

GENERAL NATIONAL CONGRESS – LIBYA

Law No. (10) of 2014 on the election of the House of Representatives during the transitional period

The General National Congress

Upon review of:

- The Constitutional Declaration issued on 3 August 2011 and the amendments thereof;
- The rules of procedure of the General National Congress;
- The Code of Civil and Commercial Procedure, and the amendments thereof;
- The Penal Code, and the amendments thereof;
- Law No. (24) of 2010 on Libyan nationality;
- Law No. (8) of 2013 on the establishment of the High National Elections Commission;
- Law No. (13) of 2013 on political and administrative isolation, and the amendments thereof;
- The conclusions of the 180th ordinary session of the General National Congress held on 29 Jumada al-Thani 1435 AH, corresponding to 30/03/2014 AD;

issued the following law:

Chapter 1: Definitions

Article (1)

The following terms mentioned in this law shall have the corresponding meanings ascribed to them:

1. House of Representatives: the interim legislative authority of the State during the transitional period.
2. High National Elections Commission (HNEC): the administrative entity in charge of overseeing the administration and execution of the electoral process.
3. Elections: the process of selecting the members of the House of Representatives.
4. Electoral district: any geographical area to which a specified number of seats in the House of Representatives is allocated by the provisions of this law.
5. Election centre: the geographical area to which one or more seats are allocated within the electoral district, and which comprises one or more polling centres.
6. Electoral register: the register designed to record the information related to those who are eligible to participate in the elections.
7. Voter: any Libyan who is entitled to vote and is listed in the electoral register in accordance with the provisions of this law.
8. Candidate: any Libyan whose candidacy for the House of Representatives is approved and who meets the requirements set forth in this law.
9. Voting: the process in which voters cast their ballots.
10. Polling centre: the location where voting takes place.
11. Poll clerk: an employee of the electoral department who assists in polling station duties on election day.

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12. Polling station: a place where ballot boxes, ballot cards and the supervisory committee are located.
13. Ballot paper: a uniform sheet used to cast votes, issued by the HNEC. It contains a list of the candidates of the electoral district.
14. Observers: individuals approved by the HNEC, who participate in the monitoring of the electoral process; they may be local or international persons and may not interfere in the process or submit complaints thereon.
15. Candidate representative: one or more persons delegated by the candidate and approved by the HNEC to monitor the electoral process in accordance with the provisions of the law.
16. Registration centre: the place where voters are registered in conformity with this law and the relevant regulations.

Chapter 2: Preliminary Provisions

Article (2)

The House of Representatives shall be composed of two hundred members elected by direct free voting. All Libyan men and women who meet the requirements stipulated by this law shall have the right to stand for election to the House of Representatives.

Article (3)

Elections shall be public, free, direct, secret and transparent.

Chapter 3: Right to Vote

Article (4)

The HNEC shall organize the electoral register inside and outside the country, and shall determine the terms and conditions for listing entries and reviewing the data thereof.

Article (5)

Voters who exercise the right to vote shall meet the following requirements:

1. Must be a Libyan citizen possessing legal capacity.
2. Must be over eighteen (18) years of age at the time of registration.
3. Must hold a national number and be registered in the electoral register.

Chapter 4: Candidature Conditions and Procedures

Article (6)

In addition to voters' requirements, any electoral candidate for the House of Representatives shall meet the following conditions:

1. Must have completed twenty-five years of age at the time of registration.
2. Must hold a college degree or an equivalent thereof.
3. Must not be convicted of any felony or misdemeanour of moral turpitude, unless he has been rehabilitated.

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4. Must not be a member of the HNEC, sub-committees thereof, or polling centre committees.
5. Must meet the criteria for assuming public office in accordance with the legislation in force.
6. Must be recommended by one hundred voters from his electoral district, provided that such recommendation is signed by such voters and authenticated by the notary.
7. Must deposit in the account of the HNEC or one of its branches a non-refundable sum of five hundred LYD transferred to the Treasury.
8. Must comply with the rules set forth by the HNEC for candidates.

Article (7)

Candidature in more than one election centre is not allowed. If a candidate is proven to be running in more than one centre, his candidature shall be considered null and void.

Article (8)

The HNEC shall set the rules, mechanisms, and dates of candidature application in accordance with the executive regulations of this law. If the HNEC determines that a candidate does not meet the conditions stipulated by this law, it shall dismiss such candidate and notify him thereof within one week from the end of application deadline by the means it deems appropriate.

Chapter 5: Electoral Campaign

Article (9)

The HNEC shall announce the period of electoral campaigns for candidates through available official media outlets. It shall determine the rules and locations of posters throughout this period in collaboration with local authorities across the country.

Any candidate included on the final list shall have the right to express their opinion and present their electoral programme in accordance with the provisions of this law, the Islamic Sharia and public order.

During the electoral campaign, no person may use any expressions that incite to crime or public disorder or call for hatred or discrimination.

In all cases, no activity relating to the electoral campaign may be conducted in the twenty-four hours preceding election day.

Article (10)

The rules and specifications of advertising material shall be determined by the HNEC. The use of media for electoral campaigns shall be based on the principle of equal opportunity for all candidates in the final list.

Any candidate may publish electoral campaign material in the form of brochures, posters or newspapers, provided that such publications carry information regarding the name of the candidate and the name and address of the publishing entity.

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Electronic media outlets may be used for electoral campaign purposes in accordance with the provisions of this law.

Article (11)

In electoral campaigns, candidates shall abide by the following:

1. Islamic Sharia.
2. The Constitutional Declaration and the rule of law.
3. The freedom of thought and expression of others.
4. Preserving national unity as well as the country's security and stability.
5. Not using loudspeakers outside halls or mounted on vehicles.
6. Not resorting to any provocation or defamation against other candidates or causing tribal, regional or ethnic tensions.

Article (12)

Candidates shall be prohibited from:

1. Conducting electoral campaigns in mosques, universities, academic institutes, public and private schools, buildings occupied by ministries and public departments and institutions, or buildings controlled by the State.
2. Taking any action or using any data that cause obstruction to the electoral campaign of another candidate.
3. Offering monetary or in-kind gifts or other benefits in order to buy votes or influence voters.
4. Financing the electoral campaign using funds or aid from a foreign country or entity, or conducting the campaign through foreign media.

It is prohibited for government employees to conduct electoral campaigning for any candidate in their workplace.

Article (13)

The HNEC shall set the spending limit for electoral campaign activities for each candidate. Candidates shall identify the sources of funding for their electoral campaign.

Article (14)

Each candidate shall commit to opening a current bank account to deposit any cash donations or campaign allocations therein, and shall immediately inform the HNEC of any cash deposits he makes and the source thereof as well as the expenditure made through this account. The candidate shall commit to not spending on election campaigning from outside the said account.

Article (15)

Within fifteen days from the announcement of the final election results, each candidate shall undertake to submit a detailed statement to the HNEC that includes the total revenues acquired, the source and nature thereof, and any spending made for the electoral campaign.

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Article (16)

For the purpose of introducing voters to the candidates of their electoral districts, the HNEC may publish the biographies of all approved initial list candidates, and may in this respect set the rules and methods for informing voters about the biography of their candidates.

Article (17)

In addition to the candidature information stipulated by law, the biography shall be limited to data related to the academic and professional profile. The candidate shall assume sole legal responsibility for the accuracy of such information. This procedure shall not be considered electoral campaigning.

Chapter 6: Voting System and Procedures

Article (18)

The single-winner voting system shall be adopted for the election of the House of Representatives according to single non-transferable vote (SNTV). Sixteen percent of seats of the House of Representatives shall be allocated to women, and each seat thereof shall be voted for by all male and female voters at the election centres. The relevant centres are specified in the table attached to this law.

Article (19)

Seats of the House of Representatives shall be distributed among thirteen electoral districts in accordance with the table attached hereto.

Article (20)

The General National Congress (GNC) shall determine the election day based on the HNEC's proposal, and such day shall be an official holiday. If elections cannot be conducted in any polling centre on that day, the HNEC shall announce within forty-eight (48) hours the date and place of voting within one week at most from the initial voting date.

The HNEC shall determine the voting, sorting and counting procedures at polling stations and centres.

Article (21)

Members of the House of Representatives shall be elected by each voter casting one ballot for one candidate. The winner in single-member centres shall be the candidate with the largest number of valid votes in such centre. For multi-member centres, the first candidates with the largest number of votes shall be the winners, according to the circumstances.

Article (22)

The HNEC shall determine the procedures of the electoral process in electoral districts and polling centres.

Article (23)

Voting shall take place in twelve hours starting at 8:00 a.m. and ending at 8:00 p.m. when the director of the polling centre announces the conclusion of the voting process at the centre.

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Voting shall continue after 08:00 p.m. if voters who are still present at the polling location have not cast their votes yet, in which case voting shall only be limited to such voters. After announcement of the conclusion of voting, the sorting and counting process shall immediately begin in the presence of the director and members of the polling centre as well as the observers and candidates' representatives.

The HNEC shall set a special election date for Libyans living abroad in countries where the HNEC deems it possible to conduct such elections.

Article (24)

Voters shall cast their ballots in absolute secrecy, placing their vote for the candidate in the ballot box. Voters with special needs who are unable to mark their vote on the ballot card or do so verbally or those who are illiterate may be accompanied by an escort who shall assist them with the consent of the polling station director. The escort may not assist more than one voter.

Proxy and correspondence voting shall not be allowed.

Article (25)

The HNEC is entitled to cancel the election results of a polling station if fraud, manipulation or any act jeopardising the result of the electoral process is proven to have occurred.

Article (26)

Poll clerks shall sort ballot boxes immediately upon the conclusion of the electoral process. Sorting and counting of votes shall take place inside the polling centre in the presence of the centre director, candidates' representatives, and certified observers after establishing that the ballot boxes or their contents have not been tampered with. Upon conclusion of the sorting and counting process, ballot papers shall be returned to their boxes and sealed. A report shall be made, to be signed by the centre's director and clerks and the candidate representatives who are present. The preliminary results shall be submitted to the election subcommittee which shall collect the results of polling centres under its jurisdiction.

The centre director shall transmit the polling result forms to the offices of the subcommittee, which shall in turn refer the same to the HNEC to be kept until the end of the appeal deadline.

The HNEC shall announce the preliminary results consecutively upon completion of the voting process within a maximum period of fifteen (15) days from the election date.

Article (27)

The following votes shall be deemed invalid:

1. Votes in ballot boxes if the number of ballot papers exceeds the number of voters listed in the electoral register at the polling centre.
2. Any vote marked on a ballot paper other than the one received from the poll clerk.
3. Any vote marked on a ballot paper that bears the signature of the voter or any mark, sign, or other additions

Chapter 7: Appeal

Article (28)

All concerned parties shall have the right of appeal free of charge at any stage of the electoral process, within forty-eight (48) hours from the date of occurrence of the issue subject of the appeal.

Article (29)

The judge of provisional matters at the summary court where the polling centre is located shall be responsible for hearing all appeals related to the electoral process, and shall pronounce the judgment within three days from the submission thereof. Such judgment may be appealed before the President of the Court of First Instance within five days from the date of issuance thereof without announcement. The ruling shall be rendered within five days from the date of appeal and shall be final and binding on the HNEC.

In all cases, the Code of Civil and Commercial Procedure shall apply, unless stipulated otherwise by a special text in this law.

Chapter 8: Electoral Crimes

Article (30)

Any person who commits any of the following acts shall be punished by imprisonment for a period of no less than six months:

1. Votes by impersonation.
2. Votes more than once.
3. Votes in the elections while aware of his ineligibility.

Article (31)

Any person who commits any of the following acts shall be punished by imprisonment for a period of no less than one year and a fine not exceeding five thousand (5000) LYD:

1. Uses coercion or threats to influence or prevent voters from casting their votes.
2. Gives, offers, or commits to offer another person a benefit for himself or others, whether directly or indirectly, to prevent such person from voting or to convince him to vote in a certain manner.
3. Accepts or asks for a benefit for oneself or others in exchange for votes.
4. Publishes or spreads false information or news or commits other forms of deception in relation to the elections or the behaviour or ethics of a candidate in order to influence the election results.
5. Prints in any way or circulates ballot cards used in the electoral process without the HNEC's authorisation.
6. Commits fraud or deception in sorting votes or counting ballot papers.
7. Violates the secrecy of voting or obstructs any voting act.
8. Fails without legitimate excuse to present himself at the polling centre where he is assigned to work on election day.

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9. Conceals, steals, or destroys any document related to the electoral process in order to influence the results.
10. Registers in two centres, or votes despite the fact that he does not meet the requirements for exercising the right to vote. The candidate who benefits from the crimes mentioned in this article shall incur the same penalty as the principal perpetrator if any form of association is established against him.

Article (32)

Whoever insults, even by a gesture, the HNEC president or members or any electoral process official during the exercise of his duties or as a result thereof shall be punished by imprisonment for a period of no less than six months.

The same punishment shall be incurred for carrying concealed or visible weapons at the polling centre or in the offices attached to the HNEC, committees, or polling centres. Weapons shall only be carried by the guards positioned in the centre's surroundings.

Article (33)

Any person who commits any of the following acts shall be punished by imprisonment and a fine of ten thousand LYD at most:

1. Prevents or obstructs the electoral process.
2. Uses force or threat against any election official.
3. Destroys any building, facility, means of transportation, or equipment to be used in the elections with the intention of obstructing the electoral process.
4. Blocks the road of the committees or the vehicle transporting ballot boxes in order to seize or bargain over the same, or to obstruct the sorting results. This punishment shall be increased by one third at most if the perpetrator is a member or employee of the election committees, or an official entrusted with guarding ballot boxes.
5. Destroys, hides or alters the electoral registers, ballot papers or related electronic systems.

Article (34)

Any public servant who uses his position to influence the elections results shall be punishable by imprisonment and dismissal.

Article (35)

Any candidate who receives material assistance from a foreign entity, whether directly or indirectly, shall be punished by imprisonment and a fine not exceeding double the acquired funds and by prohibition from running for elections for a maximum period of ten years from the date of the final verdict.

Any candidate who violates the provisions of Article (14) of this law shall be punished by imprisonment, a fine not exceeding five thousand LYD, and prohibition from running for elections for a maximum period of three years. The same punishment, increased by one third at most, shall apply to any employee who violates such provisions for the benefit of a candidate or assists a candidate in committing such violation.

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Article (36)

Whoever violates the instructions of election officials during the performance of their duties shall be punished by imprisonment for a maximum period of one month or a fine that does not exceed three hundred (300) LYD.

Article (37)

Any candidate who commits the following acts shall be punished by imprisonment or a fine of five thousand (5,000) LYD at most and by prohibition from candidature for five years:

1. Uses statements that instigate crime, public disorder, hatred, or discrimination, or express regional bigotry or tribalism, or violate public morals or the dignity of candidates or voters.
2. Exceeds the election campaign spending limit set by the HNEC.
3. Fails to submit a detailed statement of his total revenues and their sources to the HNEC;
4. Commits any act that obstructs the election campaign of another candidate.
5. Runs his campaign through foreign media outlets, excluding websites.
6. Carries out an activity considered to be election campaigning on election day or twenty-four hours earlier.
7. Uses mosques, public premises or educational and teaching institutions for electoral campaigning.
8. Provides false statements in order to win the elections.

Article (38)

Punishments stipulated by this law shall not prejudice any other harsher punishment provided for in the Penal Code or any other law.

Article (39)

Without prejudice to any other description, penal actions for electoral crimes shall expire after three months from the date of announcement of the final election results if no legal proceedings are taken in their respect.

Chapter 9: Final Provisions

Article (40)

Civil society organizations, specialised regional and international organizations approved by the HNEC, as well as the representatives of candidates shall be in charge of monitoring the electoral process. The HNEC shall commit to facilitating their tasks so as to ensure maximum transparency for free and fair elections.

Article (41)

Government institutions shall provide all the assistance and support required for conducting the electoral process.

Article (42)

The State shall provide security and guarantee the voters' freedom to vote during the electoral process.

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Article (43)

The president and members of the HNEC, chairmen and members of sub-committees and directors of polling centres shall assume the powers of judicial officers with regard to crimes stated in this law.

Article (44)

The HNEC shall issue the necessary executive regulation for the implementation of this law.

Article (45)

This law shall enter into force from its date of issuance and shall be published in the Official Gazette and the media.

General National Congress – Libya

Tripoli

30/06/1435 AH

31/03/2014 AD

Legislative and Constitutional Committee

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Table 1: Electoral districts and affiliated polling centres

Electoral District	Polling Centre of each District
First electoral district	Tobruk
	Quba
	Derna
Second electoral district	Shahhat
	Baida
	Marj
	Qasr Libya
Third electoral district	Benghazi
	Tocra
	Abyar
	Qaminis
	Suluq
Fourth electoral district	Ajdabiya
	Brega
	Awjila
	Jalu and Jikharra
	Tazirbu
	Kufra
Fifth electoral district	Sidra
	Sirte
	Jufra
Sixth electoral district	Sabha
	Wadi al Shatii
Seventh electoral district	Awbari
	Ghat
	Murzuq
	Wadi Atba
	Traghan
	Umm al Aranib
	Zwila
	Qatrun
Eighth electoral district	Gharyan
	Asabia
	Kikla and al-Qalaa
	Yafran
	Al-Riyaina
	Ruhaibat
	Rajban
	Jadu
	Zintan
	Mizda
	Nalut
	Baten al-Jabal
	Kabaw
Ghadames	

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Ninth electoral district	Tawergha
	Misrata
	Bani Walid
	Zliten
Tenth electoral district	Tarhuna
	Msallata
	Khoms – coast
	Khoms – city
Eleventh electoral district	Qasr al-Akhyar
	Castelverde
	Tajura
	Souq al-Jumaa
	Tripoli
	Hay al-Andalus
	Abu Salim
	Ain Zara
Twelfth electoral district	Janzour
	Al-Maya
	Nasiriyah
	Aziziya
	Sawani Bin Adam
	Qasr Bin Ghashir
Thirteenth electoral district	Msaihel – Al Saeh – Espiaa
	Zawiya
	Sorman
	Sabratha
	Ajaylat
	Zuwarah
	Jumayl
Ragdalin - Zaltan	

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Table 1: Electoral districts and affiliated polling centres

Polling Centre No.	Polling Centre of each District	Total Number of Seats	Female Seats
1	Tobruk	4	
2	Quba	2	1
3	Derna	3	1
4	Shahhat	2	1
5	Baida	3	
6	Marj	3	
7	Qasr Libya	1	1
8	Benghazi	16	4
9	Tocra	2	
10	Abyar	2	
11	Qaminis	1	
12	Suluq	1	
13	Ajdabiya	3	1
14	Brega	1	
15	Awjila	1	1
16	Jalu and Jikharra	1	
17	Tazirbu	1	
18	Kufra and surrounding villages	3	
19	Sidra	2	
20	Sirte	3	1
21	Jufra	2	1
22	Sabha	7	2
23	Wadi al Shatii	6	1
24	Awbari	5	1
25	Ghat	2	
26	Wadi Atba	1	
27	Murzuq Zizau – Murzuq city	1	1
28	Traghan Funqul – Traghan - Maghwa	1	
29	Umm al Aranib Tawiwa - Hmera – Lebdair - Misquwin	1	
30	Zwila Tmassa – Majdoul – Umm Zuwair – Terbo	1	
31	Qatrun Tajarhi – Qasr Masoud – Al Bakhi – Madrousa - Nagarkanma	1	
32	Gharyan	3	1
33	Asabia	1	
34	Kikla - al-Qalaa	1	
35	Yafran	1	

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36	Al-Riyaina	1	
37	Ruhaibat	1	
38	Rajban	1	
39	Jadu	1	
40	Zintan	2	
41	Mizda	1	
42	Nalut	1	
43	Baten al-Jabal	1	
44	Kabaw	1	
45	Ghadames	1	
46	Tawergha	1	
47	Misrata	7	1
48	Bani Walid	2	
49	Zliten	4	1
50	Tarhuna	3	1
51	Msallata	2	
52	Khoms – coast	2	
53	Khoms – city	2	
54	Qasr al-Akhyar	1	
55	Castelverde	1	1
56	Tajura	3	
57	Souq al-Jumaa	4	1
58	Tripoli	2	1
59	Hay al-Andalus	3	2
60	Janzour	2	1
61	Abu Salim	3	1
62	Ain Zara	3	1
63	Al-Maya	1	
64	Nasiriyah	1	
65	Aziziya	2	
66	Sawani Bin Adam	1	
67	Qasr Bin Ghashir	2	
68	Msaihel – Al Saeh – Espiaa	1	
69	Zawiya	7	1
70	Sabratha	2	
71	Ajaylat	2	
72	Sorman	1	
73	Zuwarah	1	
74	Jumayl	1	
75	Ragdalin - Zaltan	1	1