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GUIDE TO

COMPLAINTS AND CHALLENGES RELATED TO PARLIAMENTARY ELECTIONS 2018



Complaints and Challenges related
to **Parliamentary Elections 2018**

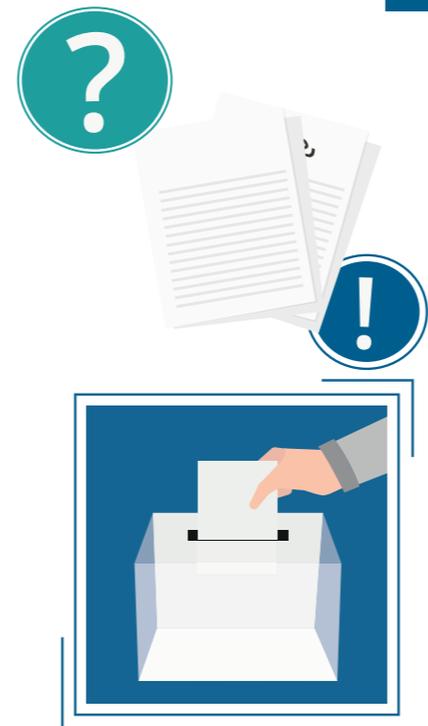


GUIDE

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What are the complaints related to parliamentary elections?

At various stages of the elections, several errors, irregularities and violations are likely to occur, requiring prompt solutions. Resolving electoral disputes ensures the proper functioning of the electoral process in a fair and effective manner and contributes to the credibility and integrity of its results.

The electoral process involves several phases, from the preparatory phase, to the election day, until after the announcement of results. The types of potential irregularities and violations may vary in each of these stages, as well as the related types of complaints and challenges. This requires ensuring an appropriate legal framework that takes into account the specificities of electoral disputes and provides a comprehensive judicial protection throughout the electoral process. This framework must also provide legal and procedural provisions that would be clear and accessible. This would enable the concerned parties to refer to the appropriate bodies to address the issues, correct the eventual errors and irregularities that may occur during the election process in a swiftly manner. Moreover, criminal justice plays a key role in applying punitive measures to the perpetrators of crimes during the election process.

This guide is designed to provide citizens, as well as other parties involved in elections, with practical information on the main types of complaints and claims, and ways to file them.

Review channels



Registration Committees

The Registration Committees receive correction requests related to voters register in the pre-electoral phase, and proceed with the counting and tabulation of votes after the voting operation.



Security forces

It is possible to request the security forces to deal with relevant violations and take necessary measures during the election day specifically, as they are responsible for keeping order and controlling the entrances and the vicinity of polling stations.



The Constitutional Council

The Constitutional Council is an independent constitutional body that plays the role of electoral judge in the parliamentary elections, and is the primary judicial authority to rule over the validity of the elections.



The Supervisory Commission for Elections

The Supervisory Commission for Elections (SCE) supervises and monitors the electoral campaign, receives complaints about electoral spending and funding, and is involved in all matters related to electoral media and advertising. The SCE also supervises civil society organizations - both local and international- that monitor the elections, it also organizes their activity, receive observers' applications, grant them authorizations and sets the codes of conduct.

Head office: Aresco Building, Hamra Street, Beirut.
Phone Number: 01 – 344919



The State Council

The State Council plays a key role, even though its role is confined to the preparatory phase of the elections. It is the appeal reference for the administrative acts and decisions that pave the way to the elections, such as the rejection of the candidate applications and registration of candidates' lists (in addition to being an appeal authority to decisions issued by the Higher Registration Committee, and the appeal authority to the decisions of the SCE). The State Council has also declared itself competent to review other preparatory acts that are separate from the electoral process, and not within the competence of the Constitutional Council, including which compensation requests arising from the elections process and the decree related to the call for elections.



Criminal Courts

The elections process may involve several legal violations that require criminal prosecution; the public prosecutor thus plays an essential role in all phases of the electoral process. It refers such offenses to the relevant courts, notably to the sole criminal judge and the Publications Court.



Hotline 1766

Any citizen, voter or candidate may call the Ministry of Interior and Municipalities on Hotline 1766 for inquiries.



Types of complaints and challenges at various stages of the electoral process

This guide sheds light on the main complaints and challenges available to voters, candidates and other elections stakeholders in the pre-election period, during the election day, and after the announcement of results.

- 1 Complaints arising from the correction of voter register
- 2 Challenges to the call for elections and preparatory acts
- 3 Claims related to the rejection of candidate applications and rejection of the candidates list registration
- 4 Complaints related to the electoral campaign: electoral funding and spending
- 5 Complaints related to the elections campaign: electoral media and advertising
- 6 Complaints arising from Election Day
- 7 Challenges to the validity of the election

1

Complaints Arising from the Correction of Voter Register



Concerned stakeholders

- Voter / concerned party
- Voter regarding the list they belong to
- Non-resident Lebanese voter
- Governor (Muhafiz), District Commissioner (Qaimaqam), and Mukhtar



Inquiries

- General Directorate of Civil Status
- Mukhtar
- Civil Registry Officer
- Lebanese embassy or consulate abroad
- Hotline 1766



Judicial Reference

- Primary Registration Committee
- Higher Registration Committee
- State Council

Request to correct errors in the voter register

Correction of the voter register period

February 1st to March 1st of each year

- The Ministry of Interior and Municipalities announces through the media the readiness of the voter register and publishes it on the Ministry's website starting February 1st, allowing citizens to review their data and to file requests for any correction in the preliminary voter register. The deadline for filing the correction requests is March 1st of the same year.
- The General Directorate of Civil Status completes the correction process and freezes the voter register on March 30 of each year to use it in any elections to be held until March 30 of the following year.

Persons eligible to file a request for correction

- The concerned person may file a request to rectify any error in its data in the voter register, such as a missing name or a mistake made to his/her name due to negligence, material error or any other reason.
- Any voter on the voter register is entitled to request from the competent registration committee to remove or add the name of any person who has been unduly registered or omitted on the same register.
- Non-residents Lebanese voters are entitled to file the same requests as stated above (Article 34, paragraphs 1 and 2, Law 44/2017).
- The Muhafiz, Qaymaqam or Mukhtar may also exercise the same right.

Procedure to request a correction before the Primary Registration Committee

- The request form is submitted to the competent primary registration committee through the Mukhtar or Civil Registry Officer.
- The request form of non-resident voters is submitted to the Lebanese embassies and consulates abroad, which shall immediately forward them to the Directorate General for Civil Status through the Ministry of Foreign Affairs and Emigrants. The General Directorate of Civil Status shall refer those requests to the competent registration committees to act accordingly.
- The necessary documents and evidence are attached to the request form (Civil Status Record - Judicial Record).
- The request is exempted from any fee.
- The Registration Committee considers the requests for correction and notifies its decision to the concerned parties and to the General Directorate of Civil Status.

Appeal before the Primary Registration Committee

Within 3 days of notification

- The decision of the Primary Registration Committee is subject to appeal before the competent Higher Registration Committee, within three days from the notification thereof.

 Appeal petitions are free of charge and do not require a lawyer

Cassation before the State Council

- The Higher Registration Committees being administrative bodies with judicial powers, their decisions are also subject to cassation before the State Council.
- The cassation petition is submitted within two months from the date of notification of the decision.

 A lawyer is required

 It should be noted that the cassation decision might be issued after the period of correction and the freezing of the voter register



Inquiries and Complaints

Those who wish to verify their data on the voter register and inquire about the procedure for filing a request for correction may contact the Ministry of Interior and Municipalities on Hotline 1766, verify their data on the Ministry's website www.dgcs.gov.lb or with the Mukhtar or municipality or Civil Registry Officer.



For further details, please refer to

Articles 24 to 39 of the legislative elections law no. 44/2017
Articles 117 to 121 of the law organizing the State Council

2

Challenge to the Call for Elections and Preparatory Acts



Concerned stakeholders

- The candidate
- The voter

*Capacity and interest to prosecute are required



For Inquiries

- Directorate General for Political Affairs and Refugees
- Hotline 1766



Judicial Reference

- The State Council

Electoral bodies shall be called pursuant to the decree of the Minister of Interior and Municipalities published in the Official Gazette. The decree designates the polling stations, and shall be published at least ninety days before the election day. The Ministry of Interior also issues decisions and other circulars in preparation for the elections process that any voter or candidate may request the State Council to invalidate for illegality (i.e. in case of violation of the law), if the conditions of effective and prejudicial administrative act are met. Note that internal work, such as explanatory circulars, for example, are not subject to appeal before the State Council for illegality, as it does not meet the conditions of being effective and prejudicial.

Who can file a request for invalidation

- The interested concerned persons such as:
 - The voter
 - The candidate

 **A lawyer is required**

Where to file the request

- State Council

Deadline for filing the request

- The request must be filed within 2 months as of the publication of the decision or circular in the Official Gazette, or its notification for individual acts.

For further details, please refer to

Article 65 of the law organizing the State Council
Article 42 of Law no. 44/2107

3

Claims related to the Rejection of Candidate Applications and Rejection of the Candidates List Registration



Concerned stakeholders

- The candidate/ concerned person
- The candidates list (represented by its authorized representative)



Inquiries

- Directorate General for Political Affairs & Refugees
- Hotline 1766



Judicial Reference

- The State Council

One of the most important amendments introduced by the electoral law No. 44/2017 is the transition from the majority voting system to a proportional one that is being implemented for the first time in the modern history of Lebanon, with the necessity of compiling candidates in groups on electoral lists. Therefore, it is necessary to file the candidate's applications on an individual basis in the first stage, followed by the mandatory registration of the lists according to specific conditions defined by law, with the risk of overruling the individual candidacy if the said candidate does not join a list.

Submission of individual candidate application

Candidate application

60 days prior to E-Day

- The candidate submits his/her candidate application to the Ministry of Interior prior to the deadline for closing the nomination process, i.e., sixty days prior to the election date.
- The application must be signed personally and certified by the notary public based on a form that includes the full name of the candidate (first name, father's name and last name), the appointed seat and district (the smaller district or the unified district that does not comprise any smaller constituencies) to which the candidate wishes to be nominated, and encloses the relevant documents.

Approval or rejection of candidate application

Within 5 days of the submission

- The Ministry of Interior and Municipalities issues a temporary notice of receipt of the application and related documents, reviews and decides on the candidate application within a period of five days from the date of receipt thereof. If the candidacy is accepted, the Ministry will provide the candidate with a final receipt for his/her candidacy registration; in case of rejection, the Ministry shall justify such a decision and inform the candidate of the reasons for refusal.
- Failure to issue a decision by the Ministry five days after the registration of the candidate application shall be considered as a tacit approval. In such a case, the Ministry shall be required to deliver to the candidate the final receipt of registration of his/her candidacy.

Appeal to the rejection of candidate application

Submission of claim to the State Council

Within 3 days of rejection notification

- The candidate may submit a claim to the State Council within three days from the date of notification of the rejection of his/her candidacy.

! No lawyer is needed

! The appeal does not incur any fees

Decision of the State Council

3 days from the date of submission of claim

- The State Council shall issue its final decision on the rejection within 3 days from the date of submission of the claim. The decision is deemed final and irrevocable.



Registration of the candidates list

Registration of candidates list

40 days prior to elections date

- Candidates must join electoral lists and delegate one of them, by proxy signed by all of them before the notary public to register the list at the Ministry of Interior and Municipalities, within 40 days period prior to the election date (no registration or modification to the lists shall be accepted after said date).
- The list's representative shall attach to the registration application a number of relevant documents.

Approval or rejection of the candidates list

Within 24 hours of submission (while providing 24 additional hours to correct any errors or missing data)

- The Ministry of Interior and Municipalities shall give an acceptance receipt of the registration list within 24 hours if the application meets all legal requirements.
- If the application does not comply with all or some of the said requirements, the Ministry shall grant the members of the list a grace period of 24 hours to rectify the registration, subject to rejection. The grace period shall apply starting the date of notification of the representative. All individual candidacies are cancelled if candidates abstain from joining a list.

Appeal of the rejection of a candidates list registration

Deadline for the submission of a claim to the State Council

Within 24 hours from the date of notifying the list's representative

- The rejection of the candidates list by the Ministry is subject to appeal before the State Council within 24 hours from the date of its notification to the list's representative.



The law does not indicate an exemption of fee or lawyer, as it is the case in the appeal related to individual candidate applications

Persons entitled to appeal

- The law does not specify the persons entitled to appeal the rejection of the list registration, contrary to the appeal related to the individual candidate applications, where the right of objection is limited to the candidate alone. This allows any person of interest aggrieved by this refusal to appeal, notably the list that was rejected to be registered (through its representative) or any candidate of the said list.

Decision of the State Council

Within 24 hours from the date of submission of appeal

- The State Council shall decide within 24 hours from the date of submission of the appeal. The decision is deemed final irrevocable.



Inquiries and complaints

The concerned parties may call the Ministry of the Interior and Municipalities on Hotline 1766 to inquire about filing candidate applications, or to follow up their status and report any errors or omissions.



For further information, please refer to

Articles 44 to 51 of Law no. 44/2017
(individual candidacy)

Articles 52 to 55 of Law no. 44/2017
(candidates list)

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Complaints related to the Electoral Campaign: Electoral Funding and Spending



Concerned stakeholders

- The candidate
- The candidates list (represented by its authorized representative)
- The voter

*Capacity and interest to prosecute are required



For Inquiries

- The Supervisory Commission for Elections



Judicial Reference

- The Supervisory Commission for Elections
- The Public Prosecutor
- The sole criminal judge

The electoral campaign period

It starts on the date of opening the candidates' registration and ends upon the closing of ballot boxes on the election day.

Electoral campaign supervision

The Supervisory Commission for Elections shall monitor the compliance of candidates and lists with the regulations and provisions relating to opening the account of the elections campaign, and the electoral funding and spending during the electoral campaign. The said Commission receives and audits the periodical and final financial statements of account and decides on the validity of the data received.



Key rules of electoral funding and spending

Electoral spending

- It is the sum of expenses paid by the individual candidate or the candidates' list, in addition to donations offered by natural persons or legal entities, political parties, associations or any other entity, to the candidate or list with their express or implicit consent, provided such amounts are directly related to the electoral campaign and voting process, and create thereof a legal connection between the list or the candidate on one part, and the voter on the other part.

Limit of electoral spending

- All expenses incurred or paid by the candidate directly for his/her election campaign shall observe the ceiling of electoral spending.
- The spending ceiling is defined as the maximum amount each candidate may spend during the elections campaign as follows: a fixed amount of LBP 150 Million, in addition to a variable amount related to the number of voters in the major district where the candidate runs for office, totaling LBP 5000 for each voter in the major district.
- The spending ceiling per list is a fixed amount of LBP 150 Million for each candidate.

Restrictions

- The total amount of donations received by a candidate shall not exceed the limit of electoral spending, nor may donations be accepted through an intermediary.
- Candidates or lists cannot be financed by a foreign state or by non-Lebanese, either individuals or legal entities.
- Donations in services or payments to voters are prohibited during the electoral campaign (including donations and aid to individuals, charities, sports clubs and others), unless such donations are offered by candidates or institutions owned or managed by candidates who have been offering such donations on a regular habitual basis for not less than 3 years prior to the start of the electoral campaign.
- Anyone who attempts through making donations to influence the voting of a Lebanese voter with the intention of manipulating the general elections results, and any person who accepts or solicits such donations, incurs criminal sanction.
- Spending of prohibited electoral expenses shall be considered as bribes as per Article 62 of Law no 44/2017.

Ruling over the final statement of account and imposing financial fines

- The Supervisory Board shall rule over the final statement of account and shall not approve it if found incorrect or if it exceeds the spending ceiling and inform both the Parliament and the Constitutional Council accordingly.
- The candidate who failed to submit the relevant statement of account, whether elected or not, shall be subject to a fine amounting to LBP 1 Million per day of delay, such fine being imposed by the Ministry at the request of the Supervisory Commission.
- Any candidate who exceeds the spending ceiling shall be subject to a fine equivalent to three times the value of the excess. The file of the winning candidate shall be transferred by the Supervisory board to the Constitutional Council to act accordingly.

Challenging the decisions of the Supervisory Commission for Elections

Decisions that may be appealed

- Effective and harmful administrative decisions taken by the SCE as well as decisions of a judicial nature such as the decision to decide upon the validity of the final statement of account submitted by the candidates after the announcement of the official results.

! The law does not exempt appeals from fees, or from the designation of a lawyer, such as the appeal related to the rejection of individual candidate applications

Who submits the appeal

- Every individual or person of interest harmed by the decision.

Where to submit the appeal

- Before the State Council (as an appellate reference to judicial decisions).

Deadline to submit the appeal

- 3 days from the date of notification or publishing.

Decision of the State Council

- The State Council shall decide on the appeal within 3 days from the date of filing the appeal.



Criminal prosecution regarding the offenses related to the spending and funding (Article 65 of the Electoral Law No. 44/2017)

Type of offense

- Misdemeanor

Who submits the complaint

- The harmed person

The punishment

- A maximum of 6 months imprisonment and a fine ranging from LBP 50 Million to LBP 100 Million (or any one of these two).

Where to submit the complaint

- It is possible to file a complaint or report with the Public Prosecutor, or submit a direct complaint before the Sole Criminal Judge of First Instance. The Supervisory Commission shall also refer these violations to the competent Public Prosecutor, automatically or based on the complaint received.



A lawyer is required to file a complaint before a sole criminal judge, while a complaint or report can be filed before the Public Prosecutor without the assistance of a lawyer

Deadline for filing a complaint

- 6 months from the date of announcing the elections results (but it is advisable to file the complaint immediately and invoke it as an evidence where necessary when challenging the validity of the election before the Constitutional Council).

Appeal

- Appeals to the decision of the sole criminal judge is subject to challenge before the Court Appeal for Misdemeanors.



 **Important Note**

The violations mentioned in this section could also affect the validity of elections.
(For more info, see the section on Challenges to the validity of the election).

For further details, refer to
Articles 9 to 23 of the Electoral law no. 44/2017
(Supervisory Commission for Elections)
Articles 56 to 67 of the Electoral law no. 44/2017 (Funding and electoral spending)
Articles 331 of the Criminal code

5

Complaints related to the Electoral Campaign: Electoral Media and Advertising



 **Concerned stakeholders**

- The candidate
- The voter
- The electoral list (represented by its authorized representative)

*Capacity and interest to prosecute are required

 **Inquiries & Complaints**

- Supervisory Commission for Elections
- Security forces

 **Judicial Reference**

- Public Prosecutor
- Court of Publications
- Sole criminal judge

Electoral campaign period

The electoral campaign period starts on the date of submission of the candidate application and ends upon the closing of ballot boxes on election day. Noting that it ends practically for media and advertising 24 hours before the election day, i.e. at the start of the electoral silence period.

Electoral campaign supervision

In addition to monitoring funding and spending during the electoral campaign period, the Supervisory Commission for Elections regulates the electoral advertising activity and monitors the elections appearance of candidates in the media, supervises the opinion polls and compliance with the period of electoral silence. The new law has consolidated the concept of media and has defined it as “every media, official or private, audio or visual, printed, readable or electronic, regardless of its technical means.”

The Supervisory Commission for Elections verifies that the media in Lebanon, in its various forms, complies with the laws and regulations governing the electoral competition. The said authority shall immediately investigate any complaint filed by the harmed list or candidate and takes either a direct decision (by issuing a warning, requiring an apology, enabling the affected candidate to exercise the right of reply), or refers the contravening media to the Publications Court.

The key rules for electoral media and advertising as per Electoral Law No. 44/2017

Neutrality of public and private media

- Public media shall remain neutral during all the stages of the electoral process and refrain from supporting any candidate/list at the detriment of another.
- Private media shall respect the free expression of various views and intellectual currents in all its programs, to ensure a fair, balanced and impartial treatment of all candidates and lists. They may not promote or declare their support for any candidate or list. They must clearly differentiate in news bulletins and political programs between facts and realities on the one hand and opinions and comments on the other hand.
- Public and private media should abide by the recommendation of the Supervisory Commission for Elections to ensure fairness, impartiality and neutrality while treating with candidates and lists.

Paid advertising

- When diffusing electoral ads, the audiovisual media shall explicitly mention that such ads are paid and identify the party that requested the broadcast.

Obligations of audiovisual media, candidates and lists

- Refrain from engaging in the defamation or slander or libel or denigration of any list or candidate.
- Refrain from diffusing any material that might trigger strife, incite acts of violence or riots, or encourage terrorism or crimes or acts of sabotage.
- Refrain from diffusing any material that would constitute a means of pressure, intimidation, distrust, excommunication (takfeer), enticement, or promises of material or moral gains.
- Refrain from distorting, withholding, warping, deleting or misrepresenting information.

Opinion polls and period of prohibition

- The Supervisory Commission sets the rules to run the polls as well as the regulations related to publishing, broadcasting and distribution of the results.
- The publication or diffusion or distribution of opinion polls and comments thereon are prohibited during the 10 days leading to the election day and until the closing of all polls.
- The Supervisory Commission is entitled to take the necessary measures against any polls institutions or individuals that refrain from observing the specific conditions for the polls (warning, apologies, or corrections through the media, financial fines ranging from LBP 10 Million to LBP 25 Million as per a collection order issued by the Ministry of Interior and Municipalities upon the request of the Commission). The said fine doubles if the violation occurs during the Electoral silence period.

Electoral silence period for audiovisual official and private media

- All media should refrain from broadcasting any advertisement or promotion or direct electoral call starting the Zero Hour of the day before the elections date until the closing of the polls, except for a statement or picture that could not be avoided in live coverage of the electoral process.

The prosecution of violations related to media and advertising

(Article 81 from the Electoral Law No. 44/2017)

Type of offense

- Misdemeanor

Who submits the complaints

- The aggrieved party
- Public Prosecutor, whether pursuant to a complaint filed by the aggrieved party or on its own initiative.

Where to submit the complaint

- The complaint is filed with the Public Prosecutor.

! It is possible to file a complaint or report to the Public Prosecution without the assistance of a lawyer

Deadline for filing a complaint

- 3 months



Procedure

- The Public Prosecutor prosecutes the contravening media entity before the Publications Court upon the referral of the Supervisory Commission. The Public Prosecution is also entitled to take legal action pursuant to a complaint filed by the aggrieved party or on its own initiative. In return, the contravening media may submit to the court a memorandum within 24 hours from the time of its notification. The Publication Court shall issue its decision within 24 hours at the most.
- The Publication Court shall take any of the following measures, whichever it deems appropriate:
 - Impose a financial fine on the contravening media ranging between LBP 50 Million and LBP 100 Million.
 - Suspend the media's activities partially for a period not exceeding 3 days, including the postponement of all political and news programs, interviews, and political debates.
 - In case of repeated offenses, suspend entirely all media's activities and close fully all its programs for 3 days at the most.
- The decision of referral by the Supervisory Commission to the Publications Court cannot be appealed before the State Council, according to a specific jurisprudence in this regard, as it relates to the functioning of the judiciary, and thus it is out of the jurisdiction of the administrative judiciary.

Appeal

- Both the Public Prosecution and defendant (media outlet) may appeal the decision before the Court of Cassation within 24 hours starting from the time of the issuance of the decision with regard to the Public Prosecution, and from the time of the notification of the decision with regard to the defendant.
- The appeal does not prevent the implementation of the decision unless the Court of Cassation issues a decision to suspend such implementation within 24 hours of filing the appeal.

The right of reply

The candidate may resort to the right of reply:

- Media shall publish and diffuse the corrections and replies received from candidates within a period of 24 hours from their diffusion of the news subject of the complaint.
- Media reserve the right to refuse the diffusion of such reply if it is contrary to law.



Libel and slander prosecution before the Publications Court

In addition to the above mentioned accelerated procedures that ensure violation will be suspended and treated within short deadlines that take into account the electoral calendar, an aggrieved party, particularly the candidate who was exposed to libel and slander, may file a lawsuit before the Publications Court as per Articles 17 to 21 of the Publications law in addition to Article 385 of the Criminal code.

Offense

- Libel and slander perpetrated through publications (including audiovisual media).
- * It should be noted that the Court of Cassation considers that any offense committed on social networks including "Facebook", does not fall under the responsibility of the Publications Court, and is not under the jurisdiction of the Publications Law. Instead, they are subject to the Criminal Code and ordinary courts as publishing is done on a personal account without restrictions and therefore is not subject to the provisions of the Publications Law.

Type of offense

- Misdemeanor

Penalty

- Slander: punished by imprisonment for a period ranging from three months to one year and /or a fine.
- Libel: punished by imprisonment for a period ranging from one to six months and /or a fine.

Who submits the complaint

- The harmed person (either individuals or legal entities)

Where to submit the complaint

- Directly before the Publications Court or through the investigating judge.

! A lawyer is needed

Deadline to submit the complaint

- 3 months from the date of publishing the news subject of the complaint for the Lebanese residents and 6 months for those residing abroad.

Procedural code

- Pre-trial detention is prohibited for all publications crimes.
- If the proceedings require a judicial investigation, an Investigating judge shall conduct such investigation and refer the case to the court within a period not exceeding five days.
- Upon receiving the case referred to it directly or by decision of the Investigative Judge, the Court shall initiate the trial within five days at the most, and issue its decision no later than ten days from the date of commencement of the trial.

Appeal

- The decision of the Publications Court is subject to appeal before the Court of Cassation within a period of 10 days or within 5 days by way of objection.
- The Court of Cassation shall initiate the trial within five days at the latest and issue its decision no later than ten days from the date of submission of the petition for cassation.
- The Court shall submit to the Ministry of Information a summary of the final judicial decisions.





Inquiries and complaints

Any citizen may call the hotline for any inquiry and/or complaints, and to report any violation to the Ministry of Interior that shall take the appropriate measures, especially when it relates to the following violations:

- Posting electoral advertisements outside the spots designated by the local authorities for each candidate and list;
- Using public facilities, universities, public and private schools and houses of worship to host electoral events and meetings;
- Distributing ballot papers or pamphlets in favor of, or against, a specific candidate at the entrance or in the vicinity of the polling station;
- State officials and civil servants and municipal and municipal union staff may not use their influence in favor of any candidate or list.

The security forces that are present in the location may be asked to put an end to the violation and take the necessary measures.



Important note

Some of the violations described in this section may also affect the validity of the elections. (For further details, please refer to the section on challenging the validity of the election).

For further details, refer to

Articles 68 to 83 of the Electoral law no. 44/2017

Articles 17 to 21 of the Publications law

Articles 28 to 30 of the Criminal code

Article 376 of the Criminal code

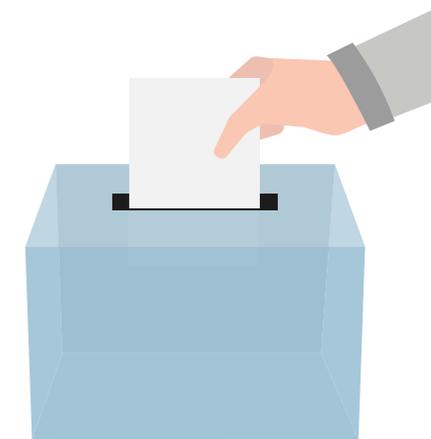
For more information

State officials may not use their influence in favor of any candidate or list, under penalty of criminal prosecution (Pursuant to Article 376 of the Criminal Code).

Type of offense	<ul style="list-style-type: none">Misdemeanor
Who submits the complaint	<ul style="list-style-type: none">The harmed person
Penalty	<ul style="list-style-type: none">Imprisonment ranging from 1 month to 3 years and a fine ranging from LBP 1000 to LBP 200,000 (Article 376 Criminal code).Any official employee, worker or governmental staff member who uses their power to influence the decision of a Lebanese voter is punished by civil disobedience (Article 332 Criminal code).
Where to submit the complaint	<ul style="list-style-type: none">A complaint or report can be lodged before the Public Prosecution, or directly before the Sole criminal judge. <div style="text-align: right;">! A lawyer is needed</div>
Deadline to submit	<ul style="list-style-type: none">3 years (it is advisable to submit the complaint without delay to invoke it as evidence, when necessary, when challenging the validity of the election before the Constitutional council).
Appeal	<ul style="list-style-type: none">The decision of the Sole criminal judge can be appealed before the Court of Appeal for Misdemeanors.

6

Complaints arising from Election Day



Concerned stakeholders

- The candidate and his/her agent
- The voter
- The electoral list (represented by its authorized representative)



Inquiries & Complaints

- Central Operations room via Hotline 1766
- Head of the Polling Station
- Security forces
- Electoral observers



Judicial Reference

- Public prosecution
- Sole criminal judge

The voting process begins in all Lebanese regions at 07:00 am and ends at 19:00 pm, lasts for one day only, and always takes place on Sundays (Article 87 of Law No. 44/2017). The election day is divided into two phases: the voting and the counting of votes. Violations and irregularities may occur in each of these two phases, that may influence the outcome of the elections. Thus, the laws of the electoral process have provided the elections day with clear and precise regulations to ensure free, secret, and genuine elections. The law placed the electoral administration on a high level of responsibility in each of those two stages, and provided the Ministry of Interior, the head of the polling station and his committee with full powers for organizing and safeguarding the voting process and to prevent electoral irregularities when need be. The registration committees, primary and higher, play a key role in the counting of votes. The legislator has set criminal sanctions for a large number of violations that may occur on election day.

Key rules of the polling station and polling center

Who is allowed inside the polling station

- No members of the security forces may stay in the polling station unless requested by the head of the polling station for a temporary period of time, and for the sole purpose of ensuring the safety of the electoral process.
- Only voters whose name is on the voters' list of the polling station, or who obtained a decision from the competent Registration Committee to have their name registered, can vote.

Polling booth

- The presence of the booth is mandatory under penalty of invalidation of the election in the concerned polling station.

Symbols inside the polling station

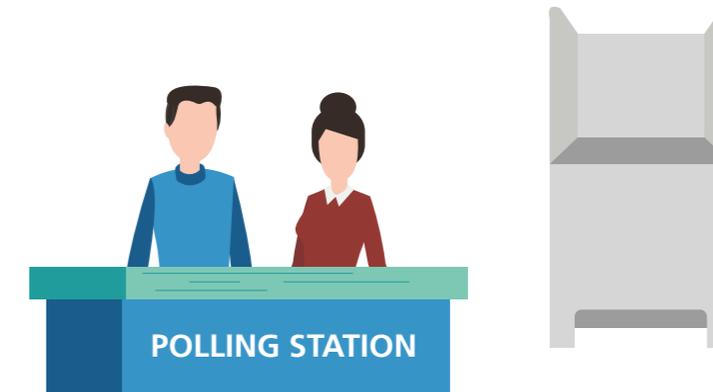
- The head of the polling station shall be responsible for removing all types of pictures, symbols, writings and slogans from inside the polling station.

Candidate delegates and observers

- Each candidate or list of candidates may delegate one voter (delegate) from the electoral district to enter the polling station, at a rate of one delegate per polling station. They are also entitled to choose two mobile agents from among the voters, to enter all polling stations of the electoral district, at a rate of one agent for every 2 polling stations in the villages, and one agent for every 3 polling stations in the cities.
- Accredited observers by the Ministry in accordance with the provisions of the electoral law shall be entitled, at any time, to enter the polling stations to monitor the electoral process.
- In no case shall the head of the polling station prevent the candidates nor their delegates, and the accredited observers from monitoring the electoral process, nor expel any delegate of a candidate or a list unless the latter disturbs the order, despite a warning that is recorded in the minutes.

Ban on electoral activities in the vicinity of the polling center

- The security forces are in charge of maintaining order at the entrance and in the vicinity of polling centers. Any electoral advertising is banned within the vicinity of the polling center.





Inquiries and complaints

- In case of any offense or irregularity occurring inside the polling stations, each voter or delegate may ask the head of the polling station to record an objection or a note in this respect in the minutes of the polling station.
- Any citizen may contact the Operations Room of the Ministry of Interior's on the Hotline for any inquiry and complaint and to report any violation of the regulations relating to the polling station, to take the appropriate measure.
- It is possible to connect with the security forces onsite to stop the violations happening in the vicinity of the polling station to take the necessary measures.



Prosecution of defaulting polling officials

In addition, polling officials who fail to report to their designated polling station without any legitimate excuse, or violate their obligations, or fail to adhere to the provisions of the law are subject to prosecution (Article 86 of the Electoral law no 44/2017).

Type of offense

- Misdemeanor

Penalty

- Imprisonment for a month or a fine of LBP 1 million in case of failure to join the polling station without a legitimate excuse;
- Imprisonment ranging from 3 months to 3 years or a fine ranging from LBP 1 Million to LBP 3 Million if the head of the polling station or his clerk breaches the legal obligations

Who submits the complaint

- One of the candidates
- Public Prosecutor
- Head of the relevant registration committee

Where to submit the complaint

- The complaint is filed before the Public Prosecutor or directly before the Sole criminal judge.

⚠ In this case, the prosecution does not require the consent of the administration to which the official is affiliated.

⚠ A lawyer is required to file a complaint before the Sole single criminal judge, while a complaint or a simple report can be filed with the Public Prosecution without the assistance of a lawyer

Deadline

- 3 years (however, it is advisable to file the complaint without delay to use it as evidence, if needed, when challenging the validity of the election before the Constitutional Council).

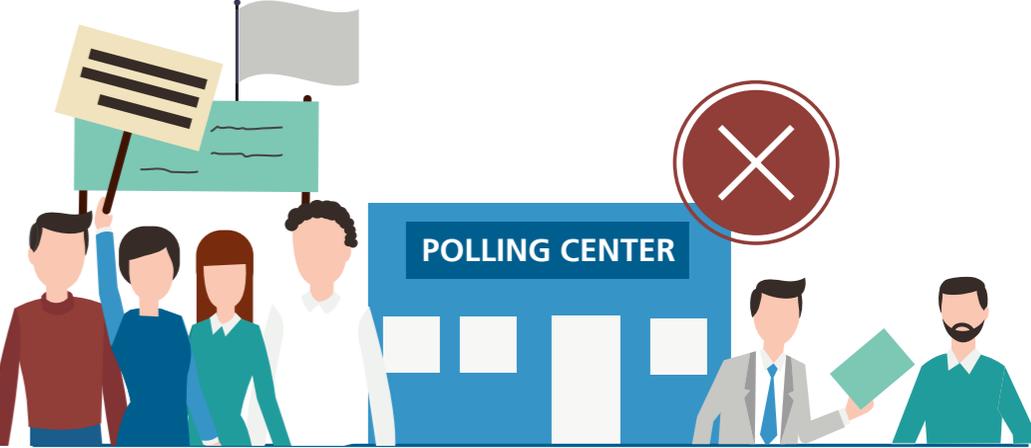
Appeal

- The decision of the Sole criminal judge is subject to appeal before the Court of Appeal for Misdemeanors.

Prosecution of attempt to influence the voting or elections results

Those who attempt to influence the voting or the outcome of the election incur criminal sanction, in particular:

- Anyone who acts in a way that prevents a Lebanese citizen from exercising their civil rights or duties (by threat, oppression or any other means of physical or moral coercion);
- Anyone who attempts to influence the vote of a Lebanese citizen with the intention of corrupting the results of the general election (through intimidation or gifts or promises ...) and every person who accepts or solicits such gifts and promises;
- Every state official, worker or servant who uses their power to influence the vote of a Lebanese citizen;
- Anyone who changes or tries to change the result of an election through fraudulent means.



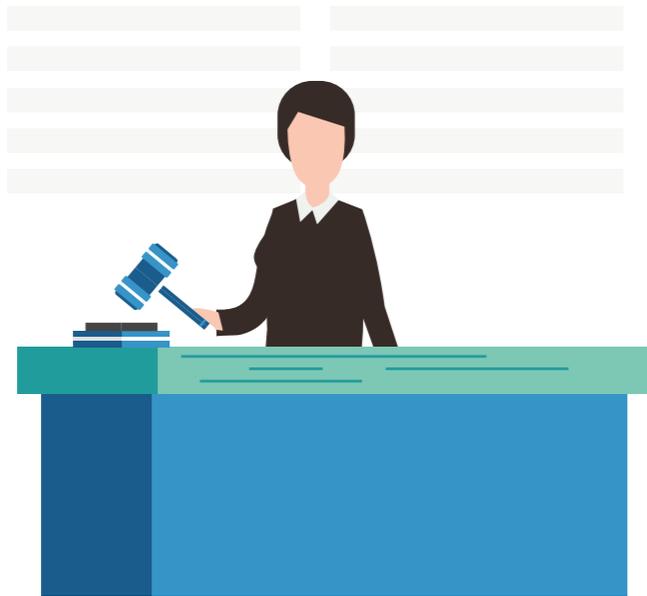
Type of offense	<ul style="list-style-type: none"> • Misdemeanor
Who submits the complaint	<ul style="list-style-type: none"> • The harmed person • Public prosecutor
Penalty	<ul style="list-style-type: none"> • Imprisonment ranging from one month to one year and a fine ranging from LBP 100,000 to LBP 1 Million for obstructing the exercise of civil rights and obligations (Article 329 Criminal code), and trying to influence the vote of one of the Lebanese in order to corrupt the result of the general election (Article 331 Criminal code). • Imprisonment ranging from two months to two years for an attempt to change the result of an election by fraudulent means (and if the offender is charged with the collection, preservation or counting of votes or any other activity related to a general election, he shall be prosecuted by imprisonment from six months to three years - Article 333 Criminal code).
Where to submit the complaint	<ul style="list-style-type: none"> • The complaint is filed before the Public Prosecutor or directly before the Sole criminal judge. <div style="border: 1px solid #f08080; padding: 5px; margin-top: 10px;"> <p>! A lawyer is required to file a complaint before a single criminal judge, while a complaint or report may be filed with the Public Prosecution without the assistance of a lawyer</p> </div>
Deadline	<ul style="list-style-type: none"> • 3 years (however, it is advisable to submit a complaint without delay to invoke it as evidence, when necessary, in case of challenging the validity of the election before the Constitutional Council).
Appeal	<ul style="list-style-type: none"> • The decision of a Sole criminal judge is subject to before the Court of Appeal for Misdemeanors.



Important note

Some of the violations mentioned in this section may also affect the validity of the elections. (For more info, see the section on Challenging the validity of the election).

For further details, refer to
Articles 84 to 97 of Electoral law no. 44/2017
Articles 329 to 334 of the Criminal code



7

Challenges to the Validity of the Election



Concerned stakeholders

- The non-elected candidate



Inquiries & Complaints

- Directorate General for Political Affairs & Refugees
- Hotline 1766



Judicial Reference

- Constitutional Council

The Lebanese Constitutional Council is considered as the main electoral judge to rule over disputes arising from the parliamentary elections in the period following the announcement of the official results. The Constitutional Council is therefore the competent body to decide upon the validity and credibility of the contested elections process, but it has a delimited jurisdiction as it only convenes after the results are announced. The Council has confirmed the special nature of the challenge, the scope of which is limited to the claimant and the defendant whose election is in question, without affecting the validity of the entire electoral process. Therefore, it focuses on the specific nature and circumstances of each challenge, so that the effects of its decision are limited to the opposing parties: this was defined as the principle of dual trial.

The Constitutional Council is specialized in considering the eligibility of the candidate to run for the elections, and the availability of the legal conditions therein. However, the council does not convene during the preliminary stage of the elections, or after the opening of the nominations to consider the eligibility for candidature; the Council shall review the eligibility of a winning deputy, by way of exception, as part of a legal defense of a challenge to the validity of the election.



CONSTITUTIONAL COUNCIL

The Constitutional Council also considers it has no jurisdiction to review preparatory acts, unless the violations presented in the claim were intentionally committed with the purpose of fraud or falsification and marred the integrity of the elections. The Council also considers it has no jurisdiction as an electoral judge to review the constitutionality of the electoral law while ruling on a challenge to electoral results. It has also limited its jurisdiction by declaring itself non-competent to consider disputes related to the parliamentary elections if it is not accompanied by an application to challenge the validity of the election of a winning deputy. It also recognized that it has no jurisdiction to consider the request to restore the financial security and personal rights deriving from the invalidation of the election.

The abovementioned irregularities, especially those that influence the voting process or the result, would lead to the annulment of the elections only if they were decisive, as they would affect their outcome (given the difference in votes between the last winners and losers in particular).

The Constitutional Council does not consider, in principle, the above-mentioned offenses (criminal and others) if the claimant does not take prior measures in their respect, such as filing a complaint for criminal offenses, for example, or recording a reservation, observation or objection in the minutes.



Who submits the challenge	<ul style="list-style-type: none"> The non-elected candidate (regardless of his level) <div style="background-color: #f0e6e6; padding: 5px; margin-top: 5px;">⚠ It is advisable to appoint a lawyer</div> <div style="background-color: #f0e6e6; padding: 5px; margin-top: 5px;">⚠ The challenge is free of charge</div>
The Defendant	<ul style="list-style-type: none"> The winning candidate (or several candidates) in the same district.
Where to submit the challenge	<ul style="list-style-type: none"> The challenge to a deputy's election is presented to the presidency of the Council in the form of a claim submitted to the Council registry in accordance with Article 25 of the law establishing the Constitutional council.
Deadline to submit the challenge	<ul style="list-style-type: none"> 30 days after the announcement of the elections results.
Decision of the Constitutional Council	<ul style="list-style-type: none"> The Council shall adjudicate the challenge within a maximum period of one month from the date of issuance of the report of the reporting members appointed by the President of the Council (the report preparation shall not exceed 3 months from the date of the commissioning).

For further details, please refer to

Article 19 of the Constitution

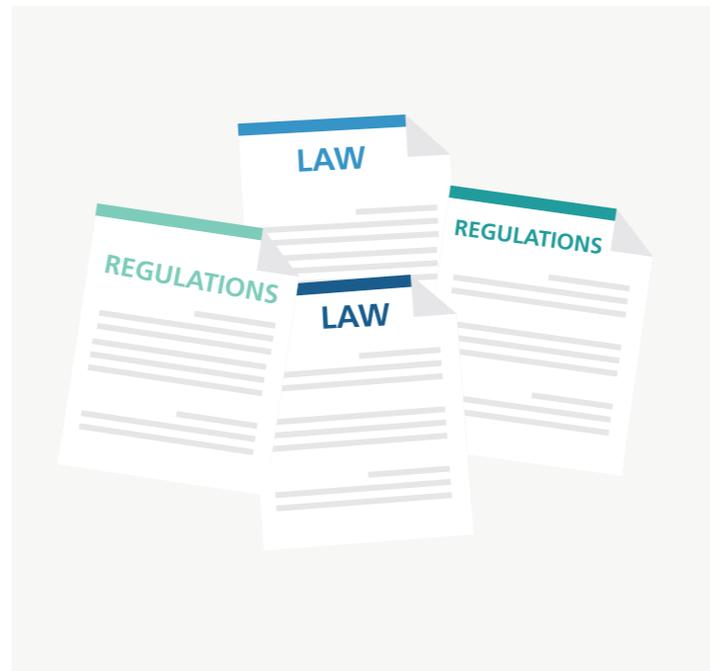
Articles 23 to 31 of the law establishing the Constitutional Council no. 250/1993

Articles 45 to 53 of the Internal regulations of the Constitutional Council (law no. 243/2000)



Legal references

- Law on the Parliamentary elections (Law No. 44/2017)
- Law establishing the Constitutional Council No. 250/1993
- Internal Regulations of the Constitutional Council (Law No. 243/2000)
- Publications Law
- Criminal Code
- Code of Criminal Procedure
- The law organizing the State Council (Decree No. 10434/1975)



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The UNDP Lebanese Elections Assistance Project (LEAP) aims to strengthen the capacity of stakeholders for the conduct of transparent and inclusive elections in Lebanon. UNDP LEAP provides electoral technical assistance and advisory support through a multi-component approach focused on the following areas: 1) Management & Administration of Elections, 2) Supervision of Elections, 3) Voter Education, 4) Resolution of Election Disputes, & 5) Women's Participation in Elections. UNDP LEAP is funded by the European Union and the United States Agency for International Development.

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