

# Election Law

Palestinian National Authority  
Law n° 15, of 1995  
Relating to the Elections  
Issued in Gaza, on 7 December 1995 of the Nativity  
14 Ragab 1416 of the Hijri

The President of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian National Authority,  
Having seen the basic law of the Palestine Liberation Organization;  
having seen the Law n° 5, of 1995, referring to the Transfer of Powers and Competences;  
having seen the Electoral Law for the Council of Representatives n° 24, of 1960, and the Laws amending it;  
having seen the Resolution n° 32, of 1960, of the Administrative Governor General, regarding elections in Gaza;  
having the approval of the Executive Committee of the Palestine Liberation Organization, with the participation of the Presidency of the Palestinian National Council;  
having the approval of the Council of the Palestinian National Authority; and  
based upon the powers bestowed in me,  
I hereby promulgate the following Law:

## Explanatory Notice

The Palestinian Elections Law of 1995 expresses the responsibility that the Palestine Liberation Organization and the Palestinian National Authority undertake before the Palestinian People and our national rights, and their commitment to the holding of general elections, as a modern means of achieving a representation for the people based on democratic principles, which will allow us to exercise the government and to promulgate the laws that will rule our destiny and the building up of our future.

The fact that this Law affects only the inhabitants of Gaza and the West Bank, including Jerusalem, due to the conditions and circumstances and to the nature of the interim period, does not undermine the rights of the Palestinians of the Diaspora and, above all, the refugees, exiled and expelled, who will have the opportunity to exercise their rights in the elections that will follow their return to the Nation.

The establishment of the Palestinian National Authority and the extension of its sovereignty to Gaza and the West Bank has created the adequate conditions for the holding of free and direct elections, under international supervision, which will allow our people to exercise the democratic right to govern themselves.

Elections are a right and a duty imposed by the honor of citizenship and the belonging to the Nation, as well as by the people's will and their democratic choice, and this Law realizes these citizen's rights and duties without submitting them to any restriction.

The holding of elections for the position of President of the National Authority and for the membership of the Council, and their consequent status as members of the Palestinian National Council, serves to ratify the unity of the Palestinian People wherever they may be. This is an important step forward in the way to the realization of their national rights and of their just demands, and in the building up of their future and of institutions responsible to the sovereign people; and to the establishment of a democratic and parliamentary system, based upon freedom of opinion, freedom of parties, submission of the minority to the decisions of the majority and the respect of the minority by the majority, social justice, equality, prevention of discrimination in the exercise of public rights based on religion, colour, race, or between man and woman, the rule of law and the independence of the judiciary, and based upon full allegiance to the Palestinian tradition of the election of the President, the whole of the territory shall be considered as a sole constituency., civic and spiritual, and upon the centuries long concord among religions.

The Law provides for the holding of elections for the position of President of the National Executive Authority and for the membership of the Council. The Council shall have its own President, who shall be elected by and from among the Council members. All of which serves to ratify the democratic character of the government and the principle of the separation of powers.

The provisions of this Law take into account the conditions of our people during the interim period and their need for a solid political structure that will preserve their national interests, and for a system of government constructed and based upon political pluralism, without any undermining of the right of all to present their candidatures, either in an independent manner or by means of parties' or electoral coalitions' lists.

The Law forbids the possibility of voting or being nominated in more than one constituency and extends this prohibition to the members of the Palestinian National Council; thus no member of the Palestinian National Council may be nominated for election in any of the sixteen electoral constituencies, unless he or she transfers [to them][1] his or her registration in the relevant Diaspora constituency of the Palestinian National Council.

The elections shall be hold based on the majority electoral system, multi-member constituencies and open lists, this being the system followed by the majority of the States of the world; Gaza and the West Bank, including Jerusalem, shall be considered one sole constituency for the election of the President of the Palestinian National Executive Authority, whereas the whole of the territories will be divided into 16 electoral constituencies, taking into account the distribution of the population [for the election of the Council].

The Law ensures the freedom and fairness and the democratic character of the electoral process, and the equal treatment for all in the official communication media.

[1]

**T.N.: Words and sentences between brackets [...] are additions necessary for the translation, which are not included in the Arabic original.**

## **Part I: General Provisions**

### **Chapter 1: Name and purpose of the Law**

#### **Art. 1: Definitions**

The following words and expressions mentioned in this Law shall have the following meaning:

**President:**

Is the President of the Palestinian National Authority, who is directly elected by the people.

**Council:**

is the Palestinian Council.

**President of the Council:**

is the President of the Council, who is elected by the members of the Palestinian Council.

**Territory:**

is the geographic area which comprises Gaza and the West Bank, including Jerusalem.

**Interim Period:**

is the interim period established in Declaration of Principles signed by the Palestine Liberation Organization and the Government of Israel.

**Elector:**

is every Palestinian (inhabitant of Gaza and the West Bank, including Jerusalem) who meets all the requirements established by this Law to exercise the right to vote and is entered in the final electoral register.

**Voter:**

is an elector who exercises his or her right to vote.

**Candidate:**

is every Palestinian who meets all the requirements established by this Law to be a candidate for the position of President or for the membership of the Council, and who is included in any of the lists of candidates for any of these elections.

**Initial [draft] electoral register:**

is the list of electors who qualify to exercise the right to vote, which is created and made public so the electors can file claims according to the provisions of this Law.

**Final electoral register:**

is the final list of electors who have the right to vote in a given constituency.

**List of candidates:**

is the final list that includes the names of the candidates nominated both for the position of President and for the membership of the Council.

**Constituency (electoral district):**

is any part of the territory which has allocated to it a certain number of seats in the Council. For the purpose

**Partisan entity:**

is any political party, coalition of parties or grouping of electors which is registered before the Minister of Interior with a specific name and symbol in order to nominate candidates and to participate in the elections under that name and symbol.

**Election Appeals Court:**

is the Court formed in accordance with this Law to adjudicate on electoral claims.

#### **Art. 2: The election of the President and the members of the Council**

1. Based upon the provisions of this Law, there shall be general, free and direct elections to elect the President of the National Authority and the members of the Palestinian Council, which shall assume the government during the interim period.
2. The elections of the President and of the members of the Council shall take place at the same time according to the provisions of this Law.

#### **Art. 3: Legal framework for the interim period**

1. Immediately upon their election, the members of the Palestinian Council shall be considered members of the Palestinian National Council, according to Articles 5 and 6 of the basic law of the Palestine Liberation Organization.

2. Once elected, the Palestinian Council shall assume as its first task the establishing of a constitutional system of government for the interim period.
3. The constitutional regime shall be based on the principle of popular sovereignty, on democratic principles, the separation of powers, the independence of the judiciary, the equality among citizens and the respect of the fundamental rights of citizens.
4. Within the limits of its jurisdiction, the Palestinian Council shall exercise its legislative power over all the territory as a sole geographical unit.
5. Upon the election of the Council, an Executive Authority shall be formed, appointed by the President and ratified by the Council.

#### **Art. 4: The calling of elections**

1. The President of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian National Authority, shall issue a Presidential Decree calling the Palestinian people of Gaza, the West Bank and Jerusalem for the holding of general, free and direct elections to elect the President and the Council. [The Decree] shall fix the day for the poll.
2. The President of the Executive Committee of the Palestine Liberation Organization, President of the Palestinian National Authority, shall issue a Presidential Decree stating the following:
  - a. The names of the President and members of the Central Election Commission.
  - b. The names of the President and members of the Election Appeals Court.
3. The above mentioned Presidential Decree shall fix:
  - a. The time for the creation of the electoral register and for its publication.
  - b. The time for the nomination of candidates for both elections.
4. The above mentioned Presidential Decrees shall be published in the Palestinian Gazette and announced through the local press.

#### **Art. 5: The electoral constituencies**

1. The territory shall be divided into the following sixteen constituencies: Jerusalem, Jericho, Bethlehem, Hebron, Nablus, Jenin, Tulkarm, Qalqilya, Tubas, Salfit, Ramallah, Gaza North (Jabaliah), Gaza City, Deir El-Balah, Khan Yunis, and Rafah. Each of these constituencies shall comprise the corresponding localities, according to the list annexed to this Law.
2. The regulations implementing this Law shall establish the number of seats of the Council allocated to each district, which shall be proportional to the number of their inhabitants, subject to a minimum of one for each constituency, and shall also establish which districts shall have some seats specially reserved for Christians and the number of these seats, in addition to one seat for the Palestinian Samaritans in the constituency of Nablus.
3. The above mentioned regulations shall be issued as soon as the registration of electors in the various constituencies is finished.
4. The members of the Council shall be elected in the districts where they are nominated.

### **Chapter 2: The Right to Vote and to Be a Candidate**

#### **Section 1: The Right to Vote**

##### **Art. 6: The right to vote**

1. Every Palestinian from the West Bank, including Jerusalem, and from Gaza who meets all the requirements established in this Law, and without any discrimination based on his or her religion, political affiliation, education, social or economic position, has the right to vote.
2. Every elector shall exercise his or her right to vote in person, freely, directly, secretly and individually.
3. No elector is entitled to register as an elector in more than one constituency and to vote in any constituency different from that where he or she is registered.

##### **Art. 7: Electors' qualifications**

1. Any person who meet the following requirements shall be qualified to exercise the right to vote:
  - a. To be Palestinian.

- b. To be 18 years of age or older on the day of the vote.
  - c. To be entered in the electoral register of the polling district where he or she is to exercise the right to vote.
  - d. To be entered in the final electoral register.
  - e. Not to be deprived from the right to vote under the provisions of Article 8 below.
2. For the purpose of this Law, a Palestinian is a person who:
- a. Was born in Palestine, as defined by the territory covered by the British Mandate, or had the right to the Palestinian citizenship according to the laws in force during that period.
  - b. Was born in Gaza or in the West Bank, including Jerusalem.
  - c. Irrespective of place of birth, has one or more direct ancestors that meet the requirements of paragraph a) above,
  - d. Is the spouse of a Palestinian who meet the mentioned requirements.
  - e. Has not the Israeli citizenship.

#### **Art. 8: Persons disqualified to vote**

1. Any person shall not be entitled to vote if he or she:
  - a. Has been deprived from the right to vote by judicial sentence, for the duration of that sentence.
  - b. Has been declared incapable by judicial ruling.
  - c. Has been imprisoned by sentence of a Palestinian Court for a common crime, as long as he or she is not re-established to his or her previous status according to the law.
2. Judicial decisions mentioned in paragraph 1 above must be immediately communicated to the relevant Polling Station Commission as soon as these start the electoral registration.

### **Section 2: The right to nominate candidates for the position of President of the Authority**

#### **Art. 9: Qualifications of candidates for the position of President**

1. Any candidate for the position of President shall meet the following requirements:
  - a. To be Palestinian.
  - b. To be 35 years of age or older on the day of the vote.
  - c. To have a valid address within the territory. A valid address is that of a residential property which is owned, rented or otherwise legitimately occupied by the candidate.
  - d. To be entered in the electoral register and to meet all the qualifications required to be an elector.
2. Nominations of candidates for the position of President shall be submitted to the Central Election Commission. Candidates may only be nominated by:
  - a. Any partisan entity registered before the Central Election Commission.
  - b. Any person registered in the electoral register and who meets the requirements established in paragraph 1 above.
  - c. Any independent candidate for the position of President must submit with his or her nomination a list including the support in a written form of at least 5,000 electors.

#### **Art. 10: Nomination of candidates for the position of President**

The provisions established in Article 14 below shall apply to candidates for the position of President, except for the President of the Palestinian National Authority.

#### **Art. 11: The President**

1. The candidate elected to the position of President shall hold the Presidency of the Palestinian National Authority and shall be member of the Palestinian Council, being directly elected to that position by the people.
2. The positions of President of the Executive Authority and of President of the Council shall be incompatible.

### **Section 3: The right to nominate candidates for the membership of the Council**

#### **Art. 12: Qualifications to be a candidate for the membership of the Council**

1. Every Palestinian aged 30 years or older on the polling day, who is registered in the final electoral register and who meets all the qualifications required to be an elector, has the right to submit his or her candidacy for the membership of the Council.
2. In order to be nominated in a specific constituency, every candidate for the membership of the Palestinian Council shall have a valid address in that constituency. A valid address shall be that of a residential property within the constituency which is owned, rented or otherwise legitimately occupied by the candidate. This valid address shall be entered on the candidate's nomination paper, and where a candidate has more than one valid address, he or she shall enter all such addresses on his or her nomination paper, indicating which one of them is his or her permanent one.
3. Nominations of candidates shall be submitted to the relevant District Election Commission. Candidates may be nominated by:
  - a. Any person registered in the electoral register.
  - b. Any partisan entity registered before the Central Election Commission.
  - c. Any independent candidate must submit with his or her nomination a list containing the signatures of at least 500 electors registered in the electoral register of that constituency.
4. Candidates may be nominated for election only in the constituency where they have been registered as electors.
5. No candidate may be nominated in more than one constituency.
6. No candidate may be nominated for election to the membership of the Council and to the position of President at the same time.
7. No member of the Palestinian National Council may be nominated for election to the membership of the Council unless, in addition to the fulfillment of the requirements established in this Article, he or she transfers, before his or her nomination, his or her registration in the relevant constituency of the exterior to any of the [interior] sixteen constituencies, by means of a certificate issued by the President of the Palestinian National Council.
8. No partisan entity may nominate in any constituency more candidates than the number of seats allocated to that constituency.

#### **Art. 13: Members of the Council**

1. The Council shall be formed by 83 members elected by the Palestinian people of Gaza and the West Bank, including Jerusalem, by means of free and direct elections, in accordance with the provisions of this Law.
2. The Council shall elect its own President from among its members, who shall convene and conduct its meetings and draft its agenda.

#### **Art. 14: Candidacy and the holding of public offices**

1. Except as provided in this Law, Ministers who are members of the Palestinian National Authority, the personnel of the government and public institutions, presidents and members of municipal councils, and the personnel of international institutions operating within the territory, may not be nominated as candidates unless they renounce their offices at least 10 days before the date fixed for the publication of the final lists of candidates, the acceptance of their resignation being automatic.
2. No nomination of any member of the security forces, whose resignation has not been previously accepted by the relevant authority, shall be admitted. [Any such candidate] shall submit such acceptance with his or her nomination papers.
3. Judges and members of the security forces who are not elected may not resume their offices.

### **Part II: Electoral Registration**

#### **Art. 15: The right to be registered and the duty to register**

1. Any person who is willing to vote and meets all the requirements to be an elector has the right to request to be entered on the electoral register.

2. No elector shall be registered in a district different from that where he or she resides.
3. Nobody lacking any of the requirements to be an elector shall be registered.

#### **Art. 16: The registration**

1. The registration of electors shall be carried out by the Polling Station Commissions.
2. Any person having the right to vote may request to be entered on the electoral register. [The elector shall provide the Polling Station Commission with] the following information:
  - a. Full name.
  - b. Sex.
  - c. Date and place of birth.
  - d. Abode.
  - e. Type of identification card held and its number.
  - f. Declaration certifying that all information is true and correct.
  - g. Date of application.
  - h. Signature.
3. Means of identification admitted in the territory.
4. For the purpose of this Law:
  - a. "Abode" means the main permanent fixed address within any polling district in which, at the time of the initial registration canvass, a person actually lives.
  - b. "Address" is the community, house, street, neighborhood or other description identifying the person's specific abode.
5. The abode of any person may be evidenced by any of the means used for this purpose in the territory. [Among these means] the testimony of three neighbors aged eighteen years or more and resident in the same polling district, or any document proving that the individual has paid on his or her name municipal taxes in that area, must also be accepted.
6. The Polling Station Commission, having verified the correctness of the data mentioned in paragraph 2 above, shall enter the name of the elector on the electoral register.
7. The process of registration of electors shall be public and open to the scrutiny of international and domestic observers, and to the information media.

#### **Art. 17: Claims and relating to the electoral register**

1. Any person who has not been included in the initial electoral register, or whose data are incorrectly expressed, may file a claim for inclusion or against the erroneous registration before the Polling Station Commission. A claim may also be filed by any person who has seen the erroneous inclusion or omission in the electoral register of any other person.
2. Claims shall be submitted in a written form, including all the necessary supporting documents, within 5 days from the publication of the electoral register.
3. The Polling Station Commission shall adopt a decision within 7 days from the presentation of the claim.
4. If the claim refers to any other person than the claimant, the Polling Station Commission shall not adjudicate without having first make it known to the affected person and having heard his or her representations.
5. The decision of the Polling Station Commission is subject to appeal to the Central Election Commission.
6. The initial electoral register shall be amended in accordance with the decisions taken by the Polling Station Commissions, in the case of claims, and by the Central Election Commission, in the case of appeals.

#### **Art. 18: Appeal against the Polling Station Commission's decisions**

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 ensure 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]
- 7.
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 referring 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.

#### **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.

[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 local media.**

## **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.
2. In order to take valid decisions, the Court shall sit with the attendance of at least the President and two of its members. The attendance of all of the members of the Court shall be required to decide on matter of special importance, according to the decision of the President.

### **Art. 32: Seat of the Court**

1. The Court shall fix its seat in any of the main cities of the territory.
2. The Court shall have two offices for the reception of documents and consultation, one in Gaza and another in the West Bank.
3. The President of the Court may, if he or she deems it necessary in order to facilitate the operation of the parties, order the sitting of the Court other than at its official seat, in the place where the facts under adjudication occurred.

### **Art. 33: Judges of the Court**

The President and the rest of the members of the Court must be judges who meet all the requirements to be a judge in an ordinary Court and who have at least ten years of practice in the exercise of their judicial occupation.

### **Art. 34: Procedure**

1. The proceedings before the Court shall be undertaken with the seriousness and speed demanded by the type of matter subject to its jurisdiction.

2. Proceedings before the Court may not be postponed, unless the postponement is required by the exercise of the right to defense; no postponement shall be for longer than 24 hours.
3. Proceedings before the Election Appeals Court shall be public.

### **Art. 35: Jurisdiction of the Court**

The Election Appeals Court shall adjudicate on claims and appeals related to decisions taken by the Central Election Commission, or on any other decision subject to appeal before the Court, according to the provisions of this Law.

### **Art. 36: Time limits for claiming and appealing, and for adjudicating**

1. Claims and appeals must be brought to the Court within 2 days from the notification to the parties concerned of the decision to which the objection is made. The Court shall not admit any claims or appeal filed after that period.
2. The Election Appeals Court shall determine any such claims or appeals within 5 days from their filing.
3. Claims and appeals may be brought to the Court through the National Election Office or any of the District Election Offices.

### **Art. 37: Representation before the Court**

1. The Election Appeals Court shall not admit any demand filed without the signature of a practicing lawyer, and shall not hear any case without the presence of a practicing lawyer.
2. The Central Election Commission shall be represented before the Court by any of its legal advisers.

## **Part V: Electoral Process**

### **Chapter 1: Nomination of candidates [to the presidency]**

#### **Art. 38: Registration [nomination] of candidates for the position of President**

1. Nominated candidates for the position of President shall be registered as such before the Central Election Commission.
2. The registration of candidates shall start on the date fixed by the presidential decree calling the elections and shall last for 9 days. No candidature shall be accepted after the end of this term.
3. Every candidate for the position of President shall pay the Ministry of Finance a deposit of 3,000 US\$ as a guarantee; this deposit shall be refunded if the candidate is elected.
4. No partisan entity may present more than one candidate to the position of President.
5. Every candidature shall be submitted to the Central Election Commission on the official nomination forms, the following information being required:
  - a. The full name of the candidate, his or her age, address, electoral registration number, and signature.
  - b. In the case of a candidature submitted by a partisan entity, in addition to the provision of paragraph (a), the supporting entity shall also provide a copy of the certificate of its registration before the Central Election Commission, and the signature of the entity's representative.
6. The Central Election Commission shall register the nominated candidatures and shall provide them with a certificate of registration stating the date, time and serial number of the registration.
7. The Central Election Commission shall accept and register any candidature that fulfils all the requirements established by this Law.
8. No candidature shall be registered if it does not fully meet all the requirements stated in this Law. In the case of rejection, the Central Election Commission must specifically and in a written form state the reasons for the exclusion.
9. Any candidature shall be considered accepted if the Central Election Commission does not formally communicate its rejection within 5 days from the submission of the request.

### **Art. 39: Claims**

1. Any candidate whose nomination has been refused by the Central Election Commission, and any person who has objected to the registration of any of the candidates and whose objection has been refused by the Central Election Commission, may file an appeal against this decision before the Election Appeals Court within 3 days from the notification of the Central Election Commission's decision. The Election Appeals Court shall issue its decision within 3 days from the date of the filing of the appeal.
2. The Election Appeals Court's decisions shall be notified to the Central Election Commission for implementation.

### **Art. 40: Publication of the lists of candidates**

1. The Central Election Commission shall publish the final list of nominated candidates for the position of President at least 22 days before the polling day, which list shall include the full names of each candidate, and the name of the party or coalition to which the candidate belongs, or the adjective "independent" when the candidate runs as such.
2. The final list of nominated candidates shall be published in the local press.

### **Art. 41: Representatives of the candidates**

1. Every partisan entity registered before the Central Election Commission and every independent candidate to the position of President may submit to the Central Election Commission a list containing the names of the representatives of the entity or candidate before the Central Election Commission itself and the Polling Station Commissions.
2. Candidates' representatives may represent the candidates before the Election Appeals Court, the District Election Commissions, and the Polling Station Commissions, on any matter pertaining to the election.
3. The Central Election Commission shall communicate the names of such representatives to the Polling Station Commissions.

### **Art. 42: Agents of the candidates**

1. Every partisan entity and every independent candidate may appoint agents to observe the different phases of the electoral process, mainly the vote and the counting of votes.
2. The names of such agents shall be submitted to the relevant District Election Commissions at least 7 days before polling day; each District Election Commission shall issue accreditation certificates for each one of these agents.

## **Chapter 2: Nomination of Candidates for the Membership of the Council and their registration**

### **Art. 43: Registration [nomination] of candidates for the membership of the Council**

1. Nominated candidates for the membership of the Council must be registered as such before the District Election Commission.
2. The registration of candidates to the membership of the Council shall start on the date fixed by the presidential decree calling the elections and shall last for 9 days. No candidature shall be accepted after the end of this term.
3. Every candidate to the membership of the Council shall pay the Ministry of Finance a deposit of 1,000 US\$ as a guarantee; this deposit shall be refunded if the candidate is elected.
4. No partisan entity may present more than one list of candidates per constituency.
5. No partisan entity may present for nomination in any constituency a number of candidates exceeding the number of seats allocated to that constituency according to the Annex to this Law.
6. Every nomination of a candidate shall be submitted to the relevant District Election Commission on the official nomination forms, the following information being required:
  - a. The full name of the candidate, his or her age, religion, address within the constituency from which he or she is running for election, the name of the constituency, the electoral registration number, his or her signature, and the name and address of the official representative of the candidate.

- b. In the case of candidatures submitted by partisan entities, in addition to the provisions of paragraph (a), the supporting entity shall also provide a copy of the certificate of its registration before the Central Election Commission, and the signature of the entity's representative.
7. The District Election Commission shall register the nominated candidatures and shall provide them with a certificate of registration stating the date, time and serial number of the registration.
8. The District Election Commission shall send every request for nomination [to the Central Election Commission, for it] to decide upon them.

#### **Art. 44: Claims**

1. Any candidate whose nomination has been refused by the Central Election Commission, and any person who has objected the registration of any of the candidates and whose objection has been refused by the Central Election Commission, may file an appeal against this decision before the Election Appeals Court within 3 days from the notification of the Central Election Commission's decision. The Election Appeals Court shall issue its decision within 3 days from the date of the filing of the appeal.
2. The Election Appeals Court's decisions shall be notified to the Central Election Commission for implementation.

#### **Art. 45: Publication of the lists of candidates**

1. Each District Election Commission shall publish the final list of nominated candidates to the membership of the Council at least 22 days before the polling day, which list shall include the name of the constituency, the full name of each candidate, and the name of the party or coalition to which the candidate belongs, or the adjective "independent" when the candidate runs as such.
2. A copy of the final list of nominated candidates shall be sent to the Central Election Commission.
3. The final lists of nominated candidates shall be published in the local press.

#### **Art. 46: Representatives of the candidates**

1. Every partisan entity registered before the Central Election Commission and every independent candidate may submit to the Central Election Commission a list containing the names of the representatives of the entity or the candidate in the relevant electoral constituency or before the Central Election Commission itself. The Central Election Commission shall give each representative an accreditation stating his or her name.
2. Candidates' representatives shall represent the candidates before the Election Appeals Court, the Central Election Commission, the District Election Commissions, and the Polling Station Commissions, on any matter pertaining to the election.
3. The Central Election Commission shall communicate the names of such representatives to the District Election Commissions and to the Polling Station Commissions.

#### **Art. 47: Agents of the candidates**

1. Every partisan entity and every independent candidate may appoint agents to observe the different phases of the electoral process, mainly the vote and the counting of votes. Agents are required to be accredited by the Central Election Commission at least 7 days before polling day.
2. The names of such agents shall be submitted to the relevant District Election Commission, which shall issue accreditation certificates for each of them.

### **Chapter 3: Partisan Entities**

#### **Art. 48: Registration of partisan entities**

1. Any partisan entity seeking to participate in the elections must register as such before the Minister of Interior.
2. Partisan entities registered before the Minister of Interior may submit their nominations to the Central Election Commission and participate in the elections under their names, and the logos and symbols of their choice.

3. The Central Election Commission shall keep a special registry to record the names of all the registered partisan entities.

#### **Art. 49: Requirements for the registration of partisan entities**

1. To be registered as such, partisan entities must submit a written application containing the following:
  - a. The name of the entity and the logo or symbol which are to appear on the ballot papers.
  - b. The names of its President or Secretary General.
  - c. The names of its representatives before the Central Election Commission, before the District Election Commissions and before the Polling Station Commissions, whose accreditation is requested from the relevant Commission.
  - d. The address of its main seat.
2. The application for registration shall include:
  - a. A copy of the entity's statutes signed by its President or Secretary General.
  - b. A written statement, signed by the entity's representative, affirming that the entity does not advocate racism.
3. Applications for registration shall be submitted to the Central Election Commission from the entry into force of this Law until 6 days before the end of the period for nomination of candidates fixed by the Presidential Decree calling the elections, according to Article 38.2 of this Law. No request for registration shall be admitted after the end of this term.

#### **Art. 50: Refusal of registration**

No partisan entity shall be registered if:

- a. Its request for registration does not fulfill all of the requirements established in Article 49 above.
- b. The Commission believes that the data or information submitted is untruthful.
- c. The application is submitted after the deadline.
- d. The name, symbol or logo stated in the application correspond to those of any other partisan entity already registered, or to those of a partisan entity commonly and widely known in the territory [under that name, symbol or logo], whether registered or not.
- e. It requests registration under a name, symbol or logo suggesting that it is part of the Palestinian National Authority.

#### **Art. 51: Specifying the reasons for the refusal**

1. In the case of refusal of registration, the Ministry of Interior shall specify and explain the reasons for the rejection.
2. The Ministry of Interior may reject any application for registration only on the grounds of the lack of fulfillment of any of the requirements established in Article 49, or under the provisions of Article 50 above.

#### **Art. 52: The decision**

1. The Ministry of Interior shall release its decision, whether admitting or rejecting the registration, within 3 days from the submission of the application.
2. The request for registration shall be considered admitted, unless the Central Election Commission formally rejects it within 5 days from the submission of the application by means of a official certificate.

#### **Art. 53: Appeals against the rejection of registration**

1. Any party or coalition whose application for registration has been rejected by the Central Election Commission may file an appeal against this decision [before the Election Appeals Court] within 3 days from its notification.
2. The appeal shall be lodged with the Election Appeals Court either directly or through the National Election Office.
3. The Court shall adjudicate any appeal within 7 days from its filing.
4. If the Court approves the registration, it shall notify its decision to the Central Election Commission for implementation.

5. Appeals filed under the provisions of this Article shall be exempt from the payment of any taxes.

## **Chapter 4: Electoral Campaign**

### **Art. 54: The electoral campaign**

1. [For the purpose of this Law] the electoral campaign consists of any legal activity carried out by candidates or registered partisan entities, in order to present their programs to the electorate.
2. The Palestinian Authority and all of its administrative or security bodies shall remain neutral throughout the different phases of the electoral process, and shall refrain from conducting any kind of activity which may benefit any candidate against others, or any partisan entity against others.
3. Notwithstanding the provisions of the above paragraphs, the Palestinian Authority and the Central Election Commission may publish educational material in order to explain the importance of the elections and to encourage citizens to register as electors and to participate in the elections.

### **Art. 55: Campaign period**

1. The electoral campaign shall start 22 days before the polling day and shall finish 24 hours before that day.
2. No electoral campaign activity may be conducted either on the day before the poll or on the polling day.

### **Art. 56: Coordination of the electoral campaign**

1. To assist coordination of the electoral propaganda activities of candidates and registered partisan entities, the District Election Offices shall assemble a list of all available venues and facilities [in their constituency] for the holding of such activities, as well as for the display of electoral posters.
2. District Election Offices shall send these lists to Central Election Commission for their approval. [The Central Election Commission, on its part] shall send such lists to District Election Offices, through the National Election Office.

### **Art. 57: Electoral propaganda in the media**

1. The National Election Office shall agree with the official Palestinian information media a special program of times and spaces to be offered, free of charge, to candidates and partisan entities for their electoral propaganda.
2. In preparing this program, the National Election Office shall give equal and fair opportunities to all the candidates and partisan entities, taking into account the number of candidates nominated by each partisan entity in the various constituencies. In the case of candidates for the position of President, the treatment shall be equal.
3. Any claim referring to the above mentioned program shall be submitted to the Central Election Commission, which shall adjudicate as soon as possible.

### **Art. 58: Electoral campaign restrictions**

1. It is forbidden to hold any kind of electoral propaganda activity in mosques or churches, or in buildings or facilities used by government departments or bodies.
2. It is forbidden to put posters or any other kind of electoral propaganda material in public places not specified by the District Election Commissions.
3. The use of the Palestinian National Authority badge in publications, advertisements, or in any other type of electoral propaganda, written or photographic, is forbidden.
4. Any type of electoral propaganda, oral, written or photographic, containing offensive material or insults addressed to other candidates, or incitements to tribal, family, or religious confrontations among citizens, is forbidden.

### **Art. 59: Security of the electoral campaign**

1. The Palestinian security forces shall be responsible for the keeping of law and order and the security of the citizens in all of the phases of the electoral process.

2. No person, except for the security forces, shall carry any type of arm the possession of which is punishable by law, or let off fire-arms during rallies and other electoral activities.
3. Security forces shall coordinate their action with the Presidents of the District Election Commissions and with the Presidents of the Polling Station Commissions, in order to keep law and order during the holding of electoral activities, and particularly during the operations of voting and counting of votes.
4. Palestinian security forces shall adopt all necessary measures to ensure the enforcement of this Law and to prevent any infringement of it, according to the provisions of Article 75 below.

## **Chapter 5: Protocols, Ballot Papers and Other Electoral Material**

### **Art. 60: Ballot papers**

1. There shall be two kinds of ballot papers: those for the election of the President, which shall be of a red color; and those for the election of members of the Palestinian Council, which shall be of a white color.
2. Ballot papers shall contain the full name of each candidate and beside it the name, symbol or logo of the partisan entity to which he or she belongs, and in the case of independent candidates, the adjective "independent".
3. Ballot papers shall contain a marking box adjacent to the name of each candidate, for the elector to mark with an "X" the box corresponding to the candidate [or candidates] of his or her choice.
4. Ballot papers for the election of the President shall contain the names of all the candidates nominated for this position from Gaza and the West Bank, including Jerusalem, which shall form a sole constituency for this purpose. Ballot papers for the election of members of the Council shall contain in every constituency the names of all the candidates nominated in that constituency.
5. The names of the candidates to the position of President shall be listed in the ballot papers according to the order in which they have been registered by the Central Election Commission. The names of the candidates to the membership of the Council shall be listed in the ballot papers, in each constituency, also according to the order in which they have been registered by the District Election Commissions.
6. Ballot papers for the election of the President shall be of the same color, form and size in all the electoral centers, and the ballot papers for the election of the members of the Council shall also be of the same color, form and size, but in such a way that they can be distinguished from those for the election of the President.
7. Ballot papers for the election of the members of the Council shall contain the name of the relevant constituency.

### **Art. 61: Envelopes**

1. There shall be special envelopes into which the elector shall insert the ballot papers, both for the election of the President and for the election of the members of the Council.
2. Envelopes for the election of the President shall be of a red color, and those for the election of the Council shall be of a white color.
3. Envelopes for the election of the members of the Council shall carry the name of the relevant constituency.

### **Art. 62: Distribution of ballot papers and envelopes**

1. At least 24 hours before the commencement of the election, each District Election Commission shall send to each one of the Polling Station Commissions a number of ballot papers and envelopes which shall be 25 % superior to the number of electors registered in the relevant polling district.
2. The delivery shall be certified by a receipt which shall state the fact of receipt, the number of ballot papers and envelopes delivered, and shall be signed by the members of the Polling Station Commission.

### **Art. 63: Ballot boxes**

1. Each Polling Station shall have two ballot boxes, one for the election of the President, and another one for the election of the members of the Council.
2. Ballot boxes for the election of the President shall be different from those for the election of the Council, and [both boxes] shall be made according to the specifications issued by the Central Election Commission.

#### **Art. 64: Places to vote in the polling stations [polling booths]**

1. In order to facilitate the secrecy of vote, each Polling Station shall have a number of places separated with curtains [polling booths] to vote inside them.
2. The Central Election Commission shall establish the characteristics of these places, so they will be the same in all the polling stations.
3. The Central Election Commission shall establish the number of these places in each polling station, taking into account the number of electors registered in that area.

#### **Art. 65: Register of electors**

1. Each Polling Station Commission shall have four copies of the final register of electors for their area.
2. One of these copies is to be displayed in a visible place of the polling station, and the other three copies are to be used by the members of the Polling Station Commission to control the vote.

#### **Art. 66: Protocols**

1. The Central Election Commission shall establish the type of protocols that the District Election Commissions and the Polling Station Commissions shall use.
2. These protocols shall state in a detailed and accurate manner all the aspects of the electoral operations in their different phases, and shall be signed by the persons stipulated.

#### **Art. 67: Stamps**

1. The Central Election Commission shall decide on the form and type of the stamps to be used by the different Commissions all along the electoral process.
2. The above mentioned stamps shall be made in a manner that is difficult to falsify, and they shall be kept in adequate places by the relevant commissions.

### **Chapter 6: The Poll**

#### **Art. 68: The Polling Station Commission**

1. The Polling Station Commission established in Article 29 of this Law shall control the vote.
2. On the day of the poll the members of the Polling Station Commission shall meet in the polling station at 6 hours a.m.
3. If the President or any of the members of the Commission fails to attend, the relevant District Election Commission shall provide a substitute member; and if all of the members of the Commission fails to attend, the relevant District Election Commission shall then appoint a new Polling Station Commission with substitute members.
4. The Polling Station Commission shall immediately report to the District Election Commission any incident related to its formation.
5. In the case of delay in the commencement of the vote due to the absence of any or all of the Polling Station Commission members, the vote shall be prolonged for a period of time equal to that of the delay. The vote may be commenced by the rest of the Polling Station Commission members, provided that at least three of them are present, until the fourth member is provided.
6. In the case of it being impossible to form a Polling Station Commission, the vote shall be postponed until the following day.

#### **Art. 69: Presence of candidates' agents**

1. The Polling Station Commission shall admit the presence of agents of the candidates in specific places within the polling station, and shall state their names in the protocols, allow them to observe the vote, register their claims and objections, and adopt decisions to this respect.
2. [The Polling Station Commission] shall not accept in the Station more than one agent per candidate, and in the case of candidatures of partisan entities, more than one agent per list of candidates.

#### **Art. 70: Vote protocol**

1. Before the commencement of the vote, the Polling Station Commission shall draw up a protocol stating the names and positions of the members of the Commission and of the accredited agents present [at the poll].
2. The mentioned protocol shall be stamped with the polling station stamp and signed by the members of the Polling Station Commission and by the agents present.

#### **Art. 71: Sealing the ballot boxes**

1. Before opening the vote, the President of the Polling Station Commission shall open the ballot boxes in front of the members of the Commission and of the agents present in order to make sure that they are empty and there are not any ballot papers inside.
2. Once checked, the President of the Polling Station Commission shall close the ballot boxes and seal them with red wax, and they shall not be opened again until the commencement of the count.

#### **Art. 72: The poll**

1. The poll shall commence at 7 hours a.m. and shall be closed at 19 hours p.m.
2. The voting procedure shall be the following:
  - a. The President of the Polling Station Commission or the member of the Commission appointed by him or her shall examine the identity of the elector and check whether his or her name is entered in the electoral register.
  - b. The President of the Polling Station Commission or the member of the Commission appointed by him or her shall hand the voter two ballot papers and two ballot envelopes, and keep his or her identity card.
  - c. The elector must then proceed to one of the separate polling places [booths] and mark each ballot paper in the desired boxes, and then put each ballot paper into the respective envelope.
  - d. The elector shall introduce each envelope into the corresponding ballot box, under the observation of the members of the Polling Station Commission, the agents and the observers.
  - e. The President of the Polling Station Commission or the member or the Commission appointed by him or her shall then return the identification card to the voter after crossing through his name in the electoral register.
  - f. Having voted, the voter shall immediately leave the polling station.
  - g. There shall be no more electors than the double of the number of polling places [booths] at any one time in the polling station.

#### **Art. 73: Electors' identification**

1. The elector may be identified by means of the electoral registration card established in Article 16 of this Law, the identity card, or any other document admitted for this purpose by the Polling Station Commission, upon condition that he or she is entered in the electoral register.

#### **Art. 74: Ballot paper marking**

1. The voter must mark with an "X" the box beside the name of the candidate of his or her choice. The voter shall not either mark more than one candidate on the ballot paper for the election of the President, nor more candidates than the number of seats allotted to that constituency on the ballot paper for the election of the members of the Council.
2. If the case of mistakes in the marking of either of the two ballot papers, the elector may return the erroneous ballot paper to the President of the Commission and request a new one. No new ballot paper shall be given before the spoilt one is crossed through and placed in a special envelope.
3. If the elector is illiterate or unable to mark the ballot paper, he or she may be helped by an elector of his or her trust, with the permission of the Commission, which shall establish the real will of the elector. The elector may ask the President of the Polling Station Commission to supervise his or her vote.

### **Art. 75: Security measures**

1. The President of the Polling Station Commission shall be responsible for the keeping of law and order within the precinct of the polling station.
2. There shall be a number of members of the security forces in uniform outside the polling station and in the surrounding area, in order to implement the orders of the President of the Polling Station Commission; these agents may not stay inside the station, unless this is required by the President and only for the time necessary for the keeping of order.

### **Art. 76: End of the poll**

1. When the time established for the vote is finished, the President of the Polling Station Commission shall order the closure of the station's doors, and allow to vote only those who are already queuing outside.
2. Once all the remaining electors have voted, the Polling Station Commission members and the candidates' agents, whose names and signatures shall be included at the end of the list of voters, shall vote.
3. Immediately the vote is finalized, the Polling Station Commission shall start the counting of votes in the same station.

## **Chapter 7: Determination and Announcement of Electoral Results**

### **Section A: Counting of votes at the Polling Stations**

#### **Art. 77: Counting of votes**

1. The count of the votes shall be done in the presence of all of the Polling Station Commission members, and of any of the members of the electoral administration, candidates' agents, candidates, international and domestic observers, and journalists, who also wants to be present.
2. Notwithstanding the provision of paragraph 1 above, no other person shall be admitted to observe the operation of counting the votes, unless the capacity of the station allows so and as long as this does not cause disorder or obstruct in any way the counting operations.
3. The Polling Station Commission shall open both ballot boxes at the same time and shall open the envelopes contained in each of them, sorting the ballot papers and separating those for the election of the President from those for the election of the Council. [The Commission] shall then put the ballot papers for the election of the Council again into the corresponding ballot box and close it, and shall start to count first the votes for the election of the President.

#### **Art. 78: Counting of votes for the election of the President of the Council**

1. The President of the Polling Station Commission shall divide the ballot papers for [the election of] the President into two equal piles and distribute then between two teams, each of them formed by two members of the Commission. One of the members of each one of these teams shall count the votes and the other one shall record the results and fill the four copies of the protocols established in Article 81 of this Law.
2. Candidates, candidates' agents and observers may, once each ballot paper is read, request [it to be shown to them and] to inspect it.
3. Once the counting of votes is finalized, the number of ballot papers, including those blank and void, must be equal to the number of voters listed in the voters list made by the members of the Commission and to the number of electors crossed through on the register of electors; all of this shall then be recorded in the four copies of the corresponding protocol.
4. In the case of the existence of differences, the count of the votes shall be done again, following the same procedure; if the differences persist and this affects the result of the election, the election shall be repeated in that polling station, following a decision of the Central Elections Commission.
5. Any claim made by any of the candidates or the candidates' agents during the counting, and the decisions taken by the Polling Station Commission to this respect, shall be stated in the corresponding protocol.
6. Candidates, candidates' agents and observers may create their own protocol [of the count] and ask the President of the Polling Station Commission to sign it.

### **Art. 79: Counting of votes for the election of the Council's members**

1. Once the count of the votes for the election of the President is finished, the Polling Station Commission shall start the counting of votes for the election of the members of the Council.
2. The counting of votes for the election of the members of the Council shall be done following the same procedure described in Article 78 above.

### **Art. 80: Void and blank ballot papers**

1. A ballot paper shall be considered void if:
  - a. It is not one of the official ballot papers issued by the National Election Office.
  - b. It does not bear the Polling Station Commission stamp.
  - c. It contains marks favoring more than one candidate, in the case of the election of the President; or marks favoring more candidates than the number permitted, in the case of the election to the Council.
  - d. The order or the names of candidates have been altered.
  - e. It does not correspond to the constituency where it was cast.
  - f. It contains marks or writings by which the voter can be identified.
2. A blank ballot paper is one on which there are no marks for any candidate.

### **Art. 81: Delivery of protocols and ballot papers**

1. Once the counting of votes is finished, the Polling Station Commission shall complete two final protocols: one for the election of the President, and the other for the election of the members of the Council.
2. Four copies shall be made of each of the two protocols.
3. Each protocol shall state:
  - a. The name and number of the polling station.
  - b. The names of the agents and representatives of the candidates present at the count.
  - c. The total number of electors registered in that polling station.
  - d. The number of electors who voted and the number of ballot papers cast.
  - e. The number of electors who abstained from voting.
  - f. The number of number of void, blank and spoilt ballot papers.
  - g. the date when the count was made.
4. In addition to the provisions of paragraph 3 above, the protocol relating to the election of the President shall state the names of the candidates for the position of President and the number of votes obtained by each of them, ordered in a decreasing manner. The protocol relating to the election of the Council shall state, in addition to the provisions of paragraph 3 above, the names of the candidates for the Council and the number of votes obtained by each of them, also ordered in a decreasing manner.
5. Each of the two protocols and their copies shall be signed by the President and the members of the Polling Station Commission and by any of the candidates or their agents and representatives who wish to do so.
6. One copy of both protocols, together with the valid, void and blank ballot papers, and the rest of the forms completed during the operations of voting and counting, and the claims, is to be handed to the relevant District Election Commission, which shall keep them securely.
7. One copy of both protocols is to be delivered to the Central Election Commission, one copy is to be delivered to the Election Appeals Court, and the last one shall be displayed at the polling station. All the protocols shall be officially stamped by the President of the Polling Station Commission.

## **Section 2: Preliminary [provisional] results of the election**

### **Art. 82: Preliminary [provisional] electoral results in the constituencies**

1. The District Election Offices shall receive and gather all the copies of the protocols sent by the Polling Station Commissions of their respective constituencies and add the electoral results contained in them as soon as possible.
2. Only the following persons may be present at this operation:

- a. Members of the [District Election] Commission and the staff of the [District Election] Office of that constituency.
  - b. Candidates.
  - c. Candidates' accredited agents and representatives.
  - d. Accredited international and domestic observers.
  - e. Accredited journalists.
3. Each District Election Office shall publish the provisional results of the elections in its constituency, stating the names of the candidates elected and the number of votes obtained by each of them.
  4. The District Election Commissions shall then send to the Central Election Commission, as soon as possible, the copies of the protocols sent by the Polling Station Commissions, together with the provisional results of the election in their districts.

### **Art. 83: General preliminary results of the election**

1. Once the Central Election Commission has received all the protocols and the provisional results of the elections in all the constituencies, the National Election Office, under the direction of the Central Election Commission, shall add them and produce the general preliminary results of both elections.
2. The general preliminary results of the elections shall be published in the information media by the Central Election Commission.

## **Section 3 : The Scrutiny and the Final Results of the Election**

### **Art. 84: The scrutiny in the District Election Commission**

1. Each District Election Commission shall, once the protocols sent by all the Polling Station Commissions [of its constituency] are received, commence the scrutiny in its constituency.
2. The scrutiny shall be public and shall take place at the site of the relevant District Election Commission. The following persons may be present:
  - a. Members of the District Election Commission and the staff [of the District Election Office].
  - b. Candidates.
  - c. Candidates' agents and representatives.
  - d. Accredited international and domestic observers.
  - e. Accredited journalists.
  - f. Members of the security forces, only when asked to do so by the President of the District Election Commission.
3. The scrutiny of the District Election Commission shall consist of the study of the protocols sent, of the filed claims, and of the contested ballot papers, verifying the data stated in them.
4. The District Election Commissions shall hear the candidates, candidates' agents or candidates' representatives who filed any claim. The District Election Commission shall adopt a decision on each filed claim and shall make public the election results for the constituency.
5. If the District Election Commission detects irregularities in the conduct of the election in one or more of the polling stations which could affect the final results of the election and the allocation of seats in that constituency, it shall state this in its report and recommend to the Central Election Commission the calling of new elections in that or those concerned polling stations.
6. The election results to be published by the District Election Commission shall include:
  - a. The total number of electors registered in the constituency.
  - b. The number of electors who voted.
  - c. The number of electors who abstained from voting.
  - d. The number of valid ballot papers for both the election of the President and of the members of the Council.
  - e. The number of void and blank ballot papers in both elections.
  - f. The names of the candidates for the position of President and the number of votes obtained by each of them, ordered in a decreasing manner.
  - g. The names of the candidates to the Council and the number of votes obtained by each of them, ordered in a decreasing manner.
  - h. In constituencies with seats specially allocated to Christians, the names of the Christian candidates and the number of votes obtained by each of them, ordered in a decreasing manner.

- i. The date and the time in which the scrutiny was made.
  - j. The signatures of the President and the members of the District Election Commission.
7. The candidates, the candidates' agents, and the candidates' representatives may ask the Central Election Commission to review the District Election Commission's decisions referring to the claims presented.

**Art. 85: Delivery of the protocols to the Central Election Commission**

Once the District Election Commissions have finished all the operations described in Article 84, their Presidents shall hand in person to the Central Election Commission all the protocols and the required electoral material, together with the election results.

**Art. 86: The final scrutiny at the Central Election Commission**

1. The Central Election Commission shall, once all the protocols, reports and other material sent by the District Election Commissions are received, do the final scrutiny.
2. The final scrutiny shall be public and take place at the site of the Central Election Commission within 5 days after polling day. Only the following persons may be present at the final scrutiny:
  - a. Members of the Central Election Commission and its employees.
  - b. Candidates.
  - c. Accredited agents and representatives of the candidates.
  - d. International and domestic observers.
  - e. Accredited journalists.
3. The Central Election Commission shall study the reports of the District Election Commissions, and their decisions on the claims filed by candidates, candidates' agents, and representatives, and hear the allegations made by the latter in support of their claims.
4. Once the operations mentioned in paragraph 3 above are done, the Central Election Commission shall make public the final general results.
5. If the Central Election Commission detects important irregularities in the conduct of the election at one or more polling stations which could affect either or both the final results of the election for the position of President and the election to the membership of the Council, or the allocation of seats in one or more constituencies, it shall call for new elections in that or those polling stations, to be held within 10 days.
6. The final election results shall include:
  - a. The total number of electors registered in the final register of electors.
  - b. The number of electors who voted.
  - c. The number of electors who abstained from voting.
  - d. The number of valid ballot papers for each one of the elections.
  - e. The number of void ballot papers in each one of the elections.
  - f. The number of blank ballot papers in each one of the elections.
  - g. The names of the candidates for the position of President and the number of votes obtained by each of them, ordered in a decreasing manner.
  - h. The names of the candidates to the Council and the number of votes obtained by each of them, ordered in a decreasing manner.
  - i. In constituencies with seats specially allocated to Christians, the names of the Christian candidates and the number of votes obtained by each of them, ordered in a decreasing manner.
  - j. The date and the time of the scrutiny.
  - k. The signatures of the President and the members of the Central Election Commission.

**Art. 87: Claims against the decisions of the Central Election Commission**

1. Any partisan entity, candidate, candidate's agents or representatives may appeal to the Election Appeals Court against the decision of the Central Election Commission within 2 days from the publication of the final results.
2. The Court's verdict shall be pronounced within 5 days from the filing of the claim, and immediately communicated to the Central Election Commission for implementation.

## **Section 4: Elected Candidates**

### **Art. 88: The elected President**

1. The candidate who obtained most votes shall be considered elected President.
2. In the case of a tie between the two candidates with most votes, new elections between both candidates shall be called to take place within 10 days.
3. If only one candidate was nominated for the position of President, [elections shall take place and] he or she shall only be declared elected if the number of valid votes obtained is larger than the aggregate number of blank and void ballot papers cast.
4. The Central Election Commission shall give an official certificate to each elected candidate.

### **Art. 89: The elected members of the Palestinian Council**

1. Subject to paragraph 2 below, the candidates who obtained most votes in each constituency are to be considered elected members of the Palestinian Council.
2. In any constituency where a minimum number of seats is reserved for Christians, those seats shall be allotted to the Christian candidates who obtained more votes than the rest of the Christian candidates. Nevertheless, there shall be no obstacle for Christians to run as ordinary candidates in the rest of the constituencies.
3. In the case of a tie between two or more of the candidates with the most votes, new elections between those candidates shall take place within 10 days.
4. The Central Election Commission shall issue official certificates to the elected candidates.
5. The final results shall be published in the Palestinian Gazette.

## **Chapter 8: By-Elections for the Position of President and for the Membership of the Council**

### **Section 1: By-election for the position of President**

#### **Art. 90: Vacancy in the position of President**

1. The position of President shall be considered vacant in the following cases:
  - a. Decease.
  - b. Resignation.
  - c. Loss of legal capacity.
2. For the President to be deprived of his or her legal capacity, it is necessary for this to be declared by a Palestinian Court and to be ratified by two thirds of the members of the Council.
3. If a vacancy occurs in the position of President due to any of the causes listed in paragraph 1 above, the President of the Council shall take over the office temporarily, for no more than 60 days, within which time elections shall take place to elect a new President.

#### **Art. 91: [By-] Elections**

1. By-elections for the position of President shall be called by Decree of the President of the Council, according to Article 90 of this Law.
2. By-elections for the position of President shall take place within 60 days of the occurrence of the vacancy.
3. By-elections for the position of President shall be held under the provisions established by this Law for the election of the President.
4. The final electoral register created under the provisions of this Law shall be used for by-elections, following its amendment to take into account deceases, persons who have reached the minimum age for voting and for being a candidate, and changes of residence.

## **Section 2: By-elections for the Membership of the Council**

### **Art. 92: Vacancy in the membership of the Council**

1. The position of member of the Council shall be considered vacant in the following cases:
  - a. Decease.
  - b. Resignation.
  - c. Loss of legal capacity.
  - d. Continuous non-attendance at the Council's meetings for a year or more, due to chronic illness or imprisonment.
2. The resignation of a member [of the Council] shall be submitted to the President of the Council and shall take effect 10 days after its submission.
3. For the member [of the Council] to be deprived of his or her legal capacity, it is necessary for this to be declared by a competent Palestinian Court and to be ratified by the vote of the majority of the members of the Council.
4. If the remaining period of term of legislature at the moment of the vacancy exceeds one year, [by-]elections shall take place in the constituency where the member whose position is vacant was elected, under the provisions established by this Law for the election of the Council's members.
5. By-elections to elect a new member of the Council shall be held under the provisions of Article 91 of this Law.

### **Art. 93: Financing of the elections [1]**

1. The Palestinian National Authority, in coordination with the Central Election Commission, shall provide the funds necessary to finance all the operations of the electoral process and the work of the different electoral commissions and their administrative organs.
2. The use of the above mentioned funds for purposes different from those established by the instructions of the Central Election Commission, is forbidden.
3. The Palestinian National Authority shall refrain from helping or financing the electoral campaign of any candidate.
4. Every partisan entity participating in the elections and every elected candidate shall submit to the Central Election Commission, within 20 days from the announcement of the final results, a detailed report about its funding sources and its expenditures during the electoral campaign.

### **Art. 94: Control of the financing of the electoral campaign [1]**

1. No party or candidate participating in the elections shall receive funds for the electoral campaign from any foreign source.
2. The representative of each partisan entity which participated in the elections, and every candidate nominated, are responsible for any infringement of the provisions established in Article 93.2 and 4 of this Law, and in paragraph 1 above, and shall be punished with a penalty of, either or both, imprisonment not exceeding 6 months and a fine not exceeding 500 Jordanian Dinars.

[1]

**T.N.: The introduction of Articles 93 and 94, addresses to rule the financing of the electoral process, in this section of the law, dealing only with by-elections for the membership of the Council, seems to be due to a mechanical error. In previous drafts of the Law the financing of the electoral process was a separate part of the Law.**

## **PART VI: Electoral Offences**

### **Art. 95: Offences against the freedom of electors**

1. Any person who uses violence, or threatens to use it, against any other person to:
  - a. Force or influence him or her to vote, or to abstain from voting for a particular candidate.
  - b. Participate, or to refrain from participating, in any electoral gathering or meeting.
2. And any person who encourages or helps any other person to vote knowing that he or she lacks the qualification to vote.

3. And any person who obstructs or attempts to obstruct in any way the free exercise of the right to vote of any elector.
4. And any person who forces an elector in any way to reveal the content of his or her vote, or the name of the candidates for whom he or she has voted, has committed an offence and shall be punished with a penalty of, either or both, imprisonment not exceeding one year, and a fine not exceeding 1,000 Jordanian Dinars.

#### **Art. 96: Bribery**

1. Any person who gives, lends, offers, or commits him or herself to give, directly or indirectly, money or any other good to an elector in order to force him or her to vote in a specific manner, or to abstain from voting.
2. And any person who accepts or asks, directly or indirectly, for money or a loan, or any other good, for him or herself or for any other person, in order to vote in a specific manner, or to abstain from voting, or to influence any other person to vote in a specific manner, or to abstain from voting. Has committed an offence and shall be punished with a penalty of, either or both, imprisonment not exceeding 3 years, and a fine not exceeding 3,000 Jordanian Dinars.

#### **Art. 97: Voting without qualification**

1. Any person who receives or requests a ballot paper under the name of another person, whether dead, alive or fictitious.
2. And any person who shows or uses false documents to identify him or herself.
3. And any person who impersonates another elector.
4. And any person who votes more than once in any polling station.
5. And any person who votes knowing that he or she is not entitled to vote. Has committed an offence and shall be punished with a penalty of, either or both, imprisonment not exceeding one year, and a fine not exceeding 1,000 Jordanian Dinars.

#### **Art. 98: Electoral material**

1. Any person, who moves, destroys, hides, or helps to move, destroy, or hide any electoral material described in this Law, without being authorized to do so by the Central Election Commission, or in infringement of the law.
2. And any person who prints, makes or prepares any electoral material described in this Law, without a written authorization of the Central Election Commission. Has committed an offence and shall be punished with a penalty of, either or both, imprisonment not exceeding one year, and a fine not exceeding 1,000 Jordanian Dinars.

#### **Art. 99: Ballot papers and electoral protocols**

1. Any person who falsifies or introduces false information into the electoral protocols and in the electors register described in this Law.
2. And any person who introduces or allows the introduction of ballot papers into a ballot box [under the name] of persons who have not voted or who do not exist.
3. And any person who intentionally includes false data in the nomination application, or in the publication of the list of candidates, or in the date of its submission or its registration.
4. And any person who hides, destroys, or damages any claim or appeal filed by a party or candidate under the provisions of this Law.
5. And any person who hides, destroys, or damages any nomination application of a party or candidate. Has committed an offence and shall be punished with a penalty of, either or both, imprisonment not exceeding one year, and a fine not exceeding 1,000 Jordanian Dinars.

#### **Art. 100: Other offences**

Any action, omission, or neglect of duty referring to any of the duties established by this Law and for which there is no penalty specified, shall be considered an offence punishable with a penalty of, either or both, imprisonment not exceeding 3 months, and a fine not exceeding 200 Jordanian Dinars.

### **Art. 101: Members of the election commissions and the staff [of the electoral administration]**

If the person who commits any of the offences defined in this Part of the Law is the President or a member of any of the election commissions, or a employee of the administrative organs subject to these commissions, or any other person charged with the conduct of any official function under the provisions of this Law, he or she shall be punished with a penalty of, either or both, imprisonment not exceeding 3 years, and a fine not exceeding 3,000 Jordanian Dinars.

## **Part VII: Transitional And Final Provisions**

### **Chapter 1: Transitional Provisions**

#### **Art. 102: Elections in Jerusalem**

1. Palestinian electors from Jerusalem shall be registered and the electoral register shall be created there in accordance with the provisions of this Law.
2. Any candidate who wishes to run for election in the constituency of Jerusalem, either for the position of President or for the membership of the Council, shall have a valid address in an area under the jurisdiction of the Palestinian National Authority or under the jurisdiction of the Council to be elected.
3. The election shall take place in Jerusalem in accordance with the provisions of the Interim Agreement, signed in Washington by the Palestine Liberation Organization and Israel, on September 28, 1995.
4. Notwithstanding the provisions of paragraph 3 above, elections in Jerusalem shall be subject to the same provisions as those established by this Law for the elections in any other constituency.

#### **Art. 103: International and domestic observation and press reporters**

1. All stages of the electoral process described by this Law shall be public and open to international and domestic observation, and to coverage by the reporters of the international and domestic information media.
2. The Central Election Commission shall accredit and issue accreditation documents to any observer or reporter of the communication media, both international and domestic, who so requests.
3. Every person or institution in charge of the implementation of this Law, as well as every member of the Palestinian security forces, has the duty to cooperate in order to facilitate the work of any person holding a accreditation as provided for in paragraph 2 above.

#### **Art. 104: Dissolution of the Palestine Commission for Local Government and Elections**

1. The Palestine Commission for Local Government and Elections shall be dissolved at the promulgation of this Law.
2. All the decisions taken and the appointments made by the above mentioned Commission shall be deemed to be valid and in force.

#### **Art. 105: [opening and closure of the meeting periods of the Council]**

The President of the Palestinian National Authority shall issue the Decree referring to the opening and closure of the, regular and extraordinary, meeting periods [of the Council].

#### **Art. 106: [statement of assets]**

1. Every member of the Palestinian Council shall submit to the President of the Council a statement declaring his or her economic situation and listing his or her movables and immovables, [participation in] societies, both his or her own and those of his or her children under age.
2. The statements mentioned in paragraph 1 above shall be kept by the President of the Council, who shall adopt all the necessary measures to keep the secrecy of these statements.

## **Chapter 2: Final Provisions**

### **Art. 107: Issuing of regulations**

1. The Palestinian Central Election Commission shall issue the regulations necessary for the implementation of this Law.
2. The above mentioned regulations shall enter into force upon their approval by the Palestinian National Authority and their publication in the Palestinian Gazette.

### **Art. 108: Notifications**

Every decision, order, document or announcement the notification of which is required under the provisions of this Law, shall be considered notified in a valid and legal form on the day following that of its handing to the person concerned, or 24 ours after its being sent by registered mail to his or her known address.

### **Art. 109: Repealing of previous laws**

1. The Election Law for the Council of Representatives, n° 24, of 1960, and the laws amending it and regulations implementing it, shall be considered repealed, as shall also be considered repealed the Resolution n° 32, of 1960, of the Administrative Governor General, relating to elections in Gaza, and any other provision contrary to this Law.

### **Art. 110: [enforcement of the Law]**

All the institutions concerned, each one within its jurisdiction, shall abide by the provisions of this Law. This Law shall enter into force upon its publication in the Palestinian Gazette.