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Ordonnance N° 97-07 of 27 Shawwal 1417 corresponding to 6 March 1997, as amended and supplemented, on the Organic Law relating to the Electoral System.

Ordonnance N° 97-07 of 27 Shawwal 1417 corresponding to 6 March 1997, as amended and supplemented, on the Organic Law relating to the Electoral System.

The President of the Republic,

- Considering the Constitution, particularly Articles 50, 71, 73, 89, 101, 103, 119, 120, 123, 129, 165, 167, 174, 179, and 180 thereof;

- Considering Ordinance n° 66-156 of 8 June 1966, as amended and supplemented, on the Penal Code;

- Considering Ordinance n° 75-58 of 26 September 1975, as amended and supplemented, on the Civil Code;

- Considering Law n° 90-07 of 3 April 1990, as amended, on information;

- Considering law n° 91-05 of 16 January 1991, as amended and supplemented, on the widespread use of the Arabic language;

- Considering Ordinance n° 97-07 of 27 Shawwal 1417 corresponding to 6 March 1997 on the organic law relating to the electoral system;

- Considering Organic law n° 98-01 of 4 Safar 1419 corresponding to 30 May 1998 on the competence, organization and functioning of the Council of State;

- Considering law n° 98-02 of 4 Safar 1419 corresponding to 30 May 1998 on administrative tribunals;

After adoption by Parliament;

- Considering the opinion of the Constitutional Council;

Hereby promulgates the following Ordinance:

Article 1 - This Ordinance is intended to define the rules governing the organic law relating to the electoral system, in accordance with Articles 123 and 179 of the Constitution.

Art. 2 - Voting is universal, direct and secret.

However, voting is indirect as provided in the second paragraph of Article 101 of the Constitution and under the conditions laid down by this law.

Art. 2 (a) – Subject to the provisions of Articles 6, 11, and 12 of this law, members of the People's National Army, the National Security, the Civil Protection, and officers of the National Customs, the Penitentiary Services and the Municipal Guard exercise their right to vote directly. (Organic law n° 04-01 of 7 February 2004)

Art. 3 – Consultations of the electorate are conducted under the responsibility of the Administration whose officers shall be strictly neutral. (Organic law n° 04-01 of 7 February 2004)

Art. 4 - No person may serve in more than a People's Assembly.

However, an elected member of a People's Assembly may be a candidate for election in another People's Assembly. In case he is elected, he shall automatically resign from the original People's Assembly.

Membership in the Council of Nation is incompatible with the concurrent exercise of and elective office in a People's Assembly.

TITLE I PROVISIONS COMMON TO ALL CONSULTATIONS OF THE ELECTORATE

Chapter I

Requirements for Electors

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Art. 5 – Any Algerian citizen aged eighteen (18) years and over on election day, enjoying his civil and civic rights and not affected in any case by a disability provided for in the legislation has the right to vote.

Art. 6 – No person may vote if he is not registered on the voters list of the municipality where his place of residence is located within the meaning of Article 36 of the Civil Code.

Art. 7 – Shall not be registered on the voters list:

- Individuals convicted of crime;
- Individuals convicted of misdemeanour and sentenced to a prison term prohibiting them from exercising the right to vote in accordance with Articles 8-2 and 14 of the Penal Code;
- Individuals whose conduct during the national liberation revolution was contrary to the interests of the homeland;
- Individuals who have been declared bankrupt and whose rights have not been restored;
- Inmates and persons under judicial disability.

The competent judicial authority notifies the relevant municipality by any legal means.

Chapter II

Voters lists

Section I

Terms of voter registration

Art. 8 – Voter registration is compulsory for every citizen fulfilling the legal requirements.

Art. 9 – All Algerians enjoying their civil and civic rights who have never been registered on a voters list shall apply for registration.

Art.10 – No person shall be registered on more than one voters list.

Art.11 – Notwithstanding the provisions of Articles 6 and 10 of this law, Algerian citizens residing abroad and registered with the Algerian diplomatic and consular missions may apply for registration:

1 – On the voters list of one of the following municipalities, with respect to the election of the Municipal and Wilaya (prefecture) people's assemblies:

- The municipality where the person concerned was born;
- The municipality of the last place of residence of the person concerned;
- The municipality where one of the ascendants of the person concerned was born.

2 – On the voters list of Algerian diplomatic and consular missions in the country of residence of the voter, with respect to Presidential elections, referendums and parliamentary elections.

Art.12 – Members of the People's National Army, the National Security, and officers of the National Customs, the Penitentiary Services, and the Municipal Guard who do not meet the conditions laid down in Article 6 of this Ordinance, may apply for inclusion on the voters list in one of the municipalities provided for in Article 11 of this law.

(Organic law n° 04-01 of 7 February 2004)

Art.13 – Persons having recovered their voting ability following the restoration of their right to vote or a waiver of a judicial disability or an amnesty affecting them are entitled to register on the voters list in accordance with Article 6 of this law.

Art.14 – In the event of a change of address, the voter registered on the voters list requests within three (3) months after this change, his removal from this list, and his registration with the new municipality of residence.

Art.15 – In the event of death of a voter, the registry of the municipality of his residence immediately removes his name from the voters list.

Where death occurs outside the municipality of residence, the municipality of the place of death informs the municipality of residence of the deceased voter by any lawful means.

Section II

Issue and revision of voters' lists

Art.16 – Voters lists are permanent and are revised during the last quarter of each year.

They may, exceptionally, be revised before the ballot for which the revision is decided by Presidential decree to convene the electorate.

Art.17 – The President of the Municipal People's Assembly arranges for the posting of a notice of opening of the revision period of voters lists from 1 October each year.

Requests for registration and delisting are made to the relevant municipality departments in the month following the posting of the notice provided for in the preceding paragraph.

At the end of the revision period, the President of the Municipal People's Assembly arranges for the posting of a notice of closure of the revision.

Art.18 – Exceptionally, in case of revision, in exceptional cases, of voters lists, the dates of opening and closing of the period are determined by Presidential decree to convene the electorate referred to in Article 16 of this law.

Art.19 - Voters lists are prepared and revised in each municipality under the supervision of an administrative commission composed as follows:

- A magistrate appointed by the President of the court having territorial jurisdiction, President;
- The President of the Municipal People's Assembly, member; and
- The representative of the Wali (Prefect), member.

The commission meets at the seat of the municipality when convened by its President.

The commission has a permanent secretariat run by the officer in charge of elections at the municipality, under the supervision of the President of the commission, in order to ensure the keeping of the voters list in accordance with the laws and regulations.

The rules of this commission are established by regulation.

Art. 20 - Voters lists are prepared and revised in each consular constituency under the supervision of an administrative commission composed of:

- The head of the diplomatic mission or the head of the consular centre designated by the ambassador, President,
- Two (2) voters, members,
- A consular official, secretary of the commission.

The commission meets at the seat of the consulate when convened by its President.

A permanent secretariat headed by the secretary of the commission is placed at the disposal of this latter.

This secretariat is placed under the supervision of the President of the commission to ensure the keeping of the voters list in accordance with the laws and regulations.

The rules of this commission are defined by regulation.

Art. 21 – Any elector may have access to the voters list relating to him.

In addition, duly authorized representatives of political parties and independent candidates **taking part in the elections** may have access to the **municipal voters list and obtain a copy thereof.**
(Organic law n° 04-01 of 7 February 2004)

Art. 22 - Any citizen who does not find his name on the voters list may submit a claim to the President of the administrative commission in the manner and time limits provided for in this law.

Art. 23 - Any citizen registered on any list of the constituency may request in writing the delisting of a person wrongfully registered or the registration of a person missing in the same constituency in the manner and time provided for in this law.

Art. 24 – Registration or delisting claims provided for in Articles 22 and 23 of this law are made within fifteen (15) days following the posting of the notice of closing of the operations referred to in Article 17 of this law.

This period is reduced to eight (8) days in case of exceptional revision.

Claims are submitted to the administrative commission provided for in Article 19 of this law.

The President of the People's Municipal Assembly shall notify the decision of the Administrative commission within five (5) days to the persons concerned, in writing and at their residence.

Art. 25 – The parties concerned may appeal within eight (8) **clear** days from the date of notification.

In the absence of notification, the appeal may be filed within fifteen (15) **clear** days from the date of claim.

The appeal is filed by a simple declaration to the **relevant administrative district** which issues a decision within a maximum of ten (10) **clear** days without fees and a simple warning notified three (3) **clear** days in advance to all parties concerned.

This **decision** is not subject to appeal.

(Organic law n° 04-01 of 7 February 2004)

Art. 26 – The municipal voters list is kept at the permanent secretariat of the electoral administrative commission.

Copies of this list are filed at the registry of the **relevant administrative district** and at the seat of the Wilaya, respectively.

(Organic law n° 04-01 of 7 February 2004)

Art. 27 - The Wali arranges for the necessary corrections on the voters list by all legal means.

If the Wali notes a violation of the laws in force, he may institute legal proceedings against the offender.

Section III **Voter card**

Art. 28 - A voter card issued by the Administration of the Wilaya, valid for all elections, is issued to any voter registered on the voters list.

The procedure for establishing and issuing voter cards as well as their period of validity are defined by regulation.

Chapter III

VOTING

Section I Preparatory Operations for the Vote

Art. 29 - Subject to other express provisions relating thereto, under this law, the electorate is convened by Presidential decree within three (3) months preceding the election date.

Art. 30 - A part of the municipality, a municipality, or several municipalities may form a constituency.

The constituency is defined by law.

Art. 31 - Voting takes place in the constituency. By decree of the Wali, voters are distributed over as many polling stations as required by local circumstances and the number of voters.

However, when two or more polling stations are located in the same enclosure, they form a set called "Polling Centre" headed by an officer appointed and requisitioned by order of the Wali.

Polling centres are set up under the decree provided for above.

Itinerant polling stations referred to in Article 53 of this law, are attached to one of the polling centres in the constituency.

The decree referred to above is displayed at the seat of the Wilaya, the municipality, and the polling centres.

Art. 32 - Subject to the prerogatives of Presidents and members of polling stations, as laid down by this law, the Head of the polling centre:

- Provides information to voters and their administrative support within the centre;
- Assists, within his capacity as representative of the Administration, members of the polling stations in the conduct of elections;
- Ensures order, with the assistance of the police force if necessary, in the immediate vicinity of the enclosure and in the parties outside the polling stations within the enclosure.

Art. 33 - Voting is open at eight a.m. (08:00) and closed the same day at seven p.m. (19:00).

However, in order to help voters exercise their right to vote, Walis may, after authorization of the Minister of the Interior, issue decrees to advance the opening hours of polling in certain municipalities or delay the closing time in an entire constituency.

Decrees issued by the Walis to advance the opening hour of the poll are published and posted in each municipality concerned, not later than the fifth day before the vote.

Section II Voting process

Art. 34 - Voting takes place on a single day fixed by the presidential decree provided for in Article 29 of this law.

However, the Minister of the Interior may, by decree, authorize Walis, at their request, to advance by a maximum of 72 hours the opening date of the vote in the municipalities where the voting process cannot take place on a single day of the vote for technical reasons related to the remoteness of the polling station, the dispersal of populations and for any exceptional reason in a given municipality.

The Minister of the Interior and the Minister of Foreign Affairs may, by joint decree, and at the request of ambassadors and consuls, advance the vote by one hundred and twenty (120) hours before the opening date of the election.

The modalities for implementing this Article shall be specified by regulation.

Art. 35 - The vote is personal and secret.

Art. 36 - Ballots papers whose specifications and wording are defined by regulation are made available to the voter.

Art. 37 - Voters insert ballot papers in envelopes provided by the Administration.

These envelopes are opaque, not gummed, and of a uniform type.

They are available to voters on polling day in the voting room.

Art. 38 - Throughout the voting process, a copy of the part of the voters list of the polling station concerned, certified by the president of the administrative commission referred to in Article 19 of this law and including the surname, forename(s), address and the number given to each voter, is deposited on the table at which the members of the polling station sit. This copy is the voting register.

Art. 39 - A polling station is composed of:

- A President,
- A Vice-President,
- A secretary,
- Two assessors.

Art. 40 - Polling station members and surrogates are appointed and requisitioned by a decree of the Wali (Prefect), from among voters residing in the territory of the Wilaya, to the exclusion of candidates and members of their parties, and their direct relatives or relatives by marriage up to the second degree, as well as elected officials.

The list of polling stations members and surrogates is displayed in the chief towns of the Wilaya and the Municipalities concerned five (5) days after the closure of the list of candidates, **and is handed at the same time to the representatives of political parties and independent candidates** taking part in the elections. It is displayed in polling stations on polling day.

This list may be modified in case a challenge is accepted. The said challenge shall be formulated in writing and duly supported by reasons, and addressed to the Wali within five (5) days following the initial display and reception of the list.

The decision of rejection is notified to the parties concerned within two (2) clear days from the date on which the challenge was filed.

This decision is subject to appeal before the relevant administrative district within two (2) clear days from the date of notification of the decision.

The relevant administrative district decides on the appeal within five (5) clear days from the date on which it was filed.

The decision is immediately notified to the parties concerned and to the Wali for execution.

The decision is not subject to appeal.

(Organic law n° 04-01 of 7 February 2004)

Art. 41 - Members and surrogates of polling stations shall be sworn in the following terms: *(translated from Arabic)*

"I swear by God Almighty that I will faithfully execute my missions with strict neutrality, and I pledge to ensure the fairness of the vote."

The modalities for implementing this Article shall be determined by regulation.

Art. 42 - Where one or more legally requisitioned members of the polling station are absent on polling day, the Wali shall take all measures to provide for their replacement notwithstanding the provisions of Article 40 of this law.

Art. 43 - The president of the polling station has power to maintain security inside the polling station and, as such, may expel any person who disrupts the normal voting process.

The president of the polling station may require the members of the public force to maintain public order.

Art. 44 - No person shall enter the voting room carrying an apparent or concealed weapon, with the exception of law enforcement officers required by law.

Art. 45 - Members of the polling station are responsible for all operations assigned to them by the provisions of this law.

Candidates may, at their initiative, attend the operations referred to in the paragraph above, or be represented by up to:

- A representative by polling centre; and
- A representative by polling station.

At any rate, no more than five (5) representatives may simultaneously be present in the same polling station.

Five (5) representatives who may be present at a polling station are designated by consensus or by the drawing of lots if more than five (5) candidates submit their lists of designated persons in conformity with the provisions of Article 61 of this law.

The conditions and criteria for presence in a polling station shall be laid down by regulations.

(Organic law n° 04-01 of 7 February 2004)

Art. 46 - Members of itinerant polling stations may, if necessary, be assisted in the discharge of their duties by other security services requisitioned by the Wali.

Where, pursuant to Article 34 of this law, the voting process exceeds one day, all measures of security and inviolability of the ballot box and election materials are taken by the president of the polling station.

If, for remoteness or other reasons, members of the polling station could not reach the designated areas to accommodate the ballot box and election materials, the president of this station may proceed with the requisition of premises compliant with the conditions of security and inviolability referred to in the second paragraph above.

Art. 47 - Each polling station is equipped with one or more booths.

Booths shall ensure the secrecy of the vote of each voter, but shall not hide the voting process from the public.

Art. 48 - Before the opening of voting, the president of the polling station shall ascertain that the number of statutory envelopes corresponds exactly to the number of registered voters.

If for whatever reason, there is a lack of such envelopes, the president of the polling station shall replace them by others, of a uniform type, on which the seal of the municipality is affixed; the replacement thus made shall be mentioned in the record to which five (5) of these envelopes shall be attached.

Art. 49 - Before the commencement of voting, the ballot box, which has a single opening specially designed to allow the insertion of the envelope containing the ballot paper, shall have been closed down by two (2) dissimilar locks whose keys remain one in the hands of the president of the polling station, and the other in the hands of the oldest assessor.

Upon entering the room and after having proven his identity by producing a legal document to the members of the polling station, the voter takes an envelope and a ballot paper and, without leaving the room, goes to the polling booth and puts his ballot into the envelope.

He then shows to the president of the polling station that he is carrying only one envelope. After that, this latter allows the voter to insert the envelope in the ballot box.

Art. 50 - Any voter with a disability preventing him from inserting his ballot in the envelope and sliding it into the ballot box may request the assistance of a person of his choice.

Art. 51 - The vote of each voter is evidenced by his signature. If he cannot sign the voting register, he may affix his fingerprint next to his name and before the members of the polling station.

The voter card is stamped and the date of the vote is mentioned on it.

Art. 52 - At the close of polling, the electoral registers are signed by all members of the polling station.

Art. 53 - The counting of votes immediately follows the close of voting. It is carried out without interruption until its completion.

The counting of votes is public; it shall take place at the polling station.

However, exceptionally and for itinerant polling stations, counting is carried out at the polling centre to which the polling station is attached under Article 31 of this law.

The tables, on which the counting takes place, are arranged so that voters can circulate around them.

Art. 54 - The counting is made by tellers, under the supervision of members of the polling station.

Tellers are appointed by members of the polling station, among registered voters of this polling station.

If the number of tellers is not sufficient, all members of the polling station may take part in the counting.

Art. 55 - Once the reading and tallying is completed, the tellers hand over the tally sheets, signed by them, together with the ballots whose validity has appeared doubtful or has been challenged by voters.

These ballot papers are attached to the record provided for in Article 56 of this law.

The ballot papers are kept at the municipal electoral commission, for the period of appeal.

Art. 56 - In each polling station, the results of the counting of ballots are put down in an official record written in indelible ink in the presence of voters in the polling station, including, where appropriate, comments and / or reservations of candidates or their representatives.

The vote counting record is drawn up in two (2) copies, signed by members of the polling station.

The number of envelopes shall be equal to the tally of voters. Any discrepancy shall be mentioned in the record.

Upon the establishment of the record, the result is announced in public by the president of the polling station and posted in full by him in the voting room.

A true copy of the original vote counting record is delivered against acknowledgement of receipt by the President of the polling station to the duly mandated representative of any candidate or list of candidates as soon as the vote counting record is drawn up and before leaving the polling station.

(Organic law n° 04-01 of 7 February 2004)

Art. 57 - Invalid ballots are not considered as votes cast at the count.

Are considered invalid ballots:

- 1) An envelope without a ballot paper or a ballot paper without an envelope;
- 2) More than one ballot paper in an envelope;
- 3) Envelopes or ballot papers with scribbles or which are torn;
- 4) Ballot papers entirely or partially crossed out, unless the voting system requires this form, and within the limits set by the procedure laid down in Article 36 of this law;
- 5) Non-statutory ballot papers or envelopes.

Art. 58 - The President of the polling station then hands over the two copies of the vote counting record and annexes to the municipal electoral commission provided for in Article 59 of this law which is in charge of establishing a general official addition of votes in the presence of all Presidents of all polling stations **as well as the candidates or their representatives.**

The results **recorded** in each polling station and **related documents** shall not in any way be modified.

The official municipal addition of votes, which is a summary document, is prepared in duplicate, in the presence of candidates or their representatives. It is signed by all members of the municipal electoral commission which sends a copy thereof to the relevant electoral commission.

A copy of the record referred to in paragraph 3 above is displayed at the seat of the municipality where the official addition of votes took place.

A true copy of the municipal vote counting record is handed over against acknowledgement of receipt by the President of the municipal electoral commission to the duly mandated representative of any candidate or list of candidates as soon as the vote counting record is established.

However, concerning the elections of Municipal People's Assemblies, the municipal electoral commission carries out the municipal official addition of votes and, on this basis, proceeds to the distribution of seats in conformity with the provisions of Articles 76, 77, 78, and 79 **of this law.**

(Organic law n° 04-01 of 7 February 2004)

Art. 59 - The municipal electoral commission is composed of a president, a vice-president and two assessors appointed by the Wali among voters of the municipality, excluding candidates, members of their parties and their direct relatives or relatives by marriage up to the fourth degree.

Art. 60 - Any candidate or his duly authorized representative has the right, within the limits of his constituency, to overlook all the voting process, the counting of ballots and the official addition of votes in all premises where such operations are carried out. He may include in the record any comments or objections on the conduct of operations.

Art. 61 - In the eight (8) days before the vote, the candidates shall file with the relevant departments of the wilaya, the list of people they empower under the provisions of Articles 45 and 60 of this law.

This list shall include all the information identifying the empowered persons whose identity and empowerment may be required by any competent authority, particularly the members of the polling station and the head of the polling centre who receives copies of the lists submitted.

An additional list with the same conditions of replacement and the same time limits may be submitted in the event of absence of observers at the polling station or polling centre.
(Organic law n° 04-01 of 7 February 2004)

Section III Vote by Proxy

Art. 62 - Voters belonging to the following categories may, at their request, exercise their right to vote by proxy:

- 1 - Patients treated in hospital or at home;
- 2 - Persons severely invalid or disabled persons;
- 3 - Workers working outside the wilaya of residence and / or travelling and those on duty in their workplace on polling day;
- 4 - Citizens who are temporarily abroad;

5 - Members of the National People's Army, the National Security, the Civil Protection, and officers of the National Customs, the Penitentiary Services, and the Municipal Guard on duty in their workplaces on polling day.
(Organic law n° 04-01 of 7 February 2004)

**Art. 63 - (Amended, renumbered and reclassified as Article 2 (a).
(Organic law n° 04-01 of 7 February 2004)**

Art. 64 - Concerning presidential elections, referendums and parliamentary elections, voters living abroad exercise their right to vote at the Algerian diplomatic and consular missions in the country of the residence.

Voters mentioned in the paragraph above may, at their request, exercise their right to vote by proxy in case an impediment prevents them from perform their duty on election day at the Algerian diplomatic and consular missions.

They may also exercise their right to vote by proxy in elections to municipal and wilaya people's assemblies.

The modalities for implementing this Article shall be specified by regulation.

Art. 65 - The power of attorney can only be given to an attorney who enjoys his election rights.

Art. 66 - Powers of attorney given by persons residing in the national territory are established by an act drawn up before the president of the electoral administrative commission referred to in Article 19 of this law.

At the request of disabled or sick people who cannot move, the secretary of the administrative commission provided for in Article 19 of this law authenticates the signature of the represented person by going to his home.

Powers of attorney of hospitalized persons are established by an act drawn up before the hospital director. Concerning members of the People's National Army, **the National Security, the Civil Protection, and officers of the National Customs, the Penitentiary Services, and the Municipal Guard**, this formality is completed before the Head of Unit.

Powers of attorney given by people who are outside the national territory are established by a document drawn up before the consular service.

Concerning voters referred to in item 3 of Article 62 **of this law**, the power of attorney may be established by an act drawn up before the President of the electoral administrative commission of any municipality.

(Organic law n° 04-01 of 7 February 2004)

Art. 67 - The period for establishing powers of attorney starts on the second Saturday following the date of convening the electorate and ends three (3) clear days before the election.

Powers of attorney are entered in a numbered and initialled register open for that purpose.

Art. 68 - Each attorney may only be given one power of attorney.

Art. 69 - The attorney votes in accordance with Articles 49 and 65 of this law.

After the completion of voting, the attorney signs the voting register on behalf of the represented person.

The power of attorney is stamped and filed with the annexes of the record provided for in Article 56 of this law.

The voter card of the represented person is stamped with the words "voted by proxy."

Art. 70 - The represented person may revoke the power of attorney at any time before the vote.

He may vote in person if he comes to the polling station before the attorney exercises his powers.

Art. 71 - In case of death or deprivation of civil or civic rights of the represented person, the power of attorney is revoked by right.

Art. 72 - The power of attorney is without charge. The represented persons shall prove their identity. The presence of the attorney is not necessary.

Art. 73 - A power of attorney is established for each round of any one election. Each power of attorney indicates the election round for which it is valid.

Both powers of attorney may be established simultaneously.

Art. 74 - Each power of attorney is established on a single form provided by the administration in accordance with the conditions and procedures set by regulation.

TITLE II

PROVISIONS RELATING TO THE ELECTION OF MEMBERS OF MUNICIPAL, WILAYA, AND NATIONAL PEOPLE'S ASSEMBLIES AND OF THE COUNCIL OF NATION

Chapter I

Provisions relating to the election of the Municipal and Wilaya People's Assemblies

Section I Common provisions

Art. 75 - The municipal and wilaya people's assemblies are elected for a term of five (5) years, in a list-based proportional voting.

Elections are held in the three (3) months preceding the expiry of the term of office of incumbents.

However, the terms of office of incumbents are systematically extended in case of implementation of measures provided for in Articles 90, 93 and 96 of the Constitution

Art. 76 - The seats to be filled are distributed between the lists in proportion to the number of votes obtained by each of them with the application of the largest remainder method.

The lists that do not win at least seven percent (7%) of votes cast are not entitled to the allocation of seats.

Art. 77 - The electoral quotient taken into account is the result of dividing the number of votes cast in each constituency by the number of seats in that constituency.

The number of votes cast taken into account in each electoral constituency is, where appropriate, reduced by the votes won by the lists referred to in paragraph 2 of Article 76 of this law.

Art. 78 - Under the provisions of Articles 76 and 84 of this law, the distribution of seats by list is done as follows:

1) In each constituency, the electoral quotient is determined under the conditions laid down by Article 77 of this law;

2) Each list gets as many seats as the number of times it has received the electoral quotient;

3) After the allocation of seats to the lists that obtained the electoral quotient as specified in the preceding paragraph, the remaining votes of lists having won seats and the votes won by lists that did not win seats are ranked according to the number of votes obtained. The remaining seats are allocated according to this classification.

If, for the allocation of the last seat, two or more lists get an equal number of votes, the seat goes to the youngest candidate.

Art. 79 - The allocation of seats among candidates on a list is done according to the ranking order of candidates on that list.

The lists of candidates in the election to Municipal and Wilaya People's Assemblies shall be ranked.

Art. 80 - The list of candidates to municipal and wilaya people's assemblies shall include as many candidates as the seats to be filled and a number of surrogates that shall not be less than half the number of seats to be filled.

Art. 81 - The declaration of candidacy is established when a list that meets the statutory requirements is filed at the wilaya.

Such declaration, made collectively, is presented by one of the candidates on the list.

Such declaration, signed by each candidate, shall clearly state:

- The full name, nickname, if any, date and place of birth, occupation, address and education of each candidate and surrogate and the order of presentation of each of them on the list;
- The title of the list;
- The constituency to which it applies;
- The agenda to be developed during the election campaign shall be appended to the list.

A deposit receipt is issued to the person who files the declaration of candidacy.

Art. 82 – In addition to other conditions required by law, the list referred to in Article 81 of this law shall be expressly agreed by one or more political parties. A list of candidacy in local elections shall be sponsored:

- **either by the political parties having won in one of the previous three (3) legislative elections more than four percent (4%) of votes cast, distributed at least over fifty percent plus one (50% + 1) of the number of wilayas, without this number being less than two thousand (2000) votes cast per wilaya;**

- **or by political parties having at least six hundred (600) elected officials in municipal, wilaya and national people's assemblies, distributed over at least fifty percent plus one (50% + 1) of the number of wilayas, without this number being less than twenty (20) elected officials per wilaya;**

- **where the list is sponsored by a political party that does not meet the requirements mentioned in either of the previous cases, or by a political party taking part for the first time in the elections, that list shall be supported by the signatures of at least three percent (3%) of registered voters in the electoral constituency concerned;**

- **where the list is submitted as an independent one, it shall be supported by the signatures of at least three percent (3%) of registered voters in the electoral constituency concerned;**

- **where the wilaya is a single electoral constituency, the signatures shall be distributed over fifty percent plus one (50% + 1) of the number of municipalities, without this number being in each municipality less than three percent (3%) of the number of registered voters in the municipality;**

- **an elector may not sponsor more than one list under penalty of the sanctions provided for in this law;**

- **The signatures of voters collected on forms provided by the administration are authenticated by the president of the municipal people's assembly, a notary, or a bailiff. The forms shall include the surname, forenames, address and national identity card number or any other official document proving the identity of the signatory as well as his registration number on the voters list;**

- **The forms meeting the legal requirements are submitted for certification by the President of the territorially qualified electoral administrative commission.**

(Organic law n° 07-08 of 28 July 2007)

Art. 83 - Declarations of candidacy shall be filed fifty (50) clear days before the election.

Art. 84 – From the moment the lists of candidates are filed, no addition or deletion, or modification of the ranking shall be done, except in the event of death or legal incapacity.

In either case, a new period is open for filing a new candidacy. This period may not exceed the month before polling day.

If the candidacy is on an independent list, the subscriptions of signatures already established for the list remain valid.

The method of implementing this article shall be fixed by regulation

Art. 85 - No one may be a candidate or surrogate on more than one list and in more than one constituency.

Art. 86 – Any rejection of candidacy or list of candidates shall be adequately and duly substantiated by a decision mentioning the reasons for the rejection.

This decision shall be notified, **under penalty of nullity**, within ten (10) clear days from the date of filing of the declaration of candidacy.

The rejection may be appealed before the relevant **administrative jurisdiction** within two (2) clear days from the date of notification of the decision of rejection.

The **relevant administrative jurisdiction** decides on the appeal within five (5) clear days from the day on which the appeal was filed.

The **decision of the jurisdiction** is not subject to appeal.

The decision is automatically and immediately notified to the parties concerned and to the Wali for execution.

(Organic law n° 04-01 of 7 February 2004)

Art. 87 - The Wilaya Electoral Commission checks and centralizes the final results collected by the Municipal Electoral Commissions. It carries out the distribution of seats in accordance with Articles 76, 77, 78 and 79 of this law.

Art. 88 – The Wilaya Electoral Commission is composed of a President appointed by the Minister of Justice with a rank of councillor, a Vice-President and two (2) assistants appointed by the Wali from among the electors of the Wilaya, excluding candidates and members of their parties and their direct relatives or relatives by marriage up to the second degree.

The Wilaya commission meets at the seat of the Wilaya.

The proceedings and decisions of the commission are of administrative nature and may be appealed before the relevant administrative jurisdiction.

(Organic law n° 04-01 of 7 February 2004)

Art. 89 - The results at each polling station are grouped by the Municipal Electoral Commission for each municipality. The Electoral Commission is responsible for forwarding the results of the vote to the Wilaya Electoral Commission.

Art. 90 - The work of the Wilaya Electoral Commission shall be completed no later than forty-eight (48) hours after the closing time of voting. This commission proclaims the results of the vote in conformity with Article 92 of this law.

Art. 91 – (Abrogated)

(Organic law n° 04-01 of 7 February 2004)

Art. 92 – Any elector has the right to challenge the legality of voting before the relevant administrative jurisdiction within two (2) clear days from the date of proclamation of results by the Wilaya commission.

The relevant administrative jurisdiction decides on the appeal within five (5) clear days from the date the appeal was filed.

The decision is immediately notified to the parties concerned for execution.

The decision is definitive and may be appealed before the Council of State within ten (10) clear days from the date of notification.

(Organic law n° 04-01 of 7 February 2004)

Art. 93 - Except as otherwise expressly required by law, are eligible all voters who have the right to vote, who are aged twenty-five (25) years or older on election day, and who have fulfilled the obligations of national service or are exempted from them.

Art. 94 - A same list shall not include more than two (2) family members, relatives, and relatives by marriage in the second degree.

Art. 95 - Where it is necessary to replace a Municipal or Wilaya People's Assembly that is dissolved, resigning or whose complete renewal was pronounced in accordance with the laws in force, voters are convened ninety (90) days before the date of elections.

However, the elections shall not take place within less than twelve (12) months of the normal renewal period; during this period, the provisions governing the municipality or the Wilaya shall be applied depending on the case.

Art 96 - In the vote is cancelled or invalidated, the elections concerned shall be renewed in the same manner as provided by this law, forty-five (45) days at the latest from the date of the decision.

Section II Provisions relating to the election of Members of Municipal People's Assemblies

Art. 97 - The number of elected members in municipalities varies depending on the population of these municipalities resulting from the last official national census and in the following proportions:

- 7 members in municipalities with fewer than 10,000 inhabitants;
- 9 members in municipalities of 10,000 to 20,000 inhabitants;
- 11 members in municipalities of 20,001 to 50,000 inhabitants;
- 15 members in municipalities of 50,001 to 100,000 inhabitants;
- 23 members in municipalities of 100,001 to 200,000 inhabitants; and
- 33 members in municipalities of 200,001 or more inhabitants.

Art.98 - Are ineligible while exercising their duties and for one year after they leave office in the jurisdiction where they are or were holding their office:

- Walis;
- Heads of daïras (sub-prefecture);
- Secretaries General of wilayas;
- Members of executive councils of wilayas;
- Magistrates;
- Members of the National People's Army;
- Officers of the security forces;
- Accountants of municipal funds; and
- Officers of municipal services.

Section II Provisions relating to the election of Members of Wilaya People's Assemblies

Art. 99 - The number of elected members of the Wilaya People's Assembly varies depending on the size of the population of the Wilaya, resulting from the last official national census and the following conditions:

- 35 members in wilayas with fewer than 250,000 inhabitants;
- 39 members in wilayas with 250,001 to 650,000 inhabitants;
- 43 members in wilayas of 650,001 to 950,000 inhabitants;
- 47 members in wilayas with 950,001 to 1,150,000 inhabitants;
- 51 members in wilayas with 1,150,001 to 1,250,000 inhabitants; and
- 55 members in wilayas of over 1,250,000 inhabitants.

However, each constituency shall be represented by at least one member.

Art.100 - Are ineligible, while exercising their duties and for one year after they leave office, in the jurisdiction where they are or were holding their office:

- Walis;
- Heads of daïras;
- Secretaries General of wilayas;
- Members of executive councils of wilayas;

- Magistrates;
- Members of the National People's Army;
- Officers of the security forces;
- Accountants Wilaya funds; and
- Officers of Wilaya services.

Chapter II Provisions relating to Members of the National People's Assembly

Art.101 - The National People's Assembly is elected for a five (5) year term according to the list-based proportional system.

In each constituency, candidates are registered, according to their ranking on lists including as many candidates as the number of seats to be filled, with the addition of three (3) surrogate candidates.

Elections are held within three (3) months preceding the expiration of the term of incumbents.

The basic electoral constituency for the election of members of the National People's Assembly is limited by the boundaries of the Wilaya.

However, a Wilaya may be divided into two or more electoral districts on the basis of population density and in respect of geographical continuity.

The number of seats shall not be less than four (4) seats for wilayas whose population is less than three hundred and fifty thousand (350,000) inhabitants.

For the election of representatives of the national community abroad, the diplomatic and consular electoral constituencies and the number of seats are set by the law on the division into electoral districts.

Art.102 - The voting system laid down in Article 101 above provides for a distribution of seats proportional to the number of votes won by each list with the application of the rule of the largest remainder method.

The lists that do not win at least five percent (5%) of the votes cast are not admitted to the allocation of seats.

Art.103 - For each constituency, the electoral quotient taken into account for the allocation of seats to be filled is the result of the ratio between the number of votes cast, minus, where appropriate, the votes won by the lists that did not reach the threshold referred to in paragraph 2 of Article 102 above, and the number of seats to be filled.

Art.104 - Under the provisions of Articles 101, 102 and 103 of this law, the seat to be filled are divided as follows:

1 - In each constituency, the electoral quotient is determined under the conditions laid down by Article 103 of this law;

2 - Each list gets as many seats as the number of times it has received the electoral quotient;

3 - After the allocation of seats to the lists that have obtained the electoral quotient as specified in the preceding paragraph, the remaining votes of lists having obtained seats, are ranked according to the highest number of votes. The remaining seats are allocated according to this classification.

If, for the allocation of the last seat, two or more lists get an equal number of votes, the seat goes to the oldest candidate.

Art.105 - The seats are allocated to candidates in the order in each list.

Art.106 - Are ineligible, while exercising their duties and for one year after they leave office, in the jurisdiction where they are or were holding their office:

- Civil servants and officers of the Wilaya holding a high State position;
- Magistrates;
- Members of the National People's Army;
- Officers of the security forces; and
- Accountants of the Wilaya funds.

Art.107 - The candidate to the National People's Assembly shall:

- Meet the requirements laid down in Article 5 of this law;
- Be aged twenty-eight (28) years or older on polling day;
- Be of Algerian nationality by origin or acquired at least five (5) years before; and
- Have fulfilled national service obligations, or be exempted from them.

Art.108 - Under the conditions laid down by Article 102 of this law, the declaration of candidacy is deemed to have been made when list of candidates is filed at the Wilaya, by the candidate ranking first, or in his absence, by the candidate in second place.

The list of candidates is made on a form provided by the Administration and duly filled in and signed by each candidate.

Documents proving the fulfilment of the conditions laid down in Articles 107 and 175 of this law are appended to the declaration of candidacy.

A deposit receipt is issued to the persons who file the candidacy.

Concerning the electoral constituencies abroad, referred to in Article 101 of this law, the filing of candidacies is done in the same manner at the diplomatic or consular mission designated for this purpose for each electoral district.

Art.109 – Every list of candidates is submitted either under the sponsorship of one or more political parties or as an independent one.

A list of candidacies for legislative elections may be sponsored:

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- either by the political parties having won in one of the previous three (3) legislative elections more than four percent (4%) of votes cast, distributed at least over fifty percent plus one (50% + 1) of the number of wilayas, without this number being less than two thousand (2000) votes cast per Wilaya;

- or by political parties having at least six hundred (600) elected officials in Municipal, Wilaya and national people's assemblies, distributed over at least fifty percent plus one (50% + 1) of the number of wilayas, without this number being less than twenty (20) elected officials per Wilaya;

- where the list is sponsored by a political party that does not meet the requirements mentioned in either of the previous cases, or by a political party taking part in the elections for the first time, that list shall be supported by the signatures of at least three percent (3%) of registered electors in the electoral constituency concerned;

- where the list is submitted as an independent one, it shall be supported by the signatures of at least three percent (3%) of registered electors in the electoral constituency concerned;

- the signatures referred to in paragraphs 3 and 4 herebefore shall be distributed over at least fifty percent plus one (50% + 1) of the number of municipalities of the Wilaya, without this number being less than three percent (3%) of the number of registered electors in the municipality.

- The signatures of electors collected on forms provided by the Administration shall be authenticated by the President of the Municipal People's Assembly, a notary, a bailiff, a consul, or a consul general. The forms shall include the full name, address and national identity card number or any other official document proving their identity and registration number on the voters list;

- an elector may not sponsor more than one list under penalty of the sanctions provided for in this law;

- Duly filled and certified forms are submitted to the President of the Electoral Commission of the electoral constituency provided for in Article 115 of this law.

- The President of the commission referred to in the paragraph above proceeds to the verification of the signatures and ensures their validity by taking a sample of at least five percent (5%) of the number of signatories. He draws up a report on these signatures.
(Organic law n° 07-08 of 28 July 2007)

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Art.110 - The deadline for filing lists of candidates ends forty-five (45) clear days before the election.

Art.111 - A list of candidates that has been filed shall not be modified or withdrawn, except in the case of death and in the following conditions:

- In the event of death of a candidate on a list before the deadline of submission of candidacy, the said candidate shall be replaced at the initiative of his political party or in order of ranking of candidates if the candidate is independent;

- In the event of death of a candidate on a list after the deadline for submission of lists, the said candidate shall not be replaced;

Notwithstanding the provisions of Article 101 of this law, the general order of ranking of remaining candidates is not modified. The candidates of the lower rank take the higher rank immediately above, including surrogate candidates.

For the independent lists, the documents prepared for filing the original list remain valid.

Art.112 - For the same ballot, no one can be a candidate on more than one list, or more than one constituency.

Any contravention of this provision shall be liable to the penalties provided for in Article 199 of this law.

Art.113 - Any rejection of a candidacy or a list of candidates shall be adequately and duly supported by reasons.

Such rejection is notified, under penalty of nullity, within ten (10) clear days from the date the declaration of candidacy was submitted.

Such rejection may be appealed to the relevant administrative district within two (2) clear days from the date of notification of the rejection.

The relevant administrative district issues a decision within five (5) clear days from the date the appeal was filed.

This decision is immediately notified to the parties concerned and to the Wali for execution.

This decision is not subject to appeal.

(Organic law n° 04-01 of 7 February 2004)

Art.114 - In the event a candidacy on a list is rejected, new candidacies may be submitted without; however, the period opened for this purpose shall not exceed a month before the date of election.

Art.115 - The Municipal Electoral Commission meeting at the headquarters of the municipality, or in case of need at a known official headquarters, proceeds to the counting of results collected from all polling stations of the municipality and records them in three copies.

One copy is immediately forwarded to the Wilaya Electoral Commission or the electoral constituency commission.

In the event a Wilaya is divided up in two or more electoral constituencies, an Electoral Commission is set up for each electoral constituency under the same conditions laid down in Article 88 of this law.

The prerogatives of this commission are those set out in Article 87 of this law.

For the purposes of counting results collected from all polling stations of diplomatic or consular electoral constituencies, diplomatic or consular electoral constituency commissions are set up and their number is determined by regulation.

In addition, an Electoral Commission of citizens residing abroad is set up under the same conditions laid down in Article 88 of this law to centralize the definitive results recorded by diplomatic or consular constituency commissions.

The members of this commission are appointed by joint decree of the Ministers in charge of the Interior and Foreign Affairs.

A true copy of the vote counting record is handed over by the President of the Electoral Commission to the duly mandated representative of any candidate or list of candidates against acknowledgement of receipt.

(Organic law n° 04-01 of 7 February 2004)

Art.116 - Each district or Wilaya Electoral Commission centralizes the results of the vote of its entire constituency.

The Electoral Commission of residents abroad centralizes the election results of all diplomatic and consular constituencies.

The proceedings shall be put down in records and shall be completed no later than the day after the election and immediately forwarded to the Constitutional Council.

A true copy of the vote counting record is handed over by the President of the Electoral Commission to the duly mandated representative of any candidate or list of candidates against acknowledgement of receipt.

(Organic law n° 04-01 of 7 February 2004)

Art.117 - The results of the elections shall be decided and announced by the Constitutional Council no later than seventy-two (72) hours from receiving the results of the Electoral Commissions of constituencies, wilayas, and residents abroad and notified to the Minister of the Interior, and where appropriate, to the President of the National People's Assembly.

Art.118 - Any candidate or political party participating in elections has the right to challenge the legality of voting by introducing a simple appeal lodged at the office of the Clerk of the Constitutional Council within forty-eight (48) hours after the announcement of results.

The Constitutional Council gives notice to the candidate declared elected whose election is contested and who can produce written comments within four (4) days from the date of notification.

After this period, the Constitutional Court rules on the merits of the appeal within three (3) days. If it considers the appeal founded, it may, by reasoned decision, either cancel the contested election, or rewrite the record of the results and declare the candidate who is regularly elected.

The decision is notified to the Minister of the Interior and to the President of the National People's Assembly.

Art.119 - The deputy whose seat becomes vacant due to death, acceptance of a governmental function or membership in the Constitutional Council, is replaced by the candidate ranked immediately after the last elected candidate of the list for the remaining period of office.

In case of vacancy of a seat of deputy by resignation, legal incapacity or exclusion, there shall be a by-election for his replacement.

Art.120 - The vacancy of a seat of deputy is declared by the Bureau of the National People's Assembly. This declaration of a vacancy is immediately notified in the form and conditions established by relevant procedures.

Art.121 - When a permanent vacancy occurs in the last year of the term, the vacancy is not filled.

Chapter III

Provisions relating to the election of elected members of the Council of nation

Art.122 - Elected members of the Council of Nation are elected for a term of six (6) years. Half the number of elected members of the Council of Nation are renewed every three (3) years.

Art.123 - Elected members of the Council of Nation are elected by a single round, plurinomial majority vote at the Wilaya, by an electoral college composed of all:

- Members of the Wilaya People's Assembly; and
- Members of the Municipal People's Assemblies of the Wilaya;

Voting is compulsory except in cases of major impediment.

The modalities for implementing this Article shall be determined by regulation.

Art.124 - The electoral college is convened by Presidential decree, forty-five (45) days before the election.

Art.125 - The Wilaya Electoral Commission is composed under the same conditions laid down in Article 88 of this law.

(Organic law n° 04-01 of 7 February 2004)

Art.126 – The Wilaya Electoral Commission shall have a secretariat run by an officer appointed by the Wali.

(Organic law n° 04-01 of 7 February 2004)

Art.127 – Any member of a Municipal or Wilaya People's Assembly who fulfils the legal conditions may be a candidate for election to the Council of Nation.

Art.128 – No person shall be elected to the Council of Nation if he is not forty (40) years old or over on polling day.

Art.129 – The conditions for eligibility and cases of incompatibility of the elected members of the Council of Nation are the same as for the election of members of the National People's Assembly.

Art.130 – A candidacy is established when the candidate files at the Wilaya a duly completed and signed declaration in duplicate.

Art.131 – Declarations of candidacies are registered in a special register opened for this purpose in which the following information is recorded:

- The full name and nickname if applicable, address, and occupation of the candidate;
- The date and hour of filing;
- Comments on the composition of the file.

A deposit receipt is issued to the person who files the declaration.

Art.132 – Declarations of candidacy shall be filed no later than fifteen (15) days before the election.

Art.133 – A candidacy that has been filed shall not be modified or withdrawn except in the event of death.

Art.134 – The Wilaya Electoral Commission may reject, by reasoned decision, any candidacy that does not meet the requirements of this law.

The decision of rejection shall be notified to the candidate within two (2) days from the date of filing of the declaration of candidacy.

The rejection may be appealed under the conditions laid down in Article 113 of this law.

Art.135 – Voting takes place in the chief town of the Wilaya.

The Wali may, after authorization of the Minister of the Interior, issue an order to advance or delay the time of the election.

The order issued by the Wali, to advance the opening date of the poll is published and posted at the seats of the Wilaya and the Municipal People's Assemblies of the Wilaya no later than five (5) days before the opening of the ballot.

Art.136 – The polling station is composed of a President, a Vice-President and two assessors, all of them magistrates appointed by the Minister of Justice.

The polling station has a secretariat run by a clerk appointed by the Minister of Justice.

Art.137 – The list of voters making up the electoral college is established by the Wali, in alphabetical order, in the form of a voting register including the full names of voters and the assembly to which they belong.

The voting register, established four (4) days before the opening of the ballot, is available to candidates and the electoral college.

A copy of the voting register certified by the Wali is made available throughout the ballot at the polling station.

Art.138 – Ballot papers whose wording and specifications are set by regulation are made available to each voter.

Art.139 – A voter may, at his request, vote by proxy in the event of major impediment.

The modalities for implementing this Article shall be determined by regulation.

Art.140 – Voting takes place in the same manner as provided for in Articles 35, 37, 42, 44, 45, 47, 48, 49, 50 and 51 of this law.

The modalities for implementing this Article shall be determined by regulation.

Art.141 – Every candidate has the right to attend the voting process or to be represented by a person of his choice belonging to the electoral college.

However, no more than five (5) representatives may simultaneously be present in the same polling station.

The modalities for implementing this Article shall be determined by regulation.

Art.142 – As soon as voting ends, the voting register is signed by all members of the polling station.

Art.143 – The counting of votes is done immediately after the close of voting.

It is organized in accordance with Articles 53 to 57 of this law.

Art.144 – The results of the counting of votes are put down in a triplicate record written in indelible ink.

As soon as the record is drawn up, the results are announced in public by the President of the polling station and displayed by him in the voting room.

A copy of the record is handed over to the duly mandated representative of any candidate against acknowledgement of receipt.

(Organic law n° 04-01 of 7 February 2004)

Art.145 - In the event of claims, these are put down in the record referred to in Article 60 of this law.

Art.146 - A copy of the record is immediately forwarded to the Constitutional Council, which proclaims the final results within sixty-two (72) hours.

Art.147 - The candidates having won the largest number of votes based on the number of seats to be filled shall be declared elected.

In the event of a tie, the oldest candidate shall be declared elected.

Art.148 - Every candidate has the right to contest the election results by introducing an appeal filed with the clerk of the Constitutional Council within twenty-four (24) hours after the announcement of results.

Art.149 - The Constitutional Council decides on the appeal within three (3) clear days.

If it considers the appeal as founded, it may, by reasoned decision, either cancel the contested election, or rewrite the record of the results and declare the candidate who is legally and definitively elected.

In case of cancellation of the election by the Constitutional Council, a new election is held within eight (8) days from the date of notification of the decision of the Constitutional Council.

Art.150 - In the event of vacancy of a seat of an elected member of the Council of Nation due to death; appointment as Member of Government or Member of the Constitutional Council; resignation; exclusion; or any other legal impediment, by-elections shall be organized for his replacement.

Art.151 - The mandate of the new member of the Council of Nation ends on the date of expiry of the term of the member replaced.

Art.152 - The vacancy of a seat of elected member to the Council of Nation is declared by the Bureau of the Council. This declaration of a vacancy is immediately notified in the form and conditions established by the procedures laid down in applicable legislation.

TITLE III**PROVISIONS RELATING TO THE ELECTION OF THE PRESIDENT OF THE REPUBLIC AND REFERENDUMS****Chapter I****Provisions
relating to the election of
the President of the Republic**

Art.153 - Presidential elections are organized within thirty (30) days before the end of the mandate of President of the Republic.

Art.154 - The electorate is convened by Presidential decree, sixty (60) days before the election.

However, this time limit is reduced to thirty (30) days when implementing the provisions of Article 88 of the Constitution. The Presidential decree to convene the electorate shall be issued no later than fifteen (15) days following the declaration of vacancy of the Presidency of the Republic.

Art.155 - Elections of the President of the Republic are organized in a two-round uninominal ballot and are won the candidate having won an absolute majority of votes cast.

Art.156 - If in the first round, no candidate obtains an absolute majority of votes cast, a second round is organized.

Only the two candidates having won the greatest number of votes in the first round take part in the second round.

Art.157 - The declaration of candidacy to the Presidency of the Republic follows the filing of an application for registration with the Constitutional Council which delivers a receipt.

The application shall include the full name, signature, occupation, and address of the person concerned.

The application is accompanied by a dossier containing the following:

1 - A copy of the birth certificate of the person concerned;

2 - A certificate of Algerian nationality of origin of the person concerned;

3 - A sworn statement attesting to the non-possession of a nationality other than the Algerian nationality of the person concerned;

4 - Extract n° 3 of the criminal record of the person concerned;

5 - A recent photograph of the person concerned;

6 - A certificate of Algerian nationality of the spouse of the person concerned;

7 - A medical certificate issued to the person concerned by sworn medical doctors;

8 - Voter card of the person concerned;

9 - A certificate of fulfilment of or exemption from the obligations of national service;

10 - The signatures provided for in Article 159 of this law;

11 - A statement on the movable and immovable properties of the person concerned within and outside the country;

12 - A certificate of participation in the Revolution of 1 November 1954 for candidates born before 1 July 1942;

13 - A certificate of non-involvement of the parents of the candidate born after 1 July 1942, in actions hostile to the Revolution of 1 November 1954;

14 - A written and signed commitment by the applicant on the:

- Non-use of the fundamental components of national identity in its triple dimension, Islamic, Arab and Amazigh, for partisan purposes;
- The promotion of national identity in its triple dimension Islamic, Arab and Amazigh;
- Respect and implementation of the principles of 1 November 1954;
- Respect for the Constitution and laws in force and the commitment to comply with them;
- Rejection of violence as a means of expression and / or political action and access to and / or hold on power, and its condemnation;
- Respect for individual and collective freedoms and respect for human rights;
- The refusal of any feudal, regionalist, and nepotistic practice;
- Consolidation of national unity;
- Preservation of national sovereignty;
- Commitment to democracy and respect for national values;
- Adhesion to political pluralism;
- Observance of alternation in power through the free choice of the Algerian people;
- Preservation of the integrity of the national territory; and
- Respect for the principles of the Republic.

The content of this written commitment shall be reflected in the program of the candidate provided for in Article 175 of this law.

Art.158 - The declaration of candidacy is filed not later than fifteen (15) days after the publication of a Presidential decree to convene the electorate.

This period is reduced to eight (8) days in connection with the implementation of the provisions of the last paragraph of Article 154 of this law.

Art.158 (a) – The Constitutional Council verifies the validity of candidacies to the Presidency of the Republic and issues a decision within ten (10) clear days from the date on which the declaration of candidacy was filed.

**The decision of rejection is immediately notified to the person concerned.
(Organic law n° 04-01 of 7 February 2004)**

Art. 159 - In addition to the conditions laid down in Article 73 of the Constitution and the provisions of this law, the candidate shall submit:

- Either a list including at least 600 signatures of elected members of Municipal, Wilaya, or National People's Assemblies, and distributed over at least twenty-five (25) wilayas;
- Or a list including at least 75,000 individual signatures of voters registered on a voters list. These signatures shall be collected through at least twenty-five (25) wilayas and the minimum number of signatures required for each wilayas shall not be less than 1,500.

The signatures are submitted on an individual form and authenticated by a public officer. These forms are submitted, along with the candidacy file provided for in Article 157 of this law, to the Constitutional Council.

The modalities for implementing this Article shall be specified by regulation.

Art.160 – Any voter registered on a voters list shall only give his signature to one candidate.

Any voter signature given to more than one candidate is void and exposes its author to the penalties provided for in Article 208 of this law.

Art.161 – A soon as a candidacy is filed, its withdrawal can only occur in the event of death or legal incapacity.

A new period is open for filing a new candidacy; that period shall not exceed a month preceding the date of the election or fifteen (15) days in cases covered by Article 88 of the Constitution.

In case of death or legal incapacity of a candidate after publication of the list of candidates in the Official Gazette of the People's Democratic Republic of Algeria, polling day is postponed for a maximum of fifteen (15) days.

Art.162 - The Constitutional Council declares the results of first round and designates the two (2) candidates who can participate in the second round, if any.

Art.163 - The date of the second round shall be the fifteenth (15th) day after the announcement of the results of the first round by the Constitutional Council. The maximum duration between the first and second rounds shall not exceed thirty (30) days.

This period may be reduced to eight (8) days as provided for in Article 88 of the Constitution.

In case of death, resignation or incapacity of one of the two (2) candidates in the second round, the Constitutional Council declares that the election process shall be renewed from the beginning.

In such a case, the Constitutional Council extends the time to organize new elections for a maximum of sixty (60) days.

Art. 164 - In each polling station, the results of the election of the President of the Republic shall be put down in a record drawn up in two copies on special forms.

The Municipal Electoral Commission shall proceed to the official addition of votes at municipal level, and records them in a triplicate record one of which is immediately forwarded to the Wilaya Electoral Commission in the presence of the representatives of candidates.

**A copy of the abovementioned records is immediately handed over to the duly mandated representative of any candidate against acknowledgement of receipt.
(Organic law n° 04-01 of 7 February 2004)**

Art.165 – The Wilaya Electoral Commission meets at the premises referred to in Article **88 of this law**.

This commission is responsible for centralizing the results of the municipalities of the Wilaya, to proceed with the official addition of votes and to record the results of the election of the President of the Republic.

The proceedings of the commission shall be completed the day after the election. The commission proceeds to the final addition of votes and records the results of the election of the President of the Republic.

The proceedings of the commission shall be completed no later than the day after the balloting at noon (12:00).

It shall forthwith transmit the corresponding records in a sealed envelope to the Constitutional Council.

**A copy of these records is immediately handed over to the duly mandated representative of any candidate against acknowledgement of receipt.
(Organic law n° 04-01 of 7 February 2004)**

Art.166 - Any candidate or his duly authorized representative in the case of Presidential elections, and any voter in the case of a referendum, have the right to challenge the legality of voting by having their claim mentioned on the record available in the polling station.

The Constitutional Council shall immediately be informed of this claim by telegraph.

The modalities for implementing this Article shall be defined by regulation.

Art.167 - The Constitutional Council announces the final results of Presidential elections no later than ten (10) days from the date of receipt of the records of the Wilaya Electoral Commissions provided for in Article 165 of this law.

Chapter II

Referendums

Art. 168 - The electorate is convened by Presidential decree forty-five (45) days before the referendum.

The text submitted to referendum shall be annexed to the decree provided for in the paragraph above.

Art. 169 - Two ballots, printed on paper of different colours: one labelled "YES" and the other labelled "NO", are made available to each voter.

The question is formulated as follows:

"Do you agree on ... which is offered for consideration?"

Art. 170 - The colour of the ballot papers and the wording of the question are defined by the Presidential decree provided for in Article 168 of this law.

Art. 171 - The voting process, the proclamation of results, and litigation occur under the conditions laid down in Articles 36 and 165 to 167 of this law.

TITLE IV

ELECTION CAMPAIGN AND FINANCIAL PROVISIONS

Chapter I

Election Campaign

Art.172 - Except as provided for in Articles 88 and 89 of the Constitution, the electoral campaign is opened twenty-one (21) days before the election. It ends two (2) days before the election.

If a second round is held, the election campaign of candidates for the second round is opened twelve (12) days before the election and ends two (2) days before the election.

Art.173 - No person may, by any means and in whatever form, campaign outside the period provided for in Article 172 of this law.

Art.174 - The use of foreign languages during the election campaign is prohibited.

Art.175 - Any filing of candidacy shall be accompanied by the agenda that candidates shall observe during the election campaign.

Any candidate for legislative or Presidential elections shall be entitled to present his agenda to voters, equal access to media and television broadcasting.

The duration of broadcasts allocated to each candidate in Presidential elections is equal; for legislative elections, it varies depending on the number of candidates nominated by a political party or group of political parties.

Independent candidates, grouped at their own initiative, shall benefit from the provisions of this Article under the same conditions.

The modalities and procedures for access to public media are set in accordance with the laws and regulations in force.

Other methods of advertising of candidacies are determined by regulation.

Art.176 - Electoral rallies and events are conducted in accordance with the provisions of the law on public meetings and events.

Art.177 - The use of a commercial advertising process for propaganda purposes during the election period is prohibited.

Art.178 - Public areas reserved for the publication of lists of electors shall be equitably allocated within the electoral districts.

The Wali ensures the enforcement of the provisions of the paragraph above.

Art.179 - The use of property or means of a private or public legal entity, institution or public body is prohibited except as otherwise expressly provided for in the law.

Art.180 - The use of places of worship, institutions of primary, secondary and university education, vocational training centres, and generally, any public or private educational or training institution for purposes of electoral propaganda in any form whatsoever is prohibited.

Art.181 - Candidates shall refrain from any gesture, attitude, action or other unfair, abusive, shameful, illegal, or immoral behaviour and shall ensure the proper conduct of the election campaign.

Art.182 - The use of symbols of the State is prohibited.

Chapter II

Financial Provisions

Art.183 - Acts of procedures, decisions and records relating to elections are exempted from stamp, registration and legal costs.

Art.184 - The costs of voter cards as well as those resulting from the organization of elections, except for the election campaign whose modalities are provided for in Articles 188 and 190 this law, are borne by the State,.

Art.185 - Election campaigns are financed using resources from:

- The contribution of political parties;
- The possible assistance of the State, allotted equitably;
- The income of the candidate.

The modalities for implementing this Article shall be prescribed by regulation.

Art.186 - No candidate for election to a national or local office shall receive directly or indirectly donations in cash or in kind or any other contribution in whatever form, from a foreign State or a foreign natural or legal person.

Art.187 - Campaign expenses of a Presidential candidate shall not exceed a maximum of fifteen (15) million dinars for the first round.

This amount is increased to twenty (20) million dinars for the second round.

Art.188 - All Presidential candidates are entitled, within the limits of the costs actually incurred, to a lump sum reimbursement of about 10%.

Where the Presidential candidates have obtained a percentage higher than 10% and lower than or equal to 20% of the votes cast, this reimbursement is increased to 20% of the expenditure actually incurred and to the maximum allowed.

The reimbursement rate is increased to 30% for the candidate who obtains more than 20% of votes cast.

The reimbursement shall only be made after the announcement of results by the Constitutional Council.

Art.189 – Campaign expenses for each list in parliamentary elections are capped at one hundred and fifty thousand dinars (150,000 DZD) per candidate.

Art.190 - The lists of candidates for parliamentary elections that win at least 20% of votes cast may be entitled to a reimbursement of 25% of the expenses actually incurred and to the maximum allowed.

The reimbursement of expenses shall only be made after the announcement of results by the Constitutional Council.

Art.191 - Candidates for the election of the President of the Republic or the election of a deputy are required to establish a campaign account showing all income received and expenditures made according to their origin and nature.

This account, presented by a chartered accountant or certified accountant, shall be sent to the Constitutional Council. The account of the elected President of the Republic shall be published in the Official Gazette of the People's Democratic Republic of Algeria.

The accounts of candidates elected to the National People's Assembly shall be sent to the Bureau of this latter.

In case of rejection of the campaign account by the Constitutional Council, the reimbursement provided for in Articles 188 and 190 of this law shall not be made.

Art.192 – Voter cards, ballot papers, circulars concerning elections to the institutions of the State are exempted from postage at election time.

Art.193 - The scale of remuneration for additional or exceptional work inherent in the material preparation and conduct of elections is chargeable to public expenditure and is fixed by regulation.

TITLE V

PENAL PROVISIONS

Art.194 - Any person who arranges for his registration on more than one voters list under false names or false capacity or when registering himself conceals an incapacity provided for in the law, shall incur a prison sentence of three (3) months to three (3) years and a fine of five hundred (DZD 500) to five thousand dinars (DZD 5,000);

Art.195 - Any fraud in the delivery or production of a certificate of registration in or cancellation from voters lists is punishable by a prison sentence of six (6) months to three (3) years and a fine of one thousand and five hundred dinars (DZD 1,500) to fifteen thousand dinars (DZD 15,000).

Any attempt to do so is punishable by the same sentence.

Art.196 - Anyone who impedes the operations of updating voters lists, destroys, conceals, distorts or falsifies voters lists or voter cards is punishable by the same penalty as provided for in Article 195 of this law.

If the offence is committed by an official performing his functions or by a person requisitioned, it constitutes an aggravating circumstance punishable by penalties.

Art.197 – Persons who, through fraudulent misrepresentation or false certificates, arrange for the registration or attempt to register or remove a citizen wrongfully from a voters' list shall incur a prison sentence of three (3) months to three (3) years and a fine of one thousand and five hundred dinars (DZD 1,500) to fifteen thousand dinars (DZD 15,000).

The perpetrators of the offence above may also be prevented from exercising their civic rights for at least two (2) years and at the most five (5) years.

Art.198 - Whoever, disqualified from voting, whether in consequence of a conviction, or following a bankruptcy not followed by rehabilitation, knowingly votes following a registration on the voters list made after his forfeiture, shall be punished with imprisonment of three (3) months to three (3) years and a fine of five hundred dinars (DZD 500) to five thousand dinars (DZD 5,000).

Art.199 - Anyone who votes, either after a registration obtained in the manner described in the first two cases under Article 194 of this law or under the false name and capacity of a registered voter, shall be liable to a prison sentence of three (3) months to three (3) years and a fine of five hundred dinars (DZD 500) to five thousand dinars (DZD 5,000).

Shall be liable to the same sentence:

- Any citizen who benefits from multiple registrations to vote more than once;
- Any citizen who presents his candidacy on more than one list or in more than one electoral district for the same ballot.

Art. 200 - Whoever, being entrusted in a ballot, with receiving, adding, or counting ballots containing the votes of electors, removes, adds, or alters ballot papers, or records or reads a name other than the one actually on the ballot paper, shall be punished by imprisonment of five (5) to ten (10) years.

Art. 201 - With the exception of members of the public force, legally requisitioned, anyone who enters the polling room carrying an apparent or hidden weapon, whatever its nature, shall be punished with an imprisonment of six (6) months to three (3) years.

Art. 202 - Whoever, using false news, libellous rumours, or fraudulent manoeuvres, intercepts or diverts votes, determines one or more voters to abstain from voting, shall be liable to the penalties provided for in Articles 102 and 103 of the Penal Code.

Art. 203 - Anyone who disturbs the operation of a polling station, infringes the right to vote or freedom to vote, or prevents a candidate or his legal representative to attend the casting of votes, shall be punished by imprisonment of six (6) months to two (2) years and the prohibition of the right to vote and to be eligible for at least one year and at the most five (5) years.

If the person who commits the offences listed above carries a weapon, he shall be punished by an imprisonment of six (6) months to three (3) years.

Where the offences specified in paragraphs 1 and 2 above are part of a devised plan, the offender shall be punishable by imprisonment of five (5) to ten (10) years.

Art. 203 (a) – Any person who refuses to hand over the municipal voters list, the vote counting record or the municipal or Wilaya official addition of votes to the duly mandated representative of any candidate or list of candidates incurs a prison sentence of one (1) to three (3) years.

In addition, the judge may pronounce an additional sanction provided for in the second paragraph of Article 14 of the Penal Code.

(Organic law n° 04-01 of 7 February 2004)

Art. 204 - Whoever commits an offence or engages in violence against one or more members of the polling station, or who, through violence or threats, delays or prevents the election process, is liable to the penalties provided for in Articles 144 and 148 of the Penal Code.

Art. 205 - Anyone who removes from the ballot box containing the votes cast not yet counted shall be punished by imprisonment of five (5) to ten (10) years.

If this removal is conducted by a group of persons using violence, the sentence shall be an imprisonment of ten (10) to twenty (20) years.

Art. 206 - The use of violence during voting either by any member of the polling station or by any officer of the authority entrusted with the custody of counted ballots, is punishable by a prison sentence of five (5) to ten (10) years.

Art. 207 - Whoever, by donations or gifts in cash or in kind, promises of gifts, favours of public or private employment, or other benefits given to influence the vote of one or more voters, obtains or attempts to obtain their votes, either directly or through to a third party, or by the same means, determines or attempts to determine one or more voters to abstain, is liable to the penalties provided for in Article 129 of the Penal Code.

Anyone who accepts or solicits the same gifts, gifts or promises, is liable to the same penalties.

Art. 208 - Any violation of the provisions of Article 160 of this law, exposes its author to a prison term of six (6) months to one year and a fine of ten thousand (DZD 10,000) to fifty thousand (50,000 DZD) dinars.

Art. 209 - Any person who, by using threats against a voter either by raising fears of losing his job or exposing him, his family or his property to harm, determines him, or influences or attempts to influence his vote, shall be punished by imprisonment of three (3) months to a year and a fine of five hundred dinars (DZD 500) to one thousand (DZD 1,000) dinars.

Where the threats mentioned above are accompanied by violence or assault, the offender is liable to the penalties provided for in Articles 264, 266, and 442 of the Penal Code.

Art. 210 - Anyone who violates the provisions of Article 173 of this law shall be punished by a fine of fifty thousand dinars (DZD 50,000) to a hundred thousand dinars (DZD 100,000) and the prohibition of the right to vote and be eligible for six (6) years at least.

Art. 211 - Anyone who violates the provisions of Articles 179 and 180 of this law is punishable by imprisonment of two (2) to five (5) years and a fine of ten thousand dinars (DZD 10,000) to fifty thousand dinars (DZD 50,000).

Art. 212 - Anyone who violates the provisions of Article 181 of this law is punishable by imprisonment of five (5) days to six (6) months and a fine of one hundred and fifty dinars (DZD 150) to one thousand and five hundred dinars (DZD 1,500) or either sentence.

Art. 213 - Anyone who violates the provisions of Article 182 of this law is punishable by imprisonment of five (5) to ten (10) years.

Art. 214 - Anyone who violates the provisions of Article 186 of this law is punishable by imprisonment of one (1) to five (5) years and a fine of five hundred (DZD 500) to five thousand dinars (DZD 5,000).

Art. 215 - Anyone who violates the provisions of Article 191 of this law is liable to a fine of ten thousand (DZD 10,000) to fifty thousand (DZD 50,000) dinars and the prohibition of the right to vote and be eligible for six (6) years.

Art. 216 - Any person who refuses to obey an order of requisition for the formation of a polling station or participation in the organization of a consultation of the electorate shall be punished by imprisonment of at least ten (10) days and at most two (2) months and a fine of five hundred dinars (DZD 500) to twenty thousand dinars (DZD 20,000) or either sentence.

Art. 217 - Anyone who violates the provisions of Article 14 of this law is liable to a fine of five hundred dinars (DZD 500) to five thousand dinars (DZD 5,000).

Art. 218 - Any conviction by the competent court under this law shall not, under any circumstances, lead to the cancellation of an election regularly validated by the competent bodies, except where the court ruling has a direct impact on the results of the election.

Art. 219 - Where the offences covered by the provisions of Articles 201, 202, 203, 204, 205 and 209 of this title are committed by candidates, they are aggravating circumstances punishable by the penalties provided in this law.

Art. 220 - All provisions contrary to this law are repealed, including those of Law N° 89-13 of 7 August 1989 on the electoral law, as amended and supplemented.

Art. 221 - This Ordinance shall be published in the Official Gazette of the People's Democratic Republic of Algeria.

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