

# CITIZEN GUIDE TO MUNICIPAL ELECTIONS

Simplified Legal Rules Governing Municipal and Mukhtar Elections in Lebanon



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## Simplified Legal Rules Governing Municipal and Mukhtar Elections in Lebanon

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## GLOSSARY OF TERMS

<b>VOTER</b>	Every citizen who meets the legal prerequisites to exercise the right to vote and whose name is included in the lists of voters.
<b>ACTUAL VOTER</b>	Every voter who has exercised the right to vote.
<b>ELECTORAL DISTRICT</b>	Independent geographical electoral unit consisting of a number of voters for a number of electoral seats.
<b>MUNICIPAL COUNCIL</b>	An elected body with a number of members determined by the law; it exercises the powers enacted by law.
<b>HEAD OF THE MUNICIPAL COUNCIL</b>	Elected by majority of the members of the municipal council, he/she assumes the executive power in the municipality.
<b>MUNICIPAL COUNCIL MEMBER</b>	A member elected by the majority of the electorate in the town.
<b>MUKHTAR</b>	Elected by the people of the municipality or neighborhood, he/she occupies an official position and is responsible to the state for some legal transactions.
<b>REPRESENTATIVE/ AGENT</b>	Voter who represents the candidate or party on polling day, may be authorized to enter polling stations at any time to monitor the electoral process or only before or during election day.
<b>POLLING CENTER</b>	A place containing one or more polling stations.
<b>POLLING STATION</b>	The place, room or hall where polling takes place.
<b>POLLING STATION HEAD OFFICER</b>	Official who maintains order in the polling station, appointed according to a decision issued by the governor or kaymakam.
<b>POLLING STATION COMMITTEE</b>	Consists of a head officer and four assistants.
<b>VOTING SYSTEM</b>	Processes that allow the voter to vote and convert the votes into elected representatives.
<b>VALID VOTES</b>	The uncanceled valid votes, without blank ballots.
<b>BLANK BALLOT</b>	A ballot paper with nothing on it.
<b>INVALID VOTES</b>	Ballot papers that contain errors or distinguishing marks; they are not counted in the result.

<b>REGISTRATION COMMITTEE</b>	A committee appointed by decrees issued based on the proposal of the Minister of Justice and the Minister of Interior and Municipalities; it consists of a judge (as president), a municipal council president and an employee at Directorate-General of Civil Status (as a rapporteur). Considering voters' lists review requests, receiving the elections results and taking the necessary decisions.
<b>HIGHER REGISTRATION COMMITTEE</b>	A committee appointed by decrees issued based on the proposal of the Minister of Justice and the Minister of Interior. It consists of an appeal chamber president judge in the governorate (as president), a judge and inspector (two members) and one of the heads of departments in the governorate (rapporteur). Reviews appeals of primary registration committee decisions in voters' lists, receives elections results and make the report on the final result.
<b>ELECTORAL VIOLATIONS</b>	Illegal acts that affect the electoral process and might occur at all stages of the elections.
<b>ELECTIONS JUDGE</b>	Judge who looks into all electoral disputes (the State Council).
<b>STATE COUNCIL</b>	It is the Supreme Administrative Court that handles the administrative judiciary. On the administrative level, it is one of the organizations of the Ministry of Justice; it is considered an independent judicial authority. It looks into disputes involving public administrations, revisions of invalidate decrees, and some electoral disputes.
<b>MUNICIPAL LAW</b>	Municipal Act Decree-Law 118, issued on June 30 1977. It regulates the work and powers of the municipal councils, sets a general framework for the election of the head and members of the municipal council, according to the Law on the Election of the Members of Parliament.
<b>LAW ON THE ELECTION OF THE MEMBERS OF PARLIAMENT</b>	Law No. 44/2017 issued on June 17, 2017 .It regulates the elections of the Members of Parliament.

## PREFACE

Administrative decentralization is defined as the government's transfer of powers in terms of planning, resource management and allocation from the center to public or mixed institutions, or intermediate or local municipal authorities, or to an authority that can make final decisions on these matters without the need of an approval from the Minister for implementation. Administrative decentralization includes a variety of concepts that are applied differently from one country to another.

(Regional or local) administrative de-centralization is based on distributing the state's administrative function between the central government and elected local bodies that enjoy legal personality and financial and administrative independence, and work on administering part of the state's territory. Administrative decentralization is of great interest due to its role in creating appropriate conditions for the development of economic, social and political activities in the country. It contributes to enhancing well-being as long as local decision-making takes place through local bodies responsible for handling citizens' interests because of their administrative and financial authority; therefore, its close proximity to male and female citizens allows the resolution of most local issues.

Municipalities were first established in Lebanon in the nineteenth century. An advisory council was formed in Beirut in 1833. The first local government experiences took place during the Tanzimat period under the Ottoman rule. Beirut became the capital of a state, so the governor assigned to Beirut a council that handles public health, security and lighting affairs. The first municipality in Lebanon was founded in Deir El Qamar in 1864 after the civil war broke out, while Beirut municipality was founded in 1867 under the Ottoman rule. In the following years, municipalities were formed in the main cities of Lebanon, especially Sidon and Tripoli, during the Tanzimat period. The municipalities witnessed a rebirth during the French Mandate period, when French could, considering their influence, develop public administrations.

After Lebanon's independence in 1943, the government preserved a mix of the Ottoman and French centralization models, although the municipal laws were subject to several amendments. The first set of laws regulating municipalities' administration in Lebanon was issued in 1947, followed by another municipal law in 1952, then another law in 1954, until Decree No. 116 was issued in June 1959. The latter established the law on the non-exclusive administrative power at the governorate and the judiciary level, and it is still in force to date. The republic development policies during the Fouad Chehab's era in 1960s granted the municipalities more guidance in an attempt to achieve a balance in regional growth, as 219 new municipalities were founded from 1959 till the end of 1969 to 1059 municipalities in 2023.

The subsequent era witnessed a decline in the role of local authorities: no municipal elections were held after 1963. The first municipal elections were held after the war was in 1998, after a 38-year hiatus. Ever since, the elections have been held on time (2004, 2010, 2016).

Municipalities' work is regulated by a law approved in 1977 by Legislative Decree No. 118/1977 and amended in 1997 by Law No. 665 of 29/12/1997.

Article 1 of the Legislative Decree No. 118 of 30/6/1977 stipulates the following: "The municipality is a local administration exercising, within the scope of its work, the powers entrusted thereto by the law." The municipality shall hereby enjoy legal personality as well as financial and administrative independence. However, it remains monitored and controlled by central authority. It is the only way to implement the regional decentralization process. The members of the municipal councils are elected directly<sup>1</sup> by the people, according to the principles stipulated in the Law on the Election of the Members of Parliament and in the Municipal Law.

The municipality seeks to achieve economic and social development and offers citizens their first experience in the decision-making structure and in accountability

through elections. 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.

Today, there are 1,059 municipalities with 12,741 municipal council members in Lebanon, 3,018 local mukhtars who handle critical and essential files for male and female citizens, such as issuing birth and death documents, organizing passports and identity transactions, and others.

<sup>1</sup> Article 11 of the Law on Municipalities, Legislative Decree No. 118 of 30/6/1977.



# ADMINISTRATIVE ORGANIZATION IN LEBANON

The Lebanese administrative organization is based on three basic structures: the exclusive central administrative structure, the non-exclusive central administrative structure (exclusive and non-exclusive), and the decentralized (local and regional) administrative structure.

## 1. Exclusive Central Structure

Applied in the capital, this structure operates according to two vertical and horizontal structures. The vertical structure is the one that manages tasks related to a specific sector based on the sector's competence and power; the vast majority of ministries are based on such structure as the ministries of health, education and agriculture. As for the horizontal structure, it is the one that manages the common tasks of all the activities of the state, as several ministries, such as the Ministry of Finance, for example, and other ministries handle these tasks and enjoy these powers.

## 2. Non-exclusive Central Structure

It is an extension of the implementation of the tasks of the central state apparatus on Lebanese territory, i.e. implementing public policies in a balanced manner in the regions and reducing burdens on the exclusive central administration, by transferring part of the powers to the representatives of the central administration and its sequential subordinates in the regions, who exercise them under its supervision.

There are two types, horizontal and vertical:

- The horizontal non-exclusivity is represented by dividing the Lebanese lands into governorates and governorates into districts. It takes three forms: the governorate (Muhafaza), the District (Qadaa), and the mukhtar:
  - The **governorate (Mouhafaza)** is the broader framework for the administrative units located outside the capital. An employee called the governor (Mohafez) manages their affairs and is the link between the central administration on the one hand, and its regional and local ramifications

on the other hand, and among them are the decentralized groups, i.e. the municipalities, as he/she has control over them.

- The **District (Qadaa)** is the second framework for administrative organization in Lebanon after maintaining the regional level of central administration. The District, same as the governorate, does not enjoy legal personality nor financial and administrative independence. The administration of the District is entrusted to the Kaymakam.
- **'Mukhtar'**: The Municipality or neighborhood (in the cities or big municipalities) is managed by a person who enjoys the trust and respect of its people. The mukhtar is considered the representative of the state administrations to the people of the municipality; therefore, he/she performs many executive, supervisory, coordinating and monitoring tasks.
- Vertical non-exclusivity: Most of the ministries have regional administrative units that carry out the administrative tasks and achieve citizens' transactions related to each of these ministries. Some are accomplished within the regional unit, while others are sent by the unit to the relevant ministries for approval and they are sent back after.

## 3. The Regional Decentralization Structure in Lebanon: Municipalities and Unions of Municipalities

**Decentralized organization in Lebanon is based on municipalities** as it is the basic unit in the local administration's structure. Article 1 of the Municipal Law stipulates that "the municipality is a local administration

exercising, within the scope of its work, the powers entrusted thereto by the law. The municipality shall hereby enjoy legal personality as well as financial and administrative independence, to manage affairs that are considered local and of concern to a specific population group." Municipalities have an elected municipal council. The municipality is established by a ministerial decision that stipulates the municipality's name, location, and geographical borders.<sup>2</sup>

Municipal authorities consist of two main parts: a decision-making authority represented by the Municipal Council, and an executive authority represented by the Head of the Municipal Council; their term is six years.

**The quality of representation in local elections does not accurately reflect the demographics. The Electoral Law in Lebanon stipulates that the place where the election takes place shall be the voter's hometown;** however, half of the Lebanese live outside their hometowns. Therefore, in most regions the number of residents who can elect their municipal councils is less than half of the actual population living in the region. This is what some researchers call "distortion" between the country's legal aspect and reality<sup>3</sup>.

This reality has eventually separated individuals' economic and social interests that are relevant to the actual place in which they reside and to their registration place. Therefore, their life interests are not connected to the place where they exercise their political rights.

This also means that the municipal elections no longer aim for the citizens' participation in the municipal work for the development of the municipality, but rather they express regional fanaticism that reflects individuals' concerns related to identity. This leads to a threatening citizens' freedoms, as the town turns into a space controlled by a group of notables and influential politicians who easily control voters' votes.

The local council is considered the competent reference for reporting on all matters that are not within the competence of another central or local authority. It sets and reflects the general policy of the local administration. The law stipulated, among others, the powers of the Municipal Council, which means that the Municipal

Council's jurisdiction is general, comprehensive, broad and indefinite as long as it aims to serve the public benefit within the municipality's scope.

The **Union of Municipalities** is the second unit in the local administration, created and organized by the Municipal Law. It is established among a number of municipalities by virtue of a decree issued by the Council of Ministers, and enjoys legal personality and financial independence. The Union of Municipalities is a decentralized unit with a supporting role for the municipality. The relationship between the two administrative units is a horizontal, not vertical, relationship, which means that the Union of Municipalities does not enjoy a higher administrative level than the municipality and that there is no hierarchical relationship between them. On the structural level, the union, same as the municipalities, consists of: the determinative authority (that includes the elected heads of the municipalities included in the union, noting that the mandate of the union council is linked to the municipal councils' term) and an executive authority (the executive authority is headed by the head of the union council, who is by definition one of those municipalities' heads, and assisted by a group of employees to manage the union's affairs).

<sup>2</sup> See: Municipal Law, Legislative Decree No. 118 of 30/6/1977, Articles 2 – 5 (abolished) – 47. The full text is available on the official website of the Ministry of Interior and Municipalities: [http://www.interior.gov.lb/oldmoim/moim/DOC/Municipal\\_Act\\_ar.doc](http://www.interior.gov.lb/oldmoim/moim/DOC/Municipal_Act_ar.doc) visited on 2/5/2019

<sup>3</sup> Mona Harb and Sami Atallah (et. al), *Assessing Decentralization in the Arab World*, p.194.

# OVERVIEW OF MUNICIPALITIES IN LEBANON

## Definition of a Municipality

A municipality is a local administration of a public nature that practices the powers entrusted to it by law within a specific geographic area. It has a legal personality and financial and administrative independence<sup>4</sup>. Each municipality represents one electoral district<sup>5</sup>, and the members of municipal councils are elected directly by popular vote<sup>6</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 and public and private schools, public hospitals and dispensaries, museums, public libraries, clubs, and stadiums, 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.

*On 14/6/2004, G.B., petitioner, submitted a petition to the State Council asking for declaring void the results of the municipal council elections in Qanat-Bsharri district, explaining that the number of the town's residents was less than 2,000 people, thus the number of members was supposed to be 9 instead of 12.*

↳ *The council responded to the petition by considering that the legislator, to determine the number of members of the municipal council, used the number of people registered in the personal status records of each village, where 2027 people were registered in Qanat.<sup>7</sup>*

## Role and Importance of Municipalities

Municipalities play a vital role, as they act as intermediaries between the central government and its powers, on the one hand, and the electorate and its preferences on the other. However, municipalities face immense challenges related to their financial capacities and their powers, which are often restricted and closely monitored by the central government. Meanwhile, municipalities have obligations and responsibilities towards citizens living within their geographic scope, which include improving living conditions and providing basic services such as building and maintaining roads, establishing hospitals, dispensaries, schools and theaters, collecting waste, helping those in need, safeguarding public interest, etc.

## First: the inexistence of a comprehensive legal framework regulating municipal elections

In Lebanon, there is no law for municipal elections, but there is a law for municipalities, Legislative Decree

No. 118 of 30/6/1977 that regulates the work and powers of municipal councils, and Law No. 665 of 29/12/1997 related to introducing amendments to the Law on the Election of the Members of Parliament and in the Municipal Law and the Law on Local Mayors. One of the basic paradoxes is that the Municipal Law in Lebanon did not specify the detailed and complete framework for conducting municipal and mukhtar elections; rather, it left this matter to the Law on the Election of the Members of Parliament and only set a general framework for this matter. This is considered a fundamental gap within this scope because referring to Law on the Election of the Members of Parliament is not an easy matter, since the changes in the Law on the Election of the Members of Parliament will inevitably be reflected in the municipal elections without a clear legal framework within this context. This was clear, especially after the amendments to the Law 25/2008 in 2008 and Law 44/2017 in 2017.

### Article 16 of the Municipal Law:

*The Law on the Election of the Members of Parliament apply to municipal elections, without prejudice to the provisions of the Municipal Law.*

## Second: Referring to the Law on the Election of the Members of Parliament

The Municipal Law stipulated that the processes for determining the electoral system and all procedures related to candidacy and election would be governed by the Law on the Election of the Members of Parliament in force; indeed Article 16 of the Municipal Law stated: "The provisions of the Parliamentary elections law shall apply to the municipal elections in conformity with all the provisions of this law."

## Third: The general texts governing Municipal and Mukhtar elections in the Municipal Law (Legislative Decree No. 118 of 30/6/1977 and its amendments) (and Law No. 665 of 29/12/1997).

However, there are texts that regulate the general framework for municipal elections in the Municipal Law, most notably:

### Article 13

Shall only participate in the voting, the voter whose name is included in the voter's roll or is decided to be listed by the registration committee.

### Article 14

The Municipal Electoral Commissions shall be called upon a decision issued by the Minister of Interior within two months prior to the end of the term of the Municipal Councils. The said decision should mention the polling stations, provided that a time limit of at least 30 days separates the promulgation thereof from the meeting of the Electoral Commission.

### Article 16

The provisions of the Parliamentary elections law shall apply to the municipal elections in conformity with all the provisions of this law.

### Article 17

The Municipal Councils shall adopt the same Voter's roll as the Parliamentary elections law.

### Article 20

The validity of the elections may be challenged before the State Council within fifteen days following the declaration of poll. The provisions of Articles 329 to 334 of the Criminal Code shall be applied to the acts committed to ruin the elections.

**According to Article 23 of Law 665/1997:** 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 if this is required for the safety of the electoral process, provided that the elections take place in all municipalities according to the dates indicated in Article 14 of the Municipal Law.

**Article 25 of Law 665/1997 stipulates:** Candidacy procedure, deadline and requirements.

<sup>4</sup> Article 1 of the Municipal Law, Legislative Decree No. 118 of 30/6/1977.

<sup>5</sup> Paragraph 2, Article 11 of the Municipal Law.

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

<sup>7</sup> Decision No. 167 of 9/12/2004, G. B. v. the State, C. K. and others, Supreme Judicial Council, No. 18, Article 2, 2006, p. 717.



**Fourth: The Majoritarian Representation System is Still Adopted in Municipal and Mukhtar Elections**

**Article 17 of the Municipal Law stipulates:**  
The same voters' list used for the election of the Members of Parliament is used for municipal elections.

Despite the link between the Municipal Law and the Law on the Election of the Members of Parliament, the amendment of the electoral system in the parliamentary elections aiming at adopting the Proportional Representation System was not reflected in the municipal elections. Article 125 of Law on the Election of the Members of Parliament No. 44/2017 stipulated the exception of applying the proportional electoral system to the municipal elections.

**Article 125**

All provisions contrary to the provisions of this law, in particular Act No. 25 of 8-10-2008, shall be repealed except for the provisions of Articles relating to parliamentary by-elections where the majoritarian system applies, and to municipal and local (mukhtar) elections.

The majoritarian representation system is still applied, noting that this system is unfair and does not guarantee the accurate representation, as is the case with the proportional representation system. According to the majoritarian representation system, the candidate who has the majority of votes wins, which means that the loser, no matter how high the number of votes he gets, cannot win the seat, even if the difference in the number of votes is

small; therefore, the municipal seat does not represent a large number of votes. On the contrary, the proportional representation system distributes seats according to votes obtained from the total number of votes. Therefore, winners are announced according to the percentage of votes gained from the number of votes, as it is fairer and does not waste electoral votes - as is the case in the majoritarian representation system - i.e. according to the higher number of votes.

the Electoral Supervisory Commission establishment, media organization, electoral advertising, and electoral spending. Despite all the observations that we can make on these laws, it is clear that there is a great difficulty in controlling and applying these rules in their current form to the municipal elections. Due to this, in 2010 and 2017, the Electoral Supervisory Commission didn't play any role, and the rules on electoral spending, media and advertising were not applied to municipal elections. The elections took place without supervision or control on these matters.

**Fifth: Failure to Apply the Rules Stipulated in the Electoral Law Concerning Electoral Media, Advertising and Spending**

Between 2008 and 2017, many reforms were introduced to the parliamentary elections system, including partial reforms, particularly with regard to



Number of Municipal Council Members.

## 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 at the same time as mukhtar elections. They are organized on the same day and according to the same processes.
- 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>8</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>9</sup>
- The same voters' list used for the election of the Members of Parliament is used for municipal elections<sup>10</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>11</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 municipality if the municipality encompasses two or more municipalities, based on the number of residents of each municipality. Candidates shall run for the elections based on these allocated numbers.<sup>12</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>13</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>14</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>15</sup>

<sup>8</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 local mukhtar and mukhtary council elections. 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 local mukhtar and mukhtar's councils.

<sup>9</sup> Article 16 of the Municipal Law.

<sup>10</sup> Article 17 of the Municipal Law.

<sup>11</sup> Article 14 of the Municipal Law.

<sup>12</sup> Article 26 of Law 665/97.

<sup>13</sup> Article 23 of Law 665/97.

<sup>14</sup> Article 21 of Law 665/97.

<sup>15</sup> Article 20 of the Municipal Law.

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

### How are the electorate called upon to vote?

The electorate are invited to municipal and mukhtar elections by a decision issued by the Minister of Interior and Municipalities.<sup>16</sup>

This decision determines the number of members to be elected for each municipality. It also determines the number of members in each municipality if the same municipality includes several municipalities, according to the size of the population in each of them. Based on this, the candidacy procedure takes place.

TWO DECISIONS CALLING UPON THE ELECTORATE TO VOTE WERE ISSUED BY THE GOVERNMENT FOR BY-ELECTIONS IN BEIRUT AND METN IN 2007.

### When?

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

The period between the date of publication of this decision and the elections shall be at least thirty days.<sup>16</sup>

The decision specifies the date of the elections, the polling centers and the number of municipal council and mukhtar members for each city or town.<sup>17</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.

*On 8/6/2016, O.K.M. and others submitted a petition to the State Council requesting the annulment of the Minister of Interior's decision No. 981 of 10/5/2016 on postponing the municipal elections in Salima-Baabda for abuse of authority as it is based on unstable facts (tension among the people of the town).*

↳ *The State Council accepted the petition and annulled the contested decision, considering that the reasons relied on were not consistent and were not an enough justification for postponing the elections, given that the public authority, especially the Ministry of Interior and Municipalities, must take all necessary measures to ensure the integrity of the electoral process, according to what has been established by knowledge and jurisprudence).*<sup>18</sup>

### 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.

However, despite the aforementioned constitutional and legal texts, and the opinion of the “Committee of

Legislation and Consultations” of the Ministry of Justice, the Lebanese government issued in 2007 the decision calling upon the electorate to vote in municipal elections in Beirut and Metn. The elections were held despite the opposition of the President, certain political powers, and the requests that were submitted to the State to appeal the decision.

### Case 1: The State Council's Rejection of the Appeal for No Competence

In 2007, a request was submitted to the State Council to appeal the decision calling upon the electorate to vote in municipal elections in Beirut and Metn issued by the Lebanese government despite the opposition of the “Committee of Legislation and Consultations”, instead of a decree issued by the Ministry of Interior and signed by the President of the Republic and the Prime Minister, and despite the President's refusal to sign it. However, the Council rejected the request for no competence.

### Case 2: The Council announced its competence to decide on the appeal but rejected the request.

The State Council considered the call for the electorate to participate in elections an act that is separate from the electoral process and therefore falls beyond the competence of the Constitutional Council as elections judge, and within the competence of the State Council as the ordinary court for administrative cases.<sup>19</sup>

### Role of the Electoral Supervisory Commission

The law did not task the Commission with supervising municipal and mukhtar elections, and the authorities have failed to address this issue. Therefore, the Commission is only entrusted with supervising the parliamentary elections. Is this due to the challenges posed by the supervision of the municipal and mukhtar elections, considering their nature and specificity? Or is it because of

the elevated number of municipalities in Lebanon, which is over a thousand?

As a consequence, the Ministry of Interior and Municipalities remains the body in charge of preparing for and supervising the municipal and mukhtar elections, and all their relevant details.

*On 4/6/2016, the plaintiff M.A.K. submitted a request to the State Council to annul the municipal elections in the village of Al-Kalila, Tyr. Among the reasons for this request is the non-formation of the Electoral Supervisory Commission stipulated by Chapter 3 of the Law No. 25/2008 of 8/10/2008.*

↳ *The State Council rejected the request considering that: the non-formation of the Electoral Supervisory Commission does not directly impact the elections' validity or their results, especially if there wasn't any evidence of the Commission's absence affecting the correct functioning or the credibility of the electoral process, in one way or another, or its results. In addition, the Ministry of Interior had provided the electorate with the means to report any violation that threatens the credibility of the electoral process and the candidates had the possibility to submit their objections on the violations to the polling station committee or the registration committees. In other words, the non-formation of this Commission did not prevent the concerned parties from filing their complaints to the competent parties and receive the desired legal outcome.*<sup>20</sup>

<sup>16</sup> Unlike parliamentary elections, the electorate is invited by a decree signed by the Minister of Interior and Municipalities, the Prime Minister and the President of the Republic (and relevant ministers, if necessary, especially the Minister of Finance...)

<sup>17</sup> Article 14 of the Municipal Law.

<sup>18</sup> Decision No. 944 of 3/8/2016, O. K. M. and others v. the State, unpublished.

<sup>19</sup> Decision No. 718 of 7/8/2013, M. v. the State, unpublished.

<sup>20</sup> Decision No. 977 of 25/8/2016, M. A. K. v. the State, unpublished.

# VOTERS

## 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, crimes undermining public morals mentioned in Section 7 of the Penal Code and crimes 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.

*Persons prohibited from voting include non-retired military personnel of all ranks, whether they are in the Lebanese armed forces (laf), the internal security forces (isf), general security, state security, customs control, and persons of similar status.<sup>21</sup>*

## 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>22</sup>
- Copies of these lists are sent to the municipalities, local mayors, 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 governorates and districts and at municipalities and local mayors' 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.

## Complaints Related to the Review of Voters' Lists

### Primary Registration Committee:

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>23</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.

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

### Higher Registration Committee:

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>24</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>25</sup>

The higher registration committees perform an oversight function, as it receives appeal requests related to the decisions issued by the 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 committees fail 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 are voters' lists 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.
- Each voter whose name is mentioned on a list can request that the competent registration committee removes or adds the name of any person whose name was illegally added or is missing from the same list.
- The governor, kaymakam, and local mayor.

## How are voters' lists corrected?

- The request is submitted to the competent registration committee through the local mayor or head of the personal status department.
- The request should include all the necessary documents and proofs (civil status extract - police record).

<sup>21</sup> Article 34 of the Electoral Law No. 25 of 8/10/2008, noting that Law No. 44/2017 had added the Parliament Police to the article's text.

<sup>22</sup> Article 34 of the Electoral Law No. 25 of 8/10/2008.

<sup>23</sup> Article 38 of the Electoral law No. 25/2008.

<sup>24</sup> Article 40 of the Electoral law No. 25/2008.

<sup>25</sup> Articles 10 and 18 of Law 665/97.

- 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 can be done if the error is not corrected?

- Voter cannot vote if the name is missing from the voters' lists or is misspelled.

#### Who is in charge of correcting voters' lists?

- The competent primary registration committee in the electoral district.

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.

#### 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.

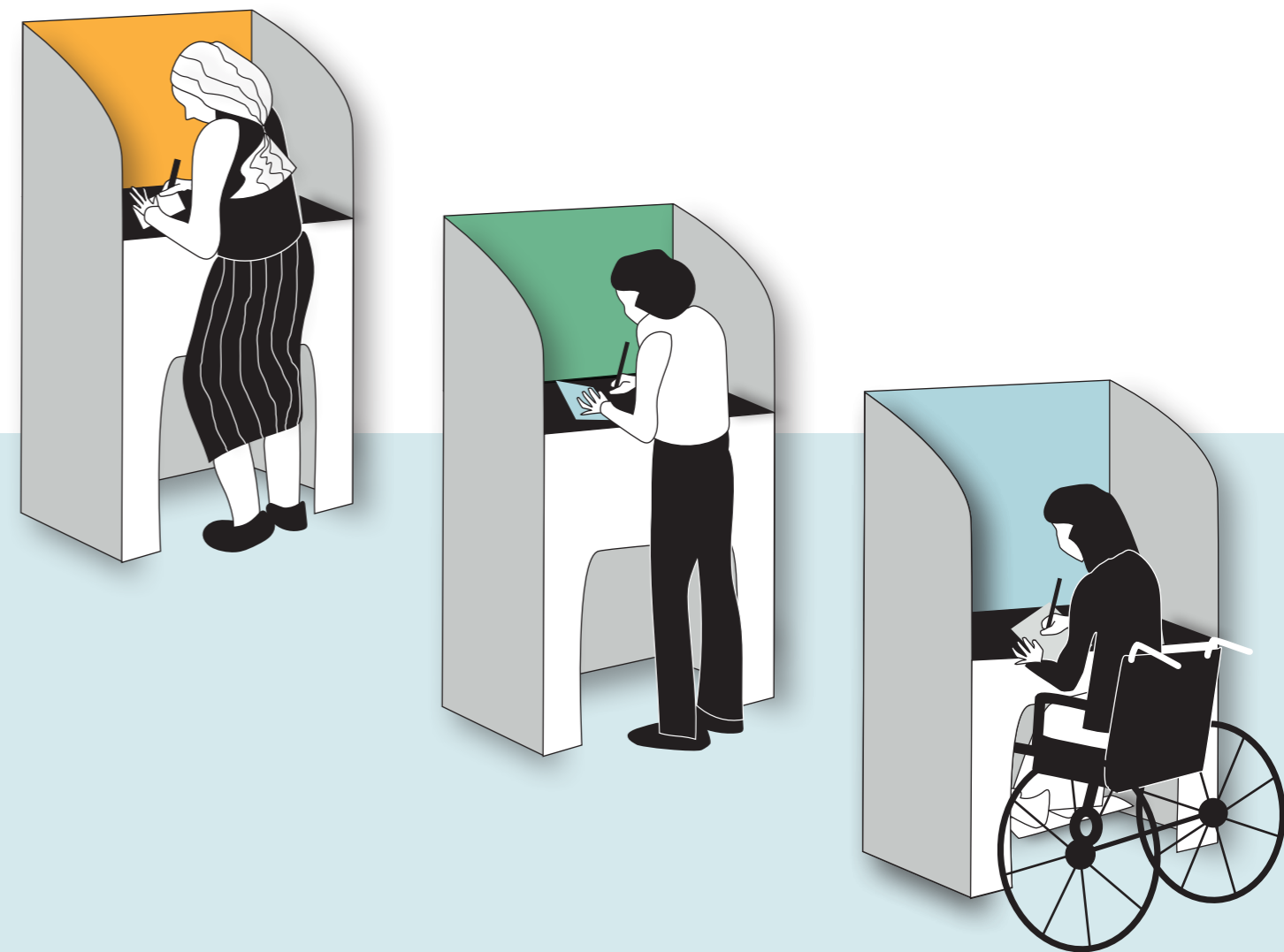
*On 16/6/2004, Mr. A. M. T. submitted a request to the State Council to annul the Mukhtar electoral process in Safina Al Qeitah village in Akkar due to mistakes in the voters' lists, with names from Ain Al Samak village in Donnieh figuring on the polling station checklists of Safina Al Qeitah, with voters from outside the village.*

↳ *The State Council rejected the request because the legislator allowed the concerned parties to review the voters' lists and submit a correction request to the primary, then the higher registration committees, as well as to the Minister of Interior, to correct any mistake or omission three days prior to elections day.*

*Since neither the plaintiff nor any of the voters submitted a correction request to the registration committees or the Minister of Interior, and since the administrative judge did not find proof of fraud in the preparation of the voters' lists that could affect the freedom and correct functioning of the elections, as well as the validity of its results, the request is thereby rejected.<sup>26</sup>*

#### What Voters Should Know before Election Day?

- Make sure that the name is mentioned on voters' lists and polling station checklists.
- Make sure that voter have ID card or passport.
- Knowing the polling center in which to vote.



<sup>26</sup> Decision No. 80 of 28/10/2004, A. T. v. the State, S. A., Supreme Judicial Council, No. 18, Volume 2, 2006, p. 614.

## THE 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 Woman Married to Men from Outside their Municipality Run for Elections in their Hometown?

Prior to 2017, women married to men from outside their municipal jurisdiction could no longer vote in their hometown because their name was transferred to same voters' list as her husband.

**The text was amended to allow her to run for elections, and it 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 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>27</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 legal age for candidacy (25 years).

*On 18/5/1998, the plaintiff N.A.Q. submitted a request to the State Council to annul the decision of Aley's kaymakam, rejecting her candidacy for municipal council membership in Bekmine village for not having the age of 25 by elections day.<sup>28</sup>*

- If the candidate is illiterate (based on a test carried out at the kaymakam or governorate headquarters).

*On 7/5/2016, the plaintiff "Y.M.K" submitted a request to the State Council to annul the decision of Chouf's kaymakam No. 910 of 30/4/2016 rejecting the plaintiff's candidacy for municipal council membership in Mresti village, Chouf, for illiteracy. The State Council rejected the request after testing the plaintiff for lacking the first of the eligibility conditions stipulated in Article 27 of Legislative Decree No. 118/1977, which is literacy.<sup>29</sup>*

### 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.

*On 30/5/2016, the plaintiff A.R.J. submitted a request to the State Council to annul the decision of the governor of the North rejecting the plaintiff's candidacy for municipal council membership in Bakhoun village, Donnieh. The Council's rejection was due to the fact that it had not been 6 months since the plaintiff's resignation from the Internal Security Forces by elections day on 31/5/1998, as stipulated by law.<sup>30</sup>*

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

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

*On 30/5/2016, applicants G.E.J. and others submitted a request to the State Council to annul Decision No. 633/2016 appealing the non-eligibility of the second defendant A. A.N. (convicted of a heinous crime) to run for municipal council membership in Ain Ksour, Aley.*

↳ *In the request file, the Council found that the defendant had been convicted of the crime of dishonesty on 19/11/2000. However, on 13/4/2007, the Mount Lebanon accusatory body issued a decision of acquittal. It presented to the Council two copies of his police report showing no crimes nor convictions.*

*The State Council rejected the request as the defendant had been acquitted and therefore has the right to run for elections and vote.<sup>31</sup>*

- Representation of specific segments of society and distributing seats on sectarian, confessional and regionalist grounds.

*On 27/6/1998, the plaintiff O.M.S. and others submitted a request to the State Council to divide the positions of the two mayors and the municipal council members equally between the existing confessions or to permanently cancel the municipality of Kfarzabad.*

↳ *The State Council rejected the request for non-competence, as the failure to respect sectarian representation or balance in municipal councils or mukhtar falls beyond its competences as an elections judge, and even as an ordinary judge for administrative cases, according to its clear internal regulations. It is worth noting that the municipal or mukhtar laws do not include the distribution of municipal or mukhtar seats according to a certain*

*quota across the different confessions, as opposed to the Parliamentary Elections law which specifies in its annexes the number of seats for each of the Lebanese confessions.<sup>32</sup>*

### 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.**

#### Extension of Candidacy Submission Deadline

New candidacies can be accepted three days prior to elections day, if:

- The number of candidates did not reach the required number of members to be elected by the end of the candidacy submission deadline.
- Candidates withdraw their candidacy, new candidacies may be accepted three days prior to elections day.<sup>33</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>34</sup>

<sup>27</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.

<sup>28</sup> Decision No. 540 of 15/5/1998, N. Q. v. the State, Ministry of Interior - A. K., Supreme Judicial Council, No. 11, 1998, p. 11.

<sup>29</sup> Decision No. 560 of 9/5/2016, Y. M. K. v. the State, Ministry of Interior, unpublished.

<sup>30</sup> Decision No. 541 of 19/5/1998, A. R. J. v. the State, Ministry of Interior – Governor of the North, Supreme Judicial Council, No. 11, 1998, p. 13.

<sup>31</sup> Decision No. 916 of 20/7/2016, G.E.J. v. the State, unpublished

<sup>32</sup> Decision No. 781 of 18/8/1998, O.S. and others v. the State, N.S. and others, Supreme Judicial Council, special issue, 1998, p. 139.

<sup>33</sup> Article 26 of Law No. 665/97.

<sup>34</sup> Decision No. 6 of 7/10/98, D.A. and others v. the State, Supreme Judicial Council, No. 11, 1998, p. 354.

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>35</sup>

If the number of candidates did not reach the required number of members to be elected by the end of the candidacy submission deadline, or if candidates withdraw their candidacy, new candidacies may be accepted three days prior to elections day.

### Returning the Guarantee to the Candidates Post-Elections

The guarantee shall be returned to the candidate if they win the elections or receive at least 25% of the 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 no decision explicitly approving or rejecting the candidacy is issued.
- If the candidacy statement is submitted outside the legal deadline.
- If the candidacy fee payment receipt is issued outside the legal deadline.
- Non-eligibility.
- Duplicate candidacy (Articles 46 and 51 of the electoral law).

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

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>36</sup>*

*On 27/5/1998, the plaintiff A.N.K. submitted a request to the State Council to reject the candidacy of Mr. H.E.N. for mayor of Sheikh Mohamad village in Akkar for violation of the law, as it had not been 6 months since his retirement.*

*↳ The State Council accepted the request and annulled Decision No. 46 issued by the Akkar Kaymakam on 16/5/1998 accepting the candidacy of H.E.N., considering the decision in violation of the electoral law because the period of six months had not yet elapsed between his retirement from the General Security and the North Lebanon municipal and mukhtar elections day on 31/5/1988.<sup>37</sup>*

## REPRESENTATIVE/AGENT

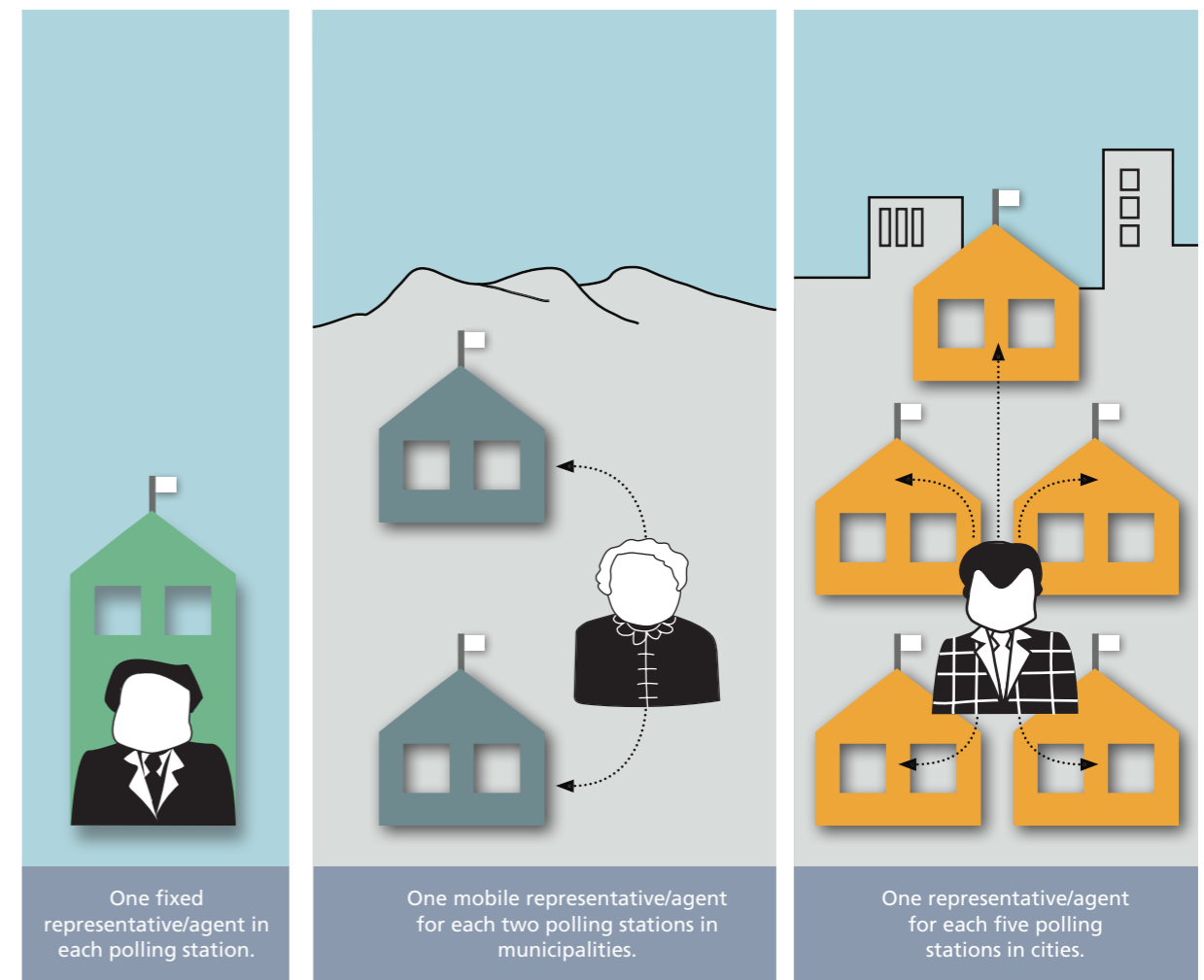
### Who is the Representative/Agent?

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

### What is the Role of the Representative/Agent?

- Monitor and follow up on the electoral process from beginning to end.

- Fixed representatives/agents inside polling stations: monitor the process inside the polling station exclusively.
- Mobile representatives/agents at polling centers: monitor the process inside the polling center.
- Mobile representatives/agents between polling centers: monitor events in the vicinity of polling centers.



Each candidate is allowed a specific number of representatives/agents.

<sup>35</sup> Article 25, Item 6 of Law No. 665/1997.

<sup>36</sup> Decision No. 843 of 10/8/2004, M. K. and others v. the State, J. K. and others, Supreme Judicial Council, No. 18, Volume 1, 2006, p. 224.

<sup>37</sup> Decision No. 566 of 28/5/1998, D. A. and others v. the State, Supreme Judicial Council, No. 11, 1998, p. 354.

## THE ELECTIONS 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 monitoring 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).

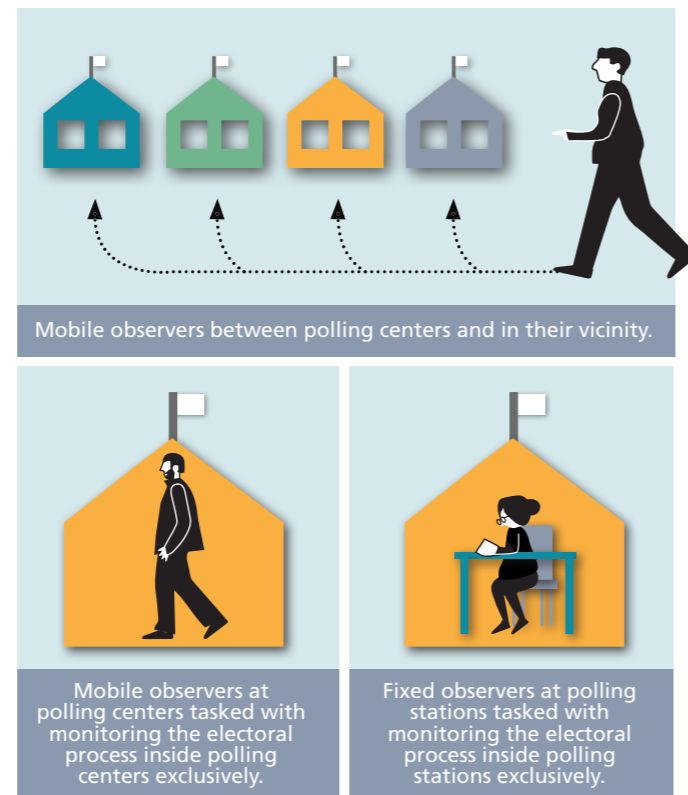
### Main duties of fixed observers during election day:

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/agents 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/agents, copy of the electoral law, official sealed envelopes, indelible ink bottles, blue ballpoint pen, paper towels and official ballot papers)?

### The main duties of observers.



## THE 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 campaigning?

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.





## 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.

### Distribution of 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>38</sup>

*On 16/6/1998, retired colonel K. A. submitted a request to the State Council to annul the municipal elections results of Falougha village in Metn, as a new registry was created for the Druze of Khelwat Falougha on elections day, at noon, thereby violating the municipal law.*

↳ *The State Council accepted the request and annulled the mukhtar elections of Falougha, as the creation of a sixth registry for the Druze of Falougha at midday of elections day, and reducing the duration of the electoral process from 10 hours to 4 hours and 45 minutes is a gross violation of the voters' right to have prior knowledge of their polling center, which critically impacts the functioning of the electoral process and its results.<sup>39</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/agents 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.

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.

### Selecting and Assigning Head Officers of Polling Stations and their Assistants

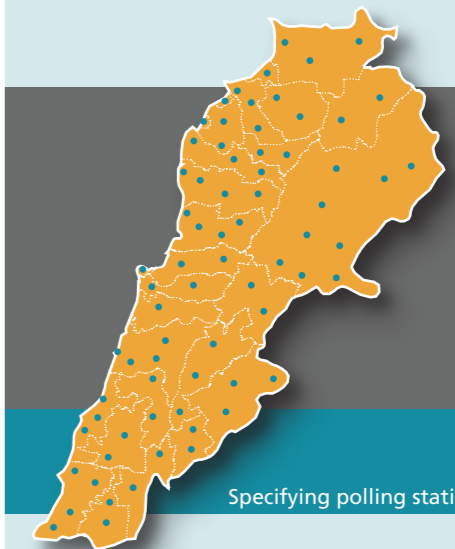
The governor or kaymakam, each according to their terms of office, shall appoint, from the civil servants, one head officer and one clerk or more for each polling station, based on a list sent by the Ministry of Interior's Directorate-General of Political Affairs. These appointments are made up to one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

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. 25/2008).

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.



Dividing the electoral districts into several polling centers.



Specifying polling stations.



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

Logistical preparations for elections.

<sup>38</sup> Article 78 of the Electoral Law No. 25/2008.

<sup>39</sup> Decision No. 825 of 10/9/1998, K. A. v. the State, Ministry of Interior, G. and others, Supreme Judicial Council, No. 11, 1998, p. 212.

# 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>40</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 kaymakam, 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>41</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>42</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>43</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>44</sup>

## How to Vote?

- Approach the polling station head officer.
- The head officer verifies ID card or valid Lebanese passport.
- The polling station committee verifies that voter’s name is mentioned on the polling station checklist.
- The head officer asks voter to stand behind the voting booth.
- voter stand behind the voting booth and vote for the candidate(s) of choice.
- Voter fold the ballot paper on which he/she wrote down the names of candidate(s) of choice and place it inside the official envelope while standing behind the booth, then step outside the booth.
- Voter place the envelope by himself in the ballot box.
- Voter dip his finger in the indelible ink.
- Voter sign or impress fingerprint beside his/her 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

*On 14/6/2004, the plaintiffs B.S. and others submitted an objection to the State Council requesting the invalidation of the election process in the town of Daoura - Akkar because of .... and the failure to use a voting booth.*

↳ *The State Council rejected the objection because the report did not contain any objection to a violation of the requirement to use a voting booth. The Council considered that the mere fact that a voter did not enter the voting booth does not constitute a mistake that affects the credibility of the elections, unless such an act was the result of coercion or pressure, and as long as the booth was provided and the voter voluntarily refrained from standing behind it.*<sup>45</sup>

## When can a ballot be considered void or invalid?

- 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.

*On 28/5/2016, the plaintiff K.J.H. submitted an objection to the State Council requesting the annulment of the decision of the registration committee on account of its illegality and, by extension, the annulment of the invalid ballots, the recalculation of votes according to the results received from the polling station committees, and the announcement of his victory in the elections that took place in the town of Jezzine.*

↳ *The State Council accepted the objection after reviewing the reports of the polling stations, where*

*it was found that there were 239 glossy and waxed ballot papers, which are considered as ballots bearing special marks that make them different from other ballot papers adopted in the voting process and easy to distinguish from other ballots.*

*The Council ruled to cancel these ballot papers, recount the votes obtained by each of the candidates, correct the result, and declare the victory of the candidates who obtained the highest number of valid votes.*<sup>46</sup>

## 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>47</sup>

## Vote Counting and Tabulation

### Vote Counting at Polling Stations

#### MUNICIPAL ELECTIONS USUALLY TAKE PLACE OVER FOUR WEEKS.

- At the end of the voting process, the ballot boxes shall be closed.
- Only the station committee, candidate representatives/ agents (fixed 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.

<sup>40</sup> Article 80 of Electoral Law No. 25/2008.

<sup>41</sup> Article 87, Paragraph 2 of Electoral Law No. 25/2008.

<sup>42</sup> Article 87, Paragraph 4 of Electoral Law No. 25/2008.

<sup>43</sup> Article 90 of Electoral Law No. 25/2008.

<sup>44</sup> Article 89 of Electoral Law No. 25/2008.

<sup>45</sup> Decision No. 114 dated 11/11/2004, B. S. and others v. the State, M. D. and others, Supreme Judicial Council, issue 18, V 2, 2006, p. 652.

<sup>46</sup> Decision No. 908 dated 15/7/2016, K. J. H. v. the State, Z. A. and others, unpublished.

<sup>47</sup> Article 93 of Electoral Law No. 25/2008.

- Invalid ballots are excluded.
- 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>48</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/agents present.
- The polling station head officer prepares the report and signs it along with the committee members and the candidate representatives/agents 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).

On 3/6/2016, the plaintiff G. I. Y. submitted an objection to the State Council contesting the results of the elections that took place in the town of Menjez - Akkar and requesting a correction of the number of votes he received.

↳ The State Council accepted the objection and ruled to correct the final result received by the plaintiff Ibrahim Youssef, which was 325 votes instead of 289 votes. The Council considered that when there is a difference between the list of all candidates and the number of votes they received and the votes recorded

*in the report, the list of all candidates and the number of votes they received shall be adopted because the vote counting process takes place under the supervision of the candidates or their representatives/agents, and these lists are signed by the head of the polling station and all members of the committees in accordance with the provisions of the Electoral Law).*<sup>49</sup>

#### 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/agents.<sup>50</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>51</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/agents.
- Deliver the final report and the general results table to the governor.

On 24/5/2016, the plaintiff T. W. R. submitted an objection to the State Council requesting the partial annulment of the report submitted by the Higher Registration Committee due to the counting of the total votes he obtained in the municipal elections in the town of Kfarshima - Baabda district.

↳ The State Council ruled to grant T. W. R. membership of the Kfarshima Municipal Council, thus replacing Mark Halim Dagher, after correcting the material error committed by the Higher Registration Committee in the counting of votes.<sup>52</sup>

#### 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>48</sup> Article 96 of Electoral Law No. 25/2008.

<sup>49</sup> Decision No. 7, dated 5/10/2016, George Youssef v. the State, unpublished.

<sup>50</sup> Article 98 of Electoral Law No. 25/2008

<sup>51</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

<sup>52</sup> Decision No. 845 dated 12/7/2016, T. R. v. the State, M. D., unpublished.

## 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>53</sup>

### Who Wins the Elections?

The candidate who receives the highest number of votes wins the elections. 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, as per Article 7 of the electoral law.

If the number of candidates is equal to the number of seats, and the candidacy submission period expires, these candidates shall win by acclamation. This shall be announced by a decision of the governor or the kaymakam.<sup>54</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 or membership of mukhtar councils.
3. Judges.
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>55</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>56</sup>

*On 10/7/2004, the plaintiff M.I.A. submitted an objection to the State Council requesting the annulment of Mr. A. K.'s membership in the Harouf-Nabatieh Municipal Council on the grounds of his violation of the prohibitions stipulated in Article 29 of Law 665/1997, as he is an employee of the Ministry of Health at the government hospital in Nabatieh.*

*↳ The State Council accepted the objection, considering that the defendant falls under one of the cases of prohibition and did not exercise his right to choose within the two-week period specified in Article 29 of the Law on Municipalities. Therefore, he was automatically dismissed from the Municipal Council and the dismissal was announced by virtue of a decision from the governor.<sup>57</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>58</sup>

*On 30/5/2016, the plaintiff F. H. G. filed an appeal with the State Council requesting that Mr. M. A. H. be considered as having lost the municipal elections in Ghandouriyeh – Bint Jbeil as he is the brother of another winning candidate's wife, Mr. N.M. N. (family restriction) and is younger than him.*

*↳ The State Council accepted the appeal, ruling that the kaymakam is required by law to dismiss Mr. M. A. H. since the latter violates family restrictions by being related to another winner, Mr. N. M.N., and is younger than him.<sup>59</sup>*



<sup>53</sup> Decision No. 856 of 26/8/2004, T. M. v. the State, Supreme Judicial Council, issue 18, V 1, 2006, p. 259. Article 18 of Law No. 665/1997.

<sup>54</sup> Article 26 of Law No. 665/97.

<sup>55</sup> Article 22 of Law 665/1997.

<sup>56</sup> Article 29 of the Law on Municipalities.

<sup>57</sup> Decision No. 241 dated 15/1/2005, M. A. v. the State - Ministry of Interior, A. K., Supreme Judicial Council, issue 18, V 2, 2006, p. 846.

<sup>58</sup> Article 28 of the Municipal Law.

<sup>59</sup> Decision No. 914 dated 20/7/2016, F. G. v. the State - M. H., unpublished.

# 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.

*On 20/5/2016, the plaintiff S. N. H. submitted an objection to the State Council requesting the invalidation of the mukhtar elections in the town of Zaghrit - Hermel on account of their illegality (the kaymakam of Hermel intervened against the plaintiff).*

↳ *The State Council rejected the objection, considering that there is no proof to the plaintiff's claims; he failed to provide hard proof or names, and he failed to submit a complaint to the competent administrative or judicial authorities stating that this pressure had taken place, as the occurrence of these violations shall be subjected to disciplinary prosecution. Said violations shall not obstruct the electoral process unless they had a decisive and critical impact on the results.<sup>60</sup>*

### 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 DANGEROUS CRIMES 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."

*On 14/6/2004, the plaintiff G. B. submitted an objection to the State Council requesting the invalidation of the municipal elections results in the town of Qnat - Bsharri due to the use of municipal funds for electoral purposes, constituting thus electoral bribery. For instance, G. N. and E. S. were respectively offered one thousand dollars and one hundred dollars in return of buying their votes and the votes of their families.*

↳ *The State Council rejected the objection, considering that the plaintiff based his allegations on accusations of general nature and failed to take legal measures regarding the alleged violations. He also failed to file a criminal complaint before the competent judicial authorities regarding bribery*

*and other violations. Also, the discretion considers that donating movable or immovable property for a certain purpose is not, in principle, deemed buying the conscience of voters, unless the plaintiff does provide proof that the donation has led to voting in favor of the donor as a result of the corruption of the voters' will.<sup>61</sup>*

- 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.

### 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 Voting

### 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.

*On 11/6/2004, the plaintiff A. A. R. H. submitted an objection to the State Council requesting the invalidation of the mukhtar elections that took place in the town of Qirhya - Al-Minyeh due to the duplicate voting of some citizens in both Qirhya - Al-Minyeh and Qabeit- Akkar who were still registered on the voters' lists of Qirhya because the previous mayor did not remove their entries. It was proven that two women married to men from Qabait voted in both Qirhya and Qabeit.*

↳ *The State Council rejected the objection, considering the votes of both women in Qirhya invalid as they are in violation of the law, however, they have no impact on the elections result, given that the difference in votes between the winning candidate and the losing candidate is 13 votes; therefore, the result would not be affected even if the invalid votes were rejected.<sup>62</sup>*

### 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.

<sup>60</sup> Decision No. 758 dated 28/6/2016, S. N. H.H. v. the State, unpublished.

<sup>61</sup> Decision No. 167 dated 9/12/2004, G. B. v. the State, K. and others, J. E., Supreme Judicial Council, No. 18, Volume 2, 2006, p. 717.

<sup>62</sup> Decision No. 180 dated 25/11/2004, A. H. v. the State, M. D. and others, Supreme Judicial Council, Issue 18, Volume 2, 2006, p. 676.

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 polling station head officer holds the authority in the polling station.

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

*On 16/5/2016, the plaintiff M. M. Z. submitted an objection to the State Council requesting the annulment of the mukhtar elections held in Riha, Baalbek over doubts regarding their integrity and validity, in addition to shootings and launching of missiles that occurred outside the polling station in the Huseiniya building, which caused chaos and terror among residents.*

↳ *The State Council rejected the objection, considering that the plaintiff relied on mere general claims - such as claiming that many residents did not exercise their right to vote when they knew about the shooting incident - which does not prove the validity of the claims, especially since the plaintiff did not mention that the polling process stopped after the shooting incident, and he failed to include an objection in the election report. Also, he failed to submit an administrative complaint before the Ministry of Interior or an objection before the primary registration committees, as the discretion stipulates that general allegations shall not be adopted to validate and verify the credibility of the electoral process in the absence of proof or commencement of proof validating those allegations.<sup>63</sup>*

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>64</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 OFFENCES 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

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

- 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.

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 and Tabulation

#### 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/agent, a voter or any person present when the voter exercises their electoral right, such as observers, journalists and people allowed to enter the polling centres, might violate the secrecy of the ballot.

THIS OFFENCE IS CONSIDERED A MISDEMEANOR, 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>65</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 misdemeanor; in this case, the members of the polling station committee are subject to criminal prosecution.<sup>66</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.

*On 30/5/2016, the plaintiff N. A. S. submitted an objection to the State Council requesting the annulment of the results of the municipal council elections that took place in Choueifat due to: ... bribery of the head of the polling station of Hay Al-Omara and his failure to perform the tasks entrusted to him.*

↳ *The State Council rejected the objection, considering that the plaintiff failed to file a criminal complaint or disciplinary prosecution before the Ministry of Interior, she also failed to register her objection, whether in the minutes or in a written letter at the MoI. This shows that the crime of bribery and the failure of the head of the polling station to carry out his duties in terms of vote counting were not proved. Additionally, the extent of their decisive and critical impact on the validity of the overall electoral process was not proved.<sup>67</sup>*

### 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.

<sup>63</sup> Decision No. 927 dated 27/7/2016, M. M. Z. v. the State, M. R. Z. and K. Z., unpublished.

<sup>64</sup> Articles 329-334 of the Penal Code (Infringement of civil rights and duties), and Article 10 (c) of the Code of Criminal Procedure

<sup>65</sup> Article 79 of the Electoral Law No. 25/2008.

<sup>66</sup> Articles 351-352 of the Penal Code (Bribery of public servants).

<sup>67</sup> Decision No. 112 dated 8/11/2016, N. A. S. v. the State, Ministry of Interior, unpublished.

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.

*On 8/6/2016, the plaintiffs A. A. K. A. and others submitted an objection to the State Council requesting the annulment of the elections that took place in Al-Rama Jarminaya-Akkar due to the complicity of the contested party with the heads of the polling stations, and the occurrence of flagrant tampering with ballot papers when counting the votes during a power outage.*

↳ *The State Council rejected the request considering that the plaintiff failed to prove the complicity of the contested party with the heads of the polling stations. He also failed to prove that falsification occurred during the vote counting process that took place during a power outage, or that his representatives/agents were prevented from viewing the sorted papers, or that any tampering with the ballot papers or any other violations that may smear the election results occurred. Additionally, the plaintiff failed to inform the Council about the outcome of the complaint that he had submitted to the Ministry of Interior, which requires rejecting the request of the plaintiff to invalidate the electoral process.<sup>68</sup>*

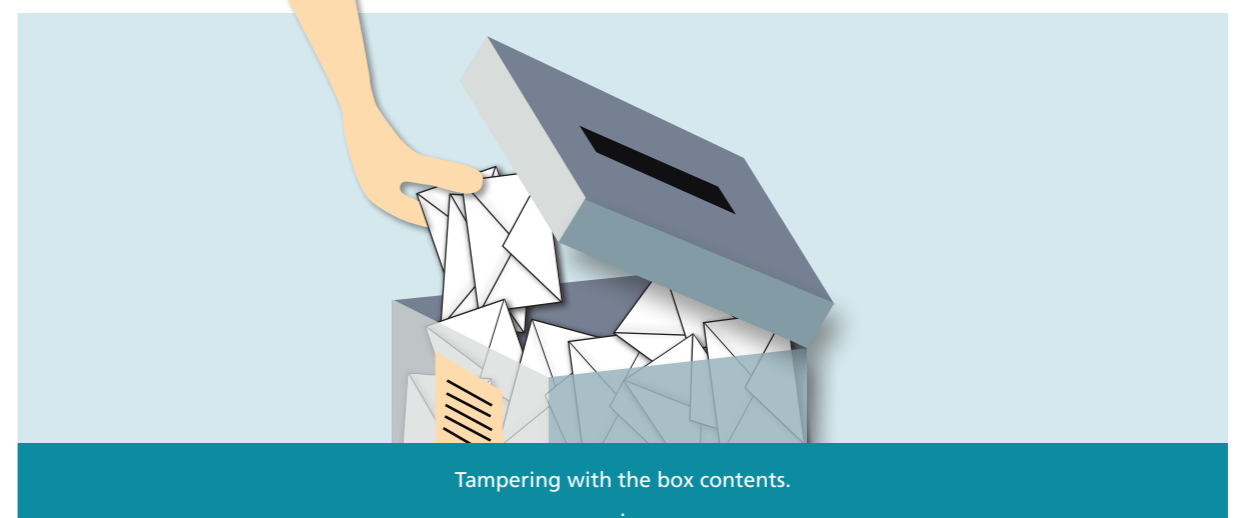
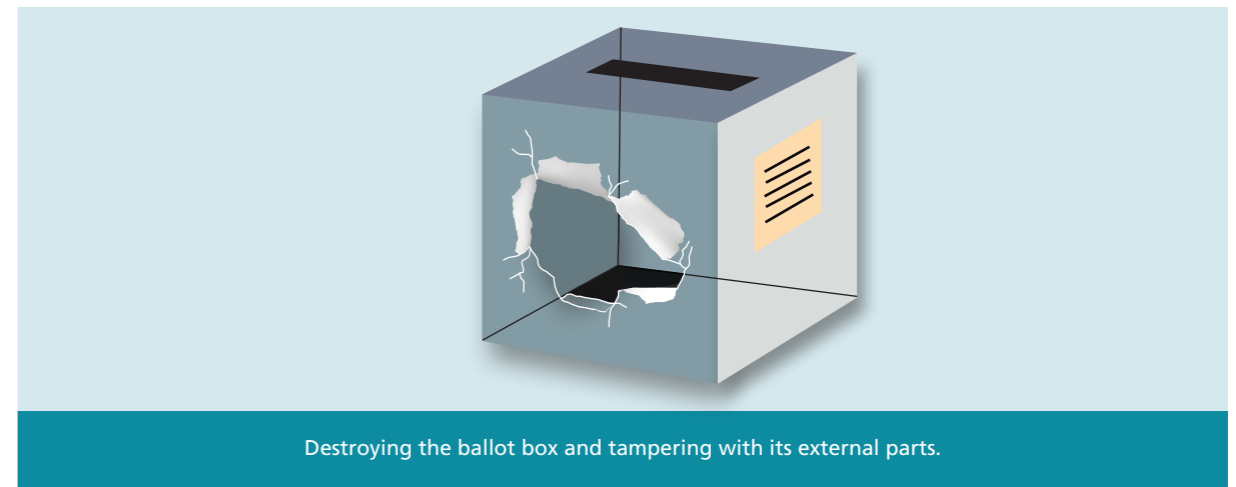
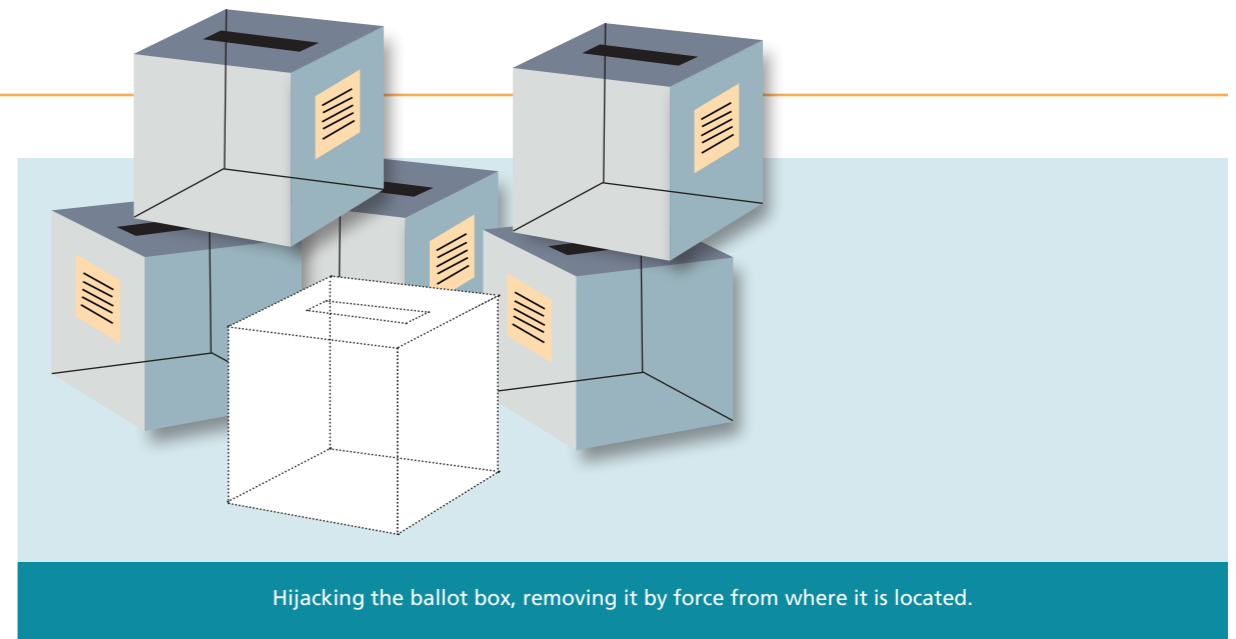
## 3) Announcing False Election Results

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.



Damaging of Ballot Boxes.

<sup>68</sup> Decision No. 932 dated 27/7/2016, A. A. K. A. and others v. the State, unpublished.

## APPEALS ON MUNICIPAL OR MUKHTARS ELECTIONS

### Which judicial authority is competent for verifying 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 councils, 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 and mukhtar councils :

- Any actual 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>69</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?

Within 15 days after the announcement of the results for actual voters and candidates.

*On 19/6/1998, the plaintiffs O.T. and others submitted an objection to the State Council requesting the annulment of the results of the municipal council election that took place in Bqaa Safrine (Minyeh-Donniyeh).*

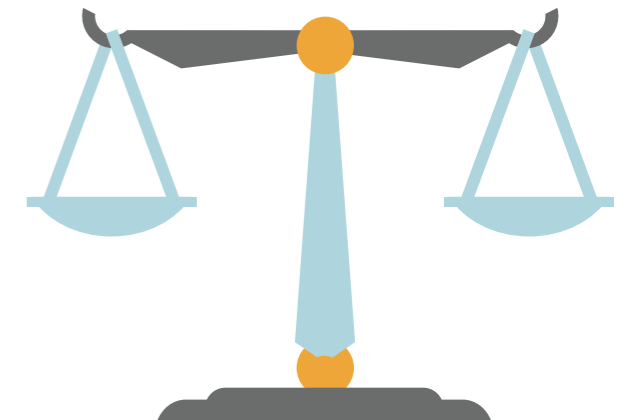
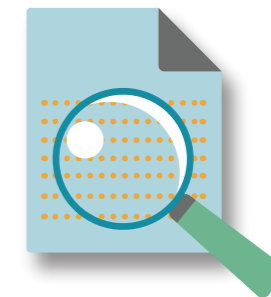
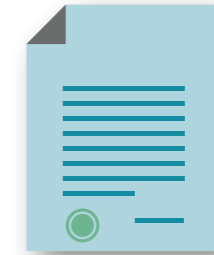
↳ *The Council rejected the objection in the form as it was received after the legal deadline that had ended on 16/6/1998.<sup>70</sup>*

For the government - 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?

1. When issuing a decision regarding electoral disputes, the State Council applies the summarized principles (Article 102 of the draft law implemented by Decree 10434 dated 14/6/1975 [the State Council's internal regulations]), which requires deciding on the case without delay.
2. The Council shall decide on the appeal within a maximum period of six months from its submission.
3. The State Council does not look into violations (criminal and otherwise) if the plaintiff fails to file a prior complaint regarding criminal offenses, for instance, or the candidate representatives/agents failed to include a reservation, observation, or objection in the minutes.
4. To accept a complaint, the judge usually relies upon a basic document; the election minutes which generally contain all complaints and objections related to the validity of the election.
5. The Council considers that 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.

6. In principle, a plaintiff shall bear proving their claims by providing proof of the validity of their statements, and registering complaints and objections to the violations they highlight (Decision No. 961 of 10/8/2016, Mahmoud Hamdan v. the State, Jaafar Ismail and others, unpublished. - and Decision No. 782 dated 18/8/1998, Rabih Mezher v. the State, Charbel Matar, Supreme Judicial Council, special issue, 1998, p. 140), or at least presenting proof, commencement of proof, or sufficient information, in order for the judge to adopt the plaintiff's statements and verify its validity (Decision No. 158 dated 17/11/2016, Izz al-Din and others v. the State, unpublished).
7. The discretion in electoral cases stipulated that general allegations shall not be adopted to prove the invalidity and lack of credibility of the electoral process, in the absence of proof or commencement of proof regarding the validity of those claims. This shall not change if the plaintiff presents a sample of a ballot paper claiming that the vote was based on it. (Decision No. 905 dated 15/7/2016, Massoud Habib Bou Akl v. the State, unpublished, and Decision No. 977 of 25/8/2016, Mahmoud Abu Khalil v. the State, unpublished).
8. The Council considered that the violations committed by political parties and blocs to which the contested candidate belongs, or those committed by his colleagues on the same list, do not affect the validity of his election.
9. The exercise of the right to appeal election results before the judiciary does not generate any offense that results in ruling to grant compensatory damages, unless these practices involve bad faith or at least a serious offense equivalent to fraud or bad faith (Decision No. 922 dated 21/7/2016, Mohammad Mostafa Al -Arab v. the State, Mohammad Youssef Al -Arab, unpublished).



<sup>69</sup> Article 109 of the draft law implemented by Decree 10434 dated 14/6/1975 (the State Council's internal regulations).

<sup>70</sup> Decision No. 799 dated 20/8/1998, O. T. and others v. the State, M. K. and others, Supreme Judicial Council, No. 11, 1998, p. 182



On 18/5/2016, the plaintiff N. S. M. submitted an objection to the State Council requesting the issuance of a decision announcing his victory in the municipal elections that took place in Ras Baalbek and the recalculation of votes he received.

↳ The State Council accepted the objection and ruled to announce the victory of the plaintiff N.S.M. with 1091 votes thus replacing Joseph Fouzou Ghabban who received 1056 votes. The Council considered that the electoral judge acts as a supreme judge to count the votes, meaning that he recalculates the votes and thus amends the decisions of the sorting bodies that had previously announced the results of the poll, in the event it deems that the result is false. Its decision shall replace the announced decision and thus affect the polling results.<sup>71</sup>

### Rule of Decisive Violation for the Invalidation of Elections

- One of the main rules applied in election related issues is the rule of decisive violation because the election judge monitors whether the announced results accurately reflect the voters' will.
- In case of violation of the legal and regulatory provisions, said violations are not taken into consideration unless they had a decisive and critical impact on the election results.
- Violations and acts that impact the voting process or the results may lead to the annulment of the elections if they are decisive and may affect the final result of the elections (given the difference in votes between the last winners and losing candidates in particular).

This is called the rule of decisive violation which was approved by the Electoral Judicial Discretion.

On 21 May 2004, the plaintiff A.H.S. and others submitted an objection before the State Council requesting the annulment of the results of the municipal elections that took place in Sareen al-Fawqa - Baalbek, due to several violations that occurred including: falsification, illegal elections, prohibiting candidate representatives/agents from recording their objections in the minutes.

↳ The State Council rejected the objection as the plaintiffs failed to provide proof of their allegations, to record any objection in the minutes, and to submit a complaint before the competent authorities. The Council also considered that, assuming the validity

of said allegations, they do not have a decisive impact on the announced results in light of the significant difference between the votes obtained by the winning candidates and losing candidates.<sup>72</sup>

### Conditions for violations to be considered:

- Serious, numerous, planned and intended violations.
- Equal violations against the candidates leading to equal harm.
- The difference in votes is significant and the violations are serious and impactful.
- The difference in votes is small and the offenses are serious.
- The existence of a causal link between the violations and the election results.

### The administrative judge has broad powers in correcting the results or cancelling the elections

The election judge may:

- 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.
- 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.

## ORGANIZATION OF THE MUNICIPAL COUNCIL'S WORK

### Election of the President and Vice President

- The president and vice president of the municipality are members of the municipal council and are among the allocated number for each municipality.
- During its first session under the chairmanship of the eldest member, the municipal council elects from among its members a president and a vice-president.
- Election takes place by secret ballot and by absolute majority (half plus one).

On 3/6/2004, the attorney J.M.G. submitted an objection to the State Council requesting the invalidation of the election of the president and vice president of Wadi Shahrour Al-Sufra municipality, as four members did not attend the election session for they were not duly notified.

↳ The Council accepted the objection and annulled the election of the president and vice president of Wadi Shahrour al-Sufra municipality, considering that the election session is in violation of the legal principles as it was held in the absence of four members because they were not informed of the date of the session.<sup>73</sup>

- The governor or the kaymakam determine the time and place within a period of one month after the election result are announced.

On 23 August 2004, the plaintiff N.Z.D. submitted an objection to the State Council requesting the issuance of a decision requiring the kaymakam of Bint Jbeil to call upon the members of the municipal council of Safad al-Batikh to hold a session dedicated to the election of a president and vice-president one month after the election result is announced.

↳ The Council accepted the objection and announced the illegality of the kaymakam of Bint Jbeil's refusal to call upon the municipal council of Safad Al-Batikh to duly elect a president and vice-president, considering that the one-month deadline is a strict deadline that shall be respected.<sup>74</sup>

- 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 to determine the winner.

On 12/6/1998, the plaintiff M.S.D. submitted an objection to the State Council requesting the announcement of his victory in the presidency of the municipal Council of Ba'al Shamiya.

↳ The Council accepted the objection and announced the election of M.S.D. as president of Ba'al Shamiya municipality, as he is older than Z. D. and the votes were tied.<sup>75</sup>

### Withdrawing Confidence from the President and Vice President

- The president and vice president are elected for the entire term of the municipal council.
- Three years after the election of the president and vice president, and based on a petition signed by a quarter of its members, the municipal council may withdraw confidence from both or either of them during its first session, by absolute majority of all its members.
- In this case, the municipal council shall immediately hold a session to fill the vacant position.

### Vacancy in the Municipal Council

If at least a quarter of the positions in a municipal council become vacant, members for the vacant positions shall be elected for the remaining term within two months from the date the last position became vacant, provided that the fraction of the number is calculated as one.

### Dissolution of the Municipal Council

**The municipal council shall be deemed dissolved** if it loses at least half of its members or if its election was invalidated. The Minister of Interior shall announce the dissolution of the council by a decision issued within a maximum period of one week from the date of notifying the Ministry of Interior, otherwise his silence shall be considered as an implicit decision for the dissolution.

<sup>71</sup> Decision No. 757 dated 28/6/2016, N. S. M. v. the State, unpublished.

<sup>72</sup> Decision No. 196 dated 22/12/2004, A. S. and others v. the State, M. A. and others, Supreme Judiciary Council, No. 18, Volume 2, 2006, p. 742.

<sup>73</sup> Decision No. 174 dated 9/12/2004, J. G. v. the State - Ministry of Interior, Supreme Judiciary Council, No. 18, Article 2, 2006, p. 730.

<sup>74</sup> Decision No. 242 dated 26/1/2005, N. Z. D. v. the State, Supreme Judiciary Council, No. 18, Article 2, 2006, p. 847.

<sup>75</sup> Decision No. 753 dated 13/8/1998, M. S. D. v. the State, W. D., Supreme Judiciary Council, No. 11, 1998, p. 85.

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**The municipal council may be dissolved** by virtue of a justified decree issued by the Council of Ministers based on the Minister of Interior's proposal, in the event that it commit flagrant and repeated violations that caused definite damage 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 from the dissolution decree or the decision stating its dissolution, for the remaining term of the dissolved municipal council.

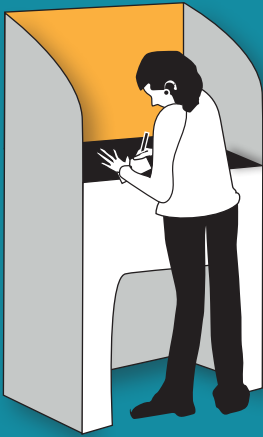
The kaymakam or the original head of the department in the judiciary and the governor or the general secretary shall undertake the work of the municipal council until the election of a new council, by virtue of a decision of the Minister of Interior.

#### **Renewal of the Municipal Council**

The municipal council shall not be partially or completely renewed during the six months preceding the end of the term of the municipal council.

# CITIZEN GUIDE TO MUNICIPAL ELECTIONS

Simplified Legal Rules Governing Municipal and Mukhtar Elections in Lebanon



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