



Elections in Egypt: Structure and Responsibilities of the Higher Elections Commission, and Other Issues Concerning Electoral Operations

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Introduction

On 19 May 2011 the Supreme Council of the Armed Forces (SCAF) issued Decree #46/2011 amending some of the provisions of Law 73/1956 On Exercising of Political Rights. This Decree followed the SCAF's Constitutional Announcement on 30 March 2011, which promulgated an interim Constitution incorporating the changes approved in the 19 March constitutional referendum. Further decrees were issued to amend other electoral laws, including Law No. 174 for the year 2005 On Regulating the Presidential Elections, Law 38/1972 Concerning The People's Assembly¹ and Law 120/1980 Concerning the Formation of the Shura Council. On 20 July 2011, after a protracted period of legislative drafting and deliberation, the Supreme Council of the Armed Forces (SCAF) ratified additional amendments to the Political Rights Law (along with amendments to two other laws) regulating the elections of both houses of the Egyptian Parliament, the People's Assembly and the Shura Council.

The SCAF has announced that preparations for parliamentary elections would start after 18 September 2011 and that the PA and Shura Council elections would take place simultaneously. According to constitutional changes approved in the March referendum and included in the subsequent Constitutional Declaration, a joint sitting of the People's Assembly and the Shura Council must be held within six months of their election to elect a 100-member Constitutional Assembly that will be responsible for drafting a new Constitution. The Constitutional Assembly must produce its draft within six months, and a referendum must then be held within 15 days to approve or reject the new Constitution. Based on such a timetable, the referendum could be held in December 2012, at the latest.²

Decree #46/2011 amends 23 articles of Law 73/1956 and Decree # 110/2011 amended an additional nine (9) articles of Law 73/1956 (an unofficial translation of the revised version of Law 73/1956 incorporating the 2011 amendments is attached as Annex 1). Most of the changes concern the structure, membership and responsibilities of the Higher Elections Commission (HEC), although there are also important changes concerning voter registration and electoral operations. The provisions of the law as amended are outlined below. Key changes include the following:

- The Higher Elections Commission (HEC) will now be composed entirely of senior judges. (Presumably as a result, previous provisions requiring the HEC to act 'independently and without bias' and concerning HEC members' immunity from criminal prosecution without HEC consent have been dropped.)
- The HEC's responsibilities have been amended to include developing rules for allocating election broadcasting time slots and to omit proposing constituency-defining rules.
- The decision approved in the constitutional referendum to compile voter lists from the National ID database will be implemented; polling station assignments will be based on the address listed on voters' National ID cards, not necessarily where they currently reside.
- Establishment of 20 July as the cut-off date for voter registration – this is the last date that those eligible to vote must be included in the National ID database before voter lists are generated.
- Abolition of the former permanent HEC Technical Secretariat, which was appointed by the President.
- Transformation of the General Secretariat into a permanent structure.

¹ It has been reported that draft amendments to this law have been submitted to the National Dialogue; see *Democratic Egyptian political parties to issue a joint statement on new electoral law*, [Ahrām Online](http://english.ahram.org.eg/NewsContent/1/64/14212/Egypt/Politics-/Democratic-Egyptian-political-parties-to-issue-a-j.aspx), June 13, 2011, <http://english.ahram.org.eg/NewsContent/1/64/14212/Egypt/Politics-/Democratic-Egyptian-political-parties-to-issue-a-j.aspx>, accessed June 15, 2011.

² There has, however, been some debate about whether a new Constitution should be drafted and adopted before parliamentary and presidential elections are held. See for example *Constitution first, democracy later?*, [Al Ahrām Weekly](http://weekly.ahram.org.eg/2011/1050/eg2.htm), June 2-8, 2011, Issue #1050; <http://weekly.ahram.org.eg/2011/1050/eg2.htm>, accessed June 14, 2011.

Suffrage

Decree #46/2011 did not make any changes to the suffrage provisions in Article 1 of Law 73/1956. All Egyptians aged 18 and over have a legal duty to vote in presidential, parliamentary, Shura Council and local council elections.³ Serving military and police personnel are exempted from this duty. The persons prevented from exercising this political right (Article 2) are:

- those convicted of a criminal act, unless they have been rehabilitated;
- those whose property has been confiscated under a judgment by the Court of Ethics, for a period of five years after the Court issues the confiscation order;
- those sentenced to prison for a number of specified crimes, unless execution of the sentence has been halted, or the convict has been rehabilitated;
- persons sentenced to a “freedom-restrictive penalty” after being convicted of an offence specified in Articles 41 to 51 of Law 73/1956, unless the sentence is suspended, or the sentence has been redressed;
- those dismissed from the civil service or the public sector “for disgraceful reasons,” for a period of five years after dismissal, unless the person has received a final ruling revoking the dismissal order or ordering compensation.

Under Article 3, the exercise of political rights is suspended for:

- those placed under “interdiction,” for the period they are so placed;
- those being treated for mental illness, during the period of their treatment;
- those declared bankrupt, for five years after the declaration unless “earlier rehabilitated”.

The Higher Elections Commission

Article 88 of the Constitution was amended in the March 2011 referendum to read as follows:

The requirements to be met by the members of the People’s Assembly shall be defined by the law which shall set out the provisions of election and referenda. A higher committee with full judicial composition shall supervise election and referenda as of voter registration until the declaration of the result, all of which shall be in accordance with the regulations of the law. Balloting and counting shall be undertaken under the supervision of members of judicial bodies nominated by the supreme councils thereof whose selection shall be decreed by the higher committee.

Article 39 of the SCAF’s Constitutional Declaration requires that:

A supreme commission made up entirely of judges⁴ will assume the responsibility of supervising elections and referenda, from the determination of electoral schedules to the announcing of election results, all as regulated by law.

³ Article 40 of Law 73/1956 provides for a person who is listed on a voter register but fails to vote at an election or referendum to be fined up to LE100, but this provision has not been enforced.

⁴ This refers to the chair and members listed in Article 3 (bis) a.

(a) Establishment and membership of the Higher Elections Commission

Article 3 bis of Law 73/1956 establishes the Higher Elections Commission (HEC) as responsible for supervising elections of the People's Assembly and Shura Council and referenda. Article 3 bis (a) specifies the chair and six members of the HEC as follows (please see Annex 2 for a full list of HEC members):

- President of the Cairo Court of Appeals as of 1 October 2011 as chair;
- Two most senior deputies of the President of the Court of Cassation;
- Two most senior deputies of the President of the State Council;
- Two most senior Presidents of the Court of Appeals after the President of the Cairo Court of Appeals.⁵

The HEC chair and members cannot be members of other bodies supervising elections or referenda. The Supreme Councils of the courts from which the HEC chair and members are drawn must also select a reserve member for each position, "observing seniority".

Article 3 bis (b) requires the presidents of judicial bodies to inform the Minister of Justice of the names of the most senior deputies who are the members of the HEC. The Minister then proposes the names to the President of the Republic, who issues a decree naming the HEC members.

In case of an impediment, the HEC chair is replaced by the most senior President of the Courts of Appeals⁶ (Article 3 bis (c)). If an HEC member suffers an impediment, he or she is replaced by the reserve member for the period of the impediment and the supreme council of the relevant judicial body selects another reserve.

The 2011 amendments to Article 88 of the Constitution removed the requirements for the HEC to be "independent and impartial." However, Article 166 of the Constitution states that judges must be "independent" and "subject to no other authority but the law." Similarly the amendments to Law 73/1956 removed the requirement for HEC members to take an oath. In addition, the HEC members' immunity from criminal prosecution without HEC consent provided in Article 3 bis (e) of the previous version of Law 73/1956 has not been retained. Article 168 of the Constitution requires disciplinary actions against judges to be regulated by law.

The HEC has a legal personality (Article 3 bis (a)), and is represented by its chair. Article 3 bis (I para. 1) requires the HEC chair to establish a permanent general secretariat headed by one of the deputies of the President of the Court of Cassation or their equivalent. The members of the General Secretariat are an unspecified number of judges; members are selected by the Supreme Judicial Council (or their equivalent from other judicial bodies with the approval of the relevant Supreme Councils), plus representatives of the Ministries of Interior, Communications and Information Technology (CIT) and Local Development as selected by the respective ministers. The HEC determines the Secretariat's terms of reference and statutes. The HEC chair may request the secondment of civil servants and experts, although the employing organization must continue to pay their salaries.

The HEC independently manages its budget, and is responsible for developing rules to regulate its own finances (Article 3 bis (j)). The HEC may request assistance from state agencies to carry out its functions, and to provide it with the documents and information it needs (Article 3 bis (k)). The HEC may also commission researchers and experts to carry out investigations and studies (Article 3 bis (k)).

⁵ Depending on the turnover among the holders of these judicial positions, there could be some overlap between the membership of the HEC and that of the Presidential Elections Commission established by Article 28 of the Constitutional Announcement of March 30, 2011.

⁶ As of 3 August 2011, that person is Counselor Fahmy Abdel-Moneim Shoab Abu Zayd Fadil.

(b) The HEC's procedures

The HEC's chair convenes its meetings, for which the chair and four members constitutes a quorum (Article 3 bis (d)). The HEC's deliberations are private and its resolutions must be passed by an absolute majority. The fact that the HEC's deliberations are secret is not concurrent with international best practice. Moreover, each HEC decision must be published in the Egypt Gazette and a summary must be published in two widely circulated morning newspapers. Given the high rate of illiteracy in Egypt, the HEC's decisions could also benefit from being broadcast on the radio.

(c) The HEC's responsibilities

Article 3 bis (e) requires the HEC to form an electoral committee in each governorate. Each committee is chaired by the President of the Courts of Appeal and has four judicial members:

- a State Council justice;
- a President of the Court of First Instance;
- a Deputy President of the Administrative Lawsuits Authority;
- a Deputy President of the Administrative Prosecution.

These members are chosen by the Supreme Councils of the respective judicial authorities, which also select a reserve member to replace the member in case an impediment arises. Their functions are specified in Articles 23-26.

Article 3 bis (f) states the HEC's other functions are to:

- Appoint members and secretaries of the general election, polling and counting committees;
- Supervise the preparation, content, method of review, editing and updating, registration and correction of voter lists from the National ID database (discussed further below);
- Develop and apply a system of electoral symbols for political parties and independent candidates⁷;
- Receive reports and grievances in connection with the electoral process, verify validity and eliminate causes;
- Develop rules for election observation with Egyptian and international civil society organizations;
- Develop rules regulating electoral campaigning in observance of Article 4 of the Constitutional Proclamation⁸ and Article 11 of Law # 38/1972 on the People's Assembly,⁹ provided that such rules

⁷ Article 29 states "To guarantee the secrecy of the election or the referendum, ballot papers shall be designed in such a way that associated the name of each candidate in an election, or each subject in a referendum, with a certain color or symbol to be defined by a decision of the Minister of the Interior." It is likely that this responsibility will remain vested with the HEC.

⁸ "Citizens have the right to form associations, unions, syndicates, and parties, according to the law. It is forbidden to form associations whose activities are opposed to the order of society or secret or militaristic in nature. It is not permitted directly to engage in political activity or form political parties on the basis of religion or division due to race or origin."

⁹ "For election campaigning, compliance shall be observed with the provisions of the Constitution, the law, as well as the following rules:

1. refraining from exposing sanctity of the private life of any candidate;
2. commitment to maintain national unity and abstention from using religious slogans;
3. prohibiting the use of state-owned buildings, establishments, and means of transport or those owned by public sector companies, public business sector companies, and companies which the state contributes to their capital, for the purpose of election campaigning;
4. prohibiting the expenditure of public funds and the funds of public sector companies, public business sector companies, and companies which the state contributes to their capital, for the purpose of election campaigning;
5. prohibiting the use of places of worship, schools, universities and other educational institutions in election campaigns;
6. prohibition of receiving funds from abroad, from any foreign person or any foreign or international body or its representative in the country for spending on election campaigns or for payment to voters to abstain from casting their votes or so doing in a particular way.

include the prohibition of using slogans or symbols or conducting electoral campaigning activities of a religious or discriminatory nature based on gender or lineage;

- Develop rules for equal allocation of time slots (especially during prime time) of TV and radio broadcasting for electoral campaigning in formal and private media outlets;
- Declare the general results of elections and referenda;
- Determine the timing of run-off elections;
- Provide opinions on draft laws concerning elections.

Four points should be noted about this list of HEC responsibilities. First, election observation by international civil society organizations is specifically mentioned for the first time (however, it should be noted that as of the publication of this paper, the SCAF has stated it will not allow international election monitoring of the PA and Shura Council elections in November 2011). Second, the HEC's responsibility for the rules for allocating election broadcasting time slots is new. Third, the HEC will not be responsible for conducting elections and referenda which seems likely to remain with the Elections Unit of the Ministry of Interior although this is implicit rather than explicit in Law 73/1956.

Finally, the previous version of Article 3 bis (f) included the following responsibilities of the HEC which have been omitted from the amended version:

- Propose constituency-defining rules;
- Contribute to raising awareness of elections and developing rules to guide that process;
- Monitor commitment to a code of ethics relating to elections.

It is not clear at the time of writing whether these functions will be carried out by one or more different bodies.¹⁰ The recently ratified amendments to Law 38/1972 Concerning the People's Assembly left delimitation of boundaries to another law. It is not known how active previous HECs have been in monitoring adherence to an electoral code of ethics. However the omission of responsibility for raising awareness of elections is surprising and potentially significant unless other arrangements to carry out this work are being made. In view of the constitutional and electoral changes that are taking place in Egypt, it is important that independent, non-partisan, wide-ranging and effective public education and information programs are developed and implemented.

Voter registration and voters lists

Several articles in Chapter Two of Law 73/1956 have been amended to implement the previous decision to compile voter lists from the National ID database. This change was introduced for the constitutional referendum held in March 2011 through Decree Law #7/2011.

The foregoing rules shall be in addition to the rules concerning the means and methods regulating the election publicity, including the maximum limit of expenditure that may not be exceeded in spending on campaigning, and for which a decision shall be issued from the Higher Elections Commission and published in two widely circulated newspapers.

The concerned governor may order the removal of the posters and all other means of publicity that are used in breach of any provision of the said rules, at the expense of the individual who violated the provision.

A penalty of confinement to jail for a period of not less than one year and a fine of not less than fifty thousand pounds and not exceeding one hundred thousand pounds in addition to confiscating the funds received shall be inflicted on whomever breaches the provisions of item 6 of the rules referred to in the present article.

A penalty of confinement to jail for a period of not less than three months and a fine of not less than five thousand pounds and not exceeding twenty thousand pounds or either penalty shall be inflicted on whoever violates the other rules referred to hereinbefore.'

¹⁰ The July 20 amendment to the People's Assembly election law sets out the number of districts under both the majoritarian system and PR party list system, but it leaves the delineation of electoral districts under both systems to a separate law.

Anyone who has the right to vote must be registered in the voter lists, although naturalized citizens are not registered for five years after naturalization (Article 4). Registration of eligible voters is to be automatic and continuous, and is based on the data contained in the National ID database held in the Civil Status Authority of the Ministry of Interior (Article 5). Regulations issued under Law 73/1956 cover the detailed arrangements for preparing, revising and posting voter lists, for the registration committees, and for the certificate of registration that the head of the registration committee must give to each registered voter (Articles 6, 14, 21). A voter may only be registered on one list (Article 9), and committees may ask voters to prove their identity, age and nationality (Article 8). The Public Prosecutor and employing authority must notify the HEC and the Ministry of Interior (MoI) of those persons who are deprived of their political rights (Article 7).

The voting domicile is the residential address stated on the National ID card (Article 11), although the domicile for Egyptians living abroad is their last residential address in Egypt (Article 12). The voting domicile of an eligible voter working on an Egyptian ship is the port where the vessel is registered (Article 12).

Applications to correct entries in the voter lists, to register a name omitted from a list or to delete a registered name may be made at any time during the year (Article 15). An exception to this rule for 2011 was introduced in Decree #110/2011 where the registration of new applicants ceases on 20 July and requests for corrections can be made only during the exhibition period from 20 – 30 August. Corrections continue to be made up until 15 September 2011. Applications are made to a three-person committee in each governorate. The committee consists of the head of the governorate's Court of First Instance as chair and two judges of the Court of First Instance, who are selected by the Higher Judicial Council. This committee also has a Technical Committee headed by a representative of the Ministry of the Interior selected by the Minister. The committee's decision on an application must be made within one week of receipt and must be sent to the applicant within three days of being issued (Article 16).

The committee's decisions can be appealed to the Administrative Court, which must notify the applicant, the head of the registration committee and the chair of the governorate committee by registered mail of the date of the hearing (Article 17). Moreover, Article 18 provides that any registered voter has the right to become a party before the court to any dispute regarding the registration or omission of any name. If an appeal is rejected, the court may sentence the appellant to a fine of LE100 to LE1,000. In order for the voter lists to be modified in accordance with the Court's ruling, it must be sent within five days to the governorate's Security Director, the Election Committee in the Governorate and Registration Committees (Article 20). , This is subject to the requirement that the lists become final once voters are called to vote in an election or referendum (Article 10).

There is a 10-day period for the display and amendment of voter lists up until the call to vote for the 2011 parliamentary and Shura Council election is issued. These changes have the potential to make significant improvements to the previous system of voter registration, provided that (1) there is an adequate system for linking residential addresses to parliamentary constituencies (if they are retained); (2) the registration committees and the governorate committees are able to handle the workloads that could arise; and (3) there are effective voter information and education programs.

Electoral campaigns and operations

The date of a public election or referendum is appointed by a Presidential Decree.¹¹ The date of a run-off election is set by a decree from the HEC chair (Article 22). In both cases, the decree must be issued at least 30 days before polling day and must be announced in the Official Gazette (Article 23). Articles 24, 25 and 26 contain a number of provisions concerning electoral committees, as follows:

- The HEC forms a general committee with judicial membership in each constituency, and appoints a member for each and a secretariat and a reserve for either;
- The general committee decides on reports and grievances received and monitors the work of the polling subcommittees in the constituency;
- The HEC determines the number and locations of polling subcommittees after consulting the Minister of Interior; appoints members of a judicial body as the head and reserve of each subcommittee; and appoints civil servants and reserves to serve as the secretary and member of each subcommittee;
- There is a specific provision that a member of the judicial body may preside over more than one polling subcommittee, but not more than three, all of which shall be contained inseparably in one place so that actual supervision is logistically possible;
- If the secretary or member of a subcommittee is temporarily absent, the head of the subcommittee appoints a literate voter as a replacement;
- A candidate for the People's Assembly or Shura Council may appoint a representative to the general committee and a representative to each polling subcommittee, and must notify the head of the committee in writing before the election; any representative must be a registered voter within the respective jurisdiction;
- If fewer than two candidate representatives are present at a subcommittee half an hour after the scheduled start of voting, the head of the subcommittee appoints one or two literate voters registered at that subcommittee;
- However, if the total number of candidates' representatives exceeds eight, and they fail to reach an agreement, the Head of the sub-committee shall draw lots¹² among the representatives;
- Polling must start within one hour after the scheduled time, even if no candidates' representatives are present or if substitutes have not been appointed;
- A candidate may appoint a registered voter (but not a mayor or sheikh) as a deputy who is entitled to access voting centers and polling stations and request information from the committee's minutes.

The subcommittee head is responsible for maintaining order in the polling station, and may request assistance from security forces, provided that this is recorded in the subcommittee's minutes (Article 26). The subcommittee head is also responsible for defining the perimeters of the polling station, within which only voters and candidates are permitted to enter (Article 27).

Voting begins at 8:00 AM and ends at 7:00 PM. However, if there are voters present at 7:00 PM who have not voted, they are allowed to cast their ballots (Article 28). The 2011 constitutional referendum removed the requirement in Article 88 of the Constitution that voting be held on a single day throughout Egypt.

A voter may only vote once in an election or referendum (Article 30). The National ID card is the only means of verifying a voter's identity (Article 31). The secretary of the subcommittee must sign the voter list alongside the name of the voter (Article 32). During a referendum, a voter may vote at a polling station where they happen to be on polling day. In those cases, the secretary of the subcommittee must separately record the data on the National ID card (Article 32).

¹¹ The SCAF will assume this responsibility in the absence of a President prior to the 2011 elections.

¹² The required number of candidate representatives is not clear.

Article 29 specifies the method of voting in an election or referendum, although further matters may be prescribed by executive regulations:

- A ballot paper must be prepared for each election or referendum, on which the voter marks his or her choice (but not using a pencil);
- Each candidate or referendum option must be associated with a certain color or symbol, which is defined by the Minister of Interior¹³;
- The subcommittee head hands an open ballot paper to each voter, the back of which shows the date of the election or referendum and the subcommittee's seal;
- The voter takes the ballot paper to an assigned place for balloting within the same election room, marks it, folds it and hands it to the head of the subcommittee for insertion in the ballot box;
- The voter dips a finger in indelible ink and either signs the voter list or marks it with his or her fingerprint;
- Voters who are sight-impaired or who cannot mark the ballot paper themselves can tell their vote to the subcommittee members only, after which either (a) the secretary of the subcommittee marks the voter's ballot which is signed by the head of the subcommittee and the method of voting is recorded against the voter's name in the voters list, or (b) the voter's companion marks the ballot paper in front of the subcommittee, and this method of voting is recorded in the subcommittee's minutes.¹⁴

A vote is invalid if it has identifying marks, contains more or less selections than the required number, is cast on a paper other than the one handed to the voter by the head of the subcommittee, is signed by the voter, or bears any other means for identifying the voter (Article 33).

Once the time has arrived, the head of the subcommittee announces the end of voting and the ballot box is sealed and handed over to the head of the counting committee formed by the HEC (Article 34). The head of the counting committee is the chair or a member of the general committee for the constituency, and its two members are the heads of two subcommittees. The secretary of the general committee acts as the secretary of the counting committee. The count takes place at the headquarters of the general committee under its supervision, and in the presence of the heads of all the subcommittees. Candidates' representatives may also be present. The counting committee must record in minutes its count of each polling station's ballot box, and the minutes must be signed by the head and secretary of the counting committee and by the head of the subcommittee. The counting committee must complete its work by the day following polling day.

Article 35 requires the counting committee to decide all questions by absolute majority, including those relating to the validity of votes. The head of the committee has a casting vote. The committee's decisions must be recorded in its minutes which are signed by the chair and committee members.

The head of the general committee for a constituency declares the result of the election or referendum in that constituency, and signs the committee's minutes along with the committee's secretary (Article 36). One copy of the minutes is sent to the HEC with the election or referendum papers, one copy is sent to the Minister of Interior, and one copy is kept at the general committee. The law does not require the results of the election or referendum in the constituency to be publicly posted, or copies to be provided to candidates' representatives.

¹³ As noted on page 5, Article 3 bis (f) states the HEC is responsible for developing and applying a system of electoral symbols for political parties and independent candidates. It is likely this responsibility will be vested in the HEC.

¹⁴ This violation of the secrecy of the vote is presumably intended to ensure that the vote is recorded according to the voter's wishes. It is not, however, consistent with best practice in which an assistant to the voter marks the ballot in secret and is subject to penalties for failing to do so.

The chair of the HEC must declare the ‘general results’ of the election or referendum within three days after the declaration of the results in the constituencies, or after the last stage of a multi-stage election or referendum (Article 37). The results must then be published in the Gazette within two days. Within one month of the declaration of the result of an election, the chair of the HEC must send each successful candidate a certificate of his or her election (Article 38).

Electoral offences

Articles 41 to 51 of Law 73/1956 specify the following electoral offences and penalties:

- Using force or violence against the head or a member of an election or referendum committee – up to five years imprisonment, or “aggravated imprisonment” if the offender inflicts “bodily harm resulting in a lasting deformity”, or life imprisonment if the force or violence results in the death of the committee member (Article 41);
- Threatening the head or a member of an election or referendum committee ‘in order to prevent performance of his duty’ – imprisonment for up to two years (Article 42);
- Insulting the head or a member of an election or referendum committee – imprisonment for up to two years or a fine of LE2,000 to LE5,000 (Article 43);
- Using any means to terrify or intimidate in order to influence the procedures of the election or referendum – if unsuccessful, at least two years imprisonment, but no less than two years and no longer than five years imprisonment if successful (Article 44);
- Intentionally destroying or damaging any buildings, facilities or means of transport used or to be used in an election or referendum – pay the cost of the damage plus imprisonment for at least one year and a fine of LE1,000 to LE3,000 (Article 45);
- Stealing, concealing or damaging election or referendum-related papers (e.g. ballot paper, rosters) with the intention of changing the result – imprisonment for at least two years (Article 46);
- Purposely inserting or deleting a name on the voter lists, contrary to law – imprisonment for up to one month and/or a fine of LE 500 to LE 3,000 (Article 47);
- Using force or threats to prevent someone from voting or to force him or her to vote in a certain way, giving or offering or promising a benefit for not voting or for voting in a certain way, or demanding or accepting a benefit for not voting or for voting in a certain way – imprisonment for at least six months and a fine of LE1,000 to LE5,000 (Article 48);
- Knowingly publishing or circulating false allegations or news ‘about the subject of election or referendum or about behaviour or manners of any candidate with the intention of affecting the result – imprisonment for at least six months and a fine of LE1,000 to LE5,000, provided that the penalty is doubled if the statements or news are circulated “at a time the voters are not in a position to recognize the truth of the matter” (Article 48);
- A person voting in an election or referendum while knowing that his or her name is not lawfully on the voter list, or voting in the name of someone else, or voting more than once – imprisonment for at least one month and/or a fine of LE500 to LE1,000 (Article 49);
- Abducting, damaging, changing or tampering with the contents of a ballot box for an election or referendum – imprisonment for at least two years (Article 50);
- Attempts to commit these felonies are subject to the same penalties as successful acts (Article 51).

Article 52 provides that the head of an election or referendum committee has the same powers as judicial officers “as regards such offences that take place in the polling room.” Article 3 bis (f) of the previous version of Law 73/1956 required the HEC “To receive, and investigate reports and complaints made about violations of election regulations and then take action on those proved true.” The amended version says one of the HEC’s functions is “Receiving reports and grievances in connection with the electoral process and verifying the

validity and eliminating the causes thereof.” These two provisions are not the same, leading to some doubt as to whether the HEC is responsible for ensuring enforcement of the election law.

General provisions

No changes were made to the general and temporary provisions in Chapter Five of Law 73/1956. The only notable provision is Article 54, which reads:

In case a voter will use government railways to move from his/her place of residence to his/her voting domicile, the voter shall be given two free tickets back and forth on presenting his/her voting card, as explained in the executive regulations.

No information is available on the extent to which voters have taken advantage of this entitlement.

Annex 1: Unofficial Translation

Unofficial translation of Law 73 for 1956 on Exercising of Political Rights, as amended by Decree #46/2011

(Note: the amended articles are in italics)

Law 73 for 1956 on Exercising of Political Rights.

Incl. Decree Promulgating Law #46/2011 on the Amendment of Some Provisions of Law #73/1956 on the Regulation of Exercising Political Rights (2011)

Law 73 of 1956 on the exercising of political rights*

In the name of the Nation

SCAF Chief

After reviewing the Constitutional Proclamation issued on 12/2/2011, the Constitutional Proclamation issued on 30/3/2011, and Law # 73/1956 on the Regulation of Exercising Political Rights, and after the Cabinet's approval has hereby established the following Decree Promulgating Law which we hereby publish:

Chapter One

Political Rights, and their exercise

Article 1

Articles 3 bis, bis (a), bis (b), bis (c), bis (d), bis (e), bis (f), bis (g), bis (h), bis (i), Article 5, Article 7, Article 10, Article 11, Article 15, Article 20, Article 22, Article 24, Article 26, Article 31, Article 32, Article 36, and Article 37 of Law # 73/1956 on the Regulation of Exercising Political Rights shall be replaced by the following articles:

Article 1: Every Egyptian, male or female, aged 18 shall exercise in person the following political rights:

I: give his/ her opinion in every referendum stipulated in the Constitution,

II: electing each of the following:

i- president of the Republic;

ii- members of the People's Assembly;

iii- members of the Shura Council; and

iv- members of local popular councils.

The president of the Republic shall be elected in accordance with the Law Regulating Presidential Elections, and the other rights shall be exercised in such manner and terms as stipulated in this law. Exempted from performing this duty are officers and personnel of the main, subsidiary and additional armed forces as well as officers and personnel of the police force, throughout their service in the armed forces or the police.

Article 2: The following subjects shall be prevented from exercising political rights:

(1) Those convicted in relation to a criminal act, unless they have been rehabilitated.

(2) Persons adjudged by the Court of Ethics for confiscation of property, shall be prohibited for five years from the date of issuing the confiscation sentence.

(3)

(4) Those sentenced to imprisonment in relation to a theft, hiding stolen objects, fraudulence, bad checks, breach of trust, betrayal, bribery, bankruptcy by fraud, forging or using forged documents, making false testament, seducing witness, rape, corrupting the youth, violating the public ethics, being a vagabond; or has been involved in a crime committed to evade the military and national service; also those sentenced for attempting one of the aforesaid crimes. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(5) Persons sentenced to a freedom-restrictive penalty in any of the crimes stipulated in Articles 41 to 51 of this Law, unless the sentence is suspended, or the sentenced person have been redressed.”

(6) Those who were dismissed from civil service for the state or the public sector for disgraceful reasons, until the elapse of five years after the dismissal date. This is unless the person has received a final ruling revoking the dismissal order or ordering compensation.

(7)

Article 3: Exercising political rights shall be suspended for the following persons:

(1) Those placed under interdiction, throughout the period they are so.

(2) Those who are being treated for mental illnesses and for the period of their treatment.

(3) Those declared bankrupt, for five years as of the date they have been so declared, unless they have been earlier rehabilitated.

Chapter One (bis)

The Higher Elections Commission

Article 3 bis: *Elections of the People’s Assembly and Shura Council and referenda shall be conducted under supervision of the Higher Elections Commission (HEC) stipulated in Article 39 of the Constitutional Proclamation issued on 30/3/2011.*

Article 3 bis (a): *HEC shall be composed of the President of Cairo Court of Appeals as a Chair and the two most senior deputies of the President of the Court of Cassation, the two most senior deputies of the President of the State Council, and the two most senior Presidents of Courts of Appeals next to the President of Cairo Court of Appeals as members.*

Supreme councils of the judicial bodies aforementioned shall select a reserve member observing seniority. HEC shall have a legal personality, and a technical secretariat of which the composition shall be regulated by a Presidential Decree, and the office thereof shall be in Cairo. HEC shall be represented by the Chair thereof.

HEC shall have a public juridical personality, with its headquarters in Greater Cairo, and shall be represented by its president.

Article 3 bis (b): *Presidents of judicial bodies shall inform the Minister of Justice of the names of the most senior deputies chosen from each body. HEC composition shall be decreed by the President of the State based on the Minister of Justice’s presentation.*

Article 3 bis (c): *Should there be any impediment before HEC Chair, he shall be replaced by the most senior President of the Courts of Appeals. Should there be any impediment before any HEC member, he shall be replaced by the reserve member nominated by the supreme council of the body where he works. In all cases, replacement shall extend along the period of impediment, in which case the supreme council of the judicial body of the member shall select another reserve member.*

Article 3 bis (d): HEC shall convene upon a call by the Chair, and the convention thereof shall not be valid unless attended by the Chair and 4 members thereof. The deliberations thereof shall be in-camera and the resolutions thereof shall be by a majority of at least 4 of the members thereof.

HEC executive orders shall be published in the Egyptian Gazette, and an adequate summary thereof shall be published in two widespread daily morning newspapers.

Article 3 bis (e): HEC shall form an electoral committee in each governorate headed by the President of the Courts of Appeals and having a State Council justice, a President of the Court of First Instance, a Deputy President of the State Lawsuits Authority, and a Deputy President of the Administrative Prosecution as members, all of whom shall be selected by the supreme councils of their respective bodies aforementioned, each of which shall select a reserve member to replace the original member should there be any impediment before him.

Article 3 bis (f): HEC shall, aside from the competencies thereof established herein, be competent to undertake the following:

First: Composing the general election, polling and counting committees stipulated herein and appointing a secretary for each committee.

Second: Supervising the preparation, content, method of review, editing and updating, registration and correction of voter lists based on the National ID data.

Third: Developing and applying an electoral symbol system for political party and independent candidates.

Fourth: Receiving reports and grievances in connection with the electoral process and verifying the validity and eliminating the causes thereof.

Fifth: Developing rules regulating the participation of Egyptian and international civil society organizations in observing all the electoral processes.

Sixth: Developing rules regulating electoral campaigning in observance of the provisions of Article 4 of the Constitutional Proclamation and Article 11 of Law # 38/1972 on the People's Assembly, provided that such rules include the prohibition of using slogans or symbols or conducting electoral campaigning activities of a religious or discriminatory nature based on gender or lineage.

Seventh: Developing rules for allocating time slots especially during prime time of TV and radio broadcasting for electoral campaigning in formal and private media outlets on a full equality basis.

Eighth: Declaring the general results of elections and referenda.

Ninth: Determining run-off election times.

Tenth: Making opinion on election-related draft laws.

Article 3 bis (g): A candidate must abide by the rules regulating electoral campaigning as defined in the Constitution and Law.

Article 3 bis (h): Without prejudice to the provisions of Article 11 of Law # 38/1972 on the People's Assembly, any electoral campaigning violation of the prohibition stipulated in Item 'Sixth' of Article 3 bis (f) herein shall result in removing the candidate's name of the candidate list in the constituency. HEC Chair shall be responsible, until before the end of the polling process, for requesting the Supreme Administrative Court (SAC) to remove the candidate's name in such case.

SAC shall decide on the request promptly without presenting such to the State Commissioners Authority by means of a ruling unchallengeable except before the judging court. Should the court judge the removal of the candidate's name until before the beginning of the polling process, the procedures thereof shall continue after excluding he/she whose name was removed. Should the polling process start before the court decides on the request, the polling procedures shall continue and HEC shall stay the declaration of results in the election where

the candidate required to be removed participates if he/she secures a number of votes enabling him/her to win or to be re-elected with another candidate; should the court judges his/her removal, re-election shall take place among the rest of candidates.

In all cases, the ruling shall be executed in the draft thereof and with no notice.

Article 3 bis (i):

HEC president shall form a permanent General Secretariat (GS) headed by a Deputy President of the Court of Cassation or someone equivalent with a sufficient number of judges or their equivalent from members of the judicial bodies, after approval by the supreme councils of these bodies, and a representatives of the Ministries of Interior, CIT and Local Development selected by the respective ministers.

HEC shall determine GS terms of reference and statutes.

HEC Chair may request the secondment of whoever he deems helpful with any of the GS Affairs from civil servants and experts.

In all cases, the body from which secondment is made to GS shall incur all the financial payments due to the seconded person as if he/she is working therefore along the secondment duration.

Article 3 (bis) (J): The Higher Elections Commission shall have an independent budget with appropriations earmarked by the State General Budget. The Commission shall further develop a statute regulating its finances, which includes the rules and regulations set for disbursing its funds, and the financial statement forms for its members and employees.

Article 3 (bis) (K): All state agencies are committed to assisting the Commission in carrying out its assignments, implementing its decisions and supplying all the information and data it may require. The Commission, [on the other hand], may request any state agency to provide it with all documents, papers, data and information it considers necessary to carry out its assignments. It may also commission researchers and experts to conduct studies and investigations.

Chapter Two

Voter Lists

Article 4: Anyone, male or female, who has the right to exercise political rights must be registered in Electoral lists. Nevertheless, those who attained the Egyptian nationality by naturalization shall not be registered before five years after their naturalization date.

This decree-law shall be published in the official gazette, shall have the force of law, and shall be effective as of the following day of its publication¹⁵.

Article 5: *A voter database shall be created where the names of persons meeting voting eligibility requirements and are not subject to any restrictions of exercising political rights shall automatically be registered all over the year based on the National ID data established in MOI's Civil Status Authority's database as wherever and however defined in the Executive Regulations.*

¹⁵ http://www.masrawy.com/News/Egypt/Politics/2011/july/20/political_rights.aspx

Article (5 bis):

With exception of the provisions of Article (5) of this law, registration in the voter database for the year 2011 should be ceased. Voter database for the year 2011 shall be displayed in the period from 20 August 2011 to 30 August, in the location and manner provided for in the executive regulations of this law.

Applications provided for in Article 15 of this law shall be submitted as of the date the voter database has been displayed, until 15 September.

Article 6: The regulation shall state the areas for which a special electoral list is prepared. It shall also mention how electoral lists will be prepared, their content, revision, amendment, posting, the areas where the lists will be kept, the formation of the committees, which will be charged with registration, and other details mentioned in this law.

Article 7: *The Public Prosecution shall inform HEC and MOI of the final rulings resulting in deprivation from/staying the exercise of political rights.*

In case civil servants or public sector employees are fired for reasons of moral turpitude the organization where such employee was shall provide such information which must, in all cases, be within 15 days as of the date on which the ruling/decision is final.

Article 8: The registration committee has the right to request that the person who has registered his/her name, or is willing to register his/her name, to prove his/her identity, age, and nationality.

Article 9: Voters may not register in more than one electoral list.

Article 10: *No amendment may be introduced to the voter database after calling voters for election/referendum.*

Article 11: *The voting address shall be the residential address stated in the National ID card.*

Article 12: Voting domicile for Egyptians living abroad who are registered in Egyptian consulates shall be the last domicile they lived at in Egypt before their travel. Voting domicile of Egyptians who work on board of Egyptian ships shall be the harbor where the ship they work on is registered.

Article 13:

Article 14: Electoral lists must be posted.

The executive regulations shall explain how such electoral lists will be posted.

Article 15: *Everyone whose name registration in the voter lists is erroneously neglected or mistakenly entered, or who meets voting eligibility requirements, or whose restrictions were removed after editing the database may apply for registering their name or modify the data of their entry.*

Every registered voter may apply for registering a name erroneously neglected, omitting a name erroneously registered, or correcting an entry data.

All such applications shall be made all over the year to the Committee stipulated in Article 16 herein and registered according to the receipt thereof in a special register, and receipts shall be given to the applicants thereof.

Article 16: The applications referred to in the preceding article shall be decided on by a committee headed by the president of the court of first instance of the governorate, as president, and the membership of two judges in the courts of first instance, selected by the Supreme Judicial Council, while the committee's technical secretariat shall be assumed by a representative of the Ministry of Interior, selected by its minister, within one week from the date of submission, and decisions on them shall be informed to those concerned within three days from the date of their issuance. The formation of this committee and its secretariat shall be ordered by HEC.

Article 17: Those whose requests have been rejected, or whose names have been crossed out have the right to challenge, with no charges, the decision of the committee mentioned in the previous article. The challenge will be made before the competent administrative court. The administrative department of the court will register these challenges in a special record according to the order of receiving them. It will inform the applicant, the head of the Registration Committee, the chair of the committee mentioned in the previous article, and those concerned, by registered mail, of the date of the session scheduled to hear the appeal. This notification must be at least five days before the date of the session.

Article 18: Any registered voter has the right to become a party in front of a court in relation to any dispute regarding the registration or omission of any name.

Article 19: The court may sentence a person whose appeal is rejected, to a fine of at least LE 100 and at most LE 1000.

Article 20: *The Court Clerk Office must inform the Security Director and the Election Committee in the Governorate and Registration Committees of the rulings issued for modifying lists within the five days following the issuance thereof, all of which shall be in observance to Article 10.*

Article 21: The head of the Registration Committee shall give a certificate to every one registered in the lists about his/her registration. The form, content, and means of delivering such certificates will be detailed in the executive regulations.

Chapter Three

Organizing the Referendum and Election Processes

Article 22: *The date of public elections shall be appointed by a Presidential Decree, while the run-off by an HEC Chair's, which decrees shall be issued at least thirty days prior to the date scheduled for conducting the election.*

In the event of a referendum, the decree must include the times stipulated in case of a referendum established in the Constitution.

Article 23: The decision inviting voters to elections or referendums shall be announced in the official gazette.

Article 24: *HEC shall determine the number and specify the location of polling subcommittees where referendum and election take place, as well as specify the location of polling general committees, all of which shall be following the consultation of the Minister of Interior.*

HEC shall form general committees at constituency levels from a sufficient number of judicial bodies, as well as appointing a secretariat and a reserve member for each.

The general committee shall decide on reports and grievances received thereby and follow up polling subcommittee work progress in constituencies.

HEC shall form polling sub-committees where referendum and election take place, so that each shall be composed of a head from members of a judicial body, along with a secretary and a member as well as a reserve for each of them both per subcommittee from among civil servants. As for the elections of the People's Assembly and the Shura Council where elections adopt the methods of individual system as well as closed partisan lists, the subcommittee shall be comprised of a head from members of a judicial body, a number of members no less than two, along with two secretaries for each subcommittee, and a member as well as a reserve secretary. One of the secretaries shall be specialized in the procedures of individual system polling, while the other in the procedures of closed partisan lists. In all cases, the judicial body member may preside over more than one polling subcommittee with a maximum of three, all of which shall be contained inseparably in one center to enable the head thereof to actually supervise all of such.

The decision issued to compose the general committees shall specify the person to replace the head of such committee in case of their absence or an impediment preventing them from functioning, provided that such person must be a judicial body member.

In case of election for the People's Assembly and Shura Council, each candidate may delegate a member from among the voters in the scope of the polling general committee to represent them in the same committee, as well as a number of members from among the voters whose names are registered in the voter lists of the polling subcommittee to represent them in the same subcommittee or in the center, and must inform the head of the committee in writing to such effect before the beginning of election. Should half an hour lapses after the timing set for the beginning of election with the number of the agents less than two, the committee head shall complete this number from among the literate voters present whose names are registered in the scope of the committee as per the method stated previously. Should the number of agents be more than eight and the candidates fail to agree on them, the head of the committee shall appoint them by casting lots among the agents. The electoral center stated in paragraph three shall be considered as a subcommittee when applying paragraph five.

In all cases, election or referendum shall start should one hour after the timing set therefore lapse without the candidates' presentation of their agents or should the committee head fail to complete whoever can replace them.

Each candidate may also proxy a voter registered in the same constituency to represent them before each polling general committee or subcommittee, which proxy shall have the right to access the electorate during the conduct of the electoral process and request the head of the committee to state whatever observations they have in the session minutes, and may not access the voting room otherwise. Such power of attorney may be endorsed by an administrative authority or the governorate election committee only, which endorsement shall be free of charge even if before an endorsing authority. An agent/proxy may not be a mayor or sheikh even if suspended.

Article 24 bis:

Article 24 bis 6: In all cases, the election or referendum process shall start if one hour elapses from the set time, without candidates' representatives showing up, or if the head of committee has failed to arrange for substitutes.

Article 25: If a member of the polling station or its secretary is temporary absent, the head of the station shall select one of the literate attending voters to replace him.

Article 26: *Maintaining order in the electorate shall be the responsibility of the committee head who may for such end seek help from public authority personnel when necessary. However, none of such personnel may be admitted to the polling room unless upon a request of the committee head and such is stated in the procedural minutes.*

The electorate headquarters and surroundings shall be the building where the polling room exists and the area surrounding such. The committee head shall be responsible for determining such area before the beginning of election.

Article 27: Only voters have the right to come to polling stations. They are prohibited to come with arms. Candidates always have the right to enter the polling station.

Article 28: The voting process shall last from 8 a.m. to 7 p.m. Nevertheless, in case voters, who have not yet cast their votes, are present at the polling station at 7 p.m., the voting process will continue until they cast their votes.

Article 29: Voting in elections or referendums shall be implemented by ticking on a balloting card prepared especially for this purpose.

The committee head shall hand out each voter an open ballot paper, bearing on the back the committee seal and the election or referendum date. The voter shall take aside to one of the assigned places for balloting within the same election room. After indicating his choice on the ballot paper, the voter shall hand it back folded to the head of the committee for insertion into the ballot box. Then, the voter dips his finger in indelible ink removable only at least 24 hours after. Then he shall put his signature or his fingerprint on the voters roster.

To ensure the confidentiality of the election or referendum, the ballot shall be designed so that the name of each candidate or party list or a referendum subject is in a color or symbol in the manner determined by HEC.

The executive regulations shall describe the form and content of the balloting card, as well as the way of voting. Pencils shall not be used.

However, seeing-impaired persons, and other people with disabilities that may prevent them from casting their votes by themselves, may express their opinions verbally to be heard only by the members of the committee in charge of the polling station. The secretary shall then record the voter's opinion in his/her balloting card, which will be signed by the head of the station. It will then be clarified in front of the voter's name in the electoral list that he/she cast his/her vote in such a way.

These disabled persons can also ask the persons accompanying them to write down their opinion on the balloting cards they receive from the head of the station, in front of the station's committee. This authorization shall be noted in the committee's minute.

Article (29 bis): For the elections of the People's Assembly and the Shura Council where elections adopt the methods of individual system as well as closed partisan lists, the head of the committee should hand each voter an open ballot which lists the candidates' names in the constituencies for the individual system and another ballot of a different color which lists the names of parties and party coalitions in the constituencies for closed partisan lists, provided both the secretaries have a matching list that includes all the voters of the committee, and two boxes allocated: the first for ballots of individual system and the second for ballots of closed partisan lists.

Article 30: Voters may not cast their votes more than once in an election or a referendum.

Article 31: *A voter's identity shall only be verified by the National ID card.*

Article 32: *A committee secretary must sign in the voter list beside the name of the voter who votes to prove such.*

In cases of exception, a voter may make their vote before the competent referendum committee in the area where he/she exists, in which case, the committee secretary shall state the data in the National ID card in a separate list made in two copies signed by the committee head, members or secretary.

Article 33: Votes which are pending on any condition, or bear more or less selections than the required number shall be invalidated. Also, in case a voter casts his/her vote on a card other than that handed to him/her by the head of the station, or on a paper that includes the signature of the voter, or bearing any other sign or mark that would reveal his/her identity, the vote shall also be invalidated.

The invalidity or incorrectness of any of the polling procedures regarding one of the ballot boxes stated in Article (29) bis of this law shall not affect the polling in the other ballot box. Also, invalidity or spoiled ballots in one of the two ballot boxes shall not affect the ballots in the other box.

Article 34: The heads of sub-polling stations shall announce the ending of the voting process once the closing time is due. Ballot boxes shall be sealed. The head of the station shall hand them over to the head of the counting station's committee.

Vote counting committees shall be formed as per a Higher Elections Commission decision. They shall be presided over by either the chair or by a member of the general committee with the heads of two sub-committees as members. The secretary of the counting committee shall be the same as that of the general committee. The count shall take place at the headquarters and under the supervision of the general committee, with all sub-committee heads present during the count of the votes of the elections or the referendums. The vote counting committee may undertake to carry out the count under its supervision.

Candidates may delegate representatives to the counting stations in the constituencies they are running at. The counting committee must complete its work maximum by the day following the voting.

The counting committee shall make a minute on the procedures of counting the votes in the boxes of each sub-polling station. The minute shall be signed by the head of the counting station, its secretary, and the head of the sub-polling station.

Ballot boxes for seats of closed party lists shall be sorted at the general committee of the constituency. In all cases, there should be separate procedures for sorting ballot boxes which include ballots for seats of the lists and minutes for sorting procedures should be prepared. The general committee shall not announce the result

of sorting seats of the lists. The ballots and sorting minutes shall be sent to the general committee overseeing the elections held for the seats of the lists in the governorate for review and edit of the sorting minutes and announcement of the number of valid votes obtained by each list. The same procedures and rules stated in this law should be followed in sorting of the ballots and announcement of the number of valid votes.

Article 35: The counting committee shall decide on matters related to the voting process, or to the validity or invalidity of votes.

The deliberations of the counting committee shall be confidential. It shall only be attended by the head and members of the committee.

Decisions shall be made by absolute majority. In case of a tie, the head of the committee shall cast the deciding vote.

Decisions shall be written down in the committee's minute, and shall be substantiated and will be signed by the head and the members of the committee. The head shall then read them aloud.

Article 36: *The polling general committee head shall declare the election/referendum results according to the election system followed, and shall, along with the general committee secretary in the session, sign three copies of the minutes thereof, one of which shall be sent along with election/referendum papers to HEC directly, the second to the Minister of Interior, and the third shall be kept in the election committee of the governorate.*

For constituencies designated for closed partisan lists system, the head of the general committee shall announce the number of valid votes gained by each list. The ballots and the three copies of the minutes shall be sent to HEC. After HEC receives the ballots and minutes from all the constituencies at the country's level, it shall calculate the percentage gained by the lists of each party or coalition and the number of seats won by each list in each constituency, as well as the names of the members elected for each constituency of the closed partisan lists, taking into consideration the provisions of Articles 15 and 17 of Law No. 38/ 1973 regarding the People's Assembly, and Articles 10 and 12 of Law No. 120/ 1980 regarding the Shura Council. HEC shall then send a copy of the minutes to the minister of interior and another one to the elections' committee at the governorate for archiving.

Article 37: *HEC Chair shall declare the general results of the election/referendum by a decree from him within the three days following the general committee heads' declaration of election/referendum results in electoral constituencies, or after the end of the final stage of election in case such is conducted on multistage basis and according to the electoral system in place, which decree shall be published in the Egyptian Chronicles within two days after the date of the issuance thereof.*

Article 38: The HEC Chairman shall send to each of the elected candidates, following the announcement of election results, a certificate of his election within one month from the date of the announcement

Chapter Four **Elections Irregularities**

Article 39: Without prejudice to any more aggravated penalty under any other law, the acts shall be subject to the penalties presented therefore under the following articles

Article 40: Any person, whose name is listed on the election rosters, who fails without excuse to cast his vote in the election or referendum, shall be penalized with a fine not exceeding L.E 100.

Article 41: Any person who uses force or violence against the head or any member of election or referendum committee, with the intention of preventing him from performing his assigned duty or forcing him to do so in a special way, even though he has failed to realize his intention, shall be penalized with no more than 5-year imprisonment.

Should the offender realize his intention, imprisonment would be the penalty, and it shall be aggravated imprisonment should the offender inflict bodily harm resulting in a lasting deformity, and it shall be life imprisonment should the beating results in death

Article 42: Any person who threatens, the head or any member of the election or referendum committee in order to prevent performance of his duty shall be penalized with imprisonment for a period not exceeding two years. In case such statements or news are made in such a time that does not allow voters to verify them, the fine will be doubled.

Article 43: Any person who insults, by gesticulation or in words, the head or any member of the election or referendum committee during or due to the performance of his duty shall be penalized with imprisonment for a period not exceeding two years or with a fine of no less than L.E 2000 and no more than L.E 5000.

Article 44: Any person who uses any means of terrifying or intimidating, with the intention of influencing the proper functioning procedures of the election or referendum without realizing his intention, shall be penalized with no less than two-year imprisonment. Should he realize his intention, the penalty shall be imprisonment for no less than two years and no more than 5 years.

Article 45: Any person who intentionally destroys or damages any of the buildings, facilities or means of transport used or assigned for use in the election or referendum with the intention of obstructing its progress shall be penalized with imprisonment for a period of no less than one year and with a fine of no less than L.E 1000 and no more than L.E 3000. Additionally, he shall be sentenced to pay the cost of the destruction or damage he caused.

Article 46: Any person who steals, conceals or damages any election or referendum roster or ballot paper, or any other paper related to the election or referendum process; with the intention of changing facts in such result, or with the intention of causing election or referendum to be repeated or disrupted shall be penalized with imprisonment for a period of no less than 2 years.

Article 47: Any person who, purposely, on his own or through an intermediary, inserts or deletes his/her or name or those of others into or from the electoral lists, contrary to the provisions of law, shall be penalized with imprisonment for a period of less than one month and a fine of no less than L.E. 500 and no more than L.E. 3000, or either.

Article 48: A penalty of imprisonment for a period of no less than 6 months together with a fine of no less than L.E 1000 and no more than L.E 5000, shall be imposed on the following.

- 1- Any person who uses force or threat to prevent someone from casting his vote in the election or referendum or to force him to cast one in a certain way;
- 2- Any person who gives, offers or pledges to give someone a benefit, for himself or for someone else, in order to force him to abstain from casting his vote or to do so in a certain way; and
- 3- Any person who accepted or demanded a benefit of that kind, for himself or for others;

4- Any person who knowingly publishes or circulates false allegations or news about the subject of election or referendum or about behavior or manners of any of the candidates with the intention of affecting the result of election or referendum. In the event such statements or news are circulated at a time the voters are not in a position to recognize the truth of the matter, the penalty shall be doubled.

Article 49: A penalty of no less than one month imprisonment and a fine of no less than L.E 500 and not more than L.E 1000, or either shall be imposed in the following cases:

- 1- Any person who casts his vote in an election or a referendum, knowing that his name is unrightfully listed on the list; and
- 2- Any person who casts his vote falsely adopting the name of somebody else; and
- 3- Any person who participates in an election or referendum more than once.

Article 50: A penalty of no less than two years imprisonment shall be imposed on whoever abducts, damages, changes or tampers with contents of election or referendum ballot box.

Article 51: Attempts to commit the felonies stipulated herein shall be subjected to penalties prescribed to consummate offense.

Chapter Five

General provisions, and temporary provisions

Article 52: Head of the election or referendum committee shall have the power authorized to judiciary officers as regards such offenses that take place in the polling room.

Article 53: The Minister of the Interior may make a decision amending the dates stated in this law, or dividing them into terms. This is on making electoral lists for the first time.

Article 54: In case a voter will use government railways to move from his/her place of residence to his/her voting domicile, the voter shall be given two free tickets back and forth on presenting his/her voting card, as explained in the executive regulations.

Article 55: Decree number 148 of 1935, as well as any provision contradicting this law, shall be revoked.

Article 56: This law shall be published in the Official Gazette, and shall go into effect starting from the day following its publishing. This law shall be stamped by the state's seal and enforced as one of its laws.

Article (57): Ministers, each within his purview, shall implement this law, and HEC shall issue the executive regulation thereto.

Issued at the Presidency on July 2, 2005.

Hosni Mubarak

Annex 2: Membership of the Egyptian Higher Election Commission as of 3 August

Name	Position
1. Counselor / Abdel Moez Ahmed Ibrahim Mohamed	The President of Cairo Court of Appeal - Chairman of the Committee
2. Counselor / Mohammed Al Sayid Ahmed Omar	The President of Alexandria Court of Appeal
3. Counselor / Samir Ahmed Abou El-Maati	The President of Tanta Court of Appeal
4. Counselor / Mohamed Mumtaz Metwally Ali Hassan	Deputy President of the Court of Cassation
5. Counselor / Ahmed Ali Abdel Rahman Al Sayid	Deputy President of the Court of Cassation
6. Counselor / Ahmed Shamsuddin Abdel-Halim Khafagy	Deputy President of the State Council
7. Counselor / Ali Fikry Hassan Saleh	Deputy President of the State Council
Reserve	
1. Counselor / Fahmy Abdel-Moneim Shoaib Abu Zayd Fadil	President -Cairo Court of Appeal
2. Counselor / Amil Habashi Milkeya Abdel Massih	President - Cairo Court of Appeal
3. Counselor / Radwan Abdul Alim Mursi Musa	Deputy President of the Court of Cassation
4. Counselor / Ibrahim Al Sayid Mohamed Aldhery	Deputy President of the Court of Cassation
5. Counselor/ Al Sayid Mohamed Al Sayid Al Dahan	Deputy President of the State Council
6. Counselor / Ramzy Abdullah Hassan Abu Al Khair	Deputy President of the State Council