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The Right to Vote in Algerian Legislation

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Abstract:

Following the 2020 constitutional amendment and the accompanying organic laws, the exercise of the Algerian citizen's right to vote has undergone a profound transformation. By removing administrative authorities from all stages of the electoral process and transferring full operational authority to the Independent National Authority for Elections-covering voter registration, the maintenance of electoral lists, and the provisional proclamation of results-the electoral system achieved substantive independence from the executive administration. This institutional autonomy ensures that electoral outcomes genuinely reflect a legitimate transfer of authority from the people, the true holders of sovereignty. Consequently, each ballot cast directly contributes to selecting the candidate or party preferred by the voter, thereby enhancing both the status of the voter and the value of the electoral vote.

Keywords: *elections; voter; Independent National Authority for Elections; secret ballot; counting record.*

Introduction:

The right to vote is one of the most significant political rights, as it embodies the principle of popular sovereignty and reinforces citizens' participation in shaping public decision-making and establishing the foundations of democratic governance. As citizen participation in political life expands, the degree of democracy within the state correspondingly deepens. Recognizing the centrality of this right, the Algerian legislator has devoted particular attention to regulating it, viewing it as the principal means by which citizens articulate their will in choosing their representatives within elected bodies and ensuring the renewal of the state's political legitimacy and institutional continuity.

Given its importance, the legislator has set out detailed rules and procedures governing the exercise of this right and has established a series of guarantees that accompany both the act of voting on election

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day and the subsequent handling of ballots until results are officially proclaimed, accepted, and implemented.

This raises two central questions: ***To what extent has the Algerian legislator succeeded in establishing an integrated legal framework for the right to vote? And how effective are the legal guarantees designed to protect the citizen's ability to exercise this fundamental political right?***

To address these questions, the study adopts a descriptive-analytical method through examining and analysing the relevant legislative texts. The topic is explored through three thematic axes:

- First Chapter: The theoretical framework of the right to vote.

- Second Chapter: The legal conditions required of the Algerian voter.

- Third Chapter: The legal guarantees ensuring the effective exercise of the right to vote.

Chapter One: The Theoretical Framework of the Right to Vote:

A number of doctrinal approaches have emerged regarding the legal characterization of voting, influenced by the theories of national sovereignty and popular sovereignty that gained prominence during the French Revolution. As a result, some jurists classify voting as a personal right, others as a function, while a third group perceives it as both. Most contemporary scholars, however, conceptualize it as a legal authority (First). These divergent perspectives shaped two distinct electoral philosophies: systems influenced by national sovereignty tended to impose numerous conditions and restrictions that narrowed the electorate, whereas those inspired by popular sovereignty expanded access to voting by limiting such conditions to the minimum (Second).

First: Doctrinal Approaches to the Legal Characterization of Voting:

Jurists have long debated the legal nature of voting. The principal positions can be outlined as follows: [1]

I- Voting as a Personal Right:

This view holds that voting is an inherent or personal right enjoyed by all citizens as one of their natural rights-a right that cannot be withdrawn because it stems from membership in the political community.

According to this approach:

- The right is inviolable, as it constitutes a natural entitlement arising from citizenship.

- Its exercise is voluntary rather than mandatory; thus, the legislator cannot compel individuals to vote or penalize abstention.

II- Voting as a Function:

Under this view, voting is not a right but a public function performed by citizens as members of the sovereign nation. Consequently, it may be legitimately restricted to individuals who meet particular qualifications or guarantees deemed necessary for representing the nation.

The implications of this characterization include:

Since voting is considered a public function or service, legislators may establish conditions that restrict participation to individuals deemed capable of fulfilling this function. Voting becomes compulsory rather than optional, and abstention may be subject to penalty.

This perspective views individuals as performing a public service on behalf of the nation, thereby justifying the imposition of voter qualifications and the possibility of mandatory participation.

III- Voting as Both a Right and a Function:

Proponents of this hybrid view argue that voting is initially an individual right but ultimately becomes a duty. The transformation does not occur simultaneously; it unfolds progressively. The act of voting begins as a right and, through the imposition of specific conditions and responsibilities, evolves into a function or obligation.

Thus, according to this view, voting starts as a right and culminates as a function.

IV- Voting as a Legal Authority:

Most contemporary jurists contend that voting is neither a right nor a function in the strict sense, but rather a legal authority conferred upon citizens by statutory provisions-namely electoral legislation-which defines its scope and modalities of exercise for all citizens without discrimination, in pursuit of the public interest.

Characterizing voting as a legal authority also justifies the legislator's power to amend the electoral system whenever required by the public interest. This reasoning has led the majority of constitutional law scholars to endorse this approach.

Second: Types of Voting:

Drawing on the doctrinal approaches outlined earlier, two principal forms of voting may be distinguished: systems that restrict the

electorate through numerous qualifications and limitations (I), and systems that broaden access by minimizing such conditions (II).

I- Restricted Voting:

Restricted voting refers to electoral systems in which not all citizens are entitled to participate. Eligibility is conditional upon meeting certain financial, educational, or other qualifications. Examples historically include:(2)

1- Restricting Voting on the Basis of Financial Capacity: *This model links the right to vote to a prescribed level of wealth. Voters may be required to own, possess, or occupy property generating a minimum income, or to pay taxes above a specified threshold. Such systems existed in earlier political regimes, including France in 1791, 1814, 1831, and 1848.(3)*

Proponents of this model advanced several arguments:

- That financial qualifications ensure seriousness and responsibility in electoral participation;

- That persons of substantial means are presumed to possess a certain level of education;

- That fairness requires a financial threshold, since the wealthy bear the greatest share of public expenditures.(4)

However, these restrictions were gradually abolished following the adoption of the Universal Declaration of Human Rights, which affirmed equality in civil and political rights.

2- Restricting Voting by Educational Qualification: *This model limits voting rights to individuals who have attained a specified level of education-such as holding a particular academic certificate or completing a defined stage of schooling. For instance, under the 1930 Egyptian Constitution, holders of a primary school certificate (or its equivalent) were exempted from the financial qualification otherwise required.(5)*

II- Universal Suffrage:

Universal suffrage designates the system in which all citizens who meet the general statutory conditions may participate in elections, without discrimination based on financial status, education, or similar criteria. It rests on two foundational principles: generality and equality.

1- Generality of Suffrage: *This principle requires the recognition of voting rights for all citizens who have reached the legally defined voting age, without discrimination on the basis of gender.(6)*

2- Equality in Elections: *Equality demands that each voter possess an equal vote and that electoral constituencies-whether legislative or local-be structured so that representation corresponds proportionally to the number of voters. This proportionality must be respected across all constituencies.*

Achieving this requires:

- accurate preparation of electoral registers to ensure the inclusion of all eligible citizens and the exclusion of ineligible individuals;
- transparency and rigor in electoral procedures to prevent manipulation or fraud.

Chapter Two: Legal Conditions Required of the Algerian Voter:

Given the central role of voting in selecting representatives entrusted with the exercise of political authority, all political systems impose conditions on those entitled to vote. Not every person residing in a state may exercise this right. These requirements do not negate universal suffrage, as they are viewed as organizational controls rather than restrictive limitations. Under Algerian electoral legislation, the exercise of the right to vote is limited to those who Hold Algerian nationality (First); Have reached the age of political majority (Second); Possess mental and moral competence. (Third); May be male or female (Forth).

First- Nationality:

The requirement of nationality confines voting rights to citizens and excludes foreigners. Allowing non-citizens to exercise political rights-particularly voting-would be illogical, as these rights are inseparable from allegiance to the state. Any individual holding Algerian nationality-whether acquired by birth or naturalization-is therefore entitled to vote.

Article 15 of the Algerian Nationality Code stipulates:

"Individual Effects: Anyone who acquires Algerian nationality enjoys all rights attached to Algerian status from the date of acquisition."[7]

Among these rights is the right to vote. Algerian legislation does not differentiate between citizens by birth and naturalized citizens, nor does it require a minimum duration of citizenship before voting rights may be exercised. Article 56 of the 1996 Constitution, as amended in 2020, affirms:

"Every citizen meeting the legal conditions shall have the right to vote and to be elected."

Similarly, Article 50 of the 2021 Electoral Law provides:

"Every Algerian, male or female, is deemed a voter…"[8]

Exclusion arises only in cases of revocation or loss of nationality, as set out in Articles 13, 22, 23, and 24 of the Nationality Code. Foreigners naturally do not enjoy voting rights because they do not possess the allegiance required of citizens.

Second- Age:

Because elections are of paramount importance, modern states give particular attention to the age at which political majority is attained. Children cannot vote because they generally lack the capacity to evaluate candidates or make informed political choices.

The voting age varies from state to state, typically between 18 and 21 years. In some states, the age of political majority corresponds to the age of civil majority; in others, the political majority age is lower or higher.[9]

In Algeria, Article 40(2) of the Civil Code states:

"The age of majority is nineteen (19) full years."

However, Article 50 of the 2021 Electoral Law states:

"Every Algerian, male or female, who has reached eighteen (18) full years on the day of voting is considered a voter."

Thus, the legislator has established a political majority age lower than the civil majority. By doing so, the electorate has been broadened, bringing the political community closer to the social population and thereby reinforcing genuine democratic participation.

Third- Competence (Eligibility):

Constitutional and electoral rules require that voters possess full civil and political capacity, including both mental and moral competence.

a- Mental Competence: *Voters must be mentally and intellectually capable of exercising the right to vote. Individuals born with mental disabilities, those suffering permanent cognitive impairments, or those temporarily deprived of judgment due to illness are excluded. This exclusion may be permanent or temporary, depending on whether the person regains capacity.*[10]

Article 50 of the 2021 Organic Electoral Law prohibits voting by anyone legally declared without capacity under applicable legislation.

b- Moral Competence: *Voters must not have been convicted of crimes affecting honor or public trust-such as theft, bribery, embezzlement, fraudulent bankruptcy, forgery, or breach of trust. Conviction for such offenses generally entails loss of political rights.*

A distinction is made based on the type of offense:

- Felonies usually result in permanent deprivation of political rights;

- Misdemeanors result in temporary deprivation for a stated period;

- Minor offenses do not affect political rights.

According to Article 52 of the 2021 Organic Electoral Law, the following individuals are excluded from electoral registers:

- Those who engaged in conduct hostile to national interests during the National Liberation Revolution;

- Those convicted of a felony without rehabilitation;

- Those convicted of a misdemeanor punishable by imprisonment, with deprivation of voting and candidacy rights for the period set under Articles 9 bis and 14 of the Penal Code;

- Persons declared bankrupt without subsequent rehabilitation;

- Individuals placed under judicial guardianship or trusteeship.

The Public Prosecution notifies the municipal committee responsible for reviewing electoral lists of the individuals concerned. This exclusion may cease if the person is rehabilitated through general amnesty, judicial reinstatement, or termination of guardianship or trusteeship.[11]

Forth- Gender:

Historically, voting rights in early Western societies were limited to men, reflecting entrenched inequalities between the sexes and the predominance of men in political life. At that time, this exclusion was not regarded as a restriction on suffrage but rather as a condition embedded within the framework of what was considered "general" suffrage.

In 1918, the United Kingdom extended suffrage to both men and women, though it set different voting ages-21 for men and 30 for women. This disparity was removed in 1928, when the voting age was unified for both genders, and later further reduced to 18 in 1969. Women's suffrage in the United States was established in 1920, and in France in 1944, eventually spreading to other states, thereby enabling women to participate meaningfully in political life and to assume public office.[12]

The principle of equality between men and women in the exercise of political rights has remained a central concern in international legal instruments. It is affirmed in the 1945 United Nations Charter and the 1948 Universal Declaration of Human Rights, which Algeria ratified by Presidential Decree No. 339/63. Furthermore, Presidential Decree No. 89/66 (13) ratified the 1967 UN Convention on the Elimination of All Forms of Discrimination Against Women, the fourth article of which mandates:

"All appropriate measures shall be taken to ensure that women, on an equal footing with men and without discrimination, enjoy the following rights:

1. The right to vote in all elections and to stand for all bodies elected by universal suffrage.

2. The right to vote in all general referenda.

3. The right to hold public office and perform all public functions. These rights shall be guaranteed through legislation."(14)

Algeria ranks among the states that embraced these developments early, as women were granted the right to vote in the 1962 referendum on self-determination. Since then, Algerian women have continued to hold high-level political and ministerial positions and to serve in national and local representative bodies. Article 50 of the Organic Law on Elections affirms that "every Algerian citizen, male or female, who has reached the age of eighteen (18) on the day of the election, is considered a voter."

Chapter Three: Legal Guarantees Ensuring the Algerian Voter's Exercise of the Right to Vote:

Voting is the principal mechanism of political participation. A political system cannot be deemed democratic solely based on the conduct of general elections; the state must also guarantee that every citizen meeting the organizational conditions of suffrage is effectively included in the electoral lists (First), that electoral competition reflects genuine pluralism giving voters a meaningful choice among candidates (Second), and that robust safeguards protect both the act of voting and the integrity of the vote until results are officially proclaimed and implemented (Third). Without these guarantees, the constitutional provision recognizing the citizen's right to vote would lack effective legal substance.

First- Registration of Voters in the Electoral Lists:

Registration in the electoral lists constitutes a fundamental safeguard, encouraging eligible citizens to present themselves to vote on election day. The legislator obliges the competent authorities to ensure that every individual fulfilling the legal conditions for suffrage is entered into the electoral lists, for several reasons:

1. A citizen entitled to vote must necessarily be entitled to have their name registered in the electoral lists.

2. Registration ensures that citizens perceive themselves as the true holders of sovereignty, as it requires the competent authority to identify and notify all individuals entitled to exercise their civil and political rights, thus defining the composition of the electorate.

3. This obligation narrows the gap between the "political people" and the actual electorate. In states with large populations-such as Algeria and Egypt-a low registration rate undermines the idea that elected officials genuinely embody popular sovereignty and raises questions concerning the legitimacy of state authority.(15)

4. Periodic revision of the electoral lists allows the inclusion of newly eligible voters, expanding participation in elections and enhancing the alignment between the political and social communities.(16)

5. Regular review also enables the removal of individuals who no longer meet the legal conditions for voting, including deceased voters, thereby reducing opportunities for electoral fraud.

In accordance with constitutional provisions and Article 7 of Organic Law No. 21-01 on elections, the Independent National Authority for Elections (ANIE) is responsible for preparing, organizing, managing, and supervising all electoral and referendum processes. Consequently, the preparation and revision of the electoral lists fall within ANIE's jurisdiction, and this process is surrounded by specific safeguards and limitations:

***A- Registration Procedure:** The legislator requires every citizen meeting the legal conditions to submit a request for registration. No individual may be registered in more than one electoral list. Citizens who regain their voting rights following rehabilitation, lifting of guardianship, or amnesty must also be registered. Any individual omitted from the electoral list may file a complaint with the head of the municipal committee responsible for list revision.(17)*

Under Article 51 of the Electoral Law, voters may cast their vote only in the electoral list of their municipality of residence. The municipality of residence is defined as the individual's primary domicile, and in its absence, the ordinary place of residence, in accordance with Article 36 of the Civil Code.

B- In the event of a voter's death: *The municipal authorities of the municipality of residence must immediately remove their name from the electoral list. If the death occurs outside the municipality of residence, the municipality where it occurred must notify the municipality of residence using all legally recognized means, and the latter must then inform ANIE.*[18]

Article 52 of the Electoral Law further provides that the Public Prosecutor shall, at the beginning of each list-revision period, notify the municipal committee of individuals who have lost their civil and political rights, ensuring their exclusion from the electoral lists. This constitutes an essential safeguard against manipulation and fraud.

C- Oversight and Periodic Review: *The preparation and revision of electoral lists-both periodic and event-based-are carried out by a municipal committee under ANIE's supervision.*[19] *Similarly, electoral lists for Algerians residing abroad are prepared and reviewed by committees within each diplomatic or consular district, also under ANIE's authority. This system produces a unified national electoral registry comprising municipal and consular lists, maintained under ANIE's exclusive responsibility and subject to applicable legislative and regulatory provisions.*[20]

Through these procedures, the Algerian legislator has established a framework that separates the electoral list process from ordinary administrative authority, thereby providing a genuine legal safeguard against administrative interference, corruption, or manipulation.

D- Review of Electoral Lists - Ordinary and Exceptional Procedures: *Under Articles 62–65 of the Electoral Law, the Chair of the Independent National Authority for Elections (ANIE) announces the opening and closing of the annual electoral-list review during the last quarter of each year, using all appropriate means of public communication. An exceptional review may also be conducted when the electorate is convened for a specific election by Presidential Decree, which sets the opening and closing dates. For instance, Presidential Decree No. 24-182 of 2 Dhu al-Hijjah 1445 AH (corresponding to 8*

July 2024) summoned the electorate for a preliminary presidential election and provided in Article 2 that:[21]

"The exceptional review of the electoral lists shall commence on Wednesday, 12 June 2024, and conclude on Thursday, 27 June 2024."

It is evident that the legislator has fixed the periods for both ordinary and exceptional reviews, thereby limiting the timeframe during which citizens may request registration on the electoral rolls.

E- A citizen who fails to register: *within the prescribed period may submit a grievance to the Chair of the Municipal Committee for the Review of Electoral Lists or file a substantiated objection seeking the removal of a person improperly registered. However, the timeframe for doing so is extremely short: ten (10) days following the announcement of the end of the ordinary review, and only five (5) days in cases of exceptional review.*

Grievances must be submitted to the Chair of the Municipal Committee-or to the head of the diplomatic mission for citizens residing abroad-and must be decided within a maximum of three (3) days. Parties concerned may appeal within five (5) full days from the date of notification; if no notification is issued, the appeal period extends to eight (8) days from the date of filing the grievance. Appeals are lodged with the registry of the competent ordinary judicial court, or with the ordinary judicial court of Algiers for the Algerian community abroad. The court's decision is final and not subject to further appeal.

The municipal electoral list is kept at the permanent secretariat of the Municipal Committee under ANIE's authority. Every voter may consult the portion of the list that concerns them at any time. The Independent Authority transmits a copy of the lists to the Constitutional Court, and additional copies are deposited with the registry of the competent ordinary judicial court, ANIE headquarters, and the provincial delegation of ANIE.[22]

These precise procedural steps-governing grievances and objections, whether concerning registration or deletion, and placed under ANIE's supervision and judicial oversight-constitute an essential safeguard against falsification or manipulation of the electoral lists.

However, Article 68 of the Electoral Law raises a concern. The short deadlines-ten days for ordinary review and five for exceptional review after the close of the review period-do not provide citizens with a realistic opportunity to register, particularly given work constraints and

personal obligations that may cause them to overlook this process. Such limitations directly affect the completeness and accuracy of the electoral rolls.

In practice, these restrictive deadlines do not merely regulate registration and deletion procedures; they effectively discourage citizens from exercising their political rights. By contrast, in the United States, registration for federal elections is open year-round. Deadlines close at most one month prior to the election, and in a quarter of the states, citizens may even register on election day. Registration procedures are exceptionally simple-an oath may substitute for an identity document-and registration offices operate in public spaces such as libraries, markets, and metro stations. Yet, despite these advantages, half of eligible American voters still abstain from voting.(23)

Second: The Necessity of Voter Choice Among Multiple Candidates:

Because elections inherently involve choosing and comparing among multiple candidates-and therefore among competing political programs-the voter must enjoy full freedom to select the candidate they believe best represents them. Without such comparative choice, the right to vote loses its substance.

This freedom is essential to ensuring that the elected official represents the people and acts on their behalf in exercising state powers, thereby fulfilling the principle of popular sovereignty. This approach was reinforced by the Algerian constitutional legislator in the 1996 Constitution, which established political pluralism and freedom of candidacy. Any Algerian citizen meeting the legal requirements has the right to vote and to stand for election. Organic laws-most recently those enacted in 2021-regulate political parties and elections.(24)

Third: Integrity of the Voting Process and the Announcement of Results:

The integrity of the voting process-including the secrecy of the ballot, counting operations, and the announcement of final results-is among the most essential guarantees for the exercise of the right to vote. Elections can be deemed free and fair only when the following conditions are ensured:

I- Secrecy of the Ballot:

Secrecy requires that the voter cast their ballot in complete privacy, shielded from the public and from members of the polling station.

Because voting is an individual right, secrecy is integral to its exercise. Without secrecy, the right becomes hollow, as public voting would undermine the voter's freedom to choose.

To protect secrecy, (25) Organic Law No. 12-01 provided several mechanisms. Each polling station must contain secure voting booths enabling voters to make their selections privately.(26) Voters must place their ballot papers in opaque, unsealed envelopes and use the standardized ballots supplied by ANIE at all polling stations on election day.(27) The ballot box is transparent, (28) allowing voters to see their ballots deposited in full view of those present.

Additionally, all voters must record their participation by marking their left index finger with indelible ink beside their name on the register kept at each polling station.(29) This ink provides reliable proof in cases of alleged fraud.

II- Voting by Proxy:

Voting is a constitutional right, exercisable either personally or through a proxy. Proxy voting enables citizens who are unable to appear in person to fulfill their civic duty.(30) Many voters may be traveling, away from their registered locality, abroad, ill, elderly, or otherwise unable to attend on election day.(31)

The Algerian legislator has regulated proxy voting for citizens both inside the country and abroad, surrounding it with guarantees to ensure proper exercise of the right.(32) The proxy must possess full civil and political rights and may hold only one authorization. Proxy voting is therefore a genuine guarantee of electoral freedom, allowing voters to express their political choice despite obstacles that may prevent physical presence.

III- Preventing Any Form of Pressure on Voters:

To prevent coercion or influence on voters, the Organic Law grants the polling-station president the authority to maintain order within the polling station. The president may expel any person who disrupts the voting process and must record such actions in a report appended to the counting record. When necessary, they may request the assistance of law-enforcement bodies.

No individual may enter a polling station armed-visibly or concealed-except law-enforcement personnel assigned to election security. Likewise, no one may remain near a polling station except the relevant law-enforcement units.(33)

To protect voters from pressure, inducement, or threats intended to influence their choice, the legislator criminalized these acts, imposing penalties ranging from imprisonment and fines to temporary deprivation of voting and candidacy rights, depending on the seriousness of the offense.

Sanctions apply to anyone who obtains or manipulates votes, compels voters to abstain through false reports, intimidation, threats of job loss, or endangerment of their families or property; who disrupts the functioning of a polling station; who infringes the right or freedom to vote; who prevents a candidate or duly authorized representative from attending the electoral operations; or who damages ballot boxes.

Where threats with weapons, use of force, or a premeditated violent plan are involved, penalties are doubled, without prejudice to more severe penalties under the Penal Code.

If a court issues a conviction under the election law, the election cannot be annulled by the national authority responsible for verifying its integrity unless the judicial ruling directly affects the election result or the penalty arises from the destruction of a ballot box.(34)

VI- Preventing Fraud and Manipulation of Election Results:

To safeguard the integrity of election results, the Algerian Electoral Law establishes multiple mechanisms to protect voters' ballots from fraud and manipulation. These guarantees ensure administrative independence from polling centers and protect votes during both voting and counting phases.

1- Independence of Polling Station Staff from the Administration:

To prevent administrative interference, the Algerian legislator vested the appointment, supervision, and financial management of polling station staff in the Independent National Authority for Elections (ANIE).(35) This body possesses legal personality, administrative and financial independence, and state protection against any external pressure. Its mandate extends from convening the electorate to announcing provisional election results.

The head of ANIE appoints and supervises coordinators and polling station staff, exercises executive authority over all administrative and technical employees under its jurisdiction, and oversees their training and performance. ANIE prepares lists of fixed and mobile polling stations, updates them, and allocates them to the electorate.

If a polling station member is absent on election day, the provincial coordinator ensures continuity by deploying replacement personnel according to pre-established priority lists. All powers of public administrative authorities in the preparation and conduct of elections are transferred to ANIE during each electoral event.(36) ANIE also determines financial compensation for all election personnel, including heads of polling centers and stations and permanent and additional members.

These broad powers ensure ANIE's independence and safeguard polling staff from administrative interference, creating conditions that allow citizens to exercise their electoral rights freely, transparently, and regularly.

2- Protecting the Voter's Ballot from Fraud During Voting and Counting: *To ensure that votes reflect the true will of the electorate, the Algerian legislator provides robust safeguards for both voting and counting stages.*

A- Safeguards During Voting: *The Independent Authority ensures that no staff member compromises the integrity, transparency, or credibility of the vote. All polling station members and additional staff must take the following oath:*

"I swear by Almighty God that I will perform my duties with complete honesty and neutrality, and I pledge to ensure the integrity of the electoral process."

Voting occurs on the date specified in the Presidential Decree summoning the electorate, from 8:00 a.m. to 7:00 p.m.(37) The head of ANIE may authorize an extension of up to 72 hours for municipalities where voting cannot be completed on the same day due to logistical constraints or mobile polling stations. For citizens abroad, voting may be extended up to 120 hours in coordination with diplomatic and consular missions. Polling station opening times may also be extended to 8:00 p.m. when necessary.

Before voting begins, the polling station head verifies that the number of envelopes and ballots matches the number of registered voters on the signature list. Transparent ballot boxes are locked with two keys held by separate officials. At the end of voting, all station members sign the signature list.(38) Security forces may assist mobile polling stations upon request. Alternative secure locations are used when stations cannot be protected due to logistical limitations.(39)

These measures-including early openings, delayed closings, mobile stations, and security deployment-constitute real guarantees, enabling all Algerian citizens, domestically and abroad, to exercise their right to vote.

B- Safeguards During Counting: *Vote counting begins immediately after the close of voting and continues without interruption until completion. Polling station members appoint counters from among registered voters at the station, in the presence of candidates or their representatives. If counters are insufficient, all polling station members participate. Counting is conducted publicly within the station; mobile polling stations conduct counting at their attached main polling centers. Tables are arranged so observers can follow the process from start to finish.*

Counters submit signed vote count sheets and any contested ballots to the polling station head. The validity of ballots is strictly regulated by Article 156 of the Electoral Law, leaving no discretionary power for unilateral decisions. The number of envelopes must match the number of signatures on the voter list; discrepancies are recorded in the counting report. Ballots are preserved in sealed, labeled bags until the appeal period expires and final results are announced.

Each polling station prepares a counting report in three copies, using indelible ink, including any observations or reservations recorded by voters, candidates, or representatives. The head of the station publicly announces the results, and the three copies are distributed as follows:

- Station copy: Posted inside the polling station.

- Municipal committee copy: Submitted with annexes to the head of the municipal electoral committee.

- Provincial delegation copy: Delivered to the provincial coordinator of ANIE by the head of the polling center.

Certified copies, stamped with "Certified True Copy," are also provided to all legally authorized candidate representatives and to the Independent Authority representative.[40]

These procedures protect ballots from fraud or manipulation and ensure that the counting process is transparent, public, and reliable. Immediate public announcement and documentation further guarantee electoral integrity.

Conclusion:

The above analysis demonstrates that the right to vote in Algerian legislation constitutes a fundamental pillar of political participation and the expression of the people's will. Enshrined in the Constitution and clearly framed by organic laws, this right is accompanied by a series of legal and procedural guarantees aimed at ensuring its effective exercise. From this study, several key findings and recommendations emerge:

I- Findings:

1- Supervised Electoral List Review: *The legislator has established specific procedures for reviewing electoral lists, both nationally and at consulates, under the supervision of the Independent National Authority for Elections (ANIE). Free from administrative interference, this framework protects electoral lists from corruption and creates a transparent environment that facilitates citizens' exercise of their voting rights in a regular, free, and fair manner.*

2- Short Registration and Appeal Periods: *Timeframes for ordinary and exceptional reviews, as well as for appeals, are very brief. These limitations do not streamline the registration or removal process; rather, they discourage and prevent citizens from exercising their political rights, negatively affecting the accuracy and inclusiveness of the electoral register.*

3- Protection Through Complaints and Objections: *Detailed procedures governing grievances or objections regarding registration or removal-conducted under the supervision of ANIE and before competent courts-constitute a genuine guarantee against manipulation or fraud, enhancing the credibility and transparency of electoral lists.*

4- Voting by Proxy: *Granting the right to vote by proxy represents a tangible safeguard of electoral freedom. It enables citizens to exercise their voting rights under all circumstances, allowing them to overcome obstacles such as absence, illness, or travel on election day.*

5- Mobile Stations and Flexible Voting Hours: *The provision of mobile polling stations, early openings, extended closing hours, and allocation of necessary resources are practical measures that ensure Algerian citizens, both domestically and abroad, can exercise their right to vote smoothly and transparently.*

6- Safeguarded Counting Process: *The counting process is protected by multiple safeguards. The preparation of the counting*

report in indelible ink, in three copies, immediately after counting, in public, and in the presence of all attendees-including voters, candidates, and polling staff-ensures transparency. Observations and reservations are duly recorded, and the results are publicly announced and posted, safeguarding the integrity of the electoral process.

II. Recommendations:

1- Continuous Registration: *It is recommended that registration in electoral lists be open throughout the year, with deadlines extending to election day. Predetermined short deadlines may prevent citizens from exercising their right due to difficult living or work conditions.*

2- Blank or Anonymized Voting Option: *To protect voters' freedom of expression when no candidate aligns with their views, a blank or anonymized voting option should be introduced on ballots. This measure allows citizens to express their opinion without being forced to select an unrepresentative candidate and contributes to a more accurate reflection of electoral participation.*

3- Automatic Registration: *While citizens have the right to vote, registration should not rely solely on individual initiative. Many citizens may neglect this step due to perceived effort or inconvenience, reducing the number of registered voters and potentially casting doubt on the legitimacy of elected representatives. Introducing automatic registration mechanisms could address this issue.*

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(9)- "Georgy Shafik Sari, op. cit., p. 71.

(10)- Faisal Maktoum, op. cit., pp. 358-359."
(11)- "Order No. 21-01, dated 26 Rajab 1442 AH, corresponding to 10 March 2021, containing the Organic Law on the Electoral System, Article 59
(12)- For details, see: Mouloud Mansour, Research in Constitutional Law, National Printing Arts Institution, Raghaya Unit, Algeria, 2011, pp. 137-140.
(13)- Daghmoush Naaman, International Human Rights Treaties and the Supremacy of Law, Dar Al-Huda, Ain M'lila, Algeria, 2008, pp. 43 and 242."
(14)- Lina Tabbal, International and Regional Human Rights Agreements, Modern Book Foundation, Lebanon, 2010, p. 210.
(15)- Raafat Fouda, Constitutional Balances of the Exceptional Powers of the President in the 1971 Constitution: A Comparative Study, Dar Al-Nahda Al-Arabiya, Egypt, 2000, p. 171.
(16)- Ibid., pp. 176-177.
(17)- Articles 54, 55, 56, 59, and 66 of the Electoral Law.
(18)- Article 61 of the Electoral Law.
(19)- Article 63 of the Electoral Law.
(20)- Articles 53 and 64 of the Electoral Law
(21)- Official Journal, No. 39, issued on 8 June 2024, p. [4].
(22)- Articles 66 to 71 of the Electoral Law.
(23)- Raafat Fouda, op. cit., pp. 179-180
(24)- Organic Law No. 12-04, dated 18 Safar 1433 AH (corresponding to 12 January 2012), concerning political parties, Official Journal, No. 2, 2012.
(25)- Organic Law No. 21-01, dated 26 Rajab 1442 AH (corresponding to 10 March 2021), containing the Organic Law on the Electoral System, Official Journal, No. 17, 2021.
(26)- Article 146 of the Electoral Law.
(27)- Article 135 of the same law.
(28)- Article 147 of the same law.
(29)- Article 150 of the same law.
(30)- Raafat Fouda, op. cit., p. 183.
(31)- Article 157 of the Electoral Law provides that a voter belonging to any of the categories specified in this article may exercise their right to vote by proxy upon request. These categories include:
Patients in hospitals and/or receiving treatment at home.
Individuals with severe disabilities or the elderly.
Workers employed outside their province of residence and/or those who are traveling or remain at their workplace on election day.
University students studying outside their home province.
Citizens temporarily abroad.
Members of the National People's Army, National Security, Civil Protection, Customs employees, and prison staff who remain at their workplaces on election day.
(32)- Articles 157 to 168 of the Electoral Law.
(33)- Articles 139 and 140 of the same law.
(34)- For more details on these offenses and their specified penalties, see Articles 278 to 310 of the previously mentioned Electoral Law.

(35)- Organic Law No. 19-07, dated 14 September 2019, concerning the Independent National Authority for Elections, Official Journal, No. 55.
(36)- Articles 8, 10, 129, and 138 of the previously mentioned Electoral Law, and Articles 8, 20, and 49 of Organic Law No. 19-07, cited above.
(37)- Articles 11, 130, 131, and 132 of the previously mentioned Electoral Law.
(38)- Articles 132, 136, 147, and 151 of the previously mentioned Electoral Law.
(39)- Article 145 of the same law.
(40)- Articles 141 and 151-155 of the previously mentioned Electoral Law.