

**Law**  
**Number (4) for the year 2012**  
**For**  
**Election of the General National Congress**

**The Interim National Transitional Council, having taken note of:**

- Interim constitutional declaration issued on 4 Aug 2011.
- Civic and commercial arbitration procedure law and related amendments.
- Law No. 24 of 2010 on Libyan nationality.
- Penal code and Criminal code.

**issues the following law:**

**Chapter One: Definitions**

**Article 1**

The following terms mentioned in the present law carry the designated meanings, unless otherwise is indicated:

1. **General National Congress:** the interim elected legislative authority for the state during the translational process,
2. **Commission:** A supreme committee, formulated in accordance with the law, ans assigned the organization, management and supervision of the election process.
3. **Elections:** the process of selection of members of the General National Congress, according to the provisions of this law.

4. **Electoral District:** The law stipulates a number of seats in the National Congress for each geographical area.
5. **Electoral Register:** A register for registering electors, prepared in accordance with a detailed stipulations published by the Commission. The stipulations specify the regulations of placement of the register, the process of registration and the official identification documents of the person desiring to register.
6. **Voter:** Any citizen dully registered in the electoral register.
7. **Political Entity:** a group of individuals, political gathering or political coalition submitting a list of candidates based on a political agreement.
8. **Candidate:** Any citizen that applies to fill a seat in the National Public Congress and registered as a candidate at the Commission.
9. **Independent Candidate:** candidate running in an electoral system of majority in a single-vote electoral district.
10. **Party-List Candidate:** a candidate presented by a political entity in a list of candidates, competing in the proportional representation system in multi-seat electoral district.
11. **Voting:** the process of the electors casting their votes.
12. **Sub-Committee:** a committee established by the Commission to manage elections in a sub-district.
13. **Polling Center:** a place assigned by the Commission where votes are casted.
14. **Polling Station:** a place where ballot box, ballot cards and the supervisors are located in a polling center.
15. **Ballot Employee:** a Commission employee works at the polling station.
16. **Ballot Card:** a unified card for voting issued by the Commission.
17. **Observers:** individuals or national or international entities approved by the Commission to observe, and issue reports on, the electoral process.

**18. Political Entity Representatives:** Individuals assigned by political entities, approved by the Commission, to observe the electoral process in accordance with the provisions of the law.

**19. Candidate Representatives:** Individuals assigned by independent candidate, approved by the Commission, to observe the electoral process in accordance with the provisions of the law.

**20. Proportional Representation System:** an electoral system approved for multi-seat electoral districts, where representation seats of a political entity is proportional to its share of votes casted by the electorate.

**21. Majority System:** an electoral system in which the winner is the candidate that attains the highest number of votes at an electoral district.

**22. Single non-transferable Vote System:** an electoral majority system, where each voter casts one vote for one candidate at an electrical district. The winners are candidates with the most votes.

**23. First-past-the-post System:** an electoral system for single seat electoral district, where the winner is the candidate with the most votes.

**24 Closed List System:** a proportional representation system, based on a fixed list of candidates. The voters can only vote for a favorite political party and have no influence on the party-supplied order of the candidates.

## **Chapter 2: Preliminary Provisions**

### **Article 2**

The General National Congress consists of 200 members elected in accordance with the provisions of the present law. All eligible Libyan men and women have the right for self-nomination to the congress.

### **Article 3**

Elections are conducted in a free, direct, confidential, transparent, and public environment in accordance with related international standards.

### **Article 4**

For the purpose of the implementation of the present law, the country should be divided into electoral districts based on the population density and geographical area. A separate law, to be issued within two weeks from publication of the present law, shall define the electoral districts. The High Electoral Commission is responsible for organizing, managing and supervising the electoral process.

## **Chapter 3: The Electoral System**

### **Article 5**

Parallel electoral system is adopted, where majority and proportional representation systems are incorporated to elect 200 members of the National Congress, as described in Articles (6) and (7).

### **Article 6**

120 members are elected for the National Congress by majority, based on First-past-the-post system for single constituency districts, where the winner is the candidate with the most votes. For multi-constituency districts, single non-transferable vote system is adopted. In case of vote equality among two or more candidates, a winner is selected by a draw.

## **Article 7**

80 members are elected to the National Congress by proportional representation in the closed electoral lists, presented by political entities in multi-seat constituencies.

Seats are distributed as follow:

1. The Electoral Average for each electoral district is determined by dividing the total number of valid votes for an electoral district by the total number of seats allocated to that district.
2. The total sum of the votes of a political entity in a district is divided by the Electoral Average. Political entity seats are determined by the nearest integer of the division.
3. Constituency seats remaining after the division are distributed on the basis of the largest residuals.
4. Seats of winning lists are arranged in descending order.
5. Following seats allocation, the seats are considered as political entities and independent list seats, rather than candidate seats.

## **Chapter 4: The Right to Vote**

### **Article 8**

The Commission is assigned the organization of voter register inside and outside the country. Registration conditions and regulations and revision of the register data are defined by the Commission.

### **Article 9**

Voter eligibility requirements:

- Must hold a Libyan citizenship and enjoys full legal capacity.

- Must be more than 18 years old.
- Must be registered in the voters register.
- Must have a clear criminal record.

Military personnel do not have the right to vote.

## **Chapter 5: Candidate Eligibility and Procedures**

### **Article 10**

In addition to voter conditions, candidates must also meet the following conditions:

1. Must have a Libyan nationality, according to the provisions of the Libyan Nationality Law number (24) for the year 2010.
2. Must have completed 21 years.
3. Must be literate.
4. Must not be a member of the Interim National Transitional Council, the Transitional Government, former member of the Executive Office or a local council president.
5. Must not be a member of the Commission, Sub-Committee or Polling centers commissions.
6. Must meet the standards and regulations of national integrity endorsed by the Interim National Transitional Council by decree No. 192/2011. Candidates must be validated by the High Committee for Transparency and Integrity Standards.

### **Article 11**

Candidature at more than one electoral district or list is prohibited. Combined independent and list candidature is also prohibited and considered as null and void.

## **Article 12**

Candidature regulations and mechanism, candidature form and dates are determined by the Commission. Candidature applications are presented, with attachments defined by the executive regulations, with a letter by the candidate requesting addition of his/her name.

## **Article 13**

Candidate list must choose a symbol, approved by the Commission, upon presentation of candidature application. Symbols are represented according to the candidature requests. A receipt is issued against submittal of candidature application.

## **Article 14**

Independent Candidates can present candidature requests in a majority system electoral district. Political Party Candidate List can be presented in a proportional representation system for a multi-seat electrical district.

## **Article 15**

Candidates are listed based on gender rotation, both horizontal and vertical. Lists do not respect the said listing are rejected. Guidance models of lists and candidate listings will be issued by the Commission.

## **Article 16**

Candidate lists of political parties are presented within dates specified by the Commission. The lists must include at least half the number of the seats in the electoral district and not exceed the seats allocated to that electoral district. The commission should ensure eligibility if candidates and may, if deemed necessary, request clarifications and documents from the candidates or the political entities.

Independent candidate applications are presented in accordance with forms and dates determined by the Commission.

### **Article 17**

Should the Commission determine that a candidate is not eligible, the candidate or the political party is informed. The Commission may choose to replace such a candidacy by another of the same gender.

## **Chapter 6: Electoral Campaigning**

### **Article 18**

The Commission will announce, through available official media outlets, the period allocated for election campaign and define, in collaboration with local authorities, display places and rules for campaign advertisement materials.

Candidates and political parties included in the final version of the list have the right of self-expression and presentation of electoral program, in accordance with the present law, Islamic Sharia and public order.

Crime, public disorder, discrimination or hatred provocation expressions are not allowed by any person during election campaign. Campaigning activities 24 hours before ballot casting day is not allowed.

### **Article 19**

The Commission shall specify the regulations and specifications of the advertising material. Usage of public media for election campaigning must be based on equal opportunities for all listed candidates and political parties. The Commission shall define rules and procedures for campaigning to ensure equal shares of media time slots for each candidate or political party.



Candidates may publish electoral campaigning materials in the form of brochures, posters or newspapers. Such publications must carry name of the candidate or political party and the name of the publisher. Electronic media sources may also be used, in accordance with the provisions of the present law, for campaigning purposes.

## **Article 20**

Election campaigns must respect the following basic principles:

1. Impartiality official media sources and administration.
2. Transparency in regard to campaign funding sources and expenditures.
3. Equality between candidates and political parties.
4. Moral and physical dignity of the candidates.
5. National sovereignty and unity.
6. Public order and morals

## **Article 21**

Candidates and political parties are prohibited from:

1. Organization of election campaign in worship places, universities, scientific institutions, public or private schools or buildings occupied by the ministries and governmental agencies or public institutions or under the supervision of the government.
2. Use of any data or committee any actions that may cause obstruction to the election campaign for another candidate or another political party.
3. Present material or non-material gifts or other benefits in order to buy votes or exert influence on voters.
4. Obtain foreign fund or assistance to support electoral campaign or use of foreign media for campaigning purposes.
5. Obtain governmental support or use of governmental materials.

6. Refrain from usage of loudspeakers outside meeting halls or vehicle mounted loudspeakers.
7. Refrain from any provocations of any incitement against other candidates or political parties or raise tension among tribal or familial groups.

It is also prohibited for governmental employees to run election campaign in favor to any candidates or political entities in their place of work.

### **Article 22**

The Commission will set the ceiling value of election campaign activities for each candidate or political entity. Sources of funding of election campaigns must be identifies by candidates or political parties.

### **Article 23**

The Commission will verify abidance by of the last three articles. The Commission may cancel the candidature or election results of a candidate or a political party if non abidance is proven. In such a case votes are recounted.

### **Article 24**

Each candidate and front runner of a political party list is committed to open a bank account and deposit any cash donations or campaign allocations, and must every so often informs the Commission on deposits, source of deposits and expenditures made through that account. Independent candidates and political parties are committed not to effect any election campaign payments outside the said account.

## **Article 25**

Each candidate and political party is committed to submit, within 15 days of the announcement of final election results, a detailed statement to the Commission which includes the total amounts of funds raised, fund sources, and ways of disbursement of the same.

## **Article 26**

The Commission shall determine voting process, sorting and counting procedures in the balling stations and centers

## **Article 27**

Voting is a one day process, starting at 08:00 am and continues till 08:00 pm. Chairman of electrical center announces completion of voting process at 08:00 pm. Voting may continue beyond 08:00 pm in case voters at voting center could not yet cast their votes. In such a case, voting is limited only to those voters.

Immediately after the announcement of voting completion, vote sorting and counting process is started at the ballot station at the presence of chairman and members of the ballot station, candidate representatives and observers.

## **Article 28**

Voting is carried out in complete secrecy. Voters cast votes in ballot boxes designated for majority or proportional representation. Voters with special needs, unable of marking vote on ballot card, may do so in oral. Illiterate voters be accompanied by assistant, provided that approval of the chairman of electoral center is granted.

In any case, voting by representative or correspondence is not allowed. Executive regulations shall determine conditions of voting authorization. Voting

authorization may be given only to one representative. A representative is given only one power of authority.

### **Article 29**

The Commission will set dates and special procedures for voting system to the Libyan lives abroad, where the Commission deems it possible, logistically and security wise, to carry out such elections.

### **Article 30**

The Commission is entitled to cancel the election results of a polling station in case of a fraud, manipulation or any irregularities are proven by the Commission.

## **Chapter 8: Appeals**

### **Article 31**

All concerned are entitled to appeal any stage of the election process, within 48 hours from the date of occurrence of the issue subject of the appeal. Appeal legal fees are exempted.

### **Article 32**

Judge for urgent matters of a first degree court, where the polling station is located within court jurisdiction, shall be responsible for hearing all appeals of the entire electoral process. Judge ruling may be appealed in front of the Chairman of the same first degree court, within 5 days. Court chairman ruling is final and abiding

for the Commission. In all cases, civic and commercial arbitration procedure law shall apply, unless otherwise is explicitly provisioned herein.

### **Article 33**

The Commission shall, within 10 days from the announcement of the preliminary results, prepare the final election results and announce the same in any of official information media.

## **Chapter 9: Electoral Crimes**

### **Article 34**

The following acts are punishable by imprisonment period not less than three months:

1. Voting by impersonating others.
2. Voting more than once.
3. Voting in spite of knowledge of vote illegibility.

### **Article 35**

The following acts are punishable by imprisonment period not less than one year and a penalty not exceeding 5000 LYD:

1. Use of statements deemed discriminatory, inciting hatred or threatening to deter a voter from voting or influencing the voters.
2. Offer or promise to offer donations, commitments or benefits to the voter, or others, against refrain from voting or guided voting.
3. Accept or ask for a benefit for oneself or others in exchange for a vote.
4. Publish or announce of rumors about the elections or the behavior or demeanor of one of the candidates or the electoral list in order to influence the electoral results.

5. Commit any action of printing, duplicating or circulating voting cards or papers used by the elections process without permission from the Commission.
6. Conceal, alter or destroy electoral register, election paper, election minutes of meeting or software.
7. Commit a fraud in sorting or accounting votes.
8. Breach the secrecy of voting or obstructed any part of the voting process.
9. Steal, hide or destroy any document related to the electoral process in order to influence the result.

The candidate benefitting from the mentioned crimes in the present article shall also be punished the same as the original perpetrator, should it is proved that such actions are committed with his/her consent.

### **Article 36**

Insults to the chairman, members of the Commission or members of the electoral sub-committees or any one working on the electoral process during performing his/her job are punishable by imprisonment for a period no less than six months.

Carrying weapons, concealed or otherwise, in polling station or in premises attached to the Commission or sub-committees or areas surrounding the polling station is also punishable by the same punishment.

### **Article 37**

Use of force or threat against anyone working on the election is punishable by imprisonment and a fine not exceeding 10000 LYD.

Same punishment is also applicable for any action of damages to buildings, means of transportation, or equipment prepared to be used in the elections in order to obstruct the electoral process. Repair costs of such damages are also payable.

### **Article 38**

Use of public office position to influence the electoral process is punishable by imprisonment and removal from position.

### **Article 39**

Obtain of material assistance, directly or indirectly, from foreign entity by a candidate is punishable by imprisonment and a fine that does not exceed double the funds received and deprivation from election candidature for a period that does not exceed ten years from the date of a final verdict.

Use of public tools or material for electoral campaigning by a candidate is punishable by a fine that does not exceed 10000 LYD and deprivation from election candidature for a period that does not exceed 5 years. Same punishment, increased by one third, is applied to any public officer committed the same act or allowed a candidate to commit such an act.

### **Article 40**

Breach of instructions issued by officials responsible for the electoral process shall be punished by a period that does not exceed a month and a fine that does not exceed 300 LYD.

### **Article 41**

The following acts are punishable by imprisonment and a fine that does not exceed 5000 LYD and deprivation from election candidature for a period of five year:

1. Use of statements deemed discriminatory, inciting hatred and crime, raise tribal tension, or in violation of public order or dignity of any of the candidates or voters.
2. Exceed of election campaign spending limit set by the Commission.
3. Obstruct election campaign of other candidates.
4. Use of foreign media networks to campaign, excluding personal website.
5. Carry out election campaign on election day.

6. Use of worship, public or educational institution premises for electoral campaigning.

#### **Article 41**

The present punishments do not prejudice any other harsher punishments provided for in penal code or other laws.

#### **Article 42**

Without prejudice to any other provisions, electoral criminal cases expiry after two months from election result announcement date or other related legal date.

### **Chapter 10: Final Provisions**

#### **Article 43**

Civil society organizations, regional and specialized international organizations, approved by the Commission, as well as representatives of candidates are in charge for observing the entire electoral process and the Commission is responsible for facilitating their tasks, ensuring maximum transparency for free and fair elections.

#### **Article 44**

The Chairman and members of the Commission, chairmen and members of the Sub-committees and chairmen and members of the polling centers are in assigned law-enforcement agent status, related to crimes mentioned in the present law.



#### **Article 45**

Members of the General National Congress are prohibited from practicing any job or commercial or professional business during the period of their membership.

#### **Article 46**

The Commission shall issue the executive regulations, describing all details and procedures related to the implementation of the present law.

#### **Article 47**

All governmental agencies are to provide the required support for the implement the electoral process.

#### **Article 48**

The State should ensure security and order and guarantee freedom of expression by of voters during the voting process.

#### **Article 49**

The present law comes into force as from the date of issue and to be published in the Official Gazette and all different information media. Related miniseries are assigned the implementation of the provisions of the present law in accordance with their mandates.

The Interim National Transitional Council

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