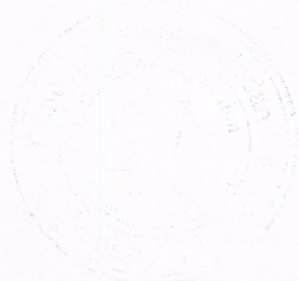


LAWS OF SOUTH SUDAN

National Elections Commission Code of Conduct Regulations, 2013



Laws of South Sudan
National Elections Commission Code of Conduct
Regulations, 2013

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PREAMBLE

Whereas, the South Sudan National Elections Commission, hereinafter referred to as “**Commission**”, is a legally established, permanent and independent electoral management body, with the vision to strengthen democratic culture through free, fair and credible elections and to ensure the rights of South Sudanese to vote and be a candidate;

Cognizant, of the fact that, the **Commission** mission is to deliver free and fair elections, targeted democracy education and public awareness, in a professional and cost effective manner at all levels of government;

Guided, at all times by, and committed to, the core values of Independence, Professionalism, Integrity, Impartiality, Non-partisanship, Accountability, Teamwork and Transparency;

We, the Members of the **Commission**, hereby adopt the following **Code of Conduct Regulations 2013** and further delegate and authorize the Chairperson of the Commission to effect its commencement and implementation.

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In exercise of powers conferred by provisions of Section 16 (5), read together with provisions of Section 158 of the National Elections Act, 2012, the National Election Commission, hereby issues the following:

Chapter I

Preliminary Provisions

1. Title and Commencement

These Regulations may be cited as “**the National Elections Commission Code of Conduct Regulations, 2013**” and shall come into force on the date of its adoption by the Commission.

2. Repeal and Saving

- (1) All provisions of any existing Code of Conduct Regulations, that are governed by provisions of these Regulations are hereby repealed.
- (2) Notwithstanding the generality of sub-regulation (1) of this Regulation, all orders, rules, decisions and proceedings made or taken thereunder, shall remain in force and valid, until they are repealed or amended in accordance with provisions of these Regulations.

3. Purpose

The purpose of these Regulations, is to provide for the formulation of sets of ethical and professional conduct for members of the National Elections Commission, its Secretariat and State High Committees and matters related thereof.

4. Application

The provisions of these Regulations shall, apply to all members of the Commission, during their tenure of service in the Commission.

5. Interpretation

In these Regulations

- (1) All words and expressions defined under the National Elections Act, 2012, shall have the same meanings herein;
- (2) In these Regulations, unless the context otherwise requires:

“Act” means the National Elections Act, 2012;

“Member” means any member of the National Elections Commission, its Secretariat and State High Committees and includes commissioners and employees recruited by the Commission, in accordance with provisions of the Act;

Chapter II

Values and Principles

6. Values

Every Member of the Commission shall, uphold the following values in his or her behavior and attitude:-

- (a) To be independent and refrain from governmental, political or other partisan influences on his or her actions and decisions;
- (b) To maintain the highest standard of professionalism, in discharge of his or her duties on the bases of specialized skills and training;
- (c) To be accountable to the highest standard of integrity and behavior;
- (d) To make impartial decisions based on objective criteria and perform accordingly;
- (e) To perform all the assigned tasks on basis of non-partisanship and in a manner that may not support ideas of any political party or special interest group and to maintain neutrality;
- (f) To be accountable and responsible to the electorate, respect and obey all applicable laws and regulations;
- (g) To perform in collective effort and teamwork, to achieve common goals and results;
- (h) To be transparent and share decisions and information with the polity and other stakeholders;

7. Ethical Principles

Every Member of the Commission shall, in discharge of his or her responsibility to ensure the integrity of electoral process, adhere and comply with fundamental ethical principles, in conduct of his or her business, respect the rule of law, be non-partisan and neutral, transparent, accurate and serve the voters.

Chapter III

Duties and Responsibilities

8. Duty of Member

Every Member of the Commission shall,

- (a) Serve in impartiality and professionalism, in discharge of functions of the Commission, in good faith and without fear, favor or prejudice;
- (b) Exercise and perform his or her powers and functions, without regard to any improper influence, direct or indirect from any source;
- (c) Act at all times in the best interests of the people of South Sudan and shall not discriminate or afford any undue preferential treatment to any individual and group or otherwise abuse the power vested in him or her;
- (d) Not make statement in any manner, by virtue of his or her membership, that may jeopardize the credibility, impartiality or integrity of the Commission;
- (e) Be guided, in performance of his or her mandate, by the higher interest of the country, respect and uphold its unity, peace, harmony, integration, democracy, human rights and good governance and;
- (f) Make every effort to carry his or her duties with diligence and attend every meeting of the Commission;

9. Electoral Responsibility of Member

Every Member of the Commission shall,

- (a) Implement all aspects of the electoral legal framework, in an impartial and equitable manner;
- (b) Honor the Commission electoral processes;
- (c) Treat every registrant, voter, political entity, observer, candidate, member of the media and any other participant in the electoral process, in respectful, fair, just

- and equitable manner;
- (d) Take all necessary measures, to ensure all or maximum voter participation in electoral or referenda process;
 - (e) Maintain the secrecy of voting at every polling station;
 - (f) Secure, properly use and keep all election materials as may be instructed by the Commission;
 - (g) Strictly respect the electoral procedures, as may be instructed by the Commission;
 - (h) Do, when appointed to assist a blind, illiterate, infirm or disabled voter, to the extend requested by such voter and pay due regard to the right of such voter to choose, mark or otherwise deal with his or her ballot paper personally and in secret;
 - (i) Commit to provide special assistance, consideration, courtesy and respect to any voter, who has difficulty or unable to provide an appropriate identity document, address or whose name is absent or has been cancelled or removed from the list of voters on the voters roll or whose capacity or entitlement to vote is challenged;
 - (j) Protect the privacy of any sensitive or personal information entrusted to the Commission;
 - (k) Act strictly in a neutral and unbiased manner and not to speak, act or behave in such manner, including any private activity that may indicate or be seen to indicate any partisan support, partiality or that may lead to a conflict or appearance of conflict of interest;
 - (l) Abstain from expressing publicly oral or written statement or view on any subject, that may become political issue in an election;
 - (m) Refrain from and disclose any relationship, that may lead to the conflict or appearance of conflict of interest;
 - (n) Refuse any gift, promise, money or favor, from any person or entity involved in the electoral process;
 - (o) Reject any improper influence and refrain from accepting instructions or directions related to his or her official responsibilities, from any person EXCEPT the Commission official leadership;
 - (p) Report any attempt of improper influence, to the Commission, Secretariat or State High Committee, as the case may be;
 - (q) Attend every electoral training initiative, as may be instructed by the Commission;
 - (r) Recognize the need for and legitimacy of the presence where permissible, of duly authorized candidates, agents, observers, representatives and messengers, in the voter registration centre and polling station and accept their right to object through appropriate procedures, while maintaining at all times courteous, impartial and impersonal relationship;

- (s) Accept special conditions or unforeseen events, that may require the member to perform his or her duties under unusual difficult circumstances and may require the member to perform new or additional tasks, that fall within his or her capacity and the designated duties and;
- (t) Abide by all applicable laws, respect customary laws and implement internal rules and regulations, with respect to the procurement, personnel and other relevant issues;

Chapter IV

Miscellaneous Provisions

10. Contraventions

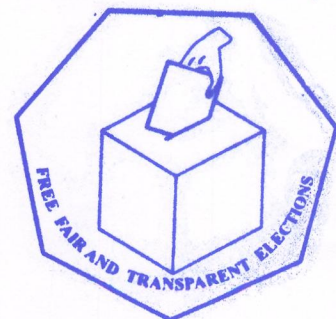
Any Member of the Commission, who contravenes or breaches the provisions of these Regulations, shall be subject to such administrative disciplinary proceedings, to be instituted and conducted by the Commission, in conformity with provisions of the Civil Service Disciplinary Proceedings applicable law and regulations issued thereof;

11. Offences and Penalties

Without prejudice to provisions of Regulation 10 of these Regulations, any Member of the Commission who contravenes the provisions of these Regulations, is guilty of an offence and upon conviction shall be punishable in accordance with the provisions of the Act and applicable Penal Code;

Adopted by the Commission on the date 19th of the month of July the year 2013.

AS
Prof. Abednego Akok Kacuol
Chairperson
National Elections Commission
Republic of South Sudan
Juba



REPUBLIC OF SOUTH SUDAN
NATIONAL ELECTIONS COMMISSION