

The system legal of election of members of the National People's Assembly under the provisions of Ordinance 21/01

النظام القانوني لانتخاب أعضاء المجلس الشعبي الوطني في ظل أحكام الامر 01/21

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Abstract :

The election of the members of the National People's Assembly constitutes is an extremely important in democracy systems,, given the basic tasks carried out by the elected representatives of the people in holding the government accountable on the basis of public and popular will, as well as legislation on behalf of the people and for its benefit, and therefore the legislator surrounded it with a number of basic conditions and measures that undoubtedly affect the composition of the Council and also its performance , which is what we seek to address through this study.

Keywords : Election; candidacy; Parliament; equitable; counting.

ملخص:

يشكل انتخاب أعضاء المجلس الشعبي الوطني أهمية بالغة في النظم الديمقراطية ، بالنظر لتلك المهام الاساسية التي يضطلع بها ممثلوا الشعب المنتخبون في محاسبة الحكومة استنادا للارادة العامة و الشعبية ، وأيضا التشريع باسم الشعب و لمصلحته ، ولذلك أحاطها المشرع بجملة من الشروط و التدابير الاساسية التي تؤثر بلا شك في تشكيلة المجلس و أيضا على أدائه، و هو ما نسعى لمعالجته من خلال هاته الدراسة.

الكلمات المفتاحية: انتخاب، الترشح، البرلمان، المناصفة، الفرز

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Introduction:

Elections play a crucial role in expressing the general will of the electorate, as they constitute the sole means to embody the peaceful transfer of political power and the exclusive tool enabling the people to participate in political decision-making through their elected representatives. Parliament, in particular, undertakes fundamental and vital tasks, primarily represented in the legislative process as well as overseeing the work of the government. Given the importance of these two functions, the legislator has emphasized the necessity of framing the electoral process for members of the National People's Assembly with a set of fundamental conditions and procedures embedded within the stages of the electoral process, which ultimately produce the representatives of the National People's Assembly. The electoral law has undergone several amendments, most recently under Ordinance 21/01 containing the Organic Law on Elections.

How did this ordinance regulate the conditions and procedures for electing members of the National People's Assembly?

To answer this question, we divided our study into two main sections:

- The first Section: Preparatory procedures for electing members of the National People's Assembly
- The second Section: The process of electing members of the National People's Assembly

In conducting this study, we adopted a combination of the descriptive method, which focuses on depicting scientific facts as they are, and the analytical method, which concentrates on examining the legal frameworks regulating the electoral process. This methodological approach aligns with the nature of the study and facilitates addressing the research problem effectively.

Section I: Preparatory procedures for electing members of the National People's Assembly

Prepare Elections are more important Indicators of a democratic system, Because it is closely linked to the embodiment of the idea of popular sovereignty¹ Which Mechanism that Empowers the public to hold the government accountable Through their elected representatives, who in turn are accountable to the people based on the idea of representation That is a feeling of similarity between voter and representative, and the idea of responsibility and accountability², Because it doesn't A democracy can be imagined Without elections Legitimate, free and fair periodicity Already embodied the Trade the Selma On a For a salad The electoral process is usually preceded by a number of fundamental procedures that prepare for it and can be summed up in preparing electoral lists, dividing electoral districts, candidacy, and electoral campaigning.

A) Preparing electoral lists, reviewing them, holding the ballot papers, and supervising them

Before delving into the technicalities of electoral operations, it is crucial to highlight the foundational steps that set the stage for any democratic election. These preparatory procedures are essential to ensure the transparency, inclusiveness, and legitimacy of the electoral process. Among these, the preparation and review of electoral lists stand out as fundamental guarantees of the right to vote, serving as a gatekeeping mechanism that determines who is entitled to participate in shaping public authority.

1. Preparing electoral lists

Electoral rolls are the register that includes those entitled to exercise electoral rights³ So that their names are arranged in alphabetical order, and it contains data related to personal and family names, date and place of birth, and place of residence or residence in electoral centers. It was stated

in Article 51 of Ordinance 21/01: “Only those who are registered on the electoral list of the municipality in which their domicile is located may vote, within the meaning of Article 36 of the Civil Code. The same order also stipulates a number of restrictions on registration on electoral lists, which are represented by anyone who engages in contrary behavior.” For the interests of the nation during the National Liberation Revolution, and he was convicted of a felony and was not rehabilitated, or he was sentenced for a misdemeanor with a penalty of imprisonment and deprivation from exercising the right to vote and run for the period specified in implementation of Articles 09 bis 1 and 14 of the Penal Code, as well as everyone who declared bankruptcy and he did not given due his consideration. Or he has been detained, judicially detained, or quarantined. The Algerian legislator has stipulated that it is obligatory to register on the electoral lists for every male and female citizen who meets the legally required conditions⁴. However, it did not impose a penalty in the event of non-registration.

2. Supervising the review of electoral lists and keeping the national electoral card

The National Authority was granted broad powers to supervise the review of electoral lists and maintain the national identity card for the Electoral College.

-Review electoral lists

It is known that reviewing electoral lists is one of the most important basic stages preceding the electoral process and plays a major role in ensuring the integrity of the electoral process. The more accurate the lists are, the more this will positively impact the results of the vote later⁵. Article 202 of the Algerian Constitution, amended in 2020, stated in its second paragraph, “The Independent National Election Authority shall exercise registration in and review of electoral lists...”⁶ Electoral lists are reviewed twice, the first is called the regular review and the second is called the extraordinary review⁷ It was stipulated in Ordinance 21/01 in detail in Articles 50 to 71.

-Maintaining the national electoral card and municipal electoral lists

The national electoral card means the total number of citizens who have the right to vote and are registered in the electoral lists, or is expressed in the electoral Bowl⁸. It represents the general will of the Algerian people, and is composed of the total electoral lists of municipalities and diplomatic and consular centers abroad, which play a prominent role in ensuring the integrity of the electoral process, since the correct and realistic census of this body is considered the sound starting point for ensuring the honest expression of the people’s votes, as well as reviving them in a proper manner. It is periodic in accordance with the provisions of the Organic Elections Law, and allowing candidates and voters to view it gives it the character of integrity and transparency⁹.

B) Determine electoral districts

The electoral district is a stand-alone geographical unit where the legislator enables individuals on its electoral schedules directly within its borders to elect one or more representatives to elected councils¹⁰, It is also known as the voting frameworks for the translation of those votes into parliamentary seats according to the approved electoral system¹¹. And It requires Most Systems Electoral to divide Circles Electoral And determine number Seats And voters in all circle unless in condition consideration Country all of which circle One election)as he adverb in The election Presidential or in The election Parliamentarism in Holland on way Example(Determining the size of the electoral district varies from one electoral system to another. In the majority system, the state is divided into small regional units, while the opposite happens in proportional districts whose size expands to include several candidates.¹² Electoral districts may be determined by the administrative

division of the State or be partially or wholly redrawn, and since the division process has important political results, it must be regulated in the electoral law or an independent law. The process of delimitation of constituencies is governed by the international obligation of equal suffrage (article 25 of the International Covenant on Civil and Political Rights), where the division of chambers must not affect the votes of voters belonging to a particular group or residents in a particular place of the State¹³. And he comes back The reason for dividing the state into electoral districts is required by the seriousness of the elections and the necessity of them expressing the general opinion of the people As a whole¹⁴. Determination of electoral districts for the election of the National People's Assembly by the territorial boundaries of the state ¹⁵,The state can be divided into two or more electoral districts according to population density standards, and seats are distributed to each electoral district in the election of the National People's Assembly according to the population of each state, so one seat is allocated for each quota that includes one hundred and twenty.(120)One thousand people, with an additional seat allocated for each remaining quota of sixty(60)one thousand person¹⁶,On it The number of seats cannot be less than three(3) with regards For states with a population of less than two hundred(200)A thousand people. With regard to the national community residing abroad, the number of seats is limited to eight (8) Seats according to geographical distribution and population density criteria¹⁷. It is divided into four geographical regions, each geographical region represented by two seats) Identifying the four geographical regions(4)¹⁸.

It should be noted that seats were distributed to 58 electoral districts and the National Community abroad and the number of seats of the National People's Assembly was reduced to 407 after 462¹⁹.

C) Candidacy for membership in the National People's Assembly

According to According to the provisions of Article 56 of the Constitutional Amendment of 2020, which states: "For every citizen who meets the conditions Legal The right to vote and to be elected." Therefore, it is the right of any citizen who meets the necessary legal conditions that He is running for membership in the National People's Assembly, and he has determined the Ordinance 01/21 Related to the Election system conditions for candidacy For membership National People's Assembly.

1. Nomination conditions According to the text of Article 200 of the Ordinance 01/21 Related In the electoral, the following requirements are required for a candidate to the National People's Assembly

- That He meets the conditions stipulated in Article 50 of this Organic Law, by being fully 18 years of age on the day of voting and enjoying civil and political rights, and not being in one of the cases of loss of capacity specified in the legislation in force,
 - And it is Registered in the electoral district in which he is running,
 - That Be twenty-five years old(25)One year, at least, on polling day,
 - that He must have Algerian nationality, and this is understood whether the nationality is original or acquired.
 - justify the accomplishment of the national service or any other legal grounds for its failure,
 - Not having been the subject of any conviction to a custodial sentence for committing a felony or misdemeanor and has not been rehabilitated, with the exception of unintentional misdemeanors.

- That Proves his position towards the tax administration.
- Not known to the public for its relevance to the financial and business community and its direct or indirect impact on the free choice of voters and the smooth functioning of the electoral process, which is also a new requirement in Ordinance 21/01 on the electoral system.
- -That the candidate must not have exercised two consecutive or separate parliamentary terms,

2. Contraindications Nomination: to forbid some people are prohibited from running in the same electoral districts in which they exercise their official jobs, and are temporarily prevented from running in the National People's Assembly elections. This prohibition extends to a year after they leave their jobs, and they are specified in Article 199 of the Ordinance 01/21 Related to the electoral is:

Ambassador The Consul General and the Consul, members of the independent authority and members of its extensions, And the governor And the secretary General of the state, governor-delegate, head of department, inspector general of the state, member of the state council, managing director of the administrative district, judges, members of the National People's Army, security personnel, state treasurer and state comptroller²⁰.

3. procedures Nomination

Candidates are declared by depositing a list that meets the required conditions legally at the level of the provincial delegation of the independent national authority for elections²¹, and this is By a candidate appointed by the party or by independent list candidates²², It includes This declaration of candidacy is in the form of a form Received by the Independent National Elections Authority He fills it out and signs it Legally, every candidate is in accordance with this organic law. It includes the following: the name The title and nickname, if any, gender, date and place of birth, and profession, The address of the person, the educational level of each candidate, the designation of the party or parties for lists submitted under the auspices of a political party, the title of the list for independent candidates, the relevant electoral district, It is delivered to the declarant It is mandatory to nominate a receipt indicating the date and time of filing²³ with regards For electoral districts abroad, nominations are deposited according to the same forms at the level of the independent authority delegations at the diplomatic or consular representations abroad designated for this purpose for each district Electoral²⁴.

4. General provisions for procedures for submitting nominations

He should each list of candidates submitted should be endorsed either by one or more political parties, or under the title of a free list, and so on according to the following situations²⁵:

- By political parties and this is as follows:
 - * During the last legislative elections, it received more than four percent (4%) of the expressed votes about her In the electoral district in which the candidate is nominated).
 - * or have ten (10) Elected, at least, in the electoral district In which he was nominated.
- By political parties that do not meet the previous two conditions, or political parties that Involved For the first Once in the elections, or in the event that a free list is presented, it must be supported by at least two hundred and fifty(250) A signature Of the voters of the relevant electoral district, and this is for each seat required to be filled.

As for regarding electoral districts abroad, the list of candidates is presented in two ways:

- Either under the auspices of a party Politician Or several political parties without requiring any of the previous conditions stated in The two paragraphs 2 and 3 of Article 202 From Ordinance 01/21.

Or a free list supported by two hundred (200) A signature of at least one of the voters of the relevant electoral district, for each seat A job is required. However, with regard to collecting signatures, no voter is allowed to sign or fingerprint more than one list²⁶ And In the event of a Infraction of this provision,, the signature is considered invalid and exposes its owner to the penalties stipulated in Article 301 of the Code this Organic law relating to elections²⁷, The candidate forms are signed by placing the left fingerprint and then certified by a public officer; which must include both the name, surname, address, national identification card number or any other official document confirming the identity of the signatory on the electoral list as well as the registration number on the electoral list. These forms shall be submitted to the Chairperson of the State Electoral Commission or the Electoral Commission for residents abroad as the case may be. Signatures ", which in turn monitors and verifies signatures and is a record thereof²⁸.

The deadline for depositing candidate lists is forty-five (45) full days before the date of the election²⁹, and no list of candidates can be modified or withdrawn except in the case of death, according to the following conditions³⁰:

-If a candidate on the list dies before the expiry of the deadline for filing the candidacy, he cannot be replaced, provided that the remaining list of candidates remains valid along with the documents submitted with it.

-No one may run on more than one list or in more than one electoral district. In the event that any nomination or list of candidates is rejected, the rejection decision must be given a clear legal reason that does not carry any interpretation by the coordinator of the state delegation of the independent authority or the authority coordinator in the representation. Diplomacy or consulate abroad³¹.

It should be noted that it has been done Amending the provisions of Article 206 pursuant to Article 3 of the Ordinance 05/21 Related By rejecting nominations that should Reasoning Legal justification, as the case may be, by decision of the coordinator of the state delegation of the independent authority or the coordinator of the authority at the diplomatic or consular representation abroad, the term has been delayed according to the condition This is for the first paragraph. As for Paragraph 2 of Article 206, it has been amended so that the head of the independent authority can extend it, if necessary Okay Reply set to eight(8)Four days from the date of submitting the declaration of candidacy(4) More days at most, longer Purification accepted upon expiration of this period. The rejection decision is subject to appeal before the regionally competent administrative court during three(3)days starting from the date of notification. The decision to reject candidacy is subject to appeal for candidates from electoral districts abroad before the Administrative Court. In Algeria DC within three(3)days, starting from the date of notification, instead of four(4)Days before modification Appealing the Administrative Court's ruling before the regionally competent Administrative Court of Appeal within two days(2)beginning From the date of notification of the ruling, this is instead of three(3)Full days from the date of notification of the ruling previously, and the adjudication in The appeal shall be within two days(2),Starting from the date of its deposit, instead of a period of four(4)Whole days, And He is The decision of the Administrative Court of Appeal is not subject to any form of appeal, and the ruling or decision, as

the case may be, is notified immediately upon its issuance to the parties concerned and to the coordinator of the state delegation of the authority. Independent Or its coordinator at the diplomatic or consular representation for implementation³². And in If nominations for a list are rejected, nominations may be submitted New Within a period not exceeding twenty-five(25)Days prior to the polling date³³.

D) The electoral campaign, its financing and monitoring

The electoral campaign constitutes a critical phase in the electoral process, during which candidates communicate their programs and mobilize voters. Given its impact on the integrity and fairness of elections, the legal framework imposes strict regulations governing its timing, content, financing, and means. These rules aim to ensure equal opportunities, prevent abuses, and preserve the neutrality of public resources and institutions.

1. Electoral campaign controls

The electoral campaign is the organized, continuous and carefully planned propaganda by the candidate or party to use all available media and various methods of persuasion to deliver a specific message to the target audience and influence the voting process in favor of the candidate or the electoral list he represents³⁴. The electoral campaign deadlines open twenty-three days before the date of voting and end three days before the date of voting.³⁵It is not permissible to organize electoral campaigns outside these deadlines, whatever the reasons³⁶.

Hate speech and discrimination cannot be employed³⁷. prohibited foreign languages is also present in electoral campaigns³⁸. It is also prohibited throughout the election campaign to use a trademark for the purpose of electoral propaganda³⁹. It is also prohibited to use public property or property owned by a private legal entity for propaganda purposes unless legislative provisions explicitly stipulate this⁴⁰. It is also absolutely prohibited to use places of worship, public institutions and tools, and education, learning and training institutions, regardless of their type or affiliation⁴¹. Every candidate for the legislative elections benefits equitably from access to audio and visual media licensed in accordance with applicable legislation. The duration of the quotas granted to candidates for the legislative elections varies depending on the importance of the number of lists of candidates nominated by a political party or group of parties, which applies to lists of independent people. Of the audiovisual media licensed to practice in accordance with applicable legislation, it is also permitted to organize gatherings while respecting its general provisions under the law relating to public meetings and demonstrations⁴².

2. Sources of financing the election campaign

The electoral campaign financing system is based on a set of basic principles that can be summed up in the candidate's independence in the face of the state and funding institutions, the principle of transparency, which means not accepting bribes from any party with a specific interest, and also the principle of equality between candidates, which appears through the ceiling of electoral campaign expenses⁴³. Article 87 of the Organic Elections Law issued pursuant to Ordinance 21/01 specifies the sources of financing for the electoral campaign as the contribution of the political parties formed from the subscriptions of their members and the income resulting from the party's activity, as well as the personal contribution of the candidate, cash and in-kind donations made by citizens as natural persons, and potential contributions that The state can grant it to young candidates on independent lists, and the state can also compensate for part of the electoral campaign expenses.

3. Restrictions on financing election campaigns

Cash and in-kind donations are prohibited from foreign parties or any natural or legal person holding foreign nationality shall be prepared⁴⁴. This excludes Algerians residing abroad⁴⁵. The maximum amount of donations for each natural person is set at four hundred thousand dinars (400,000 DZD).⁴⁶ With regard to the legislative elections, every donation exceeding (1,000 DZD) must be paid by check, transfer, automatic deduction, or bank card.⁴⁷ In all cases, the electoral campaign expenses for each list in the legislative elections In in any case cannot exceed The electoral Campaign Expenses two million five hundred and twenty thousand dinars for each candidate⁴⁸. They can also benefit from a compensation of 20% Of the expenses actually paid if they score (20%) at least of the voices expressed⁴⁹.

4. Oversight of electoral campaign financing

Article 115 of Ordinance 21-01 stipulates that the independent authority shall establish a committee to monitor electoral campaign financing. The committee shall be composed of: a judge appointed by the Supreme Court from among its judges, a president, and a judge appointed by the Council of State from among its judges. A judge appointed by the Accounting Council from among its advisory judges, and a representative of the Supreme Authority for Transparency, Prevention and Combating of Corruption. A representative of the Ministry of Finance. The committee prepares and approves its internal regulations. The electoral campaign account is deposited with the Electoral Campaign Finance Oversight Committee within a period of two months starting from the date of announcing the final results. After this period has elapsed, the candidate or list of candidates cannot benefit from compensation for their electoral campaign expenses, and the electoral campaign account may not be presented when he is in a state of incapacity, and in the event of If the deficit occurs, the account must be settled at the time of deposit, and if necessary, with a contribution from the candidate⁵⁰. The Election Campaign Finance Monitoring Committee reviews the validity and credibility of the transactions recorded in the electoral campaign account, and the committee issues, within a period of six (6) months, a decision in person, according to which it approves, amends, or rejects the account⁵¹. Upon expiration of this period, the account is considered approved. Article 119 of Ordinance 21-01 stipulates that the Election Campaign Finance Oversight Committee may not grant compensation for campaign expenses in the event that the account is not deposited, or is deposited outside the two-month period specified in accordance with Article 116 above, or in the event that the account is rejected or the maximum authorized limit for expenses is exceeded. In the event that the maximum authorized limit for electoral expenses is exceeded, the committee determines, by a direct decision, the amount of the exceedance that the candidate must pay to the public treasury. In the event that the electoral campaign account results in a surplus of resources coming from donations, this surplus will be transferred to the public treasury within the conditions specified by the organization⁵². Decisions of the Campaign Finance Oversight Committee can also be appealed Electoral elections, before the Constitutional Court within one month from the date of their notification⁵³.

Section II: The process of electing members of the National People's Assembly

The process of electing members of the National People's Assembly is a set of legal and material procedures and actions that primarily lead to the selection of representatives of the people⁵⁴. It can be divided into four basic stages: the voting stage, the sorting stage, the seat distribution stage, and the results announcement stage.

A) The voting stage

Voting constitutes one's share of political participation⁵⁵. It is the most important stage in the electoral process, as it is only through it that its stages are completed and voting is based on several principles, the most important of which is the freedom to vote, which means the ability to make decisions freely without any pressure from any party whatsoever.⁵⁶ And the secrecy of voting, which means the voter must cast his vote without anyone being aware of the position he has taken. Voting is also based on the principle of personal voting, meaning that the voter exercises his right to cast his vote himself, with the exception of the cases specified in the law exclusively, which adds credibility to the fact The electorate's selection of its elected representatives, and finally the principle of equality in voting, meaning that each voter is granted the right to vote only once. Below, we will review the provisions of voting through the following two elements.

1. Preparing and organizing polling centers and offices

Voting operations take place under the responsibility of members of voting centers and offices in accordance with the provisions of the Organic Elections Law, and they exercise this jurisdiction under the supervision of the independent authority.⁵⁷ In this context, the coordinator of the state delegation of the independent authority takes over the lists of voting centers, updates them, and distributes the electoral college to them.⁵⁸ The members of the voting office and the additional members are appointed by decision of the coordinator of the state delegation of the independent authority from among the voters divided in the state territory, with the exception of the candidates and their relatives and in-laws up to the fourth degree and individuals belonging to their parties in addition to the elected members. The list is published in the headquarters of the state and municipal delegation of the independent authority within fifteen days at most from the date of closing the list of candidates, provided that it is delivered to the parties for the candidates and independents with a receipt.⁵⁹

2. Oversight of polling and voting operations

Voting takes place on one day, starting from eight in the morning until seven in the evening. However, the head of the independent authority, upon the request of the coordinator of the state delegation of the independent authority, may decide to advance the opening of voting by (72) hours at most in municipalities where it is not possible to hold voting on the same polling day. This is for financial reasons related to the distance of the voting offices and the dispersion of the population, and this is done according to a decision that is published immediately by any appropriate means or for any other reason, while he can, according to a decision and in coordination with the diplomatic representations, consulates, and relevant legations, advance the date of the opening of voting by (120) days, and he can also delay it. The closing date of the voting offices shall not be later than eight o'clock in the evening, and also in accordance with a request from the state delegation coordinator⁶⁰. In each voting office, the voter, as soon as he is inside the polling station, chooses one list and votes for one or more candidates from the same list within the limits of the seats allocated to the electoral district.⁶¹

B) The sorting stage

The process of counting votes is the process that, upon the end of voting, consists of emptying the boxes and ballot papers marked by the voters, classifying them, determining their authenticity, counting them, and making a statement about them. It is one of the processes that is often subject to

fraud and manipulation⁶². This is what made the legislator surround her with the necessary protection.

1. The date of the sorting and the entity responsible for it

The counting process begins as soon as the voting process is concluded and continues without interruption until it is completely finished. The counting takes place publicly and takes place in the voting office. However, it takes place exceptionally in mobile offices in the voting center to which they are attached. The tables on which the counting takes place are arranged in a way that allows voters to turn Around it, the process is carried out by sorters who are subject to the supervision of the voting offices and who are appointed by the latter from the voters registered in the office in the presence of representatives of the candidates or lists of candidates. All members of the voting office can also participate in the process if the number of sorters is insufficient.⁶³

2. Provisions for completing sorting and submitting papers

When End of the process of recitation and counting of points, Sorters the head of the voting office shall provide the point counting papers signed by them Attached are the papers The authenticity of which is doubtful or whose authenticity is disputed by voters⁶⁴. In the event of the absence of papers in one of the cases stipulated in Article 156 (papers canceled under the provisions of this Article are an envelope stripped of paper or paper without an envelope, several papers in one envelope, suspicious or torn envelopes or papers, papers crossed out partially or completely or Which bear any mark, except when the approved method of voting requires this form and within the limits set according to the procedure stipulated in Articles 170-192 of this organic law, irregular papers and envelopes, and the papers on which the voter did not express his choice are counted for the benefit of the chosen list). Otherwise, the voting papers for each voting office are kept in waxed bags and identified according to their source until the expiry of the appeal deadlines and the final announcement of the election results⁶⁵.

It is placed at the polling station, a record of the results of the count written in indelible ink and including, where appropriate, notes or Reservations Voters, candidates or their legally qualified representatives⁶⁶, and release the sorting report is in three copies⁶⁷. It is signed by members of the voting office and distributed as follows: Copy To the head of the voting office He hangs it in the voting office, a copy is sent to the head of the municipal electoral committee along with the supplements against a receipt and delivered by the head of the voting office or the vice president. The supplements include (cancelled voting papers, disputed voting papers, and agencies).And a copy Delivered to the coordinator of the state delegation of the authority Independent Or his representatives, delivered by the head of the voting center⁶⁸,

It is required that the number of envelopes be equal to the number of voter visas, and in the event that there is no difference, this must be noted in the tally report, and the head of the office announces the results publicly, and he is responsible for posting the tally report in the voting office as soon as it is prepared⁶⁹. It will also be delivered immediately to the voting office⁷⁰ A copy of the sorting report certified as conforming to the original by the head of the voting office to all legally qualified representatives of the candidates or lists of candidates in exchange for a receipt. This copy shall be stamped on all its pages with a denomination stamp bearing the phrase Certified copy as conforming to the original. A certified copy of the above-mentioned report shall also be received. It must be confirmed as the original by the voting office to the representative of the independent authority in exchange for a receipt⁷¹.

The coordinator of the state delegation of the independent authority or his representative can also view the sorting report, paragraph three of Article 155 of the Code. Organic Election Law.

C) The stage of announcing the results

Representatives of the National People's Assembly are Elected by direct and secret universal suffrage for a five-year term (5) Years, And no A representative may exercise more than two separate or consecutive terms. Deputies to the National People's Assembly shall be elected by proportional ballot on the open list and by preferential vote without mix⁷², Candidates in each constituency shall be registered in lists containing a number of candidates to the extent of the number of seats to be filled, plus three (3) additional candidates in constituencies with individual seats and two (2) candidates in constituencies with doubles, the principle of parity must be observed - and this is under penalty of rejection of the list. Between Women and men, at least half is allocated (1/2) Purification For candidates under the age of forty (40) A year, and it should be for a third (1/3) Candidates on the list must at least have a university education level, and in the event that a third results in an incorrect number, it is raised to the highest correct number.

Based on this, we will discuss how seats are distributed under this electoral system, and then we will discuss how to announce the preliminary and final results for electing members of the National People's Assembly.

1. How to distribute seats

Seats are distributed according to the percentage of votes obtained by each list while applying the rule of the strongest remainder. Lists that did not obtain at least five percent of the votes expressed are not taken into account when distributing seats. The electoral coefficient that is taken into account in distributing the seats required to be filled in each electoral district is the result of dividing the number of votes expressed, minus it. Where applicable, votes obtained by lists that did not reach 5% of the votes cast, on the number of seats to be filled. The seats to be filled for each list are distributed as follows:

The electoral coefficient in each electoral district is determined in accordance with the conditions set forth in Article 195 of this Organic Law. Then each list obtains the number of seats equal to the number of times it obtained the electoral coefficient. After that, the remaining votes obtained by the lists that won seats and the votes they obtained are arranged. Lists that do not win seats, according to the importance of the number of votes each one received, and the rest of the seats are distributed according to this order. When the number of votes obtained by two or more lists is equal, the last seat is given to the younger candidate. The seats won by each list are distributed to its candidates according to the number of votes each of them obtained. When the number of votes is equal between the candidates on the list, the last seat obtained by the list is won by the youngest candidate. However, when the votes are equal between a male and female candidate, the latter wins the last seat obtained by the list. If no candidate list obtains at least five percent of the votes expressed, all candidate lists will be taken into account for the distribution of seats. The electoral coefficient that is taken into account in this case is the result of dividing the total number of votes expressed in each electoral district by the number of seats required to be filled within the same electoral district.

2. Announcing the preliminary and final results

After the process of counting votes and distributing seats is completed Announcing the results in two stages:

- Announcement of preliminary results

The President of the Voting Bureau shall announce the results within the Bureau, after the counting process has concluded, It is then declared the highest level of the Municipal Electoral Commission, which is headed by a judge appointed by the President of the Judicial Council and the Municipal Delegate of the Independent Authority as Vice-President, and two assistants appointed by the State Coordinator of the Independent Authority Electoral Commission, chaired by a judge with the rank of counsel appointed by the President of the Judicial Council, The mandate coordinator of the independent authority or his representative as Vice-Chairman of the Commission and a public officer acting as the Commission's secretariat; The President of the Independent Authority will announce the preliminary results at the national level. Within 48 hours of receipt by the Independent Authority of the records of the State Electoral Commissions and the Electoral Commission for Residents Abroad in accordance with article 209 of Ordinance No. 21/01, the President of the Independent Authority may extend this term to twenty-four (24) hours if needed.

- Announcement of final results

Building On the provisional announcement of the results of the National People's Assembly elections, each candidate and each party participating in This is Elections, the right to challenge the provisional results, by submitting a request in the form of a petition to be filed with The court Constitutionalism in the forty-eighth period (48)An hour before the results are announced⁷³. And You take over The Constitutional Court shall notify the list whose victory is objectionable or the candidate whose victory is objectionable, and this is to be submitted note In writing to the Constitutional Court within seventy-two days (72)One hour from the date of filing the appeal⁷⁴. The Constitutional Court shall decide on the appeal within three days. (3) days, It follows that if it becomes clear to it that the appeal is founded, it may either issue a reasoned decision to cancel the election or Disputant Therein, or redrafting the prepared results report, and announcing the legally elected candidate⁷⁵.The Constitutional Court determines the final results of the National People's Assembly elections and announces them within a maximum period of ten days(10)days From the date it receives the provisional results from the head of the Independent National Elections Authority. However, this period can be extended to forty-eight years (48)One hour by decision of the President of the Constitutional Court. And it is this The decision is final and cannot be appealed⁷⁶,

Conclusion

Regarding the central issue raised in this study concerning how Ordinance 21/01 regulates the conditions and procedures for electing members of the National People's Assembly, the methodological analyses conducted throughout the paper demonstrated that the legislator adopted a comprehensive legal framework governing all stages of the electoral process. This framework includes preparatory procedures such as the organization of electoral lists and the delimitation of electoral districts, concurrent measures related to candidacy requirements and the regulation of electoral campaigns, as well as subsequent mechanisms concerning oversight and the proclamation of results. The Ordinance reinforces the principles of transparency, integrity, and inclusiveness by empowering the Independent National Authority; however, certain shortcomings remain regarding

its effective independence and the realization of electoral equality. Based on this, we reached a set of conclusions which were followed by several recommendations.

- Entrusting the supervision of the review of electoral lists and holding the national electoral card to the independent authority, which is a basic guarantee for the protection of the electoral process.

- The process of dividing electoral districts plays a major role in deciding the results of the electoral process.

- The legislator added other conditions for candidacy for membership in the National People's Assembly related to proving his position with regard to the tax administration, his lack of connection to financial circles and suspicious businesses, and that he must not have exercised two consecutive or separate terms in order to eliminate financial and political corruption.

- Adopting the principle of parity in candidacy for youth and women and allocating 1/3 of the seats to those with a university level of education. However, it is possible to permit non-compliance with the condition of parity between the sexes in the candidate lists, which reduces its importance.

- Adopt a pattern Ballot Relative on the open list, by vote preferential Without mixing the emergence of independent lists resulted in the reproduction of the same previous regime with slight differences and led to a low level of women's representation in the National People's Assembly due to the adoption of the open list, which makes choices available to the electorate and which carries a negative stance on women's representation in elected councils in general.

- One of the most important gains is entrusting the independent authority to organize, conduct, prepare, monitor and supervise the elections. However, entrusting most of the vital tasks of the authority to state and municipal delegations enhances the administration's intervention in the electoral process.

- The establishment of a committee to monitor electoral campaign financing by the independent authority, with a judicial composition and a representative of the Supreme Authority for Transparency, Prevention and Combating of Corruption, is a basic guarantee for strengthening the principle of equality between candidates in the electoral process.

In light of the previous results, we offer the following Proposals

- Given the importance of the role played by the independent authority in electing members of the National People's Assembly, we suggest reconsidering how its members are selected to ensure their neutrality, independence, and work with complete credibility, transparency, and objectivity. Also should Adopting the requirement of competence and diversity as it is the decisive criterion to ensure the effective performance of members of the independent authority. Strengthening the structural independence of the independent national authority by allocating employees affiliated with it, which enables it to get rid of dependence on the administration.
- The approved electoral system must be reconsidered, especially with regard to the open list, or at least adapted to the high rate of illiteracy that the people suffer from, to ensure that the voter's voice is not lost. Also, this system is not at all in the interest of women's representation in the National People's Assembly, given the patriarchal culture, perpetuating the image Stereotype of women.

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³ - Issam Nimah Ismail, "Electoral Systems: The Relationship between the Political System and the Electoral System," 2nd edition, Comparative Study, Zain Al-Huquoqia Publications, Beirut, Lebanon, p. 27.

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7- Articles 62 et seq. of Ordinance 21/01.

8- Omar Zarqat, Governing Framework of the Independent National Authority, Journal of Jurisprudence, vol. 13, No. 03, p 364.

9- Ibid, p 364.

¹⁰ - Yaish Tamam Shawqi, The electoral district system as a preliminary procedure for the voting process, Maalem Journal for Legal and Political Studies, issue December 5, 2018, p 175.

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¹⁴ - Mohamed Farghaly Mohamed Ali, The Legal Organization of Local Elections - A Comparative Study, PhD thesis, Mansoura University, Egypt 1998,

¹⁵ - See Law No. 84-09 of February 4, 1984, relating to the regional organization of the country, amended and supplemented by Law No. 19-12 of December 11, Issue No. 78, dated December 18, 2019, and also amended by Ordinance 21/03 of March 25, 2021, Issue No. 22, On March 25, 2021

¹⁶- Article 3 of Ordinance No. 21/02 of March 16, 2021, specifying the electoral districts and the number of seats required to be filled in the parliamentary elections, Issue No. 19, dated March 16, 2021.

¹⁷-Article 2 of Executive Decree 21-131 of March 31, 2021, relating to the organization of the electoral district of the community abroad and the number of seats required to be filled in the election of members of the National People's Assembly, Issue No. 24, issued on April 1, 2021.

¹⁸- Article 3 of Executive Decree 21-131.

¹⁹- Ordinance 21/02, op cit.

²⁰- Article 199 of Ordinance 21/01 relating to the election system.

²¹- Article 201 of Ordinance 21/01 relating to the election system.

²²- Article 201, Paragraph 2 of Ordinance 21/01 relating to the election system.

²³-Article 201, Paragraph 3 of Ordinance 21/01 relating to the election system.

²⁴-Article 201, Paragraph 6 of Ordinance 21/01 relating to the election system.

²⁵- Article 202 from Ordinance 21/01 relating to the election system.

²⁶- Article 202 Paragraph 3 from Ordinance 21/01 relating to the election system

²⁷- Article 301 of Ordinance 21/01 "Anyone who violates the provisions of Articles 178, 202 and 254 of this law shall be punished with imprisonment from six (6) months to one year and a fine from 50,000 DZD to 200,000 DZD."

²⁸- Paragraph 4-5-6 of the provisions of Article 202 of Ordinance 21/01.

²⁹- Article One of Ordinance No. 21/05 dated Ramadan 10, 1442 corresponding to April 22, 2021, amends and supplements some provisions of Ordinance No. 21/01 dated Rajab 26, 1442 corresponding to March 10, 2021, which includes the organic law related to the election system, No. 30 issued on April 22, 2021 amending Art 203 of Ordinance 21/01 relating to the electoral system.

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³¹- Article 204 of Ordinance 21/01 relating to the election system.

³²- Article 206 of Ordinance 21/01 relating to the election system.

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³⁴- Jedo Nawal, The electoral campaign is a tool for activating electoral competition, Al-Ustaz Al-Bahith Magazine, Volume 2, Issue 10, June 2018.

³⁵-Article 73 of Ordinance 21/01 .

³⁶- Article 74 of Ordinance 21/01 .

³⁷- Article 75 of Ordinance 21/01 .

³⁸- Article 76 of Ordinance 21/01 .

³⁹- Article 80 of Ordinance 21/01 .

⁴⁰- Article 83 of Ordinance 21/01 .

⁴¹- Article 84 of Ordinance 21/01 .

⁴²- Article 77 of Ordinance 21/01 .

⁴³- For more information on this topic, see: Lushan Dalal, Anti-Corruption, Election Campaign Finance, Al Bahith Journal for Academic Studies, Batna (1), Volume 8, Issue 02, 2021, p. 191.

⁴⁴- Article 88 of Ordinance 21/01 .

⁴⁵-Article 90 of Ordinance 21/01 .

⁴⁶- Article 89 of Ordinance 21/01 .

⁴⁷- Article 91 of Ordinance 21/01 .

⁴⁸- Article 94 of Ordinance 21/01 .

⁴⁹- Article 95 of Ordinance 21/01 .

⁵⁰- Article 115 of Ordinance 21/01 , containing the organic law for elections, op. cit

⁵¹- Article 118, second paragraph, of Ordinance 21/01 , containing the organic law for elections, previous reference.

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- ⁵⁵ - Hauriou André, review the constitution and institution politique. Paris: Montchrestien, 1968, p214.
- ⁵⁶ - For more information about the principles of voting, see Saad Mazloun Al-Abdali, Elections: “Guarantees of Their Freedom and Integrity,” a comparative study, 1st edition, Dara Degla Publishing and Distribution, Jordan, 2009, pp. 255 et seq.
- ⁵⁷ - Article 126 of the Organic Elections Law issued pursuant to Ordinance 21/01 , op. cit.
- ⁵⁸ - Article 129 of the Organic Elections Law issued pursuant to Ordinance 21/01 , op. cit.
- ⁵⁹ - Article 129 of the Organic Elections Law issued pursuant to Ordinance 21/01 , op. cit.
- ⁶⁰ - Tawfiq Bouguarne, Adopting a system of independent management of the electoral process in Algeria - the Independent National Election Authority as a model, Journal of Legal and Political Research, Volume 2, Issue 02, 2020, p. 64.
- ⁶¹ - Article 192 From the Organic Elections Law issued pursuant to Ordinance 21/01 , op. cit.
- ⁶² - Maged Ragheb Al-Helou, Political Systems and Constitutional Law, Ma’arif Institute, Alexandria, 2005, p. 51.
- ⁶³ - The second paragraph of Article 153 of Organic Election Law issued under Ordinance 21/01 , op. cit.
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- ⁷² - The proportional representation system is a system that ensures that competing electoral lists obtain a number of seats proportional to the number of votes obtained
- ⁷³ - Paragraph 3 from U.S For a substance209 Organic Election Law, issued pursuant to Ordinance 21/01
- ⁷⁴ - paragraph Last From Article 209 Organic Election Law, issued pursuant to Ordinance 21/01
- ⁷⁵ - substance 210 Organic Election Law, issued pursuant to Ordinance 21/01
- ⁷⁶ - and this is In accordance with the text of Article 198 of the Constitutional Amendment of the year 2020 Half of it “The decisions of the Constitutional Court are final and binding on all public and administrative authorities And judicial”.

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