

# Legal Framework Assessment and Reform Proposals for the Supervisory Commission for Elections (SCE)



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# Introduction

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A “free and fair” election is measured by how effectively the body responsible for overseeing the electoral process can carry out its role. Due to its continuous, complex, and intertwined administrative nature, the electoral process requires a high level of competence and professionalism to ensure its successful completion. The concept of free and fair elections is not limited to the procedures followed on election day or its atmosphere; rather, it covers the entire institutional and administrative environment that comes before, during, and after the elections:<sup>1</sup>

Before election day, it includes freedom of movement, expression, assembly, and association. There should be no fear linked to the electoral process. Candidate registration should be unobstructed, and equal voting rights for all should be guaranteed.

On election day, it implies the right of political party representatives, domestic and international observers, and the media to access all polling stations. Furthermore, ensuring ballot secrecy, preventing the intimidation of voters, the efficient design of ballot papers, the use of appropriate ballot boxes, impartial assistance to voters when necessary, and appropriate procedures for counting and tallying votes are all equally important.

After election day, it entails the right to legal appeal, the prompt and official announcement of election results, impartial handling of any election-related complaints, unbiased reporting of results by the media, and acceptance of the results by all concerned parties.

Electoral management bodies play a pivotal role in strengthening democracy by ensuring free and fair elections, which in turn contributes to political stability and public trust in the electoral system. The structure and types of these bodies vary from country to country, depending on their political and legal systems, diverse cultural and social values, and electoral experiences. However, the most common approach to classify these bodies is based on their relationship with the executive authority and the extent of their independence from it (Annex 1). In some countries, these bodies are granted complete independence from the executive authority, which enhances their impartiality and limits government influence over the electoral process. This model is common in many established democracies, where elections are managed by independent commissions with broad powers to organize and make election-related decisions. In some countries, however, these bodies are subject to partial government oversight (a mixed body), and in others, to full government oversight (a government body). In such cases, they may report to the Ministry of Interior (MoI) or another government entity, which raises concerns about potential political interference in the electoral process, especially if there are no guarantees to ensure integrity and transparency.

In all cases, the success of electoral management bodies depends on their adherence to international standards, such as impartiality, independence, competence, transparency, and accountability, to ensure elections that reflect the true will of voters and contribute to the stability of political systems.

The forms of electoral management bodies vary in terms of name, powers, and responsibilities depending on the nature of the political system in each country. They may be known as the “Central Election Commission,” as in the territories governed by the Palestinian Authority, Armenia, Moldova, and Ukraine; the “Independent High Electoral Commission” as in Iraq and South Africa; the “High Authority for Elections of Tunisia” as in Tunisia; the “High National Election Commission” as in Libya; or the “Independent Election Commission” as in Jordan and Botswana. Despite the different names and structures, they all refer to the body responsible for managing the electoral process and ensuring its integrity.

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<sup>1</sup>- Electoral Management Design: The International IDEA (López-Pintor, Rafael) Handbook, Bureau for Development Policy United Nations Development Programme, pp.125/126 2000<https://goo.gl/rba2P3>.

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# Introduction

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These bodies may take different forms in terms of organizational structure. They may consist of a single body, as in Lithuania, or multiple bodies, as in Spain. Several countries, such as Romania, rely on a dual system comprising two bodies that share powers. In some cases, powers are divided between these bodies and the executive authority, as in Hungary. These bodies may also be permanently or temporarily independent, or of a mixed nature, as is the case in Japan. In terms of their scope of authority, they may be centralized, as in Canada, decentralized, as in Australia, or they may be entirely under the control of the executive authority, as was the case in Lebanon before 2009.

In any case, this independent body is legally responsible, pursuant to its founding framework, for the partial or total management of all stages of the electoral process, from parliamentary, presidential, and municipal elections to referendums. It has the authority to oversee some or all of the following five key areas:<sup>2</sup>

- Determination of the right to vote and candidacy
- Accreditation of both individual and electoral list applications
- Organization of the voting process
- Vote count and tabulation
- Announcement of results

In 2008, Parliamentary Elections Law No. 2008/25 was issued. Chapter Three of the law stipulated the establishment of “The Supervisory Commission for the Electoral Campaign.”<sup>3</sup> It was directly linked to the Minister of Interior and Municipalities (the authority that historically supervises and manages the electoral process). The Minister supervises its work and chooses its headquarters. He also attends and chairs its meetings without participating in the voting.

However, this authority, which is responsible for monitoring the electoral campaign and electoral spending, has not met the reform expectations that Lebanese civil society organizations have long had. It lacks substantive powers (in both text and practice), such as organizing the vote, accepting candidacy applications, vote counting, and announcement of results.

The existence of the Commission marked a first step toward structuring the Lebanese electoral process and establishing a stable and permanent electoral body. With its first experience in the 2009 parliamentary elections, several reforms crystallized within the framework of Election Law No. (44) of 2017, introducing significant amendments to the powers and duties of the “Supervisory Commission for Elections.” The Commission’s name was changed and some of its powers were expanded, and, most notably, it became a permanent body, strengthening its role in managing the electoral process.

Article 13 clearly states that the Commission’s mandate is strictly limited to parliamentary elections, with its duties ending six months after the completion of the elections. Despite civil society organizations’ demands to expand its powers to include supervising municipal elections, the Commission’s existence has laid the groundwork for structuring the Lebanese electoral process, with the ultimate goal of creating a stable, permanent, and fully independent electoral authority.

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**2-** (Wall, Alan), (Ellis, Andrew), (Ayoub, Ayman), (Dundas, Karl), (Rukambi, Joram), (Steno, Sara), translated by Ayman Ayoub, *Forms of Electoral Management*, Second Edition, International Institute for Democracy and Electoral Assistance Guide, Sweden, 2010, p. 23.

**3-** “A commission called “The Supervisory Commission for the Electoral Campaign” (hereinafter referred to as the “Commission”) shall be created. It shall be entrusted with the practice of functions stated in the present law and is linked to the Minister of Interior and Municipalities (hereafter called the “Minister”). The Minister supervises its work, decides its premises and attends its meetings whenever he wishes to. He shall chair the said meetings without participating in the voting.” (Article 11).

# The Legal and Regulatory Framework of the Supervisory Commission for Elections

With the issuance of Law No. (44) of 2017, changes were introduced to the Commission (Annex 2). Its name became the “Supervisory Commission for Elections” (Article 9), transforming it from a temporary into a permanent body (Article 4).<sup>4</sup> (9 The Commission also gained the authority to receive and process the applications of local and international electoral observers, issuing their permits and establishing a code of conduct for them (Article 19, Paragraph 9). Furthermore, its duties became “Promoting electoral knowledge, guiding voters and encouraging democratic practice by all means available” (Article 19, Paragraph 10).

## 1-1 Legal Nature

Articles 11, 19, 21, and 23 of Electoral Law No. 25/2008 provide a set of tasks and powers for the Supervisory Commission, and also clarify the legal status on which they are based. Its report on the 2009 elections indicated that it is considered “an administrative unit directly linked to the Minister, and therefore not one of the departments or divisions that make up the administrative structure of the Ministry of Interior and Municipalities. It is not subject to any supervisory or hierarchical authority, or any functional organization, as the law has given it authority over its own powers (Compétence sui generis; Elle a la compétence de sa competence).”<sup>5</sup> Therefore, “its decisions are effective and binding upon their issuance, and do not require approval, ratification, or participation from any other body.”

The report further elaborates on the nature of the Commission and its relationship with the Minister of Interior (Article 11), stating that it is limited to “choosing the headquarters as well as attending and chairing the sessions and meetings.” This relationship also “relates to proposing the secondment of employees to the Commission and allocating special appropriations in the budget (Article 23).” The report considers that it “relates to administrative measures and has no relation to the tasks and powers specified” exclusively within the established legal framework (Article 19).

In this regard, the Commission (in its 2019 elections report<sup>6</sup>) found that it “exercises its duties independently and is not subject to any hierarchical authority of any kind, nor to any form of oversight authority, as there is no legal provision that allows for such intervention.”<sup>7</sup> The Commission clarified that its coordination with the Minister of Interior and Municipalities takes place strictly within the administrative and financial framework set by law, and in no way implies any interference by the Minister in the exercise of the Commission’s duties and powers – except in cases specifically provided for by Articles 66, 67, and 81 (item 2, paragraph c)<sup>8</sup> of the law, which pertain to fines issued by the Minister of Interior and Municipalities through collection orders at the request of the Supervisory Commission for Elections.”

**4-** “A permanent body called the “Supervisory Commission for Elections”, hereinafter referred to as the “Commission,” shall be established. The Commission shall supervise the elections in accordance with its functions set forth in this law, independently and in coordination with the Minister of Interior and Municipalities, hereinafter referred to as the “Minister.” The Minister shall monitor the work of the Commission, choose its headquarters, make such independent private headquarters available, and attend its meetings when necessary, without participating in the voting.” (Article 9).

**5-** Report of the Electoral Supervisory Commission for Electoral Campaign - 2009, Ministry of Interior and Municipalities, 2009, p. 24.

**6-** Report of the Electoral Supervisory Commission for Electoral Campaign - 2018 Elections, Ministry of Interior and Municipalities, 2009, p. 59.

**7-** Report of the Electoral Supervisory Commission for Electoral Campaign - 2022 Elections, Ministry of Interior and Municipalities, 2022, p. 111.

**8-** A fine of ten to twenty-five million Lebanese pounds, by virtue of a payment order issued by the Ministry of Interior and Municipalities at the request of the Commission.

## 1-2 Decisions of the Commission

The Commission's decisions<sup>9</sup> may be appealed to the State Council within three days from their date of publication. The State Council shall decide on the appeal within three days from its date of submission, given the circumstances surrounding the electoral process. In its report, the Commission considered its decisions as "administrative decisions" which can be analyzed from several perspectives: Formally, these decisions are issued by an administrative body affiliated with the minister; substantively, they pertain to administrative matters related to public order; and legally, their subject matter, validity, and appropriateness are governed by administrative law.<sup>10</sup>

In its interpretation of Article (21), the Commission considered in its report that its decisions can be classified into three types:

1. **Internal decisions specific to the Commission**, which are not subject to appeal and therefore invalidation for exceeding the limits of authority, and are not subject to the rules of comprehensive jurisdiction.
2. **Decisions related to third parties.**
3. **Special decisions** taken pursuant to extraordinary powers.<sup>11</sup>

## 1-3 Functions and Powers

The Commission's functions and powers are laid out in the text of the Parliamentary Elections Law, specifically Article 19, and in the internal regulations the Commission established for itself (Articles 14, 60, 68, 74, and 75). Therefore, they are classified as follows:

### **Internal Functions (resulting from internal decisions):<sup>12</sup>**

- Receiving the applications of the private audiovisual and print media wishing to participate in paid electoral advertising in accordance with the provisions of this law.
- Monitoring the compliance of all candidate lists, candidates, and media outlets with the laws and regulations that regulate the electoral competition in accordance with the provisions of this law.
- Exercising control over the election campaign spending in accordance with the provisions of this law.
- Receiving and auditing the financial statements of the electoral campaigns within one month from the date of the elections.
- Submitting a report on its work to the President of the Republic, the Speaker of the Parliament, the Prime Minister, the Minister of Interior and Municipalities, and the President of the Constitutional Council. The said report shall be published in the Official Gazette.

<sup>9</sup>- Article 21 of Parliamentary Elections Law No. (25) of 2008, and Article 21 of Electoral Law No. (44) of 2017, states: "The Commission's decisions shall be taken by an absolute majority of its legal members and may be appealed to the State Council within three days from the date of notification or publication thereof. The State Council shall decide on the appeal within three days from the date of submission thereof."

<sup>10</sup>- Report of the Electoral Campaign Supervisory Commission - 2009 Elections, op. cit., p. 25.

<sup>11</sup>- Ibid., p. 25.

<sup>12</sup>- Parliamentary Elections Law No. 25/2008, previous reference, Article 19.

### **Functions (resulting from decisions) Concerning Third Parties:<sup>13</sup>**

- Ensuring balance in media access (Article 68 of the internal regulations).
- Conducting opinion polls (Article 74 of the internal regulations).
- Overseeing electoral campaign accounts (Article 60 of the internal regulations).
- Adherence of media (Article 75 of the internal regulations).

### **Extraordinary Functions (resulting from extraordinary decisions):<sup>14</sup>**

- Immediately investigating any complaint (Article 75 of the internal regulations).
- Addressing a warning to the defaulting media outlet and compelling it to broadcast an apology or enable the wronged candidate to exercise the right of reply (Article 76 of the internal regulations).

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**13-** Report of the Supervisory Commission for Elections - 2009 Elections, op. cit., p. 25

**14-** op. cit., p. 26

Perceptions of elections in Lebanon are shaped by past experiences, which fall short of acceptable standards in light of applicable laws and international electoral norms. These discouraging experiences, especially in the contemporary context since 1992, have been widely documented in various reports highlighting issues that undermine the fairness and transparency of elections. Every electoral process has been surrounded by controversy, with mutual accusations between candidates of abusing power and influence, alongside repeated episodes of postponement and extension. The crucial and influential role played by the Minister of Interior has also prompted repeated objections to the Ministry's lack of neutrality during specific periods (1992–2000). Although the Supervisory Commission was established and granted a number of powers, it has still fallen short of expectations.

Despite amendments to several articles related to the Commission in the 2017 law, the 2018 and 2022 elections fell short of expectations. Numerous problems persisted in the electoral process, and the same recommendations were repeated in the reports of local and international CSOs concerned with the electoral process and in the Commission's reports.

Furthermore, the Lebanese Association for Democratic Elections (LADE)<sup>15</sup> considered the Commission's working methodology to be "coherent and clear," but noted that it sometimes lacked firmness in taking strict measures, such as "not referring several media outlets to the judiciary despite a large number of violations that required this, while its response was mostly limited to issuing letters of notification or warnings to refrain from further violations. Only one media outlet, the newspaper Ad-Diyar, was referred to the judiciary."

However, LADE highlighted the Commission's role in limiting violations of the law, noting that it constituted a source of concern for candidates and political forces. LADE also noted that the Commission had taken "a significant number of measures that contributed, in one way or another, to facilitating the overall electoral process, from the start of the election campaigns through to the announcement of results."

In its final assessment, the 2009 election observer delegation of the National Democratic Institute (NDI) concluded that the Commission "is not well-rooted institutionally, and there is no certainty it will be present in future elections. To ensure impartial and professional management in the future, an independent Election Management Commission must be established."<sup>16</sup>

A review of the Commission's reports across the last three election cycles (2009, 2018, and 2022) shows that the challenges, issues, and even recommendations remain largely the same. Each report reiterates what was stated in the previous one, consistently emphasizing the need for the Commission to enjoy broad decision-making and executive powers in all matters related to its functions, continuous access to the necessary administrative and technical staff, and the authority to directly task judicial police and other agencies with conducting investigations required to facilitate its work.<sup>17</sup> These recommendations include:

### 1- Recommendations related to the composition of the Commission:<sup>18</sup>

- Establish an independent elections Commission with legal personality and financial and administrative independence, having its own permanent headquarters, and not linked to the Mol or any other administration.
- Grant the Commission the right to directly task judicial police and other agencies with conducting the investigations necessary to facilitate its work.
- Allocate a permanent, independent annual budget for the Commission, separate from the election-related funds in the Mol's budget.

<sup>15</sup>- Report on the 2009 Parliamentary Elections, "Lebanese Association for Democratic Elections," op. cit., pp. 42/43.

<sup>16</sup>- Final Report on the Parliamentary Elections, National Democratic Institute (NDI) 2009 election observer delegation, June 2009, p. 2.

<sup>17</sup>- Report of the Supervisory Commission for Elections - 2022 Elections, Ministry of Interior and Municipalities, 2022, p. 309.

<sup>18</sup>- Report of the Supervisory Commission for Elections - 2018 Elections, Ministry of Interior and Municipalities, 2018, p. 339.

## 2- Recommendations related to the Commission's powers:<sup>19</sup>

- Grant the Commission broad decision-making and executive powers in all matters related to its functions.
- Grant the Commission the authority to monitor electoral promotion and advertising, and refrain from broadcasting anything that violates legal provisions and public order or that might trigger confessional sensitivities or acts of violence or riots.
- Define the Commission's role as supervising by-elections.

This is what LADE addressed in its reports<sup>20</sup> on the 2009, 2018, and 2022 elections. These recommendations, which are repeated with every election by the Commission and local and international CSOs, highlight a fundamental structural issue that continues to affect the electoral process in Lebanon.

In this context, the EU Election Observation Mission for the 2022 elections called for “granting the Commission the mandate and capacity to verify and review all personal accounts of candidates, their children, and their spouses by lifting bank secrecy on these accounts, establishing a specialized unit within the Commission for this purpose, and establishing the Supervisory Commission for Elections as a separate legal entity fully independent from the Mol, both financially and administratively.”<sup>21</sup>

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<sup>19</sup>- Report of the Supervisory Commission for Elections - 2018 Elections, Ministry of Interior and Municipalities, 2018, p. 342.

<sup>20</sup>- Report on the 2022 Parliamentary Elections, “Lebanese Association for Democratic Elections,” issued by LADE, Beirut, 2022, p. 62.

<sup>21</sup>- Final Report of the EU Election Observation Mission for the 2022 Parliamentary Elections, Beirut 2022, p. 8.

## Rationale for Establishing an Independent Commission for Elections in Lebanon

Undoubtedly, past experiences have been instrumental in shaping and driving the development of Lebanon's electoral management body, prompting the expansion of its powers, whether to address shortcomings from previous elections, establish a more effective electoral process, or to emulate successful models adopted in several countries.

Given Lebanon's past electoral experiences, which have fallen short of accepted international standards, and the advances seen in other countries that have adopted innovative approaches to keep pace with global changes, a key question emerges about the need for an independent electoral administration in Lebanon. This question leads to further inquiries: What added value would such an administration bring to the electoral process? And is its existence necessary and urgent?

Over the past years, the call to establish an "independent commission for elections in Lebanon" has been the cornerstone of every effort to reform the electoral law. This demand is rooted in several important considerations:

**First:** Lebanon's previous electoral experiences (especially in modern history since 1992) have been marred by numerous issues affecting the fairness and transparency of elections, as documented in various reports. These experiences have left a legacy of doubt and mistrust in the entire electoral process.

**Second:** The controversy and confusion that follows each election, with mutual accusations between candidates of abusing power to influence the election results. Such accusations undermine trust in democratic institutions and deepen political divisions.

**Third:** The problematic history of repeatedly extending and postponing elections in Lebanon, which constitutes a violation of citizens' constitutional right to choose their representatives on time. These practices weaken the democratic process and cast doubt over the authorities' seriousness in upholding the constitution and the law.

**Fourth:** The pivotal role played by the Minister of Interior and Municipalities in managing the electoral process in Lebanon. This role has long been the subject of controversy and repeated objections regarding the Ministry's neutrality at specific periods, particularly between 1992 and 2000, when the Ministry was accused of bias in favor of some parties at the expense of others.

With the gradual decline of the executive authority's role in managing the electoral process in favor of a specialized, independent, and/or mixed body, as a way to restore voters' trust in the electoral process, a general trend is emerging in most countries toward gradually removing the electoral issue from the executive authority's powers, moving away from government-controlled electoral bodies.

This trend is evident in countries that have undergone or are still experiencing democratic transitions, such as former socialist states (Georgia, Hungary, Lithuania...), countries that have experienced armed conflicts and struggles (Bosnia and Herzegovina, Iraq, and the Palestinian Authority territories), and/or some Arab Spring countries (Tunisia, Libya, and Iraq).

This trend is not limited to this category of countries. It is also observed in countries with a stable history of electoral processes, albeit with different mechanisms depending on the electoral system. Latin American countries are an example of the extensive and strong powers enjoyed by electoral bodies, often described as the “fourth authority” (Costa Rica and Uruguay). In some countries, their powers are not limited to monitoring and investigating violations, but extend to legal prosecution (Canada and Cameroon).

In some countries, the need for a strong, independent electoral body may be eliminated due to concerns about manipulation of the electoral process and its outcome. In the French model, for example, there is no independent body. By contrast, other countries that have suffered from military dictatorship and endured periods of restrictions on public freedoms, resulting in serious manipulation of the electoral process and its results, have often established a nearly complete separation between the electoral process and the executive authority, with all electoral functions and powers vested in an independent electoral body.

Historical data from electoral processes underscores the urgent need to establish an independent electoral commission in Lebanon, capable of managing the electoral process with integrity, transparency, and complete impartiality, free from any political influence or pressure. Such a commission would enhance citizens’ trust in the democratic process, contribute to achieving electoral outcomes that reflect the true will of the voters, and align with international best practices in this field.

## Technical Proposals on the Supervisory Commission for Elections

The reforms<sup>22</sup> that continue to be echoed in the reports of civil society, as well as regional and international associations concerned with democratic elections, include:

	Supervisory Commission in Law 2017/44 Activation Status	Legal Amendment Status	Transition to an Independent and Permanent Commission
<p>Legal nature Article 9<sup>23</sup></p>	<p>It operates independently and in coordination with the Minister of Interior and Municipalities. The Minister shall monitor the work of the Commission, choose its headquarters, and attend its meetings when necessary, without participating in the voting.</p>	<p>It operates fully independently of the executive authority.</p>	<p>It has financial and administrative independence (legal personality).</p> <p>It may be consolidated into one, two, or more bodies.</p> <p>Romania: Independent, two bodies: the Permanent Electoral Authority and the Central Elections Office.</p>
<p>Permanence<sup>24</sup> Article 11</p>	<p>The Commission members shall be appointed by virtue of a decree to be issued by the Council of Ministers at the suggestion of the Minister.</p>	<p>Once the door for submitting candidacies is opened, the Constitutional Council submits a list that meets the requirements to the President of the Republic, who shall select the Commission's chair and members.</p>	<p>President, Parliament, Executive Authority, Participatory (Parliament/ Executive Authority), Political Parties, Judiciary, Open Competition.</p> <p>Arrangements designed to limit the control or dominance of one authority over another are often established by introducing participatory mechanisms involving multiple authorities. In Indonesia, the president submits a list of candidates from which parliament selects half. In Ukraine, the process is reversed: parliament submits a list from which the president selects half.</p> <p>In Malaysia and India, the power to select is limited to the president.</p>

**22-** The methodology of these amendments does not delve into the detailed justifications for the amendments (for more, refer to LADE reports). Rather it presents gradual proposals that range from enforcing many provisions of the current law (No. 44/2017), to proposing legal amendments to several articles of the law, and, in the final section, recommending the establishment of an independent electoral commission in Lebanon, either through a dedicated law or by including it as a separate section within the existing legislation.

**23-** "The Commission shall supervise the elections in accordance with its functions set forth in this law, independently and in coordination with the Minister of Interior and Municipalities, hereinafter referred to as the "Minister." The Minister shall monitor the work of the Commission, choose its headquarters, make such independent private headquarters available, and attend its meetings when necessary, without participating in the voting" (Article 9).

**24-** Law No. 8/2021 amending Law No. 44/2017: Article 11: "The Commission members shall be appointed by virtue of a decree to be issued by the Council of Ministers at the suggestion of the Minister. The mandate of the Commission shall be one year from the date of appointment. The Council of Ministers shall appoint Commission members six months prior to the end of the mandate of the existing Council. The existing Commission shall continue the exercise of its functions until a new Commission is appointed."

	<b>Supervisory Commission in Law 2017/44 Activation Status</b>	<b>Legal Amendment Status</b>	<b>Transition to an Independent and Permanent Commission</b>
<p><b>Permanence</b><sup>25</sup> <b>Article 11</b></p>	<p>The mandate of the Commission members shall be one year from the date of their appointment. The Council of Ministers shall appoint Commission members six months prior to the end of the mandate of the existing Council. The existing Commission shall continue the exercise of its functions until a new Commission is appointed.</p>	<p>The mandate of the Commission shall commence one year prior to the election date and end one year after the completion date. The existing Commission shall continue to exercise its functions until a new Commission is appointed.</p> <p>Refer to the text<sup>26</sup> of Article 13 of Law No. (25) of 2008.</p>	<p>Most countries adopt a permanent, continuous membership model for varying terms, ranging from 8 years (Romania) to 4 years (Latvia and Honduras). In some countries, members remain in their positions until retirement (Poland).</p> <p>In some countries, the Head of the Commission may be appointed full-time (Canada), while members are appointed on a temporary basis (Germany and El Salvador) between two terms (Indonesia).</p>
<p><b>Composition</b> <b>Article 10</b></p>	<p>The Commission is composed of eleven members.</p>	<p>The Commission shall consist of 8 members:</p> <p>4 members who are experts in electoral affairs, democracy, human rights, and media.</p> <p>4 representatives of CSOs that meet the conditions stipulated in Article 20 of this law, selected from among those with experience in elections and democracy.</p>	<p>The chair:</p> <p>The chair of the commission may be appointed directly by the head of state or by the prime minister (Pakistan and Uruguay), directly elected by parliament (Tunisia), or appointed by the president (the Governor-General in Australia). In Pakistan, the chair has the status of head of the judiciary, in Romania and Tunisia, he has the status of minister, and in Yemen, he has the status of deputy prime minister.</p> <p>Members:</p> <p>In Canada, the electoral commission consists of one member, in India, three members, in Iraq and the Palestinian Authority territories, nine members, in Liechtenstein, eleven members, and in Spain, thirteen members.</p>

<sup>25</sup>- Law No. 8/2021 amending Law No. 44/2017: Article 11: "The Commission members shall be appointed by virtue of a decree to be issued by the Council of Ministers at the suggestion of the Minister. The mandate of the Commission shall be one year from the date of appointment. The Council of Ministers shall appoint Commission members six months prior to the end of the mandate of the existing Council. The existing Commission shall continue the exercise of its functions until a new Commission is appointed."

<sup>26</sup>- Article 13: "The mandate of the Commission members shall commence on the date of issue of their appointment decree pursuant to the Council of Ministers' decision, and end six months after the completion date of the general parliamentary elections."

<p><b>Type of Membership</b> <b>Article 10</b></p>	<p><b>Supervisory Commission in Law 2017/44 Activation Status</b></p> <p>1. The Commission is composed of eleven members according to the following:</p> <ol style="list-style-type: none"> <li>a. An honorably retired ordinary judge who has exercised judicial duties for over 20 years, selected from among three candidates nominated by the Supreme Judicial Council.</li> <li>b. An honorably retired administrative judge who has exercised judicial duties for over 20 years, selected from among three candidates nominated by the State Council (Shura Council).</li> <li>c. An honorably retired financial judge who has exercised judicial duties for over 20 years, selected from among three candidates nominated by the Court of Auditors.</li> <li>d. A former president of the Bar Association selected from among three former Bar presidents nominated by the Beirut Bar Council (as member).</li> <li>e. A former president of the Bar Association selected from among three former Bar presidents nominated by the Tripoli Bar Council (as member).</li> <li>f. A representative of the Press Syndicate selected from among three candidates nominated by the syndicate Council (as member).</li> <li>g. A media and advertising expert selected from among three candidates nominated by the National Council for Audiovisual Media (member).</li> <li>h. A former president of the Lebanese Association of Certified Public Accountants selected from among three candidates nominated by the Association (as member).</li> <li>i. Two members who are senior experts in elections-related matters (including elections management, campaign financing, or electoral advertising) selected from among 6 candidates nominated by the Minister.</li> <li>j. A representative of the civil society organizations that meet the requirements stipulated in Article 20 of the present law, selected from among three candidates who are experienced in elections and nominated by the said organizations through a selection procedure decided by the Minister.</li> </ol> <p>2. Gender representation shall be considered when candidates are selected for membership of the Commission.</p> <p>3. The Commission shall be chair by either the judicial or the administrative judge, whoever holds the higher position. However, if both judges hold equal positions, the older judge shall preside over the Commission. The older of the two Bar presidents shall automatically become Vice-Chair.</p>	<p><b>Legal Amendment Status</b></p> <p>The commission consists of 6 or 8 independent experts according to pre-established conditions.</p>	<p><b>Transition to an Independent and Permanent Commission</b></p> <p>Three types of membership:</p> <p><b>Type 1: Bodies composed of independent experts</b></p> <p>Experts in law, elections, political and social sciences, and civil society and human rights activists. This is found in Poland, Australia, and Mexico.</p> <p><b>Type 2: Electoral bodies composed of partisan members</b></p> <p>This is a characteristic of societies in transitional democracies (many Eastern European countries), Spain, Colombia, Germany, and the Netherlands.</p> <p><b>Type 3: Electoral bodies with mixed membership</b></p> <p>Hungary and Croatia</p>
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	Supervisory Commission in Law 2017/44 Activation Status	Legal Amendment Status	Transition to an Independent and Permanent Commission
<p>Powers (Core) Article 19</p>	<ol style="list-style-type: none"> <li>1. Issuing decisions and circulars that fall within the framework of its functions and submitting the proposals it deems appropriate to the Minister.</li> <li>2. Receiving the applications of audiovisual, print and electronic media outlets wishing to participate in covering the voting and counting process, delivering the required permits to such media outlets, and establishing the code of conduct for media coverage.</li> <li>3. Receiving the applications the private audiovisual and print media outlets wishing to participate in paid electoral advertising in accordance with the provisions of this law.</li> <li>4. Monitoring the compliance of all candidate lists, candidates and media outlets with the laws and regulations governing the electoral competition in accordance with the provisions of this law.</li> <li>5. Determining the terms and conditions of conducting opinion polls as well as the dissemination, broadcasting, or distribution of poll results during the electoral campaign and monitoring compliance with the pre-election silence period.</li> <li>6. Receiving and auditing the financial statements of the electoral campaigns within one month from the date of the elections.</li> <li>7. Receiving candidates' applications for the registration of their financial commissioners for the electoral campaign, and issuing them a receipt proving that their application has been filed.</li> <li>8. Exercising control over campaign spending in accordance with the provisions of this law.</li> <li>9. Receiving and processing the applications of local and international election observers, issuing their permits, and establishing a code of conduct for them.</li> <li>10. Promoting electoral knowledge, guiding voters, and encouraging democratic practice by all means available.</li> <li>11. Receiving and adjudicating complaints about alleged violations in matters related to the functions of the Commission. Where such violations are proven, the Commission may automatically take action and initiate the appropriate measures.</li> <li>12. At the end of its mandate, the Commission shall submit a report on its work to the President of the Republic, the Speaker of the Parliament, the Prime Minister, the Minister of Interior and Municipalities, and the President of the Constitutional Council.</li> </ol>	<ol style="list-style-type: none"> <li>1. Issuing decisions and circulars that fall within the framework of its functions.</li> <li>4. Enabling the Commission to monitor all electoral activities by setting the campaign period, based on Article 42<sup>27</sup> (from the date of the Call for Election), and removing all conflicting provisions<sup>28</sup> contained in Articles 56 and 70.</li> <li>10. Promoting electoral knowledge, guiding voters and encouraging democratic practice by all means available.</li> </ol>	<ol style="list-style-type: none"> <li>1. Updating and maintaining the voter register</li> <li>2. Ensuring voter awareness and civic education</li> <li>3. Receiving candidates' applications</li> <li>4. Exercising control over the electoral campaign</li> <li>5. Organizing the voting process</li> <li>6. Tabulating and announcing election results</li> <li>7. Regulatory authority</li> </ol>

**27-** Article 42: "The Call for Election: Voters are called to cast their ballots by virtue of a decree published in the Official Gazette. A minimum ninety-day interval between the date of publication of the Call for Elections and Election Day shall be observed."

**28-** Article 56: Campaign financing: "The provisions of the present law shall apply to campaign financing as well as to the spending of candidates and candidate lists during the electoral campaign period which starts from the opening date of the candidate nomination period and ends at the closing of the ballot boxes."

	<b>Supervisory Commission in Law 2017/44 Activation Status</b>	<b>Legal Amendment Status</b>	<b>Transition to an Independent and Permanent Commission</b>
<p>Compensation of Commission Members<sup>29</sup> Article 18</p>	<p>The Chair of the Commission shall receive, for the duration of their mandate, a monthly allowance to be specified in the decree establishing the Commission, provided that they discontinue any other occupation. All other members of the Commission shall discontinue any other occupation during the electoral process period, and shall receive, during the said period, a fixed allowance to be specified in the decree establishing the Commission.</p>	<p>The Chair and members of the Commission shall receive a monthly allowance for the duration of the Commission's mandate.</p>	
<p>Budget Article 23 Paragraph (c)</p>	<p>The Commission shall prepare its draft budget. Special appropriations for the Commission's budget shall be allocated in the budget of the Ministry of Interior and Municipalities, at the suggestion of the Minister.</p>	<p>Paragraph C: The Commission shall prepare its draft budget and submit it to the Council of Ministers. A special item is allocated accordingly in the general budget, with a team from the Commission (the Chair and the Finance Secretary) participating in discussions related to its budget in Parliament.</p>	<p>The Commission's budget is independent from the Ministry's budget and is usually approved as part of the overall state budget.</p>
<p>The Decisions of the Commission Article 21</p>		<p>The meetings of the Commission shall be considered legal only in the presence of at least five members. The decisions of the Commission shall be taken by an absolute majority of its legal members and may be appealed to the State Council (Shura Council) within three days from the date of notification or publication thereof. The State Council shall decide on the appeal within three days from the date of its submission.</p>	

<sup>29</sup>- Article 18: "The Chair of the Commission shall receive, for the duration of their mandate, a monthly allowance to be specified in the decree establishing the Commission, provided that they discontinue any other occupation. All other members of the Commission shall discontinue any other occupation during the electoral process period and shall receive, during the said period, a fixed allowance to be specified in the decree establishing the Commission."

	<p><b>Supervisory Commission in Law 2017/44 Activation Status</b></p>	<p><b>Legal Amendment Status</b></p>	<p><b>Transition to an Independent and Permanent Commission</b></p>
<p>The Decisions of the Commission Article 23</p>	<p>a. The financial and administrative regulations of the Commission shall be determined by virtue of decrees to be adopted by the Council of Ministers at the Minister’s suggestion solicited by the Commission.</p> <p>b. The Commission shall have an administrative body and may contract with whoever it deems competent and fit to support it in the exercise of its functions. The Commission may also request that a number of employees who hold grade-four or otherwise equivalent positions in public administrations and institutions be temporarily seconded to it in return for compensation to be determined by the Minister. The secondment shall be effected by a decision of the competent minister at the Minister’s request solicited by the Commission. The said decision shall also specify the duration of the secondment.</p> <p>c. The Commission shall prepare its draft budget. Special appropriations for the Commission’s budget shall be allocated in the budget of the Ministry of Interior and Municipalities, at the suggestion of the Minister.</p> <p>Implementation of paragraph (b) relating to the establishment of a full-time executive body with an executive manager.</p>	<p>b. The Commission shall have an independent administrative body headed by an Executive Manager and may contract with whoever it deems competent and fit to support it in the exercise of its functions. The Commission may also request that a number of employees who hold grade-four or otherwise equivalent positions in public administrations and institutions be temporarily seconded to it in return for compensation to be determined in accordance with the requirements of public administration. The secondment shall be effected by a decision of the competent minister solicited by the Commission. The said decision shall also specify the duration of the secondment.</p> <p>c. The Commission shall prepare its draft budget and submit it to the Council of Ministers for inclusion, as is, without any amendments, in the general budget approved by Parliament.</p>	<p>Most countries adopt a permanent, continuous membership model for varying terms, ranging from 8 years (Romania) to 4 years (Latvia and Honduras). In some countries, members remain in their positions until retirement (Poland).</p> <p>In some countries, the Head of the Commission may be appointed full-time (Canada), while members are appointed on a temporary basis (Germany and El Salvador) between two terms (Indonesia).</p>

	Supervisory Commission in Law 2017/44 Activation Status	Legal Amendment Status	Transition to an Independent and Permanent Commission
Other powers			<ol style="list-style-type: none"> <li>1. Delimitation of electoral districts: To remove this authority from any party with a vested interest (Costa Rica).</li> <li>2. Voter registration: To increase trust and credibility (Tunisia and Libya).</li> <li>3. Accreditation of candidates and electoral lists: Tunisia and Libya.</li> <li>4. Electoral knowledge: Latvia and Lithuania.</li> <li>5. Training and qualification of electoral staff: Tunisia and Portugal.</li> <li>6. Implementation of all logistical aspects.</li> <li>7. Printing electoral lists, equipping polling stations with the necessary supplies, ballot boxes, counting and sorting papers, indelible ink, and isolating ballots, printing and posting voter lists.</li> <li>8. Monitoring media performance and taking action against violations of laws and codes of conduct.</li> <li>9. Monitoring media campaigns and electoral spending: Canada and Georgia.</li> <li>10. Accreditation of local and international observers.</li> <li>11. Reviewing election disputes: Canada.</li> <li>12. Announcement of results: Iraq and Libya.</li> <li>13. Aligning the local environment with international electoral standards.</li> </ol>

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## Conclusion

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There is no doubt that Lebanon's previous election experiences have left clear negative marks and highlighted the urgent need to improve the performance of the Supervisory Commission for Elections. By expanding its powers and granting it the necessary independence, it becomes possible to address the shortcomings of past elections and elevate the electoral process to a level that matches successful models and standards adopted in other countries that have made significant progress in this field.

By contrast, some countries do not need an independent electoral commission with broad powers, due to the lack of concerns related to manipulation of the electoral process. For example, the French model does not have an independent electoral commission, given citizens' trust in the transparency of existing institutions. In countries that have experienced dictatorial regimes or military rule and suffered violations of public freedoms, this has led to flagrant manipulation of elections and their results, prompting a near-total separation between the electoral process and the executive authority, with most oversight powers delegated to an independent electoral body.

In other models, the electoral administration is granted broad powers, such as setting the date of elections, as in India and Pakistan, or reorganizing the elections if flaws affecting their integrity are found, as in Thailand and Uruguay. Other countries, such as Mexico and the United States, adopt predetermined election dates in their constitutions or laws, which limits the role of the administration in this regard.

It should be emphasized that the presence of political will in Lebanon has produced some successful and effective institutions. Therefore, the move toward establishing an independent, permanent electoral commission that enjoys financial and administrative independence and a legal personality, free from any political influences, coupled with an electoral law<sup>30</sup> keeping pace with the evolving needs of Lebanese society would elevate the electoral process to meet the aspirations placed upon it, which constitutes a lever for true representation that consolidates the trust of voters and political actors in all the details of the electoral process and its results and ensures a degree of political stability.

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<sup>30</sup>- Over many years, it has become clear that the changes in these laws were never the result of a need, of new developments in the Lebanese political system, of the fact that it is a democratic system, and/or of a desire by the components of the Lebanese political system to work on changing and modernizing the structure of this system. Rather, this change was merely a means to seize and recycle power.

## Annex 1: Characteristics of the three forms of electoral administrations

	Independent administration	Governmental administration	Mixed administration	
	Independent commission for elections	Governmental commission	Independent commission	Governmental commission
<b>Organizational duties</b>	Independent of the executive authority	Organizationally affiliated with a ministry, government department, or local authority.	Independent of the executive authority	It is organizationally affiliated with a ministry, government department, or local authority.
<b>Executive duties</b>	Assuming full regulatory and executive responsibility	Subject to government directives in organizing and holding elections.	Enjoys the independence to supervise and monitor the elections, and in some cases, to set general electoral policies.	It is subject to government directives regarding the organization and implementation of elections, as well as to the supervision of the Independent Commission and its general electoral policies.
<b>Accountability</b>	Not accountable to the executive authority, but usually accountable to the legislative authority, the judiciary, or the president	Fully accountable to the executive authority.	It is not accountable to the executive authority, but is usually accountable to the legislative authority, the judiciary, or the president.	It is fully accountable to the executive authority.
<b>Powers</b>	It has the authority to independently establish legal controls based on the law.	Its powers are strictly limited to executive affairs.	It often has the power to establish legal controls based on the law, in addition to overseeing the work of the executive body.	Its powers are strictly limited to executive affairs.
<b>Composition</b>	It is composed of members who are not affiliated with the government while serving on the Commission.	It is chaired by a minister or government employee. With some exceptions, it does not consist of members, but rather has a general secretariat.	It is composed of members who are not affiliated with the government while serving on the commission.	It is chaired by a minister or government employee. With some exceptions, it does not consist of members, but rather has a general secretariat.
<b>Membership term</b>	Members enjoy guarantees related to the duration of their membership, although membership may not necessarily be for a specific period.	It generally does not have members, and its general secretariat employees are public employees and do not enjoy guarantees related only to the duration of their employment.	Members enjoy guarantees regarding the duration of their membership, although membership may not necessarily be for a specific period.	Its employees do not enjoy guarantees related only to the duration of their employment.
<b>Budget</b>	It owns and manages its own budget, completely independent of daily oversight by the executive authority.	Its budget is considered part of the budget of a ministry or local authority.	It has its own budget.	Its budget is considered part of the budget of a ministry or local authority.

**Annex 2: Comparison between the Supervisory Commission in Law 25/2008 and  
the Supervisory Commission in Law 44/2017**

<b>Supervisory Commission in Law 44/2017</b>	<b>Supervisory Commission in Law 25/2008</b>
<p>A permanent body called the “Supervisory Commission for Elections” shall be established. The Commission shall operate independently and in coordination with the Minister of Interior and Municipalities. The Minister shall monitor the work of the Commission, choose its headquarters, and attend its meetings when necessary, without participating in the voting.</p>	<p>A commission called “The Supervisory Commission for the Electoral Campaign” shall be created. It shall be linked to the Minister of Interior and Municipalities. The Minister supervises its work, decides its premises, and attends its meetings whenever he wishes to. He shall chair the said meetings without participating in the voting. (Article 11)</p>
<p>The Commission is composed of eleven members, including a representative from civil society organizations.</p>	<p>The Commission shall be made up of ten members (Article 12)</p>
<p>The mandate of the Commission members shall commence on the date of issue of their appointment decree pursuant to the Council of Ministers’ decision, and end six months after the completion date of the general parliamentary elections. A new Commission shall be appointed a month prior to the end of the mandate of the existing Commission.</p>	<p>The term of office of the Commission members shall start as soon as their appointment decree is issued upon the decision of the Council of Ministers, and shall end six months after the universal parliamentary elections. (Article 13)</p>
<p>The Commission shall assume the following functions and powers:</p> <ol style="list-style-type: none"> <li>1. Issuing decisions and circulars that fall within the framework of its functions and submitting the proposals it deems appropriate to the Minister.</li> <li>2. Receiving the applications of the audiovisual, print and electronic media outlets wishing to participate in covering the voting and counting process, delivering the required permits to such media outlets, and establishing the code of conduct for media coverage.</li> <li>3. Receiving the applications of private audiovisual and print media outlets wishing to participate in paid electoral advertising in accordance with the provisions of this law.</li> <li>4. Monitoring the compliance of all candidate lists, candidates, and media outlets with the laws and regulations governing the electoral competition in accordance with the provisions of this law.</li> <li>5. Determining the terms and conditions of conducting opinion polls as well as the dissemination, broadcast or distribution of poll results during the electoral campaign and monitoring compliance with the pre-election silence period.</li> <li>6. Receiving and auditing the financial statements of electoral campaigns within one month from the date of the elections.</li> <li>7. Receiving candidates’ applications for the registration of their financial commissioners for the electoral campaign, and issuing them a receipt proving that their application has been filed.</li> <li>8. Exercising control over election campaign spending in accordance with the provisions of this law.</li> <li>9. Receiving and processing the applications of local and international electoral observers, issuing their permits, and establishing a code of conduct for them.</li> </ol>	<p>The Commission shall be in charge of the following tasks and prerogatives:</p> <ol style="list-style-type: none"> <li>1. Receive the requests of private printed and audio visual media outlets wishing to participate in paid electoral advertising pursuant to the provisions of this law.</li> <li>2. Supervise the compliance of rolls, candidates, and mass media of any form whatsoever with the rules and regulations governing electoral competition pursuant to the provisions of this law.</li> <li>3. Supervise electoral spending pursuant to the provisions of this law.</li> <li>4. Receive and audit the financial statements of electoral campaigns of lists and candidates within one month after the polling day.</li> <li>5. Draw up a report on the Commission’s activities and forward it to the Minister who shall submit it to the President of the Republic, Prime Minister, and Speaker of the Parliament. The report shall be published in the Official Gazette.</li> </ol>

10. Promoting electoral knowledge, guiding voters, and encouraging democratic practice by all means available.

11. Receiving and adjudicating complaints about alleged violations in matters related to the functions of the Commission. Where such violations are proven, the Commission may automatically take action and initiate the appropriate measures.

At the end of its mandate, the Commission shall submit a report on its work to the President of the Republic, the Speaker of the Parliament, the Prime Minister, the Minister of Interior and Municipalities, and the President of the Constitutional Council.

The Commission is responsible for reviewing and accepting or rejecting applications from relevant civil society and international organizations to monitor the elections, provided that they meet all the requirements stipulated in the electoral law.

The Commission reserves the right to revoke the accreditation of any organization or organization member authorized to observe the electoral process, should they violate the conditions set forth in the laws and regulations.

The meetings of the Commission shall be considered legal only in the presence of at least seven members. The decisions of the Commission shall be taken by an absolute majority of its legal members and may be appealed to the State Council (Shura Council) within three days from the date of notification or publication thereof. The State Council shall decide on the appeal within three days from the date of its submission.

The Commission shall have an administrative body and may contract with whoever it deems competent and fit to support it in the exercise of its functions. The Commission may also request that a number of employees who hold grade-four or otherwise equivalent positions in public administrations and institutions be temporarily seconded to it in return for compensation to be determined by the Minister.

The secondment shall be effected by a decision of the competent minister at the Minister's request solicited by the Commission. The said decision shall also specify the duration of the secondment.

The Commission shall prepare its draft budget. Special appropriations for the Commission's budget shall be allocated in the budget of the Ministry of Interior and Municipalities, at the suggestion of the Minister.

The Ministry shall examine and accept or reject applications from relevant civil society and international organizations to monitor elections, provided that they meet all the requirements stipulated in the electoral law. (Article 20)

The Commission's decisions are taken on basis of absolute majority of members who legally constitute it. The decisions may be challenged before the Council of State within three days of notification or publication. The Council of State shall settle the challenge within three days as of its submission. (Article 21)

The Commission enjoys an administrative workforce. It may conclude contracts with experts whom it deems qualified to assist it in practicing its functions. The Commission may also request to be temporarily seconded by an additional number of employees working in public departments and institutions. This process shall be executed pursuant to the decision of the competent Minister, taken upon the request of the Minister of Interior and Municipalities. The decision determines the period during which those employees shall remain in the commission.

Based on the Minister's suggestion, special allocations shall be granted to the Commission's budget.



**LADE**  
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