitute of the same Electoral Representative, who shall have the same qualifications indicated above, and who will replace the Electoral Representative in the event that the latter is not able to vote.

The Substitute must also accept, in writing, the mandate conferred to him.

An Electoral Representative elected in a *shir* cannot be elected in another *shir* held by another group. Such prohibition applies to the Substitute as well.

Article 15

The rules for holding the *shir* and for their validation, as well as those for the settlement of possible disputes arising from the same *shir*, are those set forth in Articles 7, 9, 10 and 14 of Ordinance n. 5

of 30 March 1955 on the establishment of the District Councils, with the additions and modifications of Articles 16, 17 and 18 below.

Article 16

The relevant Heads of [administrative] Districts determine the tribal units and the other organized groups that must be called in *shir* to elect their Electoral Representatives. They shall publish the list of the *shir* they intend to call no later than the beginning date of the seasonal period determined for the *shir* according to Article 13 above. The decisions of the Head of District can be appealed to the Commission set forth in Article 5 of the above mentioned ordinance, according to the terms and conditions set forth in said article.

Article 17

To every group for which a *shir* is not called further to Article 16 above, the relevant Head of [administrative] District will offer the following alternatives:

join the *shir* of another group included in the list referred to in Article 16 above, subject to the agreement of such group; or

join other groups not included in the above-mentioned list, so as to create a group including at least 50 families for which the holding of a *shir* becomes feasible.

The decisions of the Head of District with reference to the points a) and b) above can be appealed as provided for in Article 16 above.

Article 18

The *shir* for the election of the Electoral Representatives is considered valid regardless of the number of participants.

For each Electoral Representative, the number of voters who elected him shall be indicated, along with the personal particulars of his Substitute, in the transcript of the *shir*, for which the rules of Article 11 of said ordinance will be observed.

Upon receipt of the transcript, the Regional Judge verifies that the rules set forth in the present ordinance have been respected, and that the *shir* has been declared valid by the Supervisory Committee, or by the majority of its members. He validates the election of the Electoral Representatives and of their Substitutes properly elected in the *shir* by sending them a certificate and giving notice to the relevant Head of [administrative] District, who will inform the public.

The number of voters who elected the Electoral Representative is indicated in the certificate released by the Regional Judge and in the notice given to the public by the Head of District.

If the Regional Judge believes that the rules of the present ordinance have not been respected during a *shir*, or if he determines that the Supervisory Committee has not declared the *shir* valid, then he declares the *shir* void. He notifies this without delay to the competent Head of District, who gives immediate communication of it to the concerned group and will call for a second *shir* according to the rules of the present ordinance.

Title V – Preparatory electoral proceedings

Article 19

The date of voting by the Electoral Representatives and the voters registered in Municipality voter lists is fixed, for the entire Territory, by decree of the Administrator to be published in the Official Journal at least 90 days before such date. With the same decree the day of the first meeting of the Territorial Council is also fixed.

The vote for the election of the Territorial Council takes place within 90 days from the dissolution of the previous one.

The Heads of the [administrative] Districts and of the Municipalities will inform the public about the decree announcing the elections using special notices.

Article 20

A list of candidates, separate for each electoral district, must be presented to the Head of [administrative] District in the administrative centre in which the Central Electoral Office of the electoral district is located, no later than 60 days before the voting date, by at least 100 voters from the electoral district.

Each voter can countersign one list only.

The lists must indicate the name, the father's name, the paternal grandfather's name, the nickname¹⁰ if any, and the date and the place of birth of each candidate.

The names of the candidates must be numbered progressively, following the order of precedence.

The candidacy must be accepted by a signed declaration [of the candidate] authenticated by a Head of District.

Each list must include a number of candidates not lower than half of the seats assigned to the electoral district and not higher than the number of seats assigned plus one.

A sample of the figurative symbol with which the list wants to be identified must be presented in duplicate together with the list. The Head of District will refuse the symbols that are identical to, or may be easily confused with, those of other lists, giving precedence to the symbols presented to the Department of Home Affairs according to Article 22 below, and invites those who presented the concerned lists to present a new symbol within 48 hours.

The declaration by which the list of candidates is presented must also indicate two Delegates authorized to make the appointment set forth in Article 32 below.

Each list must be accompanied by a deposit of So. 100 (one hundred).

¹⁰ *Soprannome*.

The Head of District must immediately issue a receipt of the list of candidates presented and the deposit received. He gives to each list a progressive number according to the order of presentation, which is mentioned in the receipt.

Article 21

No candidate can be included in more than one list in the same electoral district, or in more than two lists presented in different electoral districts, or be included in lists having different symbols, under penalty of annulment of his candidacy.

Article 22

The political parties or groups which intend to compete for seats with their own lists and with a single symbol throughout the Territory must deposit their symbol with the Department of Home Affairs within the 70th day before the voting date. The Department of Home Affairs will refuse the symbols that are identical to, or may be easily confused with, those of other lists, and will invite those who presented the concerned lists to present a new symbol within 48 hours. The Department of Home Affairs will communicate the admitted symbols to both the Heads of [administrative] Districts and the Regional Judges.

A presentation to the Department of Home Affairs has precedence over presentations to the Heads of Districts, irrespective of the deposit date.

A receipt of the deposit of the symbol is issued.

Article 23

No later than 45 days before the voting date, the Head of [administrative] District must have the lists of candidates sent to the relevant Regional Judge. The lists of candidates must be accompanied by:

- a declaration by the Head of District in the jurisdiction of which the candidate is resident which confirms that the candidate is Somali, is 30 years of age and has been a resident in the Territory for at least one year;
- the qualification of the candidate or declaration regarding his literacy by the Head of District, or his delegate, in the jurisdiction of which the candidate is resident, in front of which the candidate has shown to be able to read and write;
- a declaration by which the Head of District who received the list certifies that it has been signed by voters from the district, in his presence or in that of his delegate;
- a declaration that the So. 100 deposit has been received;
- the declaration of acceptance of the candidacy by each candidate, signed and authenticated by a Head of District;
- the figurative symbol that identifies the list, in duplicate.

Article 24

If the cumulative number of candidates of all lists in an Electoral District is equal to the number of councillors to be elected, the elections are not held. The Regional Judge draws up report, and he

proclaims elected the candidates of said lists for the electoral district where the above mentioned circumstances occurred, at the time of proclaiming the Territorial Councillors elected in the electoral districts under his jurisdiction.

If the cumulative number of candidates of all lists is lower than the number of councillors to be elected, the proposed candidates will be proclaimed Territorial Councillors, and the other seats will remain definitively vacant.

Article 25

The deposit of So. 100 set forth in Article 19¹¹ above will be reimbursed if the list obtains at least 1 seat or two thirds of the votes necessary to obtain it. Otherwise the deposit will be kept by the Government.

The Regional Judges will communicate to the Heads of the Districts which deposits shall be reimbursed after completion of the activities set forth in Article 62, giving at the same time notice of this to the Department of Home Affairs.

Article 26

When receiving the items indicated in Article 23 above the Regional Judge shall immediately send a copy of the symbol for each list to the Department of Home Affairs. The Department of Home Affairs must approve and return the symbols to the Regional Judges within 35 days before the voting date.

Subsequently, within 30 days before the set voting date, the Regional Judge:

- verifies if the lists have been presented on time, if they are signed by the required number of voters, if they include the minimum number of candidates indicated in Article 20 above, and if the required deposit has been paid; he declares void any lists that do not comply with these requirements; for any lists that contain too many candidates, he reduces the number of candidates to the prescribed amount by eliminating the last candidates;
- ascertains that the symbols are not identical to, or easily confused with, those of other presented lists, taking into consideration the rules of Article 22 above;
- eliminates from the lists the names of the candidates who are not Somalis or with respect to whom any of the following have not been submitted: the required acceptance of candidacy, the declaration proving that they are at least 30 years of age and the residence in the Territory from at least one year, the declaration that they are able to read and write;
- eliminates the names of candidates who are included in another list already presented for the same electoral district, those of candidates who are included in another list presented in another electoral district with a different symbol, as well as those of candidates who are already included in two lists having the same symbol and are already presented in two other districts;
- assigns a number to each admitted list according to the order of presentation;
- assigns a number to each candidate admitted in each list according to the order of registration;

¹¹ Actually, Article 20.

- sends the lists in order to the Heads of the [administrative] Districts, and a certified copy of said lists to the Department of Home Affairs for publication in the Somali Official Journal.

Article 27

The lists of candidates, included in one poster, must be published by the Heads of [administrative] Districts within 30 days before the voting date. The publication is made by affixing the poster on the public notice board and in other public places, as well as by any other instrument used by the local population.

Article 28

Within 75 days from the publication of the decree of the Administrator indicated in Article 19 above, the lists of the voters who are resident in the Municipalities are prepared by the Heads of Municipalities, assigning each voter to a specific Electoral Office¹². Within the same date the certificates of registration in the voter lists are delivered to the residence of the same voters.

The certificate must show the number of the Electoral Office to which the voter has been assigned, the place of such Office, the date and time of the vote.

Voters can also personally collect their certificate after the above mentioned date.

Article 29

The armed forces and members of paramilitary organizations vote in the electoral district where they are on duty.

One month before the date of the elections, the heads of the military or militarized corps shall send the list of those members of the armed forces and the militarized corps who are entitled to vote to the Heads of the Municipalities. The Heads of the Municipalities will register them in the voter lists of different Electoral Offices so as to prevent that voters of the armed forces and paramilitary groups are exclusively or mainly assigned to the same Office, and will deliver the related electoral certificates to them through their relevant commands.

Members of armed forces and militarized corps who are assigned to serve in a municipal electoral district after the above mentioned date can still obtain the electoral certificates upon request made by their command structures addressed to the Head of the Municipality. If the voter lists have been already prepared, they can vote in any Electoral Office in the municipal electoral district, other than the voters registered in the related poll list, upon delivery of their electoral certificate. In such event the registration of the armed forces is made in a separate list by the Chairman of the Office.

It is forbidden for members of the armed forces to enter Electoral Offices in formation or when armed.

¹² *Ufficio Elettorale*, the smallest unit of electoral organization, a term signifying both the venue (ie polling station) and the electoral officials responsible for polling and counting at such venue.

Article 30

If an electoral certificate is lost or becomes useless, the voter is entitled to obtain another from the Head of Municipality by presenting himself up until the day before the elections. The new certificate shall indicate that it is a duplicate, and a note about the issue is made in the relevant list.

Article 31

Within 40 days from the publication of the decree of the Administrator indicated in Article 19 above, the Head of [administrative] District in the jurisdiction in which the Electoral Representatives live will communicate, to the Municipality of the administrative centre of the same District, the personal particulars and the residence of the Electoral Representatives, as well as the number of votes they are entitled to on the voting date, which is equal to the number of voters who elected them.

The Head of the Municipality will assign the Electoral Representatives to one or more of the Electoral Offices, so that no fewer than 10 are assigned to the same Office. They are registered in a separate list, which states, next to the name of each Electoral Representative, the number of votes each Representative has at his disposal and the name of his Substitute.

Within the 75 days from the publication of said decree, the certificates of registration in the voter lists shall be delivered to the Electoral Representatives by the Head of the Municipality. In addition to the information stated in Article 28 above, the certificate must indicate the number of votes that the Electoral Representative has at his disposal and the name of his Substitute.

An Electoral Representative who loses his certificate can obtain a duplicate from the Head of the Municipality.

Article 32

The Delegates set forth in Article 20 above are entitled to designate a List Agent for every Electoral Office and for the Central Electoral Office in the following Articles 33 and 36, as well as for the Regional Judge Office. The Agent is chosen from among voters of the district who are able to read and write.

The document by which the designation is done must be presented to the relevant Head of [administrative] District within 15 days before the election.

The Head of District will issue for every List Agent a written authorization by which he is allowed to enter the Office to which the presenters of the list of candidates assigned him.

The List Agents are entitled to be present at all activities of the Office to which they have been assigned, sitting in the proximity of the table so as to follow the voting activities. They can request any declaration to be reported in the transcript.

The Chairman of the Electoral Office, having heard the Scrutineers, can order any List Agent who uses violence or who, despite a warning, continues to disrupt the regular proceedings of the electoral operations, to be removed from the polling room.

Article 33

Electoral Offices are established in every electoral district, and in particular in the Municipalities belonging to it. The total number of Electoral Offices shall be calculated so that no more than 400 voters are assigned to each Office.

The number of the Electoral Offices will be established by the competent Head of [administrative] District and approved by the Department of Home Affairs.

Article 34

The Electoral Offices are composed of a Chairman and two Scrutineers, the eldest of which takes the office of Vice-President. They are appointed by the Regional Judge from among the voters of the Electoral District where the offices are located.

A Secretary and an Interpreter appointed by the Regional Judge assist the Electoral Office.

The Chairman and the Secretary can also be chosen from among those who are not voters.

The Scrutineers must be chosen from among persons nominated by the parties who have submitted a list of candidates, and who are capable of reading and writing. The designations of the Scrutineers should reach the Regional Judge no later than 20 days before the voting date through the relevant Head of [administrative] District, who will certify that the nominees are voters in the district where they have been nominated, and are able to read and write.

The appointment of members of the Electoral Offices is announced to the public through the public messenger service of the District at least 10 days before the voting date.

These assignments are mandatory for the persons so appointed. Anyone who is not able to accept the office for a valid reason must immediately inform the Regional Judge. The latter is authorized to decide on the validity of the reasons put forward to decline the office.

Article 35

If the Chairman is prevented from assuming his duty and circumstances do not allow a replacement in the normal manner, the function of Chairman is entrusted to a person appointed by the relevant Head of [administrative] District. If the Head of District cannot make the appointment on time in Municipalities which are not the administrative centre of the District, the person previously delegated by the Head of District will make the appointment.

If the Scrutineers are impeded under similar circumstances as mentioned above, the Chairman appoints the required number of persons from among the voters who are present and who meet the required qualifications.

In the event of a similar impediment facing the Secretary or the Interpreter, the Head of District, or – if necessary – his delegate as set forth in the first paragraph of the present article, provides for the replacement by appointing persons that he thinks are suitable to assume the related office.

In these situations, too, the assignment is mandatory, and either the Head of District, his delegate, or the Chairman of the Electoral Office, as the case may be, is authorized to decide on the validity of the reasons put forward to decline the assignment.

Article 36

In every electoral district, and in the places indicated in the table set forth in the last paragraph of Article 2, a Central Electoral Office is established, composed of a Chairman, two Somali members and a Secretary.

Two persons who are assigned to calculate the electoral figures also form part of the Central Electoral Office.

The members of the Central Electoral Office are appointed by the Regional Judge.

The assignments are mandatory, and the last paragraph of Article 35 above is applied with reference to the possibility of declining said assignment.

In the event of impediment of any member, the Regional Judge is responsible for the replacement.

Article 37

Candidates cannot serve as member of an Electoral Office.

When on duty, all members of the Electoral Offices, including the List Agents, are considered public officials for all legal intents and purposes.

Article 38

The members of the Electoral Offices and of the Central Electoral Offices who are not employed by the government and who do not receive a regular payment from it are entitled to the following daily allowances:

the Chairmen: So. 30;

the Secretaries: So. 20;

the Scrutineers and Interpreters of the Electoral Offices, as well as the Somali members and the persons assigned to calculate the electoral figures in the Central Electoral Offices: So. 10 each.

The above mentioned allowances are due for every day of actual participation in the activities of the Electoral Office.

The same persons are also entitled to the following allowance for every day that they are required to stay outside of their normal residence in connection with their duties:

the Chairmen: So. 25;

the Secretaries: So. 18;

the other members: So. 10 each.

The members of the Polling Electoral Offices and of the Central Electoral Offices who are employed by the government and who receive a regular payment from it are not entitled to any allowance for their participation in the activities of the Electoral Offices.

The same persons will nevertheless receive an allowance according to rules applicable for their position if they are required to serve outside their normal place of work.

Article 39

The period for election rallies and electoral campaign meetings begins 30 days before the date fixed for the election.

Election rallies and electoral campaign meetings – direct or indirect – are forbidden on the day before the vote in public places or places open to the public.

On the voting day, any electoral campaigning is forbidden within a two hundred-metre radius from the entrance of the Electoral Office.

Title VI – Voting

Article 40

The polling room must be suitable to host the table for the Electoral Office as well as the List Agents. The latter should be able to sit in a suitable place so that they can follow the voting activities and the counting of votes.

In two corners of the polling room two polling booths must be placed, in a manner that ensures the secrecy of the vote.

Article 41

Only the voters who present an electoral certificate confirming their registration for that Electoral Office can enter the polling room, except for the cases set forth in Articles 29, 47 and in the second paragraph of Article 46.

Voters enter the polling room one at a time, and they cannot bring weapons or other tools capable of causing injury or damage into the polling room.

Article 42

The Chairman of the Electoral Office is in charge of policing the polling room. He can rely on the policemen and the armed forces to have those who disturb the normal course of the electoral activities or commit a crime expelled or arrested. The police or armed forces cannot enter the polling room without the authorization of the Chair.

The civil authorities and the military commanders shall obey the Chairman's requests, also in order to preventively secure the free access of the voters to the polling room and to prevent crowds in the vicinity.

The Chairman can also order that voters who linger unnecessarily during the vote, or who do not comply with the request to return the marked ballot, be removed from the polling booth after having given back the marked ballot. Such voters may be admitted again to vote after other voters present have voted. This shall be reported in the transcript.

Article 43

At 6 AM on voting day, the Head of the Municipality or his delegate will deliver the following to the Chairman of the Electoral Office, at the same office:

- the sealed package containing the stamp of the office;
- the sealed package containing the ballots and a second package containing the ballots for the Electoral Representatives, if any have been assigned to the office;
- a ballot box and a container for the ballots;
- two copies of the poster containing the lists of candidates;
- three copies of the list of voters assigned to the office authenticated by the Head of the Municipality and three copies of the list Electoral Representatives, if any have been assigned to the office, including an indication of the number of votes each of them has and of their Substitutes;
- a copy of the appointments of the members of Electoral Office;
- a list of the people authorized by the Head of [administrative] District to enter the polling room as List Agents;
- a suitable number of indelible pencils to vote;
- all forms and stationery necessary for the office activities.

Article 44

The stamps of the Electoral Office are of the same type for the entire Territory with a single progressive numbering.

The ballots for the voters resident in the municipal districts are of thick paper, of identical type and colour for all the electoral districts, and they contain only the symbols of the lists of candidates which have been duly nominated, in the order of presentation according to the last paragraph of Article 20.

The ballots for the Electoral Representatives have the same characteristics as those mentioned above, with the exception that they are provided in three types, each of different colour, different from that of the ballots intended for the voters resident in the Municipalities; such ballots are equivalent to 1, 10 or 100 votes respectively, according to their colour.

The ballot boxes and the containers for the ballots are of the same type for the entire Territory.

The stamps, the ballots, the ballot boxes and the containers are provided by the Department of Home Affairs.

Article 45

Upon receiving the materials indicated in Article 43 above, the Chairman posts a copy of the poster containing the lists of candidates and a copy of the voter list outside of the office, at its entrance, and inside of the polling room so that they can be easily seen by the voters who will appear at the office. A copy of the voter list is kept on the office table.

Then, at 6.30 am, the Chairman proceeds to formally constitute the Office by calling on the Scrutineers, the Secretary and the Interpreter to be part of it, and inviting the authorized List Agents to be present during the electoral activities.

When the Electoral Office is formally established, the Chairman opens the sealed package containing the Office stamp after having verified the integrity of the seal closing such package. He reports the number indicated on the stamp in the transcript.

He opens the package containing the ballots for the voters resident in the Municipalities; he counts them and notes the amount in the transcript. He then takes as many ballots as the number of voters registered in the voter list; he stamps them with the office stamp, and puts them in the container for the ballots. He keeps the other ballots in the package.

If Electoral Representatives have been assigned to vote at the Office, he repeats the same process for the ballots reserved for them, removing from the package as many ballots as necessary for each Electoral Representatives to vote.

He verifies and asks the other members to verify that the ballot box is empty and then closes and seals it, leaving open only the chink to introduce the voted ballots.

All these activities must be completed no later than 7 am.

Afterwards, the Chairman declares the vote open.

Article 46

Those who are registered in the voter list are entitled to vote upon presentation of their electoral certificate, except for the cases set forth in Articles 29 and 47.

Anyone who presents an authorization from the Regional Judge declaring him a voter in the district is also entitled to vote.

Article 47

The members of the Electoral Offices, the List Agents, as well as the police officers and the policemen on duty vote in the Electoral Office where they are on duty upon presentation of the electoral certificate, even if they are registered as voters in other offices.

The names of the voters mentioned in the above paragraph are recorded by the Chair at the bottom of the voter list of the Office, and this is reported in the transcript.

Article 48

Voters may not be represented by others when voting, or cast their vote by post.

Blind people, persons whose hands have been amputated, and those affected by paralysis or other impediment of similar seriousness, exercise their right to vote with the help of a voter of their own family or, lacking such person, another voter who has been voluntarily chosen as an accompanying person, provided that the one or the other is registered as a voter in the same Electoral Office.

A voter can accompany one handicapped person only. The Chairman of the Office where he performed this duty makes a specific note on his electoral certificate.

Electoral Representatives and Substitutes cannot request other persons to vote on their behalf.

Article 49

The electors are admitted to vote in the order of arrival and after presenting their electoral certificate.

They must show an identification document issued by the government.

The essential information of the document is recorded in the identification column on the list authenticated by the Head of the Municipality.

If the voter does not have a proper identification document, one of the members of the Electoral Office who personally knows the voter attests to his identity by signing the identification column.

If no member of the Office can take the responsibility to establish the voter's identity, the voter can propose another voter of the same municipality who is known to the office to identify him. The Chair warns the voter that he will be punished by law if he commits perjury.

In case of doubt about a voter's identity the Chair decides.

List Agents cannot attest to the identity of other voters in the office where they are on duty.

Article 50

After having determined the voter's identity, the Chairman takes a ballot out of the container and gives it to the voter together with an indelible pencil.

The voter must go into one of the polling booths and, without being approached by anyone, cast his vote by marking, with the pencil, a sign on the symbol corresponding to the list of his choice on the ballot, or at least on the rectangle containing that symbol.

Any other sign or indication is forbidden.

The voter must then fold the ballot following the lines traced on it, and close it by moistening the gummed part.

The Chairman explains these steps to him beforehand, without indicating an example [of which list to vote for].

After having voted, the voter gives the folded ballot and the pencil to the Chairman. The Chairman ascertains that the ballot is closed; if not he invites the voter to close it by sending him back into the polling booth; he verifies that the ballot is of the prescribed type and that it has been stamped with the Office stamp. He then places it into the ballot box.

One of the Electoral Office members ascertains that the voter voted by signing next to the voter's name in the proper confirmation column of the voter list.

Any unstamped ballots, and those that are not of the prescribed type, are not placed into the ballot box, and the voters who presented them cannot vote anymore. They are immediately signed by the Chairman or at least one Scrutineer and attached to the transcript. The transcript shall also mention those voters who did not give back the ballot after having received it.

If a voter finds that the ballot he received is spoiled, or if he himself spoiled it because of his negligence or ignorance, he can ask the Chairman for another ballot after having given back the first, which is folded after the Chairman has written spoiled ballot on it and signed it. The Chairman must immediately replace in the container the second ballot given to the voter with another that is taken out from the package containing the remaining ballots. The issuing of the second ballot is noted in the proper column of the voter list.

A ballot is valid if it contains a vote for a list.

Voting must continue without interruption until all the registered voters present in the Electoral Office at 8 pm have voted.

Article 51

The provisions of Articles 49 and 50 above shall apply to the voting by the Electoral Representatives with the following changes and additions:

- the Electoral Representatives are given priority over the other voters;
- the Electoral Representatives or their Substitutes receive as many ballots of 100, 10 and 1 votes as the hundreds, tens and units of votes they are entitled to cast, plus 1 vote if they are not also registered in a Municipality voter list;
- the Electoral Representatives can vote at any time on the voting day, until the end of the voting; after 6 pm, and up to the end of the voting, the Substitutes of those Electoral Representatives who did not vote can vote on their behalf. When an Electoral Representative has voted his Substitute cannot vote anymore, and vice-versa;
- the Electoral Representatives or their Substitutes can only vote a single time: partial votes are not admitted;
- an annotation is made in the transcript of Electoral Representatives who do not give back all or part of the ballots after having received them, indicating the number and the type of the ballots not given back next to the name of the Electoral Representative;
- a valid ballot represents as many votes for the list as the number of votes attributed to that type of ballot.

Article 52

If the voter does not vote inside the polling booth, the Chairman of the Electoral Office must take back the ballot and declare it void. The voter cannot vote anymore.

Article 53

Based on the Scrutineers' advice, and except for what is set out in Article 66, the Chairman takes provisional decisions on complaints, including oral ones, on any difficulties and incidents related to the activities of the Electoral Office, and on whether a ballot is to be declared void. The decision is recorded in the transcript.

At least two members of the Electoral Office, among whom must be either the Chairman or the Vice-Chairman, must always be present during all electoral activities.

Title VII – Counting of votes

Article 54

After the voters have voted according to the last paragraph of Article 50, and after having cleared the table from all papers and things not necessary for the counting of votes, the Chairman:

- 1) declares the voting closed;

- 2) checks the number of voters who voted as determined from the relevant column in the voter list, and counts the number of electoral certificates.

Every sheet of the voter lists must be signed by the Chairman and two Scrutineers, and then enclosed in an envelope sealed with the Electoral Office stamp. The Chairman and the two Scrutineers must sign the envelope.

- 3) takes out and counts the unused ballots from the container. He adds up the ballots not given back by voters as well as those given back that are of a different type than the prescribed ones or that are unstamped, and considers these ballots as having been cast. He verifies if the number of unused ballots is equal to the number of voters who did not vote.

The unused ballots from the container, together with those left in the package received by the Head of District as well as the electoral certificates, are put in a separate package following that which is prescribed in n. 2) above.

Such activities must be carried out in the order stated. They must be recorded in the transcript together with the related outcome. The transcript also includes a note of all complaints presented, the objections made and the Chairman's decisions.

Article 55

Once the activities of Article 54 above are completed, the Chairman:

- 1) proceeds to the counting of votes;

a Scrutineer – chosen by lot – takes out each ballot one by one and gives it to the Chairman. The latter pronounces aloud the name of the list of candidates to which the vote has been given before passing it to the other Scrutineer who, together with the Secretary, marks the vote received by the list in the tabulation form. The Secretary proclaims aloud the votes received by the lists. The Scrutineer puts the counted ballot in the container from which the unused ballots have been taken out. It is forbidden to take out a ballot from the ballot box until the one previously taken is put into the container after having been counted. The ballots can be touched by the members of the Electoral Office only;

- 2) counts the number of votes represented by the counted ballots and verifies if it is equal to the votes assigned to the lists in the tabulation form, plus the void and contested votes. He adds the number of the counted ballots to that of the ballots not given back by the voters, and to those given back because they were unstamped or not of the prescribed type which, according to the fourth paragraph of Article 50 above, have not been put into the ballot box, and verifies if the total amount is equal to the number of ballots given to the voters;
- 3) verifies that the numbers indicated in the different columns of the tables in the transcript correspond as indicated in the same transcript, and provides the explanation for any discrepancy.

Such activities must be carried out in the order stated, and must be recorded in the transcript together with the related outcome.

The ballots corresponding to void votes and those corresponding to contested votes, as well as all the paperwork related to complaints and objections, must be immediately signed by the Chairman and at least one Scrutineer. At the end of the counting of votes they must be put in an envelope that must be enclosed in a package also containing the envelope with the spoiled ballots and those

delivered unstamped and ballots not of the prescribed type. The package is sealed with the Office stamp and signed by the Chairman and the Scrutineers.

All other counted ballots are closed in a package in the way indicated in the previous paragraph.

The transcript must report all complaints presented, the objections made, the contested votes and the Chairman's decisions.

All these activities must continue without interruption until they are completed.

Article 56

Apart from the rules set forth in Article 52, votes are void when the ballots:

- 1) are not those prescribed by Article 44 or are not stamped;
- 2) present any trace of writing or sign that appear to be made deceitfully;
- 3) when there is no expression of a vote for any list of candidates, or the vote is given to more than one list and there is no way to identify the list which has been chosen.

Article 57

The Chairman declares a vote void upon the unanimous advice of the Scrutineers.

In the event of different opinions the ballot is declared to be contested.

The decision on contested ballots will be taken by the Regional Judge.

Article 58

When the counting of votes is finished, the Chairman ascertains and declares the total number of votes received by each list of candidates and certifies it in the transcript.

Article 59

The transcript of the Electoral Office must be drawn up in triplicate.

One copy of the transcript is delivered by the Chairman, accompanied by two Scrutineers, to the Central Electoral Office of the electoral district together with all the attachments listed therein. If the Central Electoral Office is located in a Municipality different from that to which the Electoral Office belongs, the Chairman of the Electoral Office delivers the transcript and the attachments to the Head of the Municipality who will take care of sending everything to the Central Electoral Office under escort using the quickest possible way.

Another copy of the transcript is delivered to the Head of District who will make it available for all voters willing to consult it.

The third copy is delivered to the Department of Home Affairs.

Article 60

If the counting of votes must continue on the following day, the Electoral Office members must seal the windows and the doors of the polling room, where the materials will be kept properly sealed.

Upon re-constituting the Electoral Office, the above mentioned operations will be continued the following day from the point where they had been stopped.

Article 61

As soon as all the transcripts of the Electoral Offices of the district have been received, the Central Electoral Office determines the electoral figure for each list by adding the total number of valid votes given to each list of candidates in all Electoral Offices of the electoral district. The Chairman proclaims the result of the counting of votes and prepares a transcript in triplicate.

One copy of the transcript with all the attachments delivered by the Electoral Offices is delivered to the Regional Judge.

One copy is delivered to the relevant Head of District who will make it available for all voters willing to consult it.

The third copy is delivered to the Department of Home Affairs.

Article 62

Within 48 hours of the receipt of the documents indicated in the previous article, the Regional Judge decides on the contested ballots assisted by two Members of the Regional Court and by the main Qadi of the area. He corrects the results of the counting of votes according to the allocation of the contested ballots to the different lists of candidates, and then proceeds to the assignment of the seats to the different lists of each district in the following way:

- 1) if one seat only is assigned to the district, he assigns that seat to the list that received the highest number of valid votes. If more than one list obtained the same electoral figure, the seat is awarded to a list drawn by lot from among said lists;
- 2) if two or more seats are assigned to the district, the Office:
 - a. determines the general electoral figure by adding up the total number of valid votes given to all lists of candidates;
 - b. calculates the electoral quotient by dividing the above general electoral figure by the number of Territorial Councilors to be elected in the electoral district plus two;
 - c. assigns to each list of candidates as many seats as the number of electoral quotients, as above calculated, contained in the electoral figure of the list of candidates. The seats which remain vacant are awarded to those lists that had the highest remainders, also taking into consideration the votes given to the lists which did not reach the electoral quotient. If a seat is to be assigned among lists of candidates having the same remainder, the matter is decided by drawing lots among those lists.

If, with the electoral quotient calculated as above, the number of seats to be assigned to the different lists is higher than the seats assigned to the district, the calculations are repeated with a new quotient obtained by reducing the divisor by one. If the outcome is the same as above, the divisor is reduced by one again.

Subsequently, the Regional Judge proclaims elected as Territorial Councillors the candidates on the list of candidates, starting with the first and ending with the candidate whose number corresponds to the number of seats assigned to the list.

In each electoral district the List Agents are authorized to assist all activities performed by the Regional Judge.

The Regional Judge sends a certificate of election to the elected Territorial Councillors, and gives immediate notice to the Department of Home Affairs and to each Head of District, who inform the public.

The Regional Judge must prepare a transcript in triplicate of all the operations made. One copy is sent to the *Giudice della Somalia*, one to the Department of Home Affairs, and one is placed in the Judge's archives.

Article 63

A Territorial Councillor who is elected in multiple electoral districts must declare in writing to the Department of Home Affairs the district which he has chosen within 15 days from the date of the notification that follows an earlier notification of having been elected.

If no choice has been made the assignment is made by drawing lots. The drawing is held at the Department of Home Affairs in presence of a Judge appointed by the *Giudice della Somalia*.

In the event set forth in the present Article, in the electoral district where a seat remains vacant, the seat is assigned to the first unelected candidate of the same list of candidates. Such candidate is declared Territorial Councillor by the relevant Regional Judge upon notice from the Department of Home Affairs.

Article 64

If a seat remains vacant for any reason, despite the preceding, it is given to the candidate of the same list of candidates who immediately follows the last elected person.

Article 65

After 20 days from the proclamation of the Territorial Councillors the Regional Judge shall send to the *Giudice della Somalia* all electoral documents and materials received by the Central Electoral Offices, as well as a copy of the transcript prescribed in Article 62 above, together with all objections and complaints received and the related decisions taken.

Article 66

Only the *Giudice della Somalia* can validate the election of the Territorial Councillors.

He makes the final decisions on contested issues, objections and, in general, on all complaints submitted to the Electoral Offices and the Regional Judges during their activities or thereafter.

Objections and complaints not presented to the Electoral Offices and the Regional Judges must be sent to the *Giudice della Somalia* within 20 days from the proclamation made by the Regional Judges.

No proclamation can be validated before 30 days have elapsed from the date of that proclamation.

Title VIII – Penal provisions

Article 67

The relevant Regional Judge adjudicates the crimes set forth in the following Articles of the present Section VIII.

For the crimes related to the primary elections of Section IV of the present ordinance, the provisions set forth in the Ordinance n. 5 of 30 March 1955 shall apply.

Article 68

Whoever offers, promises or gives money, valuables, or any other benefits – including monetary allowances for the reimbursement of travel and lodging expenses or food or beverages – or promises, grants or makes possible the attainment of public or private employment in order to obtain a signature for the nomination of a list of candidates, or a vote or an abstention to his advantage or that of others, is punished with imprisonment of up to 1 year or with a fine of up to So. 1,200.

The same punishment is imposed on the voter who accepts offers or promises, or who receives money or other benefits, to give or deny his signature for the nomination of a list of candidates, or to give or to deny his vote.

Whoever uses violence, threats, fraud or deceit, or any other unlawful method which restricts a voter's freedom, is punished with imprisonment of up to 2 years or with a fine up to So. 2,400.

If the crimes set forth in the present Article are committed to obtain the vote or the abstention of an Electoral Representative, or to restrict his freedom to vote, the punishments are doubled.

Article 69

Whoever, by the use of any means, obstructs or disrupts an electoral campaign meeting, either public or private, or who prevents the posting of bills of public authorities concerning electoral activities, or prevents the dissemination or the posting of electoral campaign printed matters, or destroys bills and printed matters posted or to be posted or advertised, is punished with imprisonment of up to 1 year or with a fine up to So. 1,200.

Article 70

Whoever disrupts the regular holding of electoral rallies, prevents the free exercise of the right to vote, or in any way alters the vote results with the use of violence or threats is punished with imprisonment of up to 2 years or with a fine up to So. 2,400.

Whoever forges, in whole or in part, voter lists, ballots or other documents related to the electoral activities under the present ordinance, or alters one of such documents when it is authentic, or

replaces or destroys in whole or in part one of such documents, or consciously makes use of any documents that are falsified, altered or replaced, even if he did not participate in committing the deed, is punished with the same punishment.

Article 71

Whoever enters the polling room of the Electoral Office or the Central Electoral Office room during the electoral activities without having the right to do so, is punished with imprisonment of up to 1 month or with a fine up to So. 100.

Violations of the prohibition set forth in the second paragraph of Article 41 are punished with imprisonment of up to 3 months. The offender is arrested and the weapon is confiscated.

Article 72

A person who, being deprived of the right to vote or suspended from such right, or who adopting the name of another person, presents himself in an Electoral Office to vote; and a person who votes in more than one Electoral Office, or who is instructed to vote on behalf of someone who is not able to do so but then votes for a person or a list different from what he has been instructed, is punished with imprisonment of up to 6 months or with a fine up to So. 600.

Whoever allows someone to vote whereas that person is not entitled to vote, or prevents a person from voting when he is entitled to do so, is punished with the same punishment.

Whoever seizes electoral certificates to prevent the free exercise of the right to vote, and whoever gives his electoral certificate to someone else is also punished with the same punishment.

If the crime of the previous paragraph concerns the electoral certificate of an Electoral Representative, the punishments are doubled.

Article 73

Whoever, after having participated in a *shir* for the primary elections, presents himself to vote in an Electoral Office of a municipal district, even if he has been successively registered in the voter list of a Municipality, is punished with imprisonment of up to 6 months or with a fine up to SOS 600.

Article 74

A member of the Electoral Office who, through actions or omissions in contravention of the present ordinance, obstructs the completion of the electoral activities, or causes the voting to become void, or changes its results, or refrains from proclaiming the election results, or blocks the sending of papers, packages, ballots and boxes as prescribed in the present ordinance by refusing to deliver or stealing them, is punished with imprisonment of up to 2 years or with a fine up to So. 2,400.

A List Agent who obstructs the completion of the electoral activities is punished with imprisonment of up to 1 year or with a fine up to So. 1,200.

Article 75

Any voter who signs in support of more than one list of candidates is punished with imprisonment of up to 2 months or with a fine up to So. 200.

Article 76

Whoever is appointed as a member of an Electoral Office and refuses to assume his duties without a valid reason, or is not present at the establishment of the Office, is punished with a fine up to So. 300.

The same punishment is imposed on members of the Electoral Office who leave it before the end of the electoral activities without a valid reason.

Article 77

Violations of the rules set forth in Article 39 are punished with imprisonment of up to 2 months or with a fine up to So. 200.

Article 78

A Chairman of the Electoral Office who ignores a voter, or any other person who stops the voter from entering the polling booth, is punished with imprisonment of up to 2 months.

Any voter who does not give back the ballot is punished with a fine up to So. 50.

Article 79

A person who is convicted of an electoral crime for which a Judge imposes a sentence of imprisonment shall lose the right to vote and to be elected for a period of 5 years.

The application of the punishments set forth in the Penal Code for crimes not provided for in the present ordinance remains unaltered.

Title IX – Final and transitional provisions

Article 80

The tenure of the Territorial Council elected as per the provisions above is three years.

Article 81

The Territorial Council currently in office shall be dissolved upon the issuance of the decree of the Administrator fixing the voting date according to Article 19 above.

Article 82

The present ordinance enters into force on the date of its publication in the Somali Official Journal.

Mogadiscio, on 31 March 1955.

The Secretary General
Spinelli

DRAFT

III. Ordinance no. 5 of 30 March 1955: District councils

Source: Natali, Guido: I prime elezioni politiche in Somalia (Mogadishu, 1957), pp. 112-122, which provides the integral text of the ordinance. Translated from the Italian.

The present ordinance is primarily concerned with the election of district councils, ie. those representative bodies created for the representation of voters not resident in municipal areas. It is also of relevance for the election of members of the Territorial Council/Legislative Assembly. As noted above, the representation of rural voters in this Assembly was based on an indirect voting system, in which tribal units would convene in a "shir", or traditional assembly, to choose their so-called Electoral Representatives, who in turn would cast their votes for lists competing for seats in the Legislative Assembly. See Ordinance no. 6 of 31 March 1955, above p.19. The rules for convening and holding a shir to elect district council members, as set out in the present ordinance, were also applicable to this indirect voting system for the Legislative Assembly.

ITALIAN TRUST ADMINISTRATION OF SOMALIA THE SECRETARY GENERAL

Having seen the Presidential Decree of 9 December 1952 no. 2357;

Having seen Article 9, paragraph 3, of said Decree;

Having seen Article 8 of the Trusteeship Agreement for the Territory of Somalia;

Having seen Article 4 of the declaration of the constitutional principles attached to the Trusteeship Agreement;

ADOPTS AND PROMULGATES THE FOLLOWING ORDINANCE

Title I – The District Councils

Article 1

In every District of the Territory, except for the District of Mogadiscio, a District Council is established. It is composed of the Head of the District, who is the chairman, and by such Chiefs who are elected according to the present ordinance.

Article 2

The District Councillors are elected by those tribal units, or by other groups of people organized on a territorial basis, who reside permanently or for most of the year in the District and who are headed by a Chief in authority at the date of the entry into force of the present ordinance.

The election of District Councillors is done through the traditional *shir* held according to local custom.

Each group of people convened in a *shir* can elect one District Councillor only.

Article 3

Other than the Chiefs elected according to the rules of the present Ordinance, the following people can be appointed as Councillors by decree of the Administrator:

- a) traditional Chiefs who have prominent importance and widely recognized prestige in the Territory, and whose authority is related to a clan [*aggregato gentilizio*], divided into several tribal units each having its own Chief, and for which the Administrator does not deem necessary to call for the *shir*;
- b) representatives of political parties which have at least one section in the District;
- c) representatives of the District's main economic activities;
- d) main representatives of religion and culture.

Proposals for the appointment of persons indicated in b) above are presented by the party sections which have their head office in the administrative centre to the Head of District, who sends them to the Administrator together with a reasoned report.

Proposals for the appointment of the people indicated in c) and d) above are presented by the Head of District directly to the Administrator together with a reasoned report.

Article 4

In each District the *shir* are held separately, during a seasonal period of no less than four months, determined by decree of the Administrator to be published in the Official Journal at least 15 days before the commencement date of said period.

The convening date of the *shir* is determined by the relevant Head of District, who gives full notice to the concerned population in a manner deemed most appropriate to the local conditions, and in any event with at least 15 days prior notice.

Article 5

The relevant Head of District determines which are the tribal units and the other organized groups that must be convened in a *shir*.

To this end, he publishes a list of the tribal units and the other groups organized on a territorial basis that must be called in a *shir*. The list is published in a manner deemed most appropriate according to the local conditions, and no later than the beginning date of the seasonal period determined for the *shir* according to Article 4 above.

The decisions of the Head of District can be appealed to the District Electoral Commission composed of the Head of the Region, who is the chairman, and by 10 to 15 members appointed by the Head of the Region chosen among the Chiefs, Notables, and eminent personalities residing in the District. Appeals must be signed by at least 50 people belonging to the same group, and must be presented to the District Electoral Commission within a month from the publication of the list in

the previous paragraph personally by one of the petitioners, who, for all intents and purposes, is considered responsible for the authenticity of the signatures. On request, the Commission can hear the petitioners. The decisions of the Commission are taken by majority and are final.

The members of the District Electoral Commission belonging to the petitioners' tribal unit or organized group must abstain. The decision of the Commission must be communicated to the Head of District without any delay.

Article 6

Those who are employed by the Government and the Municipalities cannot be elected as District Councillors. In case that such a person is elected, the Regional Judge in whose jurisdiction the *shir* has been held invites the elected to choose one of the two offices within ten days from the notice of the invitation. If the elected person has not presented a written declaration by which he makes the choice within such deadline, it is understood that he has given up the office of District Councillor.

The elected person employed in one of the above mentioned institutions who chooses the office of District Councillor can be proclaimed District Councillor according to the following Article 12 if he is placed on unpaid leave by the institution where he is employed.

The armed forces and those belonging to paramilitary organizations cannot be elected as District Councillors.

Article 7

With the same measure indicated in the second paragraph of Article 4 above, the Head of District shall appoint a Supervisory Committee for every single *shir* to be held in the District. The Supervisory Committee is composed of either 5, 7, or 9 members, of which 3, 4 and 5 respectively must belong to the group called in *shir*, and the others to the other tribal units residing in the same District.

Chiefs and Notables holding office and belonging to the group called in *shir* cannot be part of the Supervisory Committee.

The Committee appoints a Chairman among its members.

The Supervisory Committee must assist the Head of District in preparing and organizing the *shir*, and must verify that the same *shir* is held according to local custom with reference to:

- the qualification of voters for each participant in the *shir*;
- the procedural rules;
- quorum requirements;
- qualification requirements of the elected.

The Supervisory Committee decides by majority on the validity of the *shir*.

The Chairman of the Supervisory Committee is in charge of policing the *shir*. He can call upon police officers to have those who disturb the normal course of the electoral activities or commit a crime expelled or arrested. The police cannot interfere in the *shir* without a request from the Chairman.

Any intervention of the police is reported in the transcript indicated in Article 11 below.

The Supervisory Committee must be present at the *shir* from its beginning to its end.

Members of the Supervisory Committee who are not paid by the Italian Trusteeship Administration of Somalia or by a Municipality will receive a fixed amount of So. 50 when the *shir* is finished.

Article 8

When the *shir* begins, all Chiefs and Notables belonging to the group convened in *shir* lose office for all intents and purposes.

Article 9

The relevant Head of District or his delegate must be present at the conclusion of each *shir*.

Article 10

The agents of those political parties having at least one Section in the District where the *shir* is held can be present at the *shir* as observers. Each political party can send one observer only.

Such political observers must be provided with a specific written authorization from the territorially competent Head of District.

The political observers can stay with the Supervisory Committee to follow its activities, without, however, being entitled to interfere in its work. They can request their remarks, if any, to be recorded.

The Chairman of the Supervisory Committee can request that any observer who continues to disturb the regular holding of the assembly after two warnings is expelled from the *shir*. He can request the assistance of the police, if necessary.

Article 11

A transcript of every *shir* must be prepared in triplicate by the Head of District or his delegate as referred to in Article 9 above, who signs it after having added his opinion on the regularity of the *shir*.

The transcript must contain the reasoned opinion on the validity or nullity of the *shir* by each member of the Supervisory Committee, who shall sign the transcript.

If a member of the Supervisory Committee refuses to express his opinion or to sign the transcript, this shall be recorded stating the related reasons, if known.

One copy of the transcript is sent without delay to the relevant Regional Judge through the Head of the Region who attaches his opinion.

The second copy is kept in the District Office, where it remains available for consultation. The third copy is sent to the Department of Home Affairs by the Head of District.

Article 12

Upon receipt of the transcript as indicated in Article 11 above, the Regional Judge verifies that the rules set forth in the present ordinance have been respected, and that the *shir* has been declared valid by the Supervisory Committee, or by the majority of its members. He validates the *shir* giving notice of it without delay to the relevant Head of District, who, in his turn, gives notice to the elected District Councillor, to the concerned group and to the people. If the Regional Judge believes that the rules of the present ordinance have not been respected during a *shir*, or if through an examination of the transcript of the preceding Article he determines that the Supervisory Committee has not declared it valid with a reasoned opinion, he declares the *shir* void taking the appropriate decision.

Such decision is notified without delay to the Head of District, who gives immediate communication of it to the concerned group and calls for a second *shir* according to the rules of the present ordinance, unless the decision of the Regional Judge has been appealed further to Article 14 below.

In the event of a second convening of the *shir* for the reasons set forth in the previous paragraph, the composition of the Supervisory Committee is changed.

The notices of the decisions adopted by the Regional Judge in the previous two paragraphs are given to the Department of Home Affairs too.

Article 13

The candidate elected by the *shir* is proclaimed District Councillor by decree of the Administrator; with the same Decree he is recognized as Chief and he is awarded a monthly payment.

Article 14

The decisions of the Regional Judge can be appealed to the “*Giudice della Somalia*”, whose decision is final.

The appeal must be written and signed by at least 50 participants in the *shir*. It must be justified under penalty of being void, and it must be filed by one of the petitioners, who is considered responsible for the authenticity of the signatures, with the Regional Judge within 30 days from the date when the decision has been notified to the people concerned.

The Regional Judge forwards without delay the appeal together with a copy of his decision and the *shir* transcript to the “*Giudice della Somalia*”.

Article 15

When a regularly called *shir* is not attended, or the quorum deemed by the Supervisory Committee to be the requirement is not reached, the concerned group is no longer entitled to elect its own District Councilor, and its Chiefs and Notables lose office for all intents and purposes from the date when the *shir* was called.

However, if this event is caused by force majeure, the Head of District, after having determined the reasons and heard the Supervisory Committee, calls for another *shir*.

Article 16

A District Councillor who repeatedly fails to observe his office duties can lose his office by Trustee decree, upon a justified proposal by the Head of District approved by the Head of the Region.

Within four months from the date of the decree by which the Councilor loses his office, the Head of District must call the *shir* of the concerned group for the election of the new District Councilor according to the rules of the present ordinance.

Article 17

The District Council must be called at least once every three months: it can be convened upon the request of at least one third of the Councillors.

The convocation is made by the Chairman through a written notice containing the agenda, which is to be delivered to the Councillors' residences at least 15 days before the date of the meeting.

In the first meeting the Council elects a Vice-Chairman, who replaces the Chairman in the event of his absence, death or impediment, and a Secretary.

Meetings are public, and are not valid unless at least half of the Councillors are present. Decisions are taken by majority: in the event of equal votes, the Chairman's vote prevails.

Article 18

The District Council assists the Head of District in administering the population and in all matters concerning the territorial district by giving its advice on all subjects regarding which the Head of District deems it appropriate to request its advice.

The District Council must be heard on the following matters when they do not fall within the competence of the Municipalities:

- a) all issues related to agriculture, sheep farming, animal breeding, fishing, hunting and economic development in general;
- b) on all general issues connected to trade, industry, and the exploitation of natural resources;
- c) on all public use works, like roads, town planning, building of markets, etc.;
- d) on general issues related to education, health and labour (use of manpower, unemployment, etc.);
- e) on all issues related to the territorial borders of the District;
- f) on all issues related to the application of customary law (*testur*), to the payment of the *diya*, to the disputes between groups organized on an ethnic or territorial basis related to grazing and watering rights and to territorial borders.

The decisions of the Head of District on the above mentioned matters must be accompanied by the advice of the District Council. Such advice is not, however, binding.

Article 19

If there are tribal units or other groups which are not represented in the District Council but which have an interest in the meetings called to consider the issues of Article 18 above, the Head of

District shall from time to time request the participation of the representatives of the concerned groups to the meetings. Such representatives do not have right to vote.

At the beginning of such meetings the District Council must determine if the representatives of the concerned groups have been properly called, irrespective of whether they are present at the meeting or not.

Article 20

If in two subsequent meetings, called at least 15 days from one to the other, the quorum of Councillors is not reached, or if the District Council is not able to give an advice for any reason, the Head of District may leave the District Council's advice out of consideration.

Article 21

The District Councillors participate in the decisions of the Council with one vote each, irrespective of the number of people they represent.

Article 22

If a District Councillor loses his office for any reason, the Administrator, having made the necessary verifications, authorizes the Head of District to hold the *shir* of the concerned group as soon as possible to elect a new District Councillor.

The holding of the *shir* and the proclamation of the new Councillor are made according to the rules of the present Ordinance.

Article 23

When holding office the District Councillors are immune from criminal proceedings and arrest except with the prior authorization of the Administrator, unless caught in *flagrante delicto*.

Article 24

The District Councillors are entitled to a daily fee of So. 5 for every day of actual participation in the work of the Council, in addition to a daily allowance of So. 5 if the Councilors do not live in the place where the Council meeting is held, as well as a reimbursement of their travel expenses, if any.

Title II – Penal Provisions

Article 25

The relevant Regional Judge is competent to adjudicate crimes set forth in the following Articles of this Section.

Article 26

Whoever offers, promises or gives money, valuables, or any other benefits to obtain a vote or an abstention to his advantage or that of others will be punished with imprisonment of up to 6 months or with a fine up to So. 600.

The giving of food or beverages according to the local customs related to the *shir* is not considered a crime.

The same punishment is imposed on the voter who accepts offers or promises, or who receives money or other benefits to give or to deny a vote.

Whoever uses violence, threats, fraud or deceit, or any other unlawful instrument which restricts a voter's freedom is punished with imprisonment of up to 1 year or with a fine up to So. 1,200.

Article 27

Whoever prevents the posting of notices of the public authority concerning the *shir*, or destroys such notices, is punished with imprisonment of up to 6 months or with a fine up to So. 600.

Article 28

Whoever disrupts the regular holding of a *shir*, prevents the freedom of vote, or alters in any way the vote results by the use of violence or threats, is punished with imprisonment of up to 1 year or with a fine up to So. 1,200.

Article 29

Whoever participates in a *shir* without being entitled to do so, is punished with imprisonment of up to 1 month or with a fine up to So. 100.

Article 30

Whoever votes in more than one *shir* is punished with imprisonment of up to 6 months or with a fine up to So. 600.

Article 31

A member of the Supervisory Committee who obstructs the work of the *shir*, or causes the *shir* to be void, or alters its results with actions or omissions contrary to the present ordinance, is punished with imprisonment of up to 18 months or with a fine up to So. 1,800.

Article 32

A member of the Supervisory Committee who is not present at the opening of the *shir* or leaves the *shir* before its end without a valid reason, is punished with a fine up to So. 150.

Article 33

The application of the penalties set forth in the Criminal Code for crimes not provided for in the present ordinance remains unaltered.

Title III – Final and transitional provisions

Article 34

The District Councils serve for a three year term.

Article 35

All provisions contrary to or inconsistent with the present ordinance are repealed.

Article 36

The Administrator can modify the time limits set in the present ordinance.

Article 37

The present ordinance enters into force on the date of its publication in the Official Journal.

Mogadiscio, on 30 March 1955.

The Secretary General
Spinelli

IV. Decree no. 215 of 26 November 1955: Representatives of ethnic minorities

Source: Natali, Guido: I prime elezioni politiche in Somalia (Mogadishu, 1957), pp. 105-110, which provides the integral text of the decree. Translated from the Italian.

Ordinance no. 6 of 31 March 1955 provided for a total of 10 reserved seats for minority groups: 4 for the Italian community, 4 for the Arab community, 1 for the Indian community and 1 for the Pakistani community. The present Decree established an indirect voting system for these seats, in which the members of each community first gathered in urban centres to choose a predetermined number of candidates and a fixed number of members of what would constitute a country-wide "electoral committee" for that community. The Decree established how many candidates and electoral committee members each community in each relevant urban centre was entitled to elect. The members of each electoral committee, as chosen by their community in the various urban centres, would in turn convene in Mogadishu to cast a vote for one of the nominated candidates.

ITALIAN TRUST ADMINISTRATION OF SOMALIA THE SECRETARY GENERAL

Having seen the Presidential Decree of 9 December 1952, no. 2357;

Having seen Article 9, paragraph 3, of said Decree;

Having seen the Presidential Decree of 9 December 1952, no. 2358;

Having seen Ordinance no. 6 of 31 March 1955 related to the election of the Territorial Council;

Having seen Article 4 of the above mentioned Ordinance, which established that the representatives of the ethnic minority communities in the future Assembly are elected by the respective communities according to rules established by the Administrator by special decree;

Having seen Decree no. 93 of 27 May 1955, which initiated the election of the Territorial Council;

Having considered that it is necessary to carry out what has been provided for in the above mentioned Article 4 of the Ordinance n. 6;

DECREES

Article 1

The representatives of the minority communities set forth in Article 4 of Ordinance no. 6 of 31 March 1955 are elected by Electoral Committees of the respective communities through free, direct and secret voting, with votes cast for lists of candidates.

Each community designates its candidates and elects the members of its Electoral Committee through assemblies of its members, according to the rules indicated in the following articles.

Article 2

Members of the respective communities who have been permanently living in the Territory for a period of at least 1 year and who are at least 21 years of age can participate in the assemblies referred to in the previous Article.

Article 3

Members of the ethnic minority communities who have been permanently living in the Territory for a period of at least 1 year, who are able to read and speak Arabic or Italian, and who are at least 25 years of age, are eligible as Territorial Councillors.

Members of the armed forces and those belonging to paramilitary groups cannot be elected as Territorial Councillors.

Article 4

The assemblies of the ethnic minority communities will be held in the following urban centres; there the candidates will be nominated and the members of the Electoral Committees will be elected, based on the number indicated for each town listed below:

ARAB COMMUNITY

Mogadiscio	7 candidates	14 members of the Electoral Committee
Merca	3 candidates	6 members of the Electoral Committee
Afgoi	1 candidates	2 members of the Electoral Committee
Villabruzzi	2 candidates	4 members of the Electoral Committee
Chisimaio	2 candidates	4 members of the Electoral Committee
Margerita	2 candidates	4 members of the Electoral Committee
Gelib	1 candidates	2 members of the Electoral Committee
Baidoa	2 candidates	4 members of the Electoral Committee

ITALIAN COMMUNITY

Mogadiscio	8 candidates	16 members of the Electoral Committee
Merca	5 candidates	10 members of the Electoral Committee
Afgoi	3 candidates	6 members of the Electoral Committee
Villabruzzi	2 candidates	4 members of the Electoral Committee
Chisimaio	2 candidates	4 members of the Electoral Committee

INDIAN COMMUNITY

Mogadiscio	3 candidates	6 members of the Electoral Committee
Chisimaio	2 candidates	4 members of the Electoral Committee

PAKISTANI COMMUNITY

Mogadiscio	4 candidates	8 members of the Electoral Committee
Merca	1 candidates	2 members of the Electoral Committee

Article 5

The assembly of each community is held on the same day in the whole Territory.

The Administrator fixes the day for convening the assembly of each community, and the community is notified by means of a notice to be published at least 20 days prior to such date.

Each member of the ethnic minority communities can take part in the meetings of the respective community, regardless of his place of residence in the Territory.

Article 6

Every assembly is presided by a Steering Committee composed of 3 to 5 members chosen from among the most representative and influential persons of the respective community, and appointed by the respective Head of Region upon the proposal of the Head of District.

The Steering Committees decide by majority on matters within their competence, and their decision is final. They are also competent to ascertain that those who are present at the assembly have the qualifications indicated in Article 2 above.

Either the Head of District or another government officer appointed by the Department of Home Affairs is present at every assembly as an observer.

Article 7

At each assembly, the designation of the candidates and the election of the members of the Electoral Committee referred to in Article 4 above will be carried out following the procedure decided by majority vote in the same assembly.

The assembly is valid irrespective of the number of the participants.

Article 8

A transcript of every assembly must be prepared in triplicate by the respective Committee, stating the number of the participants at the assembly and the full personal details of the designated candidates and the members of the Electoral Committee.

One copy of the transcript is sent to the Head of Region in the district where the assembly was held. He will publish it on the Region's notice board for three days. Within three days from the expiration of the publication it is possible to file an appeal with the Regional Judge, whose decisions can be appealed to the "*Giudice della Somalia*", whose decision is final.

Another copy of the transcript is sent to the Department of Home Affairs through the Government observer, who attaches his report on the conduct of the assembly.

The third copy is sent to the competent Head of District who will place it in his archives and will make it available for all members of the concerned community who wish to consult it.

The Department of Home Affairs will prepare and publish for each community, on the basis of the transcripts received, a summary list of all designated candidates and members of the Electoral Committee elected.

Article 9

Voting for the election of the Territorial Councillors who represent the minority communities will be carried out in Mogadishu by the Electoral Committees, elected as stipulated in the previous Articles, on the days fixed by the Administrator.

Before voting, each Electoral Committee elects its Electoral Office, composed of a Chairman and two Scrutineers, by majority vote.

The Chairman requests one of the participants in the meeting to assume the office of Secretary.

A Government officer appointed by the Department of Home Affairs will be present in the Office of every Electoral Committee as an observer.

Article 10

The ballots provided by the Department of Home Affairs will be used for the vote. Voting will be conducted in polling booths that ensure the secrecy of the vote.

Every member of the Electoral Committee, including the members of the Electoral Office, can vote for one candidate only, by writing the name of the candidate on the ballot, in Arabic or Italian.

The ballot is void when:

it is not of the prescribed type;

it contains writing which is not the name of a candidate or signs that appear to be made with dishonest intent;

the name of the candidate is written in a language other than Arabic or Italian;

the vote is not given to any candidate, or is given to more than one candidate.

Article 11

The voting and the counting of votes is managed and carried out by the Electoral Office. It takes final decisions on the validity and the annulment of ballots, and takes provisional decisions on all issues that may arise during the electoral activities.

Decisions of the Electoral Office related to ballots will be taken unanimously. In the event of diverging opinions, the ballot is declared contested. Decisions on contested ballots will be taken by the Benadir Regional Judge.

A transcript is made in duplicate of all electoral activities, signed by the Chairman and the Scrutineers.

One copy of the transcript is provided to the Benadir Regional Judge, together with the valid, void and contested ballots and a copy of the voter list and of the list of members of the Electoral Committee, both authenticated by the Department of Home Affairs.

The other copy is delivered to the Department of Home Affairs, which will make it available to those who wish to consult it.

Article 12

The Benadir Regional Judge, after having decided on the disputed ballots, draws up the ranking of the candidates and determines which candidates, having obtained the highest number of votes, have been elected as Territorial Councillors.

In the event of equal votes the oldest candidate is elected.

The proclamation of the elected Councillors will be carried out according to the last paragraph of Article 4 of the above mentioned Ordinance no. 6.

If the proclamation of an elected Councillor falls within the competence of a Regional Judge other than the Benadir Regional Judge, the former will make the proclamation upon being notified by the latter.

Article 13

The Regional Judge must prepare a transcript in triplicate of all the operations made under Article 12 above. One copy is sent to the “*Giudice della Somalia*” together with all related documents and paperwork, one to the Department of Home Affairs, and one is placed in the Judge’s archives.

The rules set forth in Article 66 of the above mentioned Ordinance no. 6 are applicable to the election of the Territorial Councillors representing the ethnic communities.

Article 14

Members of the Electoral Committees who do not live in Mogadishu are entitled to the reimbursement of travel expenses, to the extent the Government deems appropriate.

Article 15

The expenses arising from the implementation of the present Decree will be recorded under Chapter 25 of the 1955 budget as far as the present financial year is concerned, and under the corresponding Chapter 27 of the 1956 budget as far as that financial year is concerned.

Article 16

To the extent applicable, the above mentioned Ordinance no. 6 will apply to any matter not foreseen in the present Decree.

Article 17

The present Decree enters into force on the date of its publication in the Official Journal.

Mogadiscio, on 26 November 1955.

The Secretary General

Franco

V. Law no. 15 of 25 June 1958: Administrative elections [municipal council elections]

Source: Bollettino Ufficiale della Somalia, Anno I, Suppl. N. 3 al N. 6, pp. 623-646, published 25 June 1958. Translated from the Italian.

This law granted, for the first time in Somalia, to women the right to vote and to be elected. As in the law applicable to the 1954 municipal elections, seats on the municipal councils were awarded on the basis of a closed list proportional system (Hare quota; largest remainders; no threshold). The law was amended in some details by Decree-Law no. 3 of 20 August 1958 (see below in this volume). Municipal council elections were held on 20 October 1958. In 18 of the 30 municipalities, no voting took place inasmuch as only one list of candidates had been presented, and candidates on those lists were proclaimed elected. Other details of the conduct and outcome of this election are provided in the report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, UN document T/1444 of 14 April 1959.

THE ADMINISTRATOR

HAVING TAKEN NOTE of the approval by the Legislative Assembly;

SANCTIONS AND PROMULGATES

the following Law:

Title I – General matters

Article 1

General features of the elections

The Members of the Municipal Councils are elected by universal suffrage.

Each voter has one vote only and votes for a list of candidates presented in each electoral district.

The vote is free, direct and secret.

Representation in the Council is proportional to the votes received by each list of candidates, and is calculated using the method of the natural quotient and the highest remainders.

There is no voting if only one list of candidates has been presented.

Article 2

Electoral area¹³

The territory of every municipal administration is an electoral area.

Article 3

Electoral organs

In addition to the Polling Stations, an Electoral Office of the Area is established in every electoral area, whose office is in the administrative centre of the Municipality.

A District Electoral Office, whose office is in the District capital, is established in every District.¹⁴

Article 4

Date and duration of the elections

The elections are held by decree of the Minister of Home Affairs neither more nor less than 30 days before the expiration or the dissolution of the Municipal Council.

The elections take place in one day.

The election date shall fall on a day not before the 90th day and not after the 120th day after the date of publication of such Decree in the Official Journal.

Article 5

Voting as a moral obligation

Voting is a moral obligation, which no one can evade without violating his duty.

Article 6

Office hours for electoral services

In the 75 days preceding the election day, the Municipal and District¹⁵ offices will be opened daily in connection with the elections from 7.30 to 12.30 and from 16.30 to 18.00; on public holidays the opening hours are limited from 7.30 to 12.30.

On the day of voting said offices will be open without interruption from 6.00 until the end of the electoral activities.

¹³ That is: constituency or electoral district. The Italian text uses “circoscrizione elettorale”, to be distinguished from “distretto”, which is the term for the *administrative* Districts. For the translation of “circoscrizione” in the present law, the term “area” is used. This follows the usage in the contemporary English version of Law no. 26 of 12 December 1958 on Political Elections (see further below in this volume). It is also intended to avoid confusion with the administrative Districts and the corresponding office in each administrative District capital. After 1960, however, the term “electoral district” is used in official English versions of electoral laws to refer to “circoscrizione”.

¹⁴ I.e. in every *administrative*, not electoral, District (“distretto”).

¹⁵ “Distretto”, i.e. the administrative District.

Title II – Voters

Article 7

Qualifications of voters

The voters for the Municipal Council are those Somalis of both sexes who:

- 1) have been registered in the municipal register for at least 6 months by the 90th day before the elections;
- 2) are at least 18 years of age in the year in which the elections are held;
- 3) are not of unsound mind or disqualified from holding public office;
- 4) are not detained.

Article 8

Preparation of the voter lists

By the 75th day before the day of voting the Mayor proceeds to prepare the general voter list based on the municipal register.

The voters are registered in the list in alphabetical order and indicating the following:

- 1) a serial number;
- 2) the number of the corresponding family registration;
- 3) the name, the father's name, the paternal grandfather's name, and the familiar name, if any;
- 4) the date and place of birth;
- 5) the residence.

Article 9

Submission of the voter list

Within the term indicated in the previous Article, the Mayor ensures that the general voter list is submitted to the Municipal Office, and sends a copy of it to the Prefect, the District Commissioner, the District Judge and the police headquarters to have it displayed on their notice boards.

The submission is announced by a bill posted on the municipal board and in other public places, as well as by town-criers.

Article 10

Appeals related to the general voter lists

No later than the 60th day before the day of voting, every citizen is entitled to consult the general voter lists submitted according to the previous Article and to appeal against registrations or omissions: such appeals must be lodged within the day following the deadline for the submission of the voter lists.

Appeals are resolved in first instance by the District Commissioner. They shall be addressed to him using unstamped paper. The District Commissioner decides after having heard the Mayor.

The District Commissioner must decide within five days: if he does not do so the appeal is considered upheld.

A citizen can appeal the decision of the District Commissioner to the District Judge within five days. The District Judge must decide within ten days; his decision is final.

If the District Judge does not decide within the fixed term the appeal is considered upheld.

Article 11

Number of Polling Stations¹⁶ and voter lists – electoral certificates

By the 30th day before the election the Mayor must:

- determine the number of Polling Stations, with a ratio of no more than 400 voters per Station, as well as their location;
- prepare the voter list for each Polling Station, which must leave space for any comments reserved for the members of the Polling Station in addition to the information indicated in Article 8;
- prepare the electoral certificates;
- inform the Minister of Home Affairs, the Prefect, the District Commissioner, and the District Judge of the number and the location of the Polling Stations, as well as the number of voters assigned to each Station.

Article 12

Essential information in the electoral certificates

The electoral certificate must state:

- the voter's name and address;
- the location of the Polling Station and its number;
- the voting date and time;
- the registration number in the voter list.

Article 13

Collection of the electoral certificates

Between the 30th day and the last day preceding the day of voting, every voter shall collect his/her own electoral certificate by appearing in person at the Municipality and following the rules established by the Mayor.

A voter may also collect the electoral certificate for his wife.

¹⁶ Strictly speaking: “seggi elettorali”, or “electoral seats”. These can refer to both the venue for voting (ie polling station) and the electoral officials responsible for polling and counting at such venue. In this law it has been translated as polling station.

Article 14

Home delivery of the electoral certificate

In the same period indicated in the previous Article, any voter not able to collect his/her electoral certificate due to a justified and proven reason can ask the Municipality to have it delivered at his/her address by a municipal usher.

Article 15

Public notice related to the electoral certificates

Voters shall be informed about the rules set forth in Articles 13 and 14 by public notices to be posted on the municipal notice board and in other public places.

A copy of the notice shall be sent to the Prefect, to the District Commissioner and to the District Judge.

Article 16

Loss of electoral certificates

If an electoral certificate is lost or becomes useless, the voter is entitled to obtain another from the Head of Municipality by presenting him/herself until the day before the elections. The Office shall indicate on the new certificate that it is a duplicate, and a note about the issuance is made in the voter list.

Title III – Eligibility

Article 17

Qualifications of the candidates

The voters of both sexes are eligible as Municipal Councillors if:

- 1) they are at least 25 years of age in the year when the elections are held;
- 2) they are able to read and write Arabic or Italian;
- 3) they have not been convicted to imprisonment for more than 3 years for a willful offence.

Article 18

Ineligibility

The following people cannot be elected as Municipal Councillors:

- 1) the Judges;
- 2) the armed forces;
- 3) those belonging to paramilitary organizations;
- 4) Prefects and District Commissioners, as well as employees of the Region and the District where the municipal administration is located;

employees of the municipal administration.

- 5) Brothers and relatives, in ascending or descending line, cannot be part of the same Municipal Council at the same time.

Article 19

Incompatibility

The office of Municipal Councilor is incompatible with the office of Member of the Legislative Assembly and that of District Councillor.

The Member of the Legislative Assembly and the District Councillor who is elected as Municipal Councilor has the right to choose.

Article 20

Lists of candidates

Candidacies must be grouped in lists which must include a number of candidates not lower than the number of councillors to be elected and not higher than twice this number, as determined in Article 7 of the Regulations approved by Law n. 9 of 30 September 1956.¹⁷

The lists must indicate the name, the father's name, the paternal grandfather's name, the date and place of birth of each candidate, and the nickname, if any.

The names of the candidates must be numbered progressively, following the order of precedence.

No one may accept candidacy on more than one list of candidates.

The candidacy can be accepted by a signed declaration authenticated by a District Commissioner, or by a Mayor if the candidate resides in a place different from that of the District capital.

Article 21

Denomination of the lists of candidates

Each list of candidates must have a denomination.

Lists with a denomination of an ethnic character may not be presented.

Article 22

¹⁷ Article 7 of Law no. 9 of 30 September 1956 provides:

“The Municipal Council is composed of:

- 25 members for Mogadiscio;
- 21 members for the Municipal Government of B class;
- 15 members for the Municipal Government of C class;
- 11 members for the Municipal Government of D class.”

Signatories of the lists of candidates and their delegates

The lists must be signed before the Mayor or his delegate by a number of voters not lower and not higher than the following numbers:

A class: minimum 200 – maximum 300;

B class: minimum 100 – maximum 150;

C and D classes: minimum 50 – maximum 75.

The signatories must be registered in the municipal voter lists and each of them cannot sign more than one list.

The list shall indicate the name and the address of three voters delegated to:

- 1) present the list;
- 2) take any further necessary step of a purely procedural and executive nature.

Article 23

Deposit

Every list must be accompanied by a deposit of So. 500 in the administrations of the C and D classes, and of So. 3,000 in the administrations of the A and B classes.

The deposit will be reimbursed if the list obtains at least the votes necessary to elect one Councillor, otherwise the deposit will be kept by the Administration.

Article 24

Symbols of the lists of candidates

Each list must be presented with its related symbol in four copies.

The symbol must not be liable to confusion with symbols of other lists previously presented, or adopted by other political parties already in existence.

It may be in the form of a drawing.

It may not contain any features referring to emblems and flags of foreign countries or to ethnic characteristics.

Article 25

Other documents to be attached to the lists of candidates

In addition to what is set forth in the previous Articles, the lists must be accompanied by the following documents:

- 1) declaration by the Mayor certifying that the signatures of the signatories of the list were affixed by persons registered in the voter list, in his presence or in the presence of a person delegated by him;
- 2) declaration by the Mayor certifying that the candidates are voters in the relevant electoral area having the qualifications required in numbers 1 and 2 of Article 17 and are not ineligible according to Article 18;

- 3) declaration by each candidate to the effect that he accepts the candidacy, with his signature duly authenticated according to the last paragraph of Article 20.

Article 26

Presentation of the lists

The lists of candidates must be presented to the District Commissioner or person delegated by him no later than noon on the 50th day before the voting date.

The District Commissioner assigns to each list a progressive number according to the order of presentation and issues a corresponding receipt.

Article 27

Late submissions and rejected lists

If the provisions set forth in the previous Articles are not fulfilled when the lists of candidates are presented, the District Commissioner, or his delegate according to Article 26, allows those concerned a five day term to comply with the necessary requirements. If such period elapses without being made use of, the list is considered rejected.

Article 28

Copies of lists

By the 45th day before the election, the District Commissioner must send to the Minister of Home Affairs, the Prefect, the District Judge and the Mayor a copy of the lists of candidates received and found to be in good order, numbered according to the order of presentation, together with a copy of the respective symbols; he shall also indicate the total number of voters, of Polling Stations and of the persons authorized to appoint the agents of each list.

Article 29

Public notice of the lists of candidates

The District Commissioner shall ensure the compilation of the public notice containing the lists of candidates, arranged according to the order of presentation, together with a copy of the respective symbols. He shall also ensure that, by the 30th day before the election, the notice is posted by the Mayor on the district and municipal notice boards and in other public places, and disseminated by any other instrument used by the local population.

Article 30

Agents of the lists

The delegates provided for in Article 22 are entitled to appoint one list agent for every Polling Station and Electoral Office, choosing them from those registered in the voter lists.

The list agent is entitled to attend all the operations of the Station or Office to which he has been assigned. His declarations are recorded in the transcript.

The act of designation must be presented not later than 10 days before the election to the District Commissioner, or his delegate according to Article 26, who issues a written authorization to each list agent.

Title IV – Polling Stations and Electoral Offices

Article 31

Polling Stations

The Polling Stations are composed of a Chairman and two Scrutineers, the older of whom assumes the office of Vice-President.

Every Polling Station has a Secretary.

The Chairman and two Scrutineers are chosen from among the voters, while the Secretary may also be chosen from among persons who are not voters.

All of the above are appointed by the District Commissioner upon the proposal of the Mayor. The District Commissioner provides for their replacement when necessary.

The appointments must be carried out and notified to the persons concerned at least 10 days before the election.

Article 32

Replacement of the Polling Station Members and Secretary during the election

Should it become necessary to replace any of the Polling Station Members or the Secretary, the Chairman will choose a substitute from among those who are present and have the necessary qualifications.

Article 33

Area Electoral Offices

The Area Electoral Office is composed of a Chairman, two Members and a Secretary.

Two persons assigned to calculate the electoral figures are also part of the above-mentioned Office.

The Members must be voters; the Secretary and the persons assigned to calculate the electoral figures are not required to be voters.

All of the above are appointed by the District Commissioner upon the proposal of the Mayor. The District Commissioner provides for their replacement when necessary.

Should any replacement become necessary during the electoral activities, the substitutes may also be appointed by the person delegated according to Article 26.

Article 34

District Electoral Offices

A District Electoral Office is established in every District, composed of a Chairman, who is the District Judge, two Members, and a Secretary.

Two persons who are assigned to calculate the electoral figures are also part of the above mentioned Office.

The Members must be chosen from among voters; the Secretary and the people assigned to calculate the electoral figures are not required to be voters.

All of the above are appointed by the Prefect. The Prefect is responsible for the replacement of the above, if necessary.

In case of obstacles that render a normal replacement impossible, the appointment is made by the District Commissioner.

Article 35

Mandatory nature of appointments - Oath

The appointments set forth in the present Section are mandatory for those so appointed.

No one can be exempted except for a valid and proven reason.

Before taking up their function, every Member of a Polling Station or an Electoral Office must take the following oath before the Qadi or the Regional Judge:

“I swear before God that I will accomplish the electoral function entrusted to me conscientiously, loyally and fully obeying the law”.

Article 36

Official nature of functions of Members of Polling Station or Electoral Office - Incompatibility

All Members of Polling Stations and Electoral Offices, including the List Agents, are considered public officials for all legal intents and purposes when on duty.

Candidates, armed forces, members of paramilitary organizations, Heads of administrative Districts, as well as Mayors and Municipal Councillors cannot be appointed to the above mentioned offices.

Article 37

Fees for the Members of Polling Stations and Electoral Offices

The Members of the Polling Stations and of the Electoral Offices are entitled to the following daily allowances:

Chairmen: So. 30;

Secretaries, Members of the Electoral Offices, persons assigned to calculate the electoral figures: So. 25;

Scrutineers: So. 15.

The above mentioned allowances are due for every day of actual participation in the activities of the Polling Stations or the Electoral Offices.

The same persons are also entitled to the following allowance for every day that they are required to stay outside of their normal residence in connection with their duties:

Chairmen: So. 20;

Secretaries, Members of the Electoral Offices, persons assigned to calculate the electoral figures: So. 15;

Scrutineers: So. 10.

Title V – Electoral Propaganda

Article 38

Beginning and development of electoral propaganda

The electoral campaign period begins 30 days before the date fixed for the election.

Any electoral campaigning is forbidden on the day before the election and on the election day.

Article 39

Rallies and processions

Rallies, meetings, and processions are governed by Ordinance no. 1 of 20 February 1954.

No more than two rallies, meetings, or processions can be held in the same Municipal District on the same day.

Article 40

Posters and leaflets

Electoral campaigns posters and leaflets must be submitted 24 hours before their use to the District Office or the delegated person according to Article 26.

They are not subject to any tax.

It is forbidden to place posters on religious buildings.

Article 41

Uniforms

The use of military uniforms or any garment which can be mistaken as such is forbidden.

Title VI – Voting

Article 42

Polling room

The polling room and its furniture must be suitable for the conduct of electoral activities.

Two polling booths must be placed in the polling room in such a manner that ensures the secrecy of the vote.

Article 43

Entering the polling room

Other than the Members of the Polling Station and the List Agents, only those who are entitled to vote in that Polling Station can enter the polling room.

Voters enter the polling room one at a time, and they cannot bring weapons or other tools capable of causing injury or damage into the polling room.

Article 44

Police powers of the Chairmen of the Polling Stations

The Chairman is in charge of policing the polling room.

He can rely on the policemen and the armed forces to have those who disturb the normal course of the electoral activities or commit a crime expelled or arrested. The police or armed forces cannot enter in the polling room without the authorization of the Chairman.

The civil authorities and the military commanders shall obey the Chairman's requests, also in order to preventively secure the free access of the voters into the polling room and to prevent unjustified crowding in the vicinity.

The Chairman can order that voters who linger unnecessarily during the vote, or who do not comply with the request to return the marked ballot, are expelled from the polling booths after having given back the marked ballot. Such voters may be admitted again to vote only after the other voters present in the polling room have voted. This is to be reported in the transcript.

Article 45

Delivery of the Electoral Materials to the Chairman

The District Commissioner or a person delegated according to Article 26 will ensure that a sealed package containing the following materials is delivered to the Chairman of the Polling Station in the Polling Station at 6 am of the election day:

- 1) the sealed package containing the office stamp;
- 2) the sealed package containing the ballots for the vote;
- 3) a ballot box;
- 4) a container for the ballots;
- 5) two copies of the poster containing the lists of candidates;
- 6) two copies of the voter list with the voters assigned to the Polling Station authenticated by the District Commissioner or his delegate as per Article 26;
- 7) copy of the appointments of the members of the Polling Station;
- 8) copy of the authorizations issued to the List Agents;
- 9) a suitable number of indelible pencils to vote and all forms and stationery necessary for the Office activities;
- 10) a small bottle of indelible ink.

In addition, the District Commissioner ensures the delivery of the necessary materials to the Area Electoral Offices and the District Electoral Offices, which will be put into a sealed package as well.

Article 46

Stamps – Ballots – Ballot boxes – Containers for the ballots

The stamps of the Polling Stations and of the Electoral Offices, the ballots, the ballot boxes, and the containers for the ballots are of the same type for the entire Territory and are provided by the Ministry of Home Affairs at an appropriate time.

The stamps have a unique and progressive numbering.

The ballots are of thick paper, of one color, and they contain reproductions of the symbols of the lists of candidates, only, following the order of presentation.

Article 47

Establishment of the Polling Station – Opening of the vote

Upon receipt of the electoral materials indicated in Article 45 above, the Chairman:

- 1) proceeds to the establishment of the Station by calling the Scrutineers and the Secretary to be part of it;
- 2) invites the authorized List Agents to follow the electoral activities;
- 3) after having verified and asked the other members of the Station to verify the integrity of the seals closing the sealed package, opens the package, takes out all the materials, and checks them;
- 4) after having verified and asked the other members to verify the integrity of the seals closing the sealed package, opens the sealed package containing the Station stamp and that containing the ballots, and places as many ballots as the number of voters registered in the

voter list plus an additional twenty ballots in the container; the stamp number and the number of ballots are noted in the transcript;

- 5) verifies and asks the other members to verify that the ballot box is empty and then closes and seals it, leaving open only the slot to insert the cast ballots;
- 6) ensures that a copy of the poster containing the lists of candidates is posted outside of the entrance to the polling room so that it can be easily visible;
- 7) ensures in the same way the posting of a copy the voter list; the other copy is kept on the office table;
- 8) gives the remaining materials to the Secretary.

All these activities must be completed in the shortest possible time. The Chairman then declares the vote open.

Article 48

Voters and their identification

Upon presentation of the electoral certificate, the following persons are entitled to vote in each Station:

- 1) those who are registered in the voter list of the Station;
- 2) the members of the Station, the List Agents, as well as the police officers and the policemen on duty vote in the Electoral Office where they are on duty, even if they are registered as voters at other Stations; in this case separate voter lists are prepared.

The identification as a voter is done straightaway by the members of the Station through a summary inquiry based on documents, testimonies, and any other evidence, except as provided in Article 61.

Before voting the voter shall affix his fingerprint made with indelible ink close to his personal details in the voter list.

If the voter does not have a right thumb, the fingerprint is made with the left thumb.

If the voter does not have either thumb, a large and visible sign made with indelible ink is placed on his shoulder.

Article 49

Special rules for the armed forces and members of paramilitary organizations

The armed forces and those belonging to paramilitary organizations can collect their respective electoral certificates through the headquarters at which they are stationed.

It is forbidden to the armed forces and those belonging to paramilitary organizations to enter the polling room armed, except upon request of the Chairman.

Article 50

Voters hindered from voting in person

The vote is expressed by the voter presenting himself at the Polling Station.

The voter who is hindered by an evident handicap so recognized by the members of the Polling Station and who is not able to vote as a result, can exercise the right to vote with the help of a voter whom he trusts.

The Secretary reports in the transcript the specific reason why a voter has been authorized to be assisted to vote, and the name of the person who assisted him.

If a medical certificate is shown, it is attached to the transcript.

Article 51

Voting formalities

The voters are admitted to vote in order of arrival. In case of simultaneous arrival, the voter list order is followed.

The members of the Polling Station, the List Agents, the armed forces and those belonging to paramilitary organizations on duty have priority.

After having completed the activities set forth in Article 47, the Chairman begins the voting process and gives a ballot to each identified voter after taking it out of the container and having stamped it with the Polling Station stamp, together with an indelible pencil.

The voter must enter one of the polling booths and, without being approached by anyone, cast his vote by marking, with the pencil, a sign on the symbol corresponding to the list of his choice on the ballot, or at least on the rectangle containing that symbol.

Any other sign or indication is forbidden.

The voter must then fold the ballot following the lines traced on it, and close it by moistening the gummed part.

After having voted, the voter gives the closed ballot and the pencil to the Chairman. The Chairman ascertains that the ballot is closed; if not, he invites the voter to close it by sending him back into the polling booth; he verifies that the ballot is of the prescribed type and that it has been stamped with the office stamp. He then places it into the ballot box.

One of the Station members ascertains that the voter has voted by signing next to the voter's name in the proper column of the voter list.

Unstamped ballots, and those that are not of the prescribed type, are not placed into the ballot box, and the voters who presented them cannot vote anymore (unless the lack of a stamp is due to a mistake made by the Chairman or other member of the Polling Station). They are immediately signed by the Chairman and at least one Scrutineer and attached to the transcript. The transcript shall also mention those voters who did not return the ballot after having received it.

If a voter finds that the ballot he received is spoiled, or if he himself spoiled it because of his negligence or ignorance, he can ask the Chairman for another ballot after having given back the first, which is placed in an envelope after the Chairman has written "spoiled ballot" on it and both he and at least one Scrutineer have signed the ballot. The Chairman must immediately replace in the container the second ballot given to the voter with another that is taken out from the package

containing the remaining ballots. The issuing of the second ballot is noted in the proper column of the voter list.

A ballot is valid if it contains a vote for a list.

If the voter does not vote inside the polling booth, the Chairman of the Station must take back the ballot and declare it void. The voter cannot vote anymore.

At least two members of the Station, among which are the Chairman or the Vice-Chairman, must always be present at all electoral activities.

Article 52

Voting hours

Voting continues from 6:00 to 20:00 without interruption. The vote must nevertheless continue until all the registered voters who are present in the polling room at 20:00 have finished voting.

Article 53

Provisional decisions of the Chairman

Based on the Scrutineers' advice, and except for what is set out in Article 61, the Chairman takes provisional decisions on any complaints, including oral ones, related to the Polling Station activities and on whether a ballot is to be declared void. The decision is reported in the transcript.

Title VII – Counting of votes and announcement of the elected

Article 54

Preliminary activities

After the voters have voted, and after having cleared the table from all papers and things not necessary for the counting of votes, the Chairman:

- 1) declares the vote closed;
- 2) verifies the number of voters who voted as determined from the relevant column in the voter list;
- 3) counts the number of the electoral certificates;
- 4) takes out and counts the unused ballots from the container. After having added up the number of ballots not given by voters as well as those given back that were not of the prescribed type or that are unstamped, he verifies if the number of unused ballots is equivalent to the number of voters who did not vote;
- 5) collects and puts in a package (no. 1):
- 6) the ballots which were prepared for the vote and have remained unused in the container;
- 7) the ballots which have also remained unused in the package received from the District Commissioner;
- 8) the electoral certificates collected from the voters;
- 9) signs and asks at least one Scrutineer to sign all sheets of the voter list left for the perusal of the members of the Polling Station, and puts it in a package (no. 2);

- 10) if not already done, signs and asks at least one Scrutineer to sign the ballots taken from voters according to Article 51 on the ground that they were not of the prescribed type or did not have the Polling Station stamp, and puts them in a package (no. 3)

Article 55

Examination and counting of ballots

Once the activities of Article 54 above are completed, the Chairman:

- 1) proceeds to the counting of the votes.

A Scrutineer – chosen by lot – removes each ballot one by one from the ballot box and gives it to the Chairman. The latter pronounces aloud the name of the list of candidates to which the vote has been given and shows the ballot to the List Agents before passing it to the other Scrutineer who, together with the Secretary, marks the vote received by the list in the tabulation form.

The Secretary proclaims aloud the votes received by the lists, and the Scrutineer puts the counted ballot in the container from which the unused ballots have been taken out.

It is forbidden to take out a ballot from the ballot box until the one previously taken is put into the container after having been counted.

The ballots can be touched by the members of the Polling Station only;

- 2) verifies the number of the counted ballots and verifies if it is equal to the number of the voters and to the number of votes assigned to the lists of candidates, plus the void and contested votes that have not been assigned to any list of candidates;
- 3) verifies the numbers indicated in the different columns of the transcript tables, as indicated in the same transcript, and he provides the explanation for any discrepancy;
- 4) signs and ask at least one Scrutineer to sign:
 - a. the ballots corresponding to void or contested votes according to Article 57;
 - b. the documents related to complaints and protests;

and puts them in a package (no. 4);

- 5) collects and puts in a package (no. 5) the other counted ballots;
- 6) determines and declares, at the end, the number of voters, the number of valid votes, and the number of votes obtained by each list of candidates.

Article 56

Miscellaneous Formalities – Records – Packages

The activities set forth in Articles 54 and 55 must continue without interruption until they are completed, and must be done in the stated order.

They must be recorded in the transcript together with the numerical data and the relevant notes.

All packages set forth in the Articles 54 and 55 must be sealed with the Polling Station stamp and each package must signed by the Chairman and at least one Scrutineer.

The content must be briefly indicated on the same package.

Article 57

Void, voidable and contested votes during the counting of votes

Votes are void when the counted ballots:

- are not of the prescribed type;
- do not have the Polling Station stamp.

Votes are voidable when the counted ballots:

- present any trace of writing or sign that appear to be made deceitfully;
- do not have any expression of a vote for a list of candidates, or there is no way to identify the list which has been chosen.

The voidable ballots are declared void by unanimous decision of the Chairman and both Scrutineers, after having heard the List Agents.

In the event of different opinions the ballot is declared to be contested.

The decision on the contested ballots will be made by the District Judge.

Article 58

Postponement of the Examination and Counting of Votes

If the examination and counting of votes cannot be finished on the same day of the elections, the Chairman must seal the windows and the doors of the polling room, where the materials – including the unused ballots, whose number must be noted in the transcript – will be kept closed in the container indicated in Article 45 after being duly checked. The polling room shall also be guarded by the police.

Upon re-constituting the Polling Station, the above mentioned operations will be continued the following day from the point where they had been stopped.

Article 59

Polling Station transcripts

The transcript of the Polling Station must be drawn up in duplicate.

The first copy of the transcript with all the attachments listed therein must be delivered to the Area Electoral Office in the proper container indicated in Article 45 for the activities indicated in the subsequent Article; the second copy is delivered to the Mayor.

Article 60

Duties of the Area Electoral Office

As soon as all the transcripts of the Polling Stations have been received, the Area Electoral Office calculates the number of voters in all Polling Stations, then determines the electoral figure of every list of candidates resulting from the total number of valid votes given to each list at all Polling Stations.

The Chairman verifies and proclaims the results of the counting of votes and prepares a transcript in triplicate.

One copy of it is delivered to the District Electoral Office with the first copy of the transcript and all the attachments delivered by the Polling Stations.

The second copy is delivered to the District Commissioner.

The third copy is delivered directly to the Prefect.

Article 61

Duties of the District Electoral Office

Announcement of the elected

The District Electoral Office receives all transcripts and the related documents from the Area Electoral Offices.

Thereupon, the District Judge, in respect of each municipal Administration, and assisted by the members of the Office:

- 1) determines the electoral figure of each list by adding the total number of valid votes given to each list in all Polling Stations;
- 2) decides on the complaints and the contested ballots, and corrects the results accordingly;
- 3) calculates the electoral quotient by dividing the total number of valid votes obtained by all lists by the number of councillors to be elected;
- 4) awards to each list of candidates as many seats as the number of electoral quotients contained in the electoral figure; any remaining seats are awarded to those lists that had the highest remainders, also taking into consideration the votes given to the lists which did not reach the electoral quotient. If a seat is to be awarded among lists having the same remainder, the matter is decided by drawing lots;
- 5) thereupon proclaims elected, following the order on the list, as many candidates as the number of seats awarded to the list.

When only one list has been presented, all candidates up to the number of seats assigned to the municipal Government are proclaimed elected.

The transcript of all these operations must be made in triplicate. It must be sent immediately to the Regional Judge, the District Commissioner, and the Mayor, who will make it known to the public and notify the elected of the proclamation.

Article 62

Electoral documents to be sent to the Regional Judge

All transcripts and attachments from the Polling Stations and the electoral Offices, together with the complaints received, are sent by the District Judge to the Regional Judge within 15 days from the proclamation of the elected.

Article 63

Validating election results

Only the Regional Judge can validate the election results.

He makes the final decisions on contested issues, objections and in general any complaint submitted to the Polling Stations and the Electoral Offices during their activities or thereafter.

Objections and complaints not presented to the above mentioned Offices must be sent to the Regional Judge within 15 days from the proclamation made by the District Judge.

No proclamation can be validated before 30 days have elapsed from the same proclamation.

Article 64

Replacement of the elected

If the seat of a Councillor remains vacant for any reason, despite the preceding, the District Judge awards the seat to the candidate, of the same list of candidates, who immediately follows the last candidate elected.

Title VIII – Penal provisions

Article 65

Offences against the right to campaign

Whoever, by the use of any means, obstructs or disrupts an electoral campaign meeting, either public or private, or who prevents the posting of bills of the public authorities concerning electoral activities, or prevents the dissemination or the posting of electoral campaign printed matters, or destroys bills and printed matters posted or to be posted or advertised, is punished with imprisonment of up to 2 years or with a fine up to So. 2,400.

The same punishment is given to anyone using means of electoral campaigning that are not allowed by the law.

Art. 66

Subscribing to multiple lists of candidates

The voter who signs in support of more than one list of candidates is punished with imprisonment of up to 2 months or with a fine up to So. 200.

Article 67

Offences against the freedom to sign a list of candidates and the freedom to vote

Whoever offers, promises or gives money, valuables, or any other personal benefit, or promises, grants or makes possible the attainment of public or private employments in order to obtain a

signature for the nomination of a list of candidates, or a vote or an abstention to his advantage or that of others, is punished with imprisonment of up to 1 year or with a fine of up to So. 1,200.

The same punishment is imposed on the voter who accepts offers or promises, or who receives money or other personal benefits to give or deny his signature for the nomination of a list of candidates, or to give or to deny his vote.

Whoever uses violence, threats, fraud or deceit for the same purposes indicated in the first paragraph is punished with imprisonment of up to 2 years as well as with a fine of up to So. 2,400.

Article 68

Offences against proper conduct of electoral activities and voting

Whoever disrupts the proper conduct of electoral activities or prevents the free exercise of the right to vote by the use of violence or threats is punished with imprisonment of up to 2 years as well as with a fine up to So. 2,400.

Article 69

Prohibited entrance to the polling rooms

Whoever enters the polling room of the Electoral Office or the Central Electoral Office room during the electoral activities without have the right to do so, and who lingers despite a request to leave, is punished with imprisonment of up to 1 month or with a fine up to So. 100.

If the person is armed, he is punished with imprisonment of up to 1 year or with a fine up to So. 1,200.

Article 70

Unlawful voting

A person who, knowing that he is not entitled to vote, or who adopting the name of another person, presents himself at a Polling Station to vote; and a person who votes in more than one Polling Station, or who is instructed to vote on behalf of someone who cannot do so himself but then votes for a list different from what he has been instructed, is punished with imprisonment of up to 6 months or with a fine up to So. 600.

Whoever allows someone to vote whereas that person is not entitled to vote, or prevents from voting a person who is entitled to, or who falsely confirms the voter's identity at the Polling Station, is punished with the same punishment.

Whoever seizes electoral certificates to prevent the free exercise of the right to vote, and whoever gives his electoral certificate to someone else, is punished with the same punishment.

If the crimes set forth in the previous two paragraphs are committed by a public servant, the punishment is imprisonment of up to 2 years as well as a fine of up to So. 2,400.

Article 71

Not returning a used ballot

A voter who fails to return the ballot, or tears it, or soils it so to intentionally render it useless, is punished with a fine up to So. 600.

Article 72

Forgery of documents and changing of electoral results

Whoever falsely creates in whole or in part a voter list, a list of candidates, a ballot or other document related to the electoral activities under the present law, or alters one of such documents when authentic, or replaces or destroys in whole or in part one of such documents, or knowingly makes use of a falsified, changed or replaced document, even if he did not collude in the committing the offence, is punished with imprisonment of up to 2 years as well as with a fine of up to So. 2,400.

Whoever changes in any way the election results is punished with the same punishment.

Article 73

Unlawful acts and omissions committed by the Polling Stations or Electoral Office Members

Whoever, belonging to a Polling Station or Electoral Office, commits one of the crimes set forth in the previous Articles of the present Title is punished with the punishment set forth for that crime increased by one third; if he commits acts or omissions not indicated in the present Articles but otherwise contrary to the law and intended to render the electoral activities impossible, or to hinder their regular completion, or undermine their validity, is punished with imprisonment of up to 3 years as well as with a fine of up to So. 3,000.

Article 74

Unjustified refusal to be member of Polling Station or Electoral Office

Whoever is appointed as member of a Polling Station or of an Electoral Office and refuses to assume his duties without a valid reason, or who is not present at the establishment of the Electoral Office or the Polling Station, is punished with a fine of up to So. 600.

The same punishment is imposed on the above mentioned members who leave their office before the end of the electoral activities without a valid reason.

Article 75

Loss of political rights and summary trial

A person who is convicted of an electoral crime for which a Judge imposes a punishment of imprisonment of no less than two years shall also lose, for a period of five years, the right to vote and to be elected.

A trial for said crimes is held immediately.

Title IX – Final and transitional provisions

Article 76

The District Commissioner oversees – and directly ensures, if needed – the implementation of all activities assigned to the Mayor by the present law within the deadlines and according to the prescribed process.

The Prefect oversees and coordinates the activities of the District Commissioners and the Mayors.

Article 77

The Municipal Councils elected according to the present law will remain in office for four years from the date of their first meeting.

Article 78

The first meeting must be held no later than one month from the date of the proclamation of the elected.

The date is fixed by a Decree of the Minister of Home Affairs.

Article 79

The Municipal Councils currently in office will be dissolved on 30 June 1958.

After such date, and until the installation of the new Councils, the Mayor, assisted by the City Council Officers, continues to carry out regular administrative tasks, including the activities set forth in the present law.

Article 80

If, on the basis of the Decree of the Administrator no. 7 of 22 March 1958, a District Commissioner holds the office of District Judge, the activities assigned to District Judges by the present law will be performed by a person designated by the relevant Regional Judge, upon the proposal of the Prefect.

Article 81

The expenses related to the next administrative elections will be borne by the State.

Article 82

Ordinance no. 18 of 20 December 1953, Decree no. 15 of 24 February 1954 and any other rules inconsistent with the present law are repealed.

Article 83

The present ordinance enters into force on the date of its publication in the Somali Official Journal.

The present law will be included in the Official Body of Laws and published in the Official Journal. Whoever is requested must obey it and have it obeyed as a Law of Somalia.

Issued in Mogadiscio, on 25 June 1958.

The Regent Administrator

P. Franca

The Prime Minister

Abdullahi Issa Mohamud

The Minister of Home Affairs

Haji Mussa Bogor

VI. Decree Law no. 3 of 20 August 1958, amending Law no. 15 of 25 June 1958 on Administrative Elections

Source: Bollettino Ufficiale della Somalia, Anno I, Suppl. N.3 al N.8, pp. 808-808c, published 20 August 1958. Translated from the Italian.

This decree-law introduced amendments of a mostly procedural and operational nature to the law applicable to the municipal elections held on 20 October 1958.

THE ADMINISTRATOR

Taking into consideration the urgent need to amend Law no. 15 of 25 June 1958 on Administrative Elections;

Having heard the Council of Ministers;

Upon the proposal of the Minister of Home Affairs;

By virtue of the authority received by Article 8 of Ordinance no. 2 of 5 January 1956;

DECREES:

Single article

Articles 7, 10, 11, 27, 28, 31, 33, 35 of Law no. 15 of 25 June 1958 on Administrative Elections are replaced* by the following:

Article 7

The qualifications of voters

The voters for the Municipal Council are those Somalis of both sexes who:

- 1) have been registered in the municipal register for at least 6 months by the 90th day before the elections; *for those migrated from another municipality the registration on the 90th day before the elections is sufficient;*
- 2) are at least 18 years of age in the year when the elections are held;
- 3) are not of unsound mind or disqualified from holding public office;
- 4) are not detained.

Article 10

Appeals related to the general voter lists

No later than the 60th day before the day of voting, every citizen is entitled to consult the general voter lists submitted according to the previous Article and to appeal against registrations or

* Changes are indicated by italic font (in the text of the articles) or by regular font (in the titles of the articles).

omissions: such appeals must be lodged within the day following the deadline for the submission of the voter lists.

Appeals are resolved in first instance by the District Commissioner. They shall be addressed to him using unstamped paper. The District Commissioner decides after having heard the Mayor.

The District Commissioner must decide by *the 50th day before the elections*: if he does not do so the appeal is considered upheld.

An *affected citizen or the Mayor* can appeal the decision *or the lack of a decision* of the District Commissioner to the District Judge within five days. The District Judge must decide by *the 40th day before the elections*; his decision is final.

If the District Judge does not decide within the fixed term the appeal is considered upheld.

Article 11

Number of Polling Stations and voter lists – electoral certificates

By the 30th day before the elections the Mayor must:

- determine the number of Polling Stations, with a ratio of no more than *500 voters per Station for the districts in the Municipalities of class A and B, and 400 voters per Station for the districts in the Municipalities of class C and D, as well as their location*;
- prepare the voter list for each Polling Station, which must leave space for any comments reserved for the members of the Polling Station in addition to the information indicated in Article 8;
- prepare the electoral certificates;
- inform the Minister of Home Affairs, the Prefect, the District Commissioner, and the District Judge of the number and the location of the Polling Stations, as well as the number of voters assigned to each Station.

Article 27

Late submissions and rejected lists - appeals

If the provisions set forth in the previous Articles are not fulfilled when the lists of candidates are presented, the District Commissioner, or his delegate according to Article 26, allows those concerned a five day term to comply with the necessary requirements. If such period elapses without being made use of, the list of candidates is considered rejected.

A decision to reject lack of admission of a list or the decisions related to the poll list taken by the District Commissioner or his delegate, the subscribers' delegates indicated in the last paragraph of Article 22 can lodge a written appeal to the District Judge.

The District Judge must decide by the 40th day before the elections; his decision is final.

If the District Judge does not decide within the fixed term the appeal is considered upheld.

Article 28

Copies of lists

By the 35th day before the election, the District Commissioner must send to the Minister of Home Affairs, the Prefect, the District Judge and the Mayor a copy of the lists of candidates received and found to be in good order, numbered according to the order of presentation, together with a copy of the respective symbols; he shall also indicate the total number of voters, of Polling Stations and of the persons authorized to appoint the agents of each list.

Article 31

Polling Stations

The Polling Stations are composed of a Chairman and two Scrutineers, the older of whom assumes the office of Vice-President.

Every Polling Station has a Secretary.

The Chairman and two Scrutineers are chosen from among the voters, while the Secretary may also be chosen from among persons who are not voters.

All of the above are appointed by the District Commissioner upon the proposal of the Mayor. The District Commissioner provides for their replacement when necessary.

Article 33

Area Electoral Offices

The Area Electoral Office is composed of a Chairman, two Members and a Secretary.

Two persons assigned to calculate the electoral figures are also part of the above-mentioned Office.

The Chairman and the Members must be voters; the Secretary and the persons assigned to calculate the electoral figures are not required to be voters.

All of the above are appointed by the District Commissioner upon the proposal of the Mayor. The District Commissioner provides for their replacement of the above when necessary.

Should any replacement become necessary during the electoral activities, the substitutes may also be appointed by the person delegated according to Article 26.

Article 35

Mandatory nature of appointments – Notification and Oath

The appointments set forth in the present Section are mandatory for those so appointed.

No one can be exempted except for a valid and proven reason.

The appointments must be carried out and notified to the concerned persons at least 10 days before the election.

Before taking up their function, every Member of a Polling Station or an Electoral Office must take the following oath before the Qadi or the Regional Judge:

“I swear before God that I will accomplish the electoral function entrusted to me conscientiously, loyally and fully obeying the law”.

The present Decree-Law enters into force on 20 August 1958 and will be presented to the Legislative Assembly for its conversion into law no later than the beginning of the first Legislative Assembly meeting held immediately after the date of its publication.

Mogadiscio, 20 August 1958.

For the Administrator

Bernardelli

The Prime Minister

Abdullahi Issa Mohamud

for the Minister of Home Affairs

Abdullahi Issa Mohamud

DRAFT

VII. British Somaliland: The Legislative Council (Elections) Ordinance, 1958 (Ordinance No.9 of 1958)

Source: Supplement No. 2 to the Somaliland Protectorate Gazette, Vol. XVIII, No. 46, 20 December 1958, containing Ordinances. Reproduced in Somaliland Protectorate Annual Volume of Laws, 1958 (Hargeisa). Original in English.

In the territory under British administration, the so-called British Protectorate, a legislative council had been created in 1957, consisting initially of appointed members. This legislature was reconstituted in 1959 to provide for twelve elected members – elections for which were held for the first time in March 1959 – along with ex officio members, including the British Governor as President. Shortly thereafter, and on the eve of independence, elections were held again on 17 February 1960, this time for a total of 33 seats. The present ordinance appears to have applied to that election. Suffrage was restricted to men. Voting was by secret ballot in urban constituencies, and by acclamation in the rural constituencies. Members were elected in 33 single-member constituencies on the basis of a plurality formula, that is, a first-past-the-post system.

A Schedule to this Ordinance, containing forms only, has not been reproduced in the present volume. It contains the following forms (titled as such): 1. Oath by an election officer; 2. Form of application to be registered as an elector; 3. Claim by person whose name has been omitted from a register; 4. Form of objection to a name on a register; 5. Writ of election by His Excellency the Governor of the Somaliland Protectorate; 6. Notice of election of an Elected Member of Legislative Council; 7. Nomination paper; 8. Statutory declaration of a person nominated as a candidate for election; 9. Form of ballot paper; 10. Declaration [as per section 42(1)]; 11. Declaration [as per section 42(1)]; 12. Oath of identity; 13. Form of election return.

In Her Majesty's name and on Her Majesty's behalf,

I assent,

HARGEISA,
17th December, 1958

T. O. PIKE,
Governor.

AN ORDINANCE TO PROVIDE FOR THE MANNER IN WHICH ELECTIONS TO THE LEGISLATIVE CONCIL SHALL BE CONDUCTED, THE QUALIFICATIONS OF ELECTORS AND CANDIDATES, AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

Enacted by the Governor of the Somaliland Protectorate with the advice and consent of the Legislative Council thereof.

Part I
PRELIMINARY

Short title and commencement

1. This Ordinance may be cited as the Legislative Council (Elections) Ordinance, 1958, and shall come into operation on such date as the Governor may, by notice in the Gazette, appoint.

Interpretation

2. In this Ordinance, unless the context otherwise requires:

“candidate” means a person who is nominated for election to the Legislative Council;

“Elected Member” means an Elected Member of the Legislative Council elected to represent an electoral district;

“election” means an election for the purpose of electing an Elected Member;

“election officer” shall include the Supervisor of Elections, Deputy Supervisor of Elections, if appointed, registration officers, returning officers, assistant registration officers, assistant returning officers, presiding officers, enumerators and polling assistants;

“elector” in respect of a Type A electoral district means any person qualified to be registered as an elector under the provisions of this Ordinance who is in fact so registered and at the time of an election is not disqualified from voting; and in respect of a Type B electoral district means any person entitled to vote;

“electoral district” means any area declared to be such under section 4 of this Ordinance;

“general election” means the first election of Elected Members after the coming into operation of this Ordinance or an election of Elected Members after a dissolution of the Legislative Council;

“Legislative Council” means any Legislative Council established for the Protectorate by Order of Her Majesty in Council;

“polling division” means any division of an electoral district created under the provisions of section 6 of this Ordinance;

“register” or “register of electors” means the register of electors for any particular polling division;

“registered elector” means a person whose name is entered on the register of electors;

“Supervisor of Elections” means the Supervisor of Elections appointed under section 3 of this Ordinance and includes the Deputy Supervisor of Elections, if appointed;

“Type A electoral district” means an electoral district classified as Type A under subsection (2) of section 4 of this Ordinance;

“Type B electoral district” means an electoral district classified as Type B under subsection (2) of section 4 of this Ordinance;

“voter” means a person who applies to vote or votes at an election;

“writ” means a writ issued under the provisions of section 17 of this Ordinance;

Election officers

3. (1) The Governor shall appoint a Supervisor of Elections and may appoint a Deputy Supervisor of Elections.

(2) The Supervisor of Elections shall:

(a) exercise general direction and supervision over the administrative conduct of election and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Ordinance;

(b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of the provisions of this Ordinance;

(c) execute and perform all other powers and duties which by this Ordinance are conferred and imposed upon him.

(3) The Supervisor of Elections shall appoint by name or office registration officers and returning officers.

(4) Registration officers shall appoint by name or office assistant registration officers.

(5) Returning officers shall appoint by name or office assistant returning officers, presiding officers, enumerators and polling assistants.

(6) Subject to the direction of the Supervisor of Elections an assistant registration officer and an assistant returning officer may perform all the duties of a registration officer or returning officer, as the case may be, and any reference in this Ordinance to a registration officer or a returning officer shall, unless the context otherwise requires, be deemed to include a reference to an assistant registration officer or an assistant returning office, as the case may be.

(7) The Supervisor of Elections, registration officers and returning officers may employ such staff as they may require to carry out their functions under the provisions of this Ordinance or otherwise.

(8) The same person may be appointed to perform the functions of two or more classes of election officer.

(9) Every election officer shall upon his appointment take and subscribe an oath of secrecy before a magistrate which shall be in Form 1 in the Schedule to this Ordinance.

Electoral districts

4. (1) The Governor in Council may, from time to time, by notice in the Gazette, declare any area in the Protectorate to be an electoral district if he considers it desirable that such area should be represented in the Legislative Council by an Elected Member.

(2) A notice under subsection (1) of this section shall classify each electoral district so declared as Type A or Type B.

(3) The Governor in Council may, from time to time, vary the boundaries of or re-classify an electoral district.

(4) The Governor in Council may declare any area to be within two electoral districts.

One Member for each electoral district

5. Each electoral district shall be represented in the Legislative Council by one Elected Member elected in accordance with the provisions of this Ordinance.

Polling divisions and polling stations

6. (1) Whenever any Type A electoral district is created or its boundaries are altered the Supervisor of Elections shall divide the district into polling divisions and shall publish in the Gazette a notice specifying such polling divisions.

(2) The area of the polling divisions within a Type A electoral district may be altered by the Supervisor of Elections as occasion may require; and upon any such alteration being made he shall publish in the Gazette a notice specifying the alteration.

(3) Unless the Supervisor of Elections considers it necessary or expedient in the special circumstances of any case to provide an additional polling station, there shall be for each polling division one polling station and no more.

(4) There shall be as many polling stations in a Type B electoral district as the returning officer appointed to that electoral district shall deem necessary.

No person to be registered in more than one polling division

7. (1) No person shall be registered as an elector in more than one polling division of a Type A electoral district.

(2) Any person who applies to have his name entered on the register of a polling division while his name is entered on the register of another polling division or applies to have his name entered on the register of a polling division after he has applied to have his name entered on the register of another polling division and has not withdrawn the application, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding Shs. 2,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Plural voting

8. (1) Subject to the provisions of this Ordinance an elector shall be entitled to one vote which, if he is a registered elector shall be cast in the electoral district in which he is registered at the polling station to which he is assigned and, if he is not a registered elector, shall be cast in the Type B electoral district in which he is entitled to vote in accordance with the provisions of this Ordinance.

(2) Subject to the provisions of this Ordinance if any person votes at an election more than once or votes at a polling station to which he has not been assigned he shall be guilty of an

offence and shall be liable on conviction to a fine not exceeding Shs. 2,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

PART II

REGISTRATION OF ELECTORS

Application of Part II

9. This Part of this Ordinance shall only apply to Type A electoral districts.

Qualifications of registered electors

10. (1) Subject to the provisions of section 11 of this Ordinance any person shall be entitled to have his name entered on a register of electors in an electoral district if, at the time of his application to register:

- (a) he is a male person, and
- (b) he is twenty-one years of age or more, and
- (c) he is a British Protected person or British subject, and
- (d) he is ordinarily resident in the electoral district, and
- (e) he:
 - (i) is the owner of a dwelling situated in the electoral district, or
 - (ii) is the lessee, under a written lease duly registered, of land situated in the electoral district, or
 - (iii) has paid house tax for the current year in accordance with the provisions of the House Tax Ordinance, 1952, in respect of property situated in the electoral district, or
 - (iv) is a trader licensed in the electoral district under the Traders' Licensing Ordinance, or
 - (v) is employed in the public service of the Protectorate and has been so employed for a continuous period of two years prior thereto, or
 - (vi) is a member of the armed Forces of the Crown, or
 - (vii) is in receipt of a pension as a result of service under the Government of the Protectorate or in the armed Force of the Crown, or
 - (viii) has been in regular paid employment during two years out of the three years immediately prior to his application for registration, or
 - (ix) is the owner of a vehicle duly and currently registered and licensed under the Traffic Ordinance, or
 - (x) occupies land on his own account for agricultural or horticultural purposes, or
 - (xi) is the owner either personally or jointly with members of his immediate family of ten camels or ten head of cattle or one hundred sheep and goats;

Provided that the qualifications prescribed in sub-paragraphs (x) and (xi) of paragraph (e) of this subsection shall only apply in such electoral district or electoral districts as the Governor in Council may, by notice in the Gazette, designate.

(2) For the purposes of this section, a person shall be deemed to be ordinarily resident in an electoral district, if he:

- (a) has lived in the electoral district for not less than three years since his eighteenth birthday and is living in the electoral district on the date on which he applies for registration, or
- (b) is and has been employed in the electoral district for the six months prior to his application for registration, or
- (c) is an established member of the public service of the Protectorate or a member of the armed Forces of the Crown serving in the electoral district at the date of application for registration, or
- (d) owns a business in the electoral district.

(3) For the purposes of paragraph (e) of subsection (1) hereof, the term “dwelling” shall include a Somali portable dwelling (aqal Somali) provided it has been occupied as a dwelling and has been situated in the same position in the electoral district for a period of twelve months immediately prior to the date of application for registration.

(4) No person shall qualify as an elector under sub-paragraph (viii) of paragraph (e) of subsection (1) of this section unless a written certificate signed by his employer or employers verifying the qualification is produced to a registration officer.

(5) Any person who willfully makes a false statement in any certificate signed for the purpose of subsection (4) hereof shall be guilty of an offence and on conviction shall be liable to a fine not exceeding Shs. 2,000 or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

Disqualification of electors

11. No person shall be entitled to have his name entered upon a register of electors or to vote at an election notwithstanding that his name has been entered on a register of electors who:

- (a) is disqualified from registering as an elector under any law for the time being in force in the Protectorate relating to offences connected with elections; or
- (b) has been sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called), and has not either suffered the punishment to which he was sentenced or such other punishment as may by a competent authority have been substituted therefore or received a free pardon; or
- (c) is of unsound mind having been so adjudged by a competent authority, or is detained as a criminal lunatic under any law in force in Her Majesty's dominions.

Compilation of registers of electors

12. (1) In each electoral district registration officers, as soon as convenient after the Governor in Council has first declared the area to be an electoral district under the provisions of section 4 of this Ordinance, and in such years as the Governor, by notice in the Gazette, appoints and so soon as convenient after any change in the boundaries of the electoral district, shall compile

registers of electors showing all persons entitled under the provisions of this Ordinance to vote at the election of an Elected Member for that electoral district.

(2) A register of electors shall be compiled for each polling division comprised within an electoral district and shall come into force on such date as the Governor may, by notice in the Gazette, appoint and shall remain in force until the register of electors next compiled comes into force.

(3) If, after the first register of electors has been compiled for any polling division, a new register has not been compiled when and if required the register of electors in force when the new register should have come into force shall continue as the register for such division.

Registration of electors

13. (1) So soon as convenient after an electoral district has been first declared or a notice has been published in the Gazette under subsection (1) of section 12 of this Ordinance or after the boundaries of an electoral district have been changed the Supervisor of Elections shall publish a notice in the Gazette calling upon every person who is qualified to have his name entered into one of the registers of electors being compiled, to apply, during a period or periods to be named, to the registration office in charge of the register by giving notice in writing to that effect in Form 3 prescribed in the Schedule to this Ordinance to the registration officer responsible for such register.

(2) Any person whose name appears in the register for any polling division may, within seven days from the date of publication in the Gazette of notice of completion of the register, object to the insertion in the register of his own name or the name of any other person appearing therein by giving notice in writing in duplicate to that effect in Form 4 prescribed in the Schedule to this Ordinance to the registration officer responsible for such register.

(3) Within three days from the expiry of the period of seven days referred to in subsection (1) and subsection (2) of this section the registration officer shall:

(a) cause to be prepared and exhibited at the place or places where the register or a copy of it was open for inspection under the provisions of subsection (8) of section 13 of this Ordinance, a statement of all such claims and objections in respect of such register and the names of the persons who have made the same;

(b) forward to any person in regard to whom objection has been made, a copy of the notice of objection given under subsection (2) hereof;

(c) forward to the revising officer a copy of the register and all the notices of claim and objection.

(4) The revising officer shall as soon as practicable hold a public inquiry into all claims and objections which have been duly made giving not less than five clear days written notice of the date on which and the time and place at which such inquiry shall commence to each of the parties concerned, and publishing such date and place of hearing within the five days aforesaid at the place where the notices were exhibited under paragraph (a) of subsection (3) hereof.

(5) At any such public inquiry, any person appearing to the revising office to be interested in or affected by the subject matter of the inquiry may appear and be heard either by himself or by any other person duly authorized in writing by him in that behalf, and, for this

purpose, any person whose name appears on the register of the polling division and who objects to the insertion of the name of a claimant in that register shall be deemed to be a person interested.

(6) Witnesses may be summoned and sworn at the hearing of claims and objections under the provisions of this section in the same manner as nearly as circumstances admit as in a trial by a court presided over by a magistrate of the first class in the exercise of his criminal jurisdiction and shall be subject to the same penalties for the giving of false evidence or non-attendance.

(7) The procedure and practice of any public inquiry under this section shall be regulated in such manner as the Chief Justice or the presiding revising officer shall direct; but without prejudice to the generality of the foregoing powers the Chief Justice or the presiding revising officer may give directions that, when two or more claims or objections involve the same point, one claim or objection shall be heard first as a test case and that the decision in that case shall be binding on the parties to the other claims or objections.

(8) No party at a public inquiry under this section shall be entitled to any costs or compensation, provided that if an objection is made and is not allowed by the revising office and in his opinion the objection was made without reasonable cause, the revising office may if he thinks fit order the objector to pay compensation not exceeding Shs. 100 in all as he considers reasonable and any sum so awarded shall be recoverable as though the order was a decree of a District Court for the recovery of money.

(9) The decision of the revising officer at any public inquiry under this section shall be final and conclusive and shall not be called in question in any court.

(10) When the revising officer has determined the claims and objections which have been lodged with respect to any register, he shall forward to the registration officer a statement under his hand containing the names which he has decided shall be included or inserted in the register and those which he has decided shall be expunged from the register, and the registration officer shall amend the register accordingly.

Certification and publication of register

16. (1) The registration officer shall, as soon as conveniently may be after any claims and objections have been adjudicated upon, certify the register of electors and publish it in such manner as the Supervisor of Elections shall direct;

Provided that the registration officer may certify and publish any register in accordance with this section pending the hearing of any claims or objections brought under the provisions of section 15 of this Ordinance, and shall thereafter insert in or expunge from the certified register the name of any person in accordance with the decision of the revising officer on the determination of the public inquiry and shall likewise correct or issue instructions for the correction of any copy of the register that has been published.

(2) Nothing in this Ordinance shall be deemed to prohibit a registration officer, before certifying and publishing any register, from correcting any clerical or other error therein, provided that such correction does not affect the entitlement of any person to have his name included or retained therein.

PART III

NOMINATION OF CANDIDATES AND PROCEDURE PRIOR TO POLLING

Issue of writ for holding elections

17. (1) For the purpose of any general election of Elected Members and for the purpose of the election of such Members to fill vacancies caused by death, resignation or otherwise, the Governor shall issue a writ under the Public Seal of the Protectorate, addressed to the returning officer of each electoral district for which a Member is to be returned.

(2) Every writ shall be forwarded to the Supervisor of Elections for transmission to the returning officer to whom it is addressed.

(3) Every writ shall be in Form 5 in the Schedule to this Ordinance and shall specify the day and place of nomination of candidates and the date or dates on which, if it is necessary, a poll should be taken being not earlier than ten days or later than twenty-one days after the date of nomination of candidates.

(4) So soon as any writ or writs have been issued under subsection (1) of this section the Supervisor of Elections shall publish in the Gazette a notice specifying the day and place for the nomination of candidates in respect of the electoral district or districts concerned, the day or days on which, if necessary, the poll shall be taken in such electoral district or districts or if the poll is to be taken on different days in different polling divisions the day on which polling shall take place in each polling division.

(5) Upon receipt of a writ issued under the provisions of subsection (1) of this section the returning officer shall proceed to hold an election in the manner provided in this Ordinance and shall give and publish notice thereof throughout the electoral district in such manner as he shall think fit and shall cause notice in Form 6 in the Schedule to this Ordinance to be posted in such places and he shall think desirable.

Qualifications of candidates

18. Subject to the provisions of section 19 of this Ordinance any person otherwise qualified to be elected as an Elected Member under the provisions of any Order by Her Majesty in Council, who:

(i) is the owner or lessee under a duly registered written lease of land on which there is situated a building or buildings valued at not less than Shs. 5,000, or

(ii) is in receipt of a salary or income of not less than Shs. 300 per month, or

(iii) is the sole owner of not less than 10 camels, 10 head of cattle or 100 sheep and goats, or

(iv) is joint owner with members of his immediate family of 40 camels, 40 head of cattle or 400 sheep and goats, or

(v) has the right to cultivate land under a written lease duly registered, or

(vi) is a registered cultivator of land under any scheme introduced by a Local Government Council established under the Local Government Councils Ordinance, 1953,

shall be qualified to be nominated for election as an Elected Member and elected as such and no other person shall be qualified for nomination and election or having been elected shall sit or vote in the Legislative Council.

Disqualification of candidates

19. No person shall be nominated, elected or sit or vote as an Elected Member who:
- (a) is disqualified for election as an Elected Member under any Order by the Majesty in Council; or
 - (b) is disqualified from membership of the Legislative Council or from election thereto under the provisions of this Ordinance relating to offences connected with elections; or
 - (c) is holding or acting in, any office the function of which involve:
 - (i) any responsibility for or in connection with the conduct of any elections to the membership of the Legislative Council; or
 - (ii) any responsibility for the compilation or revision of any register of electors or Members of the Legislative Council.

Nomination of candidates

20. (1) On the day and at the place fixed for the nomination of candidates in any electoral district the returning officer shall attend at nine o'clock in the morning to receive the nominations of candidates for the seat to be filled.
- (2) The nomination of every candidate for election must be proposed and seconded or supported in writing by not less than ten other persons with the qualifications prescribed by subsection (3) of this section and the consent of the candidate to nomination shall be endorsed thereon.
- (3) The proposer, seconder and supporters referred to in subsection (2) hereof shall be persons who are themselves qualified to be elected and not disqualified from being elected as Elected Members for the electoral district for which the candidate seeks election and, who are, in the case of the nomination of a candidate in a Type A electoral district, registered electors in that electoral district.
- (4) The fact that subsequent to nomination a proposer, seconder or a supporter of a candidate ceases to be qualified in accordance with subsection (3) hereof shall not invalidate the nomination of the candidate.
- (5) The nomination of every candidate shall be made in Form 7 in the Schedule to this Ordinance.
- (6) The returning officer shall at the place aforesaid and at the time aforesaid and within three hours thereafter received such nomination papers as may be tendered to him.
- (7) Every candidate shall at the time of his nomination deliver to the returning officer a statutory declaration declaring his qualifications to sit as an Elected Member and also declaring the facts showing that he is not disqualified from so sitting which has been made and subscribed by the

candidate before a magistrate in Form 8 of the Schedule to this Ordinance, and if the statutory declaration is not delivered as aforesaid the nomination of the candidate shall be deemed to be void.

(8) Every candidate shall, at the time of his nomination deposit or cause to be deposited with the returning officer the sum of Shs. 500 in cash and if he fails to do so the nomination of the candidate shall be deemed to be void.

(9) No candidate may be nominated for election in more than one electoral district or while he is a Member of Legislative Council.

Decisions as to validity of nomination papers

21. (1) Where a nomination paper and the candidate's consent thereto and his declaration are delivered and a deposit is made in accordance with the provisions of this Ordinance, the candidate shall be deemed to stand nominated unless and until the returning officer decides that the nomination paper is invalid, or proof is given to the satisfaction of the returning officer of the candidate's death, or the candidate withdraws.

(2) The returning officer shall be entitled to hold a nomination paper invalid only on one of the following grounds, that is to say:

(a) that the particulars of the candidate or the persons subscribing the paper are not as required by law; and

(b) that the paper is not subscribed as so required.

(3) Where he decides that a nomination paper is invalid, the returning officer shall endorse and sign on the paper the fact and the reasons for his decision.

(4) The decision of the returning officer that a nomination paper is valid or invalid on one of the grounds set out in subsection (2) hereof shall be final and shall not be questioned in any proceeding whatsoever.

(5) Subject to the last foregoing subsection, nothing in this section shall prevent the validity of a nomination being questioned on an election petition.

Use of symbols for identification purposes

22. (1) For the purpose of assisting persons to identify candidates when voting, each candidate shall be entitled to associate himself while electioneering, with such symbol as the returning officer shall allot to him.

(2) The returning officer shall if so required allot symbols to candidates so soon as convenient after they have been nominated under the provisions of section 20 of this Ordinance.

(3) The Supervisor of Elections may make rules regulating the manner in which symbols shall be allotted, the use of symbols by candidates and other persons and may, in such rules, provide for their contravention being an offence punishable with a fine not exceeding Shs. 500.

(4) No candidate shall associate himself with any symbol and no other person shall associate a candidate with any symbol while electioneering, unless such symbol has been sanctioned by the returning officer for that purpose and any candidate or other person who contravenes the provisions of this subsection shall be guilty of an offence and liable to a fine not exceeding Shs.

1,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Withdrawal of candidature

23. (1) A candidate may before twelve noon on the day of nomination, but not afterwards, withdraw his candidature by giving a notice to that effect signed by him to the returning officer.

(2) The returning officer shall forthwith cause notice of such withdrawal to be posted in a conspicuous position outside the place of nomination and shall return to the candidate his deposit.

Disposal of deposit

24. (1) Subject to the provisions of subsection (2) of section 23 of this Ordinance the full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Accountant General.

(2) The full amount of every deposit shall be returned by the Accountant General to the person who made the deposit or his personal representative, as the case may be, upon and only upon the production by him, within one month of the conclusion of the election in respect of which the deposit was made, of a certificate from the returning officer that the candidate was elected or polled not less than one-sixth of the total number of votes counted at the election in the electoral district in which he was a candidate or died before the close of the poll.

(3) For the purposes of this section the number of votes polled shall be deemed to be the number of ballot papers (other than rejected ballot papers and spoiled ballot papers) counted.

(4) Except as otherwise provided in this section, every deposit shall, at the expiration of one month from the conclusion of the election in respect of which it was made, be credited to the general revenue of the Protectorate.

Uncontested elections

25. If at expiration of three hours after the time appointed in subsection (1) of section 20 of the Ordinance, there shall be only one candidate duly nominated in an electoral district, the returning officer shall forthwith publicly declare that candidate to be elected and shall immediately thereafter certify by endorsement on the writ the return of that candidate and shall return the writ so endorsed to the Supervisor of Elections.

Where no candidate nominated

26. (1) Whenever the Governor has appointed a nomination day for any electoral district and no candidate therefore has been nominated in accordance with section 20 of this Ordinance, the Governor may, in his discretion, appoint a person who is eligible for election in such electoral district to be the Elected Member for that electoral district.

(2) Any person appointed as an Elected Member under the provisions of subsection (1) of this section shall hold office as such until the next general election:

Provided that the Governor may at any time prior to such general election issue a fresh writ under section 17 of this Ordinance for the electoral district concerned and thereupon such person shall cease to be an Elected Member.

If election contested adjournment to take the poll

27. (1) If there shall be more than one candidate duly nominated in an electoral district, the returning officer shall adjourn the election for the holding of a poll and a poll shall be taken in the manner hereinafter provided.

(2) The returning officer shall, as soon as practicable, after adjourning the election, given notice in the Gazette and in such other manner as the Supervisor of Elections may direct of:

- (a) the day or days and the time or times on which the poll will be taken;
- (b) the address of the polling station or stations;
- (c) in any polling division where there is more than one polling station the electors assigned to each polling station; and
- (d) the full names, addresses, occupations and representative symbols, if any, of the candidates nominated for election.

Power to adjourn polling day in the event of an emergency

28. (1) If at any time between the issue of a writ or writs under the provisions of section 17 of this Ordinance and the day or days appointed by the writ or writs for the holding of the poll at any election the Governor is satisfied that it is expedient in the public interest so to do he may by proclamation adjourn the holding of the poll to some other day specified in the proclamation being not more than 30 days after the day specified in the writ or writs issued under the provisions of section 17 of this Ordinance.

(2) Any proclamation made under the provisions of subsection (1) of this section may be expressed to apply only to those electoral districts which are specified in the proclamation in which event the poll shall be taken in every electoral district for which a writ has been issued and which is not so specified upon the day appointed for the taking of the poll.

(3) Where any proclamation is made under the provisions of this section the writs for all electoral districts to which the proclamation applies shall be deemed to have been amended by the substitution for the day specified in the writs as being the day for the holding of the poll, of the day so specified in the proclamation.

(4) Where any proclamation under the provisions of this section is made before the day which would have been nomination day if the proclamation had not been made, nomination day shall be deemed to have adjourned to the twenty-first day next before the day to which the holding of the poll is adjourned by the proclamation:

Provided that if the twenty-first day is a Sunday or a public holiday, nomination day shall be deemed to be adjourned to the first day not being a Sunday or a public holiday after the twenty-first day.

Death of candidate

29. (1) If, after the candidates in any electoral district have been nominated and before the poll is commenced, proof is given to the satisfaction of the returning officer of the death of one of the candidates, the returning officer shall countermand notice of the poll, and all proceedings with reference to the election shall be commenced afresh in all respects as if the writ had been received on the day on which proof was given to the returning officer of the death.

(2) Where by reason of the death of a candidate proceedings at an election are commenced afresh under this section, then the returning officer shall fix:

(a) a new date for the nomination of candidates being a date not more than 14 days after the date on which proof was given to him of the death of the person shown as standing nominated; and

(b) a new date or dates for the taking of the poll which date or dates shall commence not less than ten days or more than twenty-one days from the date fixed for the nomination of candidates,

and the writ for that electoral district shall be deemed to have been amended by the substitution of the dates so fixed for the nomination day and polling day or days, as the case may be, specified in the writ.

(3) When an election is commenced afresh under this section, any surviving candidate or candidates shall stand nominated in all respects as if his nomination was or their nominations were duly received on the new date fixed for nomination of candidates without further formality, and any such surviving candidate shall be entitled to a refund of his deposit if he withdraws his candidature before twelve noon on the new date fixed for nomination, notwithstanding the provisions of section 24 of this Ordinance.

PART IV

POLLS (GENERAL)

Result of poll

30. The result of a poll shall be ascertained by counting the votes given to each candidate and the candidate in each electoral district to whom the majority of votes have been given shall be declared to have been elected.

Requisition of buildings for polling stations

31. (1) Any convenient building, other than a dwelling house, in a polling division to whoever belonging, may be used without charge for the purpose of taking a poll is so required by the returning officer.

(2) The returning officer shall out of public funds make good any damage done to any building used for taking a poll if such damage was a result of the poll being taken therein.

Presiding officers

32. (1) The returning officers shall appoint a presiding officer to preside at each polling station and shall likewise appoint polling assistants to assist the presiding officers in carrying out their duties.

(2) In the absence of the presiding officer from any polling station a polling assistant shall act as presiding officer.

Polling agents and counting agents

33. (1) Each candidate may appoint one person to be known as a polling agent, to attend at each polling station within the electoral district for which he is a candidate for the purpose of detecting personation in Type A electoral districts and checking voters in Type B electoral districts.

(2) Each candidate may appoint one person to be known as a counting agent to attend the counting of votes by the returning officer.

(3) Notice in writing of the appointment of polling agents and counting agents, stating their names and particulars and in the case of polling agents, the polling stations to which they have been assigned, shall be given by the candidate to the returning officer not later than five days before the day fixed for the election.

(4) If any polling agent or counting agent dies or becomes incapable of acting as such, the candidate may appoint another polling agent or counting agent (as the case may be) in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent or counting agent so appointed.

Adjournment of poll in case of riot

34. (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer may adjourn the proceedings till the following day and shall forthwith give notice to the returning officer.

(2) Where the poll is adjourned at any polling station:

(a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and

(b) references in this Ordinance to the close of the poll shall be construed accordingly.

PART V

POLLS –TYPE A

Application of Part V

35. This Part of this Ordinance shall only apply to Type A electoral districts.

Poll by ballot

36. (1) The votes at the poll shall be given by secret ballot.

(2) The poll shall commence at seven o'clock in the morning and close at four o'clock in the evening unless the returning officer otherwise orders.

Ballot paper

37. The ballot of every person voting shall consist of a ballot paper which shall be in Form 9 in the Schedule to this Ordinance and shall have a number printed on it and shall have attached a counterfoil with the same number printed on it.

Prohibition of disclosure of vote

38. No person who has voted at the election shall, in any legal proceeding to question the election or return, be required to state for whom he voted.

Arrangements at polling stations

39. On polling day at each polling station there shall be:

- (a) outside the polling station in a conspicuous place, a notice in English and Arabic showing the full names in alphabetical order or in such other order as the Supervisor of Elections may direct, particulars, photographs (if available) and representative symbols, if any, of the candidates for election;
- (b) both within and outside the polling station notices in English and Arabic instructing electors how to vote;
- (c) as screened compartment in which are placed the ballot boxes of the candidates;
- (d) one ballot box for each candidate prominently marked with the name, photograph (if available) and symbol, if any, of the candidate; and
- (e) a sufficient number of ballot papers and other things necessary for the poll to be properly and expeditiously carried out.

Ballot boxes

40. (1) Every ballot box shall be so construed that the ballot papers can be put therein by the person voting but cannot by him be withdrawn.

(2) Immediately before the commencement of the voting, the presiding officer at each polling station shall now show each ballot box empty to such persons as may lawfully be present so that they may see that it is empty, and shall, before placing it in the screened compartment, close and place a seal upon it in such manner as to prevent it being opened without breaking the seal, and shall keep it so closed and sealed.

Method of voting

41. The voting at an election shall be conducted in the following manner:

- (a) every elector desiring to record his vote shall present himself at the polling station at which he is entitled to vote, and the presiding officer or polling assistant, after satisfying himself that the name of such elector appears on the register of electors for the polling division or part thereof assigned to that polling station, that he has not become disqualified from voting and that he has not already voted, shall deliver to him a ballot paper;
- (b) immediately before the presiding officer or a polling assistant delivers a ballot paper to any person:
- (i) the ballot paper shall be perforated or stamped with an official mark and initialled by the presiding officer or polling assistant;
 - (ii) the number and particulars of the elector as stated in the register of electors shall be called out;
 - (iii) the number of the elector in the register of electors shall be marked on the counterfoil;
 - (iv) a mark shall be placed against the number of the elector in the copy of the register of electors to denote that a ballot paper has been received, but without showing the number of the ballot paper which has been received;
- (c) Subject to the provisions of paragraph (d) of this section, an elector on receiving a ballot paper shall go immediately into the screened compartment in the polling station, and shall there secretly record his vote by putting his ballot paper into the ballot box bearing the name, photograph (if available) and symbol, if any, of the candidate for whom he wishes to vote;
- (d) If an elector is incapacitated by blindness or other cause he shall call the presiding officer aside, and shall tell him, no other person being present or within hearing, the name of the candidate for whom he wishes to vote, and the presiding officer shall then go immediately into the screened compartment in the polling station with the elector and place the elector's ballot paper into the ballot box bearing the name, photograph and symbol, if any, of the candidate for whom the candidate wishes to vote;
- (e) every elector shall vote without undue delay and shall leave the polling station so soon as he has voted;
- (f) an elector who has accidentally dealt with his ballot paper in such manner that it cannot conveniently be used as a valid ballot paper may, on delivering such ballot paper to the presiding officer and after satisfying the presiding officer that the ballot paper has been spoilt by accident, obtain another ballot paper in the place of the paper so delivered up, and the spoilt ballot paper and its counterfoil shall be immediately marked as cancelled;
- (g) subject to the provisions of paragraph (d) of this section, an elector may only vote by casting his vote in person at the polling station.

Declarations by voters

42. (1) The presiding officer at any polling station may in his discretion and shall on the request of a candidate or his polling agent, unless he considers the request to be frivolous and for the purposes of delay, require any person wishing to vote, before he is given a ballot paper, to furnish such evidence of his identity as the presiding officer may deem necessary and to make and subscribe one or both of the declarations set out in Forms 10 and 11 in the Schedule to this Ordinance.

(2) If any person fails to furnish such evidence of his identity or refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(3) If any person willfully furnishes false evidences or makes a false statement in any such declaration, he shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding Shs. 1,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Admittance to polling station

43. (1) No person shall be admitted to vote at any polling station except the one allotted to him:

Provided that where an elector for any electoral district is employed as a returning officer, presiding officer, police officer, or in any other official capacity at a polling station within that district, and it is inconvenient for him to vote at the polling station in such district which has been allotted to him, the returning officer may authorise the elector, by a certificate under his hand, to vote at any other polling station in such district, and that polling station shall, for the purposes of this section, be deemed to be the polling station allotted to such elector.

(2) A certificate under the proviso to subsection (1) hereof shall be given under the hand of the returning officer and shall state the name of the elector, his serial number and description in the register of electors, and the fact that he is so employed as aforesaid.

(3) The presiding officer shall keep order in his polling station, and shall regulate the number of persons to be admitted to vote at one time, and shall exclude all other persons except the candidates, the polling agent of each candidate, the returning officer and persons authorised in writing by the returning officer, the police officers on duty and other persons officially employed at the polling station.

(4) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorised in writing by the presiding officer or by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(5) Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a magistrate.

(6) The powers so conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

Tendered votes

44. If a person representing himself to be a particular elector named in the register applies for a ballot paper after another person has voted as such elector, the applicant shall on taking an oath or making an affirmation of identity, which may be administered by the presiding officer and which shall be as in Form 12 in the Schedule to this Ordinance, be entitled to receive a ballot paper and to vote in the same manner as any other elector, but the ballot paper (in this Ordinance called a

“tendered ballot paper”) shall be of a colour different from the other ballot papers, and, before being placed in a ballot box, shall be endorsed by the presiding officer with the name of the elector and his serial number in the register, and that number shall be entered on a list (in this Ordinance called the “tendered votes list”). Tendered ballot papers shall be dealt with in the manner hereinafter provided.

Closing of the poll

45. (1) At the hour fixed for the closing of the poll, the presiding officer shall take steps to prevent the entry of any further person into the polling station but he may, in his discretion, authorise the delivery of a ballot paper to any elector in the polling station at the hour aforesaid.

(2) Save as provided in subsection (1) hereof no ballot paper shall be delivered to any person after the hour fixed for closing the poll but any elector in the polling station at the hour aforesaid to whom a ballot paper is or has been legally and properly delivered shall be allowed to record his vote.

Procedure on closing of poll

46. (1) The presiding officer of each polling station, as soon as practicable after the closing of the poll, shall, in the presence of such of the candidates and their polling agents as attend make up into separate packets, sealed with his own seal and the seal of the candidates or their agents if they desire to affix their seals:

- (a) the unused and spoilt ballot papers placed together;
- (b) the marked copies of the register of electors and the counterfoils of the ballot papers; and
- (c) the tendered votes list.

(2) The unopened ballot boxes shall be secured by the presiding officer and sealed with his seal and with the seals of such of the candidates or their agents as attend and desire to affix their seals, in such manner that the boxes cannot be opened and nothing can be inserted therein without the seals being broken.

(3) The presiding officer shall also prepare a statement (hereinafter referred to as “the ballot papers account”) showing the number of ballot papers entrusted to him and accounting for them under the following heads:

- (a) number of spoilt ballot papers;
- (b) number of unused ballot papers;
- (c) number of returned ballot papers; and
- (d) number of tendered ballot papers.

(4) The presiding officer shall, accompanied by a police officer and such polling agents as desire to accompany him, take each such packet, the ballot papers account and the ballot boxes in safe custody to the returning officer.

Counting of votes

47. (1) The returning officer shall appoint such number of persons (to be known as “enumerators”) as he shall consider necessary to assist him in counting the votes.

(2) The returning officer shall make such arrangements for counting the votes, in the presence of the candidates and their counting agents as attend, as soon as practicable after he has received all the ballot relating to the electoral district, and for that purpose shall (either before or after polling commences) give notice in writing to each candidate, or if the candidate has appointed a counting agent, to such counting agent, of the time and place at which he will begin to count the votes.

(3) The returning officer, any assistant returning officers present and the enumerators shall count the votes and, except with the consent of the returning officer, no person other than such election officers, the candidates and their counting agents may be present at the counting of the votes.

(4) So soon as may be after the returning officer is ready to count the votes he shall break the seals on each of the ballot boxes in turn and, with the aid of his enumerators, proceed to examine and count the ballot papers therein, allowing time only for refreshment, until all ballot papers in all ballot boxes have been examined and counted.

(5) As the ballot papers in each ballot box are counted, the returning officer shall record the number thereof cast in favour of each candidate, and the polling station from whence they came.

(6) The ballot papers in favour of each candidate and from each polling station shall, as soon as they have been examined and counted, be placed in a secure place in which they cannot be confused with those in favour of any other candidate, or those from any other polling station.

(7) The returning officer shall not count the tendered ballot papers but shall place them in separate packets according to the candidate whom they support and shall mark each such packet with the name of such candidate and shall seal the packet and hand it to the Supervisor of Elections with other documents as required by this section.

(8) At the conclusion of the counting of the votes for each polling station the returning officer shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded in accordance with subsection (5) hereof, the unused, returned and spoilt papers in his possession and the tendered vote list but he shall not open the sealed packet containing the marked copy of the register of voters or the sealed packet containing the counterfoils of used ballot papers.

(9) The returning officer shall prepare a statement as to the result of each verification of a ballot paper account and shall on request allow any counting agent to copy such statement.

(10) When the counting of the votes has been completed the returning officer shall forthwith declare the candidate to whom the greatest number of votes is given to be elected:

Provided that upon the application of any candidate or his counting agent, other than an application which the returning officer considers frivolous, a recount shall be made before the returning officer makes the declaration.

(11) Where an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any of them to be declared elected the returning officer shall make a recount of the votes cast and, if there is again an equality of votes as ascertained by such recount, the

returning officer shall fix and publish in the Gazette a new date or dates for the taking of the poll not being less than ten or more than twenty-one days after the day on which the votes were counted, and the poll shall be taken afresh as if the new date or dates were the date or dates specified in the writ for the taking of the poll.

(12) Upon the completion of the counting and the inspection of the ballot paper accounts, and after the result has been declared by him, the returning officer shall seal up the ballot papers ensuring that the ballots papers in favour of each candidate are kept separate and kept in a box or other receptacle marked with the name of the candidate for whom they were cast and shall likewise seal up all other documents relating to the election as required by this Ordinance and shall take them in safe custody to the Supervisor of Elections.

(13) Subject to the provisions of the next succeeding subsection, the Supervisor of Elections shall retain the ballot papers and other documents delivered to him in accordance with subsection (12) hereof for a period of six months, and thereafter shall cause them to be destroyed unless otherwise directed by order of the Governor.

(14) A court trying an offence relating to an election or the High Court hearing an election petition may make an order that any ballot paper or other document relating to an election, which has been sealed as required by this Ordinance be inspected, copied or produced at such time and place and subject to the such conditions as it may deem expedient, but shall not make such an order unless it is satisfied that such inspection, copy or production is required for the purpose of instituting or maintaining a prosecution for an election petition in connection with the election. Save as aforesaid, no person shall be allowed to inspect any such ballot paper or document after it has been sealed up in pursuance of subsection (12) of this section.

Votes to be rejected

48. (1) The returning officer shall reject as invalid any forged ballot papers or any ballot paper which is not stamped or perforated with the official mark or on which anything is written or marked by which the voter can be identified except the printed number.

(2) Before rejecting a ballot paper, the returning officer shall show it to each candidate or his counting agent if present, and hear his views thereon, taking all proper precautions to prevent any person from seeing the number printed on the paper.

(3) The decision of the returning officer whether or not any ballot paper shall be rejected shall be final and shall not be question on an election petition.

Maintenance of secrecy at elections

49. (1) Every officer, clerk, interpreter, candidate and agent authorised to attend at a polling station, or at the counting of the votes, shall, unless he has taken an oath under the provisions of subsection (9) of section 3 of this Ordinance, before so attending shall take an oath of secrecy, substantially as in Form 1 in the Schedule to this Ordinance.

(2) The returning officer shall have power to administer any oaths required to be taken under the provisions of subsection (1) of this section.

(3) Every officer, clerk, interpreter, candidate and agent in attendance at a polling station, shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, to any person any information as to the

name or number on the register of electors of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark, but the total number of persons who have voted at any station at any time before the poll is closed may in the discretion of the presiding officer be divulged to the candidate or his agent authorised to attend at the polling station.

(4) No person whosoever except a presiding officer is lawfully carrying out his duty to assist an incapacitated elector shall obtain or attempt to obtain in the polling station information as to the candidate for whom any person in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to candidate for whom any person such station is about to vote or has voted, or as to the number on the ballot paper given to any such person at such station.

(5) Every officer, clerk, interpreter, candidate and agent in attendance at the counting of the votes, shall maintain, and aid in maintaining the secrecy of the voting, and shall not ascertain or attempt to ascertain at such counting the number on any ballot paper or communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(6) No person, except a presiding officer acting for a purpose authorised by this Ordinance or a person authorised by the presiding officer and acting for such purpose as aforesaid, shall communicate or attempt to communicate with any person after such person has received a ballot paper and before he has placed the same in a ballot box.

(7) Every person who acts in contravention of the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding Shs. 2,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

PART VI

POLLS – TYPE B

Application of Part VI

50. This Part of this Ordinance shall only apply to Type B electoral districts.

Qualifications of electors

51. Subject to the provisions of sections 8 and 52 of this Ordinance, any person in the electoral district on the date of an election shall be entitled to vote in a Type B electoral district who:

- (a) is a male person; and
- (b) is apparently twenty-one years of age or more; and
- (c) is a British subject or British Protected person,

and no other person shall be entitled to vote in that district.

Disqualifications of electors

52. No person shall be entitled to vote in a Type B electoral district who:

- (a) is disqualified from voting under any law for the time being in force in the Protectorate relating to offences connected with elections; or
- (b) has been sentenced by a court in any part of Her Majesty's dominions to death or to imprisonment (by whatever name called), and has not either suffered the punishment to which he was sentenced or such other punishment as may by a competent authority have been substituted therefor or received a free pardon; or
- (c) is of unsound mind having been so adjudged by a competent authority, or is detained as a criminal lunatic under any law in force in Her Majesty's dominions.

Polling

53. The votes at the poll shall be cast in the manner hereinafter provided.

Arrangements at polling stations

54. On polling day at each polling station there shall be:
- (a) at the polling station in a conspicuous place a notice in English and Arabic showing the full names, in alphabetical order, or in such order as the Supervisor of Elections may direct, particulars and representative symbols, if any, of the candidates for election;
 - (b) such number of marked voting areas, as in the opinion of the presiding officer may be necessary, being not less than one for each candidates; and
 - (c) at each voting area, a prominent notice displaying the name (in English and Arabic), the photograph and symbol, if any, of the candidate to whom the voting area has been allotted by the presiding officer; and
 - (d) any other things necessary in the opinion of the returning officer for the poll to be properly and expeditiously carried out.

Electors to meet for election

55. On polling day, the presiding officer of a polling station shall at some convenient time before the time of which notice has been given by the returning officer in accordance with subsection (2) of section 7 of this Ordinance, assembly all electors at or in the vicinity of the polling station either in one group or as many groups as he may deem necessary and shall explain to such group or groups, in the Somali language, using an interpreter if necessary, the method of voting to be followed, the candidates for election and their symbols, if any, and shall point out the voting area or areas allotted to each candidate.

Method of voting

56. An elector shall record his vote by entering the area allotted to the candidate of his choice and remaining there until the conclusion of the election at the polling station;

Provided that an elector who has, by mistake, entered a voting area other than that which he intended to enter may, at the discretion of the presiding officer, be permitted to rectify the mistake.

Counting of votes by presiding officer

57. (1) As soon as practicable after the electors present have entered the voting areas but not before the expiration of the time notified by the returning officer as the time on which the poll would be taken, the presiding officer of the polling station with the aid of his polling assistants shall obtain a count of the persons present as voters in each voting area.

(2) Immediately a count has been completed in any voting area, the presiding officer shall announce in a loud voice, the result of the count.

(3) During the counting of votes the presiding officer may refuse to count the vote of any person on the grounds that he is not entitled to vote and the decision of a presiding officer as to whether any person is entitled to vote or not shall be final and shall not be questioned on any election petition.

(4) An election shall not be challenged on an election petition on the grounds that the poll did not take place at the time notified by the returning officer under subsection (2) of section 27 of this Ordinance unless the counting of votes took place before the time so notified.

Recount

58. Upon the application of any candidate or his polling agent, a recount of any voting area shall be made provided the application is made before the presiding officer or polling assistant making the count leaves the voting area, and the presiding officer does not consider the application to be frivolous.

Election returns

59. (1) As soon as the counting of persons in the voting areas has been completed the presiding officer shall record the result of the count in a statement (hereinafter called an "election return") which shall show the number of votes cast for each candidate and shall be in Form 13 in the Schedule to this Ordinance.

(2) The presiding officer shall prepare and sign the election return in original and such number of copies as may be required, taking the original immediately to the returning officer of the electoral district, forwarding a duplicate to the Supervisor of Elections, and handing a copy thereof to each polling agent who may be present.

Rights of polling agents

60. (1) A polling agent shall be entitled to be present at all proceedings at a polling station and to object to or support the right of any person to vote but shall not endeavour to influence the vote of any person between the time a presiding officer of a polling station commences his explanation in accordance with section 55 of this Ordinance and the time the presiding officer signs the election return.

(2) Any polling agent who attempts to influence the vote of any person in contravention of subsection (1) hereof shall be guilty of an offence and shall, on conviction, be liable to a fine not

exceeding Shs. 500 or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

Admission to polling station

61. (1) The presiding officer at a polling station shall regulate the admission of electors to the area of the polling station and shall exclude all other persons except candidates, polling agents, polling assistants, police officers on duty, and any other person who in his opinion has lawful reason to be present.

(2) If any person misconducts himself at a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorised in writing by the presiding officer or by the returning officer to remove him, and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station.

(3) Any person removed in accordance with subsection (2) of this section, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a magistrate.

(4) The powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such polling station.

Addition of votes by returning officer

62. (1) The returning officer shall, either before or after the taking of the poll, give notice in writing to each candidate, or if a candidate has appointed a counting agent, such counting agent, of the time and place he intends to add the votes in the disclosed in the election returns;

Provided that, if for any reason the returning officer is unable to give notice to a candidate or his counting agent without unreasonable delay, he may dispense with such notice.

(2) At the time and place notified, the returning officer shall, in the presence of such of the candidates or counting agents as attend, total the number of votes cast for each candidate as disclosed in the election returns and shall forthwith declare the candidate to whom the greatest number of votes is given to be elected;

Provided that upon the application of any candidate or his agent, a check addition shall be made before the returning officer makes the declaration.

(3) Where an equality of votes is found to exist between any candidates so that the addition of a vote would entitle any of them to be declared elected, the returning officer shall make a recount of the votes cast and if there is again an equality of votes as ascertained by such recount, the returning officer shall fix and publish in the Gazette a new date or dates for the taking of the poll being not less than ten or more than twenty-one days after the day on which the votes were counted, and the poll shall be taken afresh as if the new date or dates were the date or dates specified in the writ for the taking of the poll.

(4) A candidate or his agent present shall be entitled to view the election returns before the declaration is made.

(5) If for any reason, an election return fails to reach the returning officer within a reasonable period or an election return is illegible, the returning officer shall call for the duplicate election return and may in such case use such duplicate in all respects as if it were an original.

(6) After the result of the election has been declared by him, the returning officer shall seal up the election returns and take them to the Supervisor of Elections who shall produce them to the High Court if called upon to do so, but otherwise shall retain them for a period of six months and thereafter shall cause them to be destroyed unless otherwise directed by order of the Governor.

PART VII

RESULT OF ELECTION

Declaration of result

63. When the result of the poll has been ascertained, the returning officer shall forthwith:

- (a) publicly declare to be elected the candidate to whom the majority of votes have been given;
- (b) return the candidate's name to the Supervisor of Elections;
- (c) give public notice of the elected candidate's name and of the total number of votes given for each candidate;
- (d) endorse the name of candidate on the writ; and
- (e) forward the endorsed writ and a note of the result of the election to the Supervisor of Elections.

Publication of name of successful candidate

64. So soon as the Supervisor of Elections has received an endorsed writ under the provisions of section 25 or 63 of this Ordinance he shall forward it to the Governor and shall publish in the Gazette the result of the election and the name of the Elected Member.

PART VIII

AVOIDANCE OF ELECTIONS AND ELECTION PETITIONS

Avoidance of election on election petition

65. (1) The election of a candidate as an Elected Member shall not be questioned save on an election petition.

(2) The election of a candidate as an Elected Member shall be declared void on any of the following grounds which are proved to the satisfaction of the court, namely:

- (a) that by reason of general bribery, general treating, or general intimidation, or other misconduct, or other circumstances whether similar to those before enumerated or not, the majority of electors were or may have been prevented from electing the candidate whom they preferred;
- (b) non-compliance with the provisions of this Ordinance relating to elections;
- (c) that a corrupt practice or an offence was committed in connection with the election by the candidate or, with his knowledge or consent, by an agent of the candidate; or
- (d) that the candidate was at the time of his election a person not qualified or disqualified for election as an Elected Member.

Report exonerating candidate in certain cases of corrupt and illegal practice by agents

66. Notwithstanding the provisions of section 65 of this Ordinance where, upon the trial of an election petition respecting an election under this Ordinance, the court finds that a candidate at such election has been guilty by his agents of corrupt practice or of an offence in reference to such election, and the court further finds, after giving the Attorney General an opportunity of being heard, that the candidate has proved to the court:

- (a) that no corrupt practice or offence was committed at such election by the candidate and the offences mentioned were committed contrary to the orders and without the sanction or connivance of such candidate; and
- (b) that such candidate took all reasonable means for preventing the commission of corrupt practices or offences at such election; and
- (c) that the offences were of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt practices or offences on the part of such candidate or of his agents,

then, if the court so recommends, the election of such candidate shall not by reason of such offences be void nor shall the candidate be subject to any incapacity under this Ordinance.

Failure to comply with provisions of Ordinance shall not necessarily avoid an election

67. Notwithstanding the provisions of section 65 of this Ordinance where, upon the trial of an election petition respecting an election under this Ordinance, the court finds that there has been failure to comply with a provision or provisions of this Ordinance, and the court finds, after giving the Attorney General an opportunity of being heard, that it is satisfied that the election was conducted in accordance with the principles laid down in this Ordinance, and that such failure did not affect the result of the election, then the election of the successful candidate shall not, by reason of such failure, be void, nor shall he be subject to any incapacity under this Ordinance.

Appointment and powers of the High Court

- 68. (1) Every election petition shall be tried by the High Court.
- (2) Witnesses shall be subpoenaed and sworn in the same manner as nearly as circumstances admit as in a trial by the High Court in the exercise of its original jurisdiction and shall be subject to the same penalties for the giving of false evidence or for non-attendance.

(3) On the trial of an election petition under this Ordinance the court may, by order, compel the attendance of any person as a witness who appears to it to have been concerned in the election to which the petition refers, and any person refusing to obey such order shall be guilty of a contempt of court. The court may examine any witness so compelled to attend or any person in court, although such witness is not called and examined by any party to the petition. After the examination of a witness as aforesaid by the court, such witness may be cross-examined by or on behalf of the petitioner and respondent, or both of them.

Who may present petitions

69. An election petition may be presented to the High Court by any one or more of the following person, namely:

- (a) some person who lawfully voted or had a right to vote at the election to which the petition relates;
- (b) some person claiming to have had a right to be nominated or elected at such an election;
- (c) some person alleging himself to have been a candidate at such an election.

Relief which may be claimed

70. All or any of the following reliefs to which the petitioner may be entitled may be claimed in an election petition, namely:

- (a) a declaration that the election is void;
- (b) a declaration that the nomination of the person elected was undue;
- (c) a declaration that any candidate was duly elected;
- (d) where the seat is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes, a scrutiny.

Certificate of court as to validity of election

71. At the conclusion of the trial of an election petition the court shall determine whether the Elected Member whose nomination or election is complained of, or any other and what person, was duly nominated or elected, or whether the election was void, and shall certify such determination to the Governor. Upon such certificate being given, such determination shall be final; and the endorsement on the writ shall be confirmed or altered or the Governor shall within one month of such determination by notice in the Gazette order the holding of an election in the electoral district concerned, as the case may require, in accordance with such certificate.

Report of court as to corrupt or illegal practice

72. (1) At the conclusion of the trial of an election petition the court shall also report in writing to the Governor:

(a) whether any corrupt practice or an offence has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the election, or by his agent, and the nature of such corrupt practice or offence, if any; and

(b) the names and descriptions of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice or offence.

(2) Before any person, not being a party to an election petition nor a candidate on behalf of whom the seat is claimed by an election petition, is reported by the court under this section, the court shall give such person an opportunity of being heard and of giving and calling evidence to show why he should not be so reported.

(3) When the court reports that a corrupt practice or offence has been committed by any person, that person shall be subject to the same incapacities as it at the date of the said report he had been convicted of that practice or offence and a person shall be subject to the same incapacities as if he was a candidate at the election and the court reports that such corrupt practice or offence was committed with his knowledge and consent or by his agent.

(4) The Governor shall cause a copy of such report to be published in the Gazette, and it shall be the duty of the registration officer forthwith to peruse the report and forthwith to delete from the register of electors the name of every person appearing from the report to be disqualified from voting at an election.

Time for presentation of election petition

73. (1) Every election petition shall be presented within twenty-one days of the date of publication of the result of the election under the provisions of the section 64 of this Ordinance:

Provided that an election petition questioning the election upon the ground of a corrupt practice and specifically alleging a payment of money or other act to have been made or done since the date aforesaid by the Elected Member whose election is questioned or by an agent of the Elected Member or with the privity [sic] of the Elected Member or of his election agent in pursuance or furtherance of such corrupt practice may, so far as respects such corrupt practice, be presented at any time within twenty-eight days after the payment or act.

(2) An election petition presented in due time may, for the purpose of questioning the nomination or the election upon an allegation of a corrupt practice or offence be amended with the leave of the court within the time within which an election petition questioning the return or the election upon that ground may be presented.

Votes to be struck off at a scrutiny

74. (1) On a scrutiny at the trial of an election petition the following votes only shall be struck off, namely:

(a) In a Type A electoral district the vote of any person whose name was not on the register of electors assigned to the polling station at which the vote was recorded or who has not been authorized to vote at such station under the provisions of section 43 of this Ordinance;

(b) the vote of any person whose vote was procured by bribery, treating or undue influence;

(c) the vote of any person who committed or procured the commission of personation at the election;

(d) the vote of any person proved to have voted more than once at such elections; and

(e) the vote of any person who, by reason of a conviction for a corrupt practice or an offence or by reason of the report of the court, or by reason of any conviction for an offence under this Ordinance, was disqualified from voting at the election.

(2) The vote of a registered elector in a Type A electoral district shall not, except in the case specified in paragraph (e) of subsection (1) of this section, be struck off at a scrutiny by reason only of the elector not having been or not being qualified to have his name entered on the register of electors.

(3) On a scrutiny, any tendered vote proved to be a valid vote shall, on the application of any party to the petition, be added to the poll.

Petitions relating to vacation of seats

75. (1) Any question which may arise as to whether the seat of an Elected Member has become vacant, other than a question arising from the election of the Member, shall be referred to an determined by the High Court on a petition presented by the Attorney General.

(2) Where any question has been decided by the High Court under the provisions of subsection (1) of this section the Registrar of the High Court shall certify the decision of the High Court to the President of the Legislative Council; and when the High Court has decided that the seat of any Elected Member has become vacant, the seat of such Member shall become vacant so soon as the decision of the High Court has been so certified.

Rules as to procedure

76. The Chief Justice may make rules:

(a) prescribing the practice and procedure on election petitions and on petitions presented by the Attorney General under the provisions of section 75 of this Ordinance;

(b) fixing the fees payable on presentation of an election petition or in respect of any other act done in connection with the trial of an election petition; and

(c) making provision for the payment of the costs of and incidental to the presentation and trial of an election petition including security for such costs.

PART IX

CORRUPT PRACTICES AND OTHER OFFENCES

Personation

77. Every person who at an election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person shall be guilty of the offence of personation.

Treating

78. Every person who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision or any money or ticket or other means or device to enable the procuring or any meat, drink, refreshment or provision, to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of any such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector or voter who corruptly accepts or takes any such meat, drink or refreshment or provision or any such money or ticket or adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision shall be guilty of the offence of treating.

Undue influence

79. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint or inflicts or threatens to inflict, by himself or by any other person, any physical or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any elector, or thereby compels, induces, or prevails upon any elector either to give or refrain from giving his vote at any election, shall be guilty of the offence of using undue influence.

Bribery

80. The following persons shall be guilty of the offence of bribery:

(a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector or to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election under this Ordinance;

(b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure any office, place or employment to or for any elector or to or for any person on behalf of any elector, or to or for any person, in order to induce such elector to vote or refrain from voting or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election under this Ordinance;

(c) every person who, directly or indirectly, by himself, or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to procure or endeavour to procure the return of any person as an Elected Member, or the vote of any elector at any election under this Ordinance;

(d) every person who upon or in consequence of any such gift, loan, offer, promise, procurement or agreement procures or engages, promises or endeavours to procure, the return of any person as an Elected Member, or the vote of any elector at any election under this Ordinance;

(e) every person who advances or pays or causes to be paid any money to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election under this Ordinance or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election under this Ordinance;

(f) every person who, before or during any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;

(g) every person who, after any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such election;

(h) every person who, directly or indirectly, by himself or by any other person on his behalf, on account of and as payment for voting or for having voted or for agreeing or having agreed to vote for any candidate at an election, or on account of and as payment for his having assisted or agreed to assist any candidate at an election, applies to such candidate or to his agent or agents, for the gift or loan of any money or valuable consideration or for any office, place or employment or for the promise of any office, place or employment; and

(i) every person who, directly or indirectly, by himself or by any person on his behalf, in order to induce any other person to agree to be nominated as a candidate or to refrain from becoming a candidate or to withdraw if he has become a candidate gives or procures any office, place or employment or agrees to give or procure or offers or promises to procure or to endeavour to procure any office, place or employment to or for such other person, or gives or lends or agrees to give or lend, or offers, or promises to procure or endeavour to procure any money or valuable consideration to or for any person or to or for such other person, or to or for any person on behalf of such other person.

Certain employment to be illegal

81. No candidate or other person shall, for the purpose of promoting or procuring the election of a candidate at any election engage or employ for payment or promise payment any person for any purpose or in any capacity whatever, except the following persons:

- (a) one election agent and no more;
- (b) not more than one polling agent for each polling station;
- (c) not more than one counting agent for each electoral district;
- (d) a reasonable number of clerks and messengers having regard to the area of the electoral district and the number of electors on the register of voters for such district.

No electioneering on election day

82. (1) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard, or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used as political propaganda, on polling day, and no person shall, with any such intent, carry, wear, or use, any such loud speaker, bunting, ensign, banner, standard or set of colours or any other flag on polling day.

(2) No person shall furnish or supply any flag or label to or for any person with intent that it be worn or used by any person on polling day, as a party badge to distinguish the wearer as supporter of any candidate, or of the political or any other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag or label as such badge, on polling day.

(3) No person shall hold or address any meeting for the purpose of influencing voting or for any other electioneering purpose on polling day.

Other offences and penalties

83. (1) Every person who:

- (a) forges or counterfeits any ballot paper or the official mark on any ballot paper; or
- (b) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or
- (c) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election; or
- (d) without due authority, prints, any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (e) manufactures, constructs, imports into the Protectorate, has in his possession, supplies or uses for the purposes of an election, or causes to be manufactured, constructed, imported into the Protectorate, supplied or used for the purposes of any election, any appliance, device or mechanism by which a ballot paper may be extracted or manipulated after having been deposited in a ballot box during the polling at any election,

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years.

(2) Every person who:

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged; or
- (b) willfully makes any statement which is false in a material particular in a statutory declaration made under subsection (7) of section 20 of this Ordinance; or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (d) without due authority receives from or supplies to any person any ballot paper; or

(e) not being a person entitled under this Ordinance to be in possession of any ballot paper which has been marked with the official mark in accordance with this Ordinance, has any such ballot paper in his possession; or

(f) puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(g) without due authority takes out of the polling station any ballot paper or is found in possession of any ballot paper outside a polling station,

shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years.

(3) Every person who commits the offence of using undue influence or bribery shall, on conviction, be liable to a fine not exceeding Shs. 3,000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(4) Every person who commits the offence of treating or personation or aids, abets, or counsel or procures the commission of the offence of personation shall, on conviction, be liable to a fine not exceeding Shs. 2,000 or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(5) Every person who:

(a) prints, publishes, distributes or posts up or causes to be printed, published, distributed or posted up any advertisement, handbill, placard or poster which refers to any election and which does not bear upon its face the names and addresses of its printer and publisher; or

(b) makes or publishes, before or during an election, for the purpose of affecting the return of any candidate, any false statement of fact in relation to the personal character or any other candidate at such election; or

(c) makes or publishes, before or during an election, for the purpose of promoting or procuring the election of any candidate, any false statement of the withdrawal of any other candidate at such election,

shall be guilty of an offence and shall, on conviction be liable to a fine not exceeding Shs. 1,000 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(6) Every person who:

(a) engages or employs any person in contravention of section 81 of this Ordinance; or

(b) contravenes the provisions of section 82 of this Ordinance;

(c) without lawful authority destroys, mutilates, defaces or removes any notice which is exhibited under the authority of this Ordinance or any document which is made available for inspection in accordance with the provisions of this Ordinance,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding Shs. 1,000.

(7) Every person who attempts to commit an offence specified in this section shall be liable to the punishment and penalties prescribed for that offence.

Disqualification

84. Any person convicted of an offence punishable under section 83 of this Ordinance (except an offence punishable under subsection (6) or subsection (7) as read with subsection (6) thereof) shall become disqualified for a period of seven years from the date of his conviction from being registered as an elector or from voting at any election under this Ordinance or from being elected an Elected Member, and if at that date he has been elected an Elected Member, his election shall be deemed void as from the date of such conviction.

Property in nomination paper, ballot paper, etc.

85. In a prosecution for an offence in relation to a nomination paper, ballot box, ballot paper or marking instrument at an election, the property in such nomination paper, ballot box, ballot paper or marking instrument, as well as the property in the counterfoil of any ballot paper, may be stated to be in the returning officer at that election.

Cognisable offence

86. The offences punishable under section 83 (except the offences punishable under subsection (6) or subsection (7) as read with subsection (6) thereof) shall be cognisable offences within the meaning of the Criminal Procedure Ordinance.

Sanction of the Attorney General

87. A prosecution for an offence punishable under section 83 (except an offence punishable under subsection (6) or subsection (7) as read with subsection (6) thereof) shall not be instituted without the sanction of the Attorney General:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the sanction of the Attorney General to the institution of a prosecution for the offence has not been obtained, but no further or other proceedings shall be taken until that sanction has been obtained.

Corrupt practices

88. Any person who commits any of the offences punishable under subsections (3), (4) or (5) of section 83 of this Ordinance shall be guilty of a corrupt practice.

PART X
GENERAL

Inaccurate description of places and persons

89. (1) No misnomer or inaccurate description of any person or place named or described in any register, notice or other documents whatsoever prepared or issued under or for the purposes of this Ordinance shall in any wise affect the operation of this Ordinance as respects that person or

place if that person or place is so designated in such register, notice or document as to be identifiable.

Variation of times

90. (1) The periods within which any act required to be done under this Ordinance, other than the presentation of an election petition, may be varied by the Supervisor of Elections with the approval of the Governor by notice in the Gazette.

(2) Any such notice shall be published in such manner as the Supervisor of Elections shall direct in the electoral district or districts which will be affected by such change.

Regulations

91. The Governor may make regulations:

- (a) varying or replacing any of the forms contained in the Schedule to this Ordinance;
- (b) prescribing anything that is required to be prescribed under the provisions of this Ordinance;
- (c) prescribing the manner in which notices and documents required to be served under the provisions of this Ordinance shall be served;
- (d) providing for the control of movement of persons and traffic on polling day; and
- (e) prescribing any thing that he considers necessary to prescribe for the efficient and proper administration of elections under this Ordinance.

Translation of forms

92. The forms contained in the Schedule to this Ordinance may be translated into and used in such language as the Supervisor of Elections may direct.

VIII. Law no. 26 of 12 December 1958: Political elections [Legislative Assembly]

Source: Report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration, Annex III, UN document T/1444 of 14 April 1959: integral text in English. Also available in Italian: Bollettino Ufficiale della Somalia, Anno II, Suppl. N. 2 al N. 12, p. 1077-1102, published 12 December 1958.

The law increased the size of the Legislative Assembly from 70 members (as elected in 1956) to 90. It no longer provided for reserved seats for minority groups. The 90 seats were apportioned among the 30 administrative districts in effect at the time. A schedule to the law set forth the number of seats allotted to each district. One constituency had 7 seats, all others had fewer. The law did not state the principle or formula involved in doing so, and does not refer, for example, to an apportionment based on population. Seats were awarded to lists of candidates on the basis of a closed list proportional system (using, as in 1956, the method of largest remainders; Hare quota; no threshold). A number of constituencies had only one seat, meaning that in those cases the system would have worked as a plurality formula (the list with the most votes would win the seat).

As in the 1958 local elections law, the present law granted the right to vote and to be elected to women. The voting age was lowered from 21 to 18 years. The elections were held from 4 to 8 March 1959, with voting continuing for 5 consecutive days. 61 of the 90 seats were uncontested, there having been presented only one list of candidates in the relevant constituencies.

THE ADMINISTRATOR

TAKING NOTE of the approval of the Legislative Assembly
HEREBY SANCTIONS AND PROMULGATES

the following law:

TITLE I

GENERAL

Article 1

General Features of the Elections

1. The Deputies are elected by universal suffrage.
2. Every electoral has one vote and votes for lists of candidates presented in each electoral area.
3. The vote is free, direct and secret.

Article 2

Electoral Area

The territory of each District shall constitute an electoral area.

Article 3

Number of Deputies

1. The Legislative Assembly is composed of 90 Deputies.
2. The number of Deputies to be elected in each electoral area is set forth in the table attached to this law.
3. In each electoral area, the Deputies shall be assigned to each list of candidates proportionally to the number of votes secured by the list, using the method of the natural quotient and the highest remainders.

Article 4

Areas where only one List has been Presented

1. No vote shall be taken where only one list has been presented.
2. The Minister of Interior is authorised to enact provisions in order to prevent that electors from one electoral area should go and vote in another area.

Article 5

Electoral Organs

The electoral organs are the following:

the polling offices;
the electoral office of the area
the district electoral office.

The last two offices shall have their seat in the chief town of the District.

Article 6

Date and Duration of the Elections

The elections shall last five days and shall begin on 1 March 1959.

Article 7

Moral obligation to vote

Voting is a moral obligation that no one can evade without failing in his duty towards his country.

Article 8

Hours of Opening of the Offices Serving the Elections

1. For the purpose of the elections, district and municipal office shall remain open daily during the sixty days preceding the date of the beginning of the elections from 7.30 a.m. to 12.00 p.m. and from 4.30 p.m. to 6.00 p.m.; on holidays, they shall be open from 8.00 a.m. to 12.00 p.m. only.
2. On voting days the above-mentioned offices shall remain open without interruption from 7.00 a.m. until the electoral operations have been completed.

TITLE II

THE ELECTORATE

Article 9

Qualifications of the Electors

Somali citizens of both sexes are entitled to vote in the elections who:

- 1) Have completed eighteen years of age in the year in which the elections are held;
- 2) Are not under a judicial disability or mentally deranged and are not debarred from holding public office;
- 3) Are not serving a court sentence.

The Minister of the Interior is hereby authorized to issue provisions meant to ensure that, in general, the electors usually domiciled in an electoral area should vote therein.

Article 10

Verification of the Electoral Status of Electors

The electoral status of the electors shall be verified by the polling office, by summary process, in accordance with the provisions of article 44.

TITLE III

ELIGIBILITY AND LISTS OF CANDIDATES

Article 11

Qualifications of Candidates

Electors of both sexes may be candidates for election to Deputy who:

- 1) have completed 25 years of age in the year in which the elections are held;
- 2) prove that they know how to read and write in Arabic or Italian by passing a special test;
- 3) have not been condemned to imprisonment for more than three years for willful offence.

Article 12

Ineligibility

1. The following person shall not be eligible for election to Deputy:
the Magistrates
members of the armed forces or paramilitary groups;
the Prefects, District Commissioners and District Delegates.
2. The above-mentioned causes of ineligibility shall have no effect if the person concerned has ceased to exercise his functions at least sixty days before the date of beginning of the elections.
3. The employees of public administrations and of bodies and institutions under State control who have been elected as Deputies shall be temporarily discharged from their functions for the duration of their term of office as Deputies.
4. The period spent in temporary discharge shall be fully taken into account for the purpose of possible promotions and periodical salary increments; during this period, however, the person concerned shall only be paid the emoluments due him in his capacity as Deputy.

Article 13

Incompatibility

1. The Office of Deputy is incompatible with that of District or Municipal Councillor.
2. The person elected shall enjoy the right of option, which he shall exercise within fifteen days of the date of the proclamation. If, after the expiry of this time-limit, the Deputy has not exercised his right to choose he shall be relieved of his functions as District or Municipal Councillor.

Article 14

Lists of Candidates

1. The candidates shall be grouped in district lists comprising a number of candidates not less than twice the number of deputies to be elected in each electoral area and not more than thrice that number.
2. The lists shall state the name, father's name, paternal grandfather's name, date and place of birth, the nickname, if any, of the candidate.
3. The names of the candidates shall be assigned numbers in a progress order of priority.
4. No candidate may accept the candidature in lists having different denominations and distinctive devices.

Article 15

Denominations of the Lists of Candidates

1. The lists shall have a denomination.
2. Lists having a denomination ethnic in character may not be presented.

Article 16

Signatories of the Lists of Candidates and Delegates

1. The lists shall be signed, in the presence of suitable persons chosen by the District Commissioner from among employees of the public administration of the area with the exception of those who work at the Office of the District, by a number of electors not less than two hundred and not more than three hundred.
2. In this particular case, the verification of the status of the electors is made by the above-mentioned persons by summary process.
3. It shall be forbidden to sign more than one list.
4. The list shall indicate the names and places of residence of three electors delegated to:
to present the list
take any further step of a purely procedural and executive nature.

Article 17

Deposit of Security

1. The presentation of each list of candidates shall be accompanied by a deposit of So. 1,000 for each seat assigned to the electoral area.
2. The deposit shall be restored if the list obtains at least the number of votes necessary for the election of one Deputy or when there is only a single list. In cases where this does not take place, the deposit shall be retained by the Administration.

Article 18

Distinctive Devices of the Lists of Candidates

1. Each list shall be presented with its distinctive device in four copies.
2. This distinctive device must not be liable to confusion with the devices of lists previously presented or adopted by parties already in existence.
3. It may be in the form of a drawing.
4. It may not contain any features which refer to emblems or flags of foreign states or to ethnic characteristics.

Article 19

Other Documents to be Attached the Lists of Candidates

Subject to the provisions of the preceding articles, the lists must be accompanied by the following documents:

- a) Declaration by the person mentioned in the first paragraph of article 16 to the effect that the signatures of the signatories of the list were affixed by electors in his presence or in the presence of a person delegated by him;
- b) Declaration of each candidate to the effect that he accepts to present his candidature; his signature must be certified by a Mayor or a person delegated by him.

Article 20

Presentation of the Lists

1. The lists of candidates shall be presented to the District Commissioner not before the fifty-fifth day and not after 12 o'clock noon of the fiftieth day prior to the beginning of the elections.
2. After having ascertained that the candidates possess the prescribed qualifications and after having crossed out those who may not possess these qualifications, the District Commissioner shall verify the regularity of the documents produced in accordance with the preceding articles.
3. The District Commissioner shall, on the spot, assign to each list a number in the progressive order of priority, issuing a receipt; he shall return the other lists, indicating in writing the reasons why they were not accepted.
4. In any case, the lists which, by twelve o'clock noon of the fiftieth day prior to the beginning of the elections, are still irregular shall be declared to be rejected by the District Commissioner.

Article 21

Rejected Lists – Appeals

1. Before the forty-fifth day prior to the beginning of the elections, the delegates of the signatories may lodge appeal, in writing, to the District Judge against the rejection of a list of candidates or against any decision taken by the District Commissioner with regard to the list.
2. The District Judge shall take a decision thereon before the fortieth day prior to the beginning of the elections. His decision shall be final.
3. If the District Judge does not take any decision within this time-limit, the appeal is considered as having been accepted.

Article 22

Copies of Lists

By the thirty-fifth day prior to the beginning of the elections, the District Commissioner shall forward to the Minister of Interior, the Prefect and the District Judge copies of the lists of candidates received and found in good order, numbered according to the order of presentation together with a copy of the respective distinctive devices.

Article 23

Public Notices Containing the Lists of Candidates

The District Commissioner shall ensure the compilation of the public notice containing the lists of candidates, arranged according to the order of presentation, and of the respective distinctive devices; he shall also ensure that, by the thirtieth day prior to the elections, the notice is affixed on the district and municipal notice boards and in other public places, and shall see that it is made known to the public by public criers.

Article 24

Representatives of the Lists

1. The delegates mentioned in article 16 are entitled to designate a representative of the list for each polling office and Electoral Office, choosing him from among the electors of the electoral area.
2. The representative shall be entitled to attend all the operations taking place in the polling or electoral office to which he has been assigned.
3. His declarations shall be inserted in the report.
4. The act of designation must be presented not later than ten days prior to the date of the beginning of the elections to the District Commissioner who shall issue a written authorization to each representative.

TITLE IV

POLLING AND ELECTORAL OFFICES

Article 25

Polling Offices: their Number and Location

1. By the thirtieth day prior to the beginning of the elections, the Minister of the Interior, on the proposal of the Prefects, shall fix the number and location of polling offices in each District, taking into account the latter's area and presumed population number. The above-mentioned proposals must be at the Minister's disposal not later than the fortieth day prior to the beginning of the elections, and must indicate the presumed number of electors for each polling office; as a general rule, not more than two thousand electors should be assigned to each polling office.
2. In any case, not less than five polling offices should be organized in each District.

Article 26

Polling Offices: their Composition

1. The polling offices shall be composed of a Chairman and two scrutineers, the older of whom shall act as Vice-Chairman.
2. Every polling office shall have a secretary.
3. The Chairman and the scrutineers shall be chosen from among the electors; the secretary may be chosen from among persons who are not electors.

4. All shall be appointed by the District Commissioner who shall also, whenever necessary, provide for their substitution.
5. The Chairman of the polling office shall provide, whenever it appears necessary, during the elections, for the substitution of scrutineers or the secretary and shall choose their replacements from among persons who possess the prescribed requisites.

Article 27

Electoral Office of the Area

1. The electoral office of the area shall be composed of the Chairman and two members.
2. Each office shall have a Secretary and two Computers.
3. The President and the members shall be chosen from among electors; the Secretary and the Computers may not be chosen from among electors.
4. All of them shall be appointed by the District Commissioner who shall also, whenever necessary, provide for their substitution.

Article 28

District Electoral Office

1. The District electoral office is composed of the Chairman, who shall be the District Judge, and two members.
2. Each office shall have a Secretary and two Computers.
3. The members shall be selected from among electors, the Secretary and the computers may be chosen from among non-electors; they shall be appointed by the Prefect.
4. In case of obstacles which arise in such a way to prevent the normal substitution from taking place, the replacements shall be appointed by the District Commissioner.

Article 29

Compulsory Nature of the Appointments; Notification thereof; Taking of the Oath

1. The appointments mentioned in this Title are of a compulsory nature.
2. Nobody can be exempted except for compelling and proven reasons.
3. The appointments shall be effected and notified to the person concerned at least ten days prior to the beginning of the elections.
4. Before assuming his functions, each member of a polling or electoral office shall take the oath before the Qadi or the Regional Judge according to the following form:
“I swear in the name of God to discharge the electoral functions which are entrusted to me conscientiously, fairly and strictly observing the law”.

Article 30

Office Nature of the Appointments; Incompatibilities

1. All the members of the polling and electoral offices and the representatives of the lists shall be considered for all legal purposes public officials during the exercise of their functions.
2. The candidates, the military and members of groups organized on a military basis, the heads of the administrative circumscriptions, the mayor and District Councillors may not be appointed to the above-mentioned functions.

Article 31

Equipment of Polling and Electoral Offices

1. The District Commissioner or the District Delegate shall see to it that the polling and electoral office have the necessary equipment. In municipal areas they may, for this purpose, use the services of the municipal administrations.
2. The polling office and its equipment must be suitable for the carrying out of the electoral operations.
3. Two voting booths must be installed therein, in such a way as to ensure the secrecy of the vote.

Article 32

Notices Indicating the Polling and Electoral Offices

By the twentieth day prior to the beginning of the elections, the District Commissioner shall communicate to the public the number and location of the polling offices and electoral offices by means of public notices to be affixed on the municipal and district notice board and in other public places, and by means or public criers.

Article 33

Payments to be Made to the Members of the Polling and Electoral Offices

1. The following daily payment shall be made to the members of the polling and electoral offices:

Chairmen	So. 40
Secretaries, Members of the electoral offices, computers	So. 30
Scrutineers	So. 20

2. Payment shall be made for each day of actual work in the operations of the polling and of the electoral offices.
3. For each day during which they are obliged to remain away from their normal place of residence the above-mentioned persons shall receive as a mission allowance:

Chairmen	So. 25
Secretaries, Members of the electoral offices, computers	So. 20
Scrutineers	So. 15

TITLE V

ELECTORAL PROPAGANDA

Article 34

Beginning and Development of Electoral Propaganda

1. The electoral propaganda, which must be carried out strictly within the limits fixed by and in accordance with the provisions of law, shall begin thirty days prior to the date fixed for the beginning of the elections.
2. On the day preceding the elections and during those in which the elections take place, any form of electoral propaganda, either direct or indirect, shall be forbidden.

Article 35

Meetings

1. For meetings and public gatherings for propaganda purposes, the provisions contained in Ordinance No. 1 of 20 February 1954 shall apply.
2. In the same district not more than two meetings or public gatherings may take place on the same day.
3. Processions shall be forbidden.

Article 36

Placards and Leaflets

1. Placards, posters and leaflets for electoral propaganda purposes shall be deposited at least 24 hours in advance in the District Office.
2. They are exempt from any financial charges.
3. It shall be forbidden to affix posters on buildings intended for religious worship and on private buildings unless the owner's consent has been obtained.

Article 37

Uniforms

The use of uniforms of a military type or that could be mistaken for those shall be forbidden.

TITLE VI

VOTING

Article 38

Admission to the Polling Office

1. In addition to the members of the polling office and the representatives of the lists, only those who have the right to vote may enter the polling office.
2. The electors shall enter one at a time and may not carry arms or other instruments that can be used as weapons.

Article 39

Police Powers of the Chairman of the Polling Offices

1. The Chairman has the duty of maintaining order in the voting hall.
2. He may call upon the police force to eject and arrest any person who disturbs the regular process of the voting operations or who commits any other offence.
3. The police may not enter the polling office without being requested to do so by the Chairman.
4. Civil authorities and military commanding officers are bound to comply with the Chairman's request in order to ensure the free entrance of the electors into the polling office and to prevent unwarranted gatherings in the immediate vicinity thereof.
5. Such action shall be recorded in the report.
6. Chairmen of the electoral offices shall have the same powers, as far as these are applicable.

Article 40

Provision to the Polling and Electoral Offices of the Necessary Voting Material

1. The Ministry of Interior shall provide the following electoral material to the polling offices:
 - a) a sealed package containing the stamp of the office;
 - b) a sealed package containing the ballots papers;
 - c) a ballot box;
 - d) a box where the ballot papers shall be kept before use;
 - e) a suitable number of printed forms for the compilation of the lists of voters;
 - f) a suitable number of printed tables for registering the votes;
 - g) two printed forms for the report on the process of the voting operations;
 - h) suitable number of indelible pencils for the voters to mark the ballot papers;

i) small bottle of indelible ink;

j) the necessary stationery and other similar material.

2. The Ministry shall also provide for the distribution of the necessary material and printed matter to the electoral offices of the areas and the district electoral offices.

3. The material for each polling or electoral office shall be enclosed in a special box that the Ministry shall, at the appropriate time, send to the District Commissioners after having closed and sealed them.

4. The Ministry shall provide for the ending to the District Commissioners, in a sealed envelope, of a suitable number of spare ballot papers, for distribution to the polling offices, should the number of ballot papers put at their disposal prove insufficient. The District Commissioner shall use these spare ballot papers on the written request of the electoral offices, stating the reasons therefor, and after the District Judge has authorized him to do so.

Article 41

Stamps, Ballot Papers, Ballot Boxes

1. The stamps used in the polling and electoral offices, the ballot papers, the ballot boxes and the other boxes shall be identical for the whole Territory.

2. The stamps shall be consecutively numbered in one series.

3. The ballot papers shall be of thick paper, of the same type and colour and shall reproduce in facsimile the distinctive devices of all the lists presented, according to the order of presentation

Article 42

Delivery of the Voting Material to the Polling and Electoral Offices

1. The District Commissioner shall ensure that, at 7 a.m. on the day on which the elections begin, the box intended for each polling office is delivered to this office at the place where it is located.

2. Moreover, the District Commissioner shall provide for the distribution, by 8 a.m. of the last day of the elections, of the boxes intended for the electoral offices of the areas and the district electoral offices.

3. To each box he shall join:

two copies of the notice showing the lists of candidates;

a copy of the measure appointing the members of the polling or electoral office;

a copy of the authorizations delivered to the representatives of the lists.

Article 43

Constitution of the Polling Office; Opening of the Voting

1. After having received the box and the electoral material, mentioned in article 42, the Chairman shall:

- a) Constitute the polling office, requesting the scrutineers and the secretary to discharge their functions as members of the office;
 - b) Invite the representatives of the lists to attend the operations;
 - c) After having ascertained and had it ascertained that the seals closing it are unbroken, he shall open the box and take out and check the material contained therein;
 - d) After having ascertained and had it ascertained that the seals are unbroken which close the package containing the stamp of the office and that containing the ballot papers, he shall open said packages and put the ballot papers in the box provided for that purpose; the number of the stamp and that of the ballots shall be entered in the record;
 - e) After having ascertained and had it ascertained that the ballot box is empty, he shall close and seal it, leaving open only the slit for the introduction of the duly completed ballot papers;
 - f) Provide for the posting, outside the office, near the entrance to the voting hall, of the notice showing the lists of candidates, in such a way that it will be easily visible;
 - g) Hand the rest of the electoral material to the secretary.
2. All these operations must be completed in the shortest time possible.
 3. After this, the Chairman shall declare the voting open.

Article 44

Voters

1. Adhering to the provisions which shall be issue in this respect by the competent Authorities, every elector shall have the right to vote in the polling office of his choice after:
 - a) Having given his full particulars and his place of residence which shall be noted, by the secretary, in the list of the voters;
 - b) Having had his electoral status verified by the polling which, for this purpose, after having consulted the representatives of the lists, shall decide immediately by summary process, on the basis of the documents, testimonies and any other means of ascertainment;
 - c) Having placed his fingerprint on the list of voters, in front of the mention of his particulars.
2. Before the elector has voted, a large and visible sign shall be made on one of his hands or arms with indelible ink, according to the directions which will be issued by the Minister of Interior for the purpose of enacting this law.

Article 45

Electors Prevented from Voting

1. Only the electors who present themselves in person at the polling office shall be entitled to vote.
2. Any elector who, through an evident physical handicap which is recognized as such by the members of the polling office, is unable to express his vote, shall be allowed by the Chairman to do so with the assistance of another elector trusted by the incapacitated person.
3. The secretary shall indicate the report the specific reason for which an elector has been authorized to obtain assistance in casting his vote and the name of the person who assisted him.
4. Should a medical certificate have been presented, it must be attached to the report.

Article 46

Voting Procedure

1. Electors are admitted to vote in the order in which they enter the office.
2. However, priority shall be given to the members of the polling, the representatives of the lists, the military and members of groups organized on a military basis who are present to preserve order, and the employees of the Public Administration.
3. Once the operations mentioned in article 43 above have been completed, the Chairman shall initiate the voting operations and shall give, one by one, to each elector, whose status has been ascertained, an indelible pencil and a ballot paper from the box, on the recto of which the stamp of the office has been printed.
4. The elector shall go to one of the voting booths and, without being approached by anybody, shall vote by making a sign with the pencil on the distinctive device of the list chosen by him or on the rectangle which contains it.
5. All other signs or indications are forbidden.
6. The elector shall then fold the ballot following the lines printed on it and shall close it by wetting the gummed label.
7. After having voted, the elector shall hand the Chairman the sealed vote and the pencil. The Chairman ascertains that the ballot is closed and, if it is not, he shall invite the elector to close it. He shall also verify that the ballot is of the prescribed type and that it bears the stamp of the polling office. He shall then put it in the ballot box.
8. One of the members of the polling office shall certify that the elector has voted by placing his signature beside the elector's name in the appropriate column of the list of voters.
9. Unstamped ballot papers or ballots papers not of the prescribed type are not placed in the ballot box and the electors who presented them may not vote again (unless the absence of stamp is due to a mistake made by the Chairman or another member of the office). Such ballots shall be immediately countersigned by the Chairman and by at least one scrutineer and shall be attached to the report, in which mention shall also be made of the names of the electors who, after having received the ballot paper, did not return it.
10. If an elector notices that the ballot paper given to him is damaged or if he himself by negligence or ignorance spoils it, he may request the Chairman to give him another one; he shall return the first one which is to be placed in an envelope after the Chairman has written on it "Damaged ballot paper" and has signed it, together with at least one scrutineer.
11. The fact that a second ballot paper has been given to an elector shall be noted in the appropriate column of the list of voters.
12. The Chairman may decide that the electors who unnecessarily prolong their stay in the voting booth or do no reply to the invitation of handing back the ballot paper be expelled from the office after having given back the ballot paper, and be allowed to vote again only after all the other electors present have voted.
13. Such incidents shall be fully noted in the report, together with the names of the electors concerned.

Article 47

Duration of the Elections

1. The voting operations shall continue from 7.00 a.m. to 6.00 p.m., without interruption.
2. Every day, after the end of the voting operations, all the electoral material, after having been checked, and including the unused ballot papers whose number shall be noted in the report, must be gathered and placed back into the box mentioned in article 40.
3. This box shall again be closed and sealed in the presence of all the members of the office and watch shall be kept over it by members of the police force, chosen for this purpose by the Chairman himself.
4. On the following day, the operations shall be resumed at the point where they had been interrupted, after reconstitution of the office.
5. In the last day of the elections, the electoral operations shall continue until twelve o'clock noon; they shall go on, however, until all the electors who, at that time, are present in front of the polling office have voted.

Article 48

Provisional Pronouncements of the Office

The Office, by a majority vote, shall make, subject to the provisions of article 56 hereafter, provisions pronouncements concerning the protests, even oral ones, the difficulties and the incidents arisen from the operation of the Office itself.

TITLE VII

COUNTING OF THE BALLOTS

Article 49

Preliminary Operations

Once the electors have voted, the Chairman, after having cleared the table of papers and objects not necessary for the counting of ballots shall:

- a) declare the voting closed;
- b) ascertain the number of the voters as resulting from the attestations of votes inscribed in the pertinent column in the list of voters;
- c) Count the number of unused ballots left in the box and place them in an envelope (no. 1);
- d) Countersign with his own signature and with that of at least one scrutineer all the sheets of the list of the voters and place the list in an envelope (no. 2);
- e) Countersign, if it has not already been done, with his own signature and that of at least one scrutineer, the ballot papers taken away from the electors under Article 46 because they were

damaged or not of the prescribed type or did not bear the stamp of the polling office, and place them in an envelope (no. 3).

Article 50

Counting of the Votes

When the operations mentioned in article 49 have been completed, the Chairman shall:

- a) Proceed to count the votes. To that end, a scrutineer designated by drawing of lots shall remove one by one the ballot papers from the box and hand them to the Chairman. The latter shall read aloud the name of the list to which the vote has been given, shall show the ballot paper to the representative of the lists, and shall pass the ballot to the other scrutineer who, together with the secretary, notes in the special voting table the vote obtained by the list and puts the ballot which has just been checked, into the box from which the unused ballots have previously been withdrawn. It shall be forbidden to take a ballot paper from the ballot box as long as the one which is being checked has not been placed in the special box. Ballot papers can be handled only by the members of the polling office.
- b) Compute the number of checked ballot papers and ascertain whether it corresponds both to the number of voters and to the number of votes secured by all the lists of candidates after adding to that number that of the ballot papers which are null, void or contested and which represent votes which have not been assigned to any list;
- c) Ascertain that the figures inscribed in the various columns of the tables annexed to the report correspond to each other, as indicated in the report itself, and, in case of disparity, indicate the reasons therefor;
- d) Countersign with his own signature and that of at least one of the scrutineers:
 - a. The ballot papers corresponding to votes which are void or contested under article 52;
 - b. The documents concerning claims and protests,and place them in an envelope (no. 4);
- e) Collect and place in an envelope (no. 5) the other checked ballot papers;
- f) Ascertain and declare the number of voters, the number of valid votes and the number of votes secured by each list.

Article 51

Miscellaneous Provisions, Reports, Envelopes

1. The operations described in articles 49 and 50 above shall be carried out without interruption and in the order indicated until they have been completed.
2. The report shall mention these operations together with all the necessary numerical data and other information.

3. All the envelopes mentioned in articles 49 and 50 shall be stamped with the stamp of the polling office and they shall be signed on the outside by the Chairman and at least one of the scrutineers.
4. Likewise, the contents of these envelopes must be inscribed on them.

Article 52

Votes Null and Void, and Contested Votes

1. The votes are null and void when the ballot papers:
Are not those prescribed;
Do not bear the stamp of the polling office.
2. The votes may be declared null and void when the ballot papers
Shows any trace of writing or unnecessary signs which appear to have been made deliberately;
Do not show any vote for a list or do not permit to identify the list chosen by the voter.
3. These votes shall be declared null and void by a common decision of the Chairman and of both the scrutineers, after consultation with the representatives of the lists.
4. Should there be a difference of opinion, the ballot paper shall be declared contested.
5. Decisions regarding the contested ballot paper shall be taken by the Regional Judge, in accordance with article 56.

Article 53

Adjournment of the Ballot-counting Operations

If the ballot-counting operations cannot be completed during the last day of the elections, the Chairman shall adjourn these operations to the following day, taking the measures stipulated in article 47 above.

Article 54

Reports of the Polling Office

1. The report of the polling office shall be prepared in two copies.
2. The first copy, together with all documents listed in it, shall be kept in the special box, together with the rest of the electoral material, at the electoral office of the area, in order that the provisions of the following article may be carried out; the second copy shall be forwarded to the District Commissioner.

Article 55

Duties of the Electoral Office of the Area

1. The electoral office of the area receives the boxes from the polling offices – checking that all prescribed electoral documents are contained therein – and takes from them the reports and all other documents necessary for the performance of its duties.
2. Then, it shall:
 - a) Compute the number of voters in all the polling office and determine the number of votes secured by each list, summing up all the valid votes obtained by each list in all the polling offices;
 - b) Ascertain the void or contested votes;
 - c) Finally, determine the results of the ballot.
3. A report on all these operations shall be compiled in duplicate.
4. The first copy shall be forwarded – the box received from the District Commissioner under article 42, second paragraph – to the District electoral office, together with all the pertinent documents.
5. The second copy shall be forwarded to the District Commissioner.
6. Once these operations have been completed, the electoral office of the area shall ensure that its own electoral box and all the boxes sent in by the polling offices, each being accompanied by the pertinent documents and electoral material, are forwarded, closed and sealed, to the District electoral office.

Article 56

Duties of the District Electoral Office

1. The District electoral office receives the boxes of the various polling offices and of the electoral office of the area – checking that all prescribed electoral documents are contained therein – and takes from them the reports and all other documents necessary for the performance of its duties.
2. Then the District Judge, assisted by members of the office, shall:
 - a) Compute the number of votes secured by each list;
 - b) Take decisions concerning protests and contested ballot papers, correcting the results accordingly; Compute the electoral quotient, dividing the total number of votes obtained by all the lists by the number of Deputies to be elected;
 - c) Allot to each list a number of seats equal to the number of times the quotients are contained in the total number of votes and the remaining seats to the lists which have obtained the highest remainders, taking into account also the votes secured by the lists which have not obtained the quotient; in cases where the remainders are equal, the decision shall be taken by drawing lots;
 - d) Declare elected, following the order indicated in each list, a number of candidates equal to that of the seats attributed to each list.
3. When only one list has been presented, the candidates inscribed therein are declared elected up to the number of Deputies to be elected in the electoral area.
4. The electoral boxes of the polling offices and electoral office of the area shall be placed in a special room indicated by the District Commissioner, closed and sealed and kept there, in custody, at the disposal of the Regional Judge, until the confirmation of the elections.
5. A report on the above-mentioned operations shall be compiled in triplicate.

6. The first copy shall be forwarded to the Regional Judge, with the time limit and according to the procedure set forth in the following article.
7. The second copy shall be forwarded to the Prefect.
8. The third copy shall be forwarded to the District Commissioner.

Article 57

Transmission of the Electoral Documents to the Regional Judge

The District Judge shall ensure that, within fifteen days of the proclamation of the results, the Regional Judge receives, together with the first copy of the report compiled by the District electoral office, all the reports of the polling offices and the electoral office of the area, in a special sealed envelope, accompanied by the complaints which may have been received.

Article 58

Confirmation of the Elections

1. The Regional Judge shall have the exclusive right to confirm the elections.
2. He shall take the final decision on complaints, protests, and, in general, on all claims submitted to the polling offices and the electoral offices during the activity in connexion with the elections or after.
3. Complaints and claims which have not been submitted directly to the aforementioned offices must be forwarded to the Regional Judge within 15 days from the date on which the proclamation was made by the District Judge.
4. No proclamation may be confirmed prior to 30 days after the date on which the proclamation itself was made.

Article 59

Substitution for Those Elected

Should, for any reason, the seat of Deputy become vacant, even if this happens unexpectedly, it shall be attributed by the District Judge to the candidate whose name immediately follows that of the last candidate elected on the same list.

Article 60

Candidates Elected in more than one Electoral Area

1. The candidate who is elected in more than one electoral area shall, within five days from the date on which he receives the last notification concerning the various proclamations regarding his candidatures, declare which area he chooses.
2. If he does not exercise his option, the decision shall be taken by drawing lots.
3. The drawing of lots shall take place at the Ministry of the Interior before an official delegated by the Minister; three representatives of the political party concerned may attend this operation.
4. The seats which remain vacant shall be filled according to the provisions of the preceding article.

TITLE VIII

PENAL PROVISIONS

Article 61

Attempts to interfere with the right of propaganda

1. Whoever, in any way hinders or disturbs an electoral meeting, either public or private, or impedes the posting of bills by the public authorities concerning the electoral operations, or prevents the distribution and the posting of printed matter regarding electoral propaganda or destroys bills and printed matter which are posted or meant to be posted or distributed, shall be liable to imprisonment up to two years or a fine up to So. 2,400.
2. Whoever uses means and methods of electoral propaganda which are not allowed by this law shall be liable to the same penalties.

Article 62

Signing of more than one Electoral List

Any elector who signs more than one list of candidates shall be liable to imprisonment up to one month or a fine up to So. 100.

Article 63

Attempts to Interfere with the Right to Sign Lists and the Right to Vote

1. Whoever, with a view to obtaining, for his own or another person's advantage, a signature for the presentation of a list of candidates, or an electoral vote, or an abstention from voting, offers, promises or gives a sum of money, or valuables, or any other grants, or promises or uses his influence to procure situations in public or private concerns, shall be liable to imprisonment up to one year or a fine up to So. 1,200.

2. Voters who, to give or refuse their signature for the presentation of a list of candidates, or to give or refuse their electoral vote, accept offers or promises of receive money or other valuables, shall be liable to the same penalties.

3. Whoever uses violence, threats, tricks, expedients and any other illegal means so as to fulfil the aims mentioned in the first paragraph of this article, shall be liable to imprisonment up to two years and a fine up to So. 2,400.

Article 64

Attempts to Interfere with the Regular Carrying Out of the Elections

Whoever by threat or violence disturbs the regular carrying out of the electoral operations or interferes with the free right to vote shall be liable to imprisonment up to two years and a fine up to So. 2,400.

Article 65

Illegal Access to the Polling Stations

1. Whoever, without having the right to do so, enters the polling office or the premises of the electoral offices and remains therein when he is invited to leave, shall be liable to imprisonment up to one month or a fine up to So. 100.

2. If the person is armed, he shall be liable to imprisonment up to one year or a fine up to So. 1,200.

Article 66

Abusive Voting Practices

1. Whoever, being aware that he is not entitled to vote, or having assumed false identity, presents himself in a polling office for the purpose of voting, or whoever votes in more than one polling office or, when acting as a deputy for an elector who is unable to vote, casts the vote for a candidate or for a list different from the one he has been instructed to vote for, shall be liable to imprisonment up to six months or to a fine up to So. 600.

2. Whoever facilitates the voting of a person who is not entitled to vote or helps in preventing from voting a person entitled to vote, or gives to the polling office a false testimony regarding the identity of an elector, shall be liable to the same penalties as above.

3. This penalty shall be increased to imprisonment up to two years and a fine up to So. 2,400 if the offences listed in the preceding paragraphs are committed by an employee of the public administration.

Article 67

Failure to Hand Over the Marked Ballot Paper

A voter who, with intent, does not hand over his ballot or tears it or soils it so as to render it unusable, shall be liable to a fine up to So. 600.

Article 68

Falsification of Documents and Alterations of Electoral Data

1. Whoever prepares, in whole or in part, false lists of candidates, ballot papers or other documents to be used during the electoral operations in accordance with this law, or alters authentic documents of this kind, or substitutes or destroys, in whole or in part, one of the same documents, or knowingly makes use of falsified or altered or substituted documents, even if he has not participated in the act itself of falsification or alteration or substitution, shall be liable to imprisonment up to two years and a fine up to So. 2,400.
2. Whoever in any way alters the results of the elections shall be liable to the same penalties.

Article 69

Acts or Omissions Contrary to the Law Committed by Members of the Polling and Electoral Offices

1. Whoever, being a member of a polling office or of an electoral office, commits one of the offences mentioned in the preceding articles of this Title, shall be liable to the penalties provided for such offences increased by a third at the maximum.
2. If the same person commits acts or omissions not contemplated by the preceding articles by in any way contrary to this law and such as rendering impossible the normal process of the electoral operation or their regular carrying out or such as jeopardizing the validity of the elections, shall be liable to imprisonment up to three years and a fine up to So. 3,000.

Article 70

Unjustified Refusal to be a Member of a Polling or Electoral Office

1. All person who, being appointed as members of a polling office or of an electoral office, refuse, without any valid reason, to serve as such or are not present when the office is called to order, shall be liable to a fine up to So. 600.
2. Members of a polling office or of an electoral office who, without any valid reason, leave the said office before the end of the electoral operations shall be liable to the same penalty.

Article 71

Loss of Political Rights

1. Electors found guilty of offences under the electoral law, where the judge has applied a sentence of imprisonment of not less than two years, shall be deprived of their right to vote and to be elected for a period of five years.
2. Persons who commit such offence shall be judged immediately, without judicial inquiry.

TITLE IX

FINAL AND TEMPORARY PROVISIONS

Article 72

The Prefect shall see to it – and in case of necessity directly ensure – that all the functions entrusted by this law to the Heads of the areas are discharged within the time limits and with the procedures prescribed.

Article 73

If, as a result of the enactment of the Administrator's Decree no. 7 of 22 March 1958, the District Commissioners also discharge the functions of District Judges, the functions entrusted by the present law to the District Judges, shall be discharged by suitable persons appointed by the competent Regional Judge by decree on the proposal of the Prefect.

Article 74

1. In order to perform the duties requested from them by this law in far-away localities which are not chief-towns of District Delegations, the District Commissioners may request a mayor or an official of the Public Administration to represent them.
2. In the Delegations, this representation shall be entrusted to the District Delegate.

Article 75

The Legislative Assembly which will be elected under this law shall remain in office for five years reckoning from the date of its first convocation.

Article 76

1. The Assembly shall be convened for the first time not later than one month after the date of the proclamation of the elected deputies.
2. The date of convocation shall be fixed by decree of the Administrator.

Article 77

1. This law shall come into force upon the date of its publication in the Official Bulletin of Somalia. As of the same date, Ordinance no. 6 of 31 March 1955 shall be abrogated.
2. This law shall be inserted in the Official Compendium of Laws and published in the Official Bulletin. It is the duty of all concerned to observe it and have it enforced as a Law of Somalia.

Mogadiscio, 12 December 1958

THE ADMINISTRATOR

M. di Stefano

The Prime Minister

ABDULLAHI ISSA MOHAMUD

The Minister of Interior

HAJI MUSSA BOGOR

TABLE PURSUANT TO ARTICLE 3
DISTRIBUTION OF SEATS

MIDJERTEIN

1.	Bosaso	2 seats
2.	Candala	1 “
3.	Alula	1 “
4.	Scusciuban	2 “
5.	Gardo	3 “
6.	Eil	<u>4 “</u>
	Total seats	13

MUDUGH

1.	Galcaio	4 seats
2.	El Bur	4 “
3.	Dusa Mareb	3 “
4.	Obbia	<u>2 “</u>
	Total seats	13

HIRAN

1.	Belet Uen	5 seats
2.	Bulo Burti	<u>7 “</u>
	Total seats	12

BENADIR

1.	Mogadiscio	2 seats
2.	Merca	3 “
3.	Villabruzzi	3 “
4.	Itala	3 “
5.	Brava	3 “
6.	Afgoi	2 “
7.	Uanle Uen	1 “
8.	Balad	<u>1 “</u>
	Total seats	18

UPPER GIUBA

1.	Baidoa	6 seats
2.	Bur Acaba	6 “
3.	Oddur	4 “
4.	Dinsor	2 “
5.	Bardera	2 “
6.	Lugh Ferrandi	<u>2 “</u>
	Total seats	12

LOWER GIUBA

1.	Chisimaio	3 seats
2.	Afmedo	4 “
3.	Margherita	3 “
4.	Gelib	<u>2 “</u>
	Total seats	12

RECAPITULATION

1.	Midjertein	13 seats
2.	Mudugh	13 “
3.	Hiran	12 “
4.	Benadir	18 “
5.	Upper Giuba	22 “
6.	Lower Giuba	<u>12 “</u>
	GRAND TOTAL	90 seats

IX. Law no. 19 of 14 August 1963: Local administration and local council elections

Source: Bollettino Ufficiale della Repubblica Somala, Anno IV, Suppl. N. 2 al N. 9, pp. 53-95. Published on 3 September 1963. Original text in Italian and English.

The provisions governing the 26 November 1963 local council elections – the first country-wide elections since independence – were contained in an Annex to the Law on Local Administration and Local Council Elections. The main part of the Law deals with the establishment and responsibilities of Local Councils and other organizational matters. Only the text of the Annex to the Law in English (pp. 75-95 of the official bulletin) is given further below. As for the municipal council elections under Italian administration, the members of the local councils were to be elected using a closed list proportional system.

Article 1 of the Law itself (not included below) provided that the whole country would be divided into units, each under the jurisdiction of a local administration, to be established by Presidential decree. Article 3 of the Law classified local administrations as follows:

Class A: Local Administration of “Mogadiscio”.

Class B: Local Administrations whose offices are located in Regional Headquarters.

Class C: Local Administrations whose offices are located in District Headquarters.

Class D: Other Local Administrations.

Article 4 of the Law provided that Local Councils should consist of:

25 Councillors in Class A Local Administrations

21 Councillors in Class B Local Administrations

15 Councillors in Class C Local Administrations

11 Councillors in Class D Local Administrations.

Annex to Law N. 19 of 14 August 1963 Local Administration and Local Council Elections

Local Council Elections

CHAPTER I General Provisions

Article 1 (Councillors)

1. The number of Councillors is established in article 4 of this law.
2. The system and mode of election of Councillors are governed by this Annex.

Article 2

1. Somali citizens,
 - a) who have completed eighteen years of age in the year in which the elections are held;
 - b) who have not been declared of unsound mind by the judicial authorities;
 - c) who have not been interdicted from public office or deprived of electoral rights as a consequence of penal convictions;
 - d) who are not serving sentences of imprisonment;
 - e) who are residents within the territorial limits of the Local Administration,shall be entitled to vote for the election of Councillors.
2. Every voter shall have one vote.
3. The vote shall be person, equal, free, direct and secret.

Article 3 *(Qualifications of Candidates)*

1. Voters, who have completed twenty-five years of age in the year in which the elections are held and who can read and write, shall be eligible to be elected as Councillors.
2. The following shall be ineligible to be elected as Councillors:
 - a) members of the Judiciary in service;
 - b) members of the Armed or para-military Forces in service;
- c) Regional Governors, District Commissioners and heads of sub-Districts, the employees of the Region or of the District where the Local Administration has its seat;
- d) employees serving in the Municipal Administration in which the elections are held.
3. Civil servants, who have been nominated candidates, shall automatically be placed on leave without pay from the date of the presentation of candidature.

Article 4 *(Incompatibility)*

1. During their councillorship, Councillors shall not perform functions referred to in paragraph 2 of the previous article, and shall not be deputies of the National Assembly or District Councillors.
2. If a civil servant is elected Councillor, he shall remain on leave during the period of his councillorship. The period during which an officer is on leave, shall be counted for promotion and periodic increments. However, during such period, the Councillor shall receive only the moluments due to him as such Councillor.

Article 5 *(Fixing of Elections)*

Elections shall be fixed by decree of the Minister of Interior which shall indicate the date of voting. The voting shall take place within thirty days from the expiry of the term of the Local Councils.

Article 6 *(Subdivision of the Territory for Elections)*

1. The territory of each Local Administration shall constitute an electoral district.

2. Each electoral district will be subdivided into one or more electoral sections. The District Commissioner shall arrange for the subdivision of the electoral district into electoral section at least forty days before the date of elections, having heard the Local Councils. Notice of such subdivisions shall be immediately sent to the Ministry of Interior and the Regional Governor.

Article 7
(Electoral System)

1. Candidatures shall be presented in lists covering an electoral district. The number of candidates contained in each list shall not be less than, nor more than twice, the number of Councillors to be elected.
2. The representation in the Local Council shall be proportional to the votes obtained by each list and shall be calculated on the basis of the quotient and the highest remainder.
3. Where only one list is presented, no vote shall be taken and the candidates in such list shall be proclaimed elected.

CHAPTER II
Presentation of candidature

Article 8
(Lists of Candidates)

1. The lists of candidates shall indicate the name, the names of the father and of the paternal grandfather, the year and the place of birth and the nickname, if any, of the candidates.
2. The list of candidates shall be accompanied by:
 - a) the symbol of the list, in four copies;
 - b) a written declaration signed by the candidate, accepting his candidature and stating that he possesses the qualifications prescribed in article 3 of this Annex.
3. The names of the candidates shall be marked with a progressive number.

Article 9
(Symbols of Lists of Candidates)

1. The symbol annexed to the list shall be such as not to be mistaken with the symbols of other lists presented in the same electoral district.
2. The symbol may be figurative, and shall not contain emblems, flags of States or symbols of an ethnical character.

Article 10
(Supporters of Lists of Candidates and Presentation)

1. Each list of candidates shall be signed by a number of voters of the electoral district neither below nor above the following numbers in the presence of the Mayor or of a person designated by him:

Class A:	minimum 600 – maximum 800
Class B:	minimum 400 – maximum 600

Class C: minimum 200 – maximum 300
Class D: minimum [...] – maximum [...] ¹⁸

2. Matters relating to the supporters regarding their rights as voters in the electoral district shall be decided by the authorities authorized to receive the lists, in a summary manner.
3. No one shall support more than one list.
4. The list shall indicate the names and addresses of three voters who shall be empowered to:
 - a) present the list in accordance with article 12 of this Annex;
 - b) perform all other incidental acts of a procedural and executive nature;
 - c) appoint the agents of the list referred to in article 21 of this Annex.
5. Where a supporter of a list loses his rights as a voter after he has supported a list, such disqualification shall not render invalid the list supported by him.

Article 11 *(Security Deposit)*

1. The presentation of each list shall be accompanied by the following security deposit:
 - Sh. So. 7,000 – in the case of Class A Local Administrations.
 - Sh. So. 4,000 – in the case of Class B Local Administrations.
 - Sh. So. 2,000 – in the case of Class C Local Administrations.
 - Sh. So. 1,000 – in the case of Class D Local Administrations.A list not accompanied by a receipt for such deposit shall not be accepted.
2. The security deposit shall be made in a Bank or Post Office in the name of the Local Administration and shall be returned by the Local Administration where the list obtains at least the votes necessary for the election of two Councillors; otherwise the security deposit shall be forfeited and credited to the revenue of the Local Administration.

Article 12 *(Presentation of the Lists)*

1. The lists of candidates shall be presented to the office of the District Commissioner territorially competent before 12 noon of the fortieth day prior to the date of the elections.
2. The District Commissioner shall immediately verify whether the lists and annexes are regular, allot to each list, which is regular, a progressive number issuing a receipt, and return the lists which are not regular stating in writing the reasons for rejecting them.
3. The representatives of the lists referred to in paragraph 4 of article 10 of this Annex may file a petition before the Regional Court territorially competent against the order rejecting the presentation of the list within five days from the date of such rejection; and the Court shall decide within five days from the date of the filing of the petition. An appeal shall lie to the Supreme Court on questions of law against the decision of the Regional Court rejecting an appeal, within three days from such decision. The Supreme Court shall decide the appeal within twenty days prior to the date of the elections.
4. The appeals provided for in the previous paragraph shall be filed without any particular formality of procedure, and may be sent by telegram also.

¹⁸ Text illegible. But since the classes of local administrations/electoral districts are listed in descending order of magnitude, it may be presumed that the signatures required for Class D would not be more than 200.

Article 13
(Notice of the Lists of Candidates)

1. The District Commissioner shall prepare a notice containing the lists of candidates, arranged in the order of their presentation, with their respective symbols.
2. He shall also on the thirtieth day prior to the date of the elections, arrange for affixing the said notice on the notice boards of District and Local Administration offices and other public places; the notice may also be read aloud by criers.

Chapter III
Electoral Propaganda

Article 14
(Commencement and termination)

Electoral meetings, processions and public gatherings will begin in each electoral district after the publication of the notice referred to in article 13 of this Annex, and will terminate twenty-four hours prior to the commencement of voting.

Article 15
(Electoral meetings)

1. The promoters of electoral meetings, processions and public gatherings shall give notice to the District Commissioner territorially competent at least forty-eight hours prior to such meetings, processions or gatherings. The District Commissioner may prohibit such meetings, processions or gatherings for reasons of hygiene, safety, morals or [public security? - illegible] and may order that such meetings, processions or gatherings be held in such time and place as he may direct.
2. Not more than two electoral meetings, processions or public gatherings shall be held in an electoral district on one day.

Article 16
(Posters and Leaflets)

1. Posters and leaflets for the electoral propaganda shall be filed with the District Office at least twenty-four hours before their publication. They are exempt from any taxes or dues.
2. It is forbidden to affix posters and leaflets for electoral propaganda on buildings for religious worship and on private buildings without the permission of the proprietors thereof.

Article 17
(Arms and Military Uniforms)

It shall be forbidden to carry arms and wear uniforms of a military type or which could be mistaken for a military uniform in electoral meetings, processions and public gatherings.

CHAPTER IV
Electoral Offices

Article 18
(Electoral Organization)

The electoral organs are:

- a) Electoral Section Offices;
- b) Electoral District Office.

Article 19
(Electoral Section Offices)

1. The Electoral Section Offices shall be composed of a Chairman and two Scrutineers. The Scrutineer who is senior in age shall be the Vice-Chairman.
2. Each Election Section Office shall have a Secretary.
3. The Chairman and the two Scrutineers shall be selected from amongst the voters; the Secretary may be selected from amongst non-voters.
4. The Chairman, the two Scrutineers and the Secretary shall be appointed by the District Commissioners, who shall also provide for any substitution that may be necessary.
5. Should it become necessary in cases of urgent necessity to substitute a Scrutineer or the Secretary during the voting operations, the Chairman shall provide for their substitution from amongst persons present who have the qualifications prescribed by law.

Article 20
(Electoral District Office)

1. The Electoral District Office shall have its seats in the District Headquarters. It shall be composed of a Chairman and two Scrutineers. The Scrutineer who is senior in age shall be the Vice-Chairman.
2. Each office shall have a Secretary and two Computers.
3. The President of the District Court shall be the Chairman of the Electoral District Office.
4. The Scrutineers shall be selected from amongst the voters; the Secretary and the Computers may be selected from amongst non-voters.
5. The Scrutineers, the Secretary and the Computers shall be appointed by the Regional Governor who shall also provide for any substitution that may be necessary.

6. Should it become necessary in cases of urgent necessary to substitute any member of the Electoral District Office during the voting operations, the District Commissioner shall provide for the substitution of such member.

Article 21
(Agents of the Lists)

1. The representatives of the list referred to in paragraph 4 of article 10 of this Annex shall have the right to appoint an Agent for the Electoral District Office and for each Electoral Section Office from amongst the voters, and to appoint a substitute who will act in the absence of the Agent.
2. The Agents of the lists shall have the right to assist in the operations of the Electoral Offices to which they are assigned and to have their statements, if any, kept on record.
3. The appointment of Agents shall be presented not later than ten days prior to the date of the elections to the District-Commissioner, who shall deliver to each Agent a written authorization to enter the electoral office to which he is assigned.

Article 22
(Appointment and Oath of Members of Electoral Offices)

1. The appointment of the members of the electoral offices shall be effected and notified to the persons concerned at least fifteen days prior to the date of the elections.
2. No member appointed may be exempted from these offices except for compelling and proved reasons. Exemptions can be authorized by the same authority who has the power to appoint.
3. Before assuming his functions, each member of the electoral office shall take publicly the following oath before the President of the District Court:
“I swear in the name of God to discharge the electoral duties entrusted to me conscientiously, loyally and in strict observance of the law.”

Article 23
(Legal Status)

1. All the members of the electoral offices and the agents of lists authorized to assist in the official operations shall be considered for all legal purposes public officials in the exercise of their functions.
2. The members of the Armed Forces, the members of the para-military organizations, Regional Governors, District Commissioners, heads of Sub-Districts, Mayors and leaders of central or local political parties shall not be appointed to the above mentioned offices.

Article 24
(Emoluments)

1. The following daily allowances shall be paid to the members of electoral offices:

Chairman	Sh. So. 40
Vice-Chairman of District Office	Sh. So. 35
Scrutineers, Secretary and Computers	Sh. So. 30

2. Payment shall be made for each day of participation in the operations in the electoral office. The allowances shall be reduced by half for civil servants and employees of other public bodies.

3. For each day during which they are required to stay away from their normal place of residence, the above mentioned persons shall in addition receive as a mission allowance:

Chairman	Sh. So. 20
Scrutineers, Secretary and Computers	Sh. So. 15

Article 25
(Supervision)

The supervision on the conduct of electoral operations and the proper application of the law shall be exercised by the Minister of Interior

CHAPTER V
Preliminary Operations

Article 26
(Material for the Electoral Offices)

1. The Ministry of Interior shall provide each Electoral Section Office with the following material:

- a) a copy of this Annex;
- b) a sealed package containing the stamp of the Electoral Section Office with ink and pad;
- c) a sealed package containing ballots
- d) a ballot box;
- e) a container for the ballots;
- f) three printed forms for the purpose of recording the voting operations of the Electoral Section Office;
- g) an adequate number of forms for the purpose of preparing a register of voters;
- h) tabulation forms;
- i) an adequate number of copying pencils for marking ballots;
- j) five notices containing the procedure to be followed by the voters for marking ballots;
- k) a bottle of indelible ink;
- l) the stationery and any other necessary material.

2. The Ministry of Interior shall provide each Electoral District Office with the following material:

- a) a copy of this Annex;
- b) a sealed package containing the stamp of the Electoral District Office with ink and pad;
- c) three printed forms for the purpose of recording the voting operations;
- d) tabulation forms;
- e) the stationery and any other necessary material.

3. The material for each electoral office shall be placed in a special crate. After closing and sealing the crate, the Ministry shall, at the appropriate time, send them together with the ballot boxes to the District Commissioner territorially competent.

4. The Ministry shall, at the same time, provide the District Commissioner with an adequate number of spare ballots, in sealed envelopes, for distribution to the Electoral Section Offices upon request, stating the reason therefor, of their respective Chairmen. Where communications are particularly difficult, the District Commissioner may deliver to one or more delegates part of the spare ballots in closed and sealed envelopes for the purpose of being kept at the disposal of the Chairmen of the Electoral Section Offices in places distant from the District Headquarters.

Article 27

(Stamps, Records, Ballot Boxes, Tabulation Forms)

1. The stamps of Electoral Offices, the records, the ballot boxes and the tabulation forms shall be the same for the whole territory of the Republic.
2. The stamps shall be consecutively numbered in one series.

Article 28

(Ballots)

1. The ballots shall be of thick white paper detachable from a counterfoil book containing one hundred ballots each; the stubs shall be consecutively numbered.
2. The ballots of each Electoral District shall have the symbols of the lists of candidates printed in horizontal squares and, beside each of the symbols, shall have a blank space for marking the vote.

Article 29

(Polling Booths and Ballot Boxes)

1. In each Electoral Section Office two polling booths shall be set up in such a way as to ensure secrecy of the vote.
2. The ballot boxes shall be placed either on, or near, the table of the Chairman of the office.

Article 30

(Notice with Instructions for the Voters)

1. One copy of the notice referred to in letter j) of article 26 of this Annex shall be affixed in a place clearly visible to the public both inside and outside the Electoral Section Office and also in a manner clearly visible to the voter inside each polling booth.
2. A copy of the notice provided by the District Commissioner under article 13 of this Annex containing the lists of candidates, arranged in the order of their presentation with their respective symbols, shall be affixed in the same manner.

Article 31

(Delivery of Material to Electoral Offices)

1. The District Commissioner shall ensure that, on or before 6 a.m. on the day fixed for voting, the crate and the ballot boxes intended for each Electoral Section Office are delivered to the said office.
2. The District Commissioner shall, on or before 4 p.m. of the same day, also provide for the delivery of the crate intended for the Electoral District Office.

3. Each electoral office shall be provided with:
 - a) a copy of the order appointing the members of the office;
 - b) a copy of the authorization delivered to the Agents of the lists.

CHAPTER VI

Voting Operations

Article 32

(Setting up of the Electoral Section Office)

1. After receiving the material mentioned in the preceding article, the Chairman of the Electoral Section Office shall:
 - a) set up the office and request the Scrutineers and the Secretary to discharge their functions as members of the office;
 - b) invite the representatives of the lists to assist in the operations;
 - c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, and verify the material contained therein;
 - d) after having ascertained himself and had it ascertained by the other members that the seals closing the package containing the stamp of the Electoral Section Office and that containing the ballots are unbroken, open the said packages, stamp the ballots with the stamp of the office and place them in the appropriate container;
 - e) after examining the ballot box, see to it that it is closed and sealed, leaving open only the slot for introducing the ballots at the time of voting.
 - f) arrange for the posting of a notice containing instructions to voters;
 - g) see to it that all the material necessary for the voting operations is arranged in such a way that the operations can take place properly.
2. It shall be noted in the records that the above operations have been completed. The records shall also indicate the number of the stamp of the office and the total number of ballots received in the office.
3. After completing the operations in the shortest time possible, the Chairman shall declare the voting open.

Article 33

(Police Power of the Chairman)

1. The Chairman of the Electoral Section Office has the duty to maintain order during the operations. He may call upon the police force to eject or arrest any person who commits any offence, disturbs the orderly operations of the elections or shows clear signs of insanity.
2. The police force may not enter the Electoral Section Office without being authorized to do so by the Chairman of the Office.
3. Civil authorities and officers of the police shall comply with the Chairman's request in order also to ensure free access of the voters and prevent unwarranted gatherings in the immediate vicinity of the office.
4. The Chairmen of the Electoral District Offices shall exercise similar powers.

Article 34
(Access to Offices)

1. Besides the members of the offices and the Agents of the lists, only the persons who have the right to vote shall have access to the Electoral Section Offices.
2. Voters are forbidden to carry arms or dangerous substances; they shall go in one by one and shall be admitted to vote in the order of arrival. However, priority shall be given to any person having duties connected with electoral operations.

Article 35
(Preliminaries to Voting)

1. Every voter may vote after:
 - a) he has given particulars regarding his identity and age;
 - b) his entitlement to vote has been ascertained by the office which for this purpose shall decide immediately by summary procedure, on the basis of identification documents, testimonies or any other suitable proof.
2. The name of the voter is entered in the appropriate register.
3. Immediately after, a visible sign shall be made with indelible ink on the left hand, or in its absence, on the right hand, or in absence of both, on any other visible part of the body of the voter.

Article 36
(Voters Unable to Vote in Person)

1. Votes shall be cast only by the voters who present themselves in person at the electoral offices.
2. Any voter who, because of evident physical handicap, is unable to cast his vote shall be allowed by the Chairman to do so with the assistance of another voter in whom the incapacitated person has confidence.
3. The Secretary shall indicate in the record the specific reason for which the voter has been authorized to obtain assistance, the voter's name and the name of the person who assisted him.

Article 37
(Voting Procedure)

1. As soon as the operations mentioned in article 35 of this Annex have been completed, the Chairman shall hand over to each voter a ballot stamped with the stamp of the office and detached from its counterfoil following the consecutive number of the stub.
2. The voter shall then go to one of the booths where the voting shall take place.
3. The voter shall cast his vote by making a mark on the ballot with the pencil furnished by the electoral office either on the blank space on the right hand side of the symbol of the selected list or on the symbol itself. He shall then fold the ballot, come out of the booth and put the folded ballot in the ballot box.
4. As soon as he has cast his vote, the voter shall leave the office.

5. If a voter notices that the ballot given to him is damaged or not whole, he may request another one from the Chairman and shall return the first one. The matter shall be noted in the records.

6. The Chairman may decide that voters who unnecessarily prolong their staying in the office, [be] expelled from the office after having returned the ballot and be readmitted only after all the other persons present have voted.

7. If a voter is found in possession of two or more ballots, or of ballots not of the prescribed type, or if he has already voted, the Chairman shall seize the ballots in his possession and hand him over immediately to the Police for action by judicial authority. The matter shall be noted in the records.

Article 38 *(Voting Hours)*

1. The voting operations shall be held in a day from 7 a.m. to 6 p.m. without interruption.

2. The voting shall, however, continue until all the voters who are present in front of the electoral offices at the time fixed for closing have cast their votes.

Article 39 *(Decisions of the Offices)*

The Electoral Section Office, by a majority vote, shall rule provisionally on complaints including those made orally, and incidents connected with the operations of the said offices. Such complaints and incidents shall be noted in the records.

CHAPTER VII **Operation of the Electoral Section Office**

Article 40 *(Operations Preliminary to Counting)*

After the voters have voted, the Chairman shall clear the table of papers and material not necessary for the counting of ballots and shall:

- a) declare the closure of the voting;
- b) ascertain the number of voters from the appropriate register;
- c) authenticate with his signature the register of voters and place it in envelope No. 1;
- d) collect and count the unused ballots and place them in envelope No. 2;
- e) authenticate with his signature the damaged or irregular ballots returned by voters and place them in envelope No. 3.

Article 41 *(Counting)*

1. After completing the operations referred to in the previous article, the Chairman shall proceed to count the votes. To that end, a Scrutineer shall take out the ballots one at a time from the

box and deliver them to the Chairman. The Chairman shall open the ballot and read out aloud the name of the list to which the vote was given, and pass it on to the other Scrutineer who, with the help of the Secretary, shall enter on the appropriate tabulation form the vote obtained by the list and place the counted ballots in a box. It shall be forbidden to draw out of the ballot box a ballot if the preceding one has not yet been placed in the appropriate box after having been counted. Ballots can be handled only by the members of the electoral offices.

2. After completing the counting, the Chairman shall verify the number of the counted ballots, and ascertain that it corresponds to the number of voters as well as the number of votes obtained on the whole by the lists of candidates, added to the contested, void and annulled votes referred to in article 43 of this Annex.

3. He shall authenticate with his signature the ballots corresponding to the void, annulled or contested votes and the papers relating to claims and complaints and place them in envelope No. 4.

4. He shall gather and place in envelope No. 5 the other ballots which have been counted.

5. Finally, after finishing the counting operations, the Chairman shall announce publicly the number of voters, of valid votes, and of the votes obtained by each list.

Article 42

(Closing of the Counting Operations)

1. After finishing the operations mentioned in the preceding article, all the envelopes shall be sealed with the stamp of the office and authenticated with the signatures of the Chairman and of at least one of the Scrutineers.

2. The contents of the envelopes shall be noted on the face of the envelopes.

3. Counting operations shall be carried out without interruption until their completion and in the order indicated.

Article 43

(Void and Contested Votes)

1. Votes from counted ballots shall be void if the ballots are:

- a) of a type different from the prescribed one;
- b) without the stamp of the electoral office.

2. Votes from counted ballots shall be voidable if the ballots:

- a) show traces of unnecessary writing or marks which could be considered to have been done artfully;
- b) do not indicate to which list the vote is cast, or are such that the chosen list cannot be identified.

3. Voidable ballots may be declared void by the electoral office by unanimous decision. In cases of diversity of opinions, the ballots shall be declared to be “contested”.

4. The Electoral District Office shall decide on the contested ballots.

Article 44

(Records of the Electoral Section Office)

1. The records of the Electoral Section Office shall be prepared in triplicate in the appropriate forms.

2. Two copies of the records shall be placed in the appropriate box along with the sealed envelopes referred to in article 42 of this Annex and delivered to the Electoral District Office; the third copy shall be delivered to the District Commissioner along with the remaining electoral material.

Article 45
(Transport and Delivery of Material)

1. The Chairman, accompanied by at least one member of the office, and escorted by police, shall, without delay, transport and deliver to the Electoral District Office, the records and the accompanying envelopes.
2. At the time of the delivery of the envelopes to the Electoral District Office it shall be verified that the seals are unbroken; and the Chairman of the Office shall issue a receipt.

CHAPTER VIII
Operations in the Electoral District Office and Confirmation of Elections

Article 46
(Setting up of the Electoral District Office)

1. After receiving the material referred to in article 31 of this Annex, the Chairman of the Electoral District Office shall:
 - a) set up the office and request the Scrutineers, the Secretary and the Computers to discharge their functions;
 - b) invite the Agents of the lists to assist in the operations;
 - c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, take out the material contained therein and verify it;
 - d) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the envelopes are unbroken, open the envelopes containing the stamp of the office, and note the number of the stamp in the records;
 - e) pass the remaining material to the Secretary.
2. The Electoral District Office shall then wait for the receipt of the records and the envelopes referred to in article 45 of this Annex from the Electoral Section Offices.

Article 47
(Counting of Votes)

After receiving the records and the envelopes from all the Electoral Section Offices, the Chairman of the Electoral District Office shall do the following:

- a) calculate the total number of voters of the electoral districts in the District;
- b) ascertain the void and annulled votes in all the electoral sections of the electoral districts;
- c) decide on the contested votes;
- d) sum up the total number of valid votes cast for each list in the electoral sections of each electoral district (electoral figure);

- e) calculate the electoral quotient in each electoral district by dividing the total number of votes received by all the lists in the said district by the number of Councillors to be elected in the same electoral district;
- f) allot to each list as many seats as the number of electoral quotients contained in the electoral figure, and the remaining seats to the lists which have obtained the highest remainders, taking into account also those lists which have not reached the quotient; in case of equal remainders, he shall draw a lot;
- g) proclaim the election of as many candidates as the number of seats allotted to a list in the order in which they are indicated in the list;
- h) proclaim the results of the counting.

Article 48
(Records of the Operations)

- 1. The records of the above operations shall be prepared in triplicate.
- 2. The original of the records shall be transmitted to the Regional Court together with the first copy of the records of the Electoral Sections and written complaints, if any, received during the operations. The second and third copies shall be sent to the Regional Governor and the Ministry of Interior. A copy of the records shall be transmitted to the Chairman of the Local Administration.
- 3. The remaining electoral material shall be sent to the District Commissioner, who shall issue a receipt.

Article 49
(Publication of the Electoral Results)

An abstract of the records of the Electoral District Office containing the names of the Councillors elected shall be published by affixing it on the notice board of the office of the Local Administration.

Article 50
(Confirmation of the Elections)

- 1. The President of the Regional Court shall confirm the elections. He shall decide on disputes, complaints and in general on all claims received by the Electoral District Offices during and after their operations.
- 2. Claims and complaints not presented directly to the above mentioned offices shall be presented to the Regional Court within ten days from the proclamation of the results of the elections.

CHAPTER IX
Penal Provisions Regarding Elections

Article 51
(Violation of the Right of Propaganda)

- 1. Whoever, in any manner, hinders or disturbs an electoral propaganda meeting, either public or private, legally assembled, or impedes the posting or distribution of printed propaganda material,

shall be punished with imprisonment for a crime up to two years or with fine for a crime up to So. Sh. 2,400.

2. Whoever uses propaganda means and methods which are not allowed by law and whoever violates the prohibitions contained in article 15 of this Annex shall be liable to the same punishment.

Article 52

(Violation of the Right to Vote)

1. Whoever, by offering or promising to give money, valuables or other personal gains, or by promising, granting or arranging to obtain a public or private position, attempts to interfere with the right of voting shall be punished with imprisonment for a crime up to three years or with fine for a crime up to So. Sh. 3,000.

2. Whoever uses violence, threat, tricks or contrivances for the above mentioned purposes shall be punished with imprisonment for a crime up to four years or with fine for a crime up to Sh. So. 4,000.

Article 53

(Corruption)

1. Any voter who accepts offers or promises of money or other personal gains for giving or refusing to give his signature for the presentation of a list of candidates or the electoral vote shall be punished with imprisonment for a crime up to three years or with fine for a crime up to four years [sic] or with fine for a crime up to So. Sh. 4,000.

2. The same punishment shall apply also to persons who make such offers or promises.

Article 54

(Interference with the Regular Carrying out of Voting and Counting Operations)

Whoever, by violence or threat, hinders the free exercise of the right to vote or disturbs the regular carrying out of the operations of the electoral offices, shall be punished with imprisonment for a crime up to four years or with fine for a crime up to So. Sh. 4,000.

Article 55

(Illegal Access to the Electoral Offices)

1. Whoever, without having the right to do so, enters the electoral offices during the electoral operations and remains therein in spite of being asked to leave, shall be punished with imprisonment for a contravention up to one month or with fine for a contravention up to Sh. So. 100.

2. If the person is armed the punishment shall be doubled.

Article 56

(Illegal Voting)

1. Whoever, being aware that he is not entitled to vote or personating another person, presents himself for the purpose of voting, or whoever votes more than once or, when entrusted with casting the ballot for an incapacitated voter, casts it in a manner different from the one indicated to him,

shall be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,000.

2. Whoever falsely identifies one person for another in an electoral office or whoever retains the ballots in the cases prohibited by, or in a manner contrary to those laid down in, this Annex shall be liable to the same punishment.

Article 57

(Falsification or Theft of Documents and Alteration of Electoral Data)

1. Whoever falsifies any ballot or other documents relating to electoral operations, or alters, or purloins, or destroys, in whole or in part, authentic documents, or knowingly uses a falsified or altered document shall, where the act does not constitute a more serious offence, be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400.

2. Whoever in any way alters the results of the elections shall be liable to the same punishment.

Article 58

(Unjustified Refusal to be a Member of an Electoral Office)

Whoever, having been nominated as a member of an electoral office, refuses, without valid reason, to serve as such or is not present or goes away when the office is called to order shall be punished with fine for a crime up to Sh. So. 600.

Article 59

(Other Infractions)

Whoever violates the provisions of this Annex, where no specific punishment is provided, shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 1,000.

Article 60

(Accessory Penalty)

Persons found guilty of offences under this Chapter and sentenced to imprisonment for a crime for not less than two years, shall be deprived of their electoral rights for a period of five years.

CHAPTER X

Miscellaneous Provisions

Article 61

(Oath)

A Councillor shall, on assuming office, take the following oath before the President of the District Court:

“I do swear in the name of God that I will abide loyally by the laws of the Republic, and will fulfil the duties of my office with diligence and zeal in the sole interest of the Republic”.

Article 62
(Vacancy)

Where the seat of a Councillor becomes vacant for any reason, the President of the District Court shall appoint the person whose name appears in the list immediately below the name of the last candidate elected.

Article 63
(Election Expenditure)

The expenditure incurred in respect of the election of Councillors shall be borne by the State.

X. Law no. 4 of 22 January 1964: Political Elections

Source: Bollettino Ufficiale della Repubblica Somala, Anno IV, Suppl. N.6 al N.1, pp.83-108, published on 22 January 1964. Translated from the Italian.

With the establishment of the Somali Republic on 1 July 1960, the Legislative Council of the former British Protectorate (33 members) merged with the Legislative Assembly of the former Italian Trust Territory (90 members) to form the new National Assembly. Those elected to the respective bodies prior to creation of the independent Republic of Somalia continued to serve as members of the National Assembly until the first national elections held on 30 March 1964. The closed list proportional system followed in elections under Italian administration, rather than the first-past-the-post system used in the British Protectorate, was adopted as the basis for awarding all 123 seats.

THE PRESIDENT OF THE REPUBLIC

TAKING NOTE of the approval of the National Assembly

HEREBY PROMULGATES

the following Law:

CHAPTER I

GENERAL PROVISIONS

Article 1

Deputies Elected to the National Assembly

1. The number of Deputies elected to the National Assembly shall be 123.
2. The system and mode of the election of Deputies to the National Assembly shall be governed by this Law.

Article 2

Qualifications of Voters

1. Somali citizens:
 - a) who have completed 18 years of age in the year in which the elections are held;
 - b) who have not been declared of unsound mind by judicial authorities;
 - c) who have not been interdicted from public office or deprived of electoral rights as a consequence of penal conviction;
 - d) who are not serving sentences of imprisonment

shall be entitled to vote.

2. The Minister of Interior is authorized to issue regulations and take measures to ensure that, as a rule, in every electoral constituency, only those voters normally residing there shall be allowed to vote.
3. Every voter shall have only one vote.
4. The vote shall be personal, equal, free, direct and secret.

Article 3

Qualifications of Candidates

1. Voters, who have completed twenty-five years of age in the year in which the elections are held and who can prove that they can read and write, shall be eligible to be elected as Deputies.
2. Judges, members of the armed forces or paramilitary organizations, Regional Governors, District Commissioners and District Delegates, shall be ineligible to be elected as Deputies. Such grounds of ineligibility shall not apply if the person concerned has ceased to hold such office before the submission of the list referred to in Article 12.

Article 4

Incompatibility

The office of Deputy is not compatible with the offices mentioned in Article 3, or with the office of Mayor, District Councillor, Municipal Councillor or employee of the State or of other public bodies. Should a Deputy fail to accept his new office within 15 days from the day of nomination or of the election, he shall forfeit his right to exercise this office.

Article 5

Fixing of Elections

1. The election of Deputies shall be fixed by Decree of the President of the Republic, countersigned by the Prime Minister and by the Minister of Interior in accordance with Articles 52 and 53 of the Constitution.
2. The Decree shall indicate the date of voting.

Article 6

Subdivision of the National Territory for Elections

1. For election purposes, the territory of the Republic shall be divided into electoral districts.
2. Each electoral district shall be subdivided into electoral sections. The Minister of Interior shall arrange for the subdivision of the electoral districts into electoral sections at least forty days before the date of voting on the proposal of the District Commissioner territorially competent after seeking the opinion of the relevant District and Municipal Councillors.

Article 7

Electoral system

1. The number of Deputies to be elected in each electoral district is established in the table attached to this Law.
2. Each party which is regularly constituted may present a list of candidates in each electoral district. The number of candidates in each list shall not be less than twice, nor more than three times, the number of Deputies to be elected in each electoral district.
3. The number of seats assigned to each list of candidate shall be in proportion to the votes obtained by the same list within the respective electoral district, based on the method of the electoral quotient and highest remainders.
4. Where only one list is presented in an electoral district, no vote shall be taken and as many candidates as the number of Deputies to be elected in such electoral district shall be proclaimed elected in the order in which they are indicated in the list.

CHAPTER II

PRESENTATION OF CANDIDATURE

Article 8

Lists of Candidates

1. The list of candidates, signed by the lawful representatives of the Central Committee or the local branch of the political party concerned, shall indicate the name, the name of the father and of the paternal grandfather, the year and the place of birth, and the nickname, if any, of the candidates, as well as the electoral district in which they have been nominated.
2. The list of candidates shall be accompanied by
 - a) the symbol of the list, in four copies;
 - b) a written declaration signed by each candidate, accepting his candidature and stating that he possesses the qualifications prescribed in Article 3 of this Law.
3. A candidate abroad may accept his candidature also by telegram by presenting the prescribed declaration to a Diplomatic Mission or Consular Office of the Republic abroad which shall forward it to the proper authority.

Article 9

Symbols of the List of Candidates

1. The symbol annexed to the list shall be such as not to be mistaken with the symbols of other lists presented in the same electoral district.
2. The symbol may be figurative; it shall not, however, contain emblems, flags of States, or symbols of an ethnic character.

3. A political party may not use a list symbol which has been used by another party in a previous election.
4. Political parties may use the same list symbol in more than one electoral district, or in all of them.

Article 10

Supporters of Lists of Candidates

1. Each list of candidates shall be signed by not less than 500 voters of the same electoral district in the presence of the District Commission or of a person designated by him.
2. The District Commissioner or a person designated by him shall ascertain, in a summary manner, whether the supporters possess the qualifications as voters. In case of doubt, the District Commissioner or the person designated by him may request the Police to verify or investigate the matter.
3. No one shall support more than one list of candidates.
4. The list shall indicate the names and the addresses of three voters who shall be authorized to:
 - a) present the list in accordance with Article 12;
 - b) perform all other subsequent acts of a procedural and executive nature.
5. Where a supporter of a list loses his rights as a voter, such disqualification shall not render invalid the support previously expressed.

Article 11

Security Deposit

1. The presentation of each list shall be accompanied by the receipt of a security deposit, made in a Treasury Office, or in a bank or Post Office in the name of the State Administration, in the amount of Sh. So. 5,000 (five thousand). A list not accompanied by a receipt for such deposit shall not be accepted.
2. The security deposit shall be returned by order of the District Commissioner in the event that the list obtains at least the votes necessary for the election of one Deputy; otherwise it shall be credited to the revenue of the State in an amount equal to half its value.

Article 12

Presentation of the Lists

1. The lists of candidates shall be presented to the Office of the District Commissioner territorially competent before 6 p.m. of the forty-fifth day prior to the date of voting. Such time-limit shall be extended until the completion of the operations relating to the signature of the lists

(Article 10), if, at the time fixed for closing, there are still supporters in front of the Office of the District Commissioner.

2. The District Commissioner shall immediately verify whether the lists and the annexes are regular; allot to each list, which is regular, a progressive number issuing a receipt; and return the lists which are not regular to the representatives referred to in Article 10, stating in writing the reasons for the rejection.

3. The representatives may file a petition in writing regarding issues of legality before the Regional Court territorially competent against an order rejecting the presentation of the list within three days from the date of such rejection. The Court shall decide within three days. An appeal against a decision of the Regional Court rejecting the petition shall lie to the Supreme Court within the same time-limit; the appeal may be submitted by telegram. The Supreme Court shall decide at least 30 days before the date of voting and its decision shall be final.

4. The recourse provided for in the preceding paragraphs may be submitted without any particular procedural formality, including by telegram.

Article 13

Notice of the Candidates

1. Each District Commissioner shall prepare a notice containing the lists of candidates in the electoral district, arranged in the order of their presentation, with their respective symbols.

2. In addition, he shall arrange for posting the notice, on the thirtieth day prior to the date of voting, on the notice boards of the District and Municipal Offices, as well as other public places; the notice may also be read aloud by criers and also, when possible, announced by radio.

CHAPTER III

ELECTORAL PROPAGANDA

Article 14

Commencement and Termination

Electoral meetings and public gatherings will begin in each electoral district after the publication of the notice referred to in Article 13 and will end twenty-four hours prior to the date of voting. Processions shall not be allowed.

Article 15

Electoral meetings

1. The promoters of electoral meetings and public gatherings shall give notice to the District Commissioner territorially competent at least forty-eight hours prior. The District Commissioner may prohibit such meetings or gatherings for reasons of public health, safety, morals or public order and security, and may order that they be held under special conditions with respect to time and place.

2. Not more than two electoral meetings or public gatherings shall be held in the same District on the same day.

Article 16

Posters and leaflets

1. Posters and leaflets for electoral propaganda shall be filed with the District Office at least twenty-four hours before their posting or dissemination. They are exempt from any tax or dues of a fiscal nature.
2. It is forbidden to affix posters and leaflets for propaganda on religious buildings.

Article 17

Arms and Uniforms of a Military Type

It is forbidden to carry arms and wears uniforms of a military type or which could be mistaken as such in electoral meetings and public gatherings.

CHAPTER IV

ELECTORAL OFFICES

Article 18

Electoral Organs

The electoral organs are:

- a) Electoral Section Offices;
- b) District Electoral Offices;
- c) Central Electoral Office.

Article 19

Electoral Section Offices

1. The Electoral Section Offices shall be composed of a Chairman and two Scrutineers. The elder Scrutineer shall be the Vice-Chairman.
2. Each Election Section Office shall have a Secretary.
3. The Chairman and the two Scrutineers shall be selected from amongst the voters; the Secretary may also be selected from amongst non-voters, who are particularly qualified.
4. The Chairman, the Scrutineers and the Secretary shall be appointed by the District Commissioner, who shall also provide for any substitution that may be necessary.

5. If necessary, in cases of urgent necessity, to substitute a Scrutineer or the Secretary during the voting operations, the Chairman shall provide for their substitution from amongst persons present who have the qualifications prevised by law.

Article 20

Electoral District Offices

1. Each Electoral District Office shall have its seat in the District headquarters. It shall be composed of a Chairman and two Scrutineers, the elder of which shall be the Vice-Chairman.
2. Each Electoral District Office shall have a Secretary and two Computers.¹⁹
3. The Chairman and the two Scrutineers shall be selected from amongst the voters; the Secretary and the Computers may be selected from amongst non-voters, who are particularly qualified.
4. The Chairman, the Scrutineers, the Secretary and the Computers shall be appointed by the District Commissioner, who shall also provide for any substitution that may be necessary.

Article 21

Central Electoral Office

1. The Central Electoral Office shall have its seats in Mogadiscio. It shall be composed of a Chairman, a Vice-Chairman and three Assistants.
2. The Central Electoral Office shall have a Secretary and two Computers.
3. The President of the Court of Appeal of Mogadiscio shall be the Chairman of the Central Electoral Office; the President of the Regional Court of Benadir, or his substitute, shall be the Vice-Chairman.
4. The Assistants shall be selected from amongst the voters; the Secretary and the Computers may also be selected from amongst non-voters, who are particularly qualified.
5. The Assistants, the Secretary and the Computers shall be appointed by the Minister of Interior who shall also provide for any substitution that may be necessary.

Article 22

Agents of the Political Parties

1. The Central Committees or local branches of the political parties which are regularly constituted shall have the right to appoint an Agent, selected from amongst the voters, for each electoral office of the electoral districts in which they have presented candidates, and to appoint a substitute who will act in the absence of the Agent.

¹⁹ Literally: “Addetti al calcolo delle cifre”, or: persons assigned to calculate the (electoral figure). The term “computer” is used, as it was in official English legislation in force at the time, in the older meaning of a person who computes, not a machine.

2. The Agents of the Political Parties shall have the right to be during the operations of the electoral office to which they are assigned, and to have their statements, if any, kept on record.
3. The appointment of Agents shall be presented not later than ten days prior to the date of voting to the District Commissioner, who shall deliver to each Agent a written authorization to enter the electoral office to which he is assigned.

Article 23

Appointment and Oath of Members of Electoral Offices

1. The appointment of the members of the electoral offices shall be effected and notified to the persons concerned at least fifteen days prior to the date of voting.
2. No member appointed may be exempted from these offices except for compelling and proved reasons. Exemptions may be authorized by the same authority who has the power to appoint.
3. Before assuming his functions, each member of the electoral office shall publicly take the following oath before the President of the District Court:
“I swear in the name of God to discharge the electoral duties entrusted to me conscientiously, loyally and in strict observance of the law”.
4. The Chairman and the Vice-Chairman of the Central Electoral Office shall take the oath before the President of the Supreme Court.

Article 24

Legal Status

1. In the exercise of their functions, all the members of the electoral offices and the agents of the political parties authorized to be present during the operations of the electoral offices shall have the status of public officials.
2. Members of the Armed Forces and paramilitary organizations, Regional Governors, District Commissioners and Delegates, Mayors, and candidates in their respective electoral districts shall not be appointed to the above-mentioned offices.

Article 25

Emoluments

1. The following daily allowances shall be paid to the members of electoral offices:

- Chairmen	Sh. So. 40
- Vice-Chairman of the Central Office	Sh. So. 35
- Scrutineers, Assistants, Secretaries and Computers	Sh. So. 30
2. Payments shall be made for each day of actual participation in the operations of the electoral offices. The allowances shall be reduced by half for employees of the State and of other public bodies.

3. For each day during which they are required to stay away from their normal place of residence, the members of the electoral offices shall, in addition, receive the following subsistence allowance:

- Chairmen	Sh. So. 20
- Scrutineers, Assistants, Secretaries and Computers	Sh. So. 15

Article 26

Supervision

The supervision on the proper conduct of electoral operations and the proper application of the law shall be exercised by the Minister of Interior.

CHAPTER V

PRELIMINARY OPERATIONS

Article 27

Material for the Electoral Offices

1. The Ministry of Interior shall provide each Electoral Section Office with the following material:

- a) a copy of this Law;
- b) a sealed package containing the stamp of the Electoral Section Office with ink and pad;
- c) a sealed package containing ballots;
- d) a ballot box;
- e) a container for the ballots;
- f) three printed forms for recording the operations of the Electoral Section Office;
- g) tabulation forms;
- h) an adequate number of copying pencils for marking ballots;
- i) five notices containing the procedure to be followed by the voters for marking ballots;
- j) a bottle of indelible ink;
- k) stationery and any other necessary material.

2. The Ministry of Interior shall provide each Electoral District Office and the Central Electoral Office with the following material:

- a) a copy of this Law;
- b) a sealed package containing the stamp of the electoral office with ink and pad;
- c) three printed forms for recording the operations of the electoral office;
- d) tabulation forms;
- e) stationery and any other necessary material.

3. The material for each electoral office shall be placed in special crates. After closing and sealing the crates, the Ministry of Interior shall, at the appropriate time, send them together with the

ballot boxes to the District Commissioners territorially competent, with the exception of the material for the Central Electoral Office, which the Ministry shall deliver directly.

4. The Ministry shall, at the same time, provide each District Commissioner with an adequate number of spare ballots in sealed envelopes for distribution to the Electoral Section Offices upon request, stating the reason therefor, of their respective Chairmen. Where communications are particularly difficult, the District Commissioner may deliver to one or more delegates part of the spare ballots in closed and sealed envelopes for the purpose of being kept at the disposal of the Chairmen of the Electoral Section offices in places distant from District Headquarters.

Article 28

Stamps, Records, Ballot Boxes and Tabulation Forms

1. The stamps of electoral offices, the records, the ballot boxes and the tabulation forms shall be the same for the whole territory of the Republic.
2. The stamps shall be consecutively numbered in one series.

Article 29

Ballots

1. The ballots shall be of the same white paper, and detachable from a counterfoil book containing one hundred ballots each. The stubs shall be consecutively numbered in one series for each electoral district.
2. The ballots in each electoral district shall have the symbols of the lists of candidates printed in horizontal squares and, beside each of the symbols, shall have a blank space for marking the ballot. Each ballot shall also have a gummed flap for sealing the ballot after marking the ballot.

Article 30

Pooling booths and ballot boxes

1. In each Electoral Section Office two polling booths shall be set up in such a way to ensure the secrecy of the vote.
2. The ballot boxes shall be placed either on or near the table of the Chairman of the electoral office.

Article 31

Notice with Instructions for the Voters

1. One copy of the notice referred to in letter i) of Article 27(1) shall be affixed in a place clearly visible to the public both inside and outside the Electoral Section Office and also in a manner clearly visible to the voter inside each polling booth.

2. A copy of the notices provided by the District Commissioner under Article 13 and containing the lists of candidates in the electoral district arranged in the order of their presentation with their respective symbols, shall be affixed in the same manner.

Article 32

Delivery of Material to Electoral Offices

1. The District Commissioner shall ensure that, by 6 am on the day fixed for voting, the crate and the ballot boxes intended for each Electoral Section Office are delivered to the location of said office.
2. The District Commissioner shall, by 4 pm on the same day, also provide for the delivery of the crate intended for the District Electoral Office.
3. Each electoral office shall be provided with:
 - a) a copy of the order appointing the members of the office;
 - b) a copy of the authorization delivered to the Agents of the political parties.

CHAPTER VI

VOTING OPERATIONS

Article 33

Setting up of the Electoral Section Office

1. After receiving the material mentioned in the preceding article, the Chairman of the Electoral Section Office shall:
 - a) set up the office and request the Scrutineers and the Secretary to assume their functions as members of the Office;
 - b) invite the Agents of the political parties which have presented lists of candidates in the electoral district to be present during the operations;
 - c) after having ascertained himself and had it ascertained that the seals are unbroken, open the crate and verify the contents;
 - d) after having ascertained himself and had it ascertained that the seals are unbroken, open the package containing the stamp of the Electoral Section Office and that containing the ballots, stamp the ballots with the stamp of the office and place them in the appropriate container;
 - e) after examining the ballot boxes, close and seal them, leaving open only the slot for introducing the ballots at the time of voting;
 - f) arrange for the posting of the notice containing instructions to voters;
 - g) see to it that all the material necessary for the voting is arranged in such a way that the operations can take place properly.
2. It shall be noted in the records that the above operations have been completed, with an indication of the number of the stamp of the office and the total number of ballots provided to the office.

3. After completing the above operations, the Chairman shall declare the voting, as referred to in Article 39, open.

Article 34

Police Power of the Chairman

1. The Chairman of the Electoral Section Office has the duty to maintain order during the operations. He may call upon the police force to expel or arrest any person who commits an offence, disturbs the orderly operations of the elections, or shows clear signs of insanity.
2. The police force may not enter the Office without being authorized by the Chairman.
3. Civil authorities and officers of the police force shall comply with the requests of the Chairman in order also to ensure free access of the voters and prevent unwarranted gatherings in the immediate vicinity of the Office.
4. The Chairmen of the District Electoral Offices and the Chairman of the Central Electoral Office shall exercise similar powers.

Article 35

Access to Offices

1. Besides the members of the offices and the Agents of the parties, only the person who have the right to vote shall have access to the Electoral Section Offices.
2. Voters are forbidden to carry arms or dangerous instruments; they shall go in one by one, and shall be admitted to vote in the order of arrival. However, priority shall be given to any person having duties connected with electoral operations.

Article 36

Admission to Voting Process

1. Every voter may vote after:
 - a) he has given his personal particulars and his age;
 - b) his entitlement to vote has been ascertained by the office which, for this purpose, decides immediately, by summary procedure, on the basis of identification documents, testimonies or any other suitable proof.
2. A visible sign shall be made with indelible ink on the left hand or, in its absence, on the right hand or, in absence of both, on any other visible part of the body of the voter.

Article 37

Voters Unable to Vote in Person

1. Votes shall be cast only by those entitled to vote who present themselves in person at the Electoral Office.

2. Any person who, because of evident physical handicap, is unable to cast his vote shall be allowed by the Chairman to do so with the assistance of another voter in whom the incapacitated person has confidence.

3. The Secretary shall indicate in the records the specific reason for which the voter has been authorized to obtain assistance, the voter's name and the name of the person who assisted him.

Article 38

Voting Procedure

1. As soon as the operations mentioned in Article 36 have been completed, the Chairman shall hand over to each voter, one by one, a ballot stamped with the stamp of the Office and detached from its counterfoil following the consecutive number of the relevant stub.

2. The voter shall then go to one of the booths where the voting shall take place.

3. The voter shall cast his vote by making a mark on the ballot with the pencil furnished by the Electoral Office either on the blank space on the right hand side of the symbol of the selected list or on the symbol itself. He shall then fold the ballot sealing it with the gummed flap, come out of the booth and put the folded ballot in the ballot box.

4. As soon as the voter has cast his vote, he shall leave.

5. If the voter notices that a ballot given to him is damaged or not whole, he may request another one from the Chairman and shall return the first one. The matter shall be noted in the records.

6. The Chairman may decide that voters who unnecessarily prolong their staying in the office shall be expelled from the office after having returned the ballots, and be readmitted only after all the other persons present have voted.

7. If a voter is found in possession of other ballots, or of ballots not of the prescribed type, or if he has already voted, the Chairman shall seize the ballots in his possession and hand him over immediately to the Police, to be brought before the judicial authority. The matter shall be noted in the records.

Article 39

Voting hours

1. The voting operations shall be held in one day from 7:00 to 18:00 without interruption.

2. The voting shall, however, continue until all the voters who are present in front of the Electoral Office at the time fixed for closing have cast their votes.

Article 40

Decisions of the Office

The Electoral Section Office, by a majority vote, shall rule provisionally on complaints including those made orally, and incidents related to the operations of the said office. Such complaints and incidents shall be noted in the records.

Chapter VII
OPERATIONS IN THE ELECTORAL SECTION OFFICE

Article 41

Operations preliminary to counting

After the voters have voted, the Chairman, having cleared the table of papers and material not necessary for the counting of ballots, shall:

- a) Declare the closure of the voting;
- b) Ascertain the number of voters;
- c) Collect and count the unused ballots and place them in envelope no. 1;
- d) Authenticate the damaged or irregular ballots returned by voters and place them in envelope no. 2.

Article 42

Counting

1. After completing the operations referred to in the preceding article, the Chairman shall proceed to count the votes. To that end, a Scrutineer shall out the ballots one at a time from the box and deliver them to the Chairman. The Chairman shall open the ballot and read aloud the name of the list to which the vote was given; and pass it on to the other Scrutineer who, together with the Secretary, shall show the ballot to the Agents of the political parties and enter, on the appropriate tabulation form, the vote obtained by the list and place the counted ballot in a container. It shall be forbidden to draw out of the ballot box a ballot if the preceding one has not yet been placed in the container after having been counted. The ballots can be handled only by the members of the Electoral Office.
2. After completing the counting, the Chairman shall verify the number of the counted ballots and ascertain that it corresponds to the number of voters as well as the number of votes obtained on the whole by the lists of candidates, added to the void, annulled and contested votes as referred to in Article 44.
3. The Chairman shall authenticate the ballots corresponding to the void, annulled or contested votes and the papers relating to claims and objections, and shall place them in envelope no. 3.
4. He shall gather the counted ballots and place them in envelope no. 4.
5. The Chairman shall finally, to close the counting process, announce publicly the total number of voters, of valid votes and of the votes obtained by each list.

Article 43

Closing of the counting operations

1. After completing the operations mentioned in the preceding article, all the envelopes shall be sealed with the stamp of the office and authenticated with the signatures of the Chairman, of at least one of the Scrutineers, and of an Agent of the political parties who expressly requests to do so.

2. The contents of the envelopes shall be briefly noted on the face of the envelopes.
3. All counting operations shall be carried out without interruption until their completion and in the order indicated.
4. The records shall specifically indicate the above.

Article 44

Void and contested votes

1. Votes from counted ballots shall be void if the ballots are:
 - a) of a type different from the prescribed ones;
 - b) without the stamp of the Electoral Office.
2. Votes from counted ballots shall be voidable if the ballots:
 - a) show traces of unnecessary writing or marks which could be considered to have been done deceitfully;
 - b) do not indicate for which list the vote is cast, or are such that the chosen list cannot be identified.
3. Ballots may be declared void by the Electoral Section Office pursuant to paragraph 2 above by unanimous decision. In case of diversity of opinions, the ballot shall be declared “contested”.
4. The District Electoral Office shall decide on the contested ballots.

Article 45

Records of the Section Office

1. The records of the Electoral Section Office shall be prepared in the appropriate forms, in triplicate.
2. Two copies of the records shall be placed in the appropriate box along with the sealed envelopes referred to in Article 43, and delivered to the District Electoral Office; the third copy shall be delivered to the District Commissioner along with the remaining electoral material.

Article 46

Transport and Delivery of Material

1. The Chairman, accompanied by at least one member of the office, and escorted by police, shall, without delay, transport and deliver to the District Electoral Office the records and the envelopes.
2. At the time of the delivery of the envelopes to the District Electoral Office it shall be verified that the seals on the same are unbroken; the Chairman of the District Electoral Office shall issue a receipt.

CHAPTER VIII
OPERATIONS IN THE DISTRICT ELECTORAL OFFICE

Article 47

Setting up of the District Electoral Office

1. After receiving the material referred to in Article 32, the Chairman of the District Electoral Office shall:
 - a) set up the office and request the Scrutineers, the Secretary, and the Computers to discharge their functions;
 - b) invite the Agents of the political parties which have presented candidates in the electoral district to be present during the operations;
 - c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, take out the material contained therein and verify it;
 - d) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the envelope are unbroken, open the envelope containing the stamp of the office, and note the number of the stamp in the records;
 - e) deliver the remaining material to the Secretary.
2. The District Electoral Office shall then wait for the receipt of the records and the envelopes referred to in Article 46 from the Electoral Section Offices.

Article 48

Calculation of Votes

After receiving the records and envelopes from all Electoral Section Offices in the Electoral District, the Chairman of the District Electoral Office shall:

- a) calculate the total number of voters in all the Electoral Sections of the Electoral District;
- b) ascertain the void and annulled votes in all the Electoral Sections of the Electoral District;
- c) decide on the contested votes in accordance with Article 44;
- d) sum up the total number of valid votes cast for each list in all the Electoral Sections of the Electoral District (electoral figure);
- e) announce the provisional results of the counting.

Article 49

Records of Operations

1. The records of the abovementioned operations shall be prepared in triplicate.
2. The first copy of the records shall be transmitted to the Central Electoral Office together with the first copy of the records of the Electoral Section Offices and written complaints, if any, received during the operations. The second copy of the records shall be sent to the District Commissioner. The third copy shall be sent to the Ministry of Interior.
3. The remaining electoral material shall be handed to the District Commissioner, who shall issue a receipt.

CHAPTER IX
OPERATIONS IN THE CENTRAL ELECTORAL OFFICE

Article 50

Setting up of the Central Electoral Office

1. After receiving the material referred to in Article 27, the Chairman of the Central Electoral Office shall:
 - a) set up the office and request the Assistants, the Secretary and the Computers to discharge their functions;
 - b) invite the Agents of the political parties which have presented lists of candidates to be present during the operations;
 - c) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the crate are unbroken, open the crate, take out the material contained therein and verify it;
 - d) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the envelope are unbroken, open the envelope containing the stamp of the office, and note the number of the stamp in the records;
 - e) hand the remaining material to the Secretary.
2. The Central Electoral Office shall then wait for the receipt of the records referred to in Article 49 from the District Electoral Offices.

Article 51

Proclamation of the Electoral Results

After receiving the records from all the District Electoral Offices, the Chairman of the Central Electoral Office shall:

- a) decide on the merits of complaints regarding voting and counting operations;
- b) calculate the total number of valid, void and annulled votes in all the Electoral Districts;
- c) verify the electoral figure of each list, namely, the total number of valid votes cast for each list in each electoral district;
- d) calculate the electoral quotient in each Electoral District by dividing the total number of votes received by all the lists in the said Electoral District by the number of Deputies to be elected in the same Electoral District;
- e) allot to each list as many seats as the number of electoral quotients contained in the electoral figure, and any remaining seats to the lists which have obtained the largest remainders, also taking into account those lists which have not reached the electoral quotient; in case of equal remainders, he shall proceed by drawing lots;
- f) proclaim the election, in accordance with Article 7(4), of the candidates in the Electoral Districts in which only one list had been presented;
- g) make the abovementioned results publicly known by affixing a special notice on the notice board of the Office, and request the Deputies who have been elected in more than one Electoral District, to exercise the right of option referred to in the second paragraph below.

2. Candidates who have been elected in more than one Electoral District must choose one of such Electoral Districts within five days from the date of publication of the notice referred to in letter g) of the preceding paragraph. Should a candidate fail to do so, the Central Electoral Office shall make the selection by drawing lots.

3. The seats which remain vacant as a result of option or drawing lots shall be allotted by the Central Electoral Office to the candidates immediately following the last candidate elected in the same list of the Electoral District.

4. After the time limit referred to in paragraph 2 has expired and the operations mentioned therein have been completed, the Central Electoral Office shall proclaim the final results of the elections by having the relevant records read in public.

Article 52

Records of Operations

1. The records of the above operations shall be prepared in triplicate.

2. The first copy of the records shall be transmitted to the President of the Republic; the second copy shall be sent to the President of the National Assembly; the third copy to the Prime Minister.

3. The remaining electoral material shall be returned to the Ministry of Interior, which shall issue a receipt.

Article 53

Publication of the Electoral Results

An abstract of the records of the Central Electoral Office containing the names of the Deputies elected in each Electoral District shall be published in the Official Bulletin of the Republic by the Chairman of the Office within five days from the proclamation.

Article 54

Start of Legislative Term

1. The term of office of each legislature starts from the day of the official proclamation of the electoral results as referred to in Article 51(4), irrespective of the date of publication of those results.

2. The National Assembly shall assemble by law on the thirtieth day from the proclamation, except if the President of the Republic, for reasons of urgent need, considers it opportune to convene the Assembly before such date.

Article 55

Vacancies

1. Where a Deputy ceases to exercise his functions, his seat, which is declared vacant by the National Assembly in accordance with Article 59(4) of the Constitution, shall be allotted to the candidate immediately following the last candidate elected of the same list in the Electoral District.
2. The proclamation of the elected candidate shall be made by the President of the Assembly.

CHAPTER X

PENAL PROVISIONS

Article 56

Violation of the Right of Propaganda

1. Whoever, in any manner, hinders or disturbs an electoral propaganda meeting, either public or private, lawfully assembled, or impedes the posting or distribution of printed propaganda material, shall be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400.
2. Whoever uses propaganda means and methods which are not allowed by law and whoever violates the prohibitions contained in Article 15 of this law shall be liable to the same punishment.

Article 57

Violation of the Right to Vote

1. Whoever, by offering or promising to give money or other personal gains, or by promising, granting or arranging to obtain a public or private position, attempts to interfere with the right of voting shall be punished with imprisonment for a crime up to three years or with fine for a crime up to Sh. So. 3,600.
2. Whoever uses violence, threat, tricks or contrivances for the abovementioned purposes shall be punished with imprisonment for a crime up to four years or with fine for a crime up to Sh. So. 4,800.

Article 58

Electoral Corruption

1. Any voter who accepts offers or promises of money or other personal gains for giving or refusing to give his vote or his signature for the presentation of a list of candidates shall be punished with imprisonment for a crime up to three years or with fine for a crime up to Sh. So. 3,600.
2. The same punishment shall also apply to the corrupting persons.

Article 59

Interference with the Regular Carrying out of Voting and Counting Operations

Whoever, by violence or threat, hinders the free exercise of the right to vote or disturbs the regular carrying out of the operations of the electoral offices, shall be punished with imprisonment for a crime up to four years or with fine for a crime up to Sh. So. 4,800.

Article 60

Illegal Access to Electoral Offices

1. Whoever, without having the right to do so, enters the electoral offices during the electoral operations and remains therein in spite of being asked to leave, shall be punished with imprisonment for a contravention up to one month or with fine for a contravention up to Sh. So. 100.
2. If the person is armed, the punishment shall be doubled.

Article 61

Illegal Voting

1. Whoever, being aware that he is not entitled to vote or personating another person, presents himself for the purpose of voting, or whoever, votes more than once or, when entrusted with casting the ballot for an incapacitated voter casts it in a manner different from the one indicated to him, shall be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400
2. Whoever falsely identifies one person for another in an electoral office or whoever retains the ballots in the cases prohibited by, or in a manner contrary to those laid down in this Law, shall be liable to the same punishment.

Article 62

Falsification or Theft of Documents and Alteration of Electoral Data

1. Whoever falsifies any ballot or other documents relating to electoral operations, or alters, or purloins, or destroys, in whole or in part, authentic documents, or knowingly uses a falsified or altered document shall, where the act does not constitute a more serious offence, be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400.
2. Whoever in any way alters the results of the elections shall be liable to the same punishment.

Article 63

Unjustified Refusal to be a Member of an Electoral Office

Whoever, having been nominated as a member of an electoral office, refuses, without valid reason, to serve as such or is not present or goes away when the office is called to order, shall be punished with fine for a crime up to Sh. So. 600.

Article 64

Other Infractions of the Electoral Law

Whoever violates the provisions of this Law, where no specific punishment is provided, shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 600.

Article 65

Accessory Penalty

Persons found guilty of offences under this Law and sentenced to imprisonment for a crime for not less than two years, shall be deprived of their electoral rights for a period of five years.

CHAPTER XI

FINAL PROVISIONS

Article 66

Regulations

The Minister of Interior is authorized to make regulations for the registration of voters, their distribution among the various Electoral Districts, and any other matter for the implementation of this Law.

Article 67

Abrogation

The Legislative Council (Elections) Ordinance No. 9 of 1953, Law No. 26 of 12 December 1958 on Political Elections, and any other provision contrary or incompatible with this Law are hereby abrogated.

Article 78

Entry into force

This Law shall enter into force on the day following the date of its publication in the Official Bulletin.

This Law shall be included in the Official Compilation of Laws and Decrees of the Somali Republic. All persons shall be required to observe it and cause others to observe it as a law of the Republic.

Mogadiscio, 22 January 1964

Aden Abdulla Osman

The Prime Minister

ABDI-RASHID ALI SHERMARKE

The Minister of Interior

MOHAMUD ABDI-NUR

SCHEDULE
DEPUTIES TO BE ELECTED IN EACH ELECTORAL DISTRICT

NUMBER OF DEPUTIES

	District	Region
REGION OF MIJURTINIA		
District of BOSASO	2	
“ “ ALULA	1	
“ “ CANDALA	1	
“ “ SCUSCIUBAN	2	
“ “ GARDO	2	
“ “ BENDER BEILA	1	
“ “ EIL	2	
“ “ GAROE	2	
		13
REGION OF MUDUDGH		
District of GALCAIO	4	
“ “ EL BUR	2	
“ “ EL DERE	2	
“ “ DUSA MAREB	3	
“ “ OBBIA	2	
		13
REGION OF HIRAN		
District of BELET WEN	5	
“ “ BULO BURTI	7	
		12
REGION OF BENADIR		
District of MOGADISCIO	2	
“ “ MERCA	2	
“ “ CORIOLEI	1	
“ “ GIOHAR	3	
“ “ ADALE	2	
“ “ ADEN YAVAL	1	
“ “ BRAVA	3	
“ “ AFGOI	2	
“ “ WANLE WEN	1	
“ “ BALAD	1	
		18
REGION OF UPPER JUBA		
District of BAIDOA	6	
“ “ LUGH GANANE	2	
“ “ BARDERA	2	
“ “ DINSOR	2	
“ “ HODDUR	4	
“ “ BUR ACABA	6	
		22

REGION OF LOWER JUBA

District of	CHISIMAYU	3
“	“ GIAMAMA	3
“	“ GELIB	2
“	“ AFMADU	2

12

REGION OF HARGEISA

District of	HARGEISA	6
“	“ GABILEH	1
“	“ BORAMA	3
“	“ ZEILAH	2
“	“ BERBERA	5

17

REGION OF BURAO

District of	BURAO	5
“	“ ODWEINA	1
“	“ ERIGAVO	2
“	“ LAS KHOREH	2
“	“ GARADAG	1
“	“ LAS ANOD	3
“	“ BOHODLEH	2

16

SUMMARY OF NUMBER OF DEPUTIES

REGION OF MIJURTINIA	13
REGION OF MUDUGH	13
REGION OF HIRAN	12
REGION OF BENADIR	18
REGION OF UPPER JUBA	22
REGION OF LOWER JUBA	12
REGION OF HARGEISA	17
REGION OF BURAO	16

Total number of Deputies	123
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XI. Law No. 13 of 6 June 1968: Political Elections and Local Council Elections

Source: Bollettino Ufficiale della Repubblica Somala, Anno VIII, Suppl. n. 6 al n. 6, pp. 675-712, published 28 June 1968. Original in Italian and English.

This law addressed, for the first time, two types of elections, while retaining virtually most of the key provisions of preceding legislation. A significant innovation, nevertheless, was the introduction of a threshold, typically a method to limit the number of small parties. An amendment to this mechanism was passed some months later, introducing a new detail in the formula for the allocation of seats to lists (see Decree Law no. 8 of 28 October 1968 further below). The first and only election held under this law was the National Assembly election of 26 March 1969.

CHAPTER I GENERAL PROVISIONS

Article 1

System and Mode of Election

1. The system and mode of the election of Deputies to the National Assembly and of Local Councils shall be governed by this Law. This law shall apply either when the elections are held jointly or separately.
2. Except where otherwise expressly provided in each instance, the provisions of this law shall apply both to the election of Deputies and to the election of Local Councillors.
3. In carrying out the provisions contained in each article of this Law, priority should be given – in case of joint elections – to the operations concerning the election of Deputies.

Article 2

Term of office

1. In accordance with Article 52 (1) of the Constitution, each legislature shall be elected for a period of five years starting with the date of the official proclamation of the electoral results, without regard to the date of publication of such results.
2. The National Assembly shall meet on the thirtieth day from the proclamation, unless the President of the Republic, for reason of urgent necessity, deems it necessary to convene it before that date.
3. Each Local Council shall be elected for a period of five years starting from the date of the proclamation of the electoral results and shall begin its functions from the date of proclamation of such results.

4. The Chairmen and the Vice-Chairmen of the Local Councils, elected by each Council in accordance with Article 11 of Law No. 19 of 14 August 1963, shall hold office for the same period of time fixed for the Local Councils in the preceding paragraph 3.

Article 3

Deputies Elected to the National Assembly and Local Councillors

1. The number of Deputies elected to the National Assembly shall be 123. The number of Deputies to be elected in each District is established in Schedule “A” attached to this Law.
2. The number of Councillors to be elected in each Local Administration is established in Schedule “B” attached to this Law.

Article 4

Qualifications of Voters

1. Somali citizens:
 - a) who have completed eighteen years of age in the year in which the elections are held;
 - b) who have not been declared of unsound mind by judicial authorities
 - c) who have not been interdicted from public office or deprived of electoral rights as a consequence of penal conviction;
 - d) who are not serving sentences of imprisonment;shall be entitled to vote for the election of Deputies and of Local Councils.
2. Every voter shall have only one vote for each election.
3. The vote shall be personal, equal, free, direct and secret.
4. Voters may cast their votes in the electoral district in which they are present on the day of voting.

Article 5

Qualifications of Candidates

1. Voters, who have completed twenty-five years of age in the year in which the elections are held and who can prove they can read and write, shall be eligible to be elected as Deputies or Local Councillors.
2. A candidate to the election as Deputy, may be presented in more than one electoral district. Where such a candidate is elected in more than one electoral district, he shall exercise an option for one of such electoral districts, in accordance with the provisions contained in Article 59 (2) of this Law.
3. A candidate to the election as Deputy, may be presented also for the election as Councillor in the Local Administration within whose territorial limits he normally resides.
4. When a candidate is elected both as a Deputy and as a Local Councillor under the provision of the preceding paragraph, he shall exercise an option for one of such offices within the time limit prescribed in Article 59 (2) of this Law by sending a written request to this effect to the Central

Electoral Office. Should the candidate fail to do so within the prescribed time-limit, he shall automatically forfeit his office as Local Councillor and shall be confirmed as Deputy.

Article 6

Ineligibility

1. Employees of the State or other public bodies, and members of the armed forces or paramilitary organizations, of any rank and grade, shall be ineligible to be elected as Deputies or Local Councillors. Such grounds of ineligibility shall not apply if the person concerned has presented his resignation at least one hundred and eighty days before the date of voting.
2. The date of presentation of resignation shall be shown in a written certificate issued by the competent Administration.

Article 7

Fixing of Elections

1. The election of Deputies, or the joint elections of Deputies and Local Councils shall be fixed by Decree of the President of the Republic, countersigned by the Prime Minister and by the Minister of Interior in accordance with Articles 52 or 53 of the Constitution.
2. Where the Local Council elections are held separately, they shall be fixed by Decree of the Minister of Interior.
3. Decrees fixing the elections shall indicate the date of voting.

Article 8

Subdivision of the Territory for Elections

1. For the election of Deputies, the territory of the Republic shall be divided into electoral districts, each corresponding to the territory of a District.
2. For the Local Council elections, the territory of each Local Administration shall constitute an electoral district.
3. Each electoral district shall be subdivided into electoral sections where voting will take place either for the election of Deputies or of Local Councils, or jointly for both.
4. The Minister of Interior shall arrange for the subdivision of the electoral districts into electoral sections at least forty days before the date of voting on the proposal of the District Commissioner territorially competent.

Article 9

Electoral System

1. For the election of Deputies, each political party, which is regularly constituted, may present a list of candidates in each electoral district. The number of candidates contained in each list shall not be less than twice, nor more than thrice, the number of Deputies to be elected in each District.

2. For the election of Local Councils, each political party, which is regularly constituted, may present a list of candidates for each electoral district. The number of candidates contained in each list shall not be less than twice, nor more than thrice, the number of Councillors to be elected in each Local Administration.

3. The number of seats assigned to each list of candidates, both for the election of Deputies to the National Assembly and for the election of Local Councils, shall be calculated on the basis of the electoral quotient and the remainders, provided that the lists which do not reach the quotient shall be excluded also from the calculation of the remainders. Where no list reaches the quotient, the seats shall be assigned to the lists which obtain the highest number of votes.

4. Where only one list is presented in an electoral district, no vote shall be taken and as many candidates as the number of Deputies or Local Councillors to be elected in such electoral district shall be proclaimed elected in the order in which they are indicated in the list.

CHAPTER II

PRESENTATION OF CANDIDATURE

Article 10

Lists of Candidates

1. The lists of candidates, both for the election of Deputies and of Local Councils, signed by the lawful representatives of the Central Committee or the local branch of the political party concerned, shall indicate the name, the name of the father and of the paternal grand-father, the year and the place of birth and – particularly where more candidates happen to have the same name – the nickname, if any, of the candidates, as well as the electoral district in which they have been nominated. For the candidates referred to in Article 6 of this Law, the certificates issued by the competent Administrations concerning their resignations shall also be attached to the list.

2. The list of candidates shall be accompanied by:

- a) the symbol of the list, in four copies;
- b) a written declaration signed by each candidate, accepting his candidature and stating that he possesses the qualifications prescribed in Article 5 of this Law.

3. The order in which the candidates indicated in a list, which shall be consecutively numbered, shall constitute the order for the proclamation of the candidates elected in that list.

4. For the election of Deputies, a candidate abroad may accept his candidature also by telegram by presenting the prescribed declaration to a Diplomatic Mission or Consular Office of the Somali Republic abroad which shall forward it to the proper authority.

5. A candidate who resides in the territory of the Somali Republic and who is in a locality outside the electoral district in which his candidature has been presented, may accept his candidature also by telegram by presenting the prescribed declaration to any District Commissioner.

6. Disputes and controversies arising from the presentation of more than one list of candidates of the same political party in the same electoral district, shall be decided upon by the Central Committee of the political party concerned.

Article 11

Symbols of Lists of Candidates

1. The symbol annexed to the list shall be such as not to be mistaken with the symbols of other lists presented in the same electoral district.
2. The symbol may be figurative; it shall not however contain emblems, flags of States or symbols of an ethnical character.
3. A political party may not use a symbol which has already been used by another party in a previous election.
4. Political parties may use the same symbol in more than one electoral district or in all of them, either for the election of Deputies or for the election of Local Councils.

Article 12

Supporters of Lists of Candidates and Presentation

1. For the election of Deputies, each list of candidates shall be signed by not less than 500 voters of the same electoral district in the presence of the District Commissioner or of a person designated by him.
2. For the Local Council elections, each list of candidates shall be signed by a number of voters of the same electoral district neither below nor above the following numbers in the presence of the District Commissioner or of a person designated by him:

Class A:	minimum 600 – maximum 800
Class B:	minimum 400 – maximum 600
Class C and D:	minimum 200 – maximum 300
3. The authorities authorized to receive the lists shall ascertain and decide, in a summary manner, whether the supporters possess the qualifications as voters. In case of doubt, such authorities may request the Police to make the necessary investigations.
4. No one shall support more than one list of candidates; provided that where the elections of Deputies and of Local Councils are held jointly, no one shall support more than one list for each election.
5. The list shall indicate the names and addresses of the three voters who shall be empowered to:
 - a) present the list in accordance with Article 14;
 - b) perform all other incidental acts of a procedural and executive nature.
6. Where a supporter of a list loses his rights as a voter after he has supported a list, such disqualification shall not render invalid the list supported by him.
7. During the presentation and signing of the lists of candidates by the supporters, the office of the District Commissioner or of the person designated by him shall remain open to the public from 8 a.m. to 6 p.m. on every working day.

Article 13

Security Deposit

1. The presentation of each list shall be accompanied by the receipt of a security deposit, made in a Treasury Office, or in a Bank or Post Office in the name of the State, of the following amount:

a) for the election of Deputies: Sh. So. 5,000

b) for the Local Council elections:

Sh. So. 5,000 – in the case of Class A Local Administrations

Sh. So. 3,000 – in the case of Class B “ “

Sh. So. 2,000 – in the case of Class C “ “

Sh. So. 1,000 – in the case of Class D “ “

A list not accompanied by a receipt for such deposit shall not be accepted.

2. The security deposit shall be returned by order of the District Commissioner where the list obtains at least the votes necessary for the election of one Deputy or two Local Councillors; otherwise the security deposit shall be forfeited and credited to the revenue of the State.

Article 14

Presentation of the Lists

1. The lists of candidates shall be presented to the Office of the District Commissioner territorially competent before 6 p.m. of the fortyfifth day prior to the date of voting. Such time-limit shall, however, be extended until all the supporters, who are present in front of the District Commissioner's office at the time fixed for closing, have completed the operations relating to the signature of the lists.

2. The District Commissioner shall immediately verify whether the lists and annexes are regular, allot to each list, which is regular, a progressive number issuing a receipt, and return the lists which are not regular to the representatives of the lists referred to in Article 12 (5) stating in writing the reasons for rejecting them.

3. The representatives may file a petition in writing on questions of law before the Regional Court territorially competent against the order rejecting the presentation of the list within three days from the date of such rejection; and the Court shall decide within three days from the date of the filing of the petition. An appeal shall lie to the Supreme Court against the decision of the Regional Court rejecting the petition within three days from such decision. The Supreme Court shall decide the appeal at least thirty days prior to the date of voting and such decision shall be final.

4. The petition and appeal provided for in the previous paragraph may be preferred even by telegram, without any particular procedural formality.

Article 15

Notice of the Lists of Candidates

1. Each District Commissioner shall prepare a notice containing the lists of candidates for the election of Deputies in the electoral district, arranged in the order of their presentation, with their respective symbols.
2. Similarly, he shall prepare a notice containing the lists of candidates for the Local Council elections for each electoral district in the District.
3. He shall also, on the thirtieth day prior to the date of voting, arrange for affixing the notices referred to in the two preceding paragraphs on the notice boards of District and Local Administration offices and other public spaces; the notices may also be read aloud by criers and, whenever possible, announced by radio.

CHAPTER III

ELECTORAL PROPAGANDA

Article 16

Commencement and Termination

1. Electoral meetings and public gatherings will begin after the publication of the notices referred to in Article 15 and will terminate forty-eight hours prior to the date of voting.
2. Processions shall not be allowed.

Article 17

Electoral Meetings

1. The promoters of electoral meetings and public gatherings shall give notice to the District Commissioner territorially competent at least forty-eight hours prior to such meeting or gatherings. The District Commissioner may prohibit such meeting or gatherings for reasons of hygiene, safety, morals or public order and security and may order that such meetings or gatherings be held in such time and place as he may direct.
2. Not more than two electoral meeting, or public gatherings shall be held in a town or village on one day.

Article 18

Posters and Leaflets

1. Posters and leaflets for the electoral propaganda shall be filed with the District Office at least twenty-four hours before their publication. They are exempt from any taxes or dues.
2. It shall be forbidden to affix posters and leaflets for propaganda on buildings for religious worship.

Article 19

Arms and Uniforms of a Military Type

It shall be forbidden to carry arms and wear uniforms of a military type or which could be mistaken for a military uniform in electoral meetings and public gatherings.

CHAPTER IV

ELECTORAL OFFICES

Article 20

Electoral Organs

The electoral organs are:

- a) Electoral Section Offices;
- b) District Electoral Offices;
- c) Central Electoral Office.

Article 21

Electoral Section Offices

1. The Electoral Section Offices shall be composed of a Chairman and two Scrutineers. The Scrutineer who is senior in age shall be the Vice-Chairman.
2. Each Electoral Section Office shall have a Secretary.
3. The Chairman and the two Scrutineers shall be selected from amongst the voters; the Secretary may also be selected from amongst non-voters, who are particularly qualified for the purpose.
4. The Chairman, Scrutineers and the Secretary shall be appointed by the District Commissioner, who shall also provide for any substitution that may be necessary.
5. Should it become necessary, in cases of urgent necessity, to substitute a Scrutineer or the Secretary during the voting operations, the Chairman shall provide for their substitution from amongst persons present who have the qualifications prescribed by law.

Article 22

District Electoral Offices

1. In each District Headquarters there shall be one District Electoral Office. It shall be composed of a Chairman and two Scrutineers. The Scrutineer who is senior in age shall be the Vice Chairman.
2. Each District Electoral Office shall have a Secretary and two Computers.

3. The Chairman and the Scrutineers shall be selected from amongst the voters; the Secretary and the Computers may also be selected from amongst non-voters, who are particularly qualified for the purpose.

4. The Chairman, the Scrutineers, the Secretary and the Computers shall be appointed by the District Commissioner who shall also provide for any substitution that may be necessary.

Article 23

Central Electoral Office

1. The Central Electoral Office shall have its seat in Mogadiscio. It shall be composed of a Chairman, a Vice-Chairman and three Assistants.

2. The Central Electoral Office shall have a Secretary and two computers

3. The President of the Court of Appeal of Mogadiscio shall be the Chairman of the Central Electoral Office; the President of the Regional Court, Benadir, or his substitute, shall be the Vice-Chairman.

4. The Assistants shall be selected from amongst the voters; the Secretary and the Computers may also be selected from amongst non-voters, who are particularly qualified for the purpose.

5. The Assistants, the Secretary and the Computers shall be appointed by the Minister of Interior who shall also provide for any substitution that may be necessary.

Article 24

Appointment and Oath of Members of Electoral Offices

1. The appointment of the members of the electoral offices shall be effected and notified to the persons concerned at least fifteen days prior to the date of voting

2. No member appointed may be exempted from these offices except for compelling and proved reasons. Exemptions can be authorized by the same authority who has the power to appoint.

3. Before assuming his functions, each member of the District Electoral Offices and of Electoral Section Offices shall take publicly the following oath before the President of the District court:

“I swear in the name of God to discharge the electoral duties entrusted to me conscientiously, loyally and in strict observance of the law”

4. The Chairman and the Vice-Chairman of the Central Electoral Office shall take the same oath referred to in the preceding paragraph before the President of the Supreme Court.

Article 25

Legal Status

1. In the exercise of their function all the members of the electoral offices and the agents of the political parties authorized in accordance with Article 27(5) of this Law shall have the status of public officials.

2. Members of the Armed Forces and para-military organizations, Regional Governors, District Commissioners, Heads of Sub-Districts, Chairmen of Local Councils and candidates in their respective electoral districts shall not be appointed to the above mentioned offices.

Article 26

Emoluments

1. The following daily allowances shall be paid to the members of electoral offices:

Chairmen	Sh. So. 60
Vice-Chairman of the Central Office	Sh. So. 50
Scrutineers, Assistants, Secretaries and Computers	Sh. So. 40

2. Payment shall be made for each day of participation in the operations in the central offices. The allowances shall be reduced by half for civil servants and employees of other public bodies.

3. For each day during which they are required to stay away from their normal place of residence, the above mentioned persons shall, in addition, receive the following subsistence allowance:

Chairmen	Sh. So. 30
Scrutineers, Assistants, Secretaries and Computers	Sh. So. 20

Article 27

Agents of the Political Parties

1. The Central Committees or local branches of the political parties which are regularly constituted shall have the right to appoint an Agent, selected from amongst the voters, for each electoral office of the electoral districts in which they have presented candidates, and to appoint a substitute who will act in the absence of the Agent.

2. Where the election of Deputies and the election of Local Councils are held jointly, only one Agent, and one substitute, shall be appointed, in accordance with the provision contained in the preceding paragraph, for each electoral office by each political party, even though such party has presented lists of candidates for both elections.

3. The Central Committees of the political parties which have presented candidates for the election of Deputies, shall also have the right to appoint an Agent, selected from amongst the voters, for the Central Electoral Office, and to appoint a substitute who will act in the absence of the Agent.

4. The Agents of the political parties appointed under this article shall have the right to be present during the operations of the electoral offices to which they are assigned and to have their statements, if any, kept on record.

5. The appointment of Agents shall be presented not later than ten days prior to the date of voting to the District Commissioner, who shall deliver to each Agent a written authorization to enter the electoral office to which he is assigned.

Article 28

Supervision

The supervision on the conduct of electoral operation and the proper application of the law shall be exercised by the Minister of Interior.

CHAPTER IV

PRELIMINAARY OPERATIONS

Article 29

Material for the Electoral Offices

1. The Minister of Interior shall provide each Electoral Section Office with the following material:

- a) a copy of this Law;
- b) a sealed package containing the stamp of the Electoral Section Office with ink and pad;
- c) a sealed package containing ballots;
- d) a ballot box;
- e) a container for the ballots;
- f) three printed forms for the purpose of recording the voting operations of the Electoral Section Office;
- g) tabulation forms;
- h) an adequate number of copying pencils for marking ballots;
- i) five notices containing the procedure to be followed by the voters for marking ballots;
- j) a bottle of indelible ink;
- k) the stationery and any other necessary material.

2. The material specified in letters (c), (d), (e), (f) and (g) of the preceding paragraph, shall be duplicated and appropriately marked where the elections of Deputies and Local Councils are held jointly.

3. The Ministry of Interior shall provide the Central Electoral Office and each District Electoral Office with the following material:

- a) a copy of this Law;
- b) a sealed package containing the stamp of the electoral office with ink and pad;

- c) three printed forms for the purpose of recording the voting operations of the District Electoral Office;
 - d) tabulation forms;
 - e) the stationery and any other necessary material.
4. The material for the District Electoral Offices specified in letters (c) and (d) of the preceding paragraph, shall be duplicated and appropriately marked where the elections of Deputies and of Local Council are held jointly.
5. The material for each electoral office shall be placed in special crates. After closing and sealing the crates, the Ministry of Interior shall, at the appropriate time, send them together with the ballot boxes to the District Commissioners territorially competent.
6. The material for the Central Electoral Office shall be delivered directly by the Ministry of Interior.
7. The Ministry shall, at the same time, provide each District Commissioner with an adequate number of spare ballots in sealed envelopes for distribution to the Electoral Section Offices upon request, stating the reason therefor, of their respective Chairmen.
8. Where communications are particularly difficult, the District Commissioner may deliver to one or more delegates part of the spare ballots in closed and sealed envelopes for the purpose of being kept at the disposal of the Chairmen of the Electoral Section Offices in places distant from District Headquarters.

Article 30

Stamps, Records, Ballot Boxes, Tabulation Forms

- 1. The stamps of electoral offices, the records, the ballot boxes and the tabulation forms shall be the same for the whole territory of the Republic.
- 2. The stamps shall be consecutively numbered in one series.

Article 31

Ballots

- 1. The ballot papers for the election of Deputies and the ballot papers for the Local Council elections shall be of different colours and detachable from a counterfoil book containing one hundred ballots each; the stubs shall be consecutively numbered.
- 2. The ballots shall have the symbols of the lists of candidates printed in horizontal squares and, beside each of the symbols, shall have a blank space for marking the vote. Each ballot shall have also a gummed flap for sealing the ballot after marking the vote.

Article 32

Polling Booths and Ballot Boxes

1. In each Electoral Section Office two polling booths shall be set up in such a way as to ensure the secrecy of the vote.
2. The ballot boxes shall be placed either on or near the table of the Chairman of the electoral office.

Article 33

Notice with Instructions for the Voters

1. One copy of the notice referred to in letter (i) of Article 29(1) shall be affixed in a place clearly visible to the public both inside and outside the Electoral Section Office and also in a manner clearly visible to the voter inside each polling booth.
2. A copy of the notices provided by the District Commissioner under Article 15 and containing the lists of candidates in the electoral districts arranged in the order of their presentation with their respective symbols, shall be affixed in the same manner.

Article 34

Delivery of Material to Electoral Offices

1. The District Commissioner shall ensure that, on or before 6 a.m. on the day fixed for voting, the electoral material intended for each Electoral Section Office is delivered to the said office.
2. The District Commissioner shall, on or before 4 p.m. on the same day, also provide for the delivery of the crate intended for the District Electoral Office.
3. Each electoral office shall be provided with:
 - a) a copy of the order appointing the members of the office;
 - b) a copy of the authorization delivered to the Agents of the political parties in accordance with Article 27(5) of this Law.

CHAPTER VI

VOTING OPERATIONS

Article 35

Setting up of the Electoral Section Office

1. After receiving the material mentioned in the preceding article, the Chairman of the Electoral Section Office shall:
 - a) set up the office and request the Scrutineers and the Secretary to discharge their functions as members of the office;

- b) invite the Agents of the political parties which have presented lists of candidates to be present during the operations;
 - c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, and verify the material contained therein;
 - d) after having ascertained himself and had it ascertained by the other members that the seals closing the package containing the stamp of the Electoral Section Office and that containing the ballots are unbroken, open the said packages, stamp the ballots with the stamp of the office and place them in the appropriate container;
 - e) after examining the ballot boxes, see to it that they are closed and sealed, leaving open only the slot for introducing the ballots at the time of voting;
 - f) arrange for the posting of the notice containing instructions to voters;
 - g) see to it that all the material necessary for the voting operations is arranged in such a way that the operations can take place properly.
2. It shall be noted in the records that the above operations have been completed. The records shall also indicate the number of the stamp of the office and the total number of ballots received in the office for the election of Deputies and for the election of Local Councils.
3. After completing the above operations, the Chairman shall declare the voting open.

Article 36

Police Power of the Chairman

1. The Chairman of the Electoral Section Office has the duty to maintain order during the operations. He may call upon the police force to eject or arrest any person who commits any offence, disturbs the orderly operations of the elections or shows clear signs of insanity.
2. The police force may not enter the Electoral Section Office without being authorized to do so by the Chairman of the office.
3. Civil authorities and officers of the police force shall comply with the Chairman's request in order also to ensure free access of the voters and prevent unwarranted gatherings in the immediate vicinity of the office.
4. The Chairmen of the District Electoral Offices and the Chairman of the Central Electoral Office shall exercise similar powers.

Article 37

Access to Offices

1. Besides members of the offices and the Agents of the political parties, only the persons who have the right to vote shall have access to the Electoral Section Offices.
2. Voters are forbidden to carry arms or dangerous instruments; they shall go in one by one and shall be admitted to vote in the order of arrival. However, priority shall be given to any person having duties connected with electoral operations.

Article 38

Preliminaries to Voting

1. Every voter may vote after:
 - a) he has given particulars regarding his identity and age;
 - b) his entitlement to vote has been ascertained by the office which, for this purpose, shall decide immediately, by summary procedure, on the basis of identification documents, testimonies or any other suitable proof.
2. A visible sign shall be made with indelible ink on the left hand or, in the its absence, on the right hand or, in absence of both, on any other visible part of the body of the voter.

Article 39

Voters Unable to Vote in Person

1. Votes shall be cast only by the voters who present themselves in person at the electoral offices.
2. Any voter who, because of evident physical handicap, is unable to cast his vote shall be allowed by the Chairman to do so with the assistance of another voter in whom the incapacitated person has confidence.
3. The Secretary shall indicate in the records the specific reason for which the voter has been authorized to obtain assistance, the voter's name and the name of the person who assisted him.

Article 40

Voting Procedure

1. As soon as the operations mentioned in Article 38 have been completed, the Chairman shall hand over to each voter a ballot stamped with the stamp of the office and detached from its counterfoil following the consecutive number of the stub.
2. Where joint elections are held, the Chairman shall hand over to each voter two ballots of different colours – one for the election of Deputies and one for the Local Council elections – stamped with the stamp of the office and detached from their respective counterfoils following the consecutive numbers of the stubs.
3. The voter shall then go to one of the booths where the voting shall take place.
4. The voter shall cast his vote by making a mark on the ballot with the pencil furnished by the electoral office either on the blank space on the right hand side of the symbol of the selected list or on the symbol itself. He shall then fold the ballot sealing it with the gummed flap, come out of the booth and put the folded ballot in the appropriate ballot box.
5. As soon as he has cast his vote, the voter shall leave the office; provided that the Chairman of the office shall first satisfy himself that the mark made with indelible ink on the hand of the voter is still intact. Otherwise the mark shall be made again.
6. If a voter notices that a ballot given to him is damaged or not whole, he may request another one from the Chairman and shall return the first one. The matter shall be noted in the records.

7. The Chairman may decide that voters who unnecessarily prolong their staying in the office be expelled from the office after having returned the ballots, and be readmitted only after all the other persons present have voted.

8. If a voter is found in possession of other ballots, or of ballots not of the prescribed type, or if he has already voted, the Chairman shall seize the ballots in his possession and hand him over immediately to the Police, to be brought before the judicial authority. The matter shall be noted in the records.

Article 41

Voting Hours

1. The voting operations shall be held in one day from 7 a.m. to 6 p.m. without interruption.
2. The voting shall, however, continue until all the voters who are present in front of electoral offices at the time fixed for closing have cast their votes.

Article 42

Decisions of the Office

The Electoral Section Offices, by a majority vote, shall rule provisionally on complaints including those made orally, and controversies connected with the operations of the said offices. Such complaints and controversies shall be noted in the records.

CHAPTER VII

OPERATIONS IN THE ELECTORAL SECTION OFFICE

Article 43

Operations Preliminary to Counting

1. After the voters have voted, the Chairman shall declare the closure of the voting.
2. Then, after clearing the table of papers and material not necessary for the counting of ballots, the Chairman shall proceed to the following operations beginning, in the case of joint elections, with the operations for the election of Deputies.

He shall:

- a) ascertain the number of voters resulting from the number of ballots used;
- b) collect and count the unused ballots and place them in envelope No. 1;
- c) authenticate with his signature the damaged or irregular ballots returned by voters and place them in envelope No. 2.

Article 44

Counting

1. After completing the operations referred to in the preceding article, the Chairman shall proceed to count the votes. To that end, a Scrutineer shall take out the ballots one at a time from the box and deliver them to the Chairman. The Chairman shall open the ballot and read aloud the name of the list to which the vote was given; and pass it on to the other Scrutineer who shall show the ballot to the Agents of the political parties and, with the help of the Secretary, shall enter, on the appropriate tabulation form, the vote obtained by the list and place the counted ballot in the appropriate box. It shall be forbidden to draw out of the ballot box a ballot if the preceding one has not yet been placed in the appropriate box after having been counted. Ballots can be handled only by the members of the electoral offices.
2. After completing the counting the Chairman shall verify the number of the counted ballots, and ascertain that it corresponds to the numbers of voters as well as the number of votes obtained on the whole by the lists of candidates, added to the contested, void and annulled votes referred to in Article 46.
3. He shall authenticate with his signature the ballots corresponding to the void, annulled or contested votes and the papers relating to claims and complaints and place them in envelope No. 3.
4. He shall finally gather and place in envelope No. 4 the others ballots which have been counted.
5. The Chairman shall then proceed to count the votes for the Local Council elections, by repeating the same operations described in the preceding article 43 (2) and in paragraph (1), (2), (3) and (4) of this article.

Article 45

Closing of the Counting Operations

1. After completing the operations mentioned in the preceding article, the Chairman shall announce publicly the total number of voters, of valid votes, and of the votes obtained by each list, proceeding – in case of joint elections – first with the elections of Deputies and then with the elections of Local Councils.
2. Immediately afterwards, all the envelopes shall be sealed with the stamp of the office and authenticated with the signatures of the Chairman, of at least one of the Scrutineers, and of any Agent of the political parties who expressly requests to do so.
3. The contents of the envelopes shall be noted on the face of the envelopes.
4. Counting operations shall be carried out without interruption until their completion and in the order indicated.
5. The records shall specifically indicate the above operations.

Article 46

Void and Contested Votes

1. Votes from counted ballots shall be void if the ballots are:

- a) of a type different from the prescribes ones;
 - b) without the stamp of the electoral office.
2. Votes from counted ballots shall be voidable if the ballots:
- a) show traces of unnecessary writing or marks which could be considered to have been done artfully;
 - b) do not indicate for which list the vote is cast, or are such that the chosen list cannot be identified.
3. Voidable ballots may be declared void by the Electoral Section Office by unanimous decision. In cases of diversity of opinions, the ballots shall be declared to be “contested”.
4. The District Electoral Office shall decide on the contested ballots.

Article 47

Records of the Electoral Section Office

1. The records of the Electoral Section Office shall be prepared in triplicate in the appropriate forms provided by the Ministry of Interior.
2. Two copies of the records shall be placed in the appropriate box along with the sealed envelopes referred to in Article 45(2) and delivered to the District Electoral Office; the third copy shall be delivered to the District Commissioner along with the remaining electoral material.
3. In case of joint elections, the Electoral Section Office shall prepare two different sets of records, one for the operations concerning the election of Deputies and one for the operations concerning the Local Council election. Each set of records shall be prepared in triplicate and distributed according to the instructions contained in the preceding paragraph.

Article 48

Transport and Delivery of Material

1. The Chairman, accompanied by at least one member of the office, and escorted by police, shall, without delay, transport and deliver to the District Electoral Office the records and the envelopes.
2. At the time of the delivery of the envelopes to the District Electoral Office it shall be verified that the seals are unbroken; and the Chairman of the District Electoral Office shall issue a receipt.

CHAPTER VIII
OPERATIONS IN THE DISTRICT ELECTORAL OFFICE

Article 49

Setting up of the District Electoral Office

1. After receiving the material referred to in Article 34, the Chairman of the District Electoral Office shall:
 - a) set up the office and request the Scrutineers, the Secretary, and the Computers to discharge their functions;
 - b) invite the Agents of the political parties which have presented candidates in the electoral district to be present during the operations;
 - c) after having ascertained himself and had it ascertained by the other members that the seals closing the crate are unbroken, open the crate, take out the material contained therein and verify it;
 - d) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the envelope are unbroken, open the envelope containing the stamp of the office, and note the number of the stamp in the records;
 - e) deliver the remaining material to the Secretary.
2. The District Electoral Office shall then wait for the receipt of the records and the envelopes referred to in Article 48 from the Electoral Section Offices.

Article 50

Operations of the District Electoral Office

After receiving the records and the envelopes from all Electoral Section Offices in the District, the Chairman of the District Electoral Office shall – in case of joint elections – divide the material concerning the election of Deputies and the material concerning the Local Council elections into two separate groups.

Article 51

Counting of Votes for the Election of Deputies

As regards the operations concerning the elections of Deputies, the Chairman of the District Electoral Office shall:

- a) calculate the total number of voters in all the electoral sections of the electoral district;
- b) ascertain the void and annulled votes in all the electoral sections of the electoral district;
- c) decide on the contested votes in accordance with Article 46;
- d) sum up the total number of valid votes cast for each list in all the electoral sections of the electoral district (electoral figure);
- e) announce the provisional results of the counting.

Article 52

Records of Operations Concerning the Election of Deputies

1. The records of the operations described in the preceding Article 51 shall be prepared in triplicate in the appropriate forms provided by the Ministry of Interior.
2. The copies of the records shall be distributed in accordance with Article 55 of this law.

Article 53

Counting of Votes for the Local Council Elections and Proclamation of the Results

After completing the operations concerning the election of Deputies, the Chairman of the District Electoral Office shall commence the operations concerning the Local Council elections. In this connection, he shall:

- a) calculate the total number of voters of the electoral districts in the District;
- b) ascertain the void and annulled votes in all the electoral sections of the electoral districts;
- c) decide on the contested votes;
- d) sum up the total number of valid votes cast for each list in the electoral sections of each electoral district (electoral figure);
- e) calculate the electoral quotient in each electoral district by dividing the total number of votes received by all the lists in the said district by the number of Councillors to be elected in the same electoral district;
- f) allot to each list as many seats as the number of electoral quotients contained in the electoral figure;
- g) calculate a new quotient by summing up the remainders of all the lists, with the exception of those lists which have not reached the electoral quotient, as provided in Article 9 (3) of this Law; and allot as many of the remaining seats as the number of the new quotients contained in the remainders of each lists;
- h) repeat the operation described in letter (g) above as many times as may be necessary, until the last remaining seat, if any, is allotted the list with the highest remainder; in case of equal remainders, he shall draw a lot;
- i) where no list has reached the quotient, allot the seats to the lists with the highest number of votes; in case of equal numbers of votes, he shall draw a lot;
- j) proclaim the election of as many candidates as the number of seats allotted to each list in the order in which they are indicated in the list and proclaim – in accordance with Article 9(4) of this Law – the election of the candidates in the electoral districts, if any, where only one list had been presented;
- k) make the above mentioned results publicly known by affixing a special notice on the notice board of the District Electoral Office.

Article 54

Records of Operations Concerning the Election of Local Councils

1. The records of the operations described in the preceding Article 53 shall be prepared in triplicate in the appropriate forms provided by the Ministry of Interior.
2. The copies of the records shall be distributed in accordance with Article 55 of this Law.

Article 55

Closing of Operations in the District Electoral Office

1. After completing the operations described in the preceding articles of this Chapter, the Chairman of the District Electoral Office shall group separately all the material concerning the elections of Deputies and the material concerning the election of Local Councils, together with the relevant records prepared under articles 52 and 54 of this Law.
2. As regards the election of Deputies:
 - a) the original of the records prepared under Article 52 of this Law shall be transmitted to the Central Electoral Office together with the first copy of the relevant records of the Electoral Section Offices received in compliance with Article 47(2) of this Law and written complaints, if any, received during the operations;
 - b) the second copy of the records prepared under Article 52 of this Law shall be sent to the Ministry of Interior;
3. As regards the election of Local Councils:
 - a) the original of the records prepared under Article 54 of this Law shall be transmitted to the Regional Court together with the first copy of the relevant records of the Electoral Section Offices received in compliance with Article 47(2) of this Law and written complaints, if any, received during the operations;
 - b) the second copy of the records prepared under Article 54 of this Law shall be sent to the Ministry of Interior.
4. The remaining electoral material, together with the third copy of the records prepared under Articles 52 and 54 of this Law shall be handed to the District Commissioner, who shall issue a receipt.

Article 56

Publication of the Results of the Local Council Elections

An abstract of the records of the District Electoral Office containing the names of the Councillors elected shall be published by affixing it on the notice board of the office of the Local Administration concerned.

Article 57

Confirmation of the Local Council Elections

1. The President of the Regional Court shall confirm the Local Council elections. He shall decide on disputes, complaints and in general on all claims received by the District Electoral Offices during and after their operations.
2. Claims and complaints not presented directly to the above mentioned offices shall be presented to the Regional Court within ten days from the proclamation of the results of the elections.

CHAPTER IX

OPERATIONS IN THE CENTRAL ELECTORAL OFFICE

Article 58

Setting up of the Central Electoral Office

1. After receiving the material referred to in Article 29(3), the Chairman of the Central Electoral Office shall:
 - a) set up the office and request the Assistant, the Secretary and the Computers to discharge their functions;
 - b) invite the Agents of the political parties which have presented lists of candidates to be present during the operations;
 - c) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the crate are unbroken, open the crate, take out the material contained therein and verify it;
 - d) after having ascertained himself and had it ascertained by the other members of the office that the seals closing the envelope are unbroken, open the envelope containing the stamp of the office, and note the number of the stamp in the records;
 - e) deliver the remaining material to the Secretary.
2. The Central Electoral Office shall then wait for the receipt of the records referred to in Article 55(2)(a) of this Law from the District Electoral Offices.

Article 59

Proclamation of the Results of the Political Elections

1. After receiving the records from all the District Electoral Offices, the President of the Central Electoral Office shall:
 - a) decide on the complaints regarding voting and counting operations;
 - b) calculate the total number of valid, void and annulled votes in all the electoral districts;

- c) verify the electoral figure of each list namely, the total number of valid votes cast for each list in each electoral district;
 - d) calculate the electoral quotient in each electoral district by dividing the total number of votes received by all the lists in the said electoral district by the number of Deputies to be elected in the same electoral district;
 - e) allot to each as many seats as the number of electoral quotients obtained in the electoral figure;
 - f) calculate a new quotient by summing up the remainders of all the lists, with the exception of those lists which have not reached the electoral quotient, as provided in Article 9(3) of this Law, and allot as many of the remaining seats as the number of the new quotients contained in the remainders of each list;
 - g) repeat the operation described in letter (f) above as many times as may be necessary, until the last remaining seat, if any, is allotted to the list with the highest remainder; in case of equal remainders, he shall draw a lot;
 - h) where no list has reached the quotient, allot the seats to the lists with the highest number of votes; in case of equal numbers of votes, he shall draw a lot;
 - i) proclaim the election of as many candidates as the number of seats allotted to each list in the order in which they are indicated in the list and proclaim – in accordance with Article 9(4) of this Law – the election of the candidates in the electoral districts, if any, where only one list had been presented;
 - j) make the above mentioned results publicly known by affixing a special notice on the notice board of the Office and request the Deputies, who have been elected in more than one electoral district, to exercise their right of option referred to in the following paragraph of this article.
2. Candidates elected in more than one electoral district must exercise an option for one of such electoral districts within five days from the date of publication of the notice referred to in letter (j) of the preceding paragraph. Should a candidate fail to do so within the prescribed time limit, the Central Electoral Office shall select the electoral district for such candidate by drawing a lot.
3. The seats which remain vacant as a result of option or drawing of lot shall be allotted by the Central Electoral Office to the candidates immediately following the last candidate elected in the same list of the electoral district.
4. After the time limit referred to in paragraph 2 of this article has expired and the operations mentioned therein have been completed, the Central Electoral Office shall proclaim the final results of the elections by having the records of such results read in public.

Article 60

Record of Operations

1. The records of the above operations shall be prepared in triplicate.
2. The original of the records shall be transmitted to the President of the Republic; the second copy shall be sent to the President of the National Assembly and the third copy to the Prime Minister.

3. The remaining electoral material shall be returned to the Ministry of Interior which shall issue a receipt.

Article 61

Publication of the Results of the Political Elections

An abstract of the records of the Central Electoral Office containing the names of the Deputies elected in each electoral district shall be published in the Official Bulletin by the Chairman of the office within five days from the proclamation of the final results.

CHAPTER X

MISCELLANEOUS PROVISIONS

Article 62

Oath

1. In accordance with Article 58(2) of the Constitution, each Deputy shall, upon assuming his functions, take the following oath before the National Assembly:

“In the name of God I swear that I will discharge faithfully all my duties in the interest of the people and will abide by the Constitution and the laws”.

2. A Local Councillor shall, upon assuming his office, take the following oath before the President of the District Court:

“In the name of God I swear that I will abide loyally by the laws of the Republic, and will fulfil the duties of my office with diligence and zeal in the sole interest of the Republic”.

Article 63

Vacancies

1. Where a Deputy ceases to exercise his functions, his seat, which is declared vacant by the National Assembly in accordance with Article 59(4) of the Constitution, shall be filled by the candidate immediately following the last candidate elected in the same list of the electoral district.
2. The proclamation of the election of a Deputy in accordance with the preceding paragraph shall be made by the President of the National Assembly.
3. Where the seat of a Local Councillor becomes vacant for any reason, the President of the District Court shall appoint the person whose name appears in the list immediately below the name of the last candidate elected.

CHAPTER XI

PENAL PROVISIONS

Article 64

Violation of the Right of Propaganda

1. Whoever in any manner, hinders or disturbs an electoral propaganda meeting, either public or private, lawfully assembled, or impedes the posting or distribution of printed propaganda material, shall be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400.
2. Whoever uses propaganda means and methods which are not allowed by law and whoever violates the prohibitions contained in Article 17 of this Law shall be liable to the same punishment.

Article 65

Violation of the Right to Vote

1. Whoever, by offering or promising to give money, valuables or other personal gains, or by promising, granting or arranging to obtain a public or private position, attempts to interfere with the right of voting shall be punished with imprisonment for a crime up to three years or with fine for a crime up to Sh. So. 3,600.
2. Whoever uses violence, threat, tricks or contrivances for the above mentioned purposes shall be punished with imprisonment for a crime up to four years or with fine for a crime up to Sh. So. 4,800.

Article 66

Corruption

1. Any voter who accepts offers or promises of money or other personal gains for giving or refusing to give his vote or his signature for the presentation of a list of candidates shall be punished with imprisonment for a crime up to three years or with fine for a crime up to Sh. So. 3,600.
2. The same punishment shall apply also to persons who make such offers or promises.

Article 67

Interference with the Regular Carrying out of Voting and Counting Operations

Whoever, by violence or threat, hinders the free exercise of the right to vote or disturbs the regular carrying out of the operations of the electoral offices, shall be punished with imprisonment for a crime up to four years or with fine for a crime up to Sh. So. 4,800.

Article 68

Illegal Access to the Electoral Offices

1. Whoever, without having the right to do so, enters the electoral offices during the electoral operations and remains therein in spite of being asked to leave shall be punished with imprisonment for a contravention up to one month or with fine for a contravention up to Sh. So. 100.
2. If the person is armed, the punishment shall be doubled.

Article 69

Illegal Voting

1. Whoever, being aware that he is not entitled to vote or personating another person, presents himself for the purpose of voting, or whoever votes more than once or, when entrusted with casting the ballot for an incapacitated voter casts it in a manner different from the one indicated to him, shall be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400.
2. Whoever falsely identifies one person for another in an electoral office or whoever retains the ballots in the cases prohibited by, or in a manner contrary to those laid down in, this Law shall be liable to the same punishment.

Article 70

Falsification or Theft of Documents and Alteration of Electoral Data

1. Whoever falsifies any ballot or other documents relating to electoral operations, or alters, or purloins, or destroys, in whole or in part, authentic documents, or knowingly uses a falsified or altered document shall, where the act does not constitute a more serious offence, be punished with imprisonment for a crime up to two years or with fine for a crime up to Sh. So. 2,400.
2. Whoever in any way alters the results of the elections shall be liable to the same punishment.

Article 71

Unjustified Refusal to be a Member of an Electoral Office

Whoever, having been nominated as a member of an electoral office, refuses, without valid reason, to serve as such or is not present or goes away when the office is called to order shall be punished with fine for a crime up to Sh. So. 600.

Article 72

Other Infractions of the Electoral Law

Whoever violates the provisions of this Law, where no specific punishment is provided, shall be punished with imprisonment for a contravention up to six months or with fine for a contravention up to Sh. So. 600.

Article 73

Accessory Penalty

Persons found guilty of offences under this Law and sentenced to imprisonment for a crime for not less than two years, shall be deprived of their electoral rights for a period of five years.

CHAPTER XII

TRANSITIONAL AND FINAL PROVISIONS

Article 74

Readmission to the Public Service

1. Employees of the State or other public bodies who have been elected Local Councillors in previous elections and who, on the date of entry into force of this Law, are on leave without pay in accordance with Article 4(2) of the Annex to Law No. 19 of 14 August 1963, shall have the right to apply for readmission to the public service at least one hundred and eighty days prior to the date of the next elections.
2. Should an employee fail to do so within the time-limit prescribed in the preceding paragraph, his employment shall be finally terminated.

Article 75

Regulations

The Minister of Interior is hereby authorized to make regulations for the implementation of this Law.

Article 76

Abrogation

The Annex to Law No. 19 of 14 August 1963 on Local Council Elections, Law No. 4 of 22 January 1964 on Political Elections, and any other provision contrary to or inconsistent with this Law are hereby abrogated.

Article 77

Election Expenditure

The expenditure incurred in respect of the elections of Deputies or of Local Councillors shall be borne by the State.

Article 78

Entry into Force

This Law shall enter into force on the day following the date of its publication in the Official Bulletin.

This Law shall be included in the Official Compilation of Laws and Decrees of the Somali Republic.

All persons shall be required to observe it and cause others to observe it as a law of the Republic.

DRAFT

Schedule “A”

(Attached to the law in accordance with paragraph 1 of Article 3)

Number of Deputies to be elected in each district

1. Region of Mijurtinia (13)

District of Alula	1
“ “ Bender Beila	1
“ “ Bosaso	2
“ “ Candala	1
“ “ Eil	2
“ “ Gardo	2
“ “ Garoe	2
“ “ Scusciuban	2

2. Region of Mudugh (13)

District of Dusa Mareb	3
“ “ El Bur	2
“ “ El Dere	2
“ “ Galcaio	2
“ “ Geriban	2
“ “ Obbia	2

3. Region of Hiran (12)

District of Belet Wen	5
“ “ Bulo Burti	7

4. Region of Benadir (18)

District of Adale	2
“ “ Aden Yaval	1
“ “ Afgoi	2
“ “ Balad	1
“ “ Brava	3
“ “ Corioleii	1
“ “ Giohar	3
“ “ Merca	2
“ “ Mogadiscio	2
“ “ Wanle Wen	1

5. Region of Upper Juba (22)

District of Baidoa	6
“ “ Bardera	2
“ “ Bur Acaba	6
“ “ Dinsor	2
“ “ Lugh Ganane	2
“ “ Hoddur	4

6. Region of Lower Juba (12)

District of Afmadu	4
“ “ Chisimayu	3
“ “ Gelib	2
“ “ Giamama	3

7. Region of Hargeisa (17)

District of Berbera	5
“ “ Borama	3
“ “ Gabileh	1
“ “ Hargeisa	6
“ “ Zeilah	2

8. Region of Burao (16)

District of Bohodleh	2
“ “ Burao	5
“ “ Erigavo	2
“ “ Garadag	1
“ “ Las Anod	3
“ “ Las Khoreh	2
“ “ Odweina	1

Total number of Deputies in each Region

Region of Mijurtinia	13
“ “ Mudugh	13
“ “ Hiran	12
“ “ Benadir	18
“ “ Upper Juba	22
“ “ Lower Juba	12
“ “ Hargeisa	17
“ “ Burao	16

Total number of Deputies	123
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Schedule “B”

(Attached to the law in accordance with paragraph 2 of Article 3)

Number of Councillors to be elected in each local administration

- | | | |
|----|---------------------------------|----------------|
| 1. | Class A Local Administrations - | 25 Councillors |
| 2. | Class B Local Administrations - | 21 Councillors |
| 3. | Class C Local Administrations - | 15 Councillors |
| 4. | Class D Local Administrations - | 11 Councillors |

NOTE: Local Administrations are classified in accordance with Article 3, paragraph 1 of Law No. 19 of 14 August 1963.

XII. Decree-Law No. 8 of 28 October 1968: Amendments to Articles 5, 9, 53 and 59 of Law No. 13 of 6 June 1968

Source: Bollettino Ufficiale della Repubblica Somala, Anno IX, Suppl. n.7 al n.10, pp. 1529-1530. Published in English and Italian.

Of note are the changes to residence requirement for local councilor candidates, and the introduction of an uncommon detail in the seat allocation formula in that all lists which had reached or passed the threshold would each initially receive only one seat, before proceeding to examine the remainders.

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN Articles 8, 51 and 63 of the Constitution;

HAVING SEEN Articles 5, 9, 53 and 59 of Law No. 13 of 6 June 1968 (Political and Local Council Elections);

RECOGNIZING that there is an urgent necessity to make some amendments in the above mentioned articles of the electoral Law;

HAVING HEARD the Council of Ministers;

ON THE PROPOSAL of the Minister of Interior;

DECREES:

Article 1

Paragraph 3 of Article 5 of Law No. 13 of 6 June 1968 is hereby abrogated and replaced with the following:

“A candidate to the election as Local Councillor may be presented only in the Local Administration within whose territorial limits he normally resides. In case of joint elections, a candidate to the election as Local Councillor may be presented also for the election as Deputy”.

Article 2

The following sentence is hereby added to Article 9, paragraph 3, of Law No. 13 of 6 June 1968:

“Where only one list reaches the electoral quotient, all the seats shall be assigned to such list”.

Article 3

Sub-paragraph (f) of Article 53 of Law No. 13 of 6 June 1968 is hereby abrogated and replaced with the following:

“f) allot one seat to each list [which] has reached the quotient; the remaining votes of the said lists shall be considered as remainders for the purpose of the operations described in the following sub-paragraph (g) and (h) of this article”.

Article 4

Sub-paragraph (c) and (e) of Article 59 of Law No. 13 of 6 June 1968 are hereby abrogated and replaced with the following:

“c) verify the electoral figure of each list, namely, the total number of valid votes cast for each list in each electoral district. In the electoral districts where only one Deputy is to be elected, he shall allot the seat to the list with the highest numbers of votes; in case of equal numbers of votes, he shall draw a lot. In all other cases, he shall proceed as provided in the following sub-paragraphs;

e) allot one seat to each list which has reached the quotient; the remaining votes of the said lists shall be considered as remainders for the purpose of the operations described in the following sub-paragraphs (f) and (g) of this article”.
