
| RESEARCH ARTICLE

The Role of Judicial Oversight in Adjudicating the Preparatory Phase of the Parliamentary Election Process Related to the Preparation of Voter Lists: A Comparative Study

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| ABSTRACT

The Jordanian legislator seeks through laws and regulations to create a general and democratic atmosphere, in which the citizen participates in political decision-making and through parliamentary representation, and the parliamentary elections are considered the highest form of democracy, and the electoral process passes through several stages, starting from the stages of preparation, represented by the stage of preparing voters' lists, the stage of submitting candidacy applications, through the stage of electoral advertising, and up to the final and decisive stages represented by the stage of voting, counting, and announcing the final results of the parliamentary elections. All stages of the electoral process depend on the integrity and accuracy of the voters' rolls, which is the basic building block and starting point of the electoral process, and accordingly, this study aimed to identify the role exercised by judicial control in adjudicating electoral crimes related to the preparatory stage of the electoral process, represented by the stage of preparing the registration of voters' rolls, which limits the integrity and transparency of the electoral process, and to compare the legislation and texts related to how judicial control deals with electoral crimes according to the French and Egyptian legislators. The study relied on descriptive and comparative methods to reach the results of the study and several recommendations, including: not increasing the penalties against those who tamper with the voters' rolls due to the fact that this type of crime affects the integrity and transparency of the electoral process, and applying full judicial supervision over all procedures and stages of the electoral process, which ensures the safety of the outputs of the electoral process and provides legal protection to voters.

| KEYWORDS

Judicial Control, Electoral Crimes, Voter Rolls

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Introduction

The stage before polling day is one of the most important and decisive stages of the electoral process, because it involves procedures related to the preparation and organization, ensuring the integrity of the electoral process and its procedures, in addition to ensuring its integrity and transparency. On the day of voting and counting, and the announcement of the final results, and despite the legal, legislative and organizational guarantees for the electoral process and the creation of an atmosphere of freedom and integrity, fraud and distortion of the electoral process may occur, which falls under what is known as electoral crimes.

Accordingly, electoral crimes are divided into two types: electoral crimes committed before the start of the electoral process (such as crimes related to the registration of voters' lists and candidates' lists), and crimes committed during the electoral process (such as electoral propaganda crimes, and crimes related to the voting and counting stage).

Aims of the study

The study aims to identify the role exercised by judicial control in adjudicating electoral crimes that limit the integrity and transparency of the electoral process, specifically in the first stage of the preparatory stages of the electoral process, which is represented by the stage of registering voters' lists, as the guarantee of the correctness of the electoral process from the beginning depends on it in the following stages, as the safety of the voter database from any fraud or manipulation is highly dependent on the percentage of voting in the voting and counting stage, through which voters practice. The study also aims to compare the legislation and legal texts related to how judicial oversight deals with electoral crimes within the first stage of the preparatory stages of the electoral process according to the Jordanian legislator with his French and Egyptian counterparts, to benefit from the experiences of other countries.

Study Problem

The problem of the study lies in identifying the acts and behaviors related to the registration of voters' lists, which have been criminalized by legislation and laws and have given them the character of illegality and criminality according to the French legislator, the Egyptian legislator, and the Jordanian legislator, and how the judiciary deals with electoral crimes related to the stage of preparing voters' lists, the role played by judicial control in adjudicating this type of electoral crime, and the proportionality of the penalties stipulated by the law and the nature of the crime committed.

Importance of the study:

The electoral process is considered a decisive point in the representation of the democratic practice, and the free will of the voters to express their opinions, desires, and choose who represents them in the government, and the electoral process may be marred by some violating strains that limit the integrity of the electoral process, and challenge the legal guarantees of its transparency, which are deceived under the name of electoral crimes. Registering voters' lists to enable them to exercise their right to vote and choose their representatives, as well as clarifying crimes related to this stage and the role of the judiciary in dealing with them in accordance with French legislation, Egyptian legislation, and Jordanian legislation.

Study Methodology:

This study relies on the analytical methodology according to which the legal texts that shed light on the role of judicial control in adjudicating electoral crimes and disputes during the voter registration stage, which is considered one of the preparatory stages of the electoral process, and the comparative method, through which the role of judicial control in adjudicating electoral violations and crimes during the voter registration phase is compared with Jordanian legislation, and compared with both French and Egyptian legislation.

Previous Studies

The researcher tried to collect previous studies related to the role of judicial oversight at the stage of preparing voters' lists during the electoral process, but these studies have dealt with the subject of judicial control over electoral crimes in general, and many studies have focused on electoral crimes related to electoral propaganda, or electoral crimes related to the voting and counting process, and it should be noted that comparative studies have not combined the French, Egyptian and Jordanian legislators with regard to judicial control of the crimes of preparing voters' lists according to The researcher has learned, and these studies include the following:

1. Noha Amer Jassim's 2025 study, entitled "Judicial Oversight in Combating Electoral Crimes", which referred to the role of the judiciary and its powers in adjudicating crimes committed during the electoral process, and that the effectiveness of judicial oversight requires activating practical mechanisms and enhancing its independence, by providing it with effective and appropriate capabilities, which contributes to consolidating constitutional legitimacy and enhancing popular confidence in the electoral process.(1)
2. Adnan Mohamed Ahmed's 2024 study, The Role of Judicial Oversight in Achieving the Peaceful Transition of Power, which referred to the mechanisms put in place by the legislator with the intention of enabling the judiciary to impose control over the electoral process in all its stages, and comparing the standards of judicial oversight of the electoral process in both Egyptian and Emirati legislation. (2)
3. Anas Ali Hussein Judeh's 2023 study, entitled The Supervisory Role of the Judiciary on the Electoral Process in the Hashemite Kingdom of Jordan (2020-2022), referred to the role of the Jordanian judiciary in monitoring the electoral process, and considering violations and crimes of the electoral process. (3)
4. The study of Ghadeer Taha Kazim and Mohamed Ali Mohamed 2023, entitled Mechanisms of Judicial Oversight of the Electoral Process, indicated that there must be judicial oversight to ensure the health and integrity of the electoral process, and to prevent any manipulation, fraud, or fraud in the real will of the voters, through the role of judicial oversight on the adjudication of electoral crimes and the adjudication of electoral appeals. (4)
5. Talal Mater Al-Mutairi's 2021 study, entitled "The Legal Organization of Judicial Supervision of Elections in Egyptian and Kuwaiti Legislation", which examined the limits of judicial oversight of the electoral process, and the acts criminalized by the Egyptian legislator and the Kuwaiti legislator as electoral crimes. 5)

First Topic: Judicial Oversight of Electoral Crimes

The first and main objective of judicial oversight of the electoral process is to maintain the integrity of the electoral process and ensure its safety from tampering, manipulation and fraud, and to ensure the free representation of the people's will without distortion, and to ensure that voters exercise their right to participate in political life and choose those who represent them. Penal penalties and financial fines due on the perpetrators of these crimes according to the extent of the damage and the crime committed.

The First Requirement: Judicial Oversight

Monitoring the electoral process⁽⁶⁾ is defined as following up on the progress of the electoral process, starting from the preparation of the voters' lists and the acceptance of nomination applications, through electoral propaganda, to the stage of persuasion and counting, without interfering in the conduct of the electoral process itself, provided that reports, observations, and information are collected through observers approved by the Election Commission, on the procedures that the electoral process is going through.

The role of judicial oversight of the electoral process is evident through the independence of the judiciary and the availability of certain conditions in judges such as integrity, honesty, and efficiency, as judges are entrusted with spreading justice and protecting the freedoms and rights of individuals, in addition to their role in the implementation of the law.⁽⁷⁾

The voters' lists are subject to three types of control, the first of which is popular control, and this type of control allows every citizen registered in the voters' lists to monitor the validity of the registration, such as making sure that his name is included in the voters' list, or asking the competent committees to add the name of those who have neglected to include his registration illegally, or to delete the name of those who have been illegally listed. The third control is judicial oversight, which simplifies its influence over the administrative decisions issued by the administrative committee, which increases the voter's confidence on the integrity and integrity of the electoral process and voters' lists, which does not include, delete, add or amend the registration of any citizen unless they meet the conditions stipulated by law and are free of violations. Whether it was intentionally or inadvertently⁽⁸⁾.

The Second Requirement: Electoral Crimes

The people are considered the sovereign in the state from which the legitimacy of democratic systems is derived, as they have an effective role in participating in political life, and directing the general policy of the state according to their will through the practice of the electoral process, and most of the constitutions have guaranteed this right and specified the legal guarantees that guarantee it without infringement on it, and despite the great and effective role of the electoral process in drawing the general policy of the state, it may be exposed to illegal behaviors that may limit the free will of the voters, and contribute obstructing and distorting the electoral process⁽⁹⁾.

The term electoral crimes has been defined by jurisprudence in several definitions, so that the electoral crime is defined as a material conduct criminalized by the law, and the punishment for it, whether it is positive or negative behavior, that affects the integrity and proper functioning of the electoral process, is also defined as a crime of a special nature, or a temporary crime committed during the period of time that the stages of the electoral process are going through ⁽¹⁰⁾.

Electoral crimes are also defined as acts that affect the electoral process at various stages with the aim of disrupting or impeding its progress, and are usually associated with political parties and government agents, and these acts include deliberate vandalism of property, crimes of insult, slander, threats, attacks or kidnappings.⁽¹¹⁾

From the above, the researcher defined the electoral crime as a temporary crime, which begins with the beginning of the preparatory stages of the electoral process, and ends after the announcement of the final results, and is represented by behaviors and acts contrary to the provisions and controls, which expose the perpetrator to the legal and criminal accountability stipulated by the law.

The third requirement: the first preparatory stage of the electoral process - voter registration tables

Voter lists are defined as the official lists and records issued by the Civil Status and Passports Department, which include the names of individuals who meet the conditions of election and have the right to exercise the election process according to their places of residence and electoral districts.⁽¹²⁾ They are also defined as the tables that include the names of individuals who meet the status of voters, and the lists through which the composition and number of voters in each electoral district can be determined, which are relied on at the voting and counting stage.⁽¹³⁾ According to the House of Representatives Election Law No. (4) of 2022 ⁽¹⁴⁾, every Jordanian citizen who has reached the age of eighteen solar years ninety days before the date of voting has the right to exercise his right to vote and participate in the electoral process.

The Independent Commission shall determine the date of voting, which is the main point for the start of the work of the Civil Status Department to prepare the voters' lists who meet the conditions of the election based on their places of residence, and under the supervision of the Commission on the process of preparing the preliminary lists of voters, provided that the judicial courts play their role in providing the Department with final rulings against persons sentenced to bankruptcy, incapacitated or persons who are detained at the beginning of January and July of each year. Accordingly, the preparation of the preliminary voters' lists is carried out through joint efforts and tasks distributed between the Independent Electoral Commission, the Civil Status Department and the judicial courts in accordance with the provisions of the law.⁽¹⁶⁾

Due to the importance of the stage of preparing voters' lists and the extent of their impact on the integrity of the electoral process, manipulation or fraud in them is prevented, as these lists represent a statistical exclusion of individuals who meet the voters' conditions and reflect the extent of development in the numbers and categories of voters in the electoral districts, and its comparison between the number of voters during the past years and the current situation, and the calculation of the percentage of those who cast their votes on the day of polling compared to the number of voters present in the electoral rolls, and the role of judicial oversight is highlighted by extending its influence. It also monitors the voters' lists, which reassures the voter about the validity of the voters' lists and the integrity of the electoral process, and the existence of a competent judicial body that the individual can resort to in the event of any disputes or disputes regarding the addition, deletion or repetition of voters' names or any other violations that may affect the integrity of the electoral process, whether intentionally or inadvertently.

Second Topic: Judicial Control of the Stage of Preparing the Registration of Voter Rolls

The electoral process has become the main means of conferring power through the popular will, which is the tool through which the people contribute to political decision-making and participation in political life, and the laws and provisions have set the controls that regulate the stage of preparing voters' lists, how they are done, and the party responsible for them, in addition to clarifying the conditions that must be met by individuals to include their names and register them in the voters' lists to exercise their right to participate in political life and decision-making.

The First Requirement: Electoral Lists

The stage of preparing electoral lists represents the main point for the launch of the electoral process, and the main pillar because of its great role and close connection to the voting stage, and the achievement of the integrity of the electoral process, where voters are registered equally to exercise their political rights in voting and choose their representatives. It is considered a prerequisite for the exercise of the right to vote and the right to stand for office.⁽¹⁹⁾

The voters' rolls are considered conclusive proof of the fulfillment of the legal conditions of the citizen exercising the right to vote, and facilitate the process of verifying that each citizen is registered in one electoral roll and that he has exercised his right to vote once, which contributes to ensuring the integrity and impartiality of those responsible for preparing the voters' rolls, and in order to achieve equality among voters, provided that amendments are made periodically to the voters' lists on the dates specified by law.⁽²⁰⁾

The Second Requirement: Conditions for Registration in the Voter Rolls

In France, the French legislator stipulated the availability of French nationality for males and females, reaching the legal age of eighteen years, and eligibility, and making registration in the electoral rolls mandatory, and depriving him of inclusion in the voters' lists and exercising the right to vote. Candidates shall be candidates for any person against whom a judicial judgment has been issued that prevents this from happening until the end of the period of the sentence.⁽²¹⁾

The Egyptian legislature stipulates that in order to exercise the right to vote and the inclusion of the citizen's name in the voters' rolls, the Egyptian legislature shall have the right to vote after five years, and it also stipulates that the age of eighteen years shall be attained⁽²²⁾. The Jordanian legislature has also stipulated that in order to be included in the voters' rolls, the applicant must have Jordanian nationality, and that he or she must reach the age of eighteen ninety days before the date fixed for voting, and that an ineligible person who is sentenced to bankruptcy shall be deprived of the right to vote.⁽²⁴⁾ It should be noted that the French legislature has allowed members of the army, armed forces, and security forces to include their names in the voters' lists and to exercise their political rights.⁽²⁵⁾ This was not allowed by the Egyptian legislator and the Jordanian legislator, as they suspended their right to vote while they were in active service.

The third requirement: the competent authority to prepare the voters' lists

The voters' lists include the names of citizens who are entitled to exercise the right to vote based on their place of residence, and the official bodies working on them provide the initial voters' lists that enable citizens to view them, to receive requests for objections, additions, amendments, or deletions on these lists to be issued in their final form and published, to become approved in the polling stations, and the work on preparing the voters' lists is undertaken by competent authorities, as in France, the National Institute of Statistics and Economic Studies is working on the management of the unified electoral register, through

which it is carried out The Census and Census Information Department periodically follows up on the voters' lists and makes amendments to them continuously, such as adding those who have reached the age of eighteen, deleting the names of deceased citizens, those against whom judicial rulings have been issued, those who have lost legal capacity, and amending the residences of citizens, thus ensuring the accuracy factor in the preparation of voters' lists.(26)

The Supreme Committee in Egypt is working to form electoral committees in each governorate whose tasks are to supervise the voter database and make amendments to it.(27) The name of every Egyptian citizen who meets the conditions for exercising the right to vote is periodically included in the voters' database, and to coordinate with the Public Prosecution to notify the National Elections Authority and the Ministry of Interior of the judicial rulings issued against citizens who are temporarily deprived of exercising the right to vote, and the voter database is based on the data of the number Anyone whose name is listed in the voter database must apply and exercise the right to vote, and Egyptian law punishes failure to perform this national duty.(28)

According to the Jordanian legislator, since 2012, the Independent Election Commission has been entrusted with full supervision and management of the entire parliamentary electoral process.(29) The Commission asks the Civil Status and Passports Department to take responsibility for preparing the initial lists of voters electronically, including the voter's national number, his place of residence, and anyone who has reached the age of eighteen, male and female, provided that the Department coordinates with the courts to provide them with the names of citizens issued against them in final judgments related to quarantine or bankruptcy to deprive them of practicing in addition to deleting the names of deceased citizens from the voters' lists, as for the people of the desert, the department works to prepare voter lists for the people of the desert according to the names of the tribes in the electoral districts.(30)

Third Topic: The Role of Judicial Control in Deciding on Crimes Related to the Registration of Voter Rolls According to (French Legislator, Egyptian Legislator, and Jordanian Legislator)

It is clear through the Election Law of the House of Representatives of 2022 that parliamentary electoral crimes are divided into three main types: electoral crimes related to the preliminary stage of the electoral process, such as the preparation of voters' lists and candidates' lists, electoral propaganda crimes, and voting and counting crimes, which affect the final shape of the results of the parliamentary elections, and various types of electoral crimes, but their goal is the same, which is to tamper with and negatively affect the neutrality of the electoral process, and to compromise its integrity and a clear violation of the principles regulating the process Accordingly, the role of judicial oversight comes to apply penalties and penalties to anyone who commits the crime of violating one of the stages of the electoral process through texts and laws that specify the penalties and cases that violate electoral crimes that affect the integrity of the electoral process (31).

The stage of preparing voters' lists is considered the first stage of the electoral process, through which citizens who enjoy the conditions stipulated by law are included to exercise their right to vote and choose those who represent them in the Parliament, and the practice of electoral crimes begins at this stage with the intention of harming and tampering with the voters' rolls, which affects the principles of freedom to exercise the right to vote, equality, accuracy, confidentiality, and discipline in the electoral process According to the French legislator, it has been recognized that the statute of limitations for electoral crimes expires after six months from the date of issuance of the ruling, while the Egyptian legislator has not revoked the provisions of electoral crimes by statute of limitations, as it believes that this type of crime affects the integrity of the electoral process and the freedom of voters, and the Jordanian legislator has specified that the sentences issued against the perpetrators of electoral crimes are terminated after the passage of five years from the date of issuance of the ruling, and it can be counted Crimes related to the preparation of voters' lists in accordance with legal texts are of two types: crimes of adding or deleting illegal registration of voters' rolls, and crimes of repeated registration.(32)

First Requirement: Crimes of Adding or Deleting Illegal Registration in the Voter Rolls

The crimes of illegal registration or registration of voters include the crime of illegally adding or deleting from the voters' rolls and unlawfully, or what is known as a registration contrary to the truth, and the laws and regulations have dealt with this type of electoral crime by specifying the penal penalties resulting from them, either through the payment of a fine, imprisonment, or a combination of the two.(33)

The French legislature has given every citizen the right to exercise political and civil rights upon the completion of the age of eighteen unless the obstacles that hinder his exercise of these rights apply.(34) Based on the right of the citizen to exercise political rights, and his right as a voter, his name must be included in the voters' lists unless there are any obstacles that prevent him from participating in the electoral process. For the provisions of Article (L17) of the French Electoral Law of 2013 (35), it is a judicial administrative committee consisting of the mayor of the city or one of its representatives, one of the representatives of the local councils, and a judge appointed by a decision of the President of the Court of First Instance, where the voters' lists are characterized by flexibility in terms of adding or deleting voters, and considering objections and requests submitted to amend

the voters' lists from January until the last day of December, where the electoral rolls are subject to periodic review and legislative elections are held Based on this revised list throughout the year⁽³⁶⁾.

It should be noted that the voters' lists are subject to administrative and judicial control to prevent the process of manipulation or forgery of data, so the National Institute for Statistics and Economic Studies is responsible for preserving the voters' file in order to monitor the data included in the electoral rolls, and the governor works to make the necessary corrections to the electoral rolls using all appropriate legal means for this purpose, and if he finds any violation of the laws, he in turn refers the case to the Public Prosecution to take the necessary judicial measures in accordance with the provisions of the law.⁽³⁷⁾

The French legislature has imposed penalties for violations and violations against voters and restricted their exercise of their political rights through the penalty of imprisonment or the payment of a fine or both, and according to the provisions of the Election Law of 2013 in Article (88)⁽³⁸⁾, anyone who submits false data or certificates, works to insert his name or attempts to illegally include it in the voters' rolls, shall be punished with imprisonment for one year and a fine of fifteen thousand euros, and anyone who registers or deletes As stated in Article (86) of the French Electoral Law of 2013 ⁽³⁹⁾, anyone who is included in the voters' lists under distinctive names or attributes, or concealing the obstacles stipulated by the law, or registering in more than one list, shall be punished with imprisonment for one year and a fine of fifteen thousand euros, which may extend to additional penalties such as deprivation of the exercise of rights civil and national rights, such as exercising the right to vote or the right to run for office for a period of time.⁽⁴⁰⁾

The French legislator believes that the electoral crime consists of the material element and the moral element, and the material element is achieved by fraud, forgery and fraud only through the execution of the crime and the achievement of the desired criminal result.⁽⁴¹⁾

As for the Egyptian legislator, it has given the right to vote and exercise political rights to every Egyptian man and woman who has reached the age of eighteen, and exempted members of the armed forces and members of the police from performing this duty throughout the period of their service, and it has clarified in Article (2) of the Law No. (45) of 2014 the cases that are temporarily deprived of exercising political rights, such as a person who is detained, bankrupt, or incapacitated, finally sentenced to commit a felony, provisions of tax evasion, and dismissed from the public sector In view of the judicial role in the proper conduct of the electoral process, the Public Prosecution shall inform the Supreme Committee and the Ministry of Interior of the judicial rulings issued against individuals, which result in deprivation of the exercise of political rights, as well as the business sector or the public sector in the State shall report the cases of employees who have been dismissed, provided that these reports are made within fifteen days from the date of issuance of the final judgment. Pursuant to the text of Article No. (15) of the Law on the Exercise of Political Rights No. (45) of 2014 ⁽⁴³⁾.

It should be noted that the process of registration in the voters' lists is automatic and inevitable⁽⁴⁴⁾, in the sense that registration is done throughout the year and automatically when any Egyptian citizen reaches the age of eighteen years according to the data of the national number⁽⁴⁵⁾, and it is inevitable in the sense that the process of registering voters does not stop at the request of the voter, and this responsibility lies with the Civil Status Department, which lists every citizen in the voter database without his request when the voter's conditions are met⁽⁴⁶⁾.In addition, the citizen applied for registration in the electoral lists when the temporary impediment that prevented him from exercising his political right was removed.⁽⁴⁷⁾

It should be noted that the Civil Status Department includes a database for each citizen to register his data periodically from the moment of his birth and the developments that occur therein until his death, and the Egyptian legislator has separated between the entity that registers the voters' lists and the entity that uses them, so that the voter is registered in the voters' lists through the National Elections Authority, which enjoys a full judicial composition.⁽⁴⁸⁾The role of judicial oversight is evident through the application of the penal penalties imposed by the Egyptian legislator in the Law on the Exercise of Political Rights and their referral to the competent courts on anyone who violates the integrity of the voters' lists, whether by deleting or adding a prison sentence in accordance with Article (64)⁽⁴⁹⁾. Anyone who conceals or destroys the voters' database with the intention of falsifying the truth or with the intention of re-electing or disrupting the electoral process shall be punished by imprisonment for a period of not less than two years in accordance with the provisions of Article (63)⁽⁵⁰⁾. The first is the act of adding, deleting or dropping the registration and not registering it in the electoral rolls in violation of the provisions of the law, and it is noted through the Law on the Exercise of Political Rights that the Egyptian legislator has not sufficiently clarified the means by which the material element of the electoral crime occurs, while the moral element is achieved through the criminal intention represented by knowledge and will, and considering electoral crimes as deliberate crimes aimed at manipulation Fraud in the electoral rolls is achieved through the knowledge of the offender that adding or deleting the entry from the electoral rolls is an act that violates the law and harms individuals and the electoral process, and despite this, the offender's intention is to commit this act.⁽⁵¹⁾

In accordance with the provisions of the Election Law of the House of Representatives No. (4) of 2022, and the Independent Election Commission Law No. (11) of 2012, and based on the achievement of judicial control over the electoral process, the law criminalized any conduct that may harm the preparation of voters' lists or negatively affect the conduct of the electoral process with the intention of manipulating the tables, fraud and presenting the interest of one candidate over the rest of the candidates of the district. Any person who violates and practices the crimes of registration or omission in violation of the law in the preparation of voters' rolls, shall be subject to legal accountability and penal penalties, which are clarified in Article (62) of the Election Law of the House of Representatives No. (4) of 2022 (52). It explained that any of the workers in the field of preparing voters' lists deliberately restricts those who are deprived of exercising the right to vote, such as the inclusion of individuals who are members of the Public Security, the Armed Forces, and the General Intelligence during their service(53), or the inclusion of those who are deprived of the electoral process by a court decision, such as a person sentenced to bankruptcy, a detainee, or an incapacitated person(54), or the deliberate omission of the name of a person entitled to vote or whose name is not registered in the voters' lists in order to prevent him from exercising it. His political rights to choose his representative, or to add the names of deceased persons,(55) and not to remove them from the lists in order to increase the percentage of voters, in violation of the provisions of the law, shall be subject to legal accountability before the judiciary and sentenced to imprisonment for a period of not less than six months and not more than three years, in accordance with the provisions of the law.

The Election Law of the House of Representatives for the year 2022 has also clarified through Article No. (67) (56) the measures taken by the Commission against those who infringe on the voters' lists by acts of addition, deletion or non-registration and deliberate omission, where the Commission transfers the seized violations to the Public Prosecutor, who in turn begins to investigate the electoral crime and transfer it to the competent court, provided that the court decides on it and issues the decision within thirty days of its registration with the Court Registry. In cases related to the electoral process and its decision on a matter of urgency,(57) in addition to providing guarantees through which the validity of the voters' lists is guaranteed, given the importance of providing correct voters' lists to ensure the smooth conduct of the electoral process.

The Jordanian legislature has linked the crime related to obstructing the conduct of the electoral process to the deliberate and not inadvertently or accidentally, and whoever is proven to have deliberately committed such acts harmful to the electoral process is facing a crime consisting of the material element, because he committed the criminal intent, which is the act of adding or deleting the registration or not registering it illegally and with the aim of fraud and manipulation. The fact that the knowledge is assumed, which is the knowledge of the offender that what he has done by adding or deleting the registration or not registering is an illegal and illegal act and he bears responsibility for it and is punished by law, knowing that this criminal act harms the integrity and integrity of the electoral process, but he has accepted it.(59)

The Second Requirement: Crimes of Repeated Registration in the Voter Rolls

Repeated registration is considered one of the crimes related to the preparation of voters' lists, which results in voting more than once and is punishable by law, even if the desired result is not achieved, and repeated registration means the inclusion of a person's name in more than one electoral district in order to achieve the victory of one of the candidates, which is considered a clear attack on the political right of the citizen, and an attack on the voters' lists, because it causes a violation of the integrity and transparency of the electoral process, and the imbalance between voters, so the voter's name must not be mentioned only once and in one electoral schedule only, otherwise the employee bears full legal and criminal responsibilities for committing this act.(60)

It should be noted that the crime of repeated registration in the voters' list before the judiciary consists of the material and moral elements, as the material element involves criminal behavior, since the crime of repeated registration is a criminal result and a causal relationship, and the criminal result here comes due to the employee repeating the registration of the voter's name and the change that occurs in the voters' lists, thus falsifying the truth and influencing the results of the polling, counting and the final results of the election process, while the causal relationship is what links the result of the crime to the criminal behavior Without this behavior, the result would not have been achieved(61), As for the moral element of the crime of repeated registration, it means that the employee working in the registration of voters' lists has knowledge of the truth of his conduct and his violation in accordance with the provisions of the laws, and his will to commit this criminal act, despite his knowledge of the consequences of the electoral process and the penal penalties.

The French legislature has punished the crime of repeated registration because it violates the principle of equality and balance between electoral districts, which results in the exercise of the right to vote more than once in the same electoral process(63) In the event that the voter is registered in two or more electoral lists, and pursuant to the provisions of Article (39) of the French

Electoral Law(64), the governor shall intervene with the mayor of the town in which he was last registered, and shall immediately notify the voter by a registered letter with notification of its receipt, and regardless of the end of the review period, and if the voter does not object, his name will be included in the joint list or his name will be included in the last list in which he was registered. The name of the voter in more than one of his lists is a violation of the integrity of the electoral process, and it is mentioned in Article (10). (65)It is also indicated in Article (86) (66) that anyone who is included in the voters' list with false qualities, or concealed the obstacle to the election, or registers in two or more lists shall be sentenced to imprisonment for one year and a fine of fifteen thousand euros, and in Articles (92) and 93 (67) that every citizen has committed the crime of multiple voting more than once, or impersonated the name and qualifications of a registered voter, or forged a signature in a list. Signatures prepared for voters are subject to imprisonment from six months to two years and a fine of fifteen thousand euros.

The French Court of Cassation's response to the questions of jurists about the possibility of exempting those who committed the crime of voting repeatedly from punishment if it was done in good faith, stated that it does not deny the realization of the crime of repeated voting and that the accused adheres to good faith and lack of criminal intent, or attempts to evade criminal responsibility through his repeated registration in the voters' rolls, which was done without his request or knowledge. up to a maximum of two years plus a fine of fifteen thousand euros.(68)

The Egyptian legislature has approved the penal penalty for the crime of repeated registration in the voters' rolls in accordance with Article (66) of the Law on the Exercise of Political Rights No. (45) of 2014 (69), by imprisonment for a period of not less than one month and a fine of not less than five hundred pounds and not exceeding one thousand pounds, or by one of these two penalties on those who participated in the same election process more than once, and the head of the committee has the right to invalidate the electoral votes in such a case.

The name of repeated registration is not mentioned in the Jordanian Election Law of 2022, nor in the Independent Election Commission Law of 2012, but the Election Law has referred to the penalty resulting from violating the ballot more than once, from which it is concluded that voting more than once is a result of registering the voter repeatedly which enabled him to practice the voting process more than once. His name was registered in the voters' lists more than once, as it is stated in Article No. (61) paragraph (a) of the Election Law of the House of Representatives for the year 2022 (70), that anyone who has used the right to vote more than once shall be sentenced to imprisonment for a period of not less than six months and not more than one year, or to a fine of not less than two thousand five hundred Jordanian dinars and not more than five thousand Jordanian dinars, or to be sentenced to both penalties.

It can be noted from the above that the French legislator has increased the penalty resulting from the crime of repeated imprisonment by combining the penalty of imprisonment for one year and the payment of the fine, and the period of the penalty specified for imprisonment is considered longer if it compares it between the period of punishment specified by the Egyptian legislator and the Jordanian legislator by one month to one year, or the payment of the fine, or in some cases the combination of the two penalties, and this matter is left to the judicial ruling either by applying one of the two penalties or combining them.

Study Results

The electoral process is based on two main parties, namely the voters and the candidates, who represent the main parties in the electoral process and at every stage of it, so that laws, regulations, provisions and instructions to organize the affairs of the two parties and the manner of their participation in the electoral process and the organization of everything related to it, will put an end to achieving the desired integrity and transparency of the electoral process.

The stage of preparing the registration of voters' lists is considered the first and most important stage that the electoral process goes through, as everything that is built later and goes through the electoral process depends on the accuracy and integrity of the voters' rolls, and the integrity and integrity of the voting and counting process depends greatly on the credibility and accuracy of the voters' rolls, which are periodically and continuously updated by the Civil Administration, adding, deleting or amending them, and voters have the right to submit an objection within the time period specified by the law in certain cases Such as changing the place of residence, or objecting to the addition of a certain citizen who is not entitled to practice elections, or not including the name of the citizen in the voters' lists.

Given that the legislature has enacted laws and regulations that regulate the entire electoral process, it is necessary to show the role played by judicial control in adjudicating crimes and objections that take place during the stage of preparing voters' lists, such as the crimes of adding or deleting an illegal entry in the voters' rolls, or the crime of repeated registration, as the practice of manipulation, forgery or tampering with them leads to a violation of the integrity of the electoral process Accordingly, legislation has enacted penalties and deterrent penalties against the perpetrators of electoral crimes, especially crimes related to

the stage of preparing the registration of voters' lists, but these penalties and the way of dealing with electoral crimes differ from one country to another, and after comparing the legislation and laws between the French legislator, the Egyptian legislator, and the Jordanian legislator, a number of results were reached, which are as follows:

- The crimes of infringement on voters' lists are limited to the crime of unlawfully adding or deleting the voters' register, with the aim of influencing the voter turnout and falsifying the electoral results, and the crime of repeated registration, through which the voter was able to vote more than once, and in this case, this crime violates the principle of equality between voters in the exercise of the right to vote only once.
- The voters' lists are updated periodically and continuously in French, Egyptian and Jordanian legislation, and cooperation is carried out between the state agencies to provide those working on the preparation of voters' lists with the names of those temporarily deprived and convicted of exercising the right to vote, and we find that the French legislator has allowed the inclusion of the names of members of the army, security and armed forces in the voters' rolls, while the Egyptian legislator and the Jordanian legislator did not allow this.
- In Egypt, the tasks of registering voters' lists are entrusted to the National Elections Authority, which consists of a judicial formation, and the Jordanian legislator has entrusted the tasks of managing and supervising the entire parliamentary electoral process to the Independent Electoral Commission, which consists of a board of commissioners consisting of a chairman and four members appointed by royal will, and granting the members of the committees the status of judicial police.
- The courts exercise their role of judicial oversight in adjudicating crimes and disputes related to voter registration restrictions, based on the laws and provisions governing the electoral process, and applying penal penalties to the perpetrators of electoral crimes.
- According to the French legislator, the objection to the voters' lists is first challenged by a grievance before the mayor of the city, and if it is rejected, the objection is submitted to the Monitoring Committee, and then in case of its rejection, the objection is submitted to the Court of Civil Justice to decide on the objection submitted about the addition, deletion or duplication of the voters' rolls, and according to the Egyptian legislator, the objections submitted about the voters' lists are considered by The committee formed by the Supreme Committee, which consists of the President of the Court of First Instance, the membership of two judges and a representative of the Ministry of Interior, provided that the citizen has the right to appeal its decision before the competent Court of Administrative Justice, as for the Jordanian legislator, objections to the voters' lists are initially submitted to the Independent Election Commission for adjudication, and whether its response is acceptance or rejection, the voter has the right to appeal the decision of the Commission before the judiciary at the Court of First Instance within whose jurisdiction the electoral district is located, to decide on the objection submitted during the Seven days, and in the light of it, the Commission corrects the preliminary lists of voters.
- When comparing the deterrent penalties enacted by the French legislator, we see that most of them are firm when compared with the deterrent penalties enacted by the Egyptian legislator and the Jordanian legislator, where the French legislator combined the two penalties of imprisonment for one year and the payment of a fine estimated at fifteen thousand euros, for anyone who tampers with the voters' rolls by illegally adding or deleting them, or works to repeat the registration in the voters' rolls, while the Egyptian legislator was satisfied with a two-year prison sentence for those who tamper with the voters' rolls by illegally adding or deleting them. In the researcher's opinion, this penalty is not commensurate with the gender of the work, which is to harm the integrity of the electoral process and the democratic representation of the people, while the Jordanian legislator punished the crime of tampering with the voters' rolls in addition to illegal deletion with imprisonment for a period of not less than six months and not more than three years, and the crime of repeated registration was punished by imprisonment for a period of not less than six months and not more than three years Not less than six months and not more than one year, and by paying a fine of two thousand five hundred Jordanian dinars, or with both penalties.

Recommendations

- Activating the role of judicial oversight in Jordanian legislation through the inclusion of judges in the membership of the Independent Election Commission and the chairmanship of electoral committees and districts.
- The penalties increase the deterrent sanctions in punishing those who tamper with the voters' rolls, given that this type of crime affects the integrity and transparency of the electoral process, and combines the two penalties of imprisonment and a fine.
- Increasing the statute of limitations for electoral crimes stipulated in Article (69) of the Election Law of the House of Representatives for the year 2022, from five years to ten years, or abolishing the principle of limitation for electoral crimes stipulated in the Egyptian legislature, given that this type of crime affects the free will and democratic practice of the people because of the acts of fraud, fraud and manipulation that harm the public interest, the integrity of the electoral process, and the expression of voters' true will.
- Providing further clarification on the cases in which they are temporarily deprived of exercising their political rights and participating in the electoral process in Article No. (3) of the Election Law of the House of Representatives No. (4) of 2022,

especially with regard to the holders of the rulings, where there is no text explaining this, and the absolute inadequacy is not satisfied with the release of the absolute as long as there are no provisions to restrict it, as those who are in pretrial detention or those against whom final judgments have not yet been received are entitled to exercise the right to vote, and this is unless there is any text that clarifies it. While there is an explicit provision to deprive those who have been sentenced to bankruptcy from exercising the right to vote and run for office, and to those who are incapacitated (underage, suffering from insanity, dementia, etc.), while the Egyptian legislator clarifies the cases in which those who have been issued a final judgment are temporarily deprived of exercising the right to vote and vote.

- Providing a text of a law on doubling the penalty on the public servant or members of the concerned committees in the preparation of electoral rolls and other tasks related to the stages of the electoral process, given their prior knowledge of the sensitivity of the electoral process, and the need to maintain the integrity and integrity of its procedures, and with the will and knowledge of the consequences of the crimes of preparing electoral rolls, the researcher recommends doubling the penalties for electoral crimes against them for violating the will of the voters and the integrity of the electoral process.
- Adopting the principle of full and comprehensive judicial supervision in all procedures and stages of the electoral process, and not sufficing with relative supervision, by assigning the task of direct supervision of the parliamentary electoral process to members of the judiciary, which ensures effective oversight, the integrity and integrity of the outputs of the electoral process, in addition to providing the necessary legal protection to voters in line with the principles of democracy and the rule of law.
- Conducting further research and studies on the role of judicial control in adjudicating electoral crimes, especially crimes related to the preparation of voters' rolls.

Footnotes

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- (4) Ghadeer Taha Kazim, and Muhammad Ali Mohammed, Mechanisms of Judicial Oversight of the Electoral Process, Al-Intisf Magazine 2023, Iraq, Issue 12, Volume 2023, p. 427.
- (5) Talal Al-Mutairi, The Legal Organization of Judicial Supervision of Elections in Egyptian and Kuwaiti Legislation - A Comparative Study between the States of Kuwait and the Arab Republic of Egypt, Unpublished Master's Thesis, Mansoura University, Egypt, 2021, p. 11.
- (6) Talal Al-Mutairi, op. cit., p. 23.
- (7) See Adnan, Muhammad Ahmad Akbar, op. cit., p. 59.
- (8) Saleh Al-Saidi, Read in the Electoral Register – A Detailed Study of the Variables Related to the Electoral Process, Al-Qabas Information Center, 2018, Issue 2, Volume (3), p. 126.
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- (10) Talib Nur al-Shara, op. cit., p. 11
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- (14) Election Law of the House of Representatives No. (4) of 2022, Article No. (3), paragraph (a).
- (15) The Election Law of the House of Representatives No. (4) of 2022, Article No. (4), paragraph (d).
- (16) Munir Mohammed Al-Ajarmeh, Akram Al-Fayez, and Sawat Al-Arasi, Electoral Crimes in the Election Law of the House of Representatives No. 6 of 2016, Derasat Journal - Humanities and Social Sciences, Issue 2, Volume (46), 2019, p. 363
- (17) Muhammad Azouzi, op. cit., p. 43.
- (18) Farida Meziani, Monitoring the Electoral Process, Al-Mufikr Magazine, Issue (5), Volume (1), 2010, pp. 71-88
- (19) Farida Maziani, op. cit., p. 75.
- (20) Daoud Abdel Razzaq, The Right to Political Participation, Unpublished Ph.D. Thesis, Faculty of Law, Alexandria University , 1992, p. 183
- (21) See French Electoral Law of 2013, Articles (2, 5, 6, and 9).
- (22) See Law No. 45 of 2014, Right to Suffrage, Article No. 1.
- (23) See Law No. 45 of 2014, Right to Suffrage, Article No. 2.
- (24) See the House of Representatives Election Law No. (4) of 2022, Article No. (3)
- (25) See French Electoral Law of 2013, Article 13.

- (26) Wissam Adham, and Walid Arab, The Role of Electoral Appeals in Legitimizing General Elections – A Comparative Study between Sorba, Egypt, and France, *Journal of Economic, Administrative and Legal Sciences*, Issue 6, Volume (8) 2022, pp. 48-67.
- (27) See Law No. 45 of 2014, Article 9.
- (28) See Law No. 45 of 2014, Article 58.
- (29) Article 67 of the Jordanian Constitution of 1952 and its amendments of 2022 established the Independent Electoral Commission in 2012 and entrusted with the management of parliamentary and municipal elections and any general elections in accordance with the provisions of the law and the consideration of applications for the establishment of parties.
- (30) See the Executive Instructions for the Preparation of the Voters' Lists for the Year 2024, Article No. (3).
- (31) Abdel Azim Abdel Salam, *Human Rights and Public Protection: A Comparative Study*, Cairo: Dar Al-Nahda Al-Arabi , 2005, p. 369.
- (32) Amal Lutfi Jaballah, *The Impact of Electoral Crimes on the Legitimacy of Legislative Elections, A Comparative Study*, Alexandria: Dar Al-Fikr University, 2013, p. 128.
- (33) Munir Muhammad Al-Ajarmeh, Akram Al-Fayez, and Sarah Abdullah, *op. cit.*, p. 365.
- (34) French Electoral Law of 2013, Article (L2).
- (35) French Electoral Law of 2013, Article (L17).
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- (38) French Electoral Law of 2013, Article (L88).
- (39) French Electoral Law of 2013, Article (L86).
- (40) Yasser Arafa Issa, *Deprivation of the Right to Vote as a Consequential Punishment in the Light of the Principles of Penal Separation and Constitutional Legitimacy (A Comparative Study between the Egyptian and French Legislations)*, *Al-Bahaqiq Al-Arabi Magazine*, Issue (1), Volume (4) 2023, pp. 21-44
- (41) Afifi Kamel Afifi, *Judicial Supervision of the Parliamentary Elections*, Alexandria: Ma'arif Foundation , 2002, p. 1046.
- (42) See the Law on the Initiation of Political Rights of 2014, Article No. 2.
- (43) See the Law on the Initiation of Political Rights of 2014, Article No. 15.
- (44) The data of the national number of the Egyptian citizen shall be fixed in the database of the Civil Status Department at the Ministry of Interior, in order to ensure the unity of registration in the electoral roll and its non-repetition.
- (45) Supreme Administrative Court, Circuit (11), Appeal No. (25478) of 59 Judicial Year, session of November 17, 2012.
- (46) The Egyptian Constitution of 2014 and its amendments of 2019, Article No. (87)
- (47) Talal Al-Mutairi, *op. cit.*, p. 42.
- (48) The Egyptian Constitution of 2014 and its amendments for the year 2019, Article No. (209).
- (49) Law No. (45) of 2014, Article No. (64).
- (50) Law No. (45) of 2014, Article No. (63).
- (51) Qamar Hosny, *Criminal Protection of Political Rights, A Comparative Study between French and Egyptian Legislation*, Egypt: Dar Al-Kutub Al-Qanoon, 2006, p. 236
- (52) Election Law of the House of Representatives No. (4) of 2022, Article No. (62).
- (53) Election Law of the House of Representatives No. (4) of 2022, Article No. (3).
- (54) Election Law of the House of Representatives No. (4) of 2022, Article No. (3), paragraph (c).
- (55) According to the Election Law of the House of Representatives No. (4) of 2022, the Civil Status Department, during the preparation of the voters' rolls, must work to remove the entries of the deceased from the voters' rolls, Article No. (4) paragraph (e), which stipulates that "the Department shall delete the names of deceased persons from the voters' rolls", in accordance with the Election Law No. (4) of 2022, Article No. (3), paragraph (e).
- (56) Election Law of the House of Representatives No. (4) of 2022, Article No. (67), paragraph (a).
- (57) Election Law of the House of Representatives No. (4) of 2022, Article No. (67) paragraph (b).
- (58) According to the Penal Code No. 16 of 1960, Article No. 65, which stipulates that "the crime shall be considered intentional and if the criminal result arising from the act exceeds the intention of the perpetrator, if he foresaw that it would occur, then before taking the risk, and the mistake shall be if the harmful act is caused by negligence, lack of precaution or failure to observe laws and regulations."
- (59) Ya'qub Rashwan, *op. cit.*, p. 325.
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- (61) Abdel Fattah Murad, *Explanation of Presidential Election Laws*, Alexandria: Without Dar Publishing , 2005, p. 165.
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- (63) Gamal Mohamed Hassan, *The Electoral Process and the Role of Modern Technologies in It, A Comparative Study*, Alexandria: New University Press, 2021, p. 82.

- (64) French Electoral Law of 2013, Article (L39).
- (65) French Electoral Law of 2013, Article (L10).
- (66) French Electoral Law of 2013, Article (L86).
- (67) French Electoral Law of 2013, Article (L92).
- (68) Decision of the French Court of Cassation of August 12, 1881, see Afifi Kamel Afifi, op. cit., 2002, p. 77.
- (69) Law No. (45) of 2014, Article No. (66).
- (70) Election Law of the House of Representatives No. (4) of 2022, Article No. (61), paragraph (a).

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