

The voter card is the key to political participation for citizens registered on the electoral rolls in Algeria

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Abstract:

The right to universal and equal polling is a fundamental principle of the democratic electoral process ,and voter registration is considered an important basis to ensure the comprehensive and equal participation of eligible voters in any elections, in addition based on the number of registered voters, important decisions are taken during the electoral process, such as determined the number of administrative units (constituencies), the Locations of the polling stations, the number of votes and Voting materials that must be printed and distributed to the polling stations, and the voter participation rate is calculated when a citizen is registered on the electoral list, he acquires the statues of a voter, and upon his acquisition of this capacity, he is handed a voter card proving his electoral identity.

Keywords: election, electoral list, voter card, voter Registration.

1. INTRODUCTION:

Universal suffrage means that all recognized members of a given Community is entitled to vote as it specified in Article 21 of the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly resolution of 10 December 1948, states that "Everyone shall take part in the government of his country, directly or through freely chosen representatives..." and that "The will of the people shall be the basis of the authority of government; this will shall be expressed in genuine and periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot or by similar free voting procedures. This article, along with similar provisions in other international human rights instruments and national constitutions, provides the legal basis for holding democratic elections (Klein & Merloe, 2001, p. 03), while equal suffrage assures that each vote has an equal value, therefore, the countries must guarantee that people can choose their representatives through voting, and prevent any infringement of the equality of all votes through illegal voting or any other manipulation. (Ismail, 2009, p. 92)

Where it considers the right of all citizens in the participation in Their governance affairs cornerstone in democracy, and perhaps the form of participation the most vital is the right to vote in Free and fair elections, the existence of Complete and comprehensive electoral register (or electoral list) is the basis for exercising the right to vote, and maintaining the accuracy of this register ensures that the eligible voter is registered on only one list.

Furthermore, registration on the electoral lists is prerequisite for a citizen to exercise their right to vote — whether as a voter or as a candidate and refusal to register on the electoral lists deprives them of exercising this right, even if a person meets the substantive conditions established by law such as possessing nationality, reaching the age of political maturity, and not being subject to any voting disqualifications the voter cannot exercise their electoral right unless they provide proof of eligibility, namely the voter card. (Tayeb & Ouled Sidi Saleh , 2019, p. 185)

The latter is considered the most important consequence of registration on the electoral lists, as it is regarded as an official legal document that

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identifies a person's political eligibility and enables them to exercise their political rights and cast their vote in various legal consultations. Thus, it serves as tangible proof of their registration on the electoral roll and of their fulfillment of all the formal and substantive requirements for exercising the right to vote. (Abdelhamid, 2017/2018, p. 99)

This leads to the following question: How has the Algerian legislator regulated the process of issuing voter cards?

We will attempt to address the main aspects related to the voter card by defining the electorate (Section One), outlining the regulations for issuing and distributing voter cards, and concluding with an explanation of the extent of judicial oversight (section Two).

2. Section One: Determining the electoral body is the basis of the electoral process

The electoral lists are proof that those registered on them are legally eligible to participate in the elections and cast their vote on election day.

However, this eligibility is not granted to all citizens without exception; rather, there are certain categories excluded from this right. In the light of any expansions that may occur to the right to vote, Certain categories remain ineligible for this right, and therefore were subsequently excluded from registration on the electoral lists, including members who do not have legal capacity, such as children and the mentally ill, as they fail to understand the legal meaning of the right to vote and exercise it, This was confirmed by the Universal Declaration on Standards for Free and Fair Elections issued in 1994. Article (02) of the Declaration stipulates that every citizen has the right to an effective and impartial system for registering voters without discrimination. Furthermore, Article (04) obliges states to set clear criteria for registering voters, such as age, citizenship, and place of residence, and to ensure that these conditions will be applied without discrimination of any kind among voters.

Therefore, the laws regulating political participation in various countries have set several conditions that are almost universally agreed upon,

in contrast, most countries in the world have pledged to prepare and review electoral lists periodically through special committees to coordinate the administrative work leading up to elections and to ensure that those registered on the electoral lists continue to have their right to vote.

Therefore, we will explain the conditions that must be met to acquire voter status for registration on the electoral lists (first subsection), and then we will explain the entity responsible for maintaining the national voter registration card (second subsection).

2.1 First subsection: The legislative framework for voter registration

Algerian electoral law stipulates general conditions for citizens to acquire the right to register on the electoral lists. These conditions are: citizenship, age, and freedom from any impediments to voting.

2.1.1 The nationality

Voting is considered one of the most important political rights and should be limited to citizens who hold the nationality of the country, It is unreasonable to grant this right to foreigners who do not have political rights and do not participate in public affairs, Foreigners who have recently acquired citizenship (naturalized citizens) are not permitted to exercise political rights, including the right to vote, until after a certain period during which they demonstrate their loyalty to the country. However, some countries do allow foreigners to participate in elections.

This is the approach taken by the Algerian legislator when granting the right to vote to every Algerian man and woman According to Article 50 of Ordinance No. 21-01, which includes the Organic Law relating to the electoral system, as amended and supplemented on March 10, 2021 (Official Gazette No. 17, March 10, 2021). As for those who have acquired Algerian nationality, they enjoy their political rights from the date of acquiring it, including the right to vote. This indicates that the Algerian legislator did not differentiate between Algerians by birth and those who acquired Algerian nationality through naturalization when exercising the right to vote.

2.1.2 Age

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Various Algerian electoral laws have set the minimum voting age at eighteen years on election day, the latest of which is Organic Law No. 21/01 relating to the voting system,

which stipulates in Article 50 the following: “Every Algerian man and woman who has reached the age of eighteen (18) full years on election day is considered a voter...”, Apart from the 1963 constitution, which set this age at nineteen (19) years in its third article, reducing the voting age to eighteen years is considered and remains an indicator of a democratic system, Raising this age significantly would exclude many individuals from participating in expressing their opinions, something Algerian laws have avoided, following the precedent set in most representative democracies worldwide.

2.1.3 Freedom from any impediments to voting

For a citizen to become a member of the electoral body and to have the right to vote, in addition to being a citizen and having reached the legal voting age, they must be free from any impediment that prevents them from participating in voting in elections and public referendums. The legislator has stipulated that for a citizen to acquire the status of voter, they must enjoy all their civil and political rights as provided in Article 50 of Ordinance No. 21-01. and not be in a state of legal incapacity, as stipulated by law. That is, the legislator has stipulated that the citizen must be of sound mind and body. as stipulated in Article 52 of Ordinance No. 21-01.

2.2 Second subsection: Assigning the responsibility for maintaining the national voter registration card to the Independent National Electoral Authority.

In order to achieve the goals of integrity and impartiality, the Algerian legislator placed the national electoral authority card under the supervision of the Independent National Election Authority, this step is a bold decision that confirms the transparency of the electoral process and practically ensures its integrity by withdrawing the powers to organize elections from the administration and handing them over to the independent

authority, as mentioned in Article 02 of Decision No. 06 issued by the National Elections Authority, which specifies the conditions and procedures for establishing and using the National Register of the Electoral Body, dated August 1, 2023, published on the Independent Elections Authority website: ina-elections.dz, accessed December 6, 2024, defines the National Register of the Electoral Body as a nationally unified list in an electronic register containing a database of persons eligible to vote in elections and referendums, which is made up of all the electoral lists of municipalities and diplomatic or consular centers abroad, This body became responsible for preparing, organizing and supervising elections as set forth in Article 07 of Ordinance No. 21/01, including the process of registering voters in cities, diplomatic missions and consulates abroad, and updating them regularly. as specified in Article 10 of the same Ordinance.

In the event of a voter's death, the relevant authorities in the municipality of residence or in diplomatic missions must inform the Independent National Electoral Authority, which will immediately remove the voter from the electoral roll. If the voter dies in a municipality other than their municipality of residence, the municipality of death must inform the municipality of residence, which in turn will inform the Independent National Electoral Authority. as stated in Article 61 of Ordinance No. 21/01.

3. Section Two: The voter card as a result of completing the registration process on the lists:

When a citizen registers on the electoral lists, he acquires the status of a voter and is given, as soon as he obtains this status, the electoral card that determines his electoral identity.

Therefore, in this section we will discuss defining the meaning of the voter card, and then the Algerian legislator's regulation of how to prepare and deliver the electoral card, through the following two Subsections.

3.1 First subsection: The conceptual framework of the voter card:

Defining the concept of electoral card requires us to address its definition (First point), and to determine its importance and the extent of its mandatory nature (second point), According to what we will discuss in the

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following two points.:

3.1.1 Definition of voter card:

The voter card refers to the document issued by the competent authorities overseeing the electoral registration process to each legally and correctly registered voter. This card contains a set of data pertaining to the voter, such as name, surname, date and place of birth, father's name, mother's name and surname, personal address, electoral registration number, polling station address, and the number of the polling booth where the voter will cast their ballot. (Nabil, 2020, p. 42), It should be noted that each voter card is not specific to a particular election but is valid for all types of general and political elections (legislative, presidential, and local), Based on this, we can say that the voter card is an official personal document issued to the voter by the competent administrative authorities, to be used by the voter alone when exercising their electoral rights throughout all stages of the electoral process, as it facilitates the identification of their electoral identity because it contains their personal information, their registration number on the electoral list, and the polling station and office where they will cast their vote on election day.

Many legislations have been satisfied with registering voters on the electoral lists because voters do not need the electoral card, on the pretext of saving legal and administrative expenses, as it has become practically possible to use the identity card instead of the voter registration card, This aspect of jurisprudence holds that practical reality does not always require the possession of an electoral card for voting, as it is sufficient in this regard to have a document or instrument that allows verification of the identity of its holder, which is something that may be proven by identity, While other legislations stipulated that the voter registered on the electoral list must have the electoral card (Chaouki, 2013/2014, p. 99).

It should be noted that the Algerian legislator did not define the electoral card but merely specified its legal organization. Furthermore, it adopted the principle of allowing voting without displaying the electoral card in extreme cases where it is impossible for the voter to do so, provided that

they present their national identity card or any other document that can verify the voter's identity and registration on the electoral roll, In this case, the legislator did not waive the requirement of registration on the electoral roll; rather, it only concerns the presentation of the voter registration card at the polling station. This is a sound procedure that puts an end to the manipulation of the voter registration card distribution process and its exploitation to manipulate and influence the outcome of the electoral process through negligence and delays in delivering them in districts that may support a particular political current. Such delays could allow the political opponents to use their influence to obstruct the delivery of voter registration cards to the voters and activists of the opposing side, while simultaneously ensuring that all their supporters have access to the cards, thus tipping the scales in their favor. By adopting the principle of not requiring the presentation of the voter registration card and relying solely on proof of identity and registration on the electoral roll, the legislator renders all these fraudulent methods ineffective.

A voter who is registered on the electoral roll but has not yet received their voter registration card can go directly to the polling station, prove their identity, confirm their registration, and then exercise their voting rights fully and freely. (Toufik, 2018/2019, p. 16)

3.1.2 The Importance and Mandatory Nature of the Election Card:

The purpose of issuing this card is to prevent any potential manipulation of the electoral rolls, such as voting in place of the deceased or absent, This indicates that it's one of voting procedure necessities because the voter must present this card upon entering the polling station where they must prove their eligibility to vote, The electoral card facilitates transportation difficulties and alleviates the suffering of voters, it also makes voting at one's place of residence or stay possible and easy, which encouraged participation in elections . (Sana, 2014/2015, p. 36)

It serves as a national electoral identity card for the voter, making it easier for them and the body supervising the electoral process to accomplish many things that would make the electoral process a success, such as knowing who is leading the vote and verifying this through the electoral lists

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available at the polling station (Abdelhamid, 2017/2018, p. 100).

Automating election procedures, specifically regarding the voter registration card, has become, in the view of many, a democratic necessity for speeding up the process and monitoring the results and their integrity, which may lead to avoiding tensions and charged atmospheres in the atmosphere of polling stations and voting centers, It also confirms that the voter has actually cast their vote, through the stamp placed on it after the voter has finished voting and before leaving the polling station. (Chaouki, 2013/2014, p. 99)

The introduction of information on the voter registration card in some developed countries may be a significant advantage, making the electronic card an effective tool for facilitating the voting process for voters on the one hand, and reducing instances of electoral fraud on the other (Nabil, 2020, p. 43), thus enhancing the integrity of elections, which is what international organizations concerned with democracy and free and fair elections advocate for.

However, despite the general importance of the voter registration card, it may not be issued to all those registered on the electoral rolls especially if registration is automatic, as in countries that use a unified national identification number system for citizens, which includes, among other things, electoral data, The truth is that such a situation remains a special case, limited to systems that adopt automatic registration, and therefore does not apply to countries that implement a personal registration system, which allows a registered voter to obtain an electoral card as proof of this registration. (Chaouki, 2013/2014, p. 99)

3.2 Second subsection: Procedures and deadlines for delivering voter registration cards and the extent of judicial oversight over them:

Algerian electoral laws, like comparative electoral laws, have focused on regulating the procedures for preparing and delivering the voter card. Accordingly, we will address, within this part, the procedures and dates for delivering the voter card (Point one), and then the judicial oversight of

this (Point two).

3.2.1 Procedures and dates for delivering the voter card

Article 72 of Ordinance No. 21/01, containing the Organic Law relating to the electoral system, as amended and supplemented, stipulates that the Independent National Electoral Authority shall prepare the voter card and deliver it to each registered voter on the electoral roll. It also specifies the procedures for its preparation, delivery, replacement, and withdrawal by decision of the head of the Independent Authority, the decision dated March 22, 2021, issued by the Independent National Election Authority, specifies the procedures for preparing, delivering, replacing, and withdrawing the voter card (Official Gazette of the People's Democratic Republic of Algeria No. 24, April 1, 2021).

Voter cards that have not been collected by their owners are deposited at the provincial delegations or the diplomatic or consular missions of the Independent National Election Authority, with the possibility of collection until the eve of the election. These cards are also deposited on election day at the polling stations and can be collected by their owners by presenting their identification document and signing a register open for this purpose. Cards that have not been collected after the election are placed in a sealed envelope and kept at the provincial delegations and the diplomatic or consular missions of the Independent National Election Authority as stipulated in Article 03 of the decision issued by the Independent National Electoral Authority specifying the procedures for preparing, delivering, replacing and withdrawing the voter card, issued on March 22, 2021.

In the case of a lost or damaged voter card, the voter concerned shall submit a declaration of honor to the Secretariat of the Electoral Lists Review Committee, the relevant regional provincial delegation, or the delegation of the diplomatic or consular mission of the Independent National Electoral Authority and based on that a new voter card is given to him as stated in Article 06 of the decision issued by the Independent National Electoral

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Authority specifying the procedures for preparing, delivering, replacing and withdrawing the voter card, issued on March 22, 2021.

Like many comparable legislations that have made the voter card valid for all electoral entitlements of the registered voter, the Algerian legislator has also made this card valid for all electoral consultations. It should be noted here that the decision issued on March 22, 2021, by the Independent National Election Authority stipulated that this card is valid for only eight electoral consultations as specified in Article 2 of the decision issued by the Independent National Electoral Authority which specifies the procedures for preparing, delivering, replacing, and withdrawing the voter card, issued on March 22, 2021. This means that after the voter card is stamped during the voting processes in which the voter participates, and the voting date is recorded on it for eight electoral consultations, it must be renewed. However, the Algerian legislator did not specify the procedures for this renewal, nor the entity to which the voter should go to obtain a new voter card. It appears in this regard that the entity that prepares and delivers this card for the first time to the voter is the one responsible for delivering a second card after eight electoral consultations, unless the electoral laws stipulate otherwise. (Siham, 2018/2019, p. 175)

3.2.2 The judiciary's supervisory role in ensuring the validity of the voter card:

Comparative legal systems consider appeals arising from the distribution of voting cards as falling under the jurisdiction of the election judge, who oversees the legality of voting procedures, He will then be able to assess the impact of voting cards irregularities on election results. In this regard, the French Constitutional Council ruled that cases involving minor delays in the distribution of voter cards, errors in addresses, or the withdrawal of a number of voter cards deposited with the municipality by a single person cannot invalidate the voting process, provided it is established that they did not have a significant impact on it. The Constitutional Council also held that the failure to distribute voter cards does not constitute grounds for annulling

the election results, as long as no fraud or manipulation on the part of the administration has been proven. (Sana, 2014/2015, p. 37)

In Algeria, regarding judicial oversight of the voter card preparation and distribution process, the Algerian legislature has not subjected the delivery of voter cards to judicial review to ensure compliance with electoral laws. The existence of legal provisions detailing the procedures for appealing the non-delivery of voter cards, or any delays in their delivery, would instill confidence in all parties involved in the electoral process (voters and candidates) and simultaneously enhance the credibility and fairness of the electoral procedures. This is similar to the process for challenging illegal registration and deletion processes, which is initially pursued through the administrative appeal mechanism.

4. CONCLUSION

The existence of a fair and transparent electoral register or electoral list is the foundation for exercising the democratic right to vote. Maintaining the accuracy of electoral lists and ensuring their periodic updating is a fundamental pillar of democratic development. Registration on the electoral lists entails issuing the concerned individual with a voter card as essential proof of their registration. Furthermore, copies of the electoral lists are deposited with the competent judicial authorities, and citizens—individuals, political parties, and civil society organizations are made available to them, thus upholding the principle of electoral transparency.

Registration on the electoral roll grants registered voters the right to exercise their right to vote. However, registration does not create this right; rather, it merely confirms it, as it is legal evidence that the registered voter meets all the necessary conditions to be a member of the electorate. Therefore, some countries, including Algeria, allow registered voters to cast their ballots even without a voter registration card, provided their identities have been verified, since their presence on the electoral roll signifies their eligibility to vote.

The voter card proves to its holder that they are registered on the

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electoral roll, and by presenting it at the polling station, they can vote. The voter card is considered a precautionary measure to ensure the integrity of the elections, which necessitates that its delivery and distribution be subject to oversight due to its importance to the safety and integrity of the vote. Therefore, to achieve the purpose of the election, the process of delivering the voter card must be subject to judicial supervision.

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