

Law 73 for 1956 on Exercising of Political Rights

July 2000

Law 73 of 1956 on the exercising of political rights*

In the name of the Nation

The Ministerial Council

Having reviewed the constitutional declaration issued on the 10th of February 1953;
And seeing the decision issued on the 17th of November 1954 giving the Ministerial Council the power of the President of the Republic;
And having reviewed decree no. 48 of 1935 on elections, and the laws amending it;
And based on what has been believed by the State Council;
And what has been presented by the Minister of the Interior;

Has issued the following law:

Chapter One
on Political Rights, and their exercise

Article 1: Every Egyptian, male or female, aged 18 shall exercise in person the following political rights:

I: give his/ her opinion in every referendum stipulated in the Constitution,

II: electing each of the following:

i- president of the Republic;

ii- members of the People's Assembly;

iii- members of the Shura Council; and

iv- members of local popular councils.

The president of the Republic shall be elected in accordance with the Law Regulating Presidential Elections, and the other rights shall be exercised in such manner and terms as stipulated in this law.

Exempted from performing this duty are officers and personnel of the main, subsidiary and additional armed forces as well as officers and personnel of the police force, throughout their service in the armed forces or the police."

Article 2: The following subjects shall be prevented from exercising political rights:

(1) Those convicted in relation to a criminal act, unless they have been rehabilitated.

(2) Persons adjudged by the Court of Ethics for confiscation of property, shall be prohibited for five years from the date of issuing the confiscation sentence."

(3) (deleted)

(4) Those sentenced to imprisonment in relation to a theft, hiding stolen objects, fraudulence, bad checks, breach of trust, betrayal, bribery, bankruptcy by fraud, forging or using forged documents, making false testament, seducing witness, rape, corrupting the youth, violating the public ethics, being a vagabond; or has been involved in a crime committed to evade the military and national service; also those sentenced for attempting one of the aforesaid crimes. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(5) Persons sentenced to a freedom-restrictive penalty in any of the crimes stipulated in Articles 41 to 51 of this Law, unless the sentence is suspended, or the sentenced person have been redressed."

(6) Those who were dismissed from civil service for the state or the public sector for disgraceful reasons, until the elapse of five years after the dismissal date. This is unless the person has received a final ruling revoking the dismissal order or ordering compensation.

(7) (deleted)

Article 3: Exercising political rights shall be suspended for the following persons:

- (1) Those placed under interdiction, throughout the period they are so.
- (2) Those who re being treated fro mental illnesses and for the period of their treatment.
- (3) Those declared bankrupt, for five years as of the date they have been so declared, unless they have been earlier rehabilitated.

Chapter One bis

Article Three bis

A Higher Elections Commission shall be set up under the chairmanship of the Minister of Justice and the membership of:

- three serving members of the judiciary ranked deputy heads of the Court of Cassation or equivalent, in addition to another three similarly ranked acting as reserve. All shall be elected by the Supreme Judiciary Council;

- six public figures not affiliated with any political parties, the People's Assembly shall select four of them with at least two being former members of the judiciary. The Shura Council shall select two of them, at least one of them shall also be a former member of

the judiciary, all for a six-year term. Both chambers shall also select an equal member of both categories as reserve members. Should a hindering circumstances arise to any of the Commission members, he shall be replaced by a reserve member, in the same order of their respective selection- representative of the Ministry of Interior. The President of the Republic shall issue a decree forming HEC.

Article 3 bis(A):

The Commission shall be a public juridical person, domiciled in the city of Cairo, and shall independently exercise its competences. The Commission shall have a technical secretariat, and its formation and terms of reference shall be defined by a decree by the Commission chairman. It shall have an independent budget. The Commission shall issue such regulations and decisions as may be necessary for regulating its works.

Article 3 bis(B):

The Commission shall meet upon convocation by its chairman, and its meetings shall be deemed valid only with the attendance of the chairman and at least 7 of its members. The Commission decisions shall be issued by a majority of 8 voters.

Article 3 bis(C):

The Commission shall undertake the following competences:

- 1- set out rules for compiling election rosters; their contents and method of their revision, screening and updating;
- 2- suggest rules of determining electoral constituencies;
- 3- develop general rules for regulating election campaigns;
- 4- contribute to awareness and orientation efforts pertaining to elections and draw up guidelines for the electoral process;
- 5- monitor compliance with codes of ethics related to elections;
- 6- declare the general result of elections and referendums;
- 7- give opinion on the draft laws related to elections.

Article 3 bis(D):

The State shall be under obligation to assist the Commission with carrying out its competencies and implementing its decisions and to furnish it with data and information related to these competences as it may request. The Commission may employ the services of any agency in performing its missions.

**Chapter Two
on Electoral Lists**

Article 4: Anyone, male or female, who has the right to exercise political rights must be registered in Electoral lists. Nevertheless, those who attained the Egyptian nationality by naturalization shall not be registered before five years after their naturalization date.

Article 5: Electoral lists shall be created to register those who meet the conditions set for electors, where there is no reason that would prevent them from exercising their political rights, from the 1st of November of each year to the 31st of January the following year.

Such lists shall be posted from the first day to the last day of February, in the manner and places laid down in the executive regulations of this law.

Article 6: The regulation shall state the areas for which a special electoral list is prepared. It shall also mention how electoral lists will be prepared, their content, revision, amendment, posting, the areas where the lists will be kept, the formation of the committees, which will be charged with registration, and other details mentioned in this law.

Article 7: The Public Prosecution shall inform the Ministry of the Interior of the final rulings against citizens, which would result in depriving or suspending their exercising of political rights.

In case of the dismissal of workers in the state or the public sector for disgraceful reasons, the institution for which they work shall inform the Ministry of the Interior.

In all cases, informing the Ministry must take place within fifteen days as of the date the ruling or the decision becomes final.

Article 8: The registration committee has the right to request that the person who has registered his/her name, or is willing to register his/her name, to prove his/her identity, age, and nationality.

Article 9: Voters may not register in more than one electoral list.

Article 10: No amendment shall be made to election rosters subsequent to calling voters for election or referendum, provided that the dates stipulated in Article (5) and in the next ones shall start anew, effective the following day following the announcement of the results of the election or referendum

Article 11: Voting domicile is usually the place of residence of the voter. However, voters have the right to register at the domicile of their main work, or where they have serious interest, or at the domicile of their family even if they do not live there.

The executive regulations shall explain how the selection of the voting domicile is made, and its dates.

In case of changing voting domicile, voters shall announce this change in the manner stated in the previous paragraph.

Article 12: Voting domicile for Egyptians living abroad who are registered in Egyptian consulates shall be the last domicile they lived at in Egypt before their travel. Voting

domicile of Egyptians who work on board of Egyptian ships shall be the harbor where the ship they work on is registered.

Article 13: (deleted)

Article 14: Electoral lists must be posted.

The executive regulations shall explain how such electoral lists will be posted.

Article 15: Citizens who missed registering their names with no legal reason, or those whose data bore a mistake on registration, those who become qualified voters, or those who were prevented to vote and the reasons preventing them have become invalid, shall request registering their names or correcting their data.

Every registered voter has the right to request registering a name or deleting a name which was unlawfully overlooked or registered, and to request correcting registered data.

Such requests shall be made until the 15th of March of every year. Requests shall be presented in writing to the Security Director of the Governorate. The request shall be registered in accordance to the date on which they were received. Receipts will be given to the applicants.

Article 16: A committee chaired by the head of the court of First Instance at the Governorate, and made of Security Director of the Governorate, and a Chief Prosecutor to be selected by the Public Prosecutor, shall decide on the requests mentioned in the previous article, within one week of lodging the requests. The committee shall send its decisions to those concerned within three days as of their issuance.

Article 17: Those whose requests have been rejected, or whose names have been crossed out have the right to challenge, with no charges, the decision of the committee mentioned in the previous article. The challenge will be made before the competent administrative court. The administrative department of the court will register these challenges in a special record according to the order of receiving them. It will inform the applicant, the head of the Registration Committee, the chair of the committee mentioned in the previous article, and those concerned, by registered mail, of the date of the session scheduled to hear the appeal. This notification must be at least five days before the date of the session.

Article 18: Any registered voter has the right to become a party in front of a court in relation to any dispute regarding the registration or omission of any name.

Article 19: The court may sentence a person whose appeal is rejected, to a fine of at least LE 100 and at most LE 1000.

Article 20: The administrative department of the court shall inform the Security Director of the Governorate, and the Registration Committees of the rulings issued changing the lists. This notification must be made within five days as of issuing the rulings.

Article 21: The head of the Registration Committee shall give a certificate to every one registered in the lists about his/her registration. The form, content, and means of delivering such certificates will be detailed in the executive regulations.

Chapter Three on Organizing the Referendum and Election Processes

Article 22: The date of general elections shall be set by a presidential decree, whereas the date of complementary elections shall be set by a decision of the Minister of the Interior. The decree or decision shall be made at least thirty days before holding the elections.

In referendums, the decision must include the subject of the referendum, and the date set for it, which shall observe the dates stipulated for referendums as stated in the constitution.

Article 23: The decision inviting voters to elections or referendums shall be announced in the official gazette.

Article 24: The Minister of the Interior shall decide the number and location of general and sub-polling stations where elections and referendums will be held. Each station will have a head and no less than two members. Each station will have a secretary.

Heads of general and sub-polling stations will be appointed from the members of the judicial organizations. Polling stations' secretaries will be selected from the workers at the state, public works sector, or the public sector.

Every judicial body shall nominate the members it agrees on to be selected to supervise the balloting process. A list of the nominees shall be sent to the Minister of Justice to coordinate between them in the presidency of polling stations.

Other members shall be selected upon the consent of the organizations they report to.

Composition of general and sub-committee and their secretaries made by a decision by the chairman of the HEC, in coordination with the Minister of Interior. In all cases, the decision issued for the composition of such Commissions shall designate a replacement for the Commission head in case of his absence or for any excuse hindering him from work, provided that he shall be a member of the judiciary in such cases as may be required by the law.

In case of elections for the People's Assembly or the Shura Council, every candidate may delegate a member from the voters within the scope of the general polling station, to be his representative in the general polling station, as well as a member from those registered in the sub station to be his representative in the sub station. The candidate shall inform the head of the station in writing the day before the elections. If half an hour

has passed after the time assigned for starting the elections and the number of representatives has not reached two, the head of the station shall complete this number from the attending literate voters registered in the scope of the station. In case the number of representatives is more than six, and candidates could not reach an agreement, the head of the station shall select from them by drawing lots.

In addition, every candidate shall have the right to assign one of the voters registered in the same constituency as his deputy to represent him before all general or sub stations. The deputy will have the right to enter polling stations during the voting process, and request the head of the station to record whatever notes he might want to make in the minute. The deputy is not permitted to enter the voting hall in any other case. The letter of attorney shall be ratified by an administrative department. The ratification shall be for free even if by the department authorized to ratify signatures. Mayors and sheikhs, even if suspended, may not be selected as delegates or deputies.

Article 24 bis: (deleted)

Article 24 bis 6: In all cases, the election or referendum process shall start if one hour elapses from the set time, without candidates' representatives showing up, or if the head of committee has failed to arrange for substitutes.

Article 25: If a member of the polling station or its secretary is temporary absent, the head of the station shall select one of the literate attending voters to replace him.

Article 26: Discipline in the polling station shall be the responsibility of the head of the station. For its maintenance, the head of the station has the right to call the police or military forces when necessary. The police or the military forces may not enter the station unless upon the request of its head.

The polling station consists of the building where voting hall exists, and the space around it. The head of the polling station shall specify this space before the process starts.

Article 27: Only voters have the right to come to polling stations. They are prohibited to come with arms. Candidates always have the right to enter the polling station.

Article 28: The voting process shall last from 8 a.m. to 7 p.m. Nevertheless, in case voters, who have not yet cast their votes, are present at the polling station at 7 p.m., the voting process will continue until they cast their votes.

Article 29: Voting in elections or referendums shall be implemented by ticking on a balloting card prepared especially for this purpose.

The committee head shall hand out each voter an open ballot paper, bearing on the back the committee seal and the election or referendum date. The voter shall take aside to one of the assigned places for balloting within the same election room. After indicating his choice on the ballot paper, the voter shall hand it back folded to the head of the

committee for insertion into the ballot box. Then, the voter dips his finger in indelible ink removable only at least 24 hours after. Then he shall put his signature or his fingerprint on the voters roster

To guarantee the secrecy of the election or the referendum, balloting cards shall be designed in such a way that associates the name of each candidate in an election, or each subject in a referendum, with a certain color or symbol to be defined by a decision of the Minister of the Interior.

The executive regulations shall describe the form and content of the balloting card, as well as the way of voting. Pencils shall not be used.

However, seeing-impaired persons, and other people with disabilities that may prevent them from casting their votes by themselves, may express their opinions verbally to be heard only by the members of the committee in charge of the polling station. The secretary shall then record the voter's opinion in his/her balloting card, which will be signed by the head of the station. It will then be clarified in front of the voter's name in the electoral list that he/she cast his/her vote in such a way.

These disabled persons can also ask the persons accompanying them to write down their opinion on the balloting cards they receive from the head of the station, in front of the station's committee. This authorization shall be noted in the committee's minute.

Article 30: Voters may not cast their votes more than once in an election or a referendum.

Article 31: On casting their votes, voters shall present to the station's committee their voting card, and shall identify themselves to the committee by any means. Those who have lost their voting cards shall be allowed to cast their votes as long as their names are on the electoral lists of the polling station.

Article 32: The head of the polling station shall sign on the voting card that the voter has cast his/her vote. The secretary of the station shall sign on the voters' list that the voter has cast his/her vote.

However, in cases of referendums, voters who happen to be in a city or a village other than that at which they are registered, shall be allowed to vote in the city or village in which they exist, provided that they present to the polling station committee their voting cards.

In such cases, the station's secretary shall write down, based on the voting card, the voter's surname, family name, the voting domicile of the voter, the police station at which the voter is registered, and the voter's registration number in the electoral lists.

This information shall be written in a separate list made into two copies, signed by the head of the polling station's committee, its members, and secretary.

The head of the station shall hand over a copy of this list to the Chief of the police station where the constituency is located.

Article 33: Votes which are pending on any condition, or bear more or less selections than the required number shall be invalidated. Also, in case a voter casts his/her vote on a card other than that handed to him/her by the head of the station, or on a paper that includes the signature of the voter, or bearing any other sign or mark that would reveal his/her identity, the vote shall also be invalidated.

Article 34: The heads of sub-polling stations shall announce the ending of the voting process once the closing time is due. Ballot boxes shall be sealed. The head of the station shall hand them over to the head of the counting station's committee.

The counting station committee shall be made of the head of the general station as a chair, and two of the heads of sub stations selected by the head of the general station as members. The secretary of the general station shall be in charge of the secretariat of the counting station. Counting shall take place in the presence of the heads of sub polling stations, each on the counting of the votes of his station. The counting committee may request them to take care of the counting process under its supervision.

Candidates may delegate representatives to the counting stations in the constituencies they are running at. The counting committee must complete its work maximum by the day following the voting.

The counting committee shall make a minute on the procedures of counting the votes in the boxes of each sub-polling station. The minute shall be signed by the head of the counting station, its secretary, and the head of the sub-polling station.

Article 35: The counting committee shall decide on matters related to the voting process, or to the validity or invalidity of votes.

The deliberations of the counting committee shall be confidential. It shall only be attended by the head and members of the committee.

Decisions shall be made by absolute majority. In case of a tie, the head of the committee shall cast the deciding vote.

Decisions shall be written down in the committee's minute, and shall be substantiated and will be signed by the head and the members of the committee. The head shall then read them aloud.

Article 36: The head of the general election committee shall announce the result of election or referendum and the number of votes won by each candidate in his respective constituency. Both the committee head and secretary shall sign three copies of the minutes of the session; one of which, along with all election or referendum papers shall be sent to the Interior Minister, the second to the HEC directly and the third copy shall be

kept at the governorate security directorate headquarters.

Article 37: The HEC chairman shall announce the overall result of election or referendum by a decision to be issued within the three days following the announcement of the results of election or referendum by the heads of general election committees in the constituencies
. This decision shall be published in the Egyptian Official Gazette within two days of its issuance

Article 38: The HEC Chairman shall send to each of the elected candidates, following the announcement of election results, a certificate of his election within one month from the date of the announcement

Chapter Four on Elections Offenses

Article 39: Without prejudice to any more aggravated penalty under any other law, the acts shall be subject to the penalties presented therefore under the following articles

Article 40 Any person, whose name is listed on the election rosters, who fails without excuse to cast his vote in the election or referendum, shall be penalized with a fine not exceeding L.E 100.

Article 41: Any person who uses force or violence against the head or any member of election or referendum committee, with the intention of preventing him from performing his assigned duty or forcing him to do so in a special way, even though he has failed to realize his intention, shall be penalized with no more than 5-year imprisonment".

Should the offender realize his intention, imprisonment would be the penalty, and it shall be aggravated imprisonment should the offender inflict bodily harm resulting in a lasting deformity, and it shall be life imprisonment should the beating results in death

Article 42: Any person who threatens, the head or any member of the election or referendum committee in order to prevent performance of his duty shall be penalized with imprisonment for a period not exceeding two years.
In case such statements or news are made in such a time that does not allow voters to verify them, the fine will be doubled.

Article 43: Any person who insults, by gesticulation or in words, the head or any member of the election or referendum committee during or due to the performance of his duty shall be penalized with imprisonment for a period not exceeding two years or with a fine of no less than L.E 2000 and no more than L.E 5000.

Article 44: Any person who uses any means of terrifying or intimidating, with the intention of influencing the proper functioning procedures of the election or referendum without realizing his intention, shall be penalized with no less than two-year

imprisonment. Should he realize his intention, the penalty shall be imprisonment for no less than two years and no more than 5 years.

Article 45: Any person who intentionally destroys or damages any of the buildings, facilities or means of transport used or assigned for use in the election or referendum with the intention of obstructing its progress shall be penalized with imprisonment for a period of no less than one year and with a fine of no less than L.E 1000 and no more than L.E 3000. Additionally, he shall be sentenced to pay the cost of the destruction or damage he caused.

Article 46: Any person who steals, conceals or damages any election or referendum roster or ballot paper, or any other paper related to the election or referendum process; with the intention of changing facts in such result, or with the intention of causing election or referendum to be repeated or disrupted shall be penalized with imprisonment for a period of no less than 2 years.

Article 47: Any person who, purposely, on his own or through an intermediary, inserts or deletes his/her or name or those of others into or from the electoral lists, contrary to the provisions of law, shall be penalized with imprisonment for a period of less than one month and a fine of no less than L.E. 500 and no more than L.E. 3000, or either.

Article 48: A penalty of imprisonment for a period of no less than 6 months together with a fine of no less than L.E 1000 and no more than L.E 5000, shall be imposed on the following."

- 1- Any person who uses force or threat to prevent someone from casting his vote in the election or referendum or to force him to cast one in a certain way;
- 2- Any person who gives, offers or pledges to give someone a benefit, for himself or for someone else, in order to force him to abstain from casting his vote or to do so in a certain way; and
- 3- Any person who accepted or demanded a benefit of that kind, for himself or for others;
- 4- Any person who knowingly publishes or circulates false allegations or news about the subject of election or referendum or about behavior or manners of any of the candidates with the intention of affecting the result of election or referendum.

In the event such statements or news are circulated at a time the voters are not in a position to recognize the truth of the matter, the penalty shall be doubled.

Article 49: A penalty of no less than one month imprisonment and a fine of no less than L.E 500 and not more than L.E 1000, or either shall be imposed in the following cases:

- 1- Any person who casts his vote in an election or a referendum, knowing that his name is unrightfully listed on the list; and
- 2- Any person who casts his vote falsely adopting the name of somebody else; and
- 3- Any person who participates in an election or referendum more than once.

Article 50: A penalty of no less than two-years imprisonment shall be imposed on whoever abducts, damages, changes or tampers with contents of election or referendum ballot box.

Article 51: Attempts to commit the felonies stipulated herein shall be subjected to penalties prescribed to consummate offense.

Chapter Five
General provisions, and temporary provisions

Article 52: head of the election or referendum committee shall have the power authorized to judiciary officers as regards such offenses that take place in the polling room.

Article 53: The Minister of the Interior may make a decision amending the dates stated in this law, or dividing them into terms. This is on making electoral lists for the first time.

Article 54: In case a voter will use government railways to move from his/her place of residence to his/her voting domicile, the voter shall be given two free tickets back and forth on presenting his/her voting card, as explained in the executive regulations.

Article 55: Decree number 148 of 1935, as well as any provision contradicting this law, shall be revoked.

Article 56: This law shall be published in the Official Gazette, and shall go into effect starting from the day following its publishing. This law shall be stamped by the state's seal and enforced as one of its laws.

Issued at the Presidency on July 2, 2005.
Hosni Mubarak