

**SYNOPSIS SOUTHERN SUDAN
REFERENDUM ACT 2009**

Law	Subject	Summary	Comments
CPA			
	Referendum on Self-determination	<i>At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by GOS and the SPLM/A for the people of Southern Sudan: to confirm unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession</i>	Chapter I Machakos Protocol Preamble Part B Point 2.5 (Page 4 & page 8)
		<i>That the people of South Sudan have the right to self-determination, inter alia through a referendum to determine their future status</i>	Machakos Protocol Point 1.3(page 8)
CPA	Establishment of the referendum commission	<i>An ad-hoc Commission to monitor and ensure accuracy, legitimacy, and transparency of the Referendum as mentioned in the Machakos Protocol on Self-Determination for the People of South Sudan, which shall also include international experts</i>	Chapter II Power Sharing Part II Point 2.10.1.5 (Page 27)
		<i>(Appointment that the President is required to make with the consent of the 1st VP) Establishment of Ad-Hoc Commission to monitor and ensure accuracy, legitimacy and transparency of the Referendum</i>	Implementation modalities Appendix B1 Page 169
		<i>Timing: soon after enactment of Referendum Act, Executing body: Presidency, Funding sources: GoNU & international community, Composition: GoNU & GoSS, Location: Khartoum, Procedures: to be established by the Presidency in accordance with the CPA and the Referendum Act</i>	
	Registration	<i>Timing: starts beginning of the sixth year of the interim period and ends 3 months before the voting Executing body: Referendum Commission Funding sources: GoNU, GoSS and international community Location: Southern Sudan and any location to be determined by the Referendum Commission</i>	Implementation modalities Page 141
	Enlightenment campaign	<i>Timing: After the establishment of the Referendum Commission, Executing body: Referendum Commission, Funding sources: GoNU, GoSS and international community, Location: Southern Sudan and wherever relevant, Procedures: Mass media, meetings, public rallies, conferences, seminars workshops..etc</i>	
	Voting	<i>Timing: six months before the end of the Interim Period, Executing body: Referendum Commission, Funding sources: GoNU, GoSS and international community, Location: Southern Sudan and any other location determined by the Referendum Commission in accordance with the Referendum Act, Procedures: one person one vote</i>	

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SSRA			
Art. 3	Application	<i>SSRA applies to the referendum organized by the Commission in cooperation with the GNU and the Government of Southern Sudan under international observation on 9 January 2011, i.e. six months prior to the end of the interim period...</i>	See also art. 5 and 14.2 a)
Art. 4	Right to self-determination	<i>... to determine their future status in accordance with the CPA, the Constitution and the SSRA</i>	
Art. 5	Referendum	<i>... to be conducted in Southern Sudan and any other locations on 9 January 2011, organized by the Commission, in cooperation with the with the Government and the Government of Southern Sudan under international observation.</i>	See also art. 3 and 14.2 a)
Art. 6	To choose between 2 options	<i>...the people of Southern Sudan shall cast vote for either:</i> i. <i>Confirmation of the unity of the Sudan by sustaining the form of government established by the Comprehensive Peace Agreement and the Constitution, or</i> ii. <i>Secession</i>	
Art. 7	Favorable Environment	<i>...the different levels of governance shall commit to creating an environment favourable to conduct the referendum through the following:</i> a) <i>Appropriate environment and security conditions.</i> b) <i>Freedom of expression for all the people of Sudan in general and the people of Southern Sudan in particular, through mass media or any other means.</i> c) <i>Freedom of assembly and movement..</i> d) <i>Ensuring the presence of IGAD, United Nations, the European Union, African Union and other international signatory bodies as witnesses to the CPS to engage in the observation on the referendum.</i> e) <i>Ensuring the presence of national, regional and international Civil Society Organizations to observe all the procedures pertinent to the referendum-related awareness campaign</i> f) <i>Ensuring that the registered political parties, organizations and gatherings adhering to the CPA are given equal opportunities in voicing their views on the referendum options.</i> g) <i>Educating and registering the voters, safeguard and guarantee their right to secret voting without fear or intimidation.</i>	<i>This article provides a legal basis for requesting Departments of both Governments to establish codes of conduct to enact this. See also art. 45.3, 46.1 and 46.4</i> See also art. 61.1 See also art. 61.2 See also art. 45.2, 46.3 See also art. 45.4
Electoral system			
Art. 41.2	Threshold	<i>The Southern Sudan Referendum shall be considered legal if at least (60%) of the registered voters cast their votes; if not, referendum should be repeated within 60 days.</i>	See also art. 66
Art. 41.3	Simple majority	<i>...the referendum results shall be in favour of the option that secures a simple majority (50% +1) of the total number of votes cast for one of the two options...</i>	
Referendum Administration			
Art. 8.1	Referendum Commission	<i>To be established immediately following the coming into force of the Act. With corporate personality and public seal.</i>	
Art. 8.2		<i>Based in Khartoum with a Southern Sudan Referendum Bureau in Juba</i>	
Art. 8.3		<i>Structure:</i> a) <i>Commission Headquarters;</i> b) <i>Southern Sudan Referendum Bureau</i> c) <i>Secretariat General</i> d) <i>Referendum High Committees in the States of Southern Sudan</i> e) <i>Referendum Sub-Committees in the counties</i> f) <i>Referendum Centers</i>	

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Art. 9	Independence	<i>Financially, administratively and technically independent; no one shall interfere in its duties/powers</i>	
Art. 10.1	Composition	<i>9 members: Chairman, Vice-Chairman and 7 commissioners</i>	<i>Also according to art. 58.2 (c) of the Interim National Constitution and appendix B1 (6) of the CPA</i>
	Appointment	<i>By the President of the Republic with the consent of the First Vice President and approval of the National Assembly by simple majority</i>	
Art. 10.3	Tenure	<i>End of interim period</i>	
Art. 10.4	Full time	<i>Only for Chairperson, Deputy chairperson/ Head of Southern Sudan Referendum Office</i>	
Art. 11.1	Vacancy	<ul style="list-style-type: none"> • <i>Resignation accepted by the President</i> • <i>Insanity</i> • <i>Death</i> • <i>Decision to remove according to art. 12</i> 	
Art. 11.2		<i>In such case, successor to be appointed within 30 days, following procedures of art. 10.2</i>	
Art. 12	Termination/removal	<i>12.1: A decision from the President with the consent of the Vice President for a/ frequent absence, b/ conviction of crime(involving dishonesty or moral turpitude upon notification from the commission, and 12.2: incompetence</i>	
Art. 13	Oath	<i>Oath before the President of the Republic</i>	
Art. 17	Immunity	<i>With the exception of flagrant delicto, no criminal proceeding against the Chair and Commission members without prior and written consent of the Presidency</i>	
Art. 16.1	Chairperson	<ul style="list-style-type: none"> • <i>Chair meetings</i> • <i>Follow up the Commission's decisions</i> • <i>Submit to the Presidency the recommendation of the Commission for the appointment of the chair for Southern Sudan Referendum Bureau and Secretary General</i> • <i>Represent the Commission to third parties</i> • <i>Supervise the work of the Commission</i> • <i>Submit the budget</i> 	
Art. 16.2	Vice-Chairperson	<ul style="list-style-type: none"> • <i>Act as Chair of the Commission in the absence of the Chairperson</i> • <i>Be the chair of the Southern Sudan Referendum Bureau</i> 	
Art. 19	Secretariat General	<ul style="list-style-type: none"> • <i>Set-up of a general secretariat headed by a Secretary general appointed by the President with the consent of the Vice President upon the recommendation of the Commission</i> • <i>Responsible of the executive, administrative and financial activities</i> • <i>Responsible for bookkeeping</i> • <i>Regulations should detail its duties and powers</i> 	
Art. 20	Budget & Accounts	<ul style="list-style-type: none"> • <i>Independent budget</i> • <i>Included in the annual budget of the State</i> • <i>Maintain regular accounts in accordance with standards</i> 	
Art. 21	Audit	<ul style="list-style-type: none"> • <i>Accounts audited by the National Audit Chamber</i> 	
Subsidiaries			
Art. 18	Southern Sudan Referendum Bureau	<ul style="list-style-type: none"> • <i>Headed by the Referendum Commission Vice-Chairperson</i> • <i>Chairperson + 4 members for a total of 5 members:</i> • <i>4 members appointed by the Commission upon recommendation of the Chairperson of the Southern Sudan Referendum Bureau</i> 	<i>Note: according to art. 18.2 that refers to art. 10.2, members should be at least 40 years-old.</i>
Art. 22	High Committee	<ul style="list-style-type: none"> • <i>Appointed by the Commission upon recommendation of the Southern Sudan Referendum Bureau</i> • <i>Chairperson + 4 members for a total of 5 members:</i> 	<i>Note: according to art. 22.2, members should be at least 40 years-old.</i>

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		<ul style="list-style-type: none"> Accountable to the Southern Sudan Referendum Bureau Independent, impartial and transparent body Chairperson responsible for conducting the referendum in the State Exercise responsibility delegated by the Referendum Commission or the Southern Sudan Referendum Bureau Shall create, supervise and issue directives to Sub-Committees in the Counties of its State Recruit the staff of Referendum Centers recommended by Sub-Committees 	
Art. 23.1 Art. 23.4 Art. 18.3 d)	Sub-Committee	<ul style="list-style-type: none"> Created by High Committee in each County with the approval of Southern Sudan Referendum Bureau Composed of a Chairperson and 2 members for a total of 3 members¹ Its Chairperson, members and staff are appointed by the Southern Sudan Referendum Bureau upon recommendation from the Chairperson of High Committees Chairperson in charge of referendum procedures in the County 	Note: according to art. 23.4 that refers to art. 22.2, members should be at least 40 years-old.
Art. 23.2 Art. 23.4 Art. 23.6 e)	Referendum Center	<ul style="list-style-type: none"> At local level Created by High Committee at local level upon recommendation by the Sub-Committee Composed of a Chairperson and 2 members for a total of 3 members (see footnote 1) Staff recruited by High Committees (art. 23.6 e) Chief of the Referendum Center is responsible referendum procedures in the Center 	See also 27.1 Note: according to art. 23.4 that refers to 22.2, members should be at least 40 years-old.
Art. 23.3 Art. 23.4	Referendum Center outside Southern Sudan	<ul style="list-style-type: none"> Created by the Commission with the same powers than 23.2. Composed of a Chairperson and 2 members (see also footnote 1) Staff appointed by the Commission 	See also 27.2 Note: "Referendum Center" seems to qualify both a registration center and a polling center, depending on the context.
Mandate/Powers of the Commission			
Art. 14.1	Functions & Powers	<i>The Commission shall ensure and guarantee that all voters, without discrimination, enjoy the exercise of their right to express freely their opinion in a secret referendum on self-determination...</i>	See also art. 3 and 5 Powers to adopt regulations: see also art. 69
Art. 14.2 (a)		<i>Organize and monitor the referendum in accordance with the provisions of this Act, in cooperation with the Government and the Government of Southern Sudan</i>	
Art. 14.2 (b)	Operations	<i>Develop, revise, approve and archive the referendum register and issue registration cards and ballots</i>	
Art. 14.2 (c)		<i>Identification of sites (fixed and mobile registration centers)</i>	
Art. 14.2 (d)	Regulations	<i>Power to issue regulations and take executive measures required</i>	
Art. 14.2 (e)		<i>Issue procedures for the organization of the referendum and the accreditation of observers</i>	
Art. 14.2 (f)		<i>Determine registration and polling centers and take the measures to ensure order, freedom, secrecy in the conduct of registration and polling operations</i>	
Art. 14.2 (g)		<i>Tabulation of votes; Announcement of results</i>	
Art. 14.2 (h, i)	Postponement of Referendum	<i>Postponement of referendum procedures due to compelling reasons with approval of the GoS and GoSS</i> <i>Cancellation of the referendum in any polling station by decision of the Court</i>	
Art. 14.2 (j)	Language	<i>Disseminate questionnaires and forms necessary for the polling process in the languages used in</i>	

¹ By making a strict interpretation of art. 23.4 we find that only the requirements mentioned in in al. a) to f) of art. 22.2 must be applied, leaving therefore no indication of the number of members required at the Sub-Committee level. We determine, by internal regulations, that the Sub-Committees and Referendum Centers should be composed of three members, including the Chairperson. This is the same number than for the National Elections.

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		<i>Southern Sudan</i>	
Art. 14.2 (k)	Corrupt Practices	<i>Take necessary actions against any person who commit corrupt practice and against any staff who contravenes with the provisions of the Act and its regulations</i>	
Art. 14.2 (l)	Operations	<i>Prepare design and print ballots</i>	
Art. 14.2 (m)	Committees	<i>Create the committees required by the Act; determine their powers and work procedures</i>	
Art. 14.2 (n)	Recruit Staff	<i>recruit staff determine duties and supervise their functions</i>	See also art. 20
Art. 14.2 (o)	Budget	<i>Approve budget</i>	
Art. 14.2 (p)	Regulations (internal)	<i>Approve organizational and functional structure of the Commission and of the Secretariat General; determine SG emoluments and terms/conditions of service and submit to the Presidency for approval</i>	See also art. 16.1 (d)
Art. 14.2 (q)	General power to take action	<i>Address any issues, needs or procedures relating to registration, polling, vote counting/sorting</i>	
Art. 14.2 (r)	Appointment	<i>Appoint the members of the Southern Sudan Referendum Bureau</i>	See also art. 18.2
Art. 14.2 (s)		<i>Appoint the Chairperson and members of the High Committees upon recommendation of the SSRB</i>	See also art. 22.1
Art. 14.2 (t)	Regulations (internal coordination)	<i>To determine the mechanism of coordination between the Commission, the Secretariat and the SSRB</i>	
Art. 14.2 (u)	General power	<i>Perform functions necessary to the conduct of the referendum</i>	
Art. 14.3	Delegation	<i>The Commission may delegate any of its powers to its chairperson/deputy chairperson or to the Southern Sudan Referendum Bureau according to the conditions and regulations it deems appropriate</i>	
Art. 15	Meetings Decision-making	<ul style="list-style-type: none"> • <i>Regular ordinary meetings or extraordinary meetings at the request of the Chairman or a request by two-third of the members</i> • <i>Meeting chaired by the Chairman</i> • <i>Quorum: more than half of the members should be present (hence at least 5 members)</i> • <i>Decisions: by a majority of votes of the members present; if equal, the Chairman has a casting vote</i> • <i>Shall adopt internal regulations for organization of its activities and procedures for meetings</i> 	See also 14.2 (p)
Art. 65	Technical support	<i>Power to seek assistance from GoS and GoSS for technical and technological aids, public transportation and any other support to carry out its duties</i>	
Art. 69	Regulatory Power	<i>Authority to issues regulations and directives</i>	See also art. 14.2 (d) (e) (f) (g) (p) (q) (t)
Art. 24	Duties of all staff	<i>All referendum staff at all levels shall organize and assist in all referendum procedures</i>	
Mandate of the Southern Sudan Referendum Bureau			
Art. 18.3	Functions & Powers	<ul style="list-style-type: none"> • <i>Coordination between the referendum Commission and High Committees at State level</i> • <i>Direct supervision of the work of the High Committees</i> • <i>Recommend appointment of the High Committees</i> • <i>Appointment of Chairperson and members of Sub-Committees upon recommendation from the Chairperson of High Committees</i> • <i>All logistical and supplies requirements to High Committees/Sub-Committees/Referendum Centers</i> • <i>Compilation of results</i> 	Although it is not explicitly written in the Act, we believe that the Bureau has the power to adopt directives/guidelines required to enact its powers (the accessory follows the principal)
Art. 45.5		<ul style="list-style-type: none"> • <i>To determine how to conduct the information programme in Southern Sudan.</i> 	
Mandate of State High Committees (State level)			
Art. 22	Functions & Powers	<ul style="list-style-type: none"> • <i>Chairperson of the High Committee responsible for the conduct of the referendum in the State</i> • <i>Create Sub-Committees with the consent of the Southern Sudan Referendum Bureau and recommend their members</i> 	

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		<ul style="list-style-type: none"> Assume the competences and powers delegated to them by the Commission or the Bureau Issue directives and supervise Sub-Committees Implement directives from Referendum Commission or Southern Sudan Referendum Bureau Recruit the staff of Referendum Centers upon recommendation of Sub-Committees 	
Mandate of the Sub-Committees (Counties level)			
Art. 23.2	Functions	<ul style="list-style-type: none"> Recommend the formation of Referendum Centers to the High Committee Chairperson of the Sub-Committee is in charge of referendum procedures in the County 	See also 35.1
Mandate of Referendum Centers			
Art. 23.5	Functions	<ul style="list-style-type: none"> Chairperson of the Referendum Center is in charge of referendum procedures in the Referendum Center Conduct registration, polling sorting, counting declaration of results 	
Voter Eligibility Criteria			
Art. 25.1	Voter	<i>Born to parents both or one of them belonging to one of the indigenous communities that settled in Southern Sudan on or before the 1st of January 1956, or whose ancestry is traceable to one of the ethnic communities in Southern Sudan,</i>	These criteria are partly derived from Art. 9 (3) of the Interim Constitution of Southern Sudan defining Southern Sudanese.
Art. 25.2		<i>or, permanent resident, without interruption, or whose any of the parents or grandparents are residing permanently, without interruption, in Southern Sudan since the 1st of January 1956</i>	
Art. 25. 3,4,5		<i>Have reached 18 years old, sound mind and be registered in the Referendum Register</i>	Contrast 25.5 with the conditions to register of 28.2 a)
Art. 26.1	Identification of voter	<ul style="list-style-type: none"> Identity document Certificate/document issued by local government authorities as recommended by Sultan ID from UNHCR Written or oral testimony from Sultan from the County 	
Art. 26. 2 / 3		<i>To verify any document or written/oral testimony, a referendum official may seek the assistance of the local authority or the competent Sultan or the dignitaries of the concerned community. To verify the identity of someone who does not possess any personal identification document, the referendum official shall seek the help of the competent Sultan.</i>	
Voter Registration			
Art. 27.1	Registration Centers	<i>In Southern Sudan, established in the Counties by High Committee upon recommendation of Sub-Committee and in Other Locations, by the Commission, by virtue of necessity.</i>	.
Art. 27.2		<i>Outside Southern Sudan, "by virtue of necessity"</i> <ul style="list-style-type: none"> Established as "polling center" in any other location by the Commission, provided that the number of registered voters is at least 20,000 in any location If number less than 20,000 registered voters, "polling center will be established only in the capital of the State 	The Commission has entire discretion to establish Referendum Centers for the purpose of registration anywhere it sees fit outside Southern Sudan
Art. 27.3	Cannot register outside Southern Sudan	<p><i>Cannot register outside Southern Sudan:</i></p> <p>a) <i>anyone whose ancestry is traceable to one of the ethnic communities in Southern Sudan but who was not residing permanently, without interruption, in Southern Sudan before the 1st of January 1956;</i></p> <p>b) <i>permanent resident without interruption or whose any of the parents or grandparents are residing permanently, without interruption, in Southern Sudan before or since the 1st of January 1956.</i></p>	<p>There is no clear indication of who is targeted in par. a) of this article.</p> <p>Differentiation with those who are allowed to register outside Southern Sudan under 27.4 is not clear</p>

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Art. 27.4	Can register outside Southern Sudan	<i>With the exception of the voter mentioned in article 27.3 above... a voter born to parents both or either of them belongs to one of the indigenous communities that were settled in Southern Sudan on the 1st of January 1956 may vote in any referendum center...</i>	Differentiation with voters falling under 27.3 is not clear
Art. 27.5	Assistance to define who can register out of Southern Sudan	<i>In coordination and with assistance of IOM and organizations formed by people of Southern Sudan in that location</i>	
Art. 27.6	Assistance for out-of-Country registration	<i>In coordination and with assistance of IOM and organizations formed by people of Southern Sudan in the host country.</i>	Countries identified in art. 2 (definition of "Other Locations"): Ethiopia, Kenya, Uganda, Australia, United Kingdom, United States, Canada
Art. 28.1	Right to register	<i>Registration a fundamental right and responsibility of each citizen</i>	
Art. 28.2	Conditions to register	<ul style="list-style-type: none"> • <i>Meet voter's eligibility criteria of art. 25</i> • <i>Produce an Identification document or certificate issued by the competent authority</i> • <i>Not have been registered in any other location</i> 	As per art. 25.5, to be an eligible voter, one has to be registered in the Referendum Register. Here, art. 28.2 probably refers to the criteria of 25.1 to 25.4 only.
Art. 28.3	Regulations	<ul style="list-style-type: none"> • <i>Regulations determine the procedures of registration and delay for appeal</i> 	
Art. 29 a, b, c	Preparation of the register	<ul style="list-style-type: none"> • <i>In the manner and time determined by regulations</i> • <i>Accuracy through corrections/deletions/additions should be achieved 3 months before polling</i> • <i>Voter register available to all voters to review information and object</i> 	
Art. 29 d)	Exhibition	<ul style="list-style-type: none"> • <i>Commission determines exhibition date for displaying the preliminary referendum register so to allow voters to object or submit corrections</i> • <i>Duration of exhibition not defined in the Act</i> • <i>Publication is done at the Referendum Center level</i> 	
Art. 30.1	Objections & Challenges	<ul style="list-style-type: none"> • <i>Any registered voter can submit correction or objections, in writing, within 7 days from publication.</i> • <i>Objectors can request the removal of: the deceased; of those who left the constituency; of those who did not meet eligibility criteria and those who did not meet the conditions for registering</i> 	The total period for objections and appeals is 40 days, assuming that the Commission publishes the register the same day it receives the final corrections from the High Committees. More realistic would be 43 days.
Art. 30.2		<ul style="list-style-type: none"> • <i>Ad Hoc Committee appointed by the Chief of the Referendum Center shall review objections within 5 days from the filing of the complaints</i> 	
Art. 30.3 / 4		<ul style="list-style-type: none"> • <i>Once determination on objections is over: within 15 days publication of corrections and removal of names from the voter roll</i> • <i>Only those voters concerned can object to the list of corrections/removals during the 15 days period to make their case to Referendum Center Committee</i> • <i>The Sub-Committee to review the writing objection, accept or reject it</i> • <i>Once 15 days period is over, Sub-Committee to submit names recommended for deletion/corrections to High Committees</i> 	
Art. 31	Appeal	Appeal from the decision of Ad Hoc Committee of art. 30.2 to a Court of law within 7 days. Court has 5 days to decide on the appeal	The publication of the finalized register should take place three months before polling day. That would be October 9. Taking into account the period of exhibition/ corrections/objections (40 days), registration of voters <i>per se</i> would need to be finished by August 29.
Art. 32	Final Referendum Register	<i>3 months prior to polling; made available for inspection, copies can be given for a fee</i>	

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Security			
Art. 36.8	Security Committees	<ul style="list-style-type: none"> The GoSS to set up Security Committees for the referendum in Southern Sudan The GNU to set up Security Committees for other locations. All Security Committees perform their functions as per the instructions of the Commission 	
Referendum campaign			
Art. 45.1	Referendum Campaign	<i>Commission announces date and duration of information programme; shall end one day before polling</i>	
Art. 45.2		<i>Equality and fairness for advocates of the two options in State-owned media</i>	
Art. 45.3		<i>No restriction to freedom of expression</i>	See also art. 7 b)
Art. 45.4		<i>Commission to appoint an independent and impartial media committee to conduct a public awareness campaign on voting procedures.</i>	
Art. 45.5		<i>Southern Sudan Referendum Bureau determines how to conduct the information programme in Southern Sudan. Program to be disseminated on wide scale.</i>	Power of SSR Bureau
Art. 46.1	Campaign Rights	<i>Parties and individuals have the right to express their opinion through media.</i>	
Art. 46.2		<i>Equal treatment of campaigners by public officers / authority.</i>	
Art. 46.3		<i>State-owned media to provide equal air time for the two options and commit to accurately and equitably inform citizens</i>	
Art. 46.4		<i>Every person shall enjoy full freedom to express opinion and has the right to be informed.</i>	See also art. 7 b)
Art. 46.5		<i>Prohibition of seditious, discriminatory and hatred language</i>	
Art. 46.6		<i>Incitation to hatred, sedition, discrimination, violence and misleading information considered a crime.</i>	
Art. 47.1	Campaign regulations	<i>Commission to define regulations to guarantee the use of media to carry out the information program.</i>	
Art. 47.2		<i>Implementation of a comprehensive mass media program</i>	
Art. 47.3 / 4		<i>Regulations to control information program materials/use of media. Need to identify sponsor.</i>	
		<i>Prohibition to obstruct information. Program</i>	
Polling			
Art. 33.1	Polling materials	<i>To be provided by the Referendum Commission in coordination with the Southern Sudan Referendum Office (including indelible ink, voting cards, stationary etc) to the High Committees</i>	
Art. 33.2		<i>Ballots equal to number of voters in each polling station + 10%</i>	
Art. 33.3		<i>Commission supplies material to "other locations" outside Southern Sudan</i>	
Art. 34.1	Polling date	<ul style="list-style-type: none"> Referendum Commission to establish date, time and duration of the polling Announced in the Gazette and all available media not less than 2 months prior to polling 	See also art. 3 and 5 mentioning January 9, 2011
Art. 34.2 34.3	Referendum Centers, (list of)	<ul style="list-style-type: none"> List of all referendum centers to be made public in all media and disseminated widely in referendum centers 	
Art. 35.1	Referendum Centers, (establishment)	<ul style="list-style-type: none"> To be decided by the Referendum Commission in consultation with the Southern Sudan Referendum Bureau 	See also 27.2 Here, potential conflict on whether the Bureau has a say in deciding Referendum Centers outside Southern Sudan.
Art. 35.2	Referendum Centers, (location)	<ul style="list-style-type: none"> In open area easily accessible to voters and persons with special needs 	
Art. 36.1 Art. 35.3	Polling duration	<ul style="list-style-type: none"> Polling shall take place in seven days, except where Commission decides to extend.. Date, time and duration decided by Commission. Continuous process until end of specified duration 	See also art. 34.1

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Art. 36	Polling procedures Regulations	<ul style="list-style-type: none"> • <i>Vote during 7 consecutive days –extended by the Commission if required</i> • <i>One ballot box; if full, another should be provided</i> • <i>Ballots with two symbols</i> • <i>Voter apply fingerprint opposite name on the Voter Register</i> • <i>Voter apply fingerprint to mark ballot Voters queuing allowed to cast their vote after closing</i> 	Regulations shall detail all procedures: art. 36.4
Art. 35.4	Voters Queuing	<i>Voters queuing allowed to cast their vote after closing</i>	
Art. 35.5	Extension of polling	<i>To allow voters in queue to vote according to 35.4 or by permission of the Commission</i>	See also art. 37.2
Art. 37.1	Interruption Postponement of polling	<i>Suspension of voting by the Chief of Referendum Center in the event of riot or violence or any act that would impede the conduct of the poll</i>	See also art. 35.5
Art. 37-2		<i>Extend polling to compensate time elapsed during the suspension</i>	
Counting			
Art. 38.1	Sorting and Counting of Ballots	<i>At the polling station immediately upon completion of polling</i>	As per regulations
Art. 38.2 / 3		<i>As per regulations and without interruption. Lighting to be provided</i>	
Art. 38.4		<i>Observers entitled to attend without interfering</i>	
Art. 38.5		<i>Chief of Center can order expulsion of any person who hinders the sorting and counting processes</i>	
Art. 38.6	Counting Protocol	<i>Report for each ballot box mentioning: Name and number of polling station; Number of voters registered; Number of votes cast; Number of ballot received; Number of ballot used and not used Number of ballot spoiled; total number of valid, invalid and unmarked ballot papers.</i>	
Art. 38-7		<i>Five original copies to be signed</i>	
Art. 39	Invalid Vote	<i>Ballot paper torn or spoilt in any manner Fingerprint applied in a way that voter's choice not clearly determined Shall not be deemed invalid if choice can be ascertained without any doubt</i>	
Art. 40.1	Recount	<i>Although there is no specific provision for recount in the Act, this article mentions that "after.. the counting and sorting ... or the recounting and resorting.." This indicates that recount procedures could be allowed as determined by regulations.</i>	
Declaration of Results			
Art. 38.8 Art. 40.1	Declaration of results (preliminary)	<i>At the Referendum Center by displaying them in a visible place at the Center. Other copies to be sent to the Sub-Committee</i>	
Art. 40.2	Transmission	<i>Afterward, the Chief of the Referendum Center submits personally to the Chairperson of the Sub-Committee: Four original copies of the counting sorting results; report on the conduct of the process; all forms used; forms for counting and sorting; All used and unused and spoilt ballots and polling materials</i>	
Art. 41.1	Compilation and announcement of results	<i>Results from polling stations compiled by Heads of Sub-Committee are declared, and then forwarded to State High Committees Results compiled by State high Committees are declared, and then forwarded to Southern Sudan Referendum Bureau Results compiled by Southern Sudan Referendum Bureau are declared, and then forwarded to Referendum Commission Results declared by the Referendum Commission are final unless appeal of art. 43</i>	
Art. 41.2	Threshold to be considered legal	<ul style="list-style-type: none"> a) <i>...if at least (60%) of the registered voters cast their votes.</i> b) <i>If this threshold was not reached, the referendum shall be repeated under the same conditions</i> 	See also art. 66

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		<i>within sixty days form the declaration of the final results.</i>	
Art. 41.3	Results considered in favor of one option	<i>The option that secures a simple majority (50% +1) of the total number of votes cast for one of the two options,</i>	
Art. 43.1 / 2	Appeal	<i>Any voter can appeal against the preliminary results in center where s/he has voted. Appeals submitted to the Court within three days from the declaration of the preliminary results by the Commission. The Court shall decide on the appeal within one week of its reception and its decision shall be final.</i>	
Art. 44	Declaration of Final Results	<i>Forty-eight hours after the end of the period of appeals, and no later than thirty days from the date of the end of polling. Published in the Official Gazette</i>	
Art. 66	Acceptance of Final Results	<i>Option agreed upon by the people of Southern Sudan by simple majority is binding to all parties</i>	See also 41.2 and 41.3
Monitoring			
Art. 61.1	Accreditation & Regulations	<i>GNU and Goss, in addition to countries sponsoring the CPA, shall invite some States, international and regional. Organizations to attend and observe the referendum provided such representatives are accredited by the Commission</i>	See also art. 7 d)
Art. 61.4		<i>Commission to make regulations for accreditation of observers</i>	
Art. 61.2	Observation committees	<i>Constitution of observation Committees by the Referendum Commission from:</i> <ul style="list-style-type: none"> • Legal advisers • Ex-public service employees or persons known for truth and honesty • Civil society, press and media • Local, regional, international observers 	Note: there is no provision for political parties, party agents or representatives of advocacy groups to attend the process otherwise than as observer inside an observation committee.
Art. 36.5	Observation	<i>By accredited observers and media during polling process as per regulations</i>	See also art. 62.1
Art. 38.4		<i>By accredited observers and media during sorting and counting of ballots without interfering</i>	
Art. 42		<i>By accredited observers and media of the aggregation/declaration of results at all levels,</i>	
Art. 61.3		<i>Observers shall be allocated suitable space to enable them to perform their duties</i>	
Art. 36-6 Art. 62.2	Interference	<i>Shall not interfere with duties of referendum officials or speak to voter during presence in polling center But questions can be formulated to the Chief of the Center's Committee</i>	
Art. 36-7	Expulsion	<i>Chairperson of the polling station has the right to expel observers</i>	
Art. 62.1	Functions of Observers	<ol style="list-style-type: none"> a) observe the process of polling, sorting and counting of votes, to monitor the fairness of the registration, polling, sorting and counting procedures as well as the announcement of results; b) ensure the impartiality of the persons in charge of the registration, polling, sorting and counting of votes, and their commitment to this Act and the regulations, rules and orders made hereunder; c) visit and inspect the registration, polling, sorting and counting centers at any time without previous notice; d) attend all stages of the registration, polling, sorting and counting and particularly be present at the opening and closing of the ballot boxes; e) ascertain the freedom and fairness of the registration, the secrecy of the polling, and write reports to that effect as shall be specified by the regulations and the rules. 	
Art. 63	Revocation of accreditation	<i>At any time if it is proven that they have committed any act in breach of this Act and its regulations.</i>	
Corrupt & Illegal Practices and Election Offences			

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Art. 48 to 52	Corrupt Practices	<i>Bribery; undue influence: art. 49; other corrupt practices: art. 50; obstruction of official: art. 51; impersonation: art. 52</i>	
Art. 53 to 57	Illegal Practices	<i>Infringement of the secrecy of the ballot; obstruction of participants (including journalists and observers); false statement and defamation; failure of an officer to provide results of the referendum; illegal use of electronic device; observers refusing to provide ID; obstruction to voters; refuse to enable observers, media or members of advocacy groups to exercise their duties.</i>	
Art. 58	Electoral Offences	<i>During polling: destruction of ballot or public notices; refuse to obey instruction or leave the center</i>	
Art. 59		<i>During counting: staying inside the center without authorization or removal of results notices</i>	
Art. 60	Sanction	<i>Conviction by competent Court: imprisonment of 6 months to two years, or a fine, or both</i>	
Art. 68	Sanction for contravention to any provisions of the Act	<i>On conviction, by imprisonment of a term not exceeding two years, or a fine, or both, notwithstanding punishments stipulated in any other law.</i>	
Funding			
Art. 64	Funding	<i>GNU and GoSS with support of international community</i>	
Post-Referendum			
Art. 67.3	Negotiations	<i>The parties of the CPA shall enter into negotiations aiming to achieve an agreement on post-referendum substantive issues to be witnessed by the organizations and countries signatories to the CPA such as: a) nationality; b) currency; c) public service; d) position of Joint Integrated Units, National Security and Intelligence; e) International Agreements and Conventions; f) assets and Debts; g) oil fields, Production, Transport and Export of Oil; h) contracts and Environment in Oil Fields; i) water; j) property; k) any other issues to be agreed upon by the two parties.</i>	

CPA = 2005 Comprehensive Peace Agreement; **INC** = 2005 Interim National Constitution; **ICSS**= 2005 Interim Constitution of Southern Sudan, **GNU**= Government of National Unity; **GoSS** = Government of Southern Sudan,