

## Consolidated Law on the Independent Election Commission

Comprised of **Law N<sup>o</sup> 11 of 2012: Law on the Independent Election Commission** and **Law N<sup>o</sup> 46 of 2015: Law to Amend the Law on the Independent Election Commission**<sup>1</sup>

### Unofficial Translation

#### **Article 1 of Law N<sup>o</sup> 11**

This Law shall be called the "Independent Election Commission Law" of the year 2012 and shall be effective as of the day of publishing it in the Official Gazette.

#### **Article 1 of Law N<sup>o</sup> 46**

This Law shall be called the "Amendments to the Independent Election Commission Law " of 2015 and shall be read together with Law No. 11 of 2012, which is referred hereunder as the original law as one law and shall be effective as of the day of such publication in the Gazette.

#### **Article 2**

The following words and terms shall have the meanings assigned to them hereunder, unless otherwise indicated in the context.

Commission	The Independent Election Commission created under the provisions of this Law
Board	The Commission's Board of Commissioners
Chairman	The Chairman of the Board
Commissioner	The Chairman or any of the Board's members
Secretary General	The Secretary General of the Commission
<i>The Law</i> <sup>2</sup>	<i>The Election Law of the House of Representative and the Law of Municipalities and any other Law regulating any general electoral process.</i>
<i>The voter</i> <sup>3</sup>	<i>Every Jordanian who has the right to vote under the provision of the Law.</i>
<i>The candidate</i> <sup>4</sup>	<i>The voter whose nomination application for the elections is accepted under the provision of the Law.</i>
Executive Instructions	Instructions issued by the board pursuant to the provisions of this law and any other regulations issued hereunder and shall be published in the Official Gazette .

#### **Article 3**

- A. An independent commission named the "Independent Election Commission " shall be created in the Kingdom. It shall have legal personality and financial and administrative independence. Under this status, it shall have the right to own transferable and non-transferable assets and to undertake all legal procedures necessary to achieve its objectives. It shall have the right to undertake litigation and it shall be represented in judicial procedures by the Civil Public Attorney or any other lawyer it appoints for this purpose.
- B. The Commission's headquarters shall be in the capital city and it shall have the right to open branches or offices in all the governorates of the Kingdom.

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<sup>1</sup> Provisions of Law N<sup>o</sup> 11/2012 that are amended by Law N<sup>o</sup> 46/2015 are highlighted in *italics*

<sup>2</sup> Amended by Article 2 of Law N<sup>o</sup> 46/2015. Previously under Law N<sup>o</sup> 11/2012 the definition read "*The Election Law for the Chamber of Deputies.*"

<sup>3</sup> Amended by Article 2 of Law N<sup>o</sup> 46/2015. Previously under Law N<sup>o</sup> 11/2012 the definition read "*Every Jordanian entitled to elect members of the Chambers of Deputies in accordance with the provisions of the Election Law.*"

<sup>4</sup> Amended by Article 2 of Law N<sup>o</sup> 46/2015. Previously under Law N<sup>o</sup> 11/2012 the definition read "*Any Jordanian whose nomination for parliamentary elections was accepted in accordance with the provisions of the Election Law.*"

#### **Article 4**

- A. *The Commission shall assume:*<sup>5</sup>
1. *Management of the Parliamentary and Municipality Elections and any other general elections in accordance the provisions of the Law.*
  2. *Management or supervision of any other elections mandated by the Council of Ministers pursuant to a request by the body authorized by law to conduct such elections.*
- B. The Commission shall undertake all the necessary decisions and procedures which enable it to perform its tasks in a manner of transparency, integrity and impartiality.

#### **Article 5**

- A. All ministries, government departments, official and public institutions shall be committed to providing all kinds of support and assistance requested by the Commission in order to enable it to perform the duties and responsibilities assigned to it in accordance with the provisions of this law and other laws in effect, including the provision of any information and documents it deems necessary.
- B. The Commission, in coordination with the Ministry of Interior, shall adopt a security plan to ensure the proper conduct of the electoral process, elections' offices, polling and counting centres and the safety and security of voters, candidates and observers and all election officials .

#### **Article 6**

- A. The Commission shall have a Board of Commissioners composed of a Chairman and four members to be appointed by a royal decree for a non-renewable period of six years.
- B. (1) For the purposes of paragraph (A) of this Article, a list of proposed names of persons to be appointed in the board shall be submitted to the King. The list shall be prepared by a committee chaired by the Prime Minister and with the membership of each of the speakers of the Upper and Lower Houses of Parliament and the president of the Judicial Council.
- (2) In the event that the position of the speaker of the Chamber of Deputies becomes vacant, he/she shall be replaced by the last speaker of the Lower House. If this is not possible, he/she shall be replaced by the last deputy speaker of the Lower House.
- C. The Board shall elect from among its members a Chairman, and a Vice Chairman to act on the Chairman's behalf in his/her absence.

#### **Article 7**

- A. The Chairman shall have the salary and allowances specified for the president of the Court of Cassation in accordance with the provisions of laws in effect.
- B. The board member shall have the salary and allowances specified for the vice president of the Court of Cassation in accordance with the provisions of laws in effect.

#### **Article 8**

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<sup>5</sup> Amended by Article 3 of Law N<sup>o</sup>. 46/2015. Previously under Law N<sup>o</sup>. 11/2012, Article 4 read: "*The Commission shall supervise the parliamentary election process and administer it in all its phases. It shall also supervise any other elections approved by the Council of Ministers in accordance with the laws in effect.*"

A Secretary General for the Commission shall be appointed by a decision issued by the board and his/her services shall be terminated in the same manner. His/her salary and other financial entitlements shall be specified in the appointment decision. The decision of appointment shall be endorsed by a royal decree.

#### **Article 9**

- A. The Commissioner or Secretary General shall fulfil the following conditions:
1. Must hold the Jordanian nationality for at least 10 years and enjoy full civil eligibility.
  2. Must not hold the nationality of any other country.
  3. Must hold at least the first university degree
  4. Must not be a member of the parliament.
  5. Must not be below 40 years of age.
  6. Must be competent and experienced.
  7. Must have a good reputation and conduct and known for integrity.
  8. Must not be convicted of any crime or punitive sentence related to misconduct of morality or public order, honour, honesty, or any other offense, even if subject person was rehabilitated or included in a general pardon.
  9. Must not be a member of any political party.
- B. The Commissioner and the Secretary General shall work full-time for the Commission and its activities. He shall not be an employee in the public or private sectors, a merchant, a member of the management board or the board of directors of any company, or a chairman or member of the board of any private or public institution, and he shall not perform any paid work for any entity regardless of its nature.
- C. The Commissioner shall undertake the following oath before the King upon the appointment and prior to commencing work:
- I swear by Almighty God to be loyal to the King and to the country, and to preserve the constitution, to respect the laws, and to perform the duties entrusted to me with complete honesty, integrity, and impartiality.
- D. The Secretary General shall undertake the oath stated in paragraph (C) of this Article before the board.

#### **Article 10**

- A. The service of the Commissioner shall end by resignation, and it shall be effective after the issuance of a royal decree approving it.
- B. The service of the Commissioner may not be terminated except by a royal decree issued upon the recommendation of three other commissioners in any of the following cases:
1. Absence from three consecutive board meetings without a justification acceptable to the board.
  2. Forfeiture of any of the membership conditions stipulated in paragraph (A) of Article (9) of this law or violation of the provisions of paragraph (B) of this Article.
  3. Nomination for elections regardless of their nature.
  4. Issuance of a decision by the Judicial Council to prosecute the Commissioner in accordance with the provisions of paragraph (B) of Article (11) of this law, unless the crime the subject of the prosecution is unintended offense or a contravention.
  5. Health deficiency which prevents the commissioner from fulfilling his duties.
- C. Notwithstanding the provisions in paragraph (A) of Article (6) of this Law, a new Commissioner to replace the Commissioner whose membership was terminated shall be appointed for the remaining period of his/her predecessor *within a period of a maximum of two months from the date of vacating*

his/her membership,<sup>6</sup> possible for renewal to six years if the remaining period was less than three years.

#### Article 11

- A. The Commissioner shall not be prosecuted for any criminal complaint during his/her term in the Commission or for any criminal complaint in relation to, due to, or resulting from the tasks and responsibilities assigned to him/her in accordance with the provisions of laws in effect except with permission from the Judicial Council.
- B. The Judicial Council may, after hearing the complainant and the Commissioner against whom the complaint is filed, and upon the examination of any evidences by the attorney general, decide to reject the complaint or give orders to prosecute the Commissioner and undertake the necessary criminal procedures against him/her according to the laws in effect.
- C. In the case of flagrante delicto, the Commissioner may be arrested or detained, provided that the Chairman of the Judicial Council is immediately informed of such, and the Judicial Council shall issue its decision in accordance with the provisions of paragraph (B) of this Article within a period not exceeding twenty-four hours from the date of the arrest or detention of the Commissioner.
- D. If the Judicial Council decides to reserve the complaint related to the duties and responsibilities assigned to the Commissioner, the Commissioner may not be prosecuted for said complaint when his/her term with the Commission ends.

#### Article 12<sup>7</sup>

The Board shall undertake the following duties and authorities:

- A. Formulate the general policy of the Commission
- B. Set the Election Day after the King issues the order to hold the parliamentary elections.
- C. Endorse the necessary timeline, plans and programmes required for the implementation of the electoral process in a manner of integrity, transparency and impartiality.
- D. Undertake the necessary measures for the registration of voters and candidates according to the provisions of *the Law*, including the necessary procedures to review and update the voters register, and arrange for objections against them.
- E. Publish the voters lists and candidates' names on the Commission's website and any other means of publication specified in *the Law*.
- F. Establish the rules and procedures for of electoral campaigns and publicity and monitor them according to executive instructions.
- G. Raise voters' awareness of the importance of participating in the political life and election processes.
- H. Appoint chairpersons and members of any necessary committees for the conduct of the parliamentary election process in accordance with the provisions of *the Law*.
- I. Approve the specifications of the ballot box, the ballot paper and the official seals for the polling and counting committee.
- J. Set the criteria for accreditation of the representatives of candidates at polling and counting centers.
- K. Accredite representatives of civil society institutions, media outlets, and any local and international observers to watch and observe the electoral process in accordance with executive instructions.
- L. Extend the polling period in accordance with the provisions of *the Law*.

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<sup>6</sup> Added by Article 4 of Law N<sup>o</sup>. 46/2015.

<sup>7</sup> Amended by Article 2 of Law N<sup>o</sup>. 46/2015. ("Article (12) of the Original Law shall be amended as follows: (i) The phrase 'Electoral Law' shall be deleted wherever it appears and be replaced by the word 'The Law' (ii) The words 'the Parliamentary' and 'Parliamentary' shall be deleted wherever mentioned.)

- M. Set executive instructions for the publication of preliminary results and the arrangement of objections against them in accordance with the provisions of *the Law*.
- N. Announce the final results of the elections.
- O. Issue a detailed final report for each election process and submit it to the King provided that it shall be published in the Official Gazette.
- P. Approve the annual report about on the work and activities of the Commission and submit a copy of it to the Council of Ministers and to the Parliament.
- Q. Approve contracts and agreements to which the Commission is party.
- R. Form temporary committees for specific tasks to assist it in the performance of its duties and authorities.
- S. Propose the necessary draft legislations for the work of the Commission.
- T. Any duties or authorities stipulated herein or in any other legislation.

#### Article 13<sup>8</sup>

- A. The Board shall convene upon the invitation of its Chairman or two thirds of the members once every month and as the need arises. Board meetings shall be legal in the attendance of a *majority of members*.
- B. The Board shall take its decisions by a majority of at least three votes. No member may abstain from voting, and an objecting member shall record his/her objection in writing in the minutes of meetings and sign it.
- C. Procedures and organization related to board meetings shall be specified by Executive Instructions

#### Article 14

- A. The Chairman shall undertake the following duties and authorities:
  - 1. Implement the decisions of the Board.
  - 2. Generally supervise the executive body of the Commission.
  - 3. Represent the Commission before all official, judicial and private entities.
  - 4. Sign contracts and agreements approved by the Board
  - 5. Coordinate with official and private parties, and stakeholders concerned with the Commission's work.
  - 6. Any other tasks assigned by the board.
- B. The Chairman may assign any of his/her authorities stipulated in this law and in regulations and instructions issued thereof to any commissioner, provided that the authorization is specific and in writing.

#### Article 15

- A. The Secretary General shall undertake the following duties and authorities:
  - 1. Manage the *executive* body of the Commission according to regulations and instructions issued for this purpose.<sup>9</sup>
  - 2. Prepare the organizational structure of the executive body of the Commission, the staffing table and the job descriptions.
  - 3. Prepare the draft annual budget of the Commission

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<sup>8</sup> Amended by Article 6 of Law N<sup>o</sup>. 46/2015. ("Article (13) shall be amended by deleting the phrase 'at least four commissioners' which appears at the end of paragraph (A) thereof and replacing it with the phrase 'majority of members'.")

<sup>9</sup> Amended by Article 7 of Law N<sup>o</sup>. 46/2015. ("Sub-paragraph (1) of paragraph (A) of Article (15) shall be amended by deleting the words 'administrative and financial' mentioned herein and be replaced by the word 'executive'.")

4. Prepare the annual report about the activities of the Commission.
  5. Any other designated authorities in accordance with the provisions of this law and regulations and instructions issued thereof.
- B. The Secretary General may assign any of his/her authorities stipulated in this law and in regulations and instructions issued thereof to any manager in the Commission, provided that the authorization is specific and in writing.

#### Article 16

- A. The Commission shall have an executive body to undertake permanent jobs in the Commission, and staff and workers shall be appointed in accordance with *provisions of the Civil Service bye-law*.<sup>10</sup>
- B. Ministries, government departments and official and public institutions shall assign their employees to work in the Commission on full-time or part-time basis as required by the Commission to enable it to undertake its duties.
- C. Administrative responsibility for assigned employees shall be transferred to the Commission in accordance with paragraph (B) of this Article during the assignment period.

#### Article 17

The Commission's staff member shall be banned from:

- A. Undertaking practices banned to public service employees in accordance with the provisions of the Civil Service Regulation.
- B. Running in any elections supervised or managed by the Commission.
- C. Participating directly or indirectly in the election campaign of any candidate.

#### Article 18

- A. The Commissioner, the Secretary General or any employee in the Commission shall notify the Board in writing of any relationship with any candidate in the elections supervised or managed by the Commission in any of the cases determined by the board in accordance with executive instructions.
- B. For the purposes of paragraph (A) of this Article, the Board shall formulate instructions for a code of conduct and disclosure by which the Commissioner, the Secretary General and the employees of the Commission shall abide.

#### Article 19

The Commission may express opinions on any draft law or regulation relevant to any electoral process and submit them to the Council of Ministers.

#### Article 20<sup>11</sup>

#### Article 21<sup>12</sup>

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<sup>10</sup> Amended by Article 8 of Law N<sup>o</sup> 46/2015. ("Paragraph (A) of the Article (16) of the Original Law shall be amended by deleting the words 'a regulation issued for such purpose' at the end thereof and be replaced with the words 'provisions of the Civil Service Bylaw'").

<sup>11</sup> Provision deleted by Article 9 of Law N<sup>o</sup> 46/2015. Article 20 of Law N<sup>o</sup> 11/2012 previously read: "If the Commission supervises any non-parliamentary elections in line with the provisions of paragraph (2) of Article (67) of the constitution, it shall take into consideration the provisions of legislation related to these elections."

<sup>12</sup> Provision deleted by Article 10 of Law N<sup>o</sup> 46/2015. Article 21 of Law N<sup>o</sup> 11/2012 previously read: "(A) The Commission shall have an independent budget to be approved by the board and submitted to the prime minister to adopt

*A. The Commission shall have an independent budget to be approved by the Board and shall be submitted to the Prime Minister to be included in a separate chapter under the Budgets of Government Units Law wherein required funds shall be allocated for the commission's functioning and to enable it to fulfil its obligations.*

*B. Notwithstanding the contents of Paragraph (A) of the Article, the funds allocated for each electoral process shall be determined and submitted to the Prime Minister.*

## **Article 22**

Without violating any stricter penalty stipulated in any other law, any person who violates the provisions of Article (5), paragraph (B) of Article (16), Article (17) or Article (18) of this law shall be imprisoned for a period of not more than six months or penalized with a fine of not less than one hundred dinar and not more than five hundred dinar or with the two penalties.

## **Article 23**<sup>13</sup>

The Commission's decisions regarding the electoral process shall be contestable before the competent court in accordance with the provisions of the constitution and *the Law*.

## **Article 24**

The Commission shall enjoy the exemptions and facilities granted to ministries and government departments.

## **Article 25**

- A. The Commission shall be monitored by the Audit Bureau.
- B. The provisions of the valid *Illegal Profit Law* shall be applied on the Commissioners and the Secretary General.<sup>14</sup>

## **Article 26**<sup>15</sup>

The Council of Ministers shall issue necessary regulations to enforce the provision of this Law.

## **Article 27**

The Board shall issue the necessary executive instructions for implementing the provisions of this law and any other regulations issued thereof, provided that these instructions shall take effect as of the day of such publication in the Official Gazette.

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the necessary procedures and to be included in the draft law of the governmental units' budgets. (B) The necessary allocations shall be made in every annual budget of the Commission to enable it to administer and supervise the parliamentary election process."

<sup>13</sup> Amended by Article 11 of Law N<sup>o</sup>. 46/2015. Article 23 of Law N<sup>o</sup>. 11/2012 previously read: "The Commission's decisions regarding the parliamentary election process shall be contestable before the specialized court in accordance with the provisions of the constitution and the Election Law."

<sup>14</sup> Amended by Article 12 of Law N<sup>o</sup>. 46/2015. Article 25(B) of Law N<sup>o</sup>. 11/2012 previously read: "The Commissioners and the Secretary General shall be subject to the applicable provisions of the *Financial Disclosure Law*."

<sup>15</sup> Amended by Article 13 of Law N<sup>o</sup>. 46/2015. Article 26 of Law N<sup>o</sup>. 11/2012 previously read: "The Council of Ministers shall issue regulations related to *employees and workers' affairs*, supplies, works, and the financial and administrative issues of the Commission."