

**GENERAL NATIONAL CONGRESS
HIGH NATIONAL ELECTIONS COMMISSION
BOARD OF COMMISSIONERS**

**REGULATION OF CANDIDATES' NOMINATION FOR COUNCIL OF
REPRESENTATIVES, ANNEXED TO THE DECISION OF BOARD OF
COMMISSIONERS NO. (50) 2014.**

Having noted:

- The Constitutional Declaration enacted on 3 August 2011 and its amendment,
- Law 8 (2013) on the Establishment of the High National Election Commission,
- Law 10 (2014) on the CoR elections, in the transitional period,
- Law 13 (2013) on Political and Administrative Isolation
- Civil and Commercial Proceedings Law and its amendments.
- The minutes of the regular 7th meeting of Board of Commissioners, held on the 17th of April 2014.

This regulation has been enacted

CHAPTER I: DEFINITIONS AND GENERAL PROVISIONS

ARTICLE 1

Unless specified otherwise, the terms used in this regulation shall have the same meanings as those in Law No. 10 (2014) on the Election of the Council of Representatives in the transitional period, and Law no. 8 (2013) on establishment of HNEC; in addition to the following:

1. The general race: an (open) electoral race, for which all eligible, male and female, candidates can participate.
2. The special race: a (limited) electoral race, for which eligible female candidates only can participate.
3. General ballot: a ballot that contains all male and female candidates, issued by the HNEC for voting.
4. Special ballot: a ballot that contains women candidates only, issued by the HNEC for voting.
5. Electoral centers: refer to a group of cities that form the electoral constituency and the number of seats allocated for it. They are referred to in the table annexed to the Law, with names and serial numbers.
6. The candidate's representative: every person commissioned by the candidate, according to legal procedures, to represent him in fulfilling and following up the procedures, related directly or indirectly with the electoral process...

7. The code of conduct: a document that explains to candidates what they have and do not have to do, concerning the procedures, and they will approve and sign it after accepting it.
8. Stakeholders: eligible voters and candidates who are registered in the approved registers, by the HNEC.

ARTICLE 2

1. The Commission shall determine whether the applicant for candidacy meets the requirements stipulated by the law and its executive regulations.
2. Applications for candidacy shall be done in accordance with the regulations and procedures determined by the Commission in this respect, so that the polling process comprises names of candidates approved by the Commission.
3. All candidates shall complete forms prepared by the Commission in order to accept one's registration in the list of candidates.
4. The Commission shall announce the timelines for the completion of all procedures pertaining to applications for candidacy.
5. All candidates shall abide by the content of the code of conduct annexed to this regulation.

ARTICLE 3

For the elections of the Council of Representatives, There will be two electoral races, the first is a general electoral race, for all seats allocated to the electoral center (except those reserved by law for women). All eligible male and female candidates can run for this general race, through a general ballot.

The second is a special electoral race for the seats reserved for women, in the electoral centers mentioned in the law; through a special ballot.

ARTICLE 4

The thirty two (32) seats, allocated for the special race (women) will be distributed for (39) electoral centers, with a certain number of each according to the Law. All male and female voters, registered in the concerned electoral centers can vote.

CHAPTER II: APPLICATION FOR CANDIDACY ACCORDING TO THE ELECTORAL SYSTEM

ARTICLE 5

APPLICATION FOR CANDIDACY REQUIREMENTS

In addition to meeting the requirements of voters, the applicant for candidacy for membership to the CoR shall meet the following requirements:

1. A person who has completed the age of (25) by the day of submission
2. A holder of university grade or an equivalent.
3. A person who is not a member of the Higher National Election Commission: member of its Board, central administration, local committees, nor the polling centers.
4. A person who has never been convicted for criminal or immoral offence, he is rehabilitated.
5. A person who has been recommended by one hundreds voters from his constituency.
6. In a position where he has deposited at the account of the Commission , a non-refundable amount of five hundred Dinar.
7. A person who meets the criteria of holding public positions.

ARTICLE 6

CONDITIONS OF APPLICATION FOR CANDIDACY

The applicant for candidacy shall abide by the following:

1. Apply to contest one electoral center only.
2. Not to run for both the general and the special races, together.
3. Proxy registration for the applicant shall not be accepted. It is allowed for issues related to following up and fulfilling the procedures of candidacy.
4. The applicant may withdraw one's registration prior to the Commission approval of one's candidacy in the final lists, but will not be allowed to do so after the approval is granted.

ARTICLE 7

REQUIREMENTS FOR CANDIDACY

A person who wishes to apply for candidacy shall fill out the forms designed and issued by the HNEC for this purpose, to which the following documents shall be annexed:

1. A family book or an administrative certificate issued by the Civil Registry;
2. ID or passport;
3. The form of the High Commission for the Application of Public Positions Standards.

4. Certificate of education, not less than the certificate of the completion of UNIVERSITY grade education or an equivalent;
5. C.V. form, developed by the HNEC.
6. Certificate of non-conviction;
7. Secondment list, approved by a notary public, of at least 100 names and signatures of registered voters in the electoral constituency at which the applicant is applying.
8. The secondment list includes the name of the voter, the national number, the constituency and the signature.
9. A receipt of the fees of LYD 500 charged to the applicant, non-refundable under any case, deposited in the account of the electoral committee, at which the applicant applied.
10. A document proving that the candidate has opened an account in a local bank and the account number allocated for the electoral campaign;
11. The candidate has to nominate his/her representatives to fulfill his/her procedures and to communicate with the electoral committee, concerning all updates, related directly or indirectly with him/her and with the electoral process.
12. Two photographs;
13. A signed copy of the code of conduct.

ARTICLE 8

MECHANISMS OF CANDIDACY

Following the announcement of the commencement and end of the registration period, as per the determined dates, applicants for candidacy shall abide by the following:

1. Submit applications for candidacy plus the required documents to the respective HNEC field office;
2. Any application that does not meet the requirements shall not be accepted,
3. In the event of accepting the application for candidacy, the applicant shall receive a certificate stating his/her meeting the application requirements, date and time of registration.
4. The original documents shall be forwarded to the Central Administration, whereas identical copies of the documents shall be archived in the office of electoral committee.
5. The order of candidates on the ballot shall be approved by the HNEC according to the registration's dates.

CHAPTER III: REVIEWING REQUESTS FOR CANDIDACY

ARTICLE 9

TIMELINE FOR CANDIDATE NOMINATION

The Commission shall announce and determine the timeline for the registration of candidates in the mass media. Registration process shall continue for a period to be determined by the Commission.

ARTICLE 10

VERIFICATION OF CRITERIA FOR CANDIDACY

The electoral committee shall review and examine all requests for application for candidacy and ensure the applications meet the requirements stipulated in articles No. (6 and 7) in this regulation. In the event of breaching any requirements, the candidate's application will be excluded, and all procedure will be canceled. The candidate, or his representative, will be contacted to be informed with the exclusion during a week time from the date of the end of submitting applications for candidacy.

ARTICLE 11

PUBLICATION OF PRELIMINARY LISTS

The Commission shall publish preliminary lists of candidates approved by the Commission in the HNEC offices where they are registered. All interested stakeholders can lodge challenge and complaints against what is mentioned in those lists.

ARTICLE 12

CHALLENGES

1. Any stakeholder may challenge any procedure related to the stages of the electoral process within (48) hours of the date of the incident in question.
2. The complainant shall submit one's challenge directly to the competent court (partial court) located in the area of the electoral committee, where he/she registered.
3. The competent local court judge, in the partial court, shall consider the challenges and deliver a ruling within at most 3 days of the date of submitting the challenge..
4. The complainant may submit an appeal against the court ruling delivered by the Partial Court judge before the Primary court chief within five days from the date of delivering the ruling without having to announce it.
5. Decision regarding the appeal shall be delivered in one session, in the light of the documents presented within five days from the date of appeal. The ruling on the appeal shall be final and binding for the Commission. The Court shall refer the rulings delivered by it to the Commission.
6. The Commission shall consider and decide on grievances related to material errors, in the following cases:
 - a. Error in the candidate's data registered,
 - b. Duplicate registration of the candidate.
7. The Commission shall take into consideration the complaints filed by individuals who are not listed in the preliminary lists of candidates , although they had submitted their applications, as long as their complaint is compliant with the law and its executive regulation.

ARTICLE 13
FINAL REVIEW

Following the deadline for the challenges and taking the legal measures required, the Commission shall conduct a final review of all candidates listed in the preliminary lists of candidates to ensure their compliance with the candidacy requirements, following the application of the amendments resulting from the challenges.

ARTICLE 14
APPROVAL AND PUBLICATION

Following the completion of the procedures related to the final review, the Commission shall approve the names of all candidates and publish them in the electoral committees, where they are registered, and via different mass media.

CHAPTER IV: GENERAL PROVISIONS

ARTICLE 15

All candidates shall abide by all laws and regulations regulating the electoral process. The Commission has the right to exclude any candidate if proven to have breached the relevant laws and regulations.

ARTICLE 16

The Commission has the right to take the required measures to complete the registration of candidates.

ARTICLE 17

Without prejudice to any severer penalties stipulated in other relevant laws, the provisions of Chapter VIII of Law No.10 (2014) on the CoR election shall be applied in matters related to the violations that may occur, by candidates, during the stages of the electoral process.

Board of Commissioners