Lebanon's 2017 Parliamentary Election Law

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IFES
30 Years

Lebanon's 2017 Parliamentary Election Law
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1) Introduction

The last parliamentary elections in Lebanon were held on June 7, 2009. Since then, the life of Parliament has been extended on several occasions, and presidents, prime ministers and governments have come and gone. A new government was sworn in in December 2016, which approved a new election law in June 2017 to replace Law No. 25 passed in 2008. Parliament passed Law No. 44 the same month and it will be in force for elections scheduled to be held by May 2018.[1]

Passing the new election law is a significant achievement. Lebanon's internal politics seek to balance the interests of its numerous religious groups, or "confessions," until the "basic national goal," as enumerated in the Constitution, of the abolition of political confessionalism can be achieved. Although not included in the Constitution, by long-standing agreement the president is a Maronite Christian, the prime minister is a Sunni Muslim, and Parliament's speaker is a Shi'a Muslim. As will be discussed in more detail below, following the Taif Accord in 1989, the Constitution requires that Muslims and Christians have equal numbers of seats in Parliament, and the election law distributes seats in constituencies among the various confessions.

The fragmented, complex and shifting nature of Lebanon's politics, dominated by two major political and electoral alliances known as March 8 and March 14[2], and overlaid by regional rivalries, has made it very difficult to achieve a consensus on something as central to parties' interests as the election law. Numerous proposals for a new election law have been made from time to time, including a National Commission for the Electoral Law (the Boutros Commission) which in 2006 recommended reforms including[3]:

- Official pre-printed ballots
- Partial proportional representation
- Holding the election on one day
- A 30 percent women's quota
- An independent electoral commission
- Lowering the voting age from 21 to 18
- Campaign finance and media regulations
- Out of country voting
- Access for people with special needs

The recommendations for campaign finance and media regulation and for elections to be held on a single day were included in the election law passed in September 2008, but political agreement could not be reached on other recommendations of the Boutros Commission. However, the 1960 electoral constituencies were reinstated, ostensibly to increase Christian voters' influence because Christian parliamentarians would be elected in predominantly Christian districts.[4]

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[1] All quotations in this paper from Law No. 25 (2008), Law No. 44 (2017) and Lebanon's constitution are from unofficial translations.

[2] The March 8 coalition is named after the date of a popular pro-Syrian rally and the March 14 coalition is named after the date of a major anti-Syrian demonstration. National Democratic Institute (NDI), *Final Report on the Lebanese Parliamentary Election, 7 June 2009*, p. 63. https://www.ndi.org/sites/default/files/Final%20Report%20Lebanon%20Parliamentary%20Election%20June%202009%20English.pdf

[3] NDI, *Final Report,* p. 15.

[4] Christian factions obtained this promise as part of a political settlement reached in 2008 in Qatar's capital, Doha, which ended a political stalemate in Lebanon. See International Crisis Group (ICG), "The New Lebanese

Since the 2009 elections, failure to agree on a new election law has led parliament to vote twice to extend its term. Agreement on a new election law in 2017 came after President Michel Aoun "suspended parliamentary activities for one month to block legislators from extending parliament's term a third time and give them more time to agree on an electoral law."[5] Law No. 44 was then passed on June 17, 2017.

The purposes of this paper are to analyze the new election law, compare it with the 2008 law, and identify matters on which the International Foundation for Electoral Systems (IFES) should propose program activities relating to the 2018 elections. The next section outlines the constitutional framework for Lebanon's electoral law. Section 3 outlines a number of key aspects of the 2017 election law, compares them with the 2008 law, and discusses their implications. Finally, Section 4 identifies areas of activity where IFES should seek to engage with Lebanon's electoral authorities and other stakeholders before the 2018 elections.

2) The Constitutional Framework for Parliamentary Elections

Lebanon's current Constitution was introduced by a constitutional law in September 1990. Paragraph H of the preamble states, "The abolition of political confessionalism shall be a basic national goal and shall be achieved according to a staged plan." Article 95 requires "The Chamber of Deputies that is elected on the basis of equality between Muslims and Christians [to] take the appropriate measures to bring about the abolition of political confessionalism according to a transitional plan."

The Constitution provides that Lebanese "shall equally enjoy civil and political rights" (Article 7) and have the right to hold public office (Article 12). It establishes a Constitutional Council "to supervise the constitutionality of laws and to arbitrate conflicts that arise from parliamentary and presidential elections" (Article 19).

Article 21 states: "Every Lebanese citizen who has completed his twenty-first year[6] is an elector provided he fulfills the conditions stated by the electoral law."

Article 16 establishes the Chamber of Deputies as a unicameral legislature (Article 16), although Article 22 provides that once the Chamber is elected on a "national, non-confessional basis," a Senate will be established "in which all the religious communities shall be represented" with authority "limited to major national issues."

Equation: The Christians' Central Role," *Middle East Report No.78,* (2008), p. 1. https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/lebanon/new-lebanese-equation-christians-central-role

[5] "Will Lebanon's new electoral law end the stalemate?," *Al Jazeera*, June 15, 2017. http://www.aljazeera.com/indepth/features/2017/06/lebanon-electoral-law-stalemate-170615064815219.html

[6] The NDI report on the elections held on June 7, 2009 states: "On March 19, 2009, Parliament voted unanimously to adopt a constitutional amendment to lower the voting age and the Cabinet of Ministers approved the amendment on May 13, 2009. In order to amend the Constitution, Parliament must vote a second time on the final text of the amendment approved by the Cabinet, and finally, the President and Prime Minister must co-sign a promulgation of the amendment. Because Parliament did not approve the amendment a second time before June 7, the amendment was not promulgated and citizens under 21 were not eligible voters in the 2009 parliamentary elections." NDI, *Final Report*, note 9, p. 16. It appears that the issue has not been revisited since then.

Article 24 states:

> "The Chamber of Deputies shall be composed of elected members; their number and the method of their election shall be determined by the electoral laws in effect. Until such time as the Chamber enacts new electoral laws on a non-confessional basis, the distribution of seats shall be according to the following principles:
>
> a. Equal representation between Christians and Muslims.
> b. Proportional representation among the confessional groups within each of the two religious communities.
> c. Proportional representation among geographic regions."

Other constitutional provisions relating to parliamentary elections are as follows:

- Following a request from the president of the Republic, the Council of Ministers may dissolve the Chamber[7] before the end of its term (Article 55), in which case new elections must be held within three months (Article 25);
- An election to fill a vacant seat in the Chamber of Deputies must "begin" within two months, although a by-election to fill a vacant seat may not be held if the vacancy occurs in the last six months of the Chamber's term (Article 41);
- A general election for a new Chamber must be held within the last 60 days of the term of the previous Chamber (Article 42);
- If the Council of Ministers cannot make a decision by consensus, it may do so by a majority vote of those present, although a two-thirds majority of all Council members is required if the issue is a "basic issue" defined in paragraph (5) of Article 65 including the amendment of the constitution, the dissolution of the Chamber of Deputies, and electoral laws; and
- Part Three, sections B and C set the procedures whereby the Constitution may be amended by a two-thirds majority vote of all the members of the Chamber of Deputies.

3) Law No.44 (June 2017), Election of Members of the Parliament

A) The Supervisory Commission for Elections

Outline

Article 9 establishes a Supervisory Commission for Elections (SCE) consisting of 11 members (Article 10, para. [1]):

1. "An 'honorably retired,' long-serving ordinary judge from three candidates nominated by the Supreme Judicial Council;
2. An 'honorably retired,' long-serving administrative judge from three candidates nominated by the State Council[8];
3. An 'honorably retired,' long-serving financial judge from three candidates nominated by the Court of Auditors;

[7] Article 65 sets out the circumstances in which the Council of Ministers must dissolve the Chamber of Deputies at the request of the president: if the chamber "for no compelling reasons, fails to meet during one of its regular sessions and fails to meet throughout two successive extraordinary sessions, each longer than one month, or if the Chamber returns the entire budget plan with the aim of paralyzing the Government."
[8] The State Council, also known as the Shura Council, is the highest administrative court.

4. A former president of the Beirut Bar Association from three candidates nominated by the Beirut Bar Council;
5. A former president of the Tripoli Bar Association from three candidates nominated by the Tripoli Bar Council;
6. A representative of the Press Syndicate from three candidates nominated by the Syndicate Council;
7. A media and advertising expert from three candidates nominated by the National Council for Audiovisual Media;
8. A former president of the Association of Certified Public Accountants from three candidates nominated by the Association;
9. Two election experts from six candidates nominated by the Minister of Interior and Municipalities (the Minister); and
10. a representative of the civil society organizations (CSOs) eligible under Article 20 to observe and monitor the elections from three candidates nominated by the CSOs 'through a selection procedure decided by the Minister."

The Council of Ministers makes appointments to the SCE "at the suggestion of the Minister" (Article 11). Gender representation must be considered when appointing the SCE's members (Article 10, para. [2]). The former ordinary judge or administrative judge who held the higher position presides over the SCE, with the older presiding if they held equal positions (Article 10, para.[3]). The older of the two former Bar Association presidents is the SCE's vice-president (Article 10, para.[3]). The commissioners' terms of office end six months after the completion of parliamentary elections, and a new SCE must be appointed one month before the end of the mandate of the previous SCE (Article 11).

Article 15 specifies the positions that cannot be held concurrently by commissioners. Article 16 requires commissioners to "refrain from carrying out any acts or activities that run counter to the Commission's functions and impartiality" and to "refrain from giving any lectures or participating in any seminar or making any statement related to elections, in their personal capacity, unless authorized by the Commission." Article 17 protects commissioners against criminal prosecutions without SCE approval. Paragraph (3) of Article 16 allows a two-thirds majority vote of SCE members to terminate the term of office of any of its members "who violates the obligations provided for in the present law," subject to the approval of the Council of Ministers.

Article 13 specifies the oath to be taken by commissioners, by which they undertake to carry out their duties "with utmost integrity, impartiality, dedication and independence, and to strictly comply with the laws and regulations, especially those that regulate the elections to guarantee their freedom, integrity and transparency." Article 12 provides for filling any vacancies in the SCE's membership.

Article 9 requires the SCE to:

> "...supervise the elections in accordance with its functions set forth in this law, independently and in coordination with the Minister of Interior and Municipalities... The Minister shall monitor the works of the Commission, choose its headquarters, make such independent private headquarters available, and attend its meetings when necessary, without participating in the voting."

Article 19 sets out the SCE's specific functions:

> "The Commission shall assume the following functions and powers:
> 1. Issuing decisions and circulars that fall within the framework of its functions and submitting the proposals it deems appropriate to the Minister.
> 2. Receiving the applications of the broadcast, print and electronic media wishing to participate in covering the voting and counting process, delivering the required permits to such media and establishing the code of conduct for media coverage.
> 3. Receiving the applications of the private broadcast and print media wishing to participate in the paid electoral advertising in accordance with the provisions of this law.
> 4. Monitoring the compliance of all candidate lists, candidates and media outlets with the laws and regulations that regulate the electoral competition in accordance with the provisions of this law.
> 5. Determining the terms and conditions of conducting opinion polls as well as the dissemination, broadcast or distribution of results thereof during the electoral campaign and monitoring compliance with the pre-election silence period.
> 6. Receiving and auditing the financial statements of the electoral campaigns within one month from the date of the elections.
> 7. Receiving the candidates' applications for the registration of their financial commissioner for the electoral campaign, and issuing them a receipt proving that their application has been filed.
> 8. Exercising control over the election campaign spending in accordance with the provisions of this law.
> 9. Receiving and processing the applications of local and international electoral observers, issuing their permits and establishing a code of conduct for them.
> 10. Promoting electoral knowledge, guiding voters and encouraging democratic practice by all means available.
> 11. Receiving and adjudicating complaints of alleged violations in matters related to the functions of the Commission. Where such violations are proven, the Commission may automatically take action and initiate the appropriate measures.
> 12. Recruiting electoral experts when necessary."

The SCE's decisions must be taken by an absolute majority of its membership and may be appealed to the State Council (Article 21).

The Council of Ministers determines the SCE's "financial and administrative regulations" on the recommendation of the Minister of Interior (Article 23, para.[a]). The SCE can ask the minister to arrange the secondment of employees in 'public administrations and institutions' (Article 23, para. [b]).

Discussion:

The membership of the SCE in the 2017 law is somewhat different from the 10-member Supervisory Commission on the Election Campaign (SCEC) established in the 2008 law. Presiding judges were appointed under the 2008 law, with the judge from the Court of Cassation being the SCEC's president and the judge from the State Council being the vice president. The two former Bar Association presidents are common to both. The representatives of the Press Syndicate, the Association of Certified Public Accountants and the CSOs are new. The two media and advertising experts in the 2008 law have been reduced to one, and the three election experts have been

reduced to two. The requirement to consider gender representation in appointments to the SCE is new.

The functions of the SCE in Article 19 of the 2008 law were confined to accrediting media wishing to run paid election advertising, supervising compliance with the rules governing electoral competition, supervising election spending, and receiving and auditing the financial statements of lists and candidates. The SCE's functions in Article 19 of the 2017 law stated above include all those functions but add responsibilities relating to opinion polls, accreditation of local and international observers, promoting electoral knowledge, and receiving and adjudicating complaints. As in the 2008 law, the SCE is able to request secondment of public employees, who will need to receive training to enable them to carry out their responsibilities.

A report by the European Union Election Observation Mission on the 2009 parliamentary elections commented that the Ministry of Interior was generally regarded as having carried out its election responsibilities fairly and impartially, but that the effectiveness of the SCEC was limited by its lack of resources and inadequate regulations concerning campaign spending and the media.[9] Similarly the National Democratic Institute (NDI) report on the 2009 elections noted:

> "NDI observers found SCEC to be a credible institution that operated with impartiality. The Commission built and maintained relationships with civil society organizations and observers; however, its lack of institutional capacity due to the fact it was formed just before the election, and at times its lack of communication with the public, weakened its impact."[10]

It seems that the establishment of the SCE in the 2017 law could be a step toward a fully independent and autonomous election management body. However, the 2017 law retains a significant role for the Council of Ministers, the minister, and the Ministry over such matters as the SCE's rules of procedure and its financial and administrative regulations, all of which must be approved by the Council of Ministers (Article 14 and Paragraph (a) of Article 23). The minister must "monitor" the work of the SCE (Article 9), acts as the conduit for obtaining secondments of civil servants to the SCE (Article 23, para.[b]), and approves the SCE's budget requests for inclusion in the budget of the Ministry (Article 23, para.[c]). Much will depend on the relationships between the SCE, the minister and the Ministry, but such provisions could risk public and political perceptions that the SCE is not independent and impartial.

B) The Proportional Electoral System

Outline:

Article 1 states:

> "Parliament is composed of 128 deputies elected for four years through a system of proportional representation. Elections shall be organized in one round and based on the principles of universal suffrage and secret ballot."

[9] See European Union Election Observation Mission (EUEOM), *Lebanon, Final Report, Parliamentary Elections, 7 June 2009,* pp. 5, 18. http://aceproject.org/ero-en/regions/mideast/LB/lebanon-final-report-parliamentary-elections

[10] NDI, *Final Report*, p. 34.

The constituencies for parliamentary elections are specified in Appendix 1 attached to the law (Article 2, para.[a]). There are 15 "major" constituencies, some of which also have "minor" constituencies (see Annex 1 to this report). The distribution of seats by confession is specified in Appendix 1 of the law (see Annex 1 to this report, and see Annex 2 for the confessional composition of the major and minor constituencies based on 2015 voter registration data). Paragraph (b) of Article 2 says: "All voters of different confessions in the electoral constituency shall vote for the candidates of that constituency."
However, Article 112 reserves six seats for non-resident candidates, "equally divided between Christians and Muslims on the basis of one seat for each of the Maronite, Orthodox, Catholic, Sunni, Shiite, Druze confessions." Article 122 states that at the next (i.e., 2018) elections, the total of 128 seats will be reduced by the six seats reserved for non-resident citizens, "to be taken from the same confessions to which the non-resident seats have been allocated to in Article 112 of this Law, by virtue of a decree of the Council of Ministers at the suggestion of the Minister." No information is available at the time of writing on which constituencies will be affected.[11] Out-of-country voting is discussed further in Section 3(g) of this report.[12]

The candidate nomination process is outlined in Section 3(d) of this report. Candidates first nominate themselves as individuals for a confessional seat in a constituency or minor constituency, and those whose nominations are accepted then form lists at least 40 days before Election Day (Article 52). Each list must have candidates for at least 40 percent of the seats in the constituency and must also include at least one seat for each minor constituency in electoral districts that have more than one minor constituency. (Article 52).

The Ministry prepares official pre-printed ballot papers for each constituency or minor constituency (Article 93, para.[1]). A voter chooses one list and may then give one "preferential vote" to a candidate from that list for a seat in the voter's minor constituency (Article 98).[13]

After the votes have been counted in a constituency and the final result announced, the numbers of seats won by lists and the successful candidates from those lists are determined according to Article 99:

- An "electoral quotient" is calculated "by dividing the number of the voters in each of the major constituencies by the number of seats to fill in each" (para.[2]);
- lists that do not reach the electoral quotient are excluded 'and the electoral quotient is re-calculated after deduction of the votes obtained by such lists' (para.[3]);
- "The remaining seats are allocated, one after another, to the qualifying lists that have obtained the largest remainder after the first division, and this process is repeated in the same way until all the remaining seats have been filled" (para.[4]);
- Paragraph (4) sets the criteria for allocating the last seat when two lists have an equal last remainder;

[11] Although there have been suggestions that the non-resident seats will not be established for the 2018 elections, the law clearly provides for them.
[12] Article 122 provides that the total number of seats in Parliament will be increased to 134 at "elections that follow the first elections to be held in accordance with this law," six for non-resident citizens and 128 seats for resident citizens.
[13] Article 98 provides that a vote is valid if a list is marked but no preferential vote is marked. Only the list vote counts if more than one preferential vote is marked among the candidates on that list. Only the list vote counts if a voter chooses a list but gives a preferential vote to a candidate from another list or to a candidate on the list of a minor constituency to which they do not belong. If a voter does not vote for a list but gives one preferential vote only, that is treated as a vote for that list and both votes count.

- Once the numbers of seats won by each qualifying list have been determined, the names of the candidates for the constituency are combined into one "comprehensive" list, in descending order of the percentages of preferential votes each obtained in the constituency in which they stood, based on the number of their preferential votes compared to the "total number of preferential votes obtained by the qualifying lists" in the minor constituency (or in their constituency if it does not have minor constituencies) in which they stood (para.[5]), provided that (a) if two candidates have the same percentage, the older candidate is placed higher, but (b) if they are of the same age, the Higher Registration Committee determines the order by lot (para.[5]);
- Seats are then allocated to candidates, starting from the top of the comprehensive list until all seats have been allocated to the lists entitled to them (para.[6-7]), provided that the allocation takes account of the confessional distribution of seats such that no allocation is made if that confession's share of seats has been filled (in which case the remaining candidates of that confession are deemed to be deleted).

Annex 3 of this report contains a hypothetical example of the allocation of seats and the selection of winning candidates.[14]

Discussion:

The proportional electoral system in the 2017 law is different from the block vote system in the 2008 law. However, the same method, a table attached to the law, is used to determine the electoral constituencies and seat allocations among the constituencies. In neither case was any information provided on the detailed criteria used to determine the constituencies and seat allocations.

It is, however, possible to measure the extent to which the number of registered voters per seat in each constituency at the 2009 elections deviated from the average number of registered voters per seat over all 26 constituencies used for that election. Based on the voter registration figures for the 2009 elections reported by NDI,[15] the variations ranged from 61.6 percent greater than average (Bint Jbeil) to 29 percent less than the average (Kesrwan). In total, the number of registered voters per seat in 16 constituencies was within ±20 percent of the overall average for all constituencies, and the number in 10 constituencies was greater than ±20 percent of the overall average.

It is possible that these larger variations could be justified based on topography or other legitimate factors,[16] and an assessment of the constituencies in the 2017 law will have to await the final voter registration figures for the election in 2018. But the absence of detailed statutory criteria (apart from those in Article 24 of the Constitution) and of a statutory and transparent process for determining constituency boundaries and seat allocations detracts from the integrity of the electoral process. Similar issues could also arise concerning the reduction of the number of in-country seats for the 2018 elections to allow for the creation of six seats reserved for non-residents – a process that is also likely to be politically controversial.

[14] See also Matt Nash and Ahmad Barclay, "Visualizing the voting process," *Executive Magazine*, June 29, 2017. http://www.executive-magazine.com/cover-story/visualizing-the-voting-process-new-2017-elections-law-lebanon

[15] NDI, *Final Report*, Appendix H, p. 76.

[16] Anthony Elghossain says that the new constituencies in the 2017 law "could further entrench sectarian politics" and "The new districts have been drawn up to accommodate established parties seeking to maximize the benefits of forthcoming electoral alliances." "One Step Forward for Lebanon's Elections," Carnegie Endowment for International Peace, July 11, 2017. http://carnegieendowment.org/sada/71496

A major gap in the 2017 law is the absence of a women's quota, either as seats reserved for women or as a requirement in the formation of lists. Although in 2006 the Boutros Commission recommended a 30 percent quota for women candidates, this and many other recommendations were not included in the 2008 law.[17] After withdrawals, there were 597 candidates for the 2009 elections, including only 12 women, four of whom were elected, two fewer than at the previous elections.[18] This abysmal result means Lebanon ranks 182 out of 193 countries on the Inter-Parliamentary Union's ranking of women's representation in lower houses.[19] It is certain that there will be continuing and strong internal pressure for further initiatives to improve women's representation in Lebanon.

Paragraph (2) of Article 99 of the 2017 law implementing the new proportional electoral system requires the electoral quotient in each constituency to be calculated by dividing the total number of votes by the number of seats in the constituency. This is known as the "Hare Quota," which is regarded as neutral between large and small parties.[20] However the provision in the 2017 law that excludes lists that do not achieve the electoral quotient and the subsequent recalculation of the electoral quotient will favour the larger lists over the smaller and is likely to reduce the proportionality of the result. As illustrated in Annex 3 of this report, there are potential anomalies in seat distribution as a result of the confessional quota, which allows a candidate to win a seat even though he or she has won fewer preferential votes than unsuccessful candidates. In the absence of a formal threshold of representation for list votes applicable to all major constituencies, the effective threshold to win one seat by reaching the first electoral quotient varies according to the number of seats in a major constituency, as shown in the following table (drawn from Annex 2 to this report):

Major Constituency	**Effective Threshold of List Votes**
South Lebanon 1 (Sidon; Jezzine)	20.00%
Bekaa 2 (West Bekaa; Rashaya)	16.67%
Mount Lebanon 3 (Baabda)	16.67%
South Lebanon 2 (Tyre; Zahrani)	14.29%
Bekaa 1 (Zahle)	14.29%
North Lebanon 1 (Akkar)	14.29%
Beirut 1	12.50%
Mount Lebanon 1(Jbeil; Kesrewan)	12.50%
Mount Lebanon 2 (Metn)	12.50%
Bekaa 3 (Baalbeck-Hermel)	10.00%
North Lebanon 3 (Zgharta; Bcharri; Koura; Batroun)	10.00%
Beirut 2	9.09%
South Lebanon 3 (Bint Jbeil; Nabatieh; Marjayoun-Hasbaya)	9.09%
North Lebanon 2 (Tripoli; Minnieh-Dinneh)	9.09%
Mount Lebanon 4 (Chouf; Aley)	7.69%

It is likely to take some time for voters and parties to adapt to the new electoral and political dynamics created by the change to a proportional electoral system and for them to begin to

[17] NDI, *Final Report,* p. 15.
[18] NDI, *Final Report,* p. 46; EUEOM, *Lebanon, Final Report,* p. 21.
[19] Inter-Parliamentary Union, Women in National Parliaments, situation as of 1st August 2017; http://www.ipu.org/wmn-e/classif.htm
[20] "Appendix: The Mechanics of Electoral Systems," in *The Politics of Electoral Systems*, ed. Michael Gallagher and Paul Mitchell (Oxford University Press, 2005), p. 588.

understand the opportunities and risks created by the new system. The process of formation of lists will require political calculations about likely voter support and provide incentives toward consolidation of political forces rather than their fragmentation, particularly given the exclusion of lists that do not reach the list vote threshold for representation in a major constituency. It seems unlikely that the new system will promote secularism rather than confessionalism[21] but that judgement will need to await experience. So too will any judgement about the extent to which the new electoral system will allow new and emerging political forces to achieve representation in Parliament.

It is, however, certain that the new system will require widespread, concerted and effective voter education programs, not only by the Ministry but also involving (and aimed at) parties and civil society organizations (including those representing women, youth and people with disabilities), using all traditional and modern media and methods. Those programs will also need to target non-resident Lebanese citizens and cover their entitlements as well as the broad features of the new proportional system they need to know.

C) Voter Registration[22]

Outline

Article 21 of the constitution enfranchises Lebanese citizens aged 21 years and above. Article 3 of the 2017 law makes it clear that the resident and non-resident citizens, male and female, have the right to vote, subject to the exclusions set out in Article 4:

1. Persons who are under an interdiction of civil rights.
2. Persons who are permanently barred from public office and posts.
3. Persons who are under temporary disqualification from office and post levels, until their re-qualification.
4. Persons who are convicted of a felony offense.
5. Persons who are convicted of any of the following major offenses: burglary, fraud, bad credit, embezzlement, bribery, perjury, rape, intimidation, forgery, use of forged documents, false testimony, crimes against public morals listed in Chapter 7 of the Penal Code and crimes related to the cultivation, production and trafficking of narcotics.
6. Persons who are placed under judicial interdiction, throughout the duration of the interdiction period.
7. Persons who have been fraudulently declared bankrupt or sentenced to the penalties specified in Articles 689 to 698 of the Penal Code.
8. Persons who are sentenced to the penalties provided for in Articles 329 to 334 of the Penal Code.

The abovementioned persons may not vote until after their rehabilitation.

Article 5 states that a naturalized citizen may not vote or be a candidate for 10 years after becoming a citizen, except for non-Lebanese women who acquire citizenship by marrying a Lebanese male.

[21] See Annex 2 for the list vote thresholds of representation in major constituencies and their 2015 confessional distributions. These judgements can only be tentative at this stage pending confessional data from voter registrations for the 2018 elections and the formation of lists before the elections.
[22] Voter registration and candidacy by non-resident Lebanese citizens are discussed in Section 3(g) below.

Article 6 prevents "non-retired military personnel of all ranks and divisions" from voting. Article 27 requires persons who are 100 years old or older to be deleted from the voter list, although they may apply to be reinstated.

It is important to note that Lebanon's voter registry is based on its civil registry. The Directorate General of Personal Status (DGPS) prepares voter lists for each constituency based on civil status records containing the voters who had been registered in that constituency for one year before the annual voter update period beginning on October 20 (Article 26). The Criminal Record Department and the courts have to provide the DGPS with lists containing the names of those ineligible to vote under Article 4 (Articles 29, 30).

Committees at two levels are established in each constituency:

- One or more three-member Primary Registration Committees (PRC) is established in each constituency, headed by a "working ordinary or administrative judge" and having as members the president or member of a Municipal Council in the constituency and an officer from the DGPS (Article 36). The staff of the PRC consists of employees of the DGPS. The functions of the PRCs are specified in Article 37, and cover the voter registration update, receiving ballot boxes after the close of the polling stations and sorting and counting votes, and reporting the results to the appropriate Higher Registration Committee (Article 37, paras. 2, 3).
- One Higher Registration Committee (HRC) is established in each constituency, consisting of a president who must be a "president of a Chamber or Counselor at the Court of Cassation, or president of a Chamber at the Court of Appeal, or president of a Chamber or counselor at the State Council," and two members – a working ordinary or administrative judge, and an inspector from the Central Inspection Board (Article 38). The rapporteur is from the DGPS. The functions of the HRCs cover deciding appeals from the decisions of the PRCs, and aggregating voting results from the PRCs in the constituency (Article 39, para.[2]).

Preliminary voters lists are published by February 1 each year (Article 33), and can be updated until March 1 by application to the appropriate PRC in the constituency (Article 34). Non-resident voters may submit applications to embassies or consulates for forwarding to the DGPS and then to PRCs (Article 34, para.[3]). Decisions of the PRCs on corrections to the voter lists may be appealed to the HRC. The voter lists become final on March 30 each year and are used for any elections held before March 30 in the following year (Article 35).

Voters are registered and vote at their ancestral villages rather than at their places of residence.[23] This is not explicit in the 2008 or 2017 laws, but is linked to the confessional system and appears to be required by Article 41 of the Law on Civil Registry Records (1951), under which[24]:

> "…an application for transfer of registration location may be made after three years of permanent residence, by producing a statement signed by the Mukhtar and two witnesses and submitting this to the Civil Registry Office in the original registration location. The validity of the claim is then investigated by the police or gendarmerie, after which the claim is considered by the government, which has the discretion to allow it or not."

[23] NDI, *Final Report,* p. 21: "Lebanese law requires citizens to vote in their ancestral villages rather than where they reside. Married women vote in their husband's family's ancestral village." EUEOM, *Lebanon, Final Report,* p. 14: "Voters are registered in their place of origin rather than their place of residence and procedures for changing registration location are excessively lengthy and cumbersome."
[24] EUEOM, *Lebanon, Final Report,* p. 14 and note 12.

Discussion:

The statutory provisions in the 2017 law regarding the franchise and voter registration procedures replicate those in the 2008 law.

Lebanon law sets 18 years as the age of adulthood, which is the customary age at which citizens are enfranchised in most democracies.[25] As noted earlier, a proposal to amend the constitution to reduce the voting age to 18 did not complete all the required stages of the constitutional amendment process before the 2009 parliamentary elections and does not seem to have been revived since then. Voter registration for out-of-country voters for the 2018 elections starts in November 2017 (see Section 3[g] below) and the revision of the voters lists for in-country voters starts in October. All voters lists were finalized in March 2018.

It could be argued that the automatic deletion from the vote lists of all those who are 100 years old or older is discriminatory, even though they can apply to be reinstated.

The disenfranchisement of all serving members of the military is contrary to international standards.[26] The other exclusions in Article 4 are described as "wide-ranging and at times unclear" and as risking disenfranchisement "for a relatively minor crime or before having been found guilty."[27]

The requirement that the voters register and vote at their ancestral villages creates disincentives to participation, since some voters have to travel long distances and others have to return to areas they left during the civil war.[28] NDI recommended after the 2009 elections that voters should be registered to vote at their places of residence rather than at their ancestral villages.[29] The European Union Election Observation Mission (EUEOM) did not go that far, recommending that the process by which voters can transfer their place of registration from their village to their place of residence should be "simplified, shortened and made more transparent … and should not be subject to discretional veto by the Ministry of Interior and Municipalities."[30]

D) Candidacy

Outline:

Article 7 sets out the qualifications to be a candidate, including a minimum age of 25, being a registered voter, and not having been prevented from exercising civil and political rights. Article 8

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[25] ACE Encyclopaedia, "Voter Registration"; http://aceproject.org/ace-en/topics/vr/vra/vra07/vra07a

[26] EUEOM, *Lebanon, Final Report*, p. 10. On international standards for elections, see Richard Chambers, "International standards for elections in the MENA region," unpublished paper (2006); Guy S. Goodwin-Gill, *Free and Fair Elections* (Inter-Parliamentary Union, 2006); International IDEA, *International Electoral Standards: Guidelines for reviewing the legal framework of elections* (2002).

[27] EUEOM, *Lebanon, Final Report,* p. 13.

[28] NDI, *Final Report*, p. 66: "Some voters are required to return to villages they left during the civil war and, in the absence of reconciliation with former enemies, some have been apprehensive about returning to these areas to vote."

[29] NDI, *Final Report,* p. 51: "Enabling voters to vote where they live rather than in the ancestral villages of their families would help to relieve the logistical burden of traffic management and security encountered in the 2009 parliamentary election. This reform would also reduce the role of political parties and candidate campaigns in transporting voters on Election Day, which opens the door for pressuring voters and potential fraud."

[30] EUEOM, *Lebanon, Final Report,* p. 30.

specifies classes of persons who are not eligible to be candidates, including judges; senior civil servants; military personnel; chairs and board members of public institutions; presidents and vice presidents of municipal councils; and the president, vice president and members of the SCE. The restrictions on candidacy also apply to former holders of those posts for specified periods following resignation or termination, ranging from six months to two years.

The call for elections must be published in the Official Gazette at least 90 days before Election Day (Article 42). Nominations close 60 days before Election Day (Article 46, para.[1]). However if no nomination is received for a particular seat, the nomination period is extended by seven days (Article 47, para.[1]). If only one candidate is nominated for a seat in a minor constituency, that candidate is declared the "uncontested winner" (Article 48, para.[1]). A similar provision applies if only one complete list is nominated for the seats of a constituency (Article 48, para.[2]).

Candidates self-nominate for one constituency only, which needs not be the one in which they are registered to vote (Article 44). Article 45 sets out the documentation that must be submitted to the Ministry of Interior with an application to be a candidate, including evidence of a bank account opened for the campaign and a receipt for the nomination fee of eight million Lebanese Pounds (about US$5,300).

The Ministry has five days to approve or reject a nomination, with a nomination deemed as approved if that period is exceeded (Article 46, para.[4-5]). A candidate whose nomination is rejected may within three days appeal the Ministry's decision to the State Council, which has a further three days to issue a final and non-appealable decision (Article 46, para.[6]). If the nomination period has been extended under Article 47, the Ministry has 24 hours to approve or reject a nomination, and the deadlines for appeals to the State Council and for the State Council's final decision are each 48 hours (Article 47).

Candidates may withdraw their nominations up to 45 days before election day (Article 50). If withdrawals result in uncontested seats in the constituency, the provisions for the extension of the nomination period in Article 47 are implemented.

At the conclusion of the nomination process, the Ministry announces the names of the accepted candidates (Article 51), who must then organize themselves into ordered lists for the constituencies at least 40 days before Election Day (Article 52). Each list must have candidates for at least 40 percent of the seats in the constituency (Article 52). The list must be submitted to the Ministry by one of the candidates authorized by all the others, including evidence of a bank account opened for the list (Article 54). The Ministry has 24 hours to register the list, although a list whose application is deficient has 24 hours to correct the application (Article 54). The Ministry's rejection of a list may be appealed to the State Council within 24 hours, which also has 24 hours to issue a final decision (Article 54). At the conclusion of the process, the Ministry announces and publicizes the final lists (Article 55). Lists appear on the ballot paper in order of registration (Article 52).

Discussion:

The provisions concerning candidate eligibility in the 2017 law are similar to those in the 2008 law, although Article 8 of the 2008 law required that applicants for candidacy be literate, which does not appear in the 2017 law. The nomination process is also similar, except that the 2008 law required a candidate to pay a fee of two million Lebanese Pounds and a deposit of six million Pounds, the latter amount being refunded to winning candidates and to candidates who receive at least 20 percent of

the votes in the district.[31] The nomination fee in the 2017 law of eight million Lebanese Pounds is not refundable. The period in which a rejected candidate may file an appeal to the State Council has been reduced from five days in the 2008 law to three days in the 2017 law. Unlike the 2008 law, where the nomination period is extended the 2017 law states specific deadlines for Ministry decisions and rejected candidates' appeals to be filed with the State Council. Other changes in the 2017 law are due to the change in the electoral system.

Neither the EUEOM report nor the NDI report on the 2009 elections raised any concerns about the role of Ministry in receiving and vetting candidate applications. Nevertheless, the candidate nomination process is politically and socially sensitive and risks perceptions of partisan or other influences. Although the right of appeal to the State Council does provide some safeguard against improper influences, it would be preferable if the nominations were made to an independent body such as the SCE or perhaps the HRC in the constituency.

The two-year period of exclusion from candidacy for former presidents and vice presidents of municipal councils and former presidents of unions of municipalities (Article 8, para.[e]) seems very long, particularly when compared to the six month exclusions of former senior civil servants, military personnel, and chairs and board members of public institutions.

The non-refundable nomination fee of eight million Lebanese Pounds in the 2017 law is high and will deter candidates from some groups (e.g., poorer people, women and younger people).

E) The Voting Process

Outline:

Article 84 requires the Council of Ministers on the recommendation of the Minister of Interior and by a two-thirds majority to issue a decree to adopt an "electronic magnetic card" for the next elections, and to propose the necessary legislative amendments.

The minister must designate polling centers and polling stations by notice in the Official Gazette at least 20 days before Election Day (Article 85). A polling center may not have more than 20 polling stations, each of which has 100-400 voters, although the upper limit may be increased to not more than 600 "if so required for ensuring the integrity of the electoral process." The designated polling centers and stations may not be changed in the week before Election Day "except on substantial grounds and by virtue of a reasoned decision."

Each polling station has a head officer and one or more clerks appointed by the governor or district commissioner from a list of civil servants provided by the Ministry (Article 86, para.[1]).[32] In addition, the head officer appoints an assistant from the voters present when the polling station opens, with another assistant chosen by the other voters (para.[2]).

Article 91 requires the security forces to "maintain order at the entrances and near polling stations" including a ban on specified forms of electoral activity and propaganda near the polling center. The head officer is responsible for maintaining order inside the polling station, and security forces may

[31] Article 52 of the 2008 law provides that a candidate who withdraws at least 45 days before Election Day is entitled to a refund of half the deposit. The 2017 law does not provide for a refund in those circumstances.
[32] At the 2009 elections, there were 5,181 polling stations and 11,500 polling staff members, although women were "significantly under-represented"; EUEOM, *Lebanon, Final Report,* pp. 12, 13.

only be inside the polling station temporarily at the request of the head officer "for the strict purpose of ensuring the integrity of the electoral process" (Article 86, para.[4]). But the head officer may not prevent observers or candidates and their agents from "exercising the right to monitor the electoral process" and cannot remove any candidate or list agent from the polling station unless they have been disrupting the process and despite having been warned (para.[5]). Such an incident must be recorded in writing and reported immediately to the appropriate registration committee (para.[6]).

A head officer or clerk who fails to attend their assigned polling station without a legitimate excuse may be imprisoned for up to one month or fined one million Lebanese Pounds (Article 86, para.[7]). Head officers and clerks "who violate their obligations and act in breach of the principles specified in the present law" are liable to imprisonment for between three months and three years or a fine of one to three million Lebanese Pounds (para.[8]). A prosecution may be initiated by a candidate, the public prosecutor, or at the request of the president of the relevant registration committee, and does not require the consent of the civil servant's department (para.[8]).

Article 90 allows each candidate to appoint one agent for a specific polling station who must be "from the electoral constituency," and they may also appoint voters as "mobile agents" allowed to enter all polling stations in the constituency, "one mobile agent for every two polling stations in the villages and one agent for every three polling stations in the cities" (para.[1]). The governor or district administrator issues the agents' permits according to rules set by the Ministry (para.[2]). Article 94, paragraph (5) explicitly allows permanent and mobile agents to use computers, tablets and mobile phones inside the polling station.

The Ministry must ensure that polling stations have all the supplies they need, including a ballot box "made of solid transparent material" (Article 92, para.[1]). Each polling station must be provided with "an amount of official pre-printed ballot papers and stamped envelopes equivalent to the number of registered voters," plus an additional amount of official ballot papers and unstamped enveloped equivalent to 20 percent of the number of registered voters (para.[2]). Each polling station has one or more voting booths, which voters must use to vote or the election in that polling station is invalidated (paras.[3], [4]).

Article 93 prescribes the form of the official ballot paper, which must be used for voting (paras.[1], [3]). The ballot paper shows the representative color and name of each candidate list for the constituency with a box for voting for that list, and the full name of each candidate for each list, his or her confession, a passport photograph, the constituency or minor constituency for which he or she is a candidate, and a box for casting a preferential vote for that candidate (para.[2]). There is no requirement that the ballot papers have security features such as a watermark.

Voting hours must be on a Sunday from 7:00 a.m. to 7:00 p.m. in all regions (Article 87). However, if there are voters who have not voted in the polling center at 7:00 p.m, the voting period is extended to allow them to vote (Article 97). Polling staff vote on the previous Thursday, with the sealed ballot boxes held at branches of the Banque du Liban and sent to the appropriate registration committee after the close of the poll on Sunday (Article 88).
The director general of political affairs and refugees at the Ministry must provide each polling station with a bound, numbered and stamped "voters checklist" extracted from the voters lists showing specified data for each of the voters at that polling station (Article 89, para.[1-2]). Only voters who appear on the checklist or have been registered by the center's PRC are entitled to vote (para.[3]).

Article 94 specifies the preparations that must be carried out at the polling station before voting begins:

- The head officer must open the ballot box, verify with other polling officers and candidate agents that it is empty, and then seal it in accordance with the Ministry's instructions (para.[1]);
- Copies of the minister's designation of the polling station and of the voters list must be posted at the entrance to the polling station throughout the voting process (para.[2]);
- A copy of the electoral law and a list of candidate agents must be placed on a table inside the polling station, and "posters and informative material explaining the course of the electoral process" must be made available to voters, candidates and agents (para.[2)];
- The head officer must ensure that all pictures, slogans and symbols are removed from the polling station other than the information materials provided by the Ministry (para.[3]); and
- The head officer must ensure that the number of official ballot papers supplied is equal to the number of registered voters, provided that if there is a shortfall "due to a force majeure that affects the validity of the voting or [for] any other reason," the head officer may draw sufficient ballot papers from the extras that have been supplied, date and stamp them, and document these actions (para.[4]).

Article 95 sets out the steps in the voting process:

- The head officer verifies a voter's identity against the voters checklist by checking their ID card or a valid Lebanese passport, with the ID card or passport used if there is a discrepancy (para.[1]);[33]
- Once the voter's identity is verified, he or she is given a ballot paper signed on the back by both the head officer and a clerk and the officially signed and stamped envelope, and the voter must then go to a voting booth to mark the ballot (para.[2]);[34]
- Having voted, the voter returns to the polling officers and the head officer verifies "that they hold one sealed and folded ballot paper"[35] and the voter then personally casts the vote in the ballot box (para.[3]);
- The head officer must prevent from voting any voter who does not use the voting booth (para.[4]);
- A voter may not disclose their vote after exiting the voting booth (para.[4]);
- Having voted, the voter signs the checklist and has his or her thumb marked with "a 24-hour indelible ink" supplied by the Ministry (para.[5]); and
- A voter may not delegate another person to vote on their behalf (para.[7]).

Article 96 provides for voters with special needs, who "may be assisted by another voter of their choice, under the supervision of the polling station officers" (para.[1]). The Ministry must also take account of "the needs of people with disabilities when organizing elections and facilitate the procedures allowing them to exercise their right to vote unobstructed" after consulting "specialized associations of people with disabilities" (para.[2]).

[33] Paragraph (5) of Article 95 requires voters' thumbs to be marked with indelible ink after voting, and states "Voters who already have their thumb marked shall thus be prevented from voting again." Hence at this stage the head officer will need to ensure that the voter's thumbs do not show any indelible ink.
[34] There is no provision in the law for a voter who spoils their ballot paper to obtain a replacement.
[35] The law is not explicit, but it seems that in order to show there is only one folded ballot paper in the envelope, the voter must insert the ballot paper into the envelope in view of the head officer rather than behind the voting booth.

Discussion:

The use of standardized, pre-printed official ballot papers in 2018 will be a major step forward.[36] Although they will add costs to the electoral process, they will have significant advantages in reinforcing the secrecy of the vote required by Article 1 of the 2017 law and in reducing opportunities for vote-buying.[37]

The 2017 law includes some changes from the 2008 law regarding the voting operations:

- The maximum number of voters per polling station is reduced from 800 in Article 78 of the 2008 law to 600;[38]
- The 2008 law required formal designations of polling stations to be published at least 30 days before Election Day, compared to 20 days in the 2017 law;
- The number of assistants for the head officer of the polling station is reduced from four in the 2008 law to two in the 2017 law;
- The 2017 specifies that voting by polling officials takes place on the Thursday before Election Day, whereas the 2008 law left the actual day open;
- A number of mobile agents a candidate may appoint in a city is reduced from one for every five polling stations in the 2008 law to one for every three polling stations in the 2017 law;
- The 2017 law requires accreditation of candidate agents by the governor or district administrator rather than by the Ministry;
- The 2017 law includes provisions resulting from the introduction of official pre-printed ballots;
- The 2008 law required the removal of all posters and other material from the polling station, whereas the 2017 law allows information material provided by the Ministry to remain;
- Article 87 of the 2008 law includes details about the specifications and delivery of the "sealable opaque envelopes" supplied by the Ministry into which voters put their ballot papers.

The requirement in Paragraph (2) of Article 92 that polling stations be supplied with an additional amount of "official ballot papers and unstamped enveloped equivalent to 20 percent of the number of registered voters" has been taken from Article 87 of the 2008 law, which required extra unstamped envelopes equalling 20 percent of registered voters to be provided to each polling station. Paragraph 4 of Article 94 authorizes the head of the polling station to draw on these additional ballot papers and envelopes if circumstances affect "the validity of the voting or [for] any other reason." However, the 20 percent number does seem high, particularly given the additional costs of producing official pre-printed ballot papers.

The EUEOM report on the 2009 elections states that, despite some shortcomings, "implementation of polling procedures was rated as either satisfactory or good in 95 percent of observed polling stations."[39] The NDI report concludes, "Overall the voting process went smoothly and polling officials showed professionalism on Election Day."[40] There were, however, a number of issues, some arising from the higher than expected voter turnout, including:[41] understaffing of polling stations; failure by

[36] This was a major recommendation of both the EUEOM and NDI reports on the 2009 elections. See EUEOM, *Lebanon, Final Report*, recommendation 34, p. 33 and NDI, *Final Report,* p. 52.
[37] EUEOM, *Lebanon, Final Report*, p. 9; NDI, *Final Report,* p. 52.
[38] This is a return to the ratio in the 2000 law, probably following the delays and overcrowding due to the high voter turnout at the 2009 elections. NDI, *Final Report,* p. 38.
[39] EUEOM, *Lebanon, Final Report*, p. 26.
[40] NDI, *Final Report*, p. 38.
[41] NDI, *Final Report*, pp. 38-43.

polling officials to use more than one voting booth at a time in polling stations; the higher number of voters allocated to polling stations; inconsistencies in confirming voters' identities and checking for indelible ink; campaigning in and around polling stations; and polling stations being inaccessible to voters with disabilities.[42] The security forces "performed their responsibilities professionally and efficiently" on Election Day, and "throughout election day, the [Ministry] behaved professionally, responsively, and impartially."[43]

Experience in 2009 should provide a good base on which to build for the 2018 elections. Some of the issues can be addressed by more effective training of poll workers. The change of electoral system should not create significant issues for voting operations.

As noted above, Article 84 of the 2017 law makes it possible for an "electronic magnetic card" to be introduced for the 2018 elections. If it is not introduced, then the law outlined above will continue in effect. No details about this card are available at the time of writing, and it is not known whether there is likely to be any financial cost to voters or whether the cards will be distributed locally or centrally. It will be a major deterrent to participation if the cards are required in order to vote and the cards are not easily obtained at little or no cost.

However, the Lebanese Cabinet decided on September 17 that instead of the magnetic card, a "biometric ID car" will be introduced for the 2018 elections.[44] Although no further details are available at the time of writing this report, the intention seems to be that the cards would be used for electronic voter identification. Concerns about whether the biometric ID cards could be ready in time prompted a proposal from the speaker of Parliament to hold a parliamentary vote soon on whether the elections should be brought forward to the end of 2017. This has not been supported by Prime Minister Saad Hariri, who is reported as saying that Cabinet is continuing to discuss the issues around the biometric ID cards.[45]

The timeframe for introducing a biometric ID card in time for elections in May 2018 is certainly very short. There were 3,538,708 voters registered in 2015 and the number of eligible voters will have increased since then. As with the electronic magnetic card discussed above, there will be issues concerning the cost to citizens and how they may obtain the biometric ID card. The risks associated with the rapid implementation of the introduction of the card will need careful management and alternative methods of identifying voters will need to be authorized for those who do not have the new card.[46] Polling stations will need to be provided with card readers and associated equipment and polling officials will need to be trained in their use.

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[42] "The overwhelming majority of stations lacked proper access for disabled voters. Observers saw a number of disabled and elderly voters being carried up flights of stairs to reach their assigned polling station. In the vast majority of polling centers, polling stations were on the first, second, or even third floors in spite of the fact that many ground floors of buildings had courtyards and playgrounds [which] could have been utilized. In some cases the security forces and polling officials were not aware of the priority given to voters with disabilities and elderly voters." NDI, *Final Report*, p. 41.

[43] NDI, *Final Report*, p. 42.

[44] "Biometric IDs: Ambitious project, razor-thin window," *The Daily Star*, September 19, 2017. http://www.dailystar.com.lb/News/Lebanon-News/2017/Sep-19/419784-biometric-ids-ambitious-project-razor-thin-window.ashx

[45] "Hariri stands by biometric IDs, May 2018 elections date," *The Daily Star*, September 21, 2017. https://www.pressreader.com/similar/281479276589970. This story also quotes Prime Minister Hariri as saying that there are matters in the new election law that need to be clarified, but is not specific about what they might be.

[46] There were problems with the issue of national ID cards before the 2009 elections. The EUEOM report notes that there were delays due to "technical problems at the local level" in collecting the required fingerprints;

F) Counting of Votes and Declaring the Results

Outline:

Once voting has concluded, only "the polling station officers, permanent and/or mobile candidate agents, accredited observers and media representatives" may remain inside the polling station (Article 100). The head officer opens and empties the ballot box. If the number of ballot papers is different from the count of actual voters according to the checklist, the difference is noted in the polling station report.

"[U]nder the supervision of the candidates or their agents, and accredited observers, if any," the head officer opens each ballot paper and announces the name of the list and candidate marked by the voter (Article 100). In addition, the Ministry must equip polling stations with "special cameras and television sets" to enable polling agents, agents and observers "to have easy access to the lists and the names marked on the ballot paper during the counting process" (Article 101). Non-official ballot papers and any ballot papers marked other than in accordance with the law are considered invalid (Article 102). However blank ballot papers are counted with the valid votes (Article 103).[47] As noted earlier, there is no provision in the law for a voter to obtain a replacement for a spoiled ballot, and it appears any such ballot papers are treated as invalid.

Once the votes have been counted, the head officer announces and signs the preliminary results of the votes for each list and for each candidate, provides copies to the candidates and agents on request, and posts a copy at the entrance of the polling station (Article 104). The head officer then puts into a special envelope the checklists of voters, the vote tally report and copies of the polling station report signed by all the polling station officers, and seals the envelope with red wax. The head officer, an assistant and a security escort then deliver the envelope to the PRC office where it is opened by the president of the PRC in the presence of candidate representatives (Article 105).[48]

The PRC counts the votes of each polling station "using the computer software that processes the count automatically" (Article 106, para.[2]). A manual re-count is made if there is a discrepancy between the computer count and the polling station count (para.[2]). Once the counts of the votes for each list and candidate have been verified, two copies of a report of the results are signed by all PRC members and submitted to the HRC for the constituency (para.[2]).[49] After they have been processed by the PRC, the ballot papers, envelopes and documents from each polling station are delivered to a designated employee of the directorate general for political affairs and refugees (para.[2]).

The HRC in each constituency verifies the figures provided by the PRCs and corrects any "material and calculation errors" (Article 107). It counts the votes "using computer software designed for this purpose" and notes the final results for the constituency on a report and schedule signed by all

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Lebanon, Final Report, p. 15. The NDI report notes the same issues but also mentions that the process was "politicized" in some areas; *Final Report,* pp. 22-23.

[47] "This new provision provides a means for voters to demonstrate their dissatisfaction with the political offer." EUEOM, *Lebanon, Final Report,* p. 27.

[48] Unlike the count at the polling station, these articles of the law do not state specifically that observers and media representatives are entitled to be present at this stage or the next at the HRC. However, Paragraph 2 of Article 19 and Article 80 refer to the SCE's function of accrediting media to cover the counting process, and the SCE's "principles and procedures of election observation and monitoring" referred to in Article 20 may extend that to domestic and international observers.

[49] The law does not require copies of the results to be given to candidate representatives or to be posted at the committee's premises.

members. It announces before the candidates or candidate agents the number of seats obtained by each list and the names of the winning candidates. It also submits the final report and schedule of results to the governor or district administrator together with a "receipt and delivery report" to be signed by them and a member of the HRC transmitting the report to the Ministry of Interior for the final official results to be announced (Article 107).[50] The minister must also send the results to the speaker of Parliament and the president of the Constitutional Council. Ballot papers for each polling station must be stored at the Banque Du Liban for three months after the publication of the official results, after which they must be destroyed by the Ministry unless they are "subject to review or appeal before the Constitutional Council" (Article 108).

Article 19 of the Constitution requires the Constitutional Council "to arbitrate conflicts that arise from parliamentary and presidential elections" although the 2017 law does not state the procedures or timeframe for doing so. The EUEOM report on the 2009 elections outlines the complaints and appeals process as follows:

> "Once an appeal is submitted, the President of the Constitutional Council (CC) appoints another CC member as a reporter with investigating powers, who shall present a report to the President within three months of his appointment. Immediately after the submission of the report the Council will convene and must issue its decision within one month. This means that from the time a complaint is made to the issuance of a decision, as much as four months may have passed.
>
> Appeals may only be lodged by defeated candidates and may only concern the constituency in which they contested. Complaints may be registered up to thirty days after the official announcement of results…
>
> Appeals do not suspend elections results and those Members of Parliament considered elected according to official results remain in their positions, unless the CC determines that the challenge against them was well-founded. In such an instance, the CC may either annul the result and declare the appellant the winner or may order a re-election for the seat.
>
> Recourses for complaint regarding the preparatory stages of the electoral process are limited and unclear. The Constitutional Council and the State Council previously determined themselves incompetent to adjudicate preparatory electoral acts, such as the formation of voter lists, or decrees on calling elections. The new election law gives the State Council jurisdiction to hear appeals against SCEC decisions..."[51]

Paragraph (1) of Article 109 identifies the "incompatibility" between being a member of Parliament and holding other specified offices such as being a chair or member of the board of a public institution, an employee of bodies such as a public institution or municipality, or the holder of a religious position who receives a salary or compensation from public funds. Should a person in any of these positions be elected to Parliament, they are deemed to have been dismissed from that position "unless they notify their rejection of parliament membership" within a month of the declaration of the result of the election. In addition, a member of Parliament may not legally represent the State or any of its departments and institutions, or represent such bodies as

[50] Although not required by the law, it can be expected that the official results would also be posted on the Ministry's website. There is no requirement in the law that the results be published in the Official Gazette.
[51] EUEOM, *Lebanon, Final Report,* p. 24; see also NDI, *Final Report*, pp. 47-48. The reference in the last paragraph is to Constitutional Council Decision December 8th, 2000 and State Council Decisions July 18th and August 1st 2007. As noted earlier, the 2017 law allows SCE decisions to be appealed to the State Council.

municipalities, and any such person who is elected as a member of Parliament has their legal agency "automatically terminated" (para.[2]).

Article 110 provides that a member of Parliament, their spouse and children "shall not be granted any exclusive or concession rights or contracts by the State or public institutions or municipalities."

Discussion:

The counting procedures in the 2008 law are largely replicated in the 2017 law, with changes resulting from the adoption of a pre-printed ballot and the use of computer software. That software will need to be independently audited and certified to promote political confidence in the results. The use of pre-printed official ballot papers of standard design should make it easier and quicker to count votes manually in polling stations and at the PRC when required.

The EUEOM report on the 2009 elections concluded: 'Overall the counting, aggregation and announcement of results processes were carried out reasonably well and there was no indication that any weaknesses in the process were intentional. However, clearer, more detailed procedures would enhance transparency by ensuring consistent practices.'[52] The NDI report comments: 'The counting process proceeded without major incident in most places witnessed by NDI observers, although there were inconsistencies on the procedures in some instances.'[53] These reports suggest the need for improved training of polling officials and the members and staff of the PRCs and the HRCs, particularly in the light of the change to the electoral system. Candidates, candidate agents, observers and the media will also need to be provided with information on the processes for counting votes and allocating seats to lists and candidates.

The 2017 law is not specific concerning many of the particular forms and procedures for vote counting, and it is assumed they are covered in regulations issued by the Council of Ministers at the minister's suggestion, under Article 124. Given the changes made to the electoral system, those regulations will need to be amended, and further analysis of the revised versions would be necessary to identify any issues with the procedures for counting votes and declaring the election results.

G) Out-of-Country Voting

Outline:

Article 112 states:

> "The Parliament reserves six seats for non-residents candidates, equally divided between Christians and Muslims on the basis of one seat for each of the Maronite, Orthodox, Catholic, Sunni, Shiite, Druze confessions, and equally distributed to the six continents."

Article 122 states:

> "Six seats reserved for non-resident citizens shall be added to the total number of deputies thus becoming 134 members in the elections that will follow the first elections to be held in accordance with this law.

[52] EUEOM, *Lebanon, Final Report,* p. 27.
[53] NDI, *Final Report*, p. 43.

> "In the next elections, the total number of 128 members of Parliament shall be reduced by six seats to be taken from the same confessions to which the non-resident seats have been allocated to in Article 112 of this Law, by virtue of a decree of the Council of Ministers at the suggestion of the minister."

It thus appears that the total of 128 seats at the 2018 elections specified in Article 1 will include the six seats reserved for non-resident citizens, leaving 122 in-country seats. However, Appendix 1 of the 2017 law, which defines the number and confessional distribution of the parliamentary seats by constituency does not include the six seats reserved for non-resident citizens. It is thus to be expected that the decree of the Council of Ministers foreshadowed in Article 122 will modify Appendix 1 by indicating which minor constituencies will have reduced numbers of seats for the confessions listed in Article 112. In the elections that follow those in 2018, however, the total number of seats will be increased to 134 by adding the six seats for non-resident citizens to the 128 seats specified in Article 1.

Article 118 provides that "out of country voting shall be conducted on the basis of the proportional system and one single constituency…." No special provisions are included in the law concerning eligibility to be a candidate for the non-resident seats or the nomination process for those seats or the formation of lists, and it is therefore assumed that the relevant provisions for the in-country seats outlined above will apply. It is however implicit in the first paragraph of Article 122 quoted above that a candidate must be a non-resident citizen.

Article 111 allows "any non-resident Lebanese citizen" to vote if their name is registered in the personal status records and they are not disqualified under Article 4. They vote at polling centers in embassies, consulates "or other places specified by the Ministry." Eligible non-residents register at the embassy or consulate of their choice before November 20 in the year prior to parliamentary elections, "either in person, or by virtue of a duly signed and authenticated letter, or through electronic registration if available," and provide specified information such as ID card number, confession and passport number if available" (Article 113). Embassies must send registration lists to the DGPS before December 20 (Article 113; cf. Article 34, para.[3]), which verifies the names and prepares separate voters lists for each embassy or consulate, with a minimum of 200 names per voting center (Article 114). The voters' names are marked in the personal status register as out-of-country voters to prevent them from voting in Lebanon.

The Ministry must send the preliminary out of country voters lists to embassies and consulates before February 1 (Article 115, para.[1]). The lists must be published and circulated 'using all possible means' so that voters can 'review and revise them as necessary' (para.[2]). 'Any interested party' may then object to the voters lists, providing the required documentation, which is verified and sent to the Ministry before February 20, and the revision of the voters lists is then carried out as for in-country voters lists (para.[3]).

The Council of Ministers designates the polling centers and stations in embassies and consulates at least 20 days before the Election Day (Article 116). More than one polling station is provided where the number of registered voters exceeds 400. The ambassador or consul appoints the polling officers of each station from among the Lebanese staff of the embassy or consulate (Article 117). The embassy or consulate also issues permits for candidate agents to attend the voting process.

Out-of-country voting is conducted at least 15 days before in-country voting in Lebanon (Article 118). Polling stations must be open from 7:00 a.m. to 10:00 p.m. The voting process is the same as that for in-country voting (Article 118). At the end of voting, the polling station officers open the ballot box in the presence of the ambassador or consul or their representative, the votes are

counted "in the presence of candidate delegates and accredited observers and media representatives, if any" and placed in an envelope which is sealed with red wax (Article 119). Two copies of a report on the voting are prepared, one is kept at the embassy or consulate and the other is sent to the Banque du Liban via the Ministry of Foreign Affairs and Emigrants (Article 120). At the end of voting on Election Day inside Lebanon, the reports are sent to the HRC in Beirut for counting and the declaration of results. In the absence of specific provisions to the contrary, it appears that the campaign finance provisions of the 2017 law apply to candidates for the non-resident seats in the same way as to candidates for the other seats. A by-election is held for a vacant non-resident seat in the same manner as for vacancies in resident seats, unless the vacancy occurs within six months of the parliamentary term (Article 121).[54]

Discussion:

Chapter 10 of the 2008 law concerns voting by non-resident voters, and prescribes a system of registration at embassies and consulates similar to that included in the 2017 law. However, "logistical challenges" meant that these provisions were not implemented for the 2009 elections.[55] This meant that, as in previous elections, citizens had to return to Lebanon in order to vote, "which in many cases makes voting impracticable and in other instances results in private sponsorship of travel costs, a practice which can be argued to constitute a form of vote buying."[56]

The large number of expatriate Lebanese[57] and the need to initiate the non-resident voter registration process before the end of 2017 may mean that there are also logistical challenges for the 2018 elections. There will also be a need for voter education programs on the new non-resident seats and the proportional voting system.

H) Campaign Finance

Outline:

Article 19 sets out the SCE's functions relating to campaign finance, including receiving and auditing the financial statements of electoral campaigns (para.[6]), receiving candidates' applications for the appointment of their financial commissioners (para.[7]), and controlling election campaign spending (para.[9]). Detailed provisions concerning these matters are set out in Chapter V "Campaign Financing and Spending," Articles 56-67.

Article 56 defines the campaign period as starting "from the opening date of the candidate nomination period' and ending 'at the closing of the ballot box."[58] The definition of "campaign contributions" as "[a]ll donations, contributions, gifts in cash or in kind, loans, advance payments, early payments or anything of material value provided for the candidate or candidate list" (Article 57) covers all such contributions, no matter how small the amount. Article 58 provides a definition of campaign spending, as expenses of a wide range of specified types made by persons or entities that "directly serve the electoral campaign, voting process or legitimate communication between the candidate list or candidate and the voter."

[54] However, Paragraph (5) of Article 43 on by-elections says: "Resident and non-resident voters may participate in the voting process on condition that they exercise their right to vote on the Lebanese territory."
[55] NDI, *Final Report,* p. 52.
[56] EUEOM, *Lebanon, Final Report*, p. 14; cf. NDI, *Final Report*, p. 31.
[57] "The ratio of the Lebanese expatriate community to Lebanese residing in Lebanon is approximately three to one." NDI, *Final Report,* p. 31.
[58] The campaign period for the non-resident seats is thus different from that for the resident seats.

Article 59 requires each candidate and candidate list to provide the details of an electoral campaign bank account opened at a bank in Lebanon[59] at the time of nomination or registration (para.[1]), and are deemed to have waived their right to bank secrecy concerning that account (para.[2]). All campaign contributions and election expenses must be received and paid through this account (para.[3]), using procedures established by the candidate or list, provided that a check must be used for any amount above one million Lebanese Pounds (para.[4]); this amount is about USD $660). Candidates and lists must also provide the Commission with the name of their auditor with their nomination or registration applications (para.[5]). Where "for reasons beyond their control" a candidate or list cannot open or use a bank account, funds for that election campaign must be deposited "in a public fund established by the Ministry of Finance, which shall replace the bank account in all aspects" (para.[6]).

Paragraph (1) of Article 60 allows candidates to spend their own funds on their campaigns (deemed to include the funds of the candidate's spouse and their relatives), subject to the election spending limit set by Article 61 (see below). Contributions to a candidate or list may only be made by a Lebanese natural or legal person (para.[2]) and candidates and lists may not receive contributions directly or indirectly from a foreign country or from a non-Lebanese natural or legal person (para.[3]). However contributions do not include "the services of volunteers" (para.[4]).

Paragraph (5) of Article 60 provides that the "campaign finance contribution made by a single natural or legal Lebanese person" to a candidate or list may not exceed 50 percent of their campaign spending limit and must be made through a bank transaction.[60] A candidate may not receive a greater sum in contributions than his or her election spending limit, and contributions may not be made through an intermediary (para.[6]).

Article 61 states the formulae for calculating the spending limits of candidates and lists:

- A candidate's limit is the fixed sum of 150 million Lebanese Pounds plus 5,000 Lebanese Pounds for each voter registered in the voters lists in the major constituency;
- The spending limit for a list is a fixed sum of 150 million Lebanese Pounds.[61]

However, Article 61 also provides that these spending limits may be "reconsidered at the opening of the campaign period in the light of economic conditions" by a decree issued by the Council of Ministers at the suggestion of the minister and following consultations with the SCE.

Article 62 prohibits "commitments and disbursements that involve the provision of services or payments to voters … including but not limited to: gifts and cash and in-kind donations to individuals, charities and social, cultural, family or religious organizations, sports clubs and all public institutions" (para.[1]). However, if such payments have been made by "candidates or institutions owned or managed by candidates or parties who have been providing such gifts and donations in the same amounts and quantities on a regular and consistent basis for at least three years before the campaign period," they are permitted but must be counted as election expenses (para.[2]).

[59] In the absence of a specific exemption, it appears that the campaign bank accounts of candidates and lists contesting non-resident seats must also be with a bank in Lebanon.
[60] It is not entirely clear whether this provision applies to a single contribution or to the total accumulated contributions made by a natural or legal person during the election campaign period.
[61] On current exchange rates, 150 million Lebanese Pounds is approximately USD $100,000 and 5,000 Lebanese Pounds is approximately USD $3.

During the campaign period, "periodically and within one week of the end of each month," the auditor authorized by a candidate or list is responsible for providing the SCE with a statement of the transactions and financial obligations of the electoral campaign bank account plus a bank statement issued by the bank (Article 63). After the election, the auditor must also provide the candidate with a final statement of the election campaign bank account and management report.

After the election, each candidate and list must prepare an overall balance sheet "authenticated by the authorized auditor" showing the sources and dates of contributions received and expenses paid or due since the beginning of the campaign (Article 64, para.[1]). This balance sheet must be submitted to the SCE within 30 days of the publication of official election results, together with all supporting documents and a "comprehensive bank statemen"' showing all transactions made through the account (para.[2]), and a signed notarized statement from the candidate attesting to the accuracy and completeness of the information and that no other contributions were received or expenses paid (para.[3]). The auditor must provide a written report on any contributions or expenses omitted from the balance sheet (para.[4]).

The SCE must "examine and audit" each candidate's balance sheet and verify its accuracy or that of some of its "elements," with the assistance of such experts and judicial police officers as it may need (para.[5]). It must decide on its validity within 30 days from submission, although the balance sheet is deemed to be approved if the SCE has not made its decision within one month of submission (para.[6]). The SCE may approve the balance sheet, or request adjustments, or reject it "after due consideration of the adversarial system and the right to counsel," and must then submit the balance sheet and its "reasoned decision" to the Constitutional Council (para.[6]). The SCE may reject a balance sheet that it finds to be inaccurate or that shows election spending over the limit "even after correction or adjustment thereof" and must then inform the speaker of Parliament and the president of the Constitutional Council (para.[7]).

If the SCE "finds that the value of one of the electoral expenses declared in the balance sheet and its annexes is less than the common and usually approved value for a similar expense," it must "after due consideration of the adversarial system and the right to counsel" use an estimate of the difference "by comparing prices from different sources and noting such difference with the expenses" and the difference is subject to the applicable spending limit (para.[8]). This provision applies to "direct or indirect benefits and all in kind contributions and services from which the candidate has benefited" (para.[9]).

If the SCE considers a violation of these provisions amounts to a criminal offense, it must refer the matter to the appropriate Public Prosecution Office (Article 65, para.[1]). A person who commits such a violation is liable to imprisonment for up to six months and/or a fine of 50-100 million Lebanese Pounds, without prejudice to any other penalties applicable under the Penal Code and special penal laws (para.[2]). These penalties also apply to legal persons (para.[4]). Paying election expenses in excess of the permitted limit is considered bribery under the Penal Code (para.[3]). There is a time limit of six months after the publication of final election results for concluding civil and criminal actions brought under Paragraph (2) of Article 65 (para.[5]). Prosecutions must take account of the decisions of the Constitutional Council, which are binding on "all judicial and administrative courts and state departments" (para.(6)).

A candidate's failure to submit their balance sheet to the SCE by the due date is liable to a fine of one million Lebanese Pounds "per day of delay," to be imposed by the Ministry at the request of the SCE (Article 66, para.(1)). A candidate who exceeds the election spending limit is liable to a fine "equivalent to three times the amount in excess of the limit, to be paid to the Treasury' and the SCE must report the matter to the Constitutional Council (para.[2]).

Article 67 provides that a "non-winning" candidate[62] who fails to submit their balance sheet to the SCE by the due date is also liable to a fine of 1 million Lebanese Pounds per day of delay, to be imposed by the Ministry at the request of the SCE. A non-winning candidate who exceeds the election spending limit is liable to a fine "equivalent to three times the amount in excess of the limit" (Article 67).

Discussion:

The provisions governing election contributions and election spending in the 2017 law are similar to but extend those in Articles 54-62 of the 2008. The main differences (apart from those arising from the use of candidate lists under the new electoral system) include:

- The variable part of a candidate's election expense limit was determined by a decree issued by the Council of Ministers on the suggestion of the minister (Article 57); and
- The categories of election expenses in the 2017 law are expanded to include equipment used in the campaign and campaigning by electronic means.

The EUEOM report on the 2009 elections commented that, although the 2008 law introduced campaign finance regulation enforced by the SCEC:

> "neither the spending regulations nor the SCEC's resources were of sufficient scope to address the extent to which finances defined the campaign. Auditing of candidates' financial statements takes place after the elections, with little practical regulation during the campaign period. Any realistic attempt to regulate campaign spending will have to take into account that the largest amounts of disbursements in connection to seeking electoral support are [outlaid] by the charities, foundations and networks linked to political parties and often significantly pre-date the official campaign period during which such finance comes under scrutiny. During the campaign period there were also numerous allegations of external financing."[63]

The NDI report on those elections noted: "Newly-enacted campaign finance regulations, although diluted by significant loopholes, set a key precedent by mandating expenditure limits."[64] NDI's recommendations to strengthen campaign finance included requiring more disclosure of the financial interests of candidates and their close family members, and requiring public disclosure of candidates' contributions and election expenses.[65]

Public confidence in the integrity of the electoral process is undermined if campaign contribution and election expense regulation is ineffective and easily evaded. In particular, there needs to be regulation of campaign finance before the official campaign period, a requirement for public disclosure of significant contributions during the campaign period and of final accounts after the election, and the SCE needs to have sufficient resources to monitor campaign finance regulations and to enforce the law. These and other improvements could be made without unduly increasing compliance costs for candidates and lists. Some clarification of the law is also desirable, for example to make it clear which provisions apply to lists as well as to candidates.

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[62] That both paragraphs of Article 67 refer to a "non-winning" candidate whereas Article 66 refers just to "candidates," plus that Article 66 requires referral to the Constitutional Council whereas Article 67 does not, suggests that Article 66 is meant to apply to successful candidates.
[63] EUEOM, *Lebanon, Final Report,* p. 18.
[64] NDI, *Final Report,* p. 72.
[65] NDI, *Final Report,* p. 51.

I) Election Observation

Outline:

Paragraph (a) of Article 20 sets the criteria for domestic civil society organizations (CSOs) to be accredited by the SCE to "observe the elections and monitor their progress," under the "supervision" of the SCE:

- To be non-political and have a proof of registration issued at least two years prior to the submission of the application to the Commission.
- To neither be associated with any political side or party nor have in their general or administrative bodies any candidate standing for elections.
- To have in their statute, at least in the past two years, objectives related to democracy, human rights, elections, transparency or a training component related thereto.
- To declare their funding sources to the Commission.
- To submit to the Commission the closing balance of its account dedicated for its election observation activities, not later than one month after the end of the electoral process.
- To have at the date of submission of the application at least 100 members affiliated to the organization in accordance with the regulations duly deposited with the competent official authorities.
- To have its administrative board comply with the code of ethics established by the Commission.

The SCE is responsible for issuing "the principles and procedures of election observation and monitoring" at least one month prior to Election Day (Article 20, para.[a]). The SCE may revoke the accreditation of any observer organization or member which violates "the conditions set forth in the laws and regulations" (para.[c]).

The SCE is also responsible for accrediting international elections organizations that wish to observe the elections "in accordance with the terms and conditions established by the Commission" at least one month prior to Election Day (Article 20, para.[b]).

Although there is no explicit right of appeal against a decision of the SCE to reject an application for observer accreditation, Article 21 establishes a general right of appeal to the State Council against SCE decisions.

Discussion:

Although domestic observers had been active at Lebanese elections for some years before the 2009 elections, specific provisions regarding domestic election observation were first introduced in the 2008 law. On the whole, they appear to have worked reasonably well at the 2009 elections, despite some incidents of harassment.[66] The NDI report on the 2009 elections notes, "International observers were welcomed throughout the country, and there were no reports of interference with their activities."[67]

[66] EUEOM, *Lebanon, Final Report,* pp. 22-23; NDI, *Final Report,* pp. 27, 44-45.
[67] NDI, *Final Report*, p. 45.

The 2017 law includes some changes concerning election observation and monitoring compared to the 2008 law:

- The SCE rather than the ministry will be responsible for accrediting domestic and international observers and for issuing the code of ethics;
- The period of registration of domestic observer CSOs and the period for having election-related objectives prior to submitting a request for observer accreditation have both been reduced from three years in the 2008 law to two years in the 2017 law;
- There is a new requirement in the 2017 law to declare funding sources to the SCE and to provide financial information after the election.

These changes should not detract from the positive role played by domestic and international observers at the 2009 elections. The code of ethics and observation principles and procedures issued by the SCE before the 2018 elections will need to take account of observers' experiences in 2009.

J) The Media

Outline:

The SCE's functions under Article 19 include significant responsibilities relating to the audio-visual, print and electronic media, including:

- Accrediting media to cover the voting and counting processes;
- Establishing a code of conduct for media;
- Accrediting private media to publish paid election advertising;
- Monitoring the compliance of media with laws and regulations; and
- Regulating the conduct of opinion polls and the publication of opinion poll results.

Article 70 defines the election campaign period as beginning with the candidate nomination period and ending with "the closing of the ballot boxes." The call for elections must be published in the Official Gazette at least 90 days before Election Day (Article 42) and nominations close 60 days before election day (Article 46, para.[1]). The law does not specify the minimum duration of the nomination period, so it is likely that the campaign period will be between 70 and 80 days before Election Day.

Article 78 imposes a "pre-election silence period" starting "at exactly 24 hours before Election Day and until the closing of the ballot boxes" during which all media outlets are prohibited from broadcasting "any electoral advertisement or live campaigning, except for unavoidable voices and/or images captured in the live coverage of the electoral process." On Election Day itself, media coverage must be limited to "reporting on the progress of the electoral process."

Paragraph (a.1) of Article 71 requires media and advertising outlets that wish to carry election advertising to notify the SCE of their intention at least 10 days before the start of the election campaign period, and to lodge a price list and advertising schedule with the SCE. These outlets must then abide by the pricing and advertising schedules and cannot reject "any electoral broadcast required by a list or a candidate" (para.[a.2]).[68] An outlet that fails to declare their intent is not permitted to engage in election advertising or broadcasting (para.(a.3)). Election advertisements

[68] Paragraph (2) is confined to broadcasting whereas other paragraphs in Article 71 refer to both advertising and broadcasting. It is presumed that a media outlet is entitled to reject a request for advertising and broadcasting in a slot that has already been booked by another list or candidate.

have to state that they are paid for and name the client (para.[a.4]). Free election advertising is not permitted (para.[a.5]).

Election advertisements and written booking requests have to be submitted to the SCE and the media outlets at least three days before first publication or broadcast (Article 71, para.[a.6]). Media outlets have to provide the SCE with weekly reports containing the schedule of published or broadcast election advertisements and the fees charged (para.[a.7]). No candidate "may allocate to one media or advertising outlet more than 50% of their total advertising or broadcast spending dedicated for each category of media or advertising outlets" (para.[a.8]).[69]

Paragraph (b) of Article 71 requires the SCE to "determine the maximum slot size allowed for every media or advertising outlet to transmit or publish informative or promotional programs on the candidates or candidate lists, and specify the time for transmitting or publishing such slots." In doing so, the SCE must take into account "the requirements of fairness as well as the candidates' right to equal media visibility within the limits of the law and the legitimate electoral competition according to the criteria set forth above" (para.[c]).

Article 72 makes the SCE responsible for monitoring the media's compliance with the election law (para.[1]) in "all political and general news programs, including news bulletins, political talk shows, interviews, meetings, dialogues, round tables and live coverage of electoral events, which remain free of charge" (para.[3]). Media outlets must keep copies of all programs "aired during the campaign period" for six months after the elections (para.[6]).[70] The SCE must also ensure respect for freedom of expression of various opinions and ideologies in media programs during the election campaign period "by issuing binding recommendations to the media, so as to ensure a fair, balanced and impartial treatment for all candidates and candidate lists" (para.[2]). There must be "equal media visibility" for all candidates and lists, with the SCE required to ensure that media outlets which host a candidate or list representative also hosts their opponents in similar conditions (para.[4]). The SCE must investigate complaints and decide within 24 hours whether to refer them to the Court of Publications (para.[6]). Before the election period, the SCE must establish criteria for distinguishing between "electoral media" (defined in Article 68 as material such as news, analyses, reports, debates etc. that is disseminated without charge) and "electoral advertising" (defined in Article 68 as paid advertising "related to candidates' platforms, electoral campaigns and electoral and political positions … that the candidates wish to communicate to the voters"') and is responsible for determining whether the latter is disguised as the former.

Article 73 sets out the obligations of public media outlets, including a requirement to carry election platforms free of charge following a request to the SCE by candidates and lists (para.[1-2]) according to a schedule prepared by the SCE "to ensure fair and equal opportunities for all candidates and candidate lists" (para.(3)). Public media and their agents and employees must remain neutral between candidates and lists (para.[4]).

The obligations of private media outlets are set out in Article 74, including:

- A prohibition on declaring support for any candidate or list (para.[1]);
- A requirement to 'make a clear distinction between facts on the one hand, and opinions and comments on the other, in their various news bulletins or political programs during the electoral campaign period' (para.[1]); and

[69] Some of the paragraphs of Article 71 refer only to advertising by candidates, whereas others refer to advertising by both lists and candidates. These appear to be drafting inconsistencies.
[70] Although this provision is drafted in terms of "programs aired," the definition of "media outlets" in Article 68 refers to "[a]ny public or private, visual, audio, printed or electronic media outlet, whatever its technology."

- Requirements during the election campaign period to refrain from carrying material that could, for example, defame candidates or lists, incite confessional strife, provoke riots, promote terrorism, promise material gain, or misrepresent information (para.[2]).[71]

Article 75 requires audio-visual media outlets to devote at least three hours per week during the election campaign period to air "electoral education programs" co-produced by the Ministry of Information and the Ministry of Interior in coordination with the media outlets.[72]

Article 76 covers the obligations of local authorities to designate the locations where election advertisements may be displayed during the election campaign period, with space allocated to candidates and lists according to the order of their nomination applications.

Article 77 prohibits the use of specified facilities for holding electoral events or campaigning, including public institutions, universities, schools and places of worship (para.[1]). Paragraph (2) prohibits "civil servants and employees of public institutions, municipalities, unions of municipalities and other similar persons" from "promoting" a specific candidate or list and from distributing leaflets for or against any candidate or list. Paragraph (3) prohibits the distribution of "leaflets or any other documents in favor of or against a specific candidate or candidate list throughout Election Day at the gates of polling centers or any other place inside the polling center."

Article 80 largely repeats the requirement in Paragraph (2) of Article 19 whereby media outlets wishing to cover the voting and counting processes must obtain written permits from SCE and adhere to the code of conduct issued by the SCE.

"Penalties and fines" are listed in Article 81, which empowers the SCE to:

- Warn a media outlet that is in breach of Law No. 44, or require it to apologize or allow a candidate to exercise a right of reply (para.[a]);
- Refer a media outlet to the Court of Publications, which may impose a fine of 50-100 million Lebanese Pounds, or order a "partial interruption of operation of the media outlet in breach" for up to three days, applying to "all political and news programs, bulletins, interviews and debates" (para.[b]); and
- In the case of a recurrent breach, the Court of Publications may order a "total interruption of operation of the media in breach … closing all of its programs for a maximum period of three days."

In addition, the public prosecutor may take legal action before the Court of Publications, either on its own initiative or at the request of an affected party. The media outlet must submit its response to the Court within 24 hours, and the Court must issue its decision within 24 hours. Either the public prosecutor or the media outlet may appeal the decision to the Court of Cassation within 24 hours, which may issue an order within 24 hours of the filing of the appeal suspending the decision of the Court of Publications.

Persons affected by violations may claim damages (Article 82). Unless it would be against the law, media outlets must publish or broadcast "corrections and replies received from candidates and

[71] These are only examples of the prohibited actions; see Paragraph (2) of Article 74 for the full list. As drafted, it appears that some of the prohibitions apply only to broadcast media, and that the public media outlets are not subject to the same standards.
[72] It is odd that Article 75 does not require the SCE to be involved in co-producing these educational programs, given its specific responsibility for promoting electoral knowledge in Paragraph (10) of Article 19.

candidate lists" within 24 hours of the publication or broadcast of the subject of the complaint (Article 83).

Discussion:

The provisions relating to the media in the 2017 law are based on those in the 2008 law. In its report on the 2009 elections, the EUEOM commented:[73]

> "Media interlocutors and candidates met by the EU EOM, while welcoming the establishment of a supervising authority, generally perceived the SCEC as being ineffective in correcting or preventing violations such as bias in campaign coverage. The introduction of new media regulations during the campaign was received positively by the journalists. However, media interlocutors highlighted that a number of media provisions were unclear and open to interpretation and suggested that early instructions by the SCEC might have clarified certain elements. Also perceived as problematic by the journalists was the fact that the responsibility of unlawful statements made by candidates was considered ascribed not only to the individual making the statement but also to the media publishing it."

The NDI report on the 2009 elections noted in relation to the SCEC's responsibilities relating to the media:

> "While the creation of SCEC was a positive step, the fact that it fell under the authority of the Minister of the Interior stripped it of much administrative and financial autonomy and regulatory authority. SCEC served as an important forum for complaints in the pre-election period, but its lack of regulatory power and failure to make public much of its findings lessened its impact."[74]

Lebanon has a diverse and vigorous media sector. The 2017 law gives the SCE a greater role than the SCEC in monitoring the compliance of public and private media with the law. An important question will be whether the SCE has the capacity to prepare for those increased, complex and politically sensitive responsibilities before the 2018 elections and to carry them out in a timely and effective manner with public, political and media support.

K) Opinion Polls

Outline:

Paragraph (5) of Article 19 requires the SCE to set the terms and conditions for conducting and publishing opinion polls during the election campaign period. The SCE's powers are further elaborated in Article 79. The SCE must "specify the principles to be followed in order to ensure the credibility, impartiality and neutrality of the poll" (Article 79, para.[1]). The SCE has the power to "verify the conformity of the opinion polls with the laws and regulations and decisions of the Commission" and must "take all necessary steps" to stop or correct violations (para.[2]). Paragraph (3) specifies the information that must be provided when poll results are announced or published:

- Name of the institution that conducted the poll.
- Name of the institution that requested and funded the poll.

[73] EUEOM, *Lebanon, Final Report,* p. 19.
[74] NDI, *Final Report*, p. 35.

- The dates on which the poll was conducted in the field.
- The polled sample size, opinion and method of selection and distribution.
- The technique used in the survey.
- The verbatim text of the questions asked.
- The limits of interpretation of the results and the margin of error, where applicable.

Paragraph (4) prohibits the publication, broadcast or distribution "in any way" of any opinion poll "and comments made thereon" in the 10 days before Election Day until the closing of the ballot boxes.

Paragraph (2) of Article 80 prescribes the penalties the SCE may impose for violations of the provisions of Article 79 concerning opinion polls, including a warning, a requirement to publish an apology or correction in the media, and the imposition of a fine of 10-25 million Lebanese Pounds, which "shall be doubled if the offense occurs during the pre-election period of silence." The law does not provide a specific right of appeal against these SCE decisions, although the general right of appeal to the State Council in Article 21 would apply.

Discussion:

The provisions concerning opinion polls in the 2017 law are almost exactly the same as those in the 2008 law. The only real difference is that Article 80 of the 2017 law prescribes penalties that are specific to opinion polls whereas the 2008 law did not.[75]

Neither the EUEOM nor NDI reports on the 2009 election comment on the rules in the 2008 law regarding opinion polls or on how the SCEC carried out its responsibilities. Nevertheless, the change to a proportional electoral system could mean that opinion poll results published before the pre-election silence period become more important for voters looking for information on how candidates and lists are faring. In any case, the SCE will need to ensure it has the capacity it needs to monitor the conduct and publication of opinion polls.

4) Conclusion

In many respects, Lebanon's new election law enacted in June 2017 represents significant progress after years of debate and inaction. While some major issues remain unresolved, there are many positive features of the new law, including the introduction of official pre-printed ballot papers, further responsibilities for the quasi-independent SCE, and the shift to a proportional electoral system (although some details remain to be clarified) and its effects are as yet uncertain, not least concerning the parliamentary balance between the March 8 and March 14 alliances. However, the new law is not likely to bring an end to confessionalism in politics, which remains the overall goal in the Constitution.

[75] It could perhaps be argued that it is implicit in the 2008 law that those who violate the opinion poll requirements of that law are liable to the penalties set for violations of the law regarding electoral media and advertising.

Annex 1: Law No.44 of 2017, Constituencies and Seat Allocations for Parliamentary Elections

Major constituencies	Minor constituencies	No. seats	Sunni	Shiaa	Druze	Maronite	Greek Catholic	Greek Orthodox	Protestant	Armenian Catholic	Armenian Orthodox	Minorities	Alawite
Beirut													
Beirut 1	Ashrafieh, Rmeil, Saifi, Medawar	8				1	1	1		1	3	1	
Beirut 2	Ras Beirut, Mina El Hosn, Ain El Mreisseh, Mazraa, Mseitbeh, Zkak El Blat, Bashoura, Marfaa	11	6	2	1			1	1				
	TOTAL	**19**	**6**	**2**	**1**	**1**	**1**	**2**	**1**	**1**	**3**	**1**	**0**
Mount Lebanon													
Mount Lebanon 1	Jbeil	3		1		2							
	Kessrwan	5				5							
Mount Lebanon 2	Metn	8				4	1	2			1		
Mount Lebanon 3	Baabda	6		2	1	3							
Mount Lebanon 4	Chouf	8	2		2	3	1						
	Aley	5			2	2		1					
	TOTAL	**35**	**2**	**3**	**5**	**19**	**2**	**3**	**0**	**0**	**1**	**0**	**0**
South Lebanon													
South Lebanon 1	Sidon	2	2										
	Jezzine	3				2	1						
South Lebanon 2	Tyre	4		4									
	Zahrani Sidon Villages	3		2			1						
South Lebanon 3	Bint Jbeil	3		3									
	Nabatieh	3		3									
	Marjayoun-Hasbaya	5	1	2	1			1					
	TOTAL	**23**	**3**	**14**	**1**	**2**	**2**	**1**	**0**	**0**	**0**	**0**	**0**

Major constituencies	Minor constituencies	No. seats	Sunni	Shiaa	Druze	Maronite	Greek Catholic	Greek Orthodox	Protestant	Armenian Catholic	Armenian Orthodox	Minorities	Alawite
Bekaa													
Bekaa 1	Zahle	7	1	1		1	2	1			1		
Bekaa 2	West Bekaa Rashaya	6	2	1	1	1		1					
Bekaa 3	Baalbek Hermel	10	2	6		1	1						
	TOTAL	**23**	**5**	**8**	**1**	**3**	**3**	**2**	**0**	**0**	**1**	**0**	**0**
North Lebanon													
North Lebanon 1	Akkar	7	3			1		2					1
North Lebanon 2	Tripoli	8	5			1		1					1
	Minnieh	1	1										
	Dinnieh	2	2										
North Lebanon 3	Zgharta	3				3							
	Bhcarri	2				2							
	Koura	3						3					
	Batroun	2				2							
	TOTAL	**28**	**11**	**0**	**0**	**9**	**0**	**6**	**0**	**0**	**0**	**0**	**2**
GRAND TOTAL		**128**	**27**	**27**	**8**	**34**	**8**	**14**	**1**	**1**	**5**	**1**	**2**

Annex 2: 2015 Voter Registration and Confessions by 2017 Major and Minor Constituencies

Major constituency[76]	Beirut 1			Beirut 2			Beirut 3		Beirut total		
Confession	Registered voters 2015	% Electorate	Reserved seats 2017 law	Registered voters 2015	% Electorate	Reserved seats 2017 law	Registered voters 2015	% Electorate	Registered voters 2015	% Electorate	Reserved seats 2017 law
Sunni	6,800	7.37%	0	34,386	32.29%	6	179,909	66.13%	221,095	46.96%	6
Shia	1,992	2.16%	0	29,582	27.78%	2	39,589	14.55%	71,163	15.12%	2
Druze	345	0.37%	0	137	0.13%	1	5,198	1.91%	5,680	1.21%	1
Alawi	106	0.11%	0	49	0.05%	0	88	0.03%	243	0.05%	0
Total Muslims	**9,243**	**10.02%**	**0**	**64,154**	**60.24%**	**9**	**224,784**	**82.62%**	**298,181**	**63.34%**	**9**
Maronite	15,349	16.65%	1	3,443	3.23%	0	5,282	1.94%	24,074	5.11%	1
Greek Orthodox	24,267	26.32%	1	2,439	2.29%	1	16,177	5.95%	42,883	9.11%	2
Greek Catholic	11,909	12.91%	1	1,847	1.73%	0	5,004	1.84%	18,760	3.98%	1
Protestant	1,959	2.12%	0	2,150	2.02%	1	2,634	0.97%	6,743	1.43%	1
Roman Catholic	3,300	3.58%	0	1,281	1.20%	0	1,318	0.48%	5,899	1.25%	0
Armenian Orthodox	14,548	15.78%	3	25,156	23.62%	0	4,475	1.64%	44,179	9.38%	3
Armenian Catholic	4,717	5.12%	1	3,375	3.17%	0	1,114	0.41%	9,206	1.96%	1
Syriac Orthodox	953	1.03%	0	256	0.24%	0	4,329	1.59%	5,538	1.18%	0
Syriac Catholic	4,832	5.24%	0	1,242	1.17%	0	2,375	0.87%	8,449	1.79%	0
Assyrians	354	0.38%	0	3	0.00%	0	47	0.02%	404	0.09%	0
Chaldean	246	0.27%	0	3	0.00%	0	0	0.00%	249	0.05%	0
Chaldean Orthodox	0	0.00%	0	74	0.07%	0	48	0.02%	122	0.03%	0
Chaldean Catholic	489	0.53%	0	647	0.61%	0	191	0.07%	1,327	0.28%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0	0.00%	0
Others	1	0.00%	1	0	0.00%	0	31	0.01%	32	0.01%	1
Total Christians	**82,924**	**89.93%**	**8**	**41,916**	**39.36%**	**2**	**43,025**	**15.81%**	**167,865**	**35.66%**	**10**
Jews	45	0.05%	0	420	0.39%	0	4,256	1.56%	4,721	1.00%	0
TOTAL	**92,212**	**100.00%**	**8**	**106,490**	**100.00%**	**11**	**272,065**	**100.00%**	**470,767**	**100.00%**	**19**
Effective threshold in major constituency (list votes)			**12.50%**			**9.09%**					

[76] The division of Beirut 1, 2 and 3 is based on the previous law because it is not possible to re-create Beirut 1 (comprising Ashrafieh, Rmeil, Saifi, and Medawar) and Beirut 2 (comprising Ras Beirut, Mina El Hosn, Ain El Mreisseh, Mazraa, Mseitbeh, Zkak El Blat, Bashoura, and Marfaa) according to the new law since this requires detailed information from each neighborhood in the capital. However, the demographic composition of the capital's previous districts indicates that under the new law, Beirut 1 will be mainly Christian and Beirut 2 will be mainly Muslim.

Major constituency: South Lebanon 1									
Minor constituency	**Sidon**			**Jezzine**			**Total major constituency**		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	50,504	84.79%	2	1,050	1.82%	0	51,554	44.11%	2
Shia	5,415	9.09%	0	12,036	20.90%	0	17,451	14.93%	0
Druze	28	0.05%	0	545	0.95%	0	573	0.49%	0
Alawi	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Muslims	**55,947**	**93.93%**	**2**	**13,631**	**23.67%**	**0**	**69,578**	**59.53%**	**2**
Maronite	1,244	2.09%	0	35,210	61.14%	2	36,454	31.19%	2
Greek Orthodox	190	0.32%	0	95	0.16%	0	285	0.24%	0
Greek Catholic	1,701	2.86%	0	8,602	14.94%	1	10,303	8.81%	1
Protestant	124	0.21%	0	13	0.02%	0	137	0.12%	0
Roman Catholic	83	0.14%	0	0	0.00%	0	83	0.07%	0
Armenian Orthodox	215	0.36%	0	16	0.03%	0	0	0.00%	0
Armenian Catholic	25	0.04%	0	17	0.03%	0	0	0.00%	0
Syriac Orthodox	8	0.01%	0	0	0.00%	0	8	0.00%	0
Syriac Catholic	6	0.01%	0	7	0.01%	0	13	0.01%	0
Assyrians	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean	18	0.03%	0	0	0.00%	0	18	0.02%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	0	0.00%	0	0	0.00%	0	0	0.00%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Others	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Christians	3,614	6.07%	0	43,960	76.33%	3	0	40.46%	3
Jews	4	0.01%	0	0	0.00%	0	4	0.00%	0
TOTAL	**59,565**	**100.00%**	**2**	**57,591**	**100.00%**	**3**	**116,883**	**99.99%**	**5**
Effective threshold in major constituency (list votes)									**20.00%**

Major constituency: South Lebanon 2									
Minor constituency	**Tyre**			**Zahrani (Sidon Villages)**			**Total major constituency**		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	14,277	7.99%	0	3,119	2.93%	0	17,396	6.10%	0
Shia	152,672	85.42%	4	78,385	73.65%	2	231,057	81.03%	6
Druze	0	0.00%	0	48	0.05%	0	48	0.02%	0
Alawi	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Muslims	**166,949**	**93.41%**	**4**	**81,552**	**76.63%**	**2**	**248,501**	**87.15%**	**6**
Maronite	2,345	1.31%	0	10,955	10.29%	0	13,300	4.66%	0
Greek Orthodox	586	0.33%	0	268	0.25%	0	854	0.30%	0
Greek Catholic	6,925	3.87%	0	13,043	12.26%	1	19,968	7.00%	1
Protestant	598	0.33%	0	559	0.53%	0	1,157	0.41%	0
Roman Catholic	207	0.12%	0	5	0.00%	0	212	0.07%	0
Armenian Orthodox	1,008	0.56%	0	11	0.01%	0	1,019	0.36%	0
Armenian Catholic	106	0.06%	0	27	0.03%	0	133	0.05%	0
Syriac Orthodox	1	0.00%	0	10	0.01%	0	11	0.00%	0
Syriac Catholic	0	0.00%	0	0	0.00%	0	0	0.00%	0
Assyrians	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	0	0.00%	0	0	0.00%	0	0	0.00%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Others	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Christians	**11,776**	**6.59%**	**0**	**24,878**	**23.37%**	**1**	**36,654**	**12.85%**	**1**
Jews	0	0.00%	0	0	0.00%	0	0	0.00%	0
TOTAL	**178,725**	**100.00%**	**4**	**106,430**	**100.00%**	**3**	**285,155**	**100.00%**	**7**
Effective threshold in major constituency (list votes)									**14.29%**

Major constituency: South Lebanon 3												
Minor constituency	**Bint Jbeil**			**Nabatieh**			**Marjayoun-Hasbaya**			**Total major constituency**		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	120	0.09%	0	958	0.69%	0	26,356	17.17%	1	27,434	6.12%	1
Shia	124,110	88.60%	3	132,368	95.56%	3	88,311	57.54%	2	344,789	76.97%	8
Druze	0	0.00%	0	9	0.01%	0	15,868	10.34%	1	15,877	3.54%	1
Alawi	0	0.00%	0	7	0.01%	0	0	0.00%	0	15,877	3.54%	0
Total Muslims	**124,230**	**88.69%**	**3**	**133,342**	**96.27%**	**3**	**130,535**	**85.04%**	**4**	**403,977**	**90.18%**	**10**
Maronite	12,543	8.95%	0	4,011	2.90%	0	6,612	4.31%	0	23,166	5.17%	0
Greek Orthodox	0	0.00%	0	69	0.05%	0	10,935	7.12%	1	11,004	2.46%	1
Greek Catholic	3,192	2.28%	0	1,081	0.78%	0	3,764	2.45%	0	8,037	1.79%	0
Protestant	39	0.03%	0	0	0.00%	0	1,330	0.87%	0	1,369	0.31%	0
Roman Catholic	0	0.00%	0	0	0.00%	0	191	0.12%	0	191	0.04%	0
Armenian Orthodox	39	0.03%	0	0	0.00%	0	60	0.04%	0	99	0.02%	0
Armenian Catholic	29	0.02%	0	11	0.01%	0	32	0.02%	0	72	0.02%	0
Syriac Orthodox	0	0.00%	0	0	0.00%	0	24	0.02%	0	24	0.01%	0
Syriac Catholic	0	0.00%	0	0	0.00%	0	7	0.00%	0	7	0.00%	0
Assyrians	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Others	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Christians	**15,842**	**11.31%**	**0**	**5,172**	**3.73%**	**0**	**22,955**	**14.96%**	**1**	**43,969**	**9.82%**	**1**
Jews	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
TOTAL	**140,072**	**100.00%**	**3**	**138,514**	**100.00%**	**3**	**153,490**	**100.00%**	**5**	**447,946**	**100.00%**	**11**
Effective threshold in major constituency (list votes)												**9.09%**

Major constituency	Bekaa 1 Zahle			Bekaa 2 West Bekka Rashaya			Bekaa 3 Baalbeck-Hermel		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	46,824	27.81%	1	65,538	48.15%	2	39,365	13.21%	2
Shia	26,459	15.72%	1	19,618	14.41%	1	217,789	73.06%	6
Druze	890	0.53%	0	20,009	14.70%	1	0	0.00%	0
Alawi	7	0.00%	0	0	0.00%	0	84	0.03%	0
Total Muslims	**74,180**	**44.06%**	**2**	**105,165**	**77.26%**	**4**	**257,238**	**86.29%**	**8**
Maronite	26,566	15.78%	1	9,972	7.33%	1	22,270	7.47%	1
Greek Orthodox	16,277	9.67%	1	9,991	7.34%	1	2,226	0.75%	0
Greek Catholic	31,979	18.99%	2	10,306	7.57%	0	16,179	5.43%	1
Protestant	1,345	0.80%	0	462	0.34%	0	58	0.02%	0
Roman Catholic	285	0.17%	0	0	0.00%	0	0	0.00%	0
Armenian Orthodox	8,640	5.13%	1	30	0.02%	0	112	0.04%	0
Armenian Catholic	1,855	1.10%	0	43	0.03%	0	5	0.00%	0
Syriac Orthodox	5,386	3.20%	0	6	0.00%	0	3	0.00%	0
Syriac Catholic	1,143	0.68%	0	138	0.10%	0	9	0.00%	0
Assyrians	92	0.05%	0	0	0.00%	0	0	0.00%	0
Chaldean	35	0.02%	0	0	0.00%	0	0	0.00%	0
Chaldean Orthodox	85	0.05%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	410	0.24%	0	0	0.00%	0	2	0.00%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Others	6	0.00%	0	1	0.00%	0	0	0.00%	0
Total Christians	**94,104**	**55.89%**	**5**	**30,949**	**22.74%**	**2**	**40,864**	**13.71%**	**2**
Jews	75	0.04%	0	0	0.00%	0	0	0.00%	0
TOTAL	**168,359**	**100.00%**	**7**	**136,114**	**100.00%**	**6**	**298,102**	**100.00%**	**10**
Effective threshold in major constituency (list votes)			**14.29%**			**16.67 %**			**10.00%**

Major constituency:	North Lebanon 1 Akkar			North Lebanon 2								
Minor constituency				Tripoli			Minnieh-Dinnieh			Total major constituency		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	175,877	66.81%	3	174,184	80.67%	5	97,059	86.10%	3	271,243	44.11%	8
Shia	3,082	1.17%	0	837	0.39%	0	42	0.04%	0	879	14.93%	0
Druze	0	0.00%	0	19	0.01%	0	0	0.00%	0	19	0.49%	0
Alawi	12,380	4.70%	1	19,107	8.85%	1	3	0.00%	0	19,110	0.00%	1
Total Muslims	**191,339**	**72.68%**	**4**	**194,147**	**89.92%**	**6**	**97,104**	**86.14%**	**3**	**291,251**	**59.53%**	**9**
Maronite	29,515	11.21%	1	4,373	2.03%	1	7,065	6.27%	0	11,438	31.19%	1
Greek Orthodox	39,918	15.16%	2	12,518	5.80%	1	8,560	7.59%	0	21,078	0.24%	1
Greek Catholic	1,686	0.64%	0	1,100	0.51%	0	0	0.00%	0	1,100	8.81%	0
Protestant	741	0.28%	0	571	0.26%	0	0	0.00%	0	571	0.12%	0
Roman Catholic	11	0.00%	0	352	0.16%	0	0	0.00%	0	352	0.07%	0
Armenian Orthodox	26	0.01%	0	1,775	0.82%	0	0	0.00%	0	1,775	0.00%	0
Armenian Catholic	32	0.01%	0	379	0.18%	0	0	0.00%	0	379	0.00%	0
Syriac Orthodox	0	0.00%	0	379	0.18%	0	0	0.00%	0	379	0.00%	0
Syriac Catholic	0	0.00%	0	230	0.11%	0	0	0.00%	0	230	0.01%	0
Assyrians	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean	0	0.00%	0	5	0.00%	0	0	0.00%	0	5	0.02%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	0	0.00%	0	48	0.02%	0	0	0.00%	0	48	0.00%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Others	0	0.00%	0	0	0.00%	0	1	0.00%	0	1	0.00%	0
Total Christians	**71,929**	**27.32%**	**3**	**21,730**	**10.06%**	**2**	**15,626**	**13.86%**	**0**	**37,356**	**40.46%**	**2**
Jews	0	0.00%	0	37	0.02%	0	0	0.00%	0	37	0.00%	0
TOTAL	**263,268**	**100.00%**	**7**	**215,914**	**100.00%**	**8**	**112,730**	**100.00%**	**3**	**291,289**	**99.99%**	**11**
Effective threshold in major constituency (list votes)			**14.29%**									**9.09%**

Major constituency: North Lebanon 3															
Minor constituency	**Zgharta**			**Bhcarri**			**Koura**			**Batroun**			**Total major constituency**		
Confession	**Reg. voters 2015**	**% Electorate**	**Res. seats 2017 law**	**Reg. voters 2015**	**% Electorate**	**Res. seats 2017 law**	**Reg. voters 2015**	**% Electorate**	**Res. seats 2017 law**	**Reg. voters 2015**	**% Electorate**	**Res. seats 2017 law**	**Reg. voters 2015**	**% Electorate**	**Res. seats 2017 law**
Sunni	9,401	12.45%	0	32	0.07%	0	8,217	13.88%	0	3,482	5.92%	0	14,043	5.98%	0
Shia	84	0.11%	0	0	0.00%	0	1,128	1.91%	0	1,006	1.71%	0	2,218	0.94%	0
Druze	0	0.00%	0	0	0.00%	0	0	0.00%	0	1	0.00%	0	1	0.00%	0
Alawi	60	0.08%	0	0	0.00%	0	473	0.80%	0	45	0.08%	0	578	0.25%	0
Total Muslims	**9,545**	**12.64%**	**0**	**32**	**0.07%**	**0**	**9,818**	**16.59%**	**0**	**4,534**	**7.71%**	**0**	**16,840**	**7.17%**	**0**
Maronite	62,208	82.37%	3	47,436	97.95%	2	11,296	19.09%	0	43,292	73.66%	2	164,232	69.94%	7
Greek Orthodox	3,105	4.11%	0	881	1.82%	0	37,729	63.75%	3	9,294	15.81%	0	51,009	21.72%	3
Greek Catholic	337	0.45%	0	58	0.12%	0	179	0.30%	0	1,233	2.10%	0	1,807	0.77%	0
Protestant	1	0.00%	0	0	0.00%	0	61	0.10%	0	11	0.02%	0	73	0.03%	0
Roman Catholic	17	0.02%	0	0	0.00%	0	4	0.01%	0	57	0.10%	0	78	0.03%	0
Armenian Orthodox	108	0.14%	0	20	0.04%	0	50	0.08%	0	179	0.30%	0	357	0.15%	0
Armenian Catholic	162	0.21%	0	0	0.00%	0	0	0.00%	0	61	0.10%	0	223	0.09%	0
Syriac Orthodox	5	0.01%	0	0	0.00%	0	0	0.00%	0	66	0.11%	0	71	0.03%	0
Syriac Catholic	29	0.04%	0	0	0.00%	0	4	0.01%	0	32	0.05%	0	65	0.03%	0
Assyrians	8	0.01%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	8	0.00%	0
Chaldean	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0	9	0.02%	0	9	0.00%	0
Chaldean Catholic	0	0.00%	0	0	0.00%	0	0	0.00%	0	2	0.00%	0	2	0.00%	0
Coptic Orthodox	2	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	2	0.00%	0
Others	0	0.00%	0	0	0.00%	0	40	0.07%	0	0	0.00%	0	40	0.02%	0
Total Christians	**65,982**	**87.36%**	**3**	**48,395**	**99.93%**	**2**	**49,363**	**83.41%**	**3**	**54,236**	**92.29%**	**2**	**217,976**	**92.83%**	**10**
Jews	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0	0	0.00%	0
TOTAL	**75,527**	**100.00%**	**3**	**48,427**	**100.00%**	**2**	**59,181**	**100.00%**	**3**	**58,770**	**100.00%**	**2**	**234,816**	**100.00%**	**10**
Effective threshold in major constituency (list votes)															**10.00%**

Major constituency: Mount Lebanon 1									
Minor constituency	**Jbeil**			**Kessrwan**			**Total major constituency**		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	2,047	2.57%	0	224	0.24%	0	2,271	1.32%	0
Shia	16,383	20.57%	1	1,619	1.76%	0	18,002	10.49%	1
Druze	0	0.00%	0	8	0.01%	0	8	0.00%	0
Alawi	22	0.03%	0	15	0.02%	0	37	0.02%	0
Total Muslims	18,452	23.16%	1	1,866	2.03%	0	20,318	11.84%	1
Maronite	57,068	71.64%	2	84,022	91.34%	5	141,090	82.20%	7
Greek Orthodox	2,511	3.15%	0	800	0.87%	0	3,311	1.93%	0
Greek Catholic	322	0.40%	0	1,919	2.09%	0	2,241	1.31%	0
Protestant	91	0.11%	0	98	0.11%	0	189	0.11%	0
Roman Catholic	65	0.08%	0	330	0.36%	0	395	0.23%	0
Armenian Orthodox	996	1.25%	0	1,509	1.64%	0	2,505	1.46%	0
Armenian Catholic	77	0.10%	0	637	0.69%	0	714	0.42%	0
Syriac Orthodox	12	0.02%	0	246	0.27%	0	258	0.15%	0
Syriac Catholic	26	0.03%	0	405	0.44%	0	431	0.25%	0
Assyrians	7	0.01%	0	22	0.02%	0	29	0.02%	0
Chaldean	28	0.04%	0	43	0.05%	0	71	0.04%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	0	0.00%	0	87	0.09%	0	87	0.05%	0
Coptic Orthodox	0	0.00%	0	9	0.01%	0	9	0.01%	0
Others	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Christians	**61,203**	**76.84%**	**2**	**90,127**	**97.97%**	**5**	**151,330**	**88.16%**	**7**
Jews	0	0.00%	0	0	0.00%	0	0	0.00%	0
TOTAL	**79,655**	**100.00%**	**3**	**91,993**	**100.00%**	**5**	**171,648**	**100.00%**	**8**
Effective threshold in major constituency (list votes)									**12.50%**

Major constituency:	**Mount Lebanon 2 Metn**			**Mount Lebanon 3 Baabda**		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	3,298	1.88%	0	9,582	5.96%	0
Shia	4,940	2.81%	0	39,402	24.51%	2
Druze	2,407	1.37%	0	27,990	17.41%	1
Alawi	209	0.12%	0	12	0.01%	0
Total Muslims	10,854	6.17%	0	76,986	47.90%	3
Maronite	78,709	44.78%	4	59,195	36.83%	3
Greek Orthodox	25,494	14.50%	2	12,231	7.61%	0
Greek Catholic	17,160	9.76%	1	7,407	4.61%	0
Protestant	2,848	1.62%	0	522	0.32%	0
Roman Catholic	2,123	1.21%	0	589	0.37%	0
Armenian Orthodox	25,627	14.58%	1	1,431	0.89%	0
Armenian Catholic	6,905	3.93%	0	705	0.44%	0
Syriac Orthodox	3,179	1.81%	0	448	0.28%	0
Syriac Catholic	1,521	0.87%	0	546	0.34%	0
Assyrians	688	0.39%	0	400	0.25%	0
Chaldean	363	0.21%	0	214	0.13%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0
Chaldean Catholic	265	0.15%	0	49	0.03%	0
Coptic Orthodox	12	0.01%	0	6	0.00%	0
Others	17	0.01%	0	0	0.00%	0
Total Christians	**164,911**	**93.81%**	**0**	**83,743**	**52.10%**	**3**
Jews	20	0.01%	0	0	0.00%	0
TOTAL	**175,785**	**100.00%**	**8**	**160,729**	**100.00%**	**6**
Effective threshold in major constituency (list votes)			**12.50%**			**16.67%**

Major constituency: Mount Lebanon 4									
Minor constituency	**Chouf**			**Aley**			**Total major constituency**		
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	56,838	29.26%	2	1,572	1.27%	0	58,410	18.38%	2
Shia	4,224	2.17%	0	3,893	3.15%	0	8,117	2.55%	0
Druze	61,769	31.80%	2	67,046	54.23%	2	128,815	40.53%	4
Alawi	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Muslims	**122,831**	**63.24%**	**4**	**72,511**	**58.65%**	**2**	**195,342**	**61.46%**	**6**
Maronite	56,774	29.23%	3	29,424	23.80%	2	86,198	27.12%	5
Greek Orthodox	764	0.39%	0	15,838	12.81%	1	16,602	5.22%	1
Greek Catholic	12,948	6.67%	1	3,766	3.05%	0	16,714	5.26%	1
Protestant	678	0.35%	0	881	0.71%	0	1,559	0.49%	0
Roman Catholic	44	0.02%	0	142	0.11%	0	186	0.06%	0
Armenian Orthodox	51	0.03%	0	617	0.50%	0	668	0.21%	0
Armenian Catholic	64	0.03%	0	92	0.07%	0	156	0.05%	0
Syriac Orthodox	24	0.01%	0	104	0.08%	0	128	0.04%	0
Syriac Catholic	24	0.01%	0	169	0.14%	0	193	0.06%	0
Assyrians	0	0.00%	0	44	0.04%	0	44	0.01%	0
Chaldean	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Chaldean Catholic	7	0.00%	0	0	0.00%	0	7	0.00%	0
Coptic Orthodox	0	0.00%	0	0	0.00%	0	0	0.00%	0
Others	0	0.00%	0	0	0.00%	0	0	0.00%	0
Total Christians	**71,378**	**36.75%**	**4**	**51,077**	**41.32%**	**3**	**122,455**	**38.53%**	**7**
Jews	11	0.01%	0	39	0.03%	0	50	0.02%	0
TOTAL	**194,220**	**100.00%**	**8**	**123,627**	**100.00%**	**5**	**317,847**	**99.98%**	**13**
Effective threshold in major constituency (list votes)									**7.69%**

Lebanon total			
Confession	**Registered voters 2015**	**% Electorate**	**Reserved seats 2017 law**
Sunni	1,003,930	28.37%	27
Shia	1,004,966	28.40%	27
Druze	202,317	5.72%	8
Alawi	48,537	1.37%	2
Total Muslims	**2,259,750**	**63.86%**	**64**
Maronite	726,179	20.52%	**34**
Greek Orthodox	253,163	7.15%	14
Greek Catholic	163,647	4.62%	8
Protestant	17,774	0.50%	1
Roman Catholic	10,404	0.29%	0
Armenian Orthodox	86,468	2.44%	5
Armenian Catholic	20,428	0.58%	1
Syriac Orthodox	15,439	0.44%	0
Syriac Catholic	12,745	0.36%	0
Assyrians	1,665	0.05%	0
Chaldean	955	0.03%	0
Chaldean Orthodox	216	0.01%	0
Chaldean Catholic	2,197	0.06%	0
Coptic Orthodox	29	0.00%	0
Others	97	0.00%	1
Total Christians	**1,264,105**	**35.72%**	**56**
Jews	4,907	0.14%	0
TOTAL	**3,538,708**	**100.00%**	**128**

Annex 3: Hypothetical Example of Allocation of Seats to Lists and Selection of Winning Candidates

The following hypothetical example is based on the newly-created Mount Lebanon 4 constituency, which has a total of 13 seats in two minor constituencies, Chouf and Aley. The following table shows their confessional representation:

Mount Lebanon 4 constituency	
Minor constituency	**No. seats and confessions**
Chouf	2 Druze
	2 Sunni
	3 Maronite
	1 Greek Catholic
Total seats in Chouf minor constituency	*8*
Aley	2 Druze
	2 Maronite
	1 Greek Orthodox
Total Seats in Aley minor constituency	*5*
Total seats in Mount Lebanon 4	**13**

Assume there are three competing lists in Mount Lebanon 4 winning the following total list votes:

List A: 109,923 list votes
List B: 44,854 list votes
List C: 11,968 list votes
Total: 166,745 list votes

(A) Allocate the 13 seats to lists

Step 1. Calculate the first electoral quotient:

(109,923 list votes + 44,854 list votes + 11,968 list votes) = 166,745 list votes ÷ 13 seats = 12,826.54

Step 2: Divide each list's total list votes by the first electoral quotient:

List A: 109,923 list votes ÷ 12,826.54 = 8.57
List B: 44,854 list votes ÷ 12,826.54 = 3.50
List C: 11,968 list votes ÷ 12,826.54 = 0.93

Step 3: Exclude lists that have not attained the first electoral quotient:

List C is excluded

Step 4: Calculate the second electoral quotient:

(109,923 list votes + 44,854 list votes) = 154,777 list votes ÷ 13 seats = 11,905.92

Step 5. Divide each qualifying list's total list votes by the second electoral quotient:

List A: 109,923 list votes ÷ 11,905.92 = 9.23
List B: 44,854 list votes ÷ 11,905.92 = 3.77

Step 6. Allocate whole numbers of seats to qualifying lists:

List A: 9 seats
List B: 3 seats
Total: 12 seats

Step 7. Allocate the remaining seat to the qualifying list with the highest remainder at Step 5:

List B: 1 seat

Step 8. Total seats allocated to qualifying lists:

List A: 9 seats
List B: 4 seats
Total: 13 seats

(B) Selection of Winning Candidates in the Minor Constituencies

Assume the numbers of preferential votes cast for the candidates of the qualifying lists in the Chouf and Aley minor constituencies were as follows:[77]

	List A		List B	
Minor constituency	**Candidate**	**No. preferential votes**	**Candidate**	**No. preferential votes**
Chouf	Druze A1	25,000	Druze B1	4,000
	Druze A2	9,000	Druze B2	0
	Sunni A1	4,500	Sunni B1	1,000
	Sunni A2	1,500	Sunni B2	500
	Maronite A1	9,000	Maronite B1	6,000
	Maronite A2	4,000	Maronite B2	2,000
	Maronite A3	3,000	Maronite B3	1,000
	Greek Catholic A1	4,000	Greek Catholic B1	3,000
	Total preferential votes in minor constituency	60,000		17,500
Aley	Druze A3	11,000	Druze B3	10,000
	Druze A4	0	Druze B4	0
	Maronite A4	6,000	Maronite B4	3,000
	Maronite A5	5,000	Maronite B5	2,000
	Greek Orthodox A1	5,000	Greek Orthodox B1	2,000
	Total preferential votes in minor constituency	27,000		17,000

[77] In this hypothetical example, there are differences between the total numbers of list votes for each list and the total number of preferential votes for the candidates of each list. This can arise because a voter is not required to cast a preferential vote for a candidate as well as a list vote.

Step 1: Calculate each candidate's percentage of all the preferential votes cast in the minor constituency:

	List A			List B		
Minor constituency	**Candidate**	**No. preferential votes**	**% all preferential votes in minor constituency**	**Candidate**	**No. preferential votes**	**% all preferential votes in minor constituency**
Chouf	Druze A1	25,000	32.26	Druze B1	4,000	5.16
	Druze A2	9,000	11.61	Druze B2	0	-
	Sunni A1	4,500	5.81	Sunni B1	1,000	1.29
	Sunni A2	1,500	1.94	Sunni B2	500	0.65
	Maronite A1	9,000	11.61	Maronite B1	6,000	7.74
	Maronite A2	4,000	5.16	Maronite B2	2,000	2.58
	Maronite A3	3,000	3.87	Maronite B3	1,000	1.29
	Greek Catholic A1	4,000	5.16	Greek Catholic B1	3,000	3.87
	Total preferential votes in minor constituency	60,000			17,500	
Aley	Druze A3	11,000	25.00	Druze B3	10,000	22.73
	Druze A4	0	-	Druze B4	0	-
	Maronite A4	6,000	13.64	Maronite B4	3,000	6.82
	Maronite A5	5,000	11.36	Maronite B5	2,000	4.55
	Greek Orthodox A1	5,000	11.36	Greek Orthodox B1	2,000	4.55
	Total preferential votes in minor constituency	27,000			17,000	

Step 2: Rank all the candidates from all the minor constituencies from the highest percentage of preferential votes to the lowest:

Rank	Candidate/s	Minor constituency		% preferential votes in minor constituency
1	Druze A1	Chouf		32.26
2	Druze A3		Aley	25.00
3	Druze B3		Aley	22.73
4	Maronite A4		Aley	13.64
5	TIED SAME LIST: Druze A2, Maronite A1	Chouf, Chouf		11.61
6	TIED SAME LIST: Maronite A5, Greek Orthodox A1		Aley, Aley	11.36
7	Maronite B1	Chouf		7.74
8	Maronite B4		Aley	6.82
9	Sunni A1	Chouf		5.81
10	THREE WAY TIE BETWEEN DIFFERENT LISTS: Maronite A2, Greek Catholic A1, Druze B1	Chouf, Chouf, Chouf		5.16
11	TIED SAME LIST: Maronite B5, Greek Orthodox B1		Aley, Aley	4.55
12	TIED BETWEEN DIFFERENT LISTS: Maronite A3, Greek Catholic B1	Chouf, Chouf		3.87
13	Maronite B2	Chouf		2.58
14	Sunni A2	Chouf		1.94
15	TIED SAME LIST: Sunni B1, Maronite B3	Chouf, Chouf		1.29
16	Sunni B2	Chouf		0.65

The following candidates have not been included because they received no preferential votes: Druze A4 (Aley), Druze B2 (Chouf), Druze B4 (Aley).[78]

[78] It is theoretically possible (but very unlikely) that a candidate could be elected with no preferential votes (e.g,. if s/he was the older of two candidates for a single confessional seat, neither of whom received any preferential votes).

Step 3: Distribute seats to candidates

Seats are distributed to candidates in descending order of their percentages of the preferential votes in the minor constituency, provided that:

- If two candidates have the same percentages of preferential votes, the older candidate wins the seat but if they are of the same age the HRC determines the order by lot;
- Once the seats allocated to a list have been filled, the remaining candidates for that list are excluded, even if they have higher percentages of preferential votes than candidates from other lists;
- Once the seats for a confession in a minor constituency have been filled, the remaining candidates for that confession are excluded, even if they have higher percentages of preferential votes than candidates from other confessions who are elected.

In this hypothetical example, the distribution of seats to candidates according to minor constituency and confession is as follows:

Seat allocation order	Candidate/s and % preferential votes	Minor constituency		List of elected candidates		Chouf minor constituency				Aley minor constituency		
						Druze (2 seats)	Sunni (2 seats)	Maronite (3 seats)	Greek Catholic (1 seat)	Druze (2 seats)	Maronite (2 seats)	Greek Orthodox (1 seat)
1	Druze A1 (32.26%)	Chouf		A		*						
2	Druze A3 (25.00%)		Aley	A						*		
3	Druze B3 (22.73%)		Aley		B					*		
4	Maronite A4 (13.64%)		Aley	A						seats filled	*	
5 6	TIED SAME LIST: (11.61%) Druze A2 Maronite A1	 Chouf Chouf		 A A		*		 *				
7 8	TIED SAME LIST: (11.36%) Maronite A5 Greek Orthodox A1		 Aley Aley	 A A		seats filled					*	 *
9	Maronite B1 (7.74%)	Chouf			B			*			seats filled	seat filled
	Maronite B4 (6.82%)		Aley									
10	Sunni A1 (5.81%)	Chouf		A			*					
	TIED SAME LIST (5.16%) Maronite A2	 Chouf										

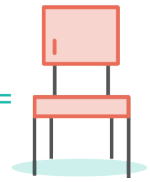
11	Greek Catholic A1 Druze B1	Chouf Chouf		A					*			
	TIED SAME LIST: (4.55%) Maronite B5 Greek Orthodox B1		Aley Aley	List A seats filled					seat filled			
	TIED SAME LIST: (3.87%) Maronite A3 Greek Catholic B1	Chouf Chouf										
12	Maronite B2 (2.58%)	Chouf			B			*				
	Sunni A2 (1.94%)	Chouf						seats filled				
	tied same list: (1.29%) Sunni B1 Maronite B3	Chouf Chouf										
13	Sunni B2 (0.65%)	Chouf			B		*					
					List B seats filled		seats filled					
Total seats				**9**	**4**	**2**	**2**	**3**	**1**	**2**	**2**	**1**

There are two important points to note about this distribution:

1. 11th and 12th seats: The tied candidates for the 11th seat are all from List A and from the Chouf minor constituency. All the Druze seats in Chouf have been filled so Druze B1 is excluded, leaving the Maronite A2 candidate and the Greek Catholic A1 candidate. It is assumed that the Greek Catholic A1 is the older, so s/he wins the single seat for that confession in the Chouf minor district. That exhausts the nine seats won by List A. However, there is still one Maronite seat to be filled in Chouf, which must be won by the next ranked Maronite candidate from List B, so Maronite B2 wins the 12th seat even though s/he won 2.58 percent of preferential votes in Chouf compared to Maronite A2 and Maronite A3 who won 5.16 percent and 3.87percent of the preferential votes in Chouf, respectively. Likewise, although they received higher percentages of preferential votes than the Sunni B2 candidate ranked 16th at Step 2, the candidates ranked 11th, 12th, and 13th at Step 2 were excluded because the confessional quotas were filled.
2. The Sunni A2 ranked 14th at Step 2 didn't win the last Sunni seat because List A's seats were all filled and List B was eligible for one last seat. Therefore, the candidate ranked 16th at Step 2 – Sunni B2, with only 0.65 percent of preferential votes – won the last seat.

A Simulation of the Counting Mechanism in Saida – Jezzine

2 Maronite
2 Sunni
1 Greek Catholic



2 Saida
3 Jezzine

5
Number of Seats

120,768
Number of Registered Voters

36,583
Jezzine

79,707
Number of Voters

43,124
Saida

Electoral Threshold: Number of voters/number of seats
****The electoral threshold is parallel to the electoral quota according to the current law****

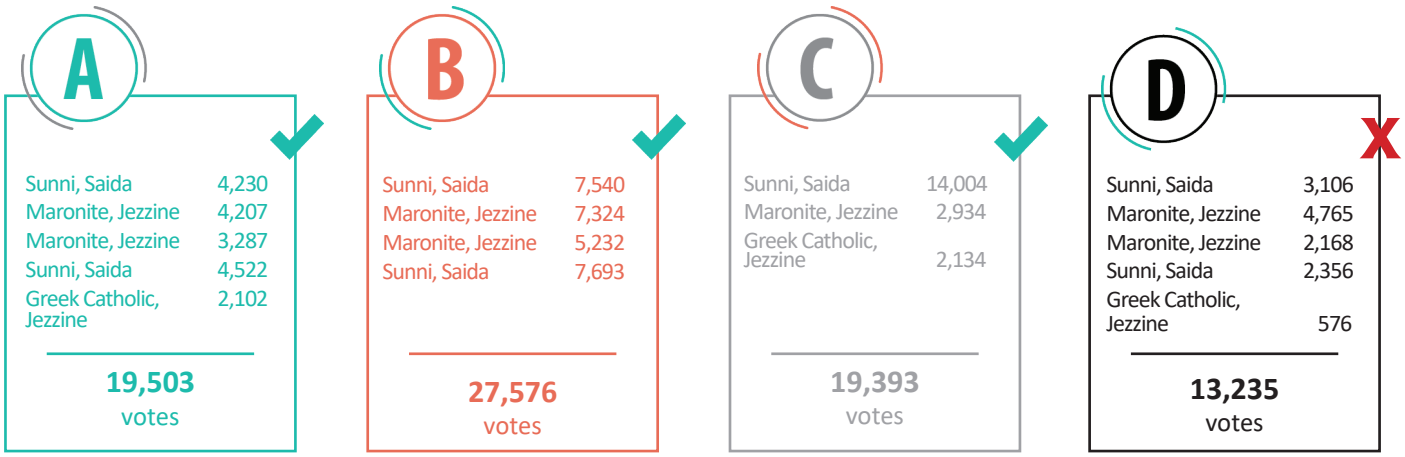
Electoral Threshold: 15,941

Original design and data courtesy of the Lebanese Association for Democratic Elections

Stage 1:

Choose winning lists

➢Electoral Quotient (total votes/number of seats): 15,941



Stage 2:

Distribution of seats to lists

➢Excludes the list that does not reach the electoral quotient: List D

➢Recalculates the electoral quotient again after removing the votes obtained by List D

Total Number of voters (79,707) – Number of voters for the excluded list (13,235) = New vote total (66,472)

New Electoral Quotient: (new vote total/number of seats) 66,472/5=13,294

	A	B	C
Votes/Electoral Quotient	19,503 / 13,294	27,756 / 13,294	19,393 / 13,294
Number of Seats	1.47	2.07	1.46
Guaranteed Seats	**1.00**	**2.00**	**1.00**
Remainder	.047 +1	0.07	0.46
Total Seats	**A:2**	**B:2**	**C:1**

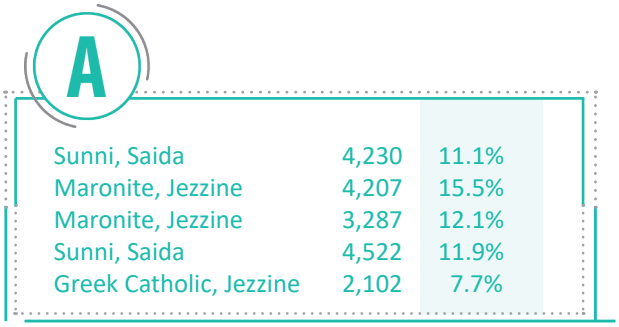
Stage 3:

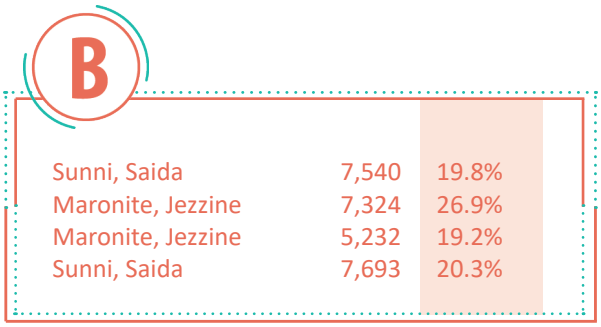
Calculate the preferential vote for all candidates on eligible lists

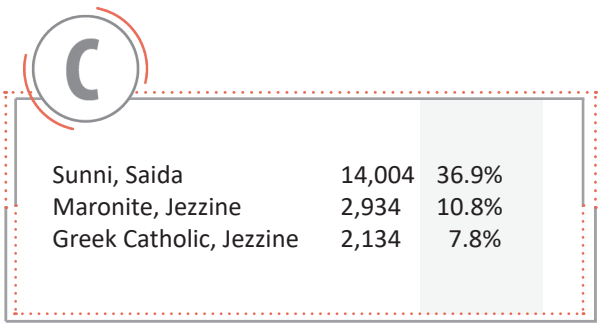
The percentage of preferential votes for each candidate = Number of votes for each candidate/(number of preferential votes total in the minor district – number of preferential votes obtained by non-qualified candidates in minor district)

Total preferential votes in Saida (excluding List D): 37,989

Total preferential votes in Jezzine (excluding List D): 27,220







Stage 4:

Arrange candidates in a single list

Candidates shall be placed in a single list beginning with the candidate who obtained the largest percentage of the preferential votes in his/her minor district to the candidate who obtained the lowest percentage of the preferential vote in his/her minor district, regardless of the list, district, or confession.

Sunni, Saida	36.9%
Maronite, Jezzine	26.9%
Sunni, Saida	20.3%
Sunni, Saida	19.8%
Maronite, Jezzine	19.2%
Maronite, Jezzine	15.5%
Sunni, Saida	11.9%
Maronite, Jezzine	11.9%
Sunni, Saida	11.1%
Maronite, Jezzine	10.8%
Greek Catholic, Jezzine	7.8%
Greek Catholic, Jezzine	7.7%

Stage 5:

Determine the winners of each list

Sunni, Saida	36.9%
Maronite, Jezzine	26.9%
Sunni, Saida	20.3%
~~Sunni, Saida~~	~~19.8%~~
~~Maronite, Jezzine~~	~~19.2%~~
Maronite, Jezzine	15.5%
~~Sunni, Saida~~	~~11.9%~~
~~Maronite, Jezzine~~	~~11.9%~~
~~Sunni, Saida~~	~~11.1%~~
~~Maronite, Jezzine~~	~~10.8 %~~
~~Greek Catholic, Jezzine~~	~~7.8%~~
Greek Catholic, Jezzine	7.7%

Winners are determined so that the following criteria are all met.

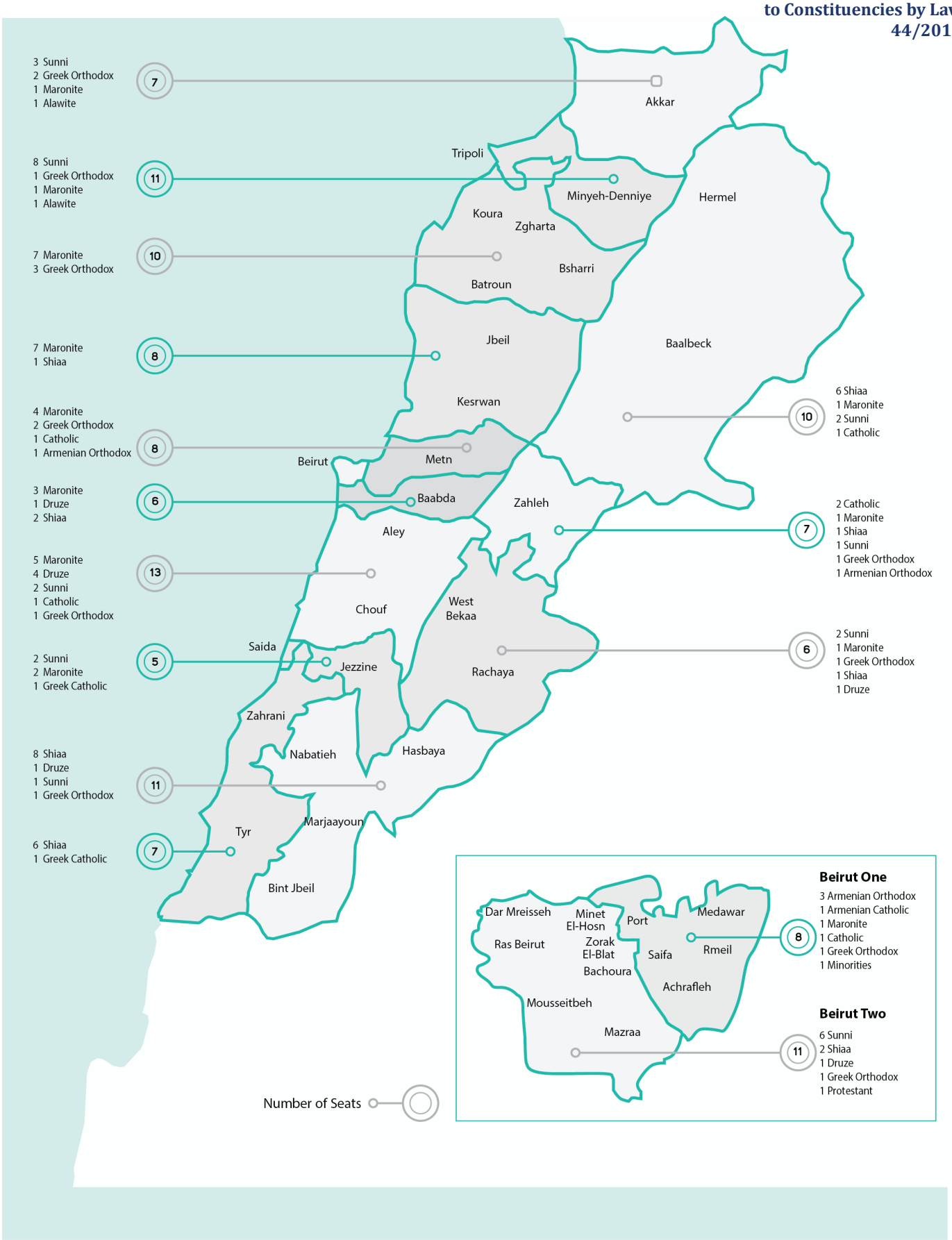
Confessional Quota:
2 Sunni, 2 Maronite, 1 Greek Catholic

Regional Quota:
2 from Saida, 3 from Jezzine

Seats obtained by each list:

A:2 **B:2** **C:1**

The Distribution of Seats to Constituencies by Law 44/2017



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