

LEGAL SERVICE DEPARTMENT UNIT

Objective

To provide legal services and advice on all legal issues concerning the electoral processes in consultation with the Office of the Attorney General.

Functions

- (i) To review the legal framework for conducting Presidential, Parliamentary and Councilor's elections in consultation and collaboration with the Office of the Attorney General;
- (ii) To deal with objections and appeals of candidates during nomination process;
- (iii) To review legal framework for Registration of Voters in consultation and collaboration with the Office of the Attorney General;
- (iv) To prepare proposals and procedures for demarcation of constituencies;
- (v) To Electoral Code of Conduct and oversee its implementation; and
- (vi) To prepare procedures for the declaration of Members of Parliament and Councilors for Women Special Seats.

This Unit will be led by the Director and will be Assisted by two Assistant Director of:-

- (i) National Elections Section; and
- (ii) Local Government Elections Section

National Elections Sections which will be led by Assistant Director

The Section will perform the following activities:

- (i) Prepare Regulations for Presidential and Parliamentary Elections and monitor their implementation;
- (ii) Handle objections against nomination of Presidential Candidates;
- (iii) Deal with appeals against Nomination of candidates for Parliamentary Elections;

- (iv) Prepare proposals and procedures for the demarcation of constituencies;
- (v) Prepare information and documentary evidence concerning
- (vi) Parliamentary election petitions and submit to the Office of the Attorney General;
- (vii) Prepare drafts of answers to questions asked by Members of Parliament on the functions of the Commission and Electoral processes;
- (viii) Deal with Parliamentary By- Elections;
- (ix) Prepare Contracts and Legal Documents concerning the National Electoral Commission in collaboration with the Office of the Attorney General
- (x) Review and propose amendments to the National Elections Act;
- (xi) Make follow up for Parliamentary election petitions and other cases concerning the National Electoral Commission;
- (xii) Prepare Invitation for election observers and their accreditation;
- (xiii) Prepare procedures for declaration of Members of Parliament for Women Special Seats, handle complaints arising out of their declaration and inform the Speaker and Political Parties the names of women declared to be Members of the Parliament through Special Seats;
- (xiv) Monitor the implementation of a procedures for declaration of Members of Parliament for Women Special Seats;
- (xv) Follow up and ensure implementation of judgments relating to matters affecting elections;
- (xvi) Prepare NOTICES and publish them in the Official Gazette in respect of Electoral processes for Presidential and Parliamentary Elections as provided in the Legislations;
- (xvii) Prepare Electoral Code of Conduct and oversee its implementation; and

(xviii) Provide legal advice and assistance to NEC's Division and Units on interpretation of laws, terms of contract, terms of agreements, privatization agreements, procurement contracts, guarantees, letters of undertaking.

Local Government Elections Sections

The Section will perform the following activities:-

- (i) Review and propose amendments to the Local Government Electoral Laws;
- (ii) Prepare Local Government Elections Regulations and Forms;
- (iii) Prepare the list of electoral polling districts and publish them in the Official Gazette;
- (iv) Deal with nomination appeals from candidates in Councilors' Elections;
- (v) Deal with Councilors' by-elections
- (vi) Prepare contracts and legal documents concerning Councilors' elections in consultation with the Office of the Attorney General;
- (vii) Oversee the enforcement of Electoral Code of Conduct at Ward levels;
- (viii) Prepare procedures for declaration councilors for Women Special Seats, handle complaints arising out of their declaration and inform the City, Municipal, Town and District Directors, as well as political Parties the names of women declared to be members of Councilors through Special Seats;
- (ix) Follow up and ensure implementation of judgments relating to matters affecting elections in councils;
- (x) Prepare NOTICES and publish them in the Official Gazette in respect of Electoral processes for Councilors' Elections;
- (xi) Make a follow up for Councilor's election petitions in courts of Laws, execute and implement decisions affecting the electoral process This Schedule will be led by a Principal Legal Officer