

**Law No. (8) of 2013
on the Establishment of the High National Elections Commission**

Upon review of:

- The Interim Constitutional Declaration issued on 3 August 2011, and the amendments thereof;
- The rules of procedure of the General National Congress;
- Law No. (3) of 2012 on the establishment of the High National Elections Commission and the amendments thereof;
- The conclusions of the General National Congress during its session of 24/02/2013;

the following law was issued:

Article (1)

Definitions

1. HNEC: The High National Elections Commission.
2. Council: council of the HNEC.
3. General Administration: executive body of the HNEC.
4. HNEC branches: administrative units established by the HNEC to conduct all the tasks and duties entrusted thereto in accordance with the provisions of this law and the executive regulation hereof;
5. Election Committees: committees established by the HNEC to manage the electoral process in accordance with the provisions of this law and the HNEC regulations.
6. Election laws: any laws pertaining to the electoral process that are issued by the General National Congress (GNC).
7. Electoral process: all the steps necessary to implement the election law and the relevant regulations, executive procedures, and legislation.

Article (2)

An independent body shall be established under the name of “High National Elections Commission” (HNEC) and shall have an independent legal personality and financial liability. The HNEC shall have its headquarters in Tripoli. It shall exercise all the duties, competences, and powers stipulated by this law with absolute autonomy and impartiality. The HNEC’s decisions shall be public. It is prohibited to interfere in the work or competences of the HNEC or to restrict the powers thereof.

Article (3)

HNEC Duties

In accordance with the provisions of this law, the HNEC shall be considered the sole entity in charge of conducting, preparing, supervising and monitoring the elections and announcing the results thereof in accordance with the issued election laws and legislations and internationally accepted rules and guidelines. For this purpose, the HNEC may:

1. Establish the necessary regulations and procedures to conduct the electoral process in accordance with the election laws.

2. Determine the implementation stages of the electoral process and the necessary timeframes for their implementation.
3. Educate and raise citizens' awareness by means of information and guidelines relating to the electoral process in order to ensure the success of such process in accordance with the election laws.
4. Register voters, prepare and review electoral registers and listings based on the procedures and mechanisms established by the HNEC to allow it to do so.
5. Register candidates in accordance with the terms stipulated by the election laws, and determine the duration and rules of electoral campaigns and monitor the same.
6. Approve local and international observers and media professionals as well as candidates' deputies to ensure the integrity and transparency of the electoral process.
7. Prepare and conduct the voting, sorting, counting, and result tabulation processes.
8. Establish the necessary mechanisms to receive and settle complaints and grievances related to the electoral process in accordance with the provisions of the election laws and executive regulations.
9. Prepare the estimated budgets for the implementation of the electoral process.
10. Announce and approve the results of the electoral process.
11. Establish committees to perform any duties related to the electoral process, which shall have the right to resort to any person they deem necessary for their work.

Article (4)

HNEC Organisational Structure

The organisational structure of the HNEC shall consist of the following:

1. Council of the HNEC.
2. General Administration of the HNEC.
3. Election Committees.

The HNEC Council shall issue a decision identifying the HNEC's organisational structure as well as the competences of all the administrative units and their executive duties in accordance with the provisions of this law.

Article (5)

HNEC Council

The HNEC Council shall be composed of a chairman and six full-time members appointed by a GNC resolution. Such members shall be of good reputation, impartial, and not affiliated with any political entity or party; they shall be subject to the standards set forth by Law No. (26) of 2012 on the High Commission for the Application of Standards of Integrity and Patriotism and the amendments thereof.

Article (6)

Oath of HNEC Members

Prior to taking office, the president and members of the HNEC shall take the following oath before the GNC:

“As God is my witness, I swear by Almighty God to observe the law and the Interim 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 (7)

Competences of the HNEC Council

In general, the HNEC Council shall issue the necessary regulatory decisions to conduct the electoral process, ensure the performance of all the duties entrusted to the HNEC as set forth in Article (3) hereof in conformity with the election law and the regulations and decisions issued by the Council.

Article (8)

Competences of the HNEC Council Chairman

The chairman of the Council shall assume the following competences:

1. Chair and convene the Council’s meetings.
2. Sign the Council’s decisions and follow up on their implementation.
3. Follow up on the progress of the electoral process.
4. Represent the HNEC at the local and international levels and mandate the same to any person he deems appropriate.
5. Perform any other duties entrusted by the Council within his competences.

Article (9)

Meetings of the HNEC Council

The meetings of the Council shall meet the following requirements:

1. Meetings shall be held periodically; the Council may hold extraordinary meetings at the request of its president or of one-third of its members.
2. The quorum in any meeting shall consist of more than half the members.
3. Decisions shall be taken by a majority of votes; in case of a tie in votes, the HNEC president shall have the casting vote provided that a quorum is present.
4. The Council’s decisions shall be published in the manner approved by the Council with the consent of the majority of members.

Article (10)

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

1. Acceptance of resignation.
2. Disabling mental or physical illness attested by an official medical certificate.
3. Death.
4. Final judgment of conviction of a crime of moral turpitude.

If a member’s position becomes vacant for any of the foregoing reasons, the GNC shall appoint a substitute within a maximum of fifteen days under the same procedures and conditions set forth in Article (5).

Article (11)

Dismissal or Termination of Membership

Membership in the Council shall be terminated by a decision issued by the GNC president for any of the following reasons:

1. Absence from three consecutive meetings without authorisation or acceptable justification, which shall be reported by the chairman of the Council to the GNC president.
2. Conviction of a crime of trust or moral corruption, based on a notice by the chairman of the Council.
3. Lack of competent follow-up on and performance of the HNEC duties and competences, based on a report submitted by the chairman of the Council after its approval by two-thirds of the Council members.

Article (12)

Rights and Prerogatives of Council Members

The GNC shall determine the treatment of Council members in terms of rights and prerogatives throughout their membership.

Article (13)

Financial Treatment of the General Administration

The Council shall determine the financial treatment of the personnel of the HNEC General Administration, branches, and election committees.

Article (14)

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 an offence relating to the exercise of their duties in accordance with the provisions of this law, except by authorisation of the GNC.

Article (15)

Competences of the General Administration

1. The HNEC General Administration shall be presided over by a general director appointed by a Council decision. The general director shall handle the direct implementation of the electoral process under the supervision of the Council.
2. The General Administration shall have three permanent branches in Tripoli, Benghazi, and Sebha, respectively. The directors of such branches shall be appointed by the Council.

The Council may establish other branches when necessary.

Article (16)

Election Committees

1. The HNEC shall establish election committees to manage the electoral process.
2. The members of such committees shall be independent, honest, and competent; they shall be appointed by the Council.

3. The election committees shall assume all the powers and competences relating to the execution of the electoral process and the supervision of its administrative and financial aspects. They shall be directly responsible before the General Administration for all the duties entrusted thereto.

Article (17)

Working for the HNEC

It shall be prohibited to assume a position at the HNEC while:

1. Practicing any other job.
2. Running for any elections supervised by the HNEC.
3. Contributing to the support of any candidate.
4. Being affiliated with any political entity.

Article (18)

HNEC Budget and Audit

1. The HNEC shall have an independent budget prepared in accordance with the guidelines applicable in the country. It shall be submitted by the Council's chairman after approval by the competent entities, to be included in the annual budget of the State.
2. The HNEC shall keep regular accounts and registers of revenues and expenditures, which shall be prepared as per the established accounting principles.
3. The audit office shall review the HNEC's accounts and verify the conformity thereof with the financial laws and regulations in force.

Article (19)

Tax Exemptions

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

Article (20)

Electoral Public Relations and Communication

The HNEC shall take the necessary procedures to communicate with the public and the electoral process partners, and to reinforce the transparency in the exercise of its duties and competences, including:

1. Establish a website for the HNEC to communicate with others, where all the data and information pertaining to the electoral process are published.
2. Publish its decisions and electoral lists in the various media outlets.
3. Conduct consultative and exploratory meetings with all the entities concerned with the electoral process.
4. Organize seminars and workshops that help spread the electoral culture.

Article (21)

Ministries, authorities, and all concerned institutions shall devote all their capacities to supporting the electoral process based on the HNEC requirements.

Article (22)

The HNEC shall be entitled to resort to any person it deems appropriate for the exercise of its duties when necessary.

Article (23)

The provisions of this law shall enter into force from its date of issuance. Any contrary provision shall be repealed. This law shall be published in the Official Gazette.

General National Congress – Libya

Issued in Tripoli

On 28 March 2013 AD

Corresponding to 16 Jumada al-Awwal 1434 AH