

The Palestinian Authority

The Judicial Authority

Appeal 4/2017

The Verdict

Issued by the Local Elections Court authorized to hold this court and issue the verdict on behalf and name of the Palestinian Arab people

The Dissenting Opinion of the Judge Muhannad Al-Ardah

Following the verification of the appeal articles stating the reasons and subject which is challenging the CEC decision issued on 9/4/2017 to reject and not to accept the nomination of the "The City is for All" list and to drop it from the electoral lists registry running in Beitunia locality, Ramallah District, because the candidate Hassan Issa Hassan Muheisen is not registered in Beitunia locality registry and his name appeared in the city of Ramallah registry.

After reviewing and studying all the submitted evidences, I disagree with the respectable majority in its decision whether in terms of reasoning or conclusion.

I, hereby, mention that the provisions of Article 18 of the local Elections Law No. 10 of 2005 should apply on the candidate of the list. Thus, since the name of the candidate no. 11 who is the appellant, Hassan Issa Hassan Muheisen is not enlisted in the final voters' list of Beitunia, pursuant to Article 18 paragraph b, the CEC's decision to reject the nomination of the appealing list is based on Article 20 that states that the CEC shall reject the acceptance of electoral list registration if the application is incomplete and does not fulfil all the provisions stated by law, which corresponds of with the wording of Article 14, paragraph 2 of the same law. The opinion of the respectable majority to apply the provisions of Article 15, paragraph 5 is not applicable on the merits and facts of this appeal since this article is related an electoral list that is fulfilling and completing all the legal provisions stated in Article 18, and the 5th paragraph of this article (i.e. Article 15) is about withdrawal of one candidate fulling all the legal provisions and the list did not fill the vacant position during the nomination period: "If withdrawal of one or more candidate led to a violation of the provisions of paragraph 5 of article 14, and the list is unable to fill the vacant positions during the nomination period, the list shall be considered null and void."

Hence, the wording of this article is not about a list that already has candidate on whom the provisions of article 18 does not apply.

Accepting the list and dropping the candidate who is not fulfilling the legal provisions is contradicting what is stated in Article 18 of the same law.

Thus, I decide to reject the appeal in substance and support the appealed-on decision not to accept the registration of The City for All List.

23/4/2017