



The Lebanese Parliament
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DECEMBER 2017

DEMOCRACY
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ASSESSMENT OF THE LEBANESE ELECTORAL FRAMEWORK

ELECTION OF THE MEMBERS OF THE PARLIAMENT
LAW NO. 44 PUBLISHED ON 17 JUNE 2017

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FOR DEMOCRATIC ELECTIONS

December 2017
Beirut – Lebanon

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Executive Summary

The New Electoral Law

The law No. 44 on the Election of the Members of the Parliament published on 17 June 2017 paves the way for the first parliamentary election in 8 years. These elections are now scheduled for 6 May 2018. Current members of Parliament were elected in 2009 for what was meant as a four-year term but remained in office for five additional years after Parliament extended its mandate three times in a row in 2013, 2014 and 2017.

For the first time in its political history, Lebanon will use a proportional list-voting system. It is complex to the extent that the ability to project results proportionally in the allocation of seats will be highly limited. This is because of several factors, including relatively small electoral districts (compounded by the subdivision of districts in sub-districts) and the confessional quota. It will not be easy for parties and voters to understand how the results of the preferential vote are translated into seats. In short, there is a “lottery” aspect to the new electoral system.

The Legal Reform

Since the last elections in June 2009, the political system has been under severe domestic and international strain. The country is yet to find a sustainable consensus on the reform of the political system and the restoration of its institutions. The state apparatus, including Parliament, remains too weak to provide a framework for discussing key policy issues and reaching decisions. The ability to make compromises largely belongs to heads of religious communities and often takes place outside state institutions. In that sense, Parliament is not viewed as truly law-making institution as its role is often perceived as ratifying decisions made outside its premises.

Although most political parties had, since 2009, rejected holding new legislative elections based on the existing system (the 2008 election law with its 26 electoral districts), there were fundamental disagreements between them over the nature of the new electoral system, the size of the electoral districts and the issue of preferential voting. Discussions dragged on until the last minute. In June 2017, an agreement was eventually reached, days before the end of the legislature’s term on 20 June, which avoided catapulting the country into another political crisis. To reach an agreement on the new law, it took Lebanese political actors four years of “regular” parliamentary time, four more years of “extended” parliamentary time, two Presidents, four governments, more than two years of presidential vacuum and a little less than one year of governmental vacuum.

The key hallmarks of the new electoral system can be summarised as follows:

- The electoral map will be divided into 15 electoral districts (instead of 26 districts in the 2009 elections). Each electoral district may have at least one district, and seats are distributed among the sub-districts.
- The seats remain allocated to confessions (64 each for the Christian and Muslim communities), and within each confession they are further subdivided into 11 confessional branches (four within Islam and seven within Christianity);
- Citizens are registered to vote at the place of their family’s origin, rather than their actual place of residence. The election register does not reflect the demographic reality. This practice is recurrently being criticised, but remains “untouchable”. Citizens naturalised for less than 10 years can neither vote nor stand as candidates. Military personnel, including conscripts, cannot vote. The minimum voting age remains 21 years despite several attempts to reduce it to 18 years.
- The bloc vote plurality system is replaced with a list proportional electoral system using an electoral quotient (Hare quota) and the largest remainder method for allocating seats to lists, in the first phase, and to individual candidates in the second phase. Seats are allocated proportionally across the lists considering the confessional denomination and the regional allocation of seats (i.e. the distribution of seats among sub-districts). Only lists that reach the quotient are eligible to seat allocation.
- Voters have two votes: they vote for a list of candidates and for one individual candidate on the same list (preferential vote) competing for a seat in their sub-district (or the district if there are no sub-districts). Candidates form lists at least 40 days prior to election day, and these lists must comply with the seat allocation of electoral districts as well as with the confessional distribution of these seats. While lists can be incomplete, they must include a minimum of 3 candidates per district.
- For the first time, Lebanese citizens living abroad will be allowed to vote at embassies, consulates or other locations, provided they are registered in the Lebanese civil registry. There is no separate district for them, and while the law allocates 6 seats to them (3 for Christians and 3 for Muslims), the votes of non-resident voters will be distributed in-country, depending on where they are registered in Lebanon. In the elections following the 2018 parliamentary elections, 6 additional seats will be added to the 128 seats (which will make a Parliament with 134 MPs), but the law does not specify how this will work.

- As in 2009, voting will be carried out using official ballot papers provided by the Ministry of the Interior and Municipalities (hereafter “MOIM”) for every district and distributed to the polling stations staff along with the elections material. The official ballot papers will include the names of all lists and their members.
- The election campaign begins 90 days before election day. The media regulations applicable to election campaigning remained largely unchanged. The same goes for the regulations on campaign spending by candidates.
- A permanent Supervisory Commission for Elections (replacing the Supervisory Commission for Electoral Campaigns) was set up. While MOIM remains in charge of organising the elections, the Supervisory Commission was granted a slightly extended mandate, but remains primarily tasked to supervise compliance with campaign finance, media and advertising regulations. According to the new law, and in contrast to the previous one, the Commission is established as an independent body, but it will depend how this will be reflected in practice.

Although the new law is mostly in line with international standards on democratic elections, it is problematic in some respects. Furthermore, while it introduces long-demanded elements of proportionality, it does not endorse a fully proportional system. For instance, it adds preferential voting but combines it with parameters that make it unpredictable. Also, it generates inequalities in the weight of votes because of the considerable fluctuations from one district to another in the ratio of votes per seat and the eligibility quota for seat allocation. In some districts, the votes will have double the influence of votes than in other districts. Ultimately, the degree of proportionality could considerably differ from one district to another, as the level of competition may vary from one seat to another. On all these aspects, it remains to be seen how the new law will work in practice.

The law retains all the positive changes made in 2008 (campaign spending regulations, media regulations, permanent voter register, establishment of an electoral commission with supervisory powers, etc.) but does not bring about changes on problematic issues, such as the ban on the vote of citizens naturalised for less than 10 years (a distinction introduced in the 2008 law), voters’ registration at the place of family origin and the ban on military voting.

As the new law will most likely produce “losers” and “winners”, a debate on a revisited electoral law may be launched following the next elections. It is essential that the practice of late amendments driven by short-term political objectives and ad hoc interests be relinquished. This leads to defective laws that require further amendments with no prospects for stabilisation of the electoral framework. Stability of the law is

essential to the credibility of the electoral process. The next stage should now be to create favourable conditions for a full-fledged proportional system as well as consolidating and rationalising the legal framework.

This would require reducing the current voting inequalities and making steps towards the abolition of the confessional quota. While the confessional arrangements are recurrently presented as a distinctive trait of the Lebanese society aimed at defusing tensions, their entrenchment in the electoral system rather serves to perpetuate these tensions and increase, in the mid or long-term, the potential for conflict.

Electoral reform must be based on inclusive, systematic, transparent and genuine consultations. Proposed changes, particularly on the most sensitive issues, such as the electoral system and the drawing of electoral districts, must be discussed with political parties, opposition leaders, independent candidates, civil society organisations representing voters’ interests, election management bodies, the media and the public.

Key recommendations

The key recommendations of this assessment are summarised as follows:

1. In light of the lessons learnt from the upcoming elections, the new electoral system should be reviewed to yield the full benefits usually associated with a proportional voting system. This should be a transparent process that defines larger districts with no subdivisions and alleviates voting inequalities. This would imply that the role of confessions in political life be reduced.
2. A fully independent permanent election commission should be established with an extended role in the organisation of the electoral process (particularly regarding the registration of candidacies), clearer and longer terms of office for its members, mandatory gender balance in its membership, increased monitoring, enforcement powers and its own budget.
3. Steps should be taken to allow voters to cast their vote in their place of residence instead of the place of their family origin. Administrative procedures should not be a deterrent for citizens who wish to register where they live.
4. Steps should be taken to define eligibility criteria that do not include the requirement for candidates to be affiliated with one of the officially recognised religious sects.
5. To ensure transparency and confidence in the electoral process, the breakdown of the results per polling station should be published with the aggregate results immediately after the elections. It should be kept regularly updated.

6. Special measures must be taken to end the chronic underrepresentation of women in Lebanese political life and boost their participation in elected and appointed public positions, and not only in the Lebanese Parliament.

A detailed list with all recommendations can be found at the end of each section.

Scope of the Assessment

This report assesses the legal framework governing the election of the members of Parliament in Lebanon in light of international standards on democratic elections. It focuses on the Law No. 44 “Election of the Members of Parliament” published in the Official Gazette No. 27 on 17 June 2017, which replaces the Law No. 25 published in the Official Gazette No. 41 on 9 October 2008. It does not include an exhaustive review of other pieces of legislation on related matters such as political parties, the freedom of expression, the freedom of media or the freedom of assembly.

In the absence of an official translation, the current analysis is based on an unofficial English translation of the above-mentioned law.¹ As such, some observations might not be entirely accurate.

Appreciation of Support

This report follows a December 2008 Electoral Framework Assessment which was jointly published by Democracy Reporting International (DRI) and the Lebanese Association for Democratic Elections (LADE).

Both organisations express their gratitude to all the interlocutors met by the lead writer Denis Petit and the contributor Ammar Abboud in December 2017. It was revised by André Sleiman.

¹ Provided by UNDP’s Lebanese Electoral Assistance Project (LEAP).

PART A

Political and Constitutional Framework

and Role of Elected Bodies

Political System

Lebanon is a parliamentary republic. Ever since its first Constitution of 1926, when still under the French Mandate (1920–1943), the political system has been marked by the logic of confessional power-sharing. Following the declaration of independence from France in 1943, the “National Pact” determined the representation of confessions in state institutions and the public administration. The 1943 National Pact is a customary, unwritten part of the Lebanese Constitution. It introduced a confessional ratio of 6-to-5 Christian-Muslim seats on the basis of the 1932 population census. Given the political sensitivity of sectarian demography in Lebanon, no census was held since.

The 1989 Ta’if Agreement, which paved the way for civil peace after a long period of civil war (1975–1990), established a Muslim-Christian parity of seats in Parliament. The Agreement also envisaged that confessionalism should be abolished in the long term. The Constitution was amended in 1990 to include provisions to this effect (preamble, Art. 24 and 95).

The National Pact also reserves the Presidency of the Republic to a Maronite Christian, the position of Prime Minister to a Sunni Muslim and, since 1947, the post of Speaker of the Chamber of Deputies to a Shi’ite Muslim.² Given their central role in the political process after Ta’if, no political decision can be made without the consent of the so-called “three presidencies”. While these bulwarks seem to reassure the confessional communities, they also increase the risk of political stalemate, as exemplified in the 2006–2008 government gridlock and the 2014–2016 presidential crisis.

The Chamber of Deputies elects the President of the Republic³ for a 6-year non-renewable term.⁴ The eligibility requirements for the post of President, other than being a Maronite, are the same as those for members of the Chamber of Deputies. The President is the Head of State, negotiates international treaties,

promulgates the laws and appoints the Prime Minister based on “consultations with Parliament which shall be binding” (Art. 53.2 Constitution). The President can veto a law passed by the Chamber, in which case it must be re-confirmed by an absolute majority of the MPs to become valid.

Following the Ta’if Agreement, the amended 1990 Constitution reduced the direct powers of the President and reinforced the mandate of the government and the Prime Minister within the executive. It also increased the powers of the Speaker. The government countersigns presidential decisions, liaises with the President in the conduct of international negotiations, appoints public servants and assumes by delegation the powers of the President in case of vacancy. The ministers are collectively and individually responsible before Parliament and can be subjected to a vote of no confidence. As is the case with the other institutions, the composition of the government should reflect a dual political and confessional balance (Art. 95). The Constitution includes specific procedures for cabinet decisions on “national issues” (Art. 65.5), such as constitutional amendments, general mobilisation of the army, calling a state of emergency, the election law and the annual budget. Such issues should be decided by cabinet consensus or by a two-thirds majority of cabinet members. This grants a crucial and very powerful veto power for opposition or minority groups in the government. It is commonly referred to as the “blocking third” by government loyalists and “guaranteeing third” by the government opposition.

The prerogatives of the speakership were also expanded in 1990. The Speaker is elected for 4 years (instead of one, previously) and can only be removed under near-prohibitive conditions (Art. 44.3). The speaker has also gained extensive powers and influence over the law-making process. The number of deputies was increased from 99 to 128 in 1992. The deputies are elected for a four-year term.

The 1990 constitutional laws that implemented the Ta’if Agreement also included a provision for the creation of a Senate where Lebanon’s religious communities would be represented when the Chamber of Deputies is no longer elected on a confessional basis. However, no steps were taken in this direction and there appears to be no political will to do so. Lebanon abolished the Senate in 1927, a little more than a year after its creation, citing an unclear separation of power between both chambers, a heavy financial burden on the state budget and a systematic stalemate within the legislative power.

2 The posts of Deputy Prime Minister and Deputy Speaker of Parliament are reserved for a Greek-Orthodox.

3 Art. 49.2 of the Constitution states that “the President of the Republic shall be elected by secret ballot and by a two-thirds majority of the Chamber of Deputies. After a first ballot, an absolute majority shall be sufficient.” The article is silent about the quorum needed for the election to be valid, which has led to conflicting interpretations, contributing to the stalemate on the election of a new President in 2008–2007.

4 This provision was overruled by ‘exceptional constitutional amendments’ in 1995 to allow the extension of President Elias Hrawi’s term until 1998 and again in 2004 to allow the extension of Emile Lahoud’s term until 2007.

Political Context

Until 2008

Lebanon's recent history is marked by 15 years of civil war (1975–1990), followed by political domination and military occupation by Syria, which faded after the assassination of Prime Minister Rafiq Hariri in February 2005.

In the wake of the 2005 parliamentary elections and resulting formation of a unity government, which constituted a moment of hope that national politicians could finally agree on fundamental issues pertaining to Lebanon's future, a National Commission on Electoral Law was appointed. The appointment of an independent expert commission, chaired by the widely respected former Foreign Minister Fouad Boutros, on a subject as sensitive as the election law seems as a promising innovation. The commission engaged in extensive public consultations and proposed a new electoral system.

However, the process was overshadowed by regular assassinations of prominent politicians and public figures. It marked a shift from the traditional Christian/Muslim divide to the growing Sunni/Shi'ite divide.⁵ Since the assassination of Prime Minister Hariri, Lebanon has been polarised between two grand coalitions, the Shi'ite parties leading the so-called "March 8 Alliance" and the Sunnis leading the "March 14 Alliance",⁶ while Christians remained distributed on both sides:

- The March 8 Alliance, a pro-Syrian coalition of political parties that are predominantly Shi'ite (Hizbullah and the Amal Movement) and Christian (Free Patriotic Movement and the Marada Movement), as well as smaller parties such as the Syrian Social Nationalist Party, as well as Druze and Sunni politicians. The March 8 Alliance supported Hizbullah's fight against Israel and condemned the United Nations Special Tribunal for Lebanon (STL) which is mandated to investigate into the assassination of Rafiq Hariri and his companions;
- The March 14 Alliance, an anti-Syrian coalition of political forces that are predominantly Sunni (mainly the Future Movement and the Jama'a Islamiya), Christian (Lebanese Forces, Kataeb Party) and Druze (the Progressive Socialist Party), with smaller, secular parties and individual politicians from various communities.

After the end of the military conflict between Israel and Hizbullah in 2006, Lebanon entered a long political stalemate. When disagreements over issues such as the convening of an international special tribunal to investigate the murder of Rafiq Hariri and the assessment of the 2006 war with Israel multiplied, Hizbullah and Amal ministers withdrew from the government in November 2006. They constituted the third of the government. Therefore their withdrawal triggered a government gridlock. Since Parliament did not convene either, no President could be elected between November 2007 and May 2008. Moreover, serious security risks limited the mobility of key politicians.

The emergence of the two political blocs obscures more fundamental features in Lebanese politics, namely the strong role played by individual personalities, leading families, patronage networks and local interests within various confessional groups. Lebanese politics is seldom marked by strong ideological or programmatic antagonisms. Its most decisive features are confessional allegiance and interconfessional alliances. It is possible that, at any point, a shift in Lebanon's confessional or power interests trumps the country's orientation on the international and domestic scenes.

In May 2008, a Cabinet decision to dismantle Hizbullah's private communication network, a crucial infrastructure in the Shi'ite party's fight against Israel, triggered violent clashes in which Hizbullah and aligned forces took control of parts of Beirut and Mount-Lebanon for several days. At least 80 people died in the violence. Faced with the country on the brink of all-out civil war, the political forces agreed to negotiations under the aegis of the Emir of Qatar. The meeting in Doha (17–21 May 2008) resulted in agreements on key issues (referred to as the Doha Agreement), namely:

- The election of General Michel Sleiman, former Commander-in-chief of the Lebanese Army, to the Presidency of the Republic in May 2008;
- The formation of a government in which March 8 forces were given one third of the seats;
- The adoption of a new electoral law based on the draft of the 2006 Boutros Commission (the electoral system proposed by the commission in September 2008 was, eventually, not adopted).

⁵ Rafiq Hariri was assassinated together with 22 members of his entourage in February 2005. Several "anti-Syrian" politicians, journalists and security officers have been assassinated between 2005 and 2012.

⁶ Both alliances are named after massive demonstrations led by the "pro-Syrian" and the "anti-Syrian" camps on these dates.

Since 2009

The clear majority obtained by the March 14 Coalition in the 2009 elections (71 out of 128 seats) did not stabilise the political climate because the consociational nature of Lebanon's power-sharing politics gives priority to confessional representation over the results of the election. Therefore, the composition of the cabinet was not only limited to the members of the winning majority. This practice kept the country in a state of permanent political and constitutional deadlock, which culminated in the non-election of a President during the 2014–2016 period. Again, the parliamentary sessions could not reach a quorum under the opposition's argument that the election of a president required a vote by a two-thirds majority of the members present. The majority (March 14) retaliated by blocking the discussion on the new electoral law. As a result, parliamentary elections were postponed three times. They are now scheduled for 6 May 2018.

The institutional gridlock ended with the election of a President in October 2016, after a tug-of-war that lasted 46 parliamentary rounds. The elected President prompted the formation of a new government led by Saad Hariri in December 2016.

While animosities and tensions persist amongst the two blocs, the March 8/14 divide seems to be fading away, particularly since the January 2016 political reconciliation between the FPM and the Lebanese Forces, and the increasingly conciliatory Hariri rhetoric towards Hizbullah. The previously unthinkable coalitions which cut through the two blocs during the 2016 municipal elections are a major indicator of the easing antagonism.

PART B

Analysis of the Legal and Administrative Framework for Holding Elections

1. Relevant International and Regional Standards

In 1972, Lebanon acceded the International Covenant on Civil and Political Rights (ICCPR).⁷ Article 25 of the ICCPR sets out basic international standards for democratic elections. It provides for the right “to vote and to be elected at periodic, fair, equal and universal elections, with universal and secret suffrage guaranteeing the free expression of the will of voters”.

Since 1997, Lebanon is state party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁸ In 2007, it signed but did not ratify the Convention on the Rights of Persons with Disabilities. In 2011, Lebanon ratified the Arab Charter on Human Rights. Article 24 of the Charter states that “every citizen has the right (...) to take part in the conduct of public affairs, directly or through freely chosen representatives [and] to stand for election or choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will.” According to the preamble of the Lebanese Constitution, the Universal Declaration of Human Rights (UDHR)⁹ and the principles enshrined in the Charter are binding upon Lebanon.¹⁰

2. Overview of the Constitutional and Legal Framework

The constitutional framework for holding and regulating elections is given by the unwritten National Pact of 1943, the Ta’if Agreement of 1989 and the Constitution of 1990. Given Lebanon’s tradition of integrating successive political agreements into the constitutional framework, the contradictory nature of these agreements has undermined the clarity and firmness of the constitutional framework.¹¹ Even more destabilising

is the recurrence of ad hoc legislation – for instance “one-time” constitutional laws that have extended presidential or parliamentary mandates beyond their constitutional terms in 1995, 2004, 2013, 2014 and 2017 – which contradict constitutional provisions. This points to a broader pattern where legal requirements are perceived as of relative value and thus frequently disregarded.¹² Furthermore, Lebanese laws often regulate matters that should ordinarily fall under constitutional law, such as determining the number of MPs in Parliament.¹³

In May 2018, Lebanon will be holding its sixth legislative elections since the end of the civil war.¹⁴ Because of the political deadlock and security concerns related to the on-going war in Syria since 2011, Parliament voted three times (in May 2013, November 2014 and June 2017) to extend its mandate by respectively 31, 17 and 11 months. Parliamentary elections are thus overdue for five years.¹⁵

Five electoral laws were adopted since the civil war: in 1992, 1996, 2000, 2008 and 2017. Two parliamentary elections (2000 and 2005) were held under the election law No. 171 of 6 January 2000, and one (2009) under the election law No. 25 of 8 October 2008. These laws established a multi-member district plurality system with a breakdown of seats based on religious communities. They are similar in most organisational aspects to the earlier election laws of 1960 and 1996. The new law, No. 44 of 17 June 2017, replaces the plurality system with a multi-member proportional system and introduces major reforms.

7 However, it did not ratify its Optional Protocol under which the UN Human Rights Committee may consider complaints from individuals who claim their rights under the Covenant were violated.

8 Lebanon is not bound by the Optional Protocol to the CEDAW, which gives individuals and groups of women the right to complain to the Committee on the Elimination of Discrimination against Women about violations of the Convention.

9 Article 3) 21) of the UDHR: “The will of the people shall be the basis of the authority of the government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

10 “The government shall embody these principles in all fields and areas without exception” (paragraph b).

11 For instance, the Ta’if Agreement provides that the electoral district shall be the governorate, while according to the Doha Agreement the administrative district shall be the electoral district.

12 See for instance: the decision of the Constitutional Council No. 7 of 2014/8/6, which dismissed the appeals lodged by MPs against the law extending the term of Parliament claiming that not extending the term of the Parliament would have resulted in an institutional vacuum.

13 According to Article 24 of the Constitution, the number of MPs is prescribed by electoral laws.

14 Previous parliamentary elections took place in 1992, 1996, 2000, 2005 and 2009.

15 Municipal elections, on the contrary, have taken place every six years since 1998. Before that date, they had not been held since 1963.

3. The Electoral System

3.1 Confessional Representation in Parliament

Lebanon is a country of religious minorities with none of its 18 officially recognised communities in Lebanon (known as confessions or sects) being a majority. Representation in Parliament is based on religious communities. Until the 1972 general elections (the last ones that were held until 1992), electoral laws preserved a parliamentary ratio of 6 Christians to 5 Muslim members with all Parliaments having numbers in multiples of eleven. The Ta'if Agreement increased the number of parliamentary seats from 99 to 108 (a number further increased to 128 by the 1992 electoral law), shared equally between Christians and Muslims. This is reflected in Article 24 of the Constitution, which provides that the composition of the Chamber of Deputies is based on “equal representation between Christians and Muslims” and “proportional representation among the confessional groups within each religious community.” In addition, the representation in Parliament must ensure a “proportional representation among geographic regions”.

Equal representation between Christians and Muslims means that each community has half of the number of seats in Parliament (i.e. 64 seats each). The seats are further subdivided into 11 confessional branches, four within Islam and seven within Christianity (see Table 1 below).

Table 1: Confessional Distribution of Seats in the Lebanese Parliament

Confession	Number of Seats
Sunni	27
Shi'ite	27
Druze	8
Alawite	2
Total Muslims	64
Maronite	34
Greek-Orthodox	14
Greek-Catholic	8
Armenian Orthodox	5
Armenian Catholic	1
Evangelical	1
Minorities	1
Total Christians	64
Total	128

The confessional quota applied in Lebanese parliamentary elections implies that for instance MPs elected on a seat earmarked for one of the Christian communities are elected by voters of all confessions, including Muslims. Some view this as a breach of the principle of equality between Christians and Muslims laid down in the Constitution and claim that candidates of each religious community should be elected exclusively through the vote of members of the same community, as was put forth by the highly controversial law proposal of the “Greek-Orthodox Gathering” in 2012.¹⁶ On the other hand, this would also entrench sectarian voting behaviour and perpetuate divisions, removing any incentive for candidates to appeal to a multi-confessional electorate. It would also run against Article 27 of the Constitution, which provides that members of Parliament “represent the whole nation,” and against Article 22, which calls for a non-sectarian Chamber of Deputies as a first step towards establishing a second chamber where all religious communities are represented.

Although the confessional quota does not affect the principle of equal suffrage (as voters are not restricted to vote for candidates of their religious affiliation only), there remains an inequality in terms of representation given the requirement that 50% of the seats be filled by Christian candidates when Christian voters represent around 40% of the electorate. Moreover, the confessional quota is problematic in terms of eligibility requirements. The UN Human Rights Committee has considered the requirement that candidates must belong to one of the officially recognised religious denominations to be eligible to run for public office “does not (...) comply with the requirement of Article 25 of the Covenant.”¹⁷ This implies that the discrimination based on religious affiliation restricts the candidate’s right to stand for election, thereby triggering a broader discussion on the compatibility of confessionalism with democracy.

3.2 The Number and Size of Electoral Districts

The number and size of electoral districts used for parliamentary elections has varied considerably. This was the key parameter used by rival political factions to periodically reconfigure the confessional map of the elections and to predetermine, to a large degree, the outcome of the elections. They have varied between mid-sized districts (12 in 1992, 14 in 2000 and 2005, 15 in 2009) and small districts, i.e. the so-called “1960 districts” in reference to the 1960 electoral law that was lastly used in 2009, corresponding to Lebanon’s 25 administrative districts, plus the governorate of Beirut,

¹⁶ Elie Hajj. (2013). “March 14 Bloc Threatened by Draft Lebanese Electoral Law”. Al-Monitor. 22 February 2013.

¹⁷ Paragraph 23, Concluding Observation of the Human Rights Committee: Lebanon, 1997/04/01 CCPR/C/79/Add 78. See also UN HRC, General Comment No. 25, paragraph 3.

with some adjustments.¹⁸ On this issue, the Ta'if Agreement and the Doha Agreement are in contradiction with one another: while the former required that the electoral district be the governorate, the latter reverted to the administrative district.

In the new law, the number of districts has been reduced from 26 to 15, with seats ranging from 5 (South-Lebanon I) to 13 seats (Mount-Lebanon IV) per district. Districts include one sub-district (in which case, sub-districts and districts coincide) or more, with a maximum of 4 in North-Lebanon III and South-Lebanon III. There were no such geographical subdivisions of electoral districts in the 2009 elections, but they were in place for the 1992 and 2000 elections. The number of seats allocated to each district is further broken down per sub-district, each seat being earmarked for one of the eleven religious affiliations.

Table 2: Evolution of the Number and Size of Electoral Districts in Lebanon

Region	1992 (12 districts)	2000 (13 districts)	2008 (26 districts)	2017 (15 districts)
North-Lebanon	Single district 7 sub-regional districts Total: 28 seats	2 districts: 1 with 5 sub-districts and 17 seats 1 with 3 sub-districts and 11 seats Total: 28 seats	7 districts: 1 of 8 seats 1 of 7 seats 3 of 3 seats 2 of 2 seats Total: 28 seats	3 districts: 1 with 4 sub-districts (10 seats) 1 with 3 sub-districts (11 seats) 1 with no sub-district (7 seats) Total: 28 seats
Mount-Lebanon	6 districts: 2 of 8 seats 1 of 6 seats 2 of 5 seats 1 of 3 seats Total: 35 seats	4 districts: 1 with 2 sub-districts (8 seats) 1 with no sub-district (8 seats) 1 with 2 sub-districts (11 seats) 1 with no sub-district (8 seats) Total: 35 seats	6 districts: 2 of 8 seats 1 of 6 seats 2 of 5 seats 1 of 3 seats Total: 35 seats	4 districts: 1 with 2 sub-districts (8 seats) 1 with no sub-district (8 seats) 1 with no sub-district (6 seats) 1 with 2 sub-districts (13 seats) Total: 35 seats
South-Lebanon	Single district 7 sub-districts Total: 23 seats	Unchanged	7 districts: 1 of 5 seats 1 of 4 seats 4 of 3 seats 1 of 2 seats Total: 23 seats	3 districts: 1 with 2 sub-districts (5 seats) 1 with 2 sub-districts (7 seats) 1 with 3 sub-districts (11 seats) Total: 23 seats
Beqaa	3 districts Total: 23 seats	Unchanged	Unchanged	Unchanged
Beirut	Single district Total: 19 seats	3 districts: 1 of 6 seats 1 of 7 seats 1 of 6 seats Total: 19 seats	3 districts: 1 of 5 seats 1 of 4 seats 1 of 10 seats Total: 19 seats	2 districts: 1 of 8 seats 1 of 11 seats Total: 19 seats

18 There are 8 governorates in Lebanon subdivided in 25 administrative districts, except for Beirut, which is only a governorate.

The distribution of seats under the 2000 law was relatively equal with the ratio of registered voters per seat, ranging from 19,471 in the district of Beqaa III to 23,115 in the district of Beirut I. Under the 2017 law, the gap between the voters-per-seat ratios has increased, widening to the point of a significant inequality in the weight of a vote in some areas compared to others. The 2017 law kept the same seats distribution in the same districts (except in Beirut), but merged the existing districts, with their seats, into new and larger ones. Therefore, the ratio of registered voters per seat differs substantially from one district to another, as illustrated in the table below.

Table 3: Ratio of registered voters per seat in each district

Name	District	No. of Seats	Voters-per-Seat Ratio
South-Lebanon I	Saida-Jezzine	5	24,476
South-Lebanon II	Tyr-Zahrani	7	43,459 – HIGHEST
South-Lebanon III	Nabatiyeh-Bint Jbeil-Hasbaya-Marjeyoun	11	41,862
Beqaa I	Zahlé	7	24,992
Beqaa II	West Beqaa-Rashaya	6	23,939
Beqaa III	Baalback-Hermel	10	31,540
North-Lebanon I	Akkar	7	40,527
North-Lebanon II	Tripoli-Minieh-Dannieh	11	31,831
North-Lebanon III	Zgharta-Bsharri-Batroun-Koura	10	24,945
Mount-Lebanon I	Jbeil-Kesrwan	8	22,102
Mount-Lebanon II	Metn	8	22,473
Mount-Lebanon III	Baabda	6	27,692
Mount-Lebanon IV	Chouf-Aley	13	25,353
Beirut	Beirut I	8	16,794 – LOWEST
	Beirut II	11	32,105

Source: MOIM Elections Database (elections.gov.lb). Accessed on 24 February 2018.

The principle of equal suffrage is a cornerstone of democracy. It means that voters must be given an equal opportunity to influence the results of the election in exercising their right to participate in the conduct of public affairs through the election of representatives. The same goes for candidates who must have an equal opportunity to be elected. Commenting on Article 25 of ICCPR, the UN Human Rights Committee interprets this principle as requiring that “the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely.”¹⁹ However, there is no universally recognised standard with regards to a

specific limit beyond which variations would be unacceptable. In the European context, the Council of Europe indicated that variations up to 15 per-cent (%) are acceptable.²⁰ The Human Rights committee has found unacceptable a variation in the number of voters per district ranging from 200 to 1,400 voters.²¹

²⁰ More precisely, the Code of Good Practice in Electoral Matters of the Venice Commission of the Council of Europe suggest that « the maximum admissible departure from the distribution criterion (...) should seldom exceed 10 per cent and never 15 per cent, except in really exceptional circumstances » (p. 2.2.15).

²¹ UN HRC, *Matyus v. Slovakia*, communication No. 9 ,2000/923 October 2002.

Table 3 shows that the weight of one voter in the district of Tyr-Zahrani is twice less than the weight of a voter in the district Jbeil-Kesrwan, i.e. a variation of 100%.²² Such a substantial variation affects the very essence of the equal suffrage requirement and may be further compounded by the votes of non-resident voters as their votes will be counted in the district where they are registered.

In general, minor variations naturally occur because of the demographic characteristics of some districts, but these should be justified based on the criteria used for the electoral districting. No reference is made in the law to criteria and factors that might explain these differences. There is no provision on the subject in the law, only tables attached to the law with no mention of the criteria used for drawing districts and allocating seats. The jurisprudence of the UN Human Rights Committee shows that a high degree of inequality becomes questionable when no explanation is provided, creating an impression of arbitrariness.

In 1996, the Lebanese Constitutional Council ruled that a single uniform criterion should be used in the delimitation of election districts.²³ The practice, however, shows that electoral districting follows the logic of political and sectarian bargaining. What is essential though is that (1) consistent criteria are used, (2) that these criteria are agreed upon and periodically reviewed through a public and transparent process, and (3) that the law specifies under what circumstances the population size of a district might deviate from the established criteria.

3.3 Method for Allocating Votes to Seats

With the 2017 electoral law, Lebanon switched from a plurality voting system to a list-based proportional representation system. This is the first time in Lebanese history that an electoral law changes the electoral system itself, i.e. the method for converting votes into seats. Until then, there had never been a consensus among rival political factions on how to introduce proportional representation without jeopardising the position of the established parties. As such, the only variable used to influence the election's results was electoral districting.

In the upcoming elections, voters will have two votes: in addition to voting for a list of candidates, they will be able to indicate a preference among the candidates of that same list (Art. 98 of the new law). If no preference is indicated, only the choice of the list will be considered.

If the voter omits to select a list but picks an individual candidate, his/her vote will count for both the chosen candidate and the list of that candidate. Finally, if the voter picks a list but indicates a preference for a candidate belonging to another list or to a candidate within the same list but competing in a sub-district other than the sub-district where (s)he is registered to vote, in which case, only the choice of the list will be taken into account. These restrictions aside, voters can vote for any list and any candidate on the lists, irrespective of his or her religious affiliation, while candidates can only compete for seats that match their religious affiliation.

The new electoral law uses the Hare quota largest remainder formula to distribute seats to lists. The "price" (or value) of a seat is determined by dividing the total number of votes cast in a district by the number of seats allocated in that same district. At that stage, sub-districts don't matter, but as seats are allocated to sub-districts (in districts with more than one sub-district), this comes as an additional variable.

Only lists that reach the quotient are eligible to seat allocation. Other lists are eliminated. Then, the Hare quota is calculated a second time excluding the votes won by a list or lists that did not reach the initial quotient. The next stage is to distribute seats to candidates. The percentage of votes obtained by individual candidates from the winning lists is calculated at the level of each sub-district against the total number of votes cast for all individual candidates. Candidates are then ranked in descending order of their percentages and seats are distributed considering (1) their ranking, (2) the regional quota (i.e. the number of seats to be filled per sub-district), (3) the confessional quota and the number of seats won by each list. To illustrate the complexity of the system, an example is given below.

South Lebanon I with 5 seats distributed between two sub-districts: 2 Sunni seats in Saida and 3 seats in Jezzine (2 Maronites and 1 Greek-Catholic).

²² While under the 2000 electoral law (used in 2000 and 2005) the share of registered voters per seat varied between 19,471 and 23,115, under the 2008 law there were much larger differences in voting power: each seat in predominantly Shi'ite Bint Jbeil district represented 38,873 registered voters, while in predominantly Maronite Kesrwan a seat represented only 17,656 voters. The 2017 law has maintained the same ratio.

²³ Decision No. 96/4.

Phase One: Calculation of the Electoral Quotient

Voters cast their vote for one of the lists of candidates among lists A, B, C and D. Candidates compete for seats at the level of the sub-district. In the case of South Lebanon I, lists of candidates must present at least 3 candidates, including a minimum of 1 per sub-district (Art. 52). The results of the vote on the lists are summarised below.

List A	List B	List C	List D
Sunni/Saida: 4,230 votes	Sunni/Saida: 7,540 votes	Sunni/Saida: 14,004 votes	Sunni/Saida: 3,106 votes
Maronite/Jez: 4,207 votes	Maronite/Jez: 7,324 votes	Maronite/Jez: 2,934 votes	Maronite/Jez: 4,765 votes
Maronite/Jez: 3,287 votes	Maronite/Jez: 5,232 votes	Catholic/Jez: 2,314 votes	Maronite/Jez: 2,168 votes
Sunni/Saida: 4,522 votes	Sunni/Saida: 7,693 votes		Sunni/Saida: 2,356 votes
Catholic/Jez: 2,102 votes			Catholic/Jez: 576 votes
Total = 18,348 votes	Total = 27,789 votes	Total = 19,252 votes	Total = 12,971 votes

The electoral quotient is calculated to determine the list(s) to be eliminated. The total of the votes cast²⁴ is divided by the number of seats to be filled (Hare method). The electoral quotient in this example is 15,672. List D is eliminated as it did not reach the quotient.

Phase Two: Identification of Winning Lists

A new electoral quotient is then calculated by removing from the total number of votes the votes cast for List D. The new quotient is 13,077.

The largest remainder method is used. This method requires the numbers of votes for each party to be divided by the quotient representing the number of votes required for a seat. The number of seats allocated to each list is equal to the number of times it reaches the quotient. The lists are then ranked based on the fractional remainders, and one additional seat is allocated to each of the lists with the largest remainders until all the seats have been allocated (Art. 99).

The results are the following:

- 2 seats are allocated to List B (twice the quotient)
- 2 seats are allocated to List C (once the quotient and then the largest remainder)
- The last seat goes to List A (the only remaining list).

Phase Three: Preferential Voting

The winning lists have been identified. Voters also have a second vote. They can only pick one individual candidate from the list chosen with their first vote. The results of the preferential voting will designate the individuals who will sit in parliament. They are calculated in percentages of votes at the level of sub-districts.

The table shows the percentage of preferential votes obtained by each candidate of the three remaining lists.

²⁴ Valid votes include blank votes (Art. 103). However, for the sake of simplicity, this simulation is based on the assumption that there were no blank votes.

List A	%	List B	%	List C	%
Sunni/Saida	4,230 votes = 11.1	Sunni/Saida	7,540 votes = 19.7	Sunni/Saida	14,004 votes = 36.6
Maronite/Jez	4,207 votes = 14.9	Maronite/Jez	7,324 votes = 26	Maronite/Jez	2,934 votes = 10.4
Maronite/Jez	3,287 votes = 11.7	Maronite/Jez	5,232 votes = 18.6	Catholic/Jez	2,314 votes = 7.6
Sunni/Saida	4,522 votes = 11.8	Sunni/Saida	7,693 votes = 17.8		
Catholic/Jez	2,102 votes = 7.5				

The percentages are calculated at the level of the sub-district. For instance, the percentages of the votes obtained by each candidate competing for one of the two Sunni seats in Saida (sub-district) are calculated by reference to the total number of preferential votes of all three winning lists for these two seats.

Phase Four: Ranking of Candidates on Winning Lists

Candidates must then be ranked in descending order of their percentages.

Sunni/Saida	36.6%	List C
Maronite/Jez	26%	List B
Sunni/Saida	19.7%	List B
Maronite/Jez	18.6%	List B
Sunni/Saida	17.8%	List B
Maronite/Jez	14.9%	List A
Sunni/Saida	11.8%	List A
Maronite/Jez	11.7%	List A
Sunni/Saida	11.1 %	List A
Maronite/Jez	10.4%	List C
Catholic/ Jez	7.6%	List C
Catholic/ Jez	7.5%	List A

Phase Five: Application of Confessional, Regional and Seats Parameters

The seats are then distributed to the individual candidates considering three additional parameters:

1. The confessional quota (2 seats for the Sunni, 2 for the Maronite and 1 for the Greek-Catholic);
2. The regional quota (2 seats for Saida and 3 for Jezzine);
3. The number of seats obtained by the lists (2 seats each for Lists B and C, 1 seat for List A).

The non-barred candidates are the successful candidates for the 5 seats:

Sunni/Saida	36.6%	List C	(1)
Maronite/Jez	26%	List B	(2)
Sunni/Saida	19.7%	List B	(3)
Maronite/Jez	18.6%	List B	
Sunni/Saida	17.8%	List B	
Maronite/Jez	14.9%	List A	(4)
Sunni/Saida	11.8%	List A	
Maronite/Jez	11.7%	List A	
Sunni/Saida	11.1%	List A	
Maronite/Jez	10.4%	List C	
Catholic/ Jez	7.6%	List C	(5)
Catholic/ Jez	7.5%	List A	

When designing their electoral systems, states enjoy a wide margin of appreciation. International standards do not favour or prescribe a particular electoral system, but it is implicit that any electoral system must protect the rights guaranteed under Article 25 of ICCPR and uphold the right to vote and to be elected by universal and equal suffrage in periodic elections that freely express the will of the electors. Electoral systems should therefore be understood and assessed in light of these tenets and the political evolution of the concerned country. Features that are deemed unacceptable in one system may be justified or legitimate in another. As such, the margin of state discretion could entail that all votes do not have equal weight, or even that all candidates do not have equal chances of victory. Also, no electoral system can eliminate the so-called “wasted votes”.

The fact is that the highest level of proportionality depends primarily on the number of seats per district. However, while we now have 15 electoral districts, seats are distributed at the level of sub-districts, and while the number of seats won by lists of candidates is established at the level of districts, the subsequent distribution of seats to individual candidates is based on the votes cast in 26 sub-districts.

As the number of sub-districts is not proportionate to the number of seats, the level of proportionality of the election result fluctuates. The district with the highest number of seats (Mount-Lebanon IV with 13 seats) has only two sub-districts, while 11 seats are allocated to Beirut II, which has no sub-districts. Also, the quota for lists to qualify for seat allocation varies considerably across districts from 7.7% (Mount-Lebanon IV) to 20% of votes (South-Lebanon I). This also undermines the principle of equal suffrage.

Finally, because of the combined effect of the confessional (allocation of seats per religious affiliation) and regional quotas (the distribution of seats per sub-district), the allocation of seats to individual candidates may be affected by anomalies; for instance, a candidate could be disqualified even if (s)he is ranked higher than his/her opponent, or if all seats in his/her sub-district have already been filled, irrespective of how high (s)he was ranked. Similarly, seats can be won with an extremely low percentage of votes. The result may also be skewed by the number of candidates presented on the lists for the seats to be filled, which could give rise to last-minute political bargaining. Overall, as far as preferential voting is concerned, it seems as if proportionality is replaced with unpredictability. Because of its complexity, the new electoral system, which has no precedent elsewhere in the world, makes it difficult to predict the impact of these changes.

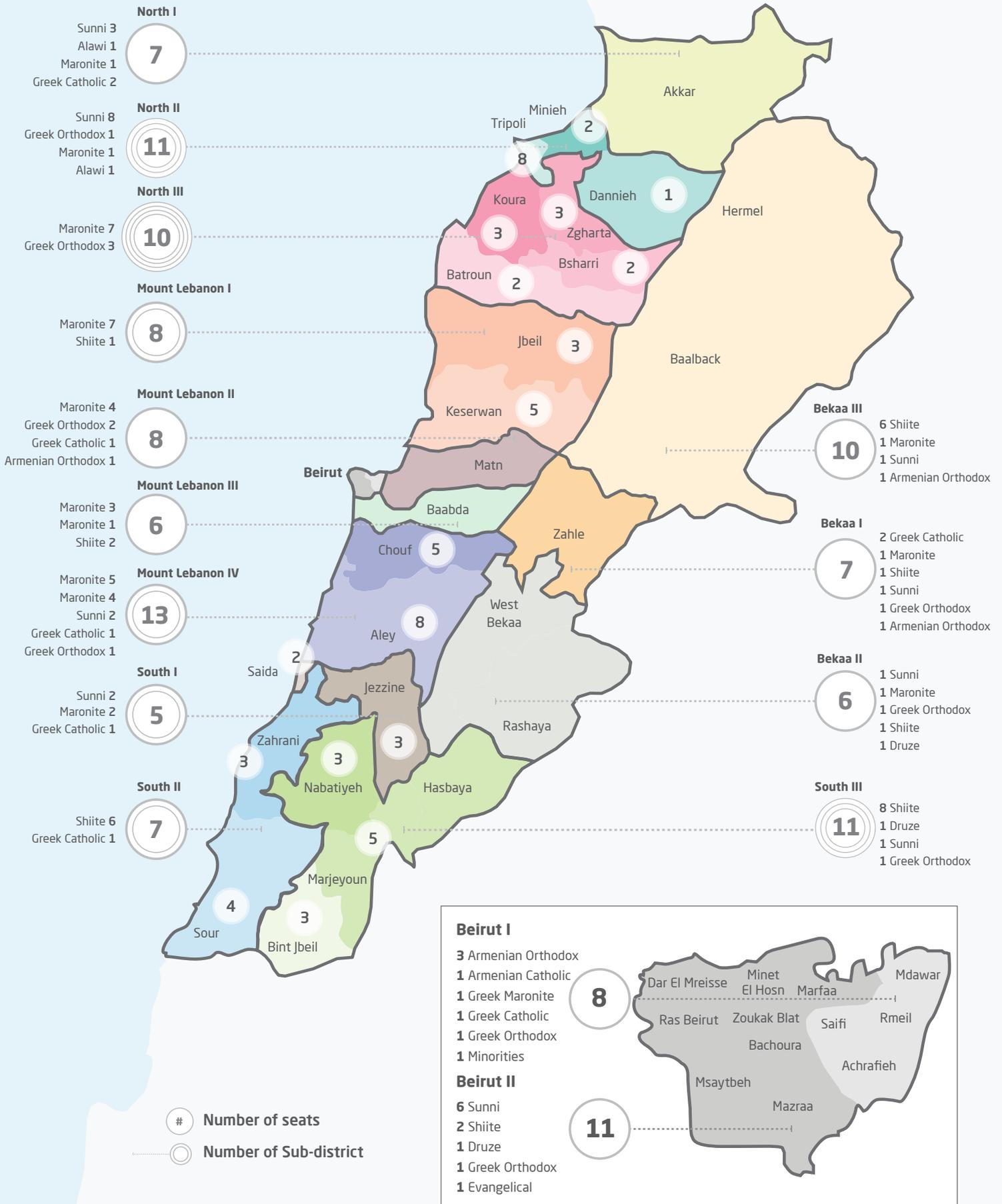
Electoral law reform is a challenge in any country because it often undermines vested political interests. Elected representatives have strong opinions on any

electoral reform that might compromise their chances of being re-elected. In Lebanon, the confessional character of political negotiations represents an additional challenge. As such, it is likely that the new law will be subject to further changes based on the lessons learnt from the upcoming elections. It is essential that the practice of last-minute amendments driven by short-term political objectives and ad hoc interests be relinquished as it only leads to defective laws that would require additional amendments, with no prospect of stabilisation of the electoral framework.

In sum, the shift to a proportional system is a first step. The next steps should be to consolidate and rationalise the legal framework in a way that fulfils true proportional representation. This must be based on inclusive, systematic, transparent and genuine consultations with political parties, opposition leaders, independent candidates, civil society organisations, groups representing voters’ interests, election management bodies, the media and the general public.

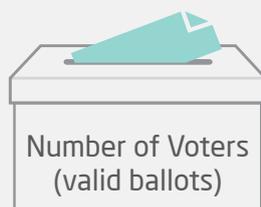
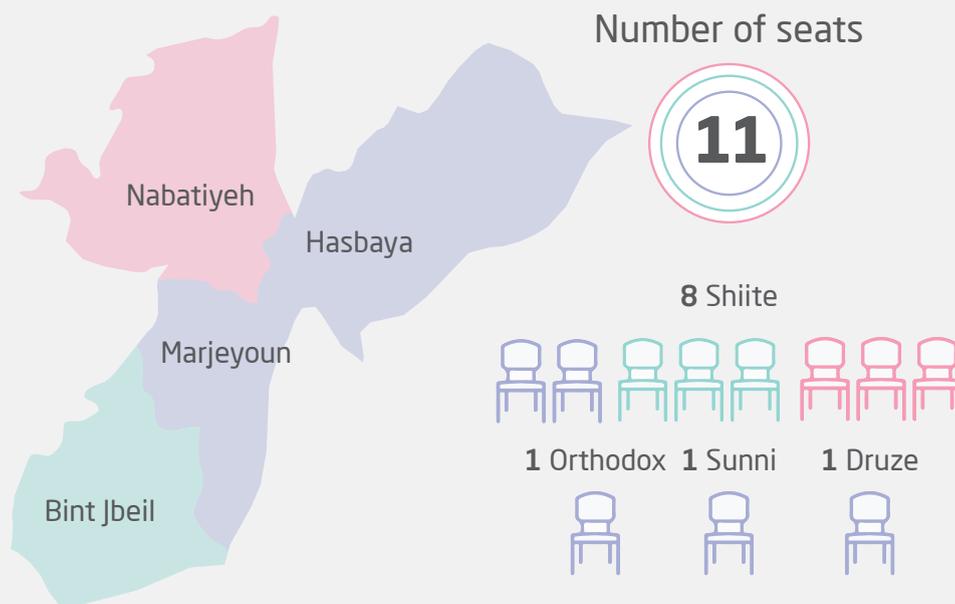
- The electoral system should be reviewed in light of the lessons learnt from the upcoming elections to give full effect to the benefits usually associated with a proportional voting system. This should be a transparent process that defines larger districts with no subdivisions and alleviates voting inequalities. This would imply that the role of confessions in political life be reduced.
- The variations across electoral districts in the ratio of voters per seats should be substantially reduced to comply with the principle of equal suffrage. Clear and consistent criteria for the delimitation of electoral districts must be prescribed in the law, based on broad consultations.
- The electoral framework should be consolidated and stabilised based on inclusive, transparent and genuine consultations.

Seats Distribution On Electoral Districts According To Law 44/2017



Vote Counting Simulation

South III: Bint Jbeil - Nabatiyeh - Hasbaya-Marjeyoun
Electoral District: South III (Bint Jbeil - Nabatiyeh - Hasbaya-Marjeyoun)



219,140



450,694

Bint Jbeil: **62,740** | Nabatiyeh: **81,634** | Hasbaya-Marjeyoun: **74,766**

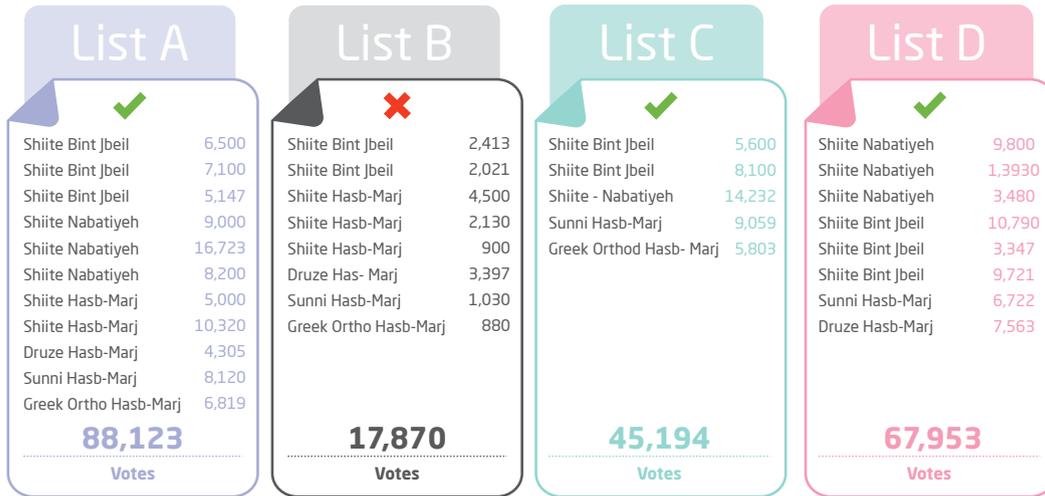
Electoral Quotient = number of valid ballots / number of seats = 19,922

*** Electoral Quotient = number of valid ballots/ number of seats ***

New electoral quotient = 19,922

1

Identifying the winning lists



New electoral quotient = 19,922

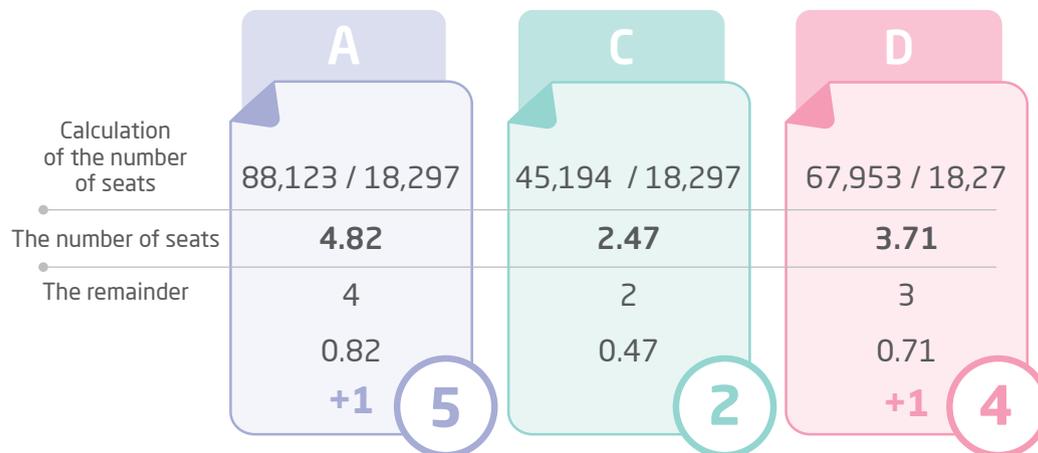
2

Allocating the seats to the lists

The list that failed to achieve the quotient, i.e. List B, is eliminated
 A new electoral quotient is calculated after having eliminated the List B votes

Number of voters - number of the voters of the eliminated list
 $219,140 - 17,870 = 201,270$

New electoral quotient:
 $201,270 / 11 = 18,297$



3

Calculating the preferential votes for all candidates on qualifying lists

The percentage of preferential votes obtained by each candidate is calculated by dividing the number of preferential votes obtained by the total number of preferential votes in the district (eg. Baalback and Hermel).

The district may be divided, as in this case, into several sub-districts.

Total preferential votes at the sub-district level:

Bint Jbeil: 56,305

Nabatiyeh: 75,365

Hasbaya-Marjeyoun: 63,711

		%			%
Shiite Bint Jbeil	6,500	11.54	Sunni Hasb-Marj	5,000	7.85
Shiite Bint Jbeil	7,100	12.61	Sunni Hasb-Marj	10,320	16.20
Shiite Bint Jbeil	5,147	9.14	Druze Hasb-Marj	4,305	6.76
Shiite Nabatiyeh	9,000	11.94	Sunni Hasb-Marj	8,120	12.75
Shiite Nabatiyeh	16,723	22.19	Greek Ortho Hasb-Marj	6,819	10.70
Shiite Nabatiyeh	8,200	10.88			

		%			%
Shiite Bint Jbeil	5,600	9.95	Sunni Hasb-Marj	9,059	14.22
Shiite Bint Jbeil	8,100	14.39	Greek Ortho Hasb-Marj	5,803	9.11
Shiite Nabatiyeh	14,232	18.88			

		%			%
Shiite Nabatiyeh	9,800	13	Shia Bint Jbeil	9,721	5.94
Shiite Nabatiyeh	13,930	18.48	Sunni Hasb-Marj	6,722	17.26
Shiite Nabatiyeh	3,480	4.62	Druze Hasb-Marj	7,563	10.55
Shiite Bint Jbeil	10,790	19.16	Shiite Bint Jbeil	3,347	11.87

4

Integrating candidates into a single list

All qualifying lists are integrated into one single list where the names of candidates are ranked from the largest to the lowest percentage of preferential votes in the sub-district, regardless of the list to which they belong.

A C D	Shiite Nabatiyeh	%22.19	Druze Hasb-Marj	%11.87
	Shiite Bint Jbeil	%19.16	Shiite Bint Jbeil	%11.54
	Shiite Nabatiyeh	%18.88	Shiite Nabatiyeh	%10.88
	Shiite Nabatiyeh	%18.48	Greek Ortho Hasb-Marj	%10.70
	Shiite Bint Jbeil	%17.26	Sunni Hasb-Marj	%10.55
	Shiite Hasb-Marj	%16.20	Shiite Bint Jbeil	%9.95
	Shiite Bint Jbeil	%14.39	Shiite Bint Jbeil	%9.14
	Sunni Hasb-Marj	%14.22	Greek Ortho Hasb-Marj	%9.11
	Shiite Nabatiyeh	%13	Shiite Hasb-Mar	%7.85
	Sunni Hasb-Marj	%12.75	Druze Hasb-Marj	%6.76
	Shiite Bint Jbeil	%12.61	Shiite Bint Jbeil	%5.94
	Shiite Nabatiye	%11.94	Shiite Nabatiyeh	%4.62

5

Identifying the winning candidates in each list



The winning candidates are identified according to a set of criteria:

- The confessional quota
 - 8 Shiite
 - 1 Druze
 - 1 Sunni
 - 1 Greek Orthodox
- The regional quota
 - Bint Jbeil: 3 Shiite
 - Nabatiyeh: 3 Shiite
 - Hasbaya-Marjeyoun: 2 Shiite
 - 1 Druze
 - 1 Sunni
 - 1 Greek Orthodox
- The Seats

5 2 4	Shiite Nabatiyeh	%22.19	Druze Hasb- Marj	%11.87
	Shiite Bent Jbeil	%19.16	Shiite Bent Jbeil	%11.54
	Shiite Nabatiyeh	%18.88	Shiite Nabatiyeh	%10.88
	Shiite Nabatiyeh	%18.48	Greek Ortho Hasb- Marj	%10.70
	Shiite Bent Jbeil	%17.26	Sunni Hasb- Marj	%10.55
	Shiite Hasb- Marj	%16.20	Shiite Bent Jbeil	%9.95
	Shiite Bent Jbeil	%14.39	Shiite Bent Jbeil	%9.14
	Sunni Hasb- Marj	%14.22	Greek Ortho Hasb- Marj	%9.11
	Shiite Nabatiyeh	%13	Shiite Hasb- Marj	%7.85
	Sunni Hasb- Marj	%12.75	Druze Hasb- Marj	%6.76
	Shiite Bent Jbeil	%12.61	Shiite Bent Jbeil	%5.94
	Shiite Nabatiye	%11.94	Shiite Nabatiyeh	%4.62



Each voter may vote for one list only. Add (x) or (✓) sign next to your preferred list

You may also vote for one candidate from the list you voted for by adding (x) or (✓) next to the candidate name and picture.

Make sure that the candidate is from your own minor district and his/her box is white and not black.

This form is only a replica and not to be used for electoral voting

General Elections, 6 May 2018

South III District: Nabatiyeh - Bint Jbeil - Hasbaya - Marjeyoun

Paper ballot for sub-districts: Hasbaya-Marjeyoun

Independents List <input type="checkbox"/>	The People's List <input type="checkbox"/>	Prosperity List <input type="checkbox"/>	Peace List <input type="checkbox"/>	The Nation's List <input type="checkbox"/>
 Alya Mohamad Kadiri Sunni seat - Hasb-Marj <input type="checkbox"/>	 Hasan Mahdy Mansour Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Mahdy Jihad Bazzi Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Elias Ibrahim Gerges Orthodox seat - Hasb-Marj <input type="checkbox"/>	 Aly Hssein Maatouk Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>
 George Tony Elias Orthodox seat - Hasb-Marj <input type="checkbox"/>	 Saad Mohammed Dafer Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Jaafar Hamdan Hamdan Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Youssef Karim El Zein Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Abdel Amir Ali Ali Shiite seat - Hasb-Marj <input type="checkbox"/>
 Hussein Mohamad Ibrahim Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Hala Mhamad Taj El Deen Shiite seat - Hasb-Marj <input type="checkbox"/>	 Hachem Mhammad Saleh Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Mazen Hussein Amhaz Shiite seat - Hasb-Marj <input type="checkbox"/>	 Antoinette George Akel Orthodox seat - Hasb-Marj <input type="checkbox"/>
 Amal Zein Bader Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Aly Moussa Hogeig Shiite seat - Hasb-Marj <input type="checkbox"/>	 Zahraa Hsein Mahdi Shiite seat - Hasb-Marj <input type="checkbox"/>	 Mostafa Abbas Atwi Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Ahmad Karim Fahs Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>
 Daoud Ali Nasser Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Nour Moussa Rahhal Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Aly Ibrahim Kobeissy Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Ziad Khalil Bazzi Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Hussain Moussa Hareb Shiite seat - Hasb-Marj <input type="checkbox"/>
 Amir Hussein Fakih Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Racha Raef Wehbe Druze seat - Hasb-Marj <input type="checkbox"/>	 Reeham Ali Darwish Shiite seat - Hasb-Marj <input type="checkbox"/>	 Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Nidal Asaad Barakat Druze seat - Hasb-Marj <input type="checkbox"/>
 Ali Chadi Khalil Shiite seat - Hasb-Marj <input type="checkbox"/>	 Mohamad Naser Mansour Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Ramy Rabah Shahrour Sunni seat - Hasb-Marj <input type="checkbox"/>	 Fatime Mohamad Khreis Shiite seat - Hasb-Marj <input type="checkbox"/>	 Nour El Houda Maarouf Wehbe Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>
 Abbas Jaafar Chreif Shiite seat - Hasb-Marj <input type="checkbox"/>	 Ibtissam Jamil Jaafar Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Terez Georges Ghabris Orthodox seat - Hasb-Marj <input type="checkbox"/>	 Ibrahim Chadi Halabi Druze seat - Hasb-Marj <input type="checkbox"/>	 Omar Ibrahim Khatib Sunni seat - Hasb-Marj <input type="checkbox"/>
 Zahraa Hussein Mansour Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Saleh Khalil Ballot Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Ibrahim Ali Ayyash Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Khaled Youssef Homayed Sunni seat - Hasb-Marj <input type="checkbox"/>	 Hussein Ali Mokalled Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>
 Fares Raif Nasr Druze seat - Hasb-Marj <input type="checkbox"/>	 Taha Mohamad Omary Sunni seat - Hasb-Marj <input type="checkbox"/>	 Mariam Hussein Khreish Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Olfat Ibrahim Haidar Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Jaafar Mhammad Chahine Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>
 Ali Sharif Ali Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Tony Fares Hanna Orthodox seat - Hasb-Marj <input type="checkbox"/>	 Raefa Assaad Hamra Druze seat - Hasb-Marj <input type="checkbox"/>	 Hasan Hussein Beydoun Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Batoul Ahmad Houssein Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>

Paper ballot for sub-district: Nabatiyeh

Independents List	The People's List	Prosperity List	Peace List	The Nation's List
 Alya Mohamad Kadiri Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hasan Mahdy Mansour Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Mahdy Jihad Bazzi Shiite seat - Nabatiyeh <input type="checkbox"/>	 Elias Ibrahim Gerges Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Aly Hssein Maatouk Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>
 George Tony Elias Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Saad Mohammed Dafer Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Jaafar Hamdan Hamdan Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Youssef Karim El Zein Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Abdel Amir Ali Ali Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>
 Hussein Mohamad Ibrahim Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Hala Mhamad Taj El Deen Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hachem Mhammad Saleh Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Mazen Hussein Amhaz Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Antoinette George Akel Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>
 Amal Zein Bader Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Aly Moussa Hogeig Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Zahraa Hsein Mahdi Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Mostafa Abbas Atwi Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Ahmad Karim Fahs Shiite seat - Nabatiyeh <input type="checkbox"/>
 Daoud Ali Nasser Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Nour Moussa Rahhal Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Aly Ibrahim Kobeissy Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Ziad Khalil Bazzi Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>	 Hussain Moussa Hareb Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>
 Amir Hussein Fakh Shiite seat - Nabatiyeh <input type="checkbox"/>	 Racha Raef Wehbe Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Reeham Ali Darwish Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Shiite seat - Nabatiyeh <input type="checkbox"/>	 Nidal Asaad Barakat Druze seat - Hasb-Marj <input checked="" type="checkbox"/>
 Ali Chadi Khalil Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Mohamad Naser Mansour Shiite seat - Nabatiyeh <input type="checkbox"/>	 Ramy Rabah Shahrour Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Fatime Mohamad Khreis Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Nour El Houda Maarouf Wehbe Shiite seat - Nabatiyeh <input type="checkbox"/>
 Abbas Jaafar Chreif Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Ibtissam Jamil Jaafar Shiite seat - Nabatiyeh <input type="checkbox"/>	 Terez Georges Ghabris Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Ibrahim Chadi Halabi Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Omar Ibrahim Khatib Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>
 Zahraa Hussein Mansour Shiite seat - Nabatiyeh <input type="checkbox"/>	 Saleh Khalil Ballot Shiite seat - Nabatiyeh <input type="checkbox"/>	 Ibrahim Ali Ayyash Shiite seat - Nabatiyeh <input type="checkbox"/>	 Khaled Youssef Homayed Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hussein Ali Mokalled Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>
 Fares Raif Nasr Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Taha Mohamad Omary Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Mariam Hussein Khreish Shiite seat - Nabatiyeh <input type="checkbox"/>	 Olfat Ibrahim Haidar Shiite seat - Nabatiyeh <input type="checkbox"/>	 Jaafar Mhammad Chahine Shiite seat - Nabatiyeh <input type="checkbox"/>
 Ali Sharif Ali Shiite seat - Nabatiyeh <input type="checkbox"/>	 Tony Fares Hanna Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Raefa Assaad Hamra Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hasan Hussein Beydoun Shiite seat - Nabatiyeh <input type="checkbox"/>	 Batoul Ahmad Houssein Shiite seat - Bint Jbeil <input checked="" type="checkbox"/>

Paper ballot for sub-district district: Bint Jbeil

Independents List	The People's List	Prosperity List	Peace List	The Nation's List
 Alya Mohamad Kadiri Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hasan Mahdy Mansour Shiite seat - Bint Jbeil <input type="checkbox"/>	 Mahdy Jihad Bazzi Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Elias Ibrahim Gerges Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Aly Hssein Maatouk Shiite seat - Bint Jbeil <input type="checkbox"/>
 George Tony Elias Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Saad Mohammed Dafer Shiite seat - Bint Jbeil <input type="checkbox"/>	 Jaafar Hamdan Hamdan Shiite seat - Bint Jbeil <input type="checkbox"/>	 Youssef Karim El Zein Shiite seat - Bint Jbeil <input type="checkbox"/>	 Abdel Amir Ali Ali Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>
 Hussein Mohamad Ibrahim Shiite seat - Bint Jbeil <input type="checkbox"/>	 Hala Mhamad Taj El Deen Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hachem Mhammad Saleh Shiite seat - Bint Jbeil <input type="checkbox"/>	 Mazen Hussein Amhaz Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Antoinette George Akel Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>
 Amal Zein Bader Shiite seat - Bint Jbeil <input type="checkbox"/>	 Aly Moussa Hogeig Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Zahraa Hsein Mahdi Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Mostafa Abbas Atwi Shiite seat - Bint Jbeil <input type="checkbox"/>	 Ahmad Karim Fahs Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>
 Daoud Ali Nasser Shiite seat - Bint Jbeil <input type="checkbox"/>	 Nour Moussa Rahhal Shiite seat - Bint Jbeil <input type="checkbox"/>	 Aly Ibrahim Kobeissy Shiite seat - Bint Jbeil <input type="checkbox"/>	 Ziad Khalil Bazzi Shiite seat - Bint Jbeil <input type="checkbox"/>	 Hussain Moussa Hareb Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>
 Amir Hussein Fakh Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Racha Raef Wehbe Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Reeham Ali Darwish Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Nidal Asaad Barakat Druze seat - Hasb-Marj <input checked="" type="checkbox"/>
 Ali Chadi Khalil Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Mohamad Naser Mansour Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Ramy Rabah Shahrour Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Fatime Mohamad Khreis Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Nour El Houda Maarouf Wehbe Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>
 Abbas Jaafar Chreif Shiite seat - Hasb-Marj <input checked="" type="checkbox"/>	 Ibtissam Jamil Jaafar Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Terez Georges Ghabris Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Ibrahim Chadi Halabi Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Omar Ibrahim Khatib Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>
 Zahraa Hussein Mansour Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Saleh Khalil Ballot Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Ibrahim Ali Ayyash Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Khaled Youssef Homayed Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hussein Ali Mokalled Shiite seat - Bint Jbeil <input type="checkbox"/>
 Fares Raif Nasr Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Taha Mohamad Omary Sunni seat - Hasb-Marj <input checked="" type="checkbox"/>	 Mariam Hussein Khreish Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Olfat Ibrahim Haidar Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Jaafar Mhammad Chahine Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>
 Ali Sharif Ali Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Tony Fares Hanna Orthodox seat - Hasb-Marj <input checked="" type="checkbox"/>	 Raefa Assaad Hamra Druze seat - Hasb-Marj <input checked="" type="checkbox"/>	 Hasan Hussein Beydoun Shiite seat - Nabatiyeh <input checked="" type="checkbox"/>	 Batoul Ahmad Houssein Shiite seat - Bint Jbeil <input type="checkbox"/>

4. Election Administration: The Supervisory Commission for Elections

The administration of democratic elections requires that election administration bodies perform – and are perceived to perform – their duties in a professional and impartial manner, independent from political interests. There is no international standard on the form that election management bodies should take,²⁵ but it is widely recognised that independent election commissions play a useful role in many transitional democracies.

4.1 The Ministry of the Interior and Municipalities

Elections are administered by MOIM, which co-operates with the governors (muhafez) and the district commissioners (qaimaqam), both appointed by the Council of Ministers. The primary responsibility for organising elections falls to MOIM’s Directorate General of Political Affairs and Refugees.

Among its many tasks, MOIM prepares and maintains the voter lists, produces national ID cards, distributes election materials, registers candidates, trains polling staff, organises polling, counting and publication of the results and deals with election complaints in the first instance (excluding complaints related to media regulations). In 2009, MOIM maintained a trilingual elections website – in Arabic, English and French – on which citizens, candidates and observers could access information about various aspects of the electoral process. Finally, MOIM can suggest the adoption of government decrees to regulate the implementation of the electoral law where the latter is silent or unclear (Art. 124).

MOIM’s technical competence to carry out these tasks is generally recognised. In the 2009 elections, it gained the confidence of the public and the political parties for its impartiality and its ability to administer the elections in an organised manner.²⁶ However, nine years have passed since the last parliamentary elections; given the highly polarised political context and the unprecedented electoral system in Lebanon, the same level of confidence is no longer secured.

4.2 The Supervisory Commission for Elections

In 2006, the Boutros Commission proposed the establishment of a fully independent electoral commission to manage all aspects of the elections. This was not retained in the 2008 law, which created the Supervisory Commission for Electoral Campaigns

(SCEC) to supervise compliance with campaign finance, media and advertising regulations. The SCEC was not independent from MOIM.

The 2017 law turned the SCEC into a permanent body with a broader denomination, namely the “Supervisory Commission for Elections” (SCE). Like its predecessor, the SCE is appointed by the Council of Ministers upon the recommendation of the Minister of the Interior (Art. 11). It is established as an “independent body” operating in coordination with the Ministry.

4.2.1 Composition, Appointment and Decision-Making

The membership of the SCE was slightly altered. It is now composed of eleven (instead of ten) members (three judges, two former Bar Association Presidents, one media expert, one accountant, two senior election experts and one representative of civil society²⁷) all appointed by the Council of Ministers (Art. 11). Nine of them are recommended to the Council of Ministers by judicial and professional bodies that are required to submit lists of candidates, while two (the electoral experts) are recommended by MOIM (Art. 10). Gender balance in the composition of the commission is encouraged but not legally binding. In September 2017, only one woman, the civil society representative, was appointed on the SCE.

The Minister of the Interior attends the meetings of the SCE but has no voting right, as in 2009. However, s/he no longer chairs the meetings. Instead, this role is assigned to the administrative or the ordinary judge sitting on the commission. There is now a quorum requirement of seven members for meetings of the commission to be valid (Art. 21). Decisions are taken by an absolute majority. They can be appealed to the Council of State²⁸ within 3 days of their notification or publication. The Council of State has then 3 days to make a decision. This procedure was already foreseen in the previous law.

4.2.2 Mandate and Enforcement Capacity

The functions of the SCE were marginally expanded. Previously, the 2008 commission was primarily responsible for receiving and deciding on the applications of print and audio-visual media requesting to participate in the advertising campaign, and supervising the compliance of media, advertisement and candidates with the electoral law and the law on media regulations. The commission also supervised electoral spending and audited the financial statements of the candidates. These functions remain within the mandate of the SCE with only marginal changes (e.g. increased enforcement power regarding regulations on opinion polls).

25 UN HRC, General Comment on article 25, paragraph 20: “An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws which are compatible with the Covenant.” The Inter-Parliamentary Union refers to “the establishment of a neutral, impartial and balanced mechanism for the management of elections” (1994 Declaration on Criteria for Free and Fair Election).

26 See EUEOM to Lebanon Final Report on the 7 June 2009 Parliamentary Elections, pp. 12–11.

27 The SCEC did not include a civil society representative (Art.12 of the 2008 law).

28 The Council of State or Conseil d’État is the ultimate authority on administrative law cases.

Based on the lessons learnt from the 2009 elections, the enforcement capacity in terms of media regulation and campaign spending largely depends on the resources available to the SCE. Apart from a budget specifically allotted to the Commission (Art. 23) – a reference which was absent from past legislation –, the new law does not include provisions that could increase the SCE's effectiveness. In terms of internal organisational capacity, the SCE can form special committees and delegate to them, or to one or more of its members, specific tasks that fall within its prerogatives. The head of the commission can also delegate some of his/her powers to his/her deputy or another member of the commission (Art. 22).

Apart from supervising the electoral campaign, the SCE provides accreditation for both national and international election observers, a task that previously fell to the Ministry.

4.2.3 Status

Like its predecessor, the SCE remains a hybrid body, neither fully integrated into the political executive nor fully independent from it. It has an extremely limited administrative and budgetary autonomy, and, as in 2008, is placed under direct MOIM supervision (Art. 9). Furthermore, the legal mandate of the SEC has not been substantially expanded. It is confined to the short timeframe of a parliamentary election and does not mention any activity taking place in-between. Finally, its enforcement capacity is limited. For instance, on key aspects of its mandate like campaign spending and media regulations, the law is incomplete or not specific enough to make the SCE's monitoring effective.

Nevertheless, there are two novelties that could ultimately make the difference. Firstly, the term "independent" is used for the first time in the law (Art. 9) and while it may remain fictitious for the time being and ultimately depends on the collective capacity and willingness of its members to assert themselves vis-à-vis MOIM, this independence points to an evolutionary process towards a fully or truly independent commission with more powers and resources.

Secondly, the SCE is a permanent body. It remains fragile, however, as the term of office of its members is not specified in the law. Their term begins at the time of their appointment and expires 6 months after the parliamentary elections, but the law does not indicate when members must be appointed. It can only be inferred from the law that new members, who will be appointed after the expiry of the terms of office of current members, will be appointed for 4 years – until 6 months after the upcoming parliamentary elections. If the Council of Ministers fails to appoint new members, the current members will remain in office until new ones are appointed. While it is laudable that SCE members remain in office until new ones are appointed, their independence is seriously undermined given the

permanent threat of being replaced at any time by the political executive. With a view to ensuring the continuity of the commission's work and to building its "institutional memory", it is recommended that the law expressly set out the terms of office of SCE's members. They should be appointed for terms of office covering at least one full electoral cycle.

Furthermore, the SCE should receive new competences in areas where its independence would represent a comparative advantage over the Ministry for securing the confidence of voters and candidates. The SCE could, for instance, supervise voter registration, register candidates and train polling staff. This inevitably questions the appointment procedure and the membership of the SCE. Regardless of the appointment procedure chosen, the more responsibilities are given to the SCE, the more essential it is that it enjoys the full confidence of all political parties.

- There have been no significant changes to the structure of the electoral administration, which is still largely run by MOIM. The establishment of the SCE, an "independent" permanent body, remains a declaration of intent rather than a reality. Extending its role in the electoral process may be a step towards the creation of a truly independent body.
- In a context of extreme political polarisation like in Lebanon, the risk of mistrust from the electorate should not be underestimated. This calls for an independent SCE with increased powers, particularly in areas where its independence could represent a significant comparative advantage over MOIM.
- For this, the following steps should be reflected in the law:
 - ▶ SCE members should be appointed for a term of office specified in the law, the duration of which should ensure the continuity of the SCE's work and cover a full electoral cycle;
 - ▶ The SCE should have a larger mandate to include scrutiny of elections other than parliamentary elections;
 - ▶ The SCE should be involved in the preparation and organisation of key aspects of electoral processes in coordination with MOIM, particularly in areas where its independence could represent a significant comparative advantage over the Ministry;
 - ▶ The SCE should have its own budget that is separate from that of MOIM. The law should include measures that strengthen the SCE's monitoring and enforcement capacity;
 - ▶ Gender balance in the composition of the SCE should be mandatory.

5. Right to Vote and Voter Registration

5.1 Minimum Voting Age

Lebanese citizens must be 21 years of age to vote, as stipulated in Article 21 of the Constitution. Its amendment would require a two-thirds quorum in Parliament. In 2006, the Boutros Commission unsuccessfully recommended lowering the voting age to 18, which is the majority age. The issue of the voting age has a political dimension because of long-standing concerns that lowering the voting age would benefit the Muslim electorate, because of its higher birth rates, at the expense of the once dominant Christian community. Some also consider it would favour the Shi'ites over the Sunnis. In 2010, another attempt was made, but it failed.²⁹

In general, the right to vote may be subject only to reasonable restrictions, such as a minimum age limit. Setting the age limit at 18 or 21 is left at the discretion of national authorities. Nowadays, very few countries have set the voting age at 21 like Lebanon (e.g. Samoa, South Korea, Malaysia, Maldives, Pakistan, Singapore). The majority age coincides with the voting age in most of the countries given the perceived interrelation between legal and political eligibility (legal responsibility, eligibility for military service and entitlement to a driver's licence, etc.). It is therefore questionable to retain a discrepancy between a majority age of 18 years and a voting age of 21 years.

5.2 Restrictions to the Right to Vote: Ban on Military Voting

Non-retired military personnel are not allowed to vote (Art. 6), which could affect as many as 72,000 individuals (among whom 23,000 conscripts, not including paramilitary forces and internal security forces).

Until recently, many countries were reluctant to grant military personnel the right to vote, to "preserve the army from national political divisions". It is also argued that the army is hostile to political participation through suffrage, or that its mission should be limited to protecting Government, not influencing it. Traditions of neutrality ("la grande muette") are often cited to justify the ban on military voting.

There are no international standards explicitly denying the legitimacy of the ban. Nonetheless, restrictions on suffrage rights, which are fundamental elements of democracy must be prescribed by law and proportionate to the legitimate aim pursued, based on objective and reasonable criteria that must be kept under scrutiny.

²⁹ 34 of the 128 MPs voted for the measure, while 66 abstained and one voted against. The remaining 27 MPs did not attend the session. Most Christian MPs did not vote, but some Sunni MPs abstained too as they felt the measure would serve primarily the Shi'ite community.

Denying the right to vote to a significant number of individuals should not be trivialised and routinely assumed as unproblematic under the pretext that it "has always been there."

The denial of voting rights to the military and other related categories assumes that voting is a political act. While the armed forces and the police must be politically neutral and serve loyally any elected government, being entitled to cast a vote is a fundamental right. Contrary to running for political office, which is a political act, casting a vote is a civic duty.

With state practice evolving on this matter, the margin of discretion afforded to national legislators under international human rights law may not be so broad as to deprive a whole fraction of the population of its right to vote. It is even less justifiable to disenfranchise conscripts whose enrolment is not voluntary. Therefore, it is recommended that a discussion be opened on the right to vote for military personnel and other assimilated groups. Special measures should ensure the secrecy of the vote and an environment free from coercion, undue influence, inducement or manipulative interference of any kind.

5.3 Restrictions to the Right to Vote: Naturalised Citizens

Naturalised citizens are only allowed to vote ten years after their naturalisation (Art. 5). In its General Comments on Article 25 of ICCPR, the UN Human Rights Committee has specifically considered that "distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalisation may raise questions of compatibility with Article 25".³⁰ This provision should therefore be brought in line with Article 25 of ICCPR as interpreted by the Human Rights Committee.

5.4 Restrictions to the Right to Vote for Convicted Individuals

Limitations on the right to vote are possible under international law, provided they (1) are prescribed by law, (2) are based on objective and reasonable criteria, (3) pursue a legitimate aim, and (4) are proportionate to that aim. The right to vote is, however, not a privilege or a reward but a right. Any departure from the principle of universal suffrage should therefore be strongly motivated.

³⁰ UN HRC, General Comment No. 25, paragraph 3. In the case of Kuwait, the UN HRC recommended that a similar discrimination be abolished, see Paragraph 29, Concluding Observations by the UN HRC on Kuwait's State Report, 27 July 2000.

Article 4 lists several voting restrictions for individuals convicted of a felony or a specific offence, or otherwise deprived of their civil rights, such as fraudulent bankrupts. This calls for three observations:

- The offences referred to in Article 4 are not all clearly identifiable as they are not all defined in specific provisions of the Penal Code. The law must be unequivocally formulated to avoid diverging interpretations.
- Disenfranchisement should only apply to “serious” offences. A criminal conviction should not automatically result in a suspension of the right to vote but rather be a matter for the judge to decide upon a case-by-case basis, as an additional penalty. Whether an offence is “serious” or not necessarily a matter of interpretation that cannot be determined outside the context of domestic law. However, the broad list of offences referred to in Article 4 triggers questions about the gravity of all the offences listed therein.
- The duration of the suspension of the voting rights must be proportional to the length of the sentence for the principal penalty.

Restrictions to the right to vote of convicted individuals should be limited to individuals convicted of “serious” crimes, and the duration of the suspension should be proportionate to the length of the sentence for the principal penalty.

Furthermore, there ought to be special voting arrangements for citizens held on remand until trial or sentencing.

- The distinction made in the law between naturalised and other citizens about voting rights is not permissible under Article 25 ICCPR, as interpreted by the UN Human Rights Committee, and should therefore be abolished.
- A discussion on the right to vote for military personnel and the legitimacy of the justifications given for a blanket ban affecting such a significant number of individuals should take place. The military should be allowed to vote as ordinary citizens. Special measures must guarantee the secrecy of their vote and ensure an environment free from coercion, undue influence, inducement or manipulative interference of any kind.
- Restrictions to the right to vote of convicted individuals should be limited to those convicted of “serious” crimes, and the duration of the suspension should be proportionate to the length of the sentence for the principal penalty.
- There ought to be special voting arrangements for citizens held on remand until trial or sentencing

5.5 Voter Registration

Voter registration in Lebanon is a passive system administered by MOIM’s Directorate General of Personal Status (DGPS). Like the previous commission, the newly created SCE has no competence in the field of voter registration.

5.5.1 Annual Updating Process and Checks by Voters

Since 2008, the voter register is permanent and updated for each election. Its reliability is affected by the quality of the population register from which it is generated. In Lebanon, the civil status record books are hand-written. The task of holding them is assigned to 52 regional registration offices. In the mid-term, personal status records and related processes should be computerised so that all changes of civil status can be traced and verified and that the procedures involved are transparent and efficient. This latter point may however require changes to the relevant legislation.

The voter register is annually updated through the compilation of personal data collected from regional registration offices and other state entities (courts, criminal record departments, regional personal status offices) between 5 December and 5 January. MOIM shares the preliminary voter lists with governors and district commissioners no later than 1 February of each year and publishes them on its website (Art. 32 and 33). Citizens have one month (1 February–1 March) to check whether the data in the voter register are accurate and complete. If not, they must submit a request to change the register. They may do so for other individuals as well.

Requests are submitted to the registration committees in every electoral district. The committee is composed of 3 members; it is chaired by a judge and includes one mayor or municipal council member and one DGPS civil servant. It must decide within 3 days after being notified of the request (instead of 5 days under the previous law). The decision can be appealed to a High Registration Committee within 3 days of the notification of the decision (instead of 5 days under the previous law).

Like the registration committee, a High Registration Committee is found in every district and has three members: it is chaired by a judge from the Court of Cassation or the Court of Appeal or the Council of State and includes one ordinary or administrative judge and one DGPS representative. Appeals lodged with the High Registration Committee must be determined within 3 days of the notification of the appeal. This fills a gap in the previous law, which did not specify a time limit for determining an appeal against a High Registration Committee decision. Three days may be too short compared with the 5-day period granted by the previous law.

5.5.2 Registration at the Place of Family Origins

One hallmark of Lebanese society is the traditional practice of civil registration of citizens at the geographic location of origin of their family. Although citizens can transfer their civil registration to their area of residence, changes of the civil status require an excessively lengthy procedure that is subject to highly political considerations on the demographic weight of the sects in the different districts. The application may only be filed after 3 years of permanent residence and eventually requires the signature of the Minister of the Interior for the change to come into effect.

As a result, most citizens are registered to vote at places other than where they reside, which means that the election register does not reflect the demographic reality.³¹ With the last population census conducted in 1932 and a flawed distribution of voters across electoral districts, it is not possible to measure the magnitude and the impact of the resident/voter discrepancy. But there seems to be a mainstream consensus – at the political level and even at the voters' level – to maintain the status quo because changing the place of residence affects the distribution of voters of different confessions across electoral districts and undermines the delicate confessional balance on which the electoral system is founded.

This contradicts, a priori, a core principle of representative democracy found in Article 25 of ICCPR, which implies that representatives freely chosen by citizens through their right to vote are accountable through the electoral process for the exercise of their powers,³² thus pointing to a close connection between the right to vote and the fact of being directly affected by the acts of the political bodies one elects. In other terms, the vote should reflect the will of the population “concerned”, not of the population “interested”, which is precisely why a residence requirement for voting is not only justified but can also prove necessary to ensure representativeness of the elected bodies. The argument according to which locally elected representatives should seek to advance the national interest instead of the local one does not exclude the element of local representation with which the elected representative is vested.

There are also practical implications. It makes it impossible to rely on the election register to plan the location of polling stations and, as a result, voters must travel considerable distances on election day. While the size of the Lebanese territory makes it possible for voters to reach their place of registration within no longer than a few hours, this amounts to a breach of the

principle of equal opportunity between voters and a failure of the authorities to provide appropriate and equal access to the polling stations.³³

While the political imperatives of coexistence and inter-confessional dialogue are understandable given the long-standing tensions in the country, concrete steps should be taken to converge the electoral and demographic maps as part of a broader political process.

5.5.3 The role of the mukhtars

An application to change one's civil registry requires a certificate of residence countersigned by an elected neighbourhood- or village-level state representative called mukhtar, whose signature is also required for other civil registry records. This is problematic since neither the neutrality nor the qualifications of elected representatives for this work is necessarily guaranteed. At the very least, the functions of the mukhtars related to the electoral process should be transferred to the relevant local levels of public administration.

5.5.4 Registration After the Deadline for Filing Applications Has Expired

Once the 1 March deadline has expired, it is no longer possible to submit individual requests to change the voter register. As a result, voters who turn 21 years old between 1 March and election day cannot register and thus vote.

Nevertheless, Article 89 of the law refers to the decisions of Registration Committees that allow non-registrants to vote provided the decisions are made by 25 March, after consultation with MOIM. It is not clear whether this is another avenue for non-registrants who have not yet turned 21 years old by the 1 March deadline to seek registration between 1 and 22 March (considering the 3-day time limit for the Registration Committee to decide). Despite a similar provision and the absence of a reference to a deadline in the 2008 law (Art. 81), non-registrants were not allowed to register belatedly in 2009. The law must clarify whether citizens may still register to vote after the expiry date of the voter lists inspection phase (voter lists are declared “frozen” on 30 March of every year) in the run-up to the elections.

5.5.5 Voter Identification

Individuals seeking to register or cast a vote must identify themselves with their ID card or passport. However, it appears that at the 2009 parliamentary elections a significant number of eligible voters had no ID cards or passports prior to the closure and publication of the voter register on 30 March, because of technical

31 For instance, as per the Central Administration of Statistics CAS (2007), only %60 of the Lebanese population in the city of Beirut are registered voters (the latter amount to 487,519). For more information: <http://www.cas.gov.lb/images/PDFs/Demographic-2007ar.pdf>.

32 See UN HRC, General Comment No. 25, paragraph 7.

33 “States must take effective measures to ensure that all individuals entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.” UN HRC, General Comment No. 25, paragraph 11.

problems in the ID card application process. For the upcoming elections, MOIM should take all the necessary measures to minimise the technical factors and deficiencies with the issuance of ID cards or passports causing eligible voters not to register or vote.

5.5.6 Non-Resident Voters

Like the 2008 law, the new law allows non-resident voters to register and vote abroad. In the old law, however, this right would come into effect in the parliamentary elections following the upcoming parliamentary elections. The 2017 law regulates in greater detail out-of-country voting procedures and voter registration.

6 seats are reserved for non-resident candidates, equally distributed between Christians and Muslims, with one seat for each of the Maronite, Greek-Orthodox, Greek-Catholic, Sunni, Shi'ite and Druze sects (Art. 112). These seats are equally distributed among the six continents, but they are not allocated to a separate district for non-resident voters. They are fictitious since non-resident votes are counted in the district where their names appear in the civil registry, a precondition for allowing non-residents to vote.

The law provides that, in 2018, these seats will be taken from the quota of seats reserved for the Christian and Muslim communities respectively, while in the next elections, they will be added to the current 128 seats in Parliament, which will then have 134 seats. It is, however, unclear how this provision may impact the vote as voters cast their vote abroad, but in connection to the district where their names appear in the civil registry, therefore for seats with already established confessional affiliations.

Special rules apply to non-resident voters wishing to register. Lists of non-resident voters are not subject to an annual updating process irrespective of the electoral calendar, as is the case for resident voters, they are determined by the date of the next election. Non-resident voters have until 20 November of the year preceding the electoral year to register at embassies and consulates to vote abroad (Art. 113). In 2017, an online registration platform was made available for this purpose. According to MOIM data, 92,810 voters have registered abroad.

Eligible voters are grouped on voter lists that cannot have less than 200 voters each. They are not registered abroad, as their place of registration in Lebanon is still the basis upon which they can vote, but they are simply allowed to exercise their right to vote outside Lebanon.

Non-resident voters also differ from in-country voters in that they have less than 20 days (1–20 February) instead of 30 days to inspect the voter lists and ask for corrections, considering that 20 February is the deadline for embassies and consulates to send consolidated voter lists back to MOIM. In this regard, the law should specify which Registration Committee is competent to receive applications from non-resident eligible voters.

In general, out-of-country registration and voting require more time and more resources than in-country elections, particularly depending on the geographical distribution of the potential voters. The adequate level of resources must be budgeted for to ensure that registration services provided abroad are as effective as those provided for in-country registration.

- Steps should be taken to allow voters, men and women alike, to cast their vote in their place of residence as opposed to the place of their family origin. Administrative procedures and political factors should not be a deterrent for citizens who wish to register where they live.
- The law must be clear on whether it is still possible for citizens to seek registration after the expiry of the deadline and ask for changes or corrections in the voter lists.
- For citizens voting abroad, the law should specify which Registration Committee is competent to make decisions on requests for changes or corrections in the voter lists.
- Some functions assigned to mukhtars, particularly the authentication of civil status records, which has an impact on the electoral registration process, should be transferred to the relevant local levels of public administration.
- MOIM should take all the necessary measures to issue ID cards and passports well in advance of the upcoming elections to enable eligible voters to register and vote.
- The adequate level of resources must be budgeted for to ensure that registration services provided abroad are as effective as those provided for in-country registration.

6. Right to Stand: Registration of Candidates and Candidate Lists

6.1. Candidate Registration and Religious Affiliation

The Lebanese electoral system remains confessional in that parliamentary seats are assigned to specific religious denominations. In their nomination papers, prospective candidates are not asked to identify themselves as members of a religious sect but, in the end, only the candidates who match the religious affiliation of a seat can be elected to it (Art. 99.7). In other terms, all citizens may be candidates, but they cannot be elected unless they are members of one officially recognised sect.

The UN Human Rights Committee found problematic “that every Lebanese citizen must belong to one of the religious denominations officially recognised by the Government, and that this is a requirement to be eligible to run for public office.” It considered that “this practice does not (...) comply with the requirement of Article 25 of the Covenant”.³⁴ Under an electoral system based exclusively on confessional representation, citizens of a different religion or with no religious beliefs are barred from standing in general elections.³⁵ The risk may be theoretical as far as religious minorities are concerned, but not for non-believers or those who disagree with having the exercise of their political rights subject to religious affiliation. Interpreting Article 18.2 of ICCPR, which bars coercion that would impair the right to have or adopt (or not) a religion or belief, the UN Human Rights Committee has considered “policies or practices having the same intention or effect, such as, for example, those restricting (...) the rights guaranteed by Article 25” as inconsistent with Article 18.2.³⁶

Strong historical and political reasons may militate against changing a system based on the distribution of seats according to religious affiliation. The ICCPR “does not impose any particular electoral system” but “any system operating in a state party must be compatible with the rights protected by Article 25 and must guarantee and give effect to the free expression of the will of the electors”.³⁷ There are reasons to doubt that an electoral system primarily designed to accommodate power-sharing arrangements among a mosaic of minorities through confessional distribution of parliamentary seats meets the criteria of a genuine democratic system where “the drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely”.³⁸ Having said that,

because the deficiencies of confessionalism are complex and overlapping, any change to the seat allocation system cannot be viewed in isolation of all other aspects of the electoral system. A comprehensive reform is necessary, which requires trust, political will and dialogue in the first place. It is therefore recommended that steps be taken towards defining eligibility criteria that do not include the requirement for candidates to be affiliated with one of the officially recognised religious denominations.

6.2 Naturalised Citizens

Ten years must have passed following the issuance of the decree of naturalisation for naturalised citizens to be allowed to vote and to stand as candidates (Art. 5).³⁹ The UN Human Rights Committee makes it clear that Article 25 ICCPR protects the rights of “every citizen” and does not distinguish “between those who are entitled to citizenship by birth and those who acquire it by naturalisation”.⁴⁰ As a state party to the ICCPR, Lebanon should abolish this discrimination in its electoral legislation.

6.3 Extension of the Nomination Period

Prospective candidates must submit their candidacy applications to MOIM at least 60 days before election day (Art. 46).⁴¹ MOIM has 5 days to approve the applications. If the application is approved, a receipt is provided to the candidate. If not, MOIM must provide the reasons for its rejection, and the candidate has 3 days (5 days under the previous legislation) to appeal that decision to the Council of State, which has 3 days to issue a final decision.

If no application has been submitted during the nomination period, the latter is automatically extended by 7 days (Art. 47), and so the time limits for approving candidacies submitted during the extension period (24 hours instead of 5 days), as well as for appealing rejection decisions to the Council of State (48 hours instead of 3 days) and for the Council of State to deliver a final judgement on the latter decisions (48 hours instead of 3 days) are shortened (as compared to those applicable during the initial nomination period). There was also a 7-day extension period under the old law, but no time limits for approving applications submitted during that period, for challenging rejection decisions and for final decisions to be made on the latter decisions, were specified in the law.

34 Paragraph 23, Concluding Observation of the Human Rights Committee: Lebanon, 1997/04/01CCPR/C/79/Add 78. See also UN HRC, General Comment No. 25, paragraph 3.

35 See also *Narain and others v. Mauritius*, HR Committee, 2013.

36 UN HRC, General Comment No. 22, paragraph 5.

37 UN HRC, General Comment No. 25, paragraph 21.

38 *Ibid.*

39 This does not apply to women who obtained the Lebanese citizenship through marriage.

40 UN HRC, General Comment No. 25, paragraph 3.

41 The law does not indicate a starting date for submitting applications. However, candidates may only submit applications after the elections have been called, which cannot happen more than 90 days before election day (Art. 42).

The rationale behind the 7-day extension is not to guarantee a competitive electoral process with at least two candidates – and thus two lists – running for office, but rather to ensure that at least one candidate is registered, who will then be automatically declared the winner of the election (Art. 48.1).⁴²

There cannot be “free expression of the elector’s will” if the outcome of an election can be predetermined, i.e. if there is no election. Citizens find themselves deprived of an effective opportunity to exercise their right to participate in the conduct of public affairs. Elected candidates can only be held accountable for the exercise of their constitutional power through a genuine electoral process, failing which the core foundation of a democracy is lacking. As underlined by the UN Human Rights Committee, “the effective implementation of the right and the opportunity to stand for elective office ensures that individuals entitled to vote have a free choice of candidates”.⁴³ There must be a “free choice”, but for that choice to be free, there must first be a choice.

6.4 Nomination Fees and Deposit

Candidates are no longer required to make a refundable deposit, but instead to pay candidacy fees, the amount of which is multiplied by four compared to 2008 (8 million LBP instead of 2 million LBP in 2008).⁴⁴ In principle, measures that seek to discourage frivolous candidatures cannot be regarded as unreasonable barriers to candidacy. However, fees and deposit amounts should not be so substantial as to constitute an insurmountable financial barrier for candidates wishing to take part in elections. While the right to stand as a candidate is not an absolute right, all conditions must be justifiable based on objective and reasonable criteria. Administrative and financial requirements should be reasonable and non-discriminatory, and not act as barriers to candidacy.

There seems to be no evidence that the amount of the candidacy fees as established under the previous law was insufficient to deter frivolous candidates to justify quadrupling the amount and turning the previously refundable deposit into non-refundable nomination fees. High nomination fees amount to discrimination based on socio-economic status. The amounts involved in the nomination process should be considered carefully to ensure that it does not prevent the candidacy of a serious candidate who happens to be economically disadvantaged.⁴⁵

42 The same applies to candidate lists. If the deadline for registering candidate lists (40 days before election day) expires with no more than one candidate list, that list is declared the winner of the elections and receives all the seats of the district (Art. 48.2).

43 General Comment No. 25, paragraph 15

44 1 million LBP equals to approx. 550 EUR (December 2017).

45 On this matter, as a source of comparative information, see the jurisprudence of the European Court of Human Rights on this subject (for instance, *Sukhovetsky v. Ukraine*, 28 June 2006). As is the case in many countries imposing candidacy deposit or fees, consideration may be given to setting the amount of these fees by reference to the minimum wage.

6.5 Withdrawal of Candidates

The law regulates withdrawal procedures in detail, allowing registered candidates to withdraw their candidatures until 45 days before election day.⁴⁶ If this results in having less than the required number of candidates in a district, new candidates will have 7 days to apply, following the same procedures and within the same time limits (Art. 47).

Not only is it not practical to superimpose different extension periods, with all the processes they involve (nomination decision, possible appeals, and final judgments by the Council of State), but there is also the risk that withdrawals be politically manipulated and made part of a bargaining process among political parties and organisers of candidate lists.⁴⁷ For all these reasons, consideration could be given to having alternate or substitute members nominated together with the candidates.

Once the deadline for candidate nomination has expired, MOIM forwards the list of candidates to the governors, district commissioners and the SCE. The list is published “where necessary” (Art. 51). This should be clarified as the principle of transparency requires that candidate lists be made public and accessible to voters who wish to consult them. Public access to candidate lists is likely to increase the level of confidence of citizens in the electoral process. It should not be left at the discretion of the government to decide whether and when candidate lists shall be published.

Arises also the question of whether it will actually be possible for MOIM to publish a complete list of candidates immediately after the expiry of the deadline of the nomination process, considering that more candidates, or new ones, might emerge during the 7-day extension period (in case of no-candidate or withdrawal) and that the appeal process against rejection decisions may extend beyond the expiry date of the nomination period (see Table 4 below). The full list of candidates should be published once all remedies are exhausted and the nomination process completed, including in case of withdrawals. The law should clarify the sequencing of the time limits and deadlines applicable to withdrawal procedures.

46 In the 2009 parliamentary elections, of the 702 initial candidates, 215 withdrew. As lists were formed following negotiations, candidates opted out after the official deadline for withdrawal (2009 EU EOM to Lebanon, Final Report, pp. 17–16). This shows that, in Lebanon, the withdrawal of candidates is not a benign phenomenon as may be the case in most other countries.

47 *Id.*

Table 4: Timeline for Processing Candidate Applications

Day before Election	Registration of Individual Candidates	Extension of Deadlines If No Candidate Has Registered (Art. 47)
E -60	Deadline for submitting applications	
E -55	Deadline for MOIM decision on the applications received	
E -53		Extended deadline for submitting individual candidacies to uncontested seats at E -60
E -52	Deadlines for appealing rejection decisions to the Council of State	Deadline for MOIM decision (for new applications made on the last day of the extension period)
E -50		Deadline for appealing the decision (for new applications made on the last day of the extension period)
E -48		Deadline for the Council of State to make a final decision (for new applications made on the last day of the extension period)
E -49	Deadline for the Council of State's final decisions (fast-track procedure)	
E -45	Deadline for withdrawing candidacies	
E -38	Extended deadline if withdrawal of candidacies results in having less than the required number of candidates in a district	
E -33	Deadline for the Council of State to make a final decision (for new applications made on the last day of the extension period)	

6.6 Registration of Candidate Lists

Once candidates are registered, they must “organise themselves” in lists. The deadline for candidate lists to be finalised is 40 days before election day (Art. 52 and 54). Because it may be difficult for lists organisers to find candidates that match the full sectarian spectrum of an electoral district, lists are not required to include as many candidates as seats in a district. They should present a minimum of 40% of the seats in the district, with at least one seat per sub-district, where applicable. Seats that have no candidates on one list go to candidates of the same sect nominated by other lists.

This exemplifies the confessional character of the Lebanese electoral system, the emphasis being on individual candidates forming ad hoc alliances rather than on political parties bringing together candidates who defend the same programmatic vision. Ultimately, legitimising incomplete lists reinforces a disturbing pattern where candidates are incentivised to agree on who competes, for which seat, thereby deliberately building incomplete lists targeting specific seats, while leaving the remaining ones to other lists. The consequence of this practice is a further limitation of the free choice of voters.

It is tricky to reconcile the possible extension of the nomination process of individual candidates with Article 54, which closes the registration process of candidate lists 40 days before election day. In a few instances, new individual candidates may be registering after the closure of the lists, rendering MOIM unable to forward the complete and updated list of all registered candidate lists to governors, district commissioners and the SCE, as stipulated under Article 55.

- Steps should be taken to define eligibility criteria that do not include the requirement for candidates to be affiliated with one of the officially recognised sects. This postulates an electoral system where religious affiliation is no longer the basis for distributing seats.
- Naturalised citizens should be allowed to stand as candidates in parliamentary and other elections without discriminating between those who are entitled to citizenship by birth and those who acquire it by naturalisation.
- Considerations could be given to having alternate or substitute members nominated together with the candidates.
- It should not be left at the discretion of the government to decide whether and when candidate lists shall be published.
- The sequencing of the time limits and deadlines applicable to withdrawal procedures must be clarified.

7. Electoral Campaign

To vote is to express a choice. For it to be free, the choice implies the existence of a pluralistic political system that ensures equal opportunity for citizens to form political parties, inform themselves and communicate their ideas freely, without censorship or discrimination. This freedom should be reflected in the procedural and legal elements governing the electoral process as well as the rights and freedoms defining the wider democratic environment (freedoms of expression, freedom of opinion and conscience, freedom of association and peaceful assembly, freedom of the media).⁴⁸

7.1 Political Parties

In Lebanon, there is no specific law regulating the functioning of political parties; neither the Constitution nor the Ta'if Agreement mention them. Only an indirect reference can be found in Article 13 of the Constitution, which guarantees the freedom of association and thus the right to organise political parties. Like all other non-profit associations, political parties are governed by the 1909 Ottoman Law of Association.

The Lebanese electoral system has traditionally made political parties irrelevant. Even though party structures began to modernise since 2005, the confessional structure of the political and electoral systems led most political leaders to rely on their extended family allegiances as well as sectarian and regional loyalty networks, rather than on organised partisan structures and programmatic electoral platforms.

The 2017 law is unlikely to foster changes in this regard, as the seat allocation remains based on sectarian affiliation. As such, as long as the confessional framework remains, political parties that offer programmatic electoral platforms are unlikely to gain influence.

7.2 Nomination Process, Time Limits and Election Campaign

The electoral campaign begins no less than 90 days before election day, when the decree calling for elections is issued, signalling that prospective candidates should start submitting their applications (Art. 42 and 56).

This means that, for at least 30 days, i.e. until closure of the registration period, prospective candidates could start campaigning before being officially nominated. Considering that an electoral campaign should provide equal opportunities for candidates to communicate their ideas to all citizens, and for citizens to inform themselves freely about these ideas, having campaigning candidates who are not yet registered and whose eligibility has not been checked risks of deceiving the electorate.

The justification for an early start of the election campaign may be to enable the SCE to control campaign expenditures the earliest possible, but an electoral campaign should only be launched once all candidates are registered and all the remedies available to them for contesting rejection decisions have been exhausted. An uneven allocation of campaigning time for candidates cannot be seen as an acceptable cost while pursuing another aim, however legitimate that aim may be. The law should separate the nomination process from the electoral campaign and empower the SCE to control the expenditures made or incurred by candidates before the official start of the campaign.⁴⁹

7.3 Restrictions on Campaigning

Governors or district commissioners must assign specific locations for candidates to post advertising material. Given the widespread reliance on poster advertising in Lebanon, this provision may not be realistically enforceable, especially that the law does not explicitly grant candidates an equal right to advertising space (Art. 76).

⁴⁸ See UN Human Rights Committee, General Comment No. 25, paragraphs 25, 14 and 26.

⁴⁹ For instance, in Tunisia, the 2014 electoral law provides for a so-called “pre-electoral campaign”, which enables the electoral commission to trace expenditures incurred and/or committed by candidates before the official start of the official campaign.

Public buildings, private universities, schools and places of worship may not be used for campaigning, although it was common to campaign in mosques and churches. The law also prohibits the distribution of flyers or other documents in or near polling stations on election day (Art. 77), which theoretically curbs the entrenched practice of candidates' agents soliciting voters at polling station entrances. According to EU observers in 2009, "despite the law prohibiting them, campaign materials were present in the direct vicinity of more than 40% of observed polling stations and campaign activities in 18%".⁵⁰ Throughout election day, head officers of each polling station are responsible for removing all such materials from the premises of the polling station (Art. 94.3), but this does not extend to the vicinity of the polling station.

8. Media Campaign Regulations

8.1 Media Landscape

The Lebanese media landscape is vibrant and diverse, with many print and broadcast media outlets. While citizens have access to a broad range of views, they are exposed to an extremely polarised media environment. This pluralism coexists with polarisation of opinions along confessional and political lines because many television stations are owned or founded by politicians, namely:

- Future TV, owned by the family of Prime Minister Rafiq Hariri;
- The National Broadcasting Network (NBN), owned by the family of Parliament Speaker Nabih Berri;
- Al Manar TV, owned and controlled by Hizbullah;
- The Lebanese Broadcasting Corporation (LBC), founded and formerly controlled by the Lebanese Forces;
- New TV (NTV), founded by the Lebanese Communist Party, now led by Tahsin Khayat, who supported the Arab nationalist "People's Movement";
- Orange TV (OTV) owned by the family of FPM leader (now President of the Republic) General Michel Aoun;
- Murr TV (MTV), owned by the family of Gabriel El-Murr, close to the Lebanese Forces and the Kataeb party.

Amid this media spectrum dominated by politicians and sects, the public station Télé-Liban does not enjoy a large audience. Arab satellite channels such as Al Jazeera, Al Arabiya, France 24 Arabic, and Sky News are widely watched.

8.2. Regulatory Framework

The 2017 law has brought minor changes to the 2008 law regarding media conduct during election campaigns. Since 2008, campaign advertising is subject to strict regulations, but the key challenge is their actual enforcement. Candidates may purchase advertisement slots only from media companies that are authorised by the SCE to providing this kind of service. The same price list applies, in principle, to all candidates.

Electoral ads must be marked as such and indicate the advertising party. Requests for advertising and the relevant material (videotape or print ad) should be submitted not only to the media company (which could be a public and a private company as per Art. 68) but also to the SCE at least 3 days before the desired publication date. No candidate may allocate more than 50% of his/her total advertising expenditures to one media or advertising agency (Art. 71.a.8). This is an important provision, given that many candidates entertain close ties to certain media.

Some provisions may be too restrictive, for example requiring candidates to submit any ad to the SCE 3 days prior to its publication. This might prevent candidates from reacting quickly to developments. It is more practicable to share a copy of any advertising request with the SCE without setting a deadline, especially that the law does not entrust the SCE with the task of reviewing all ads before they are made public.

8.3 Enforcement Powers of the Supervisory Commission for Elections

The enforcement powers of the SCE were slightly increased. For instance, it can now determine the maximum size and timing of advertising slots available for electoral campaigning (Art. 71.b and c). Also, the law now expressly requires that the SCE ensure equal access of the candidates to the media (Art. 71.c). The SCE has the power to issue recommendations that are binding upon the media (Art. 72.2), which comes in addition to the enforcement powers granted by Articles 72 and 81 (formerly Art. 75 and 76). Increased enforcement powers were granted to the SCE to ensure compliance with the regulations on opinion polls (Art. 81.2). Although these additional powers constitute a positive step forward, it remains to be seen how the SCE will use its powers in practice.

8.4 Impartiality/Neutrality Obligations Imposed on Public and Private Media

Like in 2008, the law requires the public media to remain impartial. They may not "carry out activities that may be construed as supporting a candidate or candidate list at the expense of another candidate or candidate list" (Art. 73.4). In other countries, the public media are only required to provide an overall balance and fairness in their coverage of election campaigns. Such a standard allows the airing of critical or positive opinions, since it only requires overall balance in reporting. The public

⁵⁰ EU EOM Final Report on Parliamentary Elections of 7 June 2009, p. 26.

media should be required to ensure an overall balance and fairness while covering election campaigns as opposed to being bound by an obligation of neutrality in the narrow sense that would unreasonably overburden them with rules that are not precisely defined in scope.

Similarly, private media are required to maintain an “independent” stance during the campaign and “make a clear distinction between facts on the one hand, and opinions and comments on the other” (Art. 74.1). It is neither clear why this applies to private media only, nor how this could be more than wishful thinking. Media facts are seldom separated from their interpretation and therefore this “regulation” is unlikely to be enforced. The law should endorse a more balanced formulation on these matters and, as far as coverage of election campaigns is concerned, it should subject public and private media to the same obligations.

Furthermore, Article 74 requires that private media outlets (not only audio-visual medias as in Art. 68 of the 2008 law), candidates and candidate lists do not engage in a range of wrongful activities listed under five subparagraphs, namely: libel and slander, defamation, incitement to hatred or violence, intimidation, bribery, falsification, etc. Interestingly, these prescriptions do not apply to public media outlets. Also, prohibited activities like “distorting, obscuring, falsifying, omitting or misrepresenting information” are too broad for the media to reasonably foresee the consequences that a given action may entail and regulate their conduct accordingly. For example, “omitting information” in media is extremely common for editorial reasons. Also, the provision obliges the media to screen paid advertisements by political groups before broadcasting, leaving considerable scope for controversy. The law should clearly articulate the obligations imposed on the media so that the latter can foresee the consequences that a given action may entail.

Article 72.5 provides that the SCE should decide whether media appearances of candidates on foreign satellite television should be accounted for as electoral ads, given their importance. In 2008, the supervisory commission had no authority to “allocate” advertising space. Now, the SCE is responsible for determining the maximum slots size available for candidates on every media. However, this is difficult to enforce because Lebanese regulations are not applicable abroad and case-by-case negotiations with foreign media companies are not realistic. Since not all foreign news reports on a candidate fall under this obligation, it may be worth creating an obligation for candidates not to intentionally use foreign media for campaigning purposes or purchase advertisement slots abroad.

8.5 Media-Related Disputes

The law specifies the course of action available to the SCE when it detects a breach of the media regulations on campaigning. It is not clear, however, whether candidates or lists may file complaints before the SCE, and if so what the time limits of these complaints are.

When it identifies the breach, the SCE can issue a warning to the media outlet, oblige it to publish an apology, or require that a right of reply be granted by the media outlet to the affected party. The SCE can also take the case to the Court of Publications, which has the power to fine the media outlet, partially suspend it for up to 3 days or, in case of recurring violations, completely suspend it for 3 days (Art. 81).

The aggrieved party may also file a request with the public prosecutor who can, in turn, sue the concerned outlet before the Court of Publications or bring a lawsuit on his own motion before the Court of Publication. The Court of Publication has 24 hours to deliver its judgement. It can be appealed by both the prosecutor and the concerned media outlet to the Court of Cassation (under the 2008 law, it was the Court of Appeal).

Although short timeframes for the resolution of media-related complaints are a positive trait (to avoid that successive dispute resolution steps overlap), it is problematic to have multiple avenues of complaint and redress available to plaintiffs like here, as this may cause confusion. It must be clear which cases give rise to criminal prosecution to prevent “forum shopping”. The law should ensure that complaints about the non-observance of campaign-related media regulations are determined promptly and effectively through adjudicative mechanisms that do not lend themselves to “forum shopping”.

For this, the rationale behind Article 82, which allows individuals to claim to have suffered damages from any of the above-mentioned “violations” (assuming it refers to violations listed under Art. 81), should be clarified, as one cannot seek redress or compensation for wrongful acts that resulted from one’s own actions.

- The key challenge is whether the new SCE will be adequately empowered to enforce campaign-related media regulations – some of which requiring considerable resources and a high responsiveness.
- Provisions that distinguish between public and private media on certain issues (e.g. libel and slander, defamation, incitement to hatred or violence and other wrongful speech, or regulations defining the scope of the obligation of “impartiality”) should be clarified. Also, the law should not create an unreasonable burden on the media by requiring them to abide by rules that are undefined in scope.
- Creating an obligation for candidates not to intentionally use foreign media for campaigning purposes or purchasing advertisement slots abroad should be considered. This would at least prevent foreign media to be intentionally used for campaigning.
- The law should ensure that complaints about the non-observance of campaign-related media regulations are determined promptly and effectively through adjudicative mechanisms that do not lend themselves to “forum shopping”.

9. Campaign Finances

There are limitations on candidate spending and controls on the sources of funding for campaigning purposes. Money played a major role in Lebanese elections and observers have criticised the absence of regulations. Chapter five of the 2008 law contained detailed provisions on campaign financing. The 2017 law did minor adjustments to these regulations by further describing the jurisdictional review process of campaign account reports.

9.1 Ceiling on Campaign Expenditures

In the former legislation, candidates were required to open a single bank account for all donations and campaign expenditures and spend no more than 150 million LBP (approximately 82,000 EUR) per election, plus an additional sum fixed by the Council of Ministers acting on MOIM recommendation, in consultation with the SCE (Art. 61). This additional sum was based on the number of registered voters per district and therefore varied depending on the size of each district. The new law specifies that each registered voter adds 5,000 LBP (2.75 EUR) to this sum. It even allows for more flexibility as this sum may be revisited at each election depending on the economic situation. While this flexibility is legitimate, it remains to be seen how this will be interpreted and applied with no risk of misuse. The law states that the additional sum must be “reconsidered” at the opening of the electoral campaign, but it does not stipulate that a decision be made before the opening of the electoral campaign. The maximum amount that may be spent by candidates on electoral campaigning should be set before the start of the electoral campaign.

9.2 Authorised Sources of Funding

Candidates may spend their “own money” (including family resources) and receive donations or other contributions from Lebanese natural and legal individuals. They are not allowed to accept contributions from states or foreign natural or legal individuals. Gifts in kind, cash or “subscriptions” (party dues) are considered as campaign contributions. The work of volunteers is not. Candidates are not allowed to make donations or provide services to voters or organisations during the campaign period (Art. 62).

Contributions made to one candidate or list must not exceed 50% of the total amount of contributions received by that candidate or list (Art. 80.5). This is a new requirement that precludes candidates from relying heavily on one source of funding with the risk of collusion it entails. The question is whether – or how – the SCE will be able to trace the origins of the contributions, especially when these are split in several smaller contributions to conceal their common source. This requires sophisticated expenditure control mechanisms and thus adequate resources, which are both not provided.

9.3 Expenditure Control Mechanisms

Under the previous legislation, the supervisory commission was given the power to check the candidates’ campaign accounts at any time. The 2017 law spells out the duty of candidates’ auditors to submit monthly reports to the SCE on all expenditures incurred by candidates during the election campaign (Art. 63). This new provision may facilitate the work of the SCE.

On the other hand, the law no longer mentions whether the SCE still has the possibility to set up special committees to assist in supervising the candidates’ adherence to campaign financing regulations. It is not clear whether this is implied in the general supervisory function defined in Article 19 or the delegation of powers under Article 22. In practice, the SCE has so far established two committees (a legal committee and a media committee), but they include all the members of the SCE. In other terms, these committees are not sub-entities, but the SCE sitting in a different capacity to examine a set of specific issues.

Candidates must submit detailed campaign accounts to be audited by the SCE within one month of the elections (Art. 19.6 and 64). Intentional breaches of the campaign financing provisions incur a fine or a prison sentence of up to 6 months.

The SCE has 30 days to examine the reports received from the candidates. It may ask the candidate to make corrections before a decision is made and submitted to the Constitutional Council. If the SCE decides to reject a report, it must inform the President of the Constitutional Council and the Parliament Speaker. If no decision is made, the report is considered approved.

These are all new stipulations that mark progress over the previous legislation. However, they fall short of covering other important aspects. The law should, for instance, include a provision on the consequences a rejection decision may have on the result of the election, if the rejected reports belong to an elected candidate. For instance, should a successful candidate whose account has been rejected remain in office? Also, the law should specify the deadline for the Constitutional Council to determine the appeals. There are no provisions on the appeal process, its time limits and how last resort decisions by the Constitutional Council may affect the outcome of the election.⁵¹

⁵¹ Article 31 of the Law on the Constitutional Council provides that unsuccessful candidates may challenge the election results before the Constitutional Council who may declare another candidate as winner of the election or annul the election and call for by-elections (see section 12.2). It is not clear whether the Constitutional Council could make similar decisions in relation to the rejection of campaign accounts.

Furthermore, the candidates' accounts of election expenses should be published to ensure the transparency of the electoral process. Nothing prevents the SCE from establishing this as a good practice.

- The 2008 and 2017 electoral laws have introduced detailed rules on election expenses of candidates and controls on the sources of funding. The new law has clarified the jurisdictional regime applicable to the review of account reports submitted by the candidates to the SCE.
- It remains to be seen whether the SCE will be appropriately empowered to ensure adherence to the regulations on campaign spending, as tracing the origins of campaign contributions requires sophisticated expenditure control mechanisms and adequate resources.
- The law should specify the deadline for the Constitutional Council to determine the appeals on SCE's decision to reject a campaign account report. It should also set forth the appeal process, its time limits and how last resort decisions made by the Constitutional Council affect the outcome of the election.
- The maximum amount that candidates can spend should be set before the start of the electoral campaign.
- The campaign account reports should be published once they have been examined by the SCE and the Constitutional Council to add transparency to the electoral process.

10. Voting

10.1 Polling Stations

The law sets out objective criteria for the geographical distribution of polling stations (Art. 85):

- A village with 100–400 registered voters must have one polling station;
- In principle, up to 400 registered voters may be assigned to one polling station, but “if so required for ensuring the integrity of the electoral process”, there can be up to 600 registered voters – no more – per polling station (instead of 800 in the previous law);
- There shall be a maximum of 20 polling stations per polling centre.

The list of polling sites must be published at least 20 days (instead of 30 days in the previous law) before election day (Art. 85).

In the 2005 elections, there were 5,875 polling stations for 3,007,261 registered voters, i.e. an average of 512 voters per polling station. In the 2009 elections, there were 5,181 polling stations for 3,257,243 registered voters, which amounts to an average of 629 voters per polling station.

No specific provision addresses the choice of the buildings to be used as polling sites. In 2005, EU observers noted that several inappropriate locations, like police stations and places of worship, were used.

The practice of registering voters with their families in their “district of origin” is a long-standing administrative practice that is not specifically enshrined in the election law. Voters are further allocated to polling stations by sect, family and gender; there is a ballot box for men and another for women. This not only causes unnecessary travel for voters on election day, it also makes it easier for candidate or party agents to monitor the choices of voters and entire families.

10.2 Election Day

Polling is to take place on one Sunday from 7:00 a.m. until 7:00 p.m. (Art. 87). The 2009 parliamentary elections were the first ones in the post-war era to be held in one day (Art. 80 of the 2008 law). Previous elections were held in different governorates on consecutive Sundays, which poses, inter alia, the challenge of ensuring the security of ballot boxes.

10.3 Voter Identification

Voters should vote upon showing their ID card or passport, which are checked against the voter list (Art. 95). Since 2008, MOIM-issued voter cards, which were easily counterfeited, are no longer required.⁵²

Article 84 foresees the use of electronic magnetic cards (magnetic stripe cards that contain identification information) in future elections but subjects their use to the approval of the Council of Ministers by a two-thirds majority. It is particularly unusual for an electoral law to condition the applicability of its provisions by another legislation to be passed and regulate the majority requirement by which to pass it.

In any case, the introduction of magnetic cards presents serious challenges, not the least being the logistical capacity to plan how these cards will be procured, tested, evaluated, certified and secured for more than 3 million voters within an extremely tight timeframe, let alone how to educate voters and train election officials. The difficulties encountered in previous elections to ensure the timely delivery of ordinary ID and passports speak against the adoption magnetic cards. While

⁵² Before 2008, a significant number of eligible voters was disenfranchised by the inefficiency and the lack of transparency pertaining to the mechanism for the production and distribution of the voter cards.

dealing with practical issues, the legislators should ensure two imperatives: the secrecy of the vote and the integrity of the results. The use of new technologies does not necessarily build confidence; rather, it often requires prior confidence in the ability of the election administration to ensure successful implementation. Given its logistical and financial challenges, the introduction of magnetic cards should be postponed. Measures should instead focus on the election's compliance with the imperatives of the secrecy of the vote and the integrity of the electoral process.

In past elections, as per Article 81.3, polling officials could refer voters whose names were incorrect or missing from the voter list to the relevant registration committee. In the new law, registration committees are no longer allowed to register voters who were turned away on election day. Voters may only register based on a decision of the registration committee issued no later than 25 March and after consultation with MOIM. A redress mechanism should be provided on election day to eligible voters whose names do not appear on the voter list or are misspelt.

10.4 Polling Staff

Each polling station is composed of a head officer and one or more clerks (Art. 86.1). No later than one week before election day, the head officer and the clerks are appointed by the governor or the district commissioner from the list of civil servants submitted by MOIM's Directorate General for Political Affairs and Refugees. Polling staff is informed of the location of the polling station assigned to them 5 days before election day (instead of 3 in 2008). The head officer may have two assistants who are appointed at the opening of the polling station on election day. One is designated by the head officer among the voters present, and the other one by the voters themselves. The procedure of designation of the assistant chosen by the voters should be specified in the law to avoid misuses.

Both EU EOMs of 2005 and 2009 observed that assistants were mostly candidate representatives. In 2009, MOIM's polling and counting handbook indicated that polling operations could proceed even if there were fewer than 3 members present, which was the case of almost 25% of the observed polling stations according to EU observers. This did not prevent the implementation of polling procedures to be rated as either satisfactory or good in 95% of the observed polling stations,⁵³ contrary to the 2005 elections. Interestingly, no prior training was given to the appointed staff in both elections.

The individuals allowed in the polling stations are referenced in several provisions of the law (polling staff, party agents, observers, voters etc.), and it is not clear who is allowed inside the polling station. The law should include an exhaustive list of those who may be present in the polling stations or premises during voting, counting and tabulation of the votes. The personnel permitted in polling stations should wear a form of identification to be easily identifiable by voters and observers on election day. This should be set forth either in the law or in implementing measures as well as in MOIM's polling and counting handbook.

10.5 Casting of Ballot Papers

There is now a requirement to use official ballot papers (Art. 95.2). This reform is long overdue.⁵⁴ The use of non-official ballot papers made voters cast their vote with ballots printed and distributed by party agents, which undermined the secrecy of the vote and facilitated vote buying. Voters could "not be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process".⁵⁵ Because no one could rule out the potential risk of large-scale fraud and manipulation, the integrity of the electoral process was seriously compromised. This was incompatible with Article 25 of the ICCPR.

The law also requires that the head officer and one of the assistants sign on the back of the official ballot paper handed out to each eligible voter. Before casting their vote, voters place their ballots in official envelopes signed and stamped by the head officer. Article 95 is ambiguous about the use of these envelopes since they are only mentioned in the second paragraph but not in subsequent ones that describe the placement of the ballot paper in the ballot box. Voters are only allowed to place the ballot paper in the ballot box after they show the polling staff that they do not have more than one ballot paper, folded and sealed. Similarly, there is no reference to the envelopes in the provisions relative to vote counting (Art. 101–102). This inconsistency should be rectified. It should be clear that each voter is required to insert his/her ballot paper in an envelope and that only standard envelopes supplied inside the polling station and devoid of any distinguishing marks should be used. Envelopes containing more than one ballot paper, or ballot papers cast without an envelope, should be considered invalid.

Like the previous law, the current one provides for the use of transparent ballot boxes and the inking of fingers in indelible ink to prevent multiple voting (Art. 95.5).

⁵³ EU EOM Final Report on Parliamentary Election of June 2009, p. 26.

⁵⁴ In 2006, the Boutros Commission urged the adoption of a uniform pre-printed official ballot. Yet, when Parliament voted on the electoral law in September 2008, 50 MPs, out of the 70 present, rejected the introduction of such a ballot. These MPs were both from the March 14 and March 8 coalitions.

⁵⁵ UN HR Committee, General Comment No. 25, paragraph 20.

10.6 Out-of-Country Voting

Non-resident voters will be allowed for the first time to register and vote abroad at the next elections. It was recently announced that they would vote on 22 and 28 April 2018. This could pose challenges in terms of ensuring the security of ballot boxes until the announcement of the electoral results.⁵⁶

6 seats (one per continent) are reserved for non-resident candidates, equally distributed between Christians and Muslims, using the same formula as for other electoral districts. In the upcoming elections, these seats will be subtracted from the current number of seats in Parliament, equally between Christians and Muslims, while at the following elections, they will be added to the number of seats, which will amount to 134 instead of 128 seats (Art. 122).

These 6 seats are not allocated to a separate district that is specific to non-resident voters. They are fictitious since the votes of non-resident voters will be counted in the districts where their names appear in the civil registry, as a precondition for them to vote abroad. Adding 6 seats to the 128 current ones could imply the creation of an additional district for out-of-country voters, but this is not clear in the law.

Non-resident voters may be no more than 200 per polling centre as stipulated in Article 114. This does not mean that they will be only allowed to vote if they are at least 200 registered in the same district in Lebanon, but rather that there will be groups of no less than 200 voters established in connection to a given geographical region abroad. This point is not clearly formulated in Article 114 as the law does not define the geographical divisions to be used on the six continents. This should be clarified and stabilised in future legislation. Furthermore, Article 116 requires that embassies and consulates establish as many polling centres as groups of 400 voters. Like in-country polling stations, the final list of polling stations established abroad must be published no later than 20 days before election day and cannot be changed during the week preceding it (Art. 116). The law should explicitly indicate the geographical divisions of foreign territories used for the distribution of out-of-country voters or at least specify the criteria used for delineating these geographical divisions.

For geographically scattered diasporas, it can be very challenging for the election administration to ensure the adequate access of voters using an in-person voting method without falling prey to accusations of bias. Out-of-country voting is much more susceptible to fraud and perceptions of fraud. It is more difficult to supervise and control, and it is unlikely to be as observed as in-

country voting. Therefore, it is crucial that the resources earmarked for out-of-country voting be adequate and that operational and administrative decisions are made in the most transparent manner.

10.7 Voters with Disabilities

The law stipulates that physically impaired individuals who are unable to vote by themselves can be assisted to vote by another voter of their choice. Where this occurs, it must be mentioned on the voter list. The law does not elaborate further but refers instead to implementation measures to be developed in consultation with the relevant organisations.

Article 29 of the UN Convention of the Rights of Persons with Disabilities (CRPD), which Lebanon signed in 2007 but did not ratify, stipulates that special measures should ensure “that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”. This entails the provision of “reasonable accommodation” defined as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to individuals with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms” (Art. 2, CRPD). Measures should ensure that polling stations are accessible to individuals with disabilities, i.e. have proper lighting, sufficiently wide doorways and corridors to facilitate wheelchair access. Also, individuals with disabilities should be incentivised to exercise their suffrage rights through targeted information campaigns, media advertising, guides and awareness-raising initiatives.

Improving accessibility also means using alternative voting methods, i.e. voting outside the polling station for individuals with disabilities who are home-bound or reside in short-term or long-term institutions. These methods, however, warrant special safeguards as they may undermine the secrecy of the vote and the integrity of the electoral process.

⁵⁶ Expatriates ballots will be sealed and numbered in special bags and will be sent via the diplomatic pouch to the Central Bank. The safety mechanism is the numbered seals, which will be recorded in the official report of out-of-the-country polling stations.

- Measures to introduce magnetic cards should be based on a prior evaluation of the implementation cost and the logistical steps required and comply with the requirements of the secrecy of the vote and the integrity of the electoral process. The current challenges posed by the introduction of magnetic cards call for its postponement to future elections.
- A redress mechanism should be provided on election day to eligible voters whose names do not appear on the voter list or are misspelt.
- The law should include a list of those who may be present in polling stations or premises during voting, counting and tabulation. The law should also clarify the procedure of designation of the head officer's assistant who is to be designated by the voters. This procedure should not be misused.
- The law should be clear that each voter is required to insert his/her ballot paper in a standard envelope supplied inside the polling station and devoid of any distinguishing marks. Envelopes containing more than one ballot paper and ballot papers cast without an envelope should be considered invalid. The inconsistencies in the law regarding the envelopes should be corrected accordingly.
- For out-of-country voting, the law should explicitly indicate the geographical divisions of foreign territories used for the distribution of out-of-country voters or at least specify the criteria used for delineating these geographical divisions.
- In view of the 2022 parliamentary elections where 6 seats for non-resident voters will be added to the parliament, the legislator should clarify whether non-resident voters will vote in a separate electoral district, and, if not, how this will work.
- The resources earmarked for voting operations abroad should be adequate and all operational and administrative decisions concerning non-resident voters should be made in the most transparent manner.
- Voters with disabilities, particularly physically impaired voters, should benefit from special measures that ensure accessibility of polling stations. They should be incentivised to exercise their suffrage rights through targeted information campaigns, media advertising, guides and awareness-raising initiatives.

11. Counting, Tabulation and Aggregation of Votes

Votes are counted in polling stations in the presence of candidate agents and authorised observers. Journalists accredited by the SCE prior to the election may also be present. Discrepancies in the number of ballot papers used and voters checked against the voter list must be noted in the minutes (Art. 100). Ballot papers must be opened one at a time with names of the selected candidates being read out. At the same time, each ballot is projected on a screen for everybody to see it. Ballots or envelopes containing additional marks are considered invalid.

Results are posted immediately on the polling station door and candidate agents are given certified copies upon request. The law should specify that observers can make copies or shall be given copies upon request of all protocols and tabulation and tally sheets.

Like the previous legislation, the law requires that blank votes be counted with valid votes, which provides a means for voters to demonstrate their dissatisfaction with the political offer (Art. 103). An estimated 1% of the votes cast at the 2009 parliamentary election were blank.

The minutes and all relevant materials are forwarded to the Registration Committee Office (RCO). Article 105 refers to the ballot papers among the items to be inserted in the special envelopes to be passed from the polling stations to the RCOs, which Article 98 of the previous law omitted.

The RCOs review the polling stations' protocols and related documents and announce the figures for each polling station, drawing up a record with the aggregation of the results. These are signed by RCO members and passed on to the Higher Committee of the Electoral District.

The Higher Committee aggregates the results for the electoral district and may correct tabulation mistakes in the process. It announces the results to all candidates and their agents and passes the final minutes along with the table of results to the governor or the district commissioners. They, in turn, forward the information to MOIM, which announces the final results for all candidates and the names of the successful candidates.

The law leaves several gaps in this process of aggregation, which should be addressed by government decrees. While the results at polling station level are posted on the door of the premises, results aggregated at all the intermediary levels until the national level are not publicly posted. The law should require the posting of results following their aggregation at the level of Registration Committees. At the 2009 elections, only half of the observed committees did so.⁵⁷

⁵⁷ EU EOM Final Report on Parliamentary Elections of June 2009, p. 27.

Furthermore, while the law provides that polling stations and Higher Committees announce the results in the presence of the candidates or their agents (Art. 107), no such announcement is foreseen at the intermediate level of the Registration Committees – a shortcoming already noted in 2008.

The breakdown of the results per polling station should be published with the aggregate results immediately after the elections and kept regularly updated to ensure transparency and citizens' confidence in the electoral process.

In contrast with past practice, ballots are not destroyed after counting since 2008. This is a positive measure in the law, because it allows for recounts. It also puts an onus on the electoral administration to safeguard ballots and avoid any post-election tampering. The law states that the Central Bank of Lebanon must store used ballots for 3 months after the announcements of results. They must be destroyed by MOIM unless they are subject to a review before the Constitutional Council (Art. 108).

- The law should specify that observers can make copies or shall be given copies upon request of all protocols and tabulation and tally sheets.
- The law should require the posting of results following their aggregation at the level of Registration Committees.
- The breakdown of the results per polling station should be published with the aggregate results immediately after the elections and kept regularly updated to ensure transparency and citizens' confidence in the electoral process.

12. Electoral Disputes Resolution (EDR)

12.1 Complaints and Appeals during the Electoral Process

The law provides for three specific avenues for resolving electoral disputes: first, complaints against decisions on voter registration by registration committees can be lodged free-of-charge with the higher election committees between 1 February and 1 March (until 20 February for non-resident voters) (Art. 34 and 37). Registration Committees must reach a decision within 3 days of notification of the complaints. Their decisions can be appealed within 3 days of notification thereof to the relevant High Registration Committees who have also 3 days to reach a decision (Art. 39). The law does not mention whether their decisions are final, and this should be clarified.

Secondly, MOIM's refusal to register a candidate can be appealed to the Council of State (Art. 46) within 3 days of notification of the ministerial decision, instead of 5 in the previous law. The Council of State has 3 days to deliver a judgement, which is final.

Thirdly, the SCE has the authority to adjudicate complaints filed by candidates or candidate lists about compliance with media regulations (Art. 72.6). It has 24 hours to decide whether it will defer or not the case to the Court of Publications, which has the same amount of time to decide (Art. 81). Article 19.11 provides that the SCE is competent to adjudicate complaints on all matters related to media and campaign finance, but it does not expand beyond what comes under Article 72.6 of the law.

Furthermore, according to the administrative code, all decisions by the public administration can be appealed to the administrative court (Art. 63 of the Administrative Code). This provides a basis for appeals on issues other than those explicitly mentioned in the electoral law, which entails a risk of "forum shopping."

12.2 Challenging and Certifying the Electoral Results

The legal framework does not provide for a certification process of the election results. MOIM announces the aggregated election results and enumerates the successful candidates but it does not announce the breakdown per polling station (although the law does not rule out that possibility). MOIM is also required to communicate the results to the Parliament Speaker and the President of the Constitutional Council (Art. 107). In 2009, MOIM published the election results on its official website but removed them 3 days later. These are obviously preliminary results as unsuccessful candidates have 30 days to challenge the election results before the Constitutional Court based on Article 19 of the Constitution. They can only challenge the results of their respective districts.

The Court has 15 days to review the admissibility of the appeal. If it is declared admissible, the appeal is investigated by one appointed member of the Court who has up to 3 months to submit his/her conclusions. The Court has then one month to deliver a decision on the case. It can either cancel the election result and declare another candidate as winner of the election or annul the election and call for by-elections (Art. 31 of the Law on the Constitutional Council). The Court has unlimited jurisdiction in disputes on the election results. However, it does not have the power to certify the final results of the elections.

13. Election Observation

Each candidate or list can delegate representatives to each polling station in their electoral district to observe polling and the counting of votes (Art. 90). These observers are no longer authorised directly by MOIM but rather by the governors or district commissioners. It is not clear whether the approving authority has the discretionary power to reject some of the proposed candidate agents and if so, what the remedies available to candidates and candidate lists are. The law or the implementing measures should set forth in detail the procedure governing the nomination of party agents, including deadlines for submitting applications and approving them.

As far as non-partisan election observation⁵⁸ is concerned, the 2017 law no longer restricts the right to observe the elections to domestic organisations, but it adds problematic conditions. In 2008, only Lebanese organisations could “accompany and observe” the elections (Art. 20) under certain conditions (non-profit status, officially registered since at least 3 years, no connection to any political party, no less than 100 members etc.). In practice, this did not hinder the accreditation of international observer groups. Organisations seeking authorisation to observe the elections are now required to disclose their funding sources and submit to the SCE the closing balance of their account earmarked for observation purposes no later than one month after the announcement of the election results. These conditions are unreasonable, intrusive and constitute an undue interference with the organisations’ lawful activities, subjecting them to requirements that undermine the freedom of association.⁵⁹ It would be an aggravating factor if organisations were required to submit their membership lists to prove that they have at least 100 members. These restrictive measures are not justified, particularly because the number of observer groups that have observed past elections has never exceeded what can be reasonably anticipated.

Although the new law allows international observers to seek accreditation, it does not detail the accreditation procedure. The power to deliver accreditations is transferred from MOIM to the SCE for the latter to lay down the necessary regulations.

When drawing up guidelines for international observers, MOIM should draw on the UN-sponsored “Declaration of Principles for International Election Observation”, which includes a list of guarantees for meaningful international election observation as well as a code of conduct for international election observers. It is particularly important that observers monitor the electoral process from an early stage to observe not only voting and counting procedures on election day, but also pre- and post-election periods through a comprehensive, long-term observation involving a variety of techniques. Observers must be guaranteed unimpeded access to all stages of the election process and to all individuals involved in the election process, including, but not limited to, electoral officials.

As in 2008, the media must be authorised from the SCE to cover polling or counting procedures (Art. 80), but the law provides no details on how the media receives such authorisation. This should be clarified. Like other observers, the media professionals are also required to abide by the terms of a code of conduct laid down by the SCE.

- The new conditions imposed on domestic observer groups are intrusive and constitute an undue interference with these organisations’ lawful activities, subjecting them to requirements that undermine the freedom of association. Observer groups should not be required to demonstrate more than what is required under the law on associations.
- When drawing up guidelines for international observers, MOIM should draw on the UN-sponsored “Declaration of Principles for International Election Observation”, which includes a list of guarantees that are required for meaningful international election observation.
- The law should provide detailed regulations on the authorisation procedure applicable to the media that wish to cover the polling and counting procedures.

58 Non-partisan election observation has become a global practice. The UN Human Rights Committee interprets Article 25 ICCPR in the sense that “there should be independent scrutiny of the voting and counting process (...) so that electors have confidence in the security of the ballot and the counting of the votes.”

59 The Law on Associations is the 1909 Ottoman Law under which newly formed associations are required to notify the government immediately after they are created. Despite a 2006 MOIM Circular, which requires that receipts be given within 30 days of the date of notification, civil society organisations continue to face delays in obtaining a notification receipt.

14. Representation of Women

“Societies in which women are excluded from public life and decision-making cannot be described as democratic.”⁶⁰ Women are severely underrepresented in Lebanon’s political institutions. In 2008 as well as in 2017 there is only one female minister out of 30. In 2005, only six women were elected among the 128 MPs (4.7%), some uncontested and largely thanks to their family backgrounds. In 2009, this number dropped to four (3.1%),⁶¹ ranking Lebanon 184th rank out of 189 Parliaments in terms of women’s representation in Parliament.⁶²

In its 2008 concluding comments on the third periodic report submitted by Lebanon, the UN Committee on the Elimination of Discrimination Against Women (CEDAW) noted the absence of any progress on recommendations made in previous remarks⁶³, among which the recommendation that Lebanon take “sustained measures to accelerate the increase in the representation of women in elected and appointed bodies in all areas of public life” (recommendation 108). The Committee recommended that Lebanon “use temporary special measures, in accordance with Article 4, paragraph 1, of the Convention and the Committee’s general recommendation 25, as part of a necessary strategy to accelerate the achievement of de facto equality between women and men. It calls upon the state party to consider using a range of possible measures, such as quotas, benchmarks, targets and incentives, to accelerate the implementation of Articles 7–8, 10–12 and 14 of the Convention”. In 2014, the Committee reiterated these recommendations and expressed its concerns about the “strong political resistance to the adoption of temporary special measures to effectively promote the equal participation of women in public and political life”.⁶⁴

The draft election law prepared by the Boutros Commission in 2006 included a 30% quota for women candidates in the districts where proportional representation would be applied. In 2012, under pressure from women’s organisations, further attempts were made to introduce the 30% quota, but the draft provision was watered down to one female candidate per list, which was not approved in the 2013 parliamentary debate. The new electoral law does not include provisions to increase women’s representation in Parliament.

60 CEDAW General Recommendation No. 23.

61 3 out of the 4 women who entered Parliament in 2009 were re-elected. Only one entered Parliament for the first time.

62 IPU, October 2017, “Women in Parliaments”, <http://archive.ipu.org/wmn-e/classif.htm>

63 A/38/60, paras. 126-77.

64 CEDAW/C/LBN/15, 5-4 May 2014, Fourth and Fifth periodic reports of state parties due in 2014, Lebanon.

Table 5: Women in Lebanese General Elections since 1992

Elections	Number of Female Candidates	Number of Successful Female Candidates
1992	6	3
1996	11	3
2000	18	3
2005	14	6
2009	12	4
2013	38	No elections held

Source: CEDAW Country Report (2014).

There is “strong resistance”, among the male political elite in Lebanon, towards women’s participation in the elections, as noted by CEDAW. Generally, the larger a district is, the higher the possibility for a woman who is part of a bloc or list to win a seat.⁶⁵ In addition, the cross-confessional set-up of most lists makes it even more difficult for women, because political leaders may consider it advantageous to present men in cases where a given confession has only one or two seats.

- Decisive steps should be taken to end the underrepresentation of women in the Lebanese Parliament and increase their participation in all aspects of political life. Special measures, including gender quota, should be taken to increase their participation in elected and appointed bodies in all areas of public life. These measures should also apply to political parties.

65 Larger districts often have higher turnout and can thus create “spaces for opportunity” for politically aspirant women. The advantage is also linked to “party magnitude”, which is the number of seats a party expects to win in a given district. If the “party magnitude” is high, political parties are more likely to “take a risk” and run new women candidates alongside their usually male incumbents, and these women stand a better chance of winning the next seat.

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