Ministry of Interior

Ministerial Decision

No. 2022/92

Issuing the Governance Regulation of the Elections of the Members of the Municipal Council

In accordance with the Municipal Councils Law issued by Royal Decree No. 2020/126, and based on the public interest,

It has been decided as follows

Article One

The provisions of the attached Governance Regulation of the Elections of the Members of the Municipal Council

shall be applied.

Article Two

This decision shall be published in the Official Gazette and shall come into force on the day following its date of publication.

Issued on: 22 Ramadan 1443 AH

corresponding to: 24 April 2022 CE

Hamoud bin Faisal Al Busaidi

Minister of Interior

Governance Regulation of the Elections of the Members of the Municipal Council

Chapter One

Definitions and General Provisions

Article (1)

For the purposes of this regulation, the words and phrases below shall have the meanings set out opposite each of them, unless the context indicates otherwise:

- Ministry: The Ministry of Interior.
- Minister: The Minister of Interior.
- Council: The municipal council of the governorate.
- Voter: Every citizen whose name is entered in the electoral register in accordance with this regulation.
- Applicant for Candidacy (mutarashshiḥ): Every citizen who has submitted an application for candidacy for council membership.
- Candidate (muraššaḥ): Every person whose candidacy for council membership has been accepted and whose name has been included in the preliminary lists of candidates.
- Main Elections Committee: The committee that undertakes the supervision, oversight, and organisation of the election of council members.
- Chair of the Committee: The chair of the Main Elections Committee.
- Elections Committee: The committee formed in each wilaya as stated in Article (15) of this regulation.
- Electoral Appeals: Appeals filed by interested parties against decisions related to the elections.
- Electoral Appeals Committee: The committee that decides electoral appeals.
- Electoral Register: The register established at the Ministry for recording the names of voters and their electoral data.
- Election Year: The year in which voting to select council members is conducted.
- Electoral District (maqarr intikhabi): The wilaya in which the voter is entitled to cast his or her vote.
- Polling Centre: The location where voters cast their votes on polling day.
- Electronic Voting: Selecting a candidate through the use of information technology means and storing the results in their systems in accordance with technical and security standards that ensure the integrity of the electoral process.
- Electronic Voting Devices: Special devices equipped with information technology programs, designed specifically to enable voters to cast their votes and to store them as electronic data and information.

Article (2)

Voting is a personal right of the voter and may not be performed by proxy or mandate. The voter shall cast his or her vote in the wilaya in which he or she is listed in the final voters list, and only once in any single election.

Article (3)

Elections of council members shall be conducted in all wilayas in accordance with the approved administrative division of the Sultanate of Oman.

Article (4)

The Ministry shall prepare the forms referred to in this regulation.

Article (5)

The Ministry may publish or announce any lists or data related to the election of council members by whatever means it deems appropriate.

Article (6)

The Minister shall issue, after the approval of the Ministry of Finance, a decision determining the fees for applications for objections and electoral appeals referred to in this regulation.

Article (7)

The Minister shall approve the remote voting system and the formation of its committees in accordance with the technical and procedural controls set by the Ministry, if so approved by the Main Elections Committee.

Chapter Two

Formation of Committees and their Powers

Article (8)

The Main Elections Committee shall be formed by decision of the Minister under the chairmanship of the Undersecretary of the Ministry, with membership drawn from the competent entities. The decision shall name a rapporteur from among the Ministry’s employees.

Article (9)

The Main Elections Committee shall be responsible for the following:

1. Supervising the elections of council members and the committees working on the elections, and monitoring the conduct of their work in accordance with this regulation.
2. Issuing the decisions and circulars necessary to ensure the sound conduct of the electoral process.
3. Approving polling centres.
4. Approving electronic voting devices, and any information technology means or electronic systems used in the electoral process, and setting the necessary controls for that.
5. Overseeing the work of the Elections Committees, deciding on matters referred to it, and taking the necessary measures in that regard.
6. Approving the final voting results and submitting them to the Minister.
7. Approving the remote voting system.
8. Taking all measures necessary to remove obstacles that hinder the electoral process.
9. Any other tasks assigned by the Minister.

Article (10)

The Main Elections Committee shall meet upon invitation of its Chair. Meetings shall be valid only in the presence of two thirds of the members, including the Chair. Its decisions shall be issued by a majority of the votes of the members present. In the event of a tie, the side supported by the Chair shall prevail.

Article (11)

The rapporteur of the Main Elections Committee shall prepare agendas, minutes, reports, and files of the committee, and shall maintain their confidentiality and keep them.

Article (12)

Invitations to meetings of the Main Elections Committee shall be addressed in writing to all members at least five (5) days before the meeting date, with the agenda attached. In cases of urgency, the Chair may shorten that period and invite members by any other means. The committee may invite any person whose presence it deems important to its meetings, without such person having a counted vote.

Article (13)

The reports, minutes, and files of the Main Elections Committee are confidential. No one other than those concerned may view, circulate, or publish them except with the written approval of the Chair of the committee during its term of work.

Article (14)

The reports, minutes, and files of the Main Elections Committee shall revert to the Ministry after the end of the election year.

Article (15)

An Elections Committee shall be formed under the chairmanship of the Wali of the wilaya or whomever the formation decision designates, with membership as follows:

1. A judge, or a member of the Administrative Court, or a member of the Public Prosecution, who shall be the deputy chair.
2. The Deputy Wali in the wilaya.
3. Two Directors General or Directors of departments from government units located in the wilaya or in the governorate to which the wilaya is administratively affiliated.

Members of the committee must not be from the sons of the wilaya. A decision shall be issued by the Chair of the Main Elections Committee naming the members of the Elections Committee and setting its operating rules, and shall include naming a rapporteur from among the Wali's office staff.

Article (16)

The Elections Committee shall be responsible for the following:

1. Preparing, organising, and readying the polling centres in the wilaya.
2. Making the necessary arrangements to conduct the electoral process in the wilaya and directly supervising its various stages.
3. Direct supervision of the subcommittees for elections in the wilaya.
4. Working to resolve the issues and difficulties facing the electoral process in the wilaya.
5. Submitting the preliminary results of the elections in the wilaya to the Main Elections Committee immediately upon completion of the counting.
6. Preparing a report on the conduct of the electoral process in the wilaya and submitting it to the Chair of the Main Elections Committee within no more than two days from the end of counting.
7. Any other tasks assigned by the Minister or the Main Elections Committee.

Article (17)

The following committees shall be subordinate to the Elections Committee:

1. The Organisation Committee, chaired by one of the members of the Elections Committee.
2. The Polling Committee, chaired by one of the members of the Elections Committee.
3. The Counting Committee, chaired by the member of the Elections Committee who holds a judicial office or by a member of the Public Prosecution.

Article (18)

The Organisation, Polling, and Counting Committees shall be formed by decision of the Chair of the Main Elections Committee, which shall determine the members of these committees in proportion to the number of voters and polling centres in each wilaya, as well as their

competences and operating rules. The decision may also designate one or more deputy chairs for each committee from among its members.

Article (19)

The Electoral Appeals Committee shall be formed under the chairmanship of a Supreme Court judge, with membership as follows:

- A Court of Appeal judge who shall replace the Chair in case of absence.
- A counsellor from the Administrative Court.
- An Assistant Public Prosecutor.
- A legal researcher from the Ministry.

A decision shall be issued by the Minister naming the Chair and members of the committee. The decision shall include naming a rapporteur from among the Ministry's employees who holds a law qualification.

Article (20)

The Minister may, by decision, form any committees required by the electoral process and shall specify their competences and operating rules.

Article (21)

The Minister may, by decision, establish one or more unified polling centres and shall specify the governorates or wilayas whose voters are entitled to vote at such a centre, the voting and counting procedures therein, and the provisions and procedures stipulated in this regulation shall apply to the centre.

Article (22)

The chairs, members, and rapporteurs of the committees referred to in this regulation, those engaged to assist in the electoral process, their spouses and relatives up to the third degree, and citizens located outside the Sultanate of Oman may cast their votes before the scheduled election date.

A decision shall be issued by the Minister determining the date and procedures for voting and counting and forming the necessary committees for that purpose.

Chapter Three

Electoral Register

Article (23)

Every citizen shall have the right to apply to be entered in the electoral register in accordance with the address recorded on his or her ID card, if the following conditions are met:

1. He or she has completed twenty-one (21) years of age by the first of January of the election year.
2. He or she is not affiliated with a security or military entity.
3. He or she is not suffering from mental illness.

Article (24)

The electoral register shall include the data of each voter as derived from the civil register, in particular:

1. Full name and civil number.
2. Date and place of birth.
3. Electoral district.

Article (25)

Each voter may apply to transfer his or her registration in the electoral register from one electoral district to another.

Article (26)

The Ministry shall prepare the preliminary lists of voters in each wilaya from the electoral register data, taking into account the following:

1. Updating data from the civil register.
2. Deleting the names of deceased persons from the voters lists in light of data received from the civil register.
3. Deleting those proven to have lost any of the conditions for registration in the electoral register stipulated in this regulation.

Article (27)

The Ministry shall publish and announce the preliminary lists of voters.

Article (28)

The Ministry may, when necessary, suspend applications for registration and for transfer of registration in the electoral register on a temporary basis.

Article (29)

Any interested party may object to names included in the preliminary lists of voters by submitting an application to the Elections Committee within five (5) days from the date of

announcement of these lists, stating the reasons for the objection and attaching supporting documents.

The committee shall issue its decision on the objection within ten (10) days from the day following the expiry of the period stipulated in this Article.

Article (30)

Any interested party may appeal the decision of the Elections Committee issued pursuant to Article (29) of this regulation by submitting an application to the Electoral Appeals Committee within five (5) days from the date the decision is announced, stating the reasons for the appeal and attaching supporting documents.

Article (31)

The Electoral Appeals Committee shall issue its decision on the appeal within fifteen (15) days from the day following the expiry of the period stipulated in Article (30) of this regulation. Its decision in this regard shall be final.

Article (32)

The Ministry shall amend the preliminary lists of voters received from the Elections Committees in accordance with the decisions issued in objections and appeals, and shall present them to the Main Elections Committee for review and approval as the final lists of voters entitled to vote in the election year, and shall send them to the Elections Committees.

Chapter Four

Right to Candidacy

Article (33)

The Minister shall issue a decision determining the dates for the start and end of submitting candidacy applications and the date for their withdrawal. This decision shall be published in the Official Gazette and in at least two daily newspapers.

When necessary, the aforementioned periods may be extended or new dates may be set in one or more wilayas using the same procedures as in the first paragraph of this Article.

Article (34)

The Ministry shall receive candidacy applications from the applicant for candidacy or his or her legal representative in accordance with the controls it determines, for examination and coordination with the competent entities. It shall prepare a list of the names of those applicants whose applications have been cleared by those entities and shall present it to the Main Elections Committee, which shall prepare preliminary lists of candidates arranged alphabetically without titles, and send them to the Elections Committee for announcement.

Article (35)

Any interested party may object to names included in the preliminary lists of candidates by submitting an application on the prescribed form to the Elections Committee within five (5) days from the date these lists are announced, stating the reasons for the objection and attaching supporting documents.

The committee shall issue its decision on this objection within ten (10) days from the day following the expiry of the period stipulated in the first paragraph of this Article.

Article (36)

Any interested party may appeal the decision of the Elections Committee issued pursuant to Article (35) of this regulation by submitting an application to the Electoral Appeals Committee within five (5) days from the date the decision is announced, stating the reasons for the appeal and attaching supporting documents.

The Electoral Appeals Committee shall issue its decision on this appeal within fifteen (15) days from the day following the expiry of the period stipulated in the first paragraph of this Article. Its decision in this regard shall be final.

Article (37)

The Ministry shall announce the decisions issued by the Electoral Appeals Committee regarding appeals related to the preliminary lists of candidates.

Article (38)

The Main Elections Committee shall, within three (3) days from the date it receives the decisions of the Elections Committees and there being no appeals thereon, amend the preliminary lists of candidates, arrange them alphabetically without titles, and announce them as the final lists of candidates.

In the event of appeals against the decisions of the Elections Committees, the procedures stipulated in the first paragraph of this Article shall be taken within three (3) days from the date they are received.

Article (39)

A candidate may submit a request to update his or her data to the Main Elections Committee before the announcement of the final lists of candidates.

Article (40)

The candidate or his or her legal representative may submit a request to withdraw the candidacy within the prescribed period to the Elections Committee, which shall notify the Main Elections Committee of this on the day following the deletion of the candidate's name. Withdrawal of the candidacy application shall result in deletion of the withdrawn candidate's name from the final list of candidates.

Article (41)

Each candidate may conduct electoral campaigning to introduce himself or herself from the date of the announcement of the final lists of candidates until the day preceding polling day.

Article (42)

A decision shall be issued by the Minister specifying the rules, means, procedures, and fees for electoral campaigning after coordination with the competent entities.

Chapter Five

Electronic Voting

Article (43)

For a voter to cast his or her vote on polling day, the following is required:

1. The voter's name must be listed in the final lists of voters.
2. The voter must not be in pre-trial detention or serving a custodial sentence pursuant to a judicial ruling.
3. The voter must not be suffering from mental illness.

Article (44)

Voting shall take place in the polling centres approved by the Main Elections Committee on the day determined by decision of the Minister. The Minister may determine another day or more than one day for voting at any polling centre or all polling centres, or in exceptional circumstances, in line with the needs of the electoral process.

Article (45)

Voting shall begin on the specified polling day at 7:00 a.m. and end at 7:00 p.m. on the same day.

The Minister may set another start and end time in line with the needs of the electoral process.

Article (46)

Before voting begins, the Chair of the Polling Committee, or a member authorised in writing from among the committee members, shall open the voting devices to ensure they are free of any data, in the presence of the Chair of the Counting Committee or a member authorised in writing from among its members, and those voters and candidates or their legal representatives who are present. The devices shall be sealed before the time set for the start of voting. The opening of the devices shall be recorded in minutes endorsed by the Chairs of the Counting and Polling Committees or their authorised representatives.

Article (47)

One of the members of the Polling Committee shall assist a voter who is a person with disability or who is unable to cast his or her vote.

Article (48)

The voting process shall continue after the end of the time specified under Article (45) of this regulation if there are voters inside the polling centre who have not yet cast their votes. In that case, voting shall be limited to those voters only, and the Chair of the Elections Committee shall be notified.

Article (49)

When necessary, the Elections Committee may extend the specified voting time by no more than two hours on the same polling day, provided that the Main Elections Committee is notified.

Article (50)

After the end of the time specified for voting, the voting devices shall be closed. The electronic data and information stored in them shall be transferred by one of the information technology means approved by the Main Elections Committee and handed over to the Counting Committee under minutes signed by both the Chair of the Polling Committee and the Chair of the Counting Committee.

Article (51)

The Polling Committee shall prepare minutes on the conduct of the voting process, to be signed by the Chair of the Polling Committee.

Chapter Six

Counting and Announcement of Results

Article (52)

The Chair of the Counting Committee shall receive the data from the electronic voting devices in the counting hall in the presence of the Elections Committee and those candidates or their legal representatives who are present. Minutes shall be prepared recording the means of data transfer and signed by the Chairs of the Counting Committee and the Elections Committee.

All those present must leave the counting hall except for the Chair and members of the Counting Committee. When necessary, and after the approval of the Chair of the Counting Committee, the Chair of the Elections Committee and some technicians may be present in the counting hall.

Article (53)

The Counting Committee shall count and tally the number of votes obtained by each candidate and arrange them in descending order in a list showing the name of each candidate and the number of votes he or she obtained. The list shall be signed by the Chairs of the Counting Committee and the Elections Committee.

Article (54)

In the event of a tie between two or more candidates who have obtained the highest number of votes, the Chair of the Counting Committee shall announce this and a draw shall be conducted among them to determine their order up to the fifth place, in the presence of the candidates or their legal representatives and the Elections Committee. Minutes of this shall be prepared and signed by the Chairs of the Counting Committee and the Elections Committee and by the candidates or their legal representatives. Refusal to attend or sign shall have no legal effect on what is recorded in the minutes of data and results.

The Elections Committee shall submit the minutes of the draw to the Main Elections Committee.

Article (55)

The Elections Committee shall refer the counting results to the Main Elections Committee for submission to the Minister no later than the end of the day following polling day for approval and announcement. No results announced by any means other than those stipulated in this regulation shall be recognised.

Article (56)

The winner of council membership shall be the one who obtains the highest number of votes, followed by the next highest among the candidates. A candidate shall be deemed elected by acclamation if he or she is the sole candidate in the final list of candidates in the wilaya.

Article (57)

The Elections Committee shall prepare minutes of the election results and send them, together with all decisions related to the electoral process, to the Main Elections Committee within no more than three (3) days from the date of announcement of the results.

Article (58)

Any interested candidate may appeal the final election results by submitting an application to the Electoral Appeals Committee on the prescribed form, stating the reasons for the appeal and attaching supporting documents, within ten (10) days from the date of issuance of the statement referred to in Article (60) of this regulation.

The committee shall decide electoral appeals within twenty (20) days from the end of the appeal period referred to in the first paragraph of this Article. Its decision shall be final.

Article (59)

The Ministry shall announce the decisions issued by the Electoral Appeals Committee regarding appeals against the final election results.

Article (60)

The Minister shall issue a statement of the names of municipal council members without titles in accordance with the final results approved by the Main Elections Committee, and it shall be published in the Official Gazette.

Article (61)

The Main Elections Committee may decide that the elections in any wilaya are invalid if it is proven that there has been a breach of any of the provisions or procedures set out in this regulation in a manner that affects the voting result, or that fraud or tampering has occurred in the voting or counting process. Voting shall be repeated in accordance with the final lists of voters and candidates on the day determined by the Minister within no more than sixty (60) days from the date of issuance of the decision.

Chapter Seven

Administrative Sanctions

Article (62)

An administrative fine of not less than one thousand (1,000) Omani Rials and not more than four thousand (4,000) Omani Rials shall be imposed on any person who violates the provisions of this regulation or commits any act that would affect the conduct of the electoral process.

Article (63)

The right to run for and to vote in council membership elections shall be denied for two consecutive terms to anyone who commits the following acts:

1. Purchasing voters' votes or defaming any candidate with the intention of influencing the election result.
2. Anyone who gave, undertook, or promised to give a voter a benefit for himself or for another in exchange for the voter's vote in the elections, and anyone who facilitated, incited, or mediated in that.