

Law No. 198 for the year 2017 on the National Election Authority

**In the name of the People
President of the Republic**

The House of Representatives declared the following stipulations of the law, and we issued it;

Chapter One Definitions

Article (1):

In applying the provisions of this law, each of the following terms and sentences will have the following meanings as defined next to them.

The Authority: The National Election Authority.

The Board: The Board of Directors of the National Election Authority.

The President: The President of the National Election Authority.

The Body: The permanent Executive Body of the National Election Authority.

The Executive Director: The Director of the permanent Executive Body of the National Election Authority.

The Committees: The committees that the Authority will form to administer and follow up on referenda and elections, as per the provisions of this law.

The Members: Heads and members of the committees.

Chapter Two

The Authority, and Determining its Jurisdiction

The Authority

Article (2):

The National Election Authority is an independent authority with a legal personality and is technically, financially and administratively independent, and will be headquartered in the governorate of Cairo. When necessary, it may hold its meetings in any place it deems suitable. Based on a decision by the President and after the approval of the Board, it may establish local branches.

Jurisdiction of the Authority

Article (3):

The Authority is exclusively mandated to administer referenda and presidential, parliamentary and local council elections; to organize all the processes relevant to these elections; and to supervise these elections with complete independence and impartiality as regulated by this law. No intervention in its work or mandate is allowed.

The Authority works within this framework on ensuring the right to vote for each voter and equality between all voters and candidates during referenda and elections. In doing so it is specifically tasked with the following:

1. Issuing all decrees regulating its work and implementing the process of referenda and elections in accordance with the laws and as per internationally acknowledged principles and rules.
2. Preparing the voter database based on data of the national identification number, as well as continuously updating, amending, cleaning and periodically reviewing it.
3. Calling voters for referenda and elections, determining their dates, and setting the timeline for each, taking into consideration the conditions as stipulated in the constitution.
4. Initiating the candidacy period, determining the timeline, the procedures, and the required documents and forms that shall be submitted upon application for candidacy.
5. Receiving applications for candidacy, examining them and verifying that they meet the required conditions, deciding on the application and announcing the names of candidates.
6. Setting the rules, procedures and mechanisms for conducting referenda and elections in a manner that ensures its safety, impartiality, integrity and transparency.
7. Seconding members to administer polling and counting in referenda and elections from the state's civil servants and others given that they meet the conditions that should be fulfilled by the Executive Body's personnel. It may seek the assistance of members of judicial authorities after obtaining the approval from the respective Special and Supreme Councils as applicable (depending on the case).
8. Identifying the locations of polling and counting stations and centers, and those who are in charge, and assigning members.
9. Issuing the necessary decrees to preserve order and security during referenda and elections inside and outside polling stations.
10. Setting out the rules that will regulate the procedures of the voting process for Egyptians who live abroad during referenda and elections, in accordance with their circumstances,

determining the locations and number of polling stations, and the personnel in charge whilst also providing guarantees that ensure the integrity and impartiality of the referenda and elections process in coordination with the Ministry of Foreign Affairs.

11. Determining the regulations for electoral campaigning, financing and spending, announcing and observing them.
12. Determining the start and end dates of campaigning.
13. Setting out the rules pertaining to observing referenda and elections by Egyptian and international media and civil society organizations, others, and candidate agents and ensuring compliance with these rules.
14. Setting the regulating rules for public opinion polls as related to referenda and elections, how to conduct them, their dates, and announcing them.
15. Informing and educating voters, political parties and coalitions about the importance of participating in referenda and elections and their rights and responsibilities. In doing so, it may seek the assistance of national councils, civil society organizations, professional and vocational syndicates, media outlets and others.
16. Establishing and implementing a system for assigning candidates' symbols in the election on condition that this system shall be impartial and ensures equality and equal opportunity.
17. Setting and implementing rules and instructions for receiving grievances, reports, and complaints as related to the process of referenda and elections and adjudicating them.
18. Setting necessary procedures of archiving referenda and elections papers, the period of storing them as well as the disposal of these papers.
19. Suggesting the electoral boundary delimitation or amending them in coordination with the relevant authorities in a way that takes into account the fair representation of population and governorates as well as the proportionate representation of voters, when applicable.
20. Determining the responsible party that would conduct the medical examination for candidates.
21. Preparing and announcing the final list of candidates and announcing the date and procedures for withdrawing names from the final list of candidates.
22. Setting rules and procedures for notifying applicants with the Authority's decisions in a way that ensures their acknowledgement of these decisions.
23. Setting the necessary facilitating procedures to enable persons with disabilities to vote in referenda and elections.
24. Setting an electoral Code of Conduct that will be binding for candidates, political parties, and supporters. The Code of Conduct shall set the penalties that will result from violating the Code of Conduct including disqualification of candidates in the cases where necessary.
25. Announcing the results of referenda and elections.

26. Advising on relevant draft laws related to referenda and presidential, parliamentary and local council elections.

The authority may decide and regulate usage of secure electronic means of communication, voting, and archiving in all, or some, referenda and elections phases. It may also seek the assistance of those who are deemed experienced and competent to achieve its work in that regard, on condition that they are independent and impartial.

The Bodies of the Authority

Article (4):

The Authority shall be composed of:

1. The Board of Directors of the Authority.
2. The permanent Executive Body of the Authority.

The Authority shall have an organizational chart that is issued by a decree from the Board after consulting with the Central Agency for Organization and Administration.

Chapter Three

The Board of Directors of the Authority

Composition of the Board

Article (5):

The Board shall consist of ten members equally from Vice-Presidents of the Court of Cassation, Presidents of the Courts of Appeal, Vice-Presidents of the State Council, Vice-Presidents of the State Litigation Authority, and Vice-Presidents of the Administrative Prosecution Authority, who will be selected by the Higher Judicial Council, and respective Special and Supreme Councils of these judicial entities and authorities as applicable, provided that the members are not members of these councils, and provided that the remaining period for reaching the age of retirement for any of the members shall not be less than six years at the time of secondment.

The heads of the mentioned judicial entities and authorities shall share the selected members' names with the Minister of Justice. A Presidential Decree shall be issued to appoint them based on what is represented by the Minister of Justice.

The Authority shall be headed by the most senior member from the Court of Cassation who shall represent it before the judiciary and in its relations with others. He shall have the authorities and competences that are determined for the competent minister and the Minister of Finance, as per the laws and regulations.

The Board's Term

Article (6):

Appointment of the board's members is through full secondment for one non-renewable term of six years.

In case of any circumstances preventing any board member from completing his term, the judicial entity or authority chooses a replacement, as necessary, on the condition that the replacement shall complete the rest of the term.

The secondment of half of the board members shall be renewed every three years, and the Board shall determine the names of the Board members whose secondment period terminates after the first three years. This will be done through a lottery that the Chairperson undertakes between each two members of one judicial entity or authority. This will be done no later than three months before the expiration of the three-year term.

The number of the members of the Board shall be completed with the same procedures stipulated under paragraphs 1 and 2 of Article 5 of this law.

Competences of the Board

Article (7):

The Board is the highest governing body of the Authority and is mandated to set and implement the necessary policies to achieve its objectives and goals and to exercise its jurisdiction.

And in doing so the Board shall:

1. Issue decrees and internal by-laws related to financial, administrative and technical affairs of the Authority, without being restricted by governmental rules.
2. Set the by-laws that regulate staff affairs of the Authority.
3. Approve the draft annual budget and certify the final account statements of the Authority.

4. Propose entering into agreements that fall within the scope of work of the Authority in consultation with the relevant ministries, and cooperate with international organizations and entities that specialize and work in the field of the Authority.
5. Convene conferences, seminars, and research roundtables related to referenda and elections.
6. Cooperate with research centers and specialized institutes to support the goals of the Authority.
7. Supervise the Members and Committees during polling and counting processes in referenda and elections.
8. Set the rules and instructions related to polling, counting and distribute these rules and instructions to the members [of general committees and polling stations] in a timely fashion before the date of a referendum or election in order to follow the instructions.
9. Produce and publish a detailed final report on each referendum or electoral process with all its stages, the summary of which is to be published in the Official Gazette, and the report shall be presented to the President of the Republic, the Speaker of the House of Representatives and the Prime Minister.
10. Prepare and publish an annual report on the activities and work of the Authority to be sent to the President of the Republic, the Speaker of the House of Representatives and the Prime Minister for their information.
11. Review the periodic reports that the Executive Director submits to the Board.
12. Set the rules related to campaigning, financing and electoral spending and also, announcing and monitoring these rules, detecting the offenders and reporting them to the relevant authorities.
13. Take into consideration any matters that fall within its jurisdiction that the President or any of the Board members wishes to raise to the Board.

Meetings and Decisions of the Board

Article (8):

The President of the Board shall call for a meeting at least once a month with the Board members. In his absence, he shall be replaced by a Board member from the Vice-Presidents of the Court of Cassation.

The Board may be called for an ad-hoc meeting based on a request from its President or by a written request from three of its members.

The meeting shall be considered valid if attended by at least eight of its members, including the Chairperson or his replacement. Its decisions shall be issued with a majority of at least six of its members.

The Executive Director shall attend the meetings of the Board as a non-voting member and he is in charge of the Secretariat of the Board.

The Board may seek the assistance of independent public figures, specialists, and those with expertise in the field of elections as consultants for the Board or to undertake specific tasks. They may be invited to attend Board meetings and participate in the deliberations without the right to vote.

Deliberations of the Board and Announcing Decisions

Article (9):

All deliberations of the Board are confidential and documented with written meeting minutes and may be recorded and archived digitally.

Decisions of the Board shall be announced immediately after their issuance and the decisions of the Board related to referenda and elections shall be published in the Official Gazette.

Grievances submitted to the Board

Article (10):

Regarding grievances against decisions of General Committees, the same rules, procedures and timelines stipulated in the laws regulating presidential, parliamentary and local elections shall apply depending on the circumstances. The same is applicable for the rules and decrees that the Authority issues in this regard.

Decrees announcing the final results for referenda and elections

Article (11):

Only the Board shall announce the final result for referenda and elections nationwide by a decree that the Board issues within five days following the receipt of all electoral documents of the General Committees submitted to the Authority. Three days shall be added to this period if grievances were submitted to the Authority.

The final results shall be published in the manner stipulated under the second paragraph of article 9 of this law no later than two days of its announcement.

Appealing decisions of the Authority

Article (12):

Any stakeholder may appeal the decisions of the Authority within 48 hours of its announcement.

The Supreme Administrative Court has the mandate to adjudicate the appeals against the decisions of the Authority related to referenda, presidential and parliamentary elections and its results.

The Administrative Court has the jurisdiction to adjudicate the appeals against the decisions of the Authority related to local council elections and its results.

Appeals are to be submitted to the competent court as per the procedures stipulated under the State Council Law.

Adjudicating Appeals

Article (13):

The competent court shall adjudicate the appeals against the decisions of the Authority by a final ruling that cannot be appealed, within ten days of the date of registering the appeal and without presenting it to the State Commissioners Authority. The ruling shall be executed as drafted and without notification.

The Authority shall publish a summary of the ruling in the Official Gazette and in two widely circulated daily newspapers at the financial expense of the loser of the appeal.

Chapter Four

The Executive Body of the Authority

Mandate of the Body

Article (14):

The Authority will have an Executive Body which will administer, under the supervision of the Board, the technical, financial and administrative affairs, specifically as follows:

1. Executing the recommendations and decisions of the Board.
2. Preparing the agenda of the Board's meetings.
3. Preparing a database of administrators who can be seconded to manage polling and counting in referenda and elections, as well as preparing training programs for them.

4. Coordinating the administrative, financial, and technical organization of the Authority in accordance with the relevant systems, bylaws, and decisions issued in this regard.
5. Preparing the draft general budget and final account statement to be presented to the Board.
6. Preparing the documents, records, and research studies that are necessary for the work of the Authority.
7. Coordinating and conducting the necessary communications between the Authority, ministries, and relevant bodies to implement the recommendations and decisions of the Board.
8. Setting draft action plans and programs related to referenda and elections before submitting them to the Board.
9. Archiving and documenting all the records, papers and documents related to the work of the Authority.

Composition of the Executive Body

Article (15):

The Executive Body will be composed of an Executive Director and three deputies. It also includes a sufficient number of members and staff members who are selected from the members of judicial entities and authorities, state civil servants, and those with experience based on rules set by the Board.

The prerequisite for those who will occupy a position at the Executive Body is to be experienced in the field of administering referenda and elections and to be known for competence, integrity, and impartiality and to not be affiliated with any political movement, coalition, or party.

Appointment of the Executive Director and his Three Deputies

Article (16):

The positions of the Executive Director and his three deputies will be filled through a decree issued by the President of the Republic, whom he will select amongst several candidates nominated by the Board for a term of four years that may be renewed only once. The decree will stipulate their salaries and allowances. Nevertheless, if the end of this term coincided with holding a referendum or an election, the appointment term may get extended until the end of the election or referendum and announcement of results. The maximum period of extending the appointment is one year.

The Jurisdiction of the Executive Director

Article (17):

The Executive Director will head the Executive Body and administer, with the support of his deputies, the supervision of the Executive Body's work, specifically as follows:

1. Executing the authority's financial and administrative matters.
2. Reviewing studies, plans, and programs that will be presented to the Board and overseeing the preparation of its agenda and meeting minutes.
3. Executing the decisions and policies of the Board and submitting periodic reports in this regard to the Board.
4. Communicating the Authority's decisions to the relevant ministries and entities as well as following up on their implementation.
5. Preparing a program for executing the Board's decisions, in accordance with the work plan of the Authority during referenda and elections and presenting it to the Board for ratification.
6. Preparing the draft annual budget of the Authority, following up on its execution and preparing periodic files and reports in this regard.
7. Proposing the Authority's organizational structure and its human resource systems and presenting them to the Board.
8. Setting up and managing the website and modern channels of communication for the Authority.
9. Submitting periodic quarterly reports to the Board and as necessary. These reports cover what was carried out including: tasks, assignments, and competences, in order to achieve the objectives of the Authority and its policy.
10. Administering the competences delegated by the Board or the Authority's President.

The Executive Director may delegate some of his responsibilities to one of his deputies. In case of the absence of the Executive Director, the Board will assign one of his deputies to replace him to administer his competences.

The Staff of the Authority

Article (18):

Recruitment of staff of the Authority, other than the Executive Director and his deputies, will be through appointment, secondment, transfer, short term assignments, promotion, or contracting as per the relevant laws in this regard.

Chapter Five

Administration of Polling and Counting

Administrators of the Polling and Counting Process

Article (19):

The Board will issue a decision to form General Committees and Polling Stations which will administer polling and counting in referenda and elections.

The Authority's affiliated members will handle the administration of polling and counting in referenda and elections. The Board will select them from the state civil servants or others as per the criteria set by the board. The Board may seek the assistance of representatives from judicial authorities.

Follow-up Committees in Governorates

Article (20):

The Board may form committees, upon the approval of the Supreme Judicial Council, Special and Higher Councils for relevant judicial entities and authorities, to follow up on the conduct of referenda and elections in the constituencies of the Courts of First Instance in the governorates. Committee members will be members of the judicial entities and authorities who will work under the supervision of the Authority.

Commitment to Facilitating the Work of the Authority

Article (21):

All state agencies are committed to assisting the Authority to exercise its competences, and execute its functions. State agencies will provide all the data, documents, information, etc., as requested by the Authority to complete its work.

All ministries and relevant administrative state bodies are fully committed, since the announcement of the referenda or elections date, to determine its representatives and to coordinate with the Authority in exercising its duties and competences.

The Authority can assign whomever it considers from the administrative entities, or any experts to conduct any research or study necessary to decide on a matter presented to it.

The Authority may request the General Prosecutor or the Administrative Prosecutor, as applicable, to conduct an investigation that is required to make a decision in any matter that is necessary.

The General Prosecutor or the head of the Administrative Prosecution Authority, as applicable, based on a request from the President of the Board, can issue an order to seize any papers, documents, or anything that is relevant to the investigation whenever considered useful to decide on a matter presented to the Board; or if reviewing it is believed to ensure the safety and integrity of referenda and elections.

Chapter Six
Duties, Rights and Guarantees of the Authority's Staff
General Commitments

Article (22):

The President, Board members, Executive Director and his deputies, members, and any of the Authority's staff are prohibited from the following:

1. Running in any elections during tenure at the Authority.
2. Accepting any position, profession, any other work with or without a salary, during tenure at the Authority.
3. Disclosure of any confidential information, or data obtained while performing duties to any person or entity, national or foreign.
4. Receiving or accepting money, privileges, donations, gifts or any honorarium of any type and under any description due to his work in the Authority.
5. Participating in any way in campaigns during referenda and elections.

Prohibition of conflict of interest

Article (23):

With the exception of the provisions of the Illegal Earnings Law, issued by Law no. 62/1975, the President and Board Members of the National Election Authority, the Executive Director and his deputies shall submit a financial disclosure statement upon their appointment and at the end of each year and upon the end of their appointment.

They are also obliged to submit a declaration of commitment to refrain from engaging in any activity that would constitute a case of conflict of interest as stipulated in Law no. 106/2013, which prohibits the conflict of interest of state officials.

Article (24):

It is prohibited for the President and Board Members of the National Election Authority, the Executive Director and his deputies, or any of the member of the Body or its staff to be a relative of one of the candidates, up to the fourth degree, in any elections. The candidate should disclose this information in writing when they submit their application for candidacy so that the Board can take the appropriate procedures in this regard including the possibility of seconding a replacement in accordance with the stipulated procedures of this law.

The heads of any General Committee or polling station or follow-up committee or any of its members shall not be a relative of any of the candidates in the same domain of the electoral district of which he is in charge. In such a case, he should notify the President in writing about this when the candidate submits his application to run in an election. Accordingly, any of the above-mentioned can be seconded to a different electoral district.

Penalty for Staff Violating their Obligations and Duties

Article (25):

In case of a violation by a member of the judicial entities and authorities working for, or seconded to, the Authority, regarding any of the obligations stipulated in articles (22, 23, 24) of this law, the Supreme Judicial Council and Special and Higher Councils of these entities and authorities as applicable, shall follow the procedures as per their respective laws.

The Authority's staff who are not members of judicial entities or authorities shall be treated as public civil servants and be subject to the Penal Code.

Guarantees of the President, Board members, and Members of the Body

Article (26):

The President, Board members, Executive Director and his deputies shall not be dismissed from their positions except in the following cases:

1. Submission of a written resignation or requesting the end of secondment.
2. Loss of one of the eligibility criteria for his post.
3. Breach of any of his job duties as stipulated in this law or conducting any work that shall threaten the greater interests of the country.

In all cases, termination as stipulated in clauses (2 and 3) of this article shall not be effective except after issuing a decree from the Supreme Judicial Council, or the Special or Higher Councils of the judicial entities and authorities to which the member is affiliated, as applicable, which proves the loss of any eligibility criteria of the position. This shall happen after following the procedures of their respective laws.

Article (27):

Any member of the Authority, who is not a member of a judicial entity or authority, shall not be discharged from his position except through the provisions of disciplinary accountability as stipulated in the Civil Service Law.

Judicial Police

Article (28):

Judicial police authority shall be granted for the crimes stipulated in the Law Regulating the Exercise of Political Rights and any relevant laws during referenda and elections to the following:

1. The President and Board Members of the Authority
2. The Executive Director, his deputies and members of the Executive Body of the Authority and its staff.
3. The members.

Chapter Seven

Financial and Administrative Affairs of the Authority

Resources of the Authority

Article (29):

The resources of the authority are composed of:

1. Allocation assigned by the State from the general budget.
2. Any other resources that the Board agrees to include as part of its resources in coordination with concerned entities.

The Budget of the Authority

Article (30):

The authority shall have an independent budget that will be included within the general state budget. Its fiscal year starts and ends with the fiscal year of the state.

The state is committed to provide the appropriations that the Board requests in case of calling for an election or referendum. These appropriations will be included in the Authority's budget of the financial year when the referenda or elections take place.

The Authority shall keep systematic records of the revenues and expenditures which shall be prepared in accordance with the approved accounting principles in this regard and falls under the supervision of the Central Audit Agency.

Financial Regulations of the Authority

Article (31):

The Board sets the bylaw regulating the Authority's financial affairs. This bylaw shall include rules and procedures for spending from the appropriations allocated to it and it will state the financial treatment of its members, members of the Body and its staff, and members of the committees listed in this law, and whoever the Authority seeks the assistance of in its work.

Regulation of Human Resources Affairs at the Authority

Article (32):

The Board sets a bylaw regulating the affairs of the authority's staff. Civil Service law provisions shall be effective where there is no relevant stipulation in the Authority's staff bylaws.

The Board will have the authority, regarding its personnel, on matters that require issuing a decision from the Prime Minister or the matters where laws and bylaws require seeking the opinion or approval of the Ministry of Finance or the Central Agency for Organization and Administration or any other entity.

Chapter Eight

General and Transitional Provisions

Legal Transfer of the Presidential Election Commission and Higher Elections Committee funds to the Authority

Article (33):

All the funds, assets, documents, and papers of the Presidential Elections Commission and the Higher Elections Committee shall be legally handed over to the Authority. This will be effective as soon as the Authority is formed.

Article (34):

The Authority's members will manage the administration of polling and counting in referenda and elections under the supervision of the Board. The Authority can seek the support of members of judicial authorities. Polling and counting for referenda and elections that take place within the ten-year period following the effective date of the constitution will be under full supervision by members of judicial entities and authorities, as indicated in this law and as per the Authority's decrees.

Article (35):

The term "National Election Authority" shall replace both terms (Higher Elections Committee) and (Presidential Elections Commission); the (Authority's President) replaces (the Chair of the HEC) and (the Chair of the PEC); the (Executive Body) replaces (the General Secretariat); the (Executive Director) replaces the (Secretary General) whenever any of these terms are mentioned in Law no. 22/2014 Regulating Presidential Elections, Law Regulating the Exercise of Political Rights issued by Decree Law No. 45/2014, the House of Representatives Law issued by Decree Law No. 46/2014 or any other law.

Article (36):

The second chapter of the Law Regulating Presidential Elections issued through Law 22/2014 and the second chapter of the Law Regulating the Exercise of Political Rights issued through Law 45/2014 shall be cancelled. Any provisions in contradiction to this law shall be abolished.

Article (37):

This law is to be published in the Official Gazette and is effective the day following the publication date.

To be stamped by the state's stamp and implemented as one of its laws.

Issued by the Presidency on the 9th of Dhu al-Qadah 1438 (Hijri Calendar)
(1 August 2017)

Abd El Fattah El Sisi