Independent National Elections Authority: Composition and Competences.

السلطة الوطنية المستقلة للانتخابات: التشكيلة والاختصاصات.

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Abstract *:*

Elections play a major part in incorporating the people in the exercise of power by allowing them to freely choose their representatives. Their openness and transparency have become an essential component of contemporary democracy. However, in Algeria, the Independent National *Authority for the Supervision of Elections* was first established by Organic Law 19/07 in response to public *protests*, *the aspirations of the political class and the opposition for democratic and fair elections,* this *Authority* failure to guarantee *the* integrity and transparency of all electoral processes. *This new authority was tasked with managing and overseeing the electoral process, replacing the administration that had handled these processes since independence. This was formalized through Order 21/01, which introduced the new Organic Electoral Law and organized the authority through its first section, all aimed at ensuring fair elections that truly reflect democracy.*

Keywords*: Election-impartiality- independence- national authority.*

الملخـــص :

تؤدي الانتخابات دورا أساسيا في إشراك الشعب في ممارسة السلطة من خلال اختيار ممثليه بكل حرية كما أن نزاهتها وشفافيتها أصبح عنوانا للديمقراطية الحديثة. لكن في الجزائر وبعد فشل الادارة والهيئة العليا المستقلة لمراقبة الانتخابات في تأطير كل المواعيد الانتخابية بالنزاهة والشفافية المطلوبة وتحت ضغط الحراك الشعبي وتطلعاته وطموحات الطبقة السياسة والمعارضة إلى انتخابات ديمقراطية ونزيهة،تم ولأول مرة في الجزائر استحداث السلطة الوطنية المستقلة لمراقبة الانتخابات بموجب القانون العضوي07/19 وأوكل إليها إدارة العملية الانتخابية ومراقبتها كبديل عن الإدارة التي تولت هذه العملية منذ الاستقلال ،ليلغى بموجب الأمر01/21 المتضمن القانون العضوي للانتخابات والذي نظم هذه السلطة من خلال الباب الأول منه، كل ذلك من أجل ضمان انتخابات نزيهة تعبر عن الديمقراطية الحقة.

الكلمات المفتاحية :الانتخابات ، السلطة الوطنية ، الاستقلال ، الحياد.

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1. *Introduction*

Elections are one of the cornerstones of a sound democracy, upon which all modern states are founded. They serve as a means of delegating power, enabling citizens to exercise their political and civil rights. Elections also work to involve the people in the process of political decision-making. Through elections, citizens select their representatives to manage public affairs at both the national and local levels. This is particularly emphasized in Article 21 of the Universal Declaration of Human Rights of 1947 (the Global Declaration of Human Rights,) However, This can only be accomplished by giving the electoral process to impartial, independent, and credible organizations that ensure the transparency of the legislative, presidential, and local electoral processes at all levels.

Algeria previously relied on the administration itself to oversee elections. Then, it began involving other parties, albeit on a limited scale, through the creation of the National Election Commission, established by Presidential Decree No. 12/68 (Official Journal No. 6.) under the 2016 constitutional amendment (Article 193 and Article 194). This responsibility was later transferred to the High Independent Electoral Authority and finally to the Independent National Elections Authority; The latter was created by Head of State Abdelkader Bensalah based on the Council of State's opinion, Parliament's approval, the Constitutional Council's opinion, and the National Dialogue and Mediation Commission's report. This shift occurred after a crisis of trust between the state and the citizens, leading to a major rupture in this relationship, which led to the declaration of the popular movement (Hirak) and a boycott of the presidential elections. on February 22, 2019. This date became a pivotal point in Algeria’s democratic transition.

This body emerged in very specific circumstances that the nation has passed through ;particularly in the wake of the political crisis and the administration's lack of impartiality throughout the election process ;from the verification of the electoral lists to announcing the results, the administration had total control over the election process, and there was extensive fraud, manipulation, and falsification of the results, and tampering with electoral outcomes All of this led the legislator to amend the Organic Election Law 16/10 with Organic Law 19/08, and the enactment of Organic Law 19/07 (Official Journal No. 55.), which established the Independent National Elections Authorityand gave it responsibility for organising, supervising and monitoring elections at all stages, and monitoring elections in all its stages, ensuring the complete neutrality of the administration in this particular area, marking a first of its kind in Algeria since independence.

Algeria adopted this approach, similar to other Arab legislations, such as the High Independent Electoral Commission in Tunisia as per the 2014 Constitution, and the National Electoral Commission in Egypt .

We followed both the descriptive and analytical approches, by analysing the latest legal texts, specifically those outlined in Ordinance No. 21/01 (Official Journal No. 17) dated March 10, 2021, which included the Organic Law relate to the electoral system, and which made Organic Law 16/10 expired .

The problematic can be formulated like this: **What are the powers assigned to the Independent National Electoral Authority to achieve the integrity of the electoral process?**

To answer this question, we have divided our research as follows:

1.The legal status of the Independent National Election Authority.
2. The Independent National Election Authority's structure and membership.
3. The competences of the Independent National Election Authority.

1.The legal status of the Independent National Election Authority.

The Independent National Electoral Authority is a new mechanism created by Organic Law No. 19/07 as part of the political reform and democratic transition taking place in Algeria . In order to ensure the integrity and transparency of the electoral process, it has been granted the authority that was initially granted to the Ministry of the Interior to oversee elections ; This responsibility had existed since independence until the the above organic law was adopted.

The establishmente of an autonomous national electoral body constitutes an exceptional guarantee in Algeria(Issam, Hwadek 2020, p440) ; which, in accordance with Article 7 of Decree 21/01, is in charge of planning,organizing, coordinating, and managing all electoral and referendum operations. Additionally, Its responsibility is to guarantee that citizens have all the requirements needed to exercise their right to vote, regularly and transparently.(Article 14 of Ordinance 21/01.).

It is a permanent body that does not cease to exist with the termination of the electoral process, and its headquarters is located in Algiers. However, in cases of necessity, it can be relocated to any other place (Article 9 of Ordinance 21/01.). It manages all elections and referendums, and it started its work for the first time by overseeing the presidential elections held on12 December, 2019.

This independent authority was constitutionally created in accordance with Article 202 of the 2020 Constitutional Amendment. The Algerian legislator's declaration of this authority's constitutionality demonstrates the political will and desire to conduct fair and transparent elections, which brings comfort to citizens when casting their votes, free from any coercion or influence. It also strengthens their confidence in the new democratic state through an independent body with a constitutional reference.

The Algerian legislator did not provide a clear and explicit definition of the National Independent Election Authority, leaving this to legal doctrine. The legislator's task is not to provide definitions; however, by examining Article 8 of Order 21/01, It can be said that the legislator has recognised the independence of the this authority by granting it both financial and administrative autonomy. Therefore, it aligns closely with the legal system of independent administrative authorities, which already are a new method in the state's institutional structure, inspired by the Western model. Algeria answered to the effects of economic globalization by implementing this strategy.

If this body appears as an independent authority, It has acquired the privileges of a public authority with absolute powers to implement and deepen constitutional democracy and improve the electoral system, leading to a peaceful and democratic transfer of power that respects the principle of popular sovereignty by working to achieve free, transparent, pluralistic and fair elections that reflect the true will and choice of the people. It has been entrusted with the task of supervising the proper conduct of the electoral process in good conditions at all its stages, ensuring the integrity of the electoral process on the one hand and guaranteeing fairness and transparency on the other, while maintaining complete neutrality.(Issam, Hwadek, p433).

It can be said that the Independent National Election Authority is a new mechanism that embodies one of the forms of independent administrative authorities, entrusted with managing and monitoring free and fair elections , which have become the legitimate means to access power, and the aspiration of all peoples who have suffered the ravages of colonialism, and the slogan of all contemporary political systems(Chellai, Ben Salem , & Hashi, 2020) ; However, this does not indicate that the administration has completely left this domain, as the pertinent public authorities are still required to give the Independent Authority the assistance it needs to perform its duties and responsibilities and to provide it with any information or documents it deems necessary for the fulfilment of these tasks ; in accordance with Article 203 of the 2020 constitutional amendment ; The success of this authority is closely tied to

understanding the details of the political and administrative reality, and administrative entities must be engaged as strategic partners in the electoral process ; It would be difficult for it to face the electoral process alone with all its details and complexities.

Therefore, it works in conjunction with other relevant public authorities in order to implement security measures. The implementation of these measures is of paramount importance in ensuring the smooth conduct of electoral and referendum processes, as stipulated in Article 13of Ordinance 21/01.

2.1 Administrative Independence:

It is not possible to discuss the impartiality (or neutrality) of the Independent National Election Authority without also considering independence, which is a basic condition for guaranteeing the electoral process's integrity and transparency. In this situation, the idea of independence is crucial.; it means that the election authority is not subject to the influence or control of any entity, including the executive branch. In other words, it must be free from any influences that could compromise the integrity and credibility of the elections (Benini, 2005/2006 ,p1).

According to the Article 8 of Order 21/01 ;the legislator has granted the Independent National Election Authority administrative independence (Article 2 of Law 19/07, previously). Some of the most prominent manifestations of this independence include:

- In contrast to the High Independent Electoral Monitoring Authority, the Independent National Election Authority acquires legal personality, which was established in the 2016 Constitutional Amendment (Article 194). This results in financial autonomy and the ability to acquire rights, assume obligations, have legal standing in court, and represent and defend itself in court, in accordance with the provisions of Article 50 of the Civil Code.
- The authority has the right to make decisions on matters within its jurisdiction, which must be communicated to the relevant parties by any means. It can also use public force to enforce its decisions, in accordance with the prevailing laws and regulations (Kadour, 2020,p11) . Strict penalties are imposed on anyone who obstructs, delays, or intentionally refuses to implement the decisions of the Independent Authority, including imprisonment for six months to three years and fines ranging from 30,000 DZD to 50,000 DZD, according

to the provisions of Article 276, which classifies such actions as electoral crimes.

- It prepares its internal regulations and publishes them in the official publication of the Independent Authority. (Article 47 of Ordinance 21/01)
- It is composed of administrative bodies and services that help manage and oversee the electoral process efficiently. The Independent Authority has a General Secretariat responsible for administrative and technical management. (Article 22 of Ordinance 21/01.)
- The president of the republic nominates the president and members of the National Independent Authority for Elections for a single, six-year, non-renewable term., and they are not elected according to Article 201 of the 2020 constitutional amendment. This is also in accordance with Articles 21 and 27 of Ordinance 21/01, which weakens the independence of this authority and makes it dependent on the appointed power. This poses a serious challenge to Algeria's electoral governance, neutrality, and transparency, particularly since the legislator had recently depended on election as a first-time precedent in Organic Law 19/07, only to later reverse this crucial decision.
- The independence of the members of the Independent Authority is guaranteed by the collective formation on which it is founded

.*2.2 Financial Independence:*

In order to maintain the integrity of the electoral process, a number of oversight and supervision mechanisms have been established in Algeria's electoral system since the country's introduction of political pluralism. However, each time, criticisms have been raised regarding the lack of administrative and financial independence, which undermines its neutrality (Article 28 of Ordinance 21/01.). This issue was addressed by the legislator by granting the Independent National Election Authority financial independence under Article 8 of Order 21/01. To guarantee the efficient operation of this Authority, the legislator instituted a series of financial constraints. The authority is provided with its own budget, which specifies the allocation of expenses, conditions, and methods for executing them in accordance with the applicable laws and regulations.

The Independent Authority is the only organisation authorised to oversee financial records and accounts in accordance with public accounting regulations. Financial management is entrusted to an appointed accountant in accordance with the applicable legislation (Slimani, 2020,15). The legislator distinguished

between the amount allocated for the operations of the Independent Authority and the budget designated for elections. The authority is tasked with formulating, allocating, and overseeing the effective implementation of the latter, in collaboration with the pertinent services.(Article 17 of Ordinance 21/01).

This system is established for two primary objectives to provide the necessary control of the authority's financial status and expenditures, which are the responsibility of the head of the Independent Authority as the authorising officer. Firstly, to ensure the rationalisation of spending, and secondly, to oversee financial matters and expenditures The accounts and financial reports of the Independent National Election Authority are subject to post-audit by the Court of Accounts, which is responsible for supervising public finances and ensuring adherence to public accounting rules.

3. The Independent National Election Authority's structure and membership.

The Independent Authority has been established pursuant to the requirements outlined in Article 19 of Order 21/01. It comprises two distinct bodies: the President of the Independent Authority, who carries out the duties of the authority, and the Independent Authority Council, which engages in deliberative activities. The Authority was once composed of a council and an office.It also has extensions at the municipality level and representatives outside.

3.1 the Council of the Independent Authority.

The Independent Authority's council serves as its deliberative body. According to Article 21 of Order 21/01, the legislature specified the council's membership, which consists of 20 members chosen by the president of the republic from among independent individuals, including one representative from the Algerian diaspora living abroad. The duration of the term is six years and is non-renewable.

After the legislator first introduced a diverse composition for the Independent National Authority Council in Algeria, consisting of fifty members elected rather than appointed, under Article 26 of Organic Law 19/07, he later reversed this crucial decision, The members of the Independent authority Council are now chosen by the President of the Republic, signifying a degree of dependence on the executive authority. whereas the legislator was expected to clarify how members of this council would be elected by what he called 'peers'.,This change constitutes a clear violation of this authority's independence.

It also reduced the number of members from 50 to 20, who will be appointed by independent persons, with one member representing the Algerian community abroad, whereas previously there were two members representing this community. The term of office is six years, non-renewable, as stated in Article 21 mentioned above. However, the criteria for appointing these independent figures were not clarified, nor was any basis provided for calling them 'independent'. Furthermore, the element of diversity in the composition of this council was neglected, unlike what was stated in Organic Law 19/07, which had formed the council from a diverse group including civil society experts, university professors, judges, and legal professionals.

Among the most important conditions that must be met by a member of the Independent National Electoral Authority, as outlined in Article 40 of Ordinance 21/01, are the following:

- It is a condition that the person is registered on the electoral voting-list.
- They must not hold a high-ranking position in the state.
- They must not be a member of any local people's council or parliament.
- They must be recognized for their competence, integrity, experience, and neutrality.
- They must not have been a member of a political party during the five years prior to their appointment.
- They must not have been convicted of a felony or misdemeanor resulting in a custodial sentence, and must not have been rehabilitated, except for unintentional misdemeanors.
- They must not have been convicted of electoral fraud. An Independent Authority member must submit a sworn statement confirming the fulfillment of the conditions listed above and their commitment to adhering to them.".

It is noted that the legislator included the elements of competence and integrity as key criteria for membership in this authority. Additionally, the legislator emphasized the exclusion of membership in elected local councils or Parliament, in both chambers, as well as holding senior state positions. This highlights the intention to impart neutrality, integrity, and transparency to this authority, drawing lessons from Algeria’s past experiences.

The legislator has granted the Independent Authority Council, as an important deliberative body, the following powers (Article 26 of Ordinance 21/01) :

-The meeting's agenda contained the adoption of the Independent Authority's work plan, as defined by its president.

-The establishment of lists for members of regional and municipal delegations, as well as delegations to diplomatic and consular missions abroad.

-The commission will receive the presidential candidate files, in line with the terms of Article 121, paragraph 3.

-The establishment of an equitable and impartial program, including strategies for the use of national audiovisual media during electoral and referendum campaigns, the allocation of meeting locations, and the use of specified publicity spaces.

-Acceptance of appeals and complaints concerning election and referendum procedures.

-Approval of the campaign finance monitoring committee's report for the election and referendum campaigns is to be approved.

- The head of the Independent Authority must present a report on election and referendum activities.

- The budget and internal rules of the Independent Authority's employees must also be approved.

- Expressing an opinion on any draft laws or regulations related to elections.

-The commission is also responsible for the formulation of the Code of Ethics for electoral activities and for the distribution of this document to all participants in the election process.

Its internal regulations are created by the Independent Authority Council and then published in the Independent Authority's official journal. The Council assembles at the request of its president or upon the demand of two-thirds of its members (Articles 22 and 23 of Ordinance 21/01.

The Council's decisions are made by majority vote, and in the case of a tie, the president's vote serves as the decider. The minutes of these sessions are carefully recorded in a numbered and indexed register, signed by the president of the Independent Authority, and maintained in compliance with current

legislation. The published minutes are included in the official journal of the Independent Authority, in accordance with Article 25 of Ordinance 21/01.

3.2 .President of the Independent Authority:

The president of the Independent Authority is designated by the President of the Republic for a non-renewable term of six years, in accordance with Article 27 of Ordinance 21/01. This is in contrast to Article 32 of Organic Law 19/07, which said that the Independent Authority Council's members take the authority's president by a majority vote at its first meeting, with the youngest candidate prevailing in the event of a tie.

It seems that the legislator's previously emphasised independence appears to have been weakened as he seems to have changed his decision about choosing the president of this body and verified the selection by the head of the executive Authority. Moreover, the implementation of a currently absent term restriction is important.

The President of the Independent Authority is tasked with the following responsibilities (Article 30 of Ordinance 21/01.) :

1. Guiding the council's debates and decisions, making sure they are carried out with the highest integrity and in conformity with accepted norms.

2. Convenes and presides over meetings of the council.

3. Managing and organising the council's activities.

4.Representing the Independent Authority to various governmental institutions and other participants in the election process.

5. The Independent Authority shall have the power to represent itself in court concerning all civil and administrative questions.

6.The nomination of members to provincial and municipal delegations, as well as to diplomatic and consular missions overseas, is conducted in line with the council's discussions.

7. The mobilisation of members from provincial and municipal delegations, together with those in diplomatic and consular missions abroad, occurs during

election and referendum activities, as well as during the examination of electoral lists, with deployment taking place both nationally and internationally.

8. The appointment and assignment of supervisors for polling stations and offices is also a matter within the council's remit.

9.The organisation is also responsible for coordinating with the relevant authorities the operations related to international election observation missions, their reception, deployment, and accompaniment.

10. The provisional results of the presidential and legislative elections, as well as the referendum results, will be announced, subject to Article 186 of this organic law.

11. The preparation of a report on electoral and referendum operations is also required, which is to be published following council approval.

12. Serving as the Independent Authority's budget authorising officer .

13. Nominating and dismissing the Secretary-General, the administrative and technical staff of the Independent Authority, and executing all presidential authorities related to the administrative and technical personnel operating under the jurisdiction of the Independent Authority.

16. Signing the minutes of the deliberations and decisions of the independent authority and ensuring their notification and follow-up of their implementation.

The President establishes the membership of the provincial and local delegations for each electoral council by decree. The delegations exercise their designated functions within their separate jurisdictions under the authority of the President of the Independent Authority. Likewise, the President establishes the makeup of delegations in diplomatic and consular missions abroad.(Articles 36, 37, and 39 of Ordinance 21/01.) .

In municipalities where logistical issues, like the dispersion of the population and the remoteness of the polling stations, make it impossible to hold the polling on the actual day of the election, the President of the Independent Authority may, upon request from the coordinator of the provincial delegation, decide to move the polling opening forward by up to 72 hours. This judgement is issued immediately and disseminated by all appropriate means. (Article 132, Paragraph 2 of Ordinance 21/01.)

Furthermore, the President, via decision and in collaboration with diplomatic and consular posts and pertinent delegations, may expedite the commencement of voting by 120 hours. In extraordinary circumstances, the President may prolong the voting centre closure time at the request of the local delegation coordinator, ensuring it does not surpass 20:00 hours.

Besides these legislative powers, the President of the Independent Authority is authorised to take all necessary measures to guarantee the seamless conduct of elections and referendums, the integrity, transparency, and precision of their outcomes, and their adherence to legislative and regulation requirements. (Article 31 of Ordinance 21/01).

3. The extension of the independent authority at the local level and of the diplomatic and consular representations abroad:

The Independent National Electoral Authority is mostly composed of local delegations at the province and municipal levels, along with diplomatic and consular missions abroad. These delegates play a crucial role in maintaining the openness and integrity of the election process through monitoring and compliance.(Chellai, Ben Salem , & Hashi, 2020,p212).

Provincial delegates, assisted by municipal delegations, make up the local branches of the Independent Authority (Article 32 of Decree 21/01). The provincial delegations consist of 3 to 15 members, considering the number of municipalities and the electorate's distribution., in accordance with Article 33 of Decree 21/01. The provincial delegation's composition is established by a decision by the President of the Independent Authority, contingent upon confirmation from its Council. It directly replaces the administrative electoral commissions responsible for preparing and verifying the electoral lists, in accordance with the previous electoral law of 16/10. it is headed by a provincial coordinator who reports to the President of the Independent Authority. (Article 35 of Decree 21/01.)

In addition, the municipal delegation is headed by a municipal coordinator who carries out its tasks in coordination with the corresponding provincial delegation ,the President determines the members of the provincial and municipal delegations for each electoral consultation. (article 36 of Decree 21/01).

Provincial, municipal, diplomatic, and consular delegations, operating under the President of the Independent Authority, execute the functions conferred upon

the Independent Authority within their respective electoral regions.. (articles 37 and 39 of decree 21/01).

It is essential to recognise the importance of the responsibilities given to the members of this Authority ; This aims to protect the election process, uphold its integrity, and guarantee transparency.; the Algerian legislator has provided protection for these individuals while performing their duties. They are required to uphold impartiality, neutrality, and independence in performing their roles (Article 277 of Ordinance 21/01.) ; The sanctions outlined in Article 144 of the Penal Code apply to anybody who verbally abuses members of this Authority while they are doing their duties. (Article 46 of Decree No. 21/01).

In order To guarantee the impartiality of the Independent Authority's members, the legislator mandates that the President and members of the Independent Authority take an oath before the appropriate Judicial Council. Additionally, members of delegations to diplomatic and consular missions abroad must swear their oaths before the heads of their respective missions, in accordance with Article 43 of Ordinance 21/01.

4. The competences of the Independent National Electoral Authority :

The responsibilities relate to the duties that the independent authority assumed before, during and after the electoral process. This authority takes on various responsibilities from the call for voters to the announcement of preliminary results, as outlined in Article 10 of Ordinance 21/01. The responsibilities include:

- Keeping the national electoral roll, municipal electoral rolls, and listings of national communities of immigrants abroad open and updated.
- Preparing and distributing voter cards to their rightful owners.
- Supervising all electoral and referendum operations.
- Providing the necessary election and referendum documentation and equipment.
- Accrediting candidate representatives to monitor voting processes inside voting centers and polling stations.
- Coordinating with relevant entities for international election observation missions, welcoming, deploying, and accompanying observers.
- Guaranteeing the safeguarding of personal data for voters and candidates in compliance with existing legislation
- Promoting voter awareness and fostering an election culture.

- Training and enhancing the performance of election officials and operators.
- Engage with research centres and institutes to promote research in the field of elections.

The Independent Authority tells the political parties which participated in the elections and the candidates or their legal representatives of any infractions detected during the several phases of the electoral process.. The parties are required to deal with these violations immediately, within the deadlines set by the Independent Authority, and to inform it in writing of the measures taken (Article 48 of Ordinance 21/01. . The authority also informs the Audiovisual Regulatory Authority to take necessary actions in case of violations related to audiovisual regulations (Article 53, Paragraph 2 of Ordinance 21/01)

Regarding the pre-election phase, the Independent Authority announces the opening and closing periods for updating electoral lists and ensures that these lists are periodically reviewed for every election or referendum in line with current laws (Article 63 of Decree 21/01.) In each municipality, a municipal committee reviews the lists under the authority's control. The definitive list of committee members is established by a decision by the head of the authority.(art. 65 of decree 21/01). This list is then publicly announced through appropriate means (Article 70 of Ordinance 21/01.).

The Independent Authority is also required to make the municipal electoral list or the lists of diplomatic and consular centres abroad available to the legally competent representatives of the participating political parties and independent candidates, while making sure that no personal information is revealed. ; A copy of these lists is submitted to the Constitutional Court (Article 251 of Ordinance 21/01.) .

In addition, the law gives the Independent Authority responsibility for receiving presidential candidacy files within 40 days following the presidential decree calling for the election (Article 116 of Ordinance 21/01.) and to determine the legality of these candidatures within a maximum of seven days from the submission date.

One important measure taken by the legislature to guarantee transparency in the election process is the supervision of electoral campaign finance by a neutral entity via the formation of a monitoring committee ; According to Article 115, candidates are required to submit their campaign (Article 311 of Ordinance 21/01.) accounts within two months after the announcement of final results.

Failure to do so results in fines ranging from 400,000 DZD to 800,000 DZD, and disqualification from voting or running for office for up to 5 years.

The Independent Authority is also responsible for overseeing the locations for posting campaign posters, ensuring an equal distribution across electoral districts, and prohibiting other forms of public advertisement outside designated areas, as specified in Article 82 of Ordinance 21/01. The independent authority offers periods of time to candidates in the audiovisual sector. It collaborates with the audiovisual regulatory authorities to guarantee equitable media access for candidates in local, legislative or presidential elections, with the aim of ensuring that all candidates have access to the media, in accordance with current laws and regulations. The allocation of these seats is determined by the importance of the political parties or groups supporting the candidates, in accordance with Article 77 of Decree 21/01.

During the voting phase, the law mandates that voting operations be carried out under the responsibility of polling station members, supervised by the Independent Authority(Article 126 of Decree 21/01.. Candidate representatives are permitted to observe the electoral process, including the voting and ballot counting processes, and to receive copies of the count reports. A certified copy of the report is to be provided without delay to legally qualified representatives of candidates or lists of candidates. who acknowledge receipt with a signed receipt, and It is evident that the document has been officially certified on each page.

As stipulated in Rule 154 of Ordinance No. 21/01, The Voting Bureau's president must give a copy of the aforementioned record to the independent authority's representative in return for the original.

The legislature has entrusted the supervision of the voting process to an independent authority,the purpose is to guarantee that any form of fraudulent activity is prevented from having any influence over the views of the electorate.It was also allowed to receive any petition or protest related to the electoral process from parties, candidates or voters.Moreover, the independent authority was furnished with significant powers to extend its post-suffrage control, with the task of announcing the preliminary results of the elections. Furthermore, detailed reports are to be compiled on each electoral process.

Given the powers of the independent authority, its work has become more extensive and rooted in the electoral process, particularly as it has been directly engaged in election controversies and has assumed the role of the primary and final authority in the administration of the electoral process.

5. *CONCLUSION*:

The creation of the National Independent Authority for Elections was accompanied by the delegation of its mission to plan, manage, and supervise the electoral process completely, with the crucial caveat that it should be independent of the executive authority, marks a significant development in Algeria's history since independence. This measure is a concrete accomplishment of guaranteeing the integrity and transparency of the democratic process.,It is a real step forward for the democratic transition and the peaceful transfer of power, ultimately leading to the legitimacy and credibility of the electoral process, free from manipulation, fraud, or deviation particularly in light of the deep divide that had emerged between the state and its citizens.

It can be said that the creation of this authority in its current form was the result of popular pressure to guarantee fair elections that respect both voters and candidates. This was a core demand of the popular movement (Hirak) that laid the groundwork for a qualitative leap in Algeria's democracy, as well as a demand of the opposition.

The Algerian legislature adopted the concept of creating a neutral and autonomous organisation ; to oversee elections to implement a modern and rational electoral system, following the example of countries that have made significant strides in democracy. This investigation has identified several deficiencies and inconsistencies. The connection between the National Independent Authority for Elections and public authorities is ambiguous, needing the development of systems and rules for their interactions. Additionally, the criteria for classifying the independent figures forming the Authority's council were not defined. The legislator also overturned the election of the body's president and members, which is one of the most important foundations sustaining its independence. This was supplanted by nominations made by the President of the Republic, aligning the Authority with the appointing authority, so substantially compromising its legitimacy and professed neutrality.

In conclusion, the Authority must demonstrate its competence through effective management and stringent oversight of the electoral process, despite its

complexities. It should strive to earn the trust of citizens by reflecting their choices and ensuring the enforcement of electoral laws. Moreover, it should guarantee equal opportunities for all segments of the political spectrum and treat them on an equal footing.

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- Presidential Decree No. 12/68 dated February 11, 2012, which defines the organization and operation of the National Committee for Monitoring Elections, Official Journal No. 6.