



THE 2011 REFERENDUM TO AMEND THE CONSTITUTION

THE PROPOSED AMENDMENTS

As part of its commitment to transition to transfer authority to an elected civilian government, the Supreme Council for the Armed Forces tasked a committee of judges and constitutional experts to draft a number of amendments to the constitution to achieve a number of main objectives:

1. Establish a process, with specific mechanisms and timetables, for the drafting and adoption of a new constitution.
2. Create a free and fair electoral mechanism for Parliamentary and Presidential Elections
3. Restrict government powers to infringe on the rights and freedoms of the people

The committee proposed a total of 11 changes to the Constitution, which will be voted on in a popular referendum on March 19th 2011. They include

- **Amended Articles:** 75,76,77, 88, 93, 139, 148 & 189 (TOTAL: 8)
- **Stricken Articles:** 179 (Total: 1)
- **New Articles:** 189 Repeated and 189 Repeated 1 (TOTAL: 2)

The following paragraphs provide a summary of the amendments by the topics they address. To read the full text (Arabic) of the amendments please visit the High Judicial Commission's Official Website: WWW.REFERENDUM.EG

Eligibility to Run for President (Article 75): Potential nominees to the office of the presidency would have to meet a number of qualification criteria:

- The nominee must be an Egyptian citizen
- Both of the nominee's parents must be Egyptian citizens
- The nominee must not be under a suspension of political and civic rights as defined by law
- Neither the nominee nor the nominee's parents may have held foreign citizenship
- The nominee must not be married to a foreigner
- The nominee must be at least 40 years of age

Nomination Process for Presidential Elections (Article 76): 3 tracks for nomination in presidential elections would be established:

1. Nominees must win the endorsement of 30 elected members of Parliament;
or
2. Nominees must win the endorsement of 30,000 eligible voters from 15 governorates with at least 1000 endorsements from each of those governorates;
or
3. Parties with at least 1 elected seat in parliament may nominate one of their members in presidential elections.

Members of Parliament and voters may not endorse the nomination of more than 1 candidate for president.

Supervision of Presidential Elections (Article 76): Presidential elections would be administrated by a Presidential Elections Commission headed ex-officio by the president of the Supreme Constitutional Court, and include as members, ex-officio, the president of the Cairo Court of Appeals, and the most senior vice-president of the Supreme Constitutional Court, of the Court of Cassation, and of the State Council. Ballot casting and counting would be directly and fully supervised by the members of the judiciary. Furthermore, the Law on Presidential Elections, which would implement the rules of this article, must be declared constitutional by the Supreme Constitutional Court before being adopted by Parliament

Presidential Term Limits (Article 77): the President would serve for a term of 4 years and be limited to 2 terms in office.

Supervision of Legislative Elections and Referendums (Article 88): An all-judge High Elections Commission would be established to supervise legislative elections and referendums. Ballot casting and counting would be directly and fully supervised by members of the judiciary nominated by the supreme bodies of the judicial agencies they represent and appointed by the High Elections Commission.

Determination of the Validity of Elections of Parliamentarians (Article 93): The competence to determine the validity of election of parliamentarians would be transferred from parliament to the Court of Cassation. Challenges to the validity of the membership of a parliamentarian would have be filed with the Court within 30 days of the election of the parliamentarian in question and decided upon by the Court within 90 days. The ruling of the Court would be final and immediately enforceable.

Appointment of Vice-Presidents (Article 139): The president would be required to appoint one or more vice-presidents and define their mandate within 60 days of taking office. If the vice-president is dismissed from office, the president must appoint a replacement. The same qualifications that apply to the presidency would also apply to the vice-president.

The State of the Emergency (Article 148): The declaration of a state of emergency by the President would be limited to 6 months, and subject to the consent of the People's Assembly, and a renewal of the state of emergency would require a popular referendum.

Counter-Terrorism (Article 179): The article would be stricken, and consequently counter-terrorism measures would be subject to constitutional guarantees of citizen's on the rights and freedoms, and the President would be stripped of his authority to transfer terrorism suspects to extra-ordinary courts.

Promulgation of a New Constitution (Article 189 [New Final Paragraph] and Article 189 Repeated [New Article]): The president, with the approval of the Council of Ministers, or at least half the members of the People's Assembly and the Shura Council may request the drafting of a new constitution. A Constituent Assembly made up of 100 members appointed by majority-vote of the elected members of the People's Assembly and the Shura Council would be tasked with drafting the new constitution. The constituent assembly must complete the draft within 6 months of it creation, and within 15 days of the completion of the draft constitution the president must call for a referendum on it. In all cases, and within 6 months of their election, the elected members of the first People's Assembly and of the Shura Council elected after the referendum on amendments to the constitution must appoint the constituent assembly to draft a new constitution.

Transitional Rules for the Shura Council (Article 189 Repeated 1 [New Article]): The Shura Council would be permitted to function without its members who are appointed by the president, until such time as a president is elected.