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Chapter 1: General provisions

Article 1: Definitions

In this Law unless the context otherwise requires:

1. **Constitution:** is meant the Provisional Constitutional of the Federal Republic of Somalia;
2. **Law:** is meant the law that establishes the National Independent Electoral Commission;
3. **Government:** is meant the Federal Government of Somalia;
4. **Regional state:** is meant for an administrative entity which belongs to the federal republic of Somalia
5. **Local Government:** is meant an administrative entitiy at district level;
6. **Election:** is meant National Election;
7. **Commission:** is meant the National Independent Electoral Commission;
8. **Chairperson:** is meant the chairperson of the National Independent Electoral Commission;

9. **Republic:** is meant the Federal Republic of Somalia;
10. **President:** is meant the President of the Federal Republic of Somalia;
11. **Member:** is meant members of the National Independent Electoral Commission;
12. **Secretary General:** is meant the Secretary General of the National Independent Electoral Commission;
13. **Conflict of Interest:** is meant offices incompatible to each other and responsibilities that cannot together at once.

Article 2: The Objectives of the Law

1. The Objectives of this Law is to establish the National Independent Electoral Commission who will organize, conduct and monitor the national election in accordance of Article 47, 110, 111G and 112 of the Constitution;
2. The law shall also define the powers and duties of the supervisory Committee of

3. elections and referendum at district, regional and national level;
4. The National Independent Electoral Commission is independent organ in performing its activities and shall abide only the Constitution and the Law

Article 3: Legal Status of the Commission

1. The National Independent Electoral Commission shall have legal personality to sign contracts that has legal status necessary for the proper performance of its functions;
2. The Commission shall have its own seal and logo as determined by the Commission itself with approval of the House of the People and shall be kept by the Secretary General;

Article 4: General Principles

1. In the course of discharging its functions under the Constitutions, the commission shall respect the general principles of:
 - a) Sovereignty and unity of the of the Federal Republic of Somalia;
 - b) Democratic system and federalism;
 - c) Political rights of all Somali citizens provided under the Article 22(1) and (2) of the Constitution;

2. Fair and free election based on:
 - a) Secret ballot, free of corruption and bribery, fraud, threatening, violence and intimidation in voting;
 - b) Perform independently;
 - c) Managed impartiality, with efficiency, diligence, and in disciplined conduct;

Article 5: Seat of the Commission

The seat of the Commission shall be Mogadishu, the capital city and may have offices in all over the Country.

Chapter 2: Establishment of the Commission

Article 6: Structure of the Commission

1. The National Independent Electoral Commission consist of nine (9) members in accordance with Article 111G of the Constitution;
2. The Commission shall elect a chair and deputy chairs among themselves in their frist meeting chaired by the oldest member;
3. The Commission may establish sub-committees from it's members as deemed necessary for fulfillingit's duties;

Article 7: Appointment procedure

1. The relevant minister shall propose a list of candidates to the Council of ministers in accordance to Article 112 of the Constitution;
2. Any member of National Independent Commission has to fulfill the requirements mentioned in article 8 of this law;
3. Within 21 days of the publication of this act, the relevant Minister shall open the to the public to apply and 7lecto their applicationto the Ministry;
4. Within twenty one (21) days after the completion of the selection of the candidates, the relevant Minister shall present a list of 18 candidates selected from the applicants to the Council of Ministers in order to nominate nine(9) candidates that the Council presents to the House of the People for approval;
5. The house of the people shall within twenty one days (21) of their nomination invite the 9 nominees in terms of Section (4) of this

6. Article to a sitting house to present their candidacy in term of their respective qualification and vision for the position of member of National Independent Electoral Commission;

7. At the end of the sitting in term of section 5 of this Article, the house of the people shall either approve or disapprove individual nominee by a majority decision of fifty percent plus one (50%+1);

8. If one or more nominees are rejected in terms of section (6) of this article, the rejected nominees shall be replaced by the council of the Ministers in accordance to section (1) to (6) of this Article;

9. For the nominees in terms of Section(7) of this Article the procedure states Section (4) and (5) shall be repeated within 21 days until 9 candidates have been approved by the House of the people;

10. Once 9 candidates are duly approved by the house of the people in terms Section (3) to (8) of this Article, The President Federal Republic of Somalia shall, within 21 days of their nomination formally appoints the nominated candidates as a member of National Independent Commission;

Article 8: Appointment criteria

1. Every person has the right to be a member of the commission must fulfill the following criteria:-

- a) To be a citizen of the Federal Republic of Somalia
- b) To be at least 35 years of age;
- c) Having sound mind;
- d) To have a knowledge on electoral system or at least 5 years of experience in Sharia or Islamic jurisprudence, law, customary law, Theology, public administration and social science, political science and international relations;

- e) High respect and integrity in the Society, with good conduct, no pending criminal investigation in Somalia law or under international law or a breach International Human Right Charter of 1949 or gross violation of Somalia laws or any resolution of Security Council of United Nations;
- f) Not to be a member of the Federal Parliament, a member Regional state Parliament, member of Government or a civil servant;
- g) Not to be a member of any political party and cannot join it while in office;

**Article 9:
Term of the Members of
the Commission**

1. The term of office of the Members of National Independent Commission shall be one term of six (6) years non renewable;
2. The members of National Independent Commission shall work full time;

Article 10 :
Lossing membership of the Commission

1. Members of the Commission shall be removed from the Commission where any following situations arise;
 - a) Where the member willingly resigns from the commission after giving a one month advance notice in a written form;
 - b) Where the member violates the code of conduct of the Commission;
 - c) Where the member fails to attend five consecutive meetings of the Committee with out any justification;
 - d) Where the member physical or mental incapacity to discharge his/her functions properly;
 - e) Where the member deceased;
 - f) Where the member is found guilty with respect toward criminal offence by a final verdict;
 - g) Where the member term has expired;

2. The Commission can remove a member from the Commission as stated in 1(b), (C) and (d) of this Article when members vote by two

third (2/3) majority, and final decision will be reached by the appropriate court;

3. Where position is vacant, it will be followed by the procedure stated in Article 8 of this law;

Article 11: The Duties of the Chairperson

The chairperson is the head Electoral Independent Commission and responsible for:

- a) Summoning and chairing the sessions of the Commission;
- b) Directing and overseeing the work plan of the Commission;
- c) Fostering and maintaining the work relationship the Independent Commission and various level of the Government;
- d) Any other duties assigned by Constitution or the law.

Article 12:
The duties of the Deputy Chairperson

The deputy Chairperson is responsible for

- a) Any task assigned or delegated by the Chairperson of the Commission;
- b) Assuming the activities and duties of the Chairperson of the Commission where the Chairperson is either absent or unable to perform the duties of the office; and
- c) Any other duties assigned by the Constitution or the law.

Article 13:
The duties Secretary General of the Commission

1. The Secretary General of the Commission is responsible for:
 - a) Head of the Secretary, directs and instructs as may deem necessary
 - b) The Secretary will perform the functions of a Chief Electoral Officer, advising the Commission on best practices for election administration,

- c) The Secretary reports to and works under the instructions of the Commission.
 - d) Executing the decisions of the Commission
 - e) Supervising and administering the employees of the Commission;
 - f) Keeping the Documents of the Commission; and
 - g) Performing any other duty as assigned by the Commission or by law.
2. Secretary General is not a member of the National Independent Electoral Commission and will be selected under the procedure of civil servant law.

Article 14: Duties and Functions of the Commission

1. The National Independent Electoral Commission in accordance to Article 111G of the Constitution shall have following duties and functions:
- a) Organizing, conducting and monitoring elections of Districts, regional, National level and Public referendum;

- b) Until political parties are established and election is held, the commission will adopt the district and regional admintaration law No. 116 and to enact any other law of the country in conducting distirct and regional administration;
 - c) Registration of voters and constantly reviewing the voters roll;
 - d) Delimitation of constituencies in a best suitable manner conducting elections;
 - e) To regulate and observe the political parties laws in a compliance with political parties registration laws and the other laws of the country;
 - f) Facilitation of the observation, monitoring and evaluation of the elections;
 - g) The development and implamentation of 15lectoral code of conduct for election candidates and parties;
2. To regulate the system in which the political parties nominate their candidates for elections;
 3. To raise the awareness of the voters:
 4. The registration of the candidates of the elections:

5. Administering the election of the Federal Parliament:
6. Organize and manage public referendum ;
7. Supervise and facilitate election affairs ;
8. Resolving electoral disputes that may arise from nomination of candidate at the same time not violating the judiciary role;
9. Announce the result of the election;
10. Establishing and setting electoral campaign timeline, setting the date within the legally prescribed timeframe of the election and setting timeframe for organizing and conducting election in accordance to the Constitution and this law;
11. The development of electoral code of conduct of the elections;
12. To open offices in many parts of the Country where is deem necessary for its activities ;
13. The commission shall employ personnel necessary in performing its electoral duties under Civil Servant Law;
14. The commission can discharge any member of its employee who committed an act which undermines the impartiality and the fairness of

the election and shall will be transfer to the court;

15. Decisions on disputies made by the commission are final, except for cases regarding the right to vote, the right to stand for elections and the final result in which cases appeals may be raised with the constitutional court as regulated by the election law.

16. The development of an electoral code of conduct for candidates, parties and media to uphold during the electoral process ;

17. The commission may reach a decision upon complaints against the Commission, employees or representatives and take appropriate action. If the decision is not satisfied,it can be appealed to the Constitutional Court within 14 days, and the court has to take a final decision as soon as possible;

18. Any complains against the decision of the Independent Commission will be decided by the court in accordance to the laws of the country.

19. To ensure the proper implementation of the procedure of the election by the commission, if it's needed, the commission may decide to

repeat an election to constituency which has already conducted an election and may invalidate the result of the election after the commission recognized and acknowledged the election was rigged and was against the will of the voters;

20. Any individual who commits an offence and transgress and break the law and the procedure of the commission will be punished by the commission;

21. Any candidate who break the law or did not fulfill the requirements set by this law, the commission can stop the candidate from the election or rejected the list /s of the candidates.

22. Delimitations of polling stations by voters.

23. To illustrate voters how to mark ballot papers.

24. Counting procedure;

25. The delimitation of constituencies and wards;

26. To accredit and authorize independent observers and media to monitor the election process;

27. The Independent Electoral Commission may propose postponement of an election and set up an election date by providing a detailed justification to the House of the People;
28. To conduct any other duty entrusted by the constitution and this law.

Chapter 3: Rules of Procedure of the Commission

Article 15 Rules of procedure

1. The Independent Electoral Commission shall set up a regulations governing the performance and the implementation of the provisions provided by this Law;
2. Notwithstanding with the provisions of paragraph 1 of this article, these regulations shall include:
 - a) Nomination, approval and powers of nominees for any office which fails under the responsibility of the Commission in accordance with this law;
 - b) Disciplinary measures against officials and representatives of any office which falls

under the responsibility of the Commission, in accordance with this law;

- c) Revocation of already appointed posts and dismissal of personnel of any office which falls under the responsibility of the Commission and in accordance with this law;
- d) Setting up at polling stations procedure;
- e) Coordination and delegation of functions and responsibilities of the Commission and its Secretariat; and
- f) Any other necessary tasks concerning the Constitution, this law or any other written law.

Article 16:
**Sessions and Decisions Procedure of the
Commission**

1. The minimum number of Commission members (quorum) to convene a meeting shall be 5 (five) members;
2. All sessions of the commission is chaired by the chair person, when the chair person is absent the deputy chair will chair the session;
3. where the Chairperson and the deputy chair are absent, members of the commission who are present will elect an interim chairperson to chair the session;
4. Decisions of the commissions shall be decided by simple majority (50%+1) of its members;
5. In case voting mentioned in section 4 of this Article is tie, the chairperson will vote;
6. The commission shall publish and disseminate to the public the names of the candidate of election, election papers, final result of the election and all important information related to the instructions and guidance to the public;

7. Decisions shall preferably be taken by consensus.

Article 17:

Immunity of the Commission

1. All members of the Independent Electoral Commission or their employees shall not be liable in any civil or criminal or action with respect to any action or omission taken in good faith in pursuance of their legitimate for the commission;
2. Buildings and offices of the Commission can not be searched without prior authorization from the Supreme Federal Court.

Chapter 4: Miscellaneous Provisions

Article 18: Budget of the Commission

1. The Commission shall have its own budget allocated in the annual budget in accordance with Art.110 (4) of the Constitution;
2. The Commission is independent in administrating its allocated budget in accordance to public finance law of the government.

Article 19: Salary, Allowance and other Rights of the Commission

1. Members of the Commissions are entitled monthly allowance in accordance with Government procedure;
2. Members of the Commissions are entitled traveling allowance and subsistence allowance incurred by members in the performance of their duties;

3. All members of the Commissions and its their employees are entitled one month of break in every year.

**Article 20:
Conflict of Interest**

1. Members of the Commission can not take any other responsibility while in office;
2. Any member of the Commission has to resign six months prior before he/she stands for election;
3. Every member after taking the Oath will relinquish and resign from all other responsibilities;

**Article 21:
Oath of the Commission**

Before assuming office, all members of the Independent Electoral Commission shall take an Oath before the Federal Parliament administered by the Chief Justice of the Supreme Court, which shall be as follows:

“I swear in the Name of Allah that I will perform my duties honestly and in the best interest of the Nation, People and Religion and that I will abide by the Constitution and the other laws of the Country”.

**Article 23:
Code of Conduct**

All members and employees of the Commission shall subscribe to and observe the Code of Conduct set out in the Schedule 1 of this Law and carry out their duties independently, honestly, integrity and with cautious without prejudice.

**Article 24:
Commission Report**

1. The Commission shall furnish report to the Parliament once in every four months;
2. The Commission shall publish the National elections results;

3. The Commission shall also disseminate publications and conduct public civic education.

Article 25:
Information and Data Management

1. The Commission shall publish and disseminate all important information related to instructions and guidance of the public;
2. The right of access to any information is restricted on the degree of protection to its confidentiality;
3. Every member and staff of the Commission shall sign a confidentiality clause;
4. The Commission shall notify important information to the public when its appropriate about:
 - a. The locations of all the offices of the Commission; and;
 - b. Address or addresses of the offices, telephone numbers and such other contact details

**Article 26:
Legal Advice**

The Commission may request legal advice from the Solicitor General.

**Article 27:
Repeal**

Any laws inconsistent with Act are hereby repealed.

**Article 28:
Entry into Force**

This law shall come into force when approved by the Parliament and signed by the President of the Federal Republic of Somalia and published in the Official Gazette.

Schedule 4

Code of Conduct and Discipline of the Members and Staff of the Commission

1. Impartiality and Independency of the Members
 - a. Every member and staff of the Commission shall uphold principles of freedom and fairness in the course of performing their duties towards the Commission and shall be honest, without fear of any one, impartial, side with no one and hate or love no one nor be influenced by:
 - i. Any arm of the state;
 - ii. State officer;
 - iii. Government officer;
 - iv. Political party;
 - v. election candidate; or
 - vi. Any Other authority or organization.

2. Independency from Political Office and Government

- a. Every member and staff of the Commission shall not have the right, during the tenure:
 - i. To be nominated for political offices;
 - ii. To be nominated for other Governmental office.

- b. A member or staff of the Commission shall not:
 - i. Directly or indirectly support or oppose a party of whatsoever kind or candidate who participates in any election or a party to a referendum or any issue relating to political parties, candidates or opponents.
 - ii. Shall not use or take advantage of confidential data that he or she has access to due to the membership of the Commission;
 - iii. Release any information or data to a third party or any individual except information/data related to actual performance of his or her duties.

3. If a member or staff of the Commission directly or indirectly is interested with a tender or a potential tender, or any other business that the Commission deals with while at the same time participating in a meeting where the Commission is discussing the matter, the member or staff shall as early as possible disclose or explain that he or she has an interest with the issue, and shall not take part in the discussions or investigations thereto, have no vote nor ask questions related to the tender or the issue, and shall not be included in the list of participants of the meeting till the end of the discussion and investigation thereto.
4. Member or staff of the Commission should not act in a manner that undermines the Independence of the Commission directly or indirectly release statements that could dent the reputation and impartiality of the Commission;

5. Professionalism

Every member and staff member of the Commission shall:

- a) Perform his or her duties in a way that maintains the public confidence on the Commission.
- b) Behave with the public and stakeholders with dignity and respect.
- c) Perform his or her duties with professionalism without undue delay, quality and at the same time based on the procedures and the law; and
- d) Respect the rights and freedom of all individual clients.

6. Unlawful Enrichment

Every member and staff member of the Commission:

- a. May not use his or her office or association/organization to improperly or unlawfully enrich him- or herself or others.
- b. May not receive, nor request gift from an individual who has business interests or trading with the Commission;
- c. May not use information or data that he or she obtained in the course of performing his or her duties or take advantage thereof for him- or herself or others;



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