

High National Elections Commission
Commission Board
Decree No. (75) of 2012 AD
on approving the regulations on registering and voting outside Libya

Upon review of:

- The interim Constitutional Declaration issued on 03 August 2011 AD and amendments thereto;
- Law No. (3) of 2012 AD on establishing the High National Elections Commission and amendments thereto;
- Law No. (4) of 2012 AD electing the General National Congress and amendments thereto;
- Law No. (14) of 2012 AD on determining the electoral districts for the election of the General National Congress and amendments thereto;
- National Transitional Council Decree No. (42) of 2012 AD on appointing the chairman and members of the High National Elections Commission for the General National Congress elections;
- The implementing regulations of Law No. (4) of 2012 AD on registering voters inside Libya;
- The implementing regulations of Law No. (4) on elections advertising;
- The implementing regulations of Law No. (4) on approving monitors and representatives of candidates and political entities;
- The contents of the minutes of the twenty-fifth meeting of the Commission Board held on 23/05/2012 AD;

has decreed:

Article (1)

The regulations on registering and voting in the General National Congress election outside Libya, appended hereto, shall be approved.

Article (2)

This Decree shall be published on the Commission's website and in the media. All those addressed in this Decree shall implement the provisions thereof.

Dr. Ammad Al-Shathli Al-Sayeh
Vice Chairman of the Commission Board

Issued in: Tripoli – Libya

On: 2 Rajab 1433 AH

Corresponding to: 23 May 2012 AD

Regulations on registering and voting in the General National Congress election outside Libya

The Commission Board,

Upon review of:

- The Constitutional Declaration issued on 03/08/2011 AD and amendments thereto;
- Law No. (3) of 2012 AD on establishing the High National Elections Commission and the implementing regulations thereof;
- Law No. (4) of 2012 AD on electing the General National Congress;
- The implementing regulations of Law No. (4) of 2012 AD on registering voters inside Libya;
- The implementing regulations of Law No. (4) on elections advertising;
- The implementing regulations of Law No. (4) on approving monitors and representatives of candidates and political entities;
- The contents of the minutes of the 25th meeting of the High National Elections Commission Board held on 23/05/2012 AD;

has decreed:

Article (1)

Definitions

1. Commission: The High National Elections Commission, established by law and concerned with organising, administering, and supervising the electoral process.
2. Elections: The election of members of the General National Congress shall take place in accordance with Law No. (4) of 2012 AD on electing the General National Congress.
3. Registration and voting outside the country: the process of organising and voting for Libyan citizens residing outside Libya.
4. Host country: The country chosen by the Commission to conduct the registration and voting process for the election of the General National Congress outside Libya.
5. Registration and voting centre: The location in which the voting and tallying takes place.
6. Registration and voting station: The location where ballot cards and boxes are located as well as the employees supervising such; this station is located inside the registration and voting centre.
7. Registration: The process required for people to be eligible to vote in the General National Congress election outside Libya.
8. Voting: The process by which eligible persons submit their ballots.
9. Tallying and counting: The process by which the total votes for individual or list candidates are determined.
10. Registration and voting employees: Employees concerned with performing various activities inside registration and voting centres and stations.
11. Observers: The persons or local or international bodies accredited by the Commission to monitor and write reports on the electoral process.
12. Representatives: The persons advanced by political entities or candidates and accredited by the Commission to monitor the electoral process in accordance with the law.

Article (2)
General Provisions

- a. Voting abroad rests upon the agreements signed with the governments of the host countries.
- b. The voting program abroad shall be conducted in full accordance with the laws in force in the host countries and shall be governed by the regulations and procedures approved by the Commission.
- c. The Commission shall be responsible for all aspects of the voting program abroad, including registration, voting, sorting, counting, and tabulating the results, in addition to announcing the final results of the voting process abroad for the General National Assembly election.
- d. The voting process abroad for the General National Congress election shall be carried out by the International Organisation for Migration, which shall establish a voting abroad coordination office in Tripoli and six offices in the chosen host countries.
- e. The voting coordination office shall monitor the program and include one or more representatives of the High National Elections Commission to work at the voting abroad office affiliated to the International Organisation for Migration in Tripoli, to ensure coordination with the Commission with regard to general outreach, registration, voting, sorting, counting, and forwarding the results of the voting process abroad.
- f. Coordination inside host countries shall take place through the country coordinator for the voting process abroad affiliated to the International Organisation for Migration, after the Commission approves the appointment of a local advisor from the Libyan community in each host country to work with the team affiliated to the voting abroad office, under the supervision of the coordinator of the voting abroad office for each country.
- g. Registration and voting centres shall be established in each host country for the voting abroad program.
- h. The Commission shall coordinate with the Ministry of Foreign Affairs and International Cooperation on the role of Libyan embassies and consulates and their use in establishing registration and voting offices in the host countries.
- i. Each registration and voting centre shall have one or more registration and voting stations.

Article (3)
Registration, Voting, and Counting

1. The registration and voting process for voting abroad shall take place at the same time for a period of five (5) days and end at the end of election day in Libya.
2. Counting shall begin on the last day of voting, after voting ends.
3. The voting abroad coordination office affiliated to the International Organisation for Migration shall establish the registration, voting, and counting procedures based on the Commission's approval.

Article (4)

Eligibility to Register and Vote

In order for an applicant to be able to register to vote abroad in the General National Congress election, they must meet the following conditions:

- Must be a Libyan citizen with legal capacity.
- Must be eighteen (18) years of age at the time of voting.
- Must not be a member of the regular military.
- Must not have been convicted of a felony or misdemeanour of moral turpitude, unless rehabilitated.

Article (5)

Documents Required for Registration and Voting

1. In order for an applicant to be able to register to vote, they must have a document proving their nationality, namely:
 - a. Family book or a photocopy thereof
 - b. Libyan passport
 - c. An official document issued by the Civil Registry Office or consulate (birth or family status certificate)
2. To verify the applicant's identity, they must have one of the following documents:
 - a. Family book with the applicant's photograph
 - b. Libyan passport
 - c. Personal ID card issued by the Libyan authorities
 - d. Libyan national ID card
 - e. Any official document with the applicant's photograph

If a person is unable to obtain any of the documents mentioned above, they will not be permitted to register and vote in the voting abroad process for the General National Congress election.

Article (6)

Ballots

The Commission shall design and prepare two specific types of ballots for the voting abroad process for the General National Congress election, one for the majority system and the other for the proportional representation system.

Article (7)

Registration and Voting Employees

Each registration and voting centre established for the General National Congress election voting abroad process shall be performed and administered by employees, as follows:

- The head of the registration and voting centre, who manages the centre, supervises the work of the centre's employees, and provides the voting abroad office in that country with reports on workflow.
- Support employees for the registration and voting centre, who provide assistance to the centre head in the performance of his duties.

Each registration and voting station shall be managed by employees, as follows:

- Director of the registration and voting station: The person entrusted with managing all registration, voting, sorting, and counting procedures and tabulating the results at the registration and voting station they manage; this person shall supervise the work of the

registration and voting station and inform the head of the registration and voting station of all such matters.

- Line organiser: This person shall organise the flow and order of the line at the appropriate time, by bringing individuals to the registration and voting station, confirming that the individual has not registered before, and verifying that they have no ink on their finger.
- Two registrars: The registrars shall verify an individual's eligibility to register by verifying their documents. Upon confirmation of the person's eligibility to register, they shall register them in the voting abroad records and give them a voter card.
- Explainer: The person who explains how to mark up the ballot.
- Employee who issues ballots: The person who places an official stamp on the back of the ballot and issues them to voters whose eligibility to vote has been confirmed by the registrars.
- Voting box monitor: The person authorised to place the ink, who places the voter's fingertip in indelible ink and assists the voter in placing the folded ballot in the appropriate voting box.

Each registration and voting centre and station employee shall be trained on registration, voting, sorting, and counting procedures so that any employee can cover in the event of another employee's absence.

Article (8)

Accreditation of Monitors, Candidate and Political Entity Representatives, and Media Representatives

In order to complete the voting abroad process, the Commission shall authorise the local adviser at the voting abroad office affiliated to the International Organisation for Migration located in each host country to accredit monitors, candidate and political entity representatives, and media representatives.

Accreditation shall take place in accordance with the implementing regulations on accrediting observers and candidate and political entity representatives issued under Decree No. (51) of 2012 AD and in accordance with the implementing regulations on approving elections advertising issued under Decree No. (59) of 2012 AD by the Commission Board.

Article (9)

Observers, candidate and political entity representatives, and media representatives who receive accreditation shall abide by the code of conduct approved by the Commission.

Article (10)

Delivery, Packing, and Return of Sensitive Materials

1. The voting abroad offices shall deliver the materials to the registration and voting centres and from them to the registration and voting station, provided they are returned in reverse.
2. At the end of the counting process, the director of the registration and voting station shall pack sensitive and non-sensitive materials together, and then deliver them to the head of the registration and voting centre, who shall in turn transport them to the voting abroad office.
3. The Commission shall approve the procedures on the transport of results to the information centre affiliated thereto in Tripoli.

Article (11)

Penalties

Without prejudice to any more severe penalty set out in other related laws, the provisions of Chapter (9) of Law No. (4) of 2012 AD on electing the General National Congress shall apply to all matters related to violations made by voters during the stages of the election process.

Article (12)

These Regulations shall enter into force on the date they are issued and shall be published on the Commission's website and in the various media.

High National Elections Commission Board – Libya