

DRAFTING NOTE

Fifty electoral districts for direct, free, fair, transparent and credible national representation

Consultation Draft | 2026

Draft status. This is an institution-building draft for constitutional, legislative and public consultation. It is not an enacted law or a final delimitation. It must be harmonised with the Electoral Commission Establishment Act, political-parties legislation, campaign-finance rules, citizenship and civil-registration law, criminal law, judicial procedure, data-protection law and the final village-by-village constituency maps before enactment.

Historical position. Eritrea has not held a popular post-independence election for the National Assembly contemplated by Articles 30 and 31 of the Constitution. Elections held from January to March 1997 selected the six Regional Assemblies. Members of those bodies participated in the 527-member Constituent Assembly that ratified the Constitution on 23 May 1997. The Transitional National Assembly was assembled indirectly from PFDJ Central Committee members, members selected from the Constituent Assembly and diaspora representatives. National elections announced first for 1998 and later for December 2001 did not take place.

The 2001-2002 initiative. A draft Political Parties Act and an Eritrean Electoral Law were circulated in 2001. The National Assembly reportedly ratified a revised Electoral Law in January 2002 and approved a five-member Electoral Commission. The published 2002 text provided direct and universal voting, constituency election by the candidate receiving the largest vote, a thirty-percent reservation for women, polling-place counting and judicial appeals. It also contemplated indirect external voting, proxy voting, broad national-service and political-history exclusions, administrative verification of nominations, State-funded campaigns with no private funding, and constituency design attentive to ethnic balance. This draft retains useful simplicity and local representation but replaces restrictions that are vague, discriminatory, susceptible to executive control or inconsistent with ballot secrecy and genuine political competition.

Electoral-system choice. The draft adopts fifty single-member territorial electoral districts and direct secret-ballot plurality. This is the simplest system compatible with the ABC Project proposal and with Eritrea's earlier regional and 2002 legislative design. Every voter casts one vote for one candidate; the candidate with the greatest number of valid votes is elected. Political parties and independent candidates compete on equal legal terms. Fifteen of the fifty districts are temporarily designated women-representation districts for each election, with rotation and public reasons, while women remain eligible in every district.

Constituency choice. Schedule 1 adopts the ABC Project's preliminary fifty names and regional allocation as the starting national framework: Center 7, South 14, Gash-Barka 12, Anseba 7, NRS 7 and SRS 3. The Schedule does not pretend to supply missing census precision. The Commission must delimit exact boundaries through population data, village integrity, historical weredas, administrative practicality and public hearings. Ordinary

deviation is limited to fifteen percent from the national ideal; an exceptional deviation up to twenty-five percent requires published reasons concerning islands, pastoral mobility, remoteness, minority access, severe terrain or borderland conditions.

Constitutional basis. Articles 1, 2 and 7 vest sovereignty in the people and require democratic procedures, participation, accountability and transparency. Articles 14 and 19 protect equality, expression, information, peaceful assembly and political association. Article 30 guarantees every citizen aged eighteen or older the right to vote and requires electoral law ensuring representation and participation. Article 31 requires representatives elected by the people through secret ballot for a five-year term. Article 58 requires an independent Electoral Commission to administer free and fair elections and decide electoral issues.

International obligations. Eritrea ratified the African Charter on Human and Peoples' Rights in 1999 and acceded to the International Covenant on Civil and Political Rights in 2002. Article 13 of the African Charter protects participation in government; Article 25 of the Covenant requires genuine periodic elections by universal and equal suffrage and secret ballot, guaranteeing the free expression of electors. CEDAW Article 7 and CRPD Article 29 reinforce equal political participation by women and persons with disabilities. The African Charter on Democracy, Elections and Governance and the Venice Commission Code are used only as persuasive standards where they are not binding on Eritrea.

Relationship to political-parties legislation. The supplied 2001 parties draft recognised association and peaceful competition, but conditioned party formation on one hundred founders, three thousand supporters, eighty-five percent internal residence, presence in four regions, minimum nationality composition and declared religious proportions. Some of those requirements would compel disclosure of sensitive identity, burden diaspora participation and permit ideological screening. This Election Act therefore requires equal access for every lawfully registered party and independent candidate and forbids election officials from testing political belief beyond clear constitutional prohibitions on violence and military organisation.

DRAFT ACT

ACT NO. ____/2026

NATIONAL ASSEMBLY ELECTION ACT, 2026

AN ACT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE NATIONAL ASSEMBLY

PREAMBLE

WHEREAS sovereignty is vested in the Eritrean people and government must be established through democratic procedures, broad participation, accountability and transparent institutions;

WHEREAS every Eritrean citizen aged eighteen or older has the right to vote, the National Assembly must be composed of representatives elected by the people through secret ballot, and electoral law must ensure representation and participation;

WHEREAS equality, expression, access to information, peaceful assembly and political association are indispensable to a genuine election and may be limited only by clear, necessary and proportionate law;

WHEREAS Eritrea is obliged under the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights to provide equal opportunity to participate in public affairs and genuine periodic elections by universal and equal suffrage and secret ballot;

WHEREAS public confidence requires an independent Electoral Commission, stable rules, transparent constituency delimitation, an accurate register, genuine political choice, neutral public institutions, polling-station counting and effective judicial remedies;

NOW, THEREFORE, the National Assembly enacts as follows:

CHAPTER I PRELIMINARY PROVISIONS

Article 1 — Short title

This Act may be cited as the National Assembly Election Act, 2026.

Article 2 — Commencement

1. This Act enters into force on the date of publication in the Official Gazette.
2. The transitional provisions for the first general election take effect immediately.

Article 3 — Constitutional authority

1. This Act gives effect principally to Articles 7, 14, 19, 30, 31 and 58 of the Constitution and shall be interpreted consistently with the Constitution as a whole.
2. No regulation, directive or administrative practice may abolish or unreasonably restrict a constitutional electoral right.

Article 4 — Objects

1. To provide a simple, direct, inclusive and auditable method for electing all members of the National Assembly.
2. To translate equal citizenship into effective territorial representation while respecting villages, towns, historical communities, remote areas, islands and pastoral populations.
3. To guarantee genuine political choice, peaceful competition, accurate results and timely remedies.

Article 5 — Interpretation

1. “candidate” means a person whose nomination for a National Assembly election has been accepted;
2. “Commission” means the Electoral Commission established under Article 58 of the Constitution;
3. “electoral district” means one of the fifty single-member constituencies established under this Act;
4. “election period” means the period from publication of the election calendar until certification of final results and determination of immediate petitions;
5. “external voter” means a qualified citizen ordinarily resident outside Eritrea;
6. “general election” means an election for all fifty seats of the National Assembly;
7. “political party” means a political party or organisation lawfully registered to contest elections;
8. “polling station result form” means the original paper record signed at a polling station recording reconciliation and votes;
9. “reserved women-representation district” means an electoral district designated under Article 22 in which candidates for that election must be women;

10. “voter” means a citizen registered to vote under this Act.

Article 6 — Application

1. This Act governs general elections and by-elections for the National Assembly.
2. It binds the Commission, public bodies, political parties, candidates, observers, media, security services and all persons participating in or supporting the electoral process.

Article 7 — Governing principles

1. Universal and equal suffrage; direct personal voting; secrecy; genuine choice; accurate determination; periodic elections; and peaceful transfer of authority.
2. Legality, independence, impartiality, transparency, inclusion, accessibility, accountability, due process and effective judicial protection.
3. One voter, one vote, of equal weight subject only to justified territorial accommodation under this Act.

CHAPTER II

COMPOSITION AND ELECTORAL SYSTEM OF THE NATIONAL ASSEMBLY

Article 8 — Number of members

1. The National Assembly consists of fifty members elected from fifty electoral districts.
2. No person becomes a member by virtue of party office, military service, public appointment or membership in a transitional body.

Article 9 — Single-member districts

1. Each electoral district elects one member.
2. Every member represents the Eritrean people as a whole and also maintains an accessible representative relationship with the electors and communities of the district.

Article 10 — Direct election

1. A member shall be elected directly by the qualified voters assigned to the electoral district.
2. Indirect election, appointment by an electoral college and voting through another person are prohibited.

Article 11 — Plurality rule

1. Each voter casts one vote for one candidate.
2. The candidate receiving the greatest number of valid votes in the electoral district is elected.
3. If the highest candidates are tied, a runoff between them shall be held within twenty-one days. A winner shall not be selected by lot.

Article 12 — Term and first session

1. The term of the National Assembly is five years from the date of its first session.
2. The first session shall be held within one month after the general election.
3. An extension during a state of emergency is permitted only under Article 31(5) of the Constitution and may not exceed six months.

Article 13 — Fixed election cycle

1. The ordinary polling day shall fall between sixty and thirty days before expiry of the Assembly term.
2. The Commission shall publish the election calendar at least twelve months before polling day.
3. Failure by any office-holder to issue a ceremonial writ does not postpone an election fixed by the Constitution and this Act.

Article 14 — Vacancies and by-elections

1. A vacancy occurring more than twelve months before the end of the term shall be filled by a by-election within ninety days.
2. No by-election is required during the final twelve months unless the vacancy materially deprives a remote or minority community of representation, in which case the Commission may order one after consultation.

CHAPTER III

ELECTORAL DISTRICTS AND DELIMITATION

Article 15 — Establishment of fifty electoral districts

1. The fifty electoral districts and their regional allocation are established in Schedule 1.
2. The names in Schedule 1 identify the principal urban area, town, village cluster, island group or geographic community and do not, by themselves, determine an exact boundary.

Article 16 — Ideal district population

1. The ideal district population is the national resident population divided by fifty.
2. The Commission shall use the most recent reliable census and may supplement it with independently audited civil-registration, household, health-survey, satellite-settlement and administrative data.
3. Every publication shall identify sources, dates, methods, assumptions and likely error margins.

Article 17 — Population equality

1. An electoral district should ordinarily fall within fifteen percent above or below the national ideal.
2. A deviation exceeding fifteen percent but not exceeding twenty-five percent is permitted only where necessary for islands, pastoral mobility, extreme remoteness, severe terrain, borderland access, village integrity or effective representation of a geographically concentrated minority community.
3. Every exceptional deviation requires district-specific written reasons.

Article 18 — Boundary criteria

1. The Commission shall balance population equality with contiguity, compactness, accessibility, administrative workability and the integrity of villages, towns, neighborhoods and historically connected communities.
2. It shall consider transport routes, markets, customary-law districts and traditional weredas, water systems, pastoral movement, islands, escarpments, coastal corridors, resettlement and post-independence urban growth.
3. No boundary may be drawn to favour or disadvantage a party, candidate, religion, ethnicity, language or political viewpoint.

Article 19 — Village and community integrity

1. A village, urban neighborhood or established local community shall not be divided unless necessary to meet population equality or to create a practicable district.
2. Where division is unavoidable, the Commission shall follow recognizable administrative, physical or neighborhood boundaries and publish reasons.

3. An external voter's ancestral affiliation does not alter the resident population used for equality.

Article 20 — Delimitation procedure

1. At least eighteen months before a general election, the Commission shall publish data, draft maps and a written proposal.
2. The Commission shall conduct accessible hearings in every affected region and receive submissions for not less than sixty days.
3. Final boundaries, geospatial files, village assignments, population estimates, deviations and reasons shall be published at least twelve months before polling day.

Article 21 — Boundary review and appeal

1. A voter, community, party or civil-society organisation directly affected may object during consultation and may seek review of the final boundary before a designated bench of the Supreme Court within thirty days.
2. The Court may confirm, remit or correct an unlawful boundary but shall respect the Commission's reasoned choice among lawful alternatives.
3. Boundaries remain in force for two general elections unless a census, major displacement, administrative change or manifest inequality requires earlier review.

Article 22 — Women-representation districts

1. For the first three general elections, fifteen electoral districts shall be designated women-representation districts in which every candidate must be a woman.
2. Women remain eligible to contest every other district.
3. The Commission shall rotate designations, distribute them fairly among the six regions, consult publicly and publish reasons at least twelve months before polling day.
4. The measure shall be independently reviewed after the third election and lapses unless renewed by law on evidence that it remains necessary and proportionate.

CHAPTER IV

RIGHT TO VOTE AND VOTER REGISTRATION

Article 23 — Right to vote

Every Eritrean citizen aged eighteen years or older on polling day has the right and opportunity to register and vote without discrimination or unreasonable restriction.

Article 24 — Permissible restrictions

1. Voting rights may be restricted only by an individualized final court order based on proven incapacity to understand the act of voting or conviction for a serious electoral offence, and only for a proportionate period.
2. Disability, illiteracy, poverty, sex, religion, language, ethnicity, political opinion, residence abroad, national-service status, military status, detention without conviction or failure to pay a tax or contribution is not a ground of exclusion.
3. A person in lawful custody retains the vote unless disqualified under the first paragraph.

Article 25 — Permanent voter register

1. The Commission shall maintain a continuous, secure and auditable voter register.
2. Registration shall be available throughout the year through regional, mobile and accessible services and shall not depend solely on internet access.
3. The register shall record only information necessary for eligibility, district assignment, uniqueness and contact.

Article 26 — Proof of identity and citizenship

1. An applicant may prove identity and citizenship by a national identity document, passport, civil record or a reliable combination of documentary and sworn community evidence prescribed by regulation.
2. Absence of a single government document shall not automatically disenfranchise a citizen.
3. The Commission, not a local administration, makes the electoral determination subject to appeal.

Article 27 — District assignment of resident voters

1. A resident voter shall register in the electoral district of habitual residence.
2. Temporary employment, military posting, study, hospitalization, displacement or detention does not change habitual residence unless the voter freely requests a lawful change.
3. No voter may be registered in more than one electoral district.

Article 28 — External voters and village-of-origin connection

1. An external voter shall be assigned to one territorial electoral district inside Eritrea according to, in order of reliable connection: last habitual residence; place of birth; a

parent's habitual residence or village of origin; or another substantial community connection accepted under published rules.

2. A voter shall choose only one connection, which remains for that election cycle and is subject to audit and objection.
3. No separate external constituency or indirect electoral college is created.

Article 29 — External voting methods

1. The Commission shall provide direct secret external voting through Commission-controlled polling centres and may provide secure postal voting where chain of custody, identity verification and ballot secrecy are independently tested.
2. An embassy may provide premises or logistics but may not control registration, ballots, observers, counting or results.
3. External votes shall be counted by electoral district under procedures protecting secrecy where totals are small.

Article 30 — Public inspection, claims and objections

1. A provisional register shall be available for individual verification and privacy-protective public inspection for at least forty-five days.
2. A person may claim inclusion, correction or transfer and may object to a duplicate, deceased or ineligible entry on evidence.
3. Decisions shall be reasoned, prompt and appealable to a court.

Article 31 — Register audit and certification

1. Before certification, the register shall undergo an independent audit for completeness, accuracy, duplicates, wrongful exclusions, district assignment, security and privacy.
2. The Commission shall publish national, regional, district and polling-station statistics and its response to audit findings.
3. Protected personal data shall not be published or supplied for intimidation, surveillance or commercial use.

CHAPTER V

CANDIDATES AND NOMINATIONS

Article 32 — Right to stand

Every qualified citizen has the right and opportunity to seek election as a party candidate or independent candidate on equal terms.

Article 33 — Qualifications

1. A candidate must be an Eritrean citizen, be at least twenty-one years old on polling day, be registered as a voter and consent in writing to nomination.
2. A candidate need not reside in the electoral district but shall disclose the nature of the candidate's connection to it.

Article 34 — Disqualifications

1. A person is disqualified only by a final court judgment for corruption, serious violence, a serious human-rights violation or an electoral offence, where the judgment expressly imposes a proportionate period of electoral disqualification.
2. A serving judge, Commissioner, election official or senior career security commander shall resign before nomination.
3. No vague allegation of treason, collaboration, disloyalty, political hostility or incomplete national obligations is sufficient.

Article 35 — Members of armed and security services

1. A member of the defence, police, intelligence or security services retains the right to vote.
2. A member seeking candidacy shall take nonpartisan leave from acceptance of nomination through certification and shall not campaign in uniform, use command authority or use public security resources.
3. If elected, the member shall retire or resign from active service before taking the constitutional oath.

Article 36 — Nomination by a political party

1. A lawfully registered political party may nominate one candidate in an electoral district in accordance with its democratic rules.
2. The Commission shall not inquire into party ideology except where a competent court has finally determined that an organisation maintains an armed wing or directly incites imminent violence.

Article 37 — Independent nomination

1. An independent candidate shall submit signatures of one hundred registered voters of the electoral district or one-half of one percent of its registered voters, whichever is lower.

2. A voter may support more than one nomination; support does not disclose or bind the voter's vote.
3. Electronic and paper collection shall be available under auditable procedures.

Article 38 — Deposit

1. A reasonable refundable deposit may be prescribed to deter frivolous nominations.
2. The deposit shall be waived for demonstrated inability to pay and refunded to a candidate receiving at least two percent of valid votes.
3. No financial rule may make candidacy dependent on wealth.

Article 39 — Nomination decision and appeal

1. The Commission shall decide a complete nomination within seven days and give written reasons for rejection.
2. A candidate or objector may appeal within seven days to the Election Bench, which shall decide within seven days with a further appeal on law to the Supreme Court.
3. No administration, employer, military commander, embassy or party may veto a nomination accepted by the Commission.

Article 40 — Death, incapacity or withdrawal

1. If a candidate dies or becomes permanently incapable before polling day and fewer than two candidates remain, the election in that district shall be postponed for not more than thirty days to reopen nominations.
2. A voluntary withdrawal is effective only by a personally signed declaration received before the ballot-printing deadline.

Article 41 — Ballot access and symbols

1. Candidate names shall appear in a fair order determined by public lot and with photographs and approved symbols where useful for voter identification.
2. No candidate has exclusive use of a national, religious, military or public-institution emblem.

CHAPTER VI

CAMPAIGN, PARTIES, MEDIA AND FINANCE

Article 42 — Freedom to campaign

1. Candidates, parties and supporters may peacefully communicate, assemble, canvass, publish, debate and criticise public officials and policies throughout the election period.
2. Prior permission shall not be required for ordinary political speech or meetings; reasonable notice may be required solely for traffic, safety and equal scheduling of public venues.

Article 43 — Political pluralism

1. Public authorities shall treat political parties and independent candidates impartially.
2. No candidate shall be excluded because of peaceful advocacy of constitutional, economic, social, linguistic, regional or governmental change.
3. Prohibitions on violence, coercion and military organisation shall be applied by courts under clear law and shall not become tests of political conformity.

Article 44 — Campaign period and silence

1. The formal campaign period begins sixty days before polling day.
2. Paid campaigning ends twenty-four hours before polling opens, but ordinary private discussion, news reporting and lawful online expression remain protected.
3. The Commission may correct false procedural information without becoming an arbiter of political truth.

Article 45 — Public venues and movement

1. Public halls, streets, markets and other lawful venues shall be available on equal and transparent terms.
2. No candidate may be arbitrarily confined, prevented from travelling, dismissed from employment or denied ordinary services because of candidacy.
3. Any security restriction must be individualized, necessary, proportionate, written and immediately reviewable.

Article 46 — Public media

1. Publicly funded media shall provide accurate voter information, impartial news coverage, equitable free airtime and meaningful debates among candidates.
2. Allocation rules, schedules, editorial criteria and complaints decisions shall be published.
3. Government activity shall not be presented as a ruling-party campaign.

Article 47 — Private and community media

1. Private and community media may endorse, criticise and report freely subject to ordinary laws consistent with the Constitution.

2. Paid political advertising shall be offered on transparent and nondiscriminatory terms and identified as advertising.
3. Journalists shall not be detained, licensed or excluded for good-faith electoral reporting.

Article 48 — Public resources and official neutrality

1. A public body, public enterprise, school, military unit or security service shall not use personnel, vehicles, premises, funds, data or authority to favour or disadvantage a contestant.
2. An incumbent may perform official duties but shall separate official communication, travel, staff and expenditure from campaigning.
3. Civil servants and members of security services shall act impartially in official capacity.

Article 49 — Campaign contributions

1. A candidate or party may receive lawful contributions from Eritrean citizens and lawful domestic sources within limits prescribed by regulation.
2. Foreign governments, foreign political parties, anonymous sources, public bodies and State contractors with a material pending contract may not contribute.
3. An Eritrean citizen abroad may contribute within the same individual limit as a resident citizen.

Article 50 — Public campaign support

1. The State shall provide modest and equitable campaign support, including free public-media access and accessible public venues.
2. Any monetary grant shall be allocated by a transparent formula containing an equal basic amount and a limited amount based on demonstrated electoral support.
3. Public support shall not be conditioned on endorsement of government policy.

Article 51 — Limits and disclosure

1. The Commission shall set reasonable contribution and expenditure limits after consultation and publish them at least twelve months before an election.
2. Contestants shall use a disclosed campaign account, record contributions and spending, and publish interim and final reports.
3. Independent audit and proportionate sanctions apply, but minor reporting errors shall be correctable.

Article 52 — Prohibited campaign conduct

1. No person may use violence, threats, detention, employment power, food or public benefits, religious compulsion, military command, bribery or deliberate destruction of campaign materials to influence participation or choice.

2. Robust criticism, satire, advocacy, peaceful boycott and discussion of identity or regional interests are not prohibited unless they directly incite imminent violence or unlawful discrimination.

CHAPTER VII

POLLING, ACCESSIBILITY AND BALLOT SECURITY

Article 53 — Polling day

1. Polling shall ordinarily occur on one day declared a public holiday.
2. Special polling in remote, island or external locations may occur during a published period not exceeding seven days where necessary and under equivalent observation and security.

Article 54 — Polling stations

1. The Commission shall establish accessible polling stations close to voters and publish their locations at least sixty days before polling.
2. A station shall ordinarily serve no more than one thousand five hundred voters unless geography requires a smaller or larger number with reasons.
3. Military, intelligence, police and party premises shall not be used as polling stations.

Article 55 — Paper ballot as legal record

1. Voting shall use a voter-verifiable paper ballot marked in secret.
2. Technology may assist identification, accessibility or transmission but shall not replace the paper ballot as the legal record unless a later law follows public pilots, independent certification and auditability.
3. Equipment failure shall not disenfranchise a voter whose eligibility can otherwise be established.

Article 56 — Secret and personal voting

1. A voter shall vote personally, only once and without revealing the choice.
2. Proxy voting and voting by a superior, relative, employer, official or agent are prohibited.
3. A ballot photograph or identifying mark intended to prove a vote may be regulated to prevent coercion while preserving legitimate assistance.

Article 57 — Assisted voting

1. A voter who requires assistance may choose a trusted person other than a candidate, party agent, employer, commander or election official, or may request two officials acting in the presence of agents.
2. The voter's choice and secrecy shall be respected and a non-identifying record of assistance maintained.
3. Tactile ballots, accessible booths, sign-language support and reasonable accommodation shall be provided.

Article 58 — Advance and mobile voting

1. Advance or mobile voting may be provided for hospital patients, persons with restricted mobility, election workers, detainees, remote pastoral communities and personnel unavoidably deployed away from residence.
2. It shall remain personal, secret, observed and traceable through sealed paper-ballot custody.
3. A commander, employer, custodian or official shall not be present while a person marks the ballot.

Article 59 — Polling agents and observers

1. Every candidate may appoint agents to observe registration, polling, counting, aggregation and recounts.
2. Accredited domestic and international observers and media shall have meaningful access without discriminatory invitation or political screening.
3. Observation may be restricted only to protect ballot secrecy, safety or orderly operations and reasons shall be recorded.

Article 60 — Security at elections

1. Civilian police provide perimeter security under a published Commission protocol and remain politically neutral.
2. Armed personnel shall not enter a polling or counting place except at the written request of the presiding officer to address an immediate threat.
3. Security services shall not collect political intelligence, inspect ballots or direct election officials.

CHAPTER VIII

COUNTING, RESULTS, RECOUNTS AND CERTIFICATION

Article 61 — Polling-station count

1. Votes shall be counted openly at the polling station immediately after polling closes.
2. Ballot reconciliation, rejected ballots and votes for each candidate shall be recorded on the polling-station result form.
3. Candidate agents and observers may inspect the process, raise objections and receive a signed copy.

Article 62 — Publication at the station

1. A signed result form shall be posted publicly at the polling station before materials are transported.
2. A photograph or scanned image shall be transmitted to the Commission publication system where communications permit.
3. The physical original remains controlling.

Article 63 — Aggregation

1. District aggregation shall add verified polling-station results without reopening ballot boxes.
2. Every correction shall be documented, explained and visible to agents and observers.
3. Polling-station images, aggregation worksheets and district totals shall be published in machine-readable and human-readable form.

Article 64 — Recount

1. A recount may be ordered where the margin is smaller than the number of disputed or rejected ballots, reconciliation shows a material discrepancy, or credible evidence could affect the outcome.
2. A recount shall occur on notice, in the presence of agents and observers, with a complete record.
3. A regional office shall not routinely recount or alter every polling-station result.

Article 65 — Preliminary and final results

1. The Commission shall publish rolling preliminary results identified as provisional.
2. It shall certify a district result after required checks and immediate complaints, normally within fourteen days.
3. Certification shall state turnout, valid and invalid votes, candidate totals, unresolved matters and any recount.

Article 66 — Election report

1. Within ninety days after final certification, the Commission shall publish a comprehensive report on participation, inclusion, incidents, finance, media, polling, results, complaints, costs and recommendations.
2. The report shall be submitted to the National Assembly but is not subject to approval or alteration by it.

CHAPTER IX

COMPLAINTS, PETITIONS AND REMEDIES

Article 67 — Right to an effective remedy

1. A voter, candidate, party or accredited observer directly affected by an electoral act is entitled to a timely, independent, reasoned and enforceable remedy.
2. Technical defects shall not defeat a claim where substance and requested relief are reasonably clear.

Article 68 — Administrative complaints

1. The Commission shall maintain accessible complaint offices and an online and paper register.
2. An official receiving a polling-day complaint shall decide immediately where possible and preserve evidence.
3. Commission decisions shall give reasons and identify appeal rights.

Article 69 — Election bench

1. The Chief Justice shall designate an independent Election Bench of judges who have received nonpartisan electoral training.
2. The Bench hears urgent registration, nomination, campaign, voting and result matters in public, subject to narrow protection of safety and ballot secrecy.
3. A final appeal on law lies to the Supreme Court under an expedited timetable.

Article 70 — Election petition

1. A petition challenging a district result shall be filed within fourteen days after certification and decided within thirty days.
2. The petitioner must identify the alleged illegality and its actual or reasonably possible effect; impossible pleading precision shall not be required where evidence is controlled by public authorities.
3. The court may inspect ballots, order disclosure, recount votes, correct a result, disqualify proven fraud, or order a new poll.

Article 71 — Standard for invalidating an election

1. A court shall not invalidate an election for an immaterial irregularity.
2. It shall grant effective relief where illegality, intimidation, fraud, exclusion or administrative failure affected or could reasonably have affected the result or made it impossible to determine the free will of voters.
3. Intentional rights violations may justify relief even where exact numerical effect cannot be proved.

Article 72 — Evidence preservation

1. The Commission shall preserve ballots, forms, registers, logs, recordings and complaint files securely for the period prescribed by law, which shall not be less than the petition period plus one year.
2. Destruction, concealment, substitution or unauthorized alteration of electoral evidence is prohibited.

CHAPTER X

ELECTORAL OFFENCES AND ENFORCEMENT

Article 73 — Offences against free choice

1. A person commits an offence by bribing a voter, coercing a vote, threatening harm or loss of service, violating ballot secrecy, impersonating a voter, voting more than once or knowingly registering falsely.
2. A person commits an aggravated offence by using public, military, security, custodial or employment authority for such conduct.

Article 74 — Offences against administration

1. A person commits an offence by stuffing or stealing ballots, falsifying a register or result, destroying evidence, obstructing an official or observer, misusing protected voter data, breaching a lawful campaign-finance limit, or interfering with the Commission.
2. An election official commits an aggravated offence by knowingly certifying false information or acting under partisan direction.

Article 75 — Proportionate enforcement

1. Penalties shall be harmonised with the Penal Code and shall be proportionate to intent, harm and official responsibility.
2. No offence may be created or extended by unpublished directive.
3. Criminal proceedings do not replace prompt electoral remedies.

Article 76 — No misuse of criminal law

1. A candidate, journalist, observer or voter shall not be arrested or prosecuted to influence an election.
2. Ordinary criminal law remains applicable, but action during the election period against a candidate for nonviolent conduct requires prompt notice to the Commission and immediate access to court.
3. No temporary immunity protects violence, corruption or an in flagrante serious offence.

CHAPTER XI

FIRST GENERAL ELECTION AND TRANSITION

Article 77 — Date of first general election

1. The first general election under the Constitution shall be held not later than eighteen months after commencement, unless a court determines that a shorter constitutional deadline controls.
2. Within thirty days, the Commission shall publish a costed calendar identifying legal, register, delimitation, staffing, procurement, education, observation and dispute-resolution milestones.

Article 78 — First delimitation

1. Schedule 1 governs the number, names and regional allocation for the first election.
2. Within nine months, the Commission shall publish final village-by-village boundaries after national consultation and an independent demographic review.
3. If reliable population data cannot support the ordinary deviation, the Commission shall publish uncertainty ranges, use the most defensible grouping and identify districts requiring post-election census review.

Article 79 — First voter register

1. The first register shall be built or independently verified through nationwide, mobile and external registration, public correction and audit.
2. No legacy register, national-service list, tax list, party list or security database shall be treated as conclusive eligibility evidence.
3. Registration statistics shall be published monthly during the first cycle.

Article 80 — First-cycle political freedoms

1. Before nominations open, every person must be able in law and practice to exercise expression, information, peaceful assembly, association, movement and due process necessary for genuine competition.
2. Political prisoners and persons detained solely for peaceful expression, association, journalism, religion or political opinion shall be released or brought promptly before an independent court.
3. The Commission shall publish a readiness finding and may seek constitutional relief if conditions make a genuine election impossible.

Article 81 — Transitional public institutions

1. The transitional executive, armed forces, security bodies, public administration and public media shall sign and comply with enforceable neutrality codes.
2. A transitional authority shall not appoint members to the elected Assembly or reserve seats for itself or a political organisation.

3. Public property and records required for elections shall be transferred to the Commission under audit.

Article 82 — Civic education and simulations

1. The Commission shall conduct multilingual civic education explaining registration, district assignment, women-representation districts, candidacy, secrecy, counting, complaints and peaceful acceptance of lawful outcomes.
2. Public simulations shall test urban, rural, island, pastoral, border, disability-access and external-voting procedures.
3. Education shall be nonpartisan and shall not instruct citizens which political objectives are acceptable.

Article 83 — Independent first-election review

1. Within twelve months after the first election, an independent public review shall evaluate the fifty-seat system, district equality, women's representation, external voting, plurality outcomes, administration and remedies.
2. Recommendations shall be published and considered before the second election without shortening the constitutional term.

CHAPTER XII GENERAL AND FINAL PROVISIONS

Article 84 — Regulations

1. The Commission may make regulations necessary to implement this Act after at least thirty days of public consultation, except for narrowly tailored emergency procedures.
2. Regulations shall be published in the Official Gazette and may not alter the electoral system, number of seats, core boundary criteria, qualifications, secrecy, counting or remedies.

Article 85 — Language and accessibility

1. Official electoral materials shall be available in Tigrinya and Arabic and in additional Eritrean languages necessary for effective participation.
2. English translations may be published for information.
3. Accessible formats, plain-language summaries, audio, sign-language and non-digital access shall be provided.

Article 86 — Data protection

1. Electoral personal data shall be collected for specified lawful purposes, secured, retained only as necessary and protected against political, security, commercial or foreign access.
2. A voter's party preference, religion, ethnicity and ballot choice shall not be recorded in the voter register.
3. A person is entitled to access and correct personal electoral data.

Article 87 — Duty to cooperate

1. Every public body shall provide timely lawful assistance requested by the Commission without directing its work.
2. Private persons and organisations shall comply with lawful electoral orders subject to privilege, privacy, due process and judicial review.

Article 88 — Inconsistency and repeal

1. A prior act, directive or practice inconsistent with this Act is inapplicable to the extent of inconsistency.
2. The 2002 Electoral Law is repealed or superseded upon commencement, subject to preservation of records and lawful acts that do not impair constitutional rights.

Article 89 — Review of seat number and system

1. After three general elections, the National Assembly shall commission an independent review of whether fifty seats continue to provide population equality, effective representation and workable legislative capacity.

2. Any change applies only prospectively, after public consultation and at least twelve months before an election.

Article 90 — Harmonisation before enactment

1. Before enactment, cross-references, court names, offence classifications, penalties, political-party rules, public-finance provisions, citizenship procedures and the final district maps shall be harmonised with the Constitution and related legislation.
2. No harmonisation may remove the core guarantees of universal and equal suffrage, genuine choice, secret ballot, independent administration, transparent counting or effective judicial remedy.

SCHEDULE 1
FIFTY ELECTORAL DISTRICTS FOR THE FIRST GENERAL ELECTION

1. Downtown, Asmara (Center)
2. Abbashaul, Asmara (Center)
3. Mai Temenai, Asmara (Center)
4. Sembel, Asmara (Center)
5. Godaif, Asmara (Center)
6. Serejeka, Center
7. Gala Nefhi, Center
8. Mendefera, South
9. Quatit, South
10. Adi Quala, South
11. Debarwa, South
12. Areza, South
13. Mai Ayni, South
14. Mai Mine, South
15. Emni Haili, South
16. Dekemhare, South
17. Segheneyti, South
18. Adi Keyh, South
19. Qohaito, South
20. Senafe, South
21. Tsorona, South
22. Barentu, Gash-Barka
23. Agordat, Gash-Barka
24. Tesseney, Gash-Barka
25. Haykota, Gash-Barka
26. Laelay Gash, Gash-Barka
27. Gogne, Gash-Barka
28. Shambuko, Gash-Barka
29. Mogolo, Gash-Barka
30. Dighe, Gash-Barka
31. Logo Anseba, Gash-Barka
32. Molqi, Gash-Barka
33. Omhajer, Gash-Barka
34. Keren North, Anseba
35. Keren South, Anseba
36. Hagaz, Anseba
37. Elabered, Anseba
38. Halhal, Anseba
39. Gheleb, Anseba
40. Kerkebet, Anseba
41. Massawa, NRS
42. Dahlak, NRS
43. Ghinda, NRS

44. Foro-Sheeb, NRS

45. Afabet, NRS

46. Nakfa, NRS

47. Karura-Adobha, NRS

48. Assab, SRS

49. Baylul, SRS

50. Tio, SRS

Schedule note. “Asmara” is used as the electoral designation for five urban districts within the Center region; it does not create a seventh region. Final legal descriptions must list included neighborhoods, villages and geographic boundaries. Alternative spellings may be recorded by the Commission without changing district identity.

SCHEDULE 2

REGIONAL ALLOCATION AND WOMEN-REPRESENTATION DISTRIBUTION

Center: 7 districts, including 5 in Asmara; initial women-representation allocation: 2.

South: 14 districts; initial women-representation allocation: 4.

Gash-Barka: 12 districts; initial women-representation allocation: 4.

Anseba: 7 districts; initial women-representation allocation: 2.

NRS: 7 districts; initial women-representation allocation: 2.

SRS: 3 districts; initial women-representation allocation: 1.

Total: 50 districts; 15 designated women-representation districts for each of the first three general elections.

The Commission shall identify the particular districts through public consultation and rotation. It shall avoid repeatedly reserving the same locality and shall consider where women have historically faced the greatest barriers to candidacy.

SCHEDULE 3 MINIMUM ELECTION CALENDAR

T-18 months: population evidence and draft delimitation methodology published.

T-15 months: draft district maps and hearings commence.

T-12 months: final boundaries, women-representation designations, election date and finance limits published.

T-9 months: external-voting locations and methods published; register audit begins.

T-6 months: provisional register displayed; observer applications open.

T-90 days: nominations open and public-media allocation published.

T-60 days: formal campaign period begins; polling stations published.

T-24 hours: paid campaign silence begins.

Polling day: direct secret paper-ballot voting and polling-station count.

T+14 days: ordinary deadline for district certification.

T+90 days: comprehensive Commission election report.

SCHEDULE 4
OATH OF MEMBER OF THE NATIONAL ASSEMBLY

I, _____, swear or affirm that I will be faithful and worthy of the trust placed in me by the Eritrean people; uphold and defend the Constitution of Eritrea; represent the Eritrean people as a whole; respect the equal dignity and rights of every person; and endeavour to the best of my ability and conscience for the unity, freedom, justice and development of my country.

Signed: _____ Date: _____

SCHEDULE 5
CONSTITUTIONAL, HISTORICAL AND INTERNATIONAL DRAFTING REFERENCES
– NOT PART OF THE LAW

- [1] Constitution of Eritrea (1997), especially Articles 1, 2, 7, 14, 19, 30, 31, 34, 35 and 58. User-supplied constitutional text.
 - [2] Eritrean Electoral Law (2002), especially Articles 11-17, 34-45 and 48-65. Public English text preserved by the ACE Electoral Knowledge Network.
 - [3] Draft Act on the Formation of Political Parties and Organizations (2001). User-supplied text.
 - [4] African Charter on Human and Peoples' Rights, especially Articles 2, 3, 9, 10, 11 and 13; ratified by Eritrea in 1999.
 - [5] International Covenant on Civil and Political Rights, especially Articles 2, 19, 21, 22, 25, 26 and 27; acceded to by Eritrea in 2002.
 - [6] Convention on the Elimination of All Forms of Discrimination against Women, especially Articles 4 and 7.
 - [7] Convention on the Rights of Persons with Disabilities, especially Articles 5, 9, 12 and 29; acceded to by Eritrea in 2025.
 - [8] Human Rights Committee, General Comment No. 25 on participation in public affairs and the right to vote.
 - [9] African Union, African Charter on Democracy, Elections and Governance (persuasive standard; treaty status must be verified before any claim of binding force).
 - [10] Venice Commission, Code of Good Practice in Electoral Matters (comparative persuasive standard).
 - [11] ABC Journey, Why 50 Seats and the preliminary fifty-district proposal considered in Schedule 1.
 - [12] Historical background sources supplied by the user: Simon Weldehaimanot, dissertation; and Alemseged Tesfai, Quest for Freedom and Justice: A Political History of Eritrea, 1941-1962.
- Done at Asmara, this ____ day of _____, 20__.

THE NATIONAL ASSEMBLY OF ERITREA