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Decree-Law of the President of the Arab Republic of Egypt

No. 45/2014

Promulgating the Law on the Regulation of the Exercise of Political Rights

The Interim President of the Republic

Having perused:

The amended Constitution of January 18th, 2014;

The Penal Code;

The Code of Criminal Procedure;

The Code of Civil and Commercial Procedure;

Law no. 344/1952 on the Corruption of Political Life;

Law no. 73/1956 on the Regulation of the Exercise of Political Rights;

Law no. 38/1972 on the House of Representatives;

Law no. 40/1977 on the Political Parties System;

The Income Tax Law promulgated by Law no. 91/2005;

The Law on Care for Mental Patients promulgated by Law no. 71/2009; and

Decree-Law no. 22/2014 on the Regulation of the Presidential Elections;

and upon consultation with the Supreme Judicial Council, the Special Council of the State Council, and the High Elections Committee; and

upon the approval of the Council of Ministers;

and pursuant to the views of the State Council;

Non-Official Translation

Decided on the following Law:

(Article I)

The provisions of the attached law shall apply with regard to the regulation of exercising political rights. The aforementioned Law no. 73/1956 is hereby repealed together with any provision which contradicts the provisions of the attached law.

(Article II)

The High Elections Committee shall issue the Executive Regulations of the attached law. Until such Regulations are issued, the Regulations and Decisions issued in implementation of the aforementioned Law no. 73/1956 shall remain effective, insofar as they do not contradict the provisions of the attached law.

(Article III)

This decree-law shall be published in the Official Gazette and shall enter into force as of the day following its date of publication.

Issued at the Presidency of the Republic on the 7th of Shaban, 1435 A.H.
(July 5th, 2014 A.D.)

Adly Mansour

Non-Official Translation

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Law on the Regulation of the Exercise of Political Rights

(Chapter I)

The Right to Vote

Article (1)

Every Egyptian who has reached the age of eighteen Gregorian years is to exercise the following political rights in person:

I – Expression of opinion in every referendum provided for under the Constitution.

II – The election of each of the following:

1. The President of the Republic;
2. Members of the House of Representatives; and
3. Members of Local Councils.

Officers and Personnel of the main, subsidiary and supplementary Armed Forces, and Officers and Personnel of the Police Authority shall be exempted from this duty throughout the duration of their service in the Armed Forces or the Police.

The election of the President of the Republic, members of the House of Representatives, and members of Local Councils shall be pursuant to the provisions of the specific laws enacted in this regard.

Article (2)

The following groups shall be temporarily disenfranchised:

I-

1. Persons placed under custody, for the duration placement under custody.
2. Persons suffering from a psychological or mental disorders, for the duration of compulsory hospitalization in a mental health facility pursuant to the provisions of the Law on Care for Mental Patients promulgated by Law no. 71/2009.

Non-Official Translation

II-

1. Persons against whom a conclusive judgment was rendered for having committed the crime of tax evasion or for having committed the crime provided for under Article (132) of the Income Tax Law promulgated by Law no. 91/2005.
2. Persons against whom a final judgment was rendered for having committed one of the crimes provided for under Decree-Law no. 344/1952 on the Corruption of Political Life.
3. Persons against whom a final judgment was rendered by the Court of Values confiscating their funds.
4. Persons against whom a final judgment was rendered ordering or confirming their dismissal from service in the Government, Public Sector or Public Business Sector for having committed a crime involving moral turpitude or breach of trust.
5. Persons against whom a final judgment was rendered for having committed a crime of criminal bankruptcy through fraud or negligence.
6. Persons sentenced upon final judgment of conviction of a felony.
7. Persons punished by virtue of a final judgment to a custodial sentence for having committed one of the crimes provided for under Chapter VII of this Law.
8. Persons punished by virtue of a final judgment to incarceration:

    a) for having committed the crime of larceny, concealment of stolen goods, fraud, breach of trust, bribery, forgery, using false papers, perjury, production of false witnesses, or evasion of military and national service.

    b) for having committed one of the crimes provided for under Title IV of Book II of the Penal Code concerning embezzlement and misuse of public funds and solicitation of undue advantages, or under Title IV of Book III of the Penal Code concerning indecent assault and corruption of morals.

The disenfranchisement shall last for a period of five years as of the date of the judgment referred to in the previous clauses. The disenfranchisement shall not be effective if the person in question is rehabilitated or if a stay of execution is granted under a judicial ruling.

Non-Official Translation

(Chapter II)

The High Elections Committee

Article (3)

The first legislative elections shall be held following the entry into force of the Constitution of January 18th 2014, under the full judicial oversight of the High Elections Committee provided for under Article (228) of the Constitution, hereunder referred to as HEC.

Article (4)

The composition of HEC shall comprise the President of the Cairo Court of Appeals as Chairman, and the following Members:

The two most senior Deputies of the President of the Court of Cassation;

The two most senior Deputies of the President of the State Council; and

The two most senior Presidents of Courts of Appeals following the President of the Cairo Court of Appeals in order of seniority.

The High Councils of aforementioned Judicial Authorities shall select One Substitute Member in accordance with the order of seniority.

HEC shall have public legal personality, shall have its headquarters in Greater Cairo, and shall be represented by its Chairman.

HEC may, if necessary, convene in any other location of its choice.

Article (5)

The Presidents of the Judicial Authorities shall notify the Minister of Justice of the names of the most senior Deputies selected by each Authority. The composition of the Committee shall be pursuant to a Decree of the President of the Republic upon the submission of the Minister of Justice.

Article (6)

Should a barrier arise to the presence of the Chairman of HEC, the most senior of the Presidents of the Courts of Appeals shall fill in for him.

Should a barrier arise to the presence of a Member of HEC, the Substitute Member nominated by the High Council of the Authority for which the Titular Member works shall fill in for him.

In all cases, the substitution shall last as long as the barrier stands. In such case, the High Council of the Judicial Authority with which the absent member is affiliated shall select another Substitute Member.

Non-Official Translation

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The Competencies of HEC

Article (7)

In addition to the competencies specified under this Law, HEC shall be responsible for the following:

1. Issuing Internal Regulations for itself, as well as for the General Secretariat and the Committees provided for under this Law;
2. Providing opinion with regard to draft laws related to legislative elections;
3. Overseeing registration in, and the periodical updating, revising and filtration of, the Voter Database;
4. Calling for legislative elections, in accordance with the cases provided for under the Constitution for calling voters to elections;
5. Specifying the dates of, and establishing a timetable for, the elections;
6. Establishing all the rules and procedures of electoral and referendum processes in such a manner as to ensure their integrity, impartiality and fairness;
7. Putting in place regulations for gradually shifting to automatic or electronic voting;
8. Putting in place and implementing a system for the determination of symbols referring to candidates, provided that such system is impartial and warrants equality and equal opportunity;
9. Providing Egyptian civil society organizations, foreign or international bodies, and media outlets with permits to observe elections and referendum processes. HEC may define these organizations, according to their main licensed activities;
10. Forming and determining their headquarters of the General Committees and Sub-Committees provided for under this Law;
11. Appointing titular and substitute secretaries for General Committees and Sub-Committees;
12. Issuing the necessary decisions to maintain order during legislative elections and referendums; and
13. Announcing the results of the election or referendum.

Article (8)

HEC shall have an independent budget under the General State Budget.

HEC shall put in place Internal Regulations to govern its financial affairs, including the rules and procedures of disbursement of the financial provisions allocated thereto, and indicating the financial remuneration of its members and staff, as well as the chairpersons and members of the Committees provided for under this Law, and whomever else it may employ.

Non-Official Translation

Article (9)

All state agencies shall be bound to assist HEC in discharging its competencies and implementing its decisions, and to provide all the data, documents and information requested by HEC.

Upon the request of the Chairman of HEC, the Public Prosecutor or Investigating Magistrate, as the case may be, shall issue an order seizing any papers, documents, files or other sources of information, where HEC deems it fit to consult them to decide on a matter under its consideration, or deems it necessary to access them to ensure the integrity and fairness of an election or referendum.

Article 10

HEC shall convene upon the invitation of its Chairman. The meeting shall not be valid unless attended by the Chairman and at least four members. Deliberations shall be secret, and decisions shall be issued by a majority of at least four of its constituents.

The regulatory decisions of the Committee shall be published in the Official Gazette, and an adequate summary thereof shall be published in two widely circulating daily newspapers.

General Secretariat of HEC

Article (11)

The Chairman of HEC shall form a permanent General Secretariat to be referred to in this Law as the "General Secretariat", whose composition shall comprise one of the Deputies of the President of the Court of Cassation, or someone of similar rank, as its Head; and a sufficient number of judges, or judicial officers of similar rank, from among the members of the Judicial Authorities and Bodies, upon the approval of their respective High Councils, and representatives of the relevant Ministries as specified by HEC who are selected by the competent Ministers, as Members.

The Chairman of HEC may request the secondment of anyone whose assistance he may wish to enlist with regard to any of the affairs of the General Secretariat, from amongst civil servants and specialized experts.

In all cases, the Body from which such person is seconded shall be responsible for all financial remuneration due to the seconded person as if that person is still working for it, throughout the duration of the secondment.

Non-Official Translation

The Governorate Elections Committee

Article (12)

HEC Shall form an Elections Committee in each governorate, hereinafter referred to as the Governorate Elections Committee, whose composition shall comprise the President of the Court of First Instance as its Chairperson, and one Judge at the Courts of Appeals, one Judge at the State Council , one of the Deputies of the President of the State Lawsuits Authority, and one of the Deputies of the President of the Administrative Prosecution Authority, to be selected by the Special Councils of these judicial bodies and authorities. The Special Councils shall each also select one substitute member to replace the titular member should a barrier arise to his/her presence. HEC shall determine the competencies of this Committee.

(Chapter III)

Voter Database

Registration in the Voter Database

Article (13)

Whoever is entitled to exercise political rights, whether male or female, must be registered in the Voter Database. Nevertheless, any person who has acquired Egyptian citizenship by way of naturalization shall only be registered after at least five years have elapsed since having acquired citizenship.

The Main Source of the Voter Database

Article (14)

Persons who meet voter eligibility criteria and who have not been disqualified from exercising their political rights throughout the year, shall have their names automatically registered in the Voter Database compiled from the National Identification Number Data recorded in the Civil Status Organization Database in the Ministry of Interior, at the location and in the manner specified in the Executive Regulations.

The National Identification Number Database at the Civil Status Organization shall be considered the main source for the Voter Database.

Non-Official Translation

Article (15)

The Public Prosecution shall notify HEC and the Ministry of Interior of court rulings involving disenfranchisement.

In the case of dismissal from service in the Government, Public Sector or Public Business Sector for reasons involving moral turpitude, the Body with whom the dismissed person was affiliated shall be responsible for such notification.

In all cases, the notification must take place within fifteen days as of the date the ruling or decision becomes final.

Amendment of the Voter Database

Article (16)

No amendment may be introduced to the Voter Database after the calling of voters to the election or referendum.

Nevertheless, amendments may be introduced to the Voter Database up to fifteen days prior to the polling day, if such amendments are in implementation of an enforceable court ruling, or to remove the names of the deceased from the Database.

Electoral Domicile

Article (17)

The Electoral Domicile is the place of residence as indicated in the National Identity Card.

The Electoral Domicile of the Chairpersons, Secretaries and Employees of the Sub-Committees overseeing a polling station in a referendum shall be in the same polling station. The Electoral Domicile of the Chairpersons, Members, Secretaries and Employees of other referendum Committees shall be in any polling station under their jurisdiction.

Persons who cast their votes under the provisions of the previous paragraph shall have their names and National Identity Card Numbers recorded in a separate list at each Sub-Committee.

Non-Official Translation

Putting the Voter Database on Display

Article (18)

The Voter Database must be put on display.

The Executive Regulations shall determine how the Voter Database may be reviewed, amended, put to display and periodically filtered, the locations where it may be kept, the composition of the Committees responsible for registering data therein, and other details provided for under this Law.

Article (19)

Any person whose name is unduly excluded from the Voter Database, whose registration data are incorrectly recorded, or who has come to meet the voter eligibility criteria or has become free of disqualifications after the Database has been compiled, may request the registration of his/her name or the correction of his registration data.

Any voter whose name is included in the Voter Database may request the inclusion of the name of any person who has been unduly excluded, the exclusion of the name of any person who has been unduly included, or the correction of registration data.

Requests shall be submitted throughout the year in writing to the Committee provided for under Article (20) of this Law. Requests shall be recorded in a special register and delivered in exchange for receipts

Review of Registration in the Voter Database

Article (20)

A Committee shall be established, pursuant to a decision by HEC, to review the requests referred to in the previous article, whose composition shall comprise the President of the Court of First Instance of the Governorate as its Chairperson and two judges at Courts of First Instance, selected by the Supreme Judicial Council, as members. The technical secretariat of the Committee shall be assumed by a representative of the Ministry of Interior, selected by its Minister. The Committee shall decide on requests submitted thereto within one week of submission, and shall notify concerned parties of its decision within three days of its issuance.

The Executive Regulations shall indicate how requests are to be submitted, registered, considered, decided on, and announced

Non-Official Translation

Article (21)

Any person whose request was rejected or whose name was deleted may appeal, free of charge, the decision of the Committee referred to in the previous Article before the competent Administrative Court, and the Registrar of said court shall record all such appeals in a special register by order of receipt, and shall notify the applicant, the Chairperson of the Registration Committee, the Chairperson of the Committee provided for under the previous Article, and other concerned parties, via registered mail with acknowledgment of receipt, of the date of when the appeal will be heard, provided that the notification is at least five days in advance

Article (22)

The Administrative Court shall promptly decide on appeals, and may impose on applicants whose appeals are declined a fine of no less than one hundred pounds and no more than one thousand pounds.

(Chapter IV)

Regulations of Campaigning for Elections and Referendum

The Right to Electoral Campaigning

Article (23)

Every candidate has the right to develop and conduct electoral campaigning to communicate with voters to convince them with his/her electoral program. The candidate may do so using all methods permitted by the law within the framework of the rules established by HEC in that regard.

The candidate may notify HEC of the name of a person who represents him/her before HEC, and who shall be responsible for the actual management of the electoral campaign.

Non-Official Translation

Campaigning Period and Electoral Silence

Article (24)

Electoral campaigning begins on the date of the announcement of the list of final candidates, and lasts until 12 p.m. on the day preceding the polling date. In case of Run-Off Elections, it shall begin on the day following that on which the results of the first round are announced, and lasts until 12 p.m. on the day preceding the polling date of the Run-Off Elections.

Electoral campaigning by any means is prohibited outside of these periods.

Spending Limit for Campaigning

Article (25)

The maximum amount to be spent by each candidate in electoral campaigning under the individual-seat system is 500,000 pounds, and 200,000 pounds in the run-off stage.

The limits established above shall be doubled for each 15 candidates in the same list.

Receiving Donations

Article (26)

Candidates may receive donations in cash or in kind from any Egyptian natural person, or from Egyptian political parties, provided that the donation both in kind and in cash from any one person or party does not exceed 5% of the spending limit for electoral campaigning.

It is prohibited to receive donations exceeding that percentage, and the candidate must notify HEC of the names of the persons from whom, or parties from which, he received a donation and the amount of that donation.

HEC shall determine the procedures for estimating the value of in-kind donations for which it is not possible to present a certified invoice indicating value.

Non-Official Translation

Setting Aside Campaign Funds in a Bank Account

Article (27)

For candidacy papers to be accepted, the candidate must open a bank account in local currency with one of the banks specified by HEC, or a Post Office, where he/she shall deposit received cash donations and funds allocated from his/her own purse, and where the value of in-kind donations are also recorded.

The Bank or Post Office, together with the candidate, must advise HEC regularly of amounts credited and recorded on the account and sources of such amounts. The candidate shall also notify HEC of the amounts spent. This notification shall be at the times and according to the procedures specified by HEC.

It is prohibited to pay for electoral campaigning from outside this account.

Inspection of Electoral Campaign Accounts

Article (28)

Every candidate is required to keep an updated registry, pursuant to the Egyptian Auditing Standards, in which he/she shall record the sources of funding and expenses of his/her electoral campaign.

Candidate campaign accounts shall be audited by the Body designated by, and under the oversight of, HEC.

HEC shall establish the regulations and procedures for keeping this registry and presenting it for auditing.

Use of Government Media Outlets

Article (29)

Candidates shall have the right to use State-owned media outlets, within the limits of what is actually available.

HEC shall establish the regulations and procedures for such use, in order to ensure equal opportunity and non-discrimination between candidates.

Non-Official Translation

Electoral Silence before a Referendum

Article (30)

HEC may determine a period of time, during which discussion of the subject presented for referendum in any manner shall be prohibited in all media outlets.

Prohibited Acts of Campaigning

Article (31)

Campaigning during elections and referendums must be in compliance with the provisions of the Constitution, the Law, and the decisions issued by HEC.

Undertaking any of the following actions for the purposes of campaigning is hereby prohibited:

1- Violation of the privacy of personal lives of citizens or candidates;

2- Undermining National Unity, or using religious slogans, or slogans which call for discrimination among citizens or incite hatred;

3- Using or threatening to use violence;

4- Using buildings, establishments or means of transportation owned by the State, Public Sector Companies, or Public Business Sector Companies, or premises of non-governmental associations and foundations;

5- Using public facilities, houses of worship, universities, schools, university dormitories, or any other public or private educational institutions;

6- Spending public funds, or funds of Public Sector Companies, or Public Business Sector Companies or non-governmental associations and foundations.

7- Writing in any form or manner on the walls of governmental or private buildings.

8- Offering gifts, donations, or assistance in cash or in-kind, or other benefits, or the promise thereof, whether directly or indirectly.

Non-Official Translation

Media Coverage Regulations

Article (32)

While providing media coverage of election or referendums, the Media outlets licensed to operate in Egypt must observe objectivity in compliance with established professional norms. Coverage should be within the scope of shedding light on the electoral programs of candidates, or discussing the subject put to referendum objectively and impartially.

In this regard, media outlets must particularly adhere to the following:

1- Separation of reporting and opinion, and separation of reporting and advertisement.

2- Observation of accuracy in conveying information, and citing sources.

3- Using headlines which reflect the contents.

4- Refraining from publishing photographs which are irrelevant to the subject of coverage.

5- Refraining from confusing terms, over-generalization, and misquotation.

6- Refraining from asking voters about the candidates he/she will elect or the opinion which he/she will express or have already expressed in the referendum.

7- Refraining from holding any opinion polls in front of polling stations or in their vicinity.

8- Pre-disclosure of the electoral identities, or ideological preferences with regard to the subject put to referendum, of the guests.

9- Refraining from asking leading questions indicating a clear bias.

10- Ensuring that each party is granted an equal right to reply to and comment on criticism or flattery.

11- Refraining from publishing free or paid advertisements for candidates or proponents of a particular opinion with regard to a subject put to referendum after the legal campaigning period has elapsed.

12- Refraining from using religious slogans to support or oppose a candidate or a subject put to referendum.

Non-Official Translation

Opinion-Polling Regulations

Article (33)

All media outlets licensed to operate in Egypt are hereby bound not to broadcast or publish an opinion poll about the elections or the subject put to referendum except in compliance with established professional norms and in a manner respectful of the citizens' right to knowledge.

In particular, a media outlet must provide the following information about the opinion polls they publish:

1- Complete information on the body which conducted the opinion poll.

2- The body which funded the opinion poll.

3- The size of the sample covered by the opinion poll, and its location whether in an urban or a rural area.

4- The way the opinion poll was conducted, in terms of the established methodologies in this field.

5- The questions contained in the opinion poll.

6- The method of collecting opinion poll data.

7- The date the opinion poll was conducted.

8- The margin of error.

In all cases, media outlets are prohibited from publishing or broadcasting any opinion polls during the three days immediately preceding the election or referendum day and until the conclusion of the voting process.

HEC shall establish the regulations and procedures in this regard.

Prohibition of Using Powers of Public Office in Campaigning

Article (34)

Persons holding political offices or offices of higher State administration are prohibited from participating in any way in electoral campaigning, with the aim of positively or negatively influencing the result of election or referendums, or in a manner which undermines the equal opportunities of candidates.

Non-Official Translation

Prohibition of Receiving Donations from Certain Bodies

Article (35)

Bearing in mind the provisions of Article (26) of this Law, it is prohibited to receive any contributions or support in cash or in kind for the purpose of financing electoral campaigning for a candidate, or influencing public opinion towards a certain opinion in a subject put to referendum, from any of the following:

1- An Egyptian or foreign legal person.

2- A foreign state or body or an international organization.

3- An entity whose capital is participated in by a natural or legal person who is Egyptian or foreign, or any foreign body regardless of its legal form.

4- A foreign natural person.

Electoral Campaigning Observer Committees

Article (36)

HEC shall form Observer Committees of independent experts, to be entrusted with monitoring the events taking place on governorate level in violation of the regulations established by the Constitution, the Law or the decisions of HEC with regards to campaigning during election or referendums.

The said Committees shall draft reports containing the monitoring and documentation of the violations witnessed, and present them to the General Secretariat, comprising a statement of the facts, indicating the manifestations of the violation, and identifying violators where possible.

The General Secretariat shall prepare a report of all such violations to be presented to HEC.

If the identity of a violator is revealed to HEC from the papers, HEC shall refer the papers to the Public Prosecution to take the necessary measures to initiate criminal proceedings against the violator, or issue a penal order, pursuant to the provisions of the Code of Criminal Procedure.

Non-Official Translation

Sanctions for Violation of Media Coverage Regulations

Article (37)

HEC shall establish one or more committees from amongst its members and other independent experts in the field of media to undertake the following:

1- Daily observation and monitoring of all material broadcast or published in the media about the election or referendum.

2- Analysis of broadcast and published material pursuant to established professional norms and identifying items considered at variance with such norms.

3- Evaluation of the conduct media outlets in terms of their adherence to the campaigning regulations specified in the Constitution, the Law or the decisions of the High Elections Committee.

4- Drafting a daily report of violations.

This report shall be presented to HEC, if the latter finds a violation in the matter, it shall notify the legal representative of the media outlet in question via registered mail with acknowledgement of receipt, or through any other official means, and attach thereto a copy of HEC's observation and its opinion.

The legal representative must send to the aforementioned General Secretariat on receiving observation reports, the opinion of the media outlet concerning the note of High Elections Committee within twenty hours of receiving the notification.

Once the opinion of the media outlet is received by the General Secretariat, a report of that opinion shall be submitted to the High Elections Committee containing a summary of the material published, the regulation and/or professional norm violated, and the presumed effects on the integrity of the election or referendum.

If the High Elections Committee concludes that the violation is evident, it may make any of the following decisions:

1- 1- Considering the reply of the media outlet sufficient, in case the latter admitted to the violation, while compelling the media outlet to publish an apology and an undertaking not to commit any violations in the future, provided that the apology and undertaking are published at the same times and in the same space as the violating coverage.

2- Compelling the media outlet to publish a censure of its editorial policy with regard to what was published, to be written at the instructions of, and published in the manner determined by, HEC.

Non-Official Translation

3- Compelling the media outlet to refrain from publishing coverage in any manner, or any polls about the elections, for a period to be determined by HEC. The decision shall be published in the manner determined by HEC.

The legal representative of the media outlet may seek an Order on Petition from the Administrative Court repealing a decision of HEC in this regard.

This request shall be subject to the provisions provided for in the Code of Procedure regarding Orders on Petition.

Role of Civil Society Organizations

Article (38)

Civil society organizations authorized by HEC shall provide the General Secretariat, within fifteen days of the day of the announcement of the final results of the referendum or elections, with a documented report on their observations and proposed views and recommendations.

(Chapter V)

On the Regulation of Referendum and Election Processes

Election Dates

Article (39)

Taking into account the provisions of the Constitution with regard to calling for election or referendums, HEC shall issue a decision determining the dates of election or referendums, provided that these dates are within no more than thirty days from the date of calling the voters to the polls.

HEC may, in case of necessity dictated by the higher interest of the State, postpone the election or referendum, for one stage, the entirety of the country or in a specific area, as required.

The decisions on calling voters to the polls, determining the dates of election or referendums, and postponement and reasons thereof shall be published in the Official Gazette.

Non-Official Translation

Forming General Committees and Sub-Committees

Article (40)

The voting shall take place under the full supervision of HEC which shall form Sub-Committees to oversee voting and vote-counting under the chairpersonship of one of the members of Judicial Authorities or Bodies. It is permissible for one member to serve as chairperson for more than one Sub-Committee, provided that they are all located, without separators, in one premises, allowing their Chairperson to exercise actual oversight thereon.

Sub-Committees shall be under the oversight of General Committees to formed by HEC from members of Judicial Authorities and Bodies, all in accordance with the rules and procedures established by HEC.

It shall also appoint one or more titular secretaries and an adequate number of substitutes for each General Committee or Sub-Committee, from among civil servants, provided that one of them is a woman.

HEC may appoint youth from both genders who are holders of tertiary degrees and who have not yet reached the age of thirty-five to work in the Sub-Committees in accordance with the regulations it puts in place in that regard.

HEC may, as needed, appoint from amongst the members of the Judicial Authorities and Bodies substitutes for the Chairpersons of Sub-Committees and the Members and Chairpersons of General Committees. HEC may also appoint titular and substitute members from these Authorities and Bodies in each governorate in order to assist General Committees in overseeing elections in the respective governorate and in order to preside over polling stations or substitute the Chairman or Members of the General Committees when necessary.

Absence of a Person Tasked with Work in a Sub-Committee

Article (41)

If a person tasked with work in a Sub-Committee is temporarily absent, thereby impeding the functioning of the Sub-Committee, the Chairperson of the Sub-Committee shall appoint a substitute from among the staff attached thereto. If this is not possible, the Sub-Committee shall be suspended, until the Elections Committee in that governorate provides a substitution. The duration of the suspension shall be added to the voting hours.

Non-Official Translation

Polling Premises

Article (42)

The polling premises is the building within which the polling hall and its surrounding space are located. The Chairperson of the Sub-Committee shall determine the limits of this space in a manner which facilitates the casting of votes and guarantees his/her actual control over the polling premises, so that the voting can take place in fairness and impartiality without undue influence on the voters.

While present in the voting premises, the voter is prohibited from carrying a weapon, even if licensed, ammunition, explosives, fireworks, flammable substances or any tools or substances that expose individuals, facilities or properties to damage or danger.

Polling

Article (43)

Voting in elections or expressing opinion in a referendum shall take place over one or more days, and shall begin at 9 a.m. and continue until 9 p.m., including a recess of one hour, in accordance with the regulations specified by HEC.

If there are voters within the polling premises who have not cast their votes by 9 p.m., a list of their names shall be drawn and the election or referendum process shall continue until they have expressed their opinions.

If the election takes place over more than one day and the time set for the end of the voting process on the day of the election comes, the Chairperson of the Sub-Committee shall declare the end of the process in the presence of the attending representatives and delegates and the following procedures shall be followed:

1- The boxes containing the ballots shall be safely sealed.

2- A report of closing procedures shall be drawn up, indicating the number of voters who have cast their votes.

3- The report of the Sub-Committee, unused ballots, and all papers shall be kept in one or more envelopes to be safely sealed.

4- The boxes and all the papers shall be kept at the headquarters of the Sub-Committee.

5- The headquarters shall be safely locked and the necessary guard duty shall be set up.

Non-Official Translation

In the beginning of the following day, the Chairperson of the Sub-Committee, in the presence of the attending Representatives and Delegates, shall verify the integrity of the locks on the headquarters of the Sub-Committee and on the ballot boxes, and of the envelopes containing the papers. A record report be drawn up documenting the opening of these locks and evidencing the procedures followed. The reports of closing and opening of the locks shall be attached to the papers of the Sub-Committee.

At the end of the final polling day, the Chairperson of the Sub-Committee shall declare the end of the polling process and begins the vote-counting.

Casting of Votes

Article (44)

The casting of votes by the voter in election or referendums shall be by marking the ballot intended for that purpose. The Chairperson of the Sub-Committee must ascertain the identity of the voters himself/herself, after which he/she shall hand them the ballot or ballots specified by HEC subject to the electoral system or the subject of the referendum.

The ballot must be stamped with the Seal of the Sub-Committee or the signature or seal of its Chairperson and must indicate the date of the election or referendum.

The voter must step behind the curtain set up for that purpose in the elections hall, his/her opinion shall be recorded on the ballot, and then the ballot shall be deposited in the ballot box pursuant to the procedures determined by HEC.

If the voter is a person with special needs who cannot indicate his/her opinion on the ballot, he/she may express this opinion in private to the Chairperson of the Sub-Committee who shall indicate it on the ballot, and also evidence the attendance of the voter in the Roll List of Voters.

The voter shall sign against his/her name in writing or by thumbprint in the Roll List of Voters of the Sub-Committee where the names of all voters registered therein are indicated. The Secretary of the Sub-Committee shall sign next to the name of the voter who has expressed his/her opinion.

Non-Official Translation

The signatures of the voter and the secretary on the roll list are considered proof that the voter has attended the polling, received the ballot or ballots intended for that purpose, and expressed his/her opinion in the election or referendum.

HEC shall determine the regulations to ensure that no voter may cast his/her vote more than once in an election or referendum.

Identification of the Voter

Article (45)

Only the National Identity Card or Passport indicating the National Identity Number may be as proof of the identity of the voter.

Absentee Voting

Article (46)

In referendums, a voter who is present in a governorate other than the governorate in which his place of residence as indicated in his national identity card is located may cast his/her vote at a special Polling Station in the governorate where he/she is present. HEC shall establish the necessary regulations and procedures for this purpose in order to ensure the non-recurrence of voting.

Invalid Votes

Article (47)

The Executive Regulations shall determine the manner in which ballots shall be marked, so as to ensure the secrecy of the vote. Pencils may not be used for marking ballots.

A vote shall be held invalid if it is a conditional vote, given to more than or less than the required number in the elections, or if the voter indicated his/her opinion on a ballot different from the one he/she received from the Chairperson of the Sub-Committee, on a ballot showing his/her signature, or any other mark or sign indicating the identity of the voter or undermining the secrecy of the vote in any manner or form.

Non-Official Translation

If HEC establishes an electoral system in which boxes are designated for specific ballots, and the electoral process was corrupted in the case of one of the boxes, or if the ballots or votes deposited therein were damaged or invalidated, this shall not automatically affect the validity of the electoral process for the remaining boxes, or the votes contained therein, all unless HEC determines that there are serious concerns that the aforementioned flaw has affected the fairness or credibility of the polling process with respect to the other boxes.

Vote-Counting by the Sub-Committee

Article (48)

Candidates may delegate others to attend the vote-counting on their behalf in the General Committees and Sub-Committees.

Without prejudice to the work system in the aforementioned Committees, it is allowed for the representatives of media outlets and civil society organizations, determined and authorized by HEC, to observe the voting and the vote-counting.

The Sub-Committee shall conduct the vote-counting at its headquarters. If it becomes necessary to transfer the vote-counting outside of the headquarters, the Chairperson of the General Committee shall issue a decision transferring the vote-counting to the headquarters of another Sub-Committees or to the headquarters of the General Committee, upon coordination with HEC.

The vote-counting shall take place under the supervision of the Chairperson of the Sub-Committee, and if the latter is unable to undertake this task, the Chairperson of the General Committee shall determine which substitute Committee Chairperson shall take his/her place.

If the elections are held under both individual-seat and list systems, the vote-counting procedures for the ballot boxes containing the individual-seat system ballots shall be separate from the vote-counting procedures for the ballot boxes containing the list system ballots. A separate report shall be drawn up for the vote-counting procedures of each.

In all cases, the vote-counting report must include a statement of the procedures indicating any objections made by the delegates of the candidates with regards to the vote-counting procedures. The report shall be signed by the Chairperson of the Sub-Committee overseeing the vote-counting. The number of registered voters at the Sub-Committee shall then be announced, along with the number of those who cast their votes, the number of valid and invalid votes, and the number of votes received by each candidate or list, as the case may be. A list shall be drawn up with these numbers, and it shall be signed, and a copy of which shall be delivered to whoever so requests from among the candidates or their delegates, against their signature in the report confirming receipt.

Non-Official Translation

Upon the end of these procedures, the Chairperson of the Sub-Committee shall submit the vote-counting reports, the envelopes containing the voting or opinion ballots, and all papers belonging to the Sub-Committee to the Chairperson of the General Committee.

Vote-Aggregation by the General Committee

Article (49)

The General Committee shall review the election or referendum papers submitted thereto by the Chairpersons of Sub-Committees.

The candidates or their delegates may voice an objection to the validity of the voting or the vote-counting before the General Committee. This Committee shall decide on objections upon secret deliberations among its Members, and shall issue a decision with an absolute majority of votes. If both sides have equal votes, the side of the Chairperson shall prevail. The Chairperson shall read the decision of the Committee and its reasons out loud.

If the elections are held under both individual-seat and list systems, the Secretary of the General Committee shall draw up a separate report for the votes obtained by individual-seat candidates and those obtained by each of the lists.

In all cases, the Secretary of the General Committee shall draw up an aggregated vote-counting report of two copies, indicating the number of votes cast within the scope of the General Committee, the objections made by the delegates of the candidates with regard to the vote-counting or aggregation before the General Committee, and the decisions, and reasons thereof, of the Committee concerning such objections.

The report shall be signed by the Chairperson, the Members and the Secretary of the General Committee.

The Chairperson of the General Committee shall then announce the number of voters registered within the domain of the General Committee, the number of voters who cast their votes, the numbers of valid and invalid votes and the number of votes obtained by each candidate or list. A list shall be drawn up with these numbers and signed by the Chairperson of the General Committee, and a copy thereof shall be delivered to whoever so requests from among the candidates or their delegates against their signature in the report confirming receipt.

The Chairperson of the General Committee shall send all aforementioned papers to HEC, while keeping a copy of the aggregated vote-counting report with the General Committee.

Non-Official Translation

Expatriate Voting

Article (50)

Every Egyptian residing abroad shall have the right to cast his/her vote in election or referendums as long as his/her name is registered in the Voter Database and he/she hold a National Identity Card or valid passport indicating the National Identity Number. The Chairman, Members and staff of the Electoral Committees Abroad shall cast their votes in the polling stations where they oversee the election.

Upon consulting with the Ministry of Foreign Affairs, HEC shall issue a decision determining the number of Electoral Committees Abroad and their composition out of an adequate number of diplomatic and consular staff, and one or more titular secretaries for each Committee from among the staff of the Ministry of Foreign Affairs. The casting of votes shall take place at the premises of the Egyptian Consulate or Diplomatic Mission abroad, or any other premises to be specified by a decision of HEC in coordination with the Ministry of Foreign Affairs.

The polling process abroad shall begin before the polling day in Egypt, for period determined by HEC. The polling shall begin daily at 9 a.m. until 9 p.m. according to the time zone of the country where the polling takes place.

At the end of each polling day, the Committee entrusted with overseeing the election or referendum abroad shall take the necessary measures to close the ballot boxes in a manner that ensures the papers are not tampered with, and they shall be kept at a safe location at the Committee headquarters. The Committee shall ensure the ballot boxes are sealed safely before the beginning of the following polling day, and this shall be indicated in the necessary reports.

Upon the end of the polling process, the Elections Committee shall conduct the vote-counting and numerical tallying of those who cast their votes, the numbers of valid and invalid votes, and the number of valid votes received by each candidate or opinions expressed in the case of referendums. This shall be indicated in a report to be signed by the Chairperson and Secretary of the Elections Committee.

Non-Official Translation

The papers related to the elections or the referendum, the voter list, the report, and any appeals submitted, shall be sent to HEC in accordance with the procedures and timeframe determined by HEC. HEC shall determine the manner in which Election Committees Abroad shall keep a copy of their results.

Except for what is provided for under this Article, the provisions of this Law shall apply to the rest of the procedures of election or referendums held abroad.

Announcing the Results

Article (51)

HEC, to the exclusion of all other entities, shall announce the final national results of the election or referendum within the five days following the day HEC receives all papers from General Committees. This period shall be extended by two days if petitions are submitted to HEC.

HEC shall publish the final results in the Official Gazette and in two widely circulated daily newspapers within a maximum of two days as of the date of the announcement of the results.

The Chairman of HEC shall send each successful candidate a certificate indicating his/her success in the elections within thirty days of the day the results are published.

(Chapter VI)

The Disqualification of a Candidate and Petitioning Against the Voting and Vote-counting Procedures

Disqualification of a Candidate

Article 52

If HEC has come to the conclusion that a candidate has committed a violation of the regulations provided for under the Constitution, the Law or the Decisions of HEC regarding electoral campaigning, the Chairman of HEC is to submit an application to the High Administrative Court to remove the name of this candidate from the final list of candidates running in the Constituency, provided that said application contains the facts, evidence and supporting documents evidencing that the candidate has committed the violation.

Non-Official Translation

The Court Registrar shall notify the candidate or his/her delegate before HEC of the application within twenty-four hours from the date of submission of the application.

The candidate may review the application and its attachments, and may file submissions and documents within the twenty-four hours following the end of the period determined for his/her notification.

These periods may not be extended on grounds of official holidays or long distance.

Without prejudice to safeguarding the right to legal defense, the Court may decide on the application promptly, and it may do so without hearing submissions, or referral of the case to the State Commissioners Authority, where the papers suffice to decide on the application.

The Court shall issue its ruling on the substance of the application either by declining the application, or removal of the name of the candidate from the final list of candidates in the Constituency.

Article (53)

If a ruling to disqualify a candidate is issued pursuant to the provisions of the previous Article, and the ruling was issued before the beginning of polling process, the polling procedures shall continue after the disqualification of the candidate.

However, if the polling starts before the disqualification application has been decided on, the polling procedures shall continue provided that HEC shall suspend the announcement of the results of the election in which the candidate whose disqualification is applied for is participating, if he/she has received a number of votes leading to the announcement of his/her victory or qualification for run-off elections with others. If the court ruling is to disqualify the candidate, the election is repeated among the other candidates after the removal of the name of the disqualified candidate from the ballot.

Nevertheless, if this candidate has secured a share of valid votes which does not lead to the announcement of his/her victory or qualification for run-off elections with others, but HEC saw that the votes received by the disqualified candidate influence the distribution of votes over other candidates, compared to the situation where the name of that candidate were removed from the ballot, HEC shall suspend the announcement of the final result and shall submit the matter to the High Administrative Court via an application substantiated by documents. The Court Registrar shall notify the concerned candidates with a copy of the application via registered mail with acknowledgement of receipt, within twenty-four hours from the date of submission of the application. The concerned candidates, even if they were numerous, may review the papers within the twenty-four hours following the notification period.

Non-Official Translation

These periods shall not be extended on grounds of official holidays or long distance.

If the court finds that the share of the votes received by the candidate influences the final result of the elections in the Constituency in any way, it shall rule that the election is to be repeated among the other candidates after the removal of the name of the disqualified candidate. If the court held that the percentage would not influence the final results, it shall order that the final result of the election be announced.

Without prejudice to safeguarding the right to legal defense, the Court may decide on the application promptly, and it may do so without hearing submissions, or referral of the case to the State Commissioners Authority, where the papers suffice to decide on the application.

In all cases, the ruling shall be executed by virtue of its draft and without announcement.

HEC shall publish a summary of the ruling in the Official Gazette and two widely circulated daily newspapers.

Mandatory Petitioning against Voting and vote-counting Procedures

Article (54)

Concerned parties may petition against any of the procedures of the voting or vote-counting in the elections.

The petition shall be submitted, substantiated by documents, to the competent General Committee during the polling and until twenty four hours after the announcement of the numerical tally of the votes in the constituency by the General Committee. The petition shall be recorded in a special register, which shall be indicated in a receipt given in exchange of the petition.

The General Committee must refer the petition, along with its remarks, to HEC immediately upon registration.

HEC shall consider, in its full composition, the petition and issue a reasoned decision within a maximum of forty-eight hours from the date of receipt of the petition, taking into account the balancing of justice and legitimacy considerations, and the requirements of fairness and impartiality regarding the voting and vote-counting processes.

Non-Official Translation

HEC shall decide on the petition either by rejecting it, or nullifying partially or entirely the elections in the constituency concerned, wherever it is established that the fairness or legitimacy of any voting or vote-counting procedure has been affected by an essential flaw, with which it is likely that the final result of the vote-count does not fairly express the free will of the voters, and that if it had not been for this flaw, the final result of the election would have been different; in which case new dates shall be announced for holding the election.

HEC shall notify the petitioner of the decision via registered mail with acknowledgement of receipt within twenty four hours of its issuance.

HEC shall announce its decisions regarding petitions in the manner of its choice.

The periods provided for in this article may not be extended on grounds of official holidays or long distance.

Article (55)

Legal proceedings regarding the polling and vote-counting processes shall be inadmissible unless a petition has been made to HEC pursuant to the procedures provided for under the previous Article.

(Chapter VII)

Electoral Crimes

Article (56)

Without prejudice to any harsher punishment in any other law, the following acts shall be punished by the penalties prescribed in the following articles.

Article (57)

Whoever is registered in the Voter Database, and fails to cast his/her vote in the election or referendum without good reason, shall be punished by a fine of no more than five hundred pounds.

Article (58)

Whoever uses force or violence against any of the persons mentioned in Article (71) of this Law, with the intention of preventing them from performing the work with which they are entrusted or forcing them to perform such work in a special way, and failed to achieve his/her goal, shall be punishable by incarceration for a period of no more than five years.

Non-Official Translation

The act shall be punishable by imprisonment if the offender achieved his/her goal; by rigorous imprisonment if the offender has committed assault or injury leading to permanent disability; and by imprisonment for life if the assault or injury led to death.

Article (59)

Whoever threatens any of the persons mentioned in Article (71) of this Law with the intention of preventing them from performing the work with which they are entrusted shall be punishable by incarceration for two years. If the threat has resulted in the work being incorrectly performed, the penalty shall be imprisonment.

Article (60)

Whoever insults by signs or words any of the persons mentioned in Article (71) of this Law, during or because of their discharging of their duties, shall be punishable by incarceration for a period of no more than two years and a fine of no less than two thousand pounds and no more than five thousand pounds, or either penalty.

Article (61)

Whoever uses any means of terrorization or intimidation with the intention of affecting the integrity of election or referendum procedures, and failed to achieve his/her goal, shall be punishable by incarceration for a period of no less than two years. If the offender achieved his/her goal, the penalty shall be incarceration for a period of no less than three years and no more than five years.

Article (62)

Whoever intentionally destroys or causes damage in the buildings, facilities or means of transportation used or intended for use in the election or referendum, with the intention of obstructing the election or referendum, shall be punishable by imprisonment for a period of no less than three years and a fine of no less than five thousand pounds and no more than thirty thousand pounds, in addition to the value of the destruction or damage caused.

Article (63)

Whoever embezzles, conceals or damages the Voter Database or a part thereof, election or referendum ballots, or any other paper related to the election or referendum processes, with the intention of changing the truth of the results, or causing the repetition or obstruction of the election or referendum, shall be punishable by incarceration for a period of no less than two years.

Non-Official Translation

Article (64)

Whoever deliberately registers his/her name or the name of another, personally or through others, in the Voter Database or removes it therefrom, in violation of the provisions of the Law, shall be punishable by incarceration.

Article (65)

1- Whoever commits any of the following acts, shall be punishable by incarceration for a period of no less than one year and a fine of no less than one thousand pounds and no more than five thousand pounds, or either penalty:

I- Using force or threats to prevent someone from expressing their opinion in the election or referendum, or to force them to express their opinion in a certain way.

II- Giving, offering or committing to give a benefit to a person or to others in order to get that person to vote in a certain way, or to refrain from voting; and whoever accepts or solicits such a benefit for himself/herself or for others.

III- Printing or circulating in any manner the ballot or the papers used in the electoral process without authorization from the competent authority.

2- Whoever knowingly publishes or broadcasts false statements or reports about the subject of the election or referendum, about the behavior of one of the candidates, or about his/her morals, with the intention of influencing the result of the election or referendum, shall be punishable by a fine of no less than twenty thousand pounds and no more than two hundred thousand pounds. If such statements or reports were broadcasted at a time when voters would not be able to ascertain the truth, the minimum and maximum limits of the fine shall be doubled.

The candidate benefitting from the crimes stated in the two previous paragraphs shall be punishable by the same penalty as the original offender if his/her knowledge and approval of the commitment of the crime are established. The court shall additionally rule to disqualify him/her from candidacy in legislative elections for a period of five years commencing on the date the ruling becomes final.

Article (66)

Whoever commits any of the following acts, shall be punishable by incarceration for a period of no less than one month and a fine of no less than five hundred pounds and no more than one thousand pounds, or either penalty:

I- Expressed opinion in election or referendum while knowing that he/she is not eligible to do so.

II- Expressed opinion under the name of another.

Non-Official Translation

III- Participated more than once in the same election or referendum.

The Chairman of HEC may invalidate the electoral votes resulting from committing any of the crimes provided for under this Article.

Article (67)

Whoever snatches, damages, changes or tampers with a box containing election or referendum ballots shall be punishable by imprisonment.

Article (68)

Whoever commits any of the following acts shall be punishable by a fine of no less than ten thousand pounds and no more than one hundred thousand pounds:

I- Violation of the periods established under Articles (24) and (30) or under the third clause of the fifth paragraph of Article (37) of this Law.

II- Spending funds in electoral campaigning which are not recorded in the bank account determined by HEC.

III- Electoral campaigning in violation of the regulations contained in Article (31) of this law.

IV- Violation of the prohibition prescribed in Article (34) of this Law. The Court may rule – in addition to the fine – to remove the offender from his/her position for a period of five years, if his/her act influenced the result of the elections.

V- Accepting a donation higher than the amount prescribed in Article (26) of this Law. The court shall rule that the funds in excess of that amount be confiscated.

Article (69)

Whoever commits an act violating the provisions of Article (35) of this Law shall be punishable by imprisonment and a fine of no less than one hundred thousand pounds and no more than one million pounds. The court shall rule that the funds involved in the crime be confiscated.

Non-Official Translation

Article (70)

Attempt to commit an crime provided for under this Law shall be punishable by the penalty established for the principal crime.

Article (71)

Each of the following persons shall be vested with the power of law enforcement with respect to the crimes provided for under this Law:

1- The Chairman and Members of HEC.

2- The Chairperson and Members of the General Secretariat.

3- Chairpersons of the Governorate Elections Committees and their Members from the Judicial Authorities and Bodies.

4- Chairpersons and Members of General Committees.

5- Chairpersons of Sub-Committees.

Article (72)

Civil and Criminal Proceedings shall not abate for any crimes provided for under this Law, and the punishment shall not be subject to statute of limitations.

Article 73

The Public Prosecution shall investigate the crimes provided for under this Chapter, and may order the preventive detention of the accused during the investigations until his/her referral to criminal trial.

The General Assembly of each Court of Appeals or Court of First Instance shall determine one or more circuits for promptly considering and deciding on electoral crimes.

Non-Official Translation