

# GUIDEBOOK ON CITIZEN PARTICIPATION IN MUNICIPAL ELECTIONS

## 2023

Voters – Candidates – Candidate Representatives  
Preparations  
Election Day  
Electoral Violations  
Appealing Elections Results



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## OVERVIEW OF MUNICIPALITIES IN LEBANON



### DEFINITION OF A MUNICIPALITY

A municipality is a local administration of a public nature which practices the powers entrusted to it by law within a specific geographic area. It has a legal personality and financial and administrative independence.<sup>1</sup> Each municipality represents one electoral district,<sup>2</sup> and the members of municipal councils are elected directly by popular vote<sup>3</sup> in accordance with the provisions stipulated in the Law on the Election of the Members of Parliament and in the Municipal Law.

#### i. Powers of the Municipal Council

The municipal council is empowered to undertake any activities that are of a public nature or that serve the public interest within the municipality's jurisdiction. It may, either directly or through an intermediary, establish, manage, contribute to or assist in the implementation of works and projects that include but are not limited to: building and maintaining roads, monitoring the functioning of public facilities, public and private schools, public hospitals and dispensaries, museums, public libraries, clubs, sports arenas, local public transport networks and public markets, collecting waste, helping those in need, safeguarding public interest, etc.

The work of municipal unions is tied to several public administrations and institutions, such as the Ministry of Interior and Municipalities, the Ministry of Public Works, the Ministry of Justice, the Ministry of Finance, the Civil Service Council, the Central Inspection and the Court of Audit.

#### ii. Number of Municipal Council Members

According to Article 9 of the Municipal Law, the municipal council consist of the following members:

- 9 members for municipalities where the number of registered residents is under 2,000.
- 12 members for municipalities where the number of registered residents is between 2,001 and 4,000.
- 15 members for municipalities where the number of registered residents is between 4,001 and 12,000.
- 18 members for municipalities where the number of registered residents 12,001 and 24,000.
- 21 members for municipalities where the number of registered residents is above 24,000.
- 24 members for the municipalities of Beirut and Tripoli.

<sup>1</sup> Article 1 of the Municipal Law, Legislative Decree No. 118 of 30/6/1977.

<sup>2</sup> Paragraph 2, Article 11 of the Municipal Law.

<sup>3</sup> Article 11 of the Municipal Law, Legislative Decree No. 118 of 30/6/1977.

## GENERAL CHARACTERISTICS OF MUNICIPAL ELECTIONS IN LEBANON

- Each municipality represents one electoral district.
- The term of municipal councils is six years.
- Members of municipal councils are elected directly by popular vote in accordance with the provisions stipulated in the Law on the Election of the Members of Parliament and in the Municipal Law.
- Municipal elections are held on the same day and according to the same mechanisms as mukhtar elections.
- There is no unified electoral law for municipalities (the Law on the Election of the Members of Parliament, the Municipal Law and Law No. 665 of 29/12/1997 apply to municipal elections).<sup>4</sup> The technicalities of the voting process are related to the Law on the Election of the Members of Parliament.
- The Law on the Election of the Members of Parliament apply to municipal elections, without prejudice to the provisions of the Municipal Law<sup>5</sup>.
- The same voters' list used for the election of the Members of Parliament is used for municipal elections<sup>6</sup>.
- Although the Law on the Election of the Members of Parliament was amended in 2017, the new law stipulated that the majoritarian representation system shall be adopted in the election of municipal councils.
- The electorate is called upon to vote in municipal elections by virtue of a decision issued by the Minister of Interior within the two months preceding the end of the term of municipal councils. The decision specifies the voting centers, and it should be published at least thirty days before the elections<sup>7</sup>.
- In the decision calling upon the electorate to vote, the Ministry of Interior specifies the number of members for each municipal council. It also specifies the number of members representing each village if the municipality encompasses two or more villages, based on the number of residents of each municipality. Candidates shall run for the elections based on these allocated numbers.<sup>8</sup>
- The Minister of Interior may decide to hold the elections for all municipalities on the same day or to set separate days for each municipality or for a certain group of municipalities.<sup>9</sup>
- During its first session, the municipal council elects by absolute majority and from among its members a president and a vice-president by secret ballot. The president and a vice-president shall serve for the entire term of the municipal council. The governor or the kaymakam determine the time and place of this session, which shall be held within one month after the election result are announced.<sup>10</sup>
- The candidate who receives the highest number of votes shall win. In the event of a tie, the older candidate shall win, and if the tied candidates are of the same age, a draw shall be organized by the registration committee to determine the winner.
- Appeals related to the preparations for municipal and mukhtar elections are submitted to the State Council.
- Appeals related to the integrity of the municipal and mukhtar elections are submitted to the State Council within a period of fifteen days following the announcement of the election results.<sup>11</sup>

<sup>4</sup> Law No. 665 of 29/12/1997 introduced amendments to certain provisions of the Law on the Election of the Members of Parliament, the Municipal Law and the Law on mukhtar and mukhtar's councils.

<sup>5</sup> Article 16 of the Municipal Law.

<sup>6</sup> Article 17 of the Municipal Law.

<sup>7</sup> Article 14 of the Municipal Law.

<sup>8</sup> Article 26 of Law 665/97.

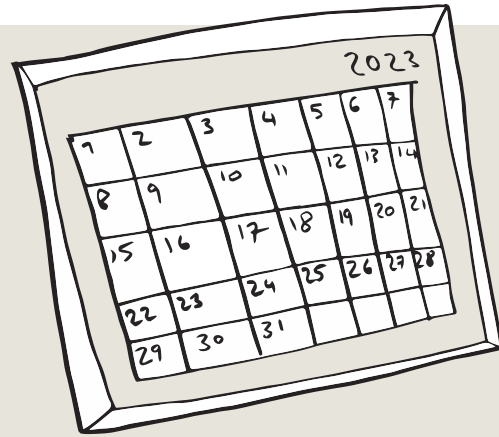
<sup>9</sup> Article 23 of Law 665/97.

<sup>10</sup> Article 21 of Law 665/97.

<sup>11</sup> Article 20 of the Municipal Law.



## SETTING THE DATE FOR MUNICIPAL ELECTIONS AND CALLING UPON THE ELECTORATE TO VOTE



### HOW IS THE ELECTORATE CALLED UPON TO VOTE?

The electorate is called upon to vote by virtue of a decision issued by the Minister of Interior.<sup>12</sup>

The decision specifies the number of council members to be elected in each municipality. It also specifies the number of members representing each village if the municipality encompasses two or more villages, based on the number of residents of each municipality. Candidates shall run for the elections based on these allocated numbers.

### WHEN IS THE ELECTORATE CALLED UPON TO VOTE?

Within the two months preceding the end of the term of municipal councils.

The period between the date of publication of this decision and the elections shall be at least thirty days.<sup>13</sup>

The decision specifies the date of the elections, the polling centers and the number of municipal and mukhtar members for each city or town.<sup>14</sup>

**MUNICIPAL AND MUKHTAR ELECTIONS MAY BE HELD THE ON THE SAME DAY IN ALL OF LEBANON OR ON SEPARATE DAYS FOR EACH GOVERNORATE OR GROUP OF VILLAGES AND TOWNS.**

### APPEALING THE DECREE CALLING UPON THE ELECTORATE TO VOTE AND THE PREPARATORY WORKS

The decision calling upon the electorate to vote in municipal and electoral elections is an

administrative decision issued by the Minister of Interior. Any voter who is legally competent and has an interest can appeal this decision. However, the general public is not allowed to submit appeals, as the lawmakers did not wish to enable any member of the public to submit such appeals.

The legitimacy of the decisions calling upon the electorate to vote can be appealed for the following reasons:

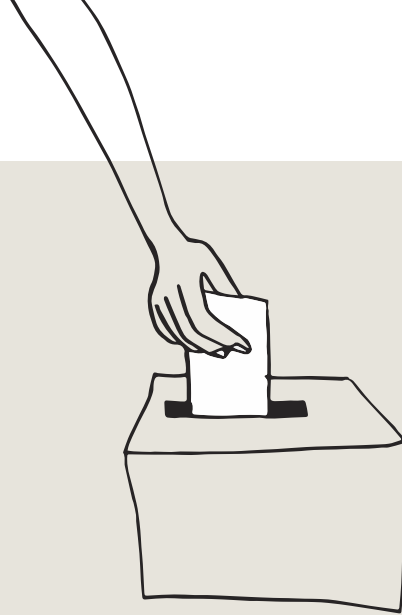
- If the electorate is called upon to vote prematurely.
- If the competent authority fails to call upon the electorate to vote as required by the law.
- If the competent authorities fail to call upon the electorate to vote within the legally specified deadline.
- If the decision calling upon the electorate to vote is issued by an authority that lacks such competence.

<sup>12</sup> Unlike in parliamentary elections, the electorate is called upon to vote by virtue of a decree signed by the Minister of Interior, the Prime Minister and the President of the Republic (as well as the relevant ministers if needed, particularly the Minister of Finance...).

<sup>13</sup> With regard to the municipal and mukhtar elections postponed until 31/5/2023, the decision calling upon the electorate to vote shall be issued between 13/3/2023 and 30/4/2023 at the latest.

<sup>14</sup> Article 14 of the Municipal Law.

## VOTER



### WHO IS THE VOTER?

- Any Lebanese citizen who is 21 years of age.
- Citizens who enjoy their full civil and political rights.
- Citizens who have been Lebanese nationals for the past 10 years.
- Foreign women married to Lebanese men after acquiring citizenship.

### WHO IS DENIED THE RIGHT TO VOTE?

- Persons who are denied their civil rights by virtue of a judicial ruling.
- Persons who are denied public ranks and employment for life by virtue of a judicial ruling.
- Persons who are denied public ranks and employment temporarily, during the validity period of the penalty.
- Persons who have been convicted of a felony.
- Persons convicted of the following heinous misdemeanors: Theft, fraud, breach of trust, embezzlement, bribery, false oath, rape, intimidation, falsification, use of falsified documents, perjury, offenses undermining public morals mentioned in Section 7 of the Penal Code and offenses related to growing, producing and trafficking narcotic substances.
- Persons subject to a receivership until the end of the process.

- Persons who fraudulently declare bankruptcy.
- Persons sentenced under Articles 329 through 334 of the Penal Code (abusing civil rights and obligations).
- The persons mentioned above can only regain their right to vote once they are restituted.

*Active military personnel of different ranks (from the Lebanese Armed Forces, Internal Security Forces, General Security, State Security, Customs, Parliament Police and other similar agencies) cannot partake in the voting process.*

### PUBLICATION OF VOTERS' LISTS

- The Directorate-General of Civil Status announces that the lists of resident and non-resident voters are ready between February 10 and March 10.<sup>15</sup>
- Copies of these lists are sent to the municipalities, mukhtars, headquarters of governorates and districts and the Ministry of Foreign Affairs and Emigrants to be published and disseminated in order to facilitate the final review process.
- Voters are called upon to review the lists:
  - On the website of the Directorate-General of Civil Status ([www.dgcs.gov.lb](http://www.dgcs.gov.lb)); using the preliminary copies available at the headquarters of

<sup>15</sup> Article 34 of the Electoral Law No. 25 of 8/10/2008.

governorates and districts and at municipalities and mukhtars's offices.

The Directorate-General of Civil Status also issues compact discs (CDs) containing the preliminary voters' lists for each electoral district, and any member of the public may request a copy thereof in return for a fee determined by the Ministry.

- The Directorate-General of Civil Status also issues compact discs (CDs) containing the preliminary voters' lists for each electoral district, and any member of the public may request a copy thereof in return for a fee determined by the Ministry.

## COMPLAINTS RELATED TO THE REVIEW OF VOTERS' LISTS

### Primary Registration Committees:

One or more primary registration committees shall be established in each electoral district. Each registration committee consists of a working judge (as president), a municipal council president or member from the electoral district and an employee at the Directorate-General of Civil Status (two members). In addition, one or more members of the Directorate-General of Civil Status shall be seconded to each committee by virtue of a decision from the Minister.<sup>16</sup>

The primary registration committee undertakes the following tasks:

- Consider voters' lists review requests and decide on them within three working days following the submission of the review request.

- Inform the applicant and the Directorate-General of Civil Status of its decision for implementation.
- Receive the election results, take the necessary decisions and refer them to the higher registration committees.

**THESE DECISIONS CAN BE APPEALED BEFORE THE COMPETENT HIGHER REGISTRATION COMMITTEE WITHIN A PERIOD OF THREE DAYS AFTER NOTIFICATION.**

### Higher Registration Committees:

A higher registration committee shall be established in each electoral district, consisting of a chamber president or judge at the Court of Cassation, appeal chamber president, chamber president or judge at the State Council (as president); a working civil, criminal or administrative judge and a Central Inspection inspector (two members); and a head of a civil status department or a head of department or an employee at the Directorate-General of Civil Status (rapporteur).<sup>17</sup> The higher registration committee undertakes the following tasks:

- Review appeals of primary registration committee decisions and decide on them within three days after their submission.
- Receive and review the reports on the election results from the primary registration committees and the annexed tables.
- Count the votes, prepare general tables specifying the result and referring them to the governor.<sup>18</sup>

<sup>16</sup> Article 38 of the Electoral law No. 25/2008.

<sup>17</sup> Article 40 of the Electoral law No. 25/2008.

<sup>18</sup> Articles 10 and 18 of Law 665/97.

The higher registration committee performs an oversight function, as it receives appeal requests related to the decisions issued by the primary registration committees, scrutinizes documents and corrects errors, if any.

#### Reasons for Appealing Voters' Lists:

- Request to correct an error in the voters' list.
- Add or remove a voter's name.
- Failure to publish the lists for voters and candidates to review.
- Legitimacy of the formation of the committees of their term (registration committees formed inadequately).
- Attendance of all committee members during meetings and activities:
  - Appeal related to the committee's work and deliberations (the committee fails to abide by the procedures and deadlines specified in the law).
  - Failure to implement judicial decisions to add or remove names from the voters' lists without a legal justification.

#### When Can Voters' Lists Be Corrected?

**THE PERIOD FOR CORRECTING VOTERS' LISTS BEGINS ON FEBRUARY 10 AND ENDS ON MARCH 10 OF EVERY YEAR.**

- The public can view the preliminary voters' lists and request the correction of any error therein.
- The voters' lists become final on March 30 of every year and are adopted for every election held between that date and March 30 of the following year.

#### Who Can Submit a Request to Correct Voters' Lists?

- The concerned person (voter) whose name is missing or incorrectly spelled for example.
- Each voter whose name is mentioned on a list can request that the competent registration committee remove or add the name of any person whose name was illegally added or is missing from the same list.
- The governor, kaymakam and mukhtar.

#### How Are Voters' Lists Corrected?

- The request is submitted to the competent registration committee through the mukhtar or head of the personal status department.
- The request should include all the necessary documents and proofs (civil status extract - police record).
- The request can be submitted free of charge.
- The registration committee reviews the correction requests and informs the applicant and the Directorate-General of Civil Status of its decision within three days following the submission of the correction request.

### What if the Errors Are Not Corrected?

You cannot vote if your name is not mentioned on the voters' list or is misspelled.

### Who Is in Charge of Correcting Voters' Lists?

The competent primary registration committee in your electoral district

**THE REGISTRATION COMMITTEE REVIEWS THE CORRECTION REQUESTS WITHIN THREE DAYS FOLLOWING THEIR SUBMISSION AND INFORMS THE APPLICANT AND THE DIRECTORATE-GENERAL OF CIVIL STATUS OF ITS DECISION.**

### Appeals before the Higher Registration Committee within 3 Days After Notification

The decisions of primary registration committees can be appealed before the competent higher registration committee within three days after notification (the appeal can be submitted free of charge and without the need for an attorney).

The applicant must prove that they submitted the correction request to the competent primary registration committee.

### APPEALING THE DECISIONS OF HIGHER REGISTRATION COMMITTEES BEFORE THE STATE COUNCIL

- The decisions issued by higher registration committees can be appealed before the State Council, as these committees are

administrative bodies of a judicial nature. The appeal should be submitted within a period of two months after the issuance of the decision.

- If the State Council contests the appealed decision, the committee that had issued it should comply with the Council's ruling.
- The decision of the State Council may be issued after the end of the deadline for correcting and finalizing voters' lists.

The prior objection to the voters' lists before the registration committees is a necessary procedure for issuing decisions that can be appealed before the judiciary according to due process, as judicial appeals are strictly related to decisions issued by these committees with regard to objections.

### WHAT VOTERS SHOULD KNOW BEFORE ELECTION DAY?

- Make sure that your name is mentioned on voters' lists and polling station checklists.
- Make sure that you have your ID card or passport.
- Know which polling center you can vote at.

## CANDIDATE



### WHO CAN RUN FOR ELECTIONS?

- Any Lebanese citizen registered on the voters' lists (voter).
- Any Lebanese citizen who is 25 years of age.
- Any Lebanese citizen enjoying their full civil and political rights.

### CAN WOMEN MARRIED TO MEN FROM OUTSIDE THEIR MUNICIPALITY RUN FOR THE ELECTIONS IN THEIR HOMETOWN?

Prior to 2017, a woman married to men from outside their municipality could no longer vote in her hometown because her name was transferred to the voters' list in her husband's place of registration.

**The text has been amended and not reads as follows: "The condition stating that the candidate's name should be mentioned on the voters' list of the municipality where they wish to run for the elections shall no longer apply to women wishing to run as candidates in municipalities where their names have been removed from the voters' list due to the automatic transfer of their civil status records to another municipality after marriage" (Article 25).<sup>19</sup>**

### BARRIERS TO CANDIDACY

- If the candidate's name is not mentioned on the voters' list and the polling station checklist.
- If the candidate has not been a Lebanese citizen for more than ten years.

- If the candidate is under the age of 25 (legal age for candidacy).
- If the candidate is illiterate (based on a test carried out at the kaymakam or governorate headquarters).

The following persons are prohibited from running for the elections:

- The following persons shall resign and fully leave their positions at least two years before the end of the term of the municipal council:
  - Members of the Constitutional Council
  - Judges
  - Members of Parliament
- The following persons shall resign and fully leave their positions at least six months before the end of the term of the municipal council:
  - First- and second-grade employees
  - Military personnel of different ranks
  - Full-time presidents, members of the boards of directors and general directors of public institutions and bodies, public-private companies, public capital companies and public interest institutions.
- Persons against whom judicial rulings have been issued, who have filed bankruptcy or who are undergoing receivership procedures. These

<sup>19</sup> After repeated demands, Law No. 61 of 17/10/2017 was issued. This law changed the candidacy conditions for municipal councils by amending Article 25 of Law No. 665 of 29/12/1997 on amending Legislative Decree No. 118 of 30/6/1977.

individuals can only regain their right to vote once they are restituted.

- Those deprived of their civil rights.
- Perpetrators of felonies or heinous misdemeanors.

### CANDIDACY PROCEDURE:

#### Submitting a Candidacy Application

The application is submitted at the kaymakam or governorate headquarters at least ten days prior to election day. The kaymakam or the governor issues the candidate a receipt confirming the submission of the candidacy application.

**- The kaymakam or the governor shall issue a justified decision to approve or reject the application within three days of the submission of the candidacy application. Failure to issue such a decision within the specified deadline shall be considered an implicit approval.**

**- Upon its issuance, the candidacy approval or rejection decision shall be hung on the door of the kaymakam or governorate headquarters. A report documenting this matter shall be drafted and signed by the relevant employee.**

#### Extending the Candidacy Application Period

New candidacy applications may be accepted three days before the elections in the following cases:

If the number of candidates is lower than the number of required municipal council members when the deadline for nomination elapses.

If some candidacies are withdrawn, new candidacy applications may be submitted three days before the elections.<sup>20</sup>

#### Withdrawal of Candidacy

The candidate can withdraw their candidacy before the date of the elections by submitting a signed statement at the notary public's office, who shall refer it to the kaymakam.<sup>21</sup> The guarantee shall be returned to the candidate if they withdraw their candidacy at least five days prior to the date of the elections.<sup>22</sup>

If the number of candidates is lower than the number of required municipal council members when the deadline for nomination elapses or if some candidacies are withdrawn, new candidacy applications may be submitted three days before the elections.

#### Returning the Guarantee to the Candidate after the Elections

The guarantee shall be returned to the candidate who wins the elections or receives at least 25% of votes.

### SHOULD THE LISTS BE REGISTERED AT THE MINISTRY OF INTERIOR?

According to the law, lists do not have to be registered at the Ministry of Interior in municipal elections.

### ENQUIRIES RELATED TO THE REJECTION OF CANDIDACY APPLICATIONS

#### Rejection of Candidacy

- If the candidacy statement is submitted outside the legal deadline.
- If the candidacy fee payment receipt is issued outside the legal deadline.
- Non-eligibility.

**THE GOVERNOR OR KAYMAKAM SHOULD ISSUE AN EXPLICIT DECISION APPROVING OR REJECTING THE CANDIDACY**

<sup>20</sup> Article 26 of Law 665/97.

<sup>21</sup> Decision No. 6 of 7/10/98, Daoud Atallah and others v. the State, Supreme Judicial Council, No. 11, 1998, p. 354.

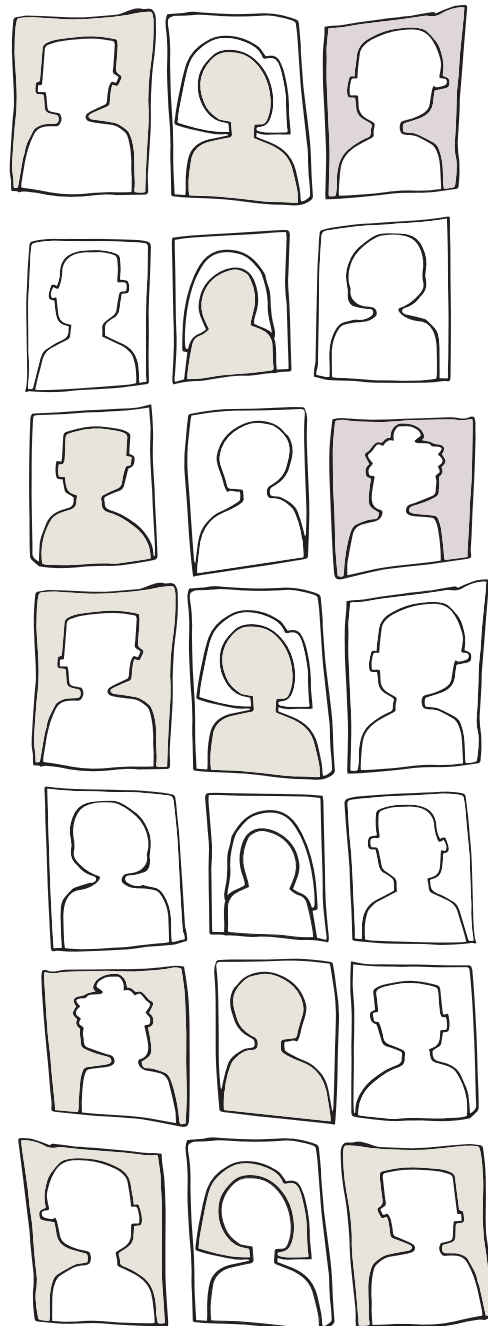
<sup>22</sup> Article 25, Item 6 of Law No. 665/1997.

The candidate may submit an objection to the State Council within a period of one week after the issuance of the decision rejecting their candidacy:

- If the governor or kaymakam fail to issue an explicit decision approving or rejecting the candidacy application five days after its submission.
- If the candidate's name is not mentioned on the approved candidates' list after the deadline for submitting candidacy applications has elapsed.

The State Council should issue a final decision on the objection within five days of its registration at the Council's registry.

*In accordance with Article 109 of the internal regulations of the State Council, and as part of the appeals mechanism related to the overall electoral process, each candidate may file an appeal challenging the approval of candidacy applications on the grounds that the candidate in question does not meet the eligibility criteria for municipal council membership, given that the law does not explicitly empower them to directly appeal the candidacy approval decision before the elections.<sup>23</sup>*



<sup>23</sup> Decision No. 843 of 10/8/2004, Maurice El Khoury and others v. the State, Jad El Khoury and others, Supreme Judicial Council, No. 18, Volume 1, 2006, p. 224.



## REPRESENTATIVE

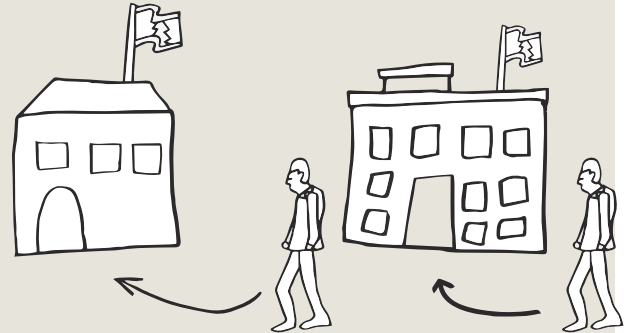


One stationary representative in each polling station.

### WHO IS THE REPRESENTATIVE?

The representative is a person selected by the candidate to represent them inside and outside of polling stations before, during and after the elections.

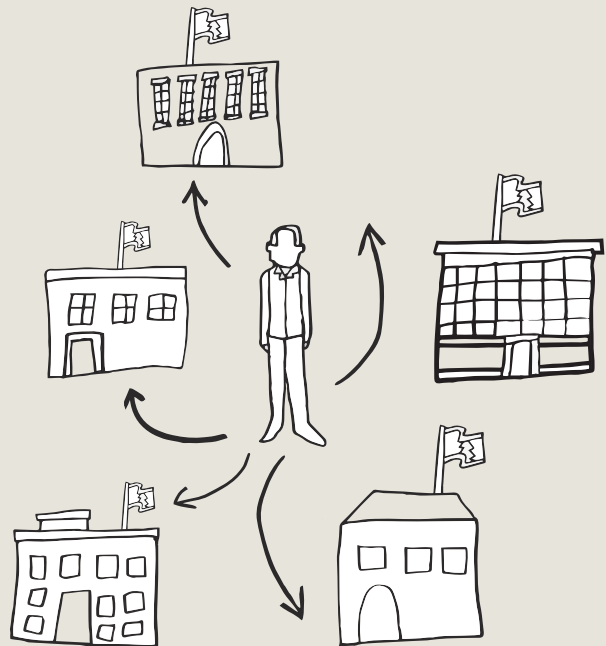
Each candidate is allowed a specific number of representatives.



One mobile representative for each two polling stations in villages or towns

### WHAT IS THE ROLE OF THE REPRESENTATIVE?

- Monitor and follow up on the electoral process from beginning to end.
- Stationary representatives inside polling stations: monitor the process inside the polling station exclusively.
- Mobile representatives at polling centers: monitor the process inside the polling center.
- Mobile representatives between polling centers: monitor events in the vicinity of polling centers.



One representative for each five polling stations in cities.

*Each candidate is allowed a specific number of representatives.*

## OBSERVER

### THE IMPORTANCE OF ELECTION OBSERVATION

Observation guarantees the democratic nature of elections. Its purpose is to essentially guarantee the right to vote, which is one of the main political rights granted to citizens. The observation process enables Lebanese citizens to exercise their right to vote in fair, free and transparent elections in accordance with the electoral law in force and in line with the international standards for democratic elections.

Civil society organizations monitor and follow up on the electoral process, detect violations and expose them to the general public, thereby reducing the number of direct and public violations, especially on election day.

### WHICH PARTIES ARE AUTHORIZED TO MONITOR ELECTIONS?

Competent civil society organizations are authorized to monitor elections.

*Note: Article 19 of Electoral Law No. 44/2017 stipulates that the Electoral Supervisory Commission receives and processes the applications of local and international electoral observers, issues their permits and establishes a code of conduct for them.*

If no Electoral Supervisory Commission is formed, **the Ministry of Interior** shall issue permits for local and international electoral observers.

### WHO IS THE OBSERVER?

The observer is a member of a local or international civil society organization wishing to supervise and

observe the electoral process.

The observer is authorized to enter polling stations at any time to monitor the electoral process.

Before election day: long-term observers (LTOs).

During election day: short-term observers (STOs).

### MAIN DUTIES OF STATIONARY OBSERVERS DURING ELECTION DAY:

Upon entering polling stations, the observer should:

- Meet the polling station head officer and identify themselves.
- Make sure that the polling station committee consists of a head officer, a clerk and four assistants.
- Document whether candidate representatives are present in the room.
- Make sure that security forces are stationed at the entrance of the polling station and not inside.
- Carry out a general inspection of the place where the voting process is taking place.
- Inspect the voting booth and the desk used by the polling station committee.
- Inside the booth: Is there a desk and a pen?
- On the desk used by the polling station committee: Are all the necessary items available (these include: polling station checklists, transparent ballot boxes, list of the names of candidate representatives, copy of the electoral law, official sealed envelopes, indelible ink bottles, blue ballpoint pen, paper towels and official ballot papers)?

## ELECTORAL CAMPAIGN

### WHEN DOES THE ELECTORAL CAMPAIGN PERIOD BEGIN AND END?

The electoral campaign period begins from the date on which the candidate submits their candidacy application and ends with the closure of the ballot boxes.

### WHO SUPERVISES THE ELECTORAL CAMPAIGN?

In the previous municipal elections of 2010 and 2016, no Electoral Campaign Supervisory Commission was formed. Therefore, the Ministry of Interior and Municipalities supervised the electoral campaigns, which practically impeded the implementation some of the provisions of Chapter V of Electoral Law No. 25/2008 on campaign financing and spending.

### ELECTORAL SPENDING

#### Rules of Electoral Spending

- Candidates and lists may not be funded by foreign countries or non-Lebanese natural or legal persons.
- It is prohibited to provide services or offer sums of money to voters during the campaign period (for example: donations and aid to individuals, charities, sports clubs, etc.) unless the candidates or the institutions owned or managed by candidates have been regularly providing such services or sums of money for at least three years before the beginning of the electoral campaign period.

### COMPLAINTS RELATED TO THE ELECTORAL CAMPAIGN:

#### Campaign Financing and Spending Illegal Sources of Financing

Candidates and lists are strictly prohibited from directly or indirectly accepting or receiving contributions or aid from foreign countries or non-Lebanese natural or legal persons.

#### Exceeding the Campaign Spending Limit

The law did not specify the campaign spending limit for municipal and mukhtar elections.

### ELECTORAL MEDIA AND ADVERTISING

#### Rules of Electoral Media and Advertising

Media outlets wishing to run paid electoral advertisements should:

The Ministry of Interior is empowered to grant permits to media outlets during the municipal elections.

#### Obligation of Public and Private Media Outlets to Remain Neutral

- Public media outlets should remain neutral during all stages of the electoral process and refrain from supporting one candidate or list at the expense of others.
- Private media outlets should respect the freedom of expression and guarantee fairness, balance and neutrality in the treatment of candidates and lists. They should also clearly differentiate in their

news bulletins between facts, on the one hand, and opinions and commentary on the other.

#### Paid Advertisements

When running electoral advertisements, audiovisual media outlets should explicitly declare that such advertisements are paid and specify the party that requested to run them.

#### Obligations of Audiovisual Media Outlets, Candidates and Lists

- Refrain from making defamatory, slanderous, or libelous statements against any candidate or list.
- Refrain from stirring up strife or inciting violence, riots, acts of terrorism or crimes.
- Refrain from exercising pressure, excommunicating others or promising material or moral gains.
- Refrain from distorting, obscuring, falsifying, deleting or misrepresenting information.

#### Opinion Polls:

During the ten days preceding election day and until the closure of all ballot boxes, it is prohibited to publish, broadcast or distribute any opinion polls or related commentary.<sup>24</sup>

#### Pre-election Silence:

The pre-election silence period begins exactly 24

hours before election day (00:00 on Friday night) and ends with the closure of all ballot boxes.<sup>25</sup>

#### Complaints Related to the Electoral Campaign: Electoral Media and Advertising

Any citizen can report violations to the Ministry of Interior in order for the latter to take appropriate measures, particularly the following violations:

- Hanging electoral advertisements in places other than those designated for each candidate or list by the local authorities.
- Using public facilities, public and private universities and schools and places of worship to hold electoral rallies.
- Distributing ballot papers or flyers in support of or against a specific candidate at the entrance or in the vicinity of polling centers.

Citizens may also contact the security forces present on the ground to end the violation and take the appropriate measures:

- Failure to abide by the pre-election silence period.
- Failure to comply with the rules and conditions for opinion polls.

The complaint should be filed by the affected person or by the Public Prosecution. In the latter case, the Public Prosecution can act based on a complaint from the affected person or on its own initiative.

<sup>24</sup> Article 74 of the Electoral Law No. 25/2008.

<sup>25</sup> Article 73 of the Electoral Law No. 25/2008.

### Adopted Rules

- The Public Prosecution refers the media outlet in breach to the Court of Publications on its own initiative or based on a complaint from the affected person. The media outlet in breach may submit its response to the Court within 24 hours after being notified of the complaint.
- The Court of Publications issues its decision within a maximum period of 24 hours.

The Court may take any of the following measures as necessary:

- Impose a fine on the media outlet in breach.
- Partially suspend the media outlet in breach.
- In the event of recurring violations, the media outlet may be suspended fully for a maximum period of three days.

### Appeal Mechanisms

- The Public Prosecution and the media outlet in breach may appeal the decision before the Court of Cassation within 24 hours after the issuance of the decision for the Public Prosecution and after notification of the decision for the media outlet.
- The appeal shall not halt the implementation of the decision unless the Court of Cassation decides to suspend it within a period of 24 hours after the submission of the appeal.



## PREPARATIONS FOR THE ELECTIONS

### WHERE TO VOTE?

- Citizens can only vote in the electoral district/town where they are registered, i.e. where their civil status records are registered.
- Polling centers are often located in secondary and complementary schools and municipal buildings. Sports, social and cultural clubs, church or other religious endowment halls, dispensaries and charity headquarters can also be used as polling centers.

### SPECIFYING POLLING CENTERS AND STATIONS

- Each electoral district is divided, by virtue of a decision from the Minister, into several polling centers containing a number of polling stations. There shall be no more than 600 voters registered at each polling station, and each polling center shall not include more than 20 polling stations.
- The Minister's decision on the distribution of polling stations shall be published in the Official Gazette and on the Ministry's website at least twenty days before election day. This distribution may not be modified during the week preceding the elections unless for justifiable reasons and by virtue of a reasoned decision.<sup>26</sup>

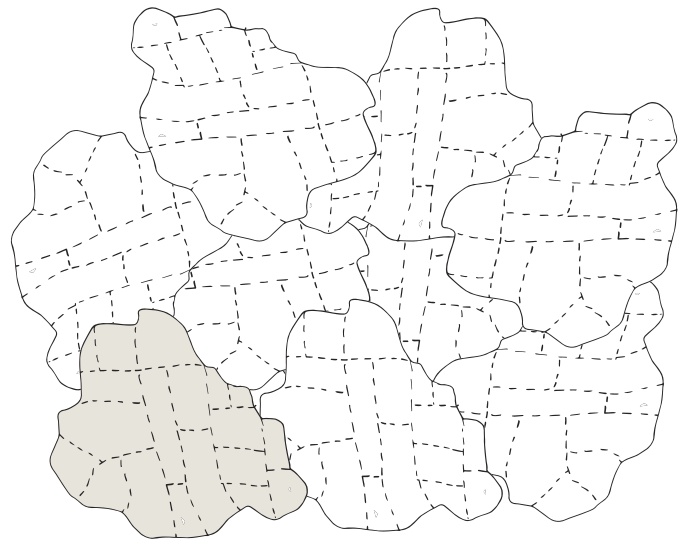
### LOGISTICAL PREPARATIONS

- Dividing the electoral districts into several polling centers.
- Specifying polling stations.
- Publishing the decision on the distribution of polling stations in the Official Gazette.

The governor receives from the Ministry of Interior all the documents and requirements necessary for the electoral process, which include: The decree calling upon the electorate to vote, the decision on the distribution of polling centers and stations, two copies of voters' lists and one copy of each polling station checklist, transparent ballot boxes, voting report template, vote counting and tabulation sheet, election result announcement statement, election result announcement annex, statement of the votes received by each candidate, list of candidate names, electoral law, election guidebook issued by the Ministry of Interior, ink pad, seal ink, small envelopes for ballot papers, large envelopes, list of the contents of the box, instructions for the head officer, seal of the governor or kaymakam, ballpoint pens, pencils, sponge, marker pens, red wax, electoral seal, two locks with two keys for each, voting booth, locking hinge, electoral card hole punch and small white papers for voters to write candidate names. The governor also receives the permits of candidate representatives to be deployed at polling stations, documents for the appointment of a head officer and clerk at each polling station and documents for assigning a vehicle for each polling station.

<sup>26</sup> Article 78 of the Electoral Law No. 25/2008.

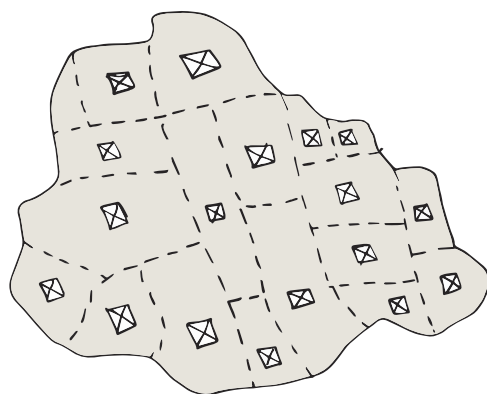
The governor distributes the ballot boxes, documents and items received from the Ministry of Interior to the kaymakams according to the number of polling stations in each region and keeps the necessary number at the central district that the governor is managing.



Dividing the electoral districts into several polling centers.

#### SELECTING AND ASSIGNING HEAD OFFICERS OF POLLING STATIONS AND THEIR ASSISTANTS

The governor or kaymakam, each according to their terms of office, shall appoint, from the civil servants, one head officer and one clerk or more for each polling station, based on a list sent by the Ministry of Interior's Directorate-General of Political Affairs. These appointments are made up to one week before election day. However, the appointed civil servants shall only be informed of their assignment location five days before election day.



Specifying polling stations.

The head officer of the polling station shall be assisted by four assistants: two of their choice and another two chosen from among the literate voters present at the opening of the polling station. The governor or kaymakam may, if necessary, appoint reserve assistants (Article 79 of Electoral Law No. 2008/25).

As such, the polling station shall consist of a panel made up of the head of the polling station, a clerk and four assistants. The head and clerk of the polling station shall be present throughout the election process.



Publishing the decision on the distribution of polling stations in the Official Gazette.

*Logistical preparations for elections.*

## ELECTION DAY

### OPENING OF BALLOT BOXES

Voting shall always take place on a Sunday, in all Lebanese regions, from 7:00 am to 7:00 pm.<sup>27</sup>

The votes are cast in sealable opaque envelopes of one type for all voters, supplied by the Ministry of Interior and made available for voters on the polling station desk in front of the station head officer. The envelopes shall display the label “Ministry of Interior and Municipalities” and bear the stamp of the governorate or kaymakamate, along with the date. They shall be sent by the governor or kaymakam via police or gendarmerie officers to every polling station head officer before election day. The number of envelopes shall be equal to that of voters registered on the polling station’s rolls. At the same time, an additional number of unstamped envelopes (20%) shall be sent to the polling station head officer.

The police or gendarmerie officers shall draft a delivery report, have it signed by the station head officer and send it to the registration committee of the electoral district via the kaymakam or any delegate thereof. Before the voting process, the head of the polling station shall verify that the number of stamped envelopes is exactly equal to that of registered voters.<sup>28</sup>

### VOTING MECHANISM

Upon entering the station, the voter is supposed to discretely hold a paper containing the names of candidates they wish to elect or use one of the blank papers placed on the table inside the booth and write the names of their chosen candidates.<sup>29</sup>

The polling station head officer shall make sure that the voter has indeed gone into the voting booth. If the voter fails to do so, they shall be prohibited from voting.

The voter shall then approach the polling station committee and show the head officer that they are holding only one envelope. The station head officer verifies this without touching the envelope or seeing what is inside. Then, they authorize the voter to insert the envelope by themselves into the ballot box.

The law does not state that the polling station head officer shall be responsible for verifying whether the voter has placed the ballot paper inside the envelope or placed an empty envelope in the box.

Voting is confirmed by the voter’s signature on the checklist and by dipping their thumb with the indelible ink provided by the Ministry for all polling stations. The said ink should last at least 24 hours. Any voter with such ink on their thumb is barred from voting again.<sup>30</sup>

The polling station committee member tasked with verifying votes shall then place their signature next to the name of the voter in the designated column.

Each voter shall be entitled to vote for a number of candidates that equals the number of seats allocated to every district.<sup>31</sup>

### HOW TO VOTE?

- Approach the polling station head officer.
- The head officer verifies your ID card or valid Lebanese passport.
- The polling station committee verifies that your name is mentioned on the polling station checklist.
- The head officer asks you to stand behind the voting booth.
- You stand behind the voting booth and vote for the candidate(s) of choice.

<sup>27</sup> Article 80 of Electoral Law No. 25/2008.

<sup>28</sup> Article 87, Paragraph 2 of Electoral Law No. 25/2008.

<sup>29</sup> Article 87, Paragraph 4 of Electoral Law No. 25/2008.

<sup>30</sup> Article 90 of Electoral Law No. 25/2008.

<sup>31</sup> Article 89 of Electoral Law No. 25/2008.



- You fold the ballot paper on which you wrote down the names of your candidate(s) of choice and place inside the official envelope while standing behind the booth. You then step outside the booth.
- You place the envelope yourself in the ballot box.
- You dip your finger in the indelible ink.
- You sign or impress your fingerprint beside your name on the polling station checklist.

### IS THERE AN OFFICIAL BALLOT PAPER FOR MUNICIPAL ELECTIONS?

There is no pre-printed ballot paper in municipal elections.

The voter selects their candidate(s) of choice and writes their names on a paper.

### WHAT ARE THE CASES IN WHICH THE VOTER IS PREVENTED FROM VOTING?

- Non-compliance with the station chief's instructions to vote in accordance with legal principles
- If I do not enter behind the booth to put my paper in the envelope, I will be prevented from voting.

### WHEN CAN A BALLOT BE CONSIDERED VOID OR INVALID ?

There are some cases in which your vote may be cancelled, including:

- Each paper includes any distinguishing mark. (Paper color other than white, type of paper, writing words, and a sentence without the names of the candidates).
- Submitting more than one ballot paper.

### WHEN IS MY VOTE CANCELLED?

- If you fail to comply with the instructions of the head officer on how to vote according to the adopted legal rules.

- If you fail to step behind the booth to place your ballot paper in the envelope.

Other cases in which your vote may be cancelled include:

- Using ballot papers containing special marks.
- Placing two ballot papers in the envelope.

*Municipal elections usually take place over four weeks.*

### CLOSING OF BALLOT BOXES

Voting starts at 7:00 am and lasts for one day only.

The polling station head officer shall announce the end of the voting process at 7:00 pm. However, if there are voters still present at the entrance of the polling center who have not voted yet, the polling shall be extended until they have cast their votes. This extension shall be mentioned in the report.<sup>32</sup>

### VOTE COUNTING AND TABULATION

#### Vote Counting at Polling Stations

- At the end of the voting process, the ballot boxes shall be closed.
  - Only the station committee, candidate representatives (stationary and mobile) and accredited observers may stay inside the polling station.
  - The ballot box is opened and the envelopes are counted.
  - The number of voters crossed-off on the checklist are counted and compared with the number of envelopes in the ballot box; this number is mentioned in the report.
  - If the envelope count is higher or lower than the number of names crossed-off on the checklist, this is mentioned in the report.
  - Invalid ballots are excluded.

<sup>32</sup> Article 93 of Electoral Law No. 25/2008.

- The votes for each candidate are counted.
- The polling station head officer opens the envelopes one by one and audibly reads the name or names elected by the voter.
- Blank ballot papers are considered valid and are not counted as invalid ballots.<sup>33</sup>
- The polling station head officer prepares a list of all candidates and the number of votes they received and signs it along with the other committee members and the candidate representatives present.
- The polling station head officer prepares the report and signs it along with the committee members and the candidate representatives present.

IT IS ESTABLISHED IN KNOWLEDGE AND JURISPRUDENCE, IN RELATION TO OPENING AND COUNTING BALLOTS, THAT OPENING ENVELOPES AND PLACING THEM IN PILES BEFORE THE POLLING STATION HEAD OFFICER READS THEM OR READS THE NAMES INCLUDED THEREIN DOES NOT INVALIDATE THE ELECTION PROCESS, PROVIDED THAT THEY INCLUDE A SPECIFIC LIST WITHOUT ANY CROSSED-OFF NAMES (DECISION NO. 933 OF 28/7/2016, ALBERT SERHAL AND OTHERS V. THE STATE, SALIM SLIM, UNPUBLISHED).

#### Vote Counting by Primary Registration Committees

The head of the primary registration committee or their delegate shall receive the ballot envelope containing all documents and sign a receipt.

The head of the registration committee or their delegate shall open the envelope afterwards in the presence of candidate representatives.<sup>34</sup>

#### FUNCTIONS OF THE PRIMARY REGISTRATION COMMITTEES:

- Receive election results, examine the reports and documents and take relevant decisions.
- Count votes and eliminate invalid ballots.
- Verify the number of votes, draw up the general table of the results obtained by each candidate and announce them.
- Submit the results set out in the report and the attached results table to the higher registration committees in the electoral district, in two copies signed by all committee members.<sup>35</sup>

#### FUNCTIONS OF THE HIGHER REGISTRATION COMMITTEE:

- Read the total number of votes that each candidate received and add the results submitted by the registration committees.
- Write the final result of the electoral district in a final table.
- Have the report and the final table signed by all committee members.
- Announce the final results obtained by each candidate in front of the candidates or their representatives.
- Deliver the final report and the general results table to the governor.

#### COMPLAINTS RELATED TO ELECTION DAY INCIDENTS

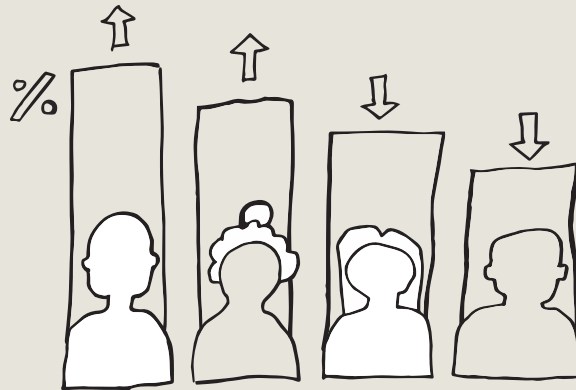
- Presence of security officers inside the station without the polling station head officer's permission.
- Voting of a person who is not registered on the voters' list.
- Absence of a voting booth.
- Failure to remove posters, writings and slogans from the polling station's walls.
- Causing chaos, riots and pressure inside polling stations.

<sup>33</sup> Article 96 of Electoral Law No. 25/2008.

<sup>34</sup> Article 98 of Electoral Law No. 25/2008.

<sup>35</sup> Decision No. 779 of 18/8/1998, Mona Tamer v. the State, Hassan Al-Lababidi and others, Supreme Judicial Council, special edition, 1998, p. 135 – Article 8 of Law 665 of 29/12/1997 and Article 99 of Electoral Law No. 25/2008.

## ANNOUNCEMENT OF RESULTS



### WHO ANNOUNCES THE RESULTS?

- The governor submits the final results, with the minutes and the attached general results table, to the Ministry of Interior.
- The Ministry of Interior officially announces the final results and the names of the winning candidates in the media, and the Minister informs the governors of the results.<sup>36</sup>

### WHO WINS THE ELECTIONS?

The candidate who receives the highest number of votes shall win. In the event of a tie, the older candidate shall win, and if the tied candidates are of the same age, a draw shall be organized by the registration committee to determine the winner.

If the number of candidates is equal to the number of required municipal council members and the deadline for nomination has elapsed, the candidates shall win by acclamation. This shall be announced by virtue of a decision from the governor or the kaymakam.<sup>37</sup>

### PROHIBITION OF DUPLICATE POSITIONS

Presidents and members of the municipal council cannot assume the following posts in parallel with their current role:

1. Membership of the Parliament or a ministerial position.
2. Mukhtar.
3. Judiciary.
4. Jobs in the government, autonomous agencies, public institutions and municipalities.

5. Presidency or membership of the board of directors of autonomous agencies and public institutions.
6. Ownership of a franchise or related functions within the municipality.
7. Membership or employment in bodies or committees assigned with managing public interest projects within the municipality.

The head of the municipality or their deputy can only run for the parliamentary elections two years after the end of their mandate or their resignation.<sup>38</sup>

If one of the abovementioned individuals was elected as a member of the municipal council, they must choose within a period of two weeks between the municipal membership and their current job, failing which they are considered automatically dismissed from the municipal council. The dismissal is announced by virtue of a decision from the governor.<sup>39</sup>

### FAMILY RESTRICTIONS

An individual cannot be a member of several municipal councils at once. In addition, the same municipal council cannot include a father and a son/daughter, a mother and a son/daughter, a husband and wife, a father-in-law and a son-in-law or daughter-in-law, a mother-in-law and a daughter-in-law or son-in-law, siblings, an uncle and nephew, an uncle and niece and a brother-in-law. If two persons from the abovementioned relatives were elected and neither of them resigned, the kaymakam shall dismiss the younger person. If they are both the same age, one of them is dismissed by drawing lots at the first meeting of the municipal council.<sup>40</sup>

<sup>36</sup> Decision No. 856 of 26/8/2004, Toni Matar v. the State, Supreme Judicial Council, issue 18, V 1, 2006, p. 259. Article 18 of Law No. 665/1997

<sup>37</sup> Article 26 of Law 665/97.

<sup>38</sup> Article 22 of Law 665/1997.

<sup>39</sup> Article 29 of the Municipal Law.

## ELECTORAL VIOLATIONS

### FIRST: VIOLATIONS RELATED TO ELECTION CAMPAIGNS

The jurisprudence of the State Council is generally conservative with regard to violations that occur during election campaigns, such as bribery and exceeding the electoral spending limit. It also seems slightly lenient towards violations committed by the press, in addition to media and advertisement violations. The loopholes in the electoral law and bank secrecy often create impediments for the council in relation to proving such violations.

#### 1) Abuse of Power

Abuse of power consists of taking advantage of the public resources of the state and the public sector and exploiting them in favor of officials and politicians to enable them to achieve their agendas, either for direct electoral purposes or for indirectly influencing voters.

#### 2) Electoral Bribery

Electoral bribery is one of the most common methods used in electoral campaigns. This is because it can be easily applied by certain candidates.

**BRIBERY IS CONSIDERED ONE OF THE MOST SERIOUS OFFENSES BECAUSE IT IS DIFFICULT TO PROVE IN THE LEGAL SENSE. DESPITE THE HIGH NUMBER OF OBJECTIONS AND APPEALS THAT OCCUR BECAUSE OF IT.**

Bribery can only be proven in one of the two following ways:

- A complaint by the bribe-taker to the Public Prosecution.
- A verification of the elements of the bribery.

In both cases, proving the bribery requires a receipt given by the bribe-taker to the bribe-giver. Without such receipt, “there is no way we can prove that the money was a bribe, even if we saw it with our own two eyes.” Bribery cannot be completed without the bribe-taker’s approval. This can be difficult to obtain, especially since bribe-takers often remain discreet about their gain. “Bribery is a cultural problem, as some see the elections as a suitable time to receive benefits.”

- Complaints related to bribery are made by the affected party. The complaint or report may be submitted to the Public Prosecutor at the Court of Appeal or directly to the single criminal judge.
- It is preferable to file the complaint without any delay in order to invoke it as a means of proof (commencement of proof) when necessary upon appealing the election results. The ruling of the single criminal judge is appealed before the Misdemeanors Court of Appeal.<sup>41</sup>

<sup>41</sup> Decision No. 875 of 13/7/2016, Jamileh Mazloum and others v. the State, Mounir Rajab and others, unpublished.

DURING THE ELECTION CAMPAIGN, THE STATE COUNCIL DID NOT CONSIDER ITSELF COMPETENT TO LOOK INTO THE COMPLAINTS RELATED TO ELECTORAL BRIBES. NONETHELESS, IF THE BRIBE'S DECISIVE IMPACT ON THE VOTERS' WILL WAS PROVEN, IT COULD BE GROUNDS FOR INVALIDATING THE ELECTION PROCESS. THE STATE COUNCIL CONFIRMED THAT ACCORDING TO JURISPRUDENCE, PROVING THAT THE ELECTORAL BRIBE WAS COMMITTED WAS NOT ENOUGH TO FILE A BRIBERY COMPLAINT. A JUDICIAL DECISION STATING ITS OCCURRENCE AND INCLUDING EVIDENCE OF ITS DECISIVE IMPACT ON THE ELECTION PROCESS WERE NEEDED IN ORDER FOR THE BRIBERY TO CONSTITUTE GROUNDS FOR INVALIDATING THE ELECTION PROCESS.

### 3) Intimidation, libel and defamation, incitement to violence and stirring up sectarian strife

- A candidate subjected to intimidation, libel and defamation may file a complaint before the Court of Publications.
- Any person affected by cases of incitement to violence and stirring up sectarian strife may file a complaint before the same Court.

## SECOND: VIOLATIONS RELATED TO THE VOTING PROCESS

### 1) Abstention:

Lebanon adopts a voluntary voting system. Voters have the right to choose whether they want to participate in the voting process or abstain from voting. Thus, there is no criminal responsibility if the voter decided not to vote.

### 2) Voting Illegally:

- Based on an incorrect entry in the voters' lists.
- By impersonating the name or title of other voters who enjoy voting rights.
- The administrative judiciary states that votes made by people in violation of the law shall be nullified. The election results shall not be affected, unless the number of nullified votes was substantial.

### 3) Duplicate Voting

Duplicate or multiple voting is based on one entry in the electoral rolls or on a duplicate entry in one electoral roll or more.

### 4) Vote Buying

The council is also affected by the difference in votes, especially if the winning candidate remained in the lead after the results were corrected.

THE STATE COUNCIL VERY CAREFULLY MONITORED THE ISSUE OF VOTE BUYING. THIS RARELY ACHIEVED ANY RESULTS, DESPITE ITS GRAVITY AND THE PROOF OF ITS OCCURRENCE.

### 5) Use of Force or Threats to Pressure Voters

- Using physical force (physical coercion) against the voter and putting them, their family or their assets in harm's way or in danger.
- Using moral threats to threaten the voter and scare them in the name of religion or threaten them with religious and ethical punishment.

The complaint is filed by the affected person or the Public Prosecution.

The complaint or report can be submitted to the Public Prosecutor at the Court of Appeal or directly to the single criminal judge. An attorney should be hired to file the complaint before the single criminal judge.

On the other hand, a complaint may be submitted to the Public Prosecution without an attorney.

The ruling of the single criminal judge may be appealed before the Misdemeanors Court of Appeal.<sup>42</sup>

It is preferable to file the complaint without delay in order to invoke it as a means of proof when necessary upon appealing the election results.

**SOME OF THESE VIOLATIONS MAY AFFECT THE VALIDITY OF THE ELECTIONS IF THE STATE COUNCIL VERIFIES THAT THESE ACTS HAVE NEGATIVELY AFFECTED THE ELECTORAL PROCESS AND THERE WAS A SLIGHT DIFFERENCE IN VOTES.**

#### 6) Illegally entering polling centers during the elections

- Failing to comply with the polling station head officer's orders to leave the center.
- The voter's refusal to leave after casting their vote despite being asked to.
- The candidate who compromises the security and order of the voting process.

**THE POLLING STATION HEAD OFFICER HOLDS THE AUTHORITY IN THE POLLING STATION.**

These acts are considered a misdemeanor and subject the person who commits them to imprisonment and/or a fine. The penalty is aggravated if two or more

people commit the misdemeanor or if the act was based on a premeditated agreement or planning in one or more electoral district, in two different districts or at the national level.

**IF THE MISDEMEANOR'S IMPACT ON THE RESULTS IS DECISIVE AND CRITICAL, A DECISION MAY BE ISSUED TO INVALIDATE THE ELECTION RESULTS IN THE POLLING STATIONS WHERE THE OFFENCE WAS COMMITTED. THE CRIMINAL JUDGE HAS THE AUTHORITY TO PUNISH THE PERPETRATORS.**

#### THIRD: VIOLATIONS RELATED TO VOTE COUNTING

1) Use of force or threats against members of election committees (members of polling station and registration committees): in order to prevent or hinder them from performing their duties, force them to perform their duties in a particular way and prevent or obstruct the electoral process by delaying or subverting it. The criminal judge looks into these violations.

**THE STATE COUNCIL IS NOT COMPETENT TO LOOK INTO THESE VIOLATIONS UNLESS IT IS PROVEN THAT THEY PREVENTED THE STAFF FROM COMPLETING THEIR DUTIES AND HAD A DECISIVE IMPACT ON THE ELECTION RESULTS.**

#### 2) Violation of Ballot Secrecy

The head officer and members of the polling station committee, the candidate or their representative, a voter or any person present when the voter exercises their electoral right, such as observers,

<sup>42</sup> Articles 329 through 334 of the Penal Code (Infringement of Civil Rights and Duties) and Article 10 (c) of the Code of Criminal Procedure.

journalists and people allowed to enter the polling centres, might violate the secrecy of the ballot.

THIS OFFENCE IS CONSIDERED A MISDEMEANOUR, PUNISHABLE BY IMPRISONMENT AND/OR A FINE. THE PENALTY IS AGGRAVATED WHEN COMMITTED BY A PUBLIC OFFICIAL AND CONSEQUENTIAL PENALTIES ARE IMPOSED.

### 3) Damaging documents and items related to the electoral process

Damaging election tables and ballot papers, checklists and vote counting statements that play a key role in the electoral process through tampering, falsification, misappropriation, concealment or destruction.

### 4) Non-Compliance of Staff with their Obligations

- Failure to appear at the polling station without any legal justification.
- Failure of the polling station head officer or clerk to perform their obligations or comply with the law.

The complaint shall be submitted to the Public Prosecutor at the Court of Appeal or directly before the single criminal judge. The single criminal judge shall prosecute the polling staff in case they breach their obligations.

In these cases, they shall be imprisoned for a period ranging from three months to three years or sentenced to pay a fine of LBP one million to LBP three million.<sup>43</sup>

Candidates providing services to the staff at the polling station or staff at the polling station involved in bribery are considered guilty of a misdemeanour; in this

case, the members of the polling station committee are subject to criminal prosecution.<sup>44</sup> The complaint may be submitted by a candidate, the head of the relevant registration committee or the Public Prosecution. The complaint shall be submitted to the Public Prosecutor at the Court of Appeal or directly before the single criminal judge.

## FOURTH: VIOLATIONS RELATED TO VOTE COUNTING AND ANNOUNCEMENT OF RESULTS

### 1) Damaging of Ballot Boxes

These violations are considered misdemeanours, punishable by imprisonment and/or a fine. The penalty is aggravated when committed violently or by a candidate or a public official.

The administrative judiciary considered that damaging of or hijacking ballot boxes constitute grounds for appeal. Proving their occurrence may lead to the annulment of the election result in the polling station where the misdemeanour occurred.

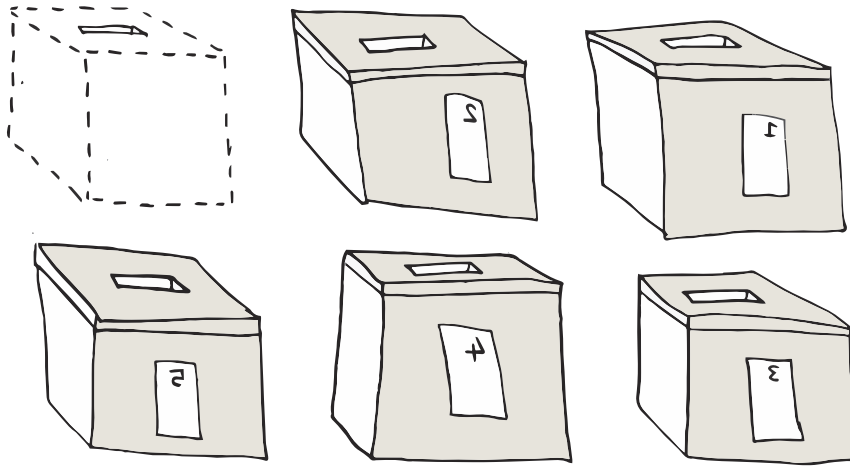
### 2) Tampering with Ballot Papers

- Increasing the number of ballot papers by illegally adding new ones to the ballot box;
- Reducing the number of ballot papers by misappropriation, concealment or destruction of papers before, during or after vote counting;
- Replacing ballot papers;
- Falsifying ballot papers to make them invalid during the vote counting;
- Changing the content of ballot papers when reading them or reading a name other than the one written on the paper by a person in charge of the electoral or vote counting processes.

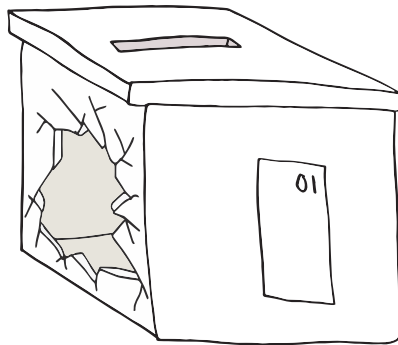
### 3) Announcing False Election Results

<sup>43</sup> Article 79 of Electoral Law No. 25/2008.

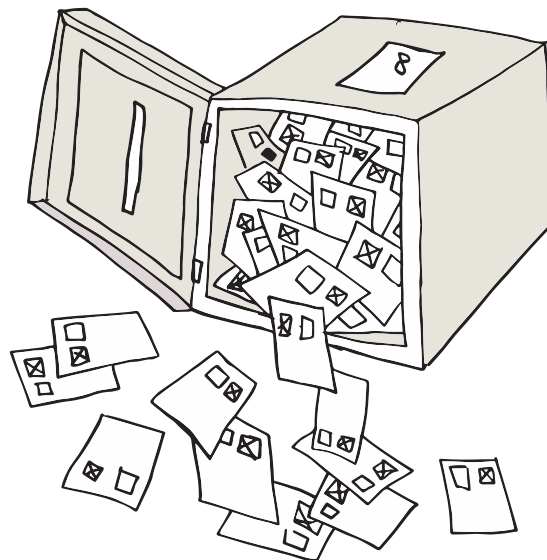
<sup>44</sup> Articles 351 and 352 of the Penal Code (bribery of a public official).



Hijacking the ballot box, removing it by force from where it is located.



Destroying the ballot box and tampering with its external parts.



Tampering with the box contents.

*Damaging of Ballot Boxes.*

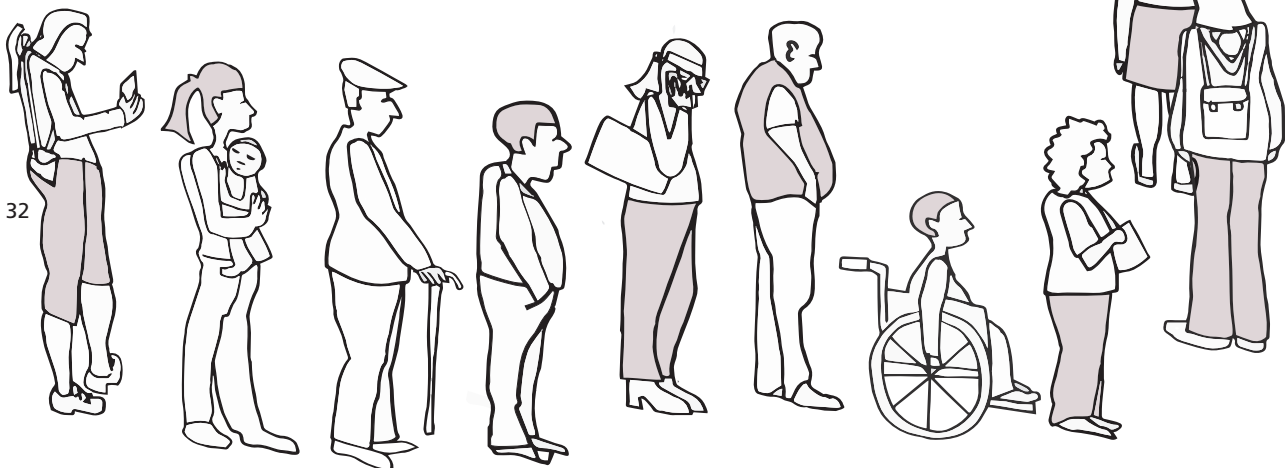
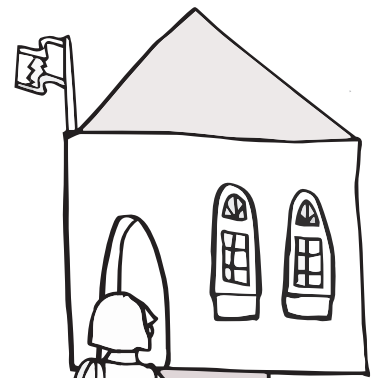


Committed by members of the committees in charge of vote counting who announce false results by changing the real results:

- By increasing the number of votes obtained by a particular candidate to ensure their victory over another candidate who received more votes.
- By reducing the number of votes to the detriment of a particular candidate.
- By announcing results that are different from the ones reached in the vote counting process, thus announcing the victory of a candidate instead of another candidate who obtained the required votes to win.

WHEN FALSE RESULTS ARE ANNOUNCED, THE AFFECTED CANDIDATE MAY APPEAL THE ELECTION RESULTS BASED ON THE DOCUMENTS AND FACTS THEY POSSESS, WHICH MAY LEAD TO INVALIDATING THE ELECTIONS.

THIS OFFENCE IS CONSIDERED A MISDEMEANOR.



## APPEALING MUNICIPAL AND MUKHTAR ELECTIONS RESULTS

### WHICH JUDICIAL AUTHORITY IS EMPOWERED TO EXAMINE THE VALIDITY OF MUNICIPAL AND MUKHTAR ELECTIONS?

The State Council, in its capacity as the competent authority for verifying the validity of municipal and mukhtar elections, looks into all disputes related to the legality of the elections of administrative councils, such as municipal and mukhtar, among others, except for matters that were exceptionally and explicitly assigned to other courts/bodies by the law.

A certified copy of the contested decision shall be attached to the petition.

### WHO HAS THE RIGHT TO OBJECT TO THE VALIDITY OF MUNICIPAL AND MUKHTAR ELECTIONS?

The following parties can object the validity of the elections for municipal councils and mukhtars:

- Any voter in the relevant region (this is the main difference with appeals related to parliamentary elections, where only losing candidates can appeal the results);
- Any person who has legally submitted their candidacy, within fifteen days from the announcement of the election results;
- The Minister of Interior, within one month from the announcement of the election results.<sup>45</sup>

### WHERE SHOULD THE APPEAL BE SUBMITTED?

An appeal to challenge the validity of the elections shall be submitted to the State Council registry.

### WHAT IS THE DEADLINE FOR SUBMITTING AN APPEAL?

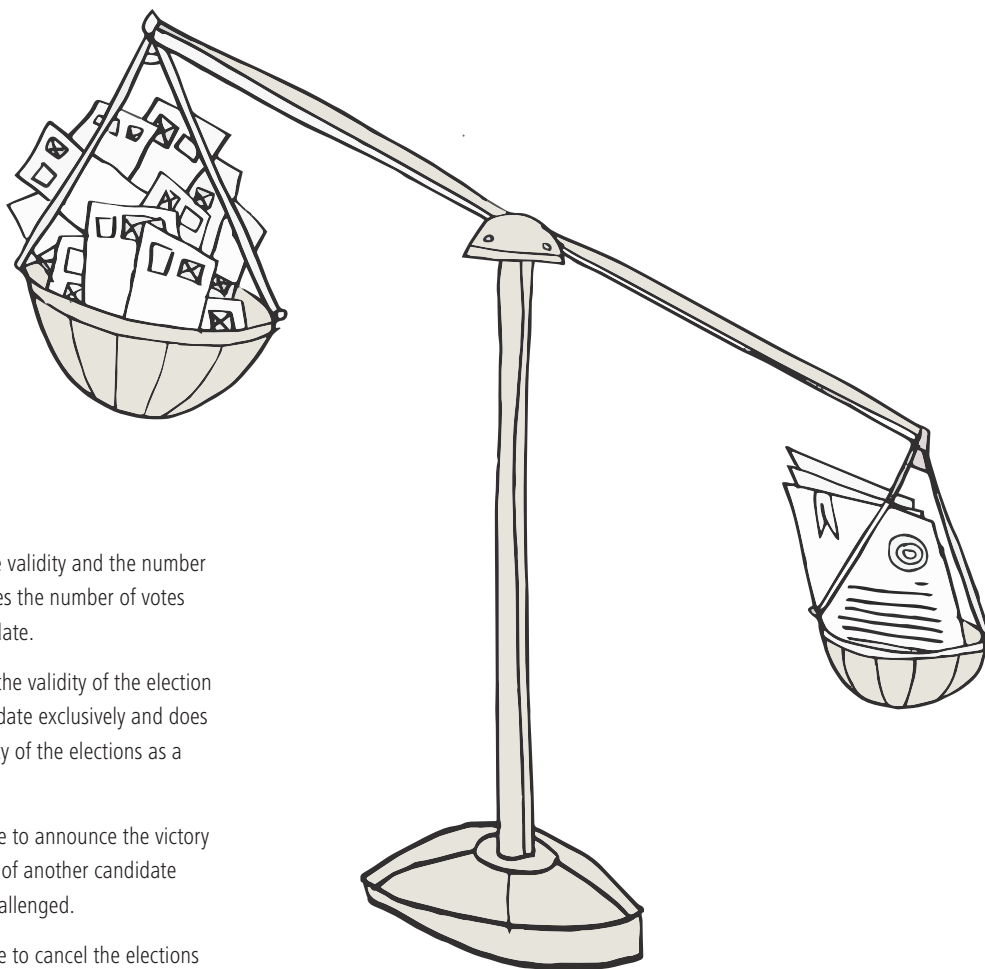
For voters and candidates: Within 15 days after the announcement of the results;

For the Minister of Interior: Within one month from the announcement of the election results

### WHAT ARE THE MOST SIGNIFICANT PRINCIPLES ESTABLISHED BY THE ADMINISTRATIVE JUDICIARY RELATED TO APPEALS CHALLENGING THE VALIDITY OF MUNICIPAL AND MUKHTAR ELECTIONS?

- The Council considers the preparations for the elections, as well as the election results.
- The Council considers the fulfilment of the candidacy requirements by the contested candidate and declares their eligibility or the lack thereof.
- The Council considers the violations and breaches mentioned in the appeal only.
- The Council does not only examine violations and breaches specifically mentioned in the law; it may also consider the validity of the elections in light of findings that are not stipulated in the law.

<sup>45</sup> Article 109 of the draft law implemented by Decree No. 10434 of 64/6/1975 (the State Council's internal regulations).



- The Council verifies the validity and the number of votes cast and revises the number of votes obtained by the candidate.
- The Council considers the validity of the election of the contested candidate exclusively and does not consider the validity of the elections as a whole.
- The Council may decide to announce the victory of a candidate instead of another candidate whose election was challenged.
- The Council may decide to cancel the elections partially or completely (in case of a fundamental flaw).
- The Council does not consider the announcement of the victory by acclamation except when an appeal against the winner is submitted after the elections are held.
- The Council does not grant any compensation or compensatory damages to the party submitting the appeal when it declares the invalidity of the election of the contested candidate.

**The success of the electoral process depends on two main pillars in the voting and vote counting processes:**

- Freedom of voters to exercise their right to vote
- Correct and fair elections results that accurately reflect the public opinion's preferences

## ORGANIZATION OF THE WORK OF MUNICIPAL COUNCILS

### ELECTING THE COUNCIL'S PRESIDENT AND VICE-PRESIDENT

- The president and vice-president are considered part of the number of members allocated for each municipal council.
- During its first session presided by the oldest member, the municipal council elects from among its members a president and a vice-president.
- The president and vice-president are elected by secret ballot and by absolute majority (half + 1).
- The governor or the kaymakam determine the time and place of this session, which shall be held within one month after the election result are announced. In the event of a tie between two members, the older candidate shall win. If the tied candidates are of the same age, a draw shall be organized.

### WITHDRAWAL OF CONFIDENCE FROM THE PRESIDENT AND THE VICE-PRESIDENT

- The president and vice-president serve for the entire term of the municipal council.
- After three years of the election of the president and vice-president, and based on a petition signed by one-quarter of council members, the municipal council may, in the first session it holds, withdraw confidence from the president and/or the vice-president by absolute majority.
- In this case, the municipal council should immediately hold a session to fill the vacant position.

### VACANCIES IN THE MUNICIPAL COUNCIL

If one-quarter of the seats on the municipal council become vacant, new members shall be elected to fill these positions for the remainder of the council's term within two months of the most recent vacancy, keeping in mind that fractions in the calculation shall be rounded up.

### DISSOLUTION OF THE MUNICIPAL COUNCIL

The municipal council shall be automatically dissolved if half of its seats become vacant or if the elections are deemed invalid. The Minister of Interior shall issue a decision announcing the council's dissolution within a maximum period of one week after the Ministry is notified of such. The Minister's failure to issue such a decision shall be deemed as an implicit announcement of the dissolution.

The municipal council may be dissolved by virtue of a reasoned decree issued by the Council of Ministers upon the proposal of the Minister of Interior if the council commits serious and repeated violations causing significant harm to the interests of the municipality.

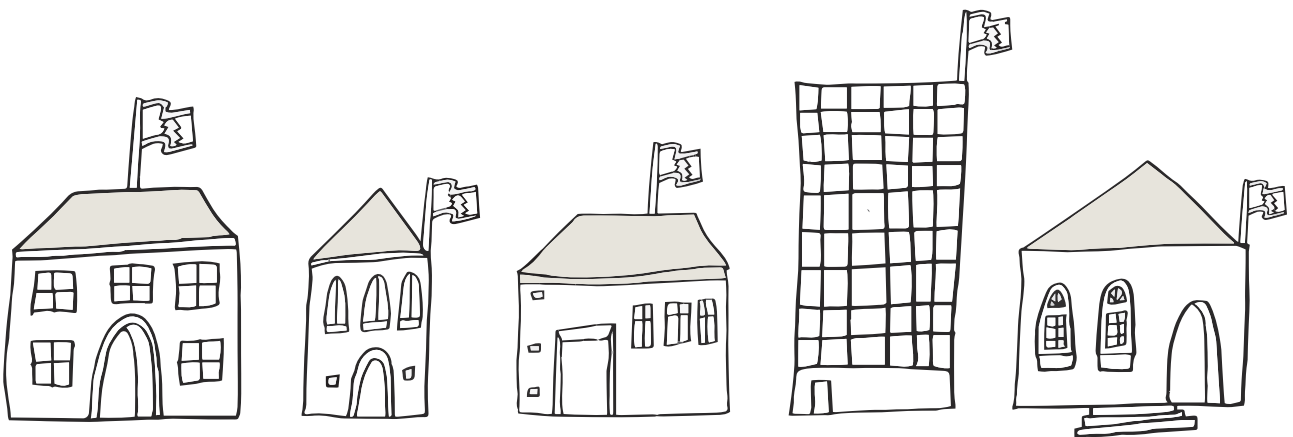
### RE-ELECTION OF THE MUNICIPAL COUNCIL

In the event that the council is dissolved or deemed dissolved, a new council shall be elected within a period of two months after the issuance of the dissolution decree or announcement. The new council shall serve for the remainder of the original council's term.

The kaymakam or the head of the competent judicial department, in conjunction with the governor or the governorate's general secretary, shall manage the council's affairs until a new council is elected by virtue of a decision issued by the Minister of Interior.

#### **RENEWAL OF THE MUNICIPAL COUNCIL'S MEMBERSHIP**

The membership shall not be renewed fully or partially in the six months preceding the end of the council's term.



**GUIDEBOOK ON  
CITIZEN  
PARTICIPATION  
IN MUNICIPAL  
ELECTIONS**

**2023**

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