

democracy *at* large

**ELECTION LAW REFORM IN YEMEN:  
FINAL REPORT ON THE PUBLIC  
POLICY DIALOGUES, JANUARY 2004 –  
JANUARY 2005**

**MARCH 2005**



This project was funded through grants from the United States Agency for International Development (USAID) and the Middle East Partnership Initiative (MEPI)

## Contents

<b>1. Executive Summary</b>	<b>3</b>
<b>2. Introduction</b>	<b>4</b>
<b>3. Election Law Reform in Yemen, Phase Two</b>	<b>5</b>
<b>4. The Issues</b>	<b>6</b>
A. Composition of Election Committees	6
B. Voter Registration	12
C. Boundary Delimitation	16
D. Nomination of Candidates	18
E. Voting and Counting Processes	23
F. Election Campaigns and Finances	26
G. Other Matters Relating to the Election Law	29
H. Other Matters Relating to Local Council Elections	37
<b>Annexes</b>	
Annex 1: List of Recommendations	41
Annex 2: List of Participants in Phases One and Two of the Public Policy Dialogue	48
Annex 3: Draft General Elections and Referendum Law with amendments recommended by IFES	50

## **1. EXECUTIVE SUMMARY**

While the 2003 parliamentary elections in Yemen were generally well-conducted and a significant improvement on previous elections, they demonstrated that amendments needed to be made to the election law to improve the impartiality and transparency of the electoral process and to deal with a number of omissions, procedural gaps and technical contradictions. These matters need to be addressed before the presidential and local council elections scheduled for 2006.

In January 2004, IFES completed an in-depth analysis of Yemen's election law, and identified five priority areas that need addressing before the 2006 elections: the statutory voter registration update schedule, dispute resolution mechanisms, the ballot counting venue, the process for appointing members of election Sub-committees, and local council election procedures. With the funding support of The United States Agency for International Development (USAID), IFES then launched the first phase of a public policy dialogue through a series of meetings with a broad range of stakeholders to discuss options for reforming the election law in each of the five priority areas. IFES' report on this process was issued in August 2004.

Phase Two of the election law reform dialogue took place between October 2004 and January 2005, with the funding support of the Middle East Partnership Initiative (MEPI), using the same consultative process with a broad range of stakeholders as was used in Phase One. The discussions in Phase Two concentrated on a number of election law reform matters that were not discussed in Phase One, although inevitably there was some overlap. Stakeholders were also encouraged to raise other issues.

Part 4 of this report covers the matters discussed in Phase Two and some of the outstanding matters from Phase One, in eight sections. The first six sections deal with the following topics:

- composition of election committees;
- voter registration;
- boundary delimitation;
- nomination of candidates;
- voting and counting processes; and
- election campaigns and finances.

In each section, some background information and recommendations are provided concerning any matters discussed in Phase One, the issues and options discussed with stakeholders in Phase Two, a summary of the views of stakeholders, and an outline of IFES' conclusions and recommendations for amendments to the election law or for action by the Supreme Commission for Elections and Referendum (SCER). The seventh section includes proposals for a number of more technical amendments to the election law, summarizes stakeholders' comments, and states IFES' recommendations. The final section covers three issues relating to local council elections, two of which were discussed in Phase One of the project. Annex 1 to this report lists the recommendations, Annex 2 lists the participants in Phases One and Two of the public policy dialogue process, and Annex 3 provides a draft election law incorporating the amendments recommended in this report.

## 2 INTRODUCTION

The Republic of Yemen has taken the lead in forging a path of political liberalization on the Arabian Peninsula. The election process has been a central feature of this liberalization since Yemen's leaders determined that multi-party elections were critical to ensure broad-based legitimacy for new government institutions in the unified country. This has involved introducing universal adult franchise and a multi-party system, and establishing a permanent, independent electoral commission, the Supreme Commission for Elections and Referendum (SCER), to conduct elections and referenda.

Yemen held parliamentary elections in 1993, 1997 and 2003. There were constitutional referenda in 1994 and 2001. A presidential election was held in 1999, and there were local council elections in 2001. Simultaneous presidential and local council elections are due to be held in 2006, and simultaneous parliamentary and local council elections will be held in 2009.

International and domestic election observers found that the 2003 parliamentary elections were, in general, well conducted. These elections demonstrated, however, that Yemen's election law contained a number of omissions, procedural gaps and technical contradictions which need to be addressed before the presidential and local council elections scheduled for 2006, and that amendments to the law were also necessary to improve the impartiality and transparency of the electoral process.

In January 2004, with USAID Rule of Law funding, IFES launched the first phase of an election law reform project. IFES completed an in-depth, article-by-article review of Yemen's electoral law. This review compared Yemen's law with international norms and standards for election procedures, and identified five areas where legislative amendments would strengthen Yemen's administration of presidential and local council elections scheduled for 2006. The five areas of the law were as follows:

1. Statutory voter registration update schedule;
2. Dispute resolution mechanism;
3. Ballot counting venue;
4. Election Sub-committees appointment process; and
5. Local council election procedures.

The IFES review was distributed to the Supreme Commission for Elections and Referendum (SCER), senior members of the Government of Yemen, political party representatives, representatives of the diplomatic and international donor communities, and local and international NGOs for consideration. This review started the process of debate concerning election law reform in Yemen, and served as the basis of discussions held in February and March 2004 with a full range of stakeholders in Yemen's electoral process.

Acknowledging the importance of transparency and stakeholder participation in the law reform process, IFES launched a public policy dialogue with the support of the SCER, key decision makers, and influential civil society representatives. During a series of meetings with a broad range of stakeholders in February 2004, IFES discussed the project's goals and reached agreement on how this public policy dialogue would be implemented. In these discussions, it was agreed that provisions mandated and/or protected by Yemen's constitution were beyond the scope of the project and, therefore, would not be addressed as part of the public policy dialogue.

IFES' developmental approach to promoting election law reform in Yemen incorporates international norms and lessons learned from similar IFES projects in other countries. In Yemen, IFES implemented country-tailored approaches designed to:

1. Strengthen Yemen's election procedures by developing workable alternatives that take into account stakeholders' concerns and are consistent with international norms and standards.
2. Provide a neutral venue for stakeholders to express their concerns about practical operations in these areas and present their suggestions for improvements.
3. Generate stakeholder buy-in to transparent, participatory approaches to law reform as part of strengthening democratic governance.
4. Offer comparative examples of how specific areas of election law have been handled in other developing democracies.

This initiative launched a larger election law reform project through three rounds of discussions in March 2004 with key stakeholders in the electoral process. These discussions showed that stakeholders were eager to expand the policy dialogue within the existing parameters and move further in the process of election law reform. IFES hosted these discussions in its Sana'a office. In order to create a relaxed atmosphere in which open discussion could occur, IFES decided not to include the press and not to identify publicly the opinions of particular stakeholders. IFES' report, *Electoral Law Reform in Yemen Phase One – Launching a Public Policy Dialogue*, was issued in August 2004 and presented to the SCER and other stakeholders. Specific recommendations arising from that report are included in Part 4 of this final report.

### **3 ELECTION LAW REFORM IN YEMEN, PHASE TWO**

Phase Two of the project was conducted from October 2004 to January 2005, with MEPI funding support.<sup>1</sup> This phase was designed to obtain stakeholders' views on election law reform matters that were not discussed in Phase One, although inevitably there was some overlap between the issues discussed in each phase. IFES identified the matters for discussion in Phase Two in several ways: through analysis of the current election law, from the SCER's book on the 2003 election,<sup>2</sup> from international NGOs' reports on the 2003 election,<sup>3</sup> from stakeholders' comments during Phase One of the project, and from discussions with participants in a recent IFES analysis of Yemen's electoral system.<sup>4</sup> Stakeholders were also encouraged to raise other issues.<sup>5</sup>

The methodology used was generally the same as that used successfully in Phase One, although the number and range of the issues discussed meant that several meetings with some stakeholders were sometimes necessary for adequate coverage of all the issues. As in

---

<sup>1</sup> In March 2005, IFES will begin a similar MEPI-funded project to review Yemen's Law No. 66 (1991) Governing Parties and Political Organizations.

<sup>2</sup> Republic of Yemen, Supreme Commission for Elections and Referendum, *2003 Parliamentary Elections. Documentation of Boundary Delimitation, Voter Registration and Election Results*, Sana'a, December 2004.

<sup>3</sup> IFES, *IFES Yemen Post-Electoral Assessment*, May 2003; National Democratic Institute (NDI), *April 27, 2003 Parliamentary Elections In Yemen: Final Report*; United Nations Development Programme (UNDP), *Electoral Support Project for the Supreme Commission for Elections and Referenda of Yemen: Final Report*; UNDP, *Electoral Needs Assessment*, February 2004.

<sup>4</sup> IFES, *MENA Strategy for Election Support, Yemen: A Technical Analysis and Needs Assessment of the Electoral System*, September 2004.

<sup>5</sup> See Annex 2 for a list of the participants in Phases One and Two.

Phase One, the press was not included in the discussions and this report does not identify the opinions of particular stakeholders.

The issues discussed with stakeholders fall into the following categories:

- A. Composition of election committees
- B. Voter registration
- C. Boundary delimitation
- D. Nomination of candidates
- E. Voting and counting processes
- F. Election campaigns and finances
- G. Other matters relating to the election law
- H. Other matters relating to local council elections

## 4 THE ISSUES

This Part presents, for each category, the issues discussed in Phase Two and any outstanding matters discussed in Phase One relevant to the category. Unless otherwise stated, article references are to The General Elections and Referendum Law No. (13) 2001. The first option presented to stakeholders in Phase Two represents the status quo, and the other options were developed as ways of dealing with the issue in question. Stakeholders were encouraged to propose other options. IFES' recommendations are reflected in draft amendments to the election law in Annex 3, and are aimed at achieving a more impartial and transparent electoral process and at technical improvements to the law.<sup>6</sup> Article references in square brackets in the recommendations are to the draft amended law in Annex 3.

### A. COMPOSITION OF ELECTION COMMITTEES

#### (i) BACKGROUND

In order to run an election, the SCER appoints a number of committees at the governorate, constituency, and polling station levels, as outlined in the following table:<sup>7</sup>

Level	Committee	Main election responsibilities
governorate	Supervisory Committee	<ul style="list-style-type: none"> <li>• supervises training of Main Committees and Sub-committees<sup>8</sup></li> <li>• oversees financial and operational work of Main Committees and Sub-committees</li> <li>• resolves technical, financial and legal disputes concerning the work of Main Committees and Sub-committees</li> <li>• liaises between the SCER and courts, ensures court orders are implemented</li> </ul>

<sup>6</sup> The final amendments to the law will, of course, be prepared by professional law drafters. The election law as a whole needs to be redrafted to simplify the language and the structure, but no systematic attempt has been made to do so as part of this project and the drafting of the recommended amendments in Annex 3 largely follows the existing state of the law.

<sup>7</sup> A similar committee structure is used for registering voters.

<sup>8</sup> Although this summary of the Supervisory Committees' responsibilities is taken from the SCER's voter registration manual, they appear to be of more general application.

<b>Level</b>	<b>Committee</b>	<b>Main election responsibilities</b>
constituency	Main Committee	<ul style="list-style-type: none"> <li>• receives and validates candidate nominations (except presidential)</li> <li>• conducts the election in the constituency</li> <li>• aggregates votes from First Sub-committees and declares the result</li> <li>• receives ballot boxes and records and transfers them to the SCER</li> </ul>
polling center	First Sub-committee (which is also a Sub-committee for a male polling unit, and acts as the Main Committee in local council elections)	<ul style="list-style-type: none"> <li>• maintains order at polling center</li> <li>• receives ballot boxes from male and female Sub-committees</li> <li>• counts votes and decides on validity of votes</li> <li>• aggregates votes and sends result to Main Committee</li> <li>• sends ballot boxes and records to Main Committee</li> </ul>
male/female polling unit within a polling center	Sub-committee	<ul style="list-style-type: none"> <li>• issues and receives votes</li> <li>• maintains order in polling unit</li> <li>• delivers ballot boxes and documentation to First Sub-committee</li> </ul>

Each Supervisory Committee, Main Committee and Sub-committee consists of a head and 2 members. The law makes the SCER responsible for appointing all the heads and members of the committees, for developing and announcing appropriate selection criteria for these appointments (Article 24, Clauses (d) and (e)), and for determining the jurisdictions and scope and functions of the committees. The qualifications of committee members are stated in Article 26 of the election law. No committee may be formed exclusively by members of one political party or organization (Article 26(d)), although it is possible to have a committee with a majority of members from allied or aligned parties. All committees are subject to the authority of the SCER.

The compositions of the committees for voter registration in 2002 and to conduct the election in 2003 were complex and difficult issues. The SCER decided to leave the formula for party representation on the committees to be negotiated by the parties. Despite the assistance of UNDP, IFES and NDI, negotiations between parties concerning the composition of voter registration committees were lengthy and delayed the start of voter registration. There were widespread perceptions that parties managed the 2003 election in their own interests through their memberships of the election committees

*(ii) ISSUES DISCUSSED IN PHASE ONE*

(a) Appointments to Election Committees

Three options were put to stakeholders concerning the composition of election committees:

1. form committees from non-partisan persons plus representatives of parliamentary parties and parties that won a specified percentage of the votes in the previous election, with the party representatives being either non-voting members or having diminished but equal votes adding to one less than the combined votes of the non-partisan members of the committee;
2. form committees from representatives of parliamentary parties and parties that won a specified percentage of the votes at the previous election;
3. form committees from non-partisan persons, but allow parties to appoint observers with rights to information about the proceedings of the committees.

Stakeholder opinions were divided, although all saw a link between this issue and the need for an effective process for dealing with election disputes and enforcing the election law. If such a system were in place, some participants favored no party representatives on voter registration and election committees. Others were skeptical about finding sufficient non-partisan people to be members of committees, and preferred more balanced party representation on all committees and Sub-committees. Other representatives believed strongly that party representation on committees was the best way to guarantee the integrity of the electoral process.

An examination of the English translations of the election laws available in IFES' Arab Election Law Compendium ([www.arabelectionlaw.net](http://www.arabelectionlaw.net)) shows that Yemen's election law is unusual for the region in allowing party representatives to be members of voter registration and election committees, although observation of the voting processes by candidate representatives is common. Some countries require judicial representation on higher-level committees (e.g. Egypt, Palestine, Lebanon), whereas Sudan's law requires that members have a reputation for impartiality and honesty. Jordan forms voter registration and polling station committees from government employees, and Egypt requires the secretaries of polling station committees to be public sector workers. Polling station committees in Palestine are appointed by the Central Election Committee, although the law does not state the criteria for membership. Some members of polling station committees are appointed from among voters (e.g. Palestine, Lebanon; Egypt does so for a referendum). It is, of course, possible that there is party representation or influence on election committees in some countries, even though there are no explicit provisions for party representation in the election law.

Some of the recommendations below are intended to reduce perceptions of partisan influences in the work of voter registration and election committees, or to provide remedies where it is thought that such influences may have occurred. While it may not be feasible at this point for Main Committees and Sub-committees to be composed entirely of non-partisan persons,<sup>9</sup> it is important that the SCER fulfill its statutory obligation under Article 24(e) to 'determine' and announce the criteria for selection of heads and members of committees in accordance with the requirements of Articles 24(d) and 26 of the law.<sup>10</sup> The SCER must take the lead concerning the composition of voter registration and election committees, and it should announce its decisions well before committees must be formed and trained for the next voter registration process, which is expected to begin in late 2005. If the SCER can devise an equitable formula for party representation on Main Committees and Sub-committees, the SCER should include that formula in the election by-law.

#### Recommendation

1. That, pursuant to Article 24(e), the SCER determine and announce the selection criteria for chairs and members of voter registration and election committees for the 2006 elections as soon as practicable.

#### (b) Main Committee Structure for Local Elections

Another issue discussed in Phase One of the IFES project concerned the structure of Main Committees for the 2006 elections for the President, governorate councils, and local councils of administrative districts. A large number of Main Committees would be required under

---

<sup>9</sup> There were 34,623 chairs and members of Main Committees and Sub-committees for voter registration in 2002, and 77,487 chairs and members of Main Committees and Sub-committees for the conduct of the 2003 parliamentary elections.

<sup>10</sup> Note that Recommendations 3, 4, 5 and 6 below propose amendments to Articles 24(d), 26 and 27 of the law concerning the composition of committees.

current law, which adds to costs and dilutes the administrative expertise available to conduct the elections. The simultaneous elections in 2006 will add significantly to their procedural complexities, and will make it even more important that the SCER ensure there is adequate training of Sub-committees in vote issuing, counting, and reporting procedures. It is also likely to mean an increase in the numbers of candidate representatives at voting centers and significant public and political scrutiny of voting procedures.

It seems simpler where possible to use the same administrative structure to conduct all three types of election. Participants in Phase One discussed two ways in which this could be done:

1. make one main body in each local council district responsible for conducting the elections for the governorate council and for the local council elections within that district and for conducting the presidential election within that district; or
2. allow the SCER to appoint a Main Committee to conduct elections in more than one center according to local circumstances.

Stakeholder opinions were divided with some favoring a change to a single Main Committee for each council, whereas others supported the current law.

The appropriate committee structure when local council elections are combined with presidential elections (as in 2006) or with parliamentary elections (as in 2009) should be determined according to local conditions. Hence it is proposed that the law should give the SCER the flexibility it needs to determine the structure of committees for conducting local council elections simultaneously with presidential or parliamentary elections.

#### **Recommendation**

2. That the SCER have flexibility to determine the number and functions of the election committees when local council elections are held simultaneously with presidential or parliamentary elections. [Article 78(b)]

### *(III) ISSUES DISCUSSED IN PHASE TWO*

#### **Issue 1 Should the law prevent a party or allied parties from having a majority on a Supervisory Committee, Main Committee, or Sub-committee for voter registration and the conduct of elections?**

Option 1: No change – the law says committees cannot be formed ‘exclusively’ from one political party or political organization.

Option 2: Amend the law to prevent any party or a grouping of allied parties from having a majority on a Supervisory Committee, Main Committee, or Sub-committee.

#### **Summary of Stakeholder Discussions**

Participants’ opinions were evenly divided. Comments included –

- The law should state a formula for the composition of committees, e.g. 20% distributed equally among all parties, 50% distributed among parties according to votes gained at the previous election, 30% to SCER.<sup>11</sup>

<sup>11</sup> In 2002 IFES, NDI and UNDP proposed that one-third of the membership of the committees would be allocated to the ruling party coalition, one-third to the opposition coalition, and one-third to the SCER. The ruling party the General People’s Congress (GPC), did not agree with this formula, however, and the final agreement resulted in the following shares of committee seats: GPC 44%; the parties in the Joint Meeting alliance 40%; the parties of the National Opposition Council and other parties 8%; and the SCER 8%. See NDI, *April 27, 2003 Parliamentary Elections in Yemen: Final Report*, p. 11. For the membership shares of individual parties on the committees for voter registration and the election, see SCER, *2003 Parliamentary Elections*.

- The SCER should appoint non-partisan people to Supervisory Committees.
- Option 2 could require legal recognition of informal party alliances.

### **IFES Conclusions and Recommendations**

Perceptions that the functions of the Supervisory Committees are carried out in an independent and impartial manner would be improved if the SCER appointed non-partisan people to those committees. (Note that Recommendation 5 proposes that the membership of the Supervisory Committees be increased to five, including two women.)

The intention of the current requirement that committees not be formed ‘exclusively’ from one political party is to avoid the possibility that a committee formed entirely from one party could be perceived as favoring that party’s voters or candidate. However the same perception could arise if a single party or aligned parties had a majority on the committee. Option 2 would ensure political representation on Main Committees and Sub-committees, but without a majority from a single party or a majority from a grouping of aligned parties. It seems the only way to prevent the latter without introducing legal recognition of party alliances is to make the SCER the judge of whether, in the circumstances, parties are to be regarded as allied or aligned.

#### Recommendations:

3. That all chairs and all members of Supervisory Committees be non-partisan. [Article 27(b)]
4. That no Main Committee or Sub-committee have –
  - (a) a majority of members from one party; or
  - (b) a majority of members from parties that are, in the opinion of the SCER, allied or aligned. [Article 24(d)]

### **Issue 2 Should the law require the SCER to include specified quotas of women in its appointments to Supervisory Committees and Main Committees?**

Option 1: No change – the law requires the SCER to determine and announce selection criteria for heads and members of committees in accordance with the legal requirements, but does not specify quotas for membership.

Option 2: Amend the election law to require the SCER to appoint specified quotas of women to Supervisory Committees and Main Committees.

### **Summary of Stakeholder Discussions**

All participants recognized the need to increase women’s participation in Supervisory Committees and Main Committees. Opinions were evenly divided on the best way to achieve this goal. Participants’ comments included the following:

- Quotas stated in the law would be inflexible and difficult to implement given different cultural practices in various areas of Yemen.
- The SCER could set quotas under current law if it wished to do so, although having the quota in the law would compel parties to comply.
- The SCER could promote an agreement among parties (e.g. through a code of conduct) to nominate women to committees.
- The membership of each Supervisory Committee should be increased to 5, including at least 2 women.

- The SCER should not assign women nominated by parties to committees in areas where they do not live.

### **IFES Conclusions and Recommendations**

Although women's Sub-committees are involved in voter registration and in running the women's polling stations, there is a conspicuous lack of women members at the Supervisory Committee and Main Committee levels. Part of the problem is that a woman can face difficulties if she is the only female member of a committee if, for example, it has to carry out some of its duties at night.

An increase in the number of members of each Supervisory Committee is desirable in view of the workloads these committees face, and the increase also allows at least two women to be appointed to each committee, whether as chair or as a member.<sup>12</sup> IFES proposes that each Main Committee have at least one woman member, and that the difficulties referred to above be overcome by allowing a woman member of a Main Committee to be accompanied by another woman or by a family member to act as a companion when she carries out her duties.<sup>13</sup> Requiring women to be members of Supervisory Committees and Main Committees by law will also assist in making women more visible in the electoral process.

The law should also include provisions similar to those currently in the law and those proposed for Main Committees and Sub-committees (see Articles 94(c), 95; Recommendations 26, 27) that allow a Supervisory Committee to carry out its duties if a member or the Chairman is absent, require a committee to designate a secretary from among its members, and allow a member to refuse to sign the minutes provided he or she enters a statement of the reasons for refusal into the committee's records.

#### Recommendations:

5. That –
  - (a) each Supervisory Committee consist of a Chairman and four members, including at least two women from the governorate concerned;
  - (b) a Supervisory Committee be able to carry out its duties if one of its five members is absent;
  - (c) in the absence of the Chairman of a Supervisory Committee and in the event that he has not designated a deputy, the oldest member of the Committee shall replace him until a substitute is appointed;
  - (d) a Supervisory Committee designate from among its members a secretary to record the minutes, to be signed by the Chairman and members of the committee and then to be stamped by the numbered seal allotted to the Committee by the Supreme Commission;
  - (e) a member of a Supervisory Committee have the right to refuse to sign the Committee's minutes provided he or she enters a written statement of the specific reasons for refusal in the Committee's records. [Articles 26(b), 26(d), 27(b), 27(c)]
6. That –
  - (a) the membership of each Main Committee must include at least one woman from the constituency concerned;
  - (b) when a woman member of a Main Committee is carrying out her duties as a

<sup>12</sup> See also Recommendation 3, that all chairs and members of Supervisory Committees be non-partisan.

<sup>13</sup> As the table on pages 67 shows, the Main Committee for a local council election is also a male First Sub-committee. Recommendation 2 proposes that the SCER ensure it has the flexibility in the Main Committee structure that it may need when local council elections are combined with presidential or parliamentary elections. Recommendation 6 would not apply if the First Sub-committee remains as the Main Committee for local council elections.

member of the Committee, she may be accompanied by another woman or by a family member to act as a companion, provided that the companion must take no part in the proceedings of the Committee, must not influence the member of the Committee, and must not disclose any information he or she may acquire in carrying out the role of a companion. [Articles 24(d), 128(b)]

## **B. VOTER REGISTRATION**

### *(i) BACKGROUND*

By Articles 3 and 4(a) of the General Elections and Referendum Law, a Yemeni citizen aged 18 and over is eligible to vote in the constituency of his or her 'voting domicile', which Article 2(d) states as 'the usual place of residence of a person, or where this person has his main place of work, or the residence of his family even if he does not reside in it'. A person may only register as a voter at one electoral center and may only vote at that center (Article 4(a)). Eligible voters themselves take the initiative to be registered, and are not required to do so by law.

By Article 9(a), the Main Committee and Sub-committees in each constituency are responsible for preparing the 'permanent Voters List' in accordance with instructions issued by the SCER. The List shows the family names and any popular name, profession, date of birth and domicile address of each person eligible to be a voter on 1 January (Article 10).

'Reviewing and up-dating of Voters Lists' must be carried out 'within a (30) day period once every two years', and 'a final review' must be 'carried out at least (6) months prior to the call for any general election or referendum' (Article 12(a)).<sup>14</sup> Lists must be made publicly available after the reviews so corrections can be made (Article 13). No changes to the Voters Lists are permitted after the President issues the call for an election (Article 16(a)). Objections to the corrected List must be filed with a Court of First Instance, the decisions of which can be appealed to the Court of Appeals in the governorate. The decisions of the Court of Appeal are final (Article 15).

A successful voter registration period in October 2002 in preparation for the 2003 elections resulted in an estimated 91.9% of eligible voters being registered, although these estimates were based on population projections from the 1994 census. The campaign was particularly successful in achieving high registration by women.

There were some problems, however, including violence during the registration of voters, claims that the public display period was too short, allegations of multiple registrations arising from the right of voters to choose three different voting domicile addresses, and claims that Main Committees had not provided parties with copies of Voters Lists on an equitable basis (e.g. by not requiring some parties to pay for the photocopies).

A major issue emerged when it was discovered that there may have been many multiple registrations, and also that many under-age voters had been registered. Although it wished to take action to correct these problems, the SCER finally accepted that it did not have the legal power to do so. It is important that the SCER have adequate legal powers to safeguard the integrity of the Voters List, provided the rights of registered voters are also protected.

---

<sup>14</sup> As amended by Law #11 for 2005, issued by the President of Yemen on January 17, 2005, which extended the time from 4 months to 6 months before the call for an election or referendum.

*(ii) ISSUES DISCUSSED IN PHASE ONE*

The matter of three different voting domicile addresses was discussed in Phase One. Stakeholder opinions were divided. Some supported the current provisions as promoting a high level of voter registrations and as recognizing Yemeni culture through allowing voters to register and vote at their villages. Others argued, however, that registration at the main work address allowed government employees to be located for partisan reasons.

Yemen is unusual in allowing a place of work to be a voting domicile. Of the six countries listed in response to a search on 'Registration of Electors' in the English version of IFES' Arab Election Law Compendium ([www.arabelectionlaw.net](http://www.arabelectionlaw.net)), Lebanon, Palestine and Sudan limit registration to the voter's residence. In addition to registration at the place of residence, Jordan and Egypt are like Yemen in allowing a voter to register in a constituency where he or she 'belongs' (Jordan) or where his or her family resides. Only Egypt and Yemen permit a voter to register at a place of work.

In IFES' view, a place of work should not be a voting domicile. Constituency boundaries are drawn on the basis of resident populations, within a strict  $\pm 5\%$  tolerance. Permitting voters to register on the basis of several domicile addresses contributes to significant differences in the numbers of voters registered in different constituencies, thus undermining the principle of 'one vote, one value'. It creates administrative complexities, allows undetected multiple registrations, and encourages perceptions of partisan influences on voters' choices of their voting domicile. Voters should have to be registered at their usual residential address or at their family address.

**Recommendation**

7. That a place of work not be a voting domicile. [Article 2(d)]

*(iii) ISSUES DISCUSSED IN PHASE TWO*

**Issue 3 Should the SCER have the legal power to delete ineligible voters from the Voters Lists (e.g. under-age voters, multiple registrations, registration by non-citizens)?**

Option 1: No change – the SCER can only remove ineligible voters from the Voters Lists during update and review periods following applications by voters and after any court decisions.

Option 2: Give the SCER the power to remove ineligible voters from Voters Lists at any time.

Option 3: Give the SCER limited powers to delete ineligible voters from the Voters Lists before the Lists become final prior to an election, as follows–

(a) require a registered person who the SCER has reason to believe is ineligible to provide evidence of his or her eligibility to be registered;

(b) if the registered person does not provide evidence of eligibility and consents in writing to removal from the List, the SCER deletes his or her name;

(c) if the registered person does not provide evidence of eligibility and does not consent in writing to deletion from the List, the SCER applies to a Court of First Instance for an order deleting the voter from the List, with both parties having the right of appeal to a Court of Appeal for a final decision.

### **Summary of Stakeholder Discussions**

Opinions were divided. Participants' comments included –

- There would need to be an open and transparent process if the SCER is to be able to delete ineligible voters from the Voters Lists.
- Parties need to be aware if the SCER proposes to delete ineligible voters.
- Deletion of ineligible voters should not become a partisan or politicized process.

### **IFES Conclusions and Recommendations**

The integrity of the Voters Lists, and hence of the electoral process, is diminished if the Lists contain the names of persons who do not meet the legal criteria to be registered voters stated in Article 64(1) of the Constitution and Article 3 of the election law, or who are registered in more than one constituency contrary to Articles 4(a) and 10 of the election law. It is essential that the SCER has the powers it needs to ensure that the Lists are accurate, including the power to challenge the registration of voters before a court. Those powers must, however, be balanced against the rights of those who are legitimately registered not to have their voting entitlements called into question without reason, and then to have the opportunity for their case to be heard in a court of law, with both the voter concerned and the SCER having the right to appeal to a Court of Appeal.

Recommendation 8(a) covers the case where an ineligible person may be on a Voters List at the start of the 30-day review and update period or may be added to the List by a Main Committee. Recommendation 8(b) applies when the SCER discovers after the Main Committee has finished its work that a registered person is ineligible or is registered in more than one constituency. Recommendation 9 provides the SCER with the general power to challenge the registration of any person in a Court of First Instance and the right of the voter concerned and the SCER to appeal to a Court of Appeal for a final decision.

#### Recommendations:

8. That where the SCER has reason to believe a person whose name appears in a Voters List is not eligible to be registered under Article 3 of the law or is registered in more than one constituency –
  - (a) the SCER may, during the review and update period and the subsequent addition and deletion period, request the Main Committee to delete the name of that person from the List, provided the SCER has notified the voter concerned (if not deceased);
  - (b) after a Main Committee has dealt with applications for additions and deletions but before the Voters List becomes final, the SCER may apply to a Court of First Instance for the deletion of the name of the voter, provided (i) the SCER has notified the voter concerned (if not deceased) of the reasons for its belief and its intention to apply to the Court, and (ii) the SCER has publicly announced the names of the registered voters that it believes to be ineligible and that it intends to apply to the court for their removal from the List. [Articles 12(d), 13(b), 15(c)]
9. That before the Voters Lists become final, –
  - (a) the SCER have the power to correct errors in a Voter s List; and
  - (b) the SCER have the power to file a challenge in a Court of First Instance against any entry in a Voters List, provided it has previously notified the voter concerned of its intention to do so; the SCER and the voter concerned shall have the right of appeal to a Court of Appeal for a final decision [Articles 10(b), 15(d)]

**Issue 4 When and for how long should Voters Lists (excluding photographs) be displayed publicly?**

Option 1: No change – Voters Lists are displayed for 5 days only after the 30-day biennial review and pre-election update periods

Option 2: Increase to 7 days the period for display of Voters Lists after the 30-day biennial review and pre-election update periods

Option 3: Voters Lists are publicly displayed as follows:  
(i) throughout the 30-day biennial review and pre-election update periods; and  
(ii) the corrected Voters Lists are publicly displayed for 7 days after the 30-day biennial review and pre-election update periods; and  
(iii) the final Voters Lists are publicly displayed for 7 days prior to an election (i.e. following correction after court processes).

**Summary of Stakeholder Discussions**

All participants supported an increase in the display period after the review and update periods. Some participants also supported public display during those periods, although it was said that this is already normal practice. Opinions were divided on whether final Voters Lists should be publicly displayed.

**IFES Conclusions and Recommendations**

The public display of initial Voters Lists during the 30-day review and update period and during an extended time after that period will increase voters' opportunities to check the Lists and request corrections. More periods for public display will help promote public awareness of the registration and electoral processes, as will public display of the final Voters Lists.

Recommendations:

10. That –
  - (a) the Voters Lists in existence at the beginning of the 30-day biennial review and pre-election update periods be posted in public places within the constituency throughout the review and update periods;
  - (b) corrected Voters Lists be posted in public places within the constituency for 7 days after the 30-day biennial review and pre-election update periods. [Articles 12(b), 13(a)]
11. That the final Voters Lists be posted for 7 days in public places within the constituency. [Article 16(a)]

**Issue 5 When should parties be entitled to obtain (at their cost) copies of Voters Lists?**

Option 1: No change – parties have the right to obtain copies of Voters Lists during the display period after the 30-day voter registration update and review periods

Option 2: Give parties the right to obtain copies (including in electronic form) of any Voters List that is publicly displayed, with the cost being set by the SCER

**Summary of Stakeholder Discussions**

Opinions were evenly divided. Participants' comments included –

- Parties should be able to obtain copies of Voters Lists at any time.

- The SCER could allow parties access to Voters Lists through its website.
- Those able to obtain copies of Voters Lists may try to sell them or use them for commercial purposes.
- Voters have the right not to register, but allowing parties to have copies of Voters Lists could mean they would put pressure on voters to do so.
- The law or by-law should specify where parties obtain copies of Voters Lists

### **IFES Conclusions and Recommendations**

Permitting parties to obtain photocopies of the Voters Lists that are displayed publicly allows them to assist the SCER by promoting awareness of each stage of the voter registration process, to encourage voters to check the Lists and apply for corrections, and to encourage unregistered citizens to register. Parties that wish to obtain copies in electronic form should have to comply with the technical specifications set by the SCER relating to the format of the data in the List and to the means by which the List is provided (e.g. on a floppy disk or on a CD). In both cases, uniform costs should be set by the SCER in order to avoid any perception that a Main Committee has treated some parties more favorably than others. Anyone who obtains a copy of a Voters List should be able to use it only for purposes relating to the registration of voters, or in connection with an election or referendum. It should be an offence to use a List or its information for other purposes, or to sell it, or to use it for commercial purposes, or to provide it to any unauthorized person.

#### Recommendations:

12. That a political party have the right to obtain from the Main Committee a photocopy of any Voters List that is publicly displayed, at a uniform cost that is set by the SCER. [Article 16A]
13. That –
  - (a) the headquarters of a political party have the right to obtain from the SCER in electronic form, a copy of any Voters List that is publicly displayed; and
  - (b) the SCER shall set the uniform costs and technical specifications for providing parties with electronic copies of Voters Lists. [Article 16A]
14. That where a copy of a Voters List is provided to a party –
  - (a) the List and the information in it must be used only for purposes relating to the registration of voters or in connection with an election or referendum;
  - (b) it be an offence to sell the List or the information in it, or to provide it to any unauthorized person, or to use it for commercial purposes [Articles 134(c), 134A]

## **C. BOUNDARY DELIMITATION**

### *(i) BACKGROUND*

The SCER is responsible for determining the boundaries of parliamentary constituencies and the local electoral constituencies for local council elections in each administrative district. The criteria the SCER must use to draw the boundaries of parliamentary constituencies are stated in the Constitution and in the election law. The criteria for drawing the boundaries of local electoral constituencies are stated in the election law. There are, however, no legal provisions concerning the procedures the SCER must use when determining boundaries, and no provisions requiring the SCER to consult parties and other stakeholders about its proposed boundaries, although the SCER says it considers comments and complaints if they have merit.

The SCER revised the boundaries of parliamentary constituencies in 2002 in preparation for the 2003 parliamentary elections. The SCER also included a brief field stage in the process in order to obtain comments from local authorities on the preliminary boundaries, and some changes were made as a result of this process.

The SCER will prepare new boundaries for local electoral constituencies in 2005 after receiving the results of the December 2004 population census. Those local electoral constituencies will then be used to determine new parliamentary constituencies before the next parliamentary elections in 2009.

In September 2004, IFES delimitation expert Dr Lisa Handley recommended that the SCER be encouraged to employ Geographic Information Systems (GIS) technology for boundary delimitation in 2005. She also recommended that consideration be given to amending the election law to specify the frequency of delimitations and the census populations that must be used, to include an express prohibition on incorporating political data in the delimitation database, and to require that the SCER consider stakeholders' comments on provisional boundaries before producing the final delimitation.

*(ii) ISSUES DISCUSSED IN PHASE TWO*

**Issue 6 Should the election law state the general procedures for reviewing parliamentary and local electoral constituency boundaries after each census?**

Option 1: No change – the law states delimitation criteria but not delimitation procedures.

Option 2: Amend the law to state the basic procedures for the boundary delimitation process after each census, namely –  
(a) the census population that must be used;  
(b) that no political data may be incorporated in a delimitation database; and  
(c) that the SCER must consider parties' and other stakeholders' comments on provisional boundaries before producing the final delimitation.

**Summary of Stakeholder Discussions**

All participants supported the use of GIS to determine boundaries. Most participants supported Option 2, although some did so only if the SCER's consideration of the views of parties and specified others (e.g. local councils) was discretionary rather than mandatory. Those who supported Option 1 thought that parties would only try to benefit themselves if allowed to comment on the SCER's proposed boundaries.

**IFES Conclusions and Recommendation**

The election law should state the basic procedures the SCER must follow in revising parliamentary and local electoral constituencies after each population census,<sup>15</sup> including a requirement to consult parties and other stakeholders. Although this could mean that the delimitation process could take longer, a more open and transparent process will help promote political confidence in the final result.

---

<sup>15</sup> See Recommendation 36.

### Recommendation

15. That the election law state the general procedures for the boundary delimitation process, namely –
- (a) that the SCER must revise the boundaries of parliamentary constituencies and local electoral constituencies according to the usually-resident populations;
  - (b) that the SCER must not consider political data when deciding constituency boundaries and must not incorporate political data into a delimitation database;
  - (c) that the SCER must (i) make publicly available within each governorate its proposed boundaries for the constituencies within the governorate and the specific reasons for them in terms of the statutory criteria; (ii) give political parties, local councils, and any other person or organization the SCER considers appropriate, a reasonable opportunity to provide the SCER with comments on the manner in which the proposed boundaries comply with the statutory criteria; (iii) consider those comments before deciding the final boundaries; (iv) publish the final boundaries showing their compliance with the statutory criteria; and (v) prepare new Voters Lists according to the new boundaries; and
  - (d) that the new boundaries will come into force at the next general election for the House of Representatives or the local councils. [Articles 10(c), 53(b), 78(c)]

## **D. NOMINATION OF CANDIDATES**

### *(i) BACKGROUND*

A candidate for the House of Representatives must be a Yemeni, must be at least 25 years old, must be literate, and 'must be of good character and conduct, observant of religious duties and responsibilities, and must not have been finally convicted by a court for any crime of honor or good conduct unless pardoned or exonerated' (Article 56 of the election law; Article 64(2) of the Constitution). The election law also requires that a candidate run in the constituency in which he or she is registered as a voter. No person may be a candidate in more than one constituency at a parliamentary election (Article 59). Membership of the House may be held with ministerial office, but cannot be combined with other public offices or with membership of a local council (Article 60(c), (d)).

Article 80 of the election law provides that every eligible voter has the right to nominate himself for a local council office within the electoral constituency in which he or she is domiciled, and that no voter may run in more than one constituency.

The election law requires candidates for Parliament to complete an application form in person during the 10-day period during which the Main Committee receives nominations. The law also specifies the information that must be provided on the form, including the candidate's symbol or that of his or her party.<sup>16</sup> Party candidates must have the official endorsement of the head of the party or a designated deputy. Independent candidates must have the endorsement of at least 300 registered voters from the majority of electoral centers within the constituency. Holders of specified public offices, and any public official in an administrative unit who wishes to be a candidate in the constituency in which he or she works, must resign from office three months before the opening of nominations. Each candidate must pay YR5,000 to the local council for post-campaign clean-up costs.

---

<sup>16</sup> The SCER provides symbols for Independent candidates to choose from, on a first-come-first-served basis.

The law has rather unclear provisions concerning the procedures if only one candidate remains at the end of the normal and extended nomination periods. There are also provisions relating to withdrawal of nominations. The Main Committee must publish the list of candidates once the nomination period has ended.

The nomination procedures for local council elections are virtually the same as those for parliamentary elections.

Several concerns and issues were raised about candidate nomination procedures in 2003. The partisan composition of Main Committees was perceived to have affected how they fulfilled their duties in relation to scrutiny of nominations. For example, inconsistent interpretation of the provision in Article 60(f) of the election law requiring resignation of 'any public servant in an administrative unit' was attributed to partisanship. The signature requirements for Independent candidates were onerous, especially for women who have limited freedom of movement to collect signatures. Unlike the election law provisions allowing voters to challenge the eligibility of candidates for the presidency, there are no similar provisions in the law challenging the eligibility of candidates for Parliament.<sup>17</sup>

#### *(ii) ISSUES DISCUSSED IN PHASE TWO*

#### **Issue 7 Should there be procedures in the election law for challenging a Main Committee's decisions about the eligibility of a candidate to be nominated for Parliament, a governorate council, or a local council of an administrative district?**

Option 1: No change – each Main Committee is ultimately responsible for ensuring candidates are eligible, and the election law does not include a specific challenge process.

Option 2: Amend the law to require that the final candidate list for a constituency be publicly displayed for 3 days, during which any voter registered for the constituency may file an urgent court challenge against the Main Committee's decisions concerning the acceptance or rejection of applications to be a candidate; challenges concerning candidates for Parliament and for governorate councils would be filed with the Court of Appeal in the governorate, with the right of appeal to the Supreme Court for a final decision; challenges concerning candidates for local councils would be filed with a Court of First Instance, with the right of appeal to the Court of Appeal in the governorate for a final decision.

#### **Summary of Stakeholder Discussions**

Opinions were divided. Most participants agreed that the election law should include a process for challenging Main Committee's decisions about candidate nominations, while at the same time recognizing the need for prompt decisions on any challenges.

#### **IFES Conclusions and Recommendations**

At present, Main Committees must finally decide whether candidates are eligible, and general administrative law remedies can be used to challenge a Main Committee's decisions in court

---

<sup>17</sup> It seems however, that an objection process was implemented at the 2003 elections, although it is not included in the election law or the by-law. See SCER, *2003 Parliamentary Elections. Documentation of Boundary Delimitation, Voter Registration and Election Results*, Chapter 4, Section One.

It is alleged, however, that Main Committees have exercised their scrutiny powers for partisan reasons, and different courts may apply administrative law remedies differently.

IFES therefore recommends that there be specific procedures in the law for challenging the decisions of committees concerning candidate nominations. These procedures would allow a person whose application has been refused to challenge that decision, and also allow a registered voter in the constituency to challenge the eligibility of a person whose candidacy for that constituency has been accepted. In order to expedite the process, the initial challenge would be by asking the committee concerned to review its decision about the candidacy. The parties to the case would then have the right of appeal to a Court of Appeal for a final decision on whether the candidate may contest the election. It is important to note, however, that the right to challenge the eligibility of an elected Member of Parliament under Article 68 of the Constitution and Article 115 of the law would not be affected if these recommendations are adopted.

Because challenge and appeal processes will add extra time to the electoral process and could delay the printing of ballot papers, it is proposed that the nomination period be reduced from 10 days to 7 days, and that the number of signatures required for Independent candidates be reduced pro rata to 200 signatures from at least one-third of centers. A shorter initial challenge period would apply if the nomination period is extended under Article 62.

Recommendations:

16. That –
  - (a) the candidate nomination period for parliamentary and local council elections be reduced from 10 days to 7 days; and
  - (b) Independent candidates be required to obtain 200 signatures from at least one-third of centers. [Articles 57(a), 58(b), 81]
17. That where a committee refuses an application to be a candidate, it must provide the applicant with a written statement of the specific reasons for its decision [Articles 57(f), 84(b)]
18. That–
  - (a) within 2 days of the committee’s announcement of the preliminary list of candidates for a constituency, any registered voter in the constituency may challenge a committee’s decision to refuse or accept a nomination application;
  - (b) the committee issue its decision on the challenge within 3 days of the deadline for filing applications;
  - (c) the parties to the case then have 2 days to appeal the committee’s decision to the Court of Appeal in the governorate, which must issue its decision within 5 days of the deadline for filing appeals;
  - (d) the decision of the Court of Appeal determine whether the person concerned shall be a candidate at the election. [Articles 57(g)-(j), 84(c)-(f)]

**Issue 8 Should the candidates’ fees for elections to the local council of an administrative district be the same as for parliamentary and governorate council elections?**

Option 1: No change – the YR5,000 candidates’ fees are the same for all candidates for parliamentary, governorate council and local council elections.

Option 2: Implement a scale of fees for candidates for Parliament, governorate council and local council (e.g. YR5,000, YR5,000, YR2,500 respectively).

### **Summary of Stakeholder Discussions**

Opinions were divided. Most participants supported a lower fee for candidates for the local councils of administrative districts than for parliamentary and governorate council elections. However some thought the fees for Parliament and the governorate council should be increased (e.g. to RY10-20,000) to reflect more accurately the cost of removing campaign posters, with the fee for district local council candidates remaining at RY5,000. On the other hand, other participants thought the fees for parliamentary and governorate council candidates should remain at RY5,000 and the fee for district local council candidates should be reduced.

### **IFES Conclusions and Recommendations**

The candidates' fees are intended as contributions to the local councils' costs for removing campaign materials, and hence should bear some relation to those costs. The fee to be a candidate for election to the local council of an administrative district should be lower than for parliamentary and governorate council elections, and candidates for Parliament and governorate councils should contribute more to the costs of removing their campaign posters

#### Recommendations:

19. That the fee to be a candidate for the local council of an administrative district be half the fee to be a candidate at a parliamentary or governorate council election.
20. That the fee to be a candidate at a parliamentary or governorate council election be increased to RY10,000. [Articles 58(c), 83]

### **Issue 9 What signature requirements should apply to Independent women candidates?**

Option 1: No change – the required number of signatures must be from a majority of centers.

Option 2: Remove the requirement that signatures for Independent women candidates be from a majority of centers in the constituency.

Option 3: Eliminate all signature requirements for Independent women candidates.

### **Summary of Stakeholder Discussions**

Most participants supported Option 3, although some supported Option 1. Participants' comments included –

- The requirements for female Independent candidates should not be different from those for male Independent candidates
- Other options suggested were to abolish signature requirements for all Independent candidates, and to reduce the numbers of signatures and centers for Independent female candidates.

### **IFES Conclusions and Recommendation**

The requirement that Independent candidates obtain 300 signatures from a majority of centers in a parliamentary constituency<sup>18</sup> is intended to ensure these candidates have a degree of public support that other candidates are regarded as having through their endorsement by an officially recognized political party. It is assumed that the requirement will apply equally to men and women Independent candidates. However, it does not recognize the special

---

<sup>18</sup> It is implicit in Article 80 that an Independent candidate for a governorate council or the local council of an administrative district is not required to obtain signatures to support his or her nomination.

obstacles women face in reaching a majority of centers in order to gather the signatures. Removing the requirement that signatures be from a majority of centers would deal with that issue. On the other hand, removing all signature requirements from women Independent candidates should help increase the number of women willing to stand as Independent candidates and complement parties' professed willingness to nominate women candidates.

#### Recommendation

21. That a woman need not obtain any signatures for nomination as an Independent candidate. [Article 58(b)]

#### **Issue 10 Which public officials who are nominated as candidates should have to resign 3 months before the opening of nominations?**

Option 1: No change – all public officials must resign 3 months before nominations are opened.

Option 2: Require that only public officials in managerial and supervisory positions must resign 3 months before nominations are opened.

#### **Summary of Stakeholder Discussions**

Participants were unanimous that the requirement that a public servant must resign 3 months before the opening of nominations if he or she becomes a candidate in the constituency in which he or she works should be confined to persons who hold positions that could be used to coerce or intimidate voters under their jurisdiction. All, however, recognized the difficulty of drafting a clear, specific and comprehensive definition of those positions. It was noted that it is an offence under Article 133 for a person to coerce or bribe voters or to abuse his or her power or authority to alter any voter's opinion.

#### **IFES Conclusions and Recommendations**

It is accepted that public officials who stand as candidates in the parliamentary constituency within which they work should not be able to coerce or intimidate their subordinates. However this provision was a major source of confusion and resentment at the 2003 elections, not least because it was applied to *all* public officials, whether or not they are in a position to influence others. It also discouraged competent public officials from seeking election to Parliament. It is anomalous that the resignation requirement does not apply to public officials who stand for election to a governorate council or to the local council of an administrative district; see Article 82.

It is not practical to extend the current lists of senior public officials to specify the positions of those who must resign if they become a candidate. Hence it is proposed that the current reference to 'any public official in an administrative unit' in Article 60(f) of the election law be removed, and that any public official convicted of improperly influencing or coercing any voter be subject to twice the period of imprisonment applied to other persons and to loss of office. This would also apply to public officials who stand for election to a governorate council or to the local council of an administrative district.

#### Recommendations:

22. That the requirement that any public official in an administrative unit must resign 3 months before the opening of nominations in order to be eligible to be a candidate in a constituency in which he or she works be removed. [Article 60(f)]
23. That the penalty for any public official convicted of an offence against the First, Second and Seventh provisions of Article 133 be a maximum period of imprisonment of 2 years and loss of office. [Article 133(a), 133(b)]

## **E. VOTING AND COUNTING PROCESSES**

### *(i) BACKGROUND*

Each candidate is entitled to notify an election committee of the name of his or her representative for the voting and counting processes. If a candidate fails to do so, or if a candidate's representative does not attend, the committee must appoint a registered voter to represent the candidate.

At the close of polling in each polling center, the Sub-committee seals the ballot boxes and physically transports them to the First (male) Sub-committee at the center, together with information on the number of ballots used, etc (Article 103). The First Sub-committee counts the ballots received from each male and female Sub-committee, cross-checks numbers of ballots with figures supplied by the Sub-committees, and decides on the validity of ballots. All members of the Sub-committees must be present for the count. Candidates or their representatives are entitled to be present during these processes.

Once counts have been completed for all the ballot boxes the First Sub-committee has received from its Sub-committees, a tally is prepared showing the total votes for each candidate. All members of the committee and the candidates or their representatives sign the results. The results are announced and a copy is given to the candidate or his or her representative.

The tally of votes from each First Sub-committee, ballot papers and other documents are sent to the Main Committee of the constituency for aggregation with other votes cast within the constituency and for the declaration of the result of the election. The Main Committee then prepares the ballot papers and other material in sealed boxes for delivery to the SCER (Article 106(c)).

It is alleged that there were a number of cases at the 2003 elections where procedures for the transfer of ballot boxes from a Sub-committee to the First Sub-committee and then to the Main Committee were not followed, allowing opportunities for tampering with ballot box contents through ballot boxes being left unsealed and ballot boxes being transported without the required civilian escorts. It appears that there were two main causes of these improper interferences with the procedures: the political composition of committees and actions by the security forces.

In effect, the election law requiring all members of a First Sub-committee and the Sub-committee concerned to be present in order for the votes cast at a polling unit to be counted gives the members of a Sub-committee the ability to halt the counting process. Similarly, the requirement that all members of the committee sign the minutes allows the process to be halted. There were instances where the members of a Sub-committee took advantage of these provisions for political reasons.

### *(ii) ISSUES DISCUSSED IN PHASE ONE*

The issue discussed with stakeholders in Phase One was whether votes should be counted by the Sub-committees that issued them, or whether the votes should continue to be transported to the First Sub-committee for counting.

Stakeholders' opinions were divided on this issue. Some thought counting should be conducted by Sub-committees, although they also accepted the point that this would increase the problems experienced in 2003 if the Sub-committees continued to be dominated by the

ruling parties. Others believed that the current situation would be satisfactory if proper procedures were used to transport the ballot boxes and if the First Sub-committees were not dominated by the ruling parties.

In IFES' view, counting of votes by each Sub-committee allows the counting process to be completed more quickly and avoids some of the risks associated with transporting of ballot boxes before votes are counted. It would, however, require more extensive training of committees in vote counting procedures and in the consistent application of the rules for the validity of votes.

#### Recommendation

24. That immediately after the close of the poll, each male and female Sub-committee count the votes it has issued, report the results to the First Sub-committee, and deliver sealed ballot papers and other documents to the First Sub-committee under secure conditions. [Articles 102-106]

#### *(iii) ISSUES DISCUSSED IN PHASE TWO*

**Issue 11 Should an election committee be able to appoint a representative for a candidate who fails to do so or if an appointed representative does not attend?**

Option 1: No change – a committee must appoint a registered voter to represent the candidate.

Option 2: Require that the committee record in its minutes that a representative has not been appointed or is absent, and then proceeds in the absence of a representative.

#### **Summary of Stakeholder Discussions**

Most participants supported Option 2.

#### **IFES Conclusions and Recommendation**

The current provision ensures that someone is appointed to safeguard the interests of a candidate who has failed to appoint a representative or whose appointed representative does not attend. However, it is possible that a committee could appoint a 'representative' who is not sympathetic to the candidate. The responsibility should be on the candidate to appoint a representative and on the appointed representative to carry out his or her role.

#### Recommendation

25. That if a candidate fails to appoint a representative to a Main Committee or Sub-committee, or if an appointed representative does not attend, the committee must record that fact in its minutes and must then carry out its duties in his or her absence. [Article 95]

**Issue 12 Should all members of a Sub-committee have to be present for a count or aggregation of votes to proceed?**

Option 1: No change – all committee members must be present for the count or aggregation of votes

Option 2: Require that at least 2 of the 3 members of a committee be present for the count or aggregation of votes to continue, and record the absence of a member without replacement in the committee's minutes.

### **Summary of Stakeholder Discussions**

All participants supported Option 2. Participants' comments included –

- The law should make it clear that a member has the right to refuse to sign the minutes and to record the reasons for refusal in the committee's minutes.
- Option 2 should only be implemented if no party or group of aligned parties can have a majority on a committee.<sup>19</sup>

### **IFES Conclusions and Recommendations**

It is not appropriate for the departure of a single member of a committee to amount to a veto over the counting or aggregation process (or, indeed, other aspects of the committee's work). A majority of the members of a Main Committee or a Sub-committee (i.e. two out of three) should be able to conduct a count or aggregation of votes after the third member's absence has been recorded in the minutes. Similarly, a member of a Main Committee or Sub-committee should not be obliged to sign the committee's minutes if he or she claims there was some irregularity in the committee's activities, so long as he or she provides a formal written statement of the reasons for refusal in the committee's records.

#### Recommendations:

26. That if one member of a committee is absent, the other two members must record that fact in the minutes and must carry out the committee's duties in his or her absence. [Article 26(c)]
27. That the law state clearly that a committee member has the right to refuse to sign the committee's minutes provided he or she enters a written statement of the specific reasons for refusal in the committee's records. [Article 26(b)]

### **Issue 13 Should committees have to display a copy of the official count and aggregation results in a public place immediately following the public announcement of the result?**

Option 1: No change – committees are not required to display a copy of the official results

Option 2: Require committees to display a certified copy of the official count and aggregation results in a public place for 3 days immediately following the public announcement of the result.

### **Summary of Stakeholder Discussions**

Most participants supported Option 2. Their comments included –

- The requirement to display should apply only to the Main Committee.
- There is no need to specify the display period.
- The display could be at the committee's premises rather than at a public place.

### **IFES Conclusions and Recommendation**

It appears there were some instances in 2003 where committees did not provide candidates or their representatives with an official copy of the results of the count or aggregation. Requiring a Main Committee and Sub-committee to display publicly a copy of the official results at the location of the Main Committee or Sub-committee will mean that candidates,

---

<sup>19</sup> See Recommendation 4.

parties, and the public will be able to ascertain the official result for themselves and will be able to follow the progress of the aggregation of results. This will increase the openness and transparency of the electoral process.

#### Recommendation

28. That copies of the count or aggregation of results and the minutes recording the final results be given to candidates or their representatives by a Main Committee or a Sub-committee and also be publicly displayed for 3 days at the location of the Main Committee or Sub-committee. [Articles 104(b), 106(a), 106(c)]

## **F. ELECTION CAMPAIGNS AND FINANCES**

### *(i) BACKGROUND*

Some provisions of the election law regulate election campaigning and finance or give the SCER power to do so. The SCER has extensive powers over the coverage of the election campaign by the official media (Article 38), and must organize equal use of the official media to allow candidates to present their programs (Article 39). Campaigns cannot be financed using government or public sector resources or facilities (Articles 40 and 143; see also Article 5 of the Constitution). Campaigning is forbidden on Election Day (Article 45), and in a number of specified locations, including mosques, schools, government offices, and public facilities (Article 46). Parties, candidates, and other bodies are not permitted to resort to 'any form of pressure, intimidation, deceitfulness, unfaithfulness or enticements or promises of pecuniary or sentimental gains during election campaigns' (Article 52). There are no limits on campaign expenditure for presidential, parliamentary or local council elections.

Presidential campaigns are also regulated by the SCER, which must ensure equitable access to the official media for all candidates (Article 51). Coverage by the official media of an incumbent President's daily activities does not count as election coverage (Article 50). Presidential candidates must hold at least one rally in the capital of each governorate, and may hold debates to be broadcast by the official media (Articles 72, 73). Each presidential candidate is, however, entitled to receive an equal amount of public funds to assist him to cover his or her campaign expenses; the sum is proposed by the Presidium of the House of Representatives and approved by the House (Article 71).

Article 75 regulates contributions to presidential candidates to some extent. They may not accept contributions from foreign sources, contributions must be deposited into a bank account, and the bank statements sent to the SCER. Contributions to parliamentary and local council candidates are not regulated. However, Article 17(d) of Law No. 66 (1991) Governing Parties and Political Organizations prohibits parties from accepting contributions from non-Yemeni individuals or entities. Parties must record the name of each donor and the amount donated. The 'proper authorities' must be informed if a single contribution exceeds YR100,000, or if the total annual donations from a donor exceed YR200,000.

### *(ii) ISSUES DISCUSSED IN PHASE TWO*

**Issue 14 If an incumbent President is a candidate at a presidential election, should state media coverage of his daily activities during the campaign period count as election coverage?**

Option 1: No change – official media coverage of the President's daily activities does not count as election coverage.

Option 2: Empower the SCER to control the nature and extent of the official media's coverage of the daily activities during the campaign period of a President who is also a candidate, and to take that coverage into account when allocating the use of the official media among presidential candidates.

### **Summary of Stakeholder Discussions**

Opinions were evenly divided; participants' comments included –

- The President's official duties are set in Article 119 of the Constitution and do not cease during an election campaign.
- If an incumbent President is a candidate at a presidential election, extensive coverage by the official media of his daily activities during the election campaign would be perceived as unfair to other presidential candidates.

### **IFES Conclusions and Recommendation**

It is accepted that the President's duties and daily activities do not cease during a presidential election campaign. However fairness to the other presidential candidates suggests that, if the incumbent President is a candidate, the coverage of his daily activities in the official media during the campaign period should be more restrained than at other times. Article 25(c) gives the SCER significant powers over the official media during election campaigns, and the SCER should use those powers to ensure that the official media covers the President's daily activities in ways that do not promote the perception that the coverage amounts to election publicity.

#### Recommendation

29. That the SCER's instructions to the official media under Article 25(c) include guidelines relating to coverage of the incumbent President's daily activities during the campaign period for a presidential election at which the President is a candidate, which may be perceived as election publicity. [Article 50]

### **Issue 15 Should the SCER have to make public the notifications it receives of donations to presidential candidates?**

Option 1: No change – notifications to the SCER of donations received by presidential candidates are not disclosed publicly.

Option 2: Require the SCER to disclose publicly the amount donated and the name of any person or organization who makes a single donation to a presidential candidate of YR100,000 or more, or who makes donations to a presidential candidate that exceed YR200,000 in total.

### **Summary of Stakeholder Discussions**

Opinions were evenly divided; participants' comments included –

- Publishing donors' names could lead to requests to them for further donations or make them targets for intimidation.
- Disclosure of donations made to presidential candidates would increase the openness and transparency of the electoral and political processes.
- Donations to presidential candidates should stay as internal matters for parties.
- These are complex matters that should be studied further.

### **IFES Conclusions and Recommendation**

IFES considers that public disclosure of significant donations to presidential candidates would assist in promoting openness and transparency. The disclosure thresholds in the recommendation are the same as the notification requirements in the proposed amendments to Article 75 (see Recommendation 47) which are based on the notification requirements for parties in Article 17(d) of Law No. 66 (1991) Governing Parties and Political Organizations referred to above.

#### Recommendation

30. That within 48 hours of being notified of a single donation to a presidential candidate of YR100,000 or more, or of donations to a presidential candidate from a single donor to a presidential candidate that exceed YR200,000 in total, the SCER must publish the name of the donor and the amount donated. [Article 75(d)]

### **Issue 16 Should there be campaign spending limits for candidates and parties in presidential, parliamentary and local council elections?**

Option 1: No change – there are no campaign spending limits for candidates or parties.

Option 2: Introduce spending limits for campaign costs of candidates and parties during the campaign period.

### **Summary of Stakeholder Discussions**

Most participants supported Option 2. Participants did comment, however, that these are complex matters that require further study.

### **IFES Conclusions and Recommendation**

This matter was raised by political parties in the early rounds of discussions in Phase Two.

Carefully devised and properly administered campaign spending limits can reduce the advantages of the better resourced parties and candidates, and can reduce the pressure on them to raise funds for their campaigns or to break the law prohibiting the use of government resources.

It is accepted, however, that introducing campaign spending limits for parties and candidates would be a major step requiring a great deal of care. IFES believes it is too late to do so for the 2006 presidential and local council elections, and, in any case, the issues surrounding campaign finance have arisen more often in relation to parliamentary elections. Hence, IFES proposes that after the 2006 elections, the SCER complete a study on whether campaign spending limits should be introduced for presidential, parliamentary, and local council elections, and whether significant donations to parliamentary and local council candidates should be publicly disclosed. If resources permit, IFES will be willing to assist in that study.

#### Recommendation

31. That by the end of 2007, and following consultations with political parties and other organizations it considers appropriate, the SCER publish a report recommending whether campaign spending limits should be introduced for presidential, parliamentary or local council elections, and whether disclosure of donations should be introduced for parliamentary and /or local council candidates. If the SCER does recommend the introduction of campaign spending limits or disclosure of donations, the report should state the limits and disclosure levels that should apply and the mechanisms by which they would be enforced .

## G. OTHER MATTERS RELATING TO THE ELECTION LAW

In addition to the matters covered in A-F above, stakeholders were asked for their views on a number of other proposed amendments to the election law that are more technical in nature. The list below shows the proposal discussed with stakeholders, a brief background, a summary of the stakeholders' responses, and IFES' specific recommendation (which in some cases differs from the proposal). It should be noted that not all stakeholders commented on each proposed amendment, and the comments reported below are from those who did so.

**(a) Article 5:** A voter should not have the right to vote at any center if a presidential election or referendum is combined with a parliamentary or local council election.

Background: Although Article 5 deems Yemen to be one constituency for presidential elections and public referenda, combining these events with constituency-based voting means that voters should go to their designated electoral centers in order to vote for all the issues.

Stakeholder comment: All agreed.

### Recommendation

32. That Article 5 be amended to provide that a voter does not have the right to vote at any center if a presidential election or a referendum is combined with parliamentary elections or with local council elections.

**(b) Articles 12-15:** Require a voter to be notified (unless deceased) before his or her name can be deleted from the Voters List

Background: An issue that emerged only after the discussions with parties and NGOs had concluded was whether there should be a requirement to notify a voter before his or her name is deleted from a Voters List as a result of an application by another person. The UNDP's report on the 2003 elections states:

There were instances of problems with the voters' lists, where some registered voters could not find their names on the voters' lists. Apparently, they were unaware that their names had been deleted from the voters' list as a result of an objection during the appealing process of the preliminary voters' list. They had not been notified of the deletion and consequently could not exercise their right to vote on Election Day.<sup>20</sup>

The UNDP report 'strongly' recommends 'that voters – whose names are deleted from the preliminary voters lists as a result of challenges to their inclusion – be timely notified of the challenge first, and then of their removal from the list (if such challenge is upheld).'<sup>21</sup>

### Recommendation

33. That Articles 12, 14 and 15 be amended to require a voter to be notified (unless deceased) before his or her name can be deleted from the Voters List as a result of an application by another person or by the SCER.

<sup>20</sup> UNDP, *Electoral Support Project for the Supreme Commission for Elections and Referenda of Yemen: Final Report*, p. 34.

<sup>21</sup> UNDP, *Electoral Support Project for the Supreme Commission for Elections and Referenda of Yemen: Final Report*, p. 18.

**(c) Article 15:** Require legal standing for voter registration challenges

Background: The law appears to allow every voter to object to a Main Committee's decisions concerning an application to add or delete a voter and allows every voter to appeal the rulings issued by the Courts of First Instance. This led to some spurious objections and appeals in 2003, which took the time of the courts when they were facing deadlines for issuing all their decisions.<sup>22</sup> The right of challenge should be limited to voters whose voting domicile is in the constituency, and the right of appeal should be limited to the objector and the respondent.

Stakeholder comment: The majority agreed.

Recommendations:

34. That Article 15(a) be amended to limit the right of challenge to the Voters List for a constituency to citizens whose voting domicile is in that constituency.<sup>23</sup>
35. That Article 15(b) be amended to limit the right of appeal to the objector and the respondent.

**(d) Articles 24(a) and 24(b):** State explicitly that boundaries of parliamentary constituencies and local electoral constituencies are revised after each population census.

Background: Although the Constitution and the law require parliamentary and local electoral constituencies to have equal populations with a  $\pm 5\%$  variation in the population of each type of constituency, it is only implicit in the law that the SCER must redraw the boundaries when new population figures become available after each population census.

Stakeholder comment: All agreed.

Recommendation

36. That Clauses (a) and (b) of Article 24 be amended to state explicitly that boundaries of parliamentary constituencies and local electoral constituencies must be revised after each population census.<sup>24</sup>

**(e) Article 24(i):** The SCER acts as principal adviser to Government and House of Representatives on electoral matters. Within 12 months of each general election and referendum, the SCER must publish and present to the Government and the House a report on the conduct of the election, including any changes to the election law recommended by the SCER.

Background: It is important that there be a regular cycle of reviews of Yemen's election laws that take account of experience and international democratic practices, respond to the political environment in the country and the democratic aspirations of the people, and result in laws that are as clear, consistent, accessible, and up-to-date as possible. The logical time to undertake a major review of election laws and practice is after a general election or referendum in order to avoid the complicated, labor intensive law reform movements that

---

<sup>22</sup> SCER, *2003 Parliamentary Elections. Documentation of Boundary Delimitation, Voter Registration and Election Results*, Chapter 3, Section Five.

<sup>23</sup> Note that Recommendation 9 proposes that the SCER have the power to challenge a Main Committee's decisions in a Court of First Instance, with the right of appeal to a Court of Appeal.

<sup>24</sup> Because an amendment in 2002 to Article 60 of the Local Authority Law allows each local electoral constituency to elect 'one or more' members, the wording of Article 24(b) of the election law should be amended to refer to 'local electoral constituencies of equal population per elected representative'. This change has been included in the amended version of the election law in Annex 3.

become necessary when the law fails to adequately address the needs of a changed electoral environment. A process of review s after each general election or referendum will ensure that Yemeni election law is responsive to an evolving electoral environment and consistent with international standards and norms for free and fair elections. These reviews should be conducted openly so that political parties and other stakeholders have effective opportunities to contribute to them. This adds to the transparency of the process, promotes dialogue among stakeholders, and allows them to benefit from the experience and perceptions of others.

It is also important that subsequent legislative action acknowledges the experience and expertise of the SCER as the independent and authoritative electoral body in Yemen able to propose sound and workable electoral legislation

Stakeholder comment: There was agreement with the proposed amendment, although it was felt that a requirement to report to the Government and the House would affect the SCER's independence.

#### Recommendation

37. That a new clause be inserted into Article 24 to provide that –  
(a) the SCER is the principal and independent adviser to the Government and the House of Representatives on electoral matters;  
(b) within 12 months of each general election and referendum, and following consultations with political parties and with any other organizations it considers appropriate, the SCER must publish a report on the conduct of the election, including any changes to the law recommended by the SCER. [Article 24(i)]

**(f) Article 26:** Require all members of voter registration and election committees to take an oath and/or sign a statement promising to fulfill their duties impartially and in accordance with the policies and directions of the SCER.

Background: The perception that some voter registration committees and some election committees acted in partisan ways or contrary to the SCER's instructions were significant issues at the 2003 elections. This proposal would remind committee members that they must be impartial and implement the policies and instructions of the SCER.

Stakeholder comment: All agreed.

#### Recommendation

38. That before taking up their duties after they are appointed, all Chairmen and members of Supervisory Committees and voter registration and election Main Committees and Sub-committees must, in front of witnesses, read aloud and sign a statement promising to fulfill their duties impartially and in accordance with the policies and directions of the SCER. [Article 25(b)]

**(g) Article 58(b):** Require a voter who signs endorsement of an Independent candidate to provide voter registration details from his/her Voter Card, which the Main Committee must then check against the Voters List, thus avoiding need for stamping by an *amin/ akel* or a judge.

Background: The SCER requires endorsement signatures gathered by an applicant to be an Independent candidate to be verified by an *amin* or *akel* (a local official appointed by the government) and by a judge. Difficulties in finding these persons created some problems for applicants in 2003, and there were suspicions that partisan considerations may have

influenced the willingness of some *amin/akel* and judges to cooperate with the applicants. The recommendation tries to avoid these problems by making the applicant responsible for declaring that voters have personally endorsed his or her candidacy, and giving applicants the right to obtain copies of the Voters Lists.

Stakeholder comment: Opinions were divided. Most participants supported the proposed amendment. Others argued that the participation of the *amin/akel* and judge was necessary to ensure that the registered voter personally signed the endorsement.

#### Recommendation

39. That –

- (a) there be no requirement for an *amin/akel* or a judge to verify the endorsements from voters obtained by an applicant to be an Independent candidate;
- (b) an applicant to be an Independent candidate must ensure and declare that each voter endorsing his or her candidacy has personally signed the form provided by the SCER, with a false declaration resulting in refusal of his or her application and liability to prosecution;
- (c) all multiple endorsements of applicants to be Independent candidates be treated as void;
- (d) an applicant to be an Independent candidate be entitled to inspect the final Voters Lists held by the Main Committee. [Articles 58(b), 133]

**(h) Articles 58(c) and 83:** The nomination fee must be paid in full in cash to the Main Committee which must issue a receipt.

Background: Some candidates in 2003 found it difficult to make payments to the offices of the local council, e.g. because the offices were not open or a specified person was not available.

Stakeholder comment: Opinions were divided. Some participants agreed with the proposed amendment, others thought current provisions were adequate, and others thought that candidates should deposit the fee directly into the relevant local council's bank account and obtain a receipt. The last proposal seems most workable, provided that committees have to provide applicants with the details of the relevant bank accounts.

#### Recommendation

40. That Article 58(c) and Article 83 be amended to –

- (a) require a local council to provide the relevant Main Committees with the details of the council's bank account into which the candidates' nomination fees must be deposited, and require the Main Committees to provide these details to each candidate;
- (b) require candidates to deposit the fee in cash in the relevant local council's bank account and include the receipt with their nomination application.

**(i) Article 58(d):** A candidate from whom party endorsement is withdrawn should not be entitled to run as an Independent without having to obtain the required signatures.

Background: It is said to be unfair to allow a candidate from whom party endorsement has been withdrawn to run as an Independent candidate without having to meet the nomination requirements that apply to other Independent candidates. This proposal also drew attention to Article 61 concerning withdrawal of candidates, according to which withdrawals are permitted until 20 days prior to polling day, and must be announced in the media and throughout the constituency on polling day. In 2003 there was a four-day withdrawal period after the close of the 10-day nomination period. This seems unnecessarily generous given

the short time for printing ballot papers after the close of nominations, particularly for local council elections.

Stakeholder comment: Opinions were divided. Some participants said that if a party withdraws its endorsement of a candidate during the 10-day nomination period, that person should not be able to run as an Independent without obtaining the required signatures. If endorsement was withdrawn after the close of the nomination period, the person's candidacy should be cancelled. Others said that the main issue was whether a party should be able to replace a candidate from whom it had withdrawn its endorsement.

Recommendations:

41. That Article 58(d) be amended to provide that –
  - (a) a political party may withdraw its endorsement of a candidate only during the nomination period, and may then endorse another candidate before the end of the nomination period;
  - (b) a candidate from whom a party withdraws its endorsement may become an Independent candidate if he or she completes such nomination application procedures as the SCER requires in the period remaining before the close of nominations.
42. That Article 61 be amended so that –
  - (a) the deadline for a person to withdraw his or her application to be a candidate is 2 days after the end of the nomination period;
  - (b) if a person withdraws his or her application to be a candidate, the local council to which the candidate fee was paid must refund the fee in full to the candidate or his or her representative;
  - (c) a candidate who dies before the deadline for withdrawals is deemed to have withdrawn.

**(j) Article 61:** Amend to (i) require a supplementary election under Article 108 if a candidate dies on Election Day before the close of voting, and (ii) require a by-election under Article 109 if a candidate dies after the close of voting but before the final result is declared by the SCER, and the deceased candidate would have been elected .

Background: While Article 61 of the law covers the case where a candidate's death results in only one remaining candidate, it does not deal with the cases covered by the proposal.

Stakeholder comment: All agreed.

Recommendations:

43. That Article 61 be amended to require a supplementary election under Article 108 if a candidate dies after the final list of candidates has been issued and before the close of voting on Election Day.
44. That Article 61 be amended so that if a candidate dies after the close of voting but before the final result is officially declared, the official count shall be completed and –
  - (a) if the deceased candidate obtained a relative majority of valid votes, the seat shall be declared vacant and a by-election shall be held according to Article 109;
  - (b) if the deceased candidate would have been included in a lot held under Article 105(b), he or she shall be excluded from the lot.

**(k) Article 62:** State explicitly that a supplementary election is held under Article 108 if only one candidate still remains after the nomination period is extended.

Background: If only one candidate is nominated during the nomination period, the SCER must extend the nomination period for a further 5 days. The introduction of a challenge

period for nominations (see Recommendation 18) means this extension to the nomination period will need to be reduced. If there is still only one candidate after the extension, the current law says that 'elections shall be carried out in accordance with the procedures stipulated in this law' but is not explicit about which type of election must be held. Provision also needs to be made for fewer than two candidates remaining as a result of the nomination and challenge processes.

Stakeholder comment: All agreed.

#### Recommendation

45. That –

- (a) Article 57 be amended to require a supplementary election to be held under Article 108 if the final list of candidates for a constituency contains fewer than two names;
- (b) Article 62 be amended to extend the nomination period for a constituency by 2 days if the preliminary list of candidates contains fewer than two names, with consequential reductions in the periods for filing and deciding challenges.

**(D) Article 75:** Define 'donation' to cover cash and non-cash contributions; prohibit significant anonymous donations; state who is responsible for accepting donations and notifying the SCER; require disclosure of donations as they are received by or on behalf of the candidate, not when a bank statement is received.

Background: Article 75 requires donations to be credited to a bank account and bank statements to be sent to the SCER. This assumes donations are in the form of money, whereas donations can also be in other forms, such as materials, loans or services. In addition, it is not clear who is responsible for sending bank statements to the SCER.

Stakeholder comment: All agreed.

#### Recommendations:

- 46. That Article 63(d) be amended to require an applicant to be a presidential candidate to appoint a person to be responsible for receiving donations on behalf of the candidate, and for ensuring that proper and accurate records are kept of all donations received by or on behalf of the candidate, including the true name of each donor and the amount donated.
- 47. That Article 75 be amended to –
  - (a) define a 'donation' to a presidential candidate to include cash and non-cash contributions;
  - (b) require a person making a donation that exceeds YR10,000 to provide the person receiving the donation with the true name of the donor and the reasonable market value of any non-cash donation;
  - (c) once a person is endorsed as a presidential candidate, require the person appointed by the candidate under Article 63(d) to (i) notify the SCER in writing within 48 hours of the true name of any donor who has previously made a single donation to the candidate that exceeds YR100,000 or whose total donations exceed YR200,000, and the amount donated; (ii) during the period between endorsement as a presidential candidate and the declaration of the final result of the election, notify the SCER in writing within 48 hours of the true name of any donor who makes a single donation to the candidate that exceeds YR100,000 or whose total donations to the candidate exceed YR200,000 since the candidate announced his intention to run for the presidency, and the amount donated.<sup>25</sup>

<sup>25</sup> Note that Recommendation 30 will require the SCER to publish donations notified to it.

**(m) Article 80:** Prevent a person from being a candidate at the same election for more than one governorate council, or for both a local council of an administrative district and a governorate council.

Background: This issue emerged only after the discussions with parties and NGOs had concluded. Although Article 80 prevents a person from being a candidate in more than one local electoral constituency at the same election, it does not prevent a person from being a candidate at the same election for more than one governorate council or for both a governorate council and the local council of an administrative district.

Recommendation

48. That Article 80 be amended to prevent a person from being a candidate at the same election for more than one governorate council or for both a governorate council and the local council of an administrative district.

**(n) Article 105(b):** Equal votes at final count require a recount of votes by the Main Committee under the SCER's supervision and in the presence of candidates or their representatives; if votes are still equal after the recount, then the decision is made by lot.

Background: The law states that a lot must be held immediately if two leading candidates have an equal number of votes. Before a lot is held, a recount should be conducted to review Sub-committees' decisions about the validity of votes and to ensure the count has been accurate.

Stakeholder comment: The majority agreed.

Recommendation

49. That in the case of equality of votes, (i) the Main Committee must, at a time set by the SCER and under its supervision and in the presence of candidates or their representatives, re-examine the validity of all the votes cast in the constituency and must then recount all the votes; (ii) if votes are equal after the recount, then the winning candidate is decided by lot. [Article 106(b)<sup>26</sup>]

**(o) Article 106(c):** In last sentence, replace 'House of Representatives' with 'Supreme Court'.

Background: The article requires the SCER to store ballot boxes containing ballot papers and other documents until election contests 'are resolved by the House of Representatives'. In fact it is the Supreme Court that decides contested elections, not the House. The House, does, however, receive contests about the eligibility of successful candidates under Article 115. Neither form of contest should be prevented by the issue by the SCER of a certificate to a successful candidate, and Article 107(b) should be amended accordingly.

Stakeholder comment: All agreed.

---

<sup>26</sup> This provision fits better in Article 106 and hence has been moved from Article 105.

#### Recommendation

50. That –

- (a) the last sentence of Article 106(c)<sup>27</sup> be amended by replacing ‘House of Representatives’ by ‘the Supreme Court’;
- (b) Article 107(b) be amended to refer to contesting election results before the Supreme Court.

**(p) Article 133:** Include sanctions for breaching Article 75, including accepting significant anonymous donations or donations from foreign sources, failure to disclose donations to the SCER, and inaccurate or false disclosure to the SCER.

Background: Although Article 75 regulates donations to a presidential candidate, there are no sanctions for failing to comply with the requirements of Article 75. (Note too that Recommendation 47 proposes to introduce new requirements concerning contributions to presidential candidates.)

Stakeholder comment: All agreed.

#### Recommendation

51. That Article 133 be amended to include any failure to comply with Article 75.

**(q) Article 135:** Add (a) applications by persons in clear violation of Article 3, and (b) a person who procures or assists the registration of another person while knowing that the other person was not eligible for registration under Article 3.

Background: There are no clear sanctions against a person who applies for registration as a voter when knowing that he or she is not eligible to be registered, or against a person who arranges or assists an application for registration while knowing the applicant was not eligible to be registered.

Stakeholder comment: All agreed.

#### Recommendation

52. That Article 135 be amended to cover (i) an application by a person for registration as a voter while knowing that the application violates Article 3; (ii) any action by a person to procure or assist the registration of another person while knowing that the other person was not eligible for registration under Article 3 or Article 4(b).

**(r) Enforcement of the election law:** An additional issue discussed with stakeholders was whether the election law gives the SCER the specific powers it needs to carry out its statutory duty to enforce the election law. Most stakeholders thought there were adequate enforcement powers in the election law, but that in 2003 the SCER had not fulfilled its responsibility under Article 125(b) to file lawsuits with the Office of Public Prosecutions or a court for alleged offences.

Some stakeholders noted that Article 125(b) also gives voters and election committees the same right as the SCER to refer alleged offences to the prosecutors or the courts. Nevertheless, the SCER is in a special position as the guardian of the integrity of Yemen’s electoral process, and it has a special and specific responsibility to ensure that – without exception – anyone who violates the election law is referred to the Office of the Public

---

<sup>27</sup> Note that this will become Article 106(e) as a result of other recommended amendments to Article 106.

Prosecutor. Before the 2006 elections, the SCER should make it clear to all parties, candidates, members of voter registration and election committees, and voters that it will not hesitate to do so.<sup>28</sup>

Recommendation:

53. That the SCER make it clear before each election and referendum that it will refer any person who violates the election law to the Office of the Public Prosecutor.

## **H. OTHER MATTERS RELATING TO LOCAL COUNCIL ELECTIONS**

### **(a) Different Procedures for Local Council Elections**

Article 141 of the election law states that the 'general provisions' of the law shall prevail concerning matters not addressed in the two sections concerning presidential elections (i.e. Articles 63-77) and local elections (i.e. Articles 78-84). There are, however, some matters where local council elections are significantly different from parliamentary elections; for example, all parliamentary constituencies are single-member districts whereas some local electoral constituencies elect more than one member of a local council.

Article 154 of the Local Authority Law requires the SCER to issue an 'elections guidelines manual' concerning the rules, procedures and timeframes for nominations for local council elections, for the election campaigns, and for the announcement of results and objections to results. In order for committees, parties, candidates, and voters to be informed and trained in all the procedures to be used, the Supreme Commission should include in this manual a statement of the other procedures to be used for the conduct of the local elections that are based on the procedures the law requires for parliamentary elections, with appropriate changes according to the different nature of local elections

Recommendation

54. That the SCER's manual for local council elections include the procedures to be used for conducting the elections based on those required for parliamentary elections, with appropriate changes according to the different nature of local elections. [Article 141]

### **(b) Printing of Ballot Papers for Local Council Elections**

This issue was discussed in Phase One of the project. The SCER is responsible for preparing ballot papers, which must be properly stamped with its seal (Article 24(f)). It is able to issue regulations and by-laws for this purpose under the general power given to it by Article 24(g).

The SCER introduced significant improvements to the ballot papers for the 2003 parliamentary elections, including photographs of candidates and the use of watermarked security paper. It is generally acknowledged that the ballot papers for the 2003 elections were clear and well-designed. Preparation and printing of the ballot papers was done centrally. The SCER also improved the transparency of the electoral process by inviting political parties and international NGOs and observers to monitor the preparation and printing of the ballot papers.

The short time between the finalization of candidate nominations for local councils and Election Day means, however, that the SCER will face significant logistical issues in 2006 in preparing, approving, printing and distributing different ballot papers for a large number of

---

<sup>28</sup> In conjunction with stakeholders, IFES will be working in 2005 on reviewing procedures concerning election disputes.

local electoral constituencies as well as the ballot papers for the presidential and governorate council elections. The issue will also arise in 2009 with the simultaneous parliamentary and local council elections. There were 5,621 local electoral constituencies at the 2003 parliamentary elections but it is expected that the 2004 census will show a significant increase in Yemen's population, with a consequent increase in the number of local electoral constituencies.<sup>29</sup>

### **Summary of Stakeholder Discussions**

There was general agreement that the SCER should continue to be responsible for deciding where ballot papers are printed. The point was also made that more time should be allowed for printing if possible, e.g. by increasing the campaign period.

### **IFES Conclusions and Recommendation**

The administrative arrangements for designing and printing ballot papers are clearly a matter for the SCER according to its judgment about the best balance to be achieved between cost effectiveness, the availability of printers with the required technical ability and capacity, and security considerations (including the use of proper systems to account for the number of ballot papers printed for each council, the quality of paper to be used, security marks, and transport and storage arrangements). The SCER should consider decentralizing the printing of ballot papers for the 2006 local council election, e.g. to the governorate level, provided that political parties and NGOs are again able to monitor the process. The SCER should also ensure that the timetable it sets for the different phases of the 2006 election gives it as much time as possible between the issue of the final lists of candidates and Election Day.

The number of different ballot papers that must be printed for local council elections depends on the number of local electoral constituencies from which representatives are elected. Article 59 of Law No. (4) Local Authority Law (2000) sets the number of elected members for local councils based on the populations of the administrative districts, as follows:

<b>population of administrative district*</b>	<b>number of members elected to local council</b>	<b>number of councils</b>
35,000 or less	18	163
35,000 to 75,000	20	101
75,000 to 150,000	26	60
more than 150,000	30	9

\* districts are classified according to population figures from the 1994 census

Until an amendment to Article 60 of the Local Authority Law was passed in 2002, all members of local councils had to be elected from single-member districts. The SCER faced some problems in drawing the constituency boundaries for administrative districts with very small populations. It cites the examples of two administrative districts with total populations of 2,112 and 2,430, each of which elects 18 members to its own district council. If these districts were divided into 18 single-member local electoral constituencies, their constituencies would have total population quotas of 117 and 135 respectively, and each constituency would be likely to have a total of only 30-40 registered voters.<sup>30</sup>

<sup>29</sup> It is understood that the number of administrative districts will be reviewed once the results of the 2004 census are available but that this will not be completed before the SCER must determine the boundaries of the local electoral constituencies for the current districts.

<sup>30</sup> SCER, *2003 Parliamentary Elections. Documentation of Boundary Delimitation, Voter Registration and Election Results*, Chapter 2, Section Three.

These problems led to an amendment to the Local Authority Law to allow a local electoral constituency to be represented by 'one or more' elected members. This amendment will help to reduce the number of local electoral constituencies and hence the number of different ballot papers required for local council elections. At one extreme, it would be possible to have all 18 members of a local council for a small administrative district elected 'at large' from a single constituency, although this could result in a large number of candidates on a single ballot paper and in more complex voting and vote counting processes. It could also affect the nature of the representation provided by the elected members. However, these problems may not be quite so significant if – for example – an administrative district had three local electoral constituencies each electing six members (or some other configuration depending on local conditions), or if administrative districts with small populations elected fewer than 18 members to the local council.

The SCER should discuss these issues with the Ministry of Local Administration, in particular whether there should be an amendment to the Local Authority Law to reduce the number of elected members in administrative districts with small populations.

#### Recommendation

55. That –

- (a) the SCER consider decentralizing the printing of local council ballot papers, provided that political parties and NGOs are able to monitor the process;
- (b) the SCER set the timetable for the different phases of the 2006 election to give it as much time as possible between the finalization of the lists of candidates and Election Day;
- (c) the SCER discuss with the Ministry of Local Administration the issues surrounding the number of local electoral constituencies required in administrative districts with small populations, including whether there should be an amendment to Article 59 of the Local Authority Law to have fewer than 18 elected members in those administrative districts.

#### **(c) Filling vacancies between elections**

If a local councilor dies, resigns from office, or is appointed to public office, Article 113 of the Local Authority Law requires a by-election to be held within 30 days to elect a replacement for the rest of the council's term. No replacement is made if the vacancy occurs in the last 12 months of the council's term.

By-elections can be costly. The SCER has advised IFES that local council by-elections in 16 governorates in November and December 2004 cost 300 million riyals (US\$ 1.6 million).

Participants in Phase One discussed the following options for avoiding by-elections for local councils:

Option 1: The replacement is the highest polling unsuccessful candidate at the previous local council election if he or she is available and is willing to take office.<sup>31</sup> If that person is unavailable, the seat remains vacant or option 2 or 3 is used.

Option 2: The party of the former councilor appoints a replacement; if the former member was not elected to represent a party, the council calls for nominations of other independent persons and decides on the replacement by majority vote.

Option 3: The council decides on replacement by majority vote.

---

<sup>31</sup> This process is used in the Sultanate of Oman to fill vacant seats in the Majlis A'Shura.

### **Summary of Stakeholder Discussions**

Opinions were divided. Some stakeholders favored retaining by-elections, on the grounds that they helped voters believe in the value of their votes. Others favored appointment of the highest polling unsuccessful candidate, with that person being identified at the time the election result was announced. However, opponents argued this could lead to the highest polling unsuccessful candidate putting pressure on the winner to vacate his or her seat on the council.

### **IFES Conclusions and Recommendation**

The cost of by-elections for local councils is significant and the law requires the SCER to conduct them within a very short timeframe. However, these factors must be balanced against the democratic rights of the citizens to elect their representatives. Unlike the other options, Option 1 does ensure that replacements do have some mandate from the voters, and their identification is open and certain. It does, however, mean that the party balance on the council could change. Nevertheless, a by-election should continue to be held if the highest polling unsuccessful candidate at the previous local council election is not available to take office.

IFES recommends that the SCER discuss these issues with the Ministry of Local Administration.

#### Recommendation

56. That the SCER discuss with the Ministry of Local Administration whether Article 113 of the Local Authority Law should be amended so that a vacancy arising more than 12 months before the end of the council's term is filled by the highest polling unsuccessful candidate at the previous local council elections, with a by-election being held if that person does not accept the position.

## **Annex 1      List of Recommendations**

The references in square brackets are to the amended articles in Annex 3 of this report.

### **A. Composition of Election Committees**

1. That, pursuant to Article 24(e), the SCER determine and announce the selection criteria for chairs and members of voter registration and election committees for the 2006 elections as soon as practicable.
2. That the SCER have flexibility to determine the number and functions of the election committees when local council elections are held simultaneously with presidential or parliamentary elections. [Article 78(b)]
3. That all chairs and all members of Supervisory Committees be non-partisan. [Article 27(b)]
4. That no Main Committee or Sub-committee have –
  - (a) a majority of members from one party; or
  - (b) a majority of members from parties that are, in the opinion of the SCER, allied or aligned. [Article 24(d)]
5. That –
  - (a) each Supervisory Committee consist of a Chairman and four members, including at least two women from the governorate concerned;
  - (b) a Supervisory Committee be able to carry out its duties if one of its five members is absent;
  - (c) in the absence of the Chairman of a Supervisory Committee and in the event that he has not designated a deputy, the oldest member of the Committee shall replace him until a substitute is appointed;
  - (d) a Supervisory Committee designate from among its members a secretary to record the minutes, to be signed by the Chairman and members of the committee and then to be stamped by the numbered seal allotted to the Committee by the Supreme Commission;
  - (e) a member of a Supervisory Committee have the right to refuse to sign the Committee's minutes provided he or she enters a written statement of the specific reasons for refusal in the Committee's records. [Articles 26(b), 26(d), 27(b), 27(c)]
6. That –
  - (a) the membership of each Main Committee must include at least one woman from the constituency concerned;
  - (b) when a woman member of a Main Committee is carrying out her duties as a member of the Committee, she may be accompanied by another woman or by a family member to act as a companion, provided that the companion must take no part in the proceedings of the Committee, must not influence the member of the Committee, and must not disclose any information he or she may acquire in carrying out the role of a companion. [Articles 24(d), 128(b)]

### **B. Voter Registration**

7. That a place of work not be a voting domicile. [Article 2(d)]
8. That where the SCER has reason to believe a person whose name appears in a Voters List is not eligible to be registered under Article 3 of the law or is registered in more than one constituency –
  - (a) the SCER may, during the review and update period and the subsequent addition and deletion period, request the Main Committee to delete the name of that person from the List, provided the SCER has notified the voter concerned (if not deceased);

- (b) after a Main Committee has dealt with applications for additions and deletions but before the Voters List becomes final, the SCER may apply to a Court of First Instance for the deletion of the name of the voter, provided (i) the SCER has notified the voter concerned (if not deceased) of the reasons for its belief and its intention to apply to the Court, and (ii) the SCER has publicly announced the names of the registered voters that it believes to be ineligible and that it intends to apply to the court for their removal from the List. [Articles 12(d), 13(b), 15(c)]
9. That before the Voters Lists become final, –
    - (a) the SCER have the power to correct errors in a Voter s List; and
    - (b) the SCER have the power to file a challenge in a Court of First Instance against any entry in a Voters List, provided it has previously notified the voter concerned of its intention to do so; the SCER and the voter concerned shall have the right of appeal to a Court of Appeal for a final decision. [Articles 10(b), 15(d)]
  10. That –
    - (a) the Voters Lists in existence at the beginning of the 30-day biennial review and pre-election update periods be posted in public places within the constituency throughout the review and update periods;
    - (b) corrected Voters Lists be posted in public places within the constituency for 7 days after the 30-day biennial review and pre-election update periods. [Articles 12(b), 13(a)]
  11. That the final Voters Lists be posted for 7 days in public places within the constituency. [Article 16(a)]
  12. That a political party have the right to obtain from the Main Committee a photocopy of any Voters List that is publicly displayed, at a uniform cost that is set by the SCER. [Article 16A]
  13. That –
    - (a) the headquarters of a political party have the right to obtain from the SCER in electronic form, a copy of any Voters List that is publicly displayed; and
    - (b) the SCER shall set the uniform costs and technical specifications for providing parties with electronic copies of Voters Lists. [Article 16A]
  14. That where a copy of a Voters List is provided to a party –
    - (a) the List and the information in it must be used only for purposes relating to the registration of voters or in connection with an election or referendum;
    - (b) it be an offence to sell the List or the information in it, or to provide it to any unauthorized person, or to use it for commercial purposes. [Articles 134(c), 134A]

### **C. Boundary Delimitation**

15. That the election law state the general procedures for the boundary delimitation process, namely –
  - (a) that the SCER must revise the boundaries of parliamentary constituencies and local electoral constituencies according to the usually-resident populations;
  - (b) that the SCER must not consider political data when deciding constituency boundaries and must not incorporate political data into a delimitation database;
  - (c) that the SCER must (i) make publicly available within each governorate its proposed boundaries for the constituencies within the governorate and the specific reasons for them in terms of the statutory criteria; (ii) give political parties, local councils, and any other person or organization the SCER considers appropriate, a reasonable opportunity to provide the SCER with comments on the manner in which the proposed boundaries comply with the statutory criteria; (iii) consider those comments before deciding the final boundaries; (iv) publish the final boundaries showing their compliance with the statutory criteria; and (v) prepare new Voters Lists according to the new boundaries; and

(d) that the new boundaries will come into force at the next general election for the House of Representatives or the local councils. [Articles 10(c), 53(b), 78(c)]

#### **D. Nomination of Candidates**

16. That –
  - (a) the candidate nomination period for parliamentary and local council elections be reduced from 10 days to 7 days; and
  - (b) Independent candidates be required to obtain 200 signatures from at least one-third of centers. [Articles 57(a), 58(b), 81]
17. That where a committee refuses an application to be a candidate, it must provide the applicant with a written statement of the specific reasons for its decision. [Articles 57(f), 84(b)]
18. That–
  - (a) within 2 days of the committee’s announcement of the preliminary list of candidates for a constituency, any registered voter in the constituency may challenge a committee’s decision to refuse or accept a nomination application;
  - (b) the committee issue its decision on the challenge within 3 days of the deadline for filing applications;
  - (c) the parties to the case then have 2 days to appeal the committee’s decision to the Court of Appeal in the governorate, which must issue its decision within 5 days of the deadline for filing appeals;
  - (d) the decision of the Court of Appeal determine whether the person concerned shall be a candidate at the election. [Articles 57(g)-(j), 84(c)-(f)]
19. That the fee to be a candidate for the local council of an administrative district be half the fee to be a candidate at a parliamentary or governorate council election.
20. That the fee to be a candidate at a parliamentary or governorate council election be increased to RY10,000. [Articles 58(c), 83]
21. That a woman need not obtain any signatures for nomination as an Independent candidate. [Article 58(b)]
22. That the requirement that any public official in an administrative unit must resign 3 months before the opening of nominations in order to be eligible to be a candidate in a constituency in which he or she works be removed. [Article 60(f)]
23. That the penalty for any public official convicted of an offence against the First, Second and Seventh provisions of Article 133 be a maximum period of imprisonment of 2 years and loss of office. [Article 133(a), 133(b)]

#### **E. Voting and Counting Processes**

24. That immediately after the close of the poll, each male and female Sub -committee count the votes it has issued, report the results to the First Sub -committee, and deliver sealed ballot papers and other documents to the First Sub -committee under secure conditions. [Articles 102-106]
25. That if a candidate fails to appoint a representative to a Main Committee or Sub-committee, or if an appointed representative does not attend, the committee must record that fact in its minutes and must then carry out its duties in his or her absence. [Article 95]
26. That if one member of a committee is absent, the other two members must record that fact in the minutes and must carry out the committee’s duties in his or her absence. [Article 26(c)]
27. That the law state clearly that a committee member has the right to refuse to sign the committee’s minutes provided he or she enters a written statement of the specific reasons for refusal in the committee’s records. [Article 26(b)]

28. That copies of the count or aggregation of results and the minutes recording the final results be given to candidates or their representatives by a Main Committee or a Sub-committee and also be publicly displayed for 3 days at the location of the Main Committee or Sub -committee. [Articles 104(b), 106(a), 106(c)]

#### **F. Election Campaigns and Finance**

29. That the SCER's instructions to the official media under Article 25(c) include guidelines relating to coverage of the incumbent President's daily activities during the campaign period for a presidential election at which the President is a candidate, which may be perceived as election publicity. [Article 50]
30. That within 48 hours of being notified of a single donation to a presidential candidate of YR100,000 or more, or of donations to a presidential candidate from a single donor to a presidential candidate that exceed YR200,000 in total, the SCER must publish the name of the donor and the amount donated. [Article 75(d)]
31. That by the end of 2007, and following consultations with political parties and other organizations it considers appropriate, the SCER publish a report recommending whether campaign spending limits should be introduced for presidential, parliamentary or local council elections, and whether disclosure of donations should be introduced for parliamentary and /or local council candidates. If the SCER does recommend the introduction of campaign spending limits or disclosure of donations, the report should state the limits and disclosure levels that should apply and the mechanisms by which they would be enforced.

#### **G. Other Matters Relating to the Election Law**

32. That Article 5 be amended to provide that a voter does not have the right to vote at any center if a presidential election or a referendum is combined with parliamentary elections or with local council elections.
33. That Articles 12, 14 and 15 be amended to require a voter to be notified (unless deceased) before his or her name can be deleted from the Voters List as a result of an application by another person or by the SCER.
34. That Article 15(a) be amended to limit the right of challenge to the Voters List for a constituency to citizens whose voting domicile is in that constituency.
35. That Article 15(b) be amended to limit the right of appeal to the objector and the respondent.
36. That Clauses (a) and (b) of Article 24 be amended to state explicitly that boundaries of parliamentary constituencies and local electoral constituencies must be revised after each population census.
37. That a new clause be inserted into Article 24 to provide that –
  - (a) the SCER is the principal and independent adviser to the Government and the House of Representatives on electoral matters;
  - (b) within 12 months of each general election and referendum, and following consultations with political parties and with any other organizations it considers appropriate, the SCER must publish a report on the conduct of the election, including any changes to the law recommended by the SCER. [Article 24(i)]
38. That before taking up their duties after they are appointed, all Chairmen and members of Supervisory Committees and voter registration and election Main Committees and Sub -committees must, in front of witnesses, read aloud and sign a statement promising to fulfill their duties impartially and in accordance with the policies and directions of the SCER. [Article 25(b)]

39. That –
  - (a) there be no requirement for an *amin/akel* or a judge to verify the endorsements from voters obtained by an applicant to be an Independent candidate;
  - (b) an applicant to be an Independent candidate must ensure and declare that each voter endorsing his or her candidacy has personally signed the form provided by the SCER, with a false declaration resulting in refusal of his or her application and liability to prosecution;
  - (c) all multiple endorsements of applicants to be Independent candidates be treated as void;
  - (d) an applicant to be an Independent candidate be entitled to be entitled to inspect the final Voters Lists held by the Main Committee. [Articles 58(b), 133]
40. That Article 58(c) and Article 83 be amended to –
  - (a) require a local council to provide the relevant Main Committees with the details of the council's bank account into which the candidates' nomination fees must be deposited, and require the Main Committees to provide these details to each candidate;
  - (b) require candidates to deposit the fee in cash in the relevant local council's bank account and include the receipt with their nomination application.
41. That Article 58(d) be amended to provide that –
  - (a) a political party may withdraw its endorsement of a candidate only during the nomination period, and may then endorse another candidate before the end of the nomination period;
  - (b) a candidate from whom a party withdraws its endorsement may become an Independent candidate if he or she completes such nomination application procedures as the SCER requires in the period remaining before the close of nominations.
42. That Article 61 be amended so that –
  - (a) the deadline for a person to withdraw his or her application to be a candidate is 2 days after the end of the nomination period;
  - (b) if a person withdraws his or her application to be a candidate, the local council to which the candidate fee was paid must refund the fee in full to the candidate or his or her representative;
  - (c) a candidate who dies before the deadline for withdrawals is deemed to have withdrawn.
43. That Article 61 be amended to require a supplementary election under Article 108 if a candidate dies after the final list of candidates has been issued and before the close of voting on Election Day.
44. That Article 61 be amended so that if a candidate dies after the close of voting but before the final result is officially declared, the official count shall be completed and –
  - (a) if the deceased candidate obtained a relative majority of valid votes, the seat shall be declared vacant and a by-election shall be held according to Article 109;
  - (b) if the deceased candidate would have been included in a lot held under Article 105(b), he or she shall be excluded from the lot.
45. That –
  - (a) Article 57 be amended to require a supplementary election to be held under Article 108 if the final list of candidates for a constituency contains fewer than two names;
  - (b) Article 62 be amended to extend the nomination period for a constituency by 2 days if the preliminary list of candidates contains fewer than names, with consequential reductions in the periods for filing and deciding challenges
46. That Article 63(d) be amended to require an applicant to be a presidential candidate to appoint a person to be responsible for receiving donations on behalf of the candidate, and for ensuring that proper and accurate records are kept of all donations received by or on behalf of the candidate, including the true name of each donor and the amount donated.

47. That Article 75 be amended to –
  - (a) define a ‘donation’ to a presidential candidate to include cash and non-cash contributions;
  - (b) require a person making a donation that exceeds YR10,000 to provide the person receiving the donation with the true name of the donor and the reasonable market value of any non-cash donation;
  - (c) once a person is endorsed as a presidential candidate, require the person appointed by the candidate under Article 63(d) to (i) notify the SCER in writing within 48 hours of the true name of any donor who has previously made a single donation to the candidate that exceeds YR100,000 or whose total donations exceed YR200,000, and the amount donated; (ii) during the period between endorsement by the House and the declaration of the final result of the election, notify the SCER in writing within 48 hours of the true name of any donor who makes a single donation to the candidate that exceeds YR100,000 or whose total donations to the candidate exceed YR200,000 since the candidate announced his intention to run for the presidency, and the amount donated.
48. That Article 80 be amended to prevent a person from being a candidate at the same election for more than one governorate council or for both a governorate council and the local council of an administrative district.
49. That in the case of equality of votes, (i) the Main Committee must, at a time set by the SCER and under its supervision and in the presence of candidates or their representatives, re-examine the validity of all the votes cast in the constituency and must then recount all the votes; (ii) if votes are equal after the recount, then the winning candidate is decided by lot. [Article 106(b)]
50. That –
  - (a) the last sentence of Article 106(c)<sup>32</sup> be amended by replacing ‘House of Representatives’ by ‘the Supreme Court’;
  - (b) Article 107(b) be amended to refer to contesting election results before the Supreme Court.
51. That Article 133 be amended to include any failure to comply with Article 75.
52. That Article 135 be amended to cover (i) an application by a person for registration as a voter while knowing that the application violates Article 3; (ii) any action by a person to procure or assist the registration of another person while knowing that the other person was not eligible for registration under Article 3 or Article 4(b).
53. That the SCER make it clear before each election and referendum that it will refer any person who violates the election law to the Office of the Public Prosecutor.

## **H. Other Matters Relating to Local Council Elections**

54. That the SCER’s manual for local council elections include the procedures to be used for conducting the elections based on those required for parliamentary elections, with appropriate changes according to the different nature of local elections. [Article 141]
55. That –
  - (a) the SCER consider decentralizing the printing of local council ballot papers, provided that political parties and NGOs are able to monitor the process;
  - (b) the SCER set the timetable for the different phases of the 2006 election to give it as much time as possible between the finalization of the lists of candidates and Election Day;
  - (c) the SCER discuss with the Ministry of Local Administration the issues surrounding the number of local electoral constituencies required in administrative districts with small populations, including whether there should be an amendment to Article 59 of

---

<sup>32</sup> Note that this will become Article 106(e) as a result of other recommended amendments to Article 106.

the Local Authority Law to have fewer than 18 elected members in those administrative districts.

56. That the SCER discuss with the Ministry of Local Administration whether Article 113 of the Local Authority Law should be amended so that a vacancy arising more than 12 months before the end of the council's term is filled by the highest polling unsuccessful candidate at the previous local council elections, with a by-election being held if that person does not accept the position.

---

## **Annex 2 List of Participants in Phases One and Two of the Public Policy Dialogue**

IFES expresses its gratitude and appreciation to the Members of Parliament and representatives of political parties and civil society organizations who participated in the Rule of Law project. IFES thanks all participants for their valuable recommendations and suggestions presented during the meetings, and looks forward to maintaining and continuing fruitful coordination and cooperation with all participants.

### **Members of the Supreme Commission for Elections and Referendum (SCER)**

Dr. Abdul-Moamen Shuja'a-Al-Deen, Head of the Legal Affairs and Referenda Sector  
Dr. Mohammed Abdullah Al-Sayani, Head of the Technical and Planning Sector

### **Representatives of the General People's Congress (GPC)**

Mr. Sultan Saeed Al-Barakani, Head of the GPC caucus in the Parliament  
Mr. Yasser Ahmed Salem, Deputy of the Head of the GPC caucus in the Parliament  
(Foreign Affairs Committee)  
Mr. Akram Abdullah Mohammed Atiyah, Deputy of the Head of the GPC caucus in the  
Parliament (Parliamentary Affairs)  
Mr. Ahmed Al-Zuhairy, Head of the Local Authority Committee at the Parliament  
Mr. Wadi'e Al-Azazy, Office Manager of the Head of the GPC caucus in the Parliament  
Mrs. Khadija Radman, Head of the Foreign Affairs Sector at the Permanent Committee  
Mr. Younis Haza'a, Political Officer  
Mr. Faisal Ameen Abu Ras, Member of the Parliament  
Mr. Abdul-Jalil Jazem, Member of the Parliament  
Mr. Ahmed Mohammed Al-Abyadh, General Secretariat Consultant (Attorney)  
Mr. Moamer Al-Eryani, Head of the Youth and Students Sector  
Mr. Mohammed Saleh Al-Ashwal, Deputy of the Youth and Students Sector  
Mr. Salah Ali Al-Morsi, Head of the Finance Sector (Attorney)  
Mr. Nasser Al-Attar, Deputy of the Legal Sector  
Mrs. Khadija Abdullah Al-Khatari, Deputy of the Women Sector

### **Representatives of the Joint Meeting parties**

*Yemen Congregation For Reform (Islah)*

Mr. Mohammed Mohammed Qahtan, Political Officer  
Mr. Ibrahim Misleh Al-Haer, Head of the Electoral Office

*Yemen Socialist Party (YSP)*

Dr. Aidaroos Naser Al-Nakib, Head of the YSP caucus in the Parliament  
Mr. Abdul-Ghani Abdul-Qader, Political Officer  
Dr. Mohammed Ahmed Al-Mikhalfi, Head of the Legal and Human Rights Sector  
Mr. Salem Omar, Head of the Electoral Sector

*Nasserie Unionists Political Party (NUPP)*

Mr. Sultan Al-Atwani, Political Officer  
Dr. Abdul-Qados Al-Medhwahi, Political Officer  
Mr. Saeed Abdullah Ahmed, Secretary of the Technical Committee

*Federation of Popular Yemeni Forces*

Mr. Abdul-Karim Al-Khaiwani, Member of the General Secretariat  
Mr. Mohammed Ghaleb Thawaba, Member of the General Secretariat  
Mr. Ali Saif Al-Noaimi, Head of the Technical Electoral Committee

*Haq Party*

Mr. Hassan Mohammed Zaid, Political Officer

*Ba'ath Socialist Party*

Mr. Abdullah Al-Jarmoozi, Public Affairs Office

**Representatives of the National Opposition Parties (NOC)**

Mr. Yassin Abdo Saeed, Secretary General of the Democratic Nasserie te  
Mr. Naser Al-Nusairy, Secretary General of the National Democratic Front  
Mr. Mohammed Ali, Secretary General of the Liberation Front  
Mr. Ahmed Abdullah Hadi, Political Officer of the Liberation Front  
Mr. Abdo Farhan, Member of the General Secretariat of the National Social Party  
Mr. Abdul-Karim Yehya, Member of the General Secretariat in the Democratic Federation  
For Popular Forces

**Representative of an independent political party**

Mr. Hussien Ahmed Al-Soffi, Head of the National Affairs Office, Ba'ath National Party

**Representatives of local civil society organizations**

Mrs. Raja'a Abdullah Al-Masa'abi, Head of the Arabian Organization for Human Rights  
Mr. Wahid Abdullah Al-Masa'abi, Arabian Organization for Human Rights  
Mr. Jamal Abdullah Al-Shami, Head of the Democracy School (Democracy & Human Rights)  
Mr. Aref Al-Qadhi, Democracy School (Democracy & Human Rights)  
Mrs. Ramziyah Abass Al-Eryani, Head of the Yemeni Women Union  
Mr. Abdul-Majeed Al-Fahd, Head of the Civic Democratic Initiatives Support Foundation.  
(CDF)  
Mr. Abdul-Rahman Al-Shawafi, Civic Democratic Initiatives Support Foundation (CDF)  
Ms. Sultana AlJaham, Civic Democratic Initiatives Support Foundation (CDF)

**Representatives of international NGOs**

Dr. Robin Madrid, Country Director, National Democratic Institute (NDI)  
Mr. Hatem Bamehriz, Deputy Country Director, National Democratic Institute (NDI)

### Annex 3 Draft General Elections and Referendum Law with amendments recommended by IFES

The table below shows the current General Elections and Referendum Law No. 13 (2001)<sup>33</sup> and a draft law with the amendments recommended by IFES in this report shown in italics. The right hand column shows the number/s of the recommendation/s for the amendments to the article.

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>In the name of the People, the President of the Republic: after having perused the Constitution of the Republic of Yemen, and having been approved by the House of Representatives, we hereby issue the following legislation: <b>Part One: Name, Definitions and Voting Rights</b></p>	<p>In the name of the People, the President of the Republic: after having perused the Constitution of the Republic of Yemen, and having been approved by the House of Representatives, we hereby issue the following legislation: <b>Part One: Name, Definitions and Voting Rights</b></p>	
<i>Section One: Name and Definitions</i>	<i>Section One: Name and Definitions</i>	
<b>Article (1):</b> This Law shall be called the “General Elections and Referendum Law”.	<b>Article (1):</b> This Law shall be called the “General Elections and Referendum Law”.	
<p><b>Article (2):</b> For the purpose of this Law, the following words and expressions shall have the following meanings unless the context dictates another meaning.</p> <p>(a) Republic: The Republic of Yemen;</p> <p>(b) Citizen: Every Yemeni male or Yemeni female;</p> <p>(c) Voter: Every citizen who has voting and referendum rights in accordance with the provisions of the Constitution and this Law;</p> <p>(d) Voting domicile: The usual place of residence of a person, or where this person has his main place of work, or the residence of his family even if he does not reside in it;</p> <p>(e) General elections: The exercise by the people of their right to elect the President of the Republic and to elect their representatives in the House of Representatives and Local Councils and any other general elections in a free, direct, secret and equal way;</p> <p>(f) Supreme Commission: The Supreme Commission for Elections and Referendum (SCER);</p> <p>(g) Supreme Commission’s General Secretariat: The Administrative, Financial and Technical Apparatus of the Supreme Commission;</p> <p>(h) Branches of the General Secretariat: Administrative bodies formed by the Commission in the Secretariat of the Capital City and in the capital cities of</p>	<p><b>Article (2):</b> For the purpose of this Law, the following words and expressions shall have the following meanings unless the context dictates another meaning.</p> <p>(a) Republic: The Republic of Yemen;</p> <p>(b) Citizen: Every Yemeni male or Yemeni female;</p> <p>(c) Voter: Every citizen who has voting and referendum rights in accordance with the provisions of the Constitution and this Law;</p> <p><i>(d) Voting domicile: The usual place of residence of a person, or the residence of his family even if he does not reside in it;</i></p> <p>(e) General elections: The exercise by the people of their right to elect the President of the Republic and to elect their representatives in the House of Representatives and Local Councils and any other general elections in a free, direct, secret and equal way;</p> <p>(f) Supreme Commission: The Supreme Commission for Elections and Referendum (SCER);</p> <p>(g) Supreme Commission’s General Secretariat: The Administrative, Financial and Technical Apparatus of the Supreme Commission;</p> <p>(h) Branches of the General Secretariat: Administrative bodies formed by the Commission in the Secretariat of the Capital City and in the capital cities of Governorates to undertake all administrative duties and tasks assigned to</p>	7

<sup>33</sup> Unofficial translation prepared by IFES, March 2005.

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
<p>Governorates to undertake all administrative duties and tasks assigned to them pursuant to the provisions of this Law and its by-laws;</p> <p>(i) Committees for the Preparation of Voters Lists: The Main Committees and the Sub-committees formed to prepare the lists of voters' names and particulars, or to review and make copies of these, and to perform all other necessary tasks in accordance with the provisions of this Law;</p> <p>(j) Supervisory Committees: The committees formed by the Supreme Commission at the Governorate level in order to supervise the work of other election committees;</p> <p>(k) Election Administration Committees: The Main Committees and Sub-committees formed by the Supreme Commission for the purpose of administering the voting, vote-counting and declaration of results in electoral constituencies in accordance with the provisions of this Law and the instructions of the Supreme Commission;</p> <p>(l) First Sub-committee: The first committee at any parliamentary electoral center and the Main Committee in a local electoral constituency;</p> <p>(m) Parliamentary Constituency: An area that forms one of the electoral constituencies into which the Republic is subdivided in accordance with the provisions of the Constitution, this Law and other applicable laws, and within which the citizens exercise their voting rights;</p> <p>(n) Electoral Center: A location within a constituency at which a voter exercises his voting rights to choose his representatives and to express his opinion in a referendum;</p> <p>(o) Local Electoral Constituency: The main electoral unit whose Voters List contains all those voters eligible to exercise their electoral rights. It is considered an electoral center within a Parliamentary Constituency, and its Voters List is the official list for local, parliamentary and presidential elections and for public referenda;</p> <p>(p) Final Voters Registration List: The list of voters' names after it has been announced and can no longer be contested;</p> <p>(q) Voting: The casting by the voter of his ballot in any general election or general referendum;</p> <p>(r) General Referendum: Soliciting of public opinion to find out the extent of public agreement or rejection with any issue subject to a referendum called by the President in accordance with the provisions of the Constitution;</p> <p>(s) Relative Majority: The majority of valid votes cast in any election;</p> <p>(t) Absolute Majority: More than half the number of votes of those</p>	<p>them pursuant to the provisions of this Law and its by-laws;</p> <p>(i) Committees for the Preparation of Voters Lists: The Main Committees and the Sub-committees formed to prepare the lists of voters' names and particulars, or to review and make copies of these, and to perform all other necessary tasks in accordance with the provisions of this Law;</p> <p>(j) Supervisory Committees: The committees formed by the Supreme Commission at the Governorate level in order to supervise the work of other election committees;</p> <p>(k) Election Administration Committees: The Main Committees and Sub-committees formed by the Supreme Commission for the purpose of administering the voting, vote-counting and declaration of results in electoral constituencies in accordance with the provisions of this Law and the instructions of the Supreme Commission;</p> <p>(l) First Sub-committee: The first committee at any parliamentary electoral center and the Main Committee in a local electoral constituency;</p> <p>(m) Parliamentary Constituency: An area that forms one of the electoral constituencies into which the Republic is subdivided in accordance with the provisions of the Constitution, this Law and other applicable laws, and within which the citizens exercise their voting rights;</p> <p>(n) Electoral Center: A location within a constituency at which a voter exercises his voting rights to choose his representatives and to express his opinion in a referendum;</p> <p>(o) Local Electoral Constituency: The main electoral unit whose Voters List contains all those voters eligible to exercise their electoral rights. It is considered an electoral center within a Parliamentary Constituency, and its Voters List is the official list for local, parliamentary and presidential elections and for public referenda;</p> <p>(p) Final Voters Registration List: The list of voters' names after it has been announced and can no longer be contested;</p> <p>(q) Voting: The casting by the voter of his ballot in any general election or general referendum;</p> <p>(r) General Referendum: Soliciting of public opinion to find out the extent of public agreement or rejection with any issue subject to a referendum called by the President in accordance with the provisions of the Constitution;</p> <p>(s) Relative Majority: The majority of valid votes cast in any election;</p> <p>(t) Absolute Majority: More than half the number of votes of those participating in the election;</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
participating in the election; (u) By-laws: All Executive by-laws relating to this Law; (v) Supplementary Elections: Elections conducted in one or more electoral centers or one or more electoral constituencies where the results of the voting are declared null or where the election process could not be previously conducted or was prematurely terminated; (w) By-elections: Elections conducted to fill seats that become vacant as a result of resignation, death and/or appointment to a public office. This does not apply to appointments to the Council of Ministers.	(u) By-laws: All Executive by-laws relating to this Law; (v) Supplementary Elections: Elections conducted in one or more electoral centers or one or more electoral constituencies where the results of the voting are declared null or where the election process could not be previously conducted or was prematurely terminated; (w) By-elections: Elections conducted to fill seats that become vacant as a result of resignation, death and/or appointment to a public office. This does not apply to appointments to the Council of Ministers.	
<i>Section Two: The Right to Vote</i>	<i>Section Two: The Right to Vote</i>	
<b>Article (3):</b> Any citizen who has attained (18) complete solar years has voting rights, except a naturalized person who has not completed the period provided for in the Law since acquiring Yemeni citizenship.	<b>Article (3):</b> Any citizen who has attained (18) complete solar years has voting rights, except a naturalized person who has not completed the period provided for in the Law since acquiring Yemeni citizenship.	
<b>Article (4):</b> (a) A voter shall personally exercise his electoral rights in the electoral constituency that is his voting domicile. If he has more than one domicile, he shall be required to designate the voting domicile where he wishes to exercise his electoral rights. In any event, no citizen is allowed to register his name in more than one electoral center, and can only exercise his voting rights in the center in which he has registered his name. (b) A voter may change his voting domicile for another legal domicile. In such instances, the voter shall be required to submit a written application to the election committee within the new voting domicile, attaching his Voter Card to the application. The election committee shall then enter the voter's name into its Voters List providing that all legal requirements are met by the applicant, and shall inform the Supreme Commission which in turn shall relay such information to the election committee in the applicant's former voting domicile to delete the said voter's name from its List before the announcement of the Final Voters List in accordance with the provisions of Article (13) of this Law. No committee shall have the right to register any voter on employment relocation grounds unless the voter has worked in the new domicile for at least (6) months from the date of submission of the application. (c) On the day following the end of the registration process, all election committees shall forward to the Supreme Commission the names of all voters registered on grounds of change of domicile. The Supreme Commission shall, within (7) days following the end of the voter	<b>Article (4):</b> (a) A voter shall personally exercise his electoral rights in the electoral constituency that is his voting domicile. If he has more than one domicile, he shall be required to designate the voting domicile where he wishes to exercise his electoral rights. In any event, no citizen is allowed to register his name in more than one electoral center, and can only exercise his voting rights in the center in which he has registered his name. (b) A voter may change his voting domicile for another legal domicile. In such instances, the voter shall be required to submit a written application to the election committee within the new voting domicile, attaching his Voter Card to the application. The election committee shall then enter the voter's name into its Voters List providing that all legal requirements are met by the applicant, and shall inform the Supreme Commission which in turn shall relay such information to the election committee in the applicant's former voting domicile to delete the said voter's name from its List before the announcement of the Final Voters List in accordance with the provisions of Article (13) of this Law. No committee shall have the right to register any voter on employment relocation grounds unless the voter has worked in the new domicile for at least (6) months from the date of submission of the application. (c) On the day following the end of the registration process, all election committees shall forward to the Supreme Commission the names of all voters registered on grounds of change of domicile. The Supreme Commission shall, within (7) days following the end of the voter	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>registration process, notify all committees concerned of the names of those who relocated. These election committees shall then be required to delete from their Lists the names of those who relocated.</p> <p>(d) Any person who has deliberately registered his name in voter registers for more than one domicile in clear violation of Clause (b) of this Article, shall be penalized in accordance with the provisions of Article (135) of the penalty provisions of this Law.</p> <p>(e) It is forbidden to force any citizen to choose a specific voting domicile or to vote against his wish in favor of any particular candidate. Any person with civil or military authority who has abused his power or influence to change the opinion of any voter shall be penalized in accordance with the provisions of Article (133) of this Law and be removed from office.</p>	<p>registration process, notify all committees concerned of the names of those who relocated. These election committees shall then be required to delete from their Lists the names of those who relocated.</p> <p>(d) Any person who has deliberately registered his name in voter registers for more than one domicile in clear violation of Clause (b) of this Article, shall be penalized in accordance with the provisions of Article (135) of the penalty provisions of this Law.</p> <p>(e) It is forbidden to force any citizen to choose a specific voting domicile or to vote against his wish in favor of any particular candidate. Any person with civil or military authority who has abused his power or influence to change the opinion of any voter shall be penalized in accordance with the provisions of Article (133) of this Law and be removed from office.</p>	
<p><b>Article (5):</b> For purposes pertaining to presidential elections and public referenda, the Republic of Yemen shall be deemed a single electoral constituency. A voter may cast his vote at any voting center using a personal ID card, Voter Card, or any official document bearing the holder's photograph. The Supreme Commission shall take appropriate measures to guarantee this right.</p>	<p><b>Article (5):</b> For purposes pertaining to presidential elections and public referenda, the Republic of Yemen shall be deemed a single electoral constituency. <i>Provided a presidential election or public referendum is not held in conjunction with parliamentary elections or with local council elections, a voter may cast his vote at any voting center using a personal ID card, Voter Card, or any official document bearing the holder's photograph.</i> The Supreme Commission shall take appropriate measures to guarantee this right.</p>	32
<p><b>Article (6):</b></p> <p>(a) For purposes pertaining to presidential elections and public referenda, any Yemeni citizen whose name is registered in the Voters List in any of the Republic's constituencies and who is in possession of a Voter Card, shall be allowed to vote at any Yemeni embassy or consulate overseas. The Supreme Commission shall take appropriate measures to guarantee these voting rights according to the circumstances of each country.</p> <p>(b) No elections may occur at any Yemeni embassy or consulate unless the minimum quorum of (500) voters registered in the Voters Lists and holding Voter Cards is met for that embassy or consulate.</p>	<p><b>Article (6):</b></p> <p>(a) For purposes pertaining to presidential elections and public referenda, any Yemeni citizen whose name is registered in the Voters List in any of the Republic's constituencies and who is in possession of a Voter Card, shall be allowed to vote at any Yemeni embassy or consulate overseas. The Supreme Commission shall take appropriate measures to guarantee these voting rights according to the circumstances of each country.</p> <p>(b) No elections may occur at any Yemeni embassy or consulate unless the minimum quorum of (500) voters registered in the Voters Lists and holding Voter Cards is met for that embassy or consulate.</p>	
<p><b>Article (7):</b> The Supreme Commission shall take all appropriate measures to encourage women to exercise their electoral rights and to form Women's Committees in specified electoral centers within each electoral constituency to undertake the tasks of registration of female voters and recording their names in Voters Lists and to verify their identity during voting.</p>	<p><b>Article (7):</b> The Supreme Commission shall take all appropriate measures to encourage women to exercise their electoral rights and to form Women's Committees in specified electoral centers within each electoral constituency to undertake the tasks of registration of female voters and recording their names in Voters Lists and to verify their identity during voting.</p>	
<p><b>Article (8):</b> Each eligible voter has one vote and shall not be allowed to vote more than once during the same election.</p>	<p><b>Article (8):</b> Each eligible voter has one vote and shall not be allowed to vote more than once during the same election.</p>	
<p><b>Part Two: Voters Lists</b></p>	<p><b>Part Two: Voters Lists</b></p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (9):</b></p> <p>(a) Each electoral constituency shall have a permanent Voters List prepared by a Main Committee and Sub-committees created by a decision of the Supreme Commission for Elections and Referendum, which will determine the scope of their functions and their locations. The said committees shall exercise their duties in accordance with the provisions of this Law and other relevant decisions and executive instructions.</p> <p>(b) Sub-committees shall be required to submit to the Main Committee the Voters Lists prepared by them and duly signed by the Chairman and members of each Sub-committee, to be incorporated in the permanent Voters List of the said constituency.</p>	<p><b>Article (9):</b></p> <p>(a) Each electoral constituency shall have a permanent Voters List prepared by a Main Committee and Sub-committees created by a decision of the Supreme Commission for Elections and Referendum, which will determine the scope of their functions and their locations. The said committees shall exercise their duties in accordance with the provisions of this Law and other relevant decisions and executive instructions.</p> <p>(b) Sub-committees shall be required to submit to the Main Committee the Voters Lists prepared by them and duly signed by the Chairman and members of each Sub-committee, to be incorporated in the permanent Voters List of the said constituency.</p>	
<p><b>Article (10):</b> The Voters List in each electoral constituency shall include the name and particulars of each citizen in that constituency who on January 1<sup>st</sup> of each year would have met the constitutional requirements necessary to exercise his electoral rights: his family names and any popular name, occupation, date of birth and voting domicile. No voter may be registered in more than one electoral constituency.</p>	<p><b>Article (10):</b></p> <p>(a) The Voters List in each electoral constituency shall include the name and particulars of each citizen in that constituency who on January 1<sup>st</sup> of each year would have met the constitutional requirements necessary to exercise his electoral rights: his family names and any popular names, occupation, date of birth and voting domicile. No voter may be registered in more than one electoral constituency.</p> <p>(b) <i>In order to ensure that the Voters List for an electoral constituency is as accurate as possible, before the Voters Lists become final following the call for elections, the Supreme Commission shall correct any errors in the List that it discovers and any errors that are brought to its attention.</i></p> <p>(c) <i>Once the Supreme Commission has determined the final boundaries of the parliamentary constituencies and the local electoral constituencies, it shall revise the Voters Lists accordingly in preparation for the review and update of the Lists required before the general election at which the new boundaries will come into force.</i></p>	15
<p><b>Article (11):</b> Committees for the Preparation of Voters Lists shall be held responsible for verifying the age of each citizen applying to be registered in the Voters List to ensure that he has attained the legal age. This may be ascertained by means of a personal ID card or any official document bearing the holder's photograph or the testimony of the <i>Akel</i> or <i>Amin</i> given under oath.</p>	<p><b>Article (11):</b> Committees for the Preparation of Voters Lists shall be held responsible for verifying the age of each citizen applying to be registered in the Voters List to ensure that he has attained the legal age. This may be ascertained by means of a personal ID card or any official document bearing the holder's photograph or the testimony of the <i>Akel</i> or <i>Amin</i> given under oath.</p>	
<p><b>Article (12):</b></p> <p>(a) Reviewing and updating the Voters Lists shall be carried out within a (30) day period once every two years, and at least (6) months prior to the call for any general elections or referendum. The two year period shall count from</p>	<p><b>Article (12):</b></p> <p>(a) Reviewing and updating the Voters Lists shall be carried out within a (30) day period once every two years, and at least (6) months prior to the call for any general elections or referendum. The two year period shall count from</p>	8, 10, 33

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
<p>the date on which the Voters Lists become final. If the period between the review of the voters' lists and the call for any general elections or referendum is less than two years, then the Voters Lists review shall be carried out once (6) months prior to the call for general elections or referendum.<sup>34</sup></p> <p>(b) Any amendments to Voters Lists must include the following:</p> <ol style="list-style-type: none"> <li>1. Adding the names of those who have met the legal requirements to exercise their electoral rights.</li> <li>2. Adding the names of those who were wrongfully omitted from previous Lists;</li> <li>3. Deleting names of the deceased;</li> <li>4. Deleting the names of those who have lost any of the necessary legal requirements and stating the reason for the deletion;</li> <li>5. Deleting the names of those who have been wrongfully listed and stating the reason for the deletion;</li> <li>6. Deleting all names of those who have changed their voting domiciles to a different electoral constituency and the addition of those who have relocated to the constituency.</li> </ol>	<p>the date on which the Voters Lists become final. If the period between the review of the Voters Lists and the call for any general elections or referendum is less than two years, then the Voters Lists review shall be carried out once (6) months prior to the call for general elections or referendum.</p> <p>(b) <i>The Voters Lists in existence at the beginning of the 30-day review and update period shall be posted throughout the period at the location of the Main Committee and in other public areas within the constituency that are designated by the Supreme Commission.</i></p> <p>(c) Any amendments to Voters Lists must include the following:</p> <ol style="list-style-type: none"> <li>1. Adding the names of those who have met the legal requirements to exercise their electoral rights.</li> <li>2. Adding the names of those who were wrongfully omitted from previous Lists;</li> <li>3. Deleting names of the deceased;</li> <li>4. <i>Deleting the names of those who have lost any of the necessary legal requirements and stating the reason for the deletion, provided that a Main Committee must not delete the name of any voter from the Lists following an application by another person or by the Supreme Commission unless the voter concerned has been notified of the application (if not deceased);</i></li> <li>5. <i>Deleting the names of those who have been wrongfully listed and stating the reason for the deletion, provided that a Main Committee must not delete the name of any voter from the Lists following an application by another person or by the Supreme Commission unless the voter concerned has been notified of the application (if not deceased);</i></li> <li>6. Deleting all names of those who have changed their voting domiciles to a different electoral constituency and the addition of those who have relocated to the constituency.</li> </ol> <p>(d) <i>If the Supreme Commission has reason to believe a person whose name appears in a Voters List is not eligible to be registered or is registered in more than one constituency, the Supreme Commission may during the review and update period request the Main Committee to delete the name of that person from the Lists, provided the Supreme Commission has notified the person concerned (if not deceased).</i></p>	
<p><b>Article (13):</b></p> <p>(a) Official copies of Voters Lists for each electoral constituency, endorsed by the Chairman of the Main Committee, shall be posted in squares and public</p>	<p><b>Article (13):</b></p> <p>(a) <i>Official copies of Voters Lists for each electoral constituency, endorsed by the Chairman of the Main Committee, shall be posted at the location of the Main Committee and in</i></p>	8, 9, 10

<sup>34</sup> Amended by Law #11 for the year 2005, issued by the President of Yemen on January 17, 2005.

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
<p>areas within the boundaries of the electoral constituency, in the centers of Administrative Districts and other public areas designated by the Supreme Commission for (5) days starting from the (6<sup>th</sup>) day following the end of reviewing, up-dating and preparation of the Voters Lists. During the period specified for posting the Voters Lists, branch offices of political parties and organizations shall have the right to obtain photocopies of the posted Voters List at their own cost if they so request.</p> <p>(b) Any citizen residing in the electoral constituency is entitled to request the Main Committee to enter his name in its Voters List if it has been wrongfully omitted or to delete any name that may have been wrongfully listed therein. Any registered voter shall have the right to demand the insertion of any name that may have been wrongfully omitted or the deletion of any name that may have been wrongfully listed therein. Applications shall be presented to the premises of the Committees for the Preparation of Voters Lists within (15) days from the day following the posting of the Voters Lists. Each application shall be recorded in a special ledger marking the filing date for each application and a receipt shall be issued to the applicant. Each voter shall be entitled to examine this ledger.</p>	<p><i>other public areas within the constituency that are designated by the Supreme Commission, for (7) days starting from the (6<sup>th</sup>) day following the end of reviewing up-dating and preparation of the Voters Lists.</i></p> <p>(b) <i>Any citizen whose voting domicile is in the electoral constituency is entitled to request the Main Committee to enter his name in its Voters List if it has been wrongfully omitted or to delete any name that may have been wrongfully listed therein. Any registered voter in the constituency shall have the right to demand the insertion of any name that may have been wrongfully omitted or the deletion of any name that may have been wrongfully listed therein. If the Supreme Commission has reason to believe a person whose name appears in a Voters List is not eligible to be registered or is registered in more than one constituency, the Supreme Commission may during the addition and deletion period request the Main Committee to delete the name of that person from the List.</i> Applications shall be presented to the premises of the Committees for the Preparation of Voters Lists within (15) days from the day following the posting of the Voters Lists. Each application shall be recorded in a special ledger marking the filing date for each application and a receipt shall be issued to the applicant. Each voter shall be entitled to examine this ledger.</p>	
<p><b>Article (14):</b></p> <p>(a) Committees for the Preparation of Voters Lists shall start deciding on the applications for addition and deletion on the day following the submission of such applications. The determination period shall not exceed (5) days following the submission deadline. The Committees shall hear the statements of the applicant and the respondent and shall undertake all investigations and enquiries that it deems appropriate.</p> <p>(b) The decisions taken by the Committees for the Preparation of Voters Lists shall be posted in areas designated in Article (13) of this Law for (5) days from the final day of deciding on the applications.</p>	<p><b>Article (14):</b></p> <p>(a) Committees for the Preparation of Voters Lists shall start deciding on the applications for addition and deletion on the day following the submission of such applications. The determination period shall not exceed (5) days following the submission deadline. The Committees shall hear the statements of the applicant and the respondent and shall undertake all investigations and enquiries that it deems appropriate. <i>A Committee must not delete the name of any voter from the Voters List following an application by another person or by the Supreme Commission unless the voter concerned has been notified of the application (if not deceased).</i></p> <p>(b) The decisions taken by the Committees for the Preparation of Voters Lists shall be posted in areas designated in Article (13) of this Law for (5) days from the final day of deciding on the applications.</p>	8, 33
<p><b>Article (15):</b></p> <p>(a) Any voter in an electoral constituency shall be entitled to challenge the decisions taken by the Committees for the Preparation and Review of Voters Lists before a relevant Court of First Instance within (5) days starting on the first day the said Committee announces its decisions. The</p>	<p><b>Article (15):</b></p> <p>(a) <i>Any voter whose voting domicile is in an electoral constituency, and the Supreme Commission, shall be entitled to challenge the decisions taken by the Committees for the Preparation and Review of Voters Lists for that constituency before a relevant Court of First Instance within (5) days starting on the first day the said Committee announces its</i></p>	8, 9, 33, 34, 35

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
<p>Court shall undertake all investigations and enquiries that are deemed appropriate to decide whether to uphold or dismiss the challenge, deciding on a case-by-case basis, and may order the addition, deletion or no change to the situation, from the day following the beginning of the challenge submission period. The challenge determination period shall not exceed (15) days following the end of the challenge submission period. A copy of the Court's verdict shall be forwarded to the Main Committee and to the concerned contestant(s) as soon as the verdicts are announced. The Main Committee shall be required to post the verdicts in the designated areas specified in Article (13) of this Law for (5) consecutive days following the end of the challenge determination period.</p> <p>(b) Any voter in the constituency shall be entitled to contest the verdicts of the Court of First Instance before a Court of Appeal within (10) days following the end of the challenge determination period by filing an appeal before a judge assigned by the Chairman of the Court of Appeal in any Governorate. If the need arises in any electoral constituency, several judges may be assigned and work distributed among them. The Court's verdict on such appeals shall be final and the determination period shall start from the day following the beginning of the period for filing appeals and shall not exceed (20) days from the end of the filing period. A copy of the Court's verdict shall be forwarded to the contestant(s) concerned and to the Supervisory Committee in the Governorate concerned as soon as the verdict is announced. The Supervisory Committee shall furnish the Main Committee in the constituency concerned with these verdicts no later than (24) hours following their receipt of the Court's verdict.</p>	<p><i>decisions.</i> The Court shall undertake all investigations and enquiries that are deemed appropriate to decide whether to uphold or dismiss the challenge, deciding on a case-by-case basis, and may order the addition, deletion or no change to the situation, from the day following the beginning of the challenge submission period. <i>The Court shall not order the deletion of the name of any person from the List unless the person concerned has been notified of the application (if not deceased).</i> The challenge determination period shall not exceed (15) days following the end of the challenge submission period. A copy of the Court's verdict shall be forwarded to the Main Committee and to the concerned contestant(s) as soon as the verdicts are announced. The Main Committee shall be required to post the verdicts in the designated areas specified in Article (13) of this Law for (5) consecutive days following the end of the challenge determination period.</p> <p>(b) <i>The parties to a challenge under Clause (a) shall be entitled to contest the verdicts of the Court of First Instance before a Court of Appeal within (10) days following the end of the challenge determination period by filing an appeal before a judge assigned by the Chairman of the Court of Appeal in any Governorate.</i> If the need arises in any electoral constituency, several judges may be assigned and work distributed among them. The Court's verdict on such appeals shall be final and the determination period shall start from the day following the beginning of the period for filing appeals and shall not exceed (20) days from the end of the filing period. <i>The Court shall not order the deletion of the name of any person from the register unless the person concerned has been notified of the application (if not deceased).</i> A copy of the Court's verdict shall be forwarded to the contestant(s) concerned and to the Supervisory Committee in the Governorate concerned as soon as the verdict is announced. The Supervisory Committee shall furnish the Main Committee in the constituency concerned with these verdicts no later than (24) hours following their receipt of the Court's verdict.</p> <p>(c) <i>After a Main Committee has dealt with applications for additions and deletions but before the Voters Lists become final following the call for elections, if the Supreme Commission has reason to believe a person whose name appears in a List is not eligible to be registered or is registered in more than one constituency, the Supreme Commission may apply to a Court of First Instance for the deletion of the name of the voter, provided that:</i></p> <ol style="list-style-type: none"> <li>1. <i>the Supreme Commission has notified the voter concerned (if not deceased) of the reasons for its belief and its intention to apply to the Court; and</i></li> </ol>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<p>2. <i>the Supreme Commission has publicly announced the names of the registered voters that it believes to be ineligible and that it intends to apply to the court for their removal from the List..</i></p> <p><i>The Court shall determine the matter in accordance with Clause (a) of this Article. The parties to the case shall have the right to appeal to a Court of Appeal which shall determine the matter in accordance with Clause (b) of this Article.</i></p> <p>(d) <i>At any time before the Voters Lists become final following the call for elections, the Supreme Commission may file a challenge in a Court of First Instance against any entry in a Voters List, provided it has previously notified the voter concerned of its intention to do so. The Court shall determine the matter in accordance with Clause (a) of this Article. The parties to the case shall have the right to appeal to a Court of Appeal, which shall determine the matter in accordance with Clause (b) of this Article.</i></p>	
<p><b>Article (16):</b></p> <p>(a) The Main Committee shall immediately amend and change the Voters List in accordance with the final verdicts and decrees as announced. No changes shall be made to the Voters Lists following the call for elections. In such instances, the Lists shall be deemed final.</p> <p>(b) Final Voters Lists are indisputable at the time of voting and no person shall be allowed to participate in any election or referendum unless that person's name is listed therein.</p> <p>(c) In cases of early elections or referenda, the final Voters Lists used in the most recent elections with the addition to those who are registered prior to the call for elections, shall be used for conducting that election or referendum.</p>	<p><b>Article (16):</b></p> <p>(a) The Main Committee shall immediately amend and change the Voters List in accordance with the final verdicts and decrees as announced. <i>Copies of the amended Lists shall be posted for (7) days at the location of the Main Committee and in other public areas within the constituency that are designated by the Supreme Commission.</i> No changes shall be made to the Voters Lists following the call for elections. In such instances, the Lists shall be deemed final.</p> <p>(b) Final Voters Lists are indisputable at the time of voting and no person shall be allowed to participate in any election or referendum unless that person's name is listed therein.</p> <p>(c) In cases of early elections or referenda, the final Voters Lists used in the most recent elections with the addition to those who are registered prior to the call for elections, shall be used for conducting that election or referendum.</p>	11
	<p><b>Article 16A:</b></p> <p>(a) <i>During the periods for the official posting of the Voters Lists specified in Articles (12), (13), and (16) –</i></p> <ol style="list-style-type: none"> <li>1. <i>authorized persons from the branch offices of political parties and organizations shall have the right to request from the Main Committee a photocopy of a posted Voters List at a uniform cost set by the Supreme Commission;</i></li> <li>2. <i>authorized persons from the headquarters of political parties and organizations shall have the right to request from the Supreme Commission a copy in electronic form of a posted Voters List at a uniform cost and according to specifications set by the Supreme Commission.</i></li> </ol> <p>(b) <i>Where a copy of a posted Voters List is provided under Clause (a) –</i></p>	12, 13, 14

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<ol style="list-style-type: none"> <li>1. <i>that copy of the List and the information in the List must be used only for purposes relating to the registration of voters, or in connection with an election or referendum held under this Law;</i></li> <li>2. <i>the copy of the List and the information in the List must not be sold, or used for commercial purposes, or provided to any unauthorized person.</i></li> </ol>	
<p><b>Article (17):</b> The Voters List for each electoral constituency shall be issued in (5) copies, each copy signed by the Chairman of the Main Committee and its (2) members. A copy shall be kept at the premises of the Committee in the electoral constituency designated by the Supreme Commission; a second copy at the Supreme Commission; a third copy at the Secretariat of the House of Representatives; a fourth copy at the Supreme Court; and the fifth copy at the premises of the branch of the General Secretariat in the Governorate.</p>	<p><b>Article (17):</b> The Voters List for each electoral constituency shall be issued in (5) copies, each copy signed by the Chairman of the Main Committee and its (2) members. A copy shall be kept at the premises of the Committee in the electoral constituency designated by the Supreme Commission; a second copy at the Supreme Commission; a third copy at the Secretariat of the House of Representatives; a fourth copy at the Supreme Court; and the fifth copy at the premises of the branch of the General Secretariat in the Governorate.</p>	
<p><b>Article (18):</b></p> <ol style="list-style-type: none"> <li>(a) Each citizen whose name is entered in the Voters List shall have the right to take part in elections and referenda and his identity must be verified by means of a personal ID card, or a Voter Card bearing his photograph, or any other official document bearing his photograph.</li> <li>(b) The By-laws shall stipulate the regulations pertaining to the Voter Card.</li> </ol>	<p><b>Article (18):</b></p> <ol style="list-style-type: none"> <li>(a) Each citizen whose name is entered in the Voters List shall have the right to take part in elections and referenda and his identity must be verified by means of a personal ID card, or a Voter Card bearing his photograph, or any other official document bearing his photograph.</li> <li>(b) The By-laws shall stipulate the regulations pertaining to the Voter Card.</li> </ol>	
<p><b>Part Three: Formation and Duties of the Supreme Commission</b></p>	<p><b>Part Three: Formation and Duties of the Supreme Commission</b></p>	
<p><b>Article (19):</b></p> <ol style="list-style-type: none"> <li>(a) The Supreme Commission for Elections and Referendum is composed of (7) members to be appointed by a Presidential Decree from a list of (15) names nominated by the House of Representatives from among those who meet the conditions stipulated by this Law.</li> <li>(b) The list of nominees for the Supreme Commission shall be passed by a majority of two-thirds of the members of the House of Representatives.</li> </ol>	<p><b>Article (19):</b></p> <ol style="list-style-type: none"> <li>(a) The Supreme Commission for Elections and Referendum is composed of (7) members to be appointed by a Presidential Decree from a list of (15) names nominated by the House of Representatives from among those who meet the conditions stipulated by this Law.</li> <li>(b) The list of nominees for the Supreme Commission shall be passed by a majority of two-thirds of the members of the House of Representatives.</li> </ol>	
<p><b>Article (20):</b></p> <ol style="list-style-type: none"> <li>(a) The term of office for members of the Supreme Commission shall be six solar years effective from the date the appointment Decree was issued.</li> <li>(b) Procedures for the formation of the Supreme Commission shall start (30) days prior to the end of its term. The Commission or any of its members may be re-nominated and reappointed for a second term only.</li> </ol>	<p><b>Article (20):</b></p> <ol style="list-style-type: none"> <li>(a) The term of office for members of the Supreme Commission shall be six solar years effective from the date the appointment Decree was issued.</li> <li>(b) Procedures for the formation of the Supreme Commission shall start (30) days prior to the end of its term. The Commission or any of its members may be re-nominated and reappointed for a second term only.</li> </ol>	
<p><b>Article (21):</b> Each nominee for the Supreme Commission must satisfy the following conditions:</p> <ol style="list-style-type: none"> <li>(a) Have attained the age of (35) years;</li> <li>(b) Be born of Yemeni parents;</li> </ol>	<p><b>Article (21):</b> Each nominee for the Supreme Commission must satisfy the following conditions:</p> <ol style="list-style-type: none"> <li>(a) Have attained the age of (35) years;</li> <li>(b) Be born of Yemeni parents;</li> </ol>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<ul style="list-style-type: none"> <li>(c) Hold a university degree or its equivalent and be competent and have experience;</li> <li>(d) Have good character and conduct;</li> <li>(e) Not have been finally convicted for any election offence or any other crime in breach of honor or good conduct;</li> <li>(f) If the appointed member of the Commission is a member of any political party or organization, he must suspend his party activities during his membership of the Commission.</li> <li>(g) Refrain from nominating himself in any general elections or take part in election campaigns of parties or candidates during his membership of the Commission.</li> </ul>	<ul style="list-style-type: none"> <li>(c) Hold a university degree or its equivalent and be competent and have experience;</li> <li>(d) Have good character and conduct;</li> <li>(e) Not have been finally convicted for any election offence or any other crime in breach of honor or good conduct;</li> <li>(f) If the appointed member of the Commission is a member of any political party or organization, he must suspend his party activities during his membership of the Commission.</li> <li>(g) Refrain from nominating himself in any general elections or take part in election campaigns of parties or candidates during his membership of the Commission.</li> </ul>	
<p><b>Article (22):</b></p> <ul style="list-style-type: none"> <li>(a) A member of the Supreme Commission shall be appointed at the rank of at least a Minister and shall be entitled to such a rank from the date the appointment Decree was issued if he had not attained it prior to his appointment.</li> <li>(b) A member of the Supreme Commission during his membership term shall be treated as a Minister in relation to rights and benefits.</li> <li>(c) A member of the Supreme Commission may not be removed from office except by a Presidential Decree, if he ceases to meet one of the conditions stipulated in Article (21) of this Law, and pursuant to a final verdict to this effect. In the event of a member's death, resignation or dismissal, a successor shall be chosen and appointed for the remaining period of his membership of the Commission from the list of nominees endorsed by House of Representatives upon formation of the Supreme Commission.</li> <li>(d) Supreme Commission members shall elect a Chairman and a Vice-Chairman from among themselves.</li> </ul>	<p><b>Article (22):</b></p> <ul style="list-style-type: none"> <li>(a) A member of the Supreme Commission shall be appointed at the rank of at least a Minister and shall be entitled to such a rank from the date the appointment Decree was issued if he had not attained it prior to his appointment.</li> <li>(b) A member of the Supreme Commission during his membership term shall be treated as a Minister in relation to rights and benefits.</li> <li>(c) A member of the Supreme Commission may not be removed from office except by a Presidential Decree, if he ceases to meet one of the conditions stipulated in Article (21) of this Law, and pursuant to a final verdict to this effect. In the event of a member's death, resignation or dismissal, a successor shall be chosen and appointed for the remaining period of his membership of the Commission from the list of nominees endorsed by House of Representatives upon formation of the Supreme Commission.</li> <li>(d) Supreme Commission members shall elect a Chairman and a Vice-Chairman from among themselves.</li> </ul>	
<p><b>Article (23):</b> Before exercising their duties, members of the Supreme Commission shall take the following oath before the President of the Republic: "I swear by the Almighty God to uphold the Holy Book and the teachings of his Prophet and to protect faithfully the Republican system and respect the Constitution and the Law; to protect in full the people's interests and liberties, to work on preserving the unity, independence and territorial integrity of the whole country; and to execute my duties within the Supreme Commission with professional integrity, impartiality and honesty and without fear or bias. To this, may God be my witness."</p>	<p><b>Article (23):</b> Before exercising their duties, members of the Supreme Commission shall take the following oath before the President of the Republic: "I swear by the Almighty God to uphold the Holy Book and the teachings of his Prophet and to protect faithfully the Republican system and respect the Constitution and the Law; to protect in full the people's interests and liberties, to work on preserving the unity, independence and territorial integrity of the whole country; and to execute my duties within the Supreme Commission with professional integrity, impartiality and honesty and without fear or bias. To this, may God be my witness."</p>	
<p><b>Article (24):</b> The Supreme Commission shall be in charge of administering,</p>	<p><b>Article (24):</b> The Supreme Commission shall be in charge of administering,</p>	<p>4, 6, 36, 37</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>preparing, supervising and overseeing the process of general elections and referendum. In addition to the powers stipulated in this Law, the Supreme Commission shall have the following responsibilities:</p> <p>(a) Dividing the Republic into electoral constituencies and delineating them according to the principle of equal population while taking into consideration geographic and social factors. A Presidential Decree will be issued to this effect;</p> <p>(b) Dividing each Administrative District into local electoral constituencies of equal population, and the Supreme Commission may when deemed necessary deviate by a margin of plus or minus 5%;</p> <p>(c) Appointing staff of the General Secretariat and its branches in the Capital City and in the other governorates of the Republic through public announcements in accordance with the conditions stipulated by the Supreme Commission;</p> <p>(d) Forming and appointing the Chairmen and members of the Supervisory Committees, of the Main Committees and Sub-committees for the Preparation of the Voters Lists, and of the Election Administration Main Committees and Sub-committees; distributing them among electoral constituencies at the designated times and determining the jurisdiction(s) for each of these committees in each constituency. Each committee shall be formed of a Chairman and two members. The formation of all the above-mentioned committees shall be endorsed by two-thirds of the members of the Supreme Commission. No committee shall be formed exclusively from one party;</p> <p>(e) The Supreme Commission shall determine and announce the criteria governing the selection of the Chairmen and the members of the committees. The selection shall be in compliance with the provisions mentioned in Article (26) of this Law and its by-laws;</p> <p>(f) Preparing the forms, lists, records, documents, Voter Cards, ballot boxes necessary for the electoral process and ballot papers, stamping them with the seal of the Supreme Commission, organizing all the above and distributing them to all committees at the designated times;</p> <p>(g) Setting the rules and issuing the necessary instructions to ensure the required security measures for safe and free elections;</p> <p>(h) Calling for elections in any constituency in which the House of Representatives announces a vacancy in compliance with Article (78) of the Constitution, and announcing the dates for Supplementary Elections</p>	<p>preparing, supervising and overseeing the process of general elections and referendum. In addition to the powers stipulated in this Law, the Supreme Commission shall have the following responsibilities:</p> <p>(a) <i>After each population census, dividing the Republic into electoral constituencies and delineating them according to the principle of equal population while taking into consideration geographic and social factors. A Presidential Decree will be issued to this effect;</i></p> <p>(b) <i>After each population census, dividing each Administrative District into local electoral constituencies of equal population per elected representative, and the Supreme Commission may when deemed necessary deviate by a margin of plus or minus 5%;</i></p> <p>(c) Appointing staff of the General Secretariat and its branches in the Capital City and in the other governorates of the Republic through public announcements in accordance with the conditions stipulated by the Supreme Commission;</p> <p>(d) Forming and appointing the Chairmen and members of the Supervisory Committees, of the Main Committees and Sub-committees for the Preparation of the Voters Lists, and of the Election Administration Main Committees and Sub-committees; distributing them among electoral constituencies at the designated times and determining the jurisdiction(s) for each of these committees in each constituency. The formation of all the above-mentioned committees shall be endorsed by two-thirds of the members of the Supreme Commission. <i>Each Main Committee and each Sub-committee shall consist of (3) members, including a Chairman. The membership of each Main Committee must include at least (1) woman from the constituency concerned. When a woman member of a Main Committee is carrying out her duties as a member of the Committee, she may be accompanied by another woman or a family member to act as a companion, provided that the companion must take no part in the proceedings of the Committee, must not influence the member of the Committee in carrying out her duties, and must not disclose any information he or she may acquire in carrying out the role of a companion. No Main Committee or Sub-committee shall have a majority of members from one political party or organization, or from political parties or organizations that in the opinion of the Supreme Commission are allied or aligned;</i></p> <p>(e) The Supreme Commission shall determine and announce the criteria governing the selection of the Chairmen and the members of the committees. The selection shall be in compliance with the provisions mentioned in Article (26) of this Law and its by-laws;</p> <p>(f) Preparing the forms, lists, records, documents, Voter Cards, ballot boxes</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>according to Article (108) of this Law.</p>	<p>necessary for the electoral process and ballot papers, stamping them with the seal of the Supreme Commission, organizing all the above and distributing them to all committees at the designated times;</p> <p>(g) Setting the rules and issuing the necessary instructions to ensure the required security measures for safe and free elections;</p> <p>(h) Calling for elections in any constituency in which the House of Representatives announces a vacancy in compliance with Article (78) of the Constitution, and announcing the dates for Supplementary Elections according to Article (108) of this Law.</p> <p>(i) <i>Acting as the principal and independent adviser to the Government and the House of Representatives on electoral matters. Within (12) months of each general election and referendum, and following consultations with political parties and with any other organizations it considers appropriate, the Supreme Commission must publish a report on the conduct of the election or referendum, including any changes to the law recommended by the Supreme Commission.</i></p>	
<p><b>Article (25):</b></p> <p>(a) All the Branches of the General Secretariat as well as the Supervisory Committees, Main Committees and Sub-committees, Election and Referendum Administration Committees, Security Committees, Governors, Security Officials, Directors of Administrative Districts and all those who are entrusted with a duty or a responsibility in connection with elections and referenda shall submit to the supervision and instructions of the Supreme Commission in order to ensure the neutrality of all local executive authorities who are called upon to assist the Commission;</p> <p>(b) Chairmen and members of the Supervisory Committees, of the Main Committees and Sub-committees, and of the Election and Referendum Administration Committees shall be directly responsible for their assigned duties to the Supreme Commission which shall have the powers to hold them accountable and replace any of them with members of same party if they breach their duties;</p> <p>(c) Official media shall submit to the supervision and instructions of the Supreme Commission in matters relating to general elections and referenda.</p>	<p><b>Article (25):</b></p> <p>(a) All the Branches of the General Secretariat as well as the Supervisory Committees, Main Committees and Sub-committees, Election and Referendum Administration Committees, Security Committees, Governors, Security Officials, Directors of Administrative Districts and all those who are entrusted with a duty or a responsibility in connection with elections and referenda shall submit to the supervision and instructions of the Supreme Commission in order to ensure the neutrality of all local executive authorities who are called upon to assist the Commission;</p> <p>(b) Chairmen and members of the Supervisory Committees, the Main Committees and Sub-committees, and the Election and Referendum Administration Committees shall be directly accountable for their assigned duties to the Supreme Commission which shall have the powers to hold them answerable and replace any of them with members of same party if they breach their duties. <i>Before commencing his duties, and in the presence of witnesses, each Chairman and member of a Supervisory Committee, Main Committee and Sub-committee, and Election and Referendum Administration Committee must read aloud and sign a statement promising to fulfill his duties impartially and in accordance with the policies and directions of the Supreme Commission. The signed statements shall be provided to the Supreme Commission and a copy shall be included in the committee's records.</i></p> <p>(c) All official mass media shall be under the supervision and instructions of</p>	<p>38</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (26):</b> Chairmen and members of the Committees for the Preparation of Voters Lists, the Main Committees and Sub-committees for Election Administration, the Supervisory Committees, and the Referendum Committees who are appointed by the Supreme Commission shall meet the criteria and conditions detailed below:</p> <p>(a) be a Yemeni national;</p> <p>(b) be at least (21) years old for members and (25) years old for Chairmen of committees;</p> <p>(c) the Chairmen and members of the Supervisory Committees shall hold at least a university degree. Chairmen and members of Main Committees and Sub-committees shall hold at least a high school certificate;</p> <p>(d) be of good character and conduct and must not have been finally convicted by a court for any election offence or any other crime of honor unless pardoned.</p> <p>In any event, no person shall be appointed as a member of any Main Electoral Administration Committee or Sub-committee in any electoral constituency in which he has a family relationship up to the fourth degree with any of the candidates in the said constituency.</p>	<p>the Supreme Commission in matters related to general elections and referenda.</p> <p><b>Article (26):</b></p> <p>(a) Chairmen and members of the Committees for the Preparation of Voters Lists, the Main Committees and Sub-committees for Election Administration, the Supervisory Committees, and the Referendum Committees who are appointed by the Supreme Commission shall meet the criteria and conditions detailed below:</p> <ol style="list-style-type: none"> <li>1. be a Yemeni national;</li> <li>2. be at least (21) years old for members and (25) years old for Chairmen of committees;</li> <li>3. the Chairmen and members of the Supervisory Committees shall hold at least a university degree. Chairmen and members of Main Committees and Sub-committees shall hold at least a high school certificate;</li> <li>4. be of good character and conduct and must not have been finally convicted by a court for any election offence or any other crime of honor unless pardoned.</li> </ol> <p>In any event, no person shall be appointed as a member of any Main Electoral Administration Committee or Sub-committee in any electoral constituency in which he has a family relationship up to the fourth degree with any of the candidates in the said constituency.</p> <p>(b) <i>Each Supervisory Committee, Main Committee and Sub-committee shall designate from among its members a secretary to record the minutes, to be signed by the Chairman and members of the committee and where applicable by the candidates or their representatives, and then to be stamped by the numbered seal assigned to the committee by the Supreme Commission. A Chairman or member of a Supervisory Committee, Main Committee or Sub-committee has the right to refuse to sign the minutes provided he enters a written statement of the specific reasons for his refusal in the committee's records.</i></p> <p>(c) <i>A Main Committee or Sub-committee may carry out its duties if (2) of the (3) members are present, provided that the absence of the third member has been recorded in the committee's minutes.</i></p> <p>(d) <i>In the absence of the Chairman of a Supervisory Committee, Main Committee or Sub-committee and in the event that he has not designated a deputy, the oldest committee member shall take his place until a substitute is appointed.</i></p>	<p>5, 26, 27</p>
<p><b>Article (27):</b> The Supreme Commission shall appoint a Supervisory Committee at the Governorate level, with its head office being located in the Governorate's</p>	<p><b>Article (27):</b></p> <p>(a) The Supreme Commission shall appoint a Supervisory Committee at the</p>	<p>3, 5</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>capital Such Committees shall be responsible for overseeing the work of the Committees for the Preparation of Voters Lists, the Electoral Administration Committees, and the Referendum Committees.</p>	<p>Governorate level, with its head office being located in the Governorate's capital Such Committees shall be responsible for overseeing the work of the Committees for the Preparation of Voters Lists, the Electoral Administration Committees, and the Referendum Committees.</p> <p>(b) <i>Each Supervisory Committee shall consist of (5) persons, including a Chairman, all of whom shall be non-partisan. At least (2) of the (5) members of each Supervisory Committee must be women from the governorate concerned.</i></p> <p>(c) <i>A Supervisory Committee may carry out its duties if (4) of the (5) members are present, provided that the absence of the fifth member has been recorded in the Committee's minutes.</i></p>	
<p><b>Article (28):</b> When the Supreme Commission allocates voting centers in the electoral constituencies, it must take into consideration allowing the largest possible number of voters to participate in elections and referenda, and making the electoral process possible in remote and widespread areas without hardship and unobstructed by natural obstacles.</p>	<p><b>Article (28):</b> When the Supreme Commission allocates voting centers in the electoral constituencies, it must take into consideration allowing the largest possible number of voters to participate in elections and referenda, and making the electoral process possible in remote and widespread areas without hardship and unobstructed by natural obstacles.</p>	
<p><b>Article (29):</b> The Supreme Commission shall oversee the elections and referendum process, and may send whoever it deems necessary to ensure the correct implementation of procedures pertaining to the registration and polling process, and that the Committees' premises are adequate and safe and meet the legal standards. The Supreme Commission must form committees as deemed necessary to assist it in fulfilling the duties and responsibilities assigned to it.</p>	<p><b>Article (29):</b> The Supreme Commission shall oversee the elections and referendum process, and may send whoever it deems necessary to ensure the correct implementation of procedures pertaining to the registration and polling process, and that the Committees' premises are adequate and safe and meet the legal standards. The Supreme Commission must form committees as deemed necessary to assist it in fulfilling the duties and responsibilities assigned to it.</p>	
<p><b>Article (30):</b> The Supreme Commission shall provide the substance to be used on the voter's thumb when casting his vote, provided that such substance is not removable for at least (24) hours to prevent multiple voting during the specified voting day.</p> <p><b>Article (31):</b></p> <p>(a) The State shall be responsible for the costs of elections and referenda. The Government shall put at the disposal of the Supreme Commission all the capabilities, equipment and means that enable it to fulfill its duties properly.</p> <p>(b) The Supreme Commission shall have its own annual budget which it shall prepare and present to the Council of Ministers, to be endorsed by the House of Representatives and incorporated as one item into the State budget under the name of the Supreme Commission.</p> <p>(c) The Supreme Commission shall submit to the government a proposed budget in accordance with established rules and regulations governing the preparation of budgets for organizations that are administratively and financially independent.</p>	<p><b>Article (30):</b> The Supreme Commission shall provide the substance to be used on the voter's thumb when casting his vote, provided that such substance is not removable for at least (24) hours to prevent multiple voting during the specified voting day.</p> <p><b>Article (31):</b></p> <p>(a) The State shall be responsible for the costs of elections and referenda. The Government shall put at the disposal of the Supreme Commission all the capabilities, equipment and means that enable it to fulfill its duties properly.</p> <p>(b) The Supreme Commission shall have its own annual budget which it shall prepare and present to the Council of Ministers, to be endorsed by the House of Representatives and incorporated as one item into the State budget under the name of the Supreme Commission.</p> <p>(c) The Supreme Commission shall submit to the government a proposed budget in accordance with established rules and regulations governing the preparation of budgets for organizations that are administratively and financially independent.</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (32):</b></p> <p>(a) The Supreme Commission is financially and administratively independent, has a legal personality, and exercises all its duties, responsibilities and powers stated in this law with complete independence and impartiality. Its decisions shall be made public, and in all events, nobody shall be allowed to interfere in the affairs and duties of the Supreme Commission or to restrict its powers and jurisdiction.</p> <p>(b) The Supreme Commission shall have its own administrative, financial and technical apparatus in its headquarters and in the capital cities of all the Republic's Governorates. It shall have a special cadre formed by a Presidential Decree and shall set up its own organizational structure and the necessary by-laws.</p> <p>(c) The Supreme Commission shall have the powers and authorities designated to the Ministries of Civil Service and Finance by the applicable legislation, in all matters concerning the financial and administrative affairs of the staff of the Supreme Commission's administrative and technical apparatus.</p>	<p><b>Article (32):</b></p> <p>(a) The Supreme Commission is financially and administratively independent, has a legal personality, and exercises all its duties, responsibilities and powers stated in this law with complete independence and impartiality. Its decisions shall be made public, and in all events, nobody shall be allowed to interfere in the affairs and duties of the Supreme Commission or to restrict its powers and jurisdiction.</p> <p>(b) The Supreme Commission shall have its own administrative, financial and technical apparatus in its headquarters and in the capital cities of all the Republic's Governorates. It shall have a special cadre formed by a Presidential Decree and shall set up its own organizational structure and the necessary by-laws.</p> <p>(c) The Supreme Commission shall have the powers and authorities designated to the Ministries of Civil Service and Finance by the applicable legislation, in all matters concerning the financial and administrative affairs of the staff of the Supreme Commission's administrative and technical apparatus.</p>	
<p><b>Article (33):</b> The Supreme Commission shall have a General Secretariat composed of its administrative and technical apparatus. The Secretariat shall be chaired by a Secretary General with the rank of a Deputy Minister to be selected from among (3) candidates nominated by the majority of members of the Supreme Commission and appointed by a presidential decree.</p>	<p><b>Article (33):</b> The Supreme Commission shall have a General Secretariat composed of its administrative and technical apparatus. The Secretariat shall be chaired by a Secretary General with the rank of a Deputy Minister to be selected from among (3) candidates nominated by the majority of members of the Supreme Commission and appointed by a presidential decree.</p>	
<p><b>Article (34):</b></p> <p>(a) The Secretary General is directly responsible for the General Secretariat and shall be directly accountable to the Supreme Commission;</p> <p>(b) The Secretary General is the <i>rapporteur</i> of the Supreme Commission;</p> <p>(c) The by-laws shall specify the jurisdiction and powers of the Secretary General, and the jurisdiction and duties of the General Secretariat.</p> <p><b>Article (35):</b> The Secretary General shall be required to meet the following conditions, in addition to all the requirements applicable to public servants:</p> <p>(a) Holds at least a university degree;</p> <p>(b) Not to be less than (35) years old;</p> <p>(c) Has at least (10) years of professional experience in administrative and financial matters.</p>	<p><b>Article (34):</b></p> <p>(a) The Secretary General is directly responsible for the General Secretariat and shall be directly accountable to the Supreme Commission;</p> <p>(b) The Secretary General is the <i>rapporteur</i> of the Supreme Commission;</p> <p>(c) The by-laws shall specify the jurisdiction and powers of the Secretary General, and the jurisdiction and duties of the General Secretariat.</p> <p><b>Article (35):</b> The Secretary General shall be required to meet the following conditions, in addition to all the requirements applicable to public servants:</p> <p>(a) Holds at least a university degree;</p> <p>(b) Not to be less than (35) years old;</p> <p>(c) Has at least (10) years of professional experience in administrative and financial matters.</p>	
<p><b>Article (36):</b> Upon the completion of the Supreme Commission's term or its resignation, the Secretary General shall continue carrying out the administrative and financial duties of the administrative and financial apparatus, without having the authority to hire, promote or dismiss any employees.</p>	<p><b>Article (36):</b> Upon the completion of the Supreme Commission's term or its resignation, the Secretary General shall continue carrying out the administrative and financial duties of the administrative and financial apparatus, without having the authority to hire, promote or dismiss any employees.</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<b>Part Four: Rules and Regulations for Election Campaigns</b>	<b>Part Four: Rules and Regulations for Election Campaigns</b>	
<b>Article (37):</b> The Supreme Commission for Elections and Referendum shall stipulate the regulations governing the permissible election campaigns for candidates in accordance with the provisions of this Law.	<b>Article (37):</b> The Supreme Commission for Elections and Referendum shall stipulate the regulations governing the permissible election campaigns for candidates in accordance with the provisions of this Law.	
<b>Article (38):</b> The Supreme Commission shall educate the public about the importance of elections and invite them to participate therein. The Commission shall regulate the announcement of the candidates' lists in each electoral constituency following the end of the nomination period without giving any candidate special publicity. The official media shall be banned from publishing or broadcasting any issue pertaining to elections and referenda except with the approval and supervision of the Supreme Commission. The official media shall put all its resources at the disposal of the Supreme Commission. Candidates shall not be allowed to carry out any election campaign that includes fraud or deception of voters, or that uses defamatory or slanderous techniques against others.	<b>Article (38):</b> The Supreme Commission shall educate the public about the importance of elections and invite them to participate therein. The Commission shall regulate the announcement of the candidates' lists in each electoral constituency following the end of the nomination period without giving any candidate special publicity. The official media shall be banned from publishing or broadcasting any issue pertaining to elections and referenda except with the approval and supervision of the Supreme Commission. The official media shall put all its resources at the disposal of the Supreme Commission. Candidates shall not be allowed to carry out any election campaign that includes fraud or deception of voters, or that uses defamatory or slanderous techniques against others.	
<b>Article (39):</b> The Supreme Commission shall regulate the use of visual, audio and printed official media and guarantee equal access to such media for all candidates to present their electoral programs. Political parties and organizations shall have the right to present their electoral programs in visual, audio and printed official media on an equitable basis in accordance with the regulations stipulated by the Supreme Commission.	<b>Article (39):</b> The Supreme Commission shall regulate the use of visual, audio and printed official media and guarantee equal access to such media for all candidates to present their electoral programs. Political parties and organizations shall have the right to present their electoral programs in visual, audio and printed official media on an equitable basis in accordance with the regulations stipulated by the Supreme Commission.	
<b>Article (40):</b> Financing election campaign from public funds or from the budgets of Ministries, public institutions, public organizations and public corporations, or by foreign support is prohibited. Also, the use of public organizations and public facilities for election campaign is prohibited. <b>Article (41):</b> The by-laws shall stipulate the period and locations for posting electoral advertisements.	<b>Article (40):</b> Financing election campaign from public funds or from the budgets of Ministries, public institutions, public organizations and public corporations, or by foreign support is prohibited. Also, the use of public organizations and public facilities for election campaign is prohibited. <b>Article (41):</b> The by-laws shall stipulate the period and locations for posting electoral advertisements.	
<b>Article (42):</b> The Election Administration Committee shall designate the areas mentioned in the previous article according to the sequential order of the nomination records. Local authorities and their assistants shall co-operate fully in executing instructions issued by the Election Administration Committee with reference to the stipulation or designation of the required areas in accordance with the provisions of the previous article. In circumstances where there is neglect or a failure to execute, the violator shall become legally liable and the Chairman of the Committee or his representative shall execute the instructions thereof.	<b>Article (42):</b> The Election Administration Committee shall designate the areas mentioned in the previous article according to the sequential order of the nomination records. Local authorities and their assistants shall co-operate fully in executing instructions issued by the Election Administration Committee with reference to the stipulation or designation of the required areas in accordance with the provisions of the previous article. In circumstances where there is neglect or a failure to execute, the violator shall become legally liable and the Chairman of the Committee or his representative shall execute the instructions thereof.	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (43):</b> Candidates shall be allowed to use the designated areas referred to in Article (41) herein to post, until the end of the day preceding Election Day, the following:</p> <p>(a) not more than (2) electoral advertisements;</p> <p>(b) not more than (2) public notices concerning electoral meetings, which should only contain information about the date and place of these meetings and the names of registered speakers as well as the names of candidates.</p>	<p><b>Article (43):</b> Candidates shall be allowed to use the designated areas referred to in Article (41) herein to post, until the end of the day preceding Election Day, the following:</p> <p>(a) not more than (2) electoral advertisements;</p> <p>(b) not more than (2) public notices concerning electoral meetings, which should only contain information about the date and place of these meetings and the names of registered speakers as well as the names of candidates.</p>	
<p><b>Article (44):</b> A candidate may not use, or allow the use of, the spaces allocated to his campaign for any purpose other than presenting his candidacy and electoral program. Also, a candidate may not forfeit the space allocated to his campaign to others.</p>	<p><b>Article (44):</b> A candidate may not use, or allow the use of, the spaces allocated to his campaign for any purpose other than presenting his candidacy and electoral program. Also, a candidate may not forfeit the space allocated to his campaign to others.</p>	
<p><b>Article (45):</b> A candidate may not distribute on Election Day programs, pamphlets, cards or any other documents personally or through others. In general, employees of the State or local authorities may not distribute cards, pamphlets or candidates programs on Election Day. Also, it is not permissible to post any advertisement or distribute programs, pamphlets or cards in the name of a withdrawn candidate.</p>	<p><b>Article (45):</b> A candidate may not distribute on Election Day programs, pamphlets, cards or any other documents personally or through others. In general, employees of the State or local authorities may not distribute cards, pamphlets or candidates programs on Election Day. Also, it is not permissible to post any advertisement or distribute programs, pamphlets or cards in the name of a withdrawn candidate.</p>	
<p><b>Article (46):</b> Subject to the provisions of Article (47), mosques, prayer areas, colleges, schools, institutes, Government offices, barracks and public facilities may not be used for election campaigns in any form whatsoever.</p>	<p><b>Article (46):</b> Subject to the provisions of Article (47), mosques, prayer areas, colleges, schools, institutes, Government offices, barracks and public facilities may not be used for election campaigns in any form whatsoever.</p>	
<p><b>Article (47):</b> During the election campaign period, candidates may hold electoral meetings to present their electoral programs to the voters. The Supreme Commission shall stipulate the rules that regulate such electoral meetings, taking into consideration the prohibition on using mosques and prayer areas for such purposes. The Supervisory and Main Committees may, if deemed necessary, authorize in writing the use of educational facilities by all candidates for such electoral meetings.</p>	<p><b>Article (47):</b> During the election campaign period, candidates may hold electoral meetings to present their electoral programs to the voters. The Supreme Commission shall stipulate the rules that regulate such electoral meetings, taking into consideration the prohibition on using mosques and prayer areas for such purposes. The Supervisory and Main Committees may, if deemed necessary, authorize in writing the use of educational facilities by all candidates for such electoral meetings.</p>	
<p><b>Article (48):</b> Loudspeakers may not be used for election campaign purposes except at electoral meetings organized in accordance with the Law. Also, it is not permitted to use various products for election campaign purposes. In general, any electoral advertising method for the benefit of any candidate may not be used except as provided for in this Law and in accordance with in the instructions of the Supreme Commission.</p>	<p><b>Article (48):</b> Loudspeakers may not be used for election campaign purposes except at electoral meetings organized in accordance with the Law. Also, it is not permitted to use various products for election campaign purposes. In general, any electoral advertising method for the benefit of any candidate may not be used except as provided for in this Law and in accordance with in the instructions of the Supreme Commission.</p>	
<p><b>Article (49):</b> It is prohibited to damage by any means, authorized forms of publicity for an election campaign, whether by tearing, crossing out or otherwise. Such an act shall be considered as an election offence.</p>	<p><b>Article (49):</b> It is prohibited to damage by any means, authorized forms of publicity for an election campaign, whether by tearing, crossing out or otherwise. Such an act shall be considered as an election offence.</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (50):</b> If the President of the Republic is a candidate in a presidential election, official media broadcasting and publishing of his daily duties and activities shall not be considered as part of the election campaign.</p>	<p><b>Article (50):</b> If the President of the Republic is a candidate in a presidential election –</p> <p>(a) <i>the instructions issued to the official media by the Supreme Commission under Article (25(c)) of this Law shall include guidelines for the coverage by the official media of the daily duties and activities of the President during the election campaign period;</i></p> <p>(b) official media broadcasting and publishing of the President’s daily duties and activities shall not be considered as part of the election campaign.</p>	29
<p><b>Article (51):</b> Subject to the provisions of Article (73) of this Law, the Supreme Commission shall regulate the use of the official media for the election campaigns of the presidential candidates, to guarantee equitable access to air time and space for all candidates.</p>	<p><b>Article (51):</b> Subject to the provisions of Article (73) of this Law, the Supreme Commission shall regulate the use of the official media for the election campaigns of the presidential candidates, to guarantee equitable access to air time and space for all candidates.</p>	
<p><b>Article (52):</b> Any party, group, organization, individual or other body is prohibited from applying any form of pressure, intimidation, deceitfulness, unfaithfulness or enticements or promises of pecuniary or sentimental gains during election campaigns.</p>	<p><b>Article (52):</b> Any party, group, organization, individual or other body is prohibited from applying any form of pressure, intimidation, deceitfulness, unfaithfulness or enticements or promises of pecuniary or sentimental gains during election campaigns.</p>	
<p><b>Part Five: Rules and Procedures for Election Nominations and Conducting Public Referenda</b></p>	<p><b>Part Five: Rules and Procedures for Election Nominations and Conducting Public Referenda</b></p>	
<p><i>Section One: Election of the House of Representatives</i></p>	<p><i>Section One: Election of the House of Representatives</i></p>	
<p><b>Article (53):</b> The House of Representatives consists of (301) members to be elected by secret, general, free, direct, and equal voting. The Republic shall be divided into (301) electoral constituencies of equal population according to the general census results, with a variation of plus or minus 5%. Each constituency shall elect one member.</p>	<p><b>Article (53):</b></p> <p>(a) The House of Representatives consists of (301) members to be elected by secret, general, free, direct, and equal voting. The Republic shall be divided into (301) electoral constituencies of equal population according to the general census results, with a variation of plus or minus 5%. Each constituency shall elect one member.</p> <p>(b) <i>When the Supreme Commission revises the boundaries of parliamentary constituencies, it must:</i></p> <ol style="list-style-type: none"> <li>1. <i>do so according to the usually-resident populations;</i></li> <li>2. <i>not consider political data or incorporate political data into a delimitation database;</i></li> <li>3. <i>make publicly available within each governorate its proposed boundaries for the constituencies within the governorate and the specific reasons for them in terms of the statutory criteria, and give political parties, local councils, and any other person or organization the Supreme Commission considers appropriate, a reasonable opportunity to provide the Supreme Commission with comments on the manner in which the proposed boundaries comply with the statutory criteria;</i></li> <li>4. <i>consider those comments before deciding the final boundaries;</i></li> <li>5. <i>publish the final boundaries showing their compliance with the statutory criteria.</i></li> </ol> <p><i>The final boundaries shall come into force at the next general election for the House of</i></p>	15

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<i>Representatives.</i>	
<p><b>Article (54):</b>            (a) The President of the Republic shall call on the voters to elect the new House of Representatives at least (60) days before the end of the House's term.            (b) The procedures relating to general elections shall be carried out at the times specified in this Law.</p>	<p><b>Article (54):</b>            (a) The President of the Republic shall call on the voters to elect the new House of Representatives at least (60) days before the end of the House's term.            (b) The procedures relating to general elections shall be carried out at the times specified in this Law.</p>	
<p><b>Article (55):</b> Elections shall be through secret, general, free, direct and equal voting.</p>	<p><b>Article (55):</b> Elections shall be through secret, general, free, direct and equal voting.</p>	
<p><b>Article (56):</b> Every voter shall have the right to nominate himself in the constituency that is his voting domicile. A candidate for the membership of the House of Representatives shall fulfill the following conditions:            (a) Must be a Yemeni citizen,            (b) Must be at least (25) years old;            (c) Must be able to read and write;            (d) Must be of good character and conduct, observant of religious duties and responsibilities, and must not have been finally convicted by a court for any crime of honor or good conduct unless pardoned or exonerated.</p>	<p><b>Article (56):</b> Every voter shall have the right to nominate himself in the constituency that is his voting domicile. A candidate for the membership of the House of Representatives shall fulfill the following conditions:            (a) Must be a Yemeni citizen,            (b) Must be at least (25) years old;            (c) Must be able to read and write;            (d) Must be of good character and conduct, observant of religious duties and responsibilities, and must not have been finally convicted by a court for any crime of honor or good conduct unless pardoned or exonerated.</p>	
<p><b>Article (57):</b>            (a) Nomination applications shall be submitted in writing on the form specifically designed for that purpose, to the Main Committee during office hours within (10) days following the opening of the nomination period. A candidate shall be required to fill out the nomination application in person before the Committee to ensure that he meets the reading and writing requirement. This event shall be documented in the minutes and signed by the Committee.            (b) The Nomination Application Form shall contain the following information:            1. The candidate's full name (up to the fourth);            2. Place and date of birth;            3. Educational level;            4. Political affiliation (if any);            5. Profession or occupation (if employed);            6. The electoral constituency and center where the candidate is registered in the Voters List and his address;            7. The candidate's symbol or the symbol of his political party or organization;            8. The date of leaving employment or of resignation where Clauses (e) and (f) of Article (60) of this Law are applicable.</p>	<p><b>Article (57):</b>            (a) <i>Nomination applications shall be submitted in writing on the form specifically designed for that purpose, to the Main Committee during office hours within (7) days following the opening of the nomination period.</i> A candidate shall be required to fill out the nomination application in person before the Committee to ensure that he meets the reading and writing requirement. This event shall be documented in the minutes and signed by the Committee.            (b) The Nomination Application Form shall contain the following information:            1. The candidate's full name (up to the fourth);            2. Place and date of birth;            3. Educational level;            4. Political affiliation (if any);            5. Profession or occupation (if employed);            6. The electoral constituency and center where the candidate is registered in the Voters List and his address;            7. The candidate's symbol or the symbol of his political party or organization;            8. The date of of leaving employment or of resignation where Clauses (e) and (f) of Article (60) of this Law are applicable.            (c) Nomination Applications shall be kept in a special ledger and receipts shall</p>	16, 17, 18, 45

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
<p>(c) Nomination Applications shall be kept in a special ledger and receipts shall be issued to the applicants subject to verification of the information declared therein and the fulfillment of all necessary conditions for candidacy. A voter shall be entitled to examine the Nominations Ledger. A list of all candidates within each electoral constituency shall be prepared and posted in public places and squares within the electoral constituency from the day following the end of the nomination period.</p> <p>(d) Every political party or organization, in coordination with the Supreme Commission, shall have the right to choose a single symbol to represent all its candidates in all constituencies. A political party or organization is prohibited from choosing a similar or a duplicate symbol of another political party or organization.</p> <p>(e) The Supreme Commission shall design a number of symbols for Independent candidates to choose from. The priority in choosing these symbols shall be given in order of the nomination applications that have fulfilled the legal requirements.</p>	<p>be issued to the applicants subject to verification of the information declared therein and the fulfillment of all necessary conditions for candidacy. A voter shall be entitled to examine the Nominations Ledger. A list of all candidates within each electoral constituency shall be prepared and posted in public places and squares within the electoral constituency from the day following the end of the nomination period.</p> <p>(d) Every political party or organization, in coordination with the Supreme Commission, shall have the right to choose a single symbol to represent all its candidates in all constituencies. A political party or organization is prohibited from choosing a similar or a duplicate symbol of another political party or organization.</p> <p>(e) The Supreme Commission shall design a number of symbols for Independent candidates to choose from. The priority in choosing these symbols shall be given in order of the nomination applications that have fulfilled the legal requirements.</p> <p>(f) <i>If a Main Committee refuses a nomination application, the Committee must provide the applicant with a written statement of the specific reasons for its decision.</i></p> <p>(g) <i>A Main Committee for a constituency must issue a preliminary list of all candidates for the constituency on the day following the period for withdrawal of nominations set in Clause (a) of Article (61) of this Law. The Committee must post the preliminary list at the location of the Main Committee and in other public areas within the constituency that are designated by the Supreme Commission.</i></p> <p>(h) <i>Within (2) days after the day the Main Committee issues the preliminary list of candidates for a constituency, any registered voter in that constituency may challenge the Committee's decision to approve or refuse a nomination application by applying in writing to that Committee for a review of its decision. The application for review must state the reasons for the challenge in terms of the provisions of this Law relating to eligibility to be a candidate and the requirements for nomination applications. The Main Committee must notify the candidate of the challenge, and must allow him a reasonable opportunity to respond to it. The Main Committee must issue a written decision within (3) days of the deadline for filing applications, stating the reasons for its decision. The Committee must give a copy of its decision to the contestant(s) concerned, and must post a revised list of candidates for the constituency in the same places where the preliminary list was posted.</i></p> <p>(i) <i>Within (2) days after the last day for the Main Committee to issue its decision on a challenge, or if the Committee fails to issue a decision by the deadline, the contestant(s) concerned may file an appeal with a judge assigned by the Chairman of the Court of</i></p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<p><i>Appeal in a Governorate. If the need arises in a constituency, several judges may be assigned and work distributed among them. The Court must treat the appeal as urgent and must issue its decision within (5) days of the deadline for filing appeals. The decision of the Court shall determine whether the person concerned shall be a candidate at the election. A copy of the Court's verdict shall be forwarded to the contestant(s) and to the Supervisory Committee in the Governorate as soon as the verdicts are issued. The Supervisory Committee shall furnish the Supreme Commission and the Main Committee in the constituency with a copy of the verdict no later than (24) hours following its receipt of the Court's verdict.</i></p> <p><i>(j) Once all challenges to the revised list of candidates for a constituency have been finally determined, the Main Committee shall amend the list of candidates accordingly and shall issue the final list of candidates for the constituency. The Committee shall post the final list in the same places where the preliminary list was posted and shall forward a copy of the final list to the Supreme Commission which shall publish the names of the candidates.</i></p> <p><i>(k) If the final list of candidates for a constituency contains fewer than (2) names, a supplementary election shall be held in the constituency in accordance with Article (108) of this Law.</i></p> <p><i>(l) If the final list of candidates for a constituency does not include the name of a person who submitted a nomination application, the local council to which the candidate's fee was paid shall refund the fee in full to that person or his representative.</i></p>	
<p><b>Article (58):</b></p> <p>(a) For a nomination under the name of a political party or organization to be accepted, it must be endorsed by the Chairman or the Secretary General of that party or organization or their officially designated representative.</p> <p>(b) For a nomination of an Independent candidate for the membership of the House of Representatives, it must be endorsed by at least (300) voters representing the majority of electoral centers within the electoral constituency. The endorsing voters must meet the following conditions:</p> <ol style="list-style-type: none"> <li>1. Be registered in the Voters Lists of the electoral constituency;</li> <li>2. Not to endorse more than one candidate.</li> </ol> <p>(c) Every candidate shall be required to pay an amount of (YR 5,000) for his electoral campaign posters to the local council in the main cities, and he shall be given a receipt thereof. A nomination application shall not be accepted unless accompanied by the receipt for such payment. The local council is required to remove the posters after the elections.</p> <p>(d) In the event that a political party or organization withdraws the nomination</p>	<p><b>Article (58):</b></p> <p>(a) For a nomination under the name of a political party or organization to be accepted, it must be endorsed by the Chairman or the Secretary General of that party or organization or their officially designated representative.</p> <p>(b) <i>A male applicant to be an Independent candidate for the House of Representatives shall be required to secure the endorsement of at least (200) voters representing at least one-third of the electoral centers within the constituency. The applicant shall be entitled to inspect the final Voters Lists held by the Main Committee. Each endorsing voter must:</i></p> <ol style="list-style-type: none"> <li>1. <i>Be listed in the Voters Lists for the constituency;</i></li> <li>2. <i>Personally sign his endorsement on a form provided by the Supreme Commission;</i></li> <li>3. <i>Not endorse more than one applicant; all multiple endorsements by a voter shall be treated as void.</i></li> </ol> <p><i>The applicant shall ensure and declare that each voter endorsing his candidacy has personally signed the endorsement form. If an applicant makes a false declaration, the application shall be refused and he will be liable to prosecution under Article (133) of this Law.</i></p>	<p>16, 20, 21, 39, 40, 41</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>of one of its candidates, the said candidate shall have the right to run as an Independent if he so wishes. In such instances, he shall be exempt from the nomination application procedures stipulated in this Law.</p>	<p>(c) <i>Every candidate shall be required to pay into the bank account of the relevant local council in major cities the amount of (YR 10,000) in cash for his campaign posters, and shall be issued with a receipt. Local councils must provide Main Committees with the details of the bank account to be used for this purpose, and Main Committees must provide that information to each applicant to be a candidate. A nomination application shall not be accepted unless accompanied by the receipt for such payment. The local council is required to remove the posters after the elections.</i></p> <p>(d) <i>A political party or organization may withdraw its endorsement of a candidate only during the nomination period, and may then endorse another candidate before the end of the nomination period. A candidate from whom a party or organization withdraws its endorsement may become an Independent candidate provided he completes such nomination application procedures as the Supreme Commission requires in the period remaining before the close of nominations.</i></p>	
<p><b>Article (59):</b> No voter shall be allowed to nominate himself in more than one electoral constituency. If proven to be nominated in more than one constituency, his nominations in all constituencies shall be deemed null and void.</p>	<p><b>Article (59):</b> No voter shall be allowed to nominate himself in more than one electoral constituency. If proven to be nominated in more than one constituency, his nominations in all constituencies shall be deemed null and void.</p>	
<p><b>Article (60):</b></p> <p>(a) Taking into consideration the provisions of Clauses (e) and (f) of this Article, any public official who nominates himself for membership of the House of Representatives shall be deemed to have been suspended from carrying out his public post activities from the date of the beginning of the nomination period. If he does not win in the elections, he shall be reinstated to the same public post and get paid all his benefits. If he wins, he shall be entitled to all the benefits of his public post during his membership of the House of Representatives. Upon completion of his term in the House of Representatives, a public official shall have the right to be reinstated in a post at least equivalent to the one he held previously.</p> <p>(b) A Local Council member who is nominated for the House of Representatives shall be deemed to have resigned from the membership of the Local Council and may not be reinstated unless re-elected.</p> <p>(c) Combining membership in the House of Representatives with any public office or membership of the Local Council is prohibited.</p> <p>(d) Membership in the House of Representatives may only be combined with membership of the Council of Ministers.</p> <p>(e) The Prime Minister and his deputies, Ministers, Deputy Ministers, Under</p>	<p><b>Article (60):</b></p> <p>(a) Taking into consideration the provisions of Clauses (e) and (f) of this Article, any public official who nominates himself for membership of the House of Representatives shall be deemed to have been suspended from carrying out his public post activities from the date of the beginning of the nomination period. If he does not win in the elections, he shall be reinstated to the same public post and get paid all his benefits. If he wins, he shall be entitled to all the benefits of his public post during his membership of the House of Representatives. Upon completion of his term in the House of Representatives, a public official shall have the right to be reinstated in a post at least equivalent to the one he held previously.</p> <p>(b) A Local Council member who is nominated for the House of Representatives shall be deemed to have resigned from the membership of the Local Council and may not be reinstated unless re-elected.</p> <p>(c) Combining membership in the House of Representatives with any public office or membership of the Local Council is prohibited.</p> <p>(d) Membership in the House of Representatives may only be combined with membership of the Council of Ministers.</p> <p>(e) The Prime Minister and his deputies, Ministers, Deputy Ministers, Under</p>	<p>22</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>Secretaries of State, Directors of Public Agencies and Corporations are prohibited from nominating themselves for the membership of the House of Representatives unless they have left their employment at least (3) months prior to the opening of the nomination period.</p> <p>(f) Governors and their deputies, judges, directors of Administrative Districts, directors of Ministries, Governorates, public corporations and institutions, chief security officers, military commanders, executive officials in local councils or any public servant in an administrative unit are prohibited from nominating themselves for the membership of the House of Representatives within the constituencies in which they work unless they have left their employment in the electoral constituency at least (3) months prior to the opening of the nomination period.</p> <p>(g) The period stipulated in Clauses (e) and (f) of this Article shall be reduced to (1) month in by-elections carried out when there is a vacancy in the House of Representatives or if there is a call for early elections.</p>	<p>Secretaries of State, Directors of Public Agencies and Corporations are prohibited from nominating themselves for the membership of the House of Representatives unless they have left their employment at least (3) months prior to the opening of the nomination period.</p> <p>(f) <i>Governors and their deputies, judges, directors of Administrative Districts, directors of Ministries, Governorates, public corporations and institutions, chief security officers, military commanders, and executive officials in local councils are prohibited from nominating themselves for the membership of the House of Representatives within the constituencies in which they work unless they have left their employment in the electoral constituency at least (3) months prior to the opening of the nomination period.</i></p> <p>(g) The period stipulated in Clauses (e) and (f) of this Article shall be reduced to (1) month in by-elections carried out when there is a vacancy in the House of Representatives or if there is a call for early elections.</p>	
<p><b>Article (61):</b></p> <p>(a) Any candidate has the right to withdraw his nomination provided he submits a request in writing, on the form specifically designed for that purpose, to the Main Committee where he nominated himself (20) days prior to Election Day.</p> <p>(b) Withdrawal shall be marked next to the name and symbol of the withdrawing candidate in the candidates list and shall be announced in the official media and the electoral constituency, as well as in the Main Committee's premises and the centers of the constituency during Election Day.</p> <p>(c) In the event of a candidate's death or withdrawal of nomination after the end of the nomination period and prior to Election Day, and where that results in only one remaining candidate in the constituency, the Supreme Commission shall announce the reopening of the nomination period in the constituency in accordance with the procedures stipulated in this Law.</p>	<p><b>Article (61):</b></p> <p>(a) <i>Any candidate has the right to withdraw his nomination provided he submits a request in writing on the form specifically designed for that purpose, to the Main Committee where he nominated himself no later than (2) days after the close of the nomination period. A candidate who dies before the deadline for withdrawals shall be deemed to have withdrawn.</i></p> <p>(b) <i>Withdrawal shall be marked next to the name and symbol of the withdrawing candidate in the candidates list and shall be announced in the official media and the electoral constituency. The local council to which the candidate's fee was paid shall refund the fee in full to the withdrawing candidate or his representative.</i></p> <p>(c) <i>If a candidate dies after the final list of candidates has been issued and before the close of voting on Election Day, a supplementary election shall be held in that constituency in accordance with Article (108);</i></p> <p>(d) <i>If a candidate dies after the close of voting but before the final result is officially declared, the official count shall be completed. If the deceased candidate obtained a relative majority of valid votes, the seat shall be declared vacant and a by-election shall be held according to Article (109). If the deceased candidate would have been included in a lot held under Article (105(b)), he shall be excluded from the lot. In all other cases, the winner of the election shall be declared in accordance with this Law.</i></p>	42, 43, 44
<p><b>Article (62):</b> In the event of there being only one nominated candidate in a constituency, the Supreme Commission shall be informed immediately and shall announce the extension of the nomination period for a further (5) days</p>	<p><b>Article (62):</b> <i>If the preliminary list of candidates for a constituency posted under Article (57(g)) contains fewer than (2) names, the Supreme Commission shall announce the reopening of nominations in that constituency for a further (2) days after ensuring that the appropriate</i></p>	45

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>following the end of the original nomination period after ensuring that the appropriate procedures were followed. If no other candidate(s) apply, elections shall be carried out in accordance with the procedures stipulated in this Law.</p>	<p><i>procedures were followed. The Main Committee shall issue a new preliminary list of candidates within (1) day of the close of the extended nomination period. Any challenge to the Main Committee's decisions on the new preliminary list of candidates made under Article (57)(h)) of this Law must be filed with the Committee within (1) day after the new list has been issued, and the Committee must issue its decision on the challenge within (1) day after the filing deadline.</i></p>	
<p><i>Section Two: Presidential Elections</i></p>	<p><i>Section Two: Presidential Elections</i></p>	
<p><b>Article (63):</b></p> <p>(a) The President of the Republic shall be elected by the people by competitive, free and direct elections. Preparations for electing the new President of the Republic shall start (90) days prior to the end of the President's term.</p> <p>(b) The Presidium of the House of Representatives shall announce the opening of the nomination period for the Office of the President of the Republic (90) days prior to the end of the current President's constitutional term.</p> <p>(c) The Presidium of the House of Representatives shall receive all nomination applications for the Office of the President for (7) days starting from the first day of the period referred to in Clause (a) of this Article.</p> <p>(d) Nomination applications for the Office of the President of the Republic shall be submitted to the Speaker of the House of Representatives during the nomination period referred to in the previous Clause. The Applicant shall submit a written application in person during official business hours. If an applicant is nominated by a political party or organization, he is required to submit evidence to this effect. Each applicant shall be given a receipt for all the documents he files.</p> <p>(e) Nominations shall be examined in a joint meeting of the Presidiums of the House of Representatives and of the Consultative Council to ensure that candidates meet constitutional requirements.</p> <p>(f) The Presidiums of the House of Representatives and the Consultative Council shall complete the screening of nomination applications within (3) days following the end of the nomination period; and shall announce the names of the candidates whose nomination applications have been accepted within (1) day following the completion of the examination process.</p>	<p><b>Article (63):</b></p> <p>(a) The President of the Republic shall be elected by the people by competitive, free and direct elections. Preparations for electing the new President of the Republic shall start (90) days prior to the end of the President's term.</p> <p>(b) The Presidium of the House of Representatives shall announce the opening of the nomination period for the Office of the President of the Republic (90) days prior to the end of the current President's constitutional term.</p> <p>(c) The Presidium of the House of Representatives shall receive all nomination applications for the Office of the President for (7) days starting from the first day of the period referred to in Clause (a) of this Article.</p> <p>(d) Nomination applications for the Office of the President of the Republic shall be submitted to the Speaker of the House of Representatives during the nomination period referred to in the previous Clause. The applicant shall submit a written application in person during official business hours. If an applicant is nominated by a political party or organization, he is required to submit evidence to this effect. <i>The applicant must state the name and address of the person he has appointed to carry out the responsibilities relating to acceptance, recording and disclosure of donations under Article (75) of this Law in the event that his nomination is endorsed under Article (66) of this Law, and provide a copy of that person's written consent to appointment.</i> Each applicant shall be given a receipt for all the documents he files.</p> <p>(e) Nominations shall be examined in a joint meeting of the Presidiums of the House of Representatives and of the Consultative Council to ensure that candidates meet constitutional requirements.</p> <p>(f) The Presidiums of the House of Representatives and the Consultative Council shall complete the screening of nomination applications within (3) days following the end of the nomination period; and shall announce the names of the candidates whose nomination applications have been</p>	<p>46</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	accepted within (1) day following the completion of the examination process.	
<p><b>Article (64):</b></p> <p>(a) Every voter shall have the right to contest before the Presidiums of the House of Representatives and the Consultative Council any candidate who nominated himself in violation of the conditions stipulated in Article (107) of the Constitution. Every candidate whose application has been rejected shall have the right to complain to the Presidiums of the House of Representatives and the Consultative Council within (3) days following the announcement of presidential candidates.</p> <p>(b) The Presidiums of the House of Representatives and the Consultative Council shall determine the submitted contests and complaints and announce its decisions thereof (1) day following the complaint submission deadline.</p> <p>(c) Every applicant shall have the right to contest before the Supreme Court's Division for Constitutional Affairs the decisions of the Presidiums of the House of Representatives and the Consultative Council regarding the contests and complaints referred to in the previous Clause. The Supreme Court Division for Constitutional Affairs shall come to a decision within (5) days following the announcement of the Presidiums' decisions.</p>	<p><b>Article (64):</b></p> <p>(a) Every voter shall have the right to contest before the Presidiums of the House of Representatives and the Consultative Council any candidate who nominated himself in violation of the conditions stipulated in Article (107) of the Constitution. Every candidate whose application has been rejected shall have the right to complain to the Presidiums of the House of Representatives and the Consultative Council within (3) days following the announcement of presidential candidates.</p> <p>(b) The Presidiums of the House of Representatives and the Consultative Council shall determine the submitted contests and complaints and announce its decisions thereof (1) day following the complaint submission deadline.</p> <p>(c) Every applicant shall have the right to contest before the Supreme Court's Division for Constitutional Affairs the decisions of the Presidiums of the House of Representatives and the Consultative Council regarding the contests and complaints referred to in the previous Clause. The Supreme Court Division for Constitutional Affairs shall come to a decision within (5) days following the announcement of the Presidiums' decisions.</p>	
<p><b>Article (65):</b></p> <p>(a) A candidate for the office of the President of the Republic has the right to withdraw his nomination by filing a written request with the Speaker of the House of Representatives prior to presenting the names of applicants to the joint meeting of the House of Representatives and the Consultative Council for endorsement.</p> <p>(b) The Presidiums of the House of Representatives and the Consultative Council shall present to the joint session of the two Houses a report with the results of the screening of nomination applications, including the names of applicants who have met the constitutional requirements, for endorsement by the two Houses within (3) days following the end of the period for deciding contests.</p> <p>(c) The joint meeting of the two Houses is bound to endorse at least (3) presidential candidates before they are presented to the people in competitive elections.</p> <p>(d) Presidential Elections may not be held with fewer than (2) candidates.</p>	<p><b>Article (65):</b></p> <p>(a) A candidate for the office of the President of the Republic has the right to withdraw his nomination by filing a written request with the Speaker of the House of Representatives prior to presenting the names of applicants to the joint meeting of the House of Representatives and the Consultative Council for endorsement.</p> <p>(b) The Presidiums of the House of Representatives and the Consultative Council shall present to the joint session of the two Houses a report with the results of the screening of nomination applications, including the names of applicants who have met the constitutional requirements, for endorsement by the two Houses within (3) days following the end of the period for deciding contests.</p> <p>(c) The joint meeting of the two Houses is bound to endorse at least (3) presidential candidates before they are presented to the people in competitive elections.</p> <p>(d) Presidential Elections may not be held with fewer than (2) candidates.</p>	
<p><b>Article (66):</b> An applicant, who secures the endorsement of at least (5%) of the</p>	<p><b>Article (66):</b> An applicant, who secures the endorsement of at least (5%) of the</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
total number of the members present from both Houses, shall be considered a candidate for the Office of the President of the Republic. Endorsement shall be carried out by secret and direct voting. No member can endorse for the Presidential elections more than (1) candidate from among the names of applicants presented by the Presidiums of both Houses.	total number of the members present from both Houses, shall be considered a candidate for the Office of the President of the Republic. Endorsement shall be carried out by secret and direct voting. No member can endorse for the Presidential elections more than (1) candidate from among the names of applicants presented by the Presidiums of both Houses.	
<b>Article (67):</b> The Presidium of the House of Representatives shall provide the Supreme Commission with the names of the candidates for the office of the President of the Republic together with copies of their nomination documentation within a maximum of (48) hours following the endorsement decision.	<b>Article (67):</b> The Presidium of the House of Representatives shall provide the Supreme Commission with the names of the candidates for the office of the President of the Republic together with copies of their nomination documentation within a maximum of (48) hours following the endorsement decision.	
<b>Article (68):</b> Upon completion of all the procedures referred to in the previous articles by the House of Representatives and the Consultative Council, the President of the Republic shall issue a decree calling on the electorate to elect the President of the Republic.	<b>Article (68):</b> Upon completion of all the procedures referred to in the previous articles by the House of Representatives and the Consultative Council, the President of the Republic shall issue a decree calling on the electorate to elect the President of the Republic.	
<b>Article (69):</b> The Supreme Commission shall prepare and arrange to carry out competitive elections for the office of the President of the Republic in accordance with the provisions and procedures stipulated in this Law.	<b>Article (69):</b> The Supreme Commission shall prepare and arrange to carry out competitive elections for the office of the President of the Republic in accordance with the provisions and procedures stipulated in this Law.	
<b>Article (70):</b> The candidate who secures an absolute majority of votes cast in a presidential election shall be deemed the President of the Republic. If none of the candidates secures this majority, the election shall be repeated according to the above procedures for the two candidates who secured the highest numbers of votes. This shall take place within (40) days following the announcement of voting results.	<b>Article (70):</b> The candidate who secures an absolute majority of votes cast in a presidential election shall be deemed the President of the Republic. If none of the candidates secures this majority, the election shall be repeated according to the above procedures for the two candidates who secured the highest numbers of votes. This shall take place within (40) days following the announcement of voting results.	
<b>Article (71):</b> Notwithstanding the provisions of Article (40) of this Law, each candidate for the office of President of the Republic shall be granted by the State Treasury an amount of money proposed by the Presidium of the House of Representatives and approved by the House, on the condition that each candidate receives an equal amount to assist him to cover the expenses of his election campaign.	<b>Article (71):</b> Notwithstanding the provisions of Article (40) of this Law, each candidate for the office of President of the Republic shall be granted by the State Treasury an amount of money proposed by the Presidium of the House of Representatives and approved by the House, on the condition that each candidate receives an equal amount to assist him to cover the expenses of his election campaign.	
<b>Article (72):</b> Every presidential candidate shall hold at least one electoral rally in the capital city of each Governorate, including the Capital City.	<b>Article (72):</b> Every presidential candidate shall hold at least one electoral rally in the capital city of each Governorate, including the Capital City.	
<b>Article (73):</b> Presidential candidates may hold debates to be broadcast by the official media during the last week of the legally specified election campaign period.	<b>Article (73):</b> Presidential candidates may hold debates to be broadcast by the official media during the last week of the legally specified election campaign period.	
<b>Article (74):</b> Each presidential candidate shall have the right to organize forums and press conferences to present his electoral program.	<b>Article (74):</b> Each presidential candidate shall have the right to organize forums and press conferences to present his electoral program.	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (75):</b> Each presidential candidate shall have the right to accept donations from Yemeni individuals or corporations on condition that such contributions are deposited to a bank account. The candidate shall submit to the Supreme Commission bank statements on a regular basis. Receiving money from any foreign sources is strictly prohibited.</p>	<p><b>Article (75):</b></p> <p>(a) <i>In this Article the word “donation” means any gift, contribution, loan, service, goods or property of any kind that is given to or transferred to or received by or on behalf of a presidential candidate in his capacity as a presidential candidate and not in any other capacity.</i></p> <p>(b) <i>Each presidential candidate shall have the right to accept donations from Yemeni individuals or corporations. Receiving donations from any foreign sources is strictly prohibited. An individual or a corporate body that makes a donation to a presidential candidate that exceeds (YR 10,000) in sum or value must provide the true name of the donor and the reasonable market value of a donation that is not in the form of money to the person appointed under Article (63(d)) of this Law, who shall ensure that a complete and accurate record is made of the donation.</i></p> <p>(c) <i>If a person is endorsed as a candidate for the office of President of the Republic under Article (66) of this Law, the person appointed by the candidate in accordance with Article (63(d)) must:</i></p> <ol style="list-style-type: none"> <li>1. <i>within (48) hours of the endorsement of the candidate, provide the Supreme Commission with a complete and accurate written statement of the true name of any donor who, in the period since the candidate applied to be a candidate for the presidency or announced his intention to do so (whichever is the earlier), has made a single donation to the candidate which exceeds (YR 100,000) in sum or reasonable market value or whose total donations to the candidate in the period exceed (YR 200,000) in sum or reasonable market value, and the amount or amounts donated;</i></li> <li>2. <i>during the period between the endorsement of the candidate and the date the Supreme Commission issues a certificate under Article (77) of this Law and within (48) hours of receipt, provide the Supreme Commission with a complete and accurate written statement of the true name of any donor who makes a single donation to the candidate that exceeds (YR 100,000) in sum or reasonable market value, and the amount donated;</i></li> <li>3. <i>during the period between the endorsement of the candidate and the date the Supreme Commission issues a certificate under Article (77) of this Law and within (48) hours of receipt, provide the Supreme Commission with a complete and accurate written statement of the true name of any donor whose total donations to the candidate in the period since he applied to be a candidate for the presidency or announced his intention to do so (whichever is the earlier) exceed (YR 200,000) in sum or reasonable market value, and the amounts donated;</i></li> <li>4. <i>within (48) hours of receipt, provide the Supreme Commission with a complete and accurate written statement of the amount of public funds the candidate has received</i></li> </ol>	<p>30, 47</p>

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<p style="text-align: center;"><i>under Article (71) of this Law.</i></p> <p><i>(d) Within (48) hours of receiving a written statement under Clause (c), the Supreme Commission must publish the information included in the statement.</i></p>	
<b>Article (76):</b> The provisions of Article (60) of this Law are not applicable to candidates for presidential elections.	<b>Article (76):</b> The provisions of Article (60) of this Law are not applicable to candidates for presidential elections.	
<b>Article (77):</b> The Supreme Commission shall present the successful candidate for the office of the President of the Republic with a certificate confirming his success in the presidential elections.	<b>Article (77):</b> The Supreme Commission shall present the successful candidate for the office of the President of the Republic with a certificate confirming his success in the presidential elections.	
<i>Section Three: Local Council Elections</i>	<i>Section Three: Local Council Elections</i>	
<b>Article (78):</b> Subject to the provisions of the Local Authority Law, members of local councils shall be elected through secret, free, direct and equal voting in accordance with the regulations and procedures stipulated by this Law and the other applicable laws.	<p><b>Article (78):</b></p> <p>(a) Subject to the provisions of the Local Authority Law, members of local councils shall be elected through secret, free, direct and equal voting in accordance with the regulations and procedures stipulated by this Law and the other applicable laws.</p> <p>(b) <i>Where local council elections are combined with a presidential election or with parliamentary elections, the Supreme Commission shall determine the number and functions of the election committees needed to carry out those elections.</i></p> <p>(c) <i>When the Supreme Commission revises the boundaries of local electoral constituencies, it must:</i></p> <ol style="list-style-type: none"> <li>1. <i>do so according to the usually-resident populations;</i></li> <li>2. <i>not consider political data or incorporate political data into a delimitation database;</i></li> <li>3. <i>make publicly available within each governorate its proposed boundaries for the local electoral constituencies within the governorate and the specific reasons for them in terms of the statutory criteria, and give political parties, local councils, and any other person or organization the Supreme Commission considers appropriate, a reasonable opportunity to provide the Supreme Commission with comments on the manner in which the proposed boundaries comply with the statutory criteria;</i></li> <li>4. <i>consider those comments before deciding the final boundaries;</i></li> <li>5. <i>publish the final boundaries showing their compliance with the statutory criteria.</i></li> </ol> <p><i>The final boundaries shall come into force at the next general election for local councils.</i></p>	2, 15
<b>Article (79):</b> The President of the Republic shall call on the electorate to elect their local council representatives at least (60) days prior to voting day.	<b>Article (79):</b> The President of the Republic shall call on the electorate to elect their local council representatives at least (60) days prior to voting day.	
<b>Article (80):</b> Every voter shall have the right to nominate himself for the membership of the local council for the local electoral constituency that is his voting domicile. No candidate shall be allowed to nominate himself in more than one local electoral constituency. If proven to be nominated in more than	<p><b>Article (80):</b></p> <p>(a) <i>Every voter shall have the right to nominate himself for the membership of the local council for the electoral constituency that is his voting domicile, or for membership of the council of the governorate that includes his voting domicile.</i></p>	48

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
one local electoral constituency, the candidate's nominations shall be deemed null and void in all constituencies.	<i>(b) No person shall be allowed to nominate himself as a candidate in more than one local electoral constituency or for more than one governorate council, or for both a governorate council and the local council of an administrative district. If a person does so, all his nominations shall be deemed null and void.</i>	
<b>Article (81):</b> Nomination applications shall be submitted during official business hours on the form specifically designed for that purpose, to the Main Committee appointed by the Supreme Commission for this purpose, within (10) days following the opening of the nomination period.	<b>Article (81):</b> <i>Nomination applications shall be submitted during official business hours on the form specifically designed for that purpose, to the Committee appointed by the Supreme Commission for this purpose, within (7) days following the opening of the nomination period.</i>	16
<b>Article (82):</b> The nomination application for local council elections shall include all particulars stipulated in Clause (b) of Article (57) of this Law except for Item (8) therein.	<b>Article (82):</b> The nomination application for local council elections shall include all particulars stipulated in Clause (b) of Article (57) of this Law except for Item (8) therein.	
<b>Article (83):</b> Each local council candidate in the Governorates shall pay the fee of (YR 5,000) to the City Improvement and Maintenance Fund for the removal of his election campaign posters. A candidate for the membership of Local Council in the Administrative District shall pay the sum of (YR 5,000) to the Local Council for his voting domicile. The local Council shall give the candidate a receipt in return. A copy of the said receipt must be attached to the nomination application.	<b>Article (83):</b> <i>Each applicant to be a local council candidate in the Governorates must deposit against receipt the total sum of (YR 10,000) in cash into the bank account of the City Improvement and Maintenance Fund, to be used for removal of his election campaign posters. An applicant to be candidate for a Local Council Office at the Administrative District level must deposit against receipt the sum of (YR 5,000) in cash into the bank account of the Local Council in his voting domicile, to be used for removal of his election campaign posters. Receipt for payment shall be attached to the nomination application. Local councils at the governorate and administrative district levels must provide the committees appointed by the Supreme Commission with the details of the bank accounts to be used for these purposes, and the committees must provide that information to each applicant to be a candidate.</i>	20, 40
<b>Article (84):</b> The Supreme Commission shall designate the committee that shall receive and decide on the nomination applications. In all events, the names of the candidates who are accepted shall be forwarded to the Supreme Commission which shall be responsible for organizing their announcement.	<b>Article (84):</b> <i>(a) The Supreme Commission shall designate the committee that shall receive and decide on the nomination applications for each constituency.</i> <i>(b) If a committee refuses an application to be a candidate, the committee must provide the applicant with a written statement of the specific reasons for its decision.</i> <i>(c) A committee must issue a preliminary list of all candidates for the constituency on the day following the period for withdrawal of nominations. The committee must post the preliminary list at its location and in other public areas within the constituency that are designated by the Supreme Commission and must forward a copy of the preliminary list to the Supreme Commission.</i> <i>(d) Within (2) days after the day the committee issues the preliminary list of candidates for a constituency, any registered voter in that constituency may challenge the committee's decision to approve or refuse a nomination application by applying in writing to that committee for a review of its decision. The application for review must state the reasons for the challenge in terms of the provisions of this Law relating to eligibility to be a</i>	17, 18, 45

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<p><i>candidate and the requirements for nomination applications. The committee must notify the candidate concerned of the challenge, and must allow him a reasonable opportunity to respond to it. The committee must issue a written decision within (3) days of the deadline for filing applications, stating the reasons for its decision. The committee must give a copy of its decision to the contestant(s) concerned, and must post a revised list of candidates for the constituency in the same places where the preliminary list was posted.</i></p> <p><i>(e) Within (2) days after the last day for the committee to issue its decision on a challenge or if the committee fails to issue a decision by the deadline, the contestant(s) concerned may file an appeal with a judge assigned by the Chairman of the Court of Appeal in a Governorate. If the need arises in a constituency, several judges may be assigned and work distributed among them. The Court must treat the appeal as urgent and must issue its decision within (5) days of the deadline for filing appeals. The decision of the Court shall determine whether the person concerned shall be a candidate at the election. A copy of the Court's verdict shall be forwarded to the contestant(s) and to the Supervisory Committee in the Governorate as soon as the verdicts are issued. The Supervisory Committee shall furnish the Supreme Commission and the committee in the constituency with a copy of the verdict no later than (24) hours following its receipt of the Court's verdict.</i></p> <p><i>(f) Once all challenges to the revised list of candidates for a constituency have been finally determined, the committee shall amend the list of candidates accordingly and shall issue the final list of candidates for the constituency. The committee shall post the final list in the same places where the preliminary list was posted and shall forward a copy of the final list to the Supreme Commission which shall publish the names of the candidates.</i></p> <p><i>(g) If the number of names in the final list of candidates for a constituency is less than or equal to the number of persons to be elected in that constituency, a supplementary election shall be held in the constituency in accordance with Article (108) of this Law.</i></p> <p><i>(h) If the number of names in the preliminary list of candidates for a constituency is less than or equal to the number of persons to be elected in that constituency, the Supreme Commission shall announce the reopening of nominations in accordance with Article (62) of this Law, and the periods for filing and deciding challenges stated in that Article shall apply.</i></p> <p><i>(i) If the final list of candidates for a constituency does not include the name of a person who submitted a nomination application, the local council to which the candidate's fee was paid shall refund the fee in full to that person or his representative.</i></p>	
<i>Section Four: Referendum Rules and Procedures</i>	<i>Section Four: Referendum Rules and Procedures</i>	
<b>Article (85):</b> A public referendum process shall be carried out on the basis of a Presidential Decree calling for a referendum in accordance with the timeframe	<b>Article (85):</b> A public referendum process shall be carried out on the basis of a Presidential Decree calling for a referendum in accordance with the timeframe	

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
and duration provided for in the Constitution.	and duration provided for in the Constitution.	
<b>Article (86):</b> Once the Supreme Commission is informed about the public referendum, it shall prepare and arrange for the referendum in accordance with the provisions of this Law.	<b>Article (86):</b> Once the Supreme Commission is informed about the public referendum, it shall prepare and arrange for the referendum in accordance with the provisions of this Law.	
<b>Article (87):</b> If the House of Representatives ratifies the amendment of one or more articles of the Constitution and where a public referendum is required thereof, the House of Representatives shall inform the Supreme Commission to proceed with a public referendum about the amendments.	<b>Article (87):</b> If the House of Representatives ratifies the amendment of one or more articles of the Constitution and where a public referendum is required thereof, the House of Representatives shall inform the Supreme Commission to proceed with a public referendum about the amendments.	
<b>Article (88):</b> Electoral constituencies and Voters Lists shall be deemed the constituencies and Lists for public referendum purposes.	<b>Article (88):</b> Electoral constituencies and Voters Lists shall be deemed the constituencies and Lists for public referendum purposes.	
<b>Article (89):</b> The rules concerning voters' rights and duties during elections shall be applicable to all participants in any public referendum.	<b>Article (89):</b> The rules concerning voters' rights and duties during elections shall be applicable to all participants in any public referendum.	
<b>Article (90):</b> Subject to the provisions provided for in this Section, the rules and regulations for a general election stipulated in this Law shall be applicable to a public referendum.	<b>Article (90):</b> Subject to the provisions provided for in this Section, the rules and regulations for a general election stipulated in this Law shall be applicable to a public referendum.	
<b>Article (91):</b> The Supreme Commission shall take all measures to increase public awareness about a referendum through the visual, audio and printed official media.	<b>Article (91):</b> The Supreme Commission shall take all measures to increase public awareness about a referendum through the visual, audio and printed official media.	
<b>Article (92):</b> With the exception of the First Clause of Article (132) and the Third Clause of Article (133) stipulated in this Law, offences against any public referendum shall be considered election offences and the same penalties shall apply thereto.	<b>Article (92):</b> With the exception of the First Clause of Article (132) and the Third Clause of Article (133) stipulated in this Law, offences against any public referendum shall be considered election offences and the same penalties shall apply thereto.	
<b>Article (93):</b> The subject matter of any public referendum shall not be binding unless it secures the support of an absolute majority of votes cast by voters.	<b>Article (93):</b> The subject matter of any public referendum shall not be binding unless it secures the support of an absolute majority of votes cast by voters.	
<b>Part Six: Rules and Regulations for Administration of Elections</b>	<b>Part Six: Rules and Regulations for Administration of Elections</b>	
<b>Article (94):</b> (a) The administration of an election in each constituency shall be managed by a Main Committee and Sub-committees. (b) Each candidate shall submit to the Election Committee the name of his representative at least (48) hours before Election Day. If a candidate fails to provide the Committee with the name of his representative, or if he provides the Committee with such a name but the representative fails to be present on Election Day, the Committee shall record this in the minutes at the start of the voting process, appoint another representative and record this in the minutes. (c) In the absence of the Chairman of a Committee and in the event that no	<b>Article (94):</b> The administration of an election in each constituency shall be managed by a Main Committee and Sub-committees.	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
substitute has been appointed, the oldest committee member shall take his place until a substitute is appointed.		
<b>Article (95):</b> The Committee shall designate from among its members a secretary to record the election minutes, to be signed by the Chairman and members of the Committee and by the candidates or their representatives, and then to be stamped by the numbered seal assigned to the Committee by the Supreme Commission.	<b>Article (95):</b> <i>Each candidate shall submit to the Election Committee the name of his representative at least (48) hours before Election Day. If a candidate fails to provide the Committee with the name of his representative, or if he provides the Committee with such a name but the representative fails to be present on Election Day, the Committee shall record this in the minutes at the start of the voting process and must then carry out its duties in his absence.</i>	25
<b>Article (96):</b> The Chairman of the Committee shall be responsible for maintaining order within the Election Committee and for securing its premises. To carry out this responsibility, the Chairman of the Committee can request the assistance of the police force when necessary. The military, security forces and executive officials are prohibited from entering a polling station except while exercising their voting rights, or upon the request of the Chairman of the Committee. The Committee has the right to expel any person if he causes disruption to the order of the voting process.	<b>Article (96):</b> The Chairman of the Committee shall be responsible for maintaining order within the Election Committee and for securing its premises. To carry out this responsibility, the Chairman of the Committee can request the assistance of the police force when necessary. The military, security forces and executive officials are prohibited from entering a polling station except while exercising their voting rights, or upon the request of the Chairman of the Committee. The Committee has the right to expel any person if he causes disruption to the order of the voting process	
<b>Article (97):</b> Candidates always have the right to enter a polling station and may select in writing a registered voter to act as their representative during the processes of voting and vote counting. No person other than voters registered in the List, candidates or their representatives shall be allowed into the Committee's premises. None of them shall be allowed to carry firearms, whether visible or concealed. In general, all of them are strictly prohibited from carrying firearms within a polling station or its courtyard.	<b>Article (97):</b> Candidates always have the right to enter a polling station and may select in writing a registered voter to act as their representative during the processes of voting and vote counting. No person other than voters registered in the List, candidates or their representatives shall be allowed into the Committee's premises. None of them shall be allowed to carry firearms, whether visible or concealed. In general, all of them are strictly prohibited from carrying firearms within a polling station or its courtyard.	
<b>Article (98):</b> The voting process shall be held in all parts of the Republic on the same day. <b>Article (99):</b> Each voter shall be required to submit his Voter Card to the Chairman of the Election Administration Committee when casting his vote. The Chairman or any other Committee member shall verify that the voter's name is registered in the Voters List and shall place a mark next to the voter's name therein.	<b>Article (98):</b> The voting process shall be held in all parts of the Republic on the same day. <b>Article (99):</b> Each voter shall be required to submit his Voter Card to the Chairman of the Election Administration Committee when casting his vote. The Chairman or any other Committee member shall verify that the voter's name is registered in the Voters List and shall place a mark next to the voter's name therein.	
<b>Article (100):</b> (a) Each ballot paper shall clearly present the symbols of all candidates for the presidential, parliamentary and local council elections. Candidates' symbols shall be listed in accordance with the order of submission of nomination applications. (b) The Chairman of the Committee shall hand over a ballot paper to each	<b>Article (100):</b> (a) Each ballot paper shall clearly present the symbols of all candidates for the presidential, parliamentary and local council elections. Candidates' symbols shall be listed in accordance with the order of submission of nomination applications. (b) The Chairman of the Committee shall hand over a ballot paper to each	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>voter who shall thereafter mark his vote secretly behind a particular curtain inside the polling station. Each voter shall then cast the ballot paper in the appropriate ballot box in front of the Chairman and members of the Committee, the candidates or their representatives. None of the above shall have the right to look at the content of the ballot paper. A disabled or blind voter, or someone incapable of differentiating between the symbols or marking them, shall have the right to ask any voter in whom he confides to assist him to mark his vote on the ballot paper.</p> <p>(c) After each voter casts his vote, the Committee shall place a mark to that effect next to the voter's name in the Voters List and a special ink shall be impressed on the voter's thumb. The voter shall place a fingerprint mark next to his name on the List, and his Voter Card shall be marked accordingly by the Chairman of the Committee.</p>	<p>voter who shall thereafter mark his vote secretly behind a particular curtain inside the polling station. Each voter shall then cast the ballot paper in the appropriate ballot box in front of the Chairman and members of the Committee, the candidates or their representatives. None of the above shall have the right to look at the content of the ballot paper. A disabled or blind voter, or someone incapable of differentiating between the symbols or marking them, shall have the right to ask any voter in whom he confides to assist him to mark his vote on the ballot paper.</p> <p>(c) After each voter casts his vote, the Committee shall place a mark to that effect next to the voter's name in the Voters List and a special ink shall be impressed on the voter's thumb. The voter shall place a fingerprint mark next to his name on the List, and his Voter Card shall be marked accordingly by the Chairman of the Committee.</p>	
<p><b>Article (101):</b> The voting process shall start at 8:00 a.m. on Election Day after the ballot box or boxes have been opened and closed in the presence of voters and candidates or their representatives to ensure that they are empty. The number of ballot papers submitted by the Supreme Commission to the Election Administration Committee shall be counted, and recorded in the minutes to be signed by the Chairman of the Committee, the Committee members and the candidates or their representatives. The voting process shall continue until 6:00 p.m. of the same day. If all the voters cast their votes before 6:00 p.m., the Chairman of the Committee shall announce the end of the voting process after the last voter casts his vote. The voting process shall continue after 6:00 p.m. if there are voters still in the polling center. However, at 8:00 p.m., the Chairman of the Committee shall announce the completion of the voting process.</p>	<p><b>Article (101):</b> The voting process shall start at 8:00 a.m. on Election Day after the ballot box or boxes have been opened and closed in the presence of voters and candidates or their representatives to ensure that they are empty. The number of ballot papers submitted by the Supreme Commission to the Election Administration Committee shall be counted, and recorded in the minutes to be signed by the Chairman of the Committee, the Committee members and the candidates or their representatives. The voting process shall continue until 6:00 p.m. of the same day. If all the voters cast their votes before 6:00 p.m., the Chairman of the Committee shall announce the end of the voting process after the last voter casts his vote. The voting process shall continue after 6:00 p.m. if there are voters still in the polling center. However, at 8:00 p.m., the Chairman of the Committee shall announce the completion of the voting process.</p>	
<p><b>Article (102):</b> At the end of the voting process, each Election Administration Committee that has administered voting in accordance with the aforementioned procedures shall seal with red wax the opening slots of the ballot box or boxes, in the presence of the candidates or their representatives. All present must sign to this effect. A record shall be prepared to include the time when the election process ended, the number of absentees and those who cast their votes, the number of ballot papers delivered by the Supreme Commission, and the number of used and unused ballot papers. The minutes shall be stamped and signed by the Chairman and members of the Committee and by the candidates or their representatives. Unused ballot papers shall be placed in an envelope and sealed with red wax.</p>	<p><b>Article (102):</b> <i>At the end of the voting process, each Election Administration Committee that has administered voting in accordance with the aforementioned procedures shall prepare minutes recording the time when the election process ended, the number of absentees and those who cast their votes, the number of ballot papers delivered by the Supreme Commission, and the number of used and unused ballot papers. The minutes shall be stamped and signed by the Chairman and members of the Committee and by the candidates or their representatives. Unused ballot papers shall be placed in an envelope and sealed with red wax.</i></p>	24
<p><b>Article (103):</b> Following the signing of minutes for the end of the voting</p>	<p><b>Article (103):</b> <i>Following the signing of the minutes for the end of the voting process, each</i></p>	24

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>process, the Ballot Box Committees shall collect the ballot boxes and deliver them to the premises of the First Sub-committee which, in its capacity as the vote counting committee, shall count the votes in the presence of the Chairman and two members from each Ballot Box Committee and the candidates or their representatives according to the following procedures:</p> <p>(a) The Committee shall inspect and examine the opening slot of each ballot box to ensure that it is not damaged. This procedure shall be recorded in the minutes, which shall include as well the time, names and affiliations of those who are present, and the location where the vote counting process takes place. The minutes shall be signed by the Chairman and members of the Committee and by the candidates or their representatives.</p> <p>(b) Vote-counting of each ballot box shall be performed separately and the number of votes in each box shall be recorded. A list shall be prepared recording the names of candidates in the constituency, the number of votes secured by each candidate, and the number of invalid votes. Once a ballot paper has been counted and recorded in the abovementioned list, the Chairman of the Committee shall mark it to that effect.</p> <p>(c) The Committee shall have the right to decide on all matters pertaining to the validity or invalidity of the votes, subject to the provisions of Part (6) of this Law.</p> <p>(d) The following votes are considered invalid:</p> <ol style="list-style-type: none"> <li>1. Votes cast subject to a condition;</li> <li>2. Votes cast for more than the required number to be elected;</li> <li>3. Votes recorded on a piece of paper other than the ballot paper provided by the Chairman of the Committee.</li> </ol> <p>In all events, any vote expressing the will of a voter shall be deemed valid.</p> <p>(e) The Committee shall confirm that the numbers of used and unused ballot papers, and the numbers of valid and invalid votes that have been counted, are equal to the numbers stated in the minutes mentioned in Article (102) of this Law. A record shall be prepared to include the counting results which shall be signed by the Chairman and members of the Committee and by candidates or their representatives or whoever is appointed on their behalf. The minutes shall also specify the time when the counting process was completed. The minutes shall be placed in a special envelope and sealed with red wax, then given to the Chairman of the Committee after being stamped by the Committee and signed by those who are present.</p> <p>(f) The counting process shall continue without interruption. A candidate or</p>	<p><i>Election Administration Committee shall count the votes in the presence of the candidates or their representatives, according to the following procedures:</i></p> <p>(a) <i>The Committee shall inspect and examine the ballot box to ensure that it is closed and is not damaged. This procedure shall be recorded in the minutes, which shall include as well the time, names and affiliations of those who are present, and the location where the vote counting process takes place. The minutes shall be signed by the Chairman and members of the Committee and by the candidates or their representatives.</i></p> <p>(b) <i>The ballot box shall be opened and the total number of ballot papers in the ballot box shall be recorded, followed by the counting of the votes for each candidate and the invalid votes. A list shall be prepared to record the names of candidates in the constituency, the number of votes secured by each candidate, and the number of invalid votes. Once a ballot paper has been counted and recorded in the abovementioned list, the Chairman of the Committee shall mark it to that effect.</i></p> <p>(c) <i>The Committee shall have the right to decide on all matters pertaining to the validity or invalidity of the votes, subject to the provisions of Part (6) of this Law.</i></p> <p>(d) <i>The following votes are considered invalid:</i></p> <ol style="list-style-type: none"> <li>1. <i>Votes cast subject to a condition;</i></li> <li>2. <i>Votes cast for more than the required number to be elected;</i></li> <li>3. <i>Votes recorded on a piece of paper other than the ballot paper provided by the Chairman of the Committee.</i></li> </ol> <p><i>In all events, any vote expressing the will of a voter shall be deemed valid.</i></p> <p>(e) <i>The Committee shall confirm that the numbers of used and unused ballot papers, and the numbers of valid and invalid votes that have been counted, are equal to the numbers stated in the minutes mentioned in Article (102) of this Law. A record shall be prepared to include the counting results which shall be signed by the Chairman and members of the Committee and by candidates or their representatives or whoever is appointed on their behalf. The minutes shall also specify the time when the counting process was completed. The minutes shall be placed in a special envelope and sealed with red wax, then given to the Chairman of the Committee after being stamped by the Committee and signed by those who are present.</i></p> <p>(f) <i>The counting process shall continue without interruption. A candidate or his representative shall not be allowed to leave the counting premises without obtaining permission from the counting committee and designating</i></p>	

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
<p>his representative shall not be allowed to leave the counting premises without obtaining permission from the counting committee and designating in writing an agent to take his place during his absence. If a candidate or his representative decides to leave without permission and before designating an agent, the Committee may appoint a person on their behalf. A record to that effect shall be prepared and signed by the Committee. The counting process shall continue in the presence of the appointee who shall sign all minutes. If a candidate, or his representative or the person appointed on their behalf refuses to sign the minutes, his reservations shall be documented in the minutes but shall not affect the announcement of results.</p>	<p>in writing an agent to take his place during his absence. If a candidate or his representative decides to leave without permission and before designating an agent, the Committee may appoint a person on their behalf. A record to that effect shall be prepared and signed by the Committee. The counting process shall continue in the presence of the appointee who shall sign all minutes. If a candidate, or his representative or the person appointed on their behalf refuses to sign the minutes, his reservations shall be documented in the minutes but shall not affect the announcement of results.</p> <p><i>(g) Upon completion of the counting process in accordance with the provisions of this Article, the Committee shall place the used and unused ballot papers and other documents (except the special envelope containing the Committee's minutes) in the ballot box, secure it and seal the slot of the ballot box with wax in accordance with the accepted procedures and in the presence of the candidates or their delegates. All present must sign to this effect. The Committee shall then, under secure conditions, deliver the special envelope containing the Committee's minutes and the ballot box to the premises of the First Sub-committee.</i></p>	
<p><b>Article (104):</b></p> <p>(a) Upon completion of the counting process in accordance with the provisions of the above Article, the Chairman of the First Sub-Committee, in the presence of the candidates or their representatives shall aggregate the votes obtained by each candidate from ballot boxes within the local electoral constituency and record that in an aggregation table. The aggregation table shall be signed by those mentioned and stamped by the seal of the First Sub-committee. The Chairman of the First Sub-Committee shall announce the votes obtained by each candidate. Each candidate has the right to request a copy of the aggregation table.</p> <p>(b) The Chairman of the First Sub-committee together with the Chairmen of the committees in the local electoral constituency shall transfer the lists of the voting results together with other documents to the premises of the Main Committee.</p>	<p><b>Article (104):</b></p> <p><i>(a) Upon receiving the results of the vote counting from each Election Administration Committee in the center, the Chairman of the First Sub-committee, in the presence of that Election Administration Committee and the candidates or their representatives, shall confirm that the envelope containing the Committee's minutes is sealed in accordance with Clause (e) of Article (103), and this shall be recorded in the First Sub-committee's minutes. The Chairman of the First Sub-committee shall then open the envelope containing the Election Administration Committee's minutes and shall record on an aggregate table for the local electoral constituency the votes for each candidate and the invalid votes reported by that Committee. The recording on the aggregate table of the valid and invalid votes reported by the Committee shall be signed by the Chairman of the Committee, the Chairman of the First Sub-committee, and by the candidates or their representatives.</i></p> <p><i>(b) When the results from all the Election Administration Committees in the center have been recorded on the aggregate table, the Chairman of the First Sub-committee, in the presence of the Chairmen of the Election Administration Committees and the candidates or their representatives, shall tally-up the total number of invalid votes and the number of votes won by each candidate from all the Election Administration Committees within the center and shall record this in the aggregate table separately for each candidate. The results shall be signed by those mentioned and stamped with the seal of the First</i></p>	24, 28

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<p><i>Sub-committee. The final results of the total number of votes won by each candidate and the total number of invalid votes shall be announced, and each candidate or his representative who is present shall be given a copy of the aggregate table showing the total number of votes for the candidates and the total number of invalid votes. A copy of the aggregate table shall be posted for (3) days at the premises of the First Sub-committee.</i></p> <p><i>(c) The Chairman of the First Sub-committee together with the Chairmen of the Election Administration Committees in the center shall, under secure conditions, transfer and submit the voting results together with the ballot boxes and other relevant documents to the premises of the Main Committee.</i></p>	
<p><b>Article (105):</b></p> <p>(a) The Main Committee within the constituency shall receive results of the counting process in the presence of the candidates or their representatives and shall immediately record these in an aggregation table combining all counting results from the centers within the constituency. This shall be signed by the Chairman and members of the Main Committee, the Chairman of the First Sub-committee in each center and by the candidates or their representatives.</p> <p>(b) The winning candidate shall be the one who obtains a relative majority of valid votes cast during the election. If two or more candidates obtain an equal number of votes, the winner shall be determined by a lot conducted by the Main Committee. The lot shall be administered by writing down the names of the candidates with equal votes before those who are present on separate identical and indistinguishable pieces of paper. Each piece of paper shall be put in a separate envelope. A person who has not witnessed the procedure shall be invited to select one of the envelopes. The result of this process shall be recorded in separate minutes.</p>	<p><b>Article (105):</b> The Main Committee within the constituency shall receive results of the counting process in the presence of the candidates or their representatives and shall immediately record these in an aggregation table combining all counting results from the centers within the constituency. This shall be signed by the Chairman and members of the Main Committee, the Chairman of the First Sub-committee in each center and by the candidates or their representatives.</p>	24
<p><b>Article (106):</b> When the results of the counting process in all centers within the constituency are aggregated, the Main Committee shall:</p> <p>(1) Prepare final minutes containing the results of the counting process in the entire electoral constituency. Five copies of this report shall be signed by the Chairman and members of the Main Committee and by the candidates or their representatives. One sealed copy shall be sent to the Supreme Commission, one to the Supervisory Committee, the third to the branch of the General Secretariat in the governorate, a copy shall remain at the</p>	<p><b>Article (106):</b></p> <p>(a) <i>When the results of vote-counting in all centers within the constituency are collected, the Main Committee shall, in the presence of the Chairmen of the First Sub-committees and the candidates or their representatives, tally-up the total number of invalid votes and the total number of votes won by each candidate from all the centers within the constituency and record this in the aggregate table separately for each candidate. The results shall be signed by those mentioned and stamped by the seal of the Main Committee. Each candidate or his representative who is present shall be given a copy of the aggregate table</i></p>	24, 28, 49, 50

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>premises of the Main Committee, and a copy shall be given to the winning candidate. Each candidate in the electoral constituency has the right to obtain a copy of the said minutes certified by any of the above bodies. The minutes must contain the names of all candidates in the electoral constituency, the total number of votes obtained by each candidate, the total numbers of valid and invalid votes, the total number of unused ballot papers, the name of the winning candidate and the total number of valid votes obtained by him.</p> <p>(2) Announce, through its Chairman, and in the presence of the committee members and the candidates or their representatives, the results of counting process, the name of the winning candidate and the total number of votes obtained by him.</p> <p>(3) Collect the ballot papers for each candidate after bundling them into parcels together with the minutes and lists pertaining to the voting and counting processes, place them in one or more boxes and seal them with red wax. The boxes shall be signed by the Chairman and members of the Main Committee and shall be delivered to the Supreme Commission to be kept in case of contests in the electoral constituency regarding the validity of the elections therein and until the deadline for election contests lapses or contests are resolved by the House of Representatives.</p> <p>(4) The Supreme Commission, upon receiving the reports and documents referred to in Clauses (1) and (3) of this Article, shall provide an official receipt providing the name of the recipient, date and time of delivery.</p>	<p><i>showing the total votes for the candidates. A copy of the aggregate table shall be posted for (3) days at the premises of the Main Committee.</i></p> <p>(b) The winning candidate shall be the one who obtains a relative majority of valid votes cast during the election. <i>If (2) or more candidates have the same number of votes and more than any other candidate, the Main Committee must, at a time set by the SCER and under its supervision and in the presence of the candidates or their representatives, re-examine the validity of all the votes in the constituency and recount all the votes. If votes are equal after the recount, the winner shall be determined by a lot conducted by the Main Committee.</i> The lot shall be administered by writing down the names of the candidates with equal votes before those who are present on separate identical and indistinguishable pieces of paper. Each piece of paper shall be put in a separate envelope. A person who has not witnessed the procedure shall be invited to select one of the envelopes. The result of this process shall be recorded in separate minutes.</p> <p>(c) <i>The Main Committee shall prepare final minutes containing the results of counting process in the entire electoral constituency which shall be signed by the Chairman and members of the Main Committee and by the candidates or their representatives. The minutes must contain the names of all candidates in the electoral constituency, the total number of votes obtained by each candidate, the total numbers of valid and invalid votes, the total number of unused ballot papers, the name of the winning candidate and the total number of valid votes obtained by him. The Main Committee shall ensure that a copy of the minutes is transmitted immediately to the Supreme Commission and is then sealed and sent to the Supreme Commission,<sup>35</sup> that a copy is given to the Supervisory Committee, that a copy is sent to the branch of the Supreme Commission in the governorate, that a copy remains at the premises of the Main Committee, that a copy is given to each candidate or his representative who is present, and that a copy is posted for (3) days at the premises of the Main Committee.</i></p> <p>(d) The Main Committee shall announce, through its Chairman, and in the presence of the committee members and the candidates or their representatives, the results of counting process, the name of the winning candidate and the total number of votes obtained by him.</p> <p>(e) The Main Committee shall collect the ballot papers for each candidate after bundling them into parcels together with the minutes and lists pertaining to</p>	

<sup>35</sup> The changes to Article 106(c) and to Article 107(a) address a problem the Supreme Commission had in 2003 when it was unable to declare final results until it received the original of the minutes. See SCER, *2003 Parliamentary Elections. Documentation of Boundary Delimitation, Voter Registration and Election Results*, Chapter 4, Section Three.

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<p>the voting and counting processes, place them in one or more boxes and seal them with red wax. <i>The boxes shall be signed by the Chairman and members of the Main Committee and shall be delivered to the Supreme Commission to be kept in case of contests in the electoral constituency regarding the validity of the elections therein and until the deadline for election contests lapses or contests are resolved by the Supreme Court.</i></p> <p>(f) The Supreme Commission, upon receiving the reports and documents referred to in Clause s (c) and (e) of this Article, shall provide an official receipt providing the name of the recipient, date and time of delivery.</p>	
<p><b>Article (107):</b></p> <p>(a) The Supreme Commission shall receive the election results and announce them immediately upon receipt. The process of announcing the final results should be completed no later than (72) hours from the end of the voting process.</p> <p>(b) The Supreme Commission shall provide a candidate elected to the House of Representatives with a certificate confirming his success. This process shall not prevent contesting such success before the House of Representatives.</p> <p>(c) Supervisory Committees, Main Committees and Sub-committees or any other body are prohibited from issuing certificates to the successful candidates.</p>	<p><b>Article (107):</b></p> <p>(a) <i>The Supreme Commission shall announce the election results upon receipt of the copies transmitted from the Main Committees.</i> The process of announcing the final results should be completed no later than (72) hours from the end of the voting process.</p> <p>(b) The Supreme Commission shall provide a candidate elected to the House of Representatives with a certificate confirming his success. <i>This process shall not prevent contesting such success before the Supreme Court or the House of Representatives.</i></p> <p>(c) Supervisory Committees, Main Committees and Sub-committees or any other body are prohibited from issuing certificates to the successful candidates.</p>	50
<p><b>Article (108):</b> Supplementary elections shall be held in any electoral center or centers, and in any electoral constituency or constituencies, in which election results were cancelled or the electoral process became unfeasible or could not be completed, within (3) months from the date of canceling the election results or from the date specified for an election to be carried out that became unfeasible or could not be completed.</p> <p><b>Article (109):</b> If a seat becomes vacant in the House of Representatives prior to the end of the term of the House by no less than one year, a successor shall be elected to that seat for the remaining period of the term within (60) days from the date the seat was declared vacant by the House.</p>	<p><b>Article (108):</b> Supplementary elections shall be held in any electoral center or centers, and in any electoral constituency or constituencies, in which election results were cancelled or the electoral process became unfeasible or could not be completed, within (3) months from the date of canceling the election results or from the date specified for an election to be carried out that became unfeasible or could not be completed.</p> <p><b>Article (109):</b> If a seat becomes vacant in the House of Representatives prior to the end of the term of the House by no less than one year, a successor shall be elected to that seat for the remaining period of the term within (60) days from the date the seat was declared vacant by the House.</p>	
<p><b>Article (110):</b> The Election Administration and Counting Committee shall submit to the authorized Main Committee the minutes of voting and the counting results. The Main Committee shall be responsible for aggregating the results and announcing the names of the winning candidates for membership of the local council in the Administrative District and the Governorate Council. The names shall be then forwarded to the Supreme Commission which shall</p>	<p><b>Article (110):</b> The Election Administration and Counting Committee shall submit to the authorized Main Committee the minutes of voting and the counting results. The Main Committee shall be responsible for aggregating the results and announcing the names of the winning candidates for membership of the local council in the Administrative District and the Governorate Council. The names shall be then forwarded to the Supreme Commission which shall</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
announce the final results of the wining candidates throughout the Republic.	announce the final results of the wining candidates throughout the Republic.	
<b>Part Seven: Contests</b>	<b>Part Seven: Contests</b>	
<i>Section One: Contesting the Voting and Counting Results of Parliamentary Elections</i>	<i>Section One: Contesting the Voting and Vote-counting Results of Parliamentary Elections</i>	
<p><b>Article (111):</b> Any person with legal standing has the right to contest the voting and counting results by filing a petition before the Supreme Court in accordance with the following conditions:</p> <p>(a) The contest shall be submitted within (72) hours following the announcement of election results in the constituency.</p> <p>(b) Each contest shall be for a cause and limited to voting and counting procedures.</p> <p>(c) Each contest shall be accompanied by the total sum of (YR 50,000) to be deposited with the Court’s Treasury, which shall be credited to the State Treasury if the contest is overturned or to be refunded if the contest is sustained.</p>	<p><b>Article (111):</b> Any person with legal standing has the right to contest the voting and counting results by filing a petition before the Supreme Court in accordance with the following conditions:</p> <p>(a) The contest shall be submitted within (72) hours following the announcement of election results in the constituency.</p> <p>(b) Each contest shall be for a cause and limited to voting and counting procedures.</p> <p>(a) (c) Each contest shall be accompanied by the total sum of (YR 50,000) to be deposited with the Court’s Treasury, which shall be credited to the State Treasury if the contest is overturned or to be refunded if the contest is sustained.</p>	
<p><b>Article (112):</b> The Supreme Court shall form an assisting body from the Chairmen of Courts of Appeal or their representatives, to investigate and advise on the validity of the contests filed regarding voting and counting procedures. The Supreme Court shall issue its verdict(s) no later than (10) days from the date of receiving such advice and before the elected House holds its first session. The Supreme Court’s decision shall be conveyed to the Chairman of the Supreme Commission and shall be deemed final.</p>	<p><b>Article (112):</b> The Supreme Court shall form an assisting body from the Chairmen of Courts of Appeal or their representatives, to investigate and advise on the validity of the contests filed regarding voting and counting procedures. The Supreme Court shall issue its verdict(s) no later than (10) days from the date of receiving such advice and before the elected House holds its first session. The Supreme Court’s decision shall be conveyed to the Chairman of the Supreme Commission and shall be deemed final.</p>	
<p><b>Article (113):</b> The Supreme Court shall issue a summons with a copy of the petition to the winning candidate against whom the contest was filed regarding voting and counting procedures in his constituency. The candidate shall submit his defense in writing within (4) days following the date of a valid summons concerning the contest.</p>	<p><b>Article (113):</b> The Supreme Court shall issue a summons with a copy of the petition to the winning candidate against whom the contest was filed regarding voting and counting procedures in his constituency. The candidate shall submit his defense in writing within (4) days following the date of a valid summons concerning the contest.</p>	
<p><b>Article (114):</b> The submission of contests shall not prevent the Supreme Commission from announcing the names of the winning candidates against whom contests have been filed, or from awarding them certificates as members of the House of Representatives. The submission of the contests shall not prevent elected candidates from attending the sessions of the House of Representatives.</p>	<p><b>Article (114):</b> The submission of contests shall not prevent the Supreme Commission from announcing the names of the winning candidates against whom contests have been filed, or from awarding them certificates as members of the House of Representatives. The submission of the contests shall not prevent elected candidates from attending the sessions of the House of Representatives.</p>	
<i>Section Two: Contesting the Validity of Membership in the House of Representatives</i>	<i>Section Two: Contesting the Validity of Membership in the House of Representatives</i>	
<p><b>Article (115):</b> Each voter or a candidate may submit to the House of Representatives a contest stating the legal causes for the invalidity of the wining candidate’s membership. Each contest shall be accompanied by the total sum of</p>	<p><b>Article (115):</b> Each voter or a candidate may submit to the House of Representatives a contest stating the legal causes for the invalidity of the wining candidate’s membership. Each contest shall be accompanied by the total sum of</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
(YR 50,000), which shall be credited to the State Treasury if the contest is overturned or refunded if the contest is sustained.	(YR 50,000), which shall be credited to the State Treasury if the contest is overturned or refunded if the contest is sustained.	
<p><b>Article (116):</b></p> <p>(a) The Presidium of the House of Representatives is responsible for forwarding to the Supreme Court the contests along with relevant documentation within (15) days from the date such contests were submitted to the House of Representatives. The Supreme Court shall investigate and advise on the validity of the contests and submit to the House the results of the investigation within (90) days from the date such contests were referred to it, along with all the relevant documentation.</p> <p>(b) The result of the investigation shall be presented to the House of Representatives within (60) days from the date of receiving it from the Court. Membership of the House of Representatives shall not be nullified except by the decision of a two-thirds majority of the members of the House of Representatives.</p>	<p><b>Article (116):</b></p> <p>(a) The Presidium of the House of Representatives is responsible for forwarding to the Supreme Court the contests along with relevant documentation within (15) days from the date such contests were submitted to the House of Representatives. The Supreme Court shall investigate and advise on the validity of the contests and submit to the House the results of the investigation within (90) days from the date such contests were referred to it, along with all the relevant documentation.</p> <p>(b) The result of the investigation shall be presented to the House of Representatives within (60) days from the date of receiving it from the Court. Membership of the House of Representatives shall not be nullified except by the decision of a two-thirds majority of the members of the House of Representatives.</p>	
<i>Section Three: Contesting the Voting and Counting Procedures of Presidential Elections</i>	<i>Section Three: Contesting the Voting and Counting Procedures of Presidential Elections</i>	
<p><b>Article (117):</b> Any person with legal standing has the right to contest the voting and counting results by filing a petition before the Supreme Court in accordance with the following conditions:</p> <p>(a) The contest shall be submitted within (72) hours following the announcement of the final results of the presidential elections by the Supreme Commission.</p> <p>(b) Each contest shall be for a cause and limited to voting and counting procedures.</p> <p>(c) Each contest shall be accompanied by the total sum of (YR 100,000) to be deposited with the Court's Treasury, and shall be credited to the State Treasury if the contest is overturned or to be refunded if the contest is sustained.</p>	<p><b>Article (117):</b> Any person with legal standing has the right to contest the voting and counting results by filing a petition before the Supreme Court in accordance with the following conditions:</p> <p>(a) The contest shall be submitted within (72) hours following the announcement of the final results of the presidential elections by the Supreme Commission.</p> <p>(b) Each contest shall be for a cause and limited to voting and counting procedures.</p> <p>(c) Each contest shall be accompanied by the total sum of (YR 100,000) to be deposited with the Court's Treasury, and shall be credited to the State Treasury if the contest is overturned or to be refunded if the contest is sustained.</p>	
<p><b>Article (118):</b> Subject to the provisions of the previous Article, the provisions of Articles (112) and (113) of this Law shall apply when determining the validity of the filed contests.</p>	<p><b>Article (118):</b> Subject to the provisions of the previous Article, the provisions of Articles (112) and (113) of this Law shall apply when determining the validity of the filed contests.</p>	
<p><b>Article (119):</b> The submission of contests shall not prevent the Supreme Commission awarding the winning presidential candidate with a certificate thereof, or prevent the President-elect from taking the constitutional Oath before the House of Representatives and assuming his duties.</p>	<p><b>Article (119):</b> The submission of contests shall not prevent the Supreme Commission awarding the winning presidential candidate with a certificate thereof, or prevent the President-elect from taking the constitutional Oath before the House of Representatives and assuming his duties.</p>	
<i>Section Four: Contesting Local Council Elections</i>	<i>Section Four: Contesting Local Council Elections</i>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p><b>Article (120):</b> Any person with legal standing within the local electoral constituency has the right to contest voting and counting results by filing a petition before the Court of Appeal in the Governorate in accordance with the following conditions:</p> <p>(a) The contest shall be submitted within (48) hours following the announcement of election results in the constituency.</p> <p>(b) Each contest shall be for a cause and limited to voting and counting procedures.</p> <p>(c) Each contest shall be accompanied by the total sum of (YR 10,000) to be deposited with the Court's Treasury, and shall be credited to the Local Council in the administrative district if the contest is overturned or to be refunded if the contest is sustained.</p>	<p><b>Article (120):</b> Any person with legal standing within the local electoral constituency has the right to contest voting and counting results by filing a petition before the Court of Appeal in the Governorate in accordance with the following conditions:</p> <p>(a) The contest shall be submitted within (48) hours following the announcement of election results in the constituency.</p> <p>(b) Each contest shall be for a cause and limited to voting and counting procedures.</p> <p>(c) Each contest shall be accompanied by the total sum of (YR 10,000) to be deposited with the Court's Treasury, and shall be credited to the Local Council in the administrative district if the contest is overturned or to be refunded if the contest is sustained.</p>	
<p><b>Article (121):</b> The Court of Appeal in the Governorate shall form an assisting body from Chairmen of Courts of First Instance in the Capital City of the Governorate and the Administrative Districts from which the contests were received, or their representatives, to investigate and advise on the validity of the contests filed regarding voting and counting procedures. The Court of Appeal in the Governorate shall issue its verdict(s) no later than (10) days from the date of receiving such advice. The Court of Appeal shall issue a summons with a copy of the petition to the winning candidate against whom the contest was filed regarding voting and counting procedures in his constituency. The candidate shall submit his defense within (4) days following the date of a valid summons concerning the contest. The Court of Appeal's verdict(s) shall be deemed final.</p>	<p><b>Article (121):</b> The Court of Appeal in the Governorate shall form an assisting body from Chairmen of Courts of First Instance in the Capital City of the Governorate and the Administrative Districts from which the contests were received, or their representatives, to investigate and advise on the validity of the contests filed regarding voting and counting procedures. The Court of Appeal in the Governorate shall issue its verdict(s) no later than (10) days from the date of receiving such advice. The Court of Appeal shall issue a summons with a copy of the petition to the winning candidate against whom the contest was filed regarding voting and counting procedures in his constituency. The candidate shall submit his defense within (4) days following the date of a valid summons concerning the contest. The Court of Appeal's verdict(s) shall be deemed final.</p>	
<p><b>Article (122):</b></p> <p>(a) The submission of contests shall not prevent the announcement of the names of winning candidates in the local council elections against whom contests have been filed regarding voting and counting procedures in their constituencies.</p> <p>(b) If the Court of Appeal upholds a contest which leads to the voting and counting processes being deemed invalid, the Supreme Commission shall be responsible for undertaking the necessary procedures to re-conduct the elections within a maximum of (60) days following the announcement of the Court's verdict(s).</p>	<p><b>Article (122):</b></p> <p>(a) The submission of contests shall not prevent the announcement of the names of winning candidates in the local council elections against whom contests have been filed regarding voting and counting procedures in their constituencies.</p> <p>(b) If the Court of Appeal upholds a contest which leads to the voting and counting processes being deemed invalid, the Supreme Commission shall be responsible for undertaking the necessary procedures to re-conduct the elections within a maximum of (60) days following the announcement of the Court's verdict(s).</p>	
<p><i>Section Five: Contesting the Procedures and Results of a Public Referendum</i></p>	<p><i>Section Five: Contesting the Procedures and Results of a Public Referendum</i></p>	
<p><b>Article (123):</b> Courts of First Instance have jurisdiction to decide on contests regarding procedures and results of a Public Referendum in constituencies. Verdicts issued by such courts may be contested before Courts of Appeal</p>	<p><b>Article (123):</b> Courts of First Instance have jurisdiction to decide on contests regarding procedures and results of a Public Referendum in constituencies. Verdicts issued by such courts may be contested before Courts of Appeal</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
whose verdicts shall be final.	whose verdicts shall be final.	
<b>Article (124):</b> The Supreme Court has jurisdiction to decide on contests regarding the general results of any Public Referendum and its verdict shall be final.	<b>Article (124):</b> The Supreme Court has jurisdiction to decide on contests regarding the general results of any Public Referendum and its verdict shall be final.	
<b>Part Eight: Penalties</b>	<b>Part Eight: Penalties</b>	
<p><b>Article (125):</b></p> <p>(a) The Judiciary has exclusive jurisdiction to impose penalties for violations of this Law. The Office of the Public Prosecutor shall undertake investigation and interrogation procedures in accordance with the provisions stipulated in the Code of Criminal Procedures.</p> <p>(b) A voter, the Supervisory Committees, Main Committees and the Supreme Commission shall have the right to file a criminal case with the Office of the Public Prosecutor or the courts of jurisdiction against any individual, who committed an election offence as stipulated in this Law, neglected or failed to carry his obligations under the Election Law, or breached this Law. The aggrieved voter or body shall have the right to claim compensation for emotional and material damages. Such cases shall be reviewed in a timely manner.</p>	<p><b>Article (125):</b></p> <p>(a) The Judiciary has exclusive jurisdiction to impose penalties for violations of this Law. The Office of the Public Prosecutor shall undertake investigation and interrogation procedures in accordance with the provisions stipulated in the Code of Criminal Procedures.</p> <p>(b) A voter, the Supervisory Committees, Main Committees and the Supreme Commission shall have the right to file a criminal case with the Office of the Public Prosecutor or the courts of jurisdiction against any individual, who committed an election offence as stipulated in this Law, neglected or failed to carry his obligations under the Election Law, or breached this Law. The aggrieved voter or body shall have the right to claim compensation for emotional and material damages. Such cases shall be reviewed in a timely manner.</p>	
<p><b>Article (126):</b> Subject to stricter penalties provided for in other laws, the following offences committed by any member of the Supreme Commission shall be punishable by a maximum term of (4) years imprisonment, dismissal from office and loss of all privileges as a member of the Commission:</p> <p>First: Issuing instructions in violation of the provisions of this Law, its by-laws and the decisions of the Supreme Commission;</p> <p>Second: Violating the provisions of Article (21)(f) of this Law;</p> <p>Thirdly: Refusing to enforce the Election Law or obstructing its enforcement; or breaching one of its provisions or its by-laws or the decisions of the Supreme Commission;</p> <p>Fourthly: Committing any election offence.</p>	<p><b>Article (126):</b> Subject to stricter penalties provided for in other laws, the following offences committed by any member of the Supreme Commission shall be punishable by a maximum term of (4) years imprisonment, dismissal from office and loss of all privileges as a member of the Commission:</p> <p>First: Issuing instructions in violation of the provisions of this Law, its by-laws and the decisions of the Supreme Commission;</p> <p>Second: Violating the provisions of Article (21)(f) of this Law;</p> <p>Thirdly: Refusing to enforce the Election Law or obstructing its enforcement; or breaching one of its provisions or its by-laws or the decisions of the Supreme Commission;</p> <p>Fourthly: Committing any election offence.</p>	
<p><b>Article (127):</b> Subject to stricter penalties provided for in other laws, the following offences committed by any employee of the General Secretariat of the Supreme Commission or its branches shall be punishable by a maximum term of (3) years imprisonment or by a minimum fine of (YR 400,000), in addition to dismissal from office:</p> <p>First: Entering data or information in violation of the provisions of this Law, its by-laws and the decisions of the Supreme Commission if such information caused the Supreme Commission to make decisions in</p>	<p><b>Article (127):</b> Subject to stricter penalties provided for in other laws, the following offences committed by any employee of the General Secretariat of the Supreme Commission or its branches shall be punishable by a maximum term of (3) years imprisonment or by a minimum fine of (YR 400,000), in addition to dismissal from office:</p> <p>First: Entering data or information in violation of the provisions of this Law, its by-laws and the decisions of the Supreme Commission if such information caused the Supreme Commission to make decisions in</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>violation of the provisions of this Law;  Second: Carrying out instructions that contradicts the provisions of this Law or the decisions of the Supreme Commission;  Third: Releasing information or data or disclosing the Supreme Commission's confidential information to unauthorized individuals or agencies;  Fourth: Performing any amendments to the division of centers or parliamentary and local electoral constituencies or any data in breach of the Supreme Commission's decisions;  Fifth: Tampering with the records, Voters Lists, or the candidates' electoral symbols, or changing their positions on the nominations list;  Sixth: Disclosing any information or data that may affect the election process.</p>	<p>violation of the provisions of this Law;  Second: Carrying out instructions that contradicts the provisions of this Law or the decisions of the Supreme Commission;  Third: Releasing information or data or disclosing the Supreme Commission's confidential information to unauthorized individuals or agencies;  Fourth: Performing any amendments to the division of centers or parliamentary and local electoral constituencies or any data in breach of the Supreme Commission's decisions;  Fifth: Tampering with the records, Voters Lists, or the candidates' electoral symbols, or changing their positions on the nominations list;  Sixth: Disclosing any information or data that may affect the election process.</p>	
<p><b>Article (128):</b> Subject to stricter penalties provided for in other laws, the following offences committed by Chairmen and members of committees formed by the Supreme Commission at any stage of the electoral process shall be punishable by a maximum term of (1) year imprisonment or by a minimum fine of (YR 150,000):  First: Tampering with the Voters Lists or voters' information, or wrongfully entering or deleting a person's name, or omitting a voter's name during voting;  Second: Tampering with election results or delaying their announcement, or refusing to sign such results;  Third: Concealing ballot papers, or omitting them during counting of votes;  Fourthly: Carrying out any instructions contradicting with this Law, its by-laws or the decisions of the Supreme Commission;  Fifth: Refusing to consider a legal application for a candidate or any person with legal standing in violation of the provisions of this law and the decisions of the Supreme Commission;  Sixth: Failing to comply with the timeframe for the electoral phases or violating it at any times;  Seventh: Deliberately failing to deliver on schedule election results, documentation and supplies to the General Secretariat or any of its branches;  Eighth: Opening ballot paper envelopes before the scheduled time or disclosing information about ballot papers to any political party, organization, body or candidate;</p>	<p><b>Article (128):</b>  (a) Subject to stricter penalties provided for in other laws, the following offences committed by Chairmen and members of committees formed by the Supreme Commission at any stage of the electoral process shall be punishable by a maximum term of (1) year imprisonment or by a minimum fine of (YR 150,000):  First: Tampering with the Voters Lists or voters' information, or wrongfully entering or deleting a person's name, or omitting a voter's name during voting;  Second: Tampering with election results or delaying their announcement, or refusing to sign such results;  Third: Concealing ballot papers, or omitting them during counting of votes;  Fourthly: Carrying out any instructions contradicting with this Law, its by-laws or the decisions of the Supreme Commission;  Fifth: Refusing to consider a legal application for a candidate or any person with legal standing in violation of the provisions of this law and the decisions of the Supreme Commission;  Sixth: Failing to comply with the timeframe for the electoral phases or violating it at any times;  Seventh: Deliberately failing to deliver on schedule election results, documentation and supplies to the General Secretariat or any of its branches;  Eighth: Opening ballot paper envelopes before the scheduled time or</p>	6

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<p>Ninth: Disclosing any confidential information or data or any document that may adversely affect others.</p>	<p>disclosing information about ballot papers to any political party, organization, body or candidate;  Ninth: Disclosing any confidential information or data or any document that may adversely affect others.  <i>(b) Subject to stricter penalties provided for in other laws, a person who acts as a companion under Article (24(d)) who takes part in the proceedings of the Committee, or influences the member of the Committee in carrying out her duties, or discloses any information he or she may acquire in carrying out the role of a companion, shall be punishable by a maximum term of (6) months imprisonment or by a minimum fine of (YR 75,000).</i></p>	
<p><b>Article (129):</b> Subject to stricter penalties provided for in other laws, any election offences or crimes committed by employees of executive authorities or security committees shall be punishable by a maximum term of (1) year imprisonment and removal from office.</p>	<p><b>Article (129):</b> Subject to stricter penalties provided for in other laws, any election offences or crimes committed by employees of executive authorities or security committees shall be punishable by a maximum term of (1) year imprisonment and removal from office.</p>	
<p><b>Article (130):</b> Subject to stricter penalties provided for in other laws, any political party or organization whose members cause a disruption to the electoral process resulting in the postponement or cancellation of elections shall be subject to punishment as follows:  First: Bear the cost of a supplementary election to be held at the electoral center or constituency where the general election was either postponed or cancelled;  Second: Be barred from participation in the supplementary election;  Thirdly: Public announcement of the verdict against the offending party through official audio, visual and printed media sources and through the official newspaper of the party concerned.</p>	<p><b>Article (130):</b> Subject to stricter penalties provided for in other laws, any political party or organization whose members cause a disruption to the electoral process resulting in the postponement or cancellation of elections shall be subject to punishment as follows:  First: Bear the cost of a supplementary election to be held at the electoral center or constituency where the general election was either postponed or cancelled;  Second: Be barred from participation in the supplementary election;  Thirdly: Public announcement of the verdict against the offending party through official audio, visual and printed media sources and through the official newspaper of the party concerned.</p>	
<p><b>Article (131):</b> Execution of any penalties shall not deter the aggrieved from resorting to the Court to claim compensation for damages.  <b>Article (132):</b> Subject to stricter penalties provided for in the Penal Code, a maximum term of (6) months' imprisonment shall apply to anyone who:  First: Has violated the provisions of Part Four of this Law;  Second: Has voted with full knowledge that his name had been wrongfully registered in the voters list or has impersonated another during voting;  Third: Has disclosed the opinion of another voter against his wish;  Fourth: Has voted more than once in any single election;  Fifth: Has made an unauthorized entry into premises designated for voting and refused to leave when ordered by the Committee;  Sixth: Has taken part in demonstrations on Election Day;  Seventh: Has taken part in a rally with the intent of causing chaos and</p>	<p><b>Article (131):</b> Execution of any penalties shall not deter the aggrieved from resorting to the Court to claim compensation for damages.  <b>Article (132):</b> Subject to stricter penalties provided for in the Penal Code, a maximum term of (6) months' imprisonment shall apply to anyone who:  First: Has violated the provisions of Part Four of this Law;  Second: Has voted with full knowledge that his name had been wrongfully registered in the voters list or has impersonated another during voting;  Third: Has disclosed the opinion of another voter against his wish;  Fourth: Has voted more than once in any single election;  Fifth: Has made an unauthorized entry into premises designated for voting and refused to leave when ordered by the Committee;  Sixth: Has taken part in demonstrations on Election Day;  Seventh: Has taken part in a rally with the intent of causing chaos and</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
rioting on Election Day; Eighth: Has stolen, concealed, destroyed or tampered with any document pertaining to the elections; Ninth: Has changed the choices of an illiterate voter or alike by writing in a name or marking a symbol not intended by the voter, or obstructed a voter from exercising his voting rights; Tenth: As a Chairman or Committee member, has deliberately neglected or failed to perform his duties as stipulated by this Law after being reprimanded in writing by his supervisor or by a voter.	rioting on Election Day; Eighth: Has stolen, concealed, destroyed or tampered with any document pertaining to the elections; Ninth: Has changed the choices of an illiterate voter or alike by writing in a name or marking a symbol not intended by the voter, or obstructed a voter from exercising his voting rights; Tenth: As a Chairman or Committee member, has deliberately neglected or failed to perform his duties as stipulated by this Law after being reprimanded in writing by his supervisor or by a voter.	
<b>Article (133):</b> Subject to stricter penalties, any of the following shall be punishable by a maximum (1) year imprisonment: First: Any person who uses force or threatens to use force to prevent a voter from exercising his voting rights or forcing him to vote in a certain way or to abstain from voting; Second: Any person who grants, offers or pledges to grant a voter or others certain benefits to force him to vote in a certain way or to abstain from voting; Third: Any person who distributes or spreads inaccurate information about the conduct or character of a candidate among voters with the intention of influencing the opinions of voters and the election results; Fourth: Any person who enters electoral premises carrying a firearm in violation of the provisions of Article (97) of this Law; Fifth: Any person who defames, slanders, or threatens any election committee or any of its members while on duty or because of such duties; Sixth: Any person who uses aggravated force against committee members or the ballot boxes with the intention of taking possession of the ballot boxes, or of tampering with them, or of obstructing election results; Seventh: Any person who abuses his power and authority to alter the opinion of any voter. Such a person shall also be removed from office; Eighth: Any person who violates the general provisions of Article (143) of this Law.	<b>Article (133):</b> (a) <i>Subject to stricter penalties, and subject to Clause (b), any of the following shall be punishable by a maximum (1) year imprisonment:</i> First: Any person who uses force or threatens to use force to prevent a voter from exercising his voting rights or forcing him to vote in a certain way or to abstain from voting; Second: Any person who grants, offers or pledges to grant a voter or others certain benefits to force him to vote in a certain way or to abstain from voting; Third: Any person who distributes or spreads inaccurate information about the conduct or character of a candidate among voters with the intention of influencing the opinions of voters and the election results; Fourth: Any person who enters electoral premises carrying a firearm in violation of the provisions of Article (97) of this Law; Fifth: Any person who defames, slanders, or threatens any election committee or any of its members while on duty or because of such duties; Sixth: Any person who uses aggravated force against committee members or the ballot boxes with the intention of taking possession of the ballot boxes, or of tampering with them, or of obstructing election results; Seventh: Any person who abuses his power and authority to alter the opinion of any voter. Such a person shall also be removed from office; Eighth: Any person who violates the general provisions of Article (143) of this Law; Ninth: <i>Any applicant to be an Independent candidate who makes a false declaration under Article (58(b)) of this Law.</i> Tenth: <i>Any person who fails to comply with Article (75) of this Law.</i> (b) <i>A public official convicted of an offence against the First, Second or Seventh paragraphs</i>	23, 39, 51

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
	<i>of Clause (a) shall be punishable by a maximum (2) years imprisonment and shall be removed from office.</i>	
<p><b>Article (134):</b> Subject to stricter penalties, a minimum term of (18) months' imprisonment or a minimum fine of (YR 200,000) shall apply to any person who:</p> <p>(a) Concealed, destroyed or tampered with the Voters List or changed it in any manner.</p> <p>(b) Used force or threats to disrupt the freedom of voting or its order.</p>	<p><b>Article (134):</b> Subject to stricter penalties, a minimum term of (18) months' imprisonment or a minimum fine of (YR 200,000) shall apply to any person who:</p> <p>(a) Concealed, destroyed or tampered with the Voters List or changed it in any manner.</p> <p>(b) Used force or threats to disrupt the freedom of voting or its order.</p> <p>(c) <i>Fails to comply with Clause (b) of Article (16A) of this Law.</i></p>	14
	<p><b>Article (134A):</b> <i>Subject to stricter penalties provided for in other laws, a minimum fine of (YR 400,000) shall apply to any political party or organization that fails to comply with Clause (b) of Article (16A) of this Law.</i></p>	14
<p><b>Article (135):</b> Any person who registered his name in the Voters List in more than one voting domicile in clear violation of the provisions of Article (4)(b) of this Law shall be punishable by (3) months imprisonment, have his name removed from all Lists, and be barred from registration and nomination for a parliamentary or local electoral cycle.</p>	<p><b>Article (135):</b> <i>The following persons shall be punishable by a maximum of (3) months imprisonment, his name shall be removed from all Voters Lists, and he shall be barred from registration and nomination for a parliamentary or local electoral cycle:</i></p> <p>(a) <i>Any person who applies for registration as a voter while knowing that he is not eligible to be registered under Article (3) of this Law;</i></p> <p>(b) <i>Any person who acts to procure or assist the registration of another person as a voter while knowing that the other person was not eligible to be registered under Article (3) or Article (4(b)) of this Law;</i></p> <p>(c) Any person who registered his name in the Voters List in more than one voting domicile in clear violation of the provisions of Article (4)(b) of this Law.</p>	52
<p><b>Article (136):</b> Attempting election crimes mentioned above shall be punishable by a maximum of half of the penalty stipulated for a committed crime.</p> <p><b>Article (137):</b> If a crime is committed or attempted in electoral premises, the Chairman of the Election Committee shall immediately prepare minutes documenting the event and shall order the arrest of the suspect and hand him over to the police and then to the Office of the Public Prosecutor to undertake legal procedures.</p>	<p><b>Article (136):</b> Attempting election crimes mentioned above shall be punishable by a maximum of half of the penalty stipulated for a committed crime.</p> <p><b>Article (137):</b> If a crime is committed or attempted in electoral premises, the Chairman of the Election Committee shall immediately prepare minutes documenting the event and shall order the arrest of the suspect and hand him over to the police and then to the Office of the Public Prosecutor to undertake legal procedures.</p>	
<p><b>Part Nine: General Provisions</b></p>	<p><b>Part Nine: General Provisions</b></p>	
<p><b>Article (138):</b> Each voter may file a contest petition before the Judiciary against the Supreme Commission for Elections and Referendum for any procedures undertaken by it in violation of the Constitution and the law. Various levels of courts shall decide upon such contests within (30) days. Deliberations on such cases at each court level may not exceed (10) days.</p>	<p><b>Article (138):</b> Each voter may file a contest petition before the Judiciary against the Supreme Commission for Elections and Referendum for any procedures undertaken by it in violation of the Constitution and the law. Various levels of courts shall decide upon such contests within (30) days. Deliberations on such cases at each court level may not exceed (10) days.</p>	

Current election law	Draft election law with amendments recommended by IFES	Rec. nos.
<b>Article (139):</b> Unless otherwise stipulated by this Law, all applications, petitions, and contests filed in accordance with this Law shall be exempt from all State and judicial taxes and fees.	<b>Article (139):</b> Unless otherwise stipulated by this Law, all applications, petitions, and contests filed in accordance with this Law shall be exempt from all State and judicial taxes and fees.	
<b>Article (140):</b> Except as provided for in this Law, the provisions stipulated in the Local Authority Law shall apply in all matters pertaining to Local Council elections. The Supreme Commission shall undertake all necessary measures deemed appropriate for the local elections.	<b>Article (140):</b> Except as provided for in this Law, the provisions stipulated in the Local Authority Law shall apply in all matters pertaining to Local Council elections. The Supreme Commission shall undertake all necessary measures deemed appropriate for the local elections.	
<b>Article (141):</b> Except as provided for in the presidential and local elections sections of this Law, the general provisions and procedures stipulated in this Law pertaining to elections shall apply.	<b>Article (141):</b> <i>Except as provided for in the presidential and local elections sections of this Law, the general provisions and procedures stipulated in this Law pertaining to elections shall apply, with any necessary modifications. If the general provisions and procedures stipulated in this Law pertaining to elections do not state all the matters necessary for holding presidential elections or local elections, the Supreme Commission shall issue a manual stating the procedures to be used.</i>	54
<b>Article (142):</b> (a) The Supreme Commission for Elections and Referendum shall issue and make public the regulations that organize the observation by local and international non-governmental organizations that may wish to observe the process of elections and referendums. (b) Political parties may form election monitoring committees, but have no right to interfere with the work of electoral committees.	<b>Article (142):</b> (a) The Supreme Commission for Elections and Referendum shall issue and make public the regulations that organize the observation by local and international non-governmental organizations that may wish to observe the process of elections and referendums. (b) Political parties may form election monitoring committees, but have no right to interfere with the work of electoral committees.	
<b>Article (143):</b> State capabilities, resources, bodies, mechanisms and equipment may not be used directly or indirectly in favor of any political party, organization or candidate. Such acts are punishable in accordance with the provisions of Article (133) of this Law. <b>Article (144):</b> Upon publication of this Law, the Supreme Commission shall carry out the voter registration process at the local constituency level and shall prepare the Voters Lists therein. These Lists shall be deemed the official Lists for local, parliamentary and presidential elections as well as for public referenda purposes in compliance with the provisions of Article (2)(o) of this Law.	<b>Article (143):</b> State capabilities, resources, bodies, mechanisms and equipment may not be used directly or indirectly in favor of any political party, organization or candidate. Such acts are punishable in accordance with the provisions of Article (133) of this Law. <b>Article (144):</b> Upon publication of this Law, the Supreme Commission shall carry out the voter registration process at the local constituency level and shall prepare the Voters Lists therein. These Lists shall be deemed the official Lists for local, parliamentary and presidential elections as well as for public referenda purposes in compliance with the provisions of Article (2)(o) of this Law.	
<b>Article (145):</b> The Supreme Commission shall prepare the necessary by-laws for this Law. A presidential decree to this effect shall be issued upon request by the Supreme Commission provided it does not contradict the provisions of this Law.	<b>Article (145):</b> The Supreme Commission shall prepare the necessary by-laws for this Law. A presidential decree to this effect shall be issued upon request by the Supreme Commission provided it does not contradict the provisions of this Law.	
<b>Article (146):</b> The Supreme Commission for Elections and Referendum shall issue the necessary regulations and decisions in compliance with this Law.	<b>Article (146):</b> The Supreme Commission for Elections and Referendum shall issue the necessary regulations and decisions in compliance with this Law.	
<b>Article (147):</b> Law No. (27) for the Year 1996 pertaining to General Elections,	<b>Article (147):</b> Law No. (27) for the Year 1996 pertaining to General Elections,	

<b>Current election law</b>	<b>Draft election law with amendments recommended by IFES</b>	<b>Rec. nos.</b>
and its amendment by Law No. (27) for the Year 1999 and Law No. (42) for the Year 1999, and any other provisions which contradict this Law, shall be deemed null and void.	and its amendment by Law No. (27) for the Year 1999 and Law No. (42) for the Year 1999, and any other provisions which contradict this Law, shall be deemed null and void.	
<b>Article (148):</b> This Law shall come into effect as of the date of its publication and shall be published in the Official Gazette.	<b>Article (148):</b> This Law shall come into effect as of the date of its publication and shall be published in the Official Gazette.	
*****	*****	
Signed at the Office of the President of the Republic, Sana'a Date: Shaban 28, 1422 Hijri November 13, 2001 AD ALI ABDULLAH SALEH, President of the Republic		