

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

In the name of the People,

The President of the Republic

The People's Assembly has passed this law, the text of which is rendered hereunder, and we hereby promulgate it.

Article (1):

The president shall be elected through direct, public, secret ballot by voters enrolled on electorate rosters. Each voter shall exercise in person such right.

Article (2):

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

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

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

Article (3):

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

Article (4):

As an exception to the provisions of Article 3 hereof, any political party may nominate for the first presidential elections, to be conducted following the enactment of this Article, a member of its higher board, established before May 10, 2005 according to its by-law.

Article (5):

The Presidential Elections Committee (PEC), referred to in Article 76 of the Constitution shall be composed of the head of the Supreme Constitutional Court as chairmanship with the following as members:

- * the head of the Cairo Court of Appeal;
- * the most senior deputy head of the Supreme Constitutional Court;
- * the most senior deputy head of the Court of Cassation;
- * The most senior deputy head of the State Council; and five public figures, five public figures, recognized for their impartiality.

Three of the fore-mentioned public figures shall be selected for a period of five years by the People's Assembly and the other two by the Shura Council upon a recommendation of the bureaus of both chambers. Each chamber shall select an equal number of reserve members. Both speakers of the People's Assembly and the Shura Council shall inform the chairman of the Committee, within seven days from the effective date of this law or from the expiry of their tenure of the Committee membership. The chairman of the Committee shall call it for a meeting within seven days from date of being so notified.

Should there arise any hindering circumstance to the chairman of the Committee, he shall be replaced by the one next in seniority within its structure. In this case, the most senior deputy head of the Supreme Constitutional Court next to the Committee member belonging to the same court shall be admitted to the Committee membership for as long as the hindering circumstance persists.

Should the hindering circumstances involve a member of the judiciary, he shall be replaced by the member of the judiciary next in seniority.

Should there arise any hindering circumstance to any of the public figure members, he shall be replaced by a reserve member in order of their selection.

Should the hindering circumstances permanently persist, replacement shall run for the remaining tenure of the affected member.

Save for the case of being caught red-handed, no criminal action may be taken against any public-figure member of the Committee, during the functioning of the Committee, unless no authorized by prior permission by the Committee, in accordance with the rules and procedures set thereby.

The public-figure members of the Committee shall, before starting their duties take oath before its chairman as follows: " I swear by Allah Almighty to undertake my duties with honesty, integrity and neutrality and to respect the Constitution and the law"

Article (6):

The PEC shall be deemed a public juridical person, based in the City of Cairo and shall enjoy independence in exercising its competences. The Committee shall have a separate budget within the State overall budget.

Article (7):

The Committee shall meet upon convocation by its chairman. Its meeting shall be valid only with the presence of its chairman and at least six members. It shall issue its decision by a majority of at least seven members. The decisions shall be published in the Official Gazette.

The Committee shall have a general secretariat to be established by a decision of its chairman. The Committee shall issue such regulations and decisions as may be necessary to regulate its work and method of exercising its competences.

Article (8):

The PEC shall exclusively have the following competences:

1. declare the initiation of candidature to presidency;
2. set up necessary procedures applicable to candidature to presidency and supervise their implementation;
3. receive and examine applications for candidature to presidency and verify that presidential candidates meet relevant requirements;
4. prepare and announce a final list of candidates;
5. announce the date and procedures of relinquishing candidature;
6. set the starting and end dates of the election campaign;
7. verify the application of the rules governing election propaganda as herein stipulated as well as the observance equality between candidates in using state-owned audio-visual media for the election campaign purposes and take such measures as it deems appropriate in cases of violation;
8. generally supervise balloting and vote-sorting process;
9. decide on all matters referred thereto by the general election committees;
10. receive the consolidated election results and determine and announce the final result;
11. decide on all complaints and challenges related to elections; and
12. decide on all issues related to the jurisdiction of the Committee, conflict of jurisdiction, as well as others stipulated in this law.

The Committee decision shall be final, self-enforcing and uncontestable by any means and before any body whatsoever. Its decision shall not be construed or stayed un-reprieved.

The Committee may contribute to raising citizens' awareness of the importance of the presidential elections and to calling for participation in these elections.

The state agencies, within their competencies, shall assist the Committee with the preparatory for the election works and all necessary related works.

Article (9):

In exercising its competencies, the PEC is entitled to request such documents, papers, data and information as it deems necessary from parties concerned at such dates as it assigns. It may request the aforementioned from any official or public body and may commission any such official bodies as it

deems appropriate or any such experts as it enlists to carry out any such investigation, research or study as may be necessary for it to decide on all matters submitted thereto.

Article (10):

The dates for the start of presidential elections, the election day and re-election shall be all determined by a decision by the PEC, in compliance with the dates stipulated in the Constitution, while shall be published in the Official Gazette and two daily widely circulated newspaper.

Article (11):

Support by members of the People's Assembly and the Shura Council as well as local popular councils in governorates for a presidential candidate shall be rendered on the format prepared by the PEC. This format shall specifically include identification data of the candidate, supporting member and his elected membership in the afore-mentioned councils. The supporting member shall sign data included in the format, and this signature shall be authenticated, free of charge, at a Notary-Public office.

Article (12):

The PEC shall determine data required for the parties to nominate members of their higher bodies as presidential candidates specifically include data pertaining the party, the candidate and his membership in its higher body as well as its date, and method of his selection by the party and his approval of nomination. The Committee may verify the validity of such data.

Article (13):

The candidature application shall be presented to the PEC Chairman, on the format prepared by the Committee, within the period designated thereby, provided it shall not be less than 7 days from the opening date of candidature. The documents specified by the Committee shall be attached to the application; specifically the following:

1. the formats showing support for the candidature applicant, or the party's nomination;
2. candidate's birth certificate or an official extract thereof;
3. a declaration by the candidature applicant that he is an Egyptian citizen from Egyptian parents that he does not hold any other nationality
4. a military service completion or exemption certificate according to the law;
5. a declaration of financial trust according to the rules of Law No. 62 of 1975 regarding illegitimate gains and
6. the elected address to which all the Committee's notifications will be sent to the candidate.

Papers submitted by candidate or parties concerning their nominees shall be deemed official papers as far as application of the Penal Code is concerned.

Article (14):

Candidature applications shall be entered in chronological order of receipt into a special a special register, and receipts are given to applicants. The rules and procedures for submission and retention are outlined by the PEC. The Committee shall announce in two widely circulated daily newspapers, on the day following the application deadline, names of applicants, supporters, or parties nominating, according to the rules of Articles (2, 3, and 4) hereof. Each applicant for candidature may report to the PEC his objection against other applicant, indicating applicant's grounds for objection, within two days from date of announcement, in accordance with the procedures specified by the PEC.

Article (15):

The PEC shall examine candidature applications, verify that they satisfy the conditions set out in the Constitution and the law and should decide on the objections submitted, according to the provisions of Article 14 of this law, within two days from the deadline mentioned in the preceding Article.

Article (16):

The PEC shall notify those whose applications have been rejected and reasons for rejection, according to the procedures set out thereby. Those excluded from candidature may appeal against such decision within 48 hours from the date of being so notified. After having heard the applicant's

statement or having notified him to appear before it and his failing to do so, the Committee shall decide on such appeal within 24 hours following the expiry of the above-mentioned term.

Article (17):

The PEC shall prepare a final list of candidates and announce it by publishing in the Official Gazette and in two widely circulated newspapers, at least 25 days before the date set for elections.

Article (18):

Should the place of one candidate become vacant, for any reason except his relinquishment of candidature, during the period between the start of candidature and before the announcement of the final list of candidates, the PEC shall announce such vacancy in the Official Gazette and in two daily widely circulated newspapers and extension or reopening of the candidature period, as the case may be, for maximum five days from the date of announcement.

Candidates than the rest may apply for candidature within this period under the set procedures.

Should a vacancy occur during the period from the announcement of the above-mentioned list and by the end of the polls, such vacancy shall be deferred for a period of no more than twenty-five days. In this case, candidates other than the rest may apply for candidature within latest seven days from the date of announcing such vacancy occur within the period between the beginning of re-election process and by the end of polls. In all cases, the PEC shall issue its decision on the new candidates within maximum 3 days from the day of nomination presenting application.

Article (19):

An applicant for candidature applicant may withdraw his application by a notice in writing to the PEC before announcing candidates' names. A candidate may relinquish his candidature by a notice in writing to the PEC within fifteen days before the set date for balloting. Such relinquishment shall be published in two widely circulated newspapers within two days from date of submission.

Article (20):

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

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

Article (21):

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

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

Article (22):

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

Article (23):

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

Article (24):

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

Article (25):

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

Article (26):

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

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

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

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

Article (27):

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

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

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

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

Article (28):

The candidate shall submit to the PEC, within 15 days from the announcement of the election result, a statement including all revenue he has obtained, its source and nature, and amount and aspects of this expenditure on the election campaign.

Article (29):

The Central Audit Agency shall audit the election campaign accounts of candidates, provided it shall submit a report on the findings of its audit to the PEC within 15 days from the date of referring these

accounts thereto.

Article (30):

Balloting shall be conducted on one day, under the PEC supervision. The Committee shall set up committees to undertake the balloting and sorting process, which shall be supervised by general committees to be formed by the PEC from among the members of the judiciary all in accordance with such rules and procedures as are specified by the PEC. The Committee shall determine the number, location and work system for such committees in coordination with the competent bodies.

The PEC may, whenever necessary, may appoint reserve members who are members of the judiciary to head general committees. It may also appoint original and reserve members who are members of the judiciary in the governorates to supervise election and to chair balloting committees.

Article (31):

Each candidate may appoint, to each election committee, formed by the PEC, a representative from among the voters, and shall notify in writing the head of the concerned election committee on the day prior to election day.

The committee shall start functioning on the day set for starting the balloting process should all or none of the candidates representatives fail to appear.

Article (32):

Voting in elections shall be made by marking (voter's choice) on the ballot paper. The election committee head has to hand out each voter an open ballot paper, bearing on the back PEC seal and the election date. The voter shall take to one of the assigned places for balloting within the same election room. After indicating his choice on the ballot paper, the voter shall hand it back folded to the head of the committee for insertion into the ballot box. At the same time, he shall put his signature fingerprint opposite his name on the voters' roster. Then, the voter dips his finger in an ink removable only at least 24 hours after balloting. "

Article (33):

A voter present at a city, town or village other than that where his name is registered, may cast his vote at any poll station where he is present, provided that he shall produce to the head of the election committee proof of his identity. The PEC shall set the rules and procedure to be adopted in this regard.

Article (34):

Votes shall be sorted according to the rules laid by the PEC.

Article (35):

Subject to the provisions of the preceding articles, the PEC shall lay down all rules and procedures governing the stages of the election and sorting process, along with the work system at election committees formed thereby.

Articles (36):

The general committees shall probe all matters related to the balloting process and shall decide on the validity or in-validity of balloting by voters.

Candidates may contest decisions made by the general election committee with the PEC exclusively.

The contest shall be submitted latest during the day following the issuance of the contested decision.

The PEC shall decide on the contest the next day, after hearing the contestant's statement or after notifying him to appear before it and his failure to do so. The PEC shall set out rules and procedures to be followed in considering and deciding on such contests.

Article (37):

Balloting for electing the president shall be effected, even though one single candidate has applied or even if he was the only candidate remaining due to assignment of the rest of candidates or due to failure to field another candidate in lieu of the one vacating his seat, in accordance with Article 18 hereof.

Unofficial Translation

In this case, the candidate who has obtained the absolute majority of the number of the valid votes shall be declared winner. Should the candidate fail to obtain such majority, the PEC shall declare open candidature for other elections, within latest fifteen days from announcing result. In this case election shall conducted according to the provisions hereof.

Article (38):

The head of the general election committee shall consolidate all electors' votes at all poll stations and document the number of votes obtained by each candidate at each committee into a triplicate report to be signed by the head and sent to the PEC. The Committee shall specify rules for retaining such copies and election papers.

Article (39):

The PEC shall announce the overall election result with the three days following the receipt by PEC of the general Committee's reports.

The result shall be published in the official Gazette.

Article (40):

The elected president of the republic shall be announced when a candidate has obtained an absolute majority of the valid votes. Should none of the candidates obtain such majority, a re-election shall be held after at least 7 days, involving the candidates who got the largest number of votes, and should a candidate obtain a number of valid votes equal to the second, both would take part in the re-election. In this case, the one who has obtained the largest number of valid votes shall be announced winner.

Article (41):

The PEC shall inform the winner of the presidential election.

Article (42):

"Without prejudice to any more aggravated penalty under any other law, the acts shall be subject to the penalties presented therefore under the following articles".

Article (43):

"Any person, whose name is listed on the election rosters, who fails without excuse to cast his vote in presidential election, shall be penalized with a fine not exceeding L.E 100.

Article (44):

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

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

Article (45):

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

Article (46):

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

Article (47):

Unofficial Translation

"Any person who uses any means of terrifying or intimidating, with the intention of influencing the proper functioning procedures of presidential election without realizing his intention, shall be penalized with no less than two-year imprisonment. Should he realize his intention, the penalty shall be imprisonment for no less than two years and no more than 5 years."

Article (48):

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

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

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

Article (49):

Any person who intentionally destroys or damages any in the buildings, facilities or means of transport used or assigned for use in presidential the election with the intention of obstructing its progress shall be penalized with imprisonment for a period of no less than one year and with a fine of no less than L.E 1000 and no more than L.E 3000. Additionally , he shall be sentenced to pay the cost of the destruction or damage he caused."

Article (50):

"Any person who steals, conceals or damages any presidential election roster or ballot paper, related to presidential election; with the intention of changing facts of such election or with the intention of causing election to be repeated or disrupted shall be penalized with imprisonment for a period of no less than 2 years."

Article (51):

A penalty of imprisonment for a period of no less than 6 month together with a fine of no less than L.E 1,00 and no more than L.E 5,000, shall be imposed on the following:

1- any person who uses force or threat to prevent someone from casting his vote in presidential elections or to force him to do so in a certain way;

2- any person who gives, offers or pledges to give someone a benefit, for himself or for someone else, in order to force him to abstain from casting his vote in presidential elections or to do so in a certain way; and any person who accepts or demands a benefit of that kind, for himself or for others.

Article (52):

A penalty of no less than one month imprisonment and a fine of no less than L.E 500 and no more than L.E 1000, or either shall be imposed on any person who casts his vote in presidential election, knowing that his name is unrightfully listed in the roster.

Article (53):

A penalty of imprisonment together with a fine of no less than L.E 50,000 and no more than L.E 10,000, or either shall be imposed on any person who commits an act with the intention or disrupting or suspending the enforcement of the PEC decisions in application of this Law.

Article (54):

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

Article (55):

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

Article (56):

Unofficial Translation

Attempts to commit felonies stipulated herein shall be subjected to penalties prescribed to consummate offense"

Article (57):

The head of the election committee shall have the power authorized to commissioned judiciary officers as regards such offenses that take place in the poll room."

Article (58)

This law shall be published in the Official Gazette, and shall go into effect starting from the day following its publishing. This law shall be stamped by the state's seal and enforced as one of its laws.

Issued at the Presidency on July 2, 2005.
Hosni Mubarak