

Unofficial Translation of¹
Law No. 38 of the year 1972

On
The House of Representatives

In the Name of the People,

The President of the Republic,

The House of Representatives passed the following Law and it is hereby promulgated by us:

Part 1: Formation of the House of Representatives

Article 1

The House of Representatives shall be composed of (546) members chosen through direct secret public elections. Half of the members, at least, must be workers and peasants.

House of Representatives

Article 2

In applying the provisions of this law a peasant means all who worked in agriculture for at least ten years prior to his candidacy for the membership of the House of Representatives.

A worker is anyone that works for others for a fee or a salary.

The worker status does not change after the conclusion of his service as long as the above conditions were met.

Article 3

The elections of two thirds of the seats of the House of Representatives shall take place by closed lists; the other third shall be based on the individual system. Both parties and independents have the right to run in both systems.

The number of members representing each governorate through closed lists shall be equal to two-third the number of the seats allocated for the governorate. The number of the members representing the governorate in individual elections shall be equal to one-third of the number of seats allocated to it.

The membership shall be stripped off the member of the House of Representatives, if he changes the status upon which he was elected, whether the status was worker or peasant or if the member changed his political affiliation or gave it up or became independent or the independent member became a party member.

¹ This translation has been prepared by Democracy Reporting International (DRI). It draws, partially, on existing publicly available translations of the law up to and including Law 175/2005 and incorporates all amendments up to February 2013. In order to enhance the readers' understanding of the meaning of the text, the translator has included additional text in where necessary in brackets.

The boundaries and components of each district shall be determined according to the attached tables.

Taking into account the provision of article 16 of this law, the number of candidates on any list has to be equal to two-thirds of the seats allocated for the district and at least half of them have to be workers and peasants and at least one of them [peasants and workers] has to follow any other candidate [not peasant or worker].

In all cases, each list must include at least one female candidate

The list may include candidates of more than one party and a list can be formed of independent candidates who do not belong to parties or a combination of both. In all cases, the name of the party or the status of the independent must be displayed within the same list.

Article 4

The term of the House of Representatives shall be five calendar years from the date of its first meeting.

An election to renew the Assembly's membership shall be carried out during the sixty days preceding the expiry of its term.

Part 2: Nomination for Membership of the House of Representatives

Article 5

Subject to the provisions prescribed in the law regulating the exercise of political rights, whoever is nominated for membership of the House of Representatives shall fulfill the following requirements:

1. To be Egyptian, enjoying his civil and political rights.
2. His name shall be listed in an electoral register in any governorate of the Republic, and there is no reason given for the removal of his name.
3. To be at least 25 Georgian years old on the day candidates' registration opens.
4. Must have a certification of the completion of the basic stage of education or its equivalent, at least.
5. To have completed his compulsory military service, to be exempted from its performance or to have been excluded from the service, as long as the exclusion was not based on a conclusive judicial ruling that involves damaging public interest or compromising state security in accordance to the law.
6. That his membership was not dropped by a decision of the House of Representatives or the Shura council due to a vote of no-confidence and consideration or the breach of the duties of the membership. However, if so occurred he can still run under two circumstances:
 - a. The conclusion of the legislation quarter in which the decision to drop the membership was issued.
 - b. A decision by the House of Representatives or the Shura Council canceling the impact stopping the capacity to be a candidate as an effect of dropping the membership for breach of its duties. The decision of the Council in this case is issued with the consent of a majority of its members based on a proposal submitted by the thirty members, after the

conclusion of the term of session in which the decision to drop the membership was issued.

7. Not to be from the leaders of the dissolved National Democratic Party. The term 'leader' means all those who were, at the time of the 25th of January, 2011 members of the general secretariat or the political office or the political committee of the party or a member of the House of Representatives or the Shura Council in the two terms preceding the revolution. This condition is only enforceable for the period of ten years starting from the enforcement of the constitution.

Article 5 – bis

In the districts designated for electing political party lists, a voter expresses his opinion by selecting one of the lists as a whole without making any amendment to the list. Votes are considered invalid if they select more than one list, or candidates from more than one list, or are based on any condition, or if the voter votes on a ballot other than the one handed over by the head of the polling station, or if the ballot was signed by the voter, or includes any sign or mark that could indicate [his identity].

Voting for individual candidates of the constituencies [that have been established] for this purpose, shall be carried out at the same time as voting for party lists, on a separate ballot. A vote shall be considered invalid if it is based on a condition, or if the voter elects more or less than the required number [of candidates], or if the voter records his vote on a ballot other than the one he was given by the head of the polling station committee, or if the ballot is signed by the voter, or includes any sign or mark that could indicate his identity.

Article 6

An individual system candidate shall submit a request for nomination for the membership of the House of Representatives, in writing, to the election committee in the governorate in which he wishes to be nominated [as a candidate] in one of the constituencies [contained within the governorate], during the period which is to be determined by a decision of the High Elections Commission, provided that this period shall not be less than five days from the date the nomination period begins.

A request for nomination shall be accompanied by a receipt issued against the deposit of one thousand [Egyptian] pounds at the treasury of the respective court of first instance, and by documents to be determined by a decision of the High Elections Commission to establish the fulfilment of the conditions required by the law for nomination. The status of the worker or farmer shall be established by virtue of a declaration to be submitted by the candidate coupled with the relevant supporting documents.

The papers and documents submitted by the candidate shall be considered official papers in applying the provisions of the Penal Code.

The provisions stipulated in the three preceding paragraphs shall be applicable to the candidates of the closed lists. The competent body in the party, the concerned parties, or the representative of the list of the independent candidates shall be in charge of the procedures of their candidacy by a request based on the form prepared by the High Elections Commission (HEC). The one thousand pounds stipulated in the second paragraph must be deposited for each candidate from the candidates of the list.

Every independent's list must have a legal representative. It must also have a name distinguishing it and a symbol. The name or the symbol cannot be identical to, or resemble, the name or the symbol of any of the existing parties. It is also not permitted to repeat the name or the symbol for more than one list in the same electoral district.

The HEC shall determine the conditions that must be met in the representative of the lists and the method of proving their power of attorney. The HEC also determines the conditions for choosing the names and symbols of the lists.

Article 7

Candidacy applications shall be recorded in two registers, one special for individual candidates and the other for lists candidates, according to the date they are received, and receipts shall be given. Special procedures to be determined by the High Elections Commission shall be followed when submitting applications.

Article 8

The examination of applications and decisions on the status of candidates based on the documents he provides, in accordance with article six of this law, as well as the preparation of candidates' lists shall be conducted by one or more committee [established for this purpose] in each governorate, headed by a judge bearing the rank of president of a court of first instance/ category (A) and the membership of a judge in the courts of first instance, to be chosen by the Supreme Judicial Council, and a representative from the Ministry of Interior chosen by its minister [who will function] as the committee's technical secretary.

The committees shall be formed by a decision of the High Elections Commission.

Article 9

Taking into account what is stipulated in article 16; two files shall be presented the day after the end of candidates' registration, and in the manner designated by the HEC. The first file is for the lists' candidates and the second for the individual seats candidates. The files include the candidates' names and the status² of each of them. The first file shall include the name of the list of which the candidate is a member. The display of the two files continues for the three following days. At the same time, the HEC publishes the names of the candidates in their districts in two widely circulated daily newspapers.

Whoever applied for candidacy and his name was not stated in the file can appeal the decision of the committee, stated in article 8 of this law, for not including his name. Any candidate can appeal the decision of the committee to include the name of any of the candidates or for providing an incorrect status in front of his name or the name of another candidate mentioned in the file in which his name is stated.

Every party that filed a list or the representatives of the independents' list can exercise the right stated in the previous paragraph, for their candidates listed in any of the files.

² [Worker, peasant or others]

Article 9 – bis (b)³

The appeal of the decisions of the committee, stated in article 8 of this law, shall take place before the Administrative Court within 7 days, starting from the date candidates' registration ended for the candidate, the party or the representative of the list. The court rules on the appeal within maximum 7 days

A stay of execution regarding the ruling of the Administrative Court is not permitted to any other body, unless the Supreme Administrative Court issues a stay of execution.

Article 10

Every candidate or party that has candidates in an electoral district and the representatives of the independents' lists in the same district have the right to obtain a statement with the names of the voters, in this district, on a CD. The statement includes the name of the voter, his polling station and his number in it. Obtaining the statement is in exchange of 200 pounds fee.

The CD must be given to the applicant within maximum three days from the date of the payment of the fee.

Article 11

Election campaigning shall comply with the principles of the Constitution and the law, as well as the following rules:

1. Respecting the private life of any candidate.
2. Maintaining national unity and refraining from using religious slogans in a threatening or prejudicial manner to this unity.
3. Prohibiting the use of state-owned buildings, establishments, and means of transport or those owned by public sector companies, public business sector companies, and companies to which the state contributes to their capital in election campaigning.
4. Prohibiting the spending of public funds and the funds of the public sector companies, public business sector companies, and companies which the state contributing to their capital in election campaigning.
5. Prohibiting the use of places of worship, schools, universities and other educational institutions in election campaigning.
6. Prohibiting funds received from abroad, from a foreign person, from a foreign or international entity, or from its representative in Egypt from being spent on election campaigning, or giving such funds to voters to refrain from expressing their views or expressing them in a certain manner.

The foregoing rules shall exist in addition to the rules concerning the means and methods regulating the election campaign, including the maximum campaign expenditure limit that may not be exceeded and for which a decision shall be issued by the High Elections Commission and published in two mass circulation dailies.

³ Articles 9 bis and 9 bis (a) revoked by decree 2/2013

The respective governor may order the removal of the posters and all other means of publicity that are used in contravention to any provision of the said rules, at the expense of the person who contravened the rules.

A penalty of confinement to jail for a period of not less than one year and a fine of not less than fifty thousand pounds and not exceeding one hundred thousand pounds in addition to confiscating the funds received shall be inflicted on whoever contravenes the provisions of item (6) of the rules referred to in the present article.

A penalty of confinement to jail for a period of not less than three months and a fine of not less than five thousand pounds and not exceeding twenty thousand pounds or either penalty shall be inflicted on whoever violates the other rules referred heretofore.

Article 12

No person may nominate himself in more than one constituency, and if he nominates himself in more than one constituency, he shall be considered as a candidate for the constituency where he first recorded his nomination.

It is also not permitted to combine the candidacy of an electoral list and an individual seat. If someone combines the two candidacies he shall be considered a candidate for the list, unless the party or the list's representative notifies the HEC of his replacement within 3 days after the end of candidates' registration.

Article 13

Any candidate may relinquish his nomination by serving a notice through a bailiff to the elections committee in the governorate, at least fifteen days prior to the election day. A relinquishing of nomination shall be recorded next to the candidate's name in the list of candidates in the constituency if his name was recorded on the list.

Amending the candidates of the lists or withdrawing the candidacy can take place through a request filed to the HEC from the competent body of the party or the concerned parties or the representative of the independent candidates' list, at least 15 days before the elections.

The High Elections Commission shall announce relinquishment of, and amendment to, candidate nomination well before the date determined for elections, in two widely circulated daily newspapers. Relinquishments shall be announced on the day of the election [by placing a notice] on the door of the head office of the constituency and polling stations.

Article 14

The President of the Republic may, in exceptional conditions, shorten the time limits prescribed in articles 6, 9 and 13 of the present law.

Article 15

In the individual candidate system, the candidates shall be elected by an absolute majority of the number of valid votes cast in the election. If the two candidates obtain an absolute majority of votes but are not of the status of worker or farmer, the one with the highest number of votes shall be

announced as the winner of the election and a run-off election shall be held in the constituency between the two highest scoring candidates who have the status of worker or farmer. In this case, the candidate who receives the highest number of votes shall be announced as elected.

If the majority required according to the previous paragraph is only fulfilled by only one of the candidates, this candidate shall be announced as elected and a run-off shall be held in the constituency between the two next highest scoring candidates. However, if the candidate achieving the majority of votes is not of the status worker or farmer, the run-off shall take place between the two highest scoring candidates who are of the status farmer or worker.

If an absolute majority is not fulfilled by any candidate in the constituency, an election shall take place between the four highest scoring candidates providing that at least half of the candidates are of the status worker or farmer, in which the two candidates who obtain the highest number of votes shall be announced as elected provided that at least one of them is a worker or a farmer.

The representatives of each list district are voted through giving each list a number of the district's seats per the number of votes gained by the total number of valid votes in the district, with commitment to the order of each list, and the remaining seats shall be distributed on the lists based on the succession of largest remaining votes for each list.

Taking into account the provision of the preceding paragraph, the list that gained, in its total number of votes in the district, less than one-third of the share of the seat by the valid votes shall not be represented. In case that no list gained more than one-third of the share of the seat by valid votes, the seats shall be distributed according to the fourth paragraph of this article.

Article 15 – bis

If the allocation of seats according to the voting outcome fails to ensure the minimum representation percentage for farmers and workers in any of the districts established for the election of party-lists, the percentage shall be achieved by [selecting worker or farmer candidates from the names of candidates contained in the party lists eligible to receive mandates,] which receive the least electoral coefficient in the district.

The electoral coefficient shall be calculated by dividing the number of votes obtained by each list in the district by the number of members elected from this district/constituency.

Article 16

If the position of one of the list's candidates becomes vacant before the date of the elections by at least 15 days, because of a withdrawal, death or the issuance of a rule by the administrative court on the appeal of the decision of the committee, stated in article 8 of this law, the party or the representative of the independent list, based on the circumstances, shall nominate another candidate, with the same status, in replacement of the vacant place to complete the required number. In this case it may be allowed to rearrange the order of the existing candidates on the list.

The name of the new candidate shall be announced within two days from the date of his nomination. In regards to the appeal on the candidate the rules stated in article 9 and 9 bis shall be followed, as the court shall rule on the appeal in a maximum period of 5 days from the date of the appeal.

If the position in the list becomes vacant after the deadline stated in the first paragraph, because of one of the stated reasons, the elections shall take place on time regardless of the decreased number of candidates in the list below the required number after rearranging the order of the candidates in the list, in accordance to the provision of article 3 of this law. If the elections lead to the success of the incomplete list in gaining the number of seats that exceed the number of candidates in it, the required number shall be completed by supplementary elections through lists. This shall be in accordance with the fifth paragraph of Article 3.

Article 17

If only two persons are nominated in an individual candidate constituency, of whom at least one is a worker or a farmer, the election shall take place on its scheduled date and the one who receives votes totaling [at least] 2% of the number of registered voters in the constituency shall be announced as elected.

If only one person is nominated in the constituency, he shall be announced as elected if he obtains the percentage referred to in the previous clause, and a supplementary election shall be conducted to elect the second member from among the workers and farmers, if the one announced as elected has a status other than a worker or a farmer.

If more than two candidates are nominated in a constituency but only one is a worker or farmer, this candidate shall be announced as elected if he obtains the aforementioned percentage and an election shall be conducted to select the second member from among the remaining candidates. If the absolute majority is not fulfilled, a runoff election will take place between the two candidates that obtained the highest number of votes.

If in the lists' electoral district only one list applied, the election of the candidates in this list shall be announced as long as it gains at least 2% of the votes of the registered voters in this district. If the list does not gain this percentage, supplementary elections shall take place to fill the seats of the district. And the list obtaining any percentage of votes will be declared winner.

Article 18

If the seat of one of the elected list members becomes vacant, before the conclusion of the term by at least six month, his position shall be filled by the next candidate on his list, who was not elected, taking into account the percentage of workers and peasants.

If the vacant position was of an individual seat then supplementary elections shall take place.

In the case that the vacant seat is for member elected from a party list, and in the event that the list contains the names of one or more unelected members, the candidate whose name follows that of the elected candidate who has vacated his seat shall replace him, providing that the required percentage of workers and farmers is respected.

The 50 percent quota of workers and farmers shall be respected in each district separately.

In all cases, the membership term of the new member shall continue until the completion of the term of his predecessor.

Article 18 – bis

The counting of votes and announcement of the numerical calculation of the votes of the voters take place in the polling centers, also the valid and invalid votes and also the votes that each candidate or list obtained, in the presence of the agents of the individual and the lists' candidates. The head of the polling center gives a copy of the results of the counting to the representative of the Ministry of Interior to display it in a board, dedicated for that purpose, in the respective police station. An official copy of it is given to whoever requests it from the candidates. The head of the polling center hangs a copy of the results of the counting on the door of the polling center and all of that shall be proven in the minutes.

The head of the general committee has to announce the number of valid votes that each candidate or each list obtained.

The media and the representatives of civil society organizations, that are specified and permitted by the HEC, are allowed to monitor the elections, the process of counting and the announcement of the result.

Article 19

After announcing the result of the election, candidate nominees shall be refunded the amount he deposited with the treasury of the court of first instance after deducting expenses that are payable in accordance with Articles 9, 9 bis (1) , 11, and 13 of this law.

Article 20

The Court of Cassation shall be responsible for determining the validity of membership in the House of Representatives.

The appeals shall be provided, accompanied by a statement of their evidence, to the court within a period not exceeding thirty days from the day of the announcement of the results of the elections. The court rules on the appeals within sixty days from the date it received it.

Membership [of the House of Representatives] shall be declared void on the date the [Court's] decision is deposited with the assembly.

Part 3: Membership of the House of Representatives

Article 21

It is not permitted for the member of the Chamber throughout his membership, himself or through an intermediary, to buy or rent anything from the state funds, he shall not sell or rent or trade to the state anything from their own money or barter the state on it or conduct with it any commitment or selling or contractor contract.

The member has to give the Chamber a statement of his finances, when he takes the post, when he leaves it and at the end of each year.

The member has to inform the Chamber of any gift, in cash or in kind, received because of his membership or for having the membership, and the ownership of this gift goes to the public treasury of the state.

Article 22

It is not permitted to combine the membership of the House of Representatives, The Shura Council and the Cabinet or the Economic and social council or the popular local councils or the position of governor or the position of the heads of the independent institutions and the regulatory bodies or the position of the Mayor or the Chiefs or the membership of any of its committees.

Article 23

A candidate elected as a member of the House of Representatives from among the persons mentioned in the previous article, shall be considered temporarily relinquishing his other membership or position upon assuming his work in the House of Representatives.

The member shall be considered as finally relinquishing his other membership or position with the lapse of one month from the date of determining the validity of his membership in the House of Representatives if he does not express his wish to maintain his other membership or position.

Until final relinquishment takes place, the member shall not be paid except his remuneration as a member of the House of Representatives.

Article 24

If the member of House of Representative was elected while he was working for the State, public sector or the public business sector, he shall dedicate his time to his membership while keeping his job or work. His period in the House shall be considered in his pension and bonuses.

The members of House of Representatives shall receive, in this case, his salary and any other numeration he used to receive prior to his election for the entire length of his membership.

It is not permissible to enjoy special treatment of advantage in his original job or work, during his membership in the House.

Article 25

The member of the House of Representatives shall not, in the case prescribed in the previous article, be subject to the annual reports system at the entity of his position or original work. His promotion by seniority shall take place, on his turn, or if the one next to him in seniority is promoted.

No disciplinary measure shall be taken against a House of Representatives member who is a civil servant of the State or a worker of the public sector, because of his work or position, nor shall his service be terminated by other than the disciplinary measures except following approval by the House of Representatives according to the procedures prescribed in its statute.

Article 26

The House of Representatives member, on termination of his membership period, shall return to the position he filled before his election or to which he has been promoted, or to any similar position.

Article 27

Taking into account what is stipulated in articles 33 and 34, it is allowed for the Chamber, based on a written request by its Office for public interest considerations, to exempt from the requirement to be full-time member of the Chamber the members of the teaching and research faculty in universities and their likes from the employees of the ministries, academies and research centers. However, they should not occupy administrative positions in these institutions.

Article 28

A House of Representatives member may not be appointed in government or public sector positions and the like, or in foreign companies during his membership term, and any other appointment shall be null and void unless the appointment is the result of promotion or transfer from one entity to another, or takes place by virtue of a court ruling or according to a law.

Article 29

The House of Representatives member shall receive a monthly remuneration of one thousand pounds payable from the date of taking the oath by the member. This remuneration shall not be relinquished or placed under interdiction, and shall be exempted from all kinds of taxes.

Article 30

A subscription for special first class travel on the ARE railways or by another means of public transport, or by aircraft shall be issued for each member of the House of Representatives from the place he chooses in his constituency to Cairo.

The statute of the Assembly shall indicate the other facilities it provides to its members to enable them to exercise their responsibilities.

The provisions prescribed in the previous article shall apply to any amounts that might be paid to the Assembly's members for the said purpose, concerning the impermissibility of relinquishing or placing them under interdiction and their exemption from all taxes.

Article 31

The speaker of the House of Representative receives a stipend equal to the total of that received by the Prime Minister.

Article 32

The speaker of the House of Representatives, upon his election as speaker shall be prevented from exercising any commercial or non-commercial profession, or assuming any public or private position.

If he is a civil servant of the state or a public sector worker, the provision of article (24) shall apply to him, providing he shall not combine the remuneration payable to him and the salary of his position or his original work.

Article 33

The member elected as deputy speaker of the House of Representatives shall give all his time to the tasks of his deputyship. The provision of article (24) shall apply in his respect if he is a civil servant of the state or a public sector worker. If he is none of these, the office of the Assembly shall determine the remuneration to be paid to him in return for his full—time deputyship.

The deputy speaker of the Assembly shall receive the representation allowance prescribed for the ministers and its provisions shall apply to him. The said representation allowance and the allowances determined for his position or original work shall not be combined.

Article 34

The Assembly may, according to its statute, determine the full-time work by the heads of the original committees in the Assembly. In this case, the provision of article (24) shall apply in respect of the head of committee if he is a civil servant of the state or a public sector worker. If he is none of these, the office of the Assembly shall determine the remuneration to be paid to him in return for his full-time headship of the committee.

Article 34 (Bis)

Revoked

Article 34 (Bis-1)

Revoked

Article 34 (Bis-2)

Revoked

Article 34 (Bis-3)

Revoked

Article 34 (Bis-4)

Revoked

Final and Transitional Provisions

Article 35

The Chamber has an independent budget.

Article 36

The House of Representatives shall set, upon the proposition of its office, a statute, having the force of law, for regulating its personnel affairs. Where no provision is prescribed in the said statute, the provisions applicable to the civil servants of the state shall apply to the Assembly's personnel.

Until setting the statute referred to in the previous clause, the provisions of the currently applied personnel statute in the Assembly as well as the general regulatory rules issued by a decision of the office or speaker of the Assembly shall continue to apply.

The speaker of the Assembly shall have the powers vested in the ministers and the minister of the treasury as prescribed in the laws and regulations.

The office of the Assembly shall be concerned with the issues for which a decree of the President of the Republic or the Cabinet of Ministers shall be issued, as well as the issues in whose regard the laws and regulations provide for consulting the view or getting the approval of the Ministry of the Treasury or the Central Agency for Organization and Administration, or any other entity.

Article 37

The speaker of the Shura Council, during the dissolution period of the House of Representatives, shall assume all administrative and financial powers vested in the office and the speaker of the House of Representatives.

The speaker of the House of Representatives, during the dissolution period of the Shura Council, shall assume all administrative and financial powers vested in the office and the speaker of the Shura Council.

The Prime Minister, during the dissolution periods of the Shura Council and the House of Representatives, shall assume all administrative and financial powers vested in the offices and speakers of the Council and the Assembly.

Article 39⁴

Subject to the rules and provisions regulating the resignation of officers of the armed forces and police, the members of general intelligence and administrative control agencies, these persons may not be nominated, nor shall the members of judiciary bodies and the governors be nominated before submitting their resignations from their positions. The resignation shall be considered accepted from the date of its submission.

The chairmen and members of the boards of public authorities and public sector companies as well as the workers in the administrative body of the state and the public sector shall be considered on a paid leave from the date of submitting their nomination papers until the end of the general elections and run-offs.

Article 40

Revoked

Article 41

Law No. 158 of the year 1963 concerning House of Representatives and law No. 53 of the year 1964 on possible exception from certain conditions of House of Representatives membership, as well as

⁴ Article 38 revoked by decree 2/2013

decree-law No. 82 of the year 1971 concerning nomination to membership of the House of Representatives shall be cancelled.

Article 42

The present law shall be published in the Official Gazette and shall come into force effective from the date of its publication.

The present law shall be stamped with the seal of the state and shall be enforced as one of its laws

Anwar Al Sadat

Issued at the Presidency of the Republic on 15 Shaaban, 1392 (Islamic Calendar), corresponding to 23 September, 1972 (Gregorian calendar)