

Constitutional Committee Draft Election Law

The present law relates to the elections of the Constitutional Drafting Committee, in conformity with Article 30 of the Provisional Constitutional Declaration issued by the National Transitional Council (NTC) on August 3rd, 2011 and its subsequent amendments.

Chapter 1

Right to vote

*Article 1:

According to the Constitutional Declaration and in conformity with the present law, the Libyan people are called upon to elect a constitutional committee that will be in charge of drafting the permanent Constitution of Libya and submitting it to a national referendum. In case the Constitution is not approved, the said committee shall submit a new draft within one month at the latest.

*Article 2:

The elections mentioned in Article 1 shall be held in accordance with the principles of general, secret and direct voting.

*Article 3:

Eligible voters shall fulfill the following conditions:

1. Libyans for more than 15 years.
2. Having completed the age of 18 years, male and female alike, in the month in which the elections are held.
3. Being registered in the voter registers according to a valid family card and a valid ID card or passport.
4. Voters shall express their opinion by choosing a whole list, without making any amendment to it.

*Article 4:

Elections shall be held on one day for all regions. Voting may be postponed for exceptional reasons. The voting date is set following a decision made by the General National Congress (GNC) well in advance.

Chapter 2

Voter registers

*Article 5:

Special voter registration centers will be opened in all regions under the supervision of an electoral commission(s) constituted by the High National Election Commission, in conformity with the procedure set for the election of the GNC.

*Article 6:

Each voter who has not been already registered will register in the voter registration centers by presenting his/her family card and an ID document, in accordance with the conditions stated in Article 3 of the present law.

*Article 7:

Registration lasts for one month, starting from the date of opening of the voter registration centers. Once the registration period is over, the voter registration centers and the supervising commissions will release the voter lists and display them in the registration places for one month, during which the lists will be open for challenges.

*Article 8:

Every citizen has the right to object to the released voter registration lists and to submit his/her challenge to the relevant registration commission, which will settle the objections in a one month period, after the challenge period comes to an end.

*Article 9:

After the end of the challenge period, the voter registration commissions release the final electoral lists which will be published and displayed in the registration places. Candidates can then run for the elections.

Chapter 3

Right to run for elections

*Article 10:

Every Libyan has the right to stand as a candidate by registering in the lists of candidates running for the elections of the Constitutional Drafting Committee, if he/she fulfills the conditions stated in Article 3 of the present law. In addition, eligible candidates should:

1. Have completed the age of 25 years;

2. Know how to read and write if born before 1970 and be holders of a university degree if born after that year;

3. Obtain the approval of the Integrity and Patriotism Commission

*Article 11:

Candidates run for elections on the basis of closed lists, each list presenting 20 candidates, whether under the sponsorship of a party or a political gathering, or as independent candidates. No candidate can run on more than one list or in more than one constituency. The number of the members on the list shall not be less than 20, according to the seats allotted to the constituency.

*Article 12:

Lists formed on tribal, clan-based or ethnical foundations are forbidden. Electoral lists are considered invalid if it is proven that 50% of their members belong to any of the above-mentioned three categories, even if they win the elections.

*Article 13:

Every list of candidates running for the elections of the Constitutional Committee shall have among its members, at least, 2 jurists, 2 Shariaa ulemas, 2 tribal sheiks, 2 women, 2 fighters, and 2 Tubu, Amazigh or Tuareg.

*Article 14:

More than one list can be presented in one constituency provided that its members meet the conditions stated in Articles 3, 9, 10, and 11 of the present law.

*Article 15:

Lists of candidates running for elections, as independent candidates or as members of political gatherings, are submitted to the elections commission in the region, to make sure they meet the required conditions. The commission releases and displays the lists within two weeks at the latest from the date of their submission.

Chapter 4:

Constituencies

*Article 16:

1. The Constitutional Committee shall be composed of 60 members to be equally distributed among the three regions.

2. Each region is considered to be one electoral district, having as administrative borders the same borders as all the constituencies of the General National Congress in this region.

3. Each constituency will be divided into an appropriate number of polling centers and voter registration centers, following the same procedure adopted for the elections of the GNC.

*Article 17:

In each constituency, voting shall be organized in two rounds: in the first round, all lists are presented. The second round shall take place two weeks later, between the two lists that received the highest numbers of votes. In the second round, the list which will receive the highest number of votes shall win the elections.

*Article 18:

Every stakeholder has the right to challenge the voting results in the region by the means of a petition deposited at the Court of Appeal – Administrative Department, according to the following conditions:

1. The challenge should be submitted within 72 hours, starting from the date of announcement of the results.
2. The challenge should be justified and defined in accordance with the voting and counting procedures.

The administration decides the case and issues its judgment within 7 days to the utmost. Its judgment shall be final.

Chapter 5

Electoral campaign

*Article 19:

The electoral campaign shall be free according to the provisions of the present law. Any candidate or political gathering is entitled to campaign as soon as the lists of candidates are released and until one day before the elections day.

*Article 20:

The following acts are prohibited during the electoral campaign:

1. Using commercial advertisement means for the purpose of electoral propaganda;

2. Using the public utilities and properties or any facilities belonging to public figures for advertisement purposes or for holding rallies or meetings for the purpose of electoral propaganda;
3. Using worship places and educational institutions of all levels and, in general, any religious or educational institute for any election advertisement purposes;
4. Electoral propaganda on the basis of tribes, clans, racial or family belonging

Chapter 6

Sanctions

*Article 21:

Is punished by imprisonment and a financial fine between 500 and 5000 Dinars whoever violates the provisions of Article 20 or commits any of following acts:

1. Paying money, offering gifts or holding banquets to influence voters or encourage them to vote for him/her;
2. Registering on more than one electoral list or using false names and identities to this end;
3. Falsifying or presenting a false certificate or writing off electoral lists;
4. Preventing the control of electoral lists, destroying these lists or sorting them, removing some or adding others in the record or purposely pronouncing a name which is not registered;
5. Registering or trying to register a person or writing off the name of a person on an electoral list wrongfully and by using falsified declarations or certificates;
6. Seizing the opportunity to register several times to vote more than once or standing as candidate on more than one list or in more than one constituency

Chapter 7

General provisions

*Article 22:

The electoral commission acts as an administrative commission with a judicial jurisdiction and settles any disputes faced during the electoral process. Its decisions shall be final, provided that they do not violate Article 16 of the present law.

*Article 23:

The High National Electoral Commission provides all the necessary tools and means needed to implement the present law and organize elections in the best possible conditions.

*Article 24:

The present law enters into force starting from the date of its promulgation. It shall only relate to the elections of the Constitutional Drafting Committee.

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