

Law No. (3) of 2012
Regarding the Establishment of the High National Elections Commission

The Interim National Transitional Council:

- Upon review of the Constitutional Declaration issued on 3 August 2011
- And Resolution No. (180) of 2011 of the Interim National Transitional Council (NTC) regarding the establishment of a committee and specification of its functions

Issued the following law:

Article (1): Definitions

The following terms shall have the corresponding meanings ascribed to them:

1. HNEC: the High National Elections Commission (HNEC)
2. Council: council of HNEC
3. Chairman: chairman of the HNEC council
4. Central Administration: HNEC central administration
5. Sub-departments: Sub-departments in electoral districts
6. Election Law: the General National Congress election law

Article (2)

An independent body shall be established under the name of “High National Elections Commission” and shall have an independent legal personality and financial liability. The High National Elections Commission shall headquarter in Tripoli and may have branches across the country.

Article (3)

In accordance with the provisions of this law, the HNEC shall be considered the sole entity in charge of preparing, conducting and monitoring the elections of the General National Congress (GNC) and announcing the results thereof based on the electoral process rules and principles prescribed by the Election Law. For this purpose, the HNEC may:

1. Raise citizens’ awareness of the importance of elections, explain the same, encourage citizens to participate, and lay down the guidelines of the electoral process in order to ensure the success thereof and the enforcement of the Election Law.
2. Register voters, prepare and review electoral registers and listings.
3. Establish specialized committees for the electoral process, and handle voting, counting and scheduling of the elections.
4. Determine the dates for accepting candidate application forms, and register candidates.
5. Approve local and international observers and candidates’ deputies.
6. Adopt a mechanism that facilitates complaint and grievance procedures that fall under its jurisdiction, and settle the same in accordance with the provisions of the Election Law.
7. Determine the duration of electoral campaigns and monitor the same.

Article (4)

The HNEC shall draft the necessary budget for the electoral process, to be approved by the competent entity.

Article (5)

The Audit Office shall review the HNEC's approved budget and expenditure.

Article (6)

All material, equipment and installations pertaining to the electoral process, whether locally purchased or imported by the HNEC, shall be exempt from all fees and taxes.

Article (7)

The Commission shall be composed of the following:

- Council of the HNEC
- Central Administration, presided over by a general director who is appointed by the HNEC Council and shall submit progress reports on the electoral process thereto.
- Subcommittee departments in electoral districts, which shall report to the Central Administration.

The HNEC Council shall issue a decision specifying the HNEC's organizational structure, as well as the competences and functions of all administrative divisions thereof.

Article (8)

The HNEC Council shall be composed of seventeen (17) full-time members nominated by a decision of the interim NTC as follows:

1. Chairman and two deputies thereof, to be nominated by the committee established by Decision No. (180) of 2011 of the interim NTC, and appointed by the interim NTC.
2. Three judges acting as appellate court counsellors
3. Two attorneys-at-law
4. Two university and higher institute professors
5. Four members: two male and two female from civil society organizations
6. Administrative affairs expert
7. Member of the youth population
8. Member of the Libyan diaspora abroad

Candidates of items 2 to 8 of this Article shall be nominated by their respective entities. If the relevant entities do not nominate candidates, the committee established by Decision No. (180) of 2011 of the interim NTC shall nominate others at its own discretion in accordance with standards of patriotism and integrity approved by the interim NTC.

Article (9)

Before taking office, the president and members of the HNEC shall take before the interim NTC the following oath:

“As God is my witness, I swear by Almighty God to observe the law and the Constitutional Declaration, and to perform my duties with honesty, integrity, honour, loyalty and impartiality, without fear or favouritism, in order to ensure independence and transparency in the exercise of my duties.”

Article (10)

The HNEC Council shall assume the following responsibilities:

1. Issue executive and administrative decisions to conduct the HNEC's business.

2. Approve all internal regulations governing the HNEC's activity.
3. Follow up on the execution of the Council's decisions.
4. Call for Council meetings.
5. Represent the HNEC before all entities, and delegate the same to whomever it deems appropriate

Article (11)

The Council's meetings shall not be deemed valid unless ten of its members are present. Decisions thereof shall be taken by the majority of the members present.

Article (12)

It is prohibited to assume a position at the HNEC while:

1. Practicing any another job
2. Running for GNC elections
3. Being affiliated with any political entity
4. Contributing to the support of any of the candidates' electoral campaigns

Article (13)

Membership in the HNEC shall be terminated for any of the following reasons:

1. Acceptance of resignation
2. Death
3. Final judgment of conviction of a crime of moral turpitude.
4. Conclusion of the HNEC's activity

Article (14)

The interim NTC shall appoint a substitute for outgoing members whose term ends due to one of the reasons mentioned in the previous article.

Article (15)

Except for cases of *in flagrante delicto*, no criminal procedure may be instigated against the HNEC's president or any of the HNEC Council members for any act considered as an offence relating to the exercise of their duties in accordance with the provisions of this law, except by authorisation of the interim NTC.

Article (16)

Without prejudice to the provisions of Article 12, a sub-department shall be established in each electoral district, to be composed of five members appointed by the HNEC Council. The heads of sub-departments shall be chosen from the members thereof.

Article (17)

The interim NTC shall determine the financial treatment of the HNEC Council chairman and members.

Article (18)

The HNEC Council shall determine the financial treatment of Central Administration and sub-department employees.

Article (19)

The HNEC shall issue the necessary decisions for the implementation of the provisions of this law.

Article (20)

The HNEC shall publish its decisions in the Official Gazette, in media outlets and on its website.

Article (21)

The HNEC may resort to any person deemed necessary for the exercise of its duties.

Article (22)

This law shall take effect on the date of issuance thereof and shall be published in the Official Gazette and media outlets.

Interim National Transitional Council – Libya

Tripoli

On Wednesday 24 Safar 1433 AH

Corresponding to 18/1/2012 AD