

Palestinian National Authority



Palestinian Election Law

1995

PALESTINIAN NATIONAL AUTHORITY

PALESTINIAN ELECTIONS LAW

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1. The decisions taken by the Polling Station Commission may be appealed to the Central Election Commission within 3 days from their notification
2. The Central Election Commission shall adjudicate on the appealed decision within 3 days from its filing. [The Central Election Commission's decision] shall be final and not subject to further appeal.

Art. 19: The final electoral register

1. Once the period for claims is finished and the claims filed against the initial register are adjudicated, the electoral register shall be considered definitive or final. and the vote shall be conducted based upon it.
2. The Polling Station Commission shall display the electoral register at the place of its site to make it known by the public, and shall lodge a copy with the relevant District Election Commission and with the Central Election Commission
3. The Central Election Commission shall compile the final electoral register based on the copies of the final electoral registers provided by each Polling Station Commission

Art. 20: Access to the electoral register

1. The electoral register is a public document which shall be open for public inspection
2. The representative of any partisan entity registered before the Central Election Commission, shall have access to the copies of the electoral register, either through the National Election Office, or through the District Election Offices. Independent candidates shall also have access to the electoral register.

PART III:

ELECTORAL ADMINISTRATION

Chapter 1:

The Bodies of the Electoral Administration

Art. 21: The election commissions

1. The electoral process shall be conducted by the following commissions:
 - a) The Central Election Commission
 - b) The District Election Commissions.

- c) The Polling Station Commissions
- 2 . These Commissions shall exercise all the powers and competences established for each of them by this Law.
- 3 . The Central Election Commission shall appoint all the administrative personnel necessary for the implementation of its competences. [Such personnel] shall form:
 - a) The National Election Office.
 - b) The District Election Offices.

Chapter 2: The Central Election Commission, its National Election Office and the District Election Offices

Art. 22: The Central Election Commission

1. The Central Election Commission is the supreme organ which conducts and controls the elections and is responsible for the preparation, organization, and the adoption of all the necessary measures to ensue the freedom and fairness of the elections.
2. The Central Election Commission shall be composed of 9 persons who must be members of the Palestinian judiciary, outstanding academics, or lawyers, with reputable professional career and experience.
3. The members of the Central Election Commission shall be appointed by the President of the Palestinian National Authority in the Decree calling the elections, following consultation with the Palestinian National Authority and with the different political parties and Palestinian political groups.
4. The President and the Secretary of the Central Election Commission shall also be appointed by the President of the Palestinian National Authority in the Decree calling the elections.
5. In case of vacancies within the Central Election Commission, due to resignation, illness, or decease of any of its members, the President of the Palestinian National Authority shall appoint a new member in accordance with the rules stated in paragraph 2 above.

Art. 23: Independence of the Central Election Commission

1. The Central Election Commission shall have legal personality and be totally independent in economic and administrative terms, and shall not be subject to any other governmental or administrative institution in the exercise of its functions.
2. Once the election process is finished, the Central Election Commission shall be dissolved and all its resources shall be transferred to the permanent Palestinian Electoral Commission, which shall be appointed by the President of the Palestinian National Authority.

Art. 24: Powers and competences of the Central Election Commission

The powers and competences of the Central Election Commission are the following:

- 1) To put into effect the provisions of this Law, so its aims are achieved.
- 2) To adopt the necessary measures to prepare, organize, conduct and control the elections.
- 3) To enact the regulations stipulated for the implementation of this Law, which shall be ratified by the Palestinian National Authority.
- 4) To control the work of the Election Commissions, the National Election Office and of the District Election Offices, and their compliance with the Law.
- 5) To conduct all the electoral operations, from their beginning to their end, and to control their different procedures.
- 6) To ensure the observance of equal legal conditions and opportunities in all of the constituencies and publish it in the local press.^[2]
- 8) To register partisan entities and their symbols and logos.
- 9) To appoint the members of the Polling Station Commissions and the District Election Commissions.
- 10) To register candidates for the position of President and for the membership of the Council. to form the final lists of candidates and to publish them in the local press.
- 11) To adjudicate on appeals refining to decisions taken by Polling Station Commissions.
- 12) To enact its own internal regulations.
- 13) To appoint the members and personnel of the National Election Office and of the District Election Offices.
- 14) To accredit international and local observers and to facilitate their work
- 15) To call re-elections in any of the polling districts, if the existence of circumstances that affect the final result of the elections in any of the constituencies is proved
- 16) To declare the final results of the elections.
- 17) Any other power or competence that may be provided under this Law.

[²] T.N.: The incoherent text of this paragraph and the absence of paragraph 7 seem to be due to a mechanical error, by which paragraphs 6 and 7 of previous drafts of the Law have been mixed in the present one. The previous text of these two paragraphs stated the following:

- “6) To ensure the observance of equal legal conditions and opportunities for all the registered parties and candidates all along the electoral process.
- 7) To approve the list of sites for the polling stations and to make them public through the media.”

Art. 25: Claims against decisions of the Central Election Commission

1. Every decision of the Central Election Commission referring to:
 - a) the admission or rejection of nominations of candidates to the position of President or to the membership of the Council;
 - b) the decision to call, or not to call, re-elections in any of the polling districts;
 - c) the admission or rejection of the registration of any partisan entity; or
 - d) the decision about the registration of the symbol or logo of a political party, coalition of parties, or grouping of electors;

is subject to appeal before the Election Appeals Court within 3 days from its issuing. The Court shall adjudicate within 5 days.

2. Any appeal to the Election Appeals Court may be lodged directly with the Court itself or through the National Election Office or any of the District Election Offices; the appellant shall be provided with a formal receipt of the appeal.
3. Appeals filed in accordance with this Article shall be exempt from any charge.

Art. 26: The National Election Office and the District Election Offices

1. The National Election Office and the District Election Offices are the executive bodies of the Central Election Commission [which are] in charge of the following functions:
 - a) To implement the instructions and decisions of the Central Election Commission
 - b) To monitor the operations of voting and counting of votes, and report about them to the Central Election Commission
 - c) To prepare and produce the lists of the electoral register, the lists of candidates, ballot papers, ballot boxes, protocols, stamps, and other electoral material, to establish their form, and the way of storing and distributing them to the election offices and commissions and to the Polling Station Commissions.
 - d) To serve as a link between the Central Election Commission and the international and local observers, the local and foreign media, and the different departments of the government.
 - e) To keep all the electoral registers, protocols and documents sent by the Polling Station Commissions related to the electoral process, the vote and the counting of votes.
 - f) To monitor the formation of the initial and final electoral registers, to sign them, and to supervise the amendment of the initial electoral register in accordance with the decisions of the Polling Station Commissions and of the Central Election Commission following the filing of claims.
 - g) Any other function that may be given by the Central Election Commission
2. The District Election Offices shall cooperate with the National Election Office in the implementation of the competences listed in paragraph 1 above, following its instructions, and shall serve as a link between the National Election Office and the electors and candidates.

Chapter 3: The District Election Commissions

Art. 27: The District Election Commissions

1. There shall be one District Election Commission for each one of the electoral constituencies listed in the Annex to this Law.
2. Each District Election Commission shall be composed of 5 members appointed by the Central Election Commission from among University professors and lecturers, lawyers, political scientists, economists, sociologists, and public administrators.
3. The Central Election Commission shall appoint the President and the Secretary of each one of the District Election Commissions from among its members.

Art. 28: Powers and competences of the District Election Commissions

1. Subject to the instructions given by the Central Election Commission, each District Election Commission shall conduct, organize and monitor all the electoral operations taking place within the respective district; [specifically, District Election Commissions] shall:
 - a) Supervise the preparation and forming of the initial and final electoral registers.
 - b) Receive nominations of candidates for the membership of the Council and send them to the Central Election Commission, together with all the required documents, on the day of their submission
 - c) Supervise the protocols with the election results sent by the Polling Station Commissions, verify their accuracy and their compliance with the provisions of this Law, and send them to the Central Election Commission
 - d) Monitor the operations of voting and counting of votes, and report about them to the Central Election Commission
 - e) Implement all the norms and instructions issued by the Central Election Commission

Chapter 4: The Polling Station Commissions

Art. 29: The Polling Station Commissions

1. The Polling Station Commissions are the basic unit of election administration. Each Polling Station Commission is responsible for electoral registration in its polling district, for running the polling station and for the conduct of the poll and the count.
2. Each Polling Station Commission shall consist of 4 officials appointed by the Central Election Commission, following the proposal made by the relevant District Election Commission; one of its members shall act as its President.

3. A number of substitutes for the members of the Polling Station Commissions shall also be appointed by the Central Election Commission, following the proposal made by the relevant District Election Commission

Art. 30: Powers and competences of the Polling Station Commissions

1. There shall be an adequate number of Polling Station Commissions in each constituency. in accordance with the number of electors.
2. Each Polling Station Commission shall:
 - a) Register the electors and compile the initial and final electoral register.
 - b) Adjudicate on claims and objections arising from the initial register and amend it in accordance with its decisions on the filed claims.
 - c) Set up the polling station in accordance with this Law, and make its address public.
 - d) Take all the necessary measures to conduct the poll;
 - e) Complete the protocols relating to the elections of the President and the members of the Council, according to the provisions of this Law.
 - f) Count the votes cast and record the election results in the corresponding protocols, according to the provisions of this Law.
 - g) Send all the protocols, ballot boxes and ballot papers to the centre of the constituency, and publish a protocol with the electoral results in its polling district.
 - h) Enable the observation of the vote and the counting of votes by the representatives and agents of candidates, listen to their claims and objections, take any necessary resulting measures, and record all such action in the corresponding protocol.
 - i) Enable the observation of the vote and the counting of votes by the international and domestic observers and by the information media.
 - j) The President of the Polling Station Commission may order the expulsion from the polling station or its surroundings of any person who causes or attempts to cause disorder or to obstruct the vote or the counting.
3. The members of the Polling Station Commissions must have at least secondary school level of studies.

PART IV:

THE ELECTION APPEALS COURT

Art. 31: Formation of the Court

1. There shall be a Election Appeals Court formed by a President and four judges appointed by the President of the Palestinian National Authority in the Presidential Decree calling the elections.