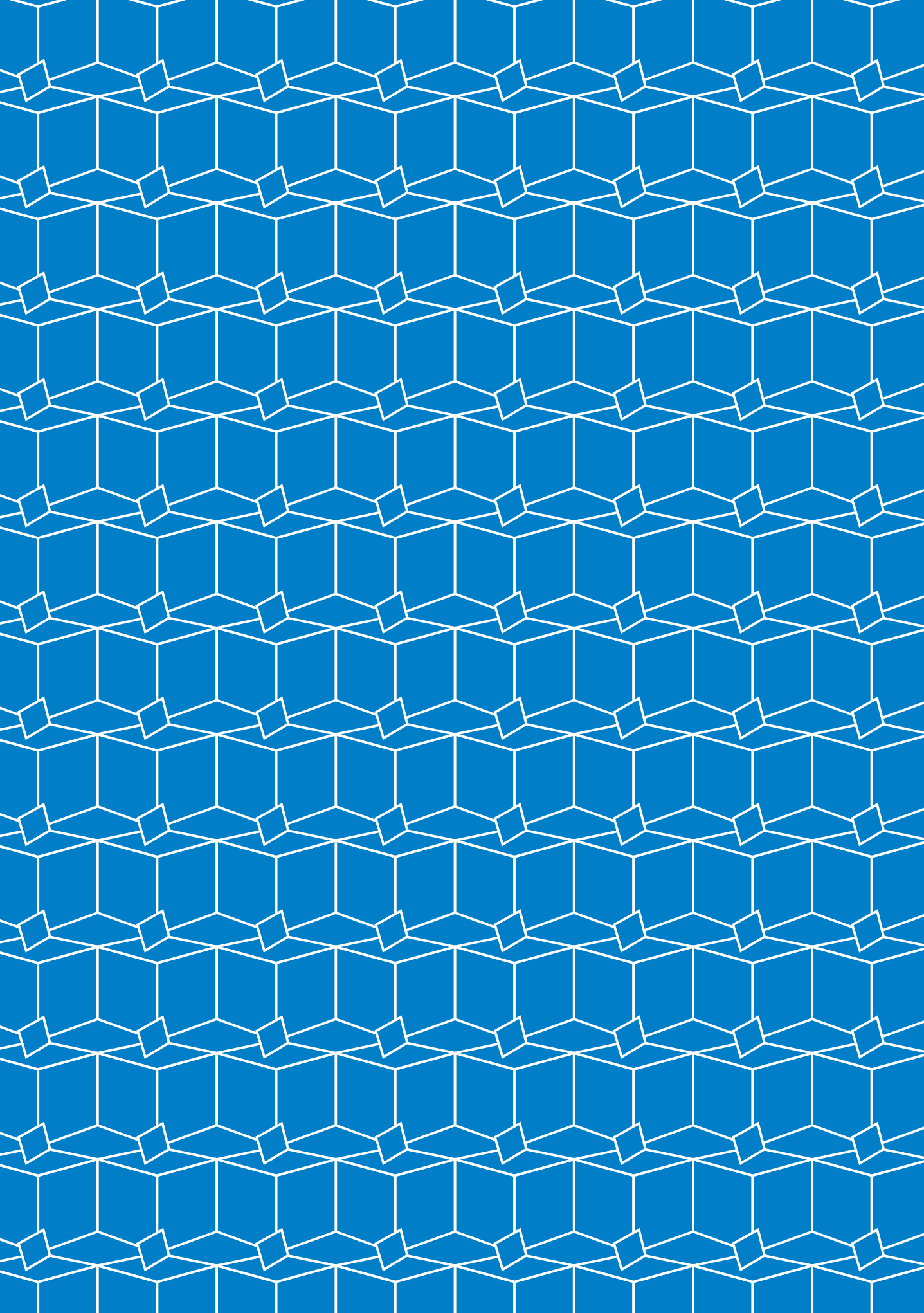


National Independent Electoral Commission



Political Party Registration MANUAL





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INTRODUCTION

This manual is intended for political parties seeking registration to contest elections. It provides guidance on the registration requirements as outlined in the Political Party Law, 2015, at two levels, namely, Temporary Registration (Article 4) and Official Registration (Article 6). This manual is not intended to be a substitute for any electoral law. Political parties are advised to obtain a copy of the Political Party Law, 2015, to ensure full understanding and adherence to the law, before submitting an application for registration to the National Independent Electoral Commission (NIEC).

The Political Party Law and Regulations are available on the NIEC website, [**www.niec.so**](http://www.niec.so).

1. WHAT IS A POLITICAL PARTY

According to Article 2 of Political Parties Law,

“ A democratic political party is an organization that is comprised of the different parts of the society with real accountability measures, presents various political plans and candidates for the general elections as it participates the formation of the government or an opposition government.”

2. WHEN TO START THE REGISTRATION PROCESS

Political parties may register at any time. Registration of political parties is at two levels:

- a) Temporary registration; and
- b) Official registration.

Political parties with temporary registration intending to participate in an election, may apply for full registration five (5) months before the election date.

Registration is a lengthy process involving careful assessment of material lodged for party registration to be considered by the NIEC.

3. POLITICAL PARTY MEMBERSHIP

3.1 Who can be a member of a political party?

In order to be a member of a political party, a person must be:

- a) A Somali citizen.
- b) At least 18 years of age

3.2 Who is prohibited from political party membership?

The following persons are not eligible to hold office or be members of a political party:

- a) Members of armed forces.
- b) Judges
- c) Embassy personnel and diplomats
- d) All government employees

Government employees are prohibited from participating in political party activities including:

- a) Promoting political party platforms.
- b) Attending political party meetings, rallies
- c) Publicly demonstrate bias towards or in opposition of a political party verbally or in writing.

4. TEMPORARY REGISTRATION: Eligibility Requirements for Registration

In order to have official registration, a political party, the party must submit:

- a) An application form accompanied by:
 - Name of the party - not currently used by another party
 - Distinguishing mark or symbol of the party in colour; and
 - Abbreviation, if any, of the name of the party consisting of not more than eight (8) letters.

To ensure that the name and logo of the party do not belong to another party, the NIEC will publish it in at least two official bulletins within 7 days and notify applicant.

- b) Adopted minutes of the first meeting of members of the party.
- c) A written constitution that sets out the objectives of the party with relevant clauses for settling internal political party disputes.
- d) A signed Code of Conduct pledging to observe the application of the Political Party Law, and other laws of the country.
- e) The prescribed amount of 10 million Somali Shillings (500 USD).

A party with temporary registration

- **On receiving notification of omissions, has 15 days from the date of submitting an application to comply.**
- **May not contest an election.**
- **May apply for Official Registration**
- **Once issued with a Certificate of Temporary Registration may apply for Official Registration five (5) months before an election.**

5. OFFICIAL REGISTRATION: Eligibility Requirements for Registration

In order to qualify for official registration, a party must submit:

- a) An application form accompanied by:
 - Name of the party - one not currently used by another party.
 - Distinguishing mark or symbol of the party in colour; and
 - Abbreviation, if any, of the name of the party consisting of not more than eight (8) letters.
- b) Adopted minutes of the first meeting of members of the party.
- c) A declaration of party membership signed by 10,000 registered voters in at least 9 of the 18 regions that existed before 1991, who are not supporters of another party.
- d) A written constitution that sets out the objectives of the party with relevant clauses for settling internal political party disputes.
- e) A signed Code of Conduct pledging to observe the application of the Political Party Law, and other laws of the country.
- f) The prescribed amount of 20 million Somali Shillings (1,000 USD).

On receiving notification of non-compliance, a party has 15 days from the date of submitting an application to comply. Only officially registered parties may contest an election.

6. ADMINISTRATIVE PROCESS OF REGISTERING A POLITICAL PARTY

- a) The National Independent Electoral Commission, shall upon receipt of an application in the prescribed form, accompanied by supporting documents that meet all requirements and a prescribed fee, register such a party by issuing a certificate of registration.
- b) If a party omits to fulfil conditions and submit documents mentioned in sub-sections 3, the Registrar will:
 - i) Notify the party in writing;
 - ii) Allow the party to fulfil all conditions and submit documents to the offices of the Commission within 15 days from the day of presenting the application;
 - iii) On receipt of notification of non-compliance, the party has 15 days starting from date of the application to correct and meet conditions. Only officially registered party can contest the election.

6.1 What should be in the Constitution of a Party?

The constitution of a party the registration of a political party, should as far as possible contain the following:

- a) The executive structure of the party;
- b) The election procedure for the executive of the party;
- c) The minimum requirements for membership of the party;
- d) The internal disciplinary procedures of the party;
- e) A mechanism for settling intra-party disputes; and
- f) The requirements for audited financial statements

6.2 What should be in the Declaration of Membership?

In order to register a political party, to contest an election the party must submit on the prescribed Declaration of Membership Form:

- a) a minimum of 10,000 members who are not members of another political party
- b) Members must be
 - i. Somali citizens
 - ii. At least 18 years or older
 - iii. Registered voters in at least 9 of the 18 regions that existed before 1991.

6.3 Verification of Declaration form

The NIEC in order to verify the requirements for registration of a party, will request from a certain number of persons who sign a declaration of membership confirmation that:

- i. The person is a member of the party, and
- ii. The person completed and signed the form

6.4 Processing Applications

On receipt of the application, the NIEC will:

- a) Review all necessary documents are completed;
- b) Allow the party to correct its name, comply with regulations, specifically mentioning what rule is to be complied with and submit to the Registrar's offices within 30 days from the day of presenting the application;
- c) Allow the applicant to comply within 15 days from the date of notification;
- d) Publish in the official bulletin of the Federal Republic of Somalia and in at least two media outlets within seven (7) days, every political party that has complied with the requirements;
- e) At the lapse of the 7-day period, register the party;

- f) Issue within 30 days from date of registration, as the case may be:
 - i. A Certificate of Temporary Registration;
 - ii. A Certificate of Official Registration.

The Certificate of Official Registration nullifies Temporary Registration of a party.

6.5 Rejection of application for registration

The NIEC will reject the application for registration if:

- a) The name, abbreviated name, symbol are so similar to that of another party that it is likely to confuse voters;
- b) The name of the party is obscene or offensive.

7. MERGER OF POLITICAL PARTIES

Political parties can merger with another party/ parties, if the party fulfills the merger criteria as follows:

- a) The decision to merge shall be in writing and shall be duly executed by the political party officials authorized to execute agreements on behalf of the political parties and in accordance with their respective rules and regulations.
- b) The merger agreement signed under Article 10 Paragraph (4) (b) shall be deposited with the Registrar within twenty-one (21) days of the signing of the agreement
- c) The political parties, which have merged into a new political party under paragraph (4) (b), shall stand dissolved upon registration of the new political party.
- d) Where a political party merges with another political party, a Member of Parliament from any of the merged political parties who does not agree with merger agreement, shall lose his Parliament seat. The Office of the Registrar shall call for a by-election within thirty (30) days.

8. REGISTRATION OF ALLIANCES

Political parties, two or more can form an alliance, and must provide the registrar a written agreement. The agreement must be submitted by the president, chairperson or secretary of both party:

- a) A Unity of Political Parties form with details of two or more parties coming into an alliance
- b) A signed Unity of Agreement
- c) A signed Unity of Agreement should be in line with issues prescribed in schedule three.

The Alliance party must submit to the NIEC the unity of agreement within 21 days after the agreement has been signed.

The NIEC will:

- a) If a party omits to fulfil conditions, the Registrar will:
 - i) Notify the party in writing stating omissions
 - ii) Allow the party 30 days from date of notification of non-compliance.

9. CANCELLATION OF REGISTRATION

The NIEC will deregister a political party if it fails to comply with the provisions of article 19 of the registration of political parties and will:

- a) Notify the party in writing of the intention to cancel the registration directing the party to the specific breach;
- b) Allow the party to rectify the breach within 30 days;
- c) In case of a criminal act, refer the matter to a competent court of law;
- d) Cancel the registration of a party that fails to meet the requirements outlined.

10. PROCESSES OF DISTRIBUTING AND MANAGING POLITICAL PARTIES FUND

Providing, monitoring and management of the use of public funds to parties in Somalia is vital for the development of political parties and safeguard the reputation of the independent National Electoral Commission. With the regard to Political Parties' fund from public and the government both, it is important Political Parties to deliver to the office of NIEC and public with audited account.

There are also important NIEC has a mechanism ensuring a clear allocation process and financial management of political parties, in order to provide oversight of how the money is being used by the Political Parties.

Therefore, Political Parties are legally obliged to submit their accounts and purposes of being used, without observing it, they will be imposed to a fine in accordance with Article 26 of Political Parties Law.

10.1 Political Party Fund

It is also important that Political Parties to get fund in order to run their activities. However, according to the law of political parties, the federal government and governments of member states are creating consolidated Fund to which is amount

0.3% of their annual budget to develop Parties. This account fund will be allocated the funds from:

- Somali Federal Government
- Donations and money collected locally
- Money from other sources

System allocation and fund objectives or exceptions to use, you can refer 21 points, 22, 23 and 24 of the Political Parties law.

10.2 Audit of Political Party's Account

Political Parties must disclose any financial income and how they used it, either from the government or private sources and other sources. When presenting the accounts, they will follow national audit procedures. The party is to submit within 3 months after the end of the financial fiscal year:

- a. Income revenue of the party;
- b. Its assets and liability;
- c. Sources of income;
- d. If there is pay back money;
- e. If there is loan;
- f. Bank statement;
- g. How they used their income;



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Guddiga Madaxa Bannaan ee Doorashooyinka Qaranka