



## THE FOUNDATION FOR DEMOCRATIC ADVANCEMENT

Electoral Fairness Research On Egypt under Hosni Mubarak

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## **Political Background on Egypt**

THE CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 1971  
(as Amended in 2007) (Proclamation and Articles 1 to 22)

Proclamation:

We, the people of Egypt, who have been toiling on this great land since the dawn of history and the beginning of civilization:

We, the people working in Egypt's villages, cities, plants, centers of education, industry and in all field of work which contributes to create life on its soil or which plays a part in the honor of defending this land;

We, the people who believe in our immortal and spiritual heritage, and who are confident in our profound faith, and cherish the honor of man and of humanity; We, the people, who in addition to shouldering the trust of history, carry the responsibility of great present and future objectives whose seeds are embedded in the long and arduous struggle, and which hosted the flags of freedom, socialism and unity along the path of the great march of the Arab nation;

We, the Egyptian people, in the name of God and by His assistance, pledge indefinitely and unconditionally to exert every effort to realize:

First:

Peace for our World: Being determined that peace should be based on justice, and that the political and social progress of all peoples can only be realized through the freedom of these peoples and their independent will, and that any civilization is not worthy of its name unless it is free from exploitation whatever its form.

Second:

Arab Unity: The hope of our Arab Nation, being convinced that Arab Unity is a call of history and of the future, and a demand of destiny; and that it cannot materialize except through an Arab Nation, capable of warding off any threat, whatever the source or the pretexts for such a threat.

Third:

National Development: Being convinced that the true challenge confronting nations is the realization of progress and that such progress does not occur automatically, or through slogans; but that the driving force behind it is the release of the potentials of creativity and inspiration in our people, who have asserted at all times their contribution to civilization and to humanity through work alone.

Our people have passed through successive experiences, meantime offering rich experiences on the national and international level and being guided by them, which ultimately took shape in the July 23 Revolution of 1952.

This Revolution was brought about by the alliance of the working forces of our perseverant people who were able, through profound and refined consciousness, to retain their original character, but at the same time move forward in a bid to realize full integration between science and faith, between political and social freedom, between national independence and social affiliation; and to participate in the worldwide struggle for the liberation of man, on the political, economic, cultural and ideological levels, and in the struggle against the forces of regression, domination and exploitation.

Fourth:

Freedom and Humanity of Egyptians: Realizing that man's humanity and dignity are the lights which guide and direct the course of the great development of mankind for the realization of its supreme ideal.

Man's dignity is a natural reflection of the nation's dignity, now that the individual is the cornerstone in the edifice of the homeland, the land that derives its strength and prestige from the value of man and his education.

The sovereignty of law is not only a guarantee for the freedom of the individual alone, but is also at the same time the sole basis for the legality of authority.

The alliance of the active popular powers is not a means for social strife leading towards historical development.

In this modern age, it is a safety valve, protecting the unity of working powers in the country and eliminating, through democracy, any contradictions.

We, the people of Egypt, out of determination, confidence and faith in all national and international responsibilities, and in acknowledgment of God's right and His Heavenly Messages, and in the right of the country and nation, as well as of the principle and responsibility of mankind, and in the name of the Almighty and His assistance, declare on the 11th of September, 1971 that we accept and grant to ourselves this Constitution, affirming our determination to defend and protect it, and asserting our respect for it in letter and spirit.  
Constitution of the Arab Republic of Egypt

PART I

THE STATE

Article 1[1]

The Arab Republic of Egypt is a democratic state based on citizenship.

The Egyptian people are part of the Arab Nation and work for the realization of its comprehensive unity.

Article 2

Islam is the religion of the State and Arabic its official language.

Islamic law (Sharia) is the principal source of legislation.

Article 3

Sovereignty is for the people alone; they are the source of authority.

The people shall exercise and protect this sovereignty, and safeguard national unity in the manner specified in the Constitution.

Article 4[2]

The national economy is based on the development of economic activity, social justice, the guarantee of the different forms of property and the preservation of workers' rights.

Article 5[3]

The political system of the Arab Republic of Egypt is a multiparty one, within the framework of the basic elements and principles of the Egyptian society as stipulated in the Constitution. Political parties are regulated by the law

The citizens have the right to establish political parties according to the law. It is prohibited, however, to exercise any political activity or to found any political party based on religious considerations or on discrimination on grounds of gender or race.

Article 6

The Egyptian nationality is defined by the law.

PART II

BASIC FOUNDATIONS OF SOCIETY

CHAPTER I

Social and Moral Foundations

Article 7

Social solidarity is the basis of the society.

Article 8

The State shall guarantee equality of opportunity to all citizens.

Article 9

The family is the basis of the society founded on religion, morality and patriotism.

The State strives to preserve the genuine character of the Egyptian family—with the values and traditions it embodies—while affirming and developing its character in relations within the Egyptian society.

Article 10

The State shall guarantee the protection of motherhood and childhood, take care of children and youth and provide suitable conditions for the development of their talents.

Article 11

The State shall guarantee the proper coordination between the duties of woman towards the family and her work in the society, considering her equal status with man in the fields of political, social, cultural and economic life without violation of the rules of Islamic jurisprudence.

#### Article 12[4]

The society shall be committed to safeguarding and protecting morals, promoting the genuine Egyptian traditions and abiding by the high standards of religious education, moral and national values, historical heritage of the people, scientific facts, socialist conduct and public morality within the limits of the law.

The State is committed to abiding by these principles and promoting them.

#### Article 13

Work is right, a duty and an honor ensured by the State.

Workers who excel in their field of work shall receive the appreciation of the State and the society.

No work shall be imposed on the citizens, except by virtue of the law, for the performance of a public service and in return for a fair remuneration.

#### Article 14

All citizens have the right to public offices, which are assigned to those in trust in the service of the people.

The State guarantees the protection of public officers in the performance of their duties in safeguarding the interests of the people.

They may not be dismissed on other than disciplinary grounds except in the cases specified by the law.

#### Article 15

The war veterans, those injured in war or because of it, and the wives and children of those killed shall have priority in work opportunities according to the law.

#### Article 16

The State shall guarantee cultural, social and health services, and work to ensure them for the villages in particular in an easy and regular manner in order to raise their standard.

#### Article 17

The State shall guarantee social and health insurance services. All citizens have the right to pensions in cases of incapacity, unemployment and old-age, in accordance with the law.

#### Article 18

Education is a right guaranteed by the State.

It is compulsory at the primary stage, and the State shall strive to make it compulsory at the other stages.

The State shall supervise all branches of education and guarantee the independence of universities and scientific research institutions, with a view to linking all of them to the requirements of society and production.

Article 19

Religious education shall be a principal subject in the courses of general education.

Article 20

Education in the State educational institutions shall be free of charge at the various stages.

Article 21

Combating illiteracy shall be a national duty for which all the people's energies shall be mobilized.

Article 22

The institution of civil titles shall be prohibited.

1. Laws and regulations that pertain to the political content of the media and broadcasters before, during, and after an election

# 1. Laws and Regulation on the Political Content of Media

## Main Research Findings:

The state disallows political content which damages social peace, national order, public unity, and public values. (Source: Egypt Media Law)

The state disallows political content which discredits national leaders and uses religious icons. (Source: Egypt Media Law)

Egypt does not have media ownership concentration laws. (Source: FDA researchers could find no Egyptian laws or regulations which restrict ownership concentration of media, broadcasters or the press.)

State media is guided by equality of content within the state ideological framework. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 22; Egypt Media Law)

Private media must conform to state ideology in the form of national order, public unity, public values, and social values. (Source: Egypt Media Law)

The state imposes imprisonment of 1 month to 3 years and fines ranging from 10,000 to 50,000 Egyptians (1800 to 9000 USD) for violating media content laws. (Source: Egypt Media Law)

Journalists who question the financial integrity of government and state officials face fines between 10,000 and 50,000 Egyptians (1800 to 9000 USD). (Source: Egypt Media Law)

Journalists face imprisonment up to 3 years for violating public morality and damaging national interests. (Source: Egypt Media Law)

The state imposes a maximum prison sentence of six months for anyone caught publishing or disseminating false statements or news about the conduct a political candidate. (Source: Law 73 of 1956 On the Exercising of Political Rights, Amended July 2000, Article 42)

The state requires state media to maintain an equality election propaganda by candidates. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 22)

Since 1981 through Emergency Law and Anti-Terror Laws 97 of 2002, the state can “limit basic freedoms and arbitrarily and systematically” curb human rights to protect national security. (Source: Emergency Law of 1958; Anti-Terror Law 97 of 2002; Hamdy, A. Hassan, “Civil Society in Egypt under the Mubarak Regime”, Afro Asian Journal of Social Sciences Volume 2, No. 2.2 Quarter II 2011)

Through the Emergency Law of 1958, the President or his deputy can censor, confiscate, and close newspapers on ground of public safety and national security. (Source: Emergency Law of 1958, Article 3; United Nations Human Rights Council 7th Session of the Working Group on the Universal Periodic Review (8 - 19 February 2010), ICJ Submission to the Universal Periodic Review of Egypt, August 2009 )

Through the Emergency Law of 1958, the President has the power to establish State Security Courts, appoints its judges including military judges, and try civilians accused of ordinary crimes in it. (Source: Emergency Law of 1958, Article 7; United Nations Human Rights Council 7th Session of the Working Group on the Universal Periodic Review (8 - 19 February 2010), ICJ Submission to the Universal Periodic Review of Egypt, August 2009)

The state bans foreign newspapers from being sold in Egypt. (Source: Law No. 20 of 1936)

The Ministry of Interior has the legal power to prohibit foreign newspapers from entering Egypt on ground of threat to national security. (Source: Law No. 20 of 1936, Article 20)

The Arab Satellite Broadcasting Charter protects the supreme interests of Arab countries, and limits freedom of expression by disallowing evasion of individual privacy, and give states' the right legislate their own broadcast laws. (Source: Arab Satellite Broadcast Charter, Articles 5-6)

### **Research Excerpts:**

The following excerpts were identified by the FDA researchers as relevant. The FDA researchers made some excerpts bold to emphasize high relevance:

Egypt Media Law:

A prohibition on content that damages “social peace, national order, public unity, or public values” or discredits national leaders and religious icons”

Enforcement: imprisonment 1 month to 3 years; fines ranging from 10,000 to 50000 Egyptian pounds (approx. \$1800 to \$9000)

Law 73 of 1956 On the Exercising of Political Rights

Article 42 : Without prejudice to any more tough punishment, an imprisonment of no more than one year or a fine from LE 200 to LE 500 shall be imposed on he/she who publishes or disseminates false statements or news on the subject of a referendum or the conduct of a candidate with the aim of influencing the result of the referendum or the election.

In case such statements or news are made in such a time that does not allow voters to verify them, the fine will be doubled.

**Law 73 for 1956 on Exercising of Political Rights, Amended July 2000**

**Article 48:** A penalty of imprisonment for a period of no less than 6 months together with a fine of no less than L.E 1000 and no more than L.E 5000, shall be imposed on the following."

- 1- Any person who uses force or threat to prevent someone from casting his vote in the election or referendum or to force him to cast one in a certain way;
- 2- Any person who gives, offers or pledges to give someone a benefit, for himself or for someone else, in order to force him to abstain from casting his vote or to do so in a certain way; and

3- Any person who accepted or demanded a benefit of that kind, for himself or for others;

**4- Any person who knowingly publishes or circulates false allegations or news about the subject of election or referendum or about behavior or manners of any of the candidates with the intention of affecting the result of election or referendum.**

**In the event such statements or news are circulated at a time the voters are not in a position to recognize the truth of the matter, the penalty shall be doubled.**

### **Arab Satellite Broadcasting Charter:**

#### **Article (5)**

The satellite broadcast transmission or rebroadcast transmission entities and service providers shall adopt the following rules and regulations in terms of the broadcast content that is transmitted:

1. It shall abide by freedom of expression as the cornerstone of Arab media, provided that such freedoms are practiced with full responsibility, for the protection of the supreme interests of Arab countries and the Arab world. The entities shall respect the rights of others and the commitment to media professionalism and ethics.
2. It shall adopt the principle of national sovereignty for each of the Arab states over its territory, to provide each Arab country member in the League of Arab States with the right to introduce other related detailed laws and regulations upon its own discretion.
3. It shall adopt the principle of the jurisdiction of the state of origin -- without violating the right of any person or entity to resort to the complaint and dispute resolution bodies organized by this document – with due respect to this principle that serves as a legal guarantee or safeguard for the satellite broadcast transmission or rebroadcast transmission entities and service providers of all kinds and their operators, in addition to the fact that this principle ensures an arbitration body for the future of this service.
4. It shall adopt the principle of the freedom of receiving satellite broadcast transmission and satellite rebroadcast transmission, in other words, the Arab citizen shall have the right throughout the Arab territories of any member states of the League of Arab States to receive any kind of satellite television transmission coming out of the territories of the League of Arab States members without imposing unjustified restrictions on satellite broadcast retransmission and Television materials.
5. It shall ensure the Arab citizen's right to view the major national, regional and international events including national figures or teams through a free to air or encrypted signals regardless of the ownership of these sports events rights, whether inclusive or exclusive.

#### **Article (6)**

The satellite broadcast transmission or rebroadcast transmission entities and service providers shall adopt the following rules and regulations in terms of the broadcast content that is transmitted:

1. To respect human dignity and the rights of others in all the forms and the content of satellite television programmes and the services provided.
2. To respect individual privacy and to abstain from any violations in any way.

3. To avoid inciting hatred based on ethnic, colour, racial or religious discrimination.
4. To prohibit the satellite broadcasting transmissions material that would incite violence and terrorism and to differentiate between them and the resistance of occupation.
5. To refrain from describing crimes of all forms and kinds as an alluring act or portraying the perpetrators as heroes or justifying its motives.
6. To consider the professional ethical codes in conducting dialogues and to respect the right to respond for concerned parties.
7. To consider the rights of people with disabilities in receiving the media and information services that are suitable to them in order to promote their inclusion in their societies.
8. To protect children and youngsters from all that would abuse their physical, mental and ethical growth or would incite corruption of their manners or indicate and encourage wrongdoings and negative behaviour.
9. To comply with the religious and ethical values of Arab society and maintain its family ties and social integrity.
10. To refrain from insulting God, revealed religions, prophets, mazhabs (religious sects), and religious symbols.
11. To prevent from satellite broadcasting transmission and satellite broadcast programming any materials that would include obscene scenes or dialogue or pornography.
12. To eliminate from satellite broadcasting transmission or satellite retransmission any material that would promote smoking and/or alcohol drinking, but rather highlight their dangers.

## **2. Laws and regulations that pertain to the influence of political candidates and parties before, during, and after an election**

### **Main Research Findings:**

The state requires speech and assembly to be consistent with state ideology. (Source: Egypt Media Law)

Since 1981 through Emergency Law and Anti-Terror Laws 97 of 2002, the state can “limit basic freedoms and arbitrarily and systematically” curb human rights to protect national security. (Source: Emergency Law; Anti-Terror Law 97 of 2002; Hamdy, A. Hassan, “Civil Society in Egypt under the Mubarak Regime”, Afro Asian Journal of Social Sciences Volume 2, No. 2.2 Quarter II 2011)

The state disallows criticism of government and state officials. Also, the state bans journalists from questing the financial integrity of government and state officials. (Source: Egypt Media Law)

The state imposes a maximum prison sentence of six months for anyone caught publishing or disseminating false statements or news about the conduct a political candidate. (Source: Law 73 of 1956 On the Exercising of Political Rights, Amended July 2000, Article 42)

The state disallows societies which are antagonistic to the social system, public order, and national unity. (Source: Egyptian Constitution, Article 55)

The state makes sovereignty of law the basis for rule or exercise of public power in the state. (Source: Egyptian Constitution, Article 64)

The state requires that political parties be founded on national unity and social peace. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 3)

The state requires that the purposes, policies, programs and methods of political parties not contradict the Constitution or the preservation of national unity, social peace and the democratic system. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 3 (2))

The state bans political parties which are based on religious, class, sectarian, categorical, or geographical basis, or on the exploitation of religious feelings, or discrimination because of race, origin, or creed. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 3 (4))

The state gives registered political parties 100,000 LE pounds (16750 USD) annually for ten years. After ten years, the political party must win at least one seat in the People's Assembly or the Shura Council to continue to receive public funding. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 18)

The state gives 5000 pounds (837.5 USD) for each seat won by a political candidate in the People's Assembly or the Shura Council, with a maximum of 500,000 pounds (83750 USD) to each party. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 18)

The state imposes a penalty of up to a maximum lifetime imprisonment to illegal political parties which are hostile to the state, and its ideology and existence. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Penalties) The state imposes a lifetime prison sentence if the crime against the state is through communication with an enemy country. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Penalties) In addition to the lifetime prison sentence, the state based on conviction dissolves the political organization, close their locations, and confiscates their funds, tools and related papers. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Penalties)

The state confines to jail citizens who are caught joining an illegal political party. The citizens will be imprisoned if the illegal political party is proven to be hostile to the state. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 23)

The state requires that political parties have at least 20 elected members of the People's Assembly among the founders of the political party. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 28)

The state requires presidential candidates to be at least 40 years old (Source: Egyptian Constitution, Article 75)

The Egyptian President is nominated by 1/3 of the People's Assembly and must be elected by 2/3 of the People's Assembly. The presidential candidate then participates in a people's plebiscite and must win an absolute majority. (Source: Egyptian Constitution, Article 76)

The People's Assembly is comprised of 350 members. One half of the members must be workers and farmers, which the state defines. The state allows the President to appoint ten members to the Assembly. (Source: Egyptian Constitution, Article 87)

The state requires that presidential candidates have the support of at least 250 elected members of the People's Assembly, Shura Council, and local popular councils on the governorate level, as long as 65 of them are from the People's Assembly, 25 from the Shura Council, and 10 from every local council in at least 14 governorates. In all cases, support may not be given to more than one candidate. (Source: Egyptian Constitution of 1971, Amended 2007, Article 76; Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 2)

The state allows presidential candidates from political parties founded five years before the candidacy and whose members have obtained at least 3 percent of the elected members of the People's Assembly and Shura Council. The presidential candidate must have been a member of the political party for at least one consecutive year. (Source: Egyptian Constitution Amended 2007, Article 76; Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 3) As an exception, any political party may nominate for the first presidential elections to be conducted following the enactment of this Article

(2007) a member of its leadership council established before May 10, 2005 in accordance with its by-law. (Source: Egyptian Constitution of 1971, Amended 2007, Article 76)

The election campaign is three weeks in length less two days prior to the day of balloting. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 20)

Electioneering through any media shall be only during the three week period. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 20)

The state places the following restrictions on electioneering: **1. refraining from exposing the sanctity of the private life of any candidate; 2. commitment to maintain national unity and abstention from using religious slogans;** 3. refraining from using or threatening to use violence; 4. prohibition of offering gifts, donations, assistance in cash or in kind or any other benefits or promising to offer them, directly or indirectly; 5. prohibition of using State-owned, public- sector or public-business- sector owned buildings, facilities and means of transportation in the election propaganda in any form; 6. prohibition of using public utilities, place of worship, schools, universities and others public or private educational institutions for the election propaganda purposes.(Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 21) The state imposes a fine between 10,000 LE and 100,000 LE to any citizen who violates Article 21. Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 54)

The state requires state media to maintain an equality election propaganda of the candidates. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 22)

The state requires that opinion polls shall contain full information on the organizations behind the polls, and the collection methods used in the polls, questions asked etc. The state disallows polls to be published within seven days of the balloting, and therefore, there is 14 days to publish and discriminate polls. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 23)

The state requires state media to maintain an equality election propaganda of the candidates. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 23)

Finances:

In 2008, Egypt had GDP per capita of 2030.6 USD (Source: UNdata on Egypt) In 2010, Egypt had per capita income of 6,200 or 6,397 USD. (Source: The Worldfact Book, Egypt 2010; International Monetary Fund, Egypt 2010) In 2008, the highest 10 percent had around 27.6 percent of Egyptian wealth, while the lowest 20 percent had around 8.9 percent of Egyptian wealth. (Source: World Bank Indicators, Egypt)

The maximum election campaign expenditure of presidential candidates is 10 million LE (1,675,000 USD) and 2 million LE (335,000 USD) in case of re-election. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 24)

The state subsidizes presidential candidates up to 5 percent of the minimum amount of funds allowed to be expended, and 2 percent in case of re-election. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Presidential candidates may receive donations from Egyptians or the party nominating the candidate, as long as the donations from Egyptians does not exceed 2 percent of the maximum expenditure for the election campaign. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Presidential candidates are required to deposit all electoral monies in a designated bank. The candidates are required to keep track of sources and aspects of the monies deposited. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26) The state does not require Assembly and Shura candidates to use a designated bank or keep track of sources and aspects of monies. (Source: The FDA researchers could no laws and regulations on electoral finances of Assembly and Shura Council candidates.)

Political parties are obligated to notify the Political Parties Affairs Committee of contributions exceeding 1000 LE within three months of the date set for balloting and within five days of receiving the contributions. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

The state does not require candidate and party finances to be made available to the public. (Source: The FDA researchers could find no laws or regulations which required public transparency of candidate and party finances.)

The state imprisons for five years citizens who use force or violence against the head or any member of the presidential election committee. The prison sentence will increase if there are lasting deformity on the victims and life in prison in case of the death of victims. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 44)

Any citizen who threatens the head or any member of the presidential election committee shall be imprisoned up to two years. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 45)

Any citizen who insults the head or any member of the presidential election committee shall be imprisoned up to two years or be fined between 2000 LE (335 USD) and 5000 LE (837.5 USD). (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 46)

The states imposes a fine between 5000 LE (837.5 USD) and 20000 LE (3350 USD) for any presidential candidate who spends monies on an election campaign other than from those at the designated bank or exceeds the maximum spending allowed for election campaigns. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 48)

The state disallows presidential candidates from any electoral contribution from Egyptian or foreign juridical persons or from any foreign state, agency or international organization or any corporation where any foreign person hold an equity stake or from any foreign person. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 27) For violation of Article 27, the state imposes two to five year prison sentence and all funds will be confiscated. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 55) The FDA could no application of these election contribution laws to Assembly and Shura Council candidates.

The state allows Egyptian corporations to contribute to election campaigns as long as no foreign person holds an equity stake in the company. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 27; FDA researchers could find no laws or regulations restricting Egyptian corporations from donating to election campaigns except for the 2 percent cap on donations.)

The state denies political rights for the following reasons: (1) Those convicted in relation to a criminal act, unless they have been rehabilitated. (2) Those whose properties have been put under sequestration by a decision of the Court of Ethics, as long as the sequestration is imposed. In case a ruling has been handed down confiscating the property, depriving of exercising political rights shall be for a period of five years.

(3) .....

(4) Those sentenced to imprisonment in relation to a theft, hiding stolen objects, fraudulence, bad checks, breach of trust, betrayal, bribery, bankruptcy by fraud, forging or using forged documents, **making false testament**, seducing witness, rape, corrupting the youth, **violating the public ethics**, being a vagabond; or has been involved in a crime committed to evade the military and national service; also those sentenced for attempting one of the aforesaid crimes. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(5) Those sentenced to imprisonment in relation to one of the crimes stated in articles 40, 41, 42, 44, 45, 46, 47, 48, 49 of this law. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(6) Those who were dismissed from civil service for the state or the public sector for disgraceful reasons, until the elapse of five years after the dismissal date. This is unless the person has received a final ruling revoking the dismissal order or ordering compensation.

(7) ..... (Source: Law 73 of 1956 on the exercising of political rights, Article 2)

The state denies political rights to citizens who make false statements in the news. (Source: Law 73 of 1956 on the exercising of political rights, Articles 2 and 44)

The President set the date of general elections. The election decree must be made at least 30 days for holding the elections. (Source: Law 73 of 1956 on the exercising of political rights, Articles 22)

### **Research Excerpts:**

The following excerpts were identified by the FDA researchers as relevant. The FDA researchers made some excerpts bold to emphasize high relevance:

Law 73 for 1956 on Exercising of Political Rights July 2000:

**Article 48:** A penalty of imprisonment for a period of no less than 6 months together with a fine of no less than L.E 1000 and no more than L.E 5000, shall be imposed on the following."

1- Any person who uses force or threat to prevent someone from casting his vote in the election or referendum or to force him to cast one in a certain way;

2- Any person who gives, offers or pledges to give someone a benefit, for himself or for someone else, in order to force him to abstain from casting his vote or to do so in a certain way; and

3- Any person who accepted or demanded a benefit of that kind, for himself or for others;

4- Any person who knowingly publishes or circulates false allegations or news about the subject of election or referendum or about behavior or manners of any of the candidates with the intention of affecting the result of election or referendum.

In the event such statements or news are circulated at a time the voters are not in a position to recognize the truth of the matter, the penalty shall be doubled.

Egyptian Constitution:

Article 5

The political system of the Arab Republic of Egypt is a multiparty one, within the framework of the basic elements and principles of the Egyptian society as stipulated in the Constitution (Political parties are regulated by law).

Article 47

Freedom of opinion is guaranteed.

Every individual has the right to express his opinion and to publicise it verbally or in writing or by photography or by other means within the limits of the law. Self-criticism and constructive criticism is the guarantee for the safety of the national structure.

Article 48

Freedom of the press, printing, publication and mass media shall be guaranteed.

Censorship on newspapers is forbidden as well as notifying, suspending or cancelling them by administrative methods.

Article 54

Citizens shall have the right to peaceable and unarmed private assembly, without the need for prior notice.

Security men should not attend these private meetings.

Public meetings, processions and gatherings are allowed within the limits of the law.

Article 55

Citizens shall have the right to form societies as defined in the law.

The establishment of societies whose activities are hostile to the social system, clandestine or have a military character is prohibited. (Egypt Constitution 1971)

Citizens shall have the right to form associations as defined by the law.

The establishment of associations whose activities are detrimental to society or have a clandestine or military character is prohibited. (Egypt Constitution Amended 2007)

Article 62

Citizens shall have the right to vote, nominate and express their opinions in referendums according to the provisions of the law.

Their participation in public life is a national duty.

Article 64

Sovereignty of the law shall be the basis of rule in the state. (Egyptian Constitution, 1971)

The rule of law shall be the basis of the exercise of public power in the State. (Egyptian Constitution Amended 2007)

#### Article 75

The person to be elected President of the Republic must be an Egyptian born to Egyptian parents and enjoy civil and political rights.

His age must not be less than 40 Gregorian years. (Egyptian Constitution Amended 2007)

#### Article 76[14], [15]

The President shall be elected by direct, public, secret ballot. In order to be accepted as a candidate to the presidency, a person must be supported by at least 250 elected members of the People's Assembly, the Shura Council and the elected regional assemblies who must include at least 65 members of the People's Assembly, 25 of the Shura Council and ten of members of the regional assemblies in at least 14 regions.

The number of members of the People's Assembly, the Shura Council and local popular councils at provincial level shall be raised in proportion to increases in number of any of these councils. In all cases, support may not be given to more than one candidate.

Procedures related to the nomination process shall be regulated by the law. Political parties which have been established at least five years before the announcement of the candidacy and have been operating without interruption during this period, and whose members have obtained at least 3% of the elected seats in both the People's Assembly and the Shura Council or the equivalent of the combined total of these numbers in one of the two assemblies may nominate for President a member of their leadership council in accordance with their own bylaws, provided the candidate has been a member of the council for at least twelve consecutive months.

As an exception to the provisions of the aforementioned paragraph, the afore-mentioned political parties whose members obtained at least one seat in either the People's Assembly or the Shura Council in the last election may nominate in any presidential elections to be held within ten years of May 1, 2007 a member of their leadership council in accordance with their by-laws, provided he has been a member of the council for at least twelve consecutive months.

Candidacies shall be submitted to an independent committee named Presidential Elections Committee. The Committee shall be composed of the head of the Supreme Constitutional Court as a chairman and the head of the Cairo Court of Appeal, the most senior deputy of the head of the Supreme Constitutional Court, the most senior deputy of the head of the Court of Cassation, the most senior deputy of the State Council and five public figures, recognized for their impartiality. Three of the aforementioned public figures shall be selected by the People's Assembly and the other two by the Shura Council upon a recommendation of the bureaus of both houses for a period of five years.

The law shall determine who will act on behalf of the chairman or any member of the Committee, should they be unable to perform their functions for some reason.

This Committee shall have the following exclusive competences:

1. To declare the opening of the candidate selection process and supervise procedures for fixing the final list of candidates;
2. To generally supervise balloting and vote-counting procedures;
3. To announce elections results;
4. To decide on all appeals, challenges and all matters related to its competences, including conflicts of jurisdiction;
5. To draw up by-laws regulating its modus operandi and the procedures for the discharge of its functions.

The Committee's resolutions shall be adopted with a majority of at least seven members. Its resolutions shall be final, self-executing and incontestable by any means or before any authority whatsoever. Its resolutions may not be challenged by way of interpretation or by granting a stay of execution. The law regulating presidential elections shall determine other competences of the Committee.

The law shall also determine the rules governing the nomination of a candidate who is to replace another candidate who has abandoned his candidacy for some other reason than his assignment to public functions in the period from the opening of the candidate selection process until the end of the presidential vote. (Egyptian Constitution Amended 2007)

Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments:

#### Article (3)

Political parties founded according to the provisions of the present law shall contribute to achieving the political, social, and economic progress of the country on the basis of national unity, the alliance of the people's working forces, social peace, democratic socialism, and maintenance of the workers' and farmers' gains, in the manner defined in the Constitution.

These parties, being considered as national, public, and democratic organizations, shall work on rallying the citizens and representing them politically.

Second:

The principles, purposes, programs, policies, or methods of the party in exercising its activities shall not contradict the Constitution or exigencies of preserving national unity, social peace, and the democratic system.

Fourth:

The party, in its principles, programs, the exercise of its activity, or the election of its leaderships or members, shall not be founded on a religious, class, sectarian, categorical, or geographical basis, or on the exploitation of religious feelings, or discrimination because of race, origin, or creed.

#### **Article (18)15**

The state shall provide annual financial support to the political parties, the appropriations of which shall be included in the budget of the Shura Council. The Political Parties

Affairs Committee shall assume its distribution as follows:

1. One hundred thousand pounds annually to each party for a period of ten years. For entitlement to this support after that period, the party shall conditionally have at least one seat won by one of its candidates in the People's Assembly or the Shura Council elections.
2. Five thousand pounds for each seat won by the party candidate in the People's Assembly or the Shura Council elections, with a maximum of five hundred thousand pounds for each party.

#### Penalties

The penalty shall be lifetime or temporary penal servitude if the illegal party organization is hostile to the system of the society, or if it is of military or paramilitary nature, or is taking the form of violent training aimed at preparation for fighting, or if the crime is committed on the basis of communicating with a foreign country.

The penalty shall be lifetime penal servitude if the crime is committed on the basis of communicating with an enemy country.

In all cases, the court in passing a conviction sentence shall rule dissolving the said organizations, closing their locations, and confiscating their funds, possessions, tools, and related papers or those prepared for use by them.

#### **Article (23)20**

Whoever joins an illegal party organization even if this party is under any religious veil, or in the form of association, body, organization, or a group whatever the name or description dubbed to it, shall be confined to jail.

The penalty shall be imprisonment if the organization mentioned in the provisions clause is hostile to the system of the society, or if it is of a military or paramilitary nature, or is taking the form of violent training aimed at preparation for fighting, or was established through communication with a foreign county and the delinquent was aware of it.

#### Article (28)

In exception of the provisions of Article (7), it is stipulated for the foundation of any political party effective from the date of enforcing this law until beginning the last session of the present law until beginning the last session of the present legislative term of the People's Assembly, that at least twenty members of the said Assembly shall be among the founders of the party.

Articles (2, 3 and 9) of law No. 34 of the year 1972 concerning the protection of national unity, and Article (2) of decree-law No. 2 of the year 1977 on protection of the nation's and citizen's freedom shall be superseded.<sup>22</sup>

Law No. 174 for the year 2005 On Regulating the Presidential Elections:

Article (2):

For an applicant to be accepted as a candidate to presidency, he shall be supported by at least 250 elected members of the People's Assembly, the Shura Council and local popular councils on governorate level, provided that those shall include at least 65 members of the People's Assembly, 25 of the Shura Council and ten of every local council in at least 14 governorates.

The number of members of the People's Assembly, the Shura Council and local popular councils on governorate level supporting candidature shall be raised in pro-rata to any increase in the number of any of these councils.

In all cases, support may not be given to more than one candidate.

Article (3):

Political parties, founded at least five years before the starting date of candidature and have been operating uninterruptedly for this period, and whose members have obtained at least 5% of the elected members of both the People's Assembly and the Shura Council, may nominate for presidency a member of their respective upper board, according to their own by-laws, provided he has been a member of such board for at least one consecutive year.

Article (20):

The election campaign shall run from the beginning of the three weeks prior to the date set for balloting, up to two days before this date. In case of re-election, it shall start as of the day following announcing the poll results up to 12 noon of the day preceding the date set for balloting in the reelection.

Electioneering through any media whatsoever shall be banned in any other dates. Electioneering shall include activities by the candidate and his supporters, targeting the persuasion of voters in his favor through limited and public meetings, dialogues, by publishing and distributing election propaganda materials, signs and posters as well as by using audio-visual, printed and electronic media, and thorough such activities as are allowed by the law or the PEC decisions.

Article (21):

In the election propaganda, compliance shall be observed with the provisions of the Constitution, the law, the PEC resolutions as well as the following rules:

1. refraining from exposing the sanctity of the private life of any candidate;
2. commitment to maintain national unity and abstention from using religious slogans;
3. refraining from using or threatening to use violence;
4. prohibition of offering gifts, donations, assistance in cash or in kind or any other benefits or promising to offer them, directly or indirectly;
5. prohibition of using State-owned, public- sector or public-business- sector owned buildings, facilities and means of transportation in the election propaganda in any form;
6. prohibition of using public utilities, place of worship, schools, universities and others public or private educational institutions for the election propaganda purposes

Article (22):

State-owned audio-visual media shall maintain equality between candidates when used for election propaganda purposes. The PEC shall have the competence to take such measures as it deems necessary in case of violating the provisions of this article.

Article (23):

Opinion polls on presidential elections, broadcast or published by media, shall contain full information on the entities conducting financing and the opinion polls, the questions contained therein, sample size and place, questionnaire technique, data collection method, date of conducting and potential error ratio for results. It is prohibited to broadcast or publish such public opinion polls to publish within the seven days prior to the date of balloting and up to its completion.

Article (24):

Maximum expenditure by each candidate on the election campaign shall be LE 10 million, and LE 2 million in case of re-election.

Article (25):

Each presidential candidate shall obtain a financial aid from the state equivalent to 5 % of the minimum funds allowed to be expended in the election campaign, as well as a financial aid equivalent to 2 % of this sum in case of re-election.

Article (26):

Each candidate may receive contribution in cash or in-kind from Egyptian natural persons or from the party nominating him, provided that contributions from any natural person shall not exceed 2 % of the maximum expenditure allowed on the election campaign.

The candidate shall open an account in local currency at one of the banks designated by the PEC, wherein he shall deposit all contributions in cash received thereby as well as the financial assistance obtained from the state and any allocations of his own money.

The candidate shall keep the PEC posted on all amounts deposited in his account as well as sources and aspects of expenditures, on such dates and through such procedures as are set by the PEC. No expenditures on the election campaign shall be made beyond this account. The PEC shall allocate the remaining balance on that account to contributions on a pro-rate basis, in accordance with such procedures as may be specified by the PEC.

Parties shall be under obligation to notify the Political Parties Affairs Committee of the contributions exceeding LE 1,000 each received thereby within the three months prior to the date set for balloting, which notice shall be given within the five days following receipt of the contribution.

Article (27):

It is prohibited to receive any contribution or support in cash or in kind for the election campaign from any Egyptian or foreign juridical person, or from any foreign state, agency or international organization or any corporation where any foreign person holds an equity stake or from any foreign natural person.

The candidate shall submit to the PEC, within 15 days from announcing the election result, a statement showing total revenue obtained thereby, as well as their source and nature and amount and aspects of expenditure on the election campaign.

After hearing statements by the candidate and investigating his defense orally or in writing, and the PEC having approved the above-said statement, the candidate shall undertake to reimburse to the State treasury such financial aid he had previously obtained.

Each candidate may authorize some one else to undertake on his own behalf such acts and procedures as may be required for the enforcement of the provisions of this, including all financial matter, per a notarized power of attorney authenticated by a Notary-Public office, furnishing an official copy of the power of attorney to the PEC.

Article (44):

"Any person who uses force or violence against the head or any member of presidential election committee, with the intention of preventing him from performing his assigned duty or forcing him to do so in a special way, even though he has failed to realize his intention, shall be penalized with no more than 5-year imprisonment".

Should the offender realize his intention, imprisonment would be the penalty, and it shall be aggravated imprisonment should the offender inflict beating on cuts leading to a lasting deformity, and it shall be life imprisonment should the beating on the cuts led to death."

Article (45):

"Any person who threatens the head or any members of a presidential election committee, with the intention of preventing him from performing his assigned duty shall be penalized with imprisonment for a period not exceeding two years."

Article (46):

"Any person who insults, by gesticulation or in words, the head or any member of a presidential election committee during or due to the performance of his duty shall be penalized with imprisonment for a period not exceeding two years or with a fine of no less than L.E 2000 and no more than L.E 5000".

Article (48):

"A penalty of imprisonment for a period of no less than one year together with a fine of no less than L.E 5,000 and no more than L.E 20,000, or either shall be imposed on the following."

1-Any person who spends on election propaganda amounts other than those deposited on his bank account referred to in Article (26) hereof or spends the funds deposited on this account on other purposes than election propaganda.

2- Any person whose expenditure exceeds the maximum amount allowed for election propaganda.

Article (54):

A penalty of of no less than one year- imprisonment together with a fine of no less than L.E 10,000 and no more than L.E 100,000, or either shall be imposed on any person who violates the provisions governing election propaganda as stipulated in Article 21 hereof.

Article (55):

A penalty of imprisonment for a period of no less than two and nor more than five years or either shall be imposed on any person who violates the provisions governing election propaganda as stipulated in Article 27 hereof" . Additionally, the funds received shall be confiscated.

Law 73 of 1956 on the exercising of political rights:

In the name of the Nation

The Ministerial Council

Having reviewed the constitutional declaration issued on the 10th of February 1953;

And seeing the decision issued on the 17th of November 1954 giving the Ministerial Council the power of the President of the Republic;

And having reviewed decree no. 48 of 1935 on elections, and the laws amending it;

And based on what has been believed by the State Council;

And what has been presented by the Minister of the Interior;

Has issued the following law:

Chapter One

on Political Rights, and their exercise

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Article 1 : Any Egyptian, male or female, on attaining the age of eighteen solar years, may exercise, independently, the following political rights:

First: Making opinion on the following:

- 1- The referendum for selecting the President of the Republic
- 2- All other referendums stated by the constitution

Second: Electing the members of the following:

1. The People's Assembly
2. The Shura (Consultative) Council
3. Local Popular Councils

Officers and personnel of the main, subordinate, or additional forces of the army, as well as police officers and personnel shall be exempted from this duty throughout their service at the army or police.

Exercising the aforesaid rights shall be within the ways and conditions laid down in this law.

Article 2: The following subjects may not exercise political rights:

- (1) Those convicted in relation to a criminal act, unless they have been rehabilitated.
- (2) Those whose properties have been put under sequestration by a decision of the Court of Ethics, as long as the sequestration is imposed. In case a ruling has been handed down confiscating the property, depriving of exercising political rights shall be for a period of five years.

(3) .....

(4) Those sentenced to imprisonment in relation to a theft, hiding stolen objects, fraudulence, bad checks, breach of trust, betrayal, bribery, bankruptcy by fraud, forging or using forged documents, making false testament, seducing witness, rape, corrupting the youth, violating the public ethics, being a vagabond; or has been involved in a crime committed to evade the military and national service; also those sentenced for attempting one of the aforesaid crimes. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(5) Those sentenced to imprisonment in relation to one of the crimes stated in articles 40, 41, 42, 44, 45, 46, 47, 48, 49 of this law. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(6) Those who were dismissed from civil service for the state or the public sector for disgraceful reasons, until the elapse of five years after the dismissal date. This is unless the person has received a final ruling revoking the dismissal order or ordering compensation.

(7) .....

Article 3: Exercising political rights shall be suspended for the following persons:

(1) Those placed under interdiction, throughout the period they are so.

(2) Those with mental diseases who are detained, throughout the period of their detention.

(3) Those declared bankrupt, for five years as of the date they have been so declared, unless they have been earlier rehabilitated.

## Chapter Two on Electoral Lists

Article 4 : Anyone, male or female, who has the right to exercise political rights must be registered in Electoral lists. Nevertheless, those who attained the Egyptian nationality by naturalization shall not be registered before five years after their naturalization date.

Article 5 : Electoral lists shall be created to register those who meet the conditions set for electors, where there is no reason that would prevent them from exercising their political rights, from the 1st of November of each year to the 31st of January the following year. Such lists shall be posted from the first day to the last day of February, in the manner and places laid down in the executive regulations of this law.

Article 6: The regulation shall state the areas which will have a special electoral list each. It shall also mention how electoral lists will be prepared, their content, revision, amendment, posting, the areas where the lists will be kept, the formation of the committees which will be charged with registration, and other details mentioned in this law.

Article 7 : The Public Prosecution shall inform the Ministry of the Interior of the final rulings against citizens, which would result in depriving or suspending their exercising of political rights.

In case of the dismissal of workers in the state or the public sector for disgraceful reasons, the department for which they work shall inform the Ministry of the Interior.

In all cases, informing the Ministry must take place within fifteen days as of the date the ruling or the decision becomes final.

Article 8 : The registration committee has the right to request that the person who has registered his/her name, or is willing to register his/her name, present his/her ID, and prove his/her age and nationality.

Article 9: Voters may not register in more than one electoral list.

Article 10: Once voters have been invited to the election or the referendum, no changes shall be made to the electoral lists. However, the dates stated in article five and following articles shall start fully anew as of the following day of announcing the results of the elections or the referendum by the Minister of the Interior.

Article 11: Voting domicile is usually the place of residence of the voter. However, voters have the right to register at the domicile of their main work, or where they have serious interest, or at the domicile of their family even if they do not live there.

The executive regulations shall explain how the selection of the voting domicile is made, and its dates.

In case of changing voting domicile, voters shall announce this change in the manner stated in the previous paragraph.

Article 12: Voting domicile for Egyptians living abroad who are registered in Egyptian consulates shall be the last domicile they lived at in Egypt before their travel. Voting domicile of Egyptians who work on board of Egyptian ships shall be the harbor where the ship they work on is registered.

Article 13: .....

Article 14: Electoral lists must be posted.

The executive regulations shall explain how such electoral lists will be posted.

Article 15 : Citizens who missed registering their names with no legal reason, those whose data bore a mistake on registration, those who become qualified voters, and those who were prevented to vote and the reasons preventing them have become invalid, shall request registering their names or correcting their data.

Every registered voter has the right to request registering a name or deleting a name which was unlawfully overlooked or registered, and to request correcting registered data.

Such requests shall be made until the 15th of March of every year. Requests shall be presented in writing to the Security Director of the Governorate. The request shall be registered in accordance to the date on which they were received. Receipts will be given to the applicants.

Article 16 : A committee chaired by the head of the court of First Instance at the Governorate, and made of Security Director of the Governorate, and a Chief Prosecutor to be selected by the Public Prosecutor, shall decide on the requests mentioned in the previous article, within one week of lodging the requests. The committee shall send its decisions to those concerned within three days as of their issuance.

Article 17 : Those whose requests have been rejected, or whose names have been crossed out have the right to challenge, with no charges, the decision of the committee mentioned in the previous article. The challenge will be made before the competent administrative court. The administrative department of the court will register these challenges in a special record according to the order of receiving them. It will inform the applicant, the head of the Registration Committee, the chair of the committee mentioned in the previous article, and those concerned, by registered mail, of the date of the session scheduled to hear the challenge. This notification must be at least five days before the date of the session.

Article 18: Any registered voter has the right to become a party in front of a court in relation to any dispute regarding the registration or omission of any name.

Article 19 : The administrative court shall speedily decide on the challenges. The rulings made in this regard may not be challenged by any means.

The court may order a fine of no more than LE 100 against whose challenge is rejected.

Article 20 : The administrative department of the court shall inform the Security Director of the Governorate, and the Registration Committees of the rulings issued changing the lists. This notification must be made within five days as of issuing the rulings.

Article 21: The head of the Registration Committee shall give a certificate to every one registered in the lists about his/her registration. The form, content, and means of delivering such certificates will be detailed in the executive regulations.

### Chapter Three on Organizing the Referendum and Election Processes

Article 22 : The date of general elections shall be set by a presidential decree, whereas the date of complementary elections shall be set by a decision of the Minister of the Interior. The decree or decision shall be made at least thirty days before holding the elections.

In referendums, the decision must include the subject of the referendum, and the date set for it, which shall observe the dates stipulated for referendums as stated in the constitution.

Article 23: The decision inviting voters to elections or referendums shall be announced by its publishing in the official gazette.

Article 24 : The Minister of the Interior shall decide the number and location of general and sub-polling stations where elections and referendums will be held. Each station will have a head and no less than two members. Each station will have a secretary.

Heads of general and sub-polling stations will be appointed from the members of the judicial organizations. Polling stations' secretaries will be selected from the workers at the state, public works sector, or the public sector.

Every judicial body shall nominate the members it agrees on to be selected to supervise the balloting

process. A list of the nominees' names shall be sent to the Minister of Justice to coordinate between them in the presidency of polling stations.

Other members shall be selected upon the consent of the areas they report to.

The Minister of the Interior shall make a decision on the formation of general and sub-polling stations, and their secretaries. In all cases, this decision shall state who would replace the head of the station in case of his absence or inability to work. In cases of referendums, the heads of polling stations shall select the members of the station from the literate voters registered in the domicile of the station.

In case of elections for the People's Assembly or the Shura Council, every candidate may delegate a member from the voters within the scope of the general polling station, to be his representative in the general polling station, as well as a member from those registered in the sub station to be his representative in the sub station. The candidate shall inform the head of the station in writing the day before the elections. If half an hour has passed after the time assigned for starting the elections and the number of representatives has not reached two, the head of the station shall complete this number from the attending literate voters registered in the scope of the station. In case the number of representatives is more than six, and candidates could not reach an agreement, the head of the station shall select from them by drawing lots.

In addition, every candidate shall have the right to assign one of the voters registered in the same constituency as his deputy to represent him before all general or sub stations. The deputy will have the right to enter polling stations during the voting process, and request the head of the station to record whatever notes he might want to make in the minute. The deputy is not permitted to enter the voting hall in any other case. The letter of attorney shall be ratified by an administrative department. The ratification shall be for free even if by the department authorized to ratify signatures. Mayors and sheikhs, even if suspended, may not be selected as delegates or deputies.

Article 24 bis : .....

Article 25 : If a member of the polling station or its secretary is temporary absent, the head of the station shall select one of the literate attending voters to replace him.

Article 26 : Discipline in the polling station shall be the responsibility of the head of the station. For its maintenance, the head of the station has the right to call the police or military forces when necessary. The police or the military forces may not enter the station unless upon the request of its head.

The polling station consists of the building where voting hall exists, and the space around it. The head of the polling station shall specify this space before the process starts.

Article 27: Only voters have the right to come to polling stations. They are prohibited to come with arms. Candidates always have the right to enter the polling station.

Article 28 : The voting process shall last from 8 a.m. to 7 p.m. Nevertheless, in case voters, who have not yet cast their votes, are present at the polling station at 7 p.m., the voting process will continue until they cast their votes.

Article 29 : Voting in elections or referendums shall be implemented by ticking on a balloting card prepared especially for this purpose.

The head of the polling station shall give each voter an unfolded balloting card, sealed in its back by the committee, carrying the date of the election or the referendum. The voter shall be directed to one of the sides assigned to voting in the polling station itself. He/she shall make his vote and return the card folded to the head of the station who will insert the card in the balloting box. At the same time, the polling station secretary shall place a tick in front of the name of the voter who cast his/her vote.

To guarantee the secrecy of the election or the referendum, balloting cards shall be designed in such a way that associates the name of each candidate in an election, or each subject in a referendum, with a certain color or symbol to be defined by a decision of the Minister of the Interior.

The executive regulations shall describe the form and content of the balloting card, as well as the way of voting. Pencils shall not be used.

However, seeing-impaired persons, and other people with disabilities that may prevent them from casting their votes by themselves, may express their opinions verbally to be heard only by the members of the committee in charge of the polling station. The secretary shall then record the voter's opinion in his/her balloting card, which will be signed by the head of the station. It will then be clarified in front of the voter's name in the electoral list that he/she cast his/her vote in such a way.

These disabled persons can also ask the persons accompanying them to write down their opinion on the balloting cards they receive from the head of the station, in front of the station's committee. This authorization shall be noted in the committee's minute.

Article 30: Voters may not cast their votes more than once in an election or a referendum.

Article 31 : On casting their votes, voters shall present to the station's committee their voting card, and shall identify themselves to the committee by any means. Those who have lost their voting cards shall be allowed to cast their votes as long as their names are on the electoral lists of the polling station.

Article 32 : The head of the polling station shall sign on the voting card that the voter has cast his/her vote. The secretary of the station shall sign on the voters' list that the voter has cast his/her vote.

However, in cases of referendums, voters who happen to be in a city or a village other than that at which they are registered, shall be allowed to vote in the city or village in which they exist, provided that they present to the polling station committee their voting cards.

In such cases, the station's secretary shall write down, based on the voting card, the voter's surname, family name, the voting domicile of the voter, the police station at which the voter is registered, and the voter's registration number in the electoral lists. This information shall be written in a separate list made into two copies, signed by the head of the polling station's committee, its members, and secretary.

The head of the station shall hand over a copy of this list to the Chief of the police station where the constituency is located.

Article 33 : Votes which are pending on any condition, or bear more or less selections than the required number shall be invalidated. Also, in case a voter casts his/her vote on a card other than that handed to him/her by the head of the station, or on a paper that includes the signature of the voter, or bearing any other sign or mark that would reveal his/her identity, the vote shall also be invalidated.

Article 34 : The heads of sub-polling stations shall announce the ending of the voting process once the closing time is due. Ballot boxes shall be sealed. The head of the station shall hand them over to the head of the counting station's committee.

The counting station committee shall be made of the head of the general station as a chair, and two of the heads of sub stations selected by the head of the general station as members. The secretary of the general station shall be in charge of the secretariat of the counting station. Counting shall take place in the presence of the heads of sub polling stations, each on the counting of the votes of his station. The counting committee may request them to take care of the counting process under its supervision.

Candidates may delegate representatives to the counting stations in the constituencies they are running at. The counting committee must complete its work maximum by the day following the voting.

The counting committee shall make a minute on the procedures of counting the votes in the boxes of each sub-polling station. The minute shall be signed by the head of the counting station, its secretary, and the head of the sub-polling station.

Article 35 : The counting committee shall decide on matters related to the voting process, or to the validity or invalidity of votes.

The deliberations of the counting committee shall be confidential. They shall only be attended by the head and members of the committee.

Decisions shall be made by absolute majority. In case of even voting, the side the head of the committee is on shall be the dominant one.

Decisions shall be written down in the committee's minute, and reasons shall be mentioned, signed by the head and the members of the committee. The head shall then read them aloud.

Article 36 : The head of the general station shall announce the result of the election or referendum, and the number of votes obtained by each candidate in the constituency. Both the head and the secretary of the general station shall sign two copies of the minutes of the session. One copy, with all the voting ballots, shall be sent directly to the Minister of the Interior. The second copy shall be kept in the Security Directorate Office.

Article 37 : The general result of the election or the referendum shall be announced by a decision of the Minister of the Interior within the three days following his receiving the minutes of the election or referendum stations.

Article 38: Following the announcement of the elections results, the Minister of the Interior shall send each elected candidate a certificate of his election.

## Chapter Four on Elections Offenses

Article 39 : A registered voter who missed casting his/her vote in an election or a referendum without accepted reason, shall pay a fine of no more than LE 20.

Article 40 : Imprisonment and/or a fine of no more than LE 500, shall be imposed on the following:  
First: He/she who deliberately registered, or did not register, or deleted his/her or another person's name in electoral lists, in contradiction with the provisions of this law.

Second: He/she who has been able to register his or another person's name while he is aware that he/she or this other person do not meet the conditions stated for voters; similarly, punishment shall be imposed on he/she who has been able, in the aforesaid manner, to delete the name of another person.

Article 41: The punishments mentioned in the previous article shall be imposed on the following:

First: He/she who uses force or threat to prevent a person from casting his/her vote in an election or a referendum, or force him/her to vote in a certain way.

Second: He/she who gives, offers to give, or commits to benefit someone else, whether for himself or for a third party, to seduce him/her to vote in a certain way, or prevent him/her from voting in a certain way.

Third: He/she who accepts, or requests, a benefit of this kind for himself/herself or for a third party.

Article 42 : Without prejudice to any more tough punishment, an imprisonment of no more than one year or a fine from LE 200 to LE 500 shall be imposed on he/she who publishes or disseminates false statements or news on the subject of a referendum or the conduct of a candidate with the aim of influencing the result of the referendum or the election.

In case such statements or news are made in such a time that does not allow voters to verify them, the fine will be doubled.

Article 43 : A fine of no more than LE 100 shall be imposed on the following:

First: He/she who enters a polling station at the time of an election or a referendum carrying a weapon of any kind.

Second: He/she who enters a polling station at the time of an election or a referendum without having legal right to do so, and does not get out upon the order of the head of the station.

Article 44 : Imprisonment and/or a fine from LE 200 to LE 500 shall be imposed on the following:

First: He/she who cast a vote in an election or a referendum while aware that his/her name had been illegally registered in the electoral lists.

Second: He/she who cast his/her vote under the name of someone else.

Third: He/she who votes in an election or a referendum more than one time.

Article 45 : An imprisonment for no less than six months shall be imposed on he/she who embezzles, hides, damages, or destroys a registration list, electoral cards, or any other documents related to the electoral or referendum processes; and will also be imposed on he/she who changes the result of the election by any means with the aim of changing the truth in the result of the election or the referendum, or with the aim of creating reasons that necessitate repeating the election or the referendum.

Article 46: The punishments stated in the aforesaid article shall be imposed on anyone who, by the use of force, violates the freedom or the procedures of an election or a referendum.

Article 47 : An imprisonment sentence of no less than one year shall be imposed on any civil servant who is connected to the election or the referendum process who has committed one of the offenses mentioned in articles 45 and 46.

Article 48: An imprisonment sentence of no less than six months shall be imposed on anyone who seizes, destroys, or replaces a box containing balloting cards, or changes the cards it includes.

Article 49: Attempting one of the offenses stated in this law will be punished with the same penalty stated for committing the full offense.

Article 50: General and civil claim in the offenses mentioned in this law shall be dropped six months after the date of announcing the results of the elections, or the date of the last action related to the investigations.

Article 51: The head of the polling station committee shall have the power authorized to law enforcement officers with respect to the offenses committed or attempted in the polling station.

## Chapter Five

### General provisions, and temporary provisions

Article 52 : Invitation for a referendum shall be acted out upon a decree by the President of the Republic.

Article 53 : The Minister of the Interior may make a decision amending the dates stated in this law, or dividing them into terms. This is on making electoral lists for the first time.

Article 54: In case a voter will use government railways to move from his/her place of residence to his/her voting domicile, the voter shall be given two free tickets back and forth on presenting his/her voting card, as explained in the executive regulations.

Article 55: Decree number 148 of 1935, as well as any provision contradicting this law, shall be revoked.

Article 56: Ministers, each in his field, shall implement this law. The Minister of the Interior may issue his ministry's executive regulations. The law shall enter into force as of the date of its publishing in the official gazette.

Issued at the Presidential Office on the 20th of Ragab 1375 (3rd of March 1956). (Gamal Abdel Nasser)

### **3. Laws and regulations on electoral finance**

#### **Main Research Findings:**

In 2008, Egypt had GDP per capita of 2030.6 USD (Source: UNdata on Egypt) In 2010, Egypt had per capita income of 6,200 or 6,397 USD. (Source: The Worldfact Book, Egypt 2010; International Monetary Fund, Egypt 2010) In 2008, the highest 10 percent had around 27.6 percent of Egyptian wealth, while the lowest 20 percent had around 8.9 percent of Egyptian wealth. (Source: World Bank Indicators, Egypt)

The state gives registered political parties 100,000 LE pounds (16750 USD) annually for ten years. After ten years, the political party must win at least one seat in the People's Assembly or the Shura Council to continue to receive public funding. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 18)

The state gives 5000 pounds(837.5 USD) for each seat won by a political candidate in the People's Assembly or the Shura Council, with a maximum of 500,000 pounds (83750 USD) to each party. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 18)

The maximum election campaign expenditure of presidential candidates is 10 million LE (1,675,000 USD) and 2 million LE (335000 USD) in case of re-election. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 24)

The state subsidizes presidential candidates up to 5 percent of the minimum amount of funds allowed to be expended, and 2 percent in case of re-election. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Presidential candidates may receive donations from Egyptians or the party nominating him, as long as the donations from Egyptians does not exceed 2 percent of the maximum expenditure for the election campaign. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Presidential candidates are required to deposit all electoral monies in designated bank. The candidates will also keep track of sources and aspects of the monies deposited. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Political parties are obligated to notify the Political Parties Affairs Committee of contributions exceeding 1000 LE (167.5 USD) within three months of the date set for balloting and within five days of receiving the contributions. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

The state does not require candidate and party finances to be made available to the public. (Source: The FDA researchers could find no laws or regulations which require public transparency of candidate and party finances.)

The states imposes a fine between 5000 LE (837.5 USD) and 20000 LE (3350 USD) for any presidential candidate who spends monies on an election campaign other than from those at the designated bank or exceeds the maximum spending allowed for election campaigns. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 48)

The state disallows election propaganda from containing any reference to offering gifts, donations, assistance in cash or in kind or any other benefit. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 21)

The state imposes a fine of 20 LE (3.35 USD) for any voter who who missed casting his/her vote without an accepted reason. (Source: Law 73 of 1956 on the exercising of political rights, Article 39)

The state does not subsidize candidates for the People's Assembly or Shura Council, except for 5000 pounds (837.5 USD) seat won in either the Assembly and Council. (Source: The FDA could find no laws or regulations on direct public subsidies for candidates except presidential.)

The state does not allow tax deductions for electoral donations. (Source: The FDA could find no laws or regulations on electoral tax deductions.)

The state does not have caps on electoral donations or spending for candidates of the People's Assembly or Shura Council. (Source: The FDA could find no laws or regulations on electoral donations and spending except for presidential candidates.)

The state allows unlimited third-party electoral spending which is separate from candidates and parties. (Source: The FDA could find no laws or regulations on third-party spending.)

The state allows Egyptian corporations to donate to candidates and parties within the cap of 2 percent of maximum spending allowed for presidential candidates. There is no spending cap on candidates for the People's Assembly or Shura Council, or on political parties. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26; the FDA could find no laws or regulations on donations from Egyptian corporations except for the donation limit for presidential candidates.)

### **Research Excerpts:**

The following excerpts were identified by the FDA researchers as relevant. The FDA researchers made some excerpts bold to emphasize high relevance:

Law 73 for 1956 on Exercising of Political Rights  
July 2000

**Article 48:** A penalty of imprisonment for a period of no less than 6 months together with a fine of no less than L.E 1000 and no more than L.E 5000, shall be imposed on the following."

- 1- Any person who uses force or threat to prevent someone from casting his vote in the election or referendum or to force him to cast one in a certain way;
- 2- Any person who gives, offers or pledges to give someone a benefit, for himself or for someone else, in order to force him to abstain from casting his vote or to do so in a

certain way; and

3- Any person who accepted or demanded a benefit of that kind, for himself or for others;

4- Any person who knowingly publishes or circulates false allegations or news about the subject of election or referendum or about behavior or manners of any of the candidates with the intention of affecting the result of election or referendum.

In the event such statements or news are circulated at a time the voters are not in a position to recognize the truth of the matter, the penalty shall be doubled.

Egyptian Constitution:

Article 64

Sovereignty of the law shall be the basis of rule in the state.

Law No. 40 of the year 1977

Concerning the Political Parties System and its Amendments

**Article (18)15**

The state shall provide annual financial support to the political parties, the appropriations of which shall be included in the budget of the Shura Council. The Political Parties Affairs Committee shall assume its distribution as follows:

1. One hundred thousand pounds annually to each party for a period of ten years. For entitlement to this support after that period, the party shall conditionally have at least one seat won by one of its candidates in the People's Assembly or the Shura Council elections.
2. Five thousand pounds for each seat won by the party candidate in the People's Assembly or the Shura Council elections, with a maximum of five hundred thousand pounds for each party.

Penalties

The penalty shall be lifetime or temporary penal servitude if the illegal party organization is hostile to the system of the society, or if it is of military or paramilitary nature, or is taking the form of violent training aimed at preparation for fighting, or if the crime is committed on the basis of communicating with a foreign country.

The penalty shall be lifetime penal servitude if the crime is committed on the basis of communicating with an enemy country.

In all cases, the court in passing a conviction sentence shall rule dissolving the said organizations, closing their locations, and confiscating their funds, possessions, tools, and related papers or those prepared for use by them.

**Article (23)20**

Whoever joins an illegal party organization even if this party is under any religious veil, or in the form of association, body, organization, or a group whatever the name or description dubbed to it, shall be confined to jail.

The penalty shall be imprisonment if the organization mentioned in the provisions clause

is hostile to the system of the society, or if it is of a military or paramilitary nature, or is taking the form of violent training aimed at preparation for fighting, or was established through communication with a foreign county and the delinquent was aware of it.

**Article (28)**

In exception of the provisions of Article (7), it is stipulated for the foundation of any political party effective from the date of enforcing this law until beginning the last session of the present law until beginning the last session of the present legislative term of the People's Assembly, that at least twenty members of the said Assembly shall be among the founders of the party.

Articles (2, 3 and 9) of law No. 34 of the year 1972 concerning the protection of national unity, and Article (2) of decree-law No. 2 of the year 1977 on protection of the nation's and citizen's freedom shall be superseded.<sup>22</sup>

**Law No. 174 for the year 2005 On Regulating the Presidential Elections**

**Article (21):**

In the election propaganda, compliance shall be observed with the provisions of the Constitution, the law, the PEC resolutions as well as the following rules:

1. refraining from exposing the sanctity of the private life of any candidate;
2. commitment to maintain national unity and abstention from using religious slogans;
3. refraining from using or threatening to use violence;
4. prohibition of offering gifts, donations, assistance in cash or in kind or any other benefits or promising to offer them, directly or indirectly;
5. prohibition of using State-owned, public- sector or public-business- sector owned buildings, facilities and means of transportation in the election propaganda in any form;
6. prohibition of using public utilities, place of worship, schools, universities and others public or private educational institutions for the election propaganda purposes

**Article (24):**

Maximum expenditure by each candidate on the election campaign shall be LE 10 million, and LE 2 million in case of re-election.

**Article (25):**

Each presidential candidate shall obtain a financial aid from the state equivalent to 5 % of the minimum funds allowed to be expended in the election campaign, as well as a financial aid equivalent to 2 % of this sum in case of re-election.

**Article (26):**

Each candidate may receive contribution in cash or in-kind from Egyptian natural persons or from the party nominating him, provided that contributions from any natural person shall not exceed 2 % of the maximum expenditure allowed on the election campaign.

The candidate shall open an account in local currency at one of the banks designated by the PEC, wherein he shall deposit all contributions in cash received thereby as well as the financial assistance obtained from the state and any allocations of his own money.

The candidate shall keep the PEC posted on all amounts deposited in his account as well as sources and aspects of expenditures, on such dates and through such procedures as are set by the PEC. No expenditures on the election campaign shall be made beyond this account. The PEC shall allocate the remaining balance on that account to contributions on a pro-rate basis, in accordance with such procedures as may be specified by the PEC.

Parties shall be under obligation to notify the Political Parties Affairs Committee of the contributions exceeding LE 1,000 each received thereby within the three months prior to the date set for balloting, which notice shall be given within the five days following receipt of the contribution.

**Article (27):**

It is prohibited to receive any contribution or support in cash or in kind for the election campaign from any Egyptian or foreign juridical person, or from any foreign state, agency or international organization or any corporation where any foreign person holds an equity stake or from any foreign natural person.

The candidate shall submit to the PEC, within 15 days from announcing the election result, a statement showing total revenue obtained thereby, as well as their source and nature and amount and aspects of expenditure on the election campaign.

After hearing statements by the candidate and investigating his defense orally or in writing, and the PEC having approved the above-said statement, the candidate shall undertake to reimburse to the State treasury such financial aid he had previously obtained.

Each candidate may authorize some one else to undertake on his own behalf such acts and procedures as may be required for the enforcement of the provisions of this, including all financial matter, per a notarized power of attorney authenticated by a Notary-Public office, furnishing an official copy of the power of attorney to the PEC.

**Article (46):**

"Any person who insults, by gesticulation or in words, the head or any member of a presidential election committee during or due to the performance of his duty shall be penalized with imprisonment for a period not exceeding two years or with a fine of no less than L.E 2000 and no more than L.E 5000".

**Article (48):**

"A penalty of imprisonment for a period of no less than one year together with a fine of no less than L.E 5,000 and no more than L.E 20,000, or either shall be imposed on the following."

1-Any person who spends on election propaganda amounts other than those deposited on his bank account referred to in Article (26) hereof or spends the funds deposited on this account on other purposes than election propaganda.

2- Any person whose expenditure exceeds the maximum amount allowed for election propaganda.

**Article (54):**

A penalty of of no less than one year- imprisonment together with a fine of no less than L.E 10,000 and no more than L.E 100,000, or either shall be imposed on any person who violates the provisions

governing election propaganda as stipulated in Article 21 hereof.

Article (55):

A penalty of imprisonment for a period of no less than two and nor more than five years or either shall be imposed on any person who violates the provisions governing election propaganda as stipulated in Article 27 hereof". Additionally, the funds received shall be confiscated.

Law 73 of 1956 on the exercising of political rights:

#### Chapter Four on Elections Offenses

Article 39 : A registered voter who missed casting his/her vote in an election or a referendum without accepted reason, shall pay a fine of no more than LE 20.

Article 40 : Imprisonment and/or a fine of no more than LE 500, shall be imposed on the following:

First: He/she who deliberately registered, or did not register, or deleted his/her or another person's name in electoral lists, in contradiction with the provisions of this law.

Second: He/she who has been able to register his or another person's name while he is aware that he/she or this other person do not meet the conditions stated for voters; similarly, punishment shall be imposed on he/she who has been able, in the aforesaid manner, to delete the name of another person.

Article 41: The punishments mentioned in the previous article shall be imposed on the following:

First: He/she who uses force or threat to prevent a person from casting his/her vote in an election or a referendum, or force him/her to vote in a certain way.

Second: He/she who gives, offers to give, or commits to benefit someone else, whether for himself or for a third party, to seduce him/her to vote in a certain way, or prevent him/her from voting in a certain way.

Third: He/she who accepts, or requests, a benefit of this kind for himself/herself or for a third party.

Article 42 : Without prejudice to any more tough punishment, an imprisonment of no more than one year or a fine from LE 200 to LE 500 shall be imposed on he/she who publishes or disseminates false statements or news on the subject of a referendum or the conduct of a candidate with the aim of influencing the result of the referendum or the election.

In case such statements or news are made in such a time that does not allow voters to verify them, the fine will be doubled.

Article 43 : A fine of no more than LE 100 shall be imposed on the following:

First: He/she who enters a polling station at the time of an election or a referendum carrying a weapon of any kind.

Second: He/she who enters a polling station at the time of an election or a referendum without having legal right to do so, and does not get out upon the order of the head of the station.

Article 44 : Imprisonment and/or a fine from LE 200 to LE 500 shall be imposed on the following:

First: He/she who cast a vote in an election or a referendum while aware that his/her name had been illegally registered in the electoral lists.

Second: He/she who cast his/her vote under the name of someone else.

Third: He/she who votes in an election or a referendum more than one time.

## 4. Laws and regulations on voter say

### Main Research Findings:

The state allows for freedom of speech within the confines of national unity and public order. (Source: Egyptian Constitution, Articles 46-48; Egypt Media Law.)

The state denies political rights for the following reasons: (1) Those convicted in relation to a criminal act, unless they have been rehabilitated.

(2) Those whose properties have been put under sequestration by a decision of the Court of Ethics, as long as the sequestration is imposed. In case a ruling has been handed down confiscating the property, depriving of exercising political rights shall be for a period of five years.

(3) .....

(4) Those sentenced to imprisonment in relation to a theft, hiding stolen objects, fraudulence, bad checks, breach of trust, betrayal, bribery, bankruptcy by fraud, forging or using forged documents, **making false testament**, seducing witness, rape, corrupting the youth, **violating the public ethics**, being a vagabond; or has been involved in a crime committed to evade the military and national service; also those sentenced for attempting one of the aforesaid crimes. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(5) Those sentenced to imprisonment in relation to one of the crimes stated in articles 40, 41, 42, 44, 45, 46, 47, 48, 49 of this law. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.

(6) Those who were dismissed from civil service for the state or the public sector for disgraceful reasons, until the elapse of five years after the dismissal date. This is unless the person has received a final ruling revoking the dismissal order or ordering compensation.

(7) ..... (Source: Law 73 of 1956 on the exercising of political rights, Article 2)

The state denies political rights to citizens who make false statements in the news. (Source: Law 73 of 1956 on the exercising of political rights, Articles 2 and 44)

Through the Emergency Law of 1958, the President has the power to establish State Security Courts, appoints its judges including military judges, and try civilians accused of ordinary crimes in it. (Source: Emergency Law of 1958, Article 7; United Nations Human Rights Council 7th Session of the Working Group on the Universal Periodic Review (8 - 19 February 2010), ICJ Submission to the Universal Periodic Review of Egypt, August 2009)

Through the Emergency Law of 1958, President or his deputy has the power to restrict the freedom of movement, association, and residence of civilians. Also, the President or his deputy can order the prolonged detention without charge or trial of anyone suspected of being a threat to national security and public order. (Source: Emergency Law of 1958, Article 3; United Nations Human Rights Council 7th Session of the Working Group on the Universal Periodic Review (8 - 19 February 2010), ICJ Submission to the Universal Periodic Review of Egypt, August 2009)

Egyptian voters who are at least 18 years and have political rights are entitled to vote. (Source: Law 73 of 1956 on the exercising of political rights, Article 1)

The state requires public speech and assembly to be consistent with state ideology. (Source: Egypt Media Law)

The state disallows criticism of government and state officials. Also, the state bans journalists from questing the financial integrity of government and state officials. (Source: Egypt Media Law)

The state imposes a maximum prison sentence of six months for anyone caught publishing or disseminating false statements or news about the conduct a political candidate. (Source: Law 73 of 1956 On the Exercising of Political Rights, Amended July 2000, Article 42)

The state disallows societies which are antagonistic to the social system. (Source: Egyptian Constitution, Article 55)

The state can dissolve social organizations if their activities interfere with public morals or public order. The Ministry of Social Solidarity has the legal right to appoint the Board of directors of social organizations if there insufficient members to hold a meeting. The state can refuse registration of social organization if the state believes the organization is “threatens the national unity” or runs “against public order and public attitude”. (Source: Law No. 84 of 2002; Hamdy, A. Hassan, “Civil Society in Egypt under the Mubarak Regime”, Afro Asian Journal of Social Sciences Volume 2, No. 2.2 Quarter II 2011)

Since 1981 through Emergency Law and Anti-Terror Laws 97 of 2002, the state can “limit basic freedoms and arbitrarily and systematically” curb human rights to protect national security. (Source: Emergency Law; Anti-Terror Law 97 of 2002; Hamdy, A. Hassan, “Civil Society in Egypt under the Mubarak Regime”, Afro Asian Journal of Social Sciences Volume 2, No. 2.2 Quarter II 2011)

The state makes sovereignty of law the basis for rule or public power in the state. (Source: Egyptian Constitution, Article 64)

Egyptians have access to the internet, but they can be censored by the state on grounds of threat to national security. (Source: Rasha Allam. “Egypt Media Assessment Report”, Cairo Institute for Human Rights)

The state requires that political parties be founded on national unity and social peace. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 3)

The state requires that the purposes, policies, programs and methods of political parties not contradict the Constitution or the preservation of national unity, social peace and the democratic system. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 3 (2))

The state bans the political parties which are based on religious, class, sectarian, categorical, or geographical basis, or on the exploitation of religious feelings, or discrimination because of race, origin, or creed. (Source: Law No. 40 of the year 1977 Concerning the Political Parties System and its Amendments, Article 3 (4))

Voters who are denied or suspended political rights have no right of appeal. (Source: Law 73 of 1956 on the exercising of political rights, Article 7)

The state allows flexibility in terms of voting domiciles. Voters are not restricted to their place of residence in terms of casting their ballot. (Source: Law 73 of 1956 on the exercising of political rights, Article 11)

The state allows diaspora the right to vote and provides means for it through consulates. (Source: Law 73 of 1956 on the exercising of political rights, Article 12)

Voters have the right to be in front of a court in relation to any dispute on the registration or omission of any name on the electoral list. The state disallows appeals. (Source: Law 73 of 1956 on the exercising of political rights, Article 18)

The state allows the seeing-impaired and disabled to receive assistance in casting their ballots by members of the committee at a polling station. (Source: Law 73 of 1956 on the exercising of political rights, Article 29)

Voters who fail to cast their ballots without an accepted reason are fined no more than 20 LE (3.35 USD). (Source: Law 73 of 1956 on the exercising of political rights, Article 39)

Voters are protected from any interference in casting their ballots through imprisonment or a fine not exceeding 500 LE to the offenders. (Source: Law 73 of 1956 on the exercising of political rights, Article 40-41)

The maximum election campaign expenditure of presidential candidates is 10 million LE (1,675,000 USD) and 2 million LE (35,000 USD) in case of re-election. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 24)

The state subsidizes presidential candidates up to 5 percent of the minimum amount of funds allowed to be expended, and 2 percent in case of re-election. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Presidential candidates may receive donations from Egyptians or the party nominating him, as long as the donations from Egyptians do not exceed 2 percent of the maximum expenditure for the election campaign. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Presidential candidates are required to deposit all electoral monies in designated bank. The candidates will also keep track of sources and aspects of the monies deposited. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

Political parties are obligated to notify the Political Parties Affairs Committee of contributions exceeding 1000 LE (167.5 USD) within three months of the date set for balloting and within five days of receiving the contributions. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 26)

The state does not require candidate and party finances to be made available to the public. (Source: The FDA researchers could find no laws or regulations which require public transparency of candidate and party finances.)

The state imposes a fine between 5000 LE (837.5 USD) and 20000 LE (3350 USD) for any presidential candidate who spends monies on an election campaign other than from those at the designated bank or exceeds the maximum spending allowed for election campaigns. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 48)

The state disallows election propaganda from containing any reference to offering gifts, donations, assistance in cash or in kind or any other benefit. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 21)

The state imposes a fine of 20 LE (3.35 USD) for any voter who missed casting his/her vote without an accepted reason. (Source: Law 73 of 1956 on the exercising of political rights, Article 39)

The state does not subsidize candidates for the People's Assembly or Shura Council, except for 5000 pounds (837.5 USD) seat won in either the Assembly and Council. (Source: The FDA researchers could find no laws or regulations on direct public subsidies for candidates except presidential.)

The state does not allow tax deductions for electoral donations. (Source: The FDA researchers could find no laws or regulations on electoral tax deductions.)

The state does not have caps on electoral donations or spending for candidates of the People's Assembly or Shura Council. (Source: The FDA researchers could find no laws or regulations on electoral donations and spending except for presidential candidates.)

The state allows unlimited third-party electoral spending which is separate from candidates and parties. (Source: The FDA researchers could find no laws or regulations on third-party spending.)

The state allows Egyptian corporations to donate to candidates and parties within the cap of 2 percent of maximum spending allowed for presidential candidates. There is no spending cap on candidates for the People's Assembly or Shura Council, or on political parties. (Source: The FDA researchers could find no laws or regulations on donations from Egyptian corporations except for the donation limit for presidential candidates.)

The Egyptian President is nominated by 1/3 of the People's Assembly and must be elected by 2/3 of the People's Assembly. The presidential candidate then participates in a people's plebiscite and must win an absolute majority. (Source: Egyptian Constitution, Article 76)

The People's Assembly is comprised of 350 members. One half of the members must be workers and farmers, which the state defines. The state allows the President to appoint ten members to the Assembly. (Source: Egyptian Constitution, Article 87)

The state requires that presidential candidates have the support of at least 205 elected members of the People's Assembly, Shura Council, and local popular councils on the governorate level, as long as 65 of them are from the People's Assembly, 25 from the Shura Council, and 10 from every local council in at

least 14 governorates. In all cases, support may not be given to more than one candidate. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 2)

The state allows presidential candidates from political parties founded five years before the candidacy and whose members have obtained at least 5 percent of the elected members of the People's Assembly and Shura Council. The presidential candidate must have been a member of the political party for at least one consecutive year. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 3)

The election campaign is three weeks in length less two days prior to the day of balloting. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 20)

Electioneering through any media shall be only during the three week period. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 20)

The state places the following restrictions on electioneering: **1. refraining from exposing the sanctity of the private life of any candidate;** **2. commitment to maintain national unity and abstention from using religious slogans;** 3. refraining from using or threatening to use violence; 4. prohibition of offering gifts, donations, assistance in cash or in kind or any other benefits or promising to offer them, directly or indirectly; 5. prohibition of using State-owned, public- sector or public-business- sector owned buildings, facilities and means of transportation in the election propaganda in any form; 6. prohibition of using public utilities, place of worship, schools, universities and others public or private educational institutions for the election propaganda purposes.(Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 21) The state imposes a fine between 10,000 LE and 100,000 LE to any citizen who violates Article 21. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 54)

The state requires state media to maintain an equality election propaganda of the candidates. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 22)

The state requires that opinion polls shall contain full information on the organizations behind the polls, and the collection methods used in the polls, questions asked etc. The state disallows polls to be published within seven days of the balloting, and therefore, there is 14 days to publish and discriminate polls. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 23)

The state requires state media to maintain an equality election propaganda of the candidates. (Source: Law No. 174 for the year 2005 On Regulating the Presidential Elections, Article 23)

### **Research Excerpts:**

The following excerpts were identified by the FDA researchers as relevant. The FDA researchers made some excerpts bold to emphasize high relevance:

Egypt Constitution:

Article 55

Citizens shall have the right to form societies as defined in the law.

The establishment of societies whose activities are hostile to the social system, clandestine or have a

military character is prohibited. (Egypt Constitution 1971)

Citizens shall have the right to form associations as defined by the law.  
The establishment of associations whose activities are detrimental to society or have a clandestine or military character is prohibited. (Egypt Constitution Amended 2007)

#### Article 64

Sovereignty of the law shall be the basis of rule in the state. (Egyptian Constitution, 1971)

The rule of law shall be the basis of the exercise of public power in the State. (Egyptian Constitution Amended 2007)

#### Article 75

The person to be elected President of the Republic must be an Egyptian born to Egyptian parents and enjoy civil and political rights.

His age must not be less than 40 Gregorian years. (Egyptian Constitution Amended 2007)

#### Article 76[14], [15]

The President shall be elected by direct, public, secret ballot. In order to be accepted as a candidate to the presidency, a person must be supported by at least 250 elected members of the People's Assembly, the Shura Council and the elected regional assemblies who must include at least 65 members of the People's Assembly, 25 of the Shura Council and ten of members of the regional assemblies in at least 14 regions.

The number of members of the People's Assembly, the Shura Council and local popular councils at provincial level shall be raised in proportion to increases in number of any of these councils. In all cases, support may not be given to more than one candidate.

Procedures related to the nomination process shall be regulated by the law. Political parties which have been established at least five years before the announcement of the candidacy and have been operating without interruption during this period, and whose members have obtained at least 3% of the elected seats in both the People's Assembly and the Shura Council or the equivalent of the combined total of these numbers in one of the two assemblies may nominate for President a member of their leadership council in accordance with their own bylaws, provided the candidate has been a member of the council for at least twelve consecutive months.

As an exception to the provisions of the aforementioned paragraph, the afore-mentioned political parties whose members obtained at least one seat in either the People's Assembly or the Shura Council in the last election may nominate in any presidential elections to be held within ten years of May 1, 2007 a member of their leadership council in accordance with their by-laws, provided he has been a member of the council for at least twelve consecutive months.

Candidacies shall be submitted to an independent committee named Presidential Elections Committee. The Committee shall be composed of the head of the Supreme Constitutional

Court as a chairman and the head of the Cairo Court of Appeal, the most senior deputy of the head of the Supreme Constitutional Court, the most senior deputy of the head of the Court of Cassation, the most senior deputy of the State Council and five public figures, recognized for their impartiality. Three of the aforementioned public figures shall be selected by the People's Assembly and the other two by the Shura Council upon a recommendation of the bureaus of both houses for a period of five years.

The law shall determine who will act on behalf of the chairman or any member of the Committee, should they be unable to perform their functions for some reason.

This Committee shall have the following exclusive competences:

1. To declare the opening of the candidate selection process and supervise procedures for fixing the final list of candidates;
2. To generally supervise balloting and vote-counting procedures;
3. To announce elections results;
4. To decide on all appeals, challenges and all matters related to its competences, including conflicts of jurisdiction;
5. To draw up by-laws regulating its modus operandi and the procedures for the discharge of its functions.

The Committee's resolutions shall be adopted with a majority of at least seven members. Its resolutions shall be final, self-executing and incontestable by any means or before any authority whatsoever. Its resolutions may not be challenged by way of interpretation or by granting a stay of execution. The law regulating presidential elections shall determine other competences of the Committee.

The law shall also determine the rules governing the nomination of a candidate who is to replace another candidate who has abandoned his candidacy for some other reason than his assignment to public functions in the period from the opening of the candidate selection process until the end of the presidential vote. (Egyptian Constitution Amended 2007)

Law 73 of 1956 on the exercising of political rights:

#### Chapter One on Political Rights, and their exercise

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Article 1 : Any Egyptian, male or female, on attaining the age of eighteen solar years, may exercise, independently, the following political rights:

First: Making opinion on the following:

- 1- The referendum for selecting the President of the Republic
- 2- All other referendums stated by the constitution

Second: Electing the members of the following:

1. The People's Assembly
2. The Shura (Consultative) Council

Officers and personnel of the main, subordinate, or additional forces of the army, as well as police officers and personnel shall be exempted from this duty throughout their service at the army or police.

Exercising the aforesaid rights shall be within the ways and conditions laid down in this law.

Article 2: The following subjects may not exercise political rights:

- (1) Those convicted in relation to a criminal act, unless they have been rehabilitated.
- (2) Those whose properties have been put under sequestration by a decision of the Court of Ethics, as long as the sequestration is imposed. In case a ruling has been handed down confiscating the property, depriving of exercising political rights shall be for a period of five years.
- (3) .....
- (4) Those sentenced to imprisonment in relation to a theft, hiding stolen objects, fraudulence, bad checks, breach of trust, betrayal, bribery, bankruptcy by fraud, forging or using forged documents, making false testament, seducing witness, rape, corrupting the youth, violating the public ethics, being a vagabond; or has been involved in a crime committed to evade the military and national service; also those sentenced for attempting one of the aforesaid crimes. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.
- (5) Those sentenced to imprisonment in relation to one of the crimes stated in articles 40, 41, 42, 44, 45, 46, 47, 48, 49 of this law. This is unless the execution of the sentence has been stayed, or the convict has been rehabilitated.
- (6) Those who were dismissed from civil service for the state or the public sector for disgraceful reasons, until the elapse of five years after the dismissal date. This is unless the person has received a final ruling revoking the dismissal order or ordering compensation.
- (7) .....

Article 3: Exercising political rights shall be suspended for the following persons:

- (1) Those placed under interdiction, throughout the period they are so.
- (2) Those with mental diseases who are detained, throughout the period of their detention.
- (3) Those declared bankrupt, for five years as of the date they have been so declared, unless they have been earlier rehabilitated.

## Chapter Two on Electoral Lists

Article 4 : Anyone, male or female, who has the right to exercise political rights must be registered in Electoral lists. Nevertheless, those who attained the Egyptian nationality by naturalization shall not be registered before five years after their naturalization date.

Article 7 : The Public Prosecution shall inform the Ministry of the Interior of the final rulings against citizens, which would result in depriving or suspending their exercising of political rights.

In case of the dismissal of workers in the state or the public sector for disgraceful reasons, the department for which they work shall inform the Ministry of the Interior.

In all cases, informing the Ministry must take place within fifteen days as of the date the ruling or the decision becomes final.

Article 11: Voting domicile is usually the place of residence of the voter. However, voters have the right to register at the domicile of their main work, or where they have serious interest, or at the domicile of their family even if they do not live there.

The executive regulations shall explain how the selection of the voting domicile is made, and its dates.

In case of changing voting domicile, voters shall announce this change in the manner stated in the previous paragraph.

Article 12: Voting domicile for Egyptians living abroad who are registered in Egyptian consulates shall be the last domicile they lived at in Egypt before their travel. Voting domicile of Egyptians who work on board of Egyptian ships shall be the harbor where the ship they work on is registered.

Article 15 : Citizens who missed registering their names with no legal reason, those whose data bore a mistake on registration, those who become qualified voters, and those who were prevented to vote and the reasons preventing them have become invalid, shall request registering their names or correcting their data.

Every registered voter has the right to request registering a name or deleting a name which was unlawfully overlooked or registered, and to request correcting registered data.

Such requests shall be made until the 15th of March of every year. Requests shall be presented in writing to the Security Director of the Governorate. The request shall be registered in accordance to the date on which they were received. Receipts will be given to the applicants.

Article 16 : A committee chaired by the head of the court of First Instance at the Governorate, and made of Security Director of the Governorate, and a Chief Prosecutor to be selected by the Public Prosecutor, shall decide on the requests mentioned in the previous article, within one week of lodging the requests. The committee shall send its decisions to those concerned within three days as of their issuance.

Article 17 : Those whose requests have been rejected, or whose names have been crossed out have the right to challenge, with no charges, the decision of the committee mentioned in the previous article. The challenge will be made before the competent administrative court. The administrative department of the court will register these challenges in a special record according to the order of receiving them. It will inform the applicant, the head of the Registration Committee, the chair of the committee mentioned in the previous article, and those concerned, by registered mail, of the date of the session scheduled to hear the challenge. This notification must be at least five days before the date of the session.

Article 18: Any registered voter has the right to become a party in front of a court in relation to any dispute regarding the registration or omission of any name.

Article 19 : The administrative court shall speedily decide on the challenges. The rulings made in this regard may not be challenged by any means.

The court may order a fine of no more than LE 100 against whose challenge is rejected.

#### Article 29

However, seeing-impaired persons, and other people with disabilities that may prevent them from casting their votes by themselves, may express their opinions verbally to be heard only by the members of the committee in charge of the polling station. The secretary shall then record the voter's opinion in his/her balloting card, which will be signed by the head of the station. It will then be clarified in front of the voter's name in the electoral list that he/she cast his/her vote in such a way.

These disabled persons can also ask the persons accompanying them to write down their opinion on the balloting cards they receive from the head of the station, in front of the station's committee. This authorization shall be noted in the committee's minute.

#### Chapter Four on Elections Offenses

Article 39 : A registered voter who missed casting his/her vote in an election or a referendum without accepted reason, shall pay a fine of no more than LE 20.

Article 40 : Imprisonment and/or a fine of no more than LE 500, shall be imposed on the following:

First: He/she who deliberately registered, or did not register, or deleted his/her or another person's name in electoral lists, in contradiction with the provisions of this law.

Second: He/she who has been able to register his or another person's name while he is aware that he/she or this other person do not meet the conditions stated for voters; similarly, punishment shall be imposed on he/she who has been able, in the aforesaid manner, to delete the name of another person.

Article 41: The punishments mentioned in the previous article shall be imposed on the following:

First: He/she who uses force or threat to prevent a person from casting his/her vote in an election or a referendum, or force him/her to vote in a certain way.

Second: He/she who gives, offers to give, or commits to benefit someone else, whether for himself or for a third party, to seduce him/her to vote in a certain way, or prevent him/her from voting in a certain way.

Third: He/she who accepts, or requests, a benefit of this kind for himself/herself or for a third party.

Article 42 : Without prejudice to any more tough punishment, an imprisonment of no more than one year or a fine from LE 200 to LE 500 shall be imposed on he/she who publishes or disseminates false statements or news on the subject of a referendum or the conduct of a candidate with the aim of influencing the result of the referendum or the election.

In case such statements or news are made in such a time that does not allow voters to verify them, the fine will be doubled.

Article 43 : A fine of no more than LE 100 shall be imposed on the following:

First: He/she who enters a polling station at the time of an election or a referendum carrying a weapon of any kind.

Second: He/she who enters a polling station at the time of an election or a referendum without having legal right to do so, and does not get out upon the order of the head of the station.

Article 44 : Imprisonment and/or a fine from LE 200 to LE 500 shall be imposed on the following:

First: He/she who cast a vote in an election or a referendum while aware that his/her name had been illegally registered in the electoral lists.

Second: He/she who cast his/her vote under the name of someone else.

Third: He/she who votes in an election or a referendum more than one time.

Article 45 : An imprisonment for no less than six months shall be imposed on he/she who embezzles, hides, damages, or destroys a registration list, electoral cards, or any other documents related to the electoral or referendum processes; and will also be imposed on he/she who changes the result of the election by any means with the aim of changing the truth in the result of the election or the referendum, or with the aim of creating reasons that necessitate repeating the election or the referendum.

Article 46: The punishments stated in the aforesaid article shall be imposed on anyone who, by the use of force, violates the freedom or the procedures of an election or a referendum.

Article 47 : An imprisonment sentence of no less than one year shall be imposed on any civil servant who is connected to the election or the referendum process who has committed one of the offenses mentioned in articles 45 and 46.

Article 48: An imprisonment sentence of no less than six months shall be imposed on anyone who seizes, destroys, or replaces a box containing balloting cards, or changes the cards it includes.

Article 49: Attempting one of the offenses stated in this law will be punished with the same penalty stated for committing the full offense.

Article 50: General and civil claim in the offenses mentioned in this law shall be dropped six months after the date of announcing the results of the elections, or the date of the last action related to the investigations.

Article 51: The head of the polling station committee shall have the power authorized to law enforcement officers with respect to the offenses committed or attempted in the polling station.

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