

# General Elections Law

## Part One: Operational Definitions and Voting Rights

### CHAPTER ONE: OPERATIONAL DEFINITIONS

Article (1): This Law shall be called the General Elections Law.

Article (2): For the purposes of this law, the following words and expressions shall have the following meanings unless the context dictates otherwise.

Republic: The Republic of Yemen.

citizen: Every Yemeni national - male or female.

Voter: Every citizen entitled to vote in accordance with the provisions of this law.

Voting Domicile: The usual place of residence of a person or the place where this person has his/her main business or the place of residence of his/her family even if said person does not live in such a place.

Supreme Committee: The elections Supreme Committee formed in accordance with the provisions of this law.

Voter's Registration Committees: The main committee and subcommittees in charge of tabulating, reviewing and duplicating names and particulars of voters. The committees shall exercise their duties in accordance with the provisions of this law.

Elections committees: The main committee and subcommittees which are responsible for administering the elections starting with the candidacy applications through the balloting process and up to the tallying of votes. The committees shall exercise their duties in accordance with the provisions of this law.

Supervisory committee(s): The committee(s) formed by the Supreme Committee in each province in order to supervise other elections subcommittees.

Election District: The area which is part of the election districts of the republic and where the citizens exercise their electoral rights in accordance with the constitution and the provisions of this law.

General Elections: The direct means for the expression of the people's right to designate their representatives in the parliamentary elections or any other general election.

Electoral Final Roster: The list of legible voters officially announced. Such a list is final and irrevocable.

Balloting: The direct means for voters to express their opinion(s) in any general elections and/or referendum.

General Referendum: The direct means to solicit the public opinion in connection with vital issues such as the introduction of constitutional amendments, the dissolution of the House of Representatives or in response to a presidential call for a general referendum in accordance with the constitution.

## CHAPTER TWO: VOTING RIGHTS

Article (3): All citizens who have attained 18 complete calendar years are entitled to vote except naturalised persons who have not completed the legal period provided for in the Nationality Law since acquiring the Yemeni citizenship.

Article (4):

All voters exercise their voting rights in the election district they have their domicile, and if a person has more than one domicile, he/ she shall choose the domicile where he wishes to vote. In any event, no person can be registered in more than one electoral district. A voter can only exercise his/her right to vote in the electoral district in which he/she is registered.

A voter may have the right to change his/her domicile address and opt for another one within his/her electoral district options. In such events, the electoral address change shall be reported in writing to the head of the election committee in the new electoral district. The supreme elections committee shall also be informed so as to ensure that the name of the person concerned is deleted from the roster of eligible voters in his/he former electoral district. This has to be done before the official announcement of the lists of eligible voters in all electoral districts in accordance with the provisions of article No. (12) of this law.

No citizen shall be forced to accept one electoral district or to vote against his/her wish in favor of one candidate. Any abuse of power from the civil and/or military authorities to coerce voters is punishable in accordance with the provisions of article No. (96) of this law. Officials convicted of such violations may be dismissed from their posts.

Article (5): The supreme committee shall take all appropriate measures to

encourage women to exercise their voting rights and shall set up women's committees which shall be entrusted with registering the names of female voters in the voting registers and verifying their identity during the balloting process at the polling stations assigned to each electoral district.

Article (6): Each eligible voter shall have one vote and shall not be eligible to cast his/her vote more than once during the same electoral round.

#### Part Two: Voters' Registers

Article (7): Each electoral district shall have a permanent voter's register prepared by the main committee and other sub-committees. The area of jurisdiction and offices of these committees shall be determined by the supreme committee and the said committees shall exercise their duties in accordance with the provisions of this law and other relevant by-laws and executive orders. The Subcommittee shall submit to the main committee the registers of all eligible voters in each electoral district in order to be incorporated in the permanent voters' register of the said electoral district. Such registers shall be duly signed by the head and members of each committee.

Article (8): The voters registers in each electoral district shall include detailed lists of all citizens within each electoral district who, on January first of each year, would have become constitutionally eligible to exercise their voting rights. Such lists shall mention the surname, profession, date of birth and voting domicile of each eligible voter. Each voter may not be registered in more than one electoral district.

Article (9):

Voters' registration committees shall be held responsible for verifying the identity of each voter to ensure that he/she has attained the legal age. This may be verified by means of:

an identification card or any other official document serving the same purpose;

testimonials of two qualified eye-witnesses in the event that no official document is available for such purposes.

Article (10): The voters' register shall be made in five duplicate copies signed by the head of the main committee and by the other two committee members. One copy shall be kept at the committee's seat in the electoral district which shall be determined by the Supreme Committee, another copy shall be kept with the supreme committee and one at the Parliament Secretariat. The fourth copy shall be kept with the Supreme Court and the

fifth copy with the Supervisory Committee of each governorate.

Article (11):

Periodic review, rewriting and/or amendments of the voter's registers shall be carried out once every two years and shall last for 30 days. The last review shall be carried out two months prior to the general call for voters to partake in any general elections. The periodic reviewing shall be made to ensure that the names of all citizens who are eligible to vote are included. In any event no amendment(s) shall be affected after the general call for voters to partake in any general elections.

Any periodic reviewing shall aim at noting the followings:

Adding the names of persons who have become eligible for voting in accordance with law:

Adding the names of persons who were wrongfully omitted from the previous registers;

Deleting the names of the deceased;

Omitting the names of persons who have lost their right to vote since the latest review and those whose names have been wrongfully inserted;

Deleting the names of those who have moved from one electoral district and adding the names of those who have moved into another electoral district.

Article (12): Official copies of the voting registers for each electoral district stamped by the head of the main committee shall be posted for fifteen days from the day marking the end of the registration period. The posting shall take place in public squares and places within the limits of each electoral district and at the provincial directorate offices, and in all other places assigned by the Supreme Committee.

Article (13): Each citizen domiciled in any electoral district is entitled to have the main committee insert his name in the voters' register thereof had he/she been wrongfully omitted or deleted. Each registered voter shall have the right to demand the insertion of any name which may have been wrongfully omitted or the deletion of any name which may have been wrongfully inserted. In such instances, Applications shall be presented to the offices of the preparatory committee within 20 days from the day marking the official announcement of the voters' registers. Each application shall be recorded against a receipt in a special register marking the date of each request and/or application being filed. Each voter shall be entitled to examine such



registers.

Article (14): The add and delete applications referred to in the article cited above shall be decided upon within 25 days from the day following the dead line for filing such applications and/or requests. The committee may have an audience with the applicant and the other person involved in each case and may undertake all investigations and inquiries which are deemed appropriate by the same committee.

Article (15): The decisions of the committee in charge of formulating the voters' registers shall be posted in the places designated and referred to in article No. 12 hereof for (5) consecutive days from the day such decisions are being announced.

Article (16):

Each eligible voter from any electoral district shall be entitled to contest and appeal the decisions of the committee in charge of formulating and reviewing the voters' registers. Such appeals may be presented before the court of First Instance with due jurisdiction to deliberate on such cases. Such appeals may be filed within 15 days following the day during which the committee's decisions are being announced. The said court may undertake any investigation and/or inquiry which it deems appropriate before deciding upon the acceptance or rejection of such appeals. In any event, each case shall be decided upon by court independently. The Court may up-hold the request for amendment either by an addition or a deletion or it may otherwise overturn such a request. The court verdict(s) shall be announced within 20 days from the deadline for appeals to be filed.

Every eligible voter as well as the representative of the Public Prosecutor's Office in any electoral district shall be entitled to contest the decisions of the Court of First instance by filing an appeal to the judge appointed by the head of the court of appeals in each governorate within 15 days following the dead line for such appeals to be filed. If the need arises, several judges may be delegated to look into such appeals in various electoral districts. Court decisions in such instances shall be final and irrevocable and shall be announced within 20 days from the deadline for such appeals to be tiled.

Article (17): The voters' registers shall be amended according to the final and irrevocable decisions rendered by court in conformity with the provisions of the above relevant articles.

Article (18):

Each citizen whose name is registered in the voters' register shall be given a temporary certificate to that effect. Such a certificate shall be replaced by a permanent voter registration card once his/her registration becomes final. Such registration card shall bear the voter's photograph, full name, date of birth, voting domicile and the registration serial number and date. The card shall also indicate the voter's electoral district and the polling station where he/she may exercise voting rights. Each card shall also bear the signature and seal of the main committee in the electoral district concerned.

The voter's registration card is a personal card and may not be used by any other person except the holder during the whole voting process. The card is considered valid for the exercise of voting rights within the period of time as determined by the Supreme Committee and as indicated on the card itself. The card shall remain valid unless changed and/or replaced in accordance with the law.

The voter's registration card may be withdrawn from any person or nullified by a court order if such a person becomes ineligible for voting. Duplicate copies of court orders to that effect shall be reported to the Supreme Committee.

Every eligible voter shall have the right to request a replacement card if his/her registration card is lost and/or destroyed. Such requests shall be directed to the appropriate committee within the voter electoral district no later than a week before the balloting date. Replacement cards shall be issued on condition that the applicant's name is duly entered in the electoral final roster. The appropriate committee(s) to deliberate on such cases shall be determined in accordance with the by-laws and executive orders appertaining to the General Elections Law.

Article (19): The electoral final roster shall be remain irrevocable during the elections. No person shall be allowed to vote if his/her name is not duly entered in such a roster.

### Part Three: The Supreme Elections Committee - Duties and Responsibilities

#### Article (20):

The Supreme Elections Committee shall be composed of seven members appointed by the President of the Republic. Members of the Supreme Committee shall be selected from a list of 15 potential candidates nominated by the Parliament. All candidates for the Supreme Elections Committee shall meet the conditions and requirements stipulated by this law.

Candidates for the Supreme Elections Committee shall have to secure the nomination of at least two-thirds of parliamentary members.

Article (21):

The term of office for the committee members shall be four calendar years effective from the date of appointment.

Nominations for the Supreme Elections Committee may be filed within the first five months from the first session held by the Parliament. Committee members may be renominated and reappointed for only one second term in office.

Article (22): Candidates for the Elections Supreme Committee shall fulfill the following conditions:

they must have attained 35 years of age;

both parents of each candidate must be Yemeni nationals;

candidates must hold a college degree or its equivalent and must demonstrate appropriate experience and/or qualifications;

they must demonstrate good character and conduct;

they must not have been convicted by court for any election offense or for any other crime in breach of ethics and/or professional conduct;

they must suspend their political and/or party affiliation(s) during their tenure in office as member of the Elections Supreme Committee;

they must refrain from nominating themselves for any general elections and/or pa-taking in any election campaign during their term in office as members of the Committee.

Article (23):

The Supreme Committee's members shall have the rank of cabinet minister at least. members not having this rank prior to their appointment shall automatically be entitled to such a rank effective from the date marking their appointment.

Members of the Supreme Committee shall be accorded with all the entitlements and fringe benefits appertaining to active cabinet ministers during their term in office.

No member of the Supreme Committee shall be removed from office unless a Presidential Order is issued to that effect and only if such a committee

member becomes ineligible in accordance with the provisions of article No. (22) of this law and in conformity with an irrevocable court order to this effect. In the event of death, resignation and/or dismissal of a committee member, a replacement may be appointed from the list of candidates endorsed by the Parliament upon formation of the Supreme Elections Committee.

The committee's members shall elect a chair-person and a deputy-chair person from among themselves for the term of their membership.

Article (24): Before exercising their duties, members of the Elections Supreme Committee shall take the following oath before the President of the Republic:

"I swear in the name of Al mighty God that I shall remain faithful to The Holy Qur'an and to the teachings of prophet Muhammad and that I shall uphold faithfully the Republican System and respect the Constitution and the country's laws and orders; that I shall protect in full the people's interests and freedoms and that I shall preserve the unity, independence and territorial integrity of the whole country; that I shall execute my duties at the Elections Supreme Committee with professional integrity and honesty and without fear and bias. To this, may God be my witness".

Article (25): The Elections Supreme Committee shall be in charge of administering, controlling and supervising the general elections and any other public referendum. The committee shall be entrusted with other duties in addition to those defined in this law. These are:

Assigning electoral districts throughout the country. The distribution of electoral districts throughout the country shall be governed by the principle of equity and by demographic, geographic and social considerations. The formation and distribution of electoral districts shall be defined and made public by means of a Presidential Order;

Naming the heads and members of all Supervisory Committees as well as the head and members of each main and subsidiary committee which shall be responsible for formulating the voters' registers and shall be entrusted with the overall administration of the elections. Such committees shall be set at the most appropriate time in each electoral district. The Jurisdiction of each electoral district shall be determined by the supreme committee. Each committee shall be formed of three persons: A head and two members. All these committees shall be endorsed by at least two-thirds of the members of the Elections Supreme Committee. No committee and/or subcommittee shall be formed of one political party;

Preparing the forms, registers, documents, voters' identification cards, ballot boxes and ballot slips. All ballot slips shall be properly stamped and



shall bear the seal of the appropriate committee. The Supreme Committee shall oversee the whole electoral process and shall distribute tasks and logistics to all committees according to a scheduled time-table;

Laying down rules and appropriate regulations to guarantee the security measures required for a free and safe elections;

Preparing the electoral guide book and distributing same to the electoral committees;

Calling the electoral college to vote in the electoral districts where the Parliament declares a vacancy pursuant to the provisions of article No. (77) of the Constitution.

Article (26):

The main, subsidiary, supervisory and security committees as well as the persons in charge of security, the provincial governors, the heads of all directorates and any person who is entrusted with a duty in relation with the elections shall all be guided by the instructions of the Elections Supreme Committee. The Supreme Committee shall take all appropriate measures to ensure the neutrality of all persons from the local executive authority who may be called upon to assist in the administration of the elections.

All state-run mass-media avenues shall be under the control of the Supreme Committee and shall be governed by the Committee's guidelines in connection with the elections.

Article (27): Heads and members of each main, subsidiary and advisory committee in charge of formulating the voters' registers and/or administering the elections shall be appointed by the Supreme Committee. Each member shall meet the following conditions:

be a Yemeni national;

attain the age of 21 for committee members and 25 for heads of committees.

be a high school graduate or hold same sort of qualifications equivalent to the high school diploma;

demonstrate good conduct and character. He/she must not be convicted by court of any elections' related felony or any other violation in breach of professional ethics unless he/she has been duly rehabilitated.

In any event, no person shall be appointed as member of any of the above cited committees in an electoral district where there is a family relationship up to the fourth degree between such person and one of the candidates in the electoral district concerned.

Article (28): The supreme committee shall appoint supervisory committees for each province, each Supervisory Committee shall have its seat in each provincial capital and shall oversee the operations of the committees in charge of formulating the voters' registers and the committees in charge of administering the elections all in conformity with the public good and interests.

Article (29): The Supreme Elections Committee shall increase the number of registration and voting centers in large electoral districts to allow for the greatest participation of eligible voters in the election process.

Article (30): The Supreme Committee shall supervise the operations of all elections' committees and shall send delegates to ensure that regulations and by-laws appertaining to the election process are being properly observed and that election centers are adequately equipped and safe in accordance with the law.

The Supreme Committee shall have the discretion to assign additional committees - as deemed necessary - to assist the said committee in fulfilling its duties and responsibilities.

Article (31): The Supreme Committee shall provide the substance which is to be put on thumb of voters after casting their votes, provided that such substance remains indelible for at least 24 hours to thwart voters from casting their votes more than once during election day.

Article (32):

The costs of the election and/or referendum shall be borne by the State. The Government shall put at the disposal of the Supreme Committee all the means and equipment to enable it to fully undertake its duties.

The Supreme Committee shall have a special budget. The proposed budget shall be presented first to the Cabinet and endorsed by the Parliament. All financial allocations appertaining to the Supreme Committee shall be incorporated into the State balanced budget to be dispensed with under the jurisdiction of the said Committee.

Article (33):

The Elections Supreme Committee shall be financially and administratively independent. It shall exercise with complete integrity and neutrality all the duties, responsibilities and powers bestowed upon it in accordance with the provisions of this law. The Supreme Committee's decisions shall be made public. No party shall be allowed—in any event—to interfere in the affairs and duties of the said Committee or to restrict its powers and jurisdictions.

The Supreme Committee shall have its own administrative and executive organs. It shall also have a special cadre to be made public by a Republican Decree. The Supreme Committee shall be responsible for drafting by-laws and executive orders detailing its functions and organisational structure.

The Supreme Elections Committee shall have the executive powers and jurisdictions of the Ministry of Civil Services and the Ministry of Finance with reference to the administrative and financial affairs of the employees of the said Committee.

#### Part Four: Election Campaigns – Rules and Regulations

Article (34): The Elections Supreme Committee shall stipulate the rules and regulations governing election campaigns in accordance with the provisions of this law.

Article (35): The Supreme Committee shall take appropriate measures to increase the level of awareness among the public of the importance of the election process and of the necessity for all eligible voters to partake in it. The Supreme Committee shall also organise and publish the candidates electoral lists in each electoral district following the deadline for the submission of candidacies. No candidate shall be treated differently. The state-run media shall be banned from running or publishing any news bulletin about the elections without the committee's approval and supervision. The state-run media shall be at the disposal of the Supreme Committee. Electoral candidates shall not be allowed to use defamatory or slanderous means against each other during election campaigns.

Article (36): The Supreme Committee shall regulate the use of the state-run media (i.e. radio, TV, and the press) by all candidates on equal basis to enable them to present to the public their electoral programs. To this effect, the Supreme Committee shall undertake appropriate measures to ensure equal access to such media facilities.

Article (37): Financing election campaigns with public funds or from the budgets of ministries, public sector corporations and/or foreign sources shall be prohibited by law. The use of public institutions and facilities for election campaign purposes shall also be prohibited by law.

Article (38): The locations for posting election campaign materials within each electoral district shall be designated as of the fourteenth day prior to the General Elections. In each of the above locations, candidates shall be granted equal space. Such locations shall not exceed the limits set by the Supreme Committee.

Article (39): Each Election Committee shall designate the locations cited in the above article in accordance with the order of candidacy presentations. Local Authorities and their affiliates shall have to cooperate fully in the execution of the election committee's instructions and directives particularly those concerning the provisions of the required space and locations as specified in the above article. Failure to cooperate shall render such authorities and their affiliates legally liable. In such events, the head or deputy head of the Election Committee shall be accorded executive authorities to implement what is deemed essential.

Article (40): Candidates are not allowed to post in the space locations referred to in article (38) hereof until the end of the day preceding the General Elections:

more than two electoral posters;

More than two notices concerning electoral meeting which shall only contain the date and venue of the meeting and the names of the those registered to give a speech as well as the names of candidates.

Article (41): Candidates may not use, or allow the use of the billboards allocated to them for any purpose other than presenting their candidacy and defending their programs. Candidates may not cede the boards allocated to them to any other person.

Article (42): On election day, candidates may not distribute or cause someone to distribute programs, leaflets, cards or any other related documents. In general, on election day, government officials and local authorities may not distribute cards, leaflets or program on behalf of candidates. Bills, programs, leaflets and/or cards belonging to candidates who are not duly registered in the candidates' rolls may not be posted or circulated.

Article (43): Subject to the provisions of the following article, mosques, prayer congregation centers, colleges, schools, educational institutions, government offices, barracks, public facilities, athletic clubs and sports' facilities may not be used for election campaigns in what so ever capacity.

Article (44): Candidates shall during their election campaigns organise



electoral meetings and caucuses for the presentation of their platforms and programs to the voters. The regulations governing such meetings shall be laid down by the Supreme Committee, provided that mosques and prayer-congregation centers are not used for such purposes. The supervisory and main committees may, if necessary, authorise the equal use of educational facilities by all candidates for such electoral gatherings.

Article (45): Loudspeakers may not be used for election campaigns except in electoral meetings and caucuses held in conformity with the law. Moreover, the use of any product for election campaign purposes is prohibited. In general, all means of publicity which are not provided for in this law or authorised by the Supreme Committee may not be used by candidates.

Article (46): Authorised forms of publicity for election campaign purposes may not be attacked either by tearing or removing or any other means. Any such act shall construe an election offense.

Article (47): All parties, groups, organisations, and/or individuals are prohibited from exercising any form of pressure and intimidation or levelling treason accusations or accusations of heresy during election campaigns. Such groups are also prohibited from resorting to tactics such as waving incitements and/or promising financial or symbolic gains.

## Part Five: General Election Procedures

### CHAPTER ONE: PARLIAMENTARY ELECTIONS

Article (48): The parliament shall be composed of (301) members to be elected by direct, free and secret balloting. The Republic shall be divided into (301) electoral districts which are demographically equal in view of the General Census. In this regard, an error of estimate  $\pm 0.05$  shall be tolerated. Each electoral district shall elect one parliamentary member.

Article (49):

The President of the Republic shall call upon all eligible voters to go to the polls to elect their parliamentary representatives at least 60 days before the current Parliament concludes its term.

Procedures relating to the General Elections shall be initiated according to the dates set out by this law.

Article (50): Voting shall take place through direct, free and secret balloting.

Article (51): Every eligible voter shall have the right to apply for candidacy

to the Parliament within the electoral district of the candidate's electoral domicile subject to the following conditions:

being a Yemeni national;

having attained 25 Years of age;

being capable of reading and writing.

being a practising Muslim with good character and conduct. Candidates may not be convicted by court for a crime related to dishonorable conduct unless they have been duly rehabilitated.

Article (52): Application for candidacy shall be submitted in writing to the appropriate committee(s) responsible for receiving such application during official business hours. Candidacy applications shall be received for ten days following the opening date. Each application must contain the following information:

candidate's full name (4 names);

place and date of birth;

educational level;

political affiliation, If any;

profession and position, if employed;

electoral district and election center in which the candidate is registered as well as the candidate's address.

Applications for candidacy are filed in a special register against receipt subject to verification of the information and particulars appertaining to each candidate. Candidates shall be entitled to examine the candidates' register and file. A list of all candidates within each electoral district shall be issued and posted in the places and locations referred to in article (12) hereof as from the day following the deadline for filing candidacy applications.

Article (53): Candidates representing a political party and/or organisation shall have to secure official endorsement of their candidacy from the Secretary General or Deputy Secretary General of the party or organisation concerned.

Article (54): No candidate may run for candidacy in more than one electoral district, otherwise the candidate's nominations in all electoral districts shall be considered void. Article (55):

Any public official or member of a local council who runs for candidacy shall be deemed as having resigned from the public service and shall be reinstated if failing to succeed in getting elected. If the said official is elected, s/he shall also be reinstated in office or offered an alternative position equivalent to it at the end of his/her term in parliament.

Any local council member who may run for candidacy shall be considered as having resigned from the local Council concerned. In such cases, former local council members may not be reinstated unless duly re-elected.

Parliamentary members may not be allowed to assume any public office functions or to become local council members.

Parliamentary members may be allowed to combine only parliamentary membership with cabinet membership.

The Prime Minister, Deputy-Prime Ministers, Ministers, Deputy-ministers and directors of State Agencies and/or Public Corporations may not run for candidacy during parliamentary elections unless they have relinquished their official titles at least three months before nomination is filed.

District governors and their deputies, judges, directorates' executive officers, office-directors of ministries and governorates, executive managers of public corporations, chief security officers, military commanders and executive local council officials may not run for candidacy during parliamentary elections within the electoral districts where they assume power and authority unless they have relinquished their official titles at least 3 months before nomination is filed.

The 3 months period stipulated in (55.e) and (55.f) may be reduced to one month in re-elections following the announcement that a parliamentary seat has become vacant.

Article (56): Candidates may withdraw their candidacy seven days at least prior to election day provided that they submit a written request to this effect to the committee with which they have filed their candidacy application. The seven-day withdrawal period may be extended by the supreme committee if need arises. The withdrawal shall be recorded next to the name of the withdrawing candidate in the appropriate roster and shall be publicly announced through all state-run media sources and in the electoral district

concerned as stipulated by the Supreme Committee. The withdrawal shall also be publicised on election day by a notice posted on the door of the election committees throughout the electoral districts concerned.

In the event that a candidate dies before election day and after the deadline for filing candidacy applications and in the event that only one candidate remains in an electoral district as a result of candidacy withdrawal and/or death, the Supreme' Committee shall announce extension of the deadline for filing new candidacy applications in the said electoral district.

Article (57): If only one person remains as a running candidate in an electoral district, the Supreme Committee shall be immediately informed. Consequently, the Supreme Committee shall announce a five-day extension of the deadline for filing candidacy applications and shall take appropriate measures to ensure that the steps taken with regard to this matter are valid and are properly implemented. If no candidacy is submitted, the elections shall proceed in accordance with the provisions of this law.

Article (58):

The election process shall be administered in each electoral district by one main committee to be assisted by several other subcommittees.

Each candidate shall submit in writing to the main committee the name of his/her delegate 48 hours at least before elections day. If a candidate fails to inform the committee of the name of his /her delegate or if said delegate fails to attend on election day, the head of the committee shall randomly select a voter to act as the said candidate's representative on the committee.

In the absence of a committee head and in the event that no replacement has been officially designated, the most senior and/or oldest committee member shall take over. The Supervisory Committee may also decide to appoint a substitute.

Article (59): Each Main Committee shall designate from among its members a secretary who shall be responsible for drawing the electoral minutes which shall be stamped with the numbered seal allotted to each committee by the Supreme Committee.

Article (60): The committee's head shall be responsible for maintaining law and order and for securing an office space for the committee. If need arises, s/he shall have the right to ask for the assistance of law enforcement agencies. Military and security officers shall have no right to enter the polling stations unless they have been duly authorised to do so by the head of the committee or have actually been exercising their right to vote. The



committee may expel any person obstructing the order of the electoral process.

Article (61): Candidates may enter the polling stations and may designate in writing a registered voter to act as their representative and/or delegate. The presence in polling stations shall be limited to candidates and their duly registered representatives. Carrying fire arms, be they visible or concealed, shall be prohibited. In general, carrying weapons within the vicinity of any polling station by any person shall be prohibited.

Article (62): The General Elections shall be held in all parts of the Republic on the same day.

Article (63): On the process of casting ballots, each voter shall submit to the head of the committee in charge of the elections his/her voter's registration card. The head or any other committee member shall verify that the voter's name is duly registered in the voters' roster and shall take note of the this against the voter's name in the same roster.

Article (64):

Every candidate shall have a distinct logo clearly different from that of other candidates within the same electoral district.

Candidates shall submit to the committee in charge of receiving candidacy applications their applicable logos together with their candidacy materials before the designated deadline for this matter. The committee shall be responsible for coordinating all logos within each electoral district. Political parties and/or organisations shall have the option to designate one logo as a distinct mark of their candidates in all electoral districts.

Each ballot paper shall feature the logos and distinct marks of all candidates within each electoral district. Candidates' logos and distinct marks shall be listed in order of priority based on the date in which each application has been filed.

The head of the committee shall hand over a ballot paper to each eligible voter who shall express his/her opinion secretly in a specially designated booth placed in each polling station. Each voter shall then cast the ballot paper in the appropriate box in the presence of the head and both committee members as well as the candidates and/ or their representatives. None of the above however shall have the right to have access to the content of the ballot paper and/or to influence the voter's opinion.

after each voter cast his/her vote, the committee shall, take note of this

next to the voter's name in the appropriate register. The committee head shall also sign the registration card of each voter upon voting and shall affix the appropriate stamp upon the voter's thumb. Each voter shall be asked thereafter to emboss the marked thumb against his/her name on the voter's roster.

Article (65): Balloting shall start at 8:00 a.m. after the ballot boxes have been opened and closed before the voters, candidates or delegates who are present at the time to ensure that boxes are empty. The exact number of blank ballot papers submitted by the Supreme Committee to the election administering committee in each electoral district shall be confirmed and recorded in minutes to be signed by the head of the said committee, the other two committee members as well as the candidates or their representatives. Balloting shall continue until 6:00 p.m. The committee head shall announce the end of balloting after the last vote is castled. Voting shall, however, continue after 6:00 p.m. if there are still voters in the polling station. However at 8:00 p.m. the committee head shall announce the end of all voting operations.

Article (66): At the end of the election process, each committee in charge of the elections' administration, be it main or sub-committee, shall wax-seal the slots of the ballot box(es) and the locks' slots in the presence of the candidates or their delegates. Minutes shall be drawn confirming the time when the sealing was affected, the number of persons who have voted, the exact number of absentees, the exact number of blank ballot papers submitted by the Supreme Committee to the Main Committee, the number of ballot papers which have been actually used and those which have not been used. The minutes shall be signed by the committee head, the other two committee members and the candidates or their representatives. Sub-committees in each electoral district shall transfer to the seat of the district Main Committee the ballot boxes and all other relevant documentation. Votes shall be counted and sorted-out at the seat of each district Main Committee in the presence of the head and members of the Main Committee as well as the heads and members of all other subcommittees. The counting of votes shall be presided over by the head of the district Main Committee.

Article (67):

The committee in charge of sorting and counting of votes shall be composed of all main and sub-committee members and shall be presided over by the head of the Main Committee.

Ballot boxes may neither be opened nor the votes counted unless all main and subcommittees' members are present. Candidates or their delegates shall also be present.

Ballot boxes shall be opened after all the seals have been checked to ensure that they have not been tampered with. Minutes shall be drawn in this regard confirming the names and positions of those present and the time and place where the counting takes place. The minutes shall be signed by all those present. The sorting and counting of votes shall be as follows:

ballot papers in each box shall be counted separately. Tallies indicating the exact number of votes, names of candidates, the exact number of valid votes for each candidate and the exact number of void votes shall all be recorded. Once a ballot paper is recorded it shall be marked as such by the head of the committee.

The valid votes in favor of each candidate shall be tallied and added up to determine the standing of each candidate. All void ballots shall also be accounted for.

A cross-check shall be made to ensure that the figures appertaining to valid and void votes do commensurate with same figures provided for in article (66). The same process shall be applied to ensure that there are no discrepancies between the actual number of used and unused ballot papers at the end of voting on the one hand and the total number of blank ballots as provided for in article No. (66) on the other hand. Minutes confirming all these figures shall be drawn in effect.

A more cumulative log shall be issued detailing the total number of votes in favour of each candidate as well as the total number of ballots deemed void in accordance with the provisions stipulated in the forthcoming article. Such logos shall be duly signed by all electoral committees as well as the candidates or their representatives.

The counting of votes shall continue unabated. Candidates may not be allowed to leave the polling station where the counting of votes takes place without permission to be obtained from the committee in charge of the vote counting operation. If permission granted, each candidate shall designate in writing a deputy to oversee the counting operations during the absence of the former. If a candidate decides to leave the polling station without permission and without designating a deputy, the votes counting committee shall designate any person to represent the interest of the said candidate. Minutes to be signed by the said committee shall be drawn to this effect. The sorting and counting of votes shall proceed in the presence of the designated person who shall sign-up all minutes on behalf of the said candidate. Refusal of candidates, their deputies and/or their designates to sign-up the minutes appertaining to the counting of votes and the final results thereof shall in no way affect the final decisions to be announced by the committee in charge of sorting and

counting of votes.

Article (68):

The votes' sorting and counting committee referred to in article No. (67) in this law shall decide upon all matters concerning the validity of votes given to each candidate subject to the provisions provided for in part No. (6) of this law regarding the procedure to be followed by candidates, if necessary, to contest the General Elections' results.

Votes belonging to any of the categories below shall be deemed void:

Conditional votes;

Votes given to candidates in excess of the number required by laws;

Votes recorded on a paper other than the ballot paper delivered to the voter by the head of the committee;

In all events, ballots clearly expressing the opinions of voters shall be deemed valid.

Article (69): The winner in any given electoral district shall be the candidate who secures the proportional majority (i.e.) the largest number of valid votes. If two candidates or more share an equal number of votes, the winner shall be designated by a lot castled by the votes' sorting and counting committee. The procedure for administering a lot shall be as follows:

The names of candidates with equal number of votes shall be written, in the presence of all concerned individuals, each on a separate piece of paper. All papers used for this purpose shall be identical and equal in size. Then each piece of paper carrying the name of a single candidate shall be put in a separate envelope. Envelopes used for this purpose shall also be identical and equal in size. A person- from out-side the polling station and who has not witnessed the lot procedure- shall be called upon to select one from the envelopes provided, separate minutes shall be drawn to document the lot's results.

Article (70): Upon completion of votes' sorting and counting operations, the committee shall:

Announce, through its head and in the presence of candidates, their duties or their designates, the name of the winning candidate in the electoral district concerned. Before the official announcement is made, the committee shall draw minutes to confirm the results of voting. Such minutes shall be signed by the



committee head, all other members, the candidates, their deputies and/or their designates. The said minutes shall be issued in three forms: one original and two duplicates. The original form shall be kept with the Main Committee, one duplicate copy shall be sent to the Elections Supreme Committee and the last shall be sent to the Advisory Committee. Each candidate shall be entitled to obtain a copy of the said minutes upon request from concerned authorities.

Draw a final report in two forms: an original and a duplicate. The said report shall confirm the results of votes-counting and shall be duly signed by the head and members of the committee. The committee's official seal shall be affixed to the said report. The original copy of the report shall be sent to the Supreme Committee in an special envelope wax-sealed and bearing the official stamp of the committee. The above report shall contain the list of candidates in the electoral district concerned, the number of valid votes secured by each candidate, the number of votes deemed void, the exact number of the remaining unused ballot papers and the name of the winning candidate. The exact number of votes secured by the winning candidate shall be confirmed by the said report. All other minutes and related material shall also be enclosed.

Pile the ballot papers in favor of each candidate in bundles and shall attach to them the minutes, files, rosters and all other relevant election material. All these shall be filed in a box or more after being duly signed by the head and members of the committee. Such boxes shall be wax-sealed and shall be submitted to the Supreme Committee. The boxes shall be kept intact until the deadline for the election-contest lapses or until contentious issues appertaining to the General Elections are resolved by the Parliament.

demand an official receipt from the Supreme Committee upon delivery of the reports and documents referred to in (70.b and 70.c).

The official receipt shall confirm the name of the person taking delivery as well as the exact time and date of delivery.

Article (71):

The Supreme Committee shall officially announce the results of each electoral district upon receipt of them. Final results of all electoral districts shall be made public no later than 72 hours from the time voting officially ended.

The Supreme Committee shall issue each winning candidate a Certificate confirming the candidate's status as a winner. Such certificates may not prevent others from contesting the election results at the parliament level should the conditions for such an act are provided for by law. All main,

advisory and sub-committees or any other party are strictly prohibited from issuing any certificate in connection with the elections' results.

Article (72): Supplementary elections shall be called upon no later than six months from the date the elections were deemed void or declared impossible to proceed with or to end in any given electoral district.

Article (73): If a parliamentary seat becomes vacant for a period not less than one year before the Parliament term in office concludes, elections shall be called upon to fill the vacant seat no later than sixty days from the date the parliamentary seat was declared vacant. If a parliamentary member accepts an executive position within the Government, s/he shall forfeit his/her seat in parliament. In occasions as such, the Parliament shall inform the Supreme Committee no later than one month from the date the said parliamentary member accepts the new post. The Supreme Committee shall proceed accordingly and arrange for re-elections in the electoral district concerned.

## CHAPTER TWO: PRESIDENTIAL ELECTIONS AND PUBLIC REFERENDUM PROCEDURES

Article (74): The Parliament Presidium shall provide the Supreme Committee with a list of eligible candidates for the presidential office in accordance with the provisions of article No. (107) of the Constitution and in congruence with the provisions stipulated in articles (6, 1, 111, 112 113 and 115) of the said Constitution.

Article (75): The Supreme Committee shall be responsible for arranging presidential elections in accordance with the provisions and by-laws appertaining to parliamentary elections as provided for in this law.

Article (76): The winner in any presidential elections shall be the candidate with an absolute majority of votes vis-a-vis all other running-mates for the Office of the President of the Republic. If no candidate manages to secure the absolute majority of votes required, a presidential reelection shall be called upon for those candidates who manage to secure the highest votes. In such cases, the same electoral procedures shall be applicable.

Article (77): The results of the elections shall be announced for each electoral district. Candidates and/or their deputies shall be given a duplicate copy of the elections results for each electoral district. The Supreme Committee shall publicly announce the final results and the name of the presidential candidate winner.

Article (78): Any public referendum shall be called upon by the President of the Republic within the period of time provided for in the Constitution.

Article (79): The Supreme Committee shall be responsible – upon receipt of the presidential call for a public referendum – for the arrangement of the referendum in accordance with the provisions of the Constitution.

Article (80): If constitutional amendments of an article or more are endorsed by the Parliament, the Supreme Committee shall be informed accordingly and shall thereby undertake all measures in preparation for a public referendum over the constitutional amendments endorsed by the Parliament. If such amendments are endorsed by the Parliament within the same calendar year during which the General Elections have been scheduled, the Public Referendum and the General Election shall be conducted concurrently.

Article (81): Electoral districts and voters' registers shall be deemed the same for purposes appertaining to the Public Referendum. The provisions of article (18.6) of this law shall be applicable in this regard.

Article (82): Voters' rights provided for in this law shall be applicable to all participants in any Public Referendum.

Article (83): Without jeopardising the provisions provided for in this chapter in connection with public referendums, all laws and regulations appertaining to General Elections shall also be applicable to public referendums.

Article (84): The Supreme Committee shall undertake all measures to increase the public awareness of the referendum through the state-run media avenues (i.e. radio, TV, newspapers etc.).

Article (85): With the exception of the provisions of article No. (96.3) and article No. (97.4) of this law, offenses against any Public Referendum shall be dealt with as offenses against General Elections. All relevant penalties provided for in this law shall be applicable.

Article (86): Courts of First Instance shall be responsible for looking into all contested election and referendum cases. Decisions made by Courts of First Instance may be contested at Courts of Appeals.

Article (87): The Supreme Court shall look into contests appertaining to the Public Referendum's general results. The Supreme Court verdicts – in cases as such – shall be final and irrevocable.

Article (88): The results of any Public Referendum shall not be valid and binding unless the winning candidate manages to secure the absolute majority of votes given by all eligible voters.

## Part Six: Election Contests

### CHAPTER ONE: CONTESTED ELECTION CASES SUBMITTED PRIOR TO THE AWARD OF CERTIFICATES TO WINNING CANDIDATES

Article (89): Every eligible voter shall have the right to contest the results appertaining to the sorting and counting of votes. Contests must be submitted to the Supreme Court and must fulfill the following conditions:

they have to be submitted within 48 hours from the date electoral results have been publicised;

they must be justifiable and limited to the procedures appertaining to the sorting and counting of votes;

they must be accompanied with a guaranteed payment of fifty thousands Yemeni Riyals to be submitted to the Court Treasury Office and forwarded thereafter to the State Treasury had the disputed case been overturned. If the court rules in favour of the contestant the guaranteed amount will be refunded accordingly.

Article (90): The Supreme Court shall create a consultative body to investigate contested election cases. The consultative body shall be composed of all heads of courts of appeals or their deputies. In view of the recommendations forwarded by the consultative body with reference to contested election cases, the Supreme Court shall issue its verdicts no later than 10 days from receipt of such recommendations and before the elected parliament holds its first session. The Supreme Court's decisions shall be final and irrevocable and shall be communicated to the Elections Supreme Committee.

Article (91): The Supreme Court shall accord the winning candidate with a copy of the electoral contest lodged against him/her. The winning candidate shall be expected to submit his/her defence in writing within four days from the date the election contest has been filed.

Article (92): Contested election cases shall not prevent the Supreme Court from announcing the elections final results and from making public the names of all winning candidates. Irrespective of such contested cases, winning candidates shall be awarded certificates confirming their current status and shall be entitled to attend parliamentary sessions.

### CHAPTER TWO: CONTESTED CASES OVER PARLIAMENTARY MEMBERSHIP

Article (93): All voters and/or candidates shall have the right to submit to parliament a legally justifiable petition contesting the eligibility of a winning candidate to parliamentary membership.



Petition cases as such shall be accompanied by a financial guarantee in the amount of ten thousands Yemeni Riyals to be deposited in the State Treasury. The financial guarantee shall be forfeited had the petition been overturned. If the Parliament acted in favor of the contestant, the amount of money deposited shall be refunded in full.

#### Article (94):

The Presidium of the Parliament shall forward to the Supreme Court all contested cases appertaining to parliamentary membership with all relevant documentation no later than 15 days from the date such cases were submitted to the parliament. The Supreme Court shall investigate all cases and shall forward to the Parliament its verdicts no later than 90 days from the date such cases were forwarded to the Supreme Court. The Supreme Court decisions shall be accompanied with all relevant documentation.

The Supreme Court's decisions shall be reviewed by the Parliament no later than 60 days from the date such decisions were forwarded to the Parliament. Parliamentary membership shall not be deemed void unless decided by the Parliament. Such decisions shall be up-held by at least two-thirds of parliamentary members.

#### Part Seven: Penalties

Article (95): Penalties for violations of the provisions of this law shall be applied exclusively by courts. The Public Prosecutor's Office shall undertake all inquiries and investigation in accordance with the Code of Criminal Procedures and other applicable laws.

Article (96): The following shall be punishable by six months' imprisonment:

any person convicted of deliberate listing of false names and/or attributes in the voters register or convicted of deliberate negligence in listing names in breach of the provisions of this law;

any person caused his/her name or the name of another to be unlawfully listed, omitted or deleted while in full knowledge of the consequences of such acts;

any person convicted of any violation of the provision of part four of this law;

any person who votes with full knowledge of the fact that his/her name had been wrongfully listed in the voters' register or that s/he was no longer eligible for voting;

any person who deliberately votes on behalf of another person;

any person who discloses the vote of another person against that person's will;

any person who votes more than once in any single election;

any person who makes an unauthorised entry into any polling station and who refuses to leave the station after being ordered to do so by the committee;

any person who takes part in a demonstration or rally on elections day;

any person who steals, conceals, destroys or tampers-with documents pertaining to the elections;

any person who acts against the will of an illiterate voter by filling in a name and/or a symbol not intended by the voter. The same punishment shall be applicable to any person who may obstruct a voter from casting his/her vote.

Article (97): Any of the following offences shall be punishable by one to two years imprisonment:

Using force or threats to prevent a voter from voting or to coerce a voter to vote in favor of a certain candidate;

granting, offering or pledging to grant a voter or others on behalf of the voter certain favors and/or concessions with the ultimate purpose of coercing the voter to act in favor of a certain candidate or to abstain from voting;

agreeing to receive or demanding certain favors and/or concessions for one's self or for others in lieu of voting;

distributing or propagating inaccurate information about the character and/or morality of a certain candidate among voters with the ultimate purpose of influencing voters and thus affecting the electoral outcome;

entering a polling station with fire-arms in violation of the provisions of article (61) of this law;

swearing at, slandering or attacking any election committee or any of its members during the elections;

Article (98): Any of the following offenses shall be punishable by one year and half to 3 years of imprisonment or by a fine not less than 200,000 Yemeni

Riyals and not more than 300,000 Yemeni Riyals. The Court shall have the right to apply either of the penalties in any of the following cases:

if any one steals, conceals, destroys or tampers with the voters' register or amends its results by whatsoever means;

if any one breaches the freedom of elections and the laws and orders appertaining to that either by force or by the threat to use force.

Article (99): attempted election offenses shall be deemed actual offenses and shall be punishable in accordance with the provisions of this law.

Article (100): If an offence (committed or attempted) takes place in a polling station, the head of the Election Committee shall draw up minutes of such occurrence and shall instruct concerned authorities to arrest the offender and to hand over the case to the police and thence to the Public Prosecutor's Office in accordance with the law.

#### Part Eight: General Provisions

Article (101): Any person with legitimate interest shall have the right to file a petition against alleged practices attributed to the Elections' Supreme Committee in violation of the Constitution and applicable laws. Courts shall decide upon such allegations within 15 days from the date they were filed.

Article (102): All petitions, appeals and contests lodged in connection with this law shall be exempt from all State and judicial taxes, stamps and duties.

Article (103): Subject to the provisions of this law, local councils' elections shall be held in accordance with the Local Councils' Law.

Article (104): The Supreme Committee shall issue appropriate regulations to facilitate the job of non-government organisations and international bodies who wish to supervise the General Elections.

Article (105): The Supreme Committee shall draft all Executive By-laws and Regulations appertaining to this law. A republican decree shall be issued accordingly and in view of the draft by-laws submitted by the Supreme Committee.

Article (106): The Supreme Committee shall issue all appropriate regulations and orders subject to the provisions of this law and to the extent not contradictory with the said law.

Article (107): Law no 41/92 and its amendments as well as all other laws and regulations in violation of the provisions of this law shall be deemed void.

Article (108): This law shall come into effect from the date of its issuance and shall be made public in the Official Gazette.

The Presidency of the Republic, Sana'a

Date: August 31, 1996.

Lieutenant General ALI ABDALLAH SALEH, President of the Republic



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