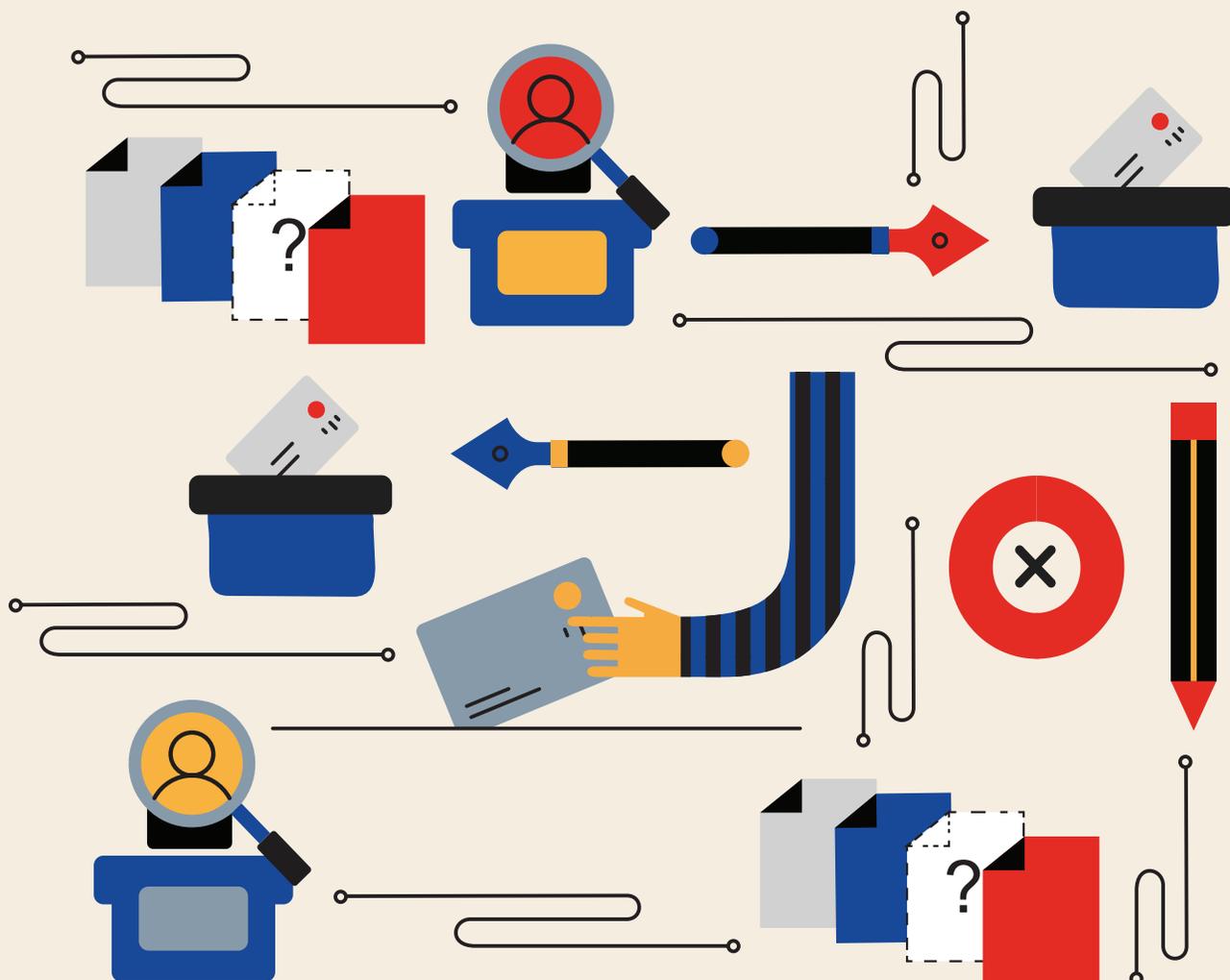




Report on the Outcome of the Workshop

Challenges Encountered by the Constitutional Council in the 2022 Parliamentary Elections

Lessons learned from Electoral Appeals





Co-Funded by the European Union



Copyright © 2023

This publication was developed with the financial assistance of the European Union, the United States Agency for International Development (USAID), and German Cooperation, with technical support from the United Nations Development Programme (UNDP). The views expressed herein can in no way be taken to reflect the official opinion of the European Union, United States Government or USAID, German Cooperation, and UNDP.

Introduction

The May 2022 parliamentary elections were held on schedule despite the crippling financial and economic crisis that Lebanon is suffering from. It was accompanied by increasing logistical problems resulting from the lack of preparation, whether with regard to the work of the Supervisory Commission for Elections (SCE), or the ill-equipped polling stations. This was reflected in the electoral disputes that translated into 15 appeals filed with the Constitutional Council (CC), as follows:

On May 31, 2022

- “Paul Hanna Al-Hamed” against MP Elias Al-Khoury who won the Maronite seat in Tripoli.

On June 8, 2022

- Muhammad Hammoud against MP Bilal Al-Hushaimi who won the Sunni seat in Zahle.

On June 13, 2022

- Josephine Zogheib against MP Farid Al-Khazen who won the Maronite seat in Keserwan - Jbeil.

On June 14, 2022

- Haydar Zahreddine Issa against MP Ahmed Rustom who won the Alawite seat in Akkar.

On June 14, 2022

- Elie Khalil Sharbashi against MP Cynthia Zarazir who won the minority seat in Beirut I.

- Faysal Karami against MPs Rami Fanj and Ihab Matar who won the two Sunni seats, and against Firas Al-Salloum who won the Alawite seat in the North II district-Tripoli.

On June 15, 2022

- Amal Abu Zeid against MP Saeed Suleiman Al-Asmar who won the Maronite seat in Jezzine.

- Marwan Khair Al-Din, along with “Al-Amal wal Wafaa” list, against MP Firas Hamdan who won the Druze seat in Hasbaya.

- Ibrahim Azar against the two MPs who won the Maronite seats of Jezzine, Charbel Massad and Saeed Al-Asmar.

- Zeina Munzer against MP Faysal Al-Sayegh who won the Druze seat in Beirut II, and against MP Waddah Al-Sadiq who won the Sunni seat in Beirut II.

On June 16, 2022 the deadline for filing appeals.

- Jad Ghosn against MP Razi Al-Hajj who won the Maronite seat in Matn, and against MP Agop Pakradounian who

won the Armenian seat in Matn.

- Haydar Nasser, who was running for the Alawite seat in Tripoli, against Ihab Matar and Rami Fanj who won the two Sunni seats in Tripoli, and against Firas Al-Salloum who won the Alawite seat in Tripoli.

- Simon Sfeir against Nehme Ephrem and Farid Haykal El Khazen who won the two Maronite seats in Keserwan.

- Tanios Mahfouz against MP Jamil Abboud who won the Orthodox seat in North II (Tripoli).

- Lawyer Wassef Al-Haraka against MP Fadi Alama who won the Shiite seat in Baabda.

Unlike in 2018, the CC decided on these appeals in several stages, rather than all at once:

On October 20, 2022

- Five appeals submitted by candidates Paul Hamed, Muhammad Shafiq Hammoud, Ibrahim Azar, Tanios Mahfouz, and Marwan Khair Al-Din with “Al-Amal wal Wafaa” list were dismissed.

On November 3, 2022

- The appeals of Elie Khalil Sharbashi, Josephine Zogheib, Amal Hikmat Abu Zeid, and Zeina Kamal Munther were dismissed.

On November 17, 2022

- The appeals of Simon Sfeir and lawyer Wassef Al-Haraka were dismissed.

On November 24, 2022

- The CC invalidated the election of Rami Fanj and Firas Al-Salloum, and announced Faysal Karami and Haydar Asif Nasser as winners of the Sunni and Alawite seat, respectively, in Tripoli.

On December 22, 2022,

- The last two appeals filed by Jad Ghosn in Matn and Haydar Issa in Akkar were dismissed.

In an initiative to present the challenges and difficulties faced by the CC during the appeals process, and to draw lessons from the 2022 parliamentary elections and make recommendations to the relevant authorities to avoid legal loopholes and logistical obstacles in the 2026 elections, the CC organized a workshop entitled “An Insight into the Lessons Learned from the Parliamentary Elections Appeals”, in cooperation with the United Nations Development Programme for Elections Support, the European Union and the US Agency for International

Development, which provided technical and logistical support to the CC to carry out its role and decide on appeals.

The Minister of Justice, Mr. Henry Khoury, representative of Parliament Speaker Ashraf Beydoun, Secretary General of the Ministry of Foreign Affairs and Emigrants Mr. Hani Shmaitly, as well as representatives of the Supreme Judicial Council, the State Council (Shura Council) and the international and civil society participated in the workshop.

The CC emphasized that the aim of the workshop is to seize the opportunity to submit recommendations and proposals to the stakeholders who bear responsibility for the success, democracy, and transparency of the elections, in order to enable electors to cast their vote correctly, away from external influences, and to ensure the validity and integrity of votes, thereby contributing to strengthening the parliamentary system and safeguarding the Constitution, and restoring the people's confidence in the Council and in the public institutions. The CC also stressed that the aim of organizing the workshop immediately after having decided on the electoral appeals is to address the shortcomings, bridge the gaps, correct the errors that occurred in the elections and gave rise to appeals, and to reduce the number of appeals in the future by ensuring a transparent and sound electoral process.

The CC further explained that, in order to preserve the citizen's right to vote and to be a voter and a candidate, it was keen to expand its investigations to the greatest extent, and that, in order to give constitutional value to the elector's vote, it abandoned the rule according to which "the burden of proof rests with the claimant", went beyond the evidence and proof presented by the parties to the dispute, and based its decisions on extensive investigations and impartial and objective comprehensive justification, away from media pressure. As a result, its decisions were accepted by the majority of the appellants.

Equally, the election experience was an opportunity for the CC members not only to discuss the loopholes existing in the electoral law and make recommendations for action in order to avoid them, but also to consider

the opinions encouraging the CC to open further to the Lebanese society at large. Among the ideas suggested at the workshop was expanding the scope of litigation before the CC in matters pertaining to elections by allowing non-candidates to file appeals, in accordance with what the French Constitution had adopted since 2008.

The United Nations Development Programme (UNDP) reiterated its permanent support for the institutions involved in holding the elections in order to ensure transparency, high turnout, voter freedom, and free and fair elections. The United Nations Development Programme for Election Support supports the Ministry of the Interior and Municipalities (MoIM) in the various stages of conducting elections, starting with organizing the voter and candidate registration campaign and providing logistics for the procedural work of the elections, as well as voter education campaigns and citizen outreach campaigns, all the way to running the election operations room. It also supports the CC logistically to ensure the resolution of electoral disputes.

In turn, the European Union (EU) praised the work of the SCE and the security forces to hold the elections on time, and the efforts deployed by the CC to ensure the integrity of the electoral process. The EU has always supported Lebanon financially and technically to hold elections through the UNDP. It has thus urged Lebanon to start the preparations for the next elections in the year 2026 instead of waiting until last minute, as was the case in the 2022 elections. The EU focused on the need to improve the level of women's representation by approving a women's quota and supporting women's participation in the political life, especially in terms of encouraging women's representation in decision-making within political parties and the government.

The EU has once again reminded Lebanon of the need to have an entity that is financially, technically, logistically and judicially independent, to manage the elections, as well as the need to establish a Mega Centre in the upcoming elections. Prioritizing this step would improve voter turnout and reduce intimidation of or influence on voters.

The main grounds for appeals and the solutions reached

The main grounds for the appeals filed in the 2022 parliamentary elections can be divided chronologically into three categories: those related to the pre-election period activities, those related to violations that occurred on election day, and those that occurred during both the pre-election period and election day, especially electoral spending and other issues that occurred before the elections and on election day and were considered by the CC in the context of the appeals submitted thereto.

First: The pre-election period

- It was stated in one of the appeals that the Ministry of Interior failed to announce the release of the voters' lists in due process, and that it refrained from providing candidates with copies of those lists.

The CC clarified that no proof was provided to support the occurrence of this violation, and that the Voter Registration Committee should have been consulted for that matter. It has thus decided to dismiss the grounds on which this appeal was filed.

- Another appeal was based on an elected MP's violation of Articles 8 and 109 of the Election Law by running for office despite being ineligible (being the director of a public hospital), on the one hand, and combining parliamentary representation with public service, on the other hand.

As a result of the investigations, it was proven to the CC that he does not have the status of a public servant because he is the director of the hospital by interim, is not a full-timer in the hospital administration and does not receive any remuneration for his work.

The Constitutional Council therefore decided to dismiss the aforementioned appeal.

- A third appeal was based on the fact that the female MP who won the minority seat in Beirut II did not belong to a minority but to the Evangelical denomination. After thorough investigations and review of the candidate application with all the documents submitted, and the certified personal status registration data received, at the request of the Council, from the MoIM, the personal status registration office, and the concerned party, it was proven

that the selected MP actually belongs to the Syriac Catholic sect, which is classified as a minority. The appeal was therefore dismissed.

-One of the appeals was dismissed because it stated evidence under subpoena. The CC dismissed the evidence on grounds of illegality.



Second: Appeals pertaining to violations that occurred on Election Day

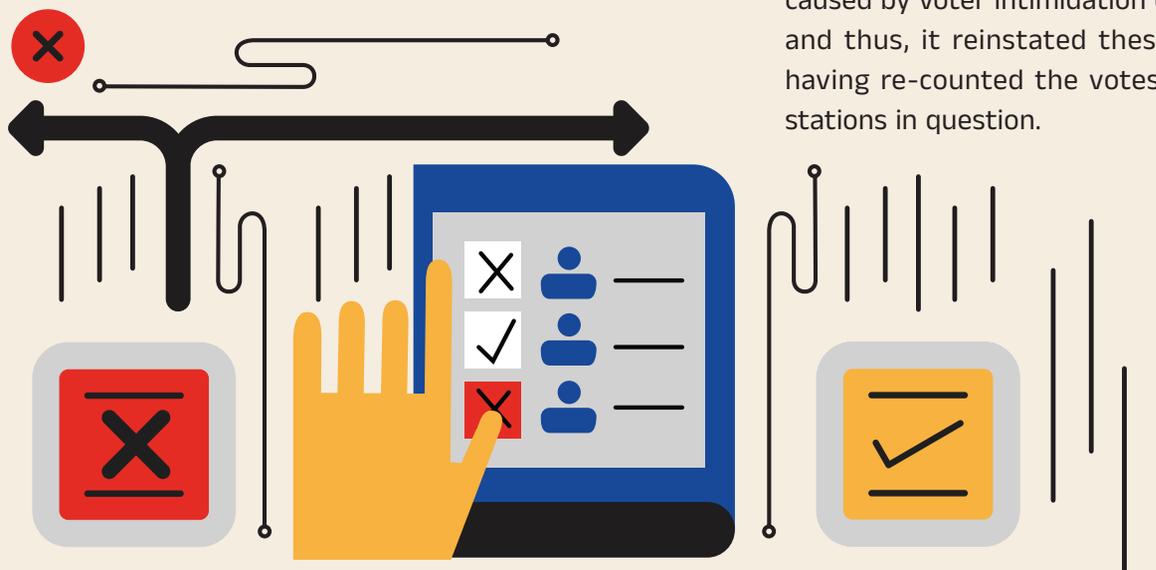
Some of the appeals filed by losing candidates are based on violations that occurred during vote counting and sorting in the polling stations, the unlawful invalidation of ballots, irregularities in the polling stations, including ballots cast by deceased or out-of-country voters, and intimidated candidates. The CC investigated these allegations, especially those pertaining to vote counting, and ordered a recount in hundreds of polling stations, which in some cases, revealed discrepancies between the polling stations reports and the committees' reports. The results were thus compared again and the errors corrected.

1. VOTE COUNTING AND SORTING

Some of the appeals reported errors in the vote count of some polling stations, so the CC investigated the polling stations concerned and re-counted the votes and corrected the errors, which were minor and did not change the outcome of the appeals, with the exception of the North II district, where the election of MP Rami Fanj was invalidated in favor of the losing candidate, Faysal Karami. As a consequence of this change in the results, and the change in the electoral quotient of the candidate lists, the election of MP Firas Salloum, who had won the Alawite seat, was invalidated, and his seat reassigned to the losing candidate, Haydar Nasser.

2. UNDUE INVALIDATION OF BALLOTS

By re-counting the unduly invalidated ballots reported, the CC found that some ballots should not have been invalidated, and that they were invalidated because the heads of the polling stations lacked proper training and the criteria for counting or invalidating a ballot were not clearly defined. According to the instructions circulated by the administration to the polling stations, the voter is invited to write an (X) or check mark (✓) inside the white box provided next to the candidate's picture on the ballot slip. Some ballots were invalidated because the mark made by the voter on them goes slightly beyond the boundaries of the white box. The CC considered that such spontaneous voting does not amount to a distinguishing mark caused by voter intimidation or vote-buying, and thus, it reinstated these ballots after having re-counted the votes of the polling stations in question.



3. UNSTAMPED BALLOT SLIPS

The two appellants, Faysal Karami and Haydar Nasser, requested the invalidation of the results of Al-Safira polling station number 467 in the North II district, because 64 ballot slips were found in it that were neither stamped nor bearing the signature of the Head of the Polling Station.

The CC's investigations revealed that there were 463 ballot slips inside the polling station, including 64 that were neither stamped nor signed. During the investigation, the Head and clerk of the polling station reported that they had received the ballot boxes and all other equipment and papers necessary for the electoral process on the morning of election day, and started the voting process without signing any ballot slips. After 64 voters had cast their ballots, it was brought to the Head and clerk's attention that they had to sign the back of the ballot slip, which they then did until the voting ended.

When the CC recounted the votes of the polling station in question more than once, it turned out that the ballot slips were equal to the number of voters. However, an error was spotted in the invalidated ballot count, which was seven, thereby making the total of votes to be counted 456 votes. And when asked about this error, the head of the registration committee stated, after careful review and scrutiny, that the error is attributed to fatigue. The CC dismissed the request to invalidate the results of the polling station in question and decided to correct the result instead.

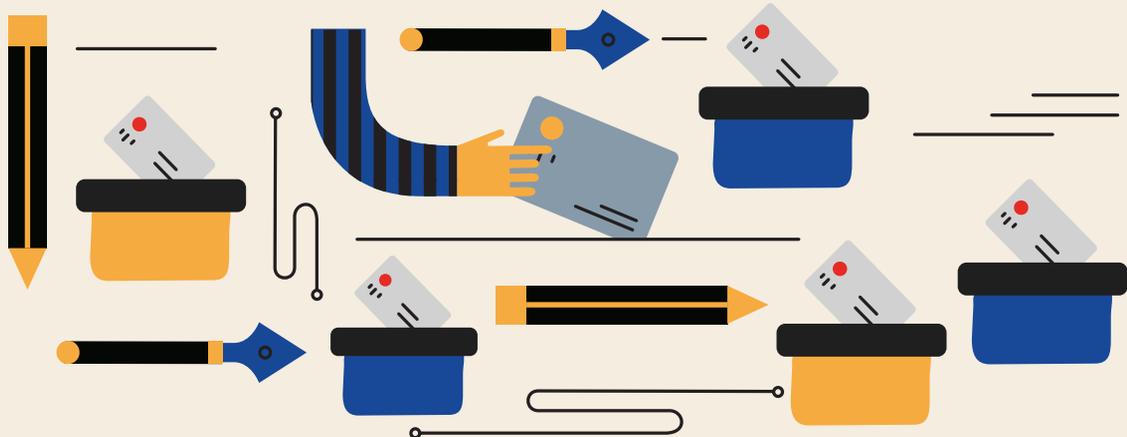
4. POLLING STATION REGISTRATION ERRORS

The two appellants in the North II district, Faysal Karami and Haydar Nasser, requested the removal of Al-Qattin polling station No. 462 because there was no polling station with this number in Al-Qattin.

After investigation and review and comparison of the polling stations lists, the Constitutional Council found that polling station 462 was in fact polling station 468 in Al-Safira registered, by mistake, under Al-Qattin, and that the result was only counted once in the counting committees. Accordingly, the error was corrected, the polling station result maintained, and the appeal dismissed.

5. POLLING STATIONS RESULTS NOT INCLUDED IN THE TALLY

The two appellants, Faysal Karami and Haydar Nasser, stated in the North II District that the result of polling station No. 176 Al-Hadid had been overlooked and requested that it be included in the tally. Upon examination of the polling station lists, voters' checklists, and minutes of polling stations and registration committees, the CC found that the polling station result was not counted. It had 190 ballot slips, 52 of which were in favor of the appellant list, and the remaining in favor of the other lists. The polling station result was thus included in the tally and the total election result adjusted accordingly.



6. UNCOUNTED BLANK BALLOTS

Several appeals were based on the violation of the law where blank ballots were counted in the second electoral quotient (the quotient that determines the number of seats earned by each list), that is, before moving to the stage of distributing seats to the winning lists, requesting that they not be counted and that the seats be redistributed. The CC clarified that the text of the law is clear in this regard and that blank ballots must be counted. Accordingly, it decided to reject the appeals pertaining to this subject.

7. CAROUSEL VOTING

The two plaintiffs in Matn and Baabda made allegations of carousel voting (tampering with the voting process). This fraudulent voting is carried out by a voter entering behind the voting screen and not voting with the official ballot slip that they received signed from the head of the polling station. Rather, they smuggle it out of the polling station and deliver it to another voter whose vote they want to buy, and the latter uses the smuggled slip to vote, and in turn, smuggles the slip that they receive from the head of the polling station to be handed over to another voter, and so on. While no evidence of carousel voting was found in Baabda, one unofficial smuggled ballot was found in Matn, and the voter had brought it from their home. The official ballot was found behind the voting screen after the voters left. Consequently, the vote of the concerned person was canceled by the polling station, and no carousel voting occurred.



8. EXPATRIATE VOTE COUNTING

Several appeals stated that the counting of expatriate votes by the regional primary registration committees constitutes a violation of Article 120 of the Election Law according to which said votes shall be counted by the Higher Registration Committee in Beirut.

The CC considered that the provision assigning the task of expatriate vote counting to the Higher Registration Committee in Beirut was meant to support another provision whereby six seats are allocated to expatriates in various continents; however, the implementation of this provision was suspended and non-residents actually voted for the lists competing in the electoral districts inside Lebanon. It would thus be only natural that the sealed envelopes received from abroad are added to those received from polling stations in Lebanon to be counted together. And in view of that, the statements made under this appeal were rejected.

9. LACK OF SERIOUSNESS AND HASTINESS IN APPEALS

A number of appellants raised the issue of the discrepancy between the number of votes obtained by a list's candidates and the number of votes obtained by the list. Their appeal was based on the fact that the number of votes obtained by the list exceeded the total number of votes obtained by the candidates within that list. The Council saw that this reason is not based on the law and that such difference in the numbers is explicable as there are many voting cases in which votes are counted for the list only, such as: voting for the list without giving a preferential vote for a candidate, or voting for more than one candidate on the same list.

Other appellants supported their appeals by raising general issues, such as broken ballot boxes and torn polling station reports. The CC considered that these issues were exaggerated and only indicate a lack of seriousness and hastiness in appeals, as it was discovered that only the lid of one ballot box, No. 97 in Al-Dalhamiyah in Central Bekaa, had been broken by the head of the polling

station, and that the voting process in the polling station was stopped for fifty minutes and then resumed in a regular manner. All of these details were documented in the polling station report. When the CC recounted the results, it found that the results were consistent and that the list of the appellant had received 110 votes in that polling station compared to only 16 votes obtained by the list of the contested candidate.

Several appellants also relied on media reports and civil society entities to claim flaws and errors in the results calculation method and mistakes and irregularities in the polling stations without providing any evidence or citing a specific polling station to verify such allegations and determine whether they affect the final result or not.

Accordingly, the CC considered these statements to be lacking seriousness and evidence, or even clues of evidence, that would otherwise allow it to initiate the investigation and examination of the facts.



10. VOTES CAST IN THE NAME OF DECEASED OR OUT-OF-COUNTRY VOTERS

The appellants in Baabda, Matn, and Zahle claimed that votes were cast in the name of deceased or out-of-country voters.

- The appellant in Baabda was unable to specify a name despite being requested to do so by the CC.
- In Zahle, the appellant mentioned in his appeal four names of deceased persons whose names were included in the voters' checklists, but no evidence was provided that any of them had voted. However, even if it was proven that they

had voted, no evidence can determine whether they voted for or against the appellant. And either way, removing four votes from the total votes obtained by the list of the contested MP would not affect the final result.

As for the Matn district, there was confusion over the name of one female voter, and it was not proven whether that name had voted on behalf of her sister, or whether the confusion was due to an error on part of the head of the polling station. The CC rejected the appeal after reaching a decision on the vote which had no effect on the result.

Third- Reasons for appeals that occurred during both the pre-election period and Election Day

Appellants in Tripoli, Matn, Baabda and Keserwan made allegations pertaining to electoral bribery and violations of the electoral spending ceiling. The appellants in Baabda and Matn also claimed that they were subjected to pressure from candidate and party machines, before the elections and on election day, which prevented them from monitoring the course of the voting in the polling stations where their representatives were not present.

1. ELECTORAL BRIBERY

In Tripoli

The two appellants relied on video recordings of people who reported paying money in exchange for securing votes for MP Ehab Matar, and on the SCE report issued the day after the end of the election and according to which the Commission was appalled by the huge amount of violations that occurred on election day, and on the statements of the Executive Director of the “LADE” Association who mentioned many violations.

The CC listened to all those whose names were mentioned in the recordings, and it became clear that those who declared vote buying had ended their relationship with Mr. Matar in misunderstanding and resentment. The rest denied buying votes and stated that the payments were in exchange for delegates’ expenses and fees. It also turned out that Mr. Matar had founded the “Lebanese Meeting” association with a group of expatriates in Australia about three years ago to help people.

Because it addresses the issue of bribery with extreme caution, the Council concluded that vote buying cannot be established due to the lack of any evidence proving that any amount received by the delegates was paid in exchange for an electoral vote, and that the comments made in the report of the SCE and the Executive Director of the LADE Association were mostly general and not on the subject of a specific candidate.

In Kesrouan

The candidates Nehmat Frem and Farid El Khazen were reported for distribution of electoral bribes, and it was revealed that there were bribery-related lawsuits that were still in the stage of preemptory defense before the criminal jurisdictions. The Council requested copies of those lawsuits and carried out its investigative role to the utmost extent, but did not find any evidence of bribery. Rather, it was proven that the two aforementioned candidates have been providing assistance to the people of the region for decades, and that said aid is continuous, permanent, and legitimate.

In Baabda

The appellant relied on pictures and news of the winning candidates providing aid through municipalities. The most prominent photo from inside one of the municipalities shows the mayor and members of the municipal council together with the contested candidate during the distribution of aid. In the investigation carried out by the CC with the mayors concerned, it was found that the municipalities have been providing aid for a long time and that this is at the heart of their work. On the other hand, no evidence was found to prove that any assistance was provided in the name of any candidate. It was also found that the photo used by the appellant dates back to 2019.

In Matn

A notebook was seized at an electoral center; it contained the names of 276 voters who were paid between 2,500,000 and 3,000,000 Lebanese pounds by an electoral campaign. The investigations of the CC revealed that this money was distributed by an electoral campaign to give a preferential vote to a candidate who was not contested, namely Representative Elias Hankash, and no evidence proving that Hankash was aware of these payments being made. In the hearings, some of those who received the payments reported having voted for other lists. So in view of all of the above and because the number of votes recorded in the notebook does not change the electoral outcome or the electoral quotient, the CC confirmed the occurrence of the violation without any consequences on the election outcome.

2. PHYSICAL ASSAULT AND PRESSURE ON CANDIDATES AND CANDIDATE REPRESENTATIVES

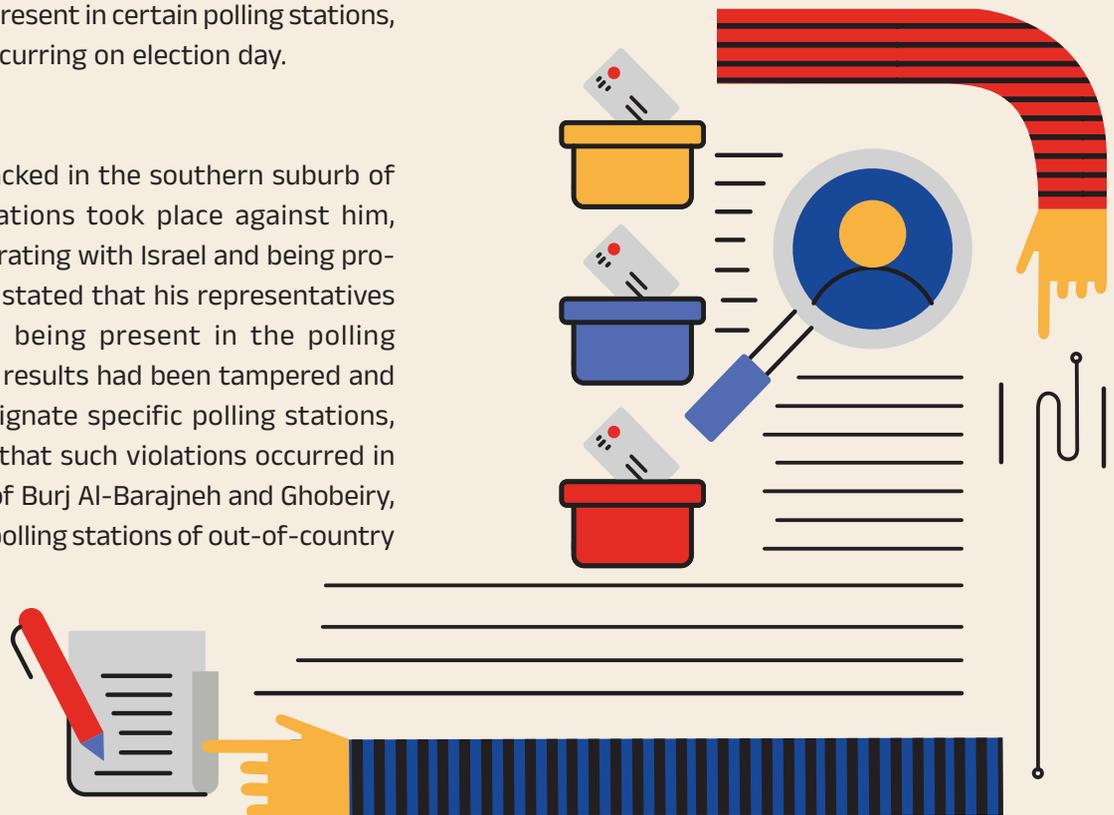
A number of appellants raised the issue of being subjected to physical assault and reported that candidate representatives were subjected to pressure and prevented from entering the polling stations in the Baabda and Metn regions.

In Matn

The appellant stated that representatives of his list were prevented from being present in some polling stations. Upon investigation, it became clear that a dispute occurred before election day between activists affiliated with the appellant's list and supporters of one of the political parties. The representatives thus chose by their own free will not to be present in certain polling stations, for fear of problems occurring on election day.

In Baabda

The appellant was attacked in the southern suburb of Beirut, and demonstrations took place against him, accusing him of collaborating with Israel and being pro-Zionism. The appellant stated that his representatives were prevented from being present in the polling stations and that their results had been tampered and forged. He did not designate specific polling stations, but claimed in general that such violations occurred in all the polling stations of Burj Al-Barajneh and Ghobeiry, and in particular in the polling stations of out-of-country voters.



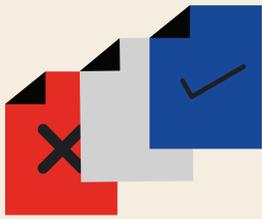
The CC took the appellant's situation and the accusations made against him into consideration and recounted the votes of all 233 polling stations of the aforementioned regions. The re-count proved that the accusation was ill-founded and that the highest percentage of invalidated votes belonged to the contested list and not to the appellant's list. The CC corrected the results, which did not affect the quotients of the lists, and the appeal was dismissed.

Second Session- Challenges Encountered by the Constitutional Council

While the CC faced various difficulties and challenges while processing the electoral appeals of the May 2022 session, we have chosen to shed light on three types of difficulties or challenges as follows:

FIRST- CHALLENGES LINKED TO VOTE SORTING AND COUNTING

Most of the appeals received by the CC were based on violations and errors in vote sorting, counting, and invalidation that it found itself obliged, despite the lack of human and material resources and the power outage, to recount and verify the votes of about 510 polling stations. The difficulties are summarized as follows:

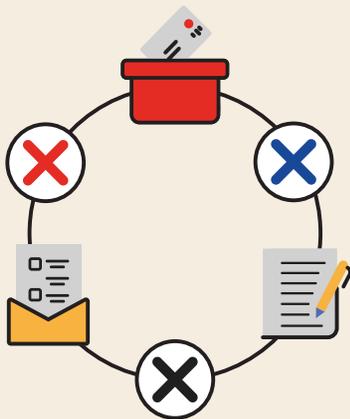


1.

The polling stations combining all ballot papers together without separating them into categories, which made it difficult to differentiate between valid, invalid, and blank votes.

2.

Misplacing the papers of a certain polling station into an envelope belonging to another polling station.

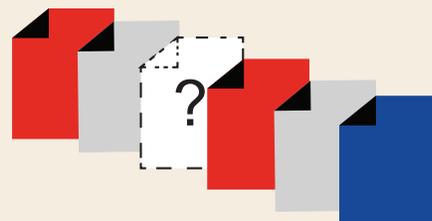


3.

Some results in the registration committee reports do not match the number of ballot papers and are inconsistent with the polling stations reports.

4.

Loss of documents belonging to some polling stations, including ballot papers.



1. MAKING VAGUE AND GENERAL ACCUSATIONS, PLACING THE ENTIRE BURDEN OF PROOF ON THE CC:

(South I: Ibrahim Azar / Charbel Massaad and Saeed Al-Asmar, as well as Kesrouan: Simon Sfeir / Farid Al-Khazen and Nehmat Frem), which has led to the dismissal of the appeal on the subject of exceeding the spending ceiling for lack of seriousness.

2. PROVIDING SPECIFIC NUMBERS BUT INSUFFICIENT PROOF: ROAD BILLBOARDS AND MEDIA APPEARANCES BELONGING TO OTHER CANDIDATES, AN UNSIGNED IPSOS REPORT:

(South I: Amal Abu Zaid / Saeed Al-Asmar)



3. TRADING IN CASH AND THE FLUCTUATION OF THE DOLLAR EXCHANGE RATE:

The law stipulates that amounts exceeding one million LBP be paid by check. However, this was not possible due to the financial crisis and the banks' refusal to deal with checks, which made controlling spending more complicated.

4. PARTY FINANCING OF CANDIDATES WITHOUT ANY LEGAL CONTROL (LACK OF A LAW REGULATING PARTY FINANCES, LOOPHOLES IN THE ELECTORAL LAW) :

A large part of the problem with exceeding the spending ceiling, vote-buying, and bribery also lies in the fact that the electoral law does not include financial controls specific to political parties (it is limited to candidates and candidate lists only), and that Lebanon lacks a law that regulates party finances in general. - In addition, limiting the scope of application of the policy aimed at lifting bank secrecy to the "election campaign account," without all other accounts belonging to candidates and parties, constituted an obstacle for both the SCE and the CC, as they cannot inspect bank accounts belonging to candidates, or to their family members, other than those allocated for electoral spending.

5. THE DATA CONTAINED IN THE SCE'S REPORT IS INSUFFICIENT TO CONVINCE THE CONSTITUTIONAL COUNCIL

-We note with satisfaction that the SCE submitted to the CC, within a relatively short period, its decisions aimed at determining the validity of the comprehensive statements of account, together with the actual comprehensive statement of account of each of the contested candidates (paragraph (6) of Article 64). However, till the date of the workshop, March 2023, it has neither submitted its final report to the Council, nor has it referred cases of candidates who have exceeded the electoral spending ceiling specified in the electoral law (paragraph (2) of Article 66).

-Given that the comprehensive statement of account of one of the contested MPs was submitted together with a detailed, organized accounting schedule from the party that nominated him, without supporting documents or invoices, and that two complaints were filed with the SCE against the party in question, the Council did not consider these reports to be sufficient evidence of the size of electoral spending of the contested MP, which necessitated the expansion of the investigation based on the data and documents available in the casefile.



SOLUTIONS

The CC considered that all procedures related to opening the “electoral campaign account” and submitting periodic and final reports to the SCE are essential formalities that contribute to adding transparency to the electoral campaign, and failure to comply therewith could undermine the fairness of the elections.

-While the CC, acting as an electoral judge, takes into account the decisions and report issued by the SCE, it does not limit its work to the content and results of said decisions and reports, but rather remains completely free to build its own conviction. Accordingly, the Council carried out the necessary investigations in search of any information or data it deemed missing, inaccurate, or confusing in the findings of the appeal review.

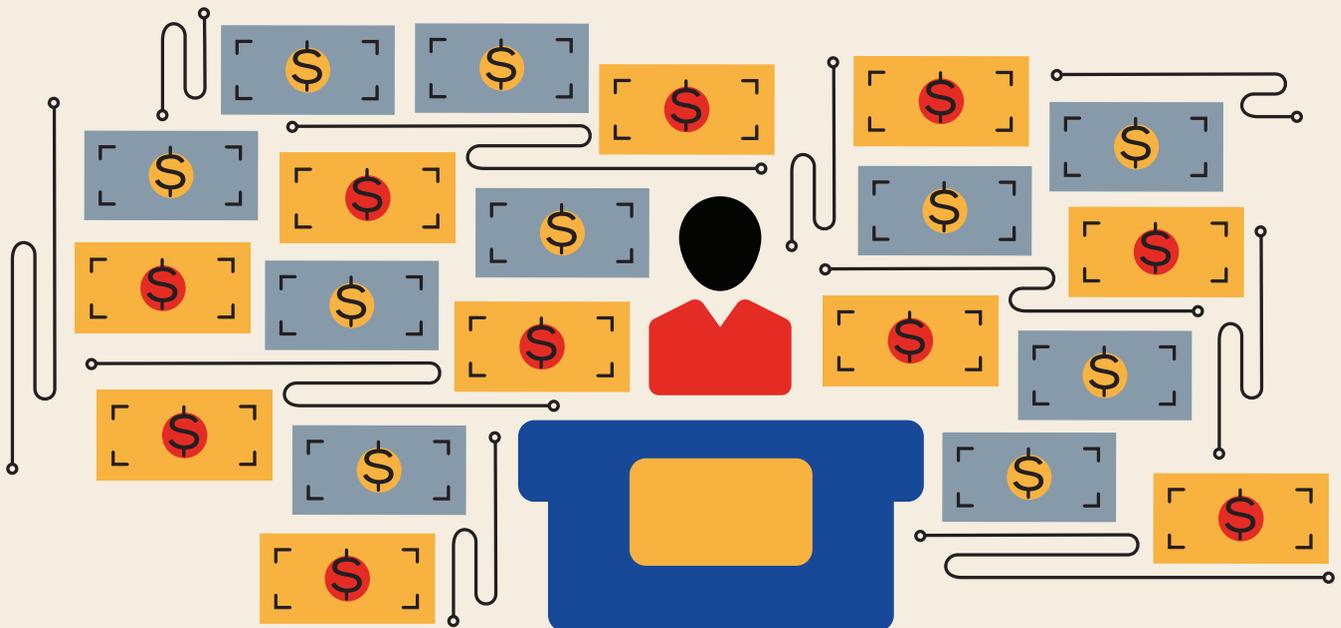
6. IN-KIND AND CASH CONTRIBUTIONS ARE NOT SUBJECT TO THE SPENDING CEILING (EXCLUDED IN ARTICLE 62 OF THE ELECTORAL LAW)

(Simon Sfeir/Farid El Khazen and Nehmat Frem)

The fact that Article 62 of Law No. 44/2017 excludes donations and aid from the list of prohibitions “only if they have been provided by candidates, or institutions owned or managed by candidates, on a regular basis, for at least three years before the start of the electoral campaign period”, and that said donations are not included in the scope of prohibited activities in the first paragraph of that article, prevents both the SCE and the CC from monitoring a number of contributions and aids provided by candidates or institutions owned by candidates. This opens the door wide to vote-buying and uncontrolled electoral spending through “charitable” institutions that regularly provide cash and in-kind donations to individuals and associations.

7. FINANCIAL IMPUNITY AND CHAOS IN CAMPAIGN FINANCE IN GENERAL

In its Resolution No. 10/2022 (Amal Abu Zaid / Saeed Al-Asmar), the CC shed light on the issue of financial impunity and the complete chaos in the financing of electoral campaigns in general. It stated that the current situation “requires the adoption of modern laws that regulate the work, finances, and financing of parties, political organizations and the media. Moreover, the situation calls for the adoption of amendments to the electoral law that would contribute to adding transparency to the electoral financing process and strengthening the powers and independence of the SCE, while stressing the need to apply the policy of lifting banking secrecy to all bank accounts owned by candidates and their close relatives, instead of applying it strictly to the electoral campaign account. This would enable the SCE, followed by the CC, to exercise more effective campaign finance oversight and establish consequences and penalties for cases of non-compliance, thereby ensuring a level playing field for all candidates and lists.”



THIRD: THE DIFFICULTY OF PROVING AND INVESTIGATING BRIBERY AND VOTE BUYING

The CC approaches the issue of bribery with utmost care and extreme caution in order to avoid the invalidation of a contested electoral result where the votes of other electors who voted in a free and fair manner and exercised their democratic right are cancelled, especially that the judge himself/herself cannot replace the voters as an electorate.

A losing candidate who makes allegations of bribery and vote-buying must submit adequate proof. Such an allegation must constitute the main reason for the appeal, without which the losing candidate would not have lost the elections, and without which the winning candidate would not have acquired his seat in Parliament. his/her opponent.

1. RELYING ON RUMORS AND NEWSPAPER STORIES

The violations reported to have occurred inside and outside polling stations, including electoral bribery, remain within the framework of rumors that are not documented with any evidence and should be ignored, especially if no complaint is submitted in their regard to the SCE or any judicial authority. In the field of judicially acceptable proof, one cannot rely on what is published in newspapers or reports issued by unofficial sources."

(Baabda: Wassif al-Haraka/Fadi Alama and Kesrouan: Simon Sfeir/ Nehmat Frem and Farid al-Khazen)



2. FAILURE TO RESOLVE CRIMINAL COMPLAINTS RELATED TO BRIBERY AND VOTE-BUYING AS PROMPTLY AS NECESSARY:

The ordinary courts, notably the criminal courts, would not rule on cases related to bribery and vote-buying in a promptly manner, before the issuance of the CC decision.

(Al-Matn:Jad Ghosn/ Kesrouan: Simon Sfeir/Nehmat Frem and Farid Al-Khazen)

3. CANDIDATE REPRESENTATIVE FEES ARE CONSIDERED AMONG THE LEGITIMATE ELECTORAL EXPENSES (ARTICLE 58 OF THE ELECTION LAW)

(Baabda: Wassif Al-Haraka / Fadi Alama, Keserwan: Simon Sfeir / Nehmat Frem and Farid Al-Khazen, and Tripoli: Faysal Karami - Haydar Nasser / Ehab Matar, Firas Al-Salloum and Rami Fanj)



4.

AID AND DONATIONS THAT THE CANDIDATE HAS BEEN PROVIDING FOR MORE THAN 3 YEARS (ARTICLE 62 OF THE ELECTION LAW)

Faysal Karami - Haydar Nasser / Ehab Matar, Firas Al-Salloum and Rami Fanj - Tripoli, North II.



5.

VOTE BUYING BEING PROVEN WITHOUT ANY EVIDENCE OF THE CANDIDATE'S INVOLVEMENT IN IT

Jad Ghosn/ Al-Hajj and Pakradounian: A request was made to count only part of the votes that candidate Elias Hankash obtained in El-Bouchrieh-Jdeideh polling stations, as it was proven that 267 votes- out of all votes obtained by him- were bought. This request was not accompanied by a claim for invalidating the election of Mr Hankash; only the election of MPs Al-Hajj and Pakradounian were contested before the CC. However, despite the filing of a criminal complaint against MP Hankash, the investigations (initial and those carried out by the CC) did not reveal any direct or indirect involvement of MP Elias Hankash in vote buying, neither as a moral or material actor nor as an intervener, partner or instigator, since none of those who made statements under this case, whether they paid or voted, mentioned any contact with Mr. Hankash.

Therefore, it was decided to dismiss the appeal, especially since the election of Mr. Hankash was not contested:

- Hankash's connection to vote buying has not been proven.
 - The votes bought do not affect the result.
- It was also decided to dismiss the request to invalidate all 667 votes obtained by Hankash in the Jdeideh -Baouchrieh polling stations.

As a result of the workshop, the following observations were made:

As a result of the workshop, the following observations were made:

- Errors or irregularities in the polling stations result from inexperience, lack of training, and the large number of voters.
- Errors or irregularities in the registration committees result from fatigue and inexperience.
- The criteria for vote invalidation were not specific and standardized.

Recommendations and suggestions that were reached after the workshop

FIRST: RECOMMENDATIONS RELATED TO THE INDEPENDENCE AND EFFECTIVENESS OF THE SUPERVISORY COMMISSION ON ELECTIONS

-Strengthening the administrative and financial independence of the SCE, separating it from the MoIM, and granting it a legal personality and a separate budget independent of the budget of the MoIM. Ensuring the continuity of the Commission, by determining a fixed location for it, its equipment, and its members.

-Pending full financial and administrative independence (pursuant to an amendment to the law):

- Provide budget allocations to the Commission as early as possible so as to enable it to begin its work effectively and efficiently.
- Enable the Commission to employ and appoint an adequate number of auditing and monitoring experts, as early as possible, independently of the MoIM.

-Publish the complaints and reports of violations and irregularities received by the Commission on its website, in order to provide transparency.

-Give the Commission the authority to take immediate measures and implement its decisions through a security apparatus that reports directly to it, to facilitate the investigation.

-Set the deadline for deciding on the candidates' comprehensive statements of account at five months (instead of one month in accordance with the provisions of Article 62 - Paragraph (2) of Law No. 44/2017), so that the Authority has sufficient time to examine the data and decide on them. However, priority should be equally given to deciding on the statements of account relating to candidates against whom electoral appeals are lodged before the CC.

-Remove immunity from MPs and ministers throughout the electoral campaign period, at least with regard to the activities they undertake as election candidates.

SECOND.I - RECOMMENDATIONS RELATED TO MONITORING ELECTORAL SPENDING

-Promote transparency and ways to monitor electoral spending by applying the policy of bank secrecy lifting in a comprehensive way, by applying it to all the accounts of the candidates and extending it to their family members.

-Include party spending within the electoral spending ceiling stipulated in the law.

-Establish a penalty for candidates (and lists) who fail to submit financial statements and statements of accounts related to electoral spending in each of the campaign stages, and not only the final statement, and make said statements available to competing candidates and to the public, in order to ensure the transparency of the spending process and control it effectively.

-Consider that the electoral campaign begins six months before the start of the candidate registration period, or at least from the date of publication of the writ of election as set forth in Article 42 of Law No. 44/2017, to enable the SCE to extend its oversight to the period that precedes the submission of candidate applications and include all candidates in an equal manner, as stated in the Commission's final report.

-Establish a law on transparency in financing political work and, more importantly, a law that regulates party finances, as is the case in France, for example, where spending is strictly monitored by observers who report directly to the SCE. In addition, lifting the bank secrecy for political parties completely, so that party work can be carried out with complete transparency.

-Amend the electoral law in a way that sets strict controls on electoral spending, and abolish the second paragraph of Article 62 of Law No. 44/2017.

-Abolish paragraph (5) of Article 65 of Law No. 44/2017, according to which criminal prosecution for electoral crimes extinguishes six months from the date of announcement of the results, and instead, tighten the penalties for such violations and crimes that disrupt the electoral process.

-Increase the value of penalties in order to maintain their deterrent effect, in line with the deteriorating value of the Lebanese pound.

SECOND.II - RECOMMENDATIONS RELATED TO MONITORING ELECTORAL SPENDING

-Include in the tasks of the SCE, or the CC, the authority to prepare a code of conduct that the various parties to the electoral process would voluntarily adhere to, especially political parties, candidates, and other competitors, with a special dispute settlement mechanism that promotes dialogue and mediation between the conflicting parties.

-Ensure communication between the security and administrative agencies and municipalities and SCE on the details of electoral activities and violations, in rural and urban regions, so as to enable the Commission to estimate their value fairly, and the General Security to control the media and media programs related to the candidates.

-Request candidates to submit a detailed list of shares in companies, institutions and associations owned by them and their family members up to the first degree, and verify the identity of the real owners of economic rights.

-Issue a circular whereby candidates are required to submit a list that includes names and identity card copies of both paid and unpaid campaign employees, in addition to their mobile phone numbers, so as to enable the Commission to monitor, control and estimate spending.

-Issue a circular stressing the need for the monthly totals submitted by the candidates to match the comprehensive statement of account at the end of the electoral campaign.

-Issue a circular whereby all media outlets are requested to provide the Commission, no later than two days after the elections, with a detailed table of all contracts concluded with candidates, in order to compare the figures in said table with the media spending figures included in the candidate's comprehensive statement of account and with the analytical table that the Commission prepared through monitoring the appearance of candidates in the media and advertisements.

THIRD- RECOMMENDATIONS RELATED TO THE JUDICIARY

The Publications Court: to decide within short periods and urge the legislator to establish concise and clear principles related to electoral complaints. The relationship between the Publications Court and the Supervisory Commission on Elections (pursuant to Article 81 of the Election Law):

- The SCE's referrals to include the name of the legal person who committed the violation and the full identities of the natural persons with their accurate addresses.

- To refer each violation in a separate file and attach documents related to the violation in question.

- To attach to the casefile a list of the documents to prevent their loss.

- That the SCE adheres to the legal three-month deadline for referral.

- To provide the Publications Court with the address of the SCE to facilitate contact.

The Criminal Courts:

- Establish a criminal court specialized in electoral cases or assigning criminal judges in the public prosecution or a criminal court in each governorate.

- Apply the simplified procedures in electoral cases.

Summary justice: Assign individual judges in each governorate to decide exclusively on electoral matters during the campaign period and the electoral process.

Registration committees:

- Train the members of registration committees.

- The heads of the higher registration committees must inform the SCE of the results of their work in accordance with the law.

FOURTH- MISCELLANEOUS RECOMMENDATIONS

-Educate the candidates and their representatives about the necessity of recording observations and objections regarding violations and irregularities in the polling stations reports and the registration committees reports on the day of the election, which adds seriousness and accuracy to the violations and irregularities presented by the appellants before the CC.

-Train those in charge of the conduct of the electoral process, including polling station heads, clerks, and others.

-Refrain from amending the election law during the last year before the elections.

-Establish a mega center to reduce pressure on voters.

-Determine the date of the announcement of the final and official election results by the MoIM.



Report on the Outcome of the Workshop
**Challenges Encountered by the
Constitutional Council in the
2022 Parliamentary Elections**
Lessons learned from Electoral Appeals