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**Legislative Decree No. (3) of 2002 regarding the Municipal Councils Members Election System**

We, Hamad bin Isa Al Khalifa, Emir of the Kingdom of Bahrain;

Having reviewed the Constitution;

Emiri Order No. (4) of 1975;

And the Municipal Law promulgated by Legislative Decree No. (35) of 2001;

Upon the submission of the Prime Minister;

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One**

The election of the members of the Municipal Councils shall be conducted in accordance with the provisions of this Law.

**Article Two**

Bahraini citizens - both men and women - shall have the right to elect members of Municipal Councils, if they meet the following conditions:

1- Have reached twenty one Georgian years of age on the election day.

2- Shall enjoy full legal competence.

3- Shall be a resident with regular residence in the electoral constituency as documented in his CPR card. In case he resides abroad, his last place of residence or the residence of his family in the Kingdom of Bahrain shall be his electoral constituency.

Citizens of the Gulf Cooperation Council States who meet the previous conditions shall have the right to participate in electing the members of Municipal Councils if they have a permanent residence in the Kingdom of Bahrain. This shall be permissible for others who own built real estate or land in the Kingdom.

**Article Three**

The following persons shall be denied the right to vote:

1- A person convicted of a felony or a crime involving a breach of honour or trust, until he is rehabilitated.

2- A person sentenced to imprisonment for one of the electoral crimes provided for in this Law, unless the sentence is suspended or the convicted person has been rehabilitated.

**Article Four**

Every voter shall exercise his electoral right himself in the electoral constituency to which he belongs.

**Article Five**

Each Governorate shall be considered an electoral municipality, and each area shall be divided into ten electoral constituencies determined by a Decision by the Prime Minister.

Each constituency shall be represented by one member chosen by direct election.

**Article Six**

The President of each one of the committees provided for in this Law shall be from the Kingdom’s judicial or legal system.

**Article Seven**

A committee shall be formed in each electoral municipality by a Decision from the Minister of Justice and Islamic Affairs consisting of a President, a number of members, and a Secretary. The committee shall prepare the voters’ rolls, receive and examine the candidature applications, prepare the candidates’ lists, examine the applications and objections concerning any procedure or decision issued in respect thereof. In general, the committee shall be competent to supervise the elections of members of Municipal Councils.

**Article Eight**

The voters’ rolls for electoral constituencies shall be prepared in accordance with the following rules:

(A) The rolls shall be in alphabetical order from the official registers and documents, and in coordination with the Population Register Department of the Central Statistics Organization.

(B) The rolls shall include the names of the voters who meet the conditions provided for in Article Two of this Law, and the voter shall not be denied the right to vote, and the registration shall include the name of the voter, his personal number, and his ordinary place of residence.

(C) The voters’ rolls shall be prepared for each constituency in three copies signed by the President of the committee provided for in the previous Article and its Secretary. The committee shall maintain a copy, shall submit the second to the Ministry of Justice and Islamic Affairs, and the third copy shall be maintained within the Municipal Council.

(D) The rolls shall be prepared and displayed for a period of seven days at the Municipality headquarters and other designated locations determined by the Municipality administration, all of which shall be done at least sixty days before the scheduled date for the election of the members of the Municipal Council.

**Article Nine**

The electoral domicile shall be the place where a person usually resides, or where he or his family resided, if he resides abroad. The voter shall not be registered in more than one electoral constituency, nor in more than one election rolls.

**Article Ten**

It shall not be permitted to make any amendment to the voters’ rolls, after the issuance of the Decision determining the date of the municipal elections, except with regard to a correction in the roll, in implementation of the decisions and rulings issued in the appeals for registration in the roll, or on the basis of notifications of the issuance of final rulings or decisions that lead to denial of the right to vote.

**Article Eleven**

Every person whose name is not included in the voters’ roll or an error occurs in the data relating to his registration therein, shall have the right to request the committee provided for in Article Seven of this Law, to register his name or correct the data relating to his registration.

The request for registration or correction shall be submitted within seven days from the start of the rolls’ presentation date.

The committee shall issue its Decision on this request within three days from the date of its submission. In case of the issuance of a Decision rejecting the request, the person concerned shall have the right to appeal this Decision before the Civil Division of the Court of Cassation within a maximum period of three days from the date of its issuance. The Court shall rule upon such appeals within seven days from the date of filing the lawsuit, and the ruling issued by the Court shall be final and not subject to appeal. The voters’ rolls shall be amended in accordance with the provisions or final decisions.

**Article Twelve**

The committees provided for in Article Seven of this Law shall be formed each time sufficiently before the expiry of the term of the Municipal Council.

The provisions provided for in the preceding Articles shall apply in regard to the formation of these committees, the procedures for their operations, and the decisions issued by them.

**Article Thirteen**

The date of the election of Municipal Council members shall be determined by a Decision from the Prime Minister, which shall include the date of opening and closing the candidature process. This Decision shall be published in the Official Gazette at least thirty days before the scheduled date for the elections.

**Article Fourteen**

Whoever wishes to be a candidate for membership in the Municipal Council shall submit the candidacy request in writing to the committee provided for in Article Seven of this Law, accompanied by the recommendation of ten voters from the electoral constituency, provided that this request shall specify the constituency in which he nominates himself, and the voter shall not recommend more than one candidate.

The candidature request shall be accompanied by a receipt for the deposit of a – non-refundable – cash amount of fifty Dinars in the treasury of the Municipality.

Candidature requests shall be registered according to the dates of their receipt, in a dedicated register, and receipts shall be issued for them.

The proceeds of the amounts provided for in the second paragraph of this Article shall be transferred to the Municipality for disbursement on various activities under its supervision.

**Article Fifteen**

A list containing the names of the candidates shall be displayed at the Municipality headquarters, within the three days following the closing of the nomination. These names shall be announced in one of the local publishing media.

Whoever submits for candidature and his name is not mentioned in the list prepared for that purpose may request the committee provided for in Article 7 of this law to include his name among the candidates, or to object to the inclusion of the name of any of the candidates , during the period of presenting that list .

The committee shall issue its Decision – regarding the request or objection – within three days from the date of its submission. The failure of the committee to issue its Decision within that period shall be considered an implicit Decision of rejection. The person concerned shall have the right to appeal the rejection Decision before the Civil High Court of Appeal within three days from the date of its issuance. The Court shall rule upon the appeal within seven days from the date of filing the lawsuit, and its ruling shall be final and not subject to appeal.

The final names of the candidates shall be published at the headquarters of their respective constituencies.

**Article Sixteen**

The candidate shall have the right to obtain one official copy of the voters’ rolls in the constituency in which he is nominated.

**Article Seventeen**

The candidate shall have the right to withdraw his candidature by notifying the committee mentioned in Article Seven of this Law in writing, at least seven days before the election day . The withdrawal shall be confirmed in front of his name on the candidates’ list in the constituency, and this withdrawal shall be announced on the election day, on the door of the election committees headquarters in the constituency where the candidate is nominated.

The Municipality shall publish an announcement of this withdrawal in one of the local publishing media, at least three days before the date set for the election.

**Article Eighteen**

Each electoral constituency shall have one or more committees called the “Ballot and Counting Committee” which shall be competent to conduct the ballot and count the votes within the constituency.

These committees shall be formed by a Decision from the Minister of Justice and Islamic Affairs, and shall constitute of a President and a number of members, one of whom shall assume the position of the Committee’s Secretary. The Decision issued shall determine the headquarters of these committees, as well as who replaces the President in his absence or an impediment preventing him from working.

Each candidate shall have the right to select a voter from those registered in the voters’ rolls of the constituency in which he is nominated to act as his representative before the Ballot and Counting Committee specific to this constituency. The candidate shall submit the name of his representative to the Committee specified in Article Seven of this Law at least three days before the election date.

**Article Nineteen**

Maintaining order at the headquarters of the Ballot and Counting Committees shall be entrusted to the President of the Committee. For this purpose, he shall seek the assistance of the Public Security Forces, who shall not be allowed to enter the ballot and counting hall except at the request of the President of the Committee.

Candidates or their representatives shall be allowed to enter the ballot and counting hall.

**Article Twenty**

The Secretary of the Committee shall write the minutes of the election and record the decisions of the Committee, and the minutes shall be signed by the President of the Committee as well as the other members. If any member refuses to sign, this shall be proven in the minutes with the reasons he may give.

**Article Twenty One**

The election process shall last from eight o’clock in the morning to six o’clock in the evening. However, if there are voters at the Ballot and Counting Committee at six o’clock in the evening who did not cast their votes, the Committee shall issue a list of their names, and the election process shall continue until the voters have cast their votes. If all the voters registered in the roll cast their votes before the expiry of the time prescribed for the election, the Prescribed shall announce the end of the voting process after the last voter casts his vote.

**Article Twenty Two**

Every voter shall submit to the Ballot and Counting Committee, upon casting his vote, proof of his identity by submitting the CPR card. In the absence of the CPR card, the President of the Committee shall have the right to consider the ID card or passport in proving the identity of the voter.

In all cases, it shall be indicated in the voters’ list manually or digitally that the voter has cast his vote.

**Article Twenty Three**

The election shall be by secret ballot, and every voter shall cast his vote by marking the ballot paper prepared for that purpose. It shall not be permitted for the voter to express his opinion more than once in a single election.

Voters who cannot read or write, blind, or others with disabilities who are unable to express their opinion on the ballot paper themselves, they shall express their opinion orally so that only the members of the Committee hear it, and the President of the Committee shall record the opinion of the voter in the ballot paper prepared for that purpose and which he shall sign. It shall also be marked next to the voter’s name in the voters’ list to indicate that he had expressed his opinion in that manner.

The President of the Ballot and Counting Committee shall announce the end of the election process once the designated time comes, after making sure that all voters present at the headquarters of the Committee have cast their votes until that time. The minutes of the election process shall be signed by the President and members of the Committee, after which the vote counting process shall begin.

Every candidate or his representative at the Ballot and Counting Committee shall be allowed to attend the counting process, except for the deliberations of the Committee.

**Article Twenty Four**

All votes that are pending on a condition or given for more than the number required to be elected, recorded into a ballot paper other than these prepared for voting, or that bear any mark indicating the voter’s identity, shall be considered invalid.

**Article Twenty Five**

The Ballot and Counting Committee shall rule upon all matters related to the election process and on the validity or invalidity of the vote cast by every voter.

The deliberations of the Committee shall be confidential, and shall only be attended by the President and members of the Committee.

Decisions shall be issued by an absolute majority. In case of a tie, the President’s side shall prevail. Decisions shall be recorded in the minutes of the Committee and they shall be reasoned.

**Article Twenty Six**

The member of the Municipal Council shall be elected by an absolute majority of the number of valid votes cast in the election. If this majority is not available to any of the candidates in the constituency, a run-off election shall be made between the two who obtained the largest number of votes. In case of a tie in votes, a lot shall be drawn between them by the knowledge of the President of the Ballot and Counting Committee.

In all cases, the President of the Ballot and Counting Committee shall record, in the counting minutes, the name of the winning candidate, and the number of votes obtained by each candidate in his own constituency. The members of the Committee shall sign this minutes, the boxes of election papers shall be closed and sealed with red sealing wax, and all of them shall be submitted to the Committee provided for in Article Seven of this Law.

**Article Twenty Seven**

The President of the Committee provided for in Article Seven of this Law shall announce the general election results in each electoral municipality after the receipt of all the Ballot and Counting Committee minutes. A copy of this result shall be sent to the Minister of Justice and Islamic Affairs and another copy to the Municipality administration. This administration shall send to each of the winning members of the election a certificate of their membership in the Municipal Council.

**Article Twenty Eight**

If only the specified number of candidates run for membership in the Municipal Council in an electoral constituency, or if only this number remains for any reason whatsoever, their names shall be declared as winners by acclamation.

**Article Twenty Nine**

Every candidate in the electoral constituency shall have the right to appeal the result of the election that took place in his constituency before the Court of Cassation, within fifteen days from the date of the announcement of the general result of the election. If it is proven to this Court, after hearing the statements of the appellant, the party whose election is contested, and whoever testimony it deems appropriate to hear, that the appeal is valid, it shall nullify the win of the party whose election is contested.

 In this case, the Court shall have the right to rule that the next candidate shall win in the number of votes, if it finds that his election is valid, if the reasons and circumstances of the appeal do not require a run-off election.

The submission of the electoral appeal shall not prevent the member appealed against from exercising his powers in the Municipal Council during the period preceding the issuance of the Court’s ruling on the appeal. The effect of the ruling invalidating the election of the member shall be limited to the future, without reverting to what preceded its issuance.

**Article Thirty**

Without prejudice to any more severe penalty provided for in the Penal Code or any other law, anyone who commits any of the following offences shall be punished with imprisonment for not more than three months and a fine not exceeding two-hundred Dinars, or with either of these two penalties:

1 - A person who has made a false statement knowingly in any document submitted by him in connection with a matter relating to the voters’ roll, or who has deliberately by any other means entered or deleted a name therein in contravention with the provisions of this Law.

2 - A person who falsifies, alters, defaces, conceals, destroys, or steals a voters’ roll, a nomination paper, a ballot paper, or any other document relating to the election operations for the purpose of altering the result of the elections.

3 - A person who violates the freedom of election or its procedure system by using force, threats, or disruption, or by taking part in assemblies or demonstrations.

4 - A person who uses his right to vote more than once on the voting day, or impersonates another person.

5 - Prints or publishes any public media for electioneering purposes without the name and address of the printer or publisher being printed on the first page.

6 - A person who insults any of the committees provided for by this Law or one of its members in the performance of his duties.

7 - A person who publishes or circulates false statements on the conduct or character of a candidate, with the intention of affecting the result of the election.

Attempts to commit the crimes provided for in this Article shall be punishable with the penalty provided for the complete crime.

The criminal and civil lawsuit, in all cases provided for in this Article, shall be dropped after the lapse of a period of three months from the date of the announcement of the election results, or from the date of the last legal proceedings done in its regard.

**Article Thirty One**

The Presidents of the committees provided for in this Law shall have the authority vested to Judicial Officers with regard to the crimes committed or attempted to be committed in the committees’ headquarters.

**Article Twenty Two**

The Prime Minister and the Ministers - each within his jurisdiction- shall implement the provisions of this Law, and it shall come into force from the date of its publication in the Official Gazette.

**Emir of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

**Issued at Riffa palace:**

**On 1 Dhu Al-Hijjah 1422 A.H.**

**Corresponding to 13 February 2002**