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**Prospects of Electoral Reform in Algeria Post-Hirak of February 22<sup>nd</sup>**  
**A comparative study of the Most Significant Changes in the Electoral Process**  
**مستقبل الإصلاح الانتخابي في الجزائر بعد حراك 22 فيفري 2019:**  
**دراسة مقارنة لفهم اهم التغييرات التي مست العملية الانتخابية**

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**Abstract:**

The present paper investigates electoral reform in Algeria in the context of Post-Hirak of 22<sup>nd</sup> February 2019. Electoral reform pertains to larger democratic reform aiming at improving the responsiveness of electoral processes to the aspirations of citizens in order to develop and improve the basic principles underlying the elections namely neutrality, impartiality, transparency and freedom. In the present analysis, mention is made to the major turning points that marked this endeavor along with in-depth analysis of the endeavors and the outcomes of such a process. We conclude by a synthesis based on the seminal works on electoral reform and the findings from the analysis of the most significant changes throughout the dynamic process that led to the latest form of the texts that enshrine for elections in Algeria

**Keywords:** Electoral Process- democratic transition- Awakening- Participation

**الملخص باللغة العربية:**

تبحث هذه الورقة في الإصلاح الانتخابي في الجزائر في سياق ما بعد حراك 22 فبراير 2019. يتعلق الإصلاح الانتخابي بإصلاح ديمقراطي أكبر يهدف إلى تحسين استجابة العمليات الانتخابية لتطلعات المواطنين من أجل تطوير وتحسين المبادئ الأساسية التي تقوم عليها الانتخابات من حيادية ونزاهة وشفافية وحرية. في هذا الإطار، تمت الإشارة إلى نقاط التحول الرئيسية التي ميزت هذا المسعى إلى جانب تحليل متعمق للمعرجات والنتائج التي أسفرت عنها هذه التحولات. نختم بتوليفة تستند إلى الأعمال الأساسية من المصادر حول الإصلاح الانتخابي والنتائج المستخلصة من تحليل أهم التغييرات خلال العملية الديناميكية التي أدت إلى أحدث شكل من النصوص التي تنظم الانتخابات في الجزائر

**الكلمات المفتاحية:** العملية الانتخابية - التحول الديمقراطي - الحراك السياسي - المشاركة السياسية

**1. INTRODUCTION**

Electoral reform is generally associated with changes aiming at improving the responsiveness of electoral processes to the aspirations of citizens in order to develop and improve the basic principles underlying the elections namely neutrality, impartiality, transparency and freedom and to shy away from all distortions

by virtue of fraud or random factors. Notwithstanding, not all changes can qualify as reform. The latter can qualify as such if and only if they result at developing and improving the process by promoting the standards mentioned heretofore, including inclusion, integrity and accuracy. Random and recurrent changes in elections run the risk of alluding the public into a general feeling of betterment without any significant

reform taking place. On the other hand, the persistent need is sustaining the management of electoral reform decisions.

Accordingly, the focus is on building the capacity of the political systems, institutions and government at large to be more participatory and boost their ability to manage elections in ways that are sustainable and efficient based on wide citizen participation and integrity. In light of the transformations and changes witnessed in the world at the end of the twentieth century and the beginning of the twenty-first century that brought about both radical and partial political changes to many regimes in Eastern Europe and some African and Asian countries in the late 1980s, in addition to tumults known as the Arab Spring overthrowing several regimes the region. This adds to the present everlasting protests in other countries such as Morocco, Mauritania, Syria, Jordan and Bahrein.

In light of the regional circumstances and political agitations experienced in different parts in the world, we witnessed an upsurge in the the development of data technology and media as globalizing processes particularly with regard to political values, and electoral concepts such as democracy, freedom, integrity and transparency.

For the case of Algeria, internal conditions and regional challenges necessitate political change and reform from political parties, national and local associations, governmental and non-governmental organizations all of which have made Algeria not immune to the changes taking place in the world in general and the Arab world in particular. Since its transition from a political system based on

unilateralism to a pluralistic political system as stated in the Constitution of 1989 and the subsequent constitutional amendments arriving at the most recent reform of November 2020, the focus has been on political pluralism and the right of citizens to elect and be elected in representative bodies.

Undoubtedly, democracy is one of the main manifestations of democratic processes and a peaceful way to negotiate power having a direct influence on the effectiveness of the political system as it reflects its rules and policies. The ultimate goal is the survival and continuity of the system along with keeping pace with the political and technological changes and developments in the internal and external environment that surround any given regime. They can be seen clearly in the successive changes in the laws governing the electoral process such as the Election Law, the Law on Electoral Districts and the Laws of the Bodies supervising elections.

Since its inception, the law of elections 13/89 in 1989 up to the law of 08/19 of 2019, the latter were marred by many imbalances requiring each time a reason for amending laws. This fact is reflected in the emergence of many amendments related to the constitution and laws of elections between 1989 and 2020. There were six amendments to the constitution of the Algerian Republic and more than 10 amendments to the electoral law, two of which relating to the national body overseeing elections. The other four laws are related to the division of the electoral districts. In light of the above context regarding electoral reform in Algeria, we can pose the following central question:

Is electoral reform in Algeria the product of conscious and purposeful political reform, or is it a momentary and reactionary attitude to internal and external pressures and political transformations ?

The following sub-questions can also be formulated:

- What are the most important turning points for the electoral reform trajectory in Algeria , and what is the most significant changes that have defined the electoral process . ?

- Have the norms, guarantees and standards been taken into account for the electoral process and good governance principles since 1989 to date ?

#### **Study hypotheses:**

There are two basic hypotheses through which an attempt can be made to answer the question posed in the problem:

Hypothesis Z can be as follows: Electoral reform in Algeria is the result of political consciousness and systematic larger reform that aims to develop the performance of the electoral process and to achieve political stability and peaceful relay of power allowing elected bodies to play its foreseen role in the system.

The second hypothesis is that electoral reform in Algeria is characterized by circumstantial and immediate reaction by the ruling authority in response to internal circumstances and pressures as well as external political transformations such as the wave of democratic transformation in the late eighties and the Arab Spring agitations and the most recent February 22, 2019 movement. The hypothesis states that

the so-called reforms are no more than tactical measures to calm down protests demanding a rigorous change in the political system. The measures are to preserve the continuity and the survival of the system that takes legitimacy from the electoral process.

In order to answer the aforementioned questions, we organized the present paper into three main axes, where in the first axis we deal with the most important political stages that the political system in Algeria went through, and which were accompanied by changes in the electoral process from 1989 to 2020. In the second axis, we deal with the most important legal and technical legislation that influence it. The third axis addresses the most important electoral legislation relating to the supervision of the electoral process.

The general Framework of Electoral Reforms in Algeria between 1989-202.

Reforms that affect the electoral process depend on to a large extent on internal and external standards on how to access and exercise power, how to vote and nominate. The form of the electoral system and the body that supervises its process starting from voter registration to turning votes into representative seats in the elected bodies, arriving to announcing the results and considering appeals is a complex endeavor. In order to diagnose the most important reforms in the electoral process in the Algerian context, it is necessary to compare the reforms that affected the electoral legislation, especially the election laws and division of districts, and compare them with each other at each stage of reform, and the extent to which guarantees

and standards of integrity are observed.

We can track numerous reforms of the electoral system in Algeria since the transition to political pluralism in the Constitution of 1989. The electoral reforms began with the issuance of the election law of 89 / 13 which did not last long as a result of its rejection from the political class especially the Salvation Islamic Front "FIS" as a result of political bickering and tensions leading to the said law to be amended three times by law 90 / 06 and law 91 / 06 and then the law of 91/17. These revisions accompanied the local and the legislative elections at the beginning of the nineties of the century the results of which led to a severe political crisis between the FIS which won elections majority in both its local and legislative forms and the actual authority in office since independence represented mainly in the military institution. The turmoil resulted in the arrest of the political leaders and the interruption of the electoral process. The state of emergency was then declared and the President of the Republic resigned. The State Council was formed to lead the country in an attempt to manage a period of transition that had negative repercussions for security, political, economic, and social aspects. The main cause of this crisis is undoubtedly the elections.

In 1996, a new constitution was formulated for the country. This constitution introduced many reforms such as the establishment of a two-chamber parliament, namely the National Assembly as the upper room and the National People's Assembly as the lower room. It also divided electoral districts and a new electoral law was issued (07/97). The latter enabled Algeria to return

to the legitimacy of elected institutions at national and local level, but these frameworks did not achieve the aspirations of the political class and they, themselves were amended twice by the organic law of 04 / 01 and 07/08. The same can be said about the organic laws and latest amendments requiring more amendments to the election law that did not live up to the expectation of the political class. They were not on par neither with internal requirements nor international standards.

Inlight of theregional transformations,especially in the Arab countries, or what some might call the Arab Awakening, Algeria launched several political reforms announced by the President of the Republic following the protests of January 5th, 2011. In a speech addressed to the nation on April 5th, 2011, The President announced a package of reforms including the amending the constitution and revising Election Law of 01/12. This included a special law for women representation of 03/12 in addition to increasing the number of deputies in the National Assembly of People considering the density of population variable. It also tackled the supervising body of the electoral process. Because the amendment of the constitution has been postponed to 2016, it is necessary to reconsider the election law in line with the new constitution. Indeed, the new election law of 10/16 resulted in an important change to the body that is supervising the electoral process by the name of the Independent High Authority for Election as detailed by the Organic Law16/11. This body led the local and legislative elections of 2017.

However, the presidential elections which was scheduled to take place in 2019

aiming to put forth the candidacy of the President for a fifth term was the spark for a nationwide demonstration on February 22nd, 2019. The movement is known by the term “Hirak” which Arabic for Agitation or Awakening. The movement is calling for a radical change in the political system and eradicating the ruling elite. The protests paralyzed big cities for month leading to the ousting of the president in April 2019. The head of The National Assembly took over in accordance with the 2016 Constitution. On its highest priority, the leadership sought to organize new presidential elections after its failure to organize the presidencies in July 4th, 2019. Under pressure from the streets, and based on the constitutional tenets, the leadership succumbed to the popular pressure rejecting the ruling elite, the leadership engaged in a series of consultations with a part of the political class and convincing it of the need to return to the constitutional path and not go through a transitional phase, they opted for the presidential elections on December 12th, 2020. It is important to note that the electoral law was amended by a complementary law of 08/19 that creates a new body known as the independent national Authority for elections in accordance with the Organic Law 07/19.

In exceptional circumstances, the presidential elections were held in December 2019 especially after the call of many political forces for an open national dialogue leading to a comprehensive constitutional and political reform. The actual authority rejected this proposal and contented itself with a national committee for dialogue through which it passed the two previous laws, namely the election law and

the Independent National Authority for Elections Law. The presidential elections took place on December 12, 2019, as aforementioned. President Abdel Majid Tebboune won the elections.

The elected president stated regaining trust in public institutions as his primary objective dubbing it the “New Algeria”. The first step forward was amending the constitution and reviewing the electoral law again in exceptional circumstances. Therefore, the new constitution was drafted by a committee of experts and presented in a national referendum on November 10th, 2020. 66% of the voters voted in favor of the new constitution. Then, new workshops for the drafting of a new election law was launched in order to speed up the re-election of new local and national councils.

### **Prominent Technical & Legal Legislations affected by Electoral Reform**

Every reform of an electoral system has a set of targeted aspect aiming to make the electoral process in continuous improvement and flexibility according to the requirements and contextual changes taking into account the shifts in and internal and external environments and the means of technology, media and communication. We will meticulously discuss these aspects in the subsequent sections. We will then contrast and compare them and gauge its adaptability to the conditions for free and fair democratic elections and their conformity with the internal requirements and international standards.

This comes to being through two phases. The first is the initial electoral process such as the division

of constituencies and voter registration and polling and counting. Secondly, the reforms that tackle the stages of supervision and running and campaigning for elections.

### **I. The Initial Stages of the Electoral Process :**

The Algerian legislator attempted to correct the course of legal and technical choices in the election laws and rectify some errors that occurred in them and had impacts on the electoral process in the past years through successive laws where every time we find changes that may affect the division of electoral districts, voter registration, candidacy requirements and electoral campaigning or the methods of counting and polling.

#### **I.1 Dividing the Electoral Districts**

At first, we point out that the organic law related to the elections constitutes the central text in the electoral framework. It requires laws, decrees or special complementary orders in some aspects of the electoral process such as the division of electoral districts. Within the framework of which votes are expressed and translated into representative seats, and this division is subject to basic standards that take in several aspects, including geographical, demographic and administrative criteria, and in accordance with the principles of transparency and neutrality.

Despite the difference in the choice between one or both of the two stated criteria, the Algerian legislator has had several options since the issuance of Law 91/07 to determine the electoral districts and

the number of seats to be filled to renew the National People's Assembly, which was amended by Law 18/91, as well as Order 97. / 08 and Order 01/12, to determine the constituencies to be filled in Parliament.

Considering the principle of appointing people's representatives in electoral districts as an essential element in representative democracy and achieving justice at different state or regional level, and also taking into account the geographical and population density criteria, the Algerian legislator decreed the law of 12/01 that decided the allocation of seats by adopting the criterion geographic and demographic variables. It kept the administrative division in place, and preserved the administrative unit represented by the Daira (Administrative circles that encompass many municipalities) and Wilayas (Administrative Provinces), as Article 2 and 6 of the Order 01/12 stipulated that the electoral district be defined by the territorial boundaries of the state.

As for the election of members of the National People's Assembly and the Nation's Assembly, in accordance with the principle of geographical criterion as for The distribution of seats was carried out on the basis of the demographic criterion, whereby the 462 seats are distributed on the basis of one seat for each quota of 80,000 inhabitants and allocating an additional seat for each remaining quota of 40,000 people. This law also allocated an additional seat for the electoral district that is only with for Four seats, as well as for the districts in which the number of seats, i.e. the number of residents, has not changed since the approval of Ordinance Number 97/08. According to Article 3 of the order 01/12, the state may also be divided into two or more electoral

districts according to the criteria of population density and respect for geographical contiguity according to Article 84 of Law 01/12 and Article 84 of Law 10/16, while the change in Law 08/19 did not include this latter detail. The Algerian Diaspora community has 08 seats distributed as follows: District 1 Paris, District 2: Marseille, District 3 Tunis, District 4 Washington.

As for the National Assembly, the total number of seats is 144; two-thirds of which are elected by secret and indirect elections, with two seats allocated to each state, and the remaining third appointed by the President of the Republic from among the 'national competencies'. Hence, the electoral district is the framework in which the electoral process takes place. The latter leads to the selection of representatives of the people in the national and local councils and gives it the position in the electoral process and the possibility of controlling it. The Algerian legislature has taken a set of measures, laws and reforms in standards and methods. Distributing the electoral districts according to the geographical standard by adopting the state boundaries as electoral districts with the possibility of dividing them without prejudice to the conditions of geographical communication and population density and determining the number of representatives for each district by adopting the principle of population density through the text of Article 84 from Law 01/12 as well as Article 84 from Law 10/16 Which was not touched by the change in the law 08/19.

Notwithstanding, these procedures are not without shortcomings. They instigated controversies and criticisms. The following are among the most important

challenges:

- The introduction of the state's territorial boundary system as an electoral district without detailing how regions within the state are represented may have an impact on the representation of regions within the state, especially in parliamentary and state elections. In the latter, we find a specific geographic area devouring most of the electoral seats for political and economic reasons, especially in the absence of organizational texts and partisan culture that diverges from regionalism and the political ego. This fact contributes to the exclusion of regions and large parts of the country is deprived of representation.

- Quorum of exclusion can also be an obstacle to the representation of minorities or certain geographical areas within the territory of the province.

- Adopting population density criterion in dividing districts does not achieve proportionality between voters and representatives because what should be considered is voters registered in the electoral register as the latter is more accurate than population statistics.

- The electoral law does not stipulate a review of the division of electoral districts and the periodicity of the population census, taking into account the factor of population movement, which may affect this principle, as the electoral division is circumstantial and irregular in the various electoral events, which makes it imperative to lay the foundations for the periodic review to determine the seats allocated to each constituency periodically.



**.-2-: Voter registration and electoral roll review**

The Algerian election laws stipulated from the legal amendment of 08/19 and promulgated in 2019 and before it, Law 10/16 and Law 01/12 and all previous laws issued in this field that every Algerian voter who reached the age of 18 on the day of polling with Algerian nationality and civil and political rights According to Article 3 of Law 10/16 is entitled to voting. The Algerian legislator also adds the obligation to register in the electoral lists to be able to practice that right. Every citizen who is not registered has the right to request his registration in accordance with the applicable regulation stipulated in Articles 10 and 09 12, 11 of Law 10/16.

It is noted that the Algerian legislator, in all laws tried to maintain the same conditions related to voter registration, with exceptions in some articles such as Article 12 of the amended and complementary order 07/97, as well as Article 10 of Law 10/16 and Law 12/01 which allowed to register members of the People's National Army, National Security, Civil Protection, Customs Employees, Prison Personnel, and Municipal Guards who do not meet the requirements for registration in the electoral list in the municipality in which the residence is in accordance with Article 36 of the Civil Code according to Articles 04 of Law 01/12, Law 10/16 and Article 06 of Ordinance 97/ 07, and to allow their registration in the municipality of their birthplace or the one with the last residence, or the municipality in the hometown of one of the concerned origins. This measure formed a wave of protest and special criticism from the National Election Monitoring Committee in

its report after the legislation of May 10, 2012, and became known as the collective registrations of regular wires.

As for the review of electoral lists, they are done automatically in the last three months of each year, and they can be reviewed exceptionally by a presidential decree that includes summoning the Electoral College to the polls, which determines the period of its opening and closing. According to Article 14 of Law 01/12, Article 18 of Ordinance 07/97 and Article 14 of Law 10/16, which has not changed in Law 08/19, as for the composition of the committee, it consists of a judge appointed by the regionally competent Judicial Council Chairman of the Municipal People's Council as a member and the Secretary General The municipality has one member in addition to two electors appointed by the head of the committee as two members.

According to Article 19 of Ordinance 97/07, Article 15 of Law 10/12 and Article 15 of Law 10/16, it is noticed that Law 07/97 did not stipulate the presence of two members from the municipal electorate. However, Law 89/13 stipulated, in addition to the above, two voting members proposed by the head of the Municipal People's Council and who have more than 10 years of residency, while Law 19/08 states that electoral lists are prepared and periodically reviewed on the occasion of every electoral or referendum in each municipality.

With regard to the right to view the electoral list, Law 01/12, Law 10/16 and Law 08/19 stated that all registered citizens or party representatives have the right to view the list and the ability to file an objection or request to cancel a person

registered unlawfully according to Articles 20 and 21 of Law 12 01 / Articles 23 and 24 of Ordinance 07/97, Article 22 of Law 08/19, and Article 22 of Law 10/16.

The municipal electoral list is kept in the permanent secretariat of the Administrative Electoral Commission and a copy of this list is deposited with the regional and state court. Whereas Article 22 of Law 10/16 stipulated that the electoral lists be placed at the disposal of the High Independent Electoral Commission, but in Law 08/19 the Independent National Authority became the one in charge of preserving the municipal electoral list. The exception also came in the administration's dimensions of preparing electoral cards and providing them to citizens. According to Article 23 of Law 08/19 Contrary to what was stipulated in Articles 24 of Law 10/16 and Article 24 of Law 01/12, the state administration is concerned with preparing the voter card and delivering it to citizens.

### -3-: Polling and voting

The successive electoral laws defined a set of stages and techniques by which polling and counting take place, as Article 02 of Law 01/12 and Article 02 stipulated for both Laws 07/97 and 89/13, and Article 02 of Law 10/16, provided that voting must be general, direct and secret. Only those who are registered in the electoral lists shall vote according to Articles 04 of Law 89/13, Article 06 of Law 07/97, Article 4 of Law 01/12, and Article 04 of Law 10/16.

The electoral laws also stipulated that the voting process takes place within the electoral district, and the governor has been entrusted with administrative powers with

regard to the distribution of voters through voting offices and voting centers that are determined by organization as stipulated in Article 27, 28, 29 of Law 01/12 and Article 33 of Ordinance 07/97. And articles 27 and 26 of Law 10/16, while in Law 19/19, Articles 27 to 30 are delegated the powers of the state representative to the Independent National Elections Authority and not the governor, as it was entrusted with the authority to extend the election time according to Article 33 of Law 19 / 08.

Voting starts from eight in the morning and ends at seven in the evening, and voting lasts for one day, determined by a presidential decree according to Article 30 of Law 12/1, Article 34 of Ordinance 07/97, Article 32 of Law 10/16 and Article 32.33 of Law 19/08. Voting is confidential and personal through the isolators located inside the voting offices, and the voter can delegate his right to vote in the cases stipulated in Article 53 of the Organic Law 01/12 and Article 53 of Law 10/16 which has not changed in Law 08/19 to a person who enjoys civil and political rights. The voter chooses the list or candidate they want and put it in an opaque and non-stamped envelope and on a unified form that the administration places in the voting office and the voter places this envelope in the transparent ballot box and confirms the vote by putting his fingerprint on the signatures list according to Articles 35 and 36 of Law 19 / 08.

### -4-: Sorting and announcing the results

After the end of the time specified for polling, the counting process begins inside the voting office by personnel dedicated to this end under the supervision of the voting office members. The valid

votes are counted and distributed to the lists obtained and the canceled votes are counted according to the provisions of Article 52 of Law 01/12, and the papers in dispute with their validity are preserved. With regard to the counting process, the Algerian legislator in Law 01/12 kept almost the same conditions that were stipulated in Order 97/07, and the results are placed in a written report written in indelible ink in the presence of the voters or candidates in three copies signed by the members of the voting office where a copy is attached inside the voting office and sent to the head of the municipal electoral commission, then a copy to the governor or head of the diplomatic or consular center abroad, and the head of the office also delivers a copy of the counting minutes to the legally qualified representative for each candidate or list of candidates, in addition to delivering the original copy to the head of the municipal election monitoring committee or their legally qualified representative.

In contrast to law 01/12, which authorized the powers to deliver copies of the counting minutes to the head of the voting office according to the aforementioned venues, we find Order 97/07 in Article 58 stating that the head of the voting office delivers two copies of the counting minutes and the appendices to the municipal electoral commission in charge of the general count of votes in the presence of all heads of the voting offices as well as the candidates and their representatives. The minutes of the municipal vote census shall be drawn up including all the votes and two copies of it are drawn up signed by the members of the municipal electoral commission. The second copy is sent to the competent electoral commission. A certified

copy of conformity to the original is sent to each candidate representative or a qualified entity in return for a signature of receipt. In addition, what distinguishes law 01/12 is that it does not stipulate the conditions related to the persons, representatives of the lists or religious parties who receive the counting minutes from the competent authorities and the legally authorized bodies, as stipulated in the amended Article 61 of Ordinance 97/07.

While we find that Laws 10/16 and 19/08 kept the same screening techniques as in Law 12/01 and this is according to Articles 47, 48 and 49 and 50 of the two aforementioned laws, the exception is in order to ensure that the election results are not tampered during the transmission of the records. In other words, the count in the regions should be made public, which is a basic guarantee that the results will not be falsified.

## **II. The Stage of Election Supervision, Observation, Candidacy and Campaigning:**

This stage includes examining the most important technical and legal aspects related to the three subsequent phases: the status of the body supervising and monitoring the electoral process, the candidacy stage, as well as the stage of the election campaign or campaign.

### **-1-: The body supervising and Monitoring the Elections**

Assigning supervision and monitoring of the electoral process to a neutral and independent body is one of the guarantees and indicators of the democracy of the political system, and a fundamental factor in achieving freedom of free and fair

choice, as stipulated in the 1989 Constitution as well as the 1996 Constitution and the laws governing the electoral process Law 89/13, Order 97/97 and Law 12 01 / As well as international laws such as the 1948 Human Rights Charter and the 1966 Civil and Political Rights Treaty.

Consequently, Algeria, in the period of political and electoral reform since the shift towards political and partisan pluralism, worked to create and place two types of apparatus. The first organ was entrusted with the task of managing elections represented in the central administration of the Ministry of the Interior supervised by national and local administrative officials, and the second body for supervision And observation. This apparatus consists of political figures representing political parties and is called the Independent National Committee for Election Monitoring. As for Law 01/12, in addition to the administrative apparatus that manages the electoral process, it has created two committees for supervision and monitoring. The first committee was assigned to supervise the electoral process, which is the National Supervision Committee On the elections and the second for monitoring, which is the National Election Monitoring Committee.

The Algerian legislator, and since the 1997 legislative elections, set up a national committee to monitor elections, known initially as the Independent National Election Observation Commission according to Decree No. 58/97, whose mission is to ensure the smooth conduct of the electoral process. This committee is made up of representatives of the political parties participating in the elections. It is headed by a national figure appointed by the President

of the Republic, and this committee has local branches in order to monitor elections at the local level, as this committee supervises elections in the framework of respect for the constitution and the laws of the Republic and in accordance with the powers vested in it, and it seeks to ensure the smooth running of the electoral process and its integrity and to achieve the neutrality of the administration Respect for voters and candidates. The National Political Committee for Election Monitoring or the Independent National Committee for Election Monitoring was established in all electoral events that Algeria has known in the various stages of political reform and electoral reform, including the National Political Committee for Monitoring the Presidential Elections on April 19, 2009 . Its power to exercise within the framework of respect for the Constitution and the laws of the Republic is a general task to monitor the legal process Electoral management and administration neutrality, and respect for the rights of voters and candidates.

Whereas this National Political Committee for Election Observation, or as it is called the Independent National Election Monitoring Committee, whether at the national or local level, lacks independence and impartiality in its exercise, and the loss of the powers vested in it, and in light of the criticisms directed at these committees, whether from inside or outside, and their designation as support committees The Algerian legislator is looking for new alternatives, especially in light of political reforms. Indeed, two national committees have been established, the first to supervise the elections and the second to monitor the elections, as stipulated in the 01/12 law.

**The National Committee for Election**

**Supervision:**

The main feature of this committee is that it consists exclusively of judges appointed by the President of the Republic () and is placed on the occasion of every vote. This committee exercises within the framework of respecting the constitution and applicable legislation the task of supervising the implementation of the provisions of the Organic Law 01/12 from the date of submitting the candidacies to the end of the electoral process Its mission is summarized as:

- Examine every violation that affects the credibility and transparency of the electoral process, consider every violation of the provisions of this law, as well as consider cases referred to it by the National Election Monitoring Committee.

**The National Election Monitoring Committee:**

The National Election Observation Committee consists of representatives of political parties who form the General Assembly and elect a chairperson for the commission and an office consisting of 5 vice-presidents () and a permanent secretariat of national competencies appointed by organization, as well as representatives of free candidates who are chosen by lot by the candidates. Others have state and municipal committees to monitor elections at the state level and all municipalities, and are tasked with exercising the powers of the National Authority across their regional departments.

Where the state committee is formed of a representative of every political party participating in the elections and presented a list of candidates in the state as well as a

representative of each free candidate list and the head of the committee is elected by its members, and the municipal committee is formed in the same way and exercises its functions within the municipality boundaries as it is noted that the organic law 01/12 Granting the National Election Monitoring Committee its own budget, and enabling it to benefit from all facilities to fulfill its role and from logistical support by public authorities in order to perform its duties (), as the National Election Monitoring Committee seeks to contribute to monitoring the electoral process starting from The processes of reviewing the electoral lists, handing over a copy from each municipality to the representatives of the parties and free candidates, placing the voting papers in the offices according to the agreed arrangement, providing all the necessary means for the operation of the process inside the voting offices and centers, as well as the mobile offices, and enabling each legally qualified representative to receive an identical copy of the original. The counting minutes, the municipal vote census record, and the results compilation record.

We have previously mentioned that the administrative apparatus that supervises the electoral process in Algeria is of a governmental nature, as the administration represented in the government and the state undertakes supervision of the electoral process. The previous laws, as well as Law 01/12 created an electoral commission at the municipality level and an electoral commission at the state level, and these two committees are the same Administrative character.

These committees still lack the legal and technical powers to administer and supervise the elections.

Consequently, the amendment of the constitution in 2016 established a special law for the body empowered to supervise the electoral process, which is Law 11/16 and became known as the Independent High Authority for Election Observation. The charge of interference and fraud in the election results, as the law establishing the Independent High Authority for Election Monitoring stipulated that it is a supreme supervisory body that enjoys financial independence and independence in conducting according to Articles 2 and 03, and is made up of 410 judges and community competencies appointed by the President of the Republic, headed by a national figure after consulting political parties.

This body has an oversight mission without having the means and legal power and does not have executive powers. Rather, its task is to notify the will or bodies participating in the electoral process about the course of the electoral process or the violations that occur according to Articles 12 to Article 24 of its organic law.

Consequently, the basic observation in practical reality is that the role of the local and national administration remains a great deal in the electoral process, which has formed resentment on the part of parties, national bodies and large segments of society.

As for the movement of February 22, 2019, the transitional authority headed by President Abdelkader Bensalah, and this immediately after the resignation of President Abdelaziz Bouteflika, tried to conduct consultations with the political class in order to find guarantees for a return to the electoral process and the formation of new

elected institutions, especially the presidential elections, which resulted in the issuance of New Law No. 19/07 for the Independent National Elections Authority, which is considered an attempt by the actual authority in order to give greater credibility to the electoral process and to keep the administration away from its course. Therefore, an independent national election authority has been established that exercises its functions without bias, enjoying the moral personality and administrative and financial independence called the National Authority Independent Elections According to Article 02 of Law 19/07, they have sufficient capabilities and powers to carry out and watch all stages of the electoral process and obligate all public authorities to provide support and assistance in order to enable them to carry out their tasks according to Article 04 of the same law, and the independent authority is responsible for embodying and deepening democracy Constitutionalism and the promotion of the electoral system conducive to the peaceful and democratic deliberation of the exercise The authority is in accordance with the principle of the sovereignty of the people through free, pluralistic, fair and transparent elections according to Article 06, and it also undertakes the process of preparing, organizing, managing and supervising the elections, starting with the voter registration process and reviewing the electoral lists through all the electoral preparation processes, the voting, counting and deciding election disputes until the results are announced. As stipulated in Article 07 of its law and articles 08 to Article 17 of Law 19/07, and it consists of a council, an office and an elected president at the national level, and it has state, municipal, and consular and diplomatic representations that handle the

various electoral processes starting from registration to the point of announcing the results and deciding.

### **Municipal Electoral Commission:**

The committee is composed of a chief judge, a deputy head, and assistants appointed by the governor, as the municipal committee establishes the municipality's headquarters or a known official headquarters according to Article 149 of Law 01/12, and Article 152 of Law 10/16 counts the results obtained in all voting offices, and records them in an official record signed by The party of its members is sent to the head of the state electoral commission, and a copy for the governor for safekeeping, as well as keeping a copy for hanging at the municipality's headquarters, and this committee undertakes the distribution of seats in accordance with the provisions of Articles 66, 67, 68, and 69 of Law 01/12 and Articles 66, 67, 68, 69 According to Law 10/19 in the municipal elections, as for the amended and supplemented Order 07/97, the Municipal Electoral Commission consists of a president, a vice president and two assistants appointed by the governor from among the municipality's voters, and it counts the votes expressed at the municipality level and distributes seats in accordance with the provisions of Articles 76, 77, 78, 79 of Order 97/07.

While the Municipal Committee became called the Municipal Commission and is subject to Law 07/19, which consists of local delegates appointed by the Independent National Elections Authority and undertakes its duties in accordance with the Elections Law 08/19, especially its articles related to organizing the electoral

process from its beginning to its end, not as it was in the previous laws organizing For the work of the municipal committees, which were only a technical and temporary process related to vote counting and the distribution of representative seats.

### **- State Electoral Commission:**

The State Electoral Commission consists of three judges, including a president with the rank of advisor appointed by the Minister of Justice. It meets at the Judicial Council headquarters. The task of this committee is to collect, inspect and focus the results sent by the municipal electoral commissions. It also distributes seats in the wilaya People's Assembly elections in accordance with the provisions of Articles 67 and 68. Law No. Collecting the results of the municipalities belonging to the state and counting them at the state level. Their records are deposited in a sealed envelope with the Constitutional Council's Control Secretariat.

As for the organic law 07/19, the state delegation enjoys wide powers, unlike the state electoral commission, which remains just a technical committee whose mission ends with the end of the electoral process, as the organic law 19/07 granted the state commission to exercise the powers vested in the independent authority within the constituency of its jurisdiction, which is all Powers related to the electoral process.

The Algerian legislator in electoral laws changed some of the special conditions for candidacy for the presidential and national and local council elections, especially before the issuance of the law 01/12, and renewed many of them in each special stage, the conditions for candidacy

for membership in the parliament consisting of the National People's Assembly and the National Assembly to lay down conditions and methods Specific to each council, as well as laying down special conditions for candidacy for membership in local municipal councils that differ from those set in the national councils, especially those related to the age requirement as well as the jobs that prevent their occupants from running, but Law 10/16 did not carry significant changes when compared to Law 12 / 01.

Regarding candidacy for presidential elections: In general, the legislator maintained the same conditions in all stages of the electoral reform, except for the conditions related to nationality, which became more stringent in Law 08/19 according to Article 139 and Article 149 of this law and explicitly stipulated the personal filing by the candidate, a procedure that was not Under the previous election law 10/16, this avoids the confusion that occurred on the eve of the election campaign manager depositing the candidate Abdelaziz Bouteflika by his campaign manager, while the head of the Supreme Commission for Election Monitoring stated that the candidate should be deposited according to the internal law of the Constitutional Council, but soon he retracted His statement because neither the 2016 constitution nor the elections law 10/16 stipulates that the candidate for the elections shall file his file in person.

### **Candidacy for municipal and state Popular Councils' Elections:**

There are many conditions required by Article 71 of Law 01/12, and Article 72 of Law 10/16 The list is filed with

the state under the auspices of one or several political parties, and if a free list is to be supported by the signature of 5 percent of the constituency voters in Law 12 01 / And it became 04% in Law 10/16. It is also required for the candidate to the municipal or state council membership to be at least twenty-three years old on the day of polling and to have Algerian nationality and prove his performance of national service or exempt from it, and also not be convicted in the felonies and misdemeanors stipulated in Article 5 of Law 01/12 and Article 5 of Law 10/16 may not be reinstated. What is new in Law 01/12 and Law 10/16 is to lower the age requirement for candidacy after he was 25 years old. Regarding local elections according to Article 93 of Ordinance 97/07 and became twenty-three years old while retaining the rest of the conditions stipulated in the order 97/07 and was confirmed in Law 01/12 as well as Law 10/16 through Article 78 of Law 01/12 and Article 79 From Law 10/16 as well as prohibited cases From running for membership in the Municipal People's Assembly, Article 81 of Law 01/12 and Article 98 of Ordinance 97/07, and Article 81 of Law 10/16, where he is considered unelectable during the exercise of their functions and for a period of one year after stopping work in the jurisdiction, each of (governors and chiefs) Chambers, state secretaries and members of state executive councils, judges, members of the People's National Army, security wire personnel, accountants

### **Conclusion:**

Electoral reform in Algeria up to 2020 constituted a basic era of democratic transformation and political reform in Algeria, despite the flaws, negatives, and flaws in the electoral process, and in some



cases a response that was considered an immediate response to internal pressures and the demands of protest movements calling for reform and their inclusion in governance, in addition to this. International conditions, transformations at the external level, development in technologies and means of communication, and considering Western democracy as a political model that deserves to be generalized and the accompanying globalization of concepts and values, especially electoral values such as standards of quality, guidance, democracy, integrity, freedom, effective participation, and the participation of women in political life and in light of these internal and international conditions in particular. What is known as the Arab Spring revolutions at the end of 2010 and the beginning of 2011, which moved to Algeria in the form of protests on January 5, 2011 and which accelerated the adoption of political and electoral reforms after the speech of the then President of the Republic on April 15, 2011, including amending the constitution, the election law and political parties at the beginning of 2012 and removing the administration from the electoral process, except It did not live up to the standard The aspirations of the political community in Algeria, after the amendment of the constitution in 2016 and the reforms that accompanied it, but they remained stagnant until the eve of February 22, 2019, in a popular movement demanding a radical change in the system of government and preventing President Bouteflika from running for a fifth term, the actual authority hastened to reconsider only the The Independent National Elections Authority Law, the amendment of the election law, and the holding of presidential elections on December 12, 2020, won by President Abdel MajidTebboune, who promised deep

reforms in the constitution and the various laws of the republic to restore the people's confidence in their state and institutions

What we can conclude is that electoral reform in Algeria, despite the internal and external circumstances that have a great impact on political and electoral reform, and the global trend to build democratic systems, predicts that there is a desire for transformation and reform of the electoral process through successive electoral laws to achieve peaceful deliberation on Authority, but this desire is temporary and depends on creating a political climate that guarantees the survival of the ruling authority, ensuring its interests, and not repeating the experience of the 1990s, as well as the imbalance in political balances and conflicts between active institutions in the Algerian political system, and the security, political, economic and social crises that resulted from them that had an impact. Negative for the Algerian state, and the best solution is for electoral reform to take place through stages, each time a political and democratic environment is prepared for this reform.

### List of references

#### Books:

- Saad Mazloun Al-Abdali, Elections are Guarantees of their Freedom and Integrity, A Comparative Study, 1st Edition, Baghdad: Dar Tigris, 2009

Saad, Abdo and others, Electoral Systems, 1st Edition, Beirut: Al-Halabi Legal Publications, 2005.

#### Official documents

The People's Democratic Republic of

Algeria, Constitution of 1989, dated February 23, 1989

The People's Democratic Republic of Algeria, the Constitution of 1996, dated November 28, 1996

The People's Democratic Republic of Algeria, the Constitution of 2016, dated March 06, 2016

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Law 08/19, dated September 14, 2019 includes the amendment of the Organic Law 10/16 related to the electoral system."

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Law 10/16 of August 25 2016 containing an organic law relating to the electoral system"

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Law 01/12 of 12 January 2012 containing an organic law relating to the electoral system"

The People's Democratic Republic of Algeria, Presidency of the Republic, "Order 97/7 of March 06, 1997 contains the organic law relating to the electoral system."

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Law 89/13 of August 7, 1989 includes the electoral law."

- The People's Democratic Republic of Algeria, the Presidency of the Republic, "Law 07/91 of April 3, 1991" defining the electoral districts and the number of seats to be filled to renew the National People's

Assembly.

The People's Democratic Republic of Algeria, the Presidency of the Republic, "Law 91/18 dated October 15, 1991" defines the electoral districts for the elections to the National People's Assembly.

The People's Democratic Republic of Algeria, Presidency of the Republic, "Decree 97/08 dated 06 March 1997" specifies the electoral districts and seats to be filled in the parliamentary elections.

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Order 01/12 of February 13 2012 defines the electoral districts and seats to be filled in the parliamentary elections.

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Presidential Decree No. 97/58 of March 6, 1997" related to the Independent National Commission to Monitor Legislative Elections.

- The People's Democratic Republic of Algeria, the Presidency of the Republic, "Presidential Decree No. 61/09 of February 7, 2009," establishes a national political committee to monitor the presidential elections on April 9, 2009.

- The People's Democratic Republic of Algeria, Presidency of the Republic, "Law 89/11 of July 5 1989" related to associations of a political character.

Announcement of the Constitutional Council, Legislative Results December 26, 1991 (First Round), Official Gazette, Issue

01, 1992

(2012-2017) - The Official Journal, No. 32, 2012.

- The Constitutional Council announced the results of the People's National Assembly elections for the mandate