
NOTE FROM THE TRANSLATORS - This translation is for informational purposes and is only an approximation of the original, Arabic legal text (second draft). It should not be relied upon as a legal document and for the best understanding of the electoral law it is recommended to read the original Arabic document which can be found here - <http://twitdoc.com/PIV>

The elections committee is prepared to accept suggestions, changes and additions, and can be reached using law@elections2012.ly or presented to the board of the NTC.

National Transitional Council

Having reviewed :

- The victory declaration .
- The interim constitutional declaration issued on August 3, 2011.
- Law of the formation of the Electoral High Commission (Law No. N/A).
- Law of the formation of the Electoral High Committee (Law No.180 of year 2011).

The National Transitional Council has drafted the following law(s):

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Part I: Definitions

Following terms that shall have the meaning set forth in this law:

General National Congress : The national interim legislative authority for the transitional period, to be elected in accordance with the provisions of this law, and consists of two hundred (200) members as stipulated by the constitutional proclamation.

Election:

The process of selecting members of the General National Congress according to the provisions of this law.

Electoral District:

Distinct geographic block of voters, also referred to as a constituency, who vote to choose the members of the National Congress in accordance with the regulations stipulated in this law.

Electoral Register:

The general electoral roll, comprised of the entire list of registered voters legally eligible to participate in the elections.

Voter:

An individual who successfully meets registration qualifications, and is registered in the electoral register.

Electoral Card:

An identification card issued by the Electoral High Commission indicating voter eligibility.

Candidate:

An individual seeking membership into the General National Congress, who has met the outlined preconditions for candidacy.

Balloting:

The process by which a voter casts a ballot in an election, including the starting point of entering the polling centre and completing all of the prescribed procedures.

Polling Centre:

An approved balloting site where votes are cast by registered voters.

Polling Station:

An area located within the polling centre where a voter's ballot is cast. A polling centre may include one or more polling stations.

Polling Official:

An official of the electoral administration responsible for overseeing the voting procedure at a polling station.

Secret Ballot Booth:

A private area inside the polling station where the voting process is conducted in full secrecy.

Ballot Box:

A specifically sized transparent box, examined by official monitors and candidate representatives to insure it is empty, then temporarily sealed for the duration of the electoral process. The voter submits the secretly filled ballot card through the slot in the ballot box in full view of election monitors.

Ballot Card:

A printed piece of paper, numbered sequentially, allowing a voter to mark/indicate candidate choice, as demarcated by a name, icon, or number.

Monitors:

A member of the Electoral High Commission, and a representative of the candidate.

Observer:

United Nations mission, and civil society organizations.

Part II: Preliminary Rules

Article (1)

The National Congress consists of two hundred (200) members chosen by direct and free elections, where a ten per cent (10%) quota of the total number of members of Congress is reserved for women, unless the number of women candidates does not reach the ten per cent (10%) quota.

Article (2)

Elections must be direct, free, confidential, and transparent.

Part III: The Right to Vote

Article (3)

Requirements to exercise the right to vote:

- Voter must hold Libyan citizenship through birth or naturalization (provided that a minimum of ten (10) years of legally sound citizenship have passed.)
- Voter must have reached the minimum age of eighteen (18) years on date of registration at the electoral register.
- Voter must be in possession of an official voting card issued by the Electoral High Commission.

Article (4)

Prohibited from participation in the election process:

- Persons criminally convicted of crimes stipulated in the penal code, unless acquitted.
- Persons determined legally incompetent, with mental illness, or incarcerated.
- Persons who are in possession of sanctioned/sequestered funds as legally outlined in a judicial order.
- Persons proven by judicial order to have been involved in the corruption of political life during Gaddafi rule .

Part IV: Voter Registration

Article (5)

- Each electoral district will maintain an electoral register.
- Voters may not register in more than one (1) electoral district.
- The electoral register must include the voter's full name, date of birth and mother's full name.
- Voters may register at a voter registration center within a designated district on predefined dates, by filling out the provided application as determined by the Electoral High Commission.
- The electoral register for each electoral district must be prominently displayed at voting centers in spaces predetermined by the Electoral High Commission.

Article (6)

In the event that an individual meeting voter eligibility requirements is unlawfully omitted from the electoral register, a special request for registration may be made.

There will be a one (1) week time-frame for special registration requests, and each issuance will be officially documented in sequential order, and issued a receipt acknowledging applicants' requests.

Any electoral register application which is found to be ineligible for voter registration will be rejected by the Sub-Committee of the electoral district.

The decision to accept or refuse a request will be made one (1) day following the complaint submission.

Article (7)

An individual whose electoral register special request is rejected can file an appeal of the Sub-Committee's decision, without a fee, to be heard by a temporary judge at the respective Court of First Instance, within the same week of submission rejection. The chief clerk of the court must officially register all requests in the order received, in a special registry.

The Sub-Committee must submit the appeal and all related documents to the court clerk within twenty four (24) hours of notification of the hearing. The court must reach a decision on the appeal within three (3) days of the submission date. All court rulings are final.

Article (8)

The Sub-Committee must implement the court ruling by amending the voter registry, to become

final and definite pretense at the time of election, and within a period not exceeding one (1) week from the date of amendment.

Part V: Libyans Residing Abroad

Article (9)

Libyans residing abroad have the right to participate in elections through sub-committees located outside of Libya.

Article (10)

Libyan embassies and consulates will be equipped to register the names of Libyan citizens residing abroad who wish to vote. Residents may not register their names both inside and outside of Libya at the same time.

Article (11)

The Electoral High Commission will issue instructions and methods of preparing and displaying candidates lists. New voting technologies will be taken into consideration with emphasis on security and confidentiality.

Article (12)

Libyans residing abroad may at their discretion choose to either vote in their place of residence or the district of birth in Libya.

Article (13)

Headquarters for electoral sub-committees will be established in Libyan embassies and consulates abroad, in accordance with the guidelines established by the authority of the Electoral High Commission.

Article (14)

The rules of judicial supervision of the election process for overseas locations is modified. The election sub-committees abroad will be comprised of three (3) members:

- | | |
|------------------------------------------------------|----------|
| 1. Member of the diplomatic corps | Chairman |
| 2. Member of the expat Libyan community | Member |
| 3. Member of the Libyan student body studying abroad | Member |

The decision to form sub-committees and polling stations overseas, is made by the High Commission based upon the nominations of the Foreign Ministry. Nominees must meet the required participatory conditions for committee members.

Part VI: Establishing Electoral Districts and Allocating District Government Seats

Article (15)

The Electoral High Commission will establish the Electoral Districts based on population density and geographical area, and determine the allotted number of government seats per district.

Part VII: Provisions and Procedures for Electoral Nominations

Article (16)

Additional Electoral Candidate requirements :

1. Candidates must ONLY hold a valid Libyan citizenship based on citizenship law no. 24/ 2010, multiple citizenship holders must relinquish their non-Libyan citizenship before being considered eligible for candidacy.
2. Candidates MUST be at least twenty five (25) years of age.
3. Candidates MUST NOT have any pending felony charges.
4. Candidates MUST hold a professional qualification.
5. Members of the the National Transitional Council, Interim government, Executive office, or local council (civilian/military) will NOT be eligible for electoral candidacy.
6. Members of the Electoral High Commission, electoral sub-committee, or polling station supervisory committee will NOT be eligible for electoral candidacy.
7. Persons who occupied a leading position in the secretariat of the General People's Congress, the people's congresses, a people's committee, or a people's leadership, or diplomats and/or politicians in the previous regime will NOT be eligible, unless having demonstrated early and clear support for the February 17th revolution.
8. Persons proven to be part of the previous regime apparatuses such as the Revolutionary Committees Movement or an active member of the Revolutionary Guard, the People's Guard, the Revolutionary Action Team, or the Revolutionary Legions and their related groups and/or organisations will NOT be eligible for electoral candidacy.
9. Persons who actively protested the February 17th revolution will NOT be eligible for candidacy.
10. Persons who embezzled public funds will NOT be eligible for candidacy.
11. Persons found guilty of imprisoning and/or torturing Libyan citizens during the previous regime will NOT be eligible for candidacy.
12. Persons proven to have committed illegal or illegitimate acts against Libyans, within or outside Libya will NOT be eligible for candidacy.
13. Persons proven to have appropriated the property and assets of the Libyan people by exploiting their position or post, or their closeness to figures from the former regime will NOT be eligible for candidacy.
14. Persons proven to have wrongfully received gifts, financial or in-kind, from the former regime will NOT be eligible for candidacy.
15. Persons who had obtained an academic degree in the Third Universal Theory, or the Green Book will NOT be eligible for candidacy.
16. Persons proven to have had a professional and/or commercial relationships with Gaddafi family members and/or senior former regime members will NOT be eligible for candidacy.
17. Opposition figures that entered talks and/or negotiations with the former regime and later

received positions in exchange will NOT be eligible for candidacy.

18. Persons who administered the affairs of the Gaddafi family will NOT be eligible for candidacy.
19. Members of the so called 'purification' (Tatheer) committees will NOT be eligible for candidacy.
20. Members of the so called 'Companions of Gaddafi' (Rifaq) will NOT be eligible for candidacy.

Article (17)

Candidates must submit application at desired electoral district sub-committee within deadline set forth by the Electoral High Commission to determine candidate eligibility. Applications must be submitted in accordance with 'candidate form' requirements and standards set forth by the Electoral High Commission. Time and date of registration of submission must be registered in a electoral register.

Article (18)

Nominees must officially contest lack of inclusion of their name in the candidates list, and/or dispute any allegations set forth against them within three (3) days of the issue of the candidates list.

Objections to the candidates list will be considered by the electoral sub-committee within forty eight (48) hours of filed objection. No alterations to the candidates list will be made passed the set deadline.

Article (19)

The Electoral High Commission will publish the final candidates lists for all electoral districts on official media channels.

Article (20)

If an electoral district remains without any candidates for any reason that may be, the Electoral High Commission reserves the right to appoint candidates for the concerned district.

Article (21)

Candidates must withdraw their nominations if a written request from an electoral sub-committee to do so is presented before seven (7) days of polling date.

Article (22)

If a candidate passes away after the announcement of the candidate(s) lists, their name will be

removed from the candidates list. If said candidate is the only one on the list for their district, the Electoral High Commission will appoint candidate(s) for that district.

Article (23)

If two (2) candidates both gain the highest percentage of votes the Electoral High Commission will determine the date of a re-election (run-off vote).

Article (24)

In the case that only one candidate remains on an electoral list after the closing of a polling station, either due to absence, death or disqualification of other candidates, the local electoral sub-committee can announce the victory of this candidate without having to resort to a re-election.

Article (25)

Candidates will use symbols, which they may submit to be approved by the Electoral High Commission. Symbols must not resemble those of other candidates and other entities in name and/or distinguishing features. They must not contain anything which could imply exhortations to violence, hatred, discrimination, or disrespect to public order.

Part VIII: Voting System and Procedures

Article (26)

The member of the general council is chosen after voter hands in his single vote in favour of a candidate, and the candidate that gets a majority of correct (acceptable votes) wins the seat.

Article (27)

The head of the local committee or the voting center must check that the ballot boxes are empty before the public are allowed to vote. The box must then be locked and a document declaring so must be signed by all members of the subcommittee in presence of local candidates or their representatives. Ballot boxes must not be opened until the counting session.

Article (28)

The committee determines the mechanism by which the voter will be present and exercise their right to vote in their voting centre or district, in front of the sub-committee.

Article (29)

The voting process should only take one day starting at 08:00 AM and ending at 20:00 PM at which time the head of the voting centre or committee declares voting process ended.

If all voters are present before the deadline, the head of the committee may declare the end of the voting process upon receiving the last voter ballot.

The voting operation may be extended beyond 20:00 PM if there are voters inside the centre or committee that have not cast their vote, and only those present will be able to cast their votes after the deadline.

The counting operation begins as soon as all voters have cast their votes and the end of voting process is declared.

Voting sessions for military and civil councils in charge of voting, hospital residents and workers, and expatriates will be held on a date and time set forth by the Electoral High Commission.

Article (30)

The voter casts his vote without alerting anyone else to his decision. Blind people and other voters with special needs who may not be able to cast their own votes may read out their decision to a member of the voting committee who then votes on their behalf. Each voting committee member is allowed to help a maximum of two people, but the limit may be increased further based on a report by the head of the voting committee signed by all other members.

Normal voters must cast their own votes, and no other person may vote on their behalf or by delivering a vote belonging to them.

Article (31)

Security, order and the freedom of every voter to vote for whoever they pick must be ensured. Any gathering, shouting, and demonstrations of a threatening nature which are meant to endanger the security and order of a voting committee are considered an attack on the rights of voters and their freedom of choice.

Article (32)

Members of the voting committees and centers must start the counting process immediately after the end of the voting process in the presence of the head of the sub-committee and the approved observers after checking ballot boxes and/or their contents have not been altered or tampered with.

At the end of the counting process the ballot boxes are sealed with red wax and the results are immediately delivered to the electoral district committee that handles the tallying up of votes for its respective district. A report is then written and signed by the head of the district committee and all present members, whereby the ballot boxes are then transferred for safekeeping until the end of the appeal deadline.

Article (33)

The following votes are considered invalid:

1. Votes that are attached to a condition
2. Votes that are over or under the required number for elected members.
3. Votes that are written on a paper different from the one handed by the electoral committee.
4. Votes that are written on paper and signed by voter, or with symbols that may identify the voter.

Part IX: Electoral Campaign Promotional Activity

Article (34)

The Electoral High Commission shall announce in one of the official media channels the official candidate campaign period. The Electoral High Commission will announce locations and venues allocated for advertising to candidates during period set forth by the Electoral High Commission. Candidates listed on the final candidates list may freely express their opinion and present their campaign proposals in accordance with the electoral laws. It is not permissible to engage in any activity considered “campaigning” on the day of the vote. It is not permissible for a candidate during the election campaign to use words that constitute as: incitement to crime, threat public security; or the use of phrases creating hatred, discriminatory or offensive to public morals.

Article (35)

1. Candidates are allowed to use any media available for campaigning during the election campaign period.
2. Publications and statements containing goals, plans, and action plans are exempted from licensing fees provided that they are labelled with candidate name.
3. The use of public media for election campaigns shall be equally divided equality giving equal opportunities to all candidates. It is permissible for any candidate to publish campaign material in the form of booklets, posters or newspapers so long as the candidate name and the source of the information or publication is marked. The Electoral High Commission will determine the regulations and specifications for advertising materials.
4. Candidates may use electronic media to advertise for the election campaign in accordance with the laws and regulation set forth by the Electoral High Commission. It is also prohibited for any candidate to act or use any data which may obstruct the election campaign of another candidate.
5. It is prohibited for any candidate to give gifts or donations in financial or other forms to acquire votes.
6. During the election campaign candidates must comply with the following:
 - a.) Provisions of Interim Constitution and the rule of law.
 - b.) Respect for the freedom of opinion and intellect of others.
 - c.) Maintaining national unity, security and stability, as well as preventing discrimination between citizens.
 - d.) It is prohibited to advertise for other candidates, either directly or through agents.
 - e.) It is prohibited to use the official country emblem on any literature or imagery during

the election campaign, or to use loudspeakers in public areas and on transport vehicles.
f.) It is prohibited for candidates to use their campaigns to defame or attack other candidates, or incite tribal tensions.

7. The Higher Electoral Commission is to report any incidents considered illegal to the Electoral Judiciary.
8. It is prohibited to conduct election campaigns and speeches in places of worship, public and/or private educational institutions, public roads, and public and/or governmental buildings.
9. It is prohibited for public workers, officials, and local council members to campaign on behalf of a candidate in their places of work.

Article (36)

It is forbidden for candidates to fund their campaigns using money gained from foreign countries and/or entities, and the origin of campaign funding used must be declared.

Article (37)

Candidates must create an account using the local currency, in a bank specified by the Higher Electoral Committee, in order to store donations and any money assigned by the electoral law. The Candidate must inform the Commission immediately of any money deposited and the method of its spending. It is not permitted to pay for advertising outside of this account.

Article (38)

The Candidates must submit to the Higher Electoral Commission within twenty five (25) days of the announcement of the election results a detailed financial declaration including source and nature of income and/or spending.

Part X: Appeals

Article (39)

All concerned parties have the right to appeal by petitioning the head of the Elections Sub-Committee or the Electoral Complaints Commission.
A petition form will be issued by the Electoral High Commission detailing the required information.

Article (40)

The petition must be submitted within forty eight (48) hours of the announcement of results by the sub-committee. A sum of five hundred Libyan Dinars (500 LYD) must be paid with the petition, to be stored in the court and returned to the petitioner if the result is not in his favour.

Article (41)

Judge for urgent matters in the court of first instance where the polling station is located shall be responsible for hearing all objections regarding the entire voting procedure. The decisions of this circuit may be appealed in front of the appeals circuit in the same court within five (5) days from the issuance of the court order. The appeals circuit decisions are final and the tribunal must execute it. In all cases 'civil and commercial legal laws' shall apply, unless explicitly stated within this legislation.

The court of first instance covering the electoral district where the polling stations is located shall be responsible for hearing any objections pertaining to any and all aspects of the voting procedure. The decisions of this court may be appealed at the 'appeals circuit' of the court within five (5) days of the issuance of the court order. The appeals circuit decisions are final and the tribunal must execute it. In all cases 'civil and commercial legal laws' shall apply, unless explicitly stated within this legislation.

Article (42)

Upon expiry of the petition period the committee will immediately close submissions, study complaints, and announce election results on official media.

Part XI: Electoral Fraud

Article (43)

The following actions are deemed electoral fraud and will result in nullifying all legal implications of voting or election related activity. These actions can be punished by imprisonment and/or by a fine that shall not exceed five hundred Libyan Dinars (500 LYD). Note that this is without prejudice to the articles of the Libyan penal code:

1. It is illegal to falsify signatures or names on candidates lists or on voting cards, or conceal any charges or activities that could otherwise exclude a candidate or voter.
2. It is illegal to make duplicate votes, vote in multiple districts or vote after the right to do so has been denied.

Article (44)

Any employee of the Electoral High Commission or its sub-committees found assisting a candidate registration and/or obtaining votes will be punished by:

- Prison sentence of no less than six (6) months and no more than one (1) year
- Financial fine of no less than one thousand Libyan Dinars (1,000 LYD) and no more than five thousand Libyan Dinars (5,000 LYD).
- Relief from post and all responsibilities.

Furthermore any employee of the Electoral High Commission or its sub-committees that directly or indirectly tries to influence a voter, or exploit their lack of knowledge or ability to influence their opinion will be punished by:

- Fine of no less than five hundred Libyan Dinars (500 LYD) and no more than one thousand Libyan Dinars (1,000 LYD.)
- Relieved of their post and all responsibilities.

Article (45)

Stealing or tampering with ballot boxes or voting cards they hold will be considered a crime punishable by a prison term of no less than three (3) years and no more than five (5) years and/or a fine of three thousand Libyan Dinars (3,000 LYD).

Article (46)

It is illegal to try to influence, dissuade or coerce voters to vote or abstain from voting by way of donations, benefits, bribes etc. As it is illegal for voters to try and exchange their votes or abstention from voting in exchange for benefit, agreement, or promise from candidates.

Any party involved in falsely accusing an employee of the Electoral High Commission or its sub-committees of corruption will be punished in accordance with the Libyan penal code.

Article (47)

Any use of force, coercion or the threat of force against a voter, family, or property to influence voting is punishable in accordance with the Libyan penal code.

Article (48)

Persons found abusing their position and/or career to further personal agendas in the election process will be punished in accordance with the Libyan penal code.

Article (49)

Actions punishable by a prison sentence and/or fine that does not exceed one thousand Libyan Dinars (1,000 LYD), and denial of their right to vote:

1. Increasing or decreasing the number of voting cards.
2. Concealing, tampering, or reducing electoral lists and/or voting cards.
3. Actions deemed to be tampering with election results.
4. Damaging unsorted ballot slips.
5. Committing any acts of interference outside the polling stations including the undermining of the secrecy of the voting process.
6. Tampering with a voting machine with the intention of preventing voting and/or altering results.

Article (50)

Candidates will be disqualified and punished with other sanctions if involved in:

1. Using statements deemed discriminatory, inciting hatred and crime, or violation of public order and dignity.
2. Accepting assistance (financial or otherwise) from a foreign country or entity to support election campaign (punishable by a fine double the accepted sum.)
3. Exceeding campaign spending limit set by the Electoral High Commission (punishable by a fine double the the accepted sum).

4. Obstructing the election campaign of other candidates.
5. Using foreign media networks to campaign (excluding personal website).
6. Carrying out any election day campaigning.

Article (51)

The head of the electoral sub-committee has authorisation to deal with crimes committed at polling stations.

The head of the sub-committee must immediately file report with local authorities and order the arrest of the perpetrator of any crime committed in the polling station.

Part XII: Observation of the Elections by Civil Society

Article (52)

Representatives of civil society organisations are permitted to enter the voting and sorting committee in such a way that the head of the sub-committee or polling centre has the power to regulate this entry so that it does not disrupt the progress or regularity of the voting process.

The organisation must present to the Electoral High Commission:

- Observer request form.
- Representatives' credentials.
- Organisations' activities for the three (3) months prior to request.

It is forbidden for any civil society organisation wishing to observe the voting process to be funded by a foreign country or entity.

Part XIII: Final Provisions

Article (53)

Upon their election, members of the General National Congress (including the president) are forbidden from continuing any jobs (trade-related or otherwise) or any public office position (which will be run by the deputy until the end of term).

Article (54)

The head of the sub-committee with the consent of the Electoral High Commission and in coordination with the cabinet, may postpone election process in voting centres deemed disruptive to voting process. Centres in question must specify a new election date no later than five (5) days from the original polling date.

Article (55)

The Electoral High Commission is permitted to request assistance from the cabinet for any necessary logistical assistance in order to accomplish task deemed necessary to election process.

Article (56)

The Electoral High Commission is responsible for:

- The complete transparency of elections.
- The preparation and storage of registers, electoral documents, and databases.

Article (57)

These rules and regulations are applicable starting from effective date, and ending upon completion of the General National Congress elections.

Election rules and regulations will be published through official media channels.

Ministries must respect and carry out the electoral rules and regulations involving their ministerial mandates.

The National Transitional Council