

Yemen: General Elections Law No. 41 (1992)

PART ONE: NAMES, DEFINITIONS AND VOTING RIGHTS

CHAPTER ONE: NAMES AND DEFINITIONS

Article 1: This law shall be called the General Elections law.

Article 2: For the purpose of this law, the following words and expressions shall have the following meaning unless the context requires otherwise.

- a. **Republic:** the Republic of Yemen.
- b. **Citizen:** all Yemeni national, males and females, entitled to vote according to the provisions of this law.
- c. **Voting Domicile:** the usual place of residence of person or the place where this person has his main business or the place of residence of his family even if said person does not live in such a place.
- d. **Supreme Committee(s):** the Supreme Elections Committee formed according to the provisions of this law in order to prepare, supervise and organise the general elections.
- e. **Voters' Registers' Committee:** the main Committee and the branch Committees in charge of establishing the registers containing the names and particulars of voters and reviewing and making copies of same. It exercises its duties in accordance with the provisions of this law.
- f. **Election Committee(s):** the main Committee and branch Committees which are responsible for administering the elections starting with the candidacy applications and the control of the votes. It exercises its duties in accordance with the provisions of this law.
- g. **Supervisory Committee(s):** the area which is part of the election districts of the Republic and where the citizens exercise their electoral rights according to the provisions of the Constitution on the entire territory of Yemen.
- h. **General Elections:** the direct means for the expression of people's right to designate its representatives on parliaments (the legislative council) and to the local councils.

CHAPTER TWO: VOTING RIGHTS

Article 3: All Citizens who have attained 18 complete calendar years are entitled to vote except naturalised persons who have not completed the legal period of time provided for in the Nationality Law since acquiring Yemeni citizenship.

Article 4: All voters exercise their voting rights in the election district in which they domicile and if a person has more than one domicile, he shall chose the domicile where he wishes to vote. in any event, one person cannot be registered in more than one Electoral District in which he is registered.

Article 5: The Supreme Committee shall take all appropriate measures to encourage women to exercise their voting rights and shall set up women's committees which shall be entrusted with registering the names of female voters in the voting registers and verify their identity during the voting process at the polling stations which shall be determined in each of the Electoral Districts.

Article 6: Each voter has one voter and voters are not entitled to vote more than one during the same elections.

PART TWO: VOTERS' REGISTERS

Article 7: Each Electoral District contains a permanent voters register established by the main Committee and the branch Committees to be formed. The area of jurisdiction and offices of each such Committee shall be determined by the Supreme Committee and the said Committees shall exercise their duties in accordance with the provisions of this law and the decisions and instructions taken in pursuance thereof. The branch Committees shall submit to the main Committee the register which they would have established in order to insert such registers in the voters registers after they have been signed by the president and the members of the Committee.

Article 8: The voters registers in each Electoral District shall mention the name of all citizens of such Electoral District who, on January 1 of each year, would have met the constitutional conditions required to be entitled to exercise their voting rights, and shall list their surname, profession, date of birth, and voting domicile. Voters may not be registered in more than one Electoral District.

Article 9: The Committees shall establish the registers in order to verify the age of each Citizen applying for the registration of his name in the voters register and to ensure by the appropriate means that he has attained the legal age.

Article 10: The voters register shall be made in five copies signed by the president of the main Committee and both members of such Committee. One copy shall be kept at the Committee's seat in the Electoral District which shall be determined by the Supreme Committee, another copy shall be kept with the secretariat. The fourth copy shall be kept with the High Court and the fifth copy with the Supervisory Committee of the province.

Article 11:

- a. Any review, writing or amendment of the voters' registers shall in general be done in January of each year. Two months prior to the date of the decision calling the voters to vote, the registers shall be reviewed to include the names of Citizens who would have met the legal requirements to vote. In any event, no amendment shall be effected after the decision calling the voters is issued.
- b. The yearly review must comprise the following:
 1. adding the names of those persons who have become entitled according to the law to exercise their voting rights.
 2. adding the names of those persons who wrongfully omitted from the previous registers.
 3. deleting the names of the deceased.
 4. deleting the names of those who have lost their right to vote since the latest review and those whose names have been wrongfully inserted, mentioning the reason for the deletion.
 5. deleting those who have moved from the electoral district and adding those who have moved into the Electoral District.

Article 12: Official copies of the voting registers for each Electoral District stamped by the president of the main Committee shall be posted from February 1 till February 15 in public squares and places within the limits of the Electoral District and at the provincial directorate offices, and in all places determined by the Supreme Committee.

Article 13: Each Citizen domiciled in the Electoral District is entitled to have the Committee insert his name in the voters register thereof if he has been wrongfully omitted or deleted and each

voter registered in the voters register is entitled to require the insertion of a name which has been wrongly omitted or the deletion of a name which has been wrongfully inserted. Application shall be presented to the offices of the committee from February 1 to February 20 and shall be recorded against a receipt in a special register according to the dates of their filing. All voters are entitled to examine such registers.

Article 14: The insertion and deletion applications mentioned in the previous article are decided upon by March 15 at the latest by the committee which has established the register. The committee may listen to the applicant and the person concerned by the application and to undertake all investigation and enquiries that it deems appropriate.

Article 15: The decision of the committee in charge of establishing the voters registers are posted in the places mentioned in Article 12 hereof from March 16 to March 20.

Article 16:

- a. Any citizen from the Electoral District is entitled to challenge the decisions of the committee in charge of establishing and reviewing the registers before the court of the first instance having jurisdiction by or on April 15 at the latest and the said court may undertake any investigations and inquiries that it deems appropriate in order to decide whether the registers should be amended by insertions or deletions or not.
- b. All Citizens as well as the representatives of the Public Prosecutor's Office in the Electoral District are entitled to appeal the decisions of the court of first instance in a request submitted to the judges appointed by the president of the Court of Appeal of the province. If the need arises, several judges shall be appointed to look into the appeals in the various Electoral Districts and their decisions in this respect shall be final and shall be rendered by the end of May.

Article 17: The voters registers shall be amended according to the final decisions rendered in conformity with the above relevant articles.

Article 18:

- a. Each Citizen whose name is registered in the voters registers shall be given a temporary certificate in this respect. Such a certificate shall be replaced by the voter registration card once his registration becomes final. Such registration card shall bear the voter's picture, his four names, his date of birth, voting domicile and the number and date of his registration, his Electoral District concerned.
- b. The voter's registration card is a personal card and may not be used by any other than its holder during the whole voting process, and is considered valid for the exercise of the voting rights during the period of time determined by the Supreme Committee on the card itself, as long as such conditions are not changed or replaced for legal reasons.

Article 19: The final voters' registers are deemed to be unquestionable during the elections and no person is entitled to vote if his name is not mentioned in such registers.

PART THREE: THE SUPREME ELECTIONS COMMITTEE AND ITS DUTIES

Article 20: The election Supreme Committee is composed of five members at least and seven members at most appointed by virtue of a decision from the Presidential Council from a list of 15 names proposed by parliament and who must meet the conditions laid down by this law. the Presidential Council may appoint additional members to the Committee during the election year from among the list of candidates mentioned above in order to assist the Committee during the election process.

Article 21: The term of the Committee's members is four years. The formalities for the formation of the Committee shall start three months prior to such term. Members can be re-appointed for one term only.

Article 22: The members of the Supreme Elections Committee should fulfil the following conditions:

- a. They must have attained 35 years of age.
- b. Both their father and mother must be Yemeni nationals.
- c. They must be experienced and qualified.
- d. They must be of good morals and conduct.
- e. They must not have been sentenced by a court judgment for any election offence or any offence against honour or in breach of trust.
- f. If the Committee's member is adherent to a political party or organisation, he must publicly resign from such party or organisation during the term of his membership in the Committee.
- g. The Committee's members must not be candidates during the term of their membership in the Committee.

Article 23:

- a. The Supreme Committee's members must have the rank of Minister at least. Member not having this rank prior to their appointment shall be granted such rank.
- b. The Supreme Committee's members may only be removed by a decision from the presidential Council on the basis of a final court judgement, and in case of death, resignation or removal, a new member shall be appointed for the rest of his predecessor's term from any of the names mentioned in the list established by Parliament at the time of formation of the Committee.
- c. The Committee's members shall appoint a president and a vice president from among themselves for the term of their membership.

Article 24: Before exercising their duties, the members of the Supreme Elections Committee shall take the following oath before the President of the Presidential Council:

I swear in the name of mighty god that I shall preserve faithfully the republican system and respect the Constitution and the law and protect fully the people's interest and freedoms and preserve the unity, independence and integrity of the country and to carry out my duties at the Supreme Elections Committee with faith, honour, and honesty without fear or bias. God be my witness.

Article 25: The election Supreme Committee is in charge of administering, controlling, and supervising the general elections and is entrusted with the duties defined in this law, particularly:

- a. appointing the president and members of the Supervisory Committee and the main and branch Committees responsible for establishing the voters registers, and the main and branch Committees entrusted with the administration of the elections, and setting up such Committees at the appropriate time in the Electoral Districts and determining the area coming under the jurisdiction of each Committee in each Electoral District. Each committee comprises a president and two members.
- b. preparing the forms, registers, documents, papers, ballot boxes and ballot papers for the electoral process and affixing its seal on the ballot papers and organising the entire process and distributing same to the Committees at the appropriate time.

- c. laying down the rules and issuing the appropriate instructions to guarantee the security measures required to ensure that the elections are free and safe.
- d. establishing the electoral guidebook and distributing same to the voting committees.
- e. calling the electoral college to vote in the Electoral districts where parliament declares a vacancy pursuant to the provisions of Article 61 of the Constitution.

Article 26: The main, original, branch, supervisory and security committees as well as the persons in charge of the security, the provincial governors, the directors of all directorates and any person who is entrusted with a duty in relation with the elections, are subject to the control of the Supreme Committee and to its instructions regarding the elections.

Article 27: The member of the committee in charge of establishing the voters registers, of the committee administering the elections, main, original as well as branch committees, and the Supervisory Committee must meet the following conditions:

- a. to be a Yemeni national
- b. to have attained 21 years of age for members and 25 years of age for the president.
- c. to be able to write and read.
- d. to be of good morals and conduct. Members must not have been sentenced by a final court judgement for any election offence or any offence against the honor unless they have been rehabilitated. In any event, no person may be appointed to the original or branch committees administering the elections in an Electoral District where there is a family relationship up to the fourth degree between such person and one of the candidates in the Electoral District concerned.

Article 28: The Supreme Committee shall appoint Supervisory Committees for each province having its seat at the provincial capital to supervise the operations of the Committees in charge of establishing the voters registers and the Committees in charge of the administration of the elections in accordance with the requirements of the general interest that it deems appropriate.

Article 29: The Supreme Committee shall increase the number of registration and voting centers in large Electoral District in order to ensure the greatest participation of the Citizens in the voting process.

Article 30: The Supreme Committee shall supervise the operations of the Voting Committees and shall send delegates to ensure the rightful application of the registration and voting formalities in addition to the verification of the adequacy of the Committees offices and their legal conformity. The Supreme Committee shall appoint additional committees, as necessary, to assist it in fulfilling its duties and responsibilities.

Article 31: The Supreme Committee shall provide the substance which is to be put on the voter's thumbs once they have voted, provided that such substance remains indelible for 24 hours at least in order to prevent voters from voting more than once during election day.

Article 32: The costs of the elections are borne by the State and the Supreme Committee shall have a special budget. The Government shall put at the disposal of the Supreme Committee all the means and equipment to enable it to fully undertake its duties.

Article 33: The Supreme Committee has the juristic personality and exercises with a complete independence all the duties, responsibilities, and powers provided for in this law and in no case will any party be allowed to interfere in the affairs of the Committee and its duties or to restrict its powers.

PART FOUR: THE ORGANISATION AND RULES OF ELECTION CANVASSING

Article 34: The rules governing the electoral canvassing campaign are laid down by the Supreme Committee in accordance with the provisions of this law.

Article 35: The Supreme Committee shall inform the Citizens of the importance of the election process and encourage them to take part in it and shall organise the candidates' electoral rolls in each Electoral District after closure of the periods for the presentation of candidacies without giving any undue publicity to any of them, and it shall forbid all government news regarding the elections without its approval and supervision. The governmental new media shall put its means at the disposal of the Supreme Committee. Candidates are not allowed to use defamatory or slanderous means against each other during their election campaign.

Article 36: The Supreme Committee shall regulate the use of the State audio-visual media and press their electoral platforms, and shall ensure equal access to such media.

Article 37: Financing election campaigns with public funds or from the budgets of Ministries, public sector organisations or companies or public bodies or from foreign sources is prohibited. The use of public institutions and facilities for the election campaign is also prohibited.

Article 38: The places for posting of election bills within the limits of the Electoral District shall be designated as of the fourteenth day prior to the elections. In each of the above places, candidates shall be granted equal space which shall not exceed the limits set by the Supreme Committee.

Article 39: The Supreme Committee shall allocate space mentioned in the above article according to the order of the presentation of the candidacies. Local authorities and their assistants shall assist fully in the execution of the Supreme Committee's instructions and requests concerning the allocation of required space pursuant to the provisions of the above article. Failure to assist shall render such authorities and assistants legally liable, and in such a case, the president of the Committee or his representative shall immediately be put in charge of the execution.

Article 40: Candidates are not allowed to post, in the space mentioned in Article 38 hereof, until the end of the day preceding voting day:

- a. more than two electoral posters.
- b. more than two notices concerning electoral meetings which shall only contain the date and venue of the meeting and the names of the speakers registered to give a speech and the names of the candidates.

Article 41: Candidates may not use, or allow the use of the boards allocated to them for any purpose other than presenting their candidacy, presenting and defending their programmes and candidates may not cede the boards allocated to them to any other person.

Article 42: On election day candidates may not distribute or cause someone to distribute programmes, leaflets, cards or other documents. In general, on election day, government officials and local authorities may not distribute cards, leaflets or programmes on the behalf of candidates. Bills, programmes, leaflets or cards belonging to candidates who are not registered in the candidates rolls may not be posted or circulated.

Article 43: Subject to the provisions of the following article, Mosques, Prayer oratories, faculties, schools, institutes, government offices, barracks, public facilities, clubs and playgrounds may not be used for the election campaign in any sort whatsoever.

Article 44: Candidates shall, during their election campaign, organise electoral meetings in their respective Electoral Districts for the presentation of their electoral platform to the voters. The

regulations governing such meeting shall be laid down by the Supreme Committee, provided that Mosques and prayer oratories are not used for electoral meetings. The Supreme Committee may, if necessary, authorise the equal use of designated schools by all candidates for electoral meetings. Any person acting in violation of the provisions regulating the election campaign contained in this part shall be guilty of an election offence pursuant to the provisions of Part Seven hereof.