



International Foundation  
for Electoral Systems

# **Election FAQs: The Democratic Republic of the Congo**

*General Elections*

*December 20, 2023*

Africa

International Foundation for Electoral Systems

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December 15, 2023

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## Election Snapshot

- **Election Day:** December 20, 2023: Presidential, parliamentary, provincial, and municipal elections
- **Provinces:** 26 provinces, 145 territories,<sup>1</sup> and 36 cities
- **Registered voters:**
  - Voters registered in the Democratic Republic of the Congo (DRC): 43,955,181
    - Women: 22,026,918 (50.1 percent)
    - Men: 21,928,263 (49.9 percent)
  - Voters registered in the diaspora: 13,293
    - Belgium: 3,105
    - Canada: 777
    - France: 5,822
    - South Africa: 3,201
    - United States: 388
- **Polling stations:**
  - 75,456 in the DRC
  - 22 across Belgium, Canada, France, South Africa, and the United States
- **Available seats:**
  - President of the Republic
  - 484 National Assembly seats
  - 715 Provincial Assembly seats
  - 311 Local Council seats
- **Political parties:** 910 registered political parties
- **Candidates:** 101,202 candidates at the national, provincial, and municipal levels
  - President: 26 candidates (24 men and two women)
  - National Assembly: 25,832 candidates (21,187 men and 4,645 women)
  - Provincial assemblies: 44,110 candidates (32,897 men and 11,213 women)
  - Provincial municipal assemblies: 31,234 (17,663 men and 13,571 women)
- **Campaign Period:** November 19–December 18, 2023
  - November 19: Start of the 30-day campaign period for presidential, National Assembly, and Provincial Assembly candidates
  - December 4: Start of the 15-day campaign period for local council (commune) candidates
- **Domestic and international observers:**
  - International: Southern African Development Community, African Union, the Carter Center, and the Economic Community of Central African States
  - Domestic: National Episcopal Conference of the Congo; Church of Christ in Congo, Synergie des Missions d'Observation Citoyenne des Élections, Nouvelle Société Civile du Congo, and Regard Citoyen.

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<sup>1</sup> Congolese citizens in three territories (Kwamouth, Masisi, and Rutshuru) in eastern DRC do not have voter cards and will be unable to vote in the December 20 elections.

## When is Election Day?

The Democratic Republic of the Congo (DRC) will hold general elections on Wednesday, December 20, 2023, for presidential, parliamentary, provincial, and municipal seats at 75,456 polling stations in the DRC and 22 across Belgium, Canada, France, South Africa, and the United States.

## Why are these elections important?

The DRC will hold its fourth presidential elections under the country's 2006 Constitution. The 2018 elections saw the first transfer of power in the DRC's history, with Félix Tshisekedi emerging as the successor to Joseph Kabila, who led the country for 18 years. Although planned for 2016, the last elections did not occur until 2018, amid a tense political context. After the disputed 2018 elections and ensuing violence, the 2023 elections will be crucial to ensure continued democratic progress in the DRC.

These elections are the first to include municipal elections in the same cycle as the presidential, National Assembly, and Provincial Assembly elections. They also mark the first time that voters in the diaspora will cast ballots in the presidential election in five pilot countries. The ongoing conflict in parts of eastern DRC has internally displaced a record 6.9 million people,<sup>2</sup> leaving parts of the country insecure and voters in those areas unable to participate in political processes. If citizens deem these elections credible, they have the potential to support the restoration of security and democratic stability. With the country facing numerous political, economic, development, and security challenges, the elections are an opportunity for citizens to select the leader they believe will best protect their interests.

## Who are citizens voting for on Election Day?

The general elections will select the president of the Republic, 484 members of the National Assembly,<sup>3</sup> 715 members of Provincial Assemblies,<sup>4</sup> and 311 municipal council members.

In total, 101,202 candidates are vying for 1,511 open positions across the country at the national, provincial, and municipal levels.

## What is the electoral system?

The president of the DRC is elected through a first-past-the-post (FPTP) system. Under the 2006 Constitution, the president is elected to serve a maximum of two five-year terms. In the FPTP system, voters choose one name from a list of all nominated presidential candidates.<sup>5</sup> The candidate who receives the most votes wins the election.

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<sup>2</sup> [Record High Displacement in DRC at Nearly 7 Million](#). (n.d.). International Organization for Migration.

<sup>3</sup> More than 1 million people in three territories (Kwamouth, Masisi, and Rutshuru) in eastern DRC do not have voter cards and will be unable to vote in the December 20 elections. These territories are represented by 16 seats. Voters will be registered, and elections for these seats held, as soon as the security situation allows.

<sup>4</sup> An additional 65 seats will be allocated to customary chiefs.

<sup>5</sup> [First Past The Post \(FPTP\)](#). (n.d.). Aceproject.org.

Members of national and provincial assemblies and municipal officials are elected through direct universal suffrage for renewable five-year terms. Per Article 118 of the electoral law,<sup>6</sup> voting in constituencies where one seat is to be filled is by simple majority; the candidate who receives the highest number of votes is declared elected. Voting in constituencies with two or more seats to be filled is by open list proportional representation with a single preferential vote, using the highest remainder rule.

## What is the legal framework for conducting the elections?

The legal framework<sup>7</sup> for conducting the elections includes the instruments listed below (this list is not exhaustive).

1. The 2006 Constitution<sup>8</sup>;
2. Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal, and Local Elections<sup>9</sup> (the Electoral Law);
3. Organic Law N° 10/013 of July 28, 2010, on the Organization and Operation of the Commission Électorale Nationale Indépendante (CENI)<sup>10</sup>;
4. Law N° 04/028 of December 24, 2004, on the Identification and Registration of Voters in the Democratic Republic of Congo;<sup>11</sup>
5. CENI Decision No. 36/CENI/AP/2022 of August 25, 2022, on Measures to Implement the Electoral Law<sup>12</sup>;
6. Law N° 04/002 of March 15, 2004, on the Organization and Functioning of Political Parties<sup>13</sup>;
7. Law N° 08/005 of June 10, 2008, on the Public Financing of Political Parties<sup>14</sup>; and

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<sup>6</sup> Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal and Local Elections, as amended and supplemented by Law No. 11/003 of June 25, 2011; Law N° 15/001 of February 12, 2015; Law N° 17/013 of December 24, 2017; and [Law N° 22/029 of June 29, 2022](#).

<sup>7</sup> The Carter Center published a full list of the [instruments comprising the electoral legal framework](#) in 2018. Amendments have been made to the legal framework and new laws enacted since the 2018 general elections.

<sup>8</sup> Modified by Law N° 11/002 of January 20, 2011, relating to the revision of certain articles of the [Constitution of the Democratic Republic of Congo](#), of February 18, 2006.

<sup>9</sup> [Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal and Local Elections](#), as amended and supplemented by [Law N° 11/003 of June 25, 2011](#); Law N° 15/001 of February 12, 2015; Law N° 17/013 of December 24, 2017; and [Law No. 22/029 of June 29, 2022](#).

<sup>10</sup> [As modified and supplemented by Organic Law N° 13/012 of April 19, 2013, and Organic Law N° 21/012 of July 3, 2021](#).

<sup>11</sup> As amended and supplemented by [Law No. 16/007 of June 29, 2016](#).

<sup>12</sup> [Decision N° 36/CENI/AP/2022 of August 25, 2022, Implementing Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal, and Local Elections, as amended and supplemented by Law N° 11/003 of June 25, 2011, Law N° 15/001 of February 12, 2015, Law N° 17/013 of December 24, 2017, and Law N° 22/029 CTOR of June 29, 2022](#).

<sup>13</sup> [Loi N° 04/002 du 15 Mars 2004 Portant Organisation et Fonctionnement des Partis Politiques](#).

<sup>14</sup> [Loi n° 08/005 du 10 juin 2008 portant financement public des partis politiques](#).

8. Law N° 23/025 of June 15, 2023, on the Distribution of Seats by Electoral District for Legislative, Provincial, Municipal and Local Elections.<sup>15</sup>

In June 2022, nine amendments were introduced to the electoral legal framework. These include:

- Inclusion of gender provisions in candidate lists, in accordance with Article 14 of the Constitution;
- The distinction between definitive ineligibility for serious crimes, genocide, crimes against humanity and war crimes, and temporary ineligibility for other offenses;
- The CENI's obligation to post results at the polling and tabulation center level and on its website;
- The CENI's obligation to publish electoral mapping 30 days before the start of the election campaign; and
- The CENI's obligation to ensure the transmission of envelopes intended for the courts and tribunals before the processing of disputes.

These reforms will be implemented for the first time in the 2023 elections.

## **What is the election management body? What are its powers?**

The DRC's election management body is the Independent National Electoral Commission (Commission Électorale Nationale Indépendante, CENI).

The functions of the CENI are outlined in Article 211 of the 2006 Constitution, Law N° 06/006 of March 9, 2006, and Organic Law N° 10/013 of July 28, 2010. These include organizing electoral processes, including voter registration, maintaining the electoral register, overseeing voting operations, counting votes, and announcing preliminary results.

## **What are the campaign expenditure and donation limits?**

Per Article 6 of the 2006 Constitution, the Finance Act, and Law N° 08/005 of June 10, 2008, political parties may receive public funds from the state to finance their electoral campaigns or activities. Further, public funds are available to supplement political parties' own resources and are subject to conditions defined by law.

Public financing cannot be less than 0.5 percent or more than 1 percent of the state's total national revenue, and state contributions to political parties are set at 2 percent of available revenue. Political parties must be represented in at least one of the deliberative assemblies, submit written requests to the Institutional Commission as provided for in the Finance Act, and declare their operating expenses no later than March 31 of each year and their election expenses no later than three months after the election to be eligible for public funding.

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<sup>15</sup> [Loi N°23/025 du 15 Juin 2023 Portant Répartition des Sièges par Circonscription Électorale pour les Élections Législatives, Provinciales, Municipales et Locales](#). (n.d.). [www.ceni.cd](http://www.ceni.cd).

## **What provisions are in place that support the equal rights of women, persons with disabilities, and other marginalized groups?**

Amendments to the Electoral Law in 2022 and 2023 introduced provisions addressing the inclusion of women, people with disabilities, and other vulnerable or marginalized populations in political life. Recently adopted articles support the active participation of marginalized communities by promoting the protection of their rights and incentives for political parties. The Commission Électorale Nationale Indépendante (CENI) has also taken steps to encourage the participation of persons with disabilities in the electoral process through the following:

- 2006 Electoral Law,<sup>16</sup> Article 13: The inclusion of persons with disabilities on the electoral lists of political parties and groupings;
- Law No. 15/013,<sup>17</sup> Article 5: Political parties must take gender equality into account when drawing up electoral lists, in accordance with the conditions laid down in the electoral law;
- 2022 Electoral Law,<sup>18</sup> Article 13: Political parties and groups that include women as 50 percent of the submitted candidate list are exempt from the filing fee;
- Organic Law No. 22/003,<sup>19</sup> Articles 3 and 4: The promotion and protection of the rights of persons with disabilities;
- Organic Law No. 22/003, Article 30<sup>20</sup>: The states must implement appropriate measures to ensure that persons with disabilities can exercise their right to freedom of expression and opinion;
- CENI Decision on Measures to Implement the Electoral Law,<sup>21</sup> Article 30: Provides further incentives to strengthen the consideration of women as candidates in political parties and groupings;
- Law No. 22/330<sup>22</sup>: The promotion and protection of Pygmy indigenous populations that facilitates participation in political life and decision-making;
- A sign language electoral lexicon developed by the CENI, and the recruitment of two advisors (hearing impairment specialists) in charge of ensuring the inclusion of persons with disabilities in the electoral process.

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<sup>16</sup> [Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal and Local Elections.](#)

<sup>17</sup> [Law N° 15/013 of August 1, 2015 on the application of women's rights and parity.](#)

<sup>18</sup> [Law N° 22/029 of June 29, 2022.](#)

<sup>19</sup> [Organic Law N° 22/003 of May 3, 2022, on the protection and promotion of the rights of people.](#)

<sup>20</sup> *Id.*

<sup>21</sup> [Decision N° 36/CENI/AP/2022 of August 25, 2022, Implementing Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal, and Local Elections, as amended and supplemented by Law N° 11/003 of June 25, 2011, Law N° 15/001 of February 12, 2015, Law N° 17/013 of December 24, 2017, and Law N° 22/029 CTOR of June 29, 2022.](#)

<sup>22</sup> [Law N° 22/030 of July 15, 2022, on the Protection and Promotion of the Rights of Indigenous Pygmy Peoples.](#)

## **Who can observe during Election Day? How can they get accreditation?**

For these elections, the Commission Électorale Nationale Indépendante (CENI) provided for increased accreditation of short- and long-term observers. For the first time in the DRC, accredited domestic organizations can observe during the voter registration period.

Observers include any Congolese citizens or foreigners sponsored by an international or national organization that the CENI accredits.<sup>23</sup> Accredited observer organizations include the African Union, the Carter Center, the Economic Community of Central African States, the National Episcopal Conference of the Congo, and the Church of Christ in Congo.

Party agents include any Congolese representative of a political party, a political grouping, or an independent candidate accredited by the CENI.<sup>24</sup>

## **Will technology be used in these elections?**

Per Article 47 of the 2006 Election Law, voting can be manual, semi-electronic, or electronic. However, for the second time in its history, the Commission Électorale Nationale Indépendante (CENI) will use a semi-automatic process, with electronic voting machines (*Dispositifs Électroniques de Vote*) for the 2023 elections.

## **Is out-of-country voting allowed?**

For the 2023 elections, the Commission Électorale Nationale Indépendante will organize out-of-country voting. Registered Congolese voters in Belgium, Canada, France, South Africa, and the United States can vote in the presidential election for the first time.

## **What is the process for vote counting and tabulation?**

At the close of the polls, each polling station will count the ballots received there. Valid ballots are those printed by the Dispositifs Électroniques de Vote and cast in ballot boxes by voters. Ballots will be counted in the presence of party agents, observers, journalists, and five voters selected randomly by the president of the polling station.<sup>25</sup> For the first time, the Electoral Law requires all results be posted outside each polling station and tabulation center, as well as on the Commission Électorale Nationale Indépendante website. Each polling station will provide copies of the results to the president of the polling center, who in turn will bring the results to the tabulation center located in each electoral district. Tabulation center results are transmitted electronically to CENI headquarters.

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<sup>23</sup> 2006 Electoral Law, Article 42.

<sup>24</sup> 2006 Electoral Law, Article 37.

<sup>25</sup> 2006 Electoral Law, Article 62; 2022 Electoral Law, Article 71.



## When will official results be announced?

Preliminary results of the presidential elections will be announced no later than December 31. The Constitutional Court will announce the final presidential results no later than January 10, 2024.

Provisional results for the national and provincial assembly elections will be announced by January 3, 2024, and local council elections by February 4, 2024.

## How will election disputes be adjudicated?

Per Article 73 of the 2006 Election Law, any political party or group of political parties that puts forward candidates, or an independent candidate or his or her representative, can challenge election results within three days of the announcement of results by the Commission Électorale Nationale Indépendante (CENI). Similarly, the results of legislative, provincial, urban, communal, and local elections can be challenged within eight days of the announcement of results by the CENI.

Article 74 of the 2022 Election Law provides for the adjudication of petitions challenging election results at three levels:

- The Constitutional Court, for presidential and legislative elections;
- The Administrative Court of Appeal, for provincial elections; and
- The Administrative Court, for urban, communal, and local elections.

Under Article 73 of the 2022 Electoral Law, appeals of decisions related to presidential elections must be adjudicated within seven days from the date of referral to the Constitutional Court. All other levels have two months to adjudicate appeals. The decisions of the Constitutional Court are not subject to appeal.<sup>26</sup>

If appeals are declared inadmissible or unfounded, the final election results are announced by the Constitutional Court (for presidential and legislative elections), the Administrative Court of Appeal (for provincial elections), or the Administrative Court (for urban, communal, and local elections).

## Resources

- Electoral Law: [Law N° 06/006 of March 9, 2006, on the Organization of Presidential, Legislative, Provincial, Urban, Municipal and Local Elections](#) and [Law No. 22/029 of June 29, 2022](#)
- [Law N° 23/025 of June 15, 2023, on the Distribution of Seats by Electoral District for Legislative, Provincial, Municipal and Local Elections](#)
- [Questions & Answers on the Electoral Process Vol II: Post Voter Registration Period \(in English\)](#)
- [Questions & Answers on the Electoral Process Vol V: Duplicate Voter and Electronic Voting Device \(DEV\) \(in French\)](#)
- [Electronic Voting Device \(DEV\) Sensitization video \(in French\)](#)

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<sup>26</sup> 2022 Electoral Law, Article 74 quinquies

- [Elections Calendar](#)
- [Photo of DEV and ballot](#)
- [Initiative pour les Reformes, la reussite et Viabilité Electorale \(iRÊVE Network\) flyer](#)
- [CENI Website](#)

## **About IFES in the Democratic Republic of the Congo**

The International Foundation for Electoral Systems (IFES) currently implements the USAID/DRC–Funded Electoral Integrity Activity (DEIA). This Consortium for Elections and Political Process Strengthening project is implemented in coordination with the International Republican Institute. Following the leadership renewal of the Commission Électorale Nationale Indépendante (CENI) in early 2022, IFES assisted the CENI to develop and adopt a 2022–2026 strategic plan that is anchored in improving the commission’s credibility and service quality, rebuilding electoral stakeholders’ trust in the institution, and greater inclusion of previously marginalized populations. IFES has also assisted the new leadership to relaunch wider-ranging stakeholder dialogue forums. In parallel, IFES is assisting civil society organizations (CSOs), including youth-led, women-led, and disabled peoples’ organizations, to advocate effectively for citizen priorities in legal reforms for timely, credible, and inclusive elections. With IFES’s assistance, CSOs formed the nationally representative Initiative pour les Reformes, la reussite et Viabilité Electorale (iRÊVE Network) to advocate for transparent and inclusive elections in 2023 and beyond.

Throughout the DEIA, IFES has contributed to improving gender and social inclusion in electoral processes. IFES has remotely trained over 100 women leaders and gender activists on electoral reform advocacy. In addition, IFES produced a comparative report on inclusion practices by African electoral management bodies. Its findings have been widely disseminated among electoral stakeholders. Using the findings, IFES works with the CENI and the DRC’s Ministry for Persons Living with Disabilities to spearhead initiatives for greater inclusion in the 2023 electoral process.

## **Disclosure**

These FAQs reflect decisions made by the Commission Électorale Nationale Indépendante as of December 15, 2023 to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

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