

13 February 2012

**Unofficial Translation¹ of: Law No. 73 of the year 1956²
Regulating the Exercise of Political Rights and its Amendments**

Chapter 1: Political Rights and their Exercise

Article 1³

Every male and female Egyptian reaching eighteen years of age shall personally exercise the following political rights:

First:

Express their views in all referendums prescribed in the Constitution.

Second:

Elect each of:

1. The President of the Republic;
2. Members of the People's Assembly;
3. Members of the Shura Council;
4. Members of the Municipal Councils.

The election of the President of the Republic shall be conducted according to the law regulating the presidential elections. The exercise of other rights shall be in the manner and according to the arrangements prescribed in this law.

¹ This translation has been prepared by Democracy Reporting International (DRI). It draws, partially, on existing and publicly available translations of the law up to 2005. It incorporates various amendments that were adopted during 2011 (up to December 2011).

² The phrase "electoral database" shall be replaced by "electoral register" wherever mentioned in the Law on Exercising Political Rights as per Article 4 of Decree-Law No. 46/2011.

³ Amended as per Law No. 76/1976, Decree-Law No. 202/1990 then Law No, 173/2005

Officers and members of the main, subsidiary, and additional armed forces, as well as police officers and members shall be exempted from performing this duty throughout their period of service in the armed or police forces.

Article 2⁴

The following shall be deprived from exercising political rights:

(1) Convicts in a felony, unless rehabilitated.

(2) Convicts against whom a sentence of the court of values is passed confiscating their funds. The deprivation shall be for a period of five years from the date of passing the sentence.⁵

(3) Revoked.⁶

(4) Convicts sentenced to imprisonment terms for a crime of theft, hiding stolen objects, swindling, issuing an uncovered check, breach of trust, perfidy, bribery, criminal bankruptcy, forgery, using forged papers, perjury, suborning witnesses, rape, corrupting the youth, committing a breach of morals, vagrancy, and committing a crime to get rid of military or national service, as well as convicts sentenced for attempting to commit one of the said crimes, unless the sentence is passed with a stay of execution or the convict has been rehabilitated.

(5) Convicts sentenced to penalty of detention in one of the crimes prescribed in articles from (41) to (51) of this law, unless the sentence is passed with a stay of execution, or the convict has been rehabilitated.⁷

(6) Civil servants of the state or public sector workers who were discharged from service because of a breach of honour, unless five years have lapsed since the date of discharge, and unless a final judgment was awarded in their favour ruling the annulment of the decision discharging or indemnifying them.

(7) Revoked.⁸

Article 3

The exercise of political rights is suspended with regard to the persons mentioned hereinafter:

(1) Persons under a court order during the period of their interdiction.

⁴ Amended as per Law No. 23/1972

⁵ Amended as per Decree-Law No. 220/1994 then Law No. 173/2005

⁶ Cancelled as per Decree-Law No. 220/1994

⁷ Amended as per Law No. 173/2005

⁸ Cancelled as per Decree-Law No. 220/ 1994

(2) Persons affected by mental illness and placed under custody, during their period of custody.

(3) Persons adjudicated as bankrupt for a period of five years from the date of adjudication of their bankruptcy, unless they have been previously rehabilitated.

Chapter 1 (Bis)⁹

High Elections Commission

Article 3 (Bis)¹⁰

The election of the People's Assembly, the Shura (Consultative) Council and additionally referenda shall be conducted under the supervision of the High Election Commission (mentioned hereinafter as the HEC) set forth in article (39) of the Constitutional Declaration issued on 30 March 2011.

Article 3 (Bis-A)¹¹

The HEC shall be chaired by the head of Cairo's Court of Appeals¹² and includes as members:

- The two most senior deputy heads of the Court of Cassation;
- The two most senior deputy heads of the State Council; and
- The two most senior heads of Courts of Appeals, next to the Head of Cairo's Court of Appeals

Revoked.¹³

Higher councils of the above-mentioned judicial bodies shall select an alternate member, without prejudice to seniority.

The HEC shall assume a public juristic personality.¹⁴ The secretariat shall be based in Greater Cairo and represented by the head thereof.

⁹ Added as per Law No. 173/2005 and amended by Law 18/2008

¹⁰ Amended as per Law No. 46/2011

¹¹ Paragraph 4 of this article was amended as per Decree Law 110/2011 and was previously amended as per Law No. 46/2011

¹² According to article 3 of the Decree Law 46/2011 amending the Law on Electing Political Rights, "The first HEC to be established after the enactment hereof, shall be chaired by the head of the Cairo's Court of Appeal, who shall assume office on October the first, 2011"

¹³ Paragraph 2 revoked as per Decree Law 110/2011

¹⁴ Decree Law 110/2011 deleted the following text from the law: ", and shall have a permanent technical secretariat, the regulation of which shall be made by virtue of a decree issued by the President of the Republic."

Article 3 (Bis-B)¹⁵

The heads of the judicial bodies shall notify the Minister of Justice of the names of the senior deputies selected from respective bodies. The HEC shall be composed by virtue of a decree by the President of the Republic, from among the names proposed by the Minister of Justice.

Article 3 (Bis-C)¹⁶

Should an obstacle arise and prevent the head of the HEC from undertaking the duties of the post, he shall be replaced by the most senior head of the Appeals Court.

Should an obstacle arise, preventing an HEC member from undertaking his job, he shall be replaced by the alternate member nominated by the respective higher council.

In all events, replacement shall continue only for the duration of the said obstacle. In this case, the higher council of the respective judicial body shall select another alternate member.

Article 3 (Bis-D)¹⁷

The HEC shall convene upon the call of its head. The convening of a meeting shall only be valid when the HEC head and at least four members are present. Deliberations of the HEC shall be secret. Moreover, decisions of the HEC shall be made by the majority of at least four members thereof.

Regulatory decisions of the HEC shall be published in the Official Gazette, and a comprehensive summary shall be published in two widely-circulated morning newspapers.

Article 3 (Bis-E)¹⁸

The HEC shall, in each governorate, set up an electoral committee to be chaired by a head of the Appeals Court and to include as members: a State Council judge, the chief of the Court of First Instance, a deputy head of the Egyptian State Lawsuit Authority, in addition to a deputy head of the Administrative Prosecution Authority, to be chosen by the respective higher councils of the abovementioned entities. Each of the higher councils shall select an alternate member to substitute principal members, should any obstruction arise, preventing such members from carrying out their duties.

¹⁵ Amended as per Law No. 46/2011

¹⁶ Amended as per Law No. 46/2011

¹⁷ Amended as per Law No. 46/2011

¹⁸ Amended as per Law No. 46/2011

Article 3 (Bis-F)¹⁹

The HEC shall, in addition to the powers contained herein, have competence to:

First: set up voting centres as well as polling and counting stations provided for herein, and to appoint a secretary to each polling station;

Second: oversee preparation, content, review, filtering and updating of election lists, based on national ID data, and to supervise the registration process and correcting of registration lists;

Third: develop and implement a system of electoral symbols for political party and independent candidates;

Fourth: receive, verify the authenticity of, and address reports and complaints in connection with the electoral process;

Fifth: lay down the rules regulating the engagement of Egyptian as well as international civil society organizations in following²⁰ all electoral processes;

Sixth: draw up rules governing election campaigning without prejudice to the provisions of article 4 of the Constitutional Declaration, and article eleven of Law 38/1972 concerning the People's Assembly, including a ban on the use of slogans, symbols or carrying out campaigning activities of a religious character or based on distinction as to gender and/or origin;

Seventh: create rules governing distribution of air time available, especially primetime TV and radio, for the purpose of electoral campaigning in state-owned and private media outlets based on full equality;

Eighth: declare the overall result of election and referenda;

Ninth: set out the schedule for by-elections;

Tenth: express opinion concerning election laws.

Article 3 (Bis-G)²¹

Candidates shall comply with the rules regulating electoral campaigning as shown in the constitution and the law.

¹⁹ Amended as per Law No. 46/2011

²⁰ The original Arabic term [متابعة] does not easily translate into English. The term could also be translated as 'witnessing'.

²¹ Amended as per Law No. 46/2011

Article 3 (Bis-H)²²

Without prejudice to the provisions of article eleven of Law 38/1972 on the People's Assembly, violating the ban on electoral campaigning, set forth in article 3 bis (F), item (six) hereof, , shall result in expunging the candidate's name from the candidate lists in the district.

The head of the HEC shall, in such case, prior to the end of the vote, request that Supreme Administrative Court (SAC) to expunge candidate's name.

The SAC shall without delay decide on the request without submitting same to the State Commissioner's Authority. The execution of the sentence issued by the SAC may not be challenged unless before the court that handed down the sentence. If the court - prior to the start of the polls – rules that the name of the candidate be expunged, the voting process shall proceed after expunging the name of the candidate who has been deprived [of his registration as a candidate]. However, if the voting process starts before the court decides on the request, the election process shall proceed provided that the HEC suspends the announcement of the results of the poll in which the candidate in question is contesting in the case he/she has received sufficient votes that allow them to win or to enter into a run-off vote against another candidate. In the event that the court rules that such candidate be removed [from the contest] the election shall be re-run with the other candidates.

In all events, the sentence shall be enforced through draft of judgment, without a notice.

Article 3 (Bis-I)

The head of the HEC shall establish a permanent General Secretariat thereof, to be chaired by a Deputy Head of the Court of Cassation, or another person of an equal standing, with the membership of a sufficient number of judges, or any other member of the judicial authorities of equal standing to be selected by the supreme councils of these authorities, and a representative of the Ministries of the Interior, Telecommunications and IT, and Local Development to be chosen by respective competent ministers.

The HEC shall identify the competences given to the General Secretariat and the rules of procedures thereof.

The head of the HEC has the right to request secondment of any person – from among public servants and specialized experts – whom he seeks their help in any of the general secretariat affairs.

²² Amended as per Law No. 46/2011

In all events, the seconding authority shall incur all financial remunerations paid to the employee on secondment just as he is working at such authority, during the whole secondment period.

Article 3 (Bis-J)

The High Elections Commission shall have an independent budget to be included in the general state budget. The Commission shall adopt regulations for its financial affairs including the rules and spending procedures for allocated funds and statements of spending by its members and staff.

Article 3 (Bis-K)

State agencies are required to assist the HEC in carrying out its competencies, to implement its decisions and to provide the HEC with whatever information and data it requests. The Commission shall have the right to request documents, papers, data and any other information held by a state body that it deems necessary to fulfill its competencies and it may seek assistance in this regard from researchers or experts to conduct an investigation or study.

Chapter 2: Electoral Register

Article 4²³

All persons, both male and female, having the right to exercise political rights shall be recorded in the electoral register. However, a person who acquired Egyptian citizenship by naturalization shall not be recorded in the electoral register except after at least five years have passed since citizenship was acquired.

Article 5²⁴

The electoral register shall be automatically created from national ID data held in the database of the Civil Status Authority of the Ministry of the Interior. It shall contain data on eligible voters who have not been excluded for any reason from practicing their political rights [and updated] throughout the year. [Electors] shall be automatically registered at the place and in the manner set forth in the executive regulations.

Article 5 Bis²⁵

As an exception to article 5 of this law, for the year 2011, the registration of voters in the electoral register shall cease as of the 20 July 2011. The

²³ Amended as per Decree Law No. 41/1979

²⁴ Amended by Decree Law No. 46/2011

²⁵ Added by Decree Law No. 110/2011

electoral register shall be published from 20 to 31 of August, in the place and manner stipulated in the Executive Regulations of this law.

Applications stipulated under article 15 of this law shall be presented from the date of the publication of the electoral register until 15 September 2011.

Article 6

The Regulations shall indicate the entities for which a special voter list shall be compiled. The Regulations shall set out the methods for preparing the electoral register, its contents, the verification and amendment methods, [procedures for] its display, and the entities where it shall be kept, as well as the formation of committees tasked with recording entries in electoral register and all that is prescribed in the present law.

Article 7²⁶

The Public Prosecution shall notify the HEC and the Ministry of Interior of final judgments depriving or suspending the exercise of political rights

In the case that civil servants or public sector employees have been deprived of exercising their political rights on grounds of moral turpitude, their place of employment shall serve such notification.

At all events, notifications must be made within fifteen days from the date such rulings or judgments are made final.

Article 8²⁷

Revoked

Article 9

An elector may not be recorded in more than one electoral register.

Article 10²⁸

No modification to the electoral register may be introduced after the voters are called to cast the ballot or vote in the referendum.

Article 11²⁹

The electoral domicile is the place of residence established in the National Identification Card.

²⁶ Amended as per Decree Law No. 46/2011

²⁷ Amended by Decree Law No. 46/2011

²⁸ Amended as per Decree Law No. 46/2011

²⁹ Amended as per Decree Law No. 46/2011

Article 12³⁰

Revoked

Article 13³¹

Revoked

Article 14

The electoral register shall be displayed, and the executive regulations shall indicate the method of displaying them.

Article 15³²

Any person, who is unlawfully omitted from the electoral register, or whose registration data is flawed, or who has regained eligibility to vote, or whose reason for ineligibility are expired, after the electoral register has been established is entitled to request that his/her name be registered or that his registration data be corrected.

Each voter whose name is registered in the electoral register is entitled to request that the names of those who have been unlawfully omitted or removed be registered or to request that registration data be corrected.

Such requests shall be submitted in writing throughout the year to the committee mentioned in article 16 hereof, and shall be registered in a special record according to the order the submissions. Receipts shall be given to applicants.

Article 16³³

The applications referred to in the previous article are adjudicated by a committee headed by the President of the Court of First Instance in the Governorate with the membership of two judges of the court of first instance to be chosen by the Supreme Judicial Council. A representative of the Ministry of Interior chosen by its minister shall be the Technical Secretariat of the Committee. The Committee shall decide on the [voter registration] requests within one week from the date of their submission. The Committee's decisions shall be notified to the concerned parties within three days from their date of issue. A decree on the formation of this committee and its secretariat shall be issued by the HEC.

³⁰ Amended by Decree Law No. 46/2011

³¹ Cancelled as per Law No. 76/1976

³² Amended as per Decree Law No. 46/2011

³³ Amended as per Law No. 23/1972 then Decree-Law No. 220/1994, then by Decree Law No. 110/2011

Article 17³⁴

A person whose request is refused, or where it has been determined that their name shall be deleted, may appeal - without payment of fees - against the decision of the committee referred to in the previous article before the respective Administrative Court. The clerk's office of that court shall record these requests in a special register in the order of their receipt and shall notify the person submitting the request, the head of the voter registration committee, the head of the committee prescribed in the previous article, and the concerned parties, of the date of the session scheduled for hearing the appeal. The notification shall be by registered letter with acknowledgment of receipt, providing this notification shall take place at least five days before the scheduled date of the session.

Article 18

Any voter whose name is recorded in the electoral register may become a litigant before the court in any dispute concerning the entry or the deletion of any name.

Article 19³⁵

The Administrative Court shall decide on appeals without delay. The court rulings passed in this respect shall be incontestable by any means of appeal.

The court shall rule imposing a fine of not less than one hundred pounds and not exceeding one thousand pounds on the voter whose appeal is rejected.

Article 20³⁶

The Process Server Department shall serve a notice on the Security Director, the Election Committee in the Governorates and Registration Committees of the judgments in order that the electoral register is updated within five days subsequent to issuance thereof, without prejudice to the aforementioned article 10 [of this law].

Article 21³⁷

Revoked

³⁴ Amended as per Law No. 23/1972 then Decree-Law No. 220/1994

³⁵ Amended as per Decree-Law No. 220/1994 then the second paragraph was amended as per Law No. 173/2005

³⁶ Amended by Decree-Law No. 220/1994 and Law No. 23/1972 then amended by Decree-Law No. 46/2011

³⁷ Repealed by Law No. 46/2011

Chapter 3: Regulation of the Referendum and Election Processes

Article 22³⁸

General elections shall be scheduled by a decree of the President of the Republic, whereas the date for by-elections shall be set by a decision by the head of the HEC. Such a decree or decision shall be made at least thirty days before the date specified for the election.

For referenda, the decree shall include the cases of referenda stipulated in the Constitution.³⁹

The President of the Republic, in case of necessity, may postpone the date fixed for general election or referendum, or one of its phases or elections in some electoral districts.

This decision shall be issued without being restricted to the period stipulated in the first paragraph [of this law], and to be announced as set out by Article 23 of this Law.⁴⁰

Article 23

The decree issued to call voters for an election or a referendum shall be announced by way of publication in the Official Journal.

Article 24⁴¹

The HEC shall specify the number and determine the location of polling station committees and the places where elections and referenda are to be held, as well as specifying the location of the voting centre committees. The determination of the polling locations shall be decided after soliciting the opinion of the Minister of the Interior.

The HEC shall form General Committees at constituency level ensuring the inclusion of a sufficient number of members of judicial bodies and shall assign a secretary and an alternate member to each. The General Committees shall decide on reports and complaints filed therewith and follow up on polling station processes in the constituency.

The HEC shall undertake the composition of the staff of polling station committees where elections and referenda are held. Each polling station committee shall include a head who is a member of a judicial body, a

³⁸ Replaced as per Decree Law 46/2011 and then amended by Decree Law 132/2011

³⁹ Amended as per Law No. 167/2000 and Law No. 23/1972 then amended as per Decree-Law No. 46/2011

⁴⁰ Added by Decree-Law No. 132/2011

⁴¹ Amended as per Decree Law 46/2011

secretary, an officer and an alternate member drawn from among public servants to replace either secretary or officer. For the Shura Council and the People's Assembly elections where the elections are conducted by the individual and closed party-list systems, the polling station committee shall include a head who is a member of a judicial body, two secretaries and not less than two officers, and one alternate secretary and an alternate officer drawn from among public servants. One of the secretaries shall be responsible of the voting procedures for the party-list system and the other shall be responsible for the voting procedures of the individual system. The official drawn from a judicial body may head more than one polling station committee but not exceeding three, provided that the polling stations are in the same location with no separation and allow the head to exercise actual supervision over all polling stations.

The decision issued regarding the composition of committees shall designate which person replaces the head of the committee in the event of his absence or other reason which prevents him from undertaking his duties, providing that any replacement [official] shall belong to a judicial body.

For the election of members of the People's Assembly and the Shura Council, each candidate and each party list is entitled to delegate a voter who is resident within the locale of the voting centre to represent the same candidate at this level, as well as a registered voter at the polling station level to represent same candidate or the list, in the same polling station. The head of the [respective] committee shall be notified thereof in writing before start of the polls. If half an hour were to pass after the time specified for the commencement of voting without having [at least] two representatives in attendance, the head of the committee shall complete the number required [by selecting] from among the literate voters present whose names are registered in the electoral register from within the area covered by the respective committee. If the number of [candidate/list] representatives exceeds eight and candidates fail to reach consensus on who shall serve, the head of the respective committee shall designate representatives by drawing lots. And the electoral headquarter mentioned in the third paragraph is treated as a polling station when applying the fifth paragraph.⁴²

In all events, should one hour pass after the specified time and candidates fail to delegate representatives thereto or the head of the respective committee fails to complete numbers of representatives by replacements, the election or referendum shall proceed.

Every candidate has the right to authorize a voter registered in the same electoral district to act as his agent to every polling station and centre. A

⁴² The (third, fourth and fifth) paragraphs of the article are Amended as per Decree Law No. 110/2011

candidate agent shall have the right to access voting centres and polling stations during the vote and to request that head of the committee record a note in the minutes of the proceedings. If a candidate agent does not have the appropriate authorisation [from the candidate], he shall not be permitted to access voting centres and polling stations. The agent's authorisation shall be sufficient when approved by any administrative authority or electoral committee in the governorate. Approval shall be given without fees even if by any competent endorsement bodies. Such an agent, or representative may not be a mayor (Omda) or a Sheikh, even if suspended.

Article 24 Bis⁴³

Cancelled

Article 25⁴⁴

If one of the committee members or its secretary is absent temporarily, the committee's head shall appoint an alternate from among the attending voters who can read and write.

Article 26⁴⁵

The maintenance of order in the polling station and its immediate vicinity shall be entrusted to the voting centre committee's head. He shall have the authority to call the police or military force when necessary. However, the police or military force shall not enter the election hall except upon the request of the committee's head. Such incidents shall be recorded in the minutes of the voting proceedings.

Voting centres shall include the building where the vote takes place and the surrounding area. The head of the voting center shall designate the perimeter of the surroundings area before polling commences.

Article 27

No one but voters shall enter the voting centre and its immediate vicinity and their attendance carrying an arm shall be prohibited. The candidates may always enter polling stations.

Article 28

The election or referendum process shall last from 8 a.m. to 7 p.m. However, if at 7 p.m. voters that have yet to express their views still remain

⁴³ Cancelled as per Decree Law No. 167/2000

⁴⁴ Amended as per Law No. 23/1972

⁴⁵ Amended as per Decree-Law No. 247/1959 then amended as per Decree Law No. 46/2011

in the election area, the committee shall draw up a list of their names and the election or referendum process shall continue until they express their views.⁴⁶

An election or referendum may be held over two consecutive days, provided that it is held in accordance with the dates and procedures established in the previous paragraph.⁴⁷

In the case that an election or referendum is held over two days, the head of each polling station committee, shall at the end of the first day, seal the election or referendum ballot boxes with red wax and stamp it with his seal. He shall write the minutes of the sealing procedure and record the number of voters [who voted on the first day]. He shall also seal the unused ballot papers and all other documents in one or more envelopes, seal the envelopes with red wax and place his stamp on the seal and record these procedures in the minutes. Ballots and ballot boxes shall be kept at the polling stations. The polling stations shall be locked and a red wax seal shall be placed over the lock and stamped by the head of the polling station committee. The polling station premises shall be guarded sufficiently.⁴⁸

The following day, the head of the polling station committee shall commence by verifying the seals on the polling station lock, the ballot box and the envelope containing the unused ballots are intact. A minute shall be written on the procedures for removing the seals. This minute shall be attached to the other polling station documents.⁴⁹

Article 29

Voting in the elections and expressing an opinion on a referendum question shall be done by means of an endorsement on the ballot-paper provided for the purpose.

The polling station committee's head shall hand to each voter an open ballot paper, bearing on its reverse the stamp of the committee and the date of the election or referendum. A voter shall position himself at the designated area for voting. After he records his view on the ballot-paper, he shall return it folded to the head of the committee to insert it in the ballot-box designated for that purpose. The voter shall then immerse his finger in ink, which is indelible for a 24 hour period after casting his vote in the election, and he shall sign beside his name in the voters' list in his handwriting or by means of his thumb print.⁵⁰

⁴⁶ Amended as per Decree-Law No. 167/2000

⁴⁷ Added as per Decree Law No. 132/2011

⁴⁸ Added as per Decree Law No. 132/2011

⁴⁹ Added as per Decree Law No. 132/2011

⁵⁰ The second paragraph is Amended as per Law No. 173/2005

To ensure the secrecy of the election or the referenda, the ballot papers shall be produced in a way that the name of the candidate or the political party list, or the subject put into referenda, shall bear a colour or symbol as stipulated in the regulation that shall be adopted by a decision of the High Election Commission.⁵¹

The executive regulations shall indicate the form of the ballot paper and its contents, as well as the manner of making an endorsement on it. No lead pencil shall be used.

However, blind and other voters with a disability who cannot record their views on the election or referendum ballot papers without assistance may express their choice verbally in a manner such that only the committee members can hear. The secretary of the polling station committee shall record the voter's choice on his ballot-paper, and the head of the polling station committee shall sign it and record next to the voter's name on the voter list that the voter expressed his choice according to this procedure.

These voters may also delegate a person to attend voting with them before the polling station committee, to write their electoral or referendum choice on the ballot papers they receive from the head of the committee. This delegation shall be recorded in the minutes.

Article 29 Bis⁵²

For Shura Council and People's Assembly elections where the elections are conducted according to the individual and closed list systems, the head of the polling station committee shall give the voter a ballot paper containing the names of the individual candidates in the constituencies established for the individual system, and another ballot paper of a different colour containing the name of the political parties or political party coalitions in the districts established for the party-list system.

Each of the secretaries shall have an identical voter list for the polling station. Two ballot boxes shall be provided, one for the votes cast according to the individual system and the other for votes cast according to the list system.

Article 30

A voter shall not express his view more than one time in the same election or referendum.

⁵¹ The third paragraph of Article 29 is Amended as per Decree Law No. 110/2011 and the third paragraph of the Article was repealed as per Decree Law No. 46/2011

⁵² Added by Decree Law 110/2011

Article 31⁵³

Identification of the voter shall solely be established by the ID card.

Article 32⁵⁴

The secretary of the polling station committee shall place his/her signature in the voter list next to the name of each voter who casts a ballot.

For referenda, voters may cast a ballot at the polling station in the place at which they are located. In such cases the secretary of the polling station committee shall record the data contained in the [voter's] ID card in a separate register drawn up in duplicate and which is to be signed by the head, officers or secretaries of the polling station committee.

Article 33⁵⁵

All conditional choices given to more or less than the number [of candidates] required to be elected, or if the voter records his view on a ballot other than the one given to him by the head of the committee, or if the ballot paper signed by the voter, or bears any other sign or mark indicating the voter's identity, shall be null and void.

The invalidity or corruption of any of the procedures occurring for one of the boxes mentioned in article 29 bis does not affect the validity of the second box. In addition, the invalidity of the ballot papers in one of the boxes does not affect the validity of the ballot papers in the other box.⁵⁶

Article 34⁵⁷

The head of the polling station committee shall announce the end of the voting process at the designated time. The ballot boxes for the election or referendum shall be sealed and the head of the committee shall deliver them to the head of the Counting Committee.

The Counting Committee shall be formed by a Decree from the HEC under the head or one of the members of the Voting Centre Committee, with the membership of two heads of polling station committees to be selected by the head of the General Committee. The secretary of the Voting Centre Committee shall become the Counting Committee's secretariat. The counting of election or referendum votes from a polling station shall be held

⁵³ Amended as per Decree Law No. 167/2000 and Decree Law No. 220/1994 then Amended as per Decree Law No. 46/2011

⁵⁴ Amended as per Decree Law No.220/1994 and Law No. 235/1956 then Amended as per Decree Law No. 46/2011

⁵⁵ Amended as per Law No. 23/1972

⁵⁶ Amended as per Decree Law No. 110/2011

⁵⁷ Amended as per Laws Nos. 23/1972, 76/1976, 46/1984 then 13/2000 and Decree Laws Nos. 2/1987, 202/1990 then amended as per Decree Law No. 167/2000

in the presence of the head of the polling station committee at the premises of the General Committee. The Counting Committee may commission the head of a polling station to do the counting under its supervision.

Each candidate shall have the right to delegate a representative to attend on his behalf the Counting Committee in the constituency for which he is nominated. The Counting Committee shall at the latest complete its work on the day following the election.

The Counting Committee shall draw up a report on the procedures for sorting the ballot boxes of each polling station which shall be signed by the head and secretary of the Counting Committee as well as the head of the polling station committee.

The counting of the votes for the party-lists shall be conducted at the General Committee of the constituency. In all cases, the counting procedures for the party-list ballot papers shall be conducted separately and a report on the counting procedures shall be completed. The General Committee shall not declare the results of the counting. The ballot papers and the reports shall be sent to the Election Committee for the Governorate for review and issuance of a report on counting and a declaration of the number of valid votes that each list received. The process of counting and declaring the valid votes should follow the same rules as mentioned in this law.⁵⁸

Article 34 Bis⁵⁹

The High Elections Commissions may decide to hold counting in polling centres. Counting shall be held under the supervision of the polling centre chairman and in the case of People's Assembly or Shura Council elections, each candidate may delegate someone to attend the counting process. Counting procedures shall be included in a report signed by polling committee members. Ballots shall be put in one envelope, or more, and shall be sealed by red wax and the chairman's seal.

In the case of People's Assembly and Shura Council, in which there are individual and closed party-list candidates, counting procedures for individual ballot boxes candidates must be separated from party-list ballot boxes. Counting procedures for each of them shall be reported in different reports.

Chairmen of polling centres shall hand over counting reports, envelopes of ballots and all other election documents to the chairman of the High Elections Commission.

⁵⁸ The last paragraph is amended as per Decree Law No. 110/2011

⁵⁹ Added as per Decree Law No. 241/2011

The Chairman of the High Elections Commission shall draft a report on combined counting. In the case of People's Assembly or Shura Council elections, in which there are individual and closed party-list candidates, the Chairman of the High Elections Commissions shall draft a separate report for votes for individual candidates and votes for party-list.

Counting procedures and result announcement shall follow stated procedures in this law, without contradicting regulations on this article.

Article 35⁶⁰

The Counting Committee shall decide on all the issues connected with the election or referendum process and the validity or invalidity of the expression of voters' views.

The deliberations shall take place behind closed doors, and shall not be attended except by the head and members of the Committee.

Decisions shall be issued by an absolute majority of votes. In the case of a tied vote the Committee's head shall have a casting vote.

The decisions shall be recorded in the Committee's minutes and shall be substantiated. The head and members of the Committee shall sign the minutes and the head of Committee shall read them out publicly.

Article 36⁶¹

The head of the voting centre committee shall announce the result of the election or the referendum according to the electoral system in place. Both the head and the secretary of a voting centre committee shall sign the minutes of the proceedings in triplicate, one copy is to be sent along with the ballot papers to the HEC directly, the other is to be sent to the Minister of Interior and the third is to be filed with the Electoral Committee in respective governorate.

For the districts established for the closed-party list system, the Chairman of the General Committee announces the number of valid votes given to each [party-] list. The ballots and the three copies of the minutes shall be sent to the HEC. After the HEC has received the ballots and the three copies of the minutes from all districts of the Republic, it shall calculate the [voting] percentage of each party-list or party coalition-list and the number of seats acquired by each [party-]list in each district and the names of the elected members of each district allocated to closed party-list, in accordance with the provisions of Articles 15 and 17 of Law 38/1972 on the People's Assembly, and Articles 10 and 12 of Law 120/1980 on the Shura Council.

⁶⁰ Amended as per Law No. 46/1984 then Amended as per Decree Law No. 202/1990

⁶¹ Amended as per Decree Law No. 48/2011

Following this process, the HEC shall send copies of the minutes to the Minister of Interior and to the election committee of each governorate for archiving⁶².

Article 37⁶³

The head of the HEC shall, within three days of the announcement of the results of the election or referendum in electoral districts by the heads of the General Committees, or after the completion of the final phase of the election in the case the vote is conducted in several phases and according to the electoral system in place, announce the overall results of the election or referendum by decree. The decree shall be published in the Official Journal within two days of its issue.

Article 38⁶⁴

The head of the High Election Commission shall, within one month of the announcement of election results, send to each of the elected candidates a certificate of election.

Chapter 4: Election Crimes⁶⁵

Article 39⁶⁶

Subject to any stricter penalty prescribed by any other law, the following acts shall be liable to the penalties prescribed in the following articles.

Article 40⁶⁷

Any person whose name is recorded in the electoral register and fails to vote in the election or referendum without excuse shall be liable to a fine not exceeding five hundred pounds.

Article 41

Whoever uses force or violence against the head or any member of the election or referendum committee with the aim of preventing him from performing the work entrusted to him, or compelling him to perform it in a certain manner, but fails to attain his aim, shall be liable to imprisonment for a period not exceeding five years.

If the offender attains his aim, imprisonment shall be the penalty. If the offender acts with physical violence causing a wound resulting in a

⁶² The Second paragraph of Article 36 is Added as per Decree Law No. 110/2011

⁶³ Amended as per Decree Law 46/2011

⁶⁴ Amended as per Law No. 173/2005

⁶⁵ Substituted as per Law No. 173/2005

⁶⁶ Amended as per Decree Law No. 220/1994 that stipulates the deletion of the second paragraph of this article

⁶⁷ As amended by Resolution 202/1990 and Decree Law 124/2011

permanent disability, penal servitude shall be the penalty, and if the physical violence leads to death, the penalty shall be lifetime imprisonment.

Article 42⁶⁸

Whoever threatens the head or a member of the election or referendum committee with the aim of preventing him from performing the work entrusted to him shall be liable to confinement to jail for a period not exceeding two years. If the threat results in a deficient performance of the work, the offender shall be liable to confinement to jail.

Article 43⁶⁹

Whoever insults the head or a member of the election or referendum committee, whether by gesture or verbally, during or because of performing his work, shall be liable to confinement to jail.

Article 44⁷⁰

Whoever uses terror or intimidating methods with the aim of affecting the reliability of the electoral process or referendum procedures but does not attain his aim, shall be liable to confinement to jail for a period of not less than two years. If he attains his aim, he shall be liable to confinement to jail for a period of not less than two years and not exceeding five years.

Article 45⁷¹

Whosoever, in a pre-meditated manner, destroys or damages any of the buildings, establishments, or the means of transport being used or provided for use in the election or referendum with the aim of obstructing the process, shall be liable to confinement to jail as well as being liable for payment to the value of property which they have demolished or damaged.

Article 46⁷²

Whosoever steals, hides, or damages a voter list or a ballot paper or any other paper connected with the election or referendum process with the aim of altering the genuine results thereof, or for any other purpose requiring a repeat of an election or referendum or its discontinuation, shall be liable to confinement to jail.

⁶⁸ Amended as per Resolution 202/1990 and the last paragraph of this Article was deleted as per Law 13/2000

⁶⁹ Amended as per Decree Law No. 202/1990, the last paragraph was deleted as per Law 13/2000 and amended as per Decree Law No. 124/2011

⁷⁰ Amended as per Law 202/1990

⁷¹ Amended as per Decree Law No. 202/1990 and was Amended as per Decree Law No. 124/2011

⁷² Amended as per Decree Law No. 124/2011

Article 47⁷³

Whoever deliberately records or deletes, by himself or by another person, his name or another person's name in the electoral register, contrary to the provisions of the law, shall be liable to confinement to jail.

Article 48⁷⁴

The following shall be liable to confinement to jail for a period of not less than one year and not more than five years, and a fine of not less than ten thousand pounds and not more than one hundred thousand Egyptian pounds:

First:

Whoever uses force or threat to prevent a person from voting in an election or referendum or to compel a person to vote in a certain way.

Second:

Whoever gives another person or offers or undertakes to give him a benefit for himself or for a third party in order to motivate him to refrain from voting or to vote in a certain way. The Chairman of the High Election Commission shall have the right to nullify all votes resulting from such offense.

Third:

Whoever accepts or demands such a benefit for himself or for a third party.

Fourth:

Whoever knowingly spreads or propagates false statements or news on the subject of the election or referendum or on the conduct or character of one of the candidates with the aim of influencing the election or referendum result.

If these statements or news are propagated at a time when the voters cannot ascertain the truth, the penalty shall be doubled.

Fifth:

Whoever prints or handles ballot papers or other papers used in the electoral process without permission from the competent authority.

A candidate benefiting from the offenses mentioned in abovementioned paragraphs 1, 3, 4 and 5 shall be sentenced to the same punishment set out

⁷³ Amended as per Decree Law No. 202/1990 and was Amended as per Decree Law No. 124/2011

⁷⁴ Amended by Decree Law 124/2011

in the principal paragraph [of this article] should they be proved to have known and approved of the committing of such acts. Additionally, the Court shall sentence them to be barred from running in representative elections for five years from the date of the criminal sentence becoming final and peremptory.

Article 49⁷⁵

A jail sentence shall be imposed on:

First

Whoever votes in an election or referendum while knowing that that they have done so without due right

Second

Whoever votes while assuming another person's identity.

Third:

Whoever participates in the same election or referendum more than once.

The head of the High Election Commission shall have the right to nullify votes resulting from the committing of any of the offenses stipulated in the present Article.

Article 50⁷⁶

Whoever removes, damages, or changes the ballot-box, or tampers with the ballot-papers contained therein, shall be liable to confinement to jail.

Article 50 Bis⁷⁷

Electoral campaigning based on religious slogans or on discrimination on the grounds of sex or origin shall be prohibited. Anyone violating this prohibition shall be sentenced to jail term of not less than three months and to a fine of not less than five thousand and no more than ten thousand Egyptian Pounds.

Article 50 (Bis-A)⁷⁸

The Public Prosecution shall be responsible for judicially investigating crimes stipulated in the present Part and may order the provisional detention of the accused pending investigation until referral to a criminal trial.

⁷⁵ Amended as per Decree Law 124/2011

⁷⁶ Amended as per Decree Law No. 124/2011

⁷⁷ Added as per Decree Law 124/2011

⁷⁸ Added as per Decree Law 124/2011

The General Assembly of every Court of Appeals or Court of First Instance shall be responsible for determining one or more circuits for hearing and expeditiously ruling on electoral offenses.

Article 51

Whoever attempts the misdemeanors prescribed in the present law shall be liable to the same penalties prescribed in case of committing a crime.

Article 52⁷⁹

The head of the election or referendum committee shall have the authority vested in the investigation officers concerning the crimes that take place in the committee's premises.

Chapter 5: General and Temporary Provisions⁸⁰

Article 53⁸¹

The call for carrying out the referendum shall be made by means of decree of the President of the Republic.

Article 54⁸²

Modifying the time limits prescribed in the present law, or dividing them into intervals may take place by virtue of a decree of the Minister of the Interior when preparing the electoral register for the first time.

Article 55

If a voter's travel from his home address to the place of election is by the governmental railways, two free return tickets shall be given to him as indicated in the executive regulations on submitting the certificate of recording his name in the electoral register.

Article 56

Decree-law No. 148 of the year 1935 and all provisions contradicting the provisions of the present law shall be superseded.

Article 57⁸³

The ministers, each in so far as he is concerned, shall enforce the present law, and the High Election Commission shall issue its Executive Regulations.

⁷⁹ Added as per Law 173/2005

⁸⁰ Articles of Part-5 are renumbered as per Article-5 of Law No. 173/2005

⁸¹ Amended as per Law No. 23/1972

⁸² Amended as per Law No. 235/1956

⁸³ Amended as per Decree Law 110/2011

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Issued at the Presidency of the Republic on 20 Ragab 1375 (Islamic Calendar), corresponding to 3 March 1956 (Gregorian calendar).