THE
CARTER CENTER

Presidential Election in Egypt

Final Report

May–June 2012

Waging Peace. Fighting Disease. Building Hope.

The Carter Center strives to relieve suffering
by advancing peace and health worldwide; it seeks
to prevent and resolve conflicts, enhance freedom and
democracy, and protect and promote human rights worldwide.

Presidential Election in Egypt

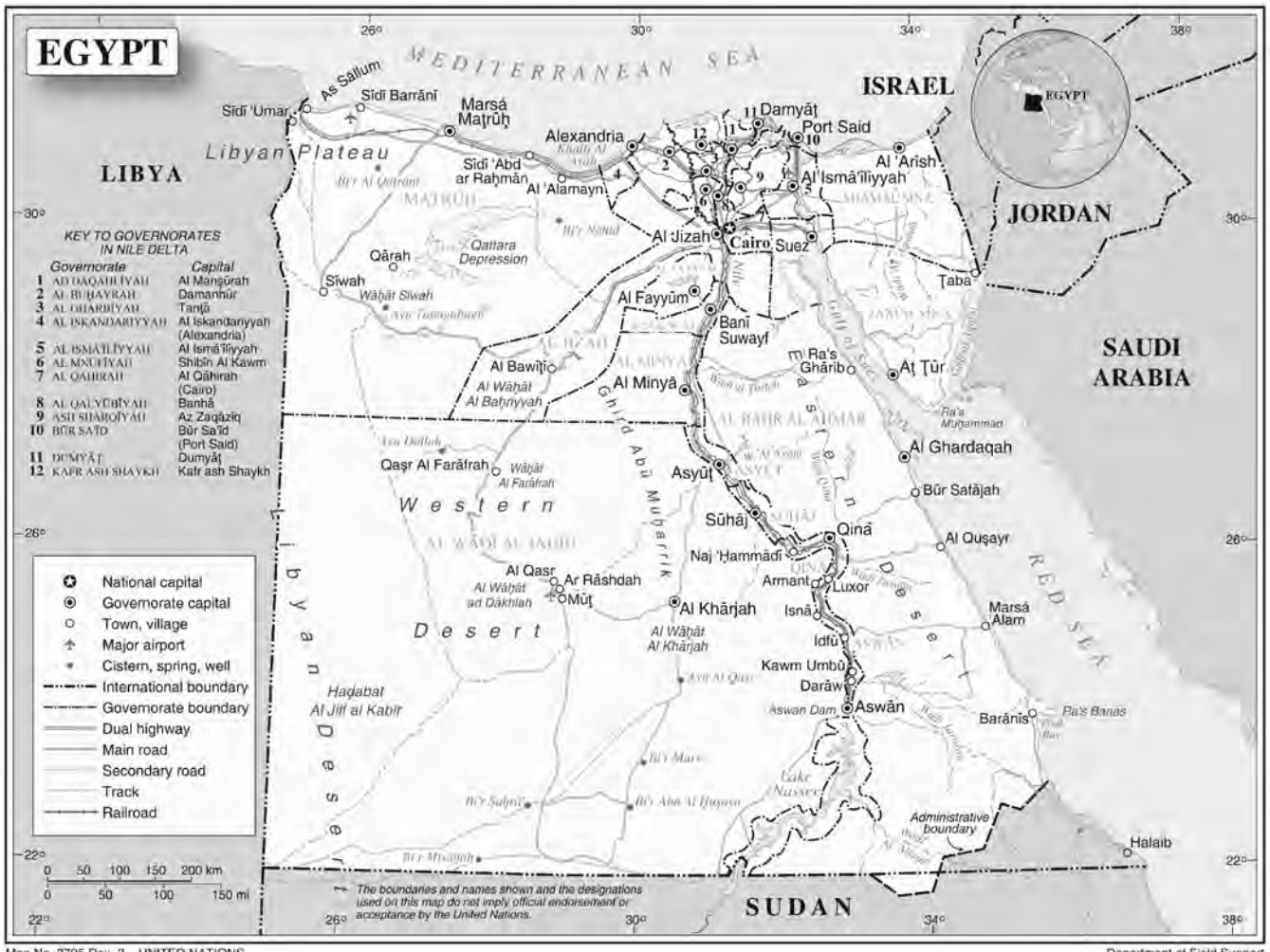
Final Report

May–June 2012

THE
CARTER CENTER

One Copenhill
453 Freedom Parkway
Atlanta, GA 30307
(404) 420-5188
Fax (404) 420-5196

www.cartercenter.org



Map No. 3795 Rev. 3 UNITED NATIONS
March 2012

Department of Field Support
Cartographic Section

Contents

Executive Summary 2
Postelection Developments 2
The Carter Center and the Presidential Election . . . 3
Historical and Political Background 6
The Timing and the Role of the Presidential Election in the Broader Political Transition 6
Political Maneuvering and the Candidate Nomination Process 9
The First Round of the Presidential Election: May 23–24, 2012 9
Political Developments Between the First and Second Rounds of the Election 11
The Second Round of the Election: June 16–17, 2012 12
The Carter Center in Egypt 14
Observation Methodology 14
Limitations on Witnessing the Presidential Election 16
Observing the Presidential Election 17
Electoral Institutions and the Legal Framework for the Presidential Election 18
Legal Framework 18
Key Issues 20
Electoral System 25
Election Management 25
Presidential Election Commission 27
Voter Registration 29
Voter Education 32
Candidates and Campaigns 34
Candidate Nomination 34
Regulatory Framework for Campaigning 36
Security Environment During the First-Round Campaign Period 37
Campaigning During the Second Round 38
Campaigning During the Silence Period 40
Campaign Finance 40
The Media Environment and Access to the Electoral Process 43
Participation of Women 45
Civil Society Organizations 47
Regulatory Framework for CSOs 47
The Role of CSOs in Witnessing the Presidential Election 48
Additional Challenges Facing Domestic CSOs in Witnessing the Election 49
Out-of-Country Voting 51
Election Day 52
Poll Opening 52
Polling and Voting Operations 53
Closing 56
Counting and Aggregation 58
Aggregation 59
Announcement of Election Results 61
Electoral Dispute Resolution 64
Conclusions and Recommendations 67
To the Government of Egypt 67
To the Presidential Election Commission 69
Appendix A: Acknowledgments 75
Appendix B: The Carter Center Witnessing Delegation and Staff 77
Appendix C: Terms and Abbreviations 80
Appendix D: Statements 81
Appendix E: Deployment Plans 100
Appendix F: Checklists 101
Appendix G: Letters of Permission 124
Appendix H: Constitutional Declaration Addendum 126
The Carter Center at a Glance 129

Executive Summary

Egypt's historic 2012 presidential election was the first time Egypt's head of state would be directly elected by the people in a competitive election that included candidates representing diverse political platforms and where the outcome was genuinely unknown. The presidential election on May 23–24, 2012, and the runoff on June 16–17, 2012, also marked at least[1] the fourth and fifth times, respectively, that Egyptians were called to the polls in little over a year. However, while there was considerable enthusiasm for the electoral process, it was marred by uncertainty about the broader transition overseen by the Supreme Council of the Armed Forces (SCAF). The paramount question in the lead-up to the election was whether this electoral process would, in fact, result in a full transfer of power from the military to a civilian-led government by June 30, 2012, as the military council had indicated.

Maurice Chammah

Former Yemeni Prime Minister Abdul Karim Al-Eryani greets voters standing in a queue during the runoff election on June 16, 2012.

Another equally important question was the degree to which the powers of the new president would be balanced vis-á-vis other state institutions as they were largely undefined in the Constitutional Declaration in force at the time. Finally, the timeline for drafting a new constitution hung in the balance as the final composition of the constituent assembly formed to draft it had not been resolved.

On June 17, shortly after the polls closed for the runoff phase of the election, the SCAF issued a controversial addendum to the Constitutional Declaration. In it, it granted to itself the legislative powers of the recently dissolved People's Assembly—as well as key powers previously held by the Egyptian president—and formalized the military council as a governing institution within the constitutional framework. Furthermore, the SCAF inserted itself into the constitution drafting process by giving itself the powers to appoint a constituent assembly in the event the assembly was unable to fulfill its duties. It also gave itself veto power over content in a future-draft constitution.

Following the June 17 constitutional addendum, The Carter Center continued to express grave concerns about the increasing ambiguity of the SCAF-led transition and the meaning and purpose of the presidential election within this context. Ultimately, the election produced Egypt's first democratically elected civilian president, Mohamed Morsi—a significant milestone in the wake of the January 2011 popular uprising. It did not, however, signal the conclusion to the transfer of power from the military to an elected civilian government as previously promised by the military council.

Postelection Developments

On Aug. 12, after only 43 days in office, newly elected President Morsi took a series of dramatic steps that included replacing top members of the SCAF's

1 In some cases, Egyptians may have voted up to nine times in a little over a year as a result of runoff and rerun elections during election for the People's Assembly and the Shura Council.

senior leadership as well as replacing the June 17 constitutional addendum with a new addendum. President Morsi's addendum effectively fully restored the executive office of the presidency, granted legislative powers to the president in the absence of a People's Assembly, and allowed the president to appoint a new constituent assembly to draft a constitution should the current assembly be prevented from performing its duties. While these moves will undoubtedly have a lasting impact on the future role of the military in formal politics and Egypt's struggle to produce a civilian-led government, they do not change the fundamental problem that has continued to plague Egypt's transition from the start: the lack of a constitution that protects fundamental rights and ensures checks and balances of power.

President Morsi has asked the Egyptian people to place their trust in him to deliver on the longer-term goals of the popular uprising, which include building the foundation for genuinely democratic politics. It is incumbent upon newly elected President Morsi to do everything in his power to move Egypt toward a greater stability by laying this foundation. This can be done by ensuring an inclusive and transparent constitutional drafting process by a constituent assembly that enjoys popular legitimacy and is afforded the opportunity for full and complete debate and discourse on the content of the constitution and Egypt's political future. In addition, President Morsi must turn over legislative power to a democratically elected parliament as soon as possible. Finally, the success of the transition will require guaranteed respect for and protection of the fundamental civil and political rights of all Egyptians by a democratically elected, civilian government.

The Carter Center and the Presidential Election

The Carter Center was present for both rounds of the presidential election. However, its mission to witness the election was limited in scope due to restrictions imposed on election witnesses by Egypt's electoral authorities. The Carter Center election witnessing mission in Egypt was accredited by the Presidential Election Commission (PEC) on May 3, 2012. Accreditation badges, necessary for witnesses to observe the process, were provided on May 16, less than seven days before the first round of the presidential election. In addition to the delayed issuance of accreditation badges, witnessing regulations included a provision that witnessing missions could not issue statements prior to polling, and it imposed a 30-minute time restriction on witnesses' presence inside polling stations and prohibited witnessing the final aggregation of the results.

Due to these restrictions imposed upon election witnesses by Egypt's electoral authorities, the Center was unable to assess critical pre-election phases, including voter registration, candidate nomination,

Deborah Hakes

Former U.S. President Jimmy Carter and former First Lady Rosalynn Carter, with field officer director Sanne van den Bergh, observe poll closing on May 24, 2012.

and virtually the entire campaign period prior to the first round of voting. As a result, the Center could not fully assess the electoral process as a whole.

Commenting only on the aspects of the electoral process that the mission was able to observe, the Center found that the presidential election enjoyed a broad participation by voters. Egyptian citizens demonstrated unwavering commitment to the transfer of power to elected civilian representatives, despite the erratic nature of the broader transitional context and worrying aspects of the legal and electoral framework.

Of particular concern was Article 28 of the March 2011 Constitutional Declaration, which denied recourse to citizens to challenge PEC decisions. These excessive powers diminished public confidence in the electoral process and raised concerns about the transparency and impartiality of PEC decisions. The Center noted that the voters' list was not published for public review. Although it was not legally required that the voters' list be made available to candidates and campaigns, it is widely recognized as international best practice to do so. This opened to political parties the question of integrity of the voters' list and represented a step backward from the parliamentary elections when parties and candidates were allowed by law to purchase a copy of the voters' list for the area in which they were running.

The Center observed that election days were largely peaceful and orderly. Polling stations visited by Carter Center witnesses were generally accessible and free of interference. Inside polling stations, witnesses reported procedural irregularities at many polling stations, but the majority of problems cited related to inking, voter identification procedures, and secrecy of the ballot and did not appear to benefit one candidate over the other or to represent interference from the state. During the counting process, Carter Center witnesses reported that judges were inconsistent in their determination of ballot validity.

More broadly, the Center noted that the ultimate success of the democratic transition in Egypt will require much more than the conduct of elections. It will require full transfer of power to elected, civilian institutions and the drafting of a constitution by an inclusive and legitimate constituent assembly. It will also require a constitution that guarantees respect for and the protection of the fundamental civil and political rights of all Egyptians by a democratically elected, civilian government.

In this final report, The Carter Center outlines its complete findings from its limited mission to witness the presidential election and offers several recommendations to improve the conduct of future elections in Egypt. Several of these recommendations also were raised previously in the Center's final report on its mission to witness Egypt's 2011–2012 parliamentary elections. The Center respectfully maintains that future elections in Egypt would benefit from the careful consideration of the recommendations included at the end of this report, including the following:

1. **Ensure the protection of fundamental rights and freedoms.** The Carter Center urges Egyptian lawmakers to seize the opportunities provided by Egypt's continuing transition to ensure the full protection of fundamental rights and freedoms.
2. **Create a permanent, professional and independent electoral management body (EMB).** The Carter Center recommends that the future constitution explicitly provide for an independent election management body that is permanent, professional, impartial, and accountable and that acts with transparency, consistent with Egypt's international commitments.
3. **Establish an appellate process for the review of EMB decisions.** The Carter Center recommends that lawmakers ensure an opportunity to appeal to an impartial tribunal any decisions taken by an election management body.
4. **Advance equal representation of women in public affairs and in electoral administration.** The Carter Center encourages authorities to take concrete

Figure 1: Quick Facts About the 2012 Presidential Election in Egypt

Dates of Election		
Location	**First Round**	**Second Round**
Inside Egypt	May 23–24, 2012	June 16–17, 2012
Out-of-Country Voting	May 11–17, 2012	June 3–9, 2012

Quick Statistics	
Population of Egypt	82,813,957[2]
Number of Governorates	27
Number of Registered Voters	50,996,746[3]
Number of Registered Out of Country	586,803[4]
Number of Judges	15,000[5] (Est.)
Number of Polling Stations	13,099[6] (Est.)
Number of Polling Centers	9,339
Average Number of Voters per Polling Station	3,893
Final Number of Candidates	13[7]
Turnout for the First Round	46.42%[8]
Turnout for the Second Round	51.85%[9]

First Round	Top Five Candidates
Mohamed Morsi	5,764,952 (24.78%)
Ahmed Shafiq	5,505,327 (23.66%)
Hamdeen Sabbahi	4,820,273 (20.72%)
Abdel Moneim Abol Fetouh	4,065,239 (17.47%)
Amr Moussa	2,588,850 (11.13%)

Second Round	
Mohamed Morsi	13,230,131 (51.73%)
Ahmed Shafiq	12,347,380 (48.27%)

steps to include women in leadership positions and hopes that women will become a greater, and more senior, component of Egypt's judiciary in the years to come.

5. **Ensure that the electoral legal framework is the product of a transparent, consultative process and is clear and complete.** The Carter Center recommends that future iterations of the legal framework for elections be subject to an inclusive, transparent consultation process and promulgated by a democratically elected parliament. In addition, the Center recommends that lawmakers consider defining vague terms both within the laws themselves and as part of training and other education materials for use by election officials, voters, and other electoral actors and that lawmakers work with election administrators and other stakeholders to address gaps such as these in future iterations of the electoral legal framework.

2 Central Agency for Public Mobilization and Statistics. http://www.capmas.gov.eg/. Last accessed July 26, 2012

3 The head of the Presidential Election Commission in a press conference held to announce the results of the first round of elections, May 28, 2012. The number decreased to 50,958,794 in the second round, after removing newly identified ineligible voters, according to the press conference held June 24, 2012, announcing the final results of the second round.

4 Website of the PEC, http://www.elections.eg/index.php/ocv/ocv-statistics

5 This figure includes judges and members of prosecution. Figure obtained in a meeting with the secretary-general of the PEC on June 7, 2012.

6 Ibid.

7 Originally, 23 candidates applied, of which 10 were disqualified for various reasons. Source: PEC website: http://www.elections.eg/index.php/candidacy/excluded

8 Total number of votes cast: 23,672,236. Source: PEC press conference held on May 28, 2012, attended by Carter Center representatives

9 Total number of votes cast: 26,420,763. Source: PEC press conference held on June 24, 2012, aired on state TV.

Historical and Political Background

As Egyptian voters went to the polls in May 2012 to elect a new president, the powers of the future president remained largely undefined. A new constitution had yet to be written and ratified, and the process of doing so was largely at a standstill. Additionally, the country was beset by a dizzying array of social, economic, and political challenges, some of them aggravated by the tensions and the high stakes inherent in this first-of-its-kind contest and the broader military-led political transition. The presidential election was tightly woven into the broader fabric of the ongoing transition and, as a result, was influenced by other important political processes that will also shape Egypt's future. For this reason, the Carter Center's analysis of the electoral process is placed within the broader transition in which it is taking place.

The first presidential election since the ouster of Hosni Mubarak in February 2011 took place in an atmosphere of uncertainty about the trajectory of the transition process and mounting political tensions.

The Timing and the Role of the Presidential Election in the Broader Political Transition

The first presidential election since the ouster of Hosni Mubarak in February 2011 took place in an atmosphere of uncertainty about the trajectory of the transition process and mounting political tensions. In part, this was due to the uncertainty about the future constitution and its potential to be the basis for a democratic Egypt. On March 19, 2011, the Egyptian electorate voted in a referendum to amend nine articles[10] of the suspended 1971 constitution that would further define the transition process. Among the proposed amendments was an amendment to Article 189 stipulating that a newly elected parliament would have six months to convene a constituent assembly (CA) that, in turn, would have another six months to draft the country's new constitution before being put to a popular referendum. The amendments also suggested that the referendum on a new constitution would be held after a president was elected. At the time, many liberal, secular, leftist, and revolutionary groups campaigned heavily against the referendum, arguing that the constitution should be written and put to a referendum before elections to ensure that elected officials would not find themselves in a position to define their own powers. The military leadership and Islamist groups, on the other hand, strongly supported the referendum. The military wanted to quickly legitimize its role,[11] while the Muslim Brotherhood wanted to proceed to elections that it expected to win.

The nine amendments were ultimately approved by a majority of eligible voters who participated in the referendum. Forty-one percent of eligible voters turned out to vote in the March 19, 2011, constitutional referendum. Of the participating

10 On Feb. 15, 2011, the SCAF appointed a committee to propose amendments to the suspended 1971 constitution headed by Judge Tarek El Bishry.

11 On Feb. 13, 2011, the SCAF issued the first Constitutional Declaration, setting the general framework for the transition. It included the decision to suspend the 1971 constitution and gave the SCAF temporary executive and legislative authority for six months or until the election of a new parliament and president. It also called for the formation of a committee to amend the suspended constitution and for these amendments to be put to a referendum.

Deborah Hakes

Graffiti in Cairo calls for an end to military rule. The writing reads, "The picture will change, but those who rule won't change."

voters, 77 percent voted in favor of the proposed constitutional amendments. The first referendum in the post-uprising euphoria was hailed by some as a historic step toward democracy. However, on March 30, 2011, the SCAF unilaterally issued a 63-article provisional constitution as the interim replacement for the 1971 constitution. In what became known as the March 30 Constitutional Declaration, the SCAF added several articles based primarily on provisions of the 1971 constitution that had not been voted on in the referendum. It also formally assumed for itself sole legislative and executive authority. Moreover, the wording of some amendments voted on in the March 19 referendum was changed, making it unclear whether a new president would be elected or a new constitution would be written first. This wording caused confusion and alarm among segments of the Egyptian population and weakened the foundations of the transition, paving the way for future challenges to the constitutionality of elections. The SCAF subsequently postponed the parliamentary elections until autumn 2011 while also extending its own stay in power.

Although there was discussion of holding the presidential election before the drafting of a new constitution, the date for the election remained elusive for many months. On Jan. 1, 2012, the government affirmed its intention to convene the presidential election only after a constitution was drafted and confirmed that official nominations for presidential

candidacy would not begin until April 2012.[12] The announcement came at a time when activists were circulating proposals for convening an early presidential election in order to shorten the transition period and end military rule sooner than the SCAF-imposed deadline of June 30, 2012. Some believed that making the presidential election contingent upon the successful drafting and ratification of the constitution would result in the extension of military rule beyond the end of June 2012, as there was no guarantee that the members of a future constituent assembly would succeed in meeting the presumed deadline. In the end, the presidential election followed the parliamentary elections and preceded the completion of the constitutional drafting process.

Following the completion of parliamentary elections at the end of February 2012, the electoral focus in Egypt shifted entirely to the presidential election. Parliamentary elections for the People's Assembly (lower house) and Shura Council (upper house) were conducted in a phased approach from November 2011 through February 2012. The Carter Center observed all three phases of the People's Assembly elections and both phases of the Shura Council elections. The Center regarded these elections as a formative step in Egypt's struggle for democracy but had reservations about the broader context in which the elections were held. All Carter Center public statements and its final report on the parliamentary elections can be found on the Center's website.[13]

Both houses of Parliament were seated by the end of February, meeting a condition of the Constitutional Declaration for proceeding to the election of a constituent assembly. By this time, many members of Parliament were skeptical of the possibility of forming a constituent assembly, drafting a constitution, and putting it to a popular referendum ahead of the scheduled June 30, 2012, hand-over. Nevertheless, the SCAF repeatedly demanded that the constitution, be finalized before the presidential election, presumably preferring to see its political and economic privileges defined and protected by the new constitution before relinquishing its power. For its part, the Muslim Brotherhood viewed the constitutional drafting process as a prerogative guaranteed to Parliament by the Constitutional Declaration as well as a privilege earned at the polls. Presumably, it also preferred to define the powers of Parliament before the president took office, lest the new president prove hostile to its political agenda and parliamentary gains.[14]

The Constitutional Declaration left undefined the rules governing the processes of selecting members of the constituent assembly, the deliberation over constitution-writing, and approval of the draft constitution inside the elected body (for example, majority rule versus supramajority rule). Furthermore—in spite of various proposals specifically aimed at reaching agreement among all parties on the foundational principles of the constitution—in the first year after the popular uprising, political forces were unable to reach a consensus on constitutional principles that might make the drafting process less contentious. Controversial issues that remain unresolved included but were not limited to the status of the military establishment,[15] the form of government, and the role of Islamic jurisprudence.

In late March 2012, Parliament met to elect the constituent assembly. However, political divisions remained, with the majority of the Islamist-dominated Parliament deciding that 50 percent of the assembly should be drawn from members of Parliament. Non-Islamist parties were incensed, and some members resigned in protest. Ultimately, this constituent assembly was suspended by an

12 "Egypt constitution to be drafted before presidential elections: Minister." El Ahram Online, Jan. 1, 2012. http://english.ahram.org.eg/NewsContent/1/64/30684/Egypt/Politics-/Egypt-constitution-to-be-drafted-before-presidenti.aspx.

13 http://cartercenter.org/news/publications/election_reports.html#egypt

14 Prior to the presidential election, it was widely assumed that the Muslim Brotherhood would vie for a parliamentary system in order to protect the political gains it made during the parliamentary elections.

15 In the lead-up to the parliamentary elections, the SCAF led controversial, unsuccesful efforts to carve out an agreement with political parties and groups over supraconstitutional principles that would define the role of the military under a civilian-led government. These principles were designed with the assumption that they would govern constitution writing following the 2011–2012 parliamentary elections.

administrative court ruling on April 10, 2012.[16] With the constitution no closer to being drafted and a lack of clarity on when and how it would be finalized, the electoral preparations for the presidential election began.

Political Maneuvering and the Candidate Nomination Process

Preparations for the presidential election commenced in early March with the preparation of the voters' register and the start of the candidate nomination period, a period that was marked by a series of dramatic twists and turns. Late in the process, the Muslim Brotherhood reversed its earlier decision not to field a presidential candidate and nominated not one, but two candidates—Khairat El Shater, the Brotherhood's deputy leader and main financier as well as Mohamed Morsi, then chairman of the Freedom and Justice Party. Shortly thereafter, former intelligence chief Omar Suleiman entered the race with what was seen by many as the explicit goal of countering the Brotherhood's influence. Shater and Suleiman were eventually disqualified on technical grounds by the PEC. Shater was disqualified for having been sentenced to a prison term under Mubarak (though the conviction was widely regarded as being politicized), while Suleiman was removed for being 31 signatures short in his registration application. Ayman Nour, who faced off against Mubarak in Egypt's first multicandidate elections in 2005, also was disqualified for a previous conviction that was regarded as politically motivated. And finally, the Salafist populist candidate Hazem Abu Ismail was disqualified when it was proved that his late mother had previously acquired U.S. citizenship.[17] In the end, of the 23 Egyptian citizens who initially registered as candidates, only 13 proceeded to the first round of the election.

Preparations for the presidential election commenced in early March with the preparation of the voters' register and the start of the candidate nomination period, a period that was marked by a series of dramatic twists and turns.

The First Round of the Presidential Election: May 23–24, 2012

The top two candidates who garnered about 25 percent of the vote each and proceeded to the runoff were Mohamed Morsi and Ahmed Shafiq, former general, aviation minister, and last-serving prime minister under Mubarak. Morsi and Shafiq were followed in the results by the Nasserite candidate Hamdeen Sabahi, who received 20 percent of the vote; former senior Muslim Brotherhood member Abdel Moneim Aboul Fatouh with 17 percent; and former Arab League head Amr Moussa with 11 percent. Other candidates who got votes from the left and from labor and youth groups included Khalid Ali, a labor organizer and human rights activist; Hisham Bastawisi, a senior judge who was involved in the movement for greater judicial independence; and Abul-Ezz El-Hariri, a socialist labor activist and former parliamentarian.

It is worth noting that approximately 50 percent of all eligible voters who participated in the first round of the election chose not to vote either for the

16 The constituent assembly was later re-formed in early June 2012, following multiparty negotiations on its composition. Although this constituent assembly remained intact throughout both rounds of the presidential election, several members, mainly non-Islamists, have resigned from it, citing alleged Islamist domination of the body. The new constituent assembly has also faced renewed court challenges, including a claim that the constituent assembly is invalid because its selection (in part) by members of the People's Assembly rendered it invalid following the dissolution of the People's Assembly by the Supreme Constitutional Court.

17 Candidates' parents, by law, must have Egyptian citizenship exclusively throughout their lives.

Figure 2: List of Presidential Election Candidates*

	Name	Political Affiliation	Method of Candidacy	Date of Application	Date of Birth	Career Background
1	Abul Ezz Hassan Ali Al Hariri	Socialist Popular Alliance Party	Party represented in the Parliament	March 13, 2012	May 2, 1944	Member of Parliament in 1976, 2000, and 2012 from a constituency in Alexandria. Was a member of the Tagammu Party and co-founder of Socialist Popular Alliance Party, which was a member of the Revolution Continues Coalition during the parliamentary elections.
2	Mohamed Fawzy Eissa	Al Geel (Generation) Democratic Party	Party represented in the Parliament	March 16, 2012	Jan. 14, 1945	Doctorate in law; police officer; mayor of Samallout City in Minya (appointed).
3	Ahmed Hossam Khairallah	Peace Democratic Party	Party represented in the Parliament	March 22, 2012	July 22, 1945	Former deputy of the Intelligence Agency; retired lieutenant-general in the Army (Airborne).
4	Amr Moussa	Independent	Supported by 43,906 signatures from voters	March 23, 2012	Oct. 3, 1936	Former minister of foreign affairs under Mubarak's regime (1991–2001) and former secretary-general of the League of Arab States (2001–2011).
5	Abdel Moneim Abol Fetouh	Independent	Supported by 43,066 signatures from voters	March 29, 2012	Oct. 15, 1951	Secretary-general of the Union of Arab Doctors; former member of the Guidance Bureau of the Muslim Brotherhood (1987–2009). Was expelled from the Muslim Brotherhood in May 2011 when he announced his intention to run for president.
6	Hisham Al Bastawisi	Al Tagammu Party	Party represented in the Parliament	April 1, 2012	May 23, 1951	Former vice head of the Court of Cassation. Known for being a founder of the independence of the judiciary movement against the intervention of the government in the judiciary (2005).
7	Mahmoud Hossam Galal	Independent	Supported by 37,250 signatures from voters	April 2, 2012	Sept. 11, 1964	Was a police officer for a short period (resigned in 1995); has been working in business and human rights since then, according to his official page.
8	Mohamed Saleem Al Awa	Independent	Supported by 30 signatures from MPs	April 4, 2012	Dec. 22, 1942	Legal and Islamic thinker. Former secretary-general of the International Union for Muslim Scholars.
9	Ahmed Shafiq	Independent	Supported by 62,192 signatures from voters	April 5, 2012	Nov. 25, 1941	Last prime minister appointed by Mubarak during the 2011 uprising; former minister of civil aviation; former lieutenant-general (Air Force).
10	Hamdeen Sabbahi	Independent**	Supported by 42,525 signatures from voters	April 6, 2012	July 5, 1954	Nasserist politician and journalist. Co-founder of Karama Party; member of Parliament 2000–2010.
11	Abdallah Al Ashaal	Al Assala Party	Party represented in the Parliament	April 8, 2012	April 8, 1945	Former ambassador to Burundi; former assistant minister to the minister of foreign affairs for international legal affairs; treaties and international law professor at several universities.
12	Khaled Ali	Independent	Supported by 30 signatures from MPs	April 8, 2012	Feb. 26, 1972	Human rights advocate/lawyer, especially labor rights; co-founder of two well-known human rights organizations in Egypt; filed several lawsuits against public officials, including former President Mubarak.
13	Mohamed Morsi	Freedom and Justice Party	Party represented in the Parliament	April 8, 2012	Aug. 20, 1951	Professor of engineering at Zagazig University; member of the guidance bureau of the Muslim Brotherhood; chairman of the Freedom and Justice Party June 6, 2011–June 24, 2012, and member of Parliament 2000–2005.

* This order is based on the date of application, as per the PEC's official website, and is the same order of names as appeared on the ballot paper.

** Hamdeen Sabbahi is a leading figure of Al-Karama Party, but he applied as an independent candidate.

Muslim Brotherhood or the Mubarak regime-affiliated candidates. Instead, they supported candidates who were either explicitly "revolutionary" and had a long history of opposition to the Mubarak regime or ones who were at the very least moderate and reformist. The emergence of this "third camp" underlined that many Egyptians did not feel represented by either a Muslim Brotherhood candidate or a Mubarak regime-affiliated candidate. Ultimately, however, the two candidates with the most well-established political machines prevailed, and voters faced a polarizing choice in the second round.

Political Developments Between the First and Second Rounds of the Election

While not exclusively related to the election, several events with an important impact on Egypt's ongoing transition unfolded in the interim period between the first and second rounds of the election. Their timing contributed to a growing dissatisfaction with the electoral process as well as continued uncertainty about the role and meaning of electoral processes in the context of the military-orchestrated transition, leading to calls for a boycott and vote-spoiling campaigns.

In the weeks between the two rounds of polling, the SCAF renewed pressure on political forces to secure an agreement on the composition of the constituent assembly to be appointed by Parliament and the guidelines for drafting a new permanent constitution.

In the weeks between the two rounds of polling, the SCAF renewed pressure on political forces to secure an agreement on the composition of the constituent assembly to be appointed by Parliament and the guidelines for drafting a new permanent constitution. The ruling military council initiated negotiations between the non-Islamist and Islamist parties on the composition of a new constituent assembly, against the backdrop of the looming case before the Supreme Constitutional Court that threatened to dissolve the Parliament and the SCAF's announcement that it might unilaterally amend the Constitutional Declaration in order to further define the powers of the presidency. The negotiations, however, ended with an impasse when non-Islamist members of the constituent assembly walked out after accusing the Islamists of not holding up their end of the bargain to have an assembly composed of no more than 50 percent Islamists. They objected to the fact that moderate Islamist parties and some religious institutions were given seats on the assembly from the half of the body theoretically reserved for non-Islamists.

On June 14, 2012, only two days before the second round of voting in the presidential election, the SCC ruled that the Political Exclusion Law passed by Parliament in May 2012 and signed by the military council to exclude high-ranking former regime officials was unconstitutional. After Ahmed Shafiq appealed to the PEC regarding the validity of this law, the PEC referred the law to the SCC and maintained Shafiq's position on the presidential ballot.[18] The SCC verdict supported the perceived inclination of the PEC that Shafiq should be allowed to run. Both the run-up to the decision and the timing of the decision caused political upheaval.

The SCC also ruled on the same day that the electoral law that was used to elect one-third of the

18 Only a judicial authority can refer a law to the SCC and not an administrative authority. Although the PEC is composed of judges, it is unclear in the law as to whether it functions as a purely administrative body or as a judicial body. In subsequent meetings with the PEC, it confirmed to The Carter Center that it considers itself a judicial body and, therefore, has the authority and right to act accordingly.

People's Assembly was flawed and therefore unconstitutional.[19] It also ruled that the entire People's Assembly should be dissolved, because the entire election was conducted pursuant to an unconstitutional law. The removal of Egypt's first democratically elected legislature was a political earthquake. It raised grave concerns about the course of Egypt's military-led transition and the value and function of electoral processes within the transition as well as the independence of the judiciary. It was widely assumed that the Islamist-dominated Parliament was being removed to either weaken Mohamed Morsi should he win the election or to lay the groundwork for a "restoration" of the former regime in the case of a Shafiq victory.

The addendum also gave the SCAF the power to legislate, effectively taking over from the dissolved People's Assembly until a new one is elected. It also made the SCAF, rather than Parliament, the body that can appoint the new 100-member constituent assembly "in the event that the current assembly fails to perform its duties" and changed the rules by which the SCAF and other parties might object to the draft text of the new constitution.

The Second Round of the Election: June 16–17, 2012

The second round of the presidential election marked at least the fifth time that many Egyptians had gone to the polls over the previous 16 months and served as further evidence of their unwavering commitment to democratic elections and a civilian-led government. On election day, however, Egyptians went to the polls with only a vague, interim constitution and no political consensus on the next steps for drafting a new one, forcing voters to choose a presidential candidate without clarity on his precise roles and responsibilities. While this was also the case during the first round of voting, the dissolution of Parliament only strengthened the sense of uncertainty surrounding the nature and the course of the constitution drafting process and, therefore, the nature of the transition as a whole.

The biggest upset came June 17, shortly after the polls closed for the second round of the presidential election when the SCAF promulgated an addendum to the March 30 Constitutional Declaration. The addendum established the military as an independent, autonomous entity, eliminating the president's authority to make personnel changes and other decisions regarding the military's inner workings.[20] The addendum also gave the SCAF the power to legislate, effectively taking over from the dissolved People's Assembly until a new one is elected.[21] It also made the SCAF, rather than Parliament, the body that can appoint the new 100-member constituent assembly "in the event that the current assembly fails to perform its duties" and changed the rules by

19 The SCC based its decision annulling aspects of the law governing the parliamentary elections on a review of Article 38 of the Constitutional Declaration, which was modified on Sept. 25, 2011, to allow for one-third of the People's Assembly seats to be contested by individual candidates in majoritarian districts and two-thirds to be contested by party list candidates. The SCC ruled that an amendment to the Law Concerning the People's Assembly that allowed both party-affiliated and nonparty-affiliated candidates to run as individual candidates in majoritarian districts violated this provision. Even though the individual seats alone were at issue, the court deemed that the flaw in the amended legislation affected the entire People's Assembly election, rendering it all unconstitutional and resulting in the SCC's verdict that the People's Assembly should be dissolved.

20 Article 53 of the SCAF's Constitutional Addendum of June 17, 2012, states, "The incumbent SCAF members are responsible for deciding on all issues related to the armed forces including appointing its leaders and extending the terms in office of the aforesaid leaders. The current head of the SCAF is to act as commander-in-chief of the armed forces and minister of defense until a new constitution is drafted."

21 Id., Article 56B

which the SCAF and other parties might object to the draft text of the new constitution.[22] Finally, it set a new timetable for the transition that included the drafting of a new constitution, a referendum, and future elections.[23] See Appendix H for the full text of the SCAF's June 17 Addendum to the Constitutional Declaration.

The addendum was generally rejected by political forces, first and foremost among them the Muslim Brotherhood, which argued the SCAF had no authority to put forward what was, in effect, a new interim constitution. Many described the move as a "constitutional coup," and widespread protests ensued. Amid the divisive political atmosphere and the delay in announcing the official results of the second round of the election, widespread protests ensued. On the other hand, some Egyptians were happy to see the dissolution of an Islamist-dominated Parliament, feeling more secure with an SCAF-led transition than one led by an Islamist president.

Ambiguity in the amended constitution also posed many challenges for the future president who might not wield any real power. Effectively, the new president would be sharing power with the unelected military council for which there were no accountability mechanisms. Altogether, these events and decisions accumulated to undermine public confidence in the transition process. Having already held the presidential election in which the powers of the office of the president were ill-defined, the SCAF's redefinition of that power just as the polling stations closed added to the legal, constitutional, and political confusion in which Egypt was already mired.

On June 24, one week after the conclusion of voting, Farouk Sultan, chairman of the PEC, announced the results of the election. After he outlined the resolutions to the various complaints that delayed the release of the final results, Sultan announced that Morsi was the new president of Egypt, having won 51.73 percent of the vote to Shafiq's 48.27 percent.

22 Id., Articles 60B and 60B1

23 Id., Article 60B

The Carter Center in Egypt

The establishment of a field office in Egypt in late 2011 for the observation of the 2011–2012 parliamentary elections marked the first formal involvement of The Carter Center with elections in the country. The Carter Center was accredited to witness the parliamentary elections on Nov. 2, 2011, and deployed witnesses across all 27 of Egypt's governorates for the duration of the People's Assembly elections and in 21 governorates for the Shura Council elections. The Center observed campaigning, polling, the verification of results, and the complaints and appeals process.

Following the conclusion of the parliamentary elections, the Center sought accreditation from the Presidential Election Commission, the body that is mandated to oversee the presidential election. Although the Center submitted its documentation for accreditation immediately following the PEC's release of official regulations for election witnessing on April 23, 2012, the Center only received individual accreditations required for election witnesses to perform their duties on May 16, 2012, only one week before the first day of polling. The Center was accredited as an organization on May 3, 2012, without individual accreditations for witnesses; however, it was unable to deploy its witnesses to assess critical phases of the electoral process in the period leading up to the first round of polling. As a result, the Center is unable to provide a comprehensive assessment of the entire electoral process.

The Center was accredited as an organization on May 3, 2012, without individual accreditations for witnesses; however, it was unable to deploy its witnesses to assess critical phases of the electoral process in the period leading up to the first round of polling.

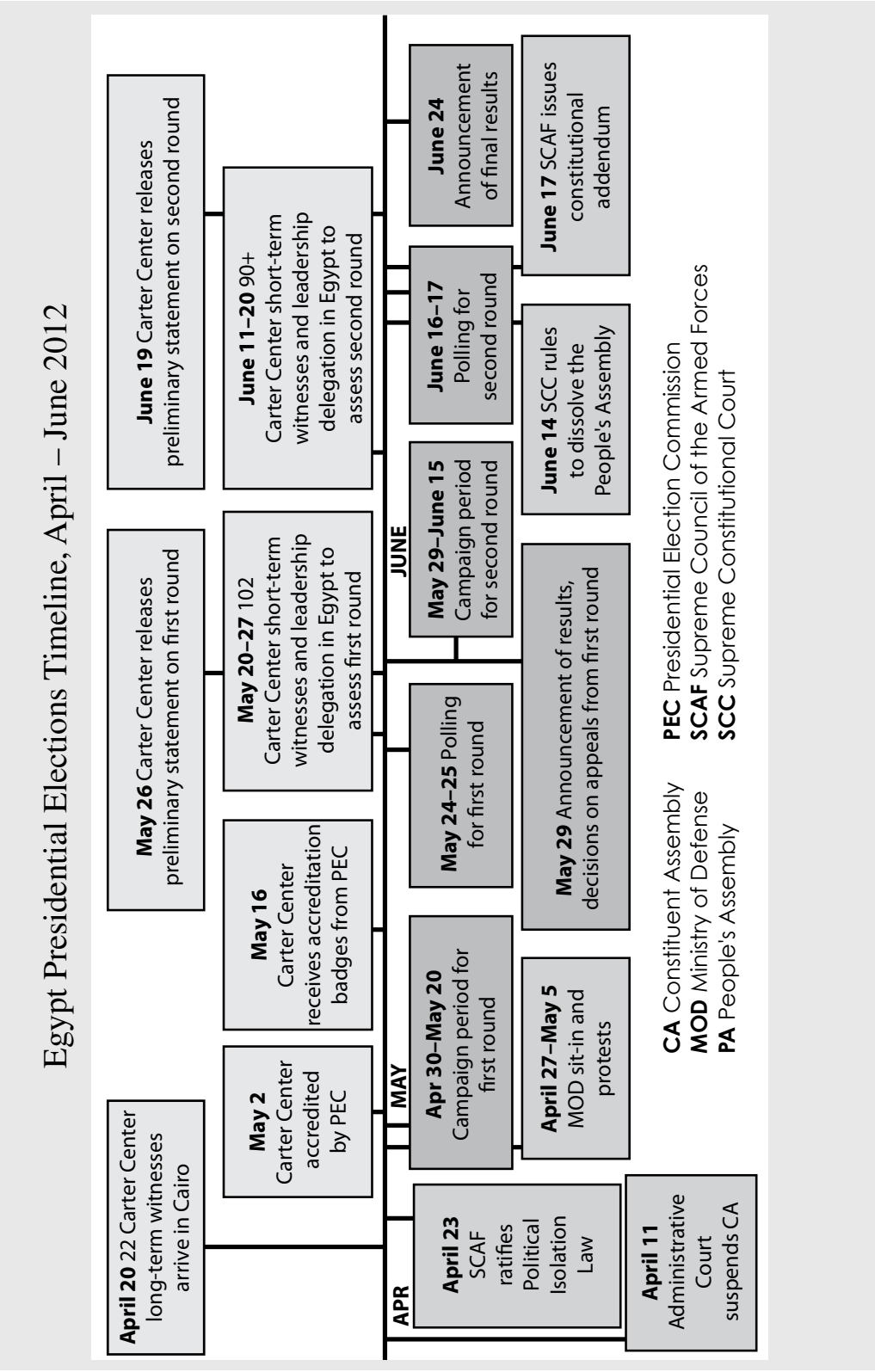
Observation Methodology

The Carter Center is among 40 intergovernmental and international nongovernmental organizations that have endorsed the Declaration of Principles for International Election Observation. Endorsing organizations pledge their commitment to assuring integrity and transparency in election observation missions and look to these documents to guide the purpose, scope, and conduct of their missions.

The Carter Center believes that assessment of all aspects of the electoral process, both before and after election day, is essential to determining the extent to which the electoral process, including voter registration, campaigning, and voter education efforts, fulfills the international and regional obligations of the country. The presence of long-term international observers allows the development of a relationship with election officials, party candidates, members of civil society, and other stakeholders in the electoral process, providing the mission with valuable insight into the political environment and the status of important election preparations while also increasing understanding on the part of the host country about the role of international election observers.

In Egypt, it is important to note that there is sensitivity with regard to the Arabic translation of the English word "observer." According to Egyptian authorities, the Arabic word for observer, murakib, can also mean "supervisor" and implies the potential for direct involvement in the process. For the 2011–2012 parliamentary elections, Egyptian authorities permitted both domestic and

Figure 3: Timeline of The Carter Center in Egypt for the Presidential Election



Xinshu Zhao

A group of Egyptian voters in Menya expresses their views to long-term witness Lucy Provan.

international organizations to deploy election "witnesses" (mushahedeen in Arabic) or "followers" (mutaba'een in Arabic) and allowed them to operate in a manner generally consistent with internationally recognized standards for observation. The same terminology was adopted for the presidential election.

Limitations on Witnessing the Presidential Election

The election witnessing rules imposed by the PEC and the late stage at which both international and domestic witnessing groups were accredited severely limited their ability to follow the election process and draw overall conclusions about the process based on direct observation. As mentioned above, elections are comprised of interrelated components, and it is necessary to observe all aspects of an election in order to provide a comprehensive and accurate assessment.

On March 7, 2012, the PEC invited eligible voters to cast their ballots for the presidential election on May 23 and May 24, 2012, with a second round, if required, to be held on June 16 and 17, 2012.[24] This announcement initiated election preparations, beginning with the preparation of the voters' list. However, PEC Decision Nos. 11 and 12 of 2012, which regulate domestic and international witnessing organizations, were not issued until April 23, 2012. By this time, critical components of the electoral process were already underway or had been completed. The Carter Center was only accredited as an organization on May 3, 2012, and the badges necessary for witnesses to observe the process were only provided on May 16, less than seven days before polling commenced. As a result, the Center could not witness key parts of the electoral process, preventing it from conducting a comprehensive assessment of the electoral process as a whole.[25]

The Center could not witness key parts of the electoral process, preventing it from conducting a comprehensive assessment of the electoral process as a whole.

PEC regulations also prohibited witnesses from issuing public statements prior to the announcement of results. Although the PEC ultimately allowed witnesses to issue public statements after the vote count and prior to the official release of results, this regulation prevented

24 PEC Decision No. 5 of 2012

25 It should be noted that The Carter Center was informed by both the PEC and the Ministry of Foreign Affairs that its witnesses could not undertake any activities that constitute witnessing before receiving their individual accreditations. Later, during postelection debrief sessions, both authorities argued that Carter Center witnesses could have been witnessing starting from May 3, 2012, when the Center was accredited as an organization. This is contrary to instructions received by The Carter Center both verbally and in writing from the PEC.

witnessing missions from commenting during the pre-polling period.[26] Witness statements about the voter registration, candidate nomination, and campaign phases of the electoral process, issued prior to election day itself, can provide valuable insights for all electoral stakeholders and can enable election officials to address potential problems in the process before the votes are cast. Finally, PEC regulations also set a time limit of 30 minutes inside polling stations for witnesses as well as media representatives. This time limitation is an unnecessary restriction on access and undermines transparency.

Deborah Hakes

President Carter gives a speech at the American University in Cairo, organized by the John D. Gerhart Center for Philanthropy and Civic Engagement of AUC.

The Carter Center has not encountered such restrictions in any of the 90 elections previously observed. While the Center decided that the importance of the Egyptian election warranted continued involvement of our witnessing mission, the PEC's restrictions are contrary to core principles of credible and effective election observation, and The Carter Center will not witness future elections under such circumstances.

Observing the Presidential Election

Former U.S. President Jimmy Carter and former First Lady Rosalynn Carter led the Carter Center's mission to witness the first round of polling in the presidential election. The mission included 102 witnesses from 35 countries. Witnesses conducted 909 visits to polling stations in 25 governorates during the voting, counting, and tabulation phases.[27]

Former Prime Minister of Yemen Abdul Karim Al-Eryani, former Foreign Minister of Jordan Marwan Muasher, and Georgia state Senator Jason Carter led the Carter Center mission to witness the second round of polling in the presidential election. This mission included over 90 witnesses from 36 countries. Witnesses made 988 visits to polling stations in 25 governorates to follow voting, counting, and tabulation. Twenty-six long-term witnesses also observed the second-round campaign phase.

Deborah Hakes

Following his speech, President Carter took questions from a panel of AUC students.

26 During the course of the parliamentary election process, The Carter Center issued eight public statements, with the goal of providing Egyptian stakeholders timely, impartial, and constructive feedback for use in positively impacting the current process.

27 It is worth noting that 23 of the Center's long-term witnesses also served as long-term witnesses during the Center's mission to observe Egypt's 2011–2012 parliamentary elections.

Electoral Institutions and the Legal Framework for the Presidential Election

Although the weeks and months leading up to the ouster of Hosni Mubarak are celebrated as a period of historic change in Egypt, Egyptian institutions, including electoral institutions, have largely remained unchanged since the Mubarak era. The PEC, the body that administers Egypt's presidential election, was first established under the Mubarak regime in 2005. The courts, which adjudicate a wide range of electoral matters, have played a significant role in the electoral process throughout recent Egyptian history. Egyptian judges and the leadership of the Egyptian judiciary, the overseers of the current electoral process, are largely unchanged since Mubarak's ouster. The highest court, the SCC, remains comprised of and led by judges appointed by Mubarak. The military, currently led by the SCAF, which in the post-Mubarak era had assumed a more active role both as the country's executive authority—and for a substantial period as the legislative authority—has been a steady presence in Egyptian politics since the rise of Gamal Abdel Nasser.

In the run-up to the presidential election, Egyptians appeared to have had a variety of opinions on the credibility and quality of their electoral institutions and the electoral legal framework. Some perceived the PEC, the SCC, and the SCAF as partisan institutions with similar interests and assumed that the PEC and the higher courts would, therefore, tend to act in favor of the ruling military and its interests. Article 28 of the Constitutional Declaration, which granted the PEC the final word without the possibility of appeal on key election-related decisions, exacerbated these concerns. Other Egyptians viewed the electoral framework more favorably, reflecting the great respect many Egyptians feel for judges, the courts, and the military. The bolstering of transparency provisions in the electoral law, including amendments passed by the People's Assembly authorizing the presence of candidate agents at the polling-station and general-committee levels and requiring officials to provide agents with official copies of results at each of these levels, further enhanced confidence in electoral institutions and the electoral process for many.

The widespread acceptance of the presidential election results by the Egyptian public has been an important indicator of the overall success of the electoral process. What follows is the Carter Center's analysis of the process, including the electoral and legal framework and phases of the electoral process that The Carter Center was permitted to witness. This report also includes recommendations for improvements of the electoral process in future elections.

Legal Framework

Clear, stable, electoral laws, establishing and prescribing the rights and responsibilities of all electoral stakeholders, are essential for the fair administration of elections. To promote more democratic elections, national electoral laws should reflect universal, international obligations for the establishment and protection of civil, political, and human rights. The Carter Center's assessment of Egypt's electoral legal framework focuses on the clarity and completeness of its laws, the timeliness of the enactment of key legal provisions, the overall stability and predictability of the legal framework, and the extent to which Egypt's laws and regulations define and enforce the rights and responsibilities of all electoral stakeholders as established in international instruments to which Egypt is a party.

The SCAF, the courts, and the 2012 People's Assembly all contributed to changes to the legal framework in advance of Egypt's presidential election. The key legal documents and provisions

that constitute this legal framework include the following:[28]

The Constitutional Declaration of March 30, 2011: The Constitutional Declaration is widely seen as having replaced Egypt's previous constitution, ratified in 1971. Noteworthy provisions in the declaration include Article 28, which provides for the establishment and composition of the PEC, the body charged with administering the presidential election. It also states that the decisions of the commission are final and may not be stopped or canceled by any other authority, effectively granting the PEC extraordinary authority. In barring any possibility of appeal, even in those cases that could violate an Egyptian citizen's fundamental right to vote or to equal suffrage for example, Article 28 is inconsistent with Egypt's international obligations.[29]

As noted, on the evening of June 17, 2012, the second and final day of polling for the second round of the presidential election, the SCAF unilaterally issued several amendments to the Constitutional Declaration that sharply curtailed the president's authority over the military and enhanced the SCAF's potential role in overseeing the appointment and work of the constituent assembly, the body designated by the Constitutional Declaration to draft a new, permanent constitution to be voted upon in a national referendum.[30]

Law Regulating the Presidential Election:[31] As the primary law governing the presidential electoral process, this law was originally enacted under the Mubarak regime in 2005 in response to calls for a multicandidate presidential election in Egypt.[32] Prior to the election, first the SCAF as the interim lawmaking authority, and later the People's Assembly, amended the law significantly.[33]

The law includes sections on candidate eligibility, nomination procedures, the timeline for publishing a provisional candidate list, challenges and appeals to candidates on the list, campaign activity restrictions, and campaign donation and expenditure limitations. It includes language on the structure and authority of the PEC, including the PEC's authority to form district-level general committees (DGCs) of judges, which, in turn, supervise judges overseeing polling and counting operations. Reflecting Article 28 of the Constitutional Declaration, the law also includes a provision stating that the PEC's decisions are "final, self-enforcing, and incontestable by any means and before any body whatsoever."[34]

Presidential Election Commission Decisions: The PEC may issue decisions as it deems necessary to regulate its work and to exercise its competencies.[35] The PEC published a total of 21 regulatory decisions on its website.[36] Key regulatory decisions cover the establishment of the voter database, campaign and campaign finance limitations, out-of-country voting

28 In addition to the laws cited below, other laws played an important role within Egypt's presidential electoral legal framework. The Law on the Exercise of Political Rights (No. 73 of 1956, as amended) was a key component of the parliamentary electoral legal framework in 2011 and 2012. For the presidential election, however, the Law Regulating the Presidential Election appeared to supersede many sections of this law. The Law on the Exercise of Political Rights did determine the conditions for voter eligibility for the presidential election, as was the case during the parliamentary electoral process. Other important laws related to the electoral legal framework include the Law on Nongovernmental Societies and Organizations (Law Number 84 of 2002, as amended), which governs the registration of and operation of different types of domestic and international civil society organizations operating in Egypt, and the Law on Political Parties (Law Number 40 of 1977, as amended).

29 U.N., ICCPR, Article 2(3); AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, para. 3; AU, African Charter on Human and Peoples' Rights, Article 7

30 In yet another surprising development, President Morsi issued on Aug. 12, 2012, a constitutional addendum of his own that abrogated the terms of the SCAF's June 17 amendments and that, effectively, replaced the SCAF with the office of the president as the legislative authority and as the authority responsible for selecting a new constituent assembly in the event the existing constituent assembly could not fulfill its duties.

31 No. 174 of 2005, as amended

32 Prior to 2005, presidents ran unopposed in a referendum-like format, with Egyptians voting for or against a single candidate.

33 In accordance with Article 28 of the Constitutional Declaration, the Supreme Constitutional Court had the authority to review laws governing the presidential election prior to enactment and modified or nullified some amendments to the law offered by the SCAF and the People's Assembly.

34 Article 8, Law Regulating the Presidential Election

35 Article 7, Law Regulating the Presidential Election

36 In addition to the 21 regulatory decisions published on the website, the PEC published one PEC presidential Decision No. 4 regarding the composition of a media-monitoring committee.

(OCV), and media coverage and access rules. PEC Decision No. 12 governs international organizations accredited to witness the presidential election. PEC Decision No. 11 governs the accreditation of domestic witness organizations.

International Obligations and Commitments: Egypt is a signatory party to binding international treaties and conventions that pertain to the electoral process. The instruments to which Egypt is a party are outlined in Figure 4.

Key Issues

The importance of a stable legal framework in the weeks and months prior to an election is internationally recognized.[37] In Egypt, the law was unstable. Even the highest law of the land was subject to unilateral amendments by an unelected military authority. This, along with the seismic shifts in the balance of power caused by the dissolution of the People's Assembly, greatly affected the political environment facing the Egyptian electorate. This instability largely overshadowed other important issues with the electoral legal framework, including:

Article 28 and PEC Conflicts of Interest: Election stakeholders should have recourse to seek review of electoral management body decisions before an impartial tribunal. Article 28 of the Constitutional Declaration grants the PEC the final authority over electoral decision-making, with no possibility of appeal to a court or other entity. It is contrary to democratic obligations to allow any electoral management body to have the ultimate, unappealable, authority over the adjudication of electoral disputes, since that body will in most cases have an interest in the underlying dispute. It is essential that candidates and others who object to an electoral management body's decision have the opportunity to bring their claim or appeal to an independent tribunal for consideration. Future electoral laws should ensure that there is an opportunity to appeal to an impartial tribunal

Figure 4: Status of Ratifications

Treaty/Declaration	Status	Date
Universal Declaration of Human Rights		Dec. 10, 1948
International Convention on the Elimination of All Forms of Racial Discrimination	Ratified	May 1, 1967
Convention on the Political Rights of Women	Acceded	Sept. 8, 1981
Convention on the Elimination of Discrimination Against Women	Ratified	Sept. 18, 1981
International Covenant on Civil and Political Rights	Ratified	Jan. 14, 1982
International Convention on Economic Social and Cultural Rights	Ratified	Jan. 14, 1982
Convention on the Rights of the Child	Ratified	July 6, 1990
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Acceded	Feb. 19, 1993
United Nations Convention Against Corruption	Ratified	Feb. 25, 2005
Convention on the Rights of Persons With Disabilities	Ratified	April 14, 2008

37 See for example, the ECOWAS, Protocol A/SP1/12/01 on Democracy and Good Governance, Supplementary to the Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, Article 2: "No substantial modification shall be made to the electoral laws in the last six months before the elections, except with the consent of a majority of political actors."

from any decisions taken by an election management body. In accordance with Egypt's international obligations, this tribunal should be independent of, and perceived as independent of, the election management body.[38]

The problem of the PEC's ultimate authority over decision-making was compounded by the apparent conflict of interest that PEC members have with the courts. By law, the PEC is chaired by the head of the Supreme Constitutional Court. The other four members are all senior judges from the various major judicial systems of Egypt. In cases where the PEC refers matters such as campaign or election-day violations to the ordinary courts, or refers constitutional matters such as the validity of the political exclusion law to the Supreme Constitutional Court, it is reasonable for one to assume that the courts might show favoritism to the PEC. Even the appearance of a conflict of interest in these cases damages the perceived impartiality of the courts in hearing matters involving the PEC, which runs counter to international good practice.[39] In response to these issues, The Carter Center recommends establishing a permanent, independent electoral management body and ending the appointment of judges to leadership positions within the election management body solely on the basis of the seniority of their judicial positions.

The Carter Center commends Egyptian leaders for allowing the Emergency Law to lapse without renewal but remains concerned about attempts by authorities to reinstate emergency provisions by other means.

Attempts To Reinstate State of Emergency Conditions in Egypt: On May 31, 2012, the Emergency Law, under which Egypt had been governed continuously since 1981, expired.[40] On June 13, 2012, however, the Ministry of Justice issued a decision that would have allowed military police and intelligence officials to arrest civilians for a range of crimes typically considered in civilian courts, including spreading false information with the intent of injuring national security and "insulting" public officials.[41] On June 26, following the second round of the election, the administrative court declared this decision invalid, stating that it violated the Constitutional Declaration and Egypt's Code of Criminal Procedure.[42]

The Carter Center commends Egyptian leaders for allowing the Emergency Law to lapse without renewal but remains concerned about attempts by authorities to reinstate emergency provisions by other means. The electoral process relies on free expression by candidates and their agents and by voters to operate effectively. Attempts to reinstate restrictive provisions of the Emergency Law are likely to have a chilling effect on political expression and contravene Egypt's international commitments to guarantee freedom of expression for its citizens.[43]

Disenfranchisement: The enjoyment of the right to vote is a primary indicator of the health of electoral democracy.[44] Egypt's commitment to the principles of universal suffrage requires that the right to vote be extended to the

38 UNHRC, General Comment No. 31, para. 15; AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, para. 3

39 UNHRC, General Comment No. 32, para. 19; AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, para. 3

40 It had been most recently reimposed for a two-year period by the Mubarak regime in May 2010.

41 Decision No. 4991; Human Rights Watch, Military Power Grab Creates Conditions for Abuse, June 21, 2012

42 On June 14, five human rights NGOs filed a case against the head of the SCAF, the minister of justice, the minister of defense, the public prosecutor, the chief of military justice, and the military prosecutor, demanding the immediate end of the decision.

43 U.N., ICCPR, Article 10; UNHRC, General Comment 25, para. 19

44 U.N., ICCPR, Article 25 (b); Universal Declaration of Human Rights, Article 21(3): "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

broadest possible pool of eligible voters.

Under Egypt's Law for the Exercise of Political Rights, eligible voters are defined as male and female Egyptians at least 18 years of age.[45] It is important to note that Egyptian citizens who turn 18 years of age after the closing date for changes to the voter registry, but before election day itself, are not eligible to vote. A person's right to vote may also be suspended for a period of time if they are declared bankrupt or recently naturalized, among other reasons. Furthermore, active members of the military and police are not allowed to vote.[46]

International conventions contemplate reasonable restrictions on the right to vote, although these restrictions must be clearly written, narrowly tailored, and must have a rational basis in a country's overall legal system.[47] Egyptian lawmakers should reconsider changes to current legal provisions preventing those who turn 18 years of age after the closing date but before election day, those who have been declared bankrupt, and those Egyptians who have been recently naturalized from voting, in order to ensure that as many citizens of Egypt as possible may exercise this essential right.[48] Egyptian decision-makers may also wish to re-evaluate whether the benefits of political participation by Egypt's military and police in their country's democratic process outweigh the loss of rights entailed by barring their ability to vote.

The Fine for Failure To Vote: Egypt is one of a small number of countries that require its citizens to vote. The Presidential Election Law calls for a fine of 100 Egyptian Pounds (EGP) (approximately U.S. $17) to be assessed against any registered Egyptian voter who fails to vote without a valid excuse.[49] While this amount is lower than the 500 EGP (approximately U.S. $83) fine established for failure to vote during the parliamentary phase, it is still a significant amount of money for many Egyptians. The Carter Center remains opposed to this provision, which should not be implemented in the absence of a program of significant voter education.[50] It is worth adding that Carter Center witnesses have not heard reports of this provision being enforced during either round of the presidential election, despite the fact that approximately half of the electorate failed to vote during each round.

Transparency Issues: Some important changes to the presidential electoral process demonstrated a commitment to transparency. For example, the People's Assembly amended Articles 30 and 38 of the Law Regulating the Presidential Election to ensure that candidate agents might be present at the polling-station-level counting and district-general-committee-vote-aggregation processes and to require polling and general committee judges to provide all agents present with a signed, official copy of the final results at each of these levels. These were important safeguards against potential electoral fraud at each stage of the process and served as the cornerstone for the integrity of the election process.[51]

Lawmakers and the PEC must do more, however, to ensure full transparency. The PEC failed to allow candidate agents, witnesses, and media to witness the final aggregation of votes at the national level, a key electoral activity. In addition, the PEC refused to provide copies of voter registry data to candidates,

45 Article 1, Law on the Exercise of Political Rights. Eligible Egyptian voters have an obligation to vote if they do not have a valid excuse preventing them from doing so.

46 Article 1, Law on the Exercise of Political Rights

47 UNHRC, General Comment 25, para. 4: "Any conditions which apply to the exercise of the rights protected by Article 25 should be based on objective and reasonable criteria. For example, it may be reasonable to require a higher age for election or appointment to particular offices than for exercising the right to vote, which should be available to every adult citizen. The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable. For example, established mental incapacity may be a ground for denying a person the right to vote or to hold office.

48 To be a candidate for elective office in Egypt, one must first be an eligible voter. Egyptians who fall into one of these categories are thus also deprived of the right to run for elective office.

49 Article 43, Law Regulating the Presidential Election

50 UNHRC, General Comment 25, para. 11; Norwegian Helsinki Committee; "Election Observation" in the manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, p. 10

51 U.N., United Nations Convention Against Corruption, Article 5.1

citing constitutional privacy concerns and an absence of language authorizing it in the law. Although eventually the PEC provided results from the DGCs of the first and second rounds of the election on its website, it has failed to provide a polling station-level breakdown of results for either round, despite its commitments to do so.[52] The Carter Center urges future electoral management bodies to ensure full access to all phases of aggregation for candidate representatives and witnesses; access to the voters' lists for campaigns; and the timely publication of official, disaggregated election results down to the polling-station level. These are vital steps to enhance transparency and build public confidence in key aspects of the electoral process.

The Carter Center urges future electoral management bodies to ensure full access to all phases of aggregation for candidate representatives and witnesses; access to the voters' lists for campaigns; and the timely publication of official, disaggregated election results down to the polling-station level.

Stakeholder Training on Electoral Law and Procedures: The PEC informed The Carter Center that they conducted training on voting, and counting procedures for 300 and 400 senior judges prior to the first round and the second round of voting, respectively, with cascade training carried out by these judges in the different governorates afterward. The Carter Center was unable to witness[53] any of these trainings and, therefore, cannot confirm this.[54]

Several materials were produced to aid judges and poll workers, including informative posters and guiding manuals on procedures regarding inking, sealing of boxes, ballots storage, and other vital procedures.[55] However, the degree of training received remains inadequate and not systematic. The extent of its efficacy cannot be verified. According to Carter Center witnesses, this dearth of training contributed in both rounds to numerous cases of inconsistent or incorrect application of procedures, such as misunderstanding by some judges, poll workers, and candidate agents of the limitation of the role of candidate agents in the polling station and polling center, and failure in some circumstances to ensure the secrecy of the ballot. The Carter Center urges the election management body to ensure that election administrators and other stakeholders, such as candidates' agents, receive at least minimal training on the

Deborah Hakes

Women stand in line to vote during the first round of presidential elections on May 23, 2012.

52 The DGC-level results for both the first and second rounds were published on June 27, 2012, well after both rounds of voting took place.

53 The Carter Center requested to witness the judges' training held in Cairo but was refused access. Witnesses did not attend local level trainings. The Carter Center, therefore, cannot comment on what took place at the trainings or whether they took place.

54 Meeting held with PEC's secretary-general on July 24, 2012. The Carter Center did witness a training conducted on May 14, 2012, by the Administrative and Logistics Department of the Ministry of Interior for security directors who were to pass the training to junior security officers at governorate and district level and commends this effort.

55 The Carter Center recognizes the production of a brief video that detailed the election procedures at the polling center and was informed by the PEC that this video was shared with different judges. Additionally, 17 different templates of accreditation badges were used to distinguish the various media representatives, candidate agents, candidates' representatives, national and international witnesses, guests, VIPs and their escorts. According to the Ministry of the Interior Administrative and Logistics Department, these badges and the accompanying posters displaying all of the different badges facilitated access of the different stakeholders to the polling centers and polling stations. The Carter Center welcomes these efforts.

election law and electoral regulations, including the rights and responsibilities of all stakeholders in the process. By developing effective methods to ensure that such training is comprehensive, inclusive, and efficient, Egypt will act in accordance with international good practice and may ensure that future electoral events benefit from fully trained election officials at all levels of election administration.[56]

Gaps in the Legal and Procedural Framework: While the PEC published 21 regulatory decisions on its website covering various parts of the electoral process, there remained key aspects of the process that were not clearly addressed by electoral regulations. For example, there was a lack of clarity regarding the procedures to lodge electoral complaints and challenges, the rules regarding assisting illiterate voters, and on voting and counting procedures.[57] Carter Center witnesses reported some inconsistencies in all of these areas, even though in the case of voting and counting the PEC took steps to distribute a manual outlining correct procedures. As noted above, a systematic cascade training of judges and poll workers is recommended for future elections.

It is worth emphasizing that the enactment and publication of electoral regulations are important not only for electoral administrators but also for candidate agents, witnesses, voters, and others who participate in the electoral process, so that all stakeholders have a clear understanding of their rights and duties throughout all phases of the electoral process. The Carter Center recommends that lawmakers work with future electoral management body officials to ensure that all facets of the electoral process are clearly addressed through law and regulations. Ensuring that there is a coherent and clear legal framework is an important step in safeguarding many fundamental political rights, including the right to vote and the right to participate in public affairs.[58]

The enactment and publication of electoral regulations are important not only for electoral administrators but also for candidate agents, witnesses, voters, and others who participate in the electoral process, so that all stakeholders have a clear understanding of their rights and duties throughout all phases of the electoral process.

Vagueness of Legal Terminology: There are a number of legal provisions that are unclear and open to an unacceptably wide range of interpretations. Vague laws can result in the violation of due process because they fail to provide guidance to electoral stakeholders who seek to understand and follow the law. Provisions such as those related to a ban on the use of "religious slogans" during campaigning[59] and criminal prosecution for "insulting" an election judge[60] can be inconsistently and arbitrarily applied if the terms "religious slogan" or "insulting" are not clearly defined. The Carter Center recommends that lawmakers consider developing definitions of these and other vague terms both for inclusion within the laws themselves and as part of training and other education materials for use by election officials, voters, and other electoral actors.

Late Changes to Electoral Laws and Procedures: Although there were only a few late changes to electoral laws and regulations, the changes that were implemented, such as the election-day decision to extend the hours of operations for polling stations, created confusion for election officials, according to Carter Center witnesses. Understanding that late changes to laws and procedures are sometimes

56 U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 7

57 For examples of voting and counting inconsistencies as observed by Carter Center witnesses, see the section titled "Election Days."

58 UNHRC, General Comment 25, para. 4

59 Article 21(2), Law Regulating the Presidential Election and Article 3 of PEC Decision No. 10 of 2012

60 Law Regulating the Presidential Election, Article 46

unavoidable, future electoral management bodies should refrain from making last-minute changes unless absolutely necessary. A stable set of laws and procedures, coupled with proper training on the application of the law and procedures, will reduce misunderstanding of electoral procedures by voters and other electoral stakeholders.

Articles 30 and 38 of the Law Regulating the Presidential Election were amended to introduce counting at polling stations. The Carter Center welcomes these amendments, which also require presiding judges to announce results at the polling station and to provide copies of the polling station count to the candidates' agents.

Electoral System

Egypt's international commitments do not prescribe the type of electoral system to be used, only that it upholds fundamental rights and freedoms. For the presidential election, Egypt is a single electoral district. The candidate receiving an absolute majority (more than 50 percent) of the valid votes cast nationwide in the first round is declared the winner. In the event no candidate receives an absolute majority in the first round, as was the case in 2012, the two candidates receiving the greatest number of valid votes participate in a second round runoff election to determine who is elected president.[61]

Election Management

On March 7, 2012, the PEC invited Egypt's voters to participate in the presidential election on May 23–24, 2012, with a second round runoff election, if required, to be held on June 16–17, 2012.[62] The announcement also defined the candidate nomination period as March 10–April 8 and triggered the closure of the national identity database (NID) on March 8[63] for the purpose of preparing the voters' list. Simultaneously, the PEC issued a decision to establish an out-of-county voting process for Egyptians abroad to vote by mail or at Egypt's diplomatic missions.[64]

For polling and counting operations, Egypt maintained 351[65] police administrative areas of operational responsibility. Each of Egypt's 27 governorates contained multiple areas of responsibility, and each area of responsibility corresponded to the PEC DGCs with responsibility for polling centers within their areas of geographic coverage. Within a polling center, there were multiple polling stations, each presided over by a judge.[66] Requiring that a judge oversee each polling station limits the number of possible polling stations on any election day to the number of judges available and willing to serve as a chairperson. The Carter Center recommends that this arrangement be revisited for future elections.

Voting operations were originally officially scheduled between 8:00 a.m. and 8:00 p.m.[67] over two days

61 Article 40 of the Law Regulating the Presidential Election allows for the participation of more than two candidates in the second round in the unlikely event that there is a tie between two or more candidates receiving the second greatest number of valid votes in the first round.

62 PEC Decision No. 5 of 2012

63 The PEC's decisions come into effect on the day that they are printed in the official gazette.

64 OCV took place May 11–17 for the first round and June 3–9 for the second round. OCV was established in PEC Decision No. 4 of 2012.

65 At the outset of the transition, there were 359 police AoRs, which were subsequently reduced to 353 AoRs. As a result, two police AoRs only had one voter registered and were transferred to the nearest AoR, bringing the total to 351 AoRs.

66 Polling stations were classified into three categories for logistical purposes, namely the allocation of polling materials, such as, inter alia, voting booths, ballot books, and ballot boxes. The first category of polling stations accommodates up to 2,000 voters, the second accommodates between 2,001 and 4,000 voters, and the third category accommodates between 4,001 and 6,000 voters. However, in very few cases, especially in remote areas, the number of voters registered at some polling stations was as low as a few hundred voters, and conversely, some polling stations accommodated more than 6,000 voters.

67 The voting times were extended to 9 p.m. for both days of the first round (PEC Decision No. 26 dated May 23, 2012, and Decision No. 27 dated May 24, 2012) and until 10 p.m. for the second round. (No accompanying PEC decision was found on its website.)

Deborah Hakes

Polling station staff awaits the arrival of additional voters on May 23, 2012.

of polling for each round. In all, a reported 13,099 polling stations were required to poll Egypt's approximately 51 million voters.

Articles 30 and 38 of the Law Regulating the Presidential Election[68] were amended to introduce counting at polling stations.[69] The Carter Center welcomes these amendments, which also require presiding judges to announce results at the polling station and to provide copies of the polling station count to the candidates' agents. The amendments further require that at the DGCs, where votes are first aggregated, judges announce the results for each candidate in the presence of candidate agents, civil society organizations, and media representatives before they are transmitted to the PEC. The DGC must also provide agents with a signed copy of the aggregated results. The introduction of these amendments imposes a higher standard of transparency than was applied during the People's Assembly elections, where the counting and announcement of results took place in counting centers at the district level. These amendments represent a positive step toward meeting Egypt's commitments to achieve transparency and ensure access to information.[70]

The Carter Center, however, reiterates its recommendation from the parliamentary election that tamper-evident bags be used for transporting count results to the DGCs to protect presiding judges from any allegation of tampering. In addition, DGCs should conduct tabulation in a setting that facilitates meaningful observation by candidate agents, CSOs, and media representatives. Finally, The Carter Center urges the PEC to publish the polling-station level results via its website at the earliest possible opportunity to reinforce the transparency of the exercise.

68 Law No. 174 of 2005

69 Law No. 15 of 2012 on March 26, 2012

70 U.N., ICCPR, Article 19(2); U.N., United Nations Convention Against Corruption, Article 10(a)

Presidential Election Commission

An independent, accountable, and impartial election management body is recognized internationally as an important means of ensuring a credible election.[71] The Constitutional Declaration and the revised Law Regulating the Presidential Election reaffirmed the PEC as the supervisory authority for the presidential election. The president of the SCC is the *ex officio* chair of the PEC. The PEC also consists of four other senior judges, also appointed by virtue of their positions in Egypt's various courts.[72] The PEC is supported by the PEC General Secretariat, which is headed by a secretary-general appointed from a judicial body.[73] Moreover, the PEC is able to form committees to monitor specific issues relevant to its work, such as campaign finance and the media.

An independent, accountable, and impartial election management body is recognized internationally as an important means of ensuring a credible election.

It should be noted that a separate electoral management body, the Supreme Judicial Commission on Elections (SJCE), oversees parliamentary elections and referenda. The rationale for establishment of separate commissions to organize presidential and parliamentary elections is unclear and seems to be a remnant from the former regime. The temporary nature of the PEC as an electoral body and its appointment[74] only shortly in advance to the presidential election does not leave much opportunity to build on any existing institutional knowledge or to engender trust in this important phase of Egypt's democratic transition.[75]

The PEC enjoys broad powers, duties, and responsibilities in all aspects of the presidential electoral process. The PEC is mandated not only to implement all aspects of candidate nomination and registration and regulate campaigning but also to supervise the polling, counting, and tabulation of the electoral results. Furthermore, it has the prerogative to decide on matters referred to it by the DGCs, verify and announce the final election results, and decide on complaints and challenges related to the election.

The PEC is able to rely on Egypt's state agencies for the implementation of the election, including on experts seconded to it.[76] One of the state agencies upon which the PEC relies is the Ministry of Interior (MoI). The MoI still provides necessary administrative, operational, and logistic support to the electoral process (such as handling ballot papers, ballot boxes, indelible ink, movement of materials, etc.). The MoI also is mandated to supervise all security arrangements for the electoral process.[77]

At the governorate level, the PEC was supported by the DGCs. The DGCs are also composed of the judges, members of judicial bodies and seconded public employees.[78] The PEC, however, did not establish a presence in Egypt's governorates, either through local branches or through the establishment of DGCs, until only very shortly before each set of presidential

71 See for example, AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, Principle II (4c); International IDEA, International IDEA International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 37.

72 Article 5 of the Law Regulating Presidential Election determines "the head of the Cairo Court of Appeal, the most senior deputy head of the Supreme Constitutional Court, the most senior deputy head of the Court of Cassation, and the most senior deputy head of the State Council" as the remaining four members of the PEC.

73 The secretary-general is also the PEC's rapporteur and the head of the DGC for OCV and is able to attend deliberative sessions but cannot vote on decisions.

74 The first official PEC meeting was held on Feb. 18, 2012

75 The Carter Center noted that three members of the Supreme Judicial Commission on Elections, by the nature of their occupation in Egyptian courts, were appointed members of the PEC.

76 Article 7, The Law Regulating the Presidential Election

77 In previous elections, the MoI had full control over the implementation of all aspects of the electoral process. However, in 2012, registration of candidates and printing of ballot papers were implemented directly by the PEC.

78 Article 30, Law No. 174 of 2005

election days. Earlier-established, governorate-level offices could have made the PEC's monitoring of campaign and campaign-finance violations more effective and enhanced the ability of the PEC to conduct voter and stakeholder education at the local level. The Carter Center recommends that future electoral management bodies consider opening either permanent governorate-level offices as part of a permanent electoral management body or that they make efforts to establish a local presence throughout Egypt well in advance of election day.

Overall, Carter Center witnesses reported that election officials carried out their duties with a commendable level of dedication.

Overall, Carter Center witnesses reported that election officials carried out their duties with a commendable level of dedication. However, there were a number of obstacles that prevented the PEC from achieving greater efficiency. The Carter Center reiterates its recommendation that consideration be given to the establishment of a permanent, service-oriented, independent electoral management body with a field presence in all governorates.

Voter Registration

A comprehensive and inclusive voter registration process is internationally recognized as a key means of ensuring universal suffrage and the enjoyment of the fundamental right to vote (and in Egypt the right to be elected).[79] With the twofold purpose of verifying voter eligibility and controlling the balloting process, voter registration can significantly improve the electoral process and its credibility. Voter registration for the presidential election was opened on Feb. 23, one day after the end of the second round of the Shura Council elections. It remained open until March 8, 2012. The accreditation of witnessing organizations occurred after voter registration was over and, therefore, did not provide The Carter Center and other domestic or international organizations an opportunity to witness the voter registration process. Based on the Center's limited access, the following analysis is offered.

Maurice Chammah

A voter signs his name on the list during polling on June 16, 2012.

Ahead of the parliamentary elections in 2011, the SJCE introduced a revised approach to the preparation of the voters' list. It adopted the NID, a continuous civil registration system, as its primary source of data.[80] The SJCE established a permanent committee for administering the update process for the voters' list.

PEC Decision No. 2 of 2012 added a member to the SJCE committee and directed it to start its duties on Feb. 23, 2012. These duties included preparing the voters' list for the presidential election under the same protocols used previously. The NID is closed on the day that the announcement of the election is made and is then cross-matched against other state entity systems to exclude people who do not meet the eligible criteria.[81] For the presidential election, the NID was closed as of March 8, 2012. Under Egypt's legal framework, to be eligible to vote, a voter must be 18 years of age, an Egyptian citizen, and must have not lost his or her political rights.[82] As noted, members of the security forces (armed forces and police) are not entitled to vote.

According to the PEC, the voters' registry for the parliamentary elections included 50,390,000 records.[83] At the closure for the registration process for the presidential election on March 8, 2012, the number of records had increased to 50,990,000. During the registration phase, around 1 million voters had been added to the voters' list by the PEC. According to the PEC, most of these numbers were either citizens

79 U.N., Universal Declaration of Human Rights, Article 21(3); UNHRC, General Comment 25, para. 11; International IDEA, International IDEA International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 45

80 The Civil Registry allows for Egyptians to register for a national ID from the age of 16 years.

81 Article 10, Law on the Exercise of Political Rights

82 Articles 2, 3, and 4, Law on the Exercise of Political Rights: those convicted of a felony (without an expungment), a range of other offenses (including some misdemeanors), a person deemed mentally incompetent, or those declared bankrupt for a period of five years from the date they declared bankruptcy. Also people who were recently naturalized (less than five years) are not eligible to vote.

83 Meeting with The Carter Center on June 7, 2012

who turned 18, the legal age for voting (348,356) or citizens who were newly issued a national identification card, predominantly women (533,012). PEC Chairman Farouk Sultan concluded that the total number of male voters between the ages of 19 and 60 (within the age range of being eligible to join the army) who were added to the database was 56,216.[84]

In addition, the PEC ordered the removal of approximately 400,000 names that were identified as falling under one of the following categories:

- Deceased people
- Military or police personnel
- Criminally convicted people
- People naturalized less than five years from the election date.[85]

In total, approximately 600,000 new records were added to the list.

The Carter Center received reports from officials regarding voters who were kept on the voters' list, even though they were believed to be deceased, because of incomplete personal data on their death records and the fact that their names matched the names of living voters. In such cases, it was decided not to remove the records from the voter register to avoid possible disenfranchisement of living eligible voters. The Center also noted that the use of the NID for the voters' registry resulted in the disenfranchisement of a large population of voters, mostly rural women, because they are not included in the NID.[86] The Carter Center encourages the continued efforts of the government of Egypt and others to ensure that no eligible voters are prevented from participating in public affairs by the technical barriers imposed by the national identity system.

Exhibition and Challenges: Affording voters the opportunity to inspect their records is an essential part of the process of preparing a widely accepted voters' list. This process is achieved through an exhibition and challenge period, when provisional voters' lists are made publicly available for scrutiny in their communities and when voters may submit amendments and additions as well as challenge the accuracy of other voters' records. These processes are an important means of promoting confidence in the voters' lists and of demonstrating transparency. Such a process was reportedly used for the parliamentary elections,[87] although it was the subject of minimal voter education and occurred only during a brief period.

The Carter Center encourages the continued efforts of the government of Egypt and others to ensure that no eligible voters are prevented from participating in public affairs by the technical barriers imposed by the national identity system.

Ahead of the presidential election, voters were able to inspect their records via the PEC website. However, this was of little benefit to voters without Internet access. In addition, while individuals could check their own records via this facility, they could not review the records of others. As a result, it did not facilitate transparency and confidence-building at the community level. The Carter Center would recommend that provisional voters' lists be exhibited at the community level to allow for voters to scrutinize and challenge the lists as necessary. This would ensure Egypt fully protects the right of universal suffrage, a fundamental national and international obligation.

84 This statement was made in part as a response to unconfirmed allegations published in the media that 600,000–900,000 security forces had been added to the voters' list.

85 See Article 4, Law on the Exercise of Political Rights

86 According to U.N. WOMEN (United Nations Entity for Gender Equality and the Empowerment of Women), as of July 2012, 4 million Egyptian women did not possess a national identification card. See http://www.U.N.women.org/2012/07/the-women-citizenship-initiative-will-ensure-citizenship-rights-to-two-million-women-in-egypt.

87 The Carter Center was not yet accredited when this process took place in 2011.

Supplementary Voters' Lists: Only one day before the first round of the presidential election, the PEC distributed supplementary voters' lists of additional, excluded voters to presiding judges across the country.[88] According to the PEC, these were people found to have become ineligible to vote after the March 8 deadline, and, therefore, they had been included on the printed voters' lists. The late dissemination of such supplementary lists could cause suspicion. In the future, election administration bodies should strive to finalize the voters' list well in advance of election day and make its content clear to voters, judges, and poll workers.

Copies of the Voters' Lists for Campaigns: Tensions were heightened by the PEC's decision not to release the voters' lists to the campaigns, a decision that was in contrast to the practice of the SJCE, which was required by law to provide the list to campaigns for a small fee. For their part, the PEC stated that, in the absence of a provision in the presidential election law requiring that the lists be made available to campaigns, provisions of the Constitutional Declaration protecting citizen privacy prevailed and prevented them from providing the list. The Carter Center notes that international good practice demonstrates that voters' lists can be released to candidates and the public at large and should be subject to public review as a means of ensuring transparency in the election process and allaying concerns about the accuracy of the list.

International good practice demonstrates that voters' lists can be released to candidates and the public at large and should be subject to public review as a means of ensuring transparency in the election process and allaying concerns about the accuracy of the list.

During the second round, the PEC did not produce similar complementary lists but opted for highlighting the names of excluded voters on the voters' list itself. This was seen as a positive improvement, as it allowed for a better overview and tracking of exclusions as part of a single voters' list. The PEC stated that the excluded voters were not deleted from the lists so as not to affect the ordering number of other voters on the same list.

Concerns remain regarding the transparency of the voter registration process. Given the importance of voter registration to the election process and perceptions of its integrity, The Carter Center recommends that future voter registration exercises include an exhibition and challenge period and that the lists be provided to the campaigns and civil society with any sensitive information redacted. For future elections, it is important that EMBs interact and liaise with CSOs and political parties on issues such as the voters' list so as to build confidence in the process. These steps to create an inclusive voter registration regime will help ensure that Egypt enables its citizens to effectively exercise their right to vote and to participate in genuine elections by universal suffrage.[89]

88 These were the so-called "Red Voter Lists."

89 U.N., ICCPR, Article 25(b); U.N., UDHR, Article 21(3); AU, African Charter on Democracy, Elections and Governance, Article 12(1)

Voter Education

Voter education and information efforts are necessary to create an informed electorate that can effectively and freely express their electoral preferences.[90] In accordance with Article 8 of the Presidential Election Law, the PEC may contribute to raising citizens' awareness about the importance of the presidential election and call for their participation in the process. Unfortunately, the Egyptian legal framework does not establish a mandate for the PEC to undertake voter education and information activities. Even in the absence of a strong mandate, an election authority has an internationally recognized responsibility to inform stakeholders about the process.[91] The Carter Center recommends that, in the future, Egypt's lawmakers place a clearly defined mandate on election authorities to inform stakeholders about the election process.

The main sources of official information about the presidential election process were press conferences, the official gazette of Egyptian laws, and the PEC's website.

The main sources of official information about the presidential election process were press conferences, the official gazette of Egyptian laws, and the PEC's website. In most cases, the PEC utilized press conferences to provide detailed *post facto* information on the development of events such as the candidate nomination process and the announcement of results. For the dissemination of detailed information about impending phases of the election, the PEC depended primarily on its website. The PEC website, however, was not always up to date. In some instances, it took several weeks for information to be uploaded. For example, the results of the first round of polling were not published until after the announcement of results for the second round of polling.[92] The website was also missing information on critical aspects of the electoral process such as voter registration and the appeals process.[93]

Without robust communication through other types of media, it is likely that the PEC's outreach was at times limited and less than fully effective. Internet access across Egypt varies significantly between rural and urban settings and across governorates. However, it should be noted that the PEC did employ some national radio and TV spots as a means of providing basic education and information to eligible voters on how, when, and where to vote. The Carter Center commends these efforts and urges future election commissions to continue and expand such efforts. In addition, the Center encourages the PEC to consider expanding its voter information and education campaigns to include as many forms of media as possible to provide as much coverage as possible to Egypt's voting population.

The campaigns also served as a significant source of basic voter education and information. Between

90 UNHRC, General Comment 25, para. 11

91 EISA and Electoral Commission Forum of SADC Countries, Principles for Election Management, Monitoring, and Observation in the SADC Region, p. 22: "To ensure consistency and quality control, overall responsibility for the coordination of civic and voter education should rest with the EMBs."

92 Both the results for the first and second rounds of voting were published on the PEC website on June 27, 2012.

93 Although there was a search tool through which voters could enter their national ID number to locate their polling station, there was no available data, for example, on the total number of registered voters. Likewise, the website was missing a section dedicated to the appeals process. The first-round appeals lodged by candidates appeared on the home page for only a few days and then disappeared, making it difficult to trace the PEC's decisions.

Deborah Hakes

Former First Lady Rosalynn Carter speaks with voters waiting in a queue on May 23, 2012.

the first and second rounds of voting, Carter Center witnesses reported significant efforts—by the Freedom and Justice Party, in particular—to mobilize and educate eligible voters about the voting process, employing informal neighborhood gatherings as well as door-to-door canvassing. Political parties have a vested interest in mobilizing their constituents to go to the polls and educating them about the process. Therefore, it is important to ensure that the information they have is accurate. For this reason, The Carter Center urges Egypt's future electoral authorities to take concrete steps to coordinate more closely with political parties regarding voter education and information.

Carter Center witnesses reported very limited voter education activities conducted by CSOs. Due to the limited nature of this mission, observation of CSO participation in the election process took place primarily between the first and second rounds of the election. Some CSOs asserted that voters did not require any voter education or information after the first round of polling. They felt by this time that the procedures and the processes were well-understood by voters and that they had sufficient time to familiarize themselves with the candidates. Some CSOs that conducted voter education activities during the parliamentary elections also explained that they lacked the financial resources to conduct any voter education during the presidential election. CSOs can act as a key partner for election administrators when it comes to raising awareness and understanding of the electoral process and providing accurate and timely information to eligible voters, particularly marginalized groups and more rural populations without access to television and the Internet. The Carter Center urges Egypt's election authorizes to take steps to coordinate with CSOs during elections to maximize their voter education efforts.

Candidates and Campaigns

Open and free campaigning is a critical means of ensuring that the fundamental rights to be elected and to vote are fulfilled. This requires that a range of other freedoms, including the freedom to assemble, associate, and move freely, are respected. For the presidential election, the candidate nomination process was conducted March 10, 2012–April 8, 2012. The official campaign period began on April 30, 2012. Due to late accreditation by the PEC, The Carter Center was unable to directly witness all aspects of the campaign, particularly the campaign period for the first round of the presidential election. This analysis is limited to an assessment of the legal framework and those parts of the campaign period it was possible to follow directly.

The barring of candidates who have at least one parent with non-Egyptian nationality or a non-Egyptian spouse place unreasonable restrictions on the right to be elected.

Candidate Nomination

Eligible candidates for the presidency must meet the criteria defined under Article 26 of the Constitutional Declaration: an Egyptian citizen who has held no other citizenship, is born of two Egyptian parents who have never held another citizenship, has full enjoyment of his or her political and civil rights,[94] does not have a non-Egyptian spouse, and is at least 40 years of age. The barring of candidates who have at least one parent with non-Egyptian nationality or a non-Egyptian spouse place unreasonable restrictions on the right to be elected.[95]

Candidates could be nominated through one of three avenues, defined in the Constitutional Declaration[96] and elaborated under the law[97] and via PEC decisions:[98]

A candidate could:

- Be nominated by a political party that holds at least one seat from the last elections of the People's Assembly or Shura Council
- Seek nomination by collecting the endorsements of 30,000 voters, of which a minimum of 1,000 must be collected from each of 15 different governorates
- Be nominated by the endorsement of at least 30 members of Parliament

The law further stipulates that political parties, members of Parliament (MPs), and voters were only able to support one candidate. This nomination process was conducted on schedule and resulted in 23 preliminary candidacies being announced by the PEC on April 9, 2012. Candidacies submitted by method of nomination are presented in Figure 5.

Candidates were then able to challenge each other's candidacies, while the PEC also reviewed and ruled on all of the candidacies. The deliberations of the PEC resulted in 10 candidates being excluded. These are shown in Figure 6. They were then given two days in which to appeal the exclusion.

94 Political and civil rights can be suspended under Egyptian law for a range of criminal offenses and due to bankruptcy. These rights are suspended for six years following release from prison after a criminal conviction and can only be restored subsequently by a court order.

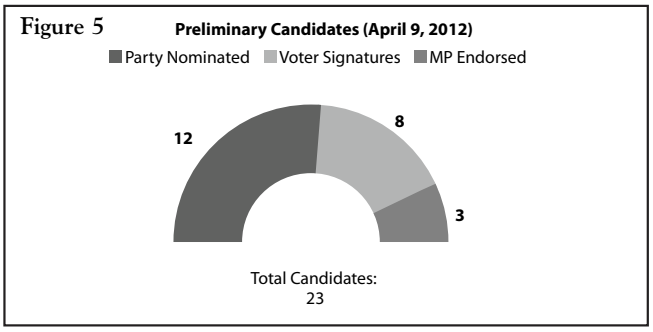
95 U.N., ICCPR, Article. 25(b); UNHRC, General Comment 25, para. 4

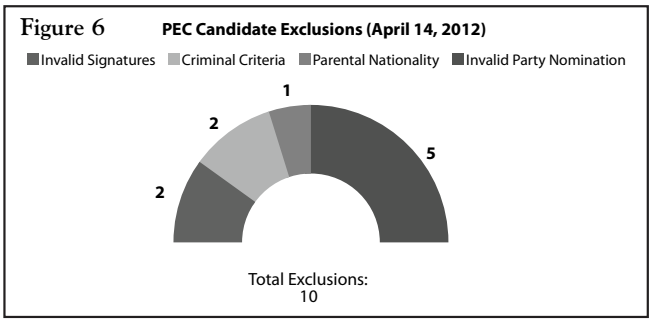
96 Article 27 of the Constitutional Declaration

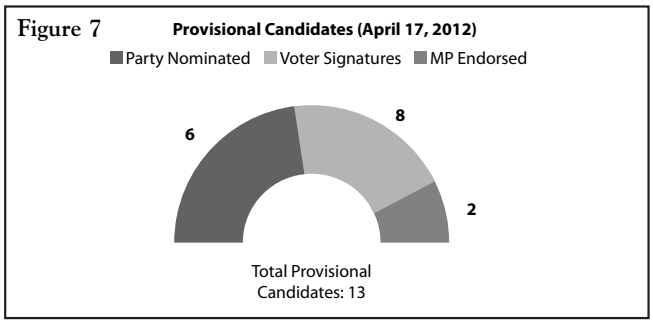
97 Articles 2 and 3, Law Regulating the Presidential Election

98 Article 17–23(bis) of PEC Decision No. 1 of 2005, as amended by PEC Decision No. 1 of 2012

Figures 5, 6, 7: Evolution of Candidate List







In the final deliberation over the appeals received, the PEC upheld all 10 of the exclusions, announcing a provisional list of 13 candidates for the presidency on April 17, 2012, as shown in Figure 7.

Some of these disqualifications were controversial. FJP/Muslim Brotherhood favorite Khairat al-Shater and liberal former presidential candidate Ayman Nour were disqualified for past criminal convictions. Both candidates were reportedly unable to have their criminal records expunged, and the legal status necessary to be candidates restored, at the time of the nomination process. The underlying convictions in both of these cases, however, were widely seen to be politically motivated convictions of the Mubarak era. Candidate Hazem Abu Ismail, a popular Salafi leader, was disqualified following an investigation by the PEC that uncovered that Abu Ismail's mother had applied for and obtained U.S. citizenship shortly before her death.

It should be noted that the PEC appeared to adhere to the letter of the law in rendering these decisions, even though some may question the fairness of the law itself in these particular disqualification cases. In cases like those of Shater and Nour, The Carter Center recommends that lawmakers and the courts review the procedures for expunging criminal records, including rehabilitating the legal status of Egyptians convicted of crimes who wish to run for political office, particularly so that candidates that may have been disqualified due to politically motivated "crimes" may regain their eligibility as expeditiously as possible. This will ensure that candidates do not unfairly or unjustly have their right to be elected revoked, as would contradict Egypt's international commitments.[99] The Carter Center also would encourage Egyptian leaders to reconsider the prohibition against Egyptians running for president whose parents have ever held non-Egyptian nationality or whose spouse is a non-Egyptian. The candidate runs for office, not his or her family, and it should be left to the electorate to weigh this and other information about candidates when deciding for whom to vote.

After the provisional list of candidates was announced, an amendment to the Law on the Exercise of Political Rights was ratified by the SCAF and came into effect on April 24.[100] The amendment, known colloquially as the Political Exclusion Law, sought to exclude any person who had served in certain senior positions of the Mubarak regime during the past 10 years. This amendment directly affected one of the presidential candidates, Ahmed Shafiq, a

99 U.N., ICCPR, Article 25(b); AU, African Charter on Human and Peoples' Rights, Article 13(1)

100 Law No. 73 of 1956

former prime minister. Excluded by the PEC following the amendment's passage, Shafiq appealed the decision. On April 26, the PEC officially announced the final list of candidates, ruling that Shafiq would remain in the presidential race but referring his case to the SCC to determine the amendment's constitutionality. Despite the uncertainty surrounding the legality of his candidacy, Shafiq won enough votes to compete in the second round of the election. On June 14, just two days before polls opened for the second round, the SCC ruled the amendment unconstitutional, invalidating it and assuring Shafiq's place on the second round ballot.

Regulatory Framework for Campaigning

Intense interest and activity around prospective presidential candidates have been a characteristic of the transition. As observed by Carter Center witnesses deployed during the Shura Council elections, activities promoting presidential candidacies were occurring as early as January 2012,[101] preceding the re-establishment of the PEC.

The PEC's decree to ban electoral campaigning outside the legally approved period was published in the official gazette on March 8, 2012. This decision reinforces Article 20 of the Law Regulating the Presidential Election, which states that the election campaign period is to run from three weeks prior to the date set for balloting until two days before that date and in the case of a second round, from the day after the announcement of results until midday of the day before the second round polls.[102] However, a subsequent PEC Decision No.10, to regulate electoral campaigning, stipulates that campaigning will start on April 30 and end at midnight on May 21, which fails to meet the legally stated timelines that would provide for campaigning May 2–20.[103]

PEC Decision No. 6 defines electoral campaigning as any act that urges or dissuades voters from selecting a specific person for the presidency.[104] The scope of the decision included direct and indirect campaigning for presidential candidates or any prospective presidential candidates. For candidates seeking nomination through the collection of 30,000 citizen endorsements, the provisions of the decision appeared ambiguous as to whether advertising to seek this support from voters comprised campaigning or not. Media reports indicated that many prospective candidates undertook some degree of advertising as part of their efforts to collect endorsements. However, under the Presidential Election Law, violations of Article 20 (defining the campaign period) are not subject to any specific penalty provisions. Article 8(7) of the law gives the PEC the authority to take such measures as it deems appropriate in cases of violations of rules governing election propaganda. No sanctions were reported as being directly imposed[105] by the PEC on prospective candidates for campaigning outside the official period.[106] The Carter Center recommends that election officials address the legality of any campaign-like activities related to the collection of endorsements in future regulations.

Electoral propaganda is defined under Article 21 of the Presidential Election Law, violations of which carry a penalty under Article 54.[107] Electoral propaganda prohibitions include attacks on a candidate's private life; undermining national unity or using religious slogans; the threat or use of violence; the giving or promising of gifts, or benefits, whether directly or

101 PEC Decision No. 6 of 2012

102 Article 20, Law No. 174 of 2005 as amended

103 PEC Decision No. 10 of 2012, published in the gazette on April 8, 2012

104 Article 1, PEC Decision No. 6

105 Although in the case of one candidate (Abu Ismail), the PEC reportedly alleging public order violations to the General Prosecutors Office regarding an impromptu parade by his supporters on their way to submit his candidacy application.

106 In a meeting held with the PEC on June 10, 2012, Carter Center representatives were told that the PEC referred, and even sometimes initiated, a number of complaints it received on election days and/or during the period that preceded election days to the general prosecutor, including allegations of using mosques and universities for campaigning.

107 Article 54 was amended three days before election day, on May 20, 2012, to raise the range of the fine from 10,000–100,000 EGP to 20,000–200,000 EGP. The amendment also removed the possibility of a prison sentence for the campaign violations spelled out in Article 21.

indirectly; the use of state-owned, public sector, or public business sector facilities or transportation; the use of public utilities, places of worship, or educational facilities (public or private); and the spending of any public monies for electoral propaganda.

Maurice Chammah

Polling station security directs a queue of voters at a women's polling station.

Article 3 of PEC Decision No. 10[108] expands on the provisions of Article 21 of the Presidential Election Law by prohibiting campaigns from, among other things, "prejudicing the values and customs of Egyptian society."

Security Environment During the First-Round Campaign Period

One of the major events that raised security concerns during the presidential election process was the disqualification of Salafist presidential hopeful Hazem Salah Abu Ismail on April 17, 2012, because his mother had acquired U.S. citizenship. As a result of his disqualification, a large number of Abu Ismail supporters protested and started a sit-in in front of the PEC headquarters, claiming that the PEC was not impartial and had disqualified Abu Ismail for political, rather than legal, reasons. A few days later, they moved the sit-in to Tahrir Square and then to Abbasseya Square, close to the Ministry of Defense (MoD), accusing the SCAF of interfering in the electoral process and demanding the SCAF to step down immediately. This protest was attacked by people in civilian clothes who claimed they were residents of Abbasseya neighborhood. Protesters claimed that the assailants were affiliated with the armed forces. Sharply conflicting reports placed the number of people killed during these protests between one and 10, with scores of injuries. This tense period cast a heavy shadow over the electoral environment.

Prior to Abu Ismail's disqualification, on Feb. 24, 2012, presidential candidate Abdel Moneim Aboul Fatouh was car-jacked and injured on the ring-road on his way back from one of his campaign events. The MoI announced that the attack was not political and did not target Aboul Fatouh but that it was, rather, a random criminal act.[109]

A number of campaign events for some of the candidates were attacked by angry citizens. For example, Amr Moussa's campaign events were attacked in different governorates. Moussa accused the April 6th Movement of being involved in these attacks; however, they officially denied involvement. In the final stages of the campaign period for the first round, in Dakahliya governorate, minor clashes

108 This decision also makes detailed provision for the allocation of air time to each candidate via state-owned media outlets for the first and second round campaigns and establishes a dedicated committee to monitor, follow up, and correct media and advertising campaigns of candidates. Moreover, the decision elaborates on Article 23 of the Presidential Election Law to require any opinion poll published by a media outlet to provide explicit details about the poll, including the source of funding, methodology, and the questions used; and that opinion polls cannot be published in the two days preceding voting.

109 On Feb. 28, *Al-Ahram* newspaper reported that 12 individuals, including one of the five attackers, were arrested. All reportedly had prior criminal records, including car-jacking. Five cars were seized, including the car stolen from Aboul Fatouh. They all were criminally charged with committing acts of thuggery.

occurred between Mansoura University students and the Freedom and Justice Party (FJP) youth during a Morsi campaign rally. Similarly, in Alexandria, FJP supporters allegedly attacked anti-Morsi activists during a campaign rally in Mahatet Masr Square because the activists were holding signs that said, "Vote no for the backup candidate."

Campaigning During the Second Round

Although the Center was not able to follow the first round of the campaign period in its entirety, long-term election witnesses were present across Egypt's governorates for the second round of campaigning. Nevertheless, it is important to stress that in order to provide a complete and accurate assessment, a comprehensive accounting of the entire campaign period is required, which was not possible during Egypt's presidential election. In particular, it is impossible to say whether developments during the first round of the campaign period had significant repercussions on campaigning during the second round.

Official campaigning for the second round of the presidential election started on May 29, the day after the announcement of official results and ended midday of June 15, the day before the second-round polls.[110]

During the second round, Carter Center witnesses described an electoral environment in which three campaigns appeared to be taking place: the two presidential campaigns promoting either Mohamed Morsi or Ahmed Shafiq and a third movement against both candidates and/or the process itself. This last group of Egyptians included both those determined not to participate on election day and those intending to cast a blank or otherwise invalid ballot in protest against the two second-round candidates. Notably, Carter Center election witnesses reported that across Egypt there was a late start to campaigning for the second round by the two candidates. Both sides held few public events or rallies in the days immediately after the announcement of election results for the first round.

In general, Carter Center witnesses painted a dreary picture of the campaign environment, as both candidates focused on disparaging his opponent rather than focusing on his own platform. Witnesses noted that campaign activities during the second round appeared to be subdued, with fewer rallies and public campaign events than might have been expected given political polarization in Egypt generally and between the two candidates specifically. The Center's witnesses reported that the Mubarak verdict issued on June 2 contributed to the passive nature of the campaigns, with some Morsi campaign representatives indicating that they would focus more on the post-verdict protests than active campaigning for their candidate. In addition, there were other campaign-style events not related to either of the two second-round candidates that took place following the first round, calling for a third-way alternative to the two remaining candidates.[111]

During the second round, Carter Center witnesses described an electoral environment in which three campaigns appeared to be taking place: the two presidential campaigns promoting either Mohamed Morsi or Ahmed Shafiq and a third movement against both candidates and/or the process itself.

110 Article 20, Law Regulating the Presidential Election

111 These included peaceful protests in Kafr el Sheikh and Gharbiya in solidarity with Hamdeen Sabahi in late May and protests against the outcome of the first round held on a small scale in a number of governorates.

Although police and other authorities seemed to have allowed both candidates in the second round the opportunity to campaign freely, Carter Center witnesses reported that Shafiq representatives in several governorates expressed concerns regarding their personal safety due to strong anti-Shafiq sentiment and violent incidents, including alleged arson at Shafiq campaign headquarters in Cairo and Fayoum. In response, security forces were assigned to guard Shafiq's governorate-level campaign headquarters across Egypt to prevent further attacks. Consequently, Shafiq campaigners kept a lower profile in the governorates. In part for this reason, Shafiq ran more of a national campaign over the airwaves, while also focusing on persuading heads of families and personal networks across the country to vote for him. In many governorates, the focus was explicitly on reaching the villages and rural parts of the population, with urban areas receiving less attention.

The Morsi campaign did not report the same degree of personal security concerns. According to Carter Center witnesses, Morsi campaigners seemed to run a more grassroots campaign, with campaigners using the FJP/Muslim Brotherhood social service networks. Similar to the Shafiq campaign's approach, Morsi's campaign and its surrogates in the FJP often reported to Carter Center witnesses that they were aiming their outreach to rural Egyptians.

While not directly observed by Carter Center witnesses, each campaign reported that the other was attempting to influence voters through provision of food, money, or other gifts. These rumors were widespread and included complaints against the opposing campaign that there were vote-buying, circular-voting in the first round, or mobilization along religious lines using places of worship. In the case of Morsi, this allegedly took place through the Muslim Brotherhood's existing charity and social service network. In the case of Shafiq, it was alleged that his campaign was providing funds to family and community leaders in various governorates. Due to the long history of providing social support through religious and family networks, it is quite likely that similar practices occurred on a wide scale across Egypt during the presidential election period. However, while Carter Center witnesses heard secondhand reports of such practices, they did not report any direct observations or evidence, and so it is extremely difficult to verify these claims from the two campaigns. The accusations, however, fueled a climate of tension and mistrust in the lead-up to polling.

Because the term "religious slogan" is undefined, it is hard to determine whether this constituted a violation of the law.

The vast majority of campaign rallies observed by Carter Center witnesses were on behalf of Morsi. Witnesses reported that during fewer than half of these rallies, speakers used religious language, which could violate the electoral law concerning campaign propaganda. Because the term "religious slogan" is undefined, it is hard to determine whether this constituted a violation of the law.[112] If a ban on the use of religious slogans in campaigning is to continue, it is critical that measures be taken to clarify the definition and the use of "religious slogans" to minimize the possibility of arbitrary enforcement of these provisions. In the small number of Shafiq campaign rallies witnessed by The Carter Center, there were not significant cases of religious language being used.

Unfortunately, there was a noticeable lack of participation by women during the campaign phase. At several campaign rallies witnessed by The Carter Center, there were no women present. At campaign rallies for both candidates, the lack of women participants was noticeable and a cause for concern.

112 See Article 21(2) of the Law Regulating the Presidential Election and Article 3 of PEC Decision No. 10. Egyptian lawmakers might consider removing the ban on "religious slogans" altogether, which would eliminate the problem of determining which slogans are inappropriate and which are not.

Campaigning During the Silence Period

In general, Carter Center witnesses reported that while posters and banners posted prior to the silence period could still be seen after the official campaign period ended, active campaigning during this period, including election days in both rounds, was rare. Center witnesses noted a general awareness among stakeholders of the campaign silence period. Witnesses in the first round reported a few cases of campaigns handing out fliers to voters during the silence period as well as cases of candidate agents engaging voters outside the polling stations on election days and using laptops or smart phones to provide voters with polling-station information. Witnesses also reported a few incidents of voters being bused to the polling stations. On the eve of the silence period leading to the second round, few campaign rallies were witnessed. Teams in Alexandria and Ismailia reported witnessing cars with loudspeakers campaigning for both candidates. Because it is so difficult to enforce, The Carter Center recommends that lawmakers consider scrapping the campaign silence period restriction for future elections and instead focus on developing restrictions against campaigning in the proximity of (for example, within 50 or 100 meters of) polling centers on election day itself, to prevent the improper influencing of those just about to vote.

The Carter Center recommends that lawmakers consider scrapping the campaign silence period restriction for future elections.

Campaign Finance

Clear, fair regulation of campaign finance is an important component of the electoral process and a central means of balancing the rights of citizens to participate in the electoral process with the need for equity between candidates. In Egypt, presidential election campaign finance provisions are defined under Articles 24–29 of the Presidential Election Law and under PEC Decision No. 7 of 2012.[113] During the 2012 election, presidential candidates were able to receive donations from Egyptian "natural" people[114] and, in the case of party-nominated candidates, from their sponsoring parties. No individual may donate more than 200,000 EGP (approximately U.S. $34,000) during the first round and 40,000 EGP (approximately U.S. $6,700) during the second round to a campaign.[115] Parties do not appear to have similar donation limitations. The maximum level of expenditure for any candidate's campaign during the first round was 10 million EGP (U.S. $1.7 million). During the second round, the limit was 2 million EGP (approximately U.S. $340,000).

Campaigns are required to establish an official bank account at one of three designated Egyptian banks and must ensure that all donations and expenditures are processed through this account. Candidates must notify the PEC within 48 hours of each donation received, with sources identified, and must report on all expenditures made from the campaign's official bank account within 48 hours. Parties fielding a candidate have an additional obligation to report on donations exceeding 1,000 EGP (approximately U.S. $167) within five days of receipt.

Reports on campaign donations and expenditures are not publicly available.[116] Periodic public disclosure of the identity of donors and the amount donated, and of how campaigns are spending funds contributed

113 Published in the gazette on March 8, 2012

114 Up to a maximum 2 percent of the expenditure limit, inclusive of cash and in-kind contribution. However, Decision No. 7 does not clarify how in-kind contributions should be valued.

115 Parties of nominated candidates do not appear to have the same donation limitations.

116 It is international good practice that campaign finance reports be timely, public, detailed, and comprehensive and understandable to the public at large. See, for example, the ACE Project, Reporting and Public Disclosure of Party Finance.

to them by Egyptians, are important components of electoral transparency and provide voters a much fuller picture of the candidates and campaigns. Such reports demonstrate to the public, including opposing campaigns and regulators, whether campaigns are adhering to campaign finance guideline and create a disincentive for campaigns to attempt to accept illegal donations or make illegal expenditures. As was true during the parliamentary elections, allegations of illegal campaign funding and spending during the presidential election were difficult to refute, not only because of the absence of enforcement of existing campaign finance regulations but also because of the complete absence of transparency in campaign donations and expenditures.

Within 15 days of the announcement of results, all candidates are required to submit to the PEC a detailed statement of their campaign finances, including the total funds received, their source and nature, amounts spent on the electoral campaign, and how they were spent.[117] These statements may be referred by the PEC to Egypt's Central Auditing Office (CAO), which must audit and report to the PEC within 15 days. Furthermore, the PEC is required to redistribute any outstanding balance of campaign funds on a pro-rata basis to the contributors.[118]

PEC Decision No. 9 of 2012 establishes a committee to specifically monitor and evaluate the expenditures of candidates' campaigns, while the law provides for both fines and imprisonment penalties for any person who spends funds on the campaign not drawn from the bank account, spends funds on other purposes, exceeds the expenditure limit, or receives any contributions from foreign or unauthorized Egyptian sources.[119]

Although the campaign finance provisions of the law are significantly more detailed and comprehensive than those employed during the parliamentary elections, there are still significant concerns about the effectiveness of these provisions. Several campaigns complained that 10 million EGP was inadequate to conduct a national campaign in a nation as large as Egypt. A 2 million EGP limit during the second round, for a national campaign of more than two weeks, seemed even more inadequate. Levels this low could be an incentive for campaigns to spend additional, unreported funds or encourage other groups or individuals to spend unreported funds on behalf of the candidate.

Although the campaign finance provisions of the law are significantly more detailed and comprehensive than those employed during the parliamentary elections, there are still significant concerns about the effectiveness of these provisions.

The PEC lacked the capacity to fully enforce campaign finance regulations. Allegations that several candidates received in-kind, unreported donations of goods and services and that some campaigns may have received foreign funding could not be adequately considered by the PEC during either rounds of the campaign. It was unclear how many claims of campaign finance violations were filed directly with the Office of the General Prosecutor and the status of cases, if any, involving campaign finance.[120]

117 Article 6, PEC Decision No. 7

118 Article 26, Law Regulating the Presidential Election

119 Articles 48 and 55, Law Regulating the Presidential Election

120 In accordance with the law, the PEC informed The Carter Center that all campaigns would be audited by the Central Auditing Agency following the conclusion of the second round of the campaign. As of October 2012, there have been no public reports of any activities conducted by this agency in reviewing campaign accounts or of any actions taken by the agency against any campaign.

As part of the establishment of a permanent electoral management structure, The Carter Center strongly recommends that Egyptian decision-makers establish an adequately staffed division to enforce campaign finance requirements and prosecute, or refer for prosecution, alleged violations of these provisions. On a periodic basis, campaign finance reports, including the identity of donors and amounts donated, should be made public. Audits of all campaigns should be unambiguously mandatory, with the results of these audits publicly disseminated. Finally, Egypt's lawmakers should consider raising the overall spending limit for campaigns, particularly during the second round, to a more realistic level, to remove the incentive for campaigns to skirt campaign-spending limitations.

The Media Environment and Access to the Electoral Process

Media plays a pivotal role in the electoral process. In Egypt, it is a main source of information for electoral stakeholders and one of the main tools of campaigning. Although The Carter Center was not able to conduct a comprehensive media-monitoring effort, the following are limited observations on the relevant laws, regulations, and their implementation within election polling centers.

Media Freedom: Freedom of expression, along with freedom of the press, is guaranteed in Egypt's Constitutional Declaration.[121] At the same time, however, there are a number of legal provisions in place to regulate the media. Together with Egypt's Emergency Law,[122] which was effective until May 31, 2012, and with the repressive Ministry of Justice Decision No. 4991, enacted shortly before the second round of the election and only invalidated by a court after the election, these provisions curb, or have the potential to curb, media freedoms.[123] Reported steps to intimidate members of the media are troubling, run counter to international practice, and should be rectified by Egyptian authorities in any future elections.[124]

Since the January 2011 uprising, strict, systematic, government oversight of the media has appeared to loosen to some extent, but many red lines still remain with regard to what the media can freely convey to the public. Along with activists, both professional and citizen journalists have faced interrogation, and in some cases, military trials, for criticizing the SCAF and its management of the transition. In other instances, satellite television licenses have been suspended for related reasons.[125] Media freedom is a precondition for a functioning democracy as well as free and fair elections.[126] The Carter Center urges Egypt's lawmakers to ensure the laws in place safeguard media freedom in the future.

The Media in Egypt in 2012: Despite the restrictions outlined, Egypt has a relatively vibrant and diverse mass communications media comprised of state, party, and independent media, which played a significant role in scrutinizing the candidates as well as the aspects of the electoral process to which they had access. Granting media unrestricted access to all phases of the election is an important measure for ensuring transparency of the process. Articles 30 and 38 of the Law Regulating the Presidential Election grant the media access to the polling, counting, and tabulation processes[127] at the polling-station level as well as to the vote aggregation and the announcement of results for each candidate at the district general-committee level.

Unnecessary limitations on media access to the electoral process remain, however. PEC Decision No. 16 issued on May 2, 2012, articulated the rules for media access. In accordance with PEC Decision

121 Articles 12 and 13, Constitutional Declaration of March 30, 2011

122 The Emergency Law was modified in January 2012 but still allowed journalists to be subjected to punishment, including imprisonment, for the vaguely defined crime of "thuggery."

123 In Egypt, there are a number of legal provisions that govern media that are often overlapping and contradictory. They include the Constitutional Declaration, the press legislation, the press code of conduct, the broadcast code of conduct, penal codes, and the Emergency Law. In addition, the Higher Council of the Press, the Journalist Syndicate, the Egyptian Radio and Television union, the Ministry of Information, and the courts regulate and oversee different aspects of the media.

124 AU, Declaration on Principles on Freedom of Expression in Africa, Article 11.1-2

125 http://www.hrw.org/news/2012/02/11/egypt-year-attacks-free-expression

126 U.N., United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service," para. 25.

127 See, for example, Norwegian Helsinki Committee, "Election Observation" in Manual on Human Rights Monitoring: An Introduction for Human Rights Field Officers, p. 15: "The media should be assured by the government of: 1) the right to gather and report objective information without intimidation; and 2) no arbitrary or discriminatory obstruction or censorship of campaign messages."

No. 16, media were only permitted to conduct interviews or conversations with the head of the electoral committee. It was prohibited to conduct any interviews or conversations with any other member of an electoral committee, candidate representatives, election witnesses, and voters inside the committee premises or within the boundaries of the electoral assembly.[128] Media representatives were also limited to a maximum of 30 minutes inside any polling station.[129] Such restrictions inhibit the transparency of the process by denying the media unrestricted access and preventing them from playing a critical role in deterring and exposing irregularities. The Carter Center urges Egypt's future election authorities to ensure unrestricted media access to all election operations to the greatest extent possible to allow for public scrutiny, thereby ensuring accountability.

Deborah Hakes

Carter Center long-term witness Haissam Minkara fills out a checklist at a polling station in Giza on May 24, 2012.

Mass Media's Role in Campaigning: Mass media is one of the key sources of information for electoral stakeholders and a main vehicle to carry out messages from election management bodies and candidates. Its role is key during the campaign period. PEC Decision No. 10 regulates the state media's performance as a tool for campaigning by candidates. While this decision specifies an equal duration of media access for each candidate, it refrains from specifying the number of media slots, or equality in the timing of the slots, and does not ensure that all contesting candidates have access to state media on a fair and equitable basis.

Social media continued to play a key role in the dissemination of information during the electoral process.

Social Media and the Electoral Process: Social media continued to play a key role in the dissemination of information during the electoral process. Nearly all significant electoral stakeholders, including the SCAF itself, used Facebook and Twitter to post important electoral information. Twitter served not only as a source of information from parties, civil society organizations, and others on up-to-the-minute developments in the electoral process, it also became an important source of information on possible electoral irregularities and other violations. As with all social media, however, the positive role of information from Twitter and other sources was sometimes offset by the spread of rumors and misinformation.[130]

128 Article 3, PEC Decision No. 16

129 Article 4, PEC Decision No. 16. Furthermore, the decision gives presiding judges the option of limiting media representatives per polling station to five in cases of crowding, and gives presiding judges discretion to permit or forbid the taking of photos and videos inside the polling station. While these provisions can be seen as important safeguards of voter privacy and polling station efficiency, it is important that polling officials not apply these provisions arbitrarily or capriciously.

130 On more than one occasion, The Carter Center was the subject of false or misleading Twitter and Facebook postings, attributing to The Carter Center statements it had not made or assigning possession of information that it did not possess.

Participation of Women

Maurice Chammah

Program manager Avery Davis-Roberts and co-leader Abdel Karim al-Eryani fill out a checklist as a woman casts her vote during the runoff.

Women were underrepresented throughout the Egyptian presidential electoral process. First and foremost, none of the 23 candidates who attempted to register as presidential candidates and, consequently, none of the 13 candidates who made the final ballot, were women.[131] There was also a noticeable lack of participation by women during the campaign phase. At several campaign rallies witnessed by The Carter Center, there were no women at all present. On a more positive note, there was a significant percentage of female candidate agents present in polling stations during voting, approaching 40 percent of agents for the second round of voting.

Egypt should take further steps to prevent discrimination against women, as required by its international obligations.[132] PEC members, all senior judges, were exclusively men due to the *ex officio* nature of appointments and the overwhelming prevalence of men among senior Egyptian judges. Only one woman judge was a member of the General Secretariat that served the election management body. According to the PEC's secretary-general, the PEC prioritized allocating Egypt's women judges and prosecutors to polling stations before allocating the male judges and prosecutors so as to achieve maximum female participation.[133] However, women judges are a recent phenomenon in Egypt, and they tend to be both a small percentage of and junior members of the judiciary. The Carter Center hopes women will become a greater, and more senior, component of Egypt's judiciary in years to come. Women should also play a greater role in a future EMB, in which senior appointments are not *ex officio* in nature.

There are many (mostly rural) women who remain disenfranchised because they are not included in the national identity database and, as a result, are prevented from being registered to vote. In some parts of Egypt, cultural and historical factors, the availability of birth certificates, and awareness of eligibility for or access to the civil registration process

131 Broadcaster and activist Bothaina Kamel did attempt to be nominated to run for the presidential elections but failed to collect the required amount of signatures.

132 U.N., Convention on the Elimination of All Forms of Discrimination Against Women, Article 3; UNHRC, General Comment No. 28, para. 3.

133 The PEC reported that there were approximately 1,200 women judges and prosecutors available. According to the PEC, the total number of judges and prosecutors in Egypt is approximately 15,000.

have decreased female inclusion in the system. Current government and officially sponsored civil society initiatives seek to address these issues, but it is estimated that 3 million women may be undocumented.[134] Accordingly, at this juncture, the national identity card does not necessarily serve as a complete record of Egypt's eligible citizens due to the significant underrepresentation of women and, thus, represents an area requiring further action on behalf of state authorities to ensure that Egypt meets its obligation to ensure widespread and non-discriminatory voter registration as a key step toward ensuring universal suffrage and the right to vote.[135] The Carter Center encourages the continued efforts of the government of Egypt and others to ensure that women are not prevented from participating in public affairs by the technical barriers imposed by the national identity system and strongly encourages the Egyptian authorities to ensure a broader representation of women in public life.

Egypt should take further steps to prevent discrimination against women, as required by its international obligations.

On the positive side, in both rounds of the election, women played an important role as poll workers within polling stations. Carter Center witnesses reported that a large majority of polling stations visited included at least one female poll worker.[136] The Carter Center recommends that future electoral management bodies attempt to ensure that a woman poll worker is present in every polling station.

Disaggregated data about the participation of women as voters was not collected by the PEC. The Carter Center recommends that, in the future, such data be not only gathered but made publicly available so that CSOs and others can ensure more effective voter education campaigns and take proactive steps to promote women's participation.

134 "In Egypt, Women and Children Benefit from Program to Promote Identity Cards, Birth Certificates," LA Times, Oct. 4, 2010, accessed via http://www.modernegypt.info/online-newsroom/e-alerts/in-egypt-women-and-children-benefit-from-program-to-promote-identity-cards-birth-certificates/

135 U.N., ICCPR, Article 25 (b); Universal Declaration of Human Rights, Article 21(3): "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

136 78 and 83 percent, respectively

Civil Society Organizations

Civil society organizations are important stakeholders in the election process. If allowed to operate freely, they can perform key functions that lend credibility to the electoral process. Over the course of the presidential election, Carter Center witnesses observed a low level of domestic and international CSO engagement. Primarily they functioned as a watchdog for the election process and, in some instances, contributed to voter and civic education. Carter Center witnesses attempted to meet with CSOs across the governorates in which they deployed. Below are the principal findings of The Carter Center with regard to the role of civil society in the presidential election.

Deborah Hakes

An Egyptian election witness keeps a tally of the votes during the counting process for the first round on May 24, 2012.

The PEC named the state-affiliated National Council for Human Rights (NCHR) as the body responsible for collecting, examining, and approving the applications for individual, domestic witnesses. Altogether, the NCHR approved around 9,700 national witnesses.[137] This is a significant reduction when compared to the parliamentary elections during which the NCHR accredited 130 national CSOs representing 25,000 national witnesses.

The PEC had responsibility for reviewing and approving applications to witness the presidential election from international CSOs and issued individual accreditations for international witnesses. Altogether, only three international organizations applied and were accredited. They included the Electoral Institute for Sustainable Democracy in Africa (EISA), the Election Network in the Arab Region, and The Carter Center. This is also a marked reduction from the earlier parliamentary elections during which there were seven international CSOs accredited to witness the election process.

Regulatory Framework for CSOs

Egypt's civil society sector is vibrant and diverse, despite the strict regulatory environment for CSOs. The current laws regulating civil society give a wide range of powers to the Ministry of Insurance and Social Affairs (previously the Ministry of Social Solidarity) to regulate the establishment of CSOs, interfere in their internal affairs, and limit their advocacy and access to resources.[138] These laws contravene international law, as well as commitments made by

137 Out of 64 national CSOs that applied for witnessing the presidential election, 55 organizations were accredited. Approximately 9,700 national witnesses were accredited.

138 CSOs are governed primarily through the Law on Non-Governmental Societies and Organizations (Law No. 84 of 2002), and its accompanying executive regulation, Ministry of Insurance and Social Affairs Decree No. 178 of 2002. The International Center for Not-for-Profit Law (ICNL) notes that the law and regulation provide the Egyptian government with wide authority to interfere with or otherwise restrict CSOs, including denying CSO registration on vague grounds such as being "against public order," by dissolving existing CSOs on similarly vague grounds, and by prohibiting CSOs from conducting "political activities." (Egyptian authorities in the past have deemed some legitimate public policy activities as political activities.) The current law and regulation also make the association of Egyptian CSOs with foreign or international CSOs difficult and place heavy restrictions on foreign funding of CSOs. There is an ongoing debate among political stakeholders, including CSOs, regarding replacing the current law, although the extent to which the new law would be less restrictive remains unclear. For more information, see ICNL, Egypt: NGO Law Monitor, www.icnl.org/research/monitor/egypt.html.

Egypt that mandate freedom of association, by perpetuating opaque criteria and arbitrary bureaucratic procedures that undermine the transparent and timely registration of CSOs.[139] While the Emergency Law or other laws with similar provisions restricting political rights have been in effect, the present legal framework has been further prone to abuse, infringing on the right to freedom of expression, due to the threat of criminal charges against individuals and organizations advocating for human rights, political liberalization, and social reform.

Although a coalition of political groups and civil society organizations has pushed for reform of the restrictive legal framework governing CSOs, no meaningful amendments of the legal framework governing CSOs were implemented during the presidential electoral process. This absence of reform impedes the realization of CSOs' role as valuable independent stakeholders in the election process. To better meet its international obligations, The Carter Center urges Egypt's future legislators to adopt new laws that safeguard the freedom of CSOs and their work from state interference while ensuring transparency and accountability. This would ensure Egypt lives up to its obligations to guarantee the right to participate in public affairs and to promote transparency.[140]

The Role of CSOs in Witnessing the Presidential Election

Both domestic and international CSOs participated in the election process, primarily as election witnesses. Although not required by law, the PEC made provisions for both national and international CSOs to witness the process, but only after key electoral processes including voter registration and candidate nomination had already concluded. On April 23, 2012, the PEC issued Decision Nos. 11 and 12, which authorize and regulate the process for domestic and international CSOs, respectively, to witness the election process.

While the deadline for submitting applications to witness was May 2, 2012, the PEC only issued the badges that individual witnesses must possess to do their work in the week prior to the first round of polling. CSOs were only able to witness the polling days as well as the interim campaign period between the first and second phase of polling. As a result, the value of their overall observations of the electoral process was diminished.

In addition to the timing of the PEC decisions regulating election witnessing, both domestic and international CSOs were disappointed by the reporting restrictions and time limitations for CSO witnesses.[141] PEC regulations prohibited domestic and international CSOs from commenting on the process prior to the announcement of the election results by the PEC.[142] This is inconsistent with the Declaration of Principles for International Election Observation and the Declaration of Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations, which both maintain that election observation missions should be able to freely issue public statements and reports regarding their findings and recommendations about the election processes and developments without interference. Limiting witnessing missions to after-the-fact statements means there is no possibility for them to positively impact the current election process.[143] The Carter Center recognizes that the release of official election results can only be done by the EMB. However, the Center urges election officials in the

139 U.N., International Covenant on Civil and Political Rights, Article 22(1): "No restrictions may be placed on the exercise of th[e] right [to associate freely] other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security of public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

140 U.N., ICCPR, Article 25(a); U.N., United Nations Convention Against Corruption, Article 5.1

141 Due in large part to these restrictions, 18 national CSOs issued a statement rejecting PEC decisions regulating election witnessing and describing them as abusive.

142 See Article 11 of PEC Decision No. 11 for domestic witnesses and Article 10 of PEC Decision No. 12 for international witnesses.

143 It is worth noting that after much uncertainty, the PEC unofficially agreed that witness organizations might issue statements after the closing of polls.

future to remove other, unreasonable restrictions on the issuance of comments and statements by election witnesses.

In addition, PEC Decision No. 11 stipulated that national CSO witnesses would be permitted to be inside a polling station for no more than 30 minutes. This restriction severely inhibits transparency of the process by denying unimpeded access to a key electoral activity.[144] A similar article did not appear in PEC Decision No. 12 regulating international CSO witnesses. The Carter Center was informed by the PEC that this was an oversight and that this restriction applied to both domestic and international witnesses. Indeed, this restriction appeared on the accreditation badges issued to international CSO witnesses. The Carter Center strongly urges Egypt's future election administrators to take steps to ensure that regulatory provisions pertaining to election witnessing guarantee unimpeded access to the entire electoral process and are issued in a timely manner permitting accreditation well in advance of election day.

The Carter Center strongly urges Egypt's future election administrators to take steps to ensure that regulatory provisions pertaining to election witnessing guarantee unimpeded access to the entire electoral process and are issued in a timely manner permitting accreditation well in advance of election day.

Additional Challenges Facing Domestic CSOs in Witnessing the Election

Domestic CSOs were also frustrated by the eligibility criteria set forth in PEC Decision No. 11, specifically the stipulation that only national CSOs registered according to the law may apply to witness the election.[145] While it is not unreasonable to expect CSOs to be registered, the registration criteria in the law governing NGOs were overly burdensome and *de facto* resulted in few organizations meeting the requirements to witness the elections.[146] As stated above, the laws regulating the establishment of CSOs have been used in the past to limit the activities of organizations that advocate for human rights, political liberalization, and social reform.

Individual domestic witnesses also faced an unnecessary restriction. Egyptians were prohibited from serving as witnesses if they have ever been convicted of a "felony or other offense," even if their criminal records were later expunged and full legal rights restored in accordance with Egyptian law. Particularly in the case of those whose record has been cleared, this is an unfair restriction on the right of Egyptians, whose rights have been restored in all other respects, to participate in the democratic process.[147]

Compared with the parliamentary elections, there was a significant decrease in the number of domestic CSOs and witnesses observing the presidential election. Arguably, the regulatory framework could be seen as one of the factors that led to this decrease. The lateness of the PEC's decisions on witnessing also meant that many CSOs did not have the capacity to implement the logistical requirements to submit applications and deploy field witnesses across all 27 governorates. A number of CSOs also cited a lack of funding as the primary reason for not organizing a witnessing mission, while other CSOs confirmed that

144 See Article 8 of PEC Decision No. 11.

145 Article 3

146 See Law on Non-Governmental Societies and Organizations, Law No. 84 of 2002, as amended.

147 Article 4, PEC Decision No. 11

they would witness the election process but only in a limited capacity. Still other CSOs confirmed they were boycotting the elections altogether due to the restrictions. Nevertheless, 64 national organizations applied to witness the electoral process, and 55 were accredited. Nine national CSOs were rejected for not meeting the eligibility criteria set out in PEC Decision No. 11 or for submitting a late or incomplete application. All domestic CSOs that applied for accreditation were registered by law.

Following the second round, the NCHR indicated in a meeting with The Carter Center that it received a total of 169 complaints from national CSOs accredited to witness the electoral process, out of which nine were access-related complaints. Two complaints that related to alleged attempts by some groups to deter Christian voters from voting in Minya and Qena governorates were referred by the NCHR to the PEC.[148]

148 The NCHR reported that it had asked the PEC for more background on its investigations into these claims, which were ultimately dismissed by the PEC, but had not received a response as of early July 2012.

Out-of-Country Voting

The presidential election included out-of-country voting by Egyptian nationals through Egyptian embassies overseas. It should be noted that The Carter Center did not formally witness out-of-country voting (OCV) during the presidential election, and the observations stated hereby are based on analysis of the legal framework, media reports, and meetings with the PEC and MoI.

The PEC issued Decision No. 4 of 2012 to reopen voter registration for Egyptians abroad to participate in the presidential election. Those Egyptians who had registered for the parliamentary elections—just over 356,000—remained registered, while new registrants were able to apply online between March 5 and April 4, 2012. This deadline was later extended to April 11, due to technical problems with the system. The PEC website reported that in total 586,802 voters abroad registered to participate. OCV voters were able to select an Egyptian consulate or diplomatic mission where they wished to cast their vote. Voters' lists were thereby constructed for each mission/consulate.

Unofficial results of the OCV process were released in the lead-up to in-country voting. On May 25, 2012, the PEC released the number of votes received by each candidate from OCV in the first round after resolving an appeal regarding votes cast in Saudi Arabia. On June 18, 2012, following the resolution of appeals related to OCV in South Africa and Saudi Arabia, the PEC announced the results of OCV for the second round. The process and results of these appeals are discussed in this report. For future elections, The Carter Center suggests that the process of releasing OCV results be subject to clearer regulation.

Election Day

Voting is a fundamental exercise of a citizen's political rights. The accuracy of the procedures and process by which these votes are aggregated is not only essential to the full expression of popular will but is also critical to ensure the rights of citizens to both elect and be elected.[149]

Throughout the presidential election process, a judge presided over each of Egypt's polling stations. There were a total of 13,097 polling stations during the first round of voting, and a total of 13,099 polling stations reported during the second round.[150] In nearly all cases, a polling station had up to 6,000 voters allocated to it.[151] During both rounds, voting occurred between 8 a.m. and 9 p.m. over two consecutive days of polling, with the PEC extending the voting process for one additional hour to 10 p.m. during the second round's last day of voting.

The following observations are summarized from the nearly 1,900 polling station visits conducted by Carter Center witnesses across Egypt on the four days of voting and during subsequent aggregation over the two rounds of voting.

Poll Opening

Delays in Opening of Polling Stations: Delays in opening of polling stations were common in both the first and second rounds of polling. During the first round of the presidential election, less than one-third of polling stations visited by Carter Center witnesses opened on schedule at 8 a.m., and just under two-thirds opened by 9 a.m. There was slight improvement witnessed during the second round. While less than one-third of polling stations visited by witnesses had opened on schedule at 8 a.m., all polling stations observed by Carter Center witnesses opened by 9 a.m. Delays were generally caused by polling staff and judges arriving late to polling stations or by the slow setup of polling stations in those cases where staff members were in place on time. Reiterating the necessity of training as noted above, The Carter Center strongly recommends that in the future, Egypt's election management bodies should attempt to organize a full cascade training program that emphasizes the importance of timely opening of the polls and provides better instruction on how to properly and efficiently set up a polling station.

Additional Procedural Irregularities During Opening of the Polls: Additional procedure irregularities during the opening of the polls arose in several cases. Some judges incorrectly recorded numbers of ballot books and ballot box seals on the first day. Witness and candidate agents were unable to confirm the ballot box seal numbers in a few cases at the opening of the polling on the second day of the first round. Also, Carter Center witnesses reported irregularities such as poor room configuration, staff not wearing proper identification, or failure to follow all procedures in sealing ballot boxes, in some instances. Such cases were rarer during the second round. Despite late openings and procedural irregularities, Carter Center witnesses reported that, overall, the majority of poll openings were administered well.

149 U.N., ICCPR, Article 25 (b)

150 Two polling stations were added to the Aziz Abaza polling center in Heliopolis, Cairo, due to overcrowding in the first round.

151 Polling stations were classified into three categories for logistical purposes. The first category of polling stations accommodated less than 2,000 voters; the second between 2,001 and 4,000 voters; and the third category between 4,001 and 6,000 voters. However, in a few exceptional cases, in very remote or very densely populated places, the number of voters allocated to polling stations was as low as a few hundred voters and, conversely, some had more than 6,000 voters.

Polling and Voting Operations[152]

Access to Polling Centers: Polling centers were generally considered accessible and free of interference, with good queue management outside the center, for both rounds of polling. During the first round of voting, however, witnesses reported that in approximately 10 percent of polling stations visited, they encountered active campaigning. During the second round of voting, this dropped to less than 5 percent of stations, perhaps partially reflecting the fact that there were only two candidates contesting the second round vote.

Maurice Chammah

Poll workers check for a voter's name on the list on June 16, 2012.

Candidate Agents and Domestic Witnesses: The presence of candidate agents was reported in nearly all polling stations during opening, polling, and closing during both rounds of voting.[153] Egypt respected and fulfilled its obligation to protect the right of candidates to be represented at polling stations by duly appointed agents, an essential safeguard for transparency.[154] However, the low representation of domestic witnesses was notable. Carter Center witnesses reported seeing their domestic counterparts in about 10 percent of polling stations visited in the first round, with even a lower percentage present during the second round.

Polling centers were generally considered accessible and free of interference, with good queue management outside the center, for both rounds of polling.

Few restrictions were placed on candidates' agents and witnesses at polling stations. There was a small minority of polling stations in which the judge or security officials blocked agents or witnesses from fulfilling some of their duties or engaged in intimidation.

Infrequent yet persistent interference by candidate agents in the electoral process was cause for concern. Although the general trend of uninterrupted access and robust participation of candidate agents in the electoral process was positive, more attention should be paid to candidate agents' own interference with the process. Carter Center witnesses reported that in almost 5 percent of the polling stations visited, the candidate agents inappropriately performed some of the duties of the pollworkers, such as applying seals to ballot boxes, carrying ballot boxes, and providing voter information in polling stations. It should be noted that this interference did not seem intended to obstruct the process and, in no case, was alleged to constitute attempted electoral fraud. Yet it is important that electoral administration activities are carried out only by election staff, an important safeguard that promotes confidence for the electorate in the independence and competence of election authorities.

152 During the elections, there were widespread media reports that security forces were voting illegally, that pens with magic or invisible ink were being used during the second round to invalidate votes or to allow multiple voting, and that pre-marked ballots were being issued to voters. The Carter Center mission has no evidence that these alleged incidents occurred or had any impact on the results of the election.

153 During polling across the two rounds, candidates' agents were not present in less than 5 percent of polling stations visited by Carter Center witnesses. During the second round of voting, Carter Center witnesses reported that 98 percent of stations visited had at least one Morsi candidate agent, and 84 percent had at least one Shafiq candidate agent.

154 AU, African Union Declaration on the Principles Governing Democratic Elections in Africa, Article 7

Deborah Hakes

A bottle of indelible ink, a safeguard against multiple voting, sits on top of a stack of ballots during the first round of the presidential election. Inconsistencies in the inking procedures were noted during both rounds of the election.

Interference and Disruptions at Polling Stations: Polling stations were mostly free of interference and disruptions, according to reports from witnesses, although it is important to note that in several instances reports were based on observations limited to the 30 minutes that Carter Center witnesses were permitted to be in polling stations.[155] In instances where interference was witnessed in either round of the election, it was noted that the presiding judge in most cases failed to take action.

Intimidation: Isolated intimidation of Carter Center witnesses occurred during the second round, including interference during the witnessing process and the filming of witnesses in some governorates by military at the polling station. In one case, a witness felt coerced to provide positive comments on the process by a member of the military.[156] Given that intimidation raises serious concerns for the personal security of witnesses, the Egyptian authorities should take all necessary steps to ensure that the fundamental right of the security of the person is upheld, not only for international witnesses but for all stakeholders in future electoral processes.[157]

Inking and Identification Procedures: Inconsistencies in inking procedures were the most common procedural irregularity witnessed in both rounds of voting. Most prominent among these were the failure to check consistently for previous ink and to correctly ink the voter's finger. Regarding the identification of voters, poll workers failed to regularly follow procedures for the identification of fully veiled women in *niqab*. Inking and identification protections are put in place to help protect against multiple voting and are part of Egypt's obligation to guarantee universal and equal suffrage as required by Egypt's international commitments.[158] While election officials failed to properly implement these procedures consistently, undermining an important safeguard during polling, Carter Center witnesses observed no evidence that these irregularities impaired the right to vote or were exploited by those wishing to commit electoral fraud.

It is worth noting that during the second round of polling, polling station staff improved markedly in their correct applications of procedures. Carter Center

155 Approximately 30 percent of Carter Center witness teams reported that they faced at least one instance in which they were asked to leave the polling station by the judge or security personnel before 30 minutes had elapsed. At least four teams reported that they were not allowed to speak with anyone inside the polling station, while a small number of teams were refused access to some polling stations altogether.

156 During the second round, this included one polling station in which Carter Center witnesses reported that a plainclothes security official directed the presiding judge to expel them from the station, even though they were not causing a disturbance and were properly accredited. In addition, a security disturbance on the first night of polling of the run-off vote prevented Carter Center witnesses from properly observing the process. There were two separate incidents in which a Carter Center witness in Menoufiya was coerced specifically by army personnel into involvement in a photo and a video recording. Several incidents occurred where Army personnel repeatedly and invasively required Carter Center witnesses to provide their contact and movement information for sites within specific locales.

157 U.N., ICCPR, Article 9

158 U.N., ICCPR, 25(b); UNHRC, General Comment 25, para. 21

witnesses reported that in roughly 30 percent of polling stations, there were procedural errors observed during the second round of the election, as compared to nearly 50 percent of polling stations during the first round.

Breaches of the Secrecy of the Vote: Breaches of the secrecy of the vote during the first round of voting were reported to have been witnessed in one-third of polling stations. The occurrences of similar breaches during the second round were reported in just over 10 percent of polling stations. The most common reason for breaches was placement of the polling booths in a way that did not ensure ballot secrecy. While the placement of ballot booths made it easier for anyone in the polling station to view a voter's ballot, thereby reducing the secrecy of the ballot, it was seen by election officials as a justifiable move to prevent the likelihood of fraud.[159] There were also many cases where voters themselves voluntarily disclosed their choice to others, despite the availability of polling booths. Although these breaches did not appear to be intentional on the part of electoral officials, they were a cause of some concern, given that the right to secrecy of the vote is a key Egyptian international obligation.[160]

There were also many cases where voters themselves voluntarily disclosed their choice to others, despite the availability of polling booths.

Regarding the secrecy of the vote, a serious concern was the inappropriate assistance in many cases that judges and other officials provided to illiterate voters. The Egyptian legal framework on the presidential election is silent with regard to assistance to illiterate voters. Many members of the judiciary considered it illegal and refused to provide assistance.[161] However, a number of presiding judges opted to provide assistance in such cases. Such assistance was often provided outside the polling booth, enabling anybody present in the polling station to witness the choice of the voter. The Carter Center strongly recommends that Egyptian legislators consider enacting into domestic legislation provisions for assistance to illiterate voters, in a way that allows similar assistance as that currently provided to visually impaired or disabled voters.[162]

Denial of the Right To Vote: Cases of voters not being allowed to vote were witnessed by The Carter Center in roughly 10 percent of polling stations, during both rounds. This was usually because the names of those voters did not appear on the voters' lists or they were not able to provide sufficient proof of identity. In several cases when Carter Center witnesses were present, it was determined that voters were registered but were attempting to vote at the wrong polling station. In both rounds of voting, there were a few cases in which women in *niqab* who refused to be identified by the male judge were barred from being allowed to vote. Even though it is likely that few registered Egyptians were denied outright the opportunity to vote, it is essential that election officials do more to ensure that all voters are aware of the exact polling center and station to which they are assigned to vote and that all voters are educated on the requirements for voter identification once at the

159 It is worth noting that the MoI instructed that voting booths be turned so that the voters voted with their backs facing the common polling station in the line of vision of the supervising judge. This was intended to prevent attempted voter fraud by reducing the risk that a voter could photograph his or her vote or switch a blank ballot with an already completed ballot brought from outside the polling station.

160 U.N., ICCPR, Article 25 (b); U.N., UDHR, Article 21(3)

161 The SJCE directed polling station judges not to provide assistance to illiterate voters during the course of the parliamentary elections.

162 As of 2006, the World Bank reported that only 66 percent of Egyptians ages 15 and over are literate.

correct polling station. To the extent possible, election officials should ensure that woman poll workers are available to identify women in *niqab*.

Voter Information Materials: Voter information materials were displayed in the majority of polling stations visited by Carter Center witnesses, who reported that three out of four polling stations visited in the first round of voting had voter information materials posted. However, in the second round, despite having additional time to provide materials, a substantial number of polling stations (approximately 40 percent of those visited) remained without any voter information materials posted. In the future, the importance of posting the voter information materials that are delivered to the polling stations needs to be emphasized as part of poll worker training.

As with the opening of polling stations, it is important that judges and poll workers understand the importance of keeping polling stations open for the duration of official hours.

Voter Education: Voter education was lacking, as demonstrated by voter confusion at polling stations. According to Carter Center witnesses, voters demonstrated a poor understanding of voting in more than 15 percent of polling stations during both rounds of the election. Given that voters already had some exposure to learning the voting process during the first round, the continued voter confusion illustrates the overall shortcomings in voter education that occurred and the need in future elections to have a coordinated effort from the election commission, government counterparts, and civil society in educating voters.

Election Period Security: During the election days, there was evident coordination between PEC, MoI, MoD, and Ministry of Education (MoE) in the deployment of police and military forces in order to secure polling centers. The MoI was quoted in the media saying that the police would provide 30 percent of the election security, with the remaining 70 percent to be fulfilled by military personnel, with security force deployment plans in some governorates published in various Egyptian newspaper media.

In accordance with the regulatory framework of the presidential election, security forces cannot be present in polling stations unless specifically requested by the presiding judge. The regulatory framework does not specify whether security forces are permitted within polling center premises.

Starting from the silence period of the first round until the end of polling in the second round, a number of politically related incidents, mainly clashes between supporters of the various candidates,[163] clashes between voters,[164] and the breaking into of polling stations by voters, were reported.[165]

Closing

Early Closure of Polling Stations: Early closure of polling stations was witnessed in approximately one-third of polling stations during the first round of the election, potentially reflecting insufficient communication from the PEC to the polling stations regarding the extension of voting time for an additional hour. In almost one-fifth of cases during the first round,

163 Around 22 incidents of that nature were reported, including June 1 minor clashes between supporters of Ahmed Shafiq and protesters demanding he be expelled from the presidential second round, following cancellation of a Shafiq rally in Korba, New Cairo.

164 On May 23, the first polling day of the first round, clashes erupted in the governorate of Qalubiya between two families trying to prevent voters from entering polling stations, until police met their demands to leave a fixed police unit to keep the peace.

165 On May 23, in the Agricultural Secondary School in Giza, voters broke through the main gate of the polling site when judges closed the polling station at 8:30 p.m. until the army intervened and the crowd calmed. Polling remained open until 10 p.m.

Deborah Hakes

President and Mrs. Carter observe poll closing on May 24, 2012.

voters who were still in the queue at the time of closing were turned away without the chance to vote, contrary to PEC procedures and to commonly recognized international good practice to take all necessary steps to ensure that citizens can exercise their right to vote.[166] During the second round, witnesses reported that far fewer polling stations closed earlier than 9 p.m., and only in rare cases did judges prevent voters still in the queue from casting a ballot. As with the opening of polling stations, it is important that judges and poll workers understand the importance of keeping polling stations open for the duration of official hours. The Carter Center recommends that senior electoral authorities discipline those who fail to comply with these procedures without cause.

Polling stations closed efficiently on the first day of voting.

Closing on the First Day of Voting: Polling stations closed efficiently on the first day of voting. Carter Center witnesses reported a noticeable improvement by polling station staff in following the procedures on sealing the ballot boxes from the first to the second round as well as the safe storage of election of materials in a large majority of polling stations. Despite the abovementioned early closings, overall, Carter Center witnesses characterized the closing of polling stations as adequate in a large majority of cases.

Closing on the Second Day of Voting: Procedural irregularities[167] during the closure of polls on the second day of voting were cause for significant concern during both rounds of the presidential election. Of utmost concern was the failure of polling station staff to allow voting to come to a close before beginning the counting process, in some cases beginning counting even while voters were continuing to cast their ballots. This occurrence was witnessed in approximately 10 percent of polling stations visited, a small but significant percentage. Beginning vote-counting while voters are still voting—thus opening the door for miscounts and manipulation—goes against international good practice as well as common sense. Future election management bodies should take steps to ensure that this practice of counting during voting ceases to safeguard the principle of universal and equal suffrage.[168]

166 U.N., ICCPR, Articles 2 and 2(2)

167 Across both rounds of the presidential election, the poll closing was free from interference in almost all cases, with a few occasions where security officials or candidate agents created confusion (by causing disturbances or engaging the judge in a way that took away from official duties) or engaged in intimidation of Carter Center witnesses.

168 U.N., ICCPR, Article 25 (b); U.N., Human Rights and Elections: A Handbook on the Legal, Technical, and Human Rights Aspects of Elections, para. 63

Counting and Aggregation

For both rounds of Egypt's presidential election, counting was conducted at the end of polling on the second day at the polling-station level, and the results then were aggregated at the DGC level before being transmitted to the PEC's Cairo headquarters. Presiding judges were required to announce the results at the conclusion of counting and to provide each candidate's agent present with a signed copy of the results. In between the first and second rounds, the legislature added the additional requirement that presiding judges at the DGC level provide a stamped copy of the aggregated results to candidate agents present. Providing polling-station and general committee-level results to candidates' agents promoted transparency and helped to instill confidence in the final results by ensuring that agents had verifiable information regarding electoral results in their jurisdictions.

Maurice Chammah

Poll workers count ballots after polls close on June 17, 2012.

The major findings from these polling stations during counting were:

Procedural Irregularities in Counting and Aggregation: Procedural irregularities in counting and aggregation during the first round of the presidential election were witnessed in roughly one-quarter of polling stations. During the second round, the number of procedural irregularities rose; there were procedural irregularities noticed in roughly one-third of polling stations visited. However, during both rounds, these irregularities were mostly minor in nature, not affecting the accuracy of the count.

In some cases, it was reported that the judges presiding over the polling stations appeared to have varying interpretations of what constituted an invalid ballot, including interpretations that appeared to deviate from the law and PEC instructions.

The poor implementation of procedures for ballot reconciliation (including failing to account for spoiled ballots in some cases) and inconsistencies in the determination of invalid and valid votes were among the more common errors witnessed. At several stations, witnesses reported that candidate agents, domestic witnesses, or security officials were actively participating in the counting process, a worrying encroachment on the roles and independence of the officials charged with administering the election. Again, in instances witnessed by The Carter Center, this interference did not appear to unduly affect the accuracy of the count. However, irregularities such as these may still be potentially

damaging to the credibility and impartiality of the counting process and must be addressed through effective training.

Inconsistencies in Determining the Validity of Ballots: The issue of applying uniform criteria to determine whether a ballot was valid or invalid was a particular concern, as reported by Carter Center witnesses. Inconsistencies in determining the validity of ballots were reported by Carter Center witnesses in a relatively small but consistent number of polling stations. In some cases, it was reported that the judges presiding over the polling stations appeared to have varying interpretations of what constituted an invalid ballot, including interpretations that appeared to deviate from the law and PEC instructions. Future training of judges should focus on the criteria for determining ballot validity, in order to minimize instances where a voter's choice is wrongfully denied.

Witnesses were denied access to the national-level aggregation of results.

Announcement of Results: Results were commonly announced by the presiding judge to those present at the polling stations in most of the polling stations visited. During the first round, in all but one case, candidate agents were provided with a copy of the results by the presiding judge, and in the second round, candidate agents were given a copy in all but two polling stations. The provision of copies of results forms to candidate agents is probably the single most important step supporting the transparency of the counting process, and thus the failure to provide a copy to candidate agents is an issue that should be rectified for all future elections.

Transportation of Sensitive Materials: Sensitive material dispatch to the DGCs was reported as properly implemented in nearly all cases where Carter Center witnesses were present. No logistical difficulties were witnessed. To minimize the risk of fraud still further, The Carter Center repeats its recommendation that future EMBs use tamper-evident bags to transport sensitive electoral materials at all phases of the process.

Aggregation

The Carter Center noted some small improvements in the aggregation process in the second round of Egypt's presidential election in comparison to the first round. The process of aggregating vote results is one of the most sensitive in an election and demands the highest levels of transparency to ensure confidence in the integrity of the process. Aggregation of the count results was conducted by DGCs in each of 351 operational electoral districts throughout Egypt, where polling station results were delivered personally by the relevant presiding judges. After being aggregated at the district level, results were then transmitted to the PEC's Cairo headquarters. The national aggregation of results is conducted at the PEC headquarters, which is the only official and authorized source of final results.

The main findings regarding the aggregation process are summarized below:

Witnesses Access to Aggregation: Witnesses were denied access to the national-level aggregation of results. The Carter Center made a request to be able to have witnesses present at the PEC's Cairo headquarters during the aggregation of national results. The PEC informed the Center that only election officials can be present during this process.[169] The

169 The PEC explained to The Carter Center in a meeting on June 7, 2012, that, because Egyptian law did not explicitly authorize the presence of candidate agents, witnesses, the media, or others during the final tabulation process, none of these stakeholders would be allowed to be present. (Egyptian law does expressly authorize agent and witness attendance during polling-station counting and DGC tabulation.)

absence of candidate agents, media representatives, and domestic and international witnesses at this crucial juncture of the election process severely undermines the overall transparency of the election results. The Carter Center strongly recommends that future election management bodies take steps to ensure that candidate agents, witnesses, and the media have unencumbered, meaningful access to observation of all steps of the process, including the final aggregation process, as a means of allaying fears about the integrity of the vote and to maximize the transparency of the process for all stakeholders.

Security of DGC Facilities: DGC facilities were orderly and well-secured by police and military officials across both rounds of the election. It is noteworthy that security forces were also observed inside aggregation centers in more than three-quarters of cases during the first round and in two-thirds of all centers in the second round. Although there was no interference observed on the part of security forces, their presence might have been intimidating to candidate agents and election staff, and in the future, security forces should remain outside aggregation centers unless called upon to assist in ensuring an orderly environment inside the center.

Transparency of Aggregation Process: The transparency of the aggregation process was hindered by the physical layout of the DGCs visited. While the aggregation processes observed were free from any disruptions, Carter Center witnesses reported that during the first round of voting, in over half of the DGCs visited, the physical layout did not allow witnesses to observe the transfer of data from count forms to aggregation forms. Access of international witnesses improved during the second round of voting, and Carter Center witnesses reported that only a handful of DGCs in the second round operated in a nontransparent way that prevented witnessing the aggregation of the results. Unfortunately, similarly to the first round, domestic witnesses continued to face constraints in meaningfully observing the aggregation process at DGCs. Future election management bodies should ensure that all candidate agents, domestic witnesses, and international witnesses have equality of access to the aggregation process throughout the relevant periods of the electoral process. In addition, particularly given the fact that there is no outside access to the final aggregation of results in Cairo, it is essential that the PEC publish vote results broken down to the polling-station level at the earliest possible instance on their website, for both the first and second rounds of polling.[170]

Presence of Candidate Agents, Domestic Witnesses, and Media: Candidate agents, domestic witnesses, and media were present in slightly more than half of aggregation centers. While candidate agents were seen in most centers, domestic witnesses and accredited media were absent from many DGCs. No women candidate agents were observed in any of the district general committees. This may in part be for cultural reasons. DGCs started their work very late at night, when Egyptian women are traditionally expected to be at home.

Ballot Validity Review: Unfortunately, it was unlikely that DGC judges had a meaningful opportunity to review polling station decisions determining whether ballots were valid or invalid, even though these committees are authorized to do so in accordance with the electoral law. Future electoral processes could benefit by having an election management body clearly disseminate information on the process of challenging ballot validity at the polling-station and DGC level and the responsibilities of polling station and DGC officials in the process.

170 In meetings with The Carter Center, the PEC committed to do so within one week of the election but failed to do so. The Carter Center urges the PEC to publish polling station-level data for the benefit of electoral stakeholders.

Announcement of Election Results

The process of announcing the results of an election is one of the most sensitive tasks undertaken by an election authority. Authoritative, timely, and accurate election results significantly contribute to the perceived credibility of an election and reduce uncertainty in the postelection period. The timely and authoritative release of results after the first round of polling and before second round races is of particular importance for second round candidates' campaigns.

On May 28, 2012, four days after the closing of the polls, the chairman of the PEC, Farouk Sultan, announced the results of the first round of the presidential election. Mohamed Morsi received the largest vote total, 5,764,952, or 24.8 percent of total valid votes cast. Ahmed Shafiq came in second, with 5,505,327, or 23.7 percent of valid votes cast. Hamdeen Sabahi received the next highest total number of votes with 4,820,273, or 20.7 percent of valid votes cast. Given that only seven postelectoral appeals of the results were officially lodged, the PEC was able to announce the results within the prescribed time period.

Authoritative, timely, and accurate election results significantly contribute to the perceived credibility of an election and reduce uncertainty in the postelection period.

During the second round, over 450 appeals were reportedly lodged. The PEC stated that the announcement of final results for the second round would be delayed for another four days, until the commission had been able to adjudicate all second round postelectoral appeals. On June 24, 2012, seven days after the closing of the second round polls, the PEC announced at a press conference the final results of the presidential election. The chairman of the PEC, Counselor Farouk Sultan, spoke at length about the transparency and integrity of the PEC before providing details of many but not all of the reported 450 appeals lodged by both campaign teams and the details of their resolution. (The Center's findings on electoral dispute resolution are included in a subsequent section of this report.) At the end of his speech, Judge Sultan announced the victory of Mohamed Morsi with 13,230,131 votes, or 51.73 percent of the valid votes, to Ahmed Shafiq's 12,347,380, or 48.27 percent of the valid votes.

Given that there was suspicion among some Egyptians that there could be manipulation of the results, the PEC chairman's detailed focus during the announcement of results on the final aggregation of electoral results as well as the process of adjudication of electoral appeals were important steps for boosting confidence in the fairness of the final aggregation. Nonetheless, the secrecy regarding the tabulation of final results in Cairo and the PEC's opaque approach to resolving postelectoral appeals still invited allegations and suspicions about the process.

Another controversy arose while the second round votes were being counted. The Freedom and Justice Party, the party of candidate Morsi, collected what they claimed were all 351 results sheets from each of the general committees, published them as a book, and distributed the book widely. This book included a spreadsheet, which the FJP claimed showed that Morsi received 882,751 more votes than his rival, Shafiq, in the second round, based on the totals announced at all district general committees. Some in Egypt felt this act was illegal, effectively an attempt

by the FJP to influence the results of the electoral process in violation of the law.[171] Others argued that the release of this information was legal, since it was based on information in the public domain. In the future, the election management body might consider releasing clearly identified preliminary results in order to diminish speculation on the results by interested parties.

The Carter Center strongly urges the future EMB to improve the timeliness of the announcement of the election results and to publish the vote count results at the polling-station level. The future EMB may wish to consider issuing results at different stages of the process as preliminary (the initial tabulation of results) and provisional (awaiting the outcome of any appeals that may affect the results) before announcing the final results. In this way, speculation can be dampened, without compromising the authority of the electoral authorities on the final outcome.

At the end of his speech, Judge Sultan announced the victory of Mohamed Morsi with 13,230,131 votes, or 51.73 percent of the valid votes, to Ahmed Shafiq's 12,347,380, or 48.27 percent of the valid votes.

171 See Article 53, Law Regulating the Presidential Election, which penalizes people who commit an act intending to disrupt or suspend the enforcement of PEC decisions under the law. Article 41 of the same law authorizes the PEC to make the official announcement of election results.

Figure 8: Turnout and Results of First and Second Rounds

First Round Turnout and Results	
Total number of registered voters	50,996,746
Number of ballots cast	23,672,236
Number of valid ballots	23,265,516
Number of invalid ballots	406,720
Turnout	46.42 percent

Candidate	Number of Votes	Percentage
Abul Ezz Al Hariri	22,036	0.095
Mohamed Fawzi Eissa	23,889	0.1
Ahmed Hossam Khairallah	22,036	0.095
Amr Moussa	2,588,850	11.13
Abdel Moneim Aboul Fatouh	4,065,239	17.47
Hisham Al Bastawisi	29,189	0.13
Mahmoud Hossam Galal	23,992	0.1
Mohamed Saleem Al Awa	235,374	1.01
Ahmed Shafiq	5,505,327	23.66
Hamdeen Sabahi	4,820,273	20.72
Abdallah Al-Ashaal	12,249	0.053
Khaled Aly	134,056	0.58
Mohamed Morsi	5,764,952	24.78

Second Round Turnout and Results	
Total number of registered voters	50,958,794
Number of ballots cast	26,420,763
Number of valid ballots	25,577,511
Number of invalid ballots	843,252
Turnout	51.85 percent

Candidate	Number of Votes	Percentage
Ahmed Shafiq	12,347,380	48.27 percent
Mohamed Morsi	13,230,131	51.73 percent

Electoral Dispute Resolution

Effective, clear, and fair procedures for electoral dispute resolution are an essential part of a well-functioning electoral process.[172] Voters and other electoral stakeholders must be given a voice in the quality of the electoral process if the process is to retain credibility.[173]

The PEC is authorized to decide upon all complaints and challenges related to the presidential election.[174] The Law Regulating the Presidential Election defines a series of election crimes and other violations and establishes penalties for many of these violations.[175] The PEC appeared to take a more proactive role than its parliamentary counterpart, the SJCE, in addressing allegations of electoral misconduct. It announced the initiation of or the transfer of campaign and election day-related complaints to the Egyptian courts. On election day itself, polling station judges filed charges against alleged violators in local courts across Egypt.[176] Unfortunately, neither the PEC nor the Office of the General Prosecutor, the office responsible for investigating and, if warranted, charging election violators, maintained consolidated records of electoral disputes and their resolutions.

During both rounds, there did not appear to be an attempt by the PEC to educate the Egyptian public on the right to file complaints regarding alleged incidents of electoral misconduct, and on why it is important that the public do so. In most instances, the PEC either referred complaints to the general prosecutor's office or initiated their own claims alleging campaign violations with the general prosecutor's office. It is unclear when investigations conducted by the prosecutor will conclude and whether decisions or other information regarding these cases will be made publicly available in an accessible manner. The lack of clarity regarding the timeline for decision-making and the opaque stance of the PEC in providing information on the dispute resolution process are cause for concern and are not consistent with international best practice requiring that information on appeals and the dispute resolution system be readily available.[177]

Adjudicatory Decisions of the PEC Following Both Rounds of the Presidential Election: Pursuant to its authority under Article 36 of the Law Regulating the Presidential Election, the PEC announced on May 28 its decisions on all appeals that were filed by candidates following the announcement of preliminary results of the first round. Candidates Hamdeen Sabahi, Abdel Moneim Aboul Fotouh, Ahmed Shafiq, and Amr Moussa filed a total of seven appeals. The allegations contained in the appeals included, among other allegations, claims of illegal voting, including by people unauthorized to vote (police/military) or people voting on behalf of the deceased, other forms of vote fraud (e.g., ballot tampering), denial of full access during all operating hours for candidate agents to electoral sites, and legal arguments that elements of the electoral laws were unconstitutional and should, therefore, result in the voiding of the final results.

172 U.N., ICCPR, Article 2(3), "Each State Party to the present covenant undertakes: (a) to ensure that any person whose rights or freedoms are herein recognized as violated shall have an effective remedy, not withstanding that the violation has been committed by persons acting in an official capacity; (b) to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) to ensure that the competent authorities shall enforce such remedies when granted."

173 UNHRC, General Comment 32, para. 25: "The notion of fair trial includes the guarantee of a fair and public hearing."

174 Article 8(11), Law Regulating the Presidential Election

175 Articles 42–56, Law Regulating the Presidential Election

176 The PEC reported to The Carter Center that polling station judges filed approximately 250 complaints during the first round of the election.

177 U.N., CESCR, civil and political rights, including the questions of independence of the judiciary, administration of justice, impunity, para. VIII.12.a; AU, African Commission on Peoples' and Human Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, Article 3

Three of the appeals were dismissed by the PEC for having been filed after the deadline.[178] According to the PEC, four were dismissed because they were filed in a technically incorrect manner.[179] and because the allegations contained in the appeals, even if true, would not have affected the election results. The PEC published the decisions, which included a brief description of the rationales underpinning its decisions, on its website in early June. The Carter Center commends the PEC for publicly disseminating its first round decisions so rapidly.

Regarding the second round of the presidential election, the PEC acted less transparently in the dissemination of its decisions. Candidates Shafiq and Morsi reportedly filed an approximate total of 450 appeals. It is unknown to what extent individual appeals included multiple claims of electoral misconduct. To its credit, the PEC dedicated a significant portion of its announcement of the final results of the second round to a detailed verbal presentation of the decisions it took on some appeals filed by either Morsi or Shafiq, including how it adjusted vote totals in certain electoral districts based on these decisions. However, the PEC failed to publish its decisions on all the appeals filed by the candidates on its website.[180] To enhance the credibility of the process, it is essential that the PEC publish these results, with an explanation of how each decision changed official vote totals, if at all, in various electoral districts. To enable a more thorough review of postelectoral appeals, The Carter Center recommends that lawmakers consider extending the deadline for decisions on postelectoral appeals to two or even three days after candidates file their appeals with the electoral management body.

To enable a more thorough review of postelectoral appeals, The Carter Center recommends that lawmakers consider extending the deadline for decisions on postelectoral appeals to two or even three days after candidates file their appeals with the electoral management body.

Finally, the Carter Center urges Egypt's leaders to take steps to consolidate and clarify its electoral dispute resolution system. To this end, The Carter Center recommends that Egypt work to establish a single, unified process for filing all electoral complaints (either with a permanent electoral management body or directly with the courts), such as through the use of a standardized complaint form available at multiple locations throughout the country, in polling stations, and online. All complaint-related decisions taken by the EMB or the courts, including actions taken by the EMB to address ongoing, on-the-spot violations, should be clearly explained and written, recorded, and thoroughly publicized, to instill and promote stakeholder confidence in the electoral complaints system. Above all, to ensure that all Egyptians have the opportunity to seek redress of election-related complaints, it is essential that the EMB effectively educate voters and other electoral stakeholders about the electoral complaints system, including how the process works and why it is important to file a complaint if one has witnessed electoral misconduct.

178 According to Article 36 of the law, candidates had until the end of the day following the filing of contested, district, general-committee results to file appeals. Since most or perhaps all district, general-committee results were announced on May 25 during the first round, the deadline for filing was, therefore, May 26.

179 Although postelectoral appeals may reference alleged electoral violations occurring at the polling-station level, they must technically be based on decisions of a District General Committee to certify the votes of the polling stations that it oversees. Law Regulating the Presidential Election, Article 36

180 In a meeting with the PEC on July 24, 2012, The Carter Center was informed that given the fact that Counselor Farouk Sultan's full speech was posted on the PEC's website, it was not deemed necessary to publish the individual appeals results separately.

Adjudication of Fraud Complaints Regarding OCV During Both Rounds of the Election: During the first round of the election, complaints of group voting emerged regarding the out-of-country voting taking place in Saudi Arabia. During the second round, the PEC conducted investigation into allegations of group voting in OCV in both Saudi Arabia and South Africa. In both instances, the investigations were conducted in public, with candidate agents and witnesses, including Carter Center witnesses, present to witness the investigation and announcement of findings.

Decisions in each of these cases were rendered by the PEC following secret deliberations, although the PEC secretary-general in all instances made public announcements of the decisions as soon as they were reached. After reviewing a sample of the envelopes in which the Saudi Arabia-based ballots were mailed in the first-round case, the PEC announced that there was insufficient evidence of group voting and that the votes were valid. Following a review of the second-round ballots from the Saudi Arabia and South Africa cases, the PEC ruled that the Saudi ballots were valid, even though there was evidence that ballots had been mailed together in groups of five or 10. (The PEC explained that its decision was based on its understanding of the communal nature of living conditions for many Egyptians in that country.) The PEC invalidated 234 ballots sent to the Egyptian Embassy in South Africa because of reports that they were delivered to the postal service as a package by the same individual. The PEC also invalidated an additional 20 of a reported 30 ballot envelopes mailed in a separate package to the Egyptian Embassy in Pretoria because of evidence of similarities in markings among those 20 envelopes.

Conclusions and Recommendations

The Carter Center recognizes that the 2012 presidential election was just one part of Egypt's ongoing political transition. It is in this light that the Center respectfully offers the following recommendations.

To the Government of Egypt

1. ***Ensure the protection of fundamental rights and freedoms.***
   The Carter Center urges Egyptian lawmakers to seize the opportunities provided by Egypt's continuing transition to ensure the full protection of fundamental rights and freedoms. The transition to date has not adequately ensured the protection and fulfillment of human rights. For example, Egypt's longstanding and stifling Emergency Law remained in effect through the first round of the presidential election, although it has since been allowed to expire. The Carter Center urges all Egyptian leaders, lawmakers, and relevant authorities to work to ensure that any new electoral legislation uphold Egypt's regional and international commitments to promote and protect fundamental human and political rights. This includes the new constitution of Egypt, which will form the basis of the electoral legal framework for future elections.

2. ***Create a permanent, professional, and independent election management body.***
   The Carter Center recommends that the future constitution explicitly provide for an independent electoral management body that is permanent, professional, impartial, accountable, and that acts with transparency, consistent with Egypt's international commitments. This body should be mandated to issue and enforce regulations over all elections and referenda and maintain a continuous operational presence in all of Egypt's 27 governorates including a permanent headquarters in Cairo.

   In addition, the Center encourages lawmakers to reconsider whether sitting senior judges should serve as *ex officio* members of the EMB and likewise whether judges and judicial personnel should continue to act as the exclusive overseers of the electoral process at all levels of the electoral process, down to the polling-station level. While Egypt's judiciary appears to enjoy broad trust among the electorate, having judges serve as polling station supervisors while also fulfilling their regular judicial duties places an unreasonable burden on individual judges and the judicial system. This also would address concerns of potential conflict of interest that exist for judges adjudicating election-related cases, given that elections are exclusively administered at the national, governorate, and subcommittee level by fellow judges. In accordance with internationally recognized standards regarding judicial independence and ethics, the EMB and the judiciary should take transparent steps to ensure that those adjudicating election-related cases have no conflicts of interest, or the appearance of a conflict of interest, with judges supervising the electoral process who might be associated with the case at issue. The Carter Center suggests that decision-makers appoint qualified individuals, including those who are not active judges, to serve as electoral administrators and EMB leaders, in order to minimize the risks of judicial conflict of interest and to develop a professional cadre of full-time election administrators.

3. ***Establish an appellate process for the review of EMB decisions.***
   Under current Egyptian law, the Presidential Election Commission is the final authority on any election-related decision that it renders,

without possibility of appeal to a court or other entity. During the electoral process, many Egyptians expressed concerns about the exclusive authority that the PEC possessed to decide certain election-related matters. In barring any possibility of appeal, even, for example, in cases that could violate Egyptian citizens' fundamental right to vote or to equal suffrage, Article 28 of the Constitutional Declaration is inconsistent with Egypt's international obligations. The Carter Center recommends that lawmakers ensure that there is an opportunity to appeal to an impartial tribunal from any decisions taken by any election management body.

4. ***Advance equal representation of women in public affairs and in electoral administration.*** Women remain underrepresented in decision-making bodies in Egypt. There was only one female judge serving on the PEC secretariat and no female judges serving at the commissioner level due to the *ex officio* nature of appointing judges to the EMB and the absence of women at the most senior levels of the judiciary. Therefore, The Carter Center encourages authorities to take concrete steps to include women in leadership positions and hopes that women will become a greater—and more senior—component of Egypt's judiciary in the years to come. The Carter Center also encourages Egyptian authorities and future EMBs to do more to ensure that female poll workers are represented in every polling station and in leadership positions at all levels of electoral administration.

5. ***Ensure the enjoyment of the fundamental rights to vote and to be elected.*** Under the current legal framework, a number of categories of Egyptian citizens are prohibited from voting. They include those who turn 18 between the date of closure of the voters' list and election day, people who have been declared bankrupt in the last five years, Egyptians without national identification cards, members of the military, and others. The Carter Center suggests that lawmakers reconsider these legal provisions to ensure that voting rights are enjoyed by the widest possible pool of eligible voters.

While women appeared to vote in considerable numbers, recent studies indicate that as many as 3 million women of eligible voting age are not registered to vote because they do not possess the necessary national identification cards. The Carter Center urges the government of Egypt and others to ensure that women are not prevented from participating in public affairs by the technical barriers imposed by the national identification system and take proactive steps to ensure all eligible voters have access to the documentation necessary to register.

Regarding candidate eligibility, The Carter Center recommends that lawmakers and the courts review the procedures for expunging criminal records, including rehabilitating the legal status of Egyptians convicted of crimes who wish to run for political office. This is particularly pertinent for Egyptians who may have received politically motivated convictions under the previous government so that they may regain their eligibility as expeditiously as possible. The Carter Center also encourages Egyptian leaders to reconsider prohibition against running for president for those Egyptians whose parents have ever held non-Egyptian nationality or whose spouse is a non-Egyptian. The candidate runs for office; not his or her family. Therefore, he or she should not be denied this important right because of the nationality of others.

6a. ***Ensure that the electoral legal framework is the product of a transparent, consultative process.*** Prior to the election of the legislative People's Assembly in 2011, amendments to key electoral laws were issued by the unelected SCAF without public consultation or any meaningful transparency. The Carter Center recommends that future iterations of the legal framework for elections be

subject to an inclusive, transparent consultation process and promulgated by a democratically elected parliament.

6b. ***Ensure that the electoral legal framework is clear and complete.***

The current legal framework includes some terms and concepts that are undefined. For example, candidates and parties are prohibited from using "religious slogans" in campaigning, but there is no clear definition of what constitutes a "religious slogan." The Carter Center recommends that lawmakers consider defining vague terms both within the laws themselves and as part of training and other education materials for use by election officials, voters and other electoral actors.

Additionally, the current electoral legal framework fails to address some important issues, creating confusion and inconsistent practices among electoral administrators and other stakeholders. For example, there is no language in any of the electoral laws explicitly addressing the assistance of illiterate voters. Electoral administrators took inconsistent approaches to assisting illiterate voters in polling stations. Some refused to provide assistance; others provided varying levels of assistance. The Carter Center recommends that lawmakers work with election administrators and other stakeholders to address gaps such as these in future iterations of the electoral legal framework.

7. ***Consolidate and clarify an impartial, efficient, and transparent electoral dispute resolution system to handle all appeals and complaints, including postelectoral appeals.***

The Carter Center recommends that Egypt establishes a single, unified process for filing all electoral complaints (either with a permanent EMB or directly with the courts), possibly through the use of a standardized complaint form available online and at multiple locations throughout the country. Overall, in order to ensure that all Egyptians have confidence in the electoral complaints system, and the opportunity to seek redress of election-related complaints, it is essential that the EMB and court decisions and actions to address complaints are clearly explained, written and recorded, and thoroughly publicized. In addition, the EMB should clearly and effectively educate voters and other electoral stakeholders about how the process works and why it is important to file a complaint if one has witnessed electoral misconduct.

To enable a more thorough review of post-electoral appeals, The Carter Center recommends that lawmakers consider extending the deadline for decisions on postelectoral appeals to two or three days after candidates file their appeals with the electoral management body. The Carter Center also urges the PEC to publish final polling-station-level results via its website at the earliest possible opportunity to reinforce the transparency of the electoral dispute resolution process, accounting for changes in vote totals based on the adjudication of electoral complaints.

8. ***Eliminate mandatory sanctions for failure to vote.***

Voting is mandatory in Egypt. During the presidential election, Egyptian law stated that a failure to vote carried with it a fine of up to 100 Egyptian pounds (approximately U.S. $17). While The Carter Center is unaware of any fines having been levied against any of the millions of Egyptians who chose not to vote, these fines are both unreasonably high and do not have the desired effect of ensuring voter turnout. Particularly in the absence of a comprehensive, rigorous program of voter education, The Carter Center suggests that these fines be eliminated.

To the Presidential Election Commission

9. ***Take steps to ensure and enhance the integrity of the voter registration process.***

The process of voter registration is a critical means of ensuring the enfranchisement of eligible voters and the integrity of an election. In the

context of a compulsory voting system, the importance of such systems is heightened and demands the highest standards of accuracy, transparency, and public confidence. As such, The Carter Center offers the following recommendations:

- Exhibit a provisional voters' list at the community level to allow for voters to scrutinize and challenge the lists as necessary, ensuring the maximum possible protection of the right of universal suffrage, a fundamental national and international obligation.
- Take proactive steps to ensure the full enfranchisement of eligible citizens, such as those who are not currently in the national identity database (especially including the disproportionate number of women), citizens who turn 18 years of age after the closing of the voters' list and before election day, citizens who have been disenfranchised due to a declaration of bankruptcy, and recently naturalized citizens. A supplementary registration process might be a useful means to ensure the full enfranchisement of Egypt's citizens who may not be in the national identity database or in possession of the national identity card.
- Finalize the voters' list well in advance of election day, which will help address any concerns or problems caused by the late dissemination of supplementary lists.
- Carry out voter education about registration processes to inform the public of their opportunity to participate in the process.

While it is not an explicit obligation in international law, releasing copies of the voters' lists to candidates and parties is a widely used international best practice that promotes greater confidence in the voter registration process. In addition, The Carter Center recommends that the final voters' lists should be subject to public review as a means of ensuring transparency in the election process and allaying concerns about the accuracy of the list.

10. ***Ensure that election officials and key stakeholders are adequately trained to consistently implement all aspects of electoral law and procedure.*** The Carter Center witnesses noted some election day procedures that were inconsistently applied during both rounds of the presidential election. The Center recommends that EMB officials develop effective methods to ensure that training is comprehensive, inclusive, and efficient for officials at all levels of election administration, consistent with international good practice. To help ensure consistency of practice, it is essential that election officials and other key stakeholders be adequately trained on all aspects of a clear and comprehensive set of electoral laws and regulations. Clear procedures should include the following issues, where Carter Center witnesses noted inconsistencies during the elections:

Assistance to illiterate voters: Carter Center witnesses reported inconsistencies regarding whether assistance was provided to illiterate voters and in the degree of assistance that was provided. Given Egypt's high illiteracy rate, The Carter Center recommends that Egyptian legislators enact legal provisions authorizing the assistance of illiterate voters by election officials that are similar to legal provisions governing the assistance of disabled or visually impaired voters. Election officials should ensure that all election personnel and other stakeholders are trained on how to correctly assist illiterate voters who may require assistance.

Inking of fingers: Carter Center witnesses noted multiple instances where voters' fingers were not checked for ink before voting. If inking is to remain a part of the voting process, EMB officials should ensure that all election officials and other stakeholders are well-trained on the existing law regarding the proper inking of fingers, including for voters who wear gloves.

Poll opening: Carter Center witnesses observed that in many instances polling stations did not open until after the legally mandated starting time

of 8 a.m. These inconsistencies in opening times may have disenfranchised some voters. It is essential that the training of election officials include the importance of opening on time and the steps that election officials and other stakeholders must take to ensure that all procedures preliminary to poll opening are completed before the designated opening time.

Closing procedures: During both rounds of voting, Carter Center witnesses observed some instances in which polling station officials commenced the vote count before closing the polling station. Beginning the vote count while voters are still casting ballots increases the likelihood that the final count will be inaccurate and decreases confidence in the integrity of the electoral process overall. The Carter Center strongly recommends that future training of election officials emphasizes a standardized approach to the closing of polling stations and the securing of ballots and that closing procedures should only be commenced after the conclusion of voting.

Interference by candidate agents: In roughly 5 percent of polling stations, Carter Center witnesses reported that candidate agents interfered in the process or actively took on roles of polling station staff. A clear distinction between polling station staff and candidate agents is necessary to promote the independence, and the perception of independence, of the electoral process. EMB officials should ensure that judges and other polling station personnel are trained on the importance of allowing only polling station staff to conduct polling activities. EMBs should also develop and implement training for candidate agents and other stakeholders to ensure they understand the limits of their roles in the process.

Ballot secrecy: Carter Center witnesses observed in many polling stations that voters were not casting their ballots in absolute secrecy, for various reasons. In addition to ensuring that polling stations and polling booths are large enough to facilitate ballot secrecy, election officials should also ensure that the right to vote in secret is incorporated into voter education efforts and that election officials are well-trained on both the importance of ballot secrecy and how to ensure that polling station rooms are best configured to ensure ballot secrecy.

Determination of ballot validity: Carter Center witnesses observed inconsistencies at the polling-station level in the determination of whether a marked ballot was valid or invalid. There did not appear to be systematic review at the District General Committee (DGC) level of polling-station-level decisions regarding ballot validity, even though the law grants DGCs authority to review and modify such decisions. Future electoral processes would benefit by developing training for election officials and other stakeholders on their roles in the process of determining and challenging ballot validity at the polling station and DGC level.

Use of secure, tamper-evident bags: Although The Carter Center observed that the transport of sensitive materials generally took place in an orderly and efficient manner, the process still allowed for the possibility of tampering. The Carter Center reiterates its recommendation that future EMBs consider the use of secure, tamper-evident bags for the transportation of materials, as a further protection against electoral fraud.

11. ***Ensure timely notification of procedural changes.*** Changes to procedures close to or on polling days, such as last-minute modifications, can create a host of challenges. It is therefore essential that EMBs prioritize the timely release of election regulations and procedures. The Carter Center recommends that in cases of unavoidable late changes to the regulations or procedures, the EMB takes immediate steps to ensure that all stakeholders (including the electorate) are alerted to and, as necessary, trained on the new regulations and procedures and that the EMB coordinates quickly with other agencies to ensure that these changed procedures and policies are properly implemented.

12. ***Put in place clear provisions that allow for the impartial observation of all electoral processes and that facilitates the work of witnessing entities such as domestic and international civil society organizations.***

The electoral framework governing the Egyptian presidential election does not currently include any provision authorizing or guaranteeing electoral witnessing by civil society organizations or other entities, such as multilateral organizations. Impartial election witnessing by domestic and international CSOs can enhance the integrity of the election process by enabling independent analysis of the quality of the process and appropriate recommendations for improvement. It promotes public confidence, electoral participation, and can mitigate the potential for election-related conflict. The Carter Center strongly urges Egypt's lawmakers to consider including provisions that provide for impartial scrutiny of the process for all future elections.

In addition, in order to facilitate effective and meaningful assessments by CSOs, Egypt's electoral authorities should (a) Establish a clear framework for witnessing organizations to follow in applying for accreditation and in operating once they have been accredited; (b) Ensure that accreditation is available prior to the start of the electoral process, which starts as early as amendments to the legal framework are discussed, and include the voter registration process and candidate nomination; (c) Provide clear channels of communication with the witnessing organizations; and most importantly, (d) Provide access to all aspects of the process for domestic and international witnesses.

13. ***Ensure that the law safeguards the independence of civil society organizations and their work from state interference while ensuring their transparency and accountability.***

CSOs are important stakeholders in the election process. If allowed to operate freely, they can perform key functions that contribute to the integrity and credibility of the electoral process, such as providing voter education and acting as watchdogs of the elections. The current Egyptian legal framework governing CSOs allows for unwarranted state interference of their activities and impedes the realization of CSOs' role as valuable independent stakeholders in the election process. To better meet its international obligations, The Carter Center urges Egypt's future legislators to adopt new laws that guarantee the autonomy of CSOs with only minimal regulation. This will help to ensure that Egypt lives up to its obligations to ensure the right to participate in public affairs and to promote transparency.

14. ***Ensure effective and collaborative voter education efforts by the election management body.***

The presidential election law gives the election management body discretionary authority to inform and educate voters about how to exercise their political rights. The EMB took some steps to educate the public, through public service announcements, instructional videos posted to official websites, and written educational material. Without the express requirement to do so, however, future EMBs might choose not to play this important role of chief educator on the electoral process. The Carter Center recommends that future EMBs should be fully obligated by the law as a nonpartisan source to inform and educate voters in line with Egypt's commitment to take all necessary steps to ensure the realization of fundamental rights, such as the right to vote in genuine periodic elections by secret ballot and with universal suffrage.

As is the case in most countries, there is more that can be done to enhance voter education further. Above all, The Carter Center urges Egypt's future electoral authorities to take concrete steps to coordinate more closely with political parties and CSOs to maximize their voter education and information efforts.

EMBs should also endeavor to expand its voter information and education campaigns to include as many forms of media as possible to provide as much coverage as possible to Egypt's voting

population, including social media. Given the crucial importance of voter education on election day itself, The Carter Center recommends that future training of poll workers emphasizes the importance of displaying voter information materials prominently at polling stations and polling centers.

15. ***Further enhance the transparency of the polling, counting, and aggregation processes.***
The Carter Center commends Egyptian lawmakers and policymakers for the steps they have taken to enhance the transparency of the electoral process, particularly through the amendment of Articles 30 and 38 of the Law Regulating the Presidential Election. The introduction of these amendments imposes a higher standard of transparency than was applied during the People's Assembly elections, where the announcement of results at the polling-station and governorate level was left to the discretion of the presiding judges and committees.

More, however, should be done to increase transparency, including the following:

- The EMB should publish the official vote count results at the polling-station level and DGC level as soon as is practical, in order to build public confidence in the final results. This is a commonly followed international good practice that is recognized as important for ensuring transparency and which promotes confidence in the credibility of the election results.
- District General Committees (DGCs), when conducting tabulation, should undertake this task in a setting that allows for meaningful witnessing of its activities by candidate agents, election witnesses, and media representatives. Particularly during the first round of the presidential election, Carter Center witnesses reported that in many instances they were unable to observe tabulation of votes by DGCs due to factors such as the poor physical layout of the rooms where this important activity was taking place.
- The EMB should consider issuing results at different stages of the process, clearly designated as preliminary (during or after the initial tabulation of results) and later, provisional (awaiting the outcome of any appeals that may affect the results), before announcing the final results. In this way, speculation might be dampened, without compromising the authority of the EMB on the final outcome. As noted above, the EMB should provide public access to decisions on all complaints in order to clarify and explain any discrepancies between the provisional and final results.
- Finally, The Carter Center strongly urges future EMBs to ensure that candidate agents, witnesses, and media are granted adequate access to the final tabulation of votes at the national level. Failing to do so inevitably casts doubt on the credibility of the electoral process as a whole.

16. ***Enforce campaign finance laws and regulations.***
The PEC lacked the resources to conduct investigations into alleged campaign finance violations. As of the date of this report, public information has not been released regarding investigations by any Egyptian governmental entity of any alleged campaign finance violations. The Carter Center urges future EMBs to establish a well-staffed division to adequately investigate and prosecute, or refer for prosecution, campaign finance violations, including allegations related to in-kind donations and campaign spending by people or entities unaffiliated with campaigns. All campaigns should be required to report both the identity of all donors and the amounts donated, and these reports should be made public on a frequent, periodic basis. All campaigns should be clearly required to submit to an audit soon after election day, and these results should be made public. Finally, The Carter Center suggests that lawmakers consider increasing the maximum spending limits for all campaigns, to reduce incentives to skirt spending limits.

17. ***Eliminate the pre-election day "silence period."*** Carter Center witnesses reported only rare instances of active campaigning during silence period and on presidential election days. It is impossible to know, however, the full extent of campaigning that may be taking place across the country before and during election days. The Carter Center recommends that lawmakers abandon the use of a campaign silence period altogether and adopt campaign limitations based on proximity to polling centers on election days. Doing so will facilitate enforcement as officials need only ensure that there is no unauthorized activity occurring within perhaps 50 or 100 meters of an active polling center rather than having to determine whether any activity occurring anywhere within a governorate constitutes illicit campaigning.

18. ***Election authorities should ensure fair media access to electoral processes.*** Although Egyptian law grants the media some access to the polling, counting, and tabulation processes at the polling-station level as well as vote aggregation and the announcement of results for each candidate at the general-committee level, the PEC limited media access in important ways, including by requiring reporters to stay no more than 30 minutes in a polling station and denying media access to the final aggregation of votes at the national level. This impedes the media from playing a critical role in deterring and exposing irregularities. The Carter Center urges Egypt's future election authorities to ensure unrestricted media access to all election operations to the greatest extent possible to allow for public scrutiny as a means of increasing transparency and accountability. Additionally, and in order to prevent any form of intimidation of media representatives, The Carter Center urges Egypt's lawmakers to ensure that clear, enforceable laws are in place to safeguard media freedom in future elections.

Appendix A
Acknowledgments

The Carter Center is grateful for the support of a number of individuals and organizations that helped make its international election witnessing mission in Egypt possible. The Center would like to thank the government of Egypt and the Presidential Election Commission for inviting the Center to witness the presidential election.

The Carter Center acknowledges the generous funding provided by the Ministry of Good Governance of the Netherlands, the Norwegian Ministry of Foreign Affairs, the Swedish International Development Cooperation Agency, the Swiss Federal Department of Foreign Affairs, and the Foreign and Commonwealth Office of the United Kingdom, which enabled the Center to witness both rounds of the presidential election. The Carter Center is grateful for their monetary support, without which the Center's operations in Egypt would not have been possible.

The Carter Center extends special thanks to Counselor Farouk Sultan, chairman of the Presidential Election Commission; General Secretary Counselor Halem Bagato; Counselor Sara Adly Hussein; and Counselor Muhammad Ramy, along with General Refa'at Qomsan, assistant Interior Minister for Administrative Affairs; Ambassador Laila Bahaa El Din, deputy assistant Foreign Minister for Human Rights; Counselor Wael Attia; Counselor Emad Morcos; and Counselor Amr Essam from the Ministry of Foreign Affairs, Human Rights, and Social Affairs Division for the invaluable assistance and advice that they all generously provided for the duration of the Center's presence in Egypt.

The Carter Center expresses its gratitude to former Yemeni Prime Minister Abdul Karim Al-Eryani, former Jordanian Foreign Minister Marwan Muasher, and Georgia state Senator Jason Carter for their invaluable leadership of the Carter Center's witnessing delegation during the second round of the presidential election. Their insight during the witnessing process was invaluable to the success of the mission.

The Carter Center's mission in Egypt would not have been possible without the incredible dedication and hard work exhibited by our long-term witnesses. Their level of commitment was an asset to the project in every stage of the witnessing process, and the Center's assessment of the Egyptian elections was greatly enhanced by the high quality of their reporting. The Center is also grateful for our delegation of short-term witnesses, whose enthusiasm and flexibility on election days allowed the Center to gather accurate data from polling stations across most governorates in Egypt.

The Carter Center benefited immensely from the efforts of the enthusiastic and talented Cairo staff. Field office operations were overseen by Field Office Director Sanne van den Bergh as well as Deputy Field Office Director Ebie duPont. Senior Program Manager Zizette Darkazally and observer coordinator Owen McDougall oversaw the coordination of the election witnessing delegations, and Phil McInerney and Amer Shakhatreh were in charge of security for the mission. The Center is grateful to legal analyst Frank McLoughlin as well as senior election administration analyst Sean Dunne and election administrator analyst Muammer Mrahorovic for their analysis and advice. Election administration associate Sherif Abdel Azim and legal assistants Salem Mostafa and Salma Sharif provided valuable assistance and support to the team. Caroline Kolta provided media updates and analysis for the duration of the mission.

The Center is also grateful for the dedication of the office staff in Cairo, including Shimaa Hellal for coordinating logistics, finance manager Safinaz Elashry, and Salma Haridy for managing the office, with support from Sameh Ibrahim. Yasser Kamal Hassan and Yasser Metwally Shaarawy organized

transportation logistics for the mission. The Center also thanks information technology expert Mostafa Saad and office drivers Alaa Bayoumi Muhammed and Ibrahim Chemise.

The Center is grateful to program assistants Cornelius Queen, Anna Carden, and Stratos Kamenis as well as political assistant Karim Malak and volunteer Claire Cooley for their instrumental research and logistical support and research assistance.

The Carter Center thanks consultants Robert Malley, Issandr El Amrani, Ursula Lindsey, and Alexandra Blackman, who provided invaluable support to the leadership delegation, and Maurice Chammah and Hany Nasr for coordinating media and the press conferences in Cairo.

The hard work on the part of a number of Atlanta-based Democracy Program staff helped ensure the success of the mission, including Paul Linnell, Aliya Naim, Traci Boyd, Tynesha Green, Deborah Hakes, Larry Frankel, Ramiro Martinez, Tom Smyth, Beth Davis, Melissa Montgomery, and Rasha Mohamed. The Egypt project was managed by Avery Davis-Roberts, while David Carroll provided overall direction for the project. This final report was drafted by Zizette Darkazally, Frank McLoughlin, Ebie duPont, Muammer Mrahorovic, and Owen McDougall. David Carroll, Avery Davis-Roberts, Sanne van den Bergh, Sean Dunne, and Sherif Abdel Azim provided significant contributions and edits to the text.

Appendix B
The Carter Center Witnessing Delegation and Staff

Delegation Leaders

Jimmy Carter, Former President of the United States

Jason Carter, Member of Georgia Senate and Attorney, The Carter Center

Abdul Karim Al-Eryani, Secretary General, Arab Association for Democracy, Former Yemeni Prime Minister

Marwan Muasher, Vice President for Studies, Carnegie Endowment, Former Jordanian Foreign Minister

Delegation

Fatima Abo Alasrar, Yemen

Abdel Rahman Abu Arafeh, Palestine

Mai Abu Moghli, Jordan

Serena Alborghetti, Italy

Samar Ali, United States

Fadoua Brour, Morocco

Bentley Brown, United States

Jason Brownlee, United States

Kathy Cade, United States

Aya Chebbi, Tunisia

Youssef Cherif, Tunisia

Nathan Christensen, United States

Oley Cole, Gambia

Amy Cook, United States

Mafalda Cruz Gomes, Portugal

Laura Dean, United States

Gregoire Delhaye, United States

Sean Ding, China

Max von Duerckheim, Germany

Ghassan Elbitar, Lebanon

Annika Folkeson, Sweden

Mouheb ben Garoui, Tunisia

Gail Gerhart, United States

Nino Goguadze, Georgia

Agnieszka Gorna, Poland

Pierre Habshi, United States

Rafik Halouani, Tunisia

Fatima Hassan, Canada

Yasir Iftikhar, Norway

Ahmad Issa, Lebanon

Jamal Issa, United States

Jon Jeppsson, Sweden

Matthew Johlie, United States

Chitra Kalyani, India

Baya Kara, Algeria

George Kara'a, Jordan

Solvej Krause, Germany

Manel Lahrabi, Tunisia

Stina Larserud, Sweden

Paola Lunden, Sweden

Charlotte McDowell, United States

Ibrahim Mothana, Yemen

Christa Mueller, Germany

Monique Nobs, Switzerland

Lise Ostby, Norway
Silja Paasilinna, Finland
Sumita Pahwa, India
Dinesh Pathak, Nepal
Leticia Troncoso Perera, Spain
Thomas K. Plofchan III, United States
Mu Qiao, China
Francesca Ricciardone, United States
Bruce Rutherford, United States
Yasser Salah, Palestine
Nadia Samet, Tunisia
Schadi Semnani, United States
Firas Shqairat, Palestine
Joshua Stacher, United States
Alexander Sumberg, United States
Said Tahri, Belgium
Carrie Wickham, United States
Julia Wickham, United Kingdom
Claudius Youmbi, Cameroon
Khalil Zerargui, France
Xinshu Zhao, United States

Long-term witnesses

Tadzrul Adha, Malaysia
Muhammad Al Musbeh, Iraq
Nicholas Alexander, United States
Marwa Alkhairo, United States
Perin Arkun, Turkey
Eleanor Bell, United Kingdom
Roger Bryant, United Kingdom
Nedra Cherif, Tunisia
Linn Edvardsen, Norway
Sarra El Idrissi, Morocco
Nadia Haddad, Tunisia
Matthew Hall, United States
Farrah Hassen, United States
George Kingori Warui, Kenya
Bartosz Lech, Poland
Paolo Maligaya, Philippines
Einas Mansour, United Kingdom
Arwa Marzouk, Tunisia
Haissam Minkara, Lebanon
Annie-Lise Mjaatvedt, Norway
Sulafa Musa, Sudan
Lucy Provan, United Kingdom
Reza Rahnema, United Kingdom
Sam Sager, United States
Nuria Sancho, Spain
Khatchig Soukiassian, France
Kieran Wanduragala, United States

Carter Center Staff

Alexandra Blackman, Consultant
David Carroll, Director, Democracy Program
Beth Davis, Office of Jimmy Carter
Avery Davis-Roberts, Assistant Director/Project Manager
Deborah Hakes, Assistant Director, Public Information
Paul Linnell, Assistant Project Coordinator
Robert Malley, Consultant
Ramiro Martinez, Financial Analyst
Rasha Mohamed, Intern
Melissa Montgomery, Executive Assistant to Former First Lady Rosalynn Carter
Aliya Naim, Assistant Project Coordinator
Tom Smyth, Consultant

Egypt International Staff

Sanne van den Bergh, Field Office Director, the Netherlands

Anna Carden, Program Assistant, United Kingdom

Maurice Chammah, Media Officer, United States

Claire Cooley, Volunteer, United States

Zizette Darkazally, Senior Program Manager, United Kingdom

Sean Dunne, Senior Election Administration Analyst, Australia

Ebie DuPont, Deputy Field Office Director, United States

Stratos Kamenis, Program Assistant, Greece

Owen McDougall, Field Analyst Coordinator, United States

Phillip McInerney, Security Manager, Australia

Frank McLoughlin, Legal Analyst, United States

Muammer Mrahorovic, Election Administration Analyst, Bosnia and Herzegovina

Cornelius Queen, Program Assistant, United States

Amer Shakhatreh, Assistant Security Manager, Jordan

Egypt National Staff

Sherif Abdelazim, Elections Administration Associate

Safinaz Elashry, Finance Manager

Mohamed Fathy, Office Assistant

Salma Mustafa Haridy, Office Manager

Shimaa Hellal, Logistics Coordinator

Sameh Ibrahim, Logistics Assistant

Caroline Kolta, Media/Gender Assistant

Karim Malak, Political Assistant

Salem Mostafa, Legal Assistant

Hany Nasr, Language Public Information Coordinator

Salma Sharif, Legal Assistant

Appendix C
Terms and Abbreviations

AoR	Area of Responsibility
CA	Constituent Assembly
CAO	Central Auditing Office
CSO	Civil Society Organization
DGC	District General Committee
EGP	Egyptian Pounds
EISA	Electoral Institute for Sustainable Democracy in Africa
EMB	Election Management Body
FJP	Freedom and Justice Party
MoD	Ministry of Defense
MoE	Ministry of Education
MoH	Ministry of Health
MoI	Ministry of Interior
MP	Member of Parliament
NCHR	National Council for Human Rights
NID	National Identity Database
OCV	Out-of-Country Voting
PEC	Presidential Election Commission
PS	Polling Station
SCAF	Supreme Council of the Armed Forces
SCC	Supreme Constitutional Court
SJCE	Supreme Judicial Commission for Elections

APPENDIX D
STATEMENTS

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
May 14, 2012

Carter Center Announces International Delegation for Egypt's Presidential Election

The Carter Center has received accreditation as an organization from Egypt's Supreme Presidential Election Commission and will deploy 22 international election witnesses from 14 countries for the presidential election scheduled May 23-24, 2012. They will be joined by a larger delegation of 80 witnesses from over 35 nations that will travel to Egypt several days before the election, led by former U.S. President Jimmy Carter.

While deployed, Carter Center delegates will witness the activities of the election administration, election campaigning, voting, counting and tabulation processes, and other issues related to the overall electoral process in Egypt. They also will meet with election officials, political party and civil society representatives, members of the international community, and other stakeholders.
Due to the late accreditation of witnesses for this historic election, as well as a lack of clarity on witnessing organizations' ability to speak publicly, this election witnessing mission is, unfortunately, limited in scope.

The Carter Center's election mission is conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was commemorated at the United Nations in 2005 and has been endorsed by 40 election observation groups. The Center assesses the electoral process based on Egypt's national legal framework and its obligations for democratic elections contained in regional and international agreements.

####

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

May 26, 2012

Executive Summary of Carter Center Preliminary Statement on Egypt's Presidential Election

Read the full preliminary statement:

In English

The Carter Center election witnessing mission was accredited in Egypt by the Presidential Election Commission (PEC) on May 3, 2012. Accreditation badges, necessary for witnesses to observe the process, were only provided on May 16, less than seven days before the election. The Carter Center mission, which is led by former U.S. President Jimmy Carter, includes a total of 102 witnesses from 35 countries who visited 909 polling stations in 25 governorates to follow voting, counting, and tabulation.

The Center's witnesses continue to assess the conclusion of the vote tabulation, and will remain in Egypt to follow the runoff election and the post-election environment. This statement is preliminary; a final report will be published four months after the end of the electoral process. The Carter Center mission to Egypt is limited in scope due to the late stage of accreditation, the limitation that witnessing missions could not issue statements prior to polling, and a 30-minute time limit restriction on witnesses' presence inside polling stations.

Executive Summary

Egypt's first presidential election in the post-Mubarak era marks the first time in Egypt's history that the head of state will be directly elected by the people in a competitive election.

Due to restrictions imposed on election witnesses by Egypt's electoral authorities that prevented assessment of critical pre-election phases including voter registration and campaigning, The Carter Center was only able to conduct a limited mission focusing on voting, counting, and vote tabulation. As a result, the Center is unable to reach a conclusion about the process as a whole. The Center's limited mission found that the polling process was peaceful and orderly and marked by a sense of hope in Egypt's struggle for democracy. The Center noted an important new measure to promote transparency - counting at the polling station in the presence of candidate agents and witnesses. At the same time, the Center also found that election authorities prohibited access to the final aggregation of national results, undermining the overall transparency of the process. Final results have not been announced yet and the electoral process is ongoing.

The broader context in which these elections were held is a cause for concern. To date, several fundamental questions remain unanswered and continue to cast uncertainty over the continued transition process, including the degree to which the powers of the new president will be balanced by other institutions. While the Center's assessment of the voting and counting process is generally positive thus far, it falls within this larger context of concerns about key aspects of the legal and electoral framework. In summary, the Center finds that:

- Article 28 of the Constitutional Declaration makes the decisions of the PEC final, not permitting objections by any party against its decisions, nor allowing them to be suspended or cancelled. The lack of ability to appeal the PEC's decisions is a limitation on the right to an effective remedy and administrative appeal. Given the unparalleled powers of the PEC, public confidence in the impartiality of the body is even more essential to the credibility of the entire electoral process.
- The ongoing application of loosely defined provisions of the Emergency Law continues to stifle democratic debate, thereby hindering the full enjoyment of electoral rights.
- The late amendment of laws and procedures pose severe challenges for the stability and credibility of an election process. They also create significant difficulties in ensuring that election officials are trained and voters properly informed, increasing the risk of administrative irregularities in the election process.
- Egyptian law recognizes the importance of impartial scrutiny of the election process by having a specific provision for witnessing by domestic and international Civil Society Organizations (CSOs). This provision, however, is severely undermined by a series of restrictions introduced by the PEC, hindering the ability of witnesses to observe essential aspects of the election process. CSOs are important election stakeholders and if allowed to operate freely can perform key functions such as witnessing that enhance transparency and lend credibility to the process as warranted. Carter Center witnesses reported low numbers of domestic observers in polling stations visited.
- The election days were largely peaceful and orderly. Polling stations visited by Carter Center witnesses were generally accessible and free of interference throughout the two days. Polling stations generally opened late, and a significant percentage closed earlier than the official 9 p.m. closing time.
- Procedural irregularities were at times witnessed by various Carter Center teams across Egypt. These included failure to check for ink, inking of fingers, and the inconsistent implementation of closing procedures before starting counting.
- In approximately one-third of polling stations visited, Carter Center witnesses reported instances in which the secrecy of the ballot was undermined. This was usually due to the layout of the polling station, disclosure of preferences by voters themselves, inappropriate assistance by judges, and overcrowding. In general, Carter Center witnesses judged that the integrity of voting was not fundamentally undermined in these instances.
- During the counting process, in most cases, the presiding judge publicly announced the results of the count to those present in the polling station. In almost all cases, candidate agents were provided copies of the results by the presiding judge. This was an important transparency measure, and enhances the overall credibility of the results in the eyes of most Egyptians.
- Overall, Carter Center witnesses assessed that the quality of the polling process in a large majority of polling stations visited were good.
- The Carter Center made a request to be able to have witnesses present at the PEC's Cairo headquarters during the aggregation of national results. The PEC informed the Center that only their election officials can be present during this process. The absence of candidate agents, media representatives, and domestic and international witnesses at this crucial juncture of the election process undermines the overall transparency of the election results.

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
May 26, 2012
CONTACT: Deborah Hakes in Cairo +2 010 1283 2236 or dhakes@emory.edu

Carter Center Preliminary Statement on Egypt's Presidential Election

The Carter Center election witnessing mission was accredited in Egypt by the Presidential Election Commission (PEC) on May 3, 2012. Accreditation badges, necessary for witnesses to observe the process, were only provided on May 16, less than seven days before the election. The Carter Center mission, which is led by former U.S. President Jimmy Carter, includes a total of 102 witnesses from 35 countries who visited 909 polling stations in 25 governorates to follow voting, counting, and tabulation. The Center's witnesses continue to assess the conclusion of the vote tabulation, and will remain in Egypt to follow the runoff election and the post-election environment. This statement is preliminary; a final report will be published four months after the end of the electoral process.[1] The Carter Center mission to Egypt is limited in scope due to the late stage of accreditation, the limitation that witnessing missions could not issue statements prior to polling, and a 30-minute time limit restriction on witnesses' presence inside polling stations.

Executive Summary

Egypt's first presidential election in the post-Mubarak era marks the first time in Egypt's history that the head of state will be directly elected by the people in a competitive election.

Due to restrictions imposed on election witnesses by Egypt's electoral authorities that prevented assessment of critical pre-election phases including voter registration and campaigning, The Carter Center was only able to conduct a limited mission focusing on voting, counting, and vote tabulation. As a result, the Center is unable to reach a conclusion about the process as a whole. The Center's limited mission found that the polling process was peaceful and orderly and marked by a sense of hope in Egypt's struggle for democracy. The Center noted an important new measure to promote transparency - counting at the polling station in the presence of candidate agents and witnesses. At the same time, the Center also found that election authorities prohibited access to the final aggregation of national results, undermining the overall transparency of the process. Final results have not been announced yet and the electoral process is ongoing.

The broader context in which these elections were held is a cause for concern. To date, several fundamental questions remain unanswered and continue to cast uncertainty over the continued transition

[1] The Carter Center assesses elections against international obligations for elections, and in accordance with the Declaration of Principles for International Election Observation.

process, including the degree to which the powers of the new president will be balanced by other institutions. While the Center's assessment of the voting and counting process is generally positive thus far, it falls within this larger context of concerns about key aspects of the legal and electoral framework. In summary, the Center finds that:

- Article 28 of the Constitutional Declaration makes the decisions of the PEC final, not permitting objections by any party against its decisions, nor allowing them to be suspended or cancelled. The lack of ability to appeal the PEC's decisions is a limitation on the right to an effective remedy and administrative appeal.[2] Given the unparalleled powers of the PEC, public confidence in the impartiality of the body is even more essential to the credibility of the entire electoral process.
- The ongoing application of loosely defined provisions of the Emergency Law continues to stifle democratic debate, thereby hindering the full enjoyment of electoral rights.
- The late amendment of laws and procedures pose severe challenges for the stability and credibility of an election process.[3] They also create significant difficulties in ensuring that election officials are trained and voters properly informed, increasing the risk of administrative irregularities in the election process.
- Egyptian law recognizes the importance of impartial scrutiny of the election process by having a specific provision for witnessing by domestic and international Civil Society Organizations (CSOs). This provision, however, is severely undermined by a series of restrictions introduced by the PEC, hindering the ability of witnesses to observe essential aspects of the election process. CSOs are important election stakeholders and if allowed to operate freely can perform key functions such as witnessing that enhance transparency and lend credibility to the process as warranted. Carter Center witnesses reported low numbers of domestic observers in polling stations visited.
- The election days were largely peaceful and orderly. Polling stations visited by Carter Center witnesses were generally accessible and free of interference throughout the two days. Polling stations generally opened late, and a significant percentage closed earlier than the official 9 p.m. closing time.
- Procedural irregularities were at times witnessed by various Carter Center teams across Egypt. These included failure to check for ink, inking of fingers, and the inconsistent implementation of closing procedures before starting counting.
- In approximately one-third of polling stations visited, Carter Center witnesses reported instances in which the secrecy of the ballot was undermined. This was usually due to the layout of the polling station, disclosure of preferences by voters themselves, inappropriate assistance by judges, and overcrowding. In general, Carter Center witnesses judged that the integrity of voting was not fundamentally undermined in these instances.
- During the counting process, in most cases, the presiding judge publicly announced the results of the count to those present in the polling station. In almost all cases, candidate agents were provided copies of the results by the presiding judge. This was an important transparency measure, and enhances the overall credibility of the results in the eyes of most Egyptians.
- Overall, Carter Center witnesses assessed that the quality of the polling process in a large majority of polling stations visited were good.
- The Carter Center made a request to be able to have witnesses present at the PEC's Cairo headquarters during the aggregation of national results. The PEC informed the Center that only their election officials can be present during this process. The absence of candidate agents, media representatives, and domestic and international witnesses at this crucial juncture of the election process undermines the overall transparency of the election results.

[2] UN, International Covenant on Civil and Political Rights, Art. 2(3); AU, African Commission on Peoples' and Human Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, C (a).
[3] For example, significant amendments to articles 38 and 54 of the presidential election law were made on May 20, three days prior to polling.

Background
The parliamentary elections, ending in early 2012, created a new political landscape in Egyptian politics. The lack of a clear transition timetable and the absence of meaningful institutional and sectoral reform have fostered an atmosphere of speculation, suspicion, and skepticism. The Supreme Council of the Armed Forces's (SCAF) opaque administration and lack of public accountability has further fueled popular discontent and uncertainty, leading to several violent clashes where security forces used excessive force against civilians. No adequate investigations have been conducted.

In this context, the transition has followed an uncertain course, producing a fragile political environment as a backdrop to the presidential election. For the moment, the energy and intensity of the presidential election overshadows other crises, including the stalled constitutional-drafting process to define the form and structure of the new government and the powers of the presidency, as well as the outcome of a legal challenge to the constitutionality of the parliamentary elections. At the same time, several pressing concerns await the new president, including the worsening economic situation, rule of law, the role and privileges of the armed forces, and the reform of the government's institutions. The election of the president is therefore just one step in an ongoing transition, the ultimate success of which will depend on the formation of an inclusive constituent assembly and a constitution drafting process that all Egyptians can view as fair and legitimate.

Witnessing Constraints and Limitations
The witnessing rules imposed by the Presidential Election Commission (PEC) and the late stage at which accreditation was issued to both international and domestic witnessing groups severely limited the Carter Center's ability to follow the election process and draw conclusions about the overall process. While the PEC started election preparations on March 8, 2012, The Carter Center as an organization was only accredited on May 3. Accreditation badges, necessary for witnesses to observe the process, were only provided on May 16, less than seven days before the election.

In addition, PEC regulations prohibit witnesses from issuing public statements prior to the vote count, directly impeding the freedom to assess the process without interference. The PEC also restricted election witnesses and media representatives to a time limit of 30 minutes inside polling stations, thereby denying unimpeded analyses. The Carter Center has not encountered such restrictions in the 90 elections previously observed. While the Center decided that the importance of the Egyptian elections warranted continued involvement of our witnessing mission, the PEC's restrictions are contrary to core principles of credible and effective election observation and The Carter Center will not witness future elections in such circumstances.

The Carter Center is a signatory to the 2005 *Declaration of Principles for International Election Observation* that elaborates the principles for credible and professional international election observation missions and outlines reciprocal obligations with host governments. Mindful of the constraints imposed in Egypt which prevented The Carter Center from deploying a mission in time to assess voter registration, key election preparations, candidate nomination and the campaign process, the Center has only been able to deploy a limited mission to directly witness polling, counting, and tabulation. The scope of the Center's statement is therefore limited to a brief analysis of the legal and electoral framework, and the voting and counting that it has been able to assess.

Electoral and Legal Framework
Egypt is defined as a single-national constituency for the presidential election. The presidential electoral system uses an absolute majority electoral system in the first round, where a candidate must receive more

than 50 percent of the vote to win. If no candidate wins in the first round, the two candidates with the highest number of votes proceed to a runoff round to determine the winner.[4]

Egypt's presidential elections are conducted under the exclusive authority of an impermanent PEC that was reinstated when the SCAF issued the amended presidential election law on Jan. 19, 2012. The PEC is composed of five judicial members appointed *ex officio*, and is chaired by the Head of the Supreme Constitutional Court (SCC). The PEC's decisions are implemented by a general secretariat that coordinates and directs Egypt's state agencies to implement the PEC's decisions. In accordance with Egyptian law, all polling and counting activities inside Egypt must be supervised by judges.[5]

The legal sources that define Egypt's presidential election are the Constitutional Declaration of March 30, 2011 (as the interim constitution), Law No. 174 of 2005 as amended (Regulating the Presidential Elections) and Law No. 73 of 1956 as amended (the Law on the Exercise of Political Rights), as well as Egypt's commitments stemming from international instruments.[6] It is against these laws and obligations that The Carter Center assesses the electoral process.

The Carter Center highlights the following areas as potential concerns regarding the legal and electoral framework:

- Article 28 of the Constitutional Declaration makes the decisions of the PEC final, not permitting objections by any party against its decisions, nor allowing them to be suspended or cancelled. The lack of ability to appeal the PEC's decisions is a limitation on the right to an effective remedy and administrative appeal.[7] Given the unparalleled powers of the PEC, public confidence in the impartiality of the body is even more essential to the credibility of the entire electoral process.
- The ongoing application of the Emergency Law, which should only be employed in exceptional circumstances, continues to undermine confidence that Egyptians' rights to fair trial, free speech, and freedom of assembly and association, are fully respected.
- There exist restrictions on the right to vote and to be elected that are unreasonable, particularly when considered in light of Egypt's international obligations.[8] Denial of eligibility based on bankruptcy status, and in the case of candidates, political affiliation, a parent's non-Egyptian nationality, or lack of rehabilitation following conviction of crimes (including politically motivated convictions) exceeds international norms as grounds for political exclusion. In addition, persons that turn 18 years of age between the announcement of the election and the date of polling are not included in the voter registry. Including newly-turned 18-year olds is an easily correctable shortcoming in Egypt's protection of the right to vote and universal suffrage.[9]
- While the PEC has issued 19 decrees to regulate various parts of the election process, the procedural framework remains underdeveloped, for example, in the lack of instructions on mechanisms to lodge complaints by citizens, or in detailed regulatory provisions establishing voting and counting procedures. In addition, the law includes terms that are not clearly defined, for example on electoral

[4] In the case of a tie among candidates for the top two positions, the runoff race is a simple majority among these candidates.
[5] Out-of-Country voting in diplomatic missions can be overseen by Egypt's Ministry of Foreign affairs.
[6] For example, the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.
[7] UN, International Covenant on Civil and Political Rights, Art. 2(3); AU, African Commission on Peoples' and Human Rights, Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, C (a).
[8] UN, International Covenant on Civil and Political Rights, Art. 25(b);
[9] UN, International Covenant on Civil and Political Rights, Art. 25(b); UN, United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", para. 11.

propaganda, which undermines the commitment to ensure that laws and procedures are not arbitrarily applied.[10]

- The late amendment of laws and procedures pose severe challenges for the stability and credibility of an election process.[11] They also impose significant difficulties in ensuring that election officials are trained and voters properly informed, escalating the risk of irregularities in the election process.

Witnessing the Presidential Election

Voting is a fundamental exercise of a citizen's political rights. The accuracy of the procedures and process by which these votes are aggregated is not only essential to the full expression of popular will, but is also critical to ensure the rights of citizens to both elect and be elected.[12]

On March 7, 2012, the PEC formally invited eligible Egyptian citizens to vote for president on May 23 – 24, and to participate in runoff elections, if required.[13] On the same day, the PEC also issued a decree to establish out-of-country-voting (OCV) to permit Egyptians abroad to participate in polling.[14] An update of the voters' list, extracted from the National Identity Database (NID), was started on March 8 and as reported in the media reportedly resulted in 50,524,993 registered voters in Egypt and 586,801 voters abroad.[15]

A candidate nomination process was conducted from March 10 to April 8, allowing candidates to be nominated either by a party with a seat in parliament, through the collection of 30,000 signatures, or by the endorsement of 30 members of parliament. Of 23 nominees, 10 were excluded by the PEC and a final list of 13 candidates was announced on April 26.[16] Official campaigning was scheduled from April 30, to midnight of May 20, imposing two days of campaign silence before polling.

A judge presided over each of Egypt's 13,099 polling stations, which were each allocated up to 6,000 voters. Voting occurred between 8 a.m. and 9 p.m. over two consecutive days of polling. Counting was conducted at the end of polling on the second day at the polling-station level, and the results then aggregated at the district level,[17] before being transmitted to the PEC's Cairo headquarters. Presiding judges were required to announce the results at the conclusion of counting, and to provide each candidate agent present with a copy of the results. District General Committees (DGC) are also required to provide a copy of the aggregated results to candidate agents at the district level, before transmitting the results to the PEC's Cairo headquarters.

Poll Opening

Carter Center witnesses were able to observe the opening of 80 polling stations in 24 governorates (43 on the first day of polling, and 37 on the second.) The main observations of witnesses at the opening of these polling stations included that:

- Polling centers were generally considered accessible and free of interference, with good queue management outside the center.

[10] UN, United Nations Human Rights Committee, General Comment 25 on "The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service", para. 4.
[11] For example, significant amendments to articles 38 and 54 of the presidential election law were made on May 20, three days prior to polling.
[12] UN, International Covenant on Civil and Political Rights, Art. 25 (b)
[13] PEC Decree 5 of 2012
[14] PEC Decree 4 of 2012
[15] http://www.egyptindependent.com/news/elections-commission-may-redistribute-voters-over-election-districts-says-source, May 16, 2012
[16] Of these final candidates, Ahmed Shafiq's eligibility remains uncertain awaiting the outcome of his constitutional challenge to the political isolation law that would otherwise exclude him.
[17] For operational purposes, election districts are correlated with 351 police districts nationwide.

- Less than one-third of polling stations opened on schedule at 8 a.m., while just under two-thirds opened by 9 a.m. Delays were mainly caused by the time taken to prepare the materials and configure the polling station, while in several cases the opening was held up by late poll workers, judges, or candidate agents.
- Witnesses reported that presiding judges received a supplementary voters' list at the opening of the polls. The PEC advised The Carter Center that these supplementary lists included the names of security forces staff that were received after the voters' lists had been prepared, and were sent to all polling stations. As security forces employees, these persons were ineligible to vote, but had not been removed from the voters' list. Presiding judges were therefore instructed to exclude those on the supplementary lists from their respective voters' lists. The late dissemination of such supplementary lists could cause suspicion. In the future, these lists and their content should be made clear to voters, judges, and poll workers and the list produced well in advance of election day.
- Opening procedures were correctly followed in most cases and were predominantly free from interference. Difficulties arose in several cases with the incorrect recording of ballot books and ballot box seals on the first day, while witness and candidate agents were not able to confirm the ballot box seal numbers in a few cases on the second day.
- Candidate agents were present in almost all polling stations during opening. However, domestic witnesses were only present in about ten percent of polling stations visited. This likely reflects the impact of the late accreditation of domestic witnesses by the PEC, which severely hindered their ability to deploy across the country.

Polling

Carter Center witnesses attended 829 polling stations across 25 governorates (442 on the first day of polling, and 387 on the second) noting the following observations at these polling stations:

- The majority of polling centers visited were accessible and free of interference, although approximately 10 percent suffered from active campaigning. Most polling stations were free of disruptions and interference, although this is only based on reports filed during the 30 minutes that Carter Center witnesses were permitted to be in polling stations. Where interference was reported, it was noted that the presiding judge failed to take action in most cases.
- In 10 percent of cases, Carter Center witnesses observed voters who were not allowed to cast a vote. This was usually because they were not included on the voters' list in the polling station or they did not have their identity card.
- In the large majority of polling stations observed candidate agents were present; however, domestic witnesses were observed to be absent in 90 percent of stations visited. In general, candidate agents and witnesses were allowed to conduct their work unhindered, although the Center's witnesses were denied access in a few cases by security officials.
- Voter information materials were displayed in the majority of polling stations visited by Center witnesses.
- In almost half of the polling stations visited by witnesses, procedural errors were observed. Most prominent among these were the failure to check for previous ink and to correctly ink the voter's finger.
- Where the ballot box became full and required replacement, the procedures of sealing the full ballot box and introducing a new empty box was observed to be correctly followed in most cases.
- Violations of the secrecy of the ballot were witnessed in one-third of polling stations visited by Carter Center witnesses. Where the secrecy of the vote was observed to be compromised, most breaches arose due to the layout of the polling station, disclosure by the voter themselves of how they voted, inappropriate assistance from judges, and overcrowding.
- Only a few complaints were observed to have been officially lodged in the stations witnessed during the course of polling.

Closing
As the presidential election is conducted over two days of polling, the close of polls at the end of the first day required that ballot boxes be sealed and secured overnight. At the end of polling on the second day, polling stations are closed and counting then conducted. The PEC extended polling on both days for an extra hour, from 8 p.m. to 9 p.m. The PEC's procedures state that voters still in the queue at the time the polling station closes must be allowed to vote. Carter Center witnesses observed closing at 64 polling stations across 24 governorates (38 on the first day, and 26 polling stations across 15 governorates on the second day.) The major findings from these polling stations were:

- Approximately one-third of polling stations closed earlier than the appointed time of 9 p.m. In almost one-fifth of cases, voters that were still in the queue at the time of closing were turned away without the chance to vote, contrary to PEC procedures and to commonly recognized international good practice to ensure the right to vote.
- In almost all polling stations visited, used ballot boxes were properly sealed for overnight storage on the first day, and secured inside the polling station with other polling materials.
- The poll closing was free from interference in almost all cases, with a few occasions where security officials created confusion.
- Candidate agents were present in almost all polling stations during closing. In contrast, domestic witnesses were present in only a fifth of stations. Candidate agents, witnesses and media representatives were generally able to conduct their work unhindered.
- Overall, Carter Center witnesses characterized the closing of poll stations as good in a large majority of cases.

Counting
The counting of ballots was conducted at polling stations, following the closing of polling on the second day. The Carter Center's witnesses were able to observe counting in 37 polling stations across 23 governorates. The major findings from these polling stations during counting were:

- During the count process, accredited media representatives were observed in about one-third of polling stations, while candidate agents were present in all stations and domestic witnesses were present in less than half. These groups were permitted to conduct their work unhindered.
- In most cases polling activities were fully completed prior to the start of counting.
- In three-quarters of the stations, counting was conducted in accordance with procedures. The poor implementation of procedures for ballot reconciliation and the counting process, and inconsistencies in the determination of invalid and valid votes were among the more common errors witnessed. Inappropriate involvement in the counting process by candidate agents and security officials who directly assisting poll workers occurred in a few cases.
- In most cases the presiding judge publicly announced the results of the count to those present in the polling station. In all but one case, candidate agents were provided with a copy of the results by the presiding judge. The provision of copies of results forms to candidate agents is probably the single most important step supporting the transparency of the counting process.
- In a large majority of cases, sensitive materials were secured for transportation and proceeded without logistical difficulties.

Aggregation
The process of aggregating vote results is one of the most sensitive in an election and demands the highest levels of transparency to ensure confidence in the integrity of the process. Aggregation of the count results was to be conducted by DGC's in each of 351 operational electoral districts throughout Egypt, where polling station results were delivered by the relevant presiding judges. After being aggregated at the district level, results are then to be transmitted to the PEC's Cairo headquarters. The national aggregation of results is conducted at the PEC headquarters, which is the only official and authorized

source of final results. The Carter Center's witnesses were able to attend 33 District General Committees in 21 governorates. The main findings include that:

- The Carter Center made a request to be able to have witnesses present at the PEC's Cairo headquarters during the aggregation of national results. The PEC informed the Center that only their election officials can be present during this process. The absence of candidate agents, media representatives, and domestic and international witnesses at this crucial juncture of the election process severely undermines the overall transparency of the election results.
- DGC facilities were orderly and well secured by police and military officials. It is noteworthy that security forces were also observed inside aggregation centers in more than three quarters of cases.
- In all cases observed, the polling station count results were delivered to the DGCs by presiding judges and sensitive materials were recorded through an organized intake process.
- While the aggregation processes observed were free from any disruptions, Carter Center witnesses reported that in over half of the DGCs visited, the physical layout did not allow witnesses to observe the transfer of data from count forms to aggregation forms. In general, the performance of election officials, candidate agents and the aggregation process were described as good, however, the transparency of the process was poor. While candidate agents were seen in most centers, domestic witnesses and accredited media were present in just over half.

####

Waging Peace. Fighting Disease. Building Hope."
The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit www.cartercenter.org to learn more about The Carter Center.

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

Clarification on Carter Center Egypt Election Statement
May 26, 2012

In response to false reports in the media, The Carter Center election witnessing mission confirms that it has not issued any statements relating to the presidential election results. The Carter Center's preliminary statement on the first round of the presidential election, which was formally issued by President Jimmy Carter on May 26, 2012, can be viewed here ***(and in the text that follows this statement)***

توضيح البيان الصادر عن مركز كارتر فيما يخص الإنتخابات الرئاسية المصرية

رداً على التاقرير المغلوطة التي تناولتها وسائل العلام، تؤكد بعثة مركز كارتر لمتابعة الإنتخابات بأنه لم يصدر عنها أي اعلان عن نتيجة الإنتخابات الرئاسية. مرفق، البيان التمهيدي الصادر عن مركز كارتر عقب الجولة الأولى للإنتخابات الرئاسية الذي اصدره بشكل رسمي الرئيس جيمي كارتر مؤرخ بتاريخ ٢٦ مايو.

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

June 11, 2012

Carter Center Announces Delegation to Witness Runoff Election in Egypt

The Carter Center announced today that it will deploy a limited mission to witness parts of the June 16-17, 2012, runoff election for Egypt's president. The Center will deploy 90 witnesses from 36 countries to follow polling, counting, and those parts of the tabulation processes to which the Center has access. Twenty-six of the witnesses are already deployed to assess the short campaign period between the first and second round of polling.

The Carter Center mission will be led by former Prime Minister of Yemen Abdelkarim Al-Iriyani and former Foreign Minister of Jordan Marwan Muasher, and will also include Jason Carter, state senator of Georgia, and David Carroll, director of the Carter Center's Democracy Program.

Carter Center witnesses received accreditation cards from the Presidential Election Commission (PEC) on May 16, less than a week before the first round of polling, which prevented assessment of critical pre-election phases including voter registration, candidate nomination, and campaigning . Due to the late accreditation for the election, as well as other limitations that included restrictions on issuing public statements, a 30-minute time limitation on witnesses' access to polling stations, and a lack of access to the aggregation of results at the national level, the Center was only able to deploy a limited mission to witness the first round of voting on May 23- 24, 2012.

Because of the continued application of these restrictions, the Center's mission for the runoff is unfortunately also limited. As a result, the Center will not be able to draw conclusions about the overall electoral process, and its statements therefore will focus solely on those aspects of the process to which its witnesses have direct access.

A preliminary statement of the Center's findings on the first round, released May 26, reported that while the polling process was largely peaceful and orderly, it occurred in a broader political context beset by uncertainty. The statement refrained from providing an overall assessment of the process, and noted that the PEC's restrictions undermined the overall transparency of the process.

The Carter Center's election mission is conducted in accordance with the Declaration of Principles for International Election Observation and Code of Conduct that was commemorated at the United Nations in 2005 and has been endorsed by 40 election observation groups. The Center assesses the electoral process based on Egypt's national legal framework and its obligations for democratic elections contained in regional and international agreements.

####

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE
June 19, 2012
CONTACT: In Cairo, Maurice Chammah +2 010 1283 2236 or Maurice.chammah@egypt.cceom.org
In Atlanta, Deborah Hakes 1-404-420-5124 or dhakes@emory.edu

The Carter Center Releases Preliminary Statement on the Second Round of Egypt's Presidential Election

The Carter Center's election witnessing mission in Egypt issued preliminary findings today for the second round of Egypt's presidential elections. The Center noted that the Egyptian people again have demonstrated their deep commitment to the electoral process. However, The Carter Center expressed grave concern about the broader political and constitutional context, which calls into question the meaning and purpose of the elections.

"I am deeply troubled by the undemocratic turn that Egypt's transition has taken. The dissolution of the democratically-elected parliament and the return of elements of martial law generated uncertainty about the constitutional process before the election," said former U.S. President Jimmy Carter. "The Supreme Council of the Armed Forces' new Constitutional Declaration, in which they carve out special privileges for the military and inject themselves into the constitution drafting process, violates their prior commitment to the Egyptian people to make a full transfer of power to an elected civilian government. A constitution is a permanent foundation for the nation, and must be fully inclusive and legitimate. An unelected military body should not interfere in the constitution drafting process."

Ultimately, a truly democratic transition requires not just elections, but the full transfer of power to those elected civilian institutions, and the drafting of a constitution by an inclusive and legitimate Constituent Assembly. Given the dissolution of parliament, the reinstatement of certain military powers of arrest and detention, and the Supreme Council of the Armed Forces' newest Constitutional Declaration, among other issues, it is now unclear whether a truly democratic transition remains underway in Egypt.

The Carter Center election witnessing mission was accredited in Egypt by the Presidential Election Commission (PEC) on May 3, 2012. Accreditation badges, necessary for witnesses to observe the process, were only provided on May 16, less than seven days before the first round of the Presidential Election. The Carter Center mission, which is led by Abdelkarim Al-Iryani, former Prime Minister of Yemen, Marwan Muasher, former Foreign Minister of Jordan, and Jason Carter, State Senator of Georgia, includes a total of over 90 witnesses from 36 countries. During the second round of the Presidential Election, witnesses made nearly 1,000 polling station visits in 25 governorates to follow voting, counting, and tabulation. Additionally, 26 long-term witnesses from 15 countries also witnessed the second round campaign phase. The Center's witnesses continue to assess the conclusion of the vote tabulation, and will remain in Egypt to witness and assess the post-election environment. The Carter Center mission to Egypt is limited in scope due to the late issuance of accreditation, the provision that witnessing missions could not issue statements prior to polling, a 30-minute time restriction on witnesses' presence inside polling stations, and the prohibition of witnessing the final aggregation of the results.

THE
CARTER CENTER

June 19, 2012
Cairo, Egypt

The Carter Center's Preliminary Statement on the Second Round of Egypt's Presidential Election

The May-June 2012 Presidential Election marks at least the fifth time that Egyptians have gone to the polls in the last 18 months, and it serves as further evidence of the unwavering commitment of the Egyptian people to democracy. However, decisions taken in the days leading up to, and immediately following, the second round of these elections raise grave concerns about the course of Egypt's transition. Ultimately, a genuine democratic transition will require more than elections. It also will require the establishment of a democratically-elected, civilian government, with full authority over the military, and the inclusive drafting and adoption of a new constitution that represents the interests of all Egyptians and the fundamental principles of democracy.

The weeks prior to the election were characterized by constitutional and political uncertainty. The anticipation of the Supreme Constitutional Court decisions regarding the Political Isolation Law and the constitutionality of the democratically-elected Parliament left Egyptian voters unsure of whether the two final candidates, Ahmed Shafiq and Mohamed Morsi, would be competing in the election at all. The court's announcement two days prior to the election that the lower house of Parliament should be dissolved cast further doubt upon the role and value of these presidential elections in the ongoing transition process. Indeed, because the People's Assembly was a popularly-elected parliamentary body with legislative powers and the constitutional mandate, affirmed by the March 2011 referendum, to select the Constituent Assembly responsible for drafting a new constitution, the court's decision overshadowed the entire trajectory of Egypt's transition.

On Election Day, Egyptians went to the polls with only a vague, interim constitution and no political consensus on the next steps of drafting a new one, forcing voters to choose a presidential candidate without clarity on the precise role and responsibilities of the new president. While this was also the case during the first round of voting, the dissolution of parliament only strengthened the sense of uncertainty surrounding the nature and course of the constitution drafting process and ergo the democratic transition.

The Carter Center has significant concerns not only about the lack of a clear roadmap for the transition, but also about the continued role of the unelected Supreme Council of the Armed Forces (SCAF) in the government of the country. These concerns have been heightened by the recent, troubling decree of the Ministry of Justice which grants the military far-reaching powers to detain and try civilians for a range of alleged criminal activities. Most alarming of all, however, was the unilateral issuance of an addendum to the constitution by the SCAF, even as Egyptians' presidential votes were being counted. This new declaration appears to enshrine a continuing, dominant role for the SCAF within the Egyptian government, with the SCAF appropriating vast additional powers until a new constitution is approved, including not only executive but legislative authority, and an inappropriate role in the constitutional drafting process itself. The new declaration, coupled with the dissolution of the democratically elected People's Assembly, calls into question SCAF's oft-repeated commitment to transfer meaningful power to civilians by July 1, 2012.

It is imperative that the SCAF, as an unelected military body, not interfere in the constitution drafting process. A Constituent Assembly with popular legitimacy must be granted the opportunity for full and complete debate and discourse on the content of the constitution and Egypt's political future. In addition, the SCAF must turn over legislative power to a democratically-elected parliament as soon as possible. Finally, the success of the

transition will require guaranteed respect for and protection of the fundamental civil and political rights of all Egyptians, by a democratically-elected, civilian government.

The Carter Center cannot provide a comprehensive assessment of the integrity of the elections due to the limited nature of the mission. While Carter Center witnesses found that most aspects of the June 16-17 voting and counting process were free from major and systematic flaws that unfairly advantaged either candidate, the uncertain political climate in which these elections took place renders the meaning of these elections unclear. With this in mind, The Carter Center respectfully offers the Egyptian people the preliminary observations on the second round of the presidential election summarized below. The election process is ongoing and official results are yet to be announced.

ELECTION WITNESSES' FINDINGS

While the Presidential Election Commission (PEC) started election preparations on March 8, 2012, the Carter Center's election witnessing mission was accredited as an organisation in Egypt by the PEC only on May 3. Furthermore, accreditation badges necessary for witnesses to observe the process were only provided on May 16, less than seven days before the first round of the Presidential Election. In addition to late accreditation, witnesses (and the media) were subject to a 30-minute time limit inside polling stations, and there was a lack of clarity about the ability of witness organisations to issue public statements on the electoral process prior to the results. Finally, the PEC refused access to the national level vote aggregation to domestic and international witnesses, media, and candidate agents during both rounds of the election. Due to these restrictions, the Carter Center's mission to Egypt is limited in scope and unable to draw conclusions about the overall election process. While the Center decided that the importance of the Presidential eEection warranted the continued involvement of its witnessing mission, the PEC's restrictions are contrary to the core principles of credible and effective election observation and The Carter Center will not witness future elections in such circumstances.

The Carter Center mission for the second round of the Presidential Election, which is led by Abdel Karim Al-Eryani, former prime minister of Yemen, Marwan Muasher, former foreign minister of Jordan, and Jason Carter, State Senator of Georgia, includes a total of over 90 witnesses from 36 countries. Witnesses made nearly 1000 visits to polling stations in 25 governorates to follow voting, counting, and tabulation and 26 long-term witnesses also witnessed the second round campaign phase.

The main findings of the mission regarding those parts of the electoral process that it could witness are summarized below:

The voters' list should be made available for public scrutiny and shared with campaigns as a means of promoting integrity and transparency of the election process. The decision of the PEC to withhold the voters' list from candidates and their campaigns fuelled speculation and suspicion about the accuracy of the list. While unable to directly follow the voter registration process due to late accreditation, The Carter Center was informed by the PEC that the list was withheld from candidates in the interests of citizens' privacy and because the law did not include a specific provision granting candidates access. It is worth noting that during the parliamentary elections, parties and candidates were legally allowed to purchase a copy of the voter registry in the jurisdiction in which they were running. International best practice demonstrates that voter lists can and should be released to candidates and should be subject to public review as a means of ensuring transparency in the election process and allaying concerns about the accuracy of the list.

Article 28 of the Constitutional Declaration gives the PEC excessive powers. The ex-officio nature of the judges that comprise the PEC blurs the lines between the PEC's mandates and those of other courts. In addition, powers of the PEC are excessive, given that Article 28 of the Constitutional Declaration states that the decisions of the PEC are final, without the possibility of appeal by any party against its decisions. In order to maintain public confidence in the electoral process the PEC must take all necessary steps to demonstrate that its decisions are transparent and fairly reached, particularly given its role as administrator of the electoral process. Future electoral laws should ensure that there is an opportunity to appeal to an impartial tribunal from any decisions taken by an election management body.

The PEC's interpretation of legal provisions erred on the side of non-transparency. Although the PEC has broad authority to interpret the Presidential Election Law, the Carter Center was concerned by the tendency of the Commission to interpret the law narrowly and at times in a manner counter to the principles of transparency. Specifically, when the law was silent on witness access to the final stages of aggregation and the ability of candidates to access the voters' list, the PEC did not grant access, reducing opportunities to build confidence in the process.

The legal and procedural framework for elections remains inadequate. While the PEC has issued 19 decisions to regulate various parts of the election, there remain key aspects of the process that are unclear or poorly defined. Prominent examples include the lack of regulation pertaining to the lodging of electoral complaints and challenges; the absence of clear language in the Law regarding assistance to illiterate voters; and the lack of detailed regulatory provisions establishing voting and counting procedures. These ambiguities resulted in varied and inconsistent treatment of these matters by local judges or other officials.

The provision of polling station and District General Committee level results to candidates' agents was an important improvement that promoted transparency. These provisions helped to instil confidence in the final results by ensuring that agents had verifiable information regarding electoral results in their jurisdictions. In addition, Carter Center witnesses reported improved access to District General Committees, although domestic witnesses continued to face obstacles to meaningful observation there. However, given the fact that there is no outside access to the final aggregation of results, it is essential that the PEC publish vote results broken down to the polling station level at the earliest possible instance on their website. In meetings with the Carter Center, the PEC has committed to do so within one week of the election.

Campaign messaging for the second round of voting was generally negative and there were instances of campaign related violence. Carter Center witnesses were able to follow the campaigning in the interim between the first and second rounds of voting. In general, witnesses noted that both candidates focused on detracting from their opponent rather than focusing on their own platform. In addition, although police and other authorities allowed both candidates the opportunity to campaign freely, witnesses reported that Shafiq representatives in several governorates expressed some concerns about their personal safety due to strong anti-Shafiq sentiment, and violent incidents including alleged arson at Shafiq campaign headquarters in Cairo and elsewhere.

Allegations of illicit influence of voters were rampant. While not directly observed by Carter Center witnesses, each campaign reported that the other was attempting to influence voters through provision of food, money, or other gifts. In the case of Morsi, this allegedly took place through the Muslim Brotherhood's existing charity and social service network. In the case of Shafiq, it was alleged that his campaign was providing funds to family and community leaders in various governorates. Due to the long history of providing social support through religious and family networks, it is extremely difficult to distinguish these practices from illicit influence. These accusations, however, fuelled a climate of tension in the lead-up to polling, and continued throughout the election days.

The framework of campaign finance regulation is unrealistic and lacking. The Presidential Election Law sets a spending limit of 10,000,000 EGP for the first round (approximately $1.7 million), and 2,000,000 EGP for the second round (approximately $340,000). While spending limits can be an important means of promoting a level playing field among candidates, unrealistically low limits can have the unintended consequence of forcing political competitors to skirt regulations. Greater emphasis on regular and sufficiently detailed disclosure of all donations to campaigns and campaign spending, as well as a greater commitment to enforce existing campaign finance provisions, would better serve the ultimate goal of promoting equity between candidates.

Women continue to be underrepresented in Egyptian political life. The ongoing pattern of under-participation of Egyptian women in political life remains an important concern of the Carter Center. Although women appeared to turn out to vote in reasonably high numbers, Carter Center witnesses noted low female participation at campaign events. This follows the lack of women presidential candidates and the dearth of women in electoral administration positions. The Carter Center reiterates its call for greater participation by

and representation of women in the Egyptian political sphere, and at least 30 percent representation of women in the future Constituent Assembly and other elected bodies.

In isolated instances, international witnesses were subject to heightened scrutiny and intimidation from military personnel. There was a small but notable pattern of intimidation of Carter Center witnesses during the second-round of polling. This intimidation included interference in the witnessing process, the filming of witnesses in several governorates by military at the polling station, and in at least one case, a witness felt coerced to provide positive comments on the process by a member of the military. Placed in a context of heightened suspicion against foreigners, and false media reports that Carter Center witnesses were detained in Port Said, these cases of intimidation call into question the commitment of Egyptian authorities to respect for the work of international witnesses.

Voter education was lacking. In more than 15 percent of polling stations, voters demonstrated a poor understanding of voting procedures and the process of casting their ballot. Given that voters already had some exposure to learning the voting process during the first-round, the continued voter confusion illustrates the overall shortcomings in voter education that occurred and the need in future elections to have a coordinated effort from the election commission, government counterparts, and civil society in educating voters.

Polling and counting procedures were inconsistently followed. Carter Center witnesses reported that, in particular, fingers were inked incorrectly, there was a failure to check for ink, and proper voter identification procedures (including for women in niqab) were not always followed. Inking and identification protections are put in place to help protect against multiple voting, and failure to properly implement these procedures undermines an important safeguard during polling. Judges were inconsistent in their determination of ballot validity during counting at the polling station level. Additionally, District General Committee judges did not review polling station decisions on the validity of ballots, even though these committees are authorized to do so in accordance with electoral law.

Domestic witnesses faced continued constraints and were notably absent from polling stations. Domestic witnesses faced the same constraints and limitations as the Carter Center and other international organizations, but received their accreditation badges even later than international witnesses, in some cases just a few days before the first round of the election. As Egyptian citizens, domestic witnesses have the right to participate in public affairs, and therefore it is critically important that they have unimpeded access to all phases of the electoral process.

####

"Waging Peace. Fighting Disease. Building Hope." The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit www.cartercenter.org to learn more about The Carter Center.

NEWS

THE CARTER CENTER

ONE COPENHILL ATLANTA, GA 30307

FOR IMMEDIATE RELEASE

June 21, 2012

Carter Center Statement on Egypt Elections

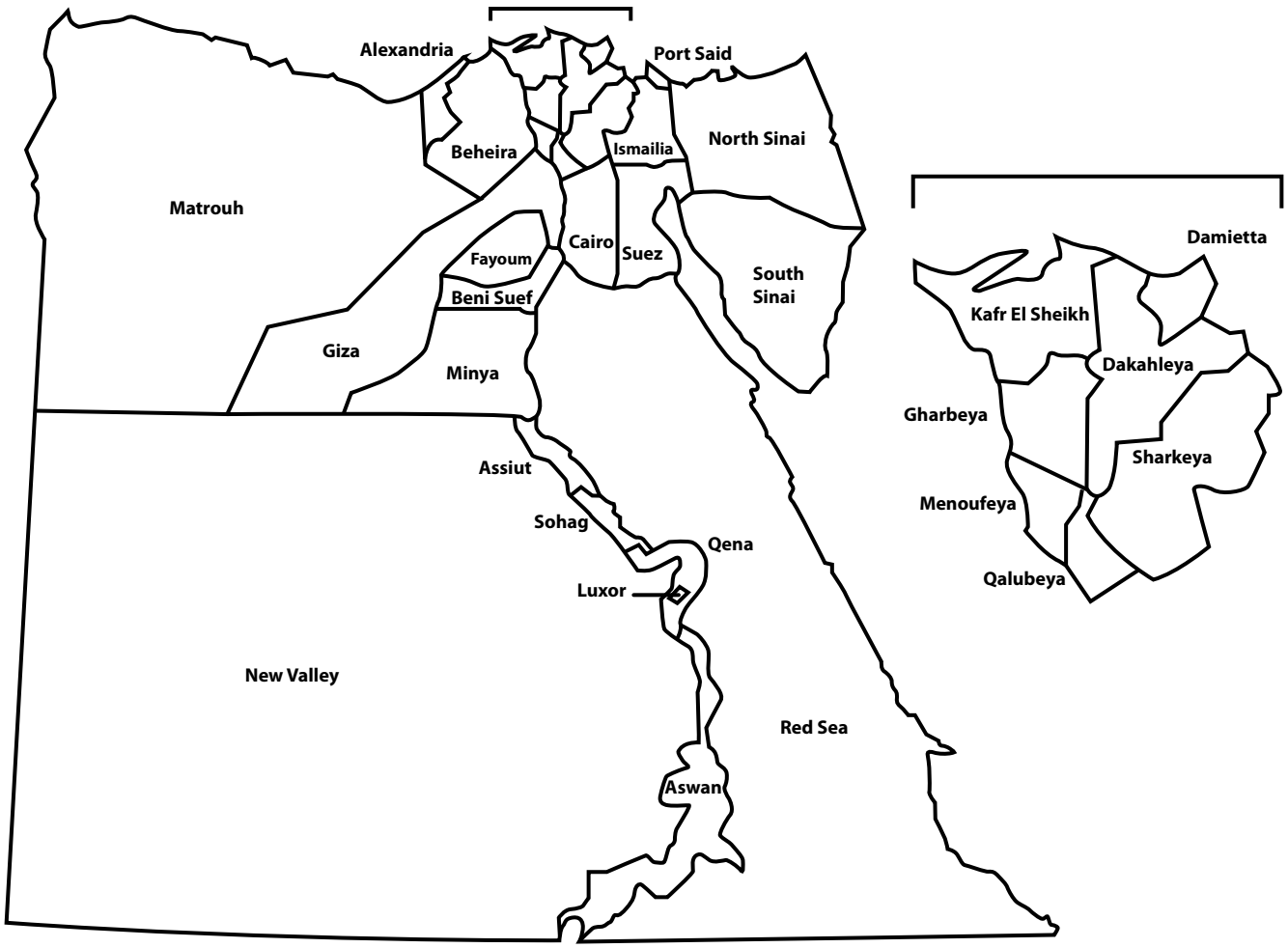
Contrary to certain reports in the media, The Carter Center would like to reiterate one of its findings with respect to the second round of the Egyptian presidential election. Carter Center witnesses did not observe evidence of major or systematic flaws in the voting and counting processes (June 16-18) that unfairly advantaged either candidate.

Given the late accreditation and other restrictions placed on The Carter Center, which are contrary to international principles for election observation, the Center could only deploy a "limited mission" and was unable to assess the quality of voter registration and other parts of the electoral process. It is impossible, therefore, for The Carter Center to provide an assessment regarding the election process as a whole.

Read the Carter Center's June 19 preliminary statement on the Egypt presidential runoff >.

####

Appendix E
Deployment Plans



Long-term Witness Team	1 and 2	3	4	5	6	7	8	9	10	11
Governate	Cairo Qalubeya	Giza	Gharbeya Kafr el-Sheikh Menoufeya	Dakahlia Damietta Port Said	Ismailia Sharkeya Suez	Alexan-dria Beheira Matrouh	Asyut New Valley Sohag	Beni Suef Fayoum Minya	Aswan Luxor	Qena Red Sea

Appendix F
Checklists

Poll Opening

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
4. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city?	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Is the Polling Center (PC) location readily accessible for participants? *	☐ Yes ☐ No
9. Are participants free from adverse influence outside the Polling Center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #9 is equal to "No" 10. Select one or more events that apply:	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #10 includes "Other" 11. Briefly describe the other event: *	
12. Are access procedures to the Polling Center being followed correctly? *	☐ Yes ☐ No ☐ Not Applicable
13. How would you characterize queue management outside the Polling Center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
14. Enter the General Committee number: *	
15. Enter Polling Station number: *	
16. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
17. What time did the polling station open? *	☐ On Schedule ☐ Within One Hour ☐ More than One hour ☐ Did not open ☐ Not present when PS opened
ANSWER ONLY IF Question #17 is not equal to "On Schedule" 18. Select one or more that explain why the Polling Station opened late:	☐ Candidate Agents Absent ☐ Lack of materials ☐ Lack of Poll Workers ☐ Presiding Judge Absent ☐ Other
ANSWER ONLY IF Question #18 includes "Other" 19. Briefly describe the 'other' reason(s): *	
20. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
21. Are voter information materials displayed inside the Polling Station or Polling Center? *	☐ Yes ☐ No
22. Were opening procedures correctly followed by the election officials? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #22 is equal to "No" 23. Select one or more opening procedures that were not correctly followed by election officials:	☐ Ballot Inventory ☐ Room Configuration ☐ Staff Wearing IDs ☐ Ink Bottle Prepared ☐ Ballot Box Empty ☐ Ballot Box Sealed ☐ Other
ANSWER ONLY IF Question #23 includes "Other" 24. Describe the opening procedure that was not correctly followed: *	
25. Was the opening of the polling station free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #25 is equal to "No" 26. Select one or more actors that interfered:	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #26 includes "Other" 27. Briefly describe who else interfered that was not listed: *	
ANSWER ONLY IF Question #25 is equal to "No" 28. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #28 includes "Other" 29. Briefly describe the details of the interference that occurred: *	
ANSWER ONLY IF Question #25 is equal to "No" 30. Did the Presiding Judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know

(continues)

Poll Opening (Continued)

31. How many candidate agents are present inside the Polling Station? *	
ANSWER ONLY IF Question #31 is greater than "0" 32. How many candidate agents are women? *	
33. How many national witnesses are present inside the polling station? *	
ANSWER ONLY IF Question #33 is greater than "0" 34. How many national witnesses are women? *	
35. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #35 is equal to "No" 36. Select one or more actors whose work was unreasonably restricted:	☐ Media ☐ National witness ☐ International Witness ☐ Candidate Agent
37. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #37 is equal to "No" 38. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #38 includes "Other" 39. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #37 is equal to "No" 40. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #37 is equal to "No" 41. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #41 includes "Other" 42. Briefly describe Judge's response not otherwise listed: *	
43. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
44. How would you evaluate the orderliness of the Polling Station? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
45. How would you evaluate the candidate agent's performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
46. How would you evaluate the opening of the Polling Station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
47. Please provide details of any irregularities that occurred at the Polling Station, or incidents reported to you by those present and is not captured by the checklist questions. *	
48. Enter departure time (24hrs): *	

Polling

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number:	
2. Enter the date (DD):	
3. Enter Polling Station number: *	
4. Enter the name of the Polling Center: *	
6. Enter the address or landmark for the Polling Center: *	
7. Is the polling center located in a city? *	☐ Yes ☐ No
8. Arrival Time (24hr): *	
9. Is the Polling Center (PC) location readily accessible for participants? *	☐ Yes ☐ No
10. Are participants free from adverse influence outside the Polling Center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #10 is equal to "No" 11. Select one or more events that apply:	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #11 includes "Other" 12. Briefly describe the other event: *	
13. Are access procedures to the Polling Center being followed correctly? *	☐ Yes ☐ No ☐ Not Applicable
14. How would you characterize queue management outside the Polling Center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
15. How would you characterize queue management inside the Polling Center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
16. Enter the General Committee number: *	
17. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
18. Has the polling process been free from any disruptions? *	☐ Yes ☐ No
ANSWER ONLY IF Question #18 is equal to "No" 19. Select one or more that explain why there were disruptions:	☐ Lack of materials ☐ Staff Absence ☐ Violence ☐ Other
ANSWER ONLY IF Question #19 Includes "Other" 20. Briefly describe the type of interference *	
21. Are voter information materials displayed inside the Polling Station or Polling Center? *	☐ Yes ☐ No
22. Are voters free from any adverse influences inside the Polling Station that would affect their voting choice or participation? *	☐ Yes ☐ No
ANSWER ONLY IF Question #22 is equal to "No" 23. Select one or more events that apply	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #23 includes "Other" 24. Briefly describe the other event: *	
25. Is the Polling Station set up to facilitate the smooth movement of voters? *	☐ Yes ☐ No
26. Was the presiding judge properly coordinating with security forces outside of the polling station? *	☐ Yes ☐ No ☐ Not Applicable
27. Have domestic witnesses or party agents noted any instances of security personnel being allowed to vote at this polling station? *	☐ Yes ☐ No ☐ Not Applicable
28. Were polling procedures being correctly implemented? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #28 is equal to "No" 29. Select one or more procedure that was not implemented correctly.	☐ Checking for Ink ☐ Voter Identification ☐ Signing Voters List ☐ Ballot Issuance ☐ Mark Ballot in Secret ☐ Cast Ballot ☐ Ink Voters' Finger
30. Is there a single voters' list in use at the polling station? *	☐ Yes ☐ No
31. Did the voters' list clearly indicate those voters that were deemed ineligible? *	☐ Yes ☐ No ☐ Don't Know
32. Are polling staff and party agents aware of any changes to the voters' list? *	☐ Yes ☐ No ☐ Not Applicable
33. Were all prospective voters allowed to cast a vote? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #33 is equal to "No" 34. Select one or more that explain why prospective voters were not allowed to cast a vote:	☐ Not on Voter List ☐ Did Not Have ID ☐ Eligibility Challenged ☐ Other

(continues)

Polling (Continued)

ANSWER ONLY IF Question #34 includes "Other" 35. Briefly describe the 'other' reason(s): *	
36. Was voting conducted in secret? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #36 is equal to "No" 37. Select one or more reasons why the voting was not conducted in secret:	☐ PS Layout ☐ Overcrowding ☐ Voter Disclosure ☐ Inadequate Polling Booths ☐ Interference ☐ Inappropriate Voter Assistance ☐ Other
ANSWER ONLY IF Question #37 includes "Other" 38. Briefly describe why voting was not conducted in secret: *	
39. Was voting free from evidence of fraud? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #39 is equal to "No" 40. Select the form(s) of fraud that was committed:	☐ Corrupt Polling Station Staff ☐ Ballot Stuffing ☐ Multiple Voting ☐ Vote Buying ☐ Carousel Voting ☐ Voter Impersonation ☐ Ineligible Voter Voting ☐ Illicit Assistance ☐ Other
ANSWER ONLY IF Question #40 includes "Other" 41. Please briefly explain the 'other' form of fraud that was committed: *	
42. Were procedures followed correctly in sealing the ballot box?	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
43. Was the polling process free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #43 is equal to "No" 44. Which actor(s) that were involved in the interference?	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #44 includes "Other" 45. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #43 is equal to "No" 46. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #46 includes "Other" 47. What type(s) of other interference occurred? *	
ANSWER ONLY IF Question #43 is equal to "No" 48. Did the presiding judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
49. Are illiterate voters free from illicit assistance? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #49 is equal to "No" 50. Who provided illicit assistance to illiterate voters?	☐ Security Official ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #50 includes "Other" 51. Who was the 'other' actor providing illicit assistance to illiterate voters? *	
ANSWER ONLY IF Question #49 is equal to "No" 52. Did the illicit assistance provided to illiterate voters influence the voters' choice? *	☐ Yes ☐ No ☐ Don't Know
53. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
54. How many candidate agents are present inside the Polling Station? *	
55. How many candidate agents present inside the polling station were supporting Mohamed Morsi? *	
56. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	
57. How many candidate agents are women? *	
58. How many national witnesses are present inside the polling station? *	
59. How many national witnesses are women? *	
60. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #60 is equal to "No" 61. Select one or more actors whose work was unreasonably restricted:	☐ Media ☐ National witness ☐ International Witness ☐ Candidate Agent

(continues)

Polling (Continued)

62. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #62 is equal to "No" 63. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #63 includes "Other" 64. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #62 is equal to "No" 65. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #62 is equal to "No" 66. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #65 includes "Other" 67. Briefly describe Judge's response not otherwise listed: *	
68. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
69. How would you evaluate the orderliness of the Polling Station? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
70. How would you evaluate voters' understanding of the voting procedures? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
71. How would you evaluate the candidate agent's performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
72. How would you evaluate the polling station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
73. Please provide details of any irregularities that occurred at the Polling Station, or incidents reported to you by those present and is not captured by the checklist questions. *	
74. Enter departure time (24hrs): *	

Closing

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
4. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city?	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Enter Polling Station number: *	
9. Enter the General Committee number: *	
10. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
11. How many voters are registered at this polling station?	
12. How many voters have cast ballots at this polling station?	
13. What time did the polling station close? *	
14. How long was the queue outside of the polling station when the polling station closed? *	☐ 0-25 ☐ 26-50 ☐ 51-100 ☐ 101-200 ☐ 201+ ☐ Don't Know
15. How long was the queue outside of the polling center when the polling center closed? *	☐ 0-25 ☐ 26-50 ☐ 51-100 ☐ 101-200 ☐ 201+ ☐ Don't Know
16. Were all the voters in line at closing still allowed to vote? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
17. Were all ballot boxes fully sealed?	☐ Yes ☐ No
18. Did the judge record the ballot box seal numbers in the minutes?	☐ Yes ☐ No
19. Were candidate agents able to record the ballot box seal numbers?	☐ Yes ☐ No
20. Were all polling materials secured?	☐ Yes ☐ No
21. Were the number of voters who voted recorded in the reconciliation sheet?	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
22. Was the closing process free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #22 is equal to "No" 23. Which actor(s) that were involved in the interference?	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #23 includes "Other" 24. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #22 is equal to "No" 25. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #25 includes "Other" 26. What type(s) of other interference occurred? *	
ANSWER ONLY IF Question #22 is equal to "No" 27. Did the presiding judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
28. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
29. How many media representatives are present inside of the Polling Station? *	
30. How many candidate agents are present inside the Polling Station? *	
31. How many candidate agents present inside the polling station were supporting Mohamed Morsi? *	
32. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	
33. How many candidate agents are women? *	
34. How many national witnesses are present inside the polling station? *	
35. How many national witnesses are women? *	

(continues)

Closing (Continued)

36. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
37. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #37 is equal to "No" 38. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #38 includes "Other" 39. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #37 is equal to "No" 40. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #40 includes "Other" 41. Briefly describe Judge's response not otherwise listed: *	
ANSWER ONLY IF Question #37 is equal to "No" 42. Briefly describe nature of complaint(s): *	
43. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
44. How would you evaluate the orderliness of the closing process? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
45. How would you evaluate the candidate agent's performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
46. How would you evaluate the polling station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
47. Please provide details of any irregularities that occurred at the polling station, or incidents reported to you by those present and is not captured by the checklist questions. *	
48. Enter departure time (24hrs): *	

Counting

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
4. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city?	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Enter Polling Station number: *	
9. Enter the General Committee number: *	
10. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
11. Are accredited witness groups being given access in accordance with procedure? *	☐ Yes ☐ No
ANSWER ONLY IF Question #11 is equal to "No" 12. Which accredited actor(s) were denied access to the counting process?	☐ Media ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent
13. Were all polling related activities completed prior to the start of counting? *	☐ Yes ☐ No
14. Are all counting procedures being properly implemented? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #14 is equal to "No" 15. Which counting procedures were implemented incorrectly?	☐ Ballot Reconciliation ☐ Determining (In)valid Votes ☐ Counting of Votes ☐ Challenge Process ☐ Completion of Results Sheets ☐ Recording Invalid Ballots ☐ Other
16. Are they using an ink pen to complete the form? *	☐ Yes ☐ No ☐ Not Applicable
17. Did the presiding judge publicly announce the count results? *	☐ Yes ☐ No ☐ Not Applicable
18. Did all candidate agents receive a copy of the results form? *	☐ Yes ☐ No ☐ Not Applicable
19. Were sensitive materials secured for transportation? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #19 is equal to "No" 20. Which sensitive materials were not properly secured for transportation?	☐ Receipt Form ☐ Results Form ☐ Used Ballots ☐ Unused Ballots ☐ Voters' List
21. Did the process proceed without logistical difficulties? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #21 is equal to "No" 22. What logistical difficulties occurred during the counting process?	☐ Lack of materials ☐ Staff Absence ☐ Other
ANSWER ONLY IF Question #22 includes "Other" 23. What was the 'other' logistical difficulty? *	
ANSWER ONLY IF Question #21 is equal to "No" 24. How long was the process suspended due to logistical difficulties? *	
ANSWER ONLY IF Question #21 is equal to "No" 25. Were the sensitive materials secured while the process was suspended due to logistical difficulties? *	☐ Yes ☐ No ☐ Don't Know
26. Was the counting process free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #26 is equal to "No" 27. Which actor(s) that were involved in the interference?	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #27 includes "Other" 28. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #26 is equal to "No" 29. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other

(continues)

Counting (Continued)

ANSWER ONLY IF Question #29 includes "Other" 30. What type(s) of other interference occurred? *	
ANSWER ONLY IF Question #26 is equal to "No" 31. Did the presiding judge take appropnate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
32. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
33. How many media representatives are present inside of the Polling Station? *	
34. How many candidate agents are present inside the Polling Station? *	
35. How many candidate agents are women? *	
36. How many national witnesses are present inside the polling station? *	
37. How many national witnesses are women? *	
38. Were Candidate Agents. National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
39. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #39 is equal to "No" 40. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #40 includes "Other" 41. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #39 is equal to "No" 42. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #42 includes "Other" 43. Briefly describe Judge's response not otherwise listed: *	
ANSWER ONLY IF Question #39 is equal to "No" 44. Briefly describe nature of complaint(s): *	
45. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
46. How would you evaluate the orderliness of the count process? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
47. How would you evaluate the candidate agent's performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
48. How would you evaluate the polling station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
49. Please provide details of any irregularities that occurred at the polling station, or incidents reported to you by those present and is not captured by the checklist questions. *	
50. Enter departure time (24hrs): *	

Aggregation

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
3. Arrival Time (24hr): *	
4. Enter the General Committee number: *	
5. How would you describe the environment outside the aggregation center? *	☐ Orderly ☐ Somewhat Orderly ☐ Somewhat Chaotic ☐ Chaotic
7. Are security forces present outside the center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #7 is equal to "Yes" 8. What type of security is present?	☐ Police ☐ Military ☐ Other
9. Are access procedures to the aggregation process being followed correctly? *	☐ Yes ☐ No ☐ Not Applicable
10. How would you describe management of the environment inside the aggregation center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
11. Do you know what time the aggregation of results began? *	☐ Yes ☐ No
ANSWER ONLY IF Question #11 is equal to "Yes" 12. What time did the aggregation of results begin? *	
13. Are they using an ink pen to complete the aggregation forms? *	☐ Yes ☐ No ☐ Not Applicable
14. Were the count forms delivered in the custody of a presiding judge? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
15. Were sensitive materials recorded during the intake process? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
16. Has the aggregation process been free from any disruptions? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #16 is equal to "No" 17. What were the disruptions to the aggregation process?	☐ Lack of materials ☐ Staff Absence ☐ Violence ☐ Other
ANSWER ONLY IF Question #17 includes "Other" 18. What was the 'other' disruption to the aggregation process? *	
19. Has the process complied with procedures? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #19 is equal to "No" 20. What aspect(s) of the process were not in compliance with procedures?	☐ Intake of Materials ☐ Improper Storage ☐ Transmission of Results ☐ Other
ANSWER ONLY IF Question #20 includes "Other" 21. What 'other' process was in violation with procedures? *	
22. Did the Aggregation Center announce the results for candidates while you were present? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
23. Was the transfer of data from count forms to aggregation forms observable? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
24. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
25. Was the aggregation process free from interference? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #25 is equal to "No" 26. Which actor(s) interfered in the aggregation process?	☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #26 includes "Other" 27. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #25 is equal to "No" 28. What was the form of interference?	☐ Creating Confusion ☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #28 includes "Other" 29. What type(s) of other interference occurred? *	
30. Are security forces present inside the aggregation center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #30 is equal to "Yes" 31. Mark all security forces present:	☐ Police ☐ Military ☐ Other

(continues)

Aggregation (Continued)

ANSWER ONLY IF Question #31 includes "Other" 32. What 'other' security was inside of the aggregation center? *	
33. How many aggregation center staff are women? *	
34. How many media representatives are present inside of the aggregation center? *	
35. How many candidate agents are present inside of the aggregation center? *	
36. How many candidate agents present inside of the aggregation center are women? *	
37. How many national witnesses are present inside of the aggregation center? *	
38. How many national witnesses inside of the aggregation center are women? *	
39. Was aggregation free from any official complaints being lodged? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #39 is equal to "No" 40. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #40 includes "Other" 41. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #39 is equal to "No" 42. How did the General Committee respond to the complaint?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #42 includes "Other" 43. Briefly describe the 'other' response(s) by the General Committee to the complaint: *	
ANSWER ONLY IF Question #39 is equal to "No" 44. Briefly describe nature of complaint(s): *	
45. How would you rate the overall performance of elections officials? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
46. How would you evaluate the transparency of the aggregation process? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
47. How would you evaluate the candidate agent's performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
48. How would you evaluate the aggregation process overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
49. Please provide details of any irregularities that occurred at the Aggregation Center, or incidents reported to you by those present and is not captured by the checklist questions. *	
50. Enter departure time (24hrs):	

Runoff Poll Opening

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
4. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city? *	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Is the Polling Center (PC) location readily accessible for participants? *	☐ Yes ☐ No
9. Are participants free from adverse influence outside the Polling Center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #9 is equal to "No" 10. Select one or more events that apply:	☐ Active Campaigning ☐ Disorderly/Chaotic ☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #9 is equal to "No" 11. Briefly explain the details of the adverse influence that occurred: *	
12. Are access procedures to the Polling Center being followed correctly? *	☐ Yes ☐ No ☐ Not Applicable
13. How would you characterize queue management outside the Polling Center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
14. Enter the General Committee number: *	
15. Enter Polling Station number: *	
16. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
17. What time did the polling station open? *	☐ On Schedule ☐ Within One Hour ☐ More than One hour ☐ Did not open ☐ Not present when PS opened
ANSWER ONLY IF Question #17 is not equal to "On Schedule" 18. Select one or more that explain why the Polling Station opened late:	☐ Candidate Agents Absent ☐ Lack of materials ☐ Lack of Poll Workers ☐ Presiding Judge Absent ☐ Other
ANSWER ONLY IF Question #18 includes "Other" 19. Briefly describe the 'other' reason(s): *	
20. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
21. Are voter information materials displayed inside the Polling Station or Polling Center? *	☐ Yes ☐ No
22. Were opening procedures correctly followed by the election officials? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #22 is equal to "No" 23. Select one or more opening procedures that were not correctly followed by election officials:	☐ Ballot Inventory ☐ Room Configuration ☐ Staff Wearing IDs ☐ Ink Bottle Prepared ☐ Ballot Box Empty ☐ Ballot Box Sealed ☐ Other
ANSWER ONLY IF Question #23 includes "Other" 24. Describe the opening procedure that was not correctly followed: *	
25. Was the opening of the polling station free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #25 is equal to "No" 26. Select one or more actors that interfered:	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #26 includes "Candidate Agent" 27. Which candidate agent interfered in the process? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #26 includes "Other" 28. Briefly describe who else interfered that was not listed: *	
ANSWER ONLY IF Question #25 is equal to "No" 29. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other

(continues)

Runoff Poll Opening (Continued)

ANSWER ONLY IF Question #25 is equal to "No" 30. Briefly describe the details of the interference that occurred: *	
ANSWER ONLY IF Question #25 is equal to "No" 31. Did the Presiding Judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
32. How many candidate agents are present inside the Polling Station? *	
ANSWER ONLY IF Question #32 is greater than "0" 33. How many candidate agents present inside the polling station were supporting Mohamed Morsi? *	
ANSWER ONLY IF Question #32 is greater than "0" 34. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	
ANSWER ONLY IF Question #32 is greater than "0" 35. How many candidate agents are women? *	
36. How many national witnesses are present inside the polling station? *	
ANSWER ONLY IF Question #36 is greater than "0" 37. How many national witnesses are women? *	
38. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #38 is equal to "No" 39. Select one or more actors whose work was unreasonably restricted:	☐ Media ☐ National witness ☐ International Witness ☐ Candidate Agent
ANSWER ONLY IF Question #39 includes "Candidate Agent" 40. Which candidate agent was restricted? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
41. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #41 is equal to "No" 42. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #42 includes "Candidate Agent" 43. Which candidate agent submitted a complaint? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #42 includes "Other" 44. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #41 is equal to "No" 45. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #41 is equal to "No" 46. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #46 includes "Other" 47. Briefly describe Judge's response not otherwise listed: *	
48. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
49. How would you evaluate the orderliness of the Polling Station? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
50. How would you evaluate the candidate agents' performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
51. How would you evaluate the opening of the Polling Station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
52. Please provide details of any irregularities that occurred at the Polling Station, or incidents reported to you by those present and is not captured by the checklist questions. *	
53. Enter departure time (24hrs): *	

Runoff Polling

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
3. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city? *	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Is the Polling Center (PC) location readily accessible for participants? *	☐ Yes ☐ No
9. Are participants free from adverse influence outside the Polling Center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #9 is equal to "No"	☐ Active Campaigning ☐ Disorderly/Chaotic
10. Select one or more events that apply:	☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #9 is equal to "No" 11. Briefly explain the details of the adverse influence that occurred: *	
12. Are access procedures to the Polling Center being followed correctly? *	☐ Yes ☐ No ☐ Not Applicable
13. How would you characterize queue management outside the Polling Center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
14. How would you characterize queue management inside the Polling Center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
15. Enter the General Committee number: *	
16. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
17. Enter Polling Station number: *	
18. Has the polling process been free from any disruptions? *	☐ Yes ☐ No
ANSWER ONLY IF Question #18 is equal to "No"	☐ Lack of materials ☐ Staff Absence
19. Select one or more that explain why there were disruptions:	☐ Violence ☐ Other
ANSWER ONLY IF Question #19 includes "Other" 20. Briefly describe the type of interference *	
21. Are voter information materials displayed inside the Polling Station or Polling Center? *	☐ Yes ☐ No
22. Are voters free from any adverse influences inside the Polling Station that would affect their voting choice or participation? *	☐ Yes ☐ No
ANSWER ONLY IF Question #22 is equal to "No"	☐ Active Campaigning ☐ Disorderly/Chaotic
23. Select one or more events that apply:	☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #23 includes "Other" 24. Briefly describe the other event: *	
25. Is the Polling Station set up to facilitate the smooth movement of voters? *	☐ Yes ☐ No
26. Was the presiding judge properly coordinating with security forces outside of the polling station? *	☐ Yes ☐ No ☐ Not Applicable
27. Have domestic witnesses or party agents noted any instances of security personnel being allowed to vote at this polling station? *	☐ Yes ☐ No ☐ Not Applicable
28. Were polling procedures being correctly implemented? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #28 is equal to "No"	☐ Checking for Ink ☐ Voter Identification
29. Select one or more procedure that was not implemented correctly.	☐ Signing Voters List ☐ Ballot Issuance ☐ Mark Ballot in Secret ☐ Cast Ballot ☐ Ink Voters' Finger
30. Is there a single voters' list in use at the polling station? *	☐ Yes ☐ No
31. Did the voters' list clearly indicate those voters that were deemed ineligible? *	☐ Yes ☐ No ☐ Don't Know
32. Are polling staff and party agents aware of any changes to the voters' list? *	☐ Yes ☐ No ☐ Not Applicable
33. Were all prospective voters allowed to cast a vote? *	☐ Yes ☐ No ☐ Not Applicable

(continues)

Runoff Polling (Continued)

ANSWER ONLY IF Question #33 is equal to "No" 34. Select one or more that explain why prospective voters were not allowed to cast a vote:	☐ Not on Voter List ☐ Did Not Have ID ☐ Eligibility Challenged ☐ Other
ANSWER ONLY IF Question #34 includes "Other" 35. Briefly describe the 'other' reason(s): *	
36. Was voting conducted in secret? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #36 is equal to "No" 37. Select one or more reasons why the voting was not conducted in secret:	☐ PS Layout ☐ Overcrowding ☐ Voter Disclosure ☐ Inadequate Polling Booths ☐ Interference ☐ Inappropriate Voter Assistance ☐ Other
ANSWER ONLY IF Question #37 includes "Other" 38. Briefly describe why voting was not conducted in secret: *	
39. Was voting free from evidence of fraud? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #39 is equal to "No" 40. Select the form(s) of fraud that was committed:	☐ Corrupt Polling Station Staff ☐ Ballot Stuffing ☐ Multiple Voting ☐ Vote Buying ☐ Carousel Voting ☐ Voter Impersonation ☐ Ineligible Voter Voting ☐ Illicit Assistance ☐ Other
ANSWER ONLY IF Question #40 includes "Other" 41. Please briefly explain the 'other' form of fraud that was committed: *	
42. Were procedures followed correctly in sealing the ballot box?	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
43. Was the polling process free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #43 is equal to "No" 44. Which actor(s) that were involved in the interference?	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #44 includes "Candidate Agent" 45. Which candidate agent interfered in the process? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #44 includes "Other" 46. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #43 is equal to "No" 47. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #43 is equal to "No" 48. Briefly describe the details of the interference that occurred: *	
ANSWER ONLY IF Question #43 is equal to "No" 49. Did the presiding judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
50. Are illiterate voters free from illicit assistance? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #50 is equal to "No" 51. Who provided illicit assistance to illiterate voters?	☐ Security Official ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #51 includes "Candidate Agent" 52. Which candidate agent provided illicit assistance to illiterate voters? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #51 includes "Other" 53. Who was the 'other' actor providing illicit assistance to illiterate voters? *	
ANSWER ONLY IF Question #50 is equal to "No" 54. Did the illicit assistance provided to illiterate voters influence the voters' choice? *	☐ Yes ☐ No ☐ Don't Know
55. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
56. How many candidate agents are present inside the Polling Station? *	
ANSWER ONLY IF Question #56 is greater than "0" 57. How many candidate agents present inside the polling station were supporting Mohamed Morsi? *	
ANSWER ONLY IF Question #56 is greater than "0" 58. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	

(continues)

Runoff Polling (Continued)

ANSWER ONLY IF Question #56 is greater than "0" 59. How many candidate agents are women? *	
60. How many national witnesses are present inside the polling station? *	
61. How many national witnesses are women? *	
62. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #62 is equal to "No" 63. Select one or more actors whose work was unreasonably restricted:	☐ Media ☐ National witness ☐ International Witness ☐ Candidate Agent
ANSWER ONLY IF Question #63 includes "Candidate Agent" 64. Which candidate agent was restricted? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
65. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #65 is equal to "No" 66. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #66 includes "Candidate Agent" 67. Which candidate agent submitted a complaint? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #66 includes "Other" 68. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #65 is equal to "No" 69. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #65 is equal to "No" 70. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #70 includes "Other" 71. Briefly describe Judge's response not otherwise listed: *	
72. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
73. How would you evaluate the orderliness of the Polling Station? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
74. How would you evaluate voters' understanding of the voting procedures? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
75. How would you evaluate the candidate agents' performance of their role?	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
76. How would you evaluate the polling station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
77. Please provide details of any irregularities that occurred at the Polling Station, or incidents reported to you by those present and is not captured by the checklist questions. *	
78. Enter departure time (24hrs): *	

Runoff Closing

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
4. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city?	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Enter Polling Station number: *	
9. Enter the General Committee number: *	
10. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
11. How many voters are registered at this polling station?	
12. How many voters have cast ballots at this polling station?	
13. What time did the polling station close? *	
14. How long was the queue outside of the polling station when the polling station closed? *	☐ 0-25 ☐ 26-50 ☐ 51-100 ☐ 101-200 ☐ 201+ ☐ Don't Know
15. How long was the queue outside of the polling center when the polling center closed? *	☐ 0-25 ☐ 26-50 ☐ 51-100 ☐ 101-200 ☐ 201+ ☐ Don't Know
16. Were all the voters in line at closing still allowed to vote? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
17. Were all ballot boxes fully sealed?	☐ Yes ☐ No
18. Did the judge record the ballot box seal numbers in the minutes?	☐ Yes ☐ No
19. Were candidate agents able to record the ballot box seal numbers?	☐ Yes ☐ No
20. Were all polling materials secured?	☐ Yes ☐ No
21. Were the number of voters who voted recorded in the reconciliation sheet?	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
22. Was the closing process free from interference? *	☐ Yes ☐ No
ANSWER ONLY IF Question #22 is equal to "No" 23. Which actor(s) that were involved in the interference?	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #23 includes "Candidate Agent" 24. Which candidate agent interfered in the process? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #23 includes "Other" 25. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #22 is equal to "No" 26. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #22 is equal to "No" 27. Briefly describe the details of the interference that occurred: *	
ANSWER ONLY IF Question #22 is equal to "No" 28. Did the presiding judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
29. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
30. How many media representatives are present inside of the Polling Station? *	
31. How many candidate agents are present inside the Polling Station? *	
ANSWER ONLY IF Question #31 is greater than "0" 32. How many candidate agents present inside the polling station were supporting Mohamed Morsi? *	
ANSWER ONLY IF Question #31 is greater than "0" 33. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	

(continues)

Runoff Closing (Continued)

ANSWER ONLY IF Question #31 is greater than "0" 34. How many candidate agents are women? *	
35. How many national witnesses are present inside the polling station? *	
36. How many national witnesses are women? *	
37. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
38. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #38 is equal to "No" 39. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #38 is equal to "No" 40. Which candidate agent submitted a complaint? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #39 includes "Other" 41. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #38 is equal to "No" 42. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #38 is equal to "No" 43. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #43 includes "Other" 44. Briefly describe Judge's response not otherwise listed: *	
45. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
46. How would you evaluate the orderliness of the closing process? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
47. How would you evaluate the candidate agents' performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
48. How would you evaluate the polling station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
49. Please provide details of any irregularities that occurred at the polling station, or incidents reported to you by those present and is not captured by the checklist questions. *	
50. Enter departure time (24hrs): *	

Runoff Counting

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
4. Enter the name of the Polling Center: *	
5. Enter the address or landmark for the Polling Center: *	
6. Is the polling center located in a city?	☐ Yes ☐ No
7. Arrival Time (24hr): *	
8. Enter Polling Station number: *	
9. Enter the General Committee number: *	
10. Identify the gender of the Polling Station: *	☐ Mixed Gender ☐ Female ☐ Male
11. How many voters are registered at this polling station?	
12. How many voters have cast ballots at this polling station?	
13. Are accredited witness groups being given access in accordance with procedure? *	☐ Yes ☐ No
ANSWER ONLY IF Question #13 is equal to "No" 14. Which accredited actor(s) were denied access to the counting process?	☐ Media ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent
ANSWER ONLY IF Question #14 includes "Candidate Agent" 15. Which candidate agent was denied access to the counting process? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
16. Were all polling related activities completed prior to the start of counting? *	☐ Yes ☐ No
17. Are all counting procedures being properly implemented? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #17 is equal to "No" 18. Which counting procedures were implemented incorrectly?	☐ Ballot Reconciliation ☐ Determining (In)valid Votes ☐ Counting of Votes ☐ Challenge Process ☐ Completion of Results Sheets ☐ Recording Invalid Ballots ☐ Other
ANSWER ONLY IF Question #18 includes "Other" 19. What was the 'other' procedure that was not implemented properly? *	
20. Are they using an ink pen to complete the form? *	☐ Yes ☐ No ☐ Not Applicable
21. Did the presiding judge publicly announce the count results? *	☐ Yes ☐ No ☐ Not Applicable
22. Did all candidate agents receive a copy of the results form? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #22 is equal to "No" 23. Why didn't candidate agents receive a copy of the results? *	
24. Were sensitive materials secured for transportation? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #24 is equal to "No" 25. Which sensitive materials were not properly secured for transportation?	☐ Receipt Form ☐ Results Form ☐ Used Ballots ☐ Unused Ballots ☐ Voters' List
26. Did the process proceed without logistical difficulties? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #26 is equal to "No" 27. What logistical difficulties occurred during the counting process?	☐ Lack of materials ☐ Staff Absence ☐ Other
ANSWER ONLY IF Question #27 includes "Other" 28. What was the 'other' logistical difficulty? *	
ANSWER ONLY IF Question #26 is equal to "No" 29. How long was the process suspended due to logistical difficulties? *	
ANSWER ONLY IF Question #29 is greater than or equal to "1" 30. Were the sensitive materials secured while the process was suspended due to logistical difficulties? *	☐ Yes ☐ No ☐ Don't Know
31. Was the counting process free from interference? *	☐ Yes ☐ No

(continues)

Runoff Counting (Continued)

ANSWER ONLY IF Question #31 is equal to "No" 32. Which actor(s) that were involved in the interference?	☐ Voter ☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #32 includes "Candidate Agent" 33. Which candidate agent interfered in the process? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #32 includes "Other" 34. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #31 is equal to "No" 35. What type(s) of interference occurred?	☐ Illicit Assistance ☐ Taking over poll work ☐ Creating Confusion ☐ Active Campaigning ☐ Intimidation ☐ Other
ANSWER ONLY IF Question #31 is equal to "No" 36. Briefly describe the details of the interference that occurred: *	
ANSWER ONLY IF Question #31 is equal to "No" 37. Did the presiding judge take appropriate action in response to the interference? *	☐ Yes ☐ No ☐ Don't Know
38. Is there at least one female poll worker in the Polling Station? *	☐ Yes ☐ No ☐ Not Applicable
39. How many media representatives are present inside of the Polling Station? *	
40. How many candidate agents are present inside the Polling Station? *	
ANSWER ONLY IF Question #40 is greater than "0" 41. How many candidate agents present inside the polling station were supporting Mohamed Morsi? *	
ANSWER ONLY IF Question #40 is greater than "0" 42. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	
ANSWER ONLY IF Question #40 is greater than "0" 43. How many candidate agents are women? *	
44. How many national witnesses are present inside the polling station? *	
45. How many national witnesses are women? *	
46. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know
47. Was the process free of any official complaints being lodged at the Polling Station? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #47 is equal to "No" 48. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #48 includes "Candidate Agent" 49. Which candidate agent submitted a complaint? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #48 includes "Other" 50. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #47 is equal to "No" 51. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #47 is equal to "No" 52. How did the Judge respond to the complaint(s)?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #52 includes "Other" 53. Briefly describe Judge's response not otherwise listed: *	
54. How would you evaluate the overall performance of the polling staff? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
55. How would you evaluate the orderliness of the count process? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
56. How would you evaluate the candidate agents' performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
57. How would you evaluate the polling station overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor

(continues)

Runoff Counting (Continued)

58. Please provide details of any irregularities that occurred at the polling station, or incidents reported to you by those present and is not captured by the checklist questions. *	
59. Do you know the final results for the polling station where you observed counting? *	☐ Yes ☐ No
ANSWER ONLY IF Question #59 is equal to "Yes" 60. Enter the number of votes for Mohamed Morsi: *	
ANSWER ONLY IF Question #59 is equal to "Yes" 61. Enter the number of votes cast for Amhed Shafiq: *	
ANSWER ONLY IF Question #59 is equal to "Yes" 62. Enter the number of invalid ballots: *	
ANSWER ONLY IF Question #59 is equal to "Yes" 63. Enter the total number of ballots cast: *	
64. Enter departure time (24hrs): *	

Runoff Aggregation

Required questions are marked with a *.

Submitter/Team Name	
Observation Time	
1. Enter your witnessing team number: *	
2. Enter the date (DD): *	
3. Arrival Time (24hr): *	
4. Enter the General Committee number: *	
5. How would you describe the environment outside the aggregation center? *	☐ Orderly ☐ Somewhat Orderly ☐ Somewhat Chaotic ☐ Chaotic
7. Are security forces present outside the center? *	☐ Yes ☐ No
ANSWER ONLY IF Question #7 is equal to "Yes" 8. What type of security is present?	☐ Police ☐ Military ☐ Other
9. Are access procedures to the aggregation process being followed correctly? *	☐ Yes ☐ No ☐ Not Applicable
10. How would you describe management of the environment inside the aggregation center? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
11. Do you know what time the aggregation of results began? *	☐ Yes ☐ No
ANSWER ONLY IF Question #11 is equal to "Yes" 12. What time did the aggregation of results begin? *	
13. Are they using an ink pen to complete the aggregation forms? *	☐ Yes ☐ No ☐ Not Applicable
14. Were the count forms delivered in the custody of a presiding judge? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
15. Were sensitive materials recorded during the intake process? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
16. Has the aggregation process been free from any disruptions? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #16 is equal to "No" 17. What were the disruptions to the aggregation process?	☐ Lack of materials ☐ Staff Absence ☐ Violence ☐ Other
ANSWER ONLY IF Question #17 includes "Other" 18. What was the 'other' disruption to the aggregation process? *	
19. Has the process complied with procedures? *	☐ Yes ☐ No ☐ Don't Know
ANSWER ONLY IF Question #19 is equal to "No" 20. What aspect(s) of the process were not in compliance with procedures?	☐ Intake of Materials ☐ Improper Storage ☐ Transmission of Results ☐ Other
ANSWER ONLY IF Question #20 includes "Other" 21. What 'other' process was in violation with procedures? *	
22. Did the Aggregation Center announce the results for candidates while you were present? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
23. Was the transfer of data from count forms to aggregation forms observable? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
24. Were Candidate Agents, National witnesses, Media and International witnesses allowed to conduct their work without unreasonable restrictions being imposed? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
25. Was the aggregation process free from interference? *	☐ Yes ☐ No ☐ Not Applicable
ANSWER ONLY IF Question #25 is equal to "No" 26. Which actor(s) interfered in the aggregation process?	☐ Security Official ☐ National witness ☐ International Witness ☐ Candidate Agent ☐ Election Official ☐ Other
ANSWER ONLY IF Question #26 includes "Candidate Agent" 27. Which candidate agent interfered in the process? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #26 includes "Other" 28. Who was the 'other' actor involved in this interference? *	
ANSWER ONLY IF Question #25 is equal to "No" 29. What was the form of interference?	☐ Creating Confusion ☐ Intimidation ☐ Violence ☐ Other
ANSWER ONLY IF Question #25 is equal to "No" 30. Briefly describe the details of the interference that occurred: *	
31. Are security forces present inside the aggregation center? *	☐ Yes ☐ No

(continues)

Runoff Aggregation (Continued)

ANSWER ONLY IF Question #32 includes "Other" 33. What 'other' security was inside of the aggregation center? *	
34. How many aggregation center staff are women? *	
35. How many media representatives are present inside of the aggregation center? *	
36. How many candidate agents are present inside of the aggregation center? *	
ANSWER ONLY IF Question #36 is greater than "0" 37. How many candidate agents present inside the aggregation center were supporting Mohamed Morsi? *	
ANSWER ONLY IF Question #36 is greater than "0" 38. How many candidate agents present inside the polling station were supporting Ahmed Shafiq? *	
ANSWER ONLY IF Question #36 is greater than "0" 39. How many candidate agents present inside of the aggregation center are women? *	
40. How many national witnesses are present inside of the aggregation center? *	
41. How many national witnesses inside of the aggregation center are women? *	
42. Was aggregation free from any official complaints being lodged? *	☐ Yes ☐ No ☐ Don't Know ☐ Not Applicable
ANSWER ONLY IF Question #42 is equal to "No" 43. Select the type of person responsible for submitting the complaint:	☐ Voter ☐ Candidate Agent ☐ Other
ANSWER ONLY IF Question #43 includes "Candidate Agent" 44. Which candidate agent submitted a complaint? *	☐ Morsi ☐ Shafiq ☐ Both ☐ Don't Know
ANSWER ONLY IF Question #43 includes "Other" 45. Who was the 'other' complainant: *	
ANSWER ONLY IF Question #42 is equal to "No" 46. Briefly describe nature of complaint(s): *	
ANSWER ONLY IF Question #42 is equal to "No" 47. How did the General Committee respond to the complaint?	☐ Referred elsewhere ☐ Refused to address ☐ Resolved ☐ Recorded in minutes ☐ Other
ANSWER ONLY IF Question #47 includes "Other" 48. Briefly describe the 'other' response(s) by the General Committee to the complaint: *	
49. How would you rate the overall performance of elections officials? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
50. How would you evaluate the transparency of the aggregation process? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
51. How would you evaluate the candidate agents' performance of their role? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor ☐ Not Applicable
52. How would you evaluate the aggregation process overall? *	☐ Very Good ☐ Good ☐ Poor ☐ Very Poor
53. Please provide details of any irregularities that occurred at the Aggregation Center, or incidents reported to you by those present and is not captured by the checklist questions. *	
54. Do you know the final results for the center where you observed aggregation?	☐ Yes ☐ No
ANSWER ONLY IF Question #54 is equal to "Yes" 55. Enter the number of votes for Mohamed Morsi: *	
ANSWER ONLY IF Question #54 is equal to "Yes" 56. Enter the number of votes cast for Amhed Shafiq: *	
ANSWER ONLY IF Question #54 is equal to "Yes" 57. Enter the number of invalid ballots: *	
ANSWER ONLY IF Question #54 is equal to "Yes" 58. Enter the total number of ballots cast: *	
59. Enter departure time (24hrs):	

Appendix G
Letters of Permission

Arab Republic of Egypt

Presidential Election Commission

The General Secretariat

Field Office Director of The Carter Center

Greetings . . . .

I am pleased to inform you that during its session held on 2 May 2012, the Presidential Election Commission has approved your application to witness the Presidential election, and that is in accordance with the regulations set in the Presidential Election Commission's Decision No. 12 of 2012.

We will inform you of the permits that will be issued for the witnesses nominated by you in order to undertake their witnessing tasks as soon as possible.

With our deepest gratitude,

Issued in: May 3rd, 2012

Secretary General

Of the Presidential Election Commission

Councilor, Hatem Hamad Bagato

جمهورية مصر العربية
لجنة الانتخابات الرئاسية
الأمانة العامة

صادر ١٠٧ ٠٧ مايو ٢٠١٢ لجنة الانتخابات الرئاسية

لجنة الانتخابات الرئاسية ٢٠١٢

السيد / مدير مكتب مركز كارتر

تحية طيبة وبعد ...

فإنه يطيب لى أن أنهى إلى سيادتكم أن لجنة الانتخابات الرئاسية قد وافقت بجلستها المعقودة فى الثانى من مايو سنة ٢٠١٢ على الطلب المقدم منكم، لمتابعة الانتخابات الرئاسية، وذلك على ضوء الضوابط المحددة بقرار لجنة الانتخابات الرئاسية رقم ١٢ لسنة ٢٠١٢ .

وسوف نتولى إخطاركم بالتصريحات التى ستصدر للمتابعين المرشحين من قِبَلِكُم لتولى أعمال المتابعة فى أقرب وقت ممكن .

وتقبلوا وافر الود والامتنان .

أمين عام
لجنة الانتخابات الرئاسية
المستشار / حاتم حمد بجاتو

تحريرًا فى : الثانى من مايو سنة ٢٠١٢

APPENDIX H
CONSTITUTIONAL DECLARATION ADDENDUM

In the Name of Allah, the Most Merciful, the Most Compassionate

The Arab Republic of Egypt

The Egyptian Presidency

Official Journal

Price: EGP 2.5

Issue No. 24 (bis)	Issued on Rajab 27, 1433 Hijri June 17, 2012 AD	Year 55

CONSTITUTIONAL DECLARATION

The Supreme Council of the Armed Forces

After reviewing the Constitutional Declaration issued on February 13, 2011;
And the Constitutional Declaration issued on March 30, 2011;

Decides:

(Article 1)

The following shall be added to the Constitutional Declaration promulgated on March 30, 2011: a third paragraph to Article 30, and Articles 53(bis), 53(bis)(1), 53(bis)(2), 56(bis), 60(bis), and 60(bis)(1) as follows:

Article 30 (paragraph 3):
Where parliament is dissolved, the president shall take the oath of office before the High Constitutional Court General Assembly.

Article 53(bis):
The Supreme Council of the Armed Forces (SCAF) shall, in its composition on the day this Constitutional Declaration shall enter into force, be responsible for deciding on all issues related to the armed forces, appointing its leaders, and extending their term of office. SCAF head shall, until a new constitution shall enter into force, exercise all powers invested by laws and regulations to the Commander-in-Chief of the armed forces and minister of defense.

Article 53(bis)(1):
The president of the republic shall declare war upon SCAF approval.

Article 53(bis)(2):
The president of the Republic may, In the event of unrest within the country that shall require the intervention of the armed forces, and upon SCAF approval, issue a decision that the armed forces shall participate in missions for security keeping and protection of the State vital buildings.

The law shall set out the armed forces powers, missions, and cases of using force, arrest, detentions, legal competency/jurisdiction, and absence of liability.

Article 56(bis):
SCAF shall exercise the terms of reference set out in Article 56(1) of the Constitutional Declaration dated March 30, 2011 until a new parliament shall be elected and shall assume its responsibilities.

Article 60(bis):
If a barrier shall arise that shall prevent the Constituent Assembly from completing its work, SCAF shall, within a week's time, form a new constituent assembly – which shall be represent all the groups of society – to develop the draft new constitution within three months as of the day on which such new assembly shall be formed. The

draft constitution shall be submitted to the people for a national referendum 15 days after its completion.

Parliamentary elections' procedures shall begin within one month after the announcement of the people's approval of the new constitution.

Article 60(bis)(1):
If the president of the republic, SCAF head, the prime minister, the Supreme Council of the Judiciary or a fifth of the Constituent Assembly members shall see that the draft constitution includes one or more provisions that conflict with the revolution objectives and basic principles through which the higher interests of society shall be realized, or that conflict with the recurring principles in former Egyptian constitutions, any of the aforementioned bodies shall request that the constituent assembly reconsider such provisions within no more than 15 days. If the Constituent Assembly shall insist on its opinion, the aforementioned bodies shall refer the matter to the High Constitutional Court. The Court shall issue a decision within seven days as of the day the matter was referred thereto.

The High Constitutional Court decision shall be binding to all and shall be published, free of charge, in the Official Gazette within three days from the date of its issuance.

In all events, the draft constitution shall not be put to a public referendum, in accordance with Article 60 of the Constitutional Declaration, until the draft constitution shall be prepared in its final form in accordance with the provisions of this article.

(Article Two)

The text of Article 38 of the Constitutional Declaration issued on March 30, 2011 shall be replaced by the following text: "The law shall regulate the candidacy right to the People's Assembly and Shoura Council according to any electoral system determined thereby".

(Article Three)

This Constitutional Declaration shall be published in the Official Gazette and shall be in force as of the date of publication.

Issued in Cairo on Rajab 27, 1433 Hijri
(June 17, 2012 AD)

Field Marshall Hussein Tantawi
Head of the Supreme Council of the Armed Forces

Deposited in Dar Al Kotob under No. 65/2012 the General Authority of Government Print houses 25675 the year 2011 – 1757

The Carter Center at a Glance

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.

Accomplishments: The Center has observed more than 85 elections in 34 countries; helped farmers double or triple grain production in 15 African countries; worked to prevent and resolve civil and international conflicts worldwide; intervened to prevent unnecessary diseases in Latin America and Africa; and strived to diminish the stigma against mental illnesses.

Budget: $96.0 million 2011–2012 operating budget.

Donations: The Center is a 501(c)(3) charitable organization, financed by private donations from individuals, foundations, corporations, and international development assistance agencies. Contributions by U.S. citizens and companies are tax-deductible as allowed by law.

Facilities: The nondenominational Cecil B. Day Chapel and other facilities are available for weddings, corporate retreats and meetings, and other special events. For information, (404) 420-5112.

Location: In a 35-acre park, about 1.5 miles east of downtown Atlanta. The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration and is open to the public. (404) 865-7101.

Staff: 160 employees, based primarily in Atlanta.

Martin Frank

THE
CARTER CENTER

The Carter Center

One Copenhill
453 Freedom Parkway
Atlanta, GA 30307
(404) 420-5100 ◆ Fax (404) 420-5145

www.cartercenter.org