

LOCAL ADMINISTRATION
and
LOCAL COUNCIL ELECTION

FIRST PART

LAWS AND DECREES

LAW No. 19 of 14 August 1963.

Local Administration and Local Council Elections.

THE PRESIDENT OF THE REPUBLIC

TAKING NOTE of the approval of the National Assembly;

HEREBY PROMULGATES

the following law:

CHAPTER I

Establishment of Local Administrations

Article 1.

(Local Administrations).

1. For the purposes of this law the whole territory of the Republic shall be divided into units, each of which shall be under the jurisdiction of a Local Administration.
2. Local Administrations shall be established by decree of the President of the Republic, on the proposal of the Minister of Interior and having heard the Council of Ministers. The decree shall specify the name and territorial jurisdiction of each Local Administration.

3. The abolition of any Local Administration, or any modification of the name or territorial jurisdiction of a Local Administration, shall be effected by decree in the manner provided in the preceding paragraph.

Article 2.

(Juridical Personality).

Local Administrations referred to in the previous article shall be autonomous bodies with juridical personality and shall have the powers provided by law.

Article 3.

(Classification of Local Administrations).

1. For the purpose of this law, Local Administrations shall be divided into the following classes:

- 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.

2. The Minister of Interior may, by decree, classify a Local Administration belonging to Class C or D in the next higher Class, where he deems it desirable having regard to its population, area, economic importance and financial viability.

Article 4.

(Local Councils).

1. The Local Councils elected under the provisions of the Annex to this law shall be the governing bodies of the Local Administrations.

2. The term of office of Local Councils shall be four years, beginning from the date of the elections. The Councils shall 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.

Article 5.

(Additional Members).

A Council may co-opt such additional non-voting members as may be necessary to provide expert advice, provided that the total number of additional members shall not exceed one-quarter of the total number of the Councillors.

Article 6.

(The Supervisory Authority).

The Minister of Interior shall be the Supervisory Authority of every Council, provided that he may, by decree, appoint as Supervisory Authority of any Council the Regional Governor or District Commissioner, who is territorially competent.

CHAPTER II

Responsibilities, Functions and Powers of Councils

Article 7.

(Responsibilities of Councils).

A Council, with the assistance of the appropriate committees established under articles 14, 15, and 16 below, and subject to the other provisions of this law and of any regulations made hereunder, shall:

- a) formulate policies designed to ensure the efficient fulfilment of its duties and functions;
- b) provide such services within its territorial limits as may be required by law, and such other legally permissible services which may be in the interest of the population;
- c) make adequate financial provision for the proper execution of the duties and functions of the Council;
- d) comply with any lawful directive of the Supervisory Authority.

Article 8.

(Mandatory Functions).

1. It shall be the duty of each Council, within its territorial limits, to co-operate with the competent authorities of the Central Government in the maintenance of law and order and the promotion of good government.

2. It shall also be the duty of each Council to adopt such measures as may be necessary to:

- a) safeguard and promote public health and hygiene;
- b) control pests;
- c) establish, regulate and control markets and, subject to the provisions of any other law, control the sale of goods and livestock outside such markets;
- d) regulate the construction, alteration and demolition of buildings;
- e) abate nuisances;
- f) prevent or relieve famine.

3. Furthermore, a Council shall adopt the seal of the Local Administration, subject to approval by the Supervisory Authority, and shall perform any other function prescribed by law.

Article 9.

(Other Functions).

1. Subject to the approval of the Supervisory Authority, a Local Administration may perform one or more of the following functions:

- a) establishment and operation of Koranic and primary schools;
- b) provision, maintenance and operation of water supplies;
- c) provision, maintenance and operation of public utility services, such as electricity and transport, or overall supervision over the said services where they are privately operated;
- d) maintenance and repairs of streets, squares and public places, such as gardens and open spaces, and the provision of street lighting;
- e) prevention, extinguishment and control of fires;
- f) development and improvement of agriculture, land conservation, animal husbandry, forestry and fisheries, in conformity with general national policy;
- g) registration of the population and maintenance of registers of births and deaths;
- h) maintenance of registers of voters;
- i) town planning;
- j) maintenance of survey plans of urban areas and recording the ownership of land and buildings;
- k) provision and administration of public housing in urban areas;

- l) provision of social welfare services;
 - m) preparation and implementation of community development programmes;
 - n) regulating and controlling traffic, subject to the provisions of the Traffic Code;
 - o) undertaking trading or commercial operations necessary in the public interest;
 - p) provisions of local information services;
 - q) provisions of Provident Fund, Pension and Insurance Schemes for the benefit of the staff referred to in article 25 of this law;
 - r) performance of any other function in the interest of the population residing within the territorial limits of the Council.
2. A Local Administration shall perform any of the function referred to in the previous paragraph if so directed by the Supervisory Authority.

Article 10.

(Powers).

In the discharge of the responsibilities and the performance of the functions referred to in articles 8 and 9, a Local Administration shall have the following powers:

- a) to incur the necessary expenditure arising from the performance of its functions;
- b) subject to the approval of the Supervisory Authority, to make, alter or revoke local regulations not inconsistent with this or any other law, for the proper implementation of its functions;
- c) to establish penalties for violation of the provisions of any local regulation made under b) above, within the limits established in article 47 of this law;
- d) to assess and collect such rates, taxes and fees as are imposed by this law or, where the duty of collection is placed upon a Council, by any other law;
- e) whenever the public interest so requires, to request the competent authorities to acquire property by expropriation, within the limits and in conformity with article 24 of the Constitution;
- f) to exercise supervision, carry out inspections and exercise any other lawful power as may be necessary for the proper implementation of its functions;
- g) to own property, enter into contracts, sue and be sued, and to exercise any other power attributed to a juridical person.

CHAPTER III

Organization of Councils and Committees

Article 11.

(Chairman and Vice-Chairman).

1. A Council shall have a Chairman and a Vice-Chairman who shall be elected separately by the Council from amongst its members, by secret ballot, at the first meeting of the Council. They shall hold office for a period of two years from the date of election, provided that they shall remain in office until the election of their successors, which shall be held at the first meeting of the Council following the expiry of their term of office.

2. The outgoing Chairman and Vice-Chairman shall be eligible for re-election.

3. In the elections provided in the first paragraph, the Councillor who has received the highest number of votes shall be declared elected as Chairman and Vice-Chairman respectively.

4. Where two or more Councillors obtain an equal number of votes, a second ballot shall be held. Where the second ballot is similarly inconclusive, the Chairman or Vice-Chairman shall be chosen by lot from amongst the Councillors who have received the highest number of votes.

5. At the first meeting of a Council or whenever the offices of Chairman and Vice-Chairman are vacant, the election of the Chairman shall be presided over and conducted by the oldest Councillor.

6. A Chairman may be removed from office by a no-confidence motion, stating the grounds therefor, proposed by not less than one-third, and approved by not less than two-thirds, of the total number of the Councillors.

Article 12.

(Powers of the Chairman).

1. The Chairman of a Council shall be the First Citizen of the Local Administration. He shall:

a) represent the Local Administration in judicial proceedings and in ceremonial occasions;

b) convene and preside over meetings of the Council;

c) preside over the election of the Vice-Chairman;

d) be *ex-officio* member of all committees of the Council.

2. In cases of urgent necessity and where it is not possible to convene a meeting of a Council for the purpose of dealing with the situa-

tion, the Chairman shall, where possible in consultation with the Executive Secretary, exercise any of the powers and functions of the Council within the limits established by law.

3. The actions taken under the preceding paragraph shall be reported, as early as possible, by the Chairman to the Council.

Article 13.

(Vice-Chairman).

In the absence of the Chairman, the Vice-Chairman shall assume the position of the Chairman and perform the duties laid down in the preceding article.

Article 14.

(Financial and Staff Committees).

Each Council shall appoint a Finance Committee to deal with the finances of the Local Administration and a Staff Committee to deal with matters relating to the staff of the Local Administration and their terms and conditions of service.

Article 15.

(Other Functional Committees).

A Council may, and if the Supervisory Authority so directs shall, appoint a committee for any such general or specific purpose as is deemed necessary for the proper implementation of the functions of the Council.

Article 16.

(Area Committees).

1. In addition to any committee established under articles 14 and 15 above, a Council may, and if the Supervisory Authority so directs shall, divide the territory under its jurisdiction into two or more parts and appoint an Area Committee for each such part.

2. An Area Committee shall consist of the members of the Council representing the area and such other Councillors as may be appointed to it by the Council. An Area Committee may invite any other person resident in the area, not being members of the Council, to participate in meetings without the right to vote.

3. Persons invited under the preceding paragraph shall be in addition to members co-opted under article 18.

Article 17.

(Composition of Committees).

1. Members of committees shall be appointed by the Council from amongst its Councillors and additional members.

2. Each committee, at its first meeting, shall elect its Chairman.

Article 18.

(Co-option to Committees).

A committee may co-opt such additional non-voting members as may be necessary to provide expert advice, provided that the total number of co-opted members shall not exceed one-third of the total of the Councillors and the additional members of the Council.

Article 19.

(Meetings).

1. The first meeting of a Council shall be convened by the Supervisory Authority not later than thirty days from the date of the proclamation of the results of the elections.
2. Other meetings of the Council shall be convened by the Chairman on his own initiative or on the request of not less than one-third of the Councillors.
3. Every Council, Finance Committee and Area Committee, shall meet at least once a month; other committees shall meet at least once every three months.
4. Meetings of Councils and Area Committees shall be open to the public, provided that for good and sufficient reason, to be stated in the records, the public may be excluded from any meeting or part thereof.
5. Meetings of other committees shall not be open to the public.
6. Voting at meetings of Councils and committees shall be opened except in case of elections and in other cases as decided by the Council or the committee, provided that the voting shall always be open in cases referred to in article 39.

Article 20.

(Quorum).

The quorum for meetings of the Council and its committees shall be one-half of the Councillors.

Article 21.

(Records).

1. A record shall be kept of the names of the persons present and those absent at each meeting of a Council and of any committee.
2. Resolutions and decisions of a Council and of any committee shall be regularly recorded and approved, with amendments if any, at the

same or the next meeting of the Council or committee.

3. Copies of approved records shall be submitted to the Supervisory Authority within fifteen days from the meeting, and shall be posted for not less than seven days on the Council's Notice Board. The records shall be open to inspection by any resident within the territorial limits of the Council.

Article 22.

(Expenses of Members of Councils and Committees).

1. Within the limits of the approved budget, members of a Council and its committees may be refunded the expenses incurred as a result of their attendance at meetings or other official local government business.

2. Refunds shall take the form of:

- a) an allowance to cover the actual cost of transport involved;
- b) an allowance for attending meetings.

3. The maximum payment which may be made under paragraph 2 (a) and the amount of the allowance provided in paragraph 2 (b) above, shall be established by each Council, subject to prior approval of the Supervisory Authority.

4. The provisions of the preceding paragraphs shall apply also to persons invited to attend meetings of Area Committees in accordance with article 16 of this law.

5. In addition to the above allowances, any Council may, with the approval of the Supervisory Authority, make provision for a monthly representation allowance to be paid to the Chairman of the Council.

CHAPTER IV

Staff

Article 23.

(Executive Responsibility).

The Executive Secretary of a Council and the staff under his control shall be responsible for the proper execution of the policies laid down by the Council, subject to the provisions of this and any other law and any direction of the Supervisory Authority.

Article 24.

(Executive Secretary and Heads of Service).

1. The Executive Secretary and, where such post have been establi-

shed, the Deputy Executive Secretary and the Heads of Service shall be officers of the Civil Service of the State, and shall be appointed from amongst officers of the Ministry of Interior.

2. A category of Local Government Service shall be established by decree of the President of the Republic in accordance with article 2 of Law N. 7 of 15 March 1962 (Civil Service).
3. The Minister of Interior, having heard the Local Council, shall appoint the Executive Secretary and such Heads of Service as are deemed necessary for the efficient performance of the functions of the Council. The termination of the appointment of the foregoing officers and their transfer shall be effected in the same manner.
4. A Council may make recommendations to the Minister of Interior regarding the transfer of, or the application of disciplinary measures to, any of the officers referred to in this article.
5. The salaries and allowances of the officers referred to in this article shall be paid by the Local Administrations from their own funds.
6. Subject to the directives of the Council, in the performance of their professional duties, Heads of Service shall conform with the policies of the Ministries competent in their respective fields.

Article 25.

(Other Staff).

1. A Council shall establish the number, titles, grades and salary scales of the staff of the Council other than the officers referred to in article 24 above.
2. The terms and conditions of service of the said staff shall be established by the Local Councils, subject to prior approval by the Supervisory Authority, and shall follow, in so far as applicable, the provisions of the Civil Service Law.
3. The staff shall be under the administrative control of the Executive Secretary.
4. The power of appointment and termination of the staff shall be exercised by the Executive Secretary, subject to the prior approval of the Staff Committee of the Council.
5. The salaries and allowances of the staff shall be paid by the Local Administrations from their own funds.

Article 26.

(Attendance at Meetings and Records).

1. The Executive Secretary or his designated representative shall be present and be heard, without the right to vote, at all meetings of a

Council and its committees, provided that, where the subject under discussion concerns the Executive Secretary or his designated representative, the Chairman may direct him to withdraw.

2. The Executive Secretary shall be responsible for keeping a complete and accurate record of all meetings, decisions and resolutions of a Council and its committees, and for the collection and custody of any laws, regulations and other documents relevant to the business of the Council.

CHAPTER V

Financial and Accounting Procedure of Local Councils

SECTION I

The Budget

Article 27.

(The Financial Year).

The Financial Year shall begin on the first day of January and end on the thirty-first day of December.

Article 28.

(Preparation and Approval of Budget).

1. The Financial Committee of a Council shall prepare the draft estimated budget indicating the details of revenue and expenditure, for approval by the Council. The budget shall be approved by an absolute majority of the Councillors.
2. Where a Council intends to apply for a grant from the Government, or where it appears that a deficit is likely to occur, the budget approved by the Council shall be submitted to the Minister of Interior for final approval not later than the 15th of July of each year. In other cases, the budget shall be submitted to the Minister of Interior not later than the 30th September of each year.
3. Where the Minister of Interior is not the Supervisory Authority, the budget shall be forwarded to the Minister of Interior with the observations of the Supervisory Authority.
4. Where the budget of a Council has not been approved or disapproved on the 31st of December of any year, a Council may by resolution authorize expenditure, in accordance with the budget submitted, not exceeding one twelfth per month of its revenue for the preceding year.

5. Where during a financial year a Council finds it necessary to make variations in expenditure not involving new items, such variations shall be effected with the prior approval of the Supervisory Authority.

6. Where a Council finds it necessary to incur expenditure on any item not included in the budget, such expenditure shall not be incurred without the prior approval of the Minister of Interior.

SECTION II

Revenue of Councils

Article 29.

(Revenue).

The revenue of a Local Administration shall consist of:

- a) proceeds of rates, taxes, and fees in accordance with article 31 of this law;
- b) income from immovable and moveable property;
- c) proceeds of sale of immovable and moveable property, provided that the categories of property listed in paragraph 2 of article 1 of the Financial and Accounting Procedure of the State approved by Legislative Decree No. 2 of 29 December 1961, which belong to a Local Administration, shall be inalienable and shall not be subject to prescription;
- d) receipts from any other source as provided by law.

Article 30.

(Rates, Taxes and Fees).

1. Where a Local Council so decides, the Local Administration may levy and collect one or more of the following:

- a) a rate at a uniform percentage on the assessed value of buildings;
- b) a fixed rate in respect of any dwellings and buildings not subject to the rate referred to in letter a);
- c) a rate at a uniform percentage on the assessed value of land;
- d) a fixed rate in respect of land not subject to the rate referred to in letter c);
- e) trade licensing fees except where it is prescribed by law that a different authority shall levy and collect any such trade licensing fee;
- f) market fees and taxes;

- g) abattoir fees;
 - h) fees in respect of any service provided by the Council, such as conservancy fees, vaccination and inoculation fees;
 - i) dog licence fees;
 - j) dipping fees for animals;
 - k) fees for certificates;
 - l) a rate on «espresso» coffee machines;
 - m) a rate on the consumption of electric energy;
 - n) an additional Local Administration tax on State tax on public entertainments;
 - o) a tax on the sale of animals;
 - p) a tax on sign-boards;
 - q) an additional tax on the circulation tax on motor vehicles.
2. The rates, taxes and other fees referred to in the previous paragraph shall in each case be subject to the maximum established by the legislative decree referred to in article 52 of this law.

Article 31.

(Procedure for Establishment of Rates, Taxes and Fees).

1. Where a Council intends to apply one or more of the rates, taxes and fees referred to in paragraph 1 of article 30, it shall adopt a resolution which shall specify:
- a) the amount of any such rate, tax, or fee subject to the maximum established by the legislative decree referred to in article 52 of this law;
 - b) in the case of rates referred to in sub-paragraphs a), b), c) and d) of paragraph 1 of the previous article, whether the rate shall apply to the whole of the area under the jurisdiction of a Local Administration or only to a part thereof; and, where it applies only to a part thereof, the part to which it shall apply;
 - c) the date from which such rates, taxes and fees shall be collected
2. A resolution referred to in the preceding paragraph shall not come into force without approval of the Minister of Interior.

Article 32.

(Payment of Revenue).

- 1. The revenue of a Local Administration shall be collected in cash.
- 2. Official receipts shall be issued for all sums collected.

SECTION III

Expenditure

Article 33.

(Expenditure).

Subject to the provisions of this law, a Local Administration may incur all expenditure necessary for the performance of its functions.

Article 34.

(Payment Vouchers).

Payment vouchers shall be prepared in respect of every payment and shall be supported by such documents as are necessary to justify the payment.

SECTION IV

Contracts

Article 35.

(Signing of Contracts).

1. Every contract shall be signed by the Chairman of a Council in the presence of the Executive Secretary who shall affix the seal of the Local Administration and shall be responsible for the custody, registration, and any other formality relating to such contract.
2. A contract which does not comply with the requirements referred to in the preceding paragraph shall be null and void.

Article 36.

(Public Tender).

1. No contract for the supply of goods or materials, or for the execution of works, or for the performance of services which a Local Administration is empowered to carry out, the amount of which exceeds two thousand five hundred Somali shillings, shall be made except after public tender, of which at least ten days' notice shall be given by posting a copy of such notice on a public notice board at the offices of the Local Administration and at such other places as are deemed expedient.
2. Tenders shall be called for and awarded by the Finance Committee of a Council, which shall accept the lowest tender except for good and sufficient reason to be stated in the record.
3. No contract for an amount exceeding thirty thousand Somali shil-

lings shall be awarded without the prior approval of the Supervisory Authority.

SECTION V

Accounts and Audit

Article 37.

(Accounts).

1. A Local Administration shall keep true and accurate accounts of all financial transactions relating to the conduct of the Council's business.
2. A Local Administration shall submit the annual accounts to the Minister of Interior not later than the 1st of March of each year. The annual accounts shall contain such accounts, data and information as may be necessary to show the results of the management of the budget, a comparison between the estimated and the actual revenues and expenditures, and any other information relevant for the purpose.

Article 38.

(Audit).

1. The Minister of Interior shall make arrangements for the audit of the accounts of a Local Administration.
2. The Magistrate of Accounts shall participate in the auditing of the accounts of only those Local Administrations to whose budgets the State makes substantial contributions by way of loans or grants-in-aid.

SECTION VI

Responsibility for Financial Irregularities

Article 39.

(Financial Responsibility).

1. Without prejudice to any criminal liability as may arise, any person who makes or authorizes an unlawful payment or whose negligence or misconduct causes a deficiency or loss may be required to reimburse the amount of the unlawful payment or deficiency or loss.
2. The liability to make a reimbursement under the preceding paragraph shall be upon the person making the payment except where the payment has been made upon instructions recorded in writing from a Council or committee. In such cases the liability shall be upon the members of the Council or committee who have voted in favour of such payment.

3. Where the question of the legality of a payment is raised at a meeting of a Council or committee, the Executive Secretary or the person responsible for the records shall record the names of the members who voted in favour of such payment.

Article 40.

(Procedure for Reimbursement).

In cases referred to in the preceding article, where the Minister of Interior is the Supervisory Authority, he shall order the reimbursement. Where the Supervisory Authority is not the Minister of Interior, the Supervisory Authority of the Local Administration concerned shall order the reimbursement.

SECTION VII

General Provisions

Article 41.

(Investment of Funds).

The Council may, in the interest of the Local Administration, decide on the investment of all or any portion of the funds of the Local Administration, subject to the approval of the Minister of Interior.

Article 42.

(Loans).

A Council may raise loans with the prior approval of the Minister of Interior on such terms and conditions as he may deem necessary.

Article 43.

(Financial Procedures).

A Council shall, if so directed in writing by the Minister of Interior, adopt such financial procedures as may be deemed necessary.

CHAPTER VI

Miscellaneous, Transitional and Final Provisions

SECTION I

Miscellaneous Provisions

Article 44.

(Dissolution of Councils).

1. Where a Council cannot perform its functions or persistently makes

default in performing the duties imposed on it by law, or exceeds or abuses its powers, the Minister of Interior, having heard the Council of Ministers, may by decree dissolve the Council and appoint a Special Commissioner who shall have all the responsibilities, functions and powers of the Council which has been dissolved. The decree shall state the grounds for the dissolution of the Council.

2. Where a Council has been dissolved as provided in the preceding paragraph, a new Council shall be elected not later than six months from the date of dissolution.

3. Within thirty days from the date of this dissolution of a Council, any Councillor may, in accordance with law, file a petition before the Supreme Court challenging the legality of the dissolution.

Article 45.

(Forfeiture of Membership in the Council).

1. A Councillor who forfeits any of the qualifications prescribed in article 3 of the Annex shall be declared by the Minister of Interior, on the proposal of the Supervisory Authority, to have ceased to be a Councillor.

2. A Councillor who makes default in the performance of his duties may be removed from the Council by the Council itself.

Article 46.

(Succession to Rights and Liabilities).

1. Subject to the provisions of Chapter I of the Financial and Accounting Procedure of the State approved by Legislative Decree No. 2 of 29 December 1961, all property owned by, and all rights vested in, any Municipal Administration established under Law No. 9 of 30 September 1956, or any Local Government Council established under the Local Government Council's Ordinance 1953, as well as all liabilities subsisting against any of the said Municipal Administrations or Local Government Councils, shall be transferred to the Local Administration established under this law, having jurisdiction over the territory which, prior to the entry into force for this law, was under the jurisdiction of the said Municipal Administrations or Local Government Councils.

2. Where the territory of any Municipal Administration or Local Government Council existing on the date of the entry into force of this law is divided between two or more Local Administrations under this law, the Presidential decree establishing such Local Administrations shall specify the proportion in which the property, rights and liabilities of the said Municipal Administration or Local Government Council shall be divided between the said Local Administrations.

Article 47.

(Penal Provisions).

1. Except as otherwise provided by law or regulation, and where the act does not constitute a more serious offence, whoever:

- a) contravenes any regulation of a Local Council;
- b) fails to comply with any order lawfully given by the Chairman of a Council, the Executive Secretary or any competent Head of Service,

shall be punished with fine for a contravention from Sh. So. 50 to 500 provided that, where the act constitutes a violation of a regulation or order relating to public security, law and order, public health or hygiene, the punishment shall be imprisonment for a contravention up to three months or fine for a contravention up to Sh. So. 3,000.

2. In case of contraventions referred to in the preceding paragraph, which are punishable with fine for contravention only, the offence may be compounded where the offender pays one-half of the minimum fine to the office of the Local Administration within seven days from the date in which the said offender was charged by an officer with the contravention.

3. All sums collected under this article shall from part of the revenue of the Local Administration concerned.

SECTION III

Transitional Provisions

Article 48.

(Staff).

1. Members of the staff of Municipal Administrations and Local Government Councils in service on the date of the entry into force of this law may:

- a) be transferred, by decree of the President of the Republic, on the proposal of the Minister of Interior, having heard the Council of Ministers, to the Civil Service and assigned to the Ministry of Interior for the purpose of filling the posts referred to in paragraph 1 of article 24 of this law. The said staff shall be subsequently assigned to the category of Local Government Service provided in paragraph 2 of the same article;
- b) be transferred to the staff of the Local Councils concerned, by resolution of the Local Council approved by the Supervisory Authority

2. Where the transfers provided in the preceding paragraph are effected, the staff member concerned shall, notwithstanding the provisions of article 6 of the Civil Service Law regarding educational qualifications, be given a rank equivalent to that previously held, and shall for all purposes maintain the seniority acquired during his previous service.

3. Pending the appointments and transfers provided in paragraphs 1 and 2 of this article, members of the staff of Municipal Administrations and Local Government Councils in service on the date of the entry into force of this law shall continue to serve the respective Local Administrations established under this law, on the terms and conditions applicable to them on the date of the entry into force of this law.

Article 49.

(Finances).

Pending the implementation of Chapter V, Section II, of this law, the revenue of a Local Administration shall continue to be governed by the relevant provisions of Law No. 9 of 30 September 1956 (Municipal Administrations) and the Local Government Councils Ordinance, 1953.

SECTION III

Final Provisions

Article 50

(Abrogation).

Law No. 9 of 1956 on Municipal Administration, Tax Law No. 1403 of 1939, the Local Government Councils Ordinance 1953, Law No. 15 of 1958 on Administrative Elections, and any other provisions contrary to or inconsistent with this law or its Annex, are hereby abrogated.

Article 51.

(Regulations).

The Minister of Interior, having heard the Council of Ministers, may make regulations for the proper implementation of this law and its Annex, including the registration of voters and the assignment of voters to the different electoral sections.

Article 52.

(Legislative Decree).

The Government is hereby directed to establish, by legislative decree

to be issued within six months from the entry into force of this law, the maximum limits of the rates, taxes and other fees referred to in article 30 of this law.

Article 53.

(Entry into Force).

This law shall enter into force on the fifteenth day after 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, 14 August 1963

ADEN ABDULLA OSMAN

The Prime Minister «ad interim»

MOHAMUD ABDI NUR

The Minister of Interior

MOHAMUD ABDI NUR

ANNEX TO LAW

N. 19 . OF 14 AUGUST 1963

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 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 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 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 such leave, shall be counted for promotion and periodic increments. However, during such period, the Councillor shall receive only the emoluments 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 date of 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 sections 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).

Candidatures shall be presented in lists covering an electoral dis

trict. 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

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 the 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 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 stating in writing the reasons for rejecting them.
3. The representatives of the lists referred to in paragraph 4 of arti-

cle 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.

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 order and may order that such meetings, proces-

- sions 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 Electoral 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.

ed 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 20.

(Electoral District Office).

1. The Electoral District Office shall have its seat 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 necessity 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 List).

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 last 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 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 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, 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 Office).

The Electoral Section Offices, 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.

4. The record shall specifically indicate the above operations.

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 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 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 a 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 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 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.

I N D E X

LOCAL ADMINISTRATION AND LOCAL COUNCIL ELECTIONS

CHAPTER I - ESTABLISHMENT OF LOCAL ADMINISTRATIONS

		Page
Article	1 - Local Administrations	53
Article	2 - Juridical Personality	54
Article	3 - Classification of Local Administrations	54
Article	4 - Local Councils	54
Article	5 - Additional Members	55
Article	6 - The Supervisory Authority	55

CHAPTER II - RESPONSIBILITIES, FUNCTIONS AND POWERS OF COUNCILS

Article	7 - Responsibilities of Councils	55
Article	8 - Mandatory Functions	55
Article	9 - Other Functions	56
Article	10 - Powers	57

CHAPTER III - ORGANIZATION OF COUNCILS AND COMMITTEES

Article	11 - Chairman and Vice-Chairman	58
Article	12 - Powers of the Chairman	58
Article	13 - Vice-Chairman	59
Article	14 - Finance and Staff Committees	59
Article	15 - Other Functional Committees	59
Article	16 - Area Committees	59
Article	17 - Composition of Committees	59
Article	18 - Co-option to Committees	60
Article	19 - Meetings	60
Article	20 - Quorum	60
Article	21 - Records	60
Article	22 - Expenses of Members of Councils and Committees	61

CHAPTER IV - STAFF

Article	23 - Executive Responsibility	61
Article	24 - Executive Secretary and Heads of Service	61
Article	25 - Other Staff	62
Article	26 - Attendance at Meetings and Records	62

CHAPTER V - FINANCIAL AND ACCOUNTING PROCEDURE
OF LOCAL COUNCILS

SECTION I - THE BUDGET

Article 27	- The Financial Year	63
Article 28	- Preparation and Approval of Budget	63

SECTION II - REVENUE OF COUNCILS

Article 29	- Revenue	64
Article 30	- Rates, Taxes and Fees	64
Article 31	- Procedure for Establishment of Rates, Taxes and Fees	65
Article 32	- Payment of Revenue	65

SECTION III - EXPENDITURE

Article 33	- Expenditure	66
Article 34	- Payment Vouchers	66

SECTION IV - CONTRACTS

Article 35	- Signing of Contracts	66
Article 36	- Public Tender	66

SECTION V - ACCOUNTS AND AUDIT

Article 37	- Accounts	67
Article 38	- Audit	67

SECTION VI - RESPONSIBILITY FOR FINANCIAL
IRREGULARITIES

Article 39	- Financial Responsibility	67
Article 40	- Procedure for Reimbursement	68

SECTION VII - GENERAL PROVISIONS

Article 41	- Investment of Funds	68
Article 42	- Loans	68
Article 43	- Financial Procedures	68

CHAPTER VI - MISCELLANEOUS, TRANSITIONAL AND
FINAL PROVISIONS

SECTION I - MISCELLANEOUS PROVISIONS

Article 44	- Dissolution of Councils	68
Article 45	- Forfeiture of Membership in the Council	69
Article 46	- Succession to Rights and Liabilities	69
Article 47	- Penal Provisions	70

	SECTION II - TRANSITIONAL PROVISIONS	70
Article 48	- Staff	71
Article 49	- Staff	71
	SECTION III - FINAL PROVISIONS	
Article 50	- Allocation	71
Article 51	- Regulations	71
Article 52	- Legislative Decree	71
Article 53	- Entry into Force	72

ANNEX TO LAW

COUNCIL ELECTIONS

CHAPTER I - GENERAL PROVISIONS

Article 1	- Councillors	75
Article 2	- Qualifications of Voters	75
Article 3	- Qualifications of Candidates	75
Article 4	- Incompatibility	76
Article 5	- Fixing of Elections	76
Article 6	- Subdivision of the Territory for Electoral System	76

CHAPTER II - PRESENTATION OF CANDIDATURE

Article 8	- Lists of Candidates	77
Article 9	- Signatures of Lists of Candidates	77
Article 10	- Supporters of Lists of Candidates and Presentation	77
Article 11	- Security Deposit	78
Article 12	- Presentation of the Lists	78
Article 13	- Notice of Lists of Candidates	79

CHAPTER III - ELECTORAL PROPAGANDA

Article 14	- Commencement and Termination	79
Article 15	- Electoral Meetings	79
Article 16	- Posters and Leaflets	80
Article 17	- and Military Uniforms	80

CHAPTER IV - ELECTORAL OFFICES

Article 18	- Electoral Organization	80
Article 19	- Electoral Section Offices	80
Article 20	- Electoral District Office	81
Article 21	- Agents of the List	81
Article 22	- Appointment and Oath of Members of Electoral Offices	82

Article 23	- Legal «Status»	82
Article 24	- Emoluments	82
Article 25	- Supervision	83

CHAPTER V - PRELIMINARY OPERATIONS

Article 26	- Material for the Electoral Offices	84
Article 27	- Stamps, Records, Ballot Boxes, Tabulation	84
Article 28	- Ballots	84
Article 29	- Polling Booths and Ballot Boxes	84
Article 30	- Notice with Instructions for the Voters	84
Article 31	- Delivery of Material to Electoral Offices	85

CHAPTER VI - VOTING

Article 32	- Setting up of the Electoral Section Office	85
Article 33	- Police Power of the Office	86
Article 34	- Access to Offices	86
Article 35	- Facilities to Voting	87
Article 36	- Voters Unqualified to Vote in Person	87
Article 37	- Voting Procedure	87
Article 38	- Voting Hours	88
Article 39	- Decisions of the Office	88

CHAPTER VII - ORGANIZATION OF THE ELECTORAL SECTION OFFICE

Article 40	- Operations Preliminary to Counting	88
Article 41	- Counting	89
Article 42	- Closing of the Counting Operations	90
Article 43	- Votes and Contested Votes	90
Article 44	- Records of the Electoral Section Office	90
Article 45	- Transport and Delivery of Material	90

CHAPTER VIII - OPERATIONS IN THE ELECTORAL DISTRICT OFFICE CONFIRMATION OF ELECTIONS

Article 46	- Setting up of the Electoral District Office	91
Article 47	- Counting of Votes	91
Article 48	- Records of the Operations	92
Article 49	- Confirmation of the Electoral Results	92
Article 50	- Confirmation of the Elections	92

CHAPTER IX - PENAL PROVISIONS REGARDING ELECTIONS

Article 51	- Violation of the Right of Propaganda	93
Article 52	- Violation of the Right to Vote	93

Article 53	-	Corruption	93
Article 54	-	Interference with the Regular Carrying out of Voting and Counting Operations	93
Article 55	-	Illegal Access to the Electoral Offices	94
Article 56	-	Illegal Voting	94
Article 57	-	Falsification or Theft of Documents and Alteration of Electoral Data	94
Article 58	-	Unjustified Refusal to be a Member of an Electoral Office	95
Article 59	-	Other Infractions	95
Article 60	-	Accessory Penalty	95

CHAPTER X - MISCELLANEOUS PROVISIONS

Article 61	-	Oath	95
Article 62	-	Vacancy	95
Article 63	-	Election Expenditure	95
