



Carter Center Releases Recommendations for Egypt's Upcoming House of Representatives Elections

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CONTACT: In Atlanta, Deborah Hakes +1 404-420-5124

The Carter Center today released its recommendations for the upcoming parliamentary elections based on its observation missions for the 2011-2012 parliamentary and presidential elections. The Center suggests critical reforms in the following areas: voter education and information, women in the electoral process, electoral observation, internal and external communications, procedures and training, voter access and participation, electoral contestants (parties and candidates), and electoral legal framework. The recommendations come as the Shura Council is considering electoral legislation, and the election commission is preparing for the upcoming House of Representatives election.

It is the Carter Center's hope that these recommendations are useful to Egyptian lawmakers and election authorities as they work to develop electoral laws and processes that are fully consistent with Egypt's international obligations and commitments. Many of these recommendations have been mentioned in previous Carter Center reports, which can be found on the Center's website in Arabic and English:

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

The Carter Center deployed accredited witnesses throughout Egypt for the 2011-2012 parliamentary and presidential elections. The Center conducts missions in accordance with the applicable laws, regulations, and international obligations of the host country and with the Declaration of Principles for International Election Observation and Code of Conduct for International Observers that were adopted at the United Nations in 2005 and have been endorsed by more than 40 election observation groups.

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Summary of the Carter Center’s Electoral Process Recommendations

Egypt is facing a crucial moment in the development of its electoral system and electoral processes. The recently ratified constitution designates the High Election Commission (HEC) to oversee the upcoming House of Representatives elections and broadly outlines the electoral system to be employed in those elections. The Shura Council, empowered through the ratified constitution to act as Egypt’s temporary legislative authority, is preparing to amend or adopt election laws pertaining to the House of Representatives elections. The Legislative Committee of the Shura Council has prepared draft electoral legislation for the upcoming elections for consideration by the Shura Council and the Supreme Constitutional Court.

This report is a summary of key recommendations that The Carter Center would like to provide Egypt’s lawmakers, election officials, and other stakeholders to help ensure that electoral institutions and processes are consistent with good practice and international obligations in the future. Recommendations are based on the Center’s experience in Egypt, where it observed all three phases of Egypt’s 2011-2012 People’s Assembly elections, both phases of the 2012 Shura Council elections, and both rounds of the 2012 presidential elections.¹ The Carter Center respectfully suggests that Egyptian electoral stakeholders take into consideration these recommendations as they establish the legal, regulatory, and procedural framework for the upcoming House of Representatives elections, and for all subsequent elections and referenda.

While many issues and recommendations are cross cutting, The Carter Center has organized its recommendations in this statement into the following eight categories:

1. Voter Education and Information
2. Women in the Electoral Process
3. Electoral Observation
4. Communications (Internal and External)
5. Procedures and Training
6. Voter Access and Participation
7. Electoral Contestants (Parties and Candidates)
8. Legal Framework

Voter Education and Information

Timely, impartial, and consistent voter education and information should be primarily the responsibility of election authorities, according to internationally recognized good practice. This is especially important in countries experiencing transitions because there are typically considerable changes to the political system, legal framework, and procedures for elections. Unfortunately, the Egyptian legal framework does not specifically mandate election authorities to carry out this duty. Egypt’s election authorities should have a legal responsibility to lead broad voter education efforts that ensure the electorate is well informed

¹ The Carter Center did not deploy a delegation of witnesses to observe the December 2012 constitutional referendum process due to the late release of regulations for the accreditation of witnesses, which precluded the Center from conducting a comprehensive assessment of all aspects of the process, consistent with its methodology for professional observation of elections.

and able to freely and effectively exercise its right to vote.² This includes not only information on how, when, and where to vote, but also information on citizens' rights and responsibilities at all stages of the electoral process.

This is especially important in Egypt given its significant rate of illiteracy and the complexity of its electoral processes. For example, during the 2011-2012 parliamentary elections, voters were asked to mark two separate ballots, one vote on one ballot for a party list and two votes on the other ballot for two majoritarian candidates.³ There also were challenges in determining runoff elections and their winners under the proportional representation system, as well as a 50 percent quota for candidates designated as workers or farmers, which added to the need for comprehensive voter education.

Political Participation of Women

Egypt's international obligations⁴ require that Egyptian authorities take strong steps to ensure that women participate in the electoral process on an equal basis not only as voters, but also as candidates, election administrators, and policy makers. In some recent surveys, Egypt has ranked among the bottom 10 percent of countries worldwide with regard to women's political empowerment.⁵ Underrepresentation was reinforced by the Supreme Council of the Armed Forces' (SCAF) March 30, 2011, Constitutional Declaration, which required that only one woman be included in any location on each list. In many cases, parties placed a woman candidate near or at the bottom of a party list, making their election to a seat highly unlikely. Only nine⁶ women, less than two percent of the members, were elected to the People's Assembly.

It has been recently reported that lawmakers drafting the newest election law are considering reimposing the same, inadequate requirement that at least one woman candidate be included on a party list, but in any position on that list. As was the case in 2011-2012, such a provision will likely have only a minimal impact on the total number of seats won by women.⁷ The Carter Center strongly recommends that Egypt's authorities guarantee a minimum of 30 percent representation by women in Egypt's future elected assemblies and, to achieve this guarantee, recommends that lawmakers adopt firmer measures for women candidates on electoral lists that will ensure a significant increase in women's representation in parliament prior to the upcoming elections.

The Carter Center also urges that additional steps be taken to ensure effective participation of women more generally:

² United Nations, United Nations Human Rights Committee, General Comment 25, Para. 20.

³ The 2011 People's Assembly and 2012 Shura Council elections introduced an electoral system that combined one-third of seats allocated to two-seat majoritarian constituencies and two-thirds to a closed list proportional representation system.

⁴ UN, International Covenant on Civil and Political Rights (ICCPR), Art. 3: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." UN, UNHRC, General Comment No. 28(68): Equality of rights between men and women (Article 3), Para. 3: "The State party must not only adopt measures of protection, but also positive measures in all areas so as to achieve the effective and equal empowerment of women."

⁵ According to data compiled by the Inter-Parliamentary Union on the basis of information provided by National Parliaments by October 31, 2012, Egypt ranked in the bottom 10 of 190 countries classified by percentage of women in the lower or single house. <http://www.ipu.org/wmn-e/classif.htm>; see also, Global Gender Gap Project, World Economic Forum: www.weforum.org/issues/global-gender-gap.

⁶ Carnegie Endowment for International Peace: <http://egyptelections.carnegieendowment.org/2012/01/25/results-of-egypt%E2%80%99s-people%E2%80%99s-assembly-elections>.

⁷ Earlier last week, a presidential spokesperson announced a proposal that would require a party list in a district of more than four seats to include a woman candidate in the first half of the list. The Shura Council's Legislative Committee has reportedly rejected it. The spokesperson's proposal, although an improvement over the currently proposed requirement that a woman candidate appear anywhere on the list, would also only have a minimal impact on the number of seats won by women.

- **Provide voter education that focuses on women:** Social factors and the higher illiteracy rates among Egyptian women require special attention be paid to effective voter education to ensure women are able to exercise their rights without undue pressure. In previous elections, Carter Center witnesses reported widespread pressure on women voters. This included reports of threats made to women that voting for a different candidate than that chosen by their family or tribe constitutes legal grounds for divorce.
- **Promote the inclusion of all eligible women in civic life and the electoral process:** In some parts of the country, the inclusion of women in the electoral process has been negatively impacted by societal norms and historical factors, the availability of birth certificates, and awareness of eligibility for or access to the civil registration process. Current government and officially sponsored civil society initiatives seek to address these issues, but it is estimated that four million women may be undocumented.⁸ The national identification database therefore does not necessarily serve as a complete record of Egypt's eligible citizens due to the significant underrepresentation of women. The Carter Center encourages the continued efforts of the government of Egypt and others to ensure that women have the opportunity to obtain national identification cards.
- **Publish data on women's participation:** In order to facilitate steps to address obstacles to women's participation, stakeholders should be able to transparently quantify and evaluate the participation of women in the electoral process. Data at all levels on registration and, to the extent possible, turnout should be disaggregated by gender, and the details of election winners including gender and party affiliation should be announced.

Electoral Observation

The Carter Center deployed missions to observe Egypt's parliamentary and presidential elections. The Center's mission to observe the 2012 presidential election, however, was limited due to the late accreditation of its witnesses as well as other limitations including restrictions on issuing public statements, a time limitation placed on witnesses inside the polling place, and a lack of access to the final aggregation of results. Although the Center felt the importance of the election warranted continued involvement of international witnesses, it decided to not observe future elections under similar circumstances, as the restrictions faced by witnesses were contrary to the core principles of credible and effective election observation.

The Center did not deploy a delegation of witnesses to observe the constitutional referendum due to the late release of regulations for witnesses, which precluded the Center from conducting a comprehensive assessment of all aspects of the process, consistent with its methodology for professional election observation.

The role of national and international observers is a critically important means of reinforcing the transparency and credibility of an election as it allows for impartial scrutiny and commentary on the process. The decision by Egyptian elections authorities to allow for non-partisan observation of its electoral processes is a step toward a greater commitment to the vital principle of transparency. In order to create an environment that is conducive to non-partisan election observation by both domestic and international civil society organizations, and provide them with a meaningful opportunity to recruit, train, and deploy election observers to assess all phases of the electoral process, The Carter Center urges Egypt's election authorities to establish clear and timely provisions that facilitate observing in accordance

⁸ UN Women, July 10, 2012: <http://www.unwomen.org/2012/07/the-women-citizenship-initiative-will-ensure-citizenship-rights-to-two-million-women-in-egypt/>.

with good practice and standards for election observation.⁹ These provisions could include:

- **Allow observing organizations to be accredited to observe the entire election process:** Elections comprise a number of interrelated processes that interact and influence one another involving a range of stakeholders. It is therefore necessary for observation missions to observe all aspects of an election in order to provide a comprehensive and accurate assessment of the process. These aspects include but are not limited to the legal framework, voter education and information, registration, candidate nomination, campaigning, phases of polling, counting, and aggregation, as well as the announcement of results and the complaints and appeals process. The Carter Center urges Egypt's election authorities to accredit observation missions at the earliest possible instance and before the call for elections and the start of the election process.
- **Allow observation missions to issue public statements without interference throughout the entire electoral process:** In accordance with international good practice, accredited observation missions should be free to issue public statements that can constructively identify areas for improvement, especially if there is still time to implement positive changes that may strengthen the credibility of the process and legitimacy of the outcome. Regulations put in place by the Presidential Election Commission (PEC) prohibited election observation missions from issuing public statements prior to the announcement of results. The PEC ultimately allowed these missions to issue public statements after the vote count but before the official release of results. Nonetheless, the regulation on statements undermined an important positive role that election observation missions can have during an election process.
- **Eliminate time limitations on election observers inside the polling station:** Imposing time limitations on election observers inside the polling place, such as the 30 minute limitation imposed on witnesses during the presidential election, is an unnecessary restriction and undermines freedom of access and transparency in the electoral process. If a polling place is unusually crowded, the head of the polling station should be able to fairly manage access. For example, regulations could provide for rotations for election observers and media, as well as agents of candidates and parties.

Communications

Egypt's election authorities should strive to improve channels of communication both internally and externally and enhance transparency by promoting equal access to information for all election stakeholders.¹⁰ This is particularly important in Egypt, where the transition has followed an uncertain course, producing a fragile political environment and an atmosphere that often fosters speculation and suspicion. The Carter Center, therefore, recommends Egypt's election authorities take the following steps:

- **Improve internal communication systems:** Egypt's election authorities should improve its communication infrastructure to more effectively transmit information to its district general committees and subcommittees. This is particularly important in light of the repeated last minute changes to electoral procedures during previous elections. A primary example of this includes

⁹ Ideally, as part of the establishment of a permanent electoral management body, lawmakers and election officials should consider establishing a permanent regulation enabling domestic and international observation organizations to apply and obtain accreditation for any upcoming election, without the need to develop new regulatory provisions before the beginning of each electoral process.

¹⁰ UN, UNHRC, General Comment 25, Para. 1: "Whatever the form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects." Poorly publicized, last-minute decisions to amend electoral regulations and procedures deny citizens "the effective opportunity" to exercise their rights as contemplated by the ICCPR.

decisions to extend polling by several hours and in some cases even an additional day.¹¹ While it is preferable not to make any changes close to or during the polling phase of an election, it is critical that systems are in place to quickly and accurately inform all election officials in the event of unavoidable changes. This would help prevent procedural mistakes such as the early closing of polling stations, which can disenfranchise eligible voters.

- **Organize stakeholder consultations:** Egypt’s election authorities should regularly organize well-publicized consultative meetings at the national and local level to bring together stakeholders, such as parties, candidates, media, observers, and civil society, to provide information about recent developments, clarify regulations and procedures, answer questions, and solicit feedback. A forum for political parties, for example, in which the election commission’s decisions and the reasons behind them are explained, can increase party and candidate buy-in to the process and provide parties an opportunity to raise issues and hear answers in front of other contestants, reducing perceptions of unequal access to information.
- **Keep the media accurately informed about the process:** The media can play a critical role in providing information to the public about voters’ rights and the electoral process. It also can serve as a watchdog and deter irregularities if it is properly informed about all aspects of the process. Egypt’s election authorities, therefore, should conduct regular press conferences to provide updates and opportunities for questions about the process, prepare and widely distribute written briefs and other materials in both in hard copy and organized and consolidated on the Web for the media and public consumption, and maintain their commitment to unimpeded media access to all phases of the electoral process.
- **Designate points of contact for various electoral stakeholders:** To ensure the smooth flow of information about the electoral process, Egypt’s election authorities should designate contact persons available to provide targeted information and respond to inquiries made by political parties, candidates, observation groups, and the media.

Procedures and Training

Clear and comprehensive procedures are necessary to ensure polling is administered consistently by polling staff at every polling station. Furthermore, it is critical that procedures are finalized and published with sufficient time for all election stakeholders and the public to review, seek clarification, and provide feedback. In the absence of clear and comprehensive procedures, polling staff will develop varying methods to manage the process, which can lead to confusion and result in negative perceptions about the process. In the worst case scenario, voter rights and the integrity of the process may be undermined.

Even the best procedures will count for little if they are not implemented by trained staff. Formal and structured training is critical to ensuring that procedures meant to ensure the transparency and fairness of the process is consistently implemented. Egypt’s election administrators must do more to ensure that all judges and poll workers are trained on electoral procedures and law, and that they are provided with clear, comprehensive manuals, factsheets, or other aids in a timely manner to increase consistency and uniformity of implementation.

The Carter Center wishes to highlight some areas where additional or revised procedures and training will strengthen the integrity of the electoral process and reduce irregularities.

¹¹ The decisions to extend polling hours for the People’s Assembly, Shura Council, and Presidential elections, and the 2012 constitutional referendum, were made during polling on the Election Days themselves.

- **Publish full final and disaggregated results:** The Carter Center commends the decision by Egypt’s election authorities to announce the results at each phase of aggregation starting at the polling station level. The Center also urges election authorities to take the additional step of publishing the full and final results for the polling station, general district committee, governorate, and national levels on its website in a reasonable timeframe. This data should also be included in additional media including an official, publicly available report of the electoral management body.
- **Enact provision for assistance to illiterate voters:**¹² Currently, there is no provision in the law on impartial assistance to illiterate voters. Carter Center witnesses, however, observed numerous instances of judges, poll workers, and/or other voters providing assistance to illiterate voters. Given Egypt’s significant illiteracy rate, the Center recommends that clear guidelines for the provision of impartial assistance to illiterate voters by the presiding officer or a person of the voter’s choice be established and implemented.¹³
- **Establish clear regulations for determining the validity of a vote:** Carter Center witnesses reported a lack of clarity in the regulations for determining whether a ballot has been marked validly, which led to inconsistent determinations of whether a vote is valid or invalid. Clearer regulations concerning a valid ballot should be established, and judges should be properly briefed on these regulations so that they are applied consistently at all polling stations.
- **Clarify and enforce regulations in place to ensure secrecy of the vote:** Secrecy of the vote is a fundamental aspect of democratic elections.¹⁴ Although polling stations are provided with voting screens, the Center noted many instances where the screens were positioned so that the ability of voters to cast ballots in secret was compromised. Moreover, witnesses reported instances in which voters filled in the ballot away from the screen, as well as instances where voters put unfolded ballots in the box. Egypt’s election authorities should ensure that the regulations protecting the secrecy of the ballot are clear and understood by voters, and also enforced by judges and polling staff.
- **Ensure polling staff know to correctly use and record ballot box seals:** Carter Center witnesses reported that in many of the stations, the presiding officers failed to record on the polling forms the unique serial numbers on the ballot box seals used to secure the ballot box at polling station opening. Failure to record the seal numbers during opening and failure to confirm that the same uniquely numbered seals remain on the ballot box at closing renders this important security feature useless. The election commission should make it clear, through forms and training, to all polling officers that ballot boxes should be sealed on all sides with four seals as well as the slot when applicable and explain how to clearly document the numbers of all used seals.
- **Ensure actual reconciliation of ballots:** Judges should account for and record the total number of ballots received from the election authorities as a part of polling station opening procedures and the total number of unused, used, and spoiled ballots as a part of polling station closing procedures. This is an internationally recognized good practice to help ensure that only genuine ballots are cast, and

¹²UN, UNHRC, General Comment 25, Para. 20: “Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.”; Para. 12: “Freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected. Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Information and materials about voting should be available in minority languages. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice. States parties should indicate in their reports the manner in which the difficulties highlighted in this paragraph are dealt with.”

¹³In 2010, the World Bank reported that only 72 percent of Egyptians ages 15 and over were literate.

¹⁴UN, ICCPR, Art. 25(b): “To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;”

that there are no ballots that have been illegally removed or placed in the ballot box. The Carter Center recommends that the commission train staff and develop forms that follow systematic procedures for ballot reconciliation and recording the voting procedures.

- **Use secure tamper evident bags:** It is vital to ensure the security of sensitive materials such as ballots and signed forms while transporting them from the polling center to the district general committees and finally to the courts. Carter Center witnesses observed inconsistent methods of packing and securing materials for transport. The use of tamper evident bags for transporting and storing sensitive materials provides strong protection against potential abuses.
- **Ensure staff properly check and ink fingers to prevent multiple voting:** Inking is used as a means to prevent multiple voting and should be conducted consistently in all polling stations. This includes determining which finger to ink and the effective application of the ink to the fingertip and cuticle. Improperly applied ink is more easily removable and harder to check for, weakening the protection against multiple voting. For this measure to be effective, prior to identifying voter's identity, polling officials should check a voter's fingers for ink to ensure that they did not already vote. The Center recommends that election procedures provide for checking of fingers to be done in the early voting stages together with voter identification and that polling staff are trained to properly apply ink.
- **Ensure adequate staffing at polling stations by clearly identifiable poll workers:** In some cases, The Carter Center reported the absence of a female poll worker to check the identity of veiled women. A staffing plan should be in place to ensure that at least one female poll workers is present in every polling station serving women voters. Witnesses also reported that some stations lacked the necessary number of staff resulting in poll workers performing too many roles simultaneously or relying on unauthorized assistance to implement the process. The staffing plan, therefore, should also ensure an adequate number of polling staff at each station. In addition, Carter Center witnesses reported instances in which it was difficult to distinguish the polling staff from voters inside polling rooms. The Carter Center encourages Egypt's election authorities to provide all polling staff with means of identification, including badges and vests, to distinguish them and to prevent allegations of interference by unauthorized persons.
- **Optimize the setup of polling places.** Carter Center witnesses observed cases in which the polling process was chaotic, allowing voters to leave without inking, and to potentially receive ballots without signing the voters' list. While each polling space is different, all polling places should be set up to provide for a smooth voting process according to voting procedures. Polling staff should be sufficiently trained on the setup of a polling place in accordance with the established progression of voting steps.
- **Ensure ballot papers protect the legitimacy of the process and secrecy of the vote:** Ballot papers should be identified by a unique serial number on the ballot paper stubs that remain in the ballot paper booklet. However, no numbers should be printed on any part of the ballot that is given to the voter. A number printed on the ballots to be cast undermines the secrecy of the ballot and creates opportunities for vote buying and intimidation. In addition, as a deterrent to fraud through ballot stuffing, ballots should be stamped with the official stamp in front of the voter by the authorized person when the ballot is issued to the voter.

- **Open polling places on time:**¹⁵ Late opening of the polling station can undermine voter access and right to participate in the electoral process. Egypt’s election authorities, therefore, should include the importance of adhering to official polling hours as part of official guidelines on how to efficiently and effectively set up a polling place. In case of late opening, the head of the polling place should be required to immediately inform election authorities to resolve the cause of the delay.

Voter Access and Participation

Egypt’s international obligation to provide universal suffrage requires that the right to vote be extended to the broadest possible pool of voters.¹⁶ Policies designed to maintain an accurate and up-to-date voter registry are a critical means of ensuring enfranchisement of citizens and integrity of the process.¹⁷ Similarly, planning and operation of polling must facilitate the exercise of that right through a process that facilitates participation by all eligible voters. To protect Egyptians’ universal and equal access to the voting process, The Carter Center recommends the following:

- **Ensure the enjoyment of the fundamental right to vote:** Egypt has made voter rights the centerpiece of its electoral legal framework through the Law on the Exercise of Political Rights.¹⁸ Under the current legal framework, however, a number of categories of Egyptian citizens are prohibited from voting, including but not limited to: those who turn 18 between the closure of the voters’ list and election day, people who have been declared bankrupt in the last five years, recently naturalized Egyptian citizens, and active duty members of the military and police. While international conventions allow limited restrictions to universal suffrage,¹⁹ the Center suggests that Egyptian lawmakers could reconsider some of Egypt’s restrictions on the right to vote and ensure that they are consistent with international obligations,²⁰ including a modification of the process that has prevented citizens from voting who turn 18 after the call of elections but before election day.
- **Provide ample opportunity for the update of voter registration information:** International good practice indicates that voters’ lists should be accurate and current to ensure that the right to vote is protected. In the case of the constitutional referendum, only voters who had registered for out-of-country voting prior to the presidential election were able to vote. As a result, many Egyptians were disenfranchised.²¹ Voters both in Egypt and out-of-country should have the opportunity to verify and update their registration status for a reasonable period after elections are called.
- **Provide voters the opportunity to scrutinize and challenge the voters’ list:** The Carter Center urges Egypt’s election authorities to ensure the voters’ list is publicly exhibited in a well-publicized process prior to finalization so that voters can scrutinize and challenge the list as necessary. Furthermore, the Center urges authorities to adequately publicize and explain the importance of the

¹⁵ European Union (EU), Handbook for European Union Election Observation, Second Edition, p. 75: “Delays to the opening of polling stations or early closing undermines the right to vote.”

¹⁶ UN, ICCPR, Art. 25(b); Universal Declaration of Human Rights (UDHR), Art. 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.”

¹⁷ International IDEA, International IDEA International Electoral Standards: Guidelines for Reviewing the Legal Framework of Elections, p. 45: “The right to vote is also violated if the legal framework fails to ensure accuracy in voter registers or facilitates fraudulent voting. The international standard for voter registration is that the register must be comprehensive, inclusive, accurate and up to date, and the process must be fully transparent.”

¹⁸ Law Number 73 of 1956, as amended.

¹⁹ UNHRC, General Comment 25, Para. 4: “Any conditions which apply to the exercise of the rights protected by Art. 25 should be based on objective and reasonable criteria.”

²⁰ UN, UNHRC, General Comment 25, Para. 3: “No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

²¹ On a positive note, the HEC recently issued its Decree Number 1 of 2013, which appears to provide a significant amount of time for Egyptians abroad to register for the next House of Representatives election, or to change their registrations.

exhibition and challenge process so that voters and other election stakeholders do not miss the opportunity to inspect the records.²²

- **Ensure accessibility to the polling stations for persons with disabilities:**²³ Polling stations whenever possible must be easily accessible. In recent elections, Carter Center witnesses reported that many polling stations required voters to climb one or more sets of stairs creating difficulties for disabled and elderly voters despite the apparent availability of rooms on the ground level. The Carter Center urges Egypt’s election authorities to make polling stations easily accessible wherever possible.
- **Ensure a sufficient number and distribution of polling places:** Voters should be able to vote without traveling great distances or waiting for long periods of time. The burdens imposed on voters by an inadequate distribution of polling stations and the exceedingly high numbers of voters assigned to a single location, can lead to disenfranchisement of voters who do not have the time, resources or flexibility to participate. During the presidential election and constitutional referendum, there were many instances in which more than 5,000 voters were assigned to a single polling station, and long-lines forced extensions of voting hours in both phases of the election. Election administrators should draw on this experience to plan for enough polling stations to efficiently and effectively process all voters in the allotted time.
- **Ensure access to polling places is civilian controlled:** Egypt’s security forces have and should continue to play an important role in securing the polling process. Carter Center witnesses, however, observed cases in which security forces denied access to the process for national and international election observers as well as candidate and party agents and representatives. In most of these cases, security forces were not sufficiently aware of the regulations and laws governing access. The Carter Center urges Egypt’s election authorities to assign a sufficiently trained member of the polling staff to be present at the entrance. This position could work in coordination with the assigned security forces and exercise primary authority over access to the center. This official can ensure that those with proper accreditation have access to the process, as well as ensure that voters in line at the polling center at the close of polls have an opportunity to vote. Security forces should remain outside a polling station unless asked by the presiding official to enter and assist with a specific issue.

Electoral Contestants

In seeking votes, political parties, candidates, and campaigns inevitably play a large role in informing and mobilizing voters, as well as in monitoring the process. Their vested interest in the result of an election, however, also can lead to disputes and electoral violations. Reasonable laws and regulations governing electoral contestants with clear and fair consequences should be in place to encourage positive contributions by electoral contestants. With regard to electoral contestants, The Carter Center makes the following recommendations:

- **Strengthen and enforce campaign finance laws:**²⁴ During the 2011-2012 parliamentary elections, candidates and parties were subject to a maximum campaign spending limit,²⁵ but there were no

²² Article 14, Law on the Exercise of Political Rights (Number 73 of 1956 as amended) mandates the display of the electoral register.

²³ UN Convention on the Rights of Persons with Disabilities, Art. 4(c): “State Parties undertake... [t]o take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes.”

²⁴ The United Nations Convention Against Corruption, Art. 7(3) states that “Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.”

²⁵ HEC Decision Number 21, Art. 4, states that the maximum amount of money each candidate is allowed to spend on his campaign is 500,000 Egyptian pounds, and 250,000 Egyptian pounds during runoffs. This provision applies to all candidates participating in the elections.

reporting requirements or explicit enforcement mechanisms against violators. Without reporting and enforcement provisions for campaign finance, the explicit restrictions on spending by candidates and parties were meaningless. The Carter Center recommends that authorities ensure that there are mandatory post-election audits of all campaign expenditures; that parties and candidates should be required to fully, accurately, periodically, and publicly disclose contributions received and expenditures made on behalf of their campaigns during the course of their campaigns; and that election officials, or other law enforcement officials, are given clear authority and resources to investigate and prosecute allegations of campaign finance violations.²⁶ Lawmakers and electoral officials should ensure that all electoral contestants are aware of campaign finance provisions in advance of the campaign period.

- **Improve the role played by candidate and party list representatives and agents:** Poll monitoring by trained candidate and party list representatives and agents can help prevent irregularities and enhance the transparency of the polling process. Electoral contestants mobilized large numbers of representatives and agents to monitor polling and counting in the recent parliamentary and presidential elections. While these agents mostly played a constructive role in the process, Carter Center witnesses reported some cases in which they inappropriately interfered in the process. These included but were not limited to assisting with applying ballot box seals, assisting in transporting ballot boxes, and providing voter information inside polling centers. Training materials for agents should indicate that they are prohibited from participating directly in any aspect of the electoral process beyond observing and raising concerns with the presiding officer. In addition, all candidate and party agents should be clearly identifiable by an official badge issued by the election authorities. Finally, agents and representatives should have equal and adequate access to all phases of polling, counting, and aggregation. Electoral administrators should consider employing a rotation system when space is insufficient for continuous access.
- **Implement enforceable measures on election day campaigning:** One of the most common electoral violations observed by The Carter Center during the 2011-2012 parliamentary elections was illicit campaigning during the campaign silence period. For the 2012 constitutional referendum, however, Egypt's election authorities adopted a proximity based regulation restricting campaigning within a certain distance of the polling place. While there is always the possibility of violations occurring, this appears to be a positive step towards a more enforceable standard.

Legal Framework

The legal framework is the backbone of any election process. The Carter Center expresses the following concerns about aspects of Egypt's electoral legal framework, and hopes that lawmakers, election authorities, courts, and other stakeholders will work to address these issues.

- **Mandate regular and comprehensive reporting:** One important component of an effective, transparent election authority is the depth and quality of its reporting to other electoral stakeholders, including the public. While the new constitution references reporting by independent agencies and regulatory bodies, it remains unclear whether such reports are mandatory, whether they are to be issued periodically, and what these reports should contain. The Carter Center strongly recommends that future election authorities, including the National Election Commission (NEC), issue reports either periodically or upon the conclusion of any electoral or referenda process that includes detailed, polling-station level results, existing laws and regulations, comprehensive information on electoral complaints, and clear explanations of the role and responsibilities of the election commission and the rights and duties of Egyptian voters.

²⁶ As mentioned in The Carter Center's Preliminary Report On All Three Phases Of The People's Assembly Elections, Jan 24, 2012, p. 19..

- **Identify and clearly define vague terminology and create a unified electoral code:** The Carter Center recommends that lawmakers identify and define vague terms both within the laws themselves, and as part of training and the production of education materials for use by election officials, voters and other stakeholders. An important example of vague terminology that requires further definition or clarification includes the definition of “religious slogans,” which may not be used for campaign purposes. Without further definition, it is impossible for stakeholders to understand the scope of such provisions, and precisely what campaign-related actions might constitute a violation of such provisions. The development by lawmakers, in consultation with the NEC, of a comprehensive, unified, election code governing all future Egyptian elections, with clear definitions of all key terms contained within the code, would be a useful approach for addressing the problem of vague legal terminology.
- **Reconsider mandatory voting:** The electoral laws for the parliamentary and presidential elections contained provisions for fining registered voters who failed to vote without a valid excuse, but this law was not routinely enforced. In the absence of a comprehensive program of voter education, The Carter Center recommends reconsideration of the largely unenforced mandatory voting requirement.²⁷
- **Ensure opportunity for the public to comment on electoral laws and regulations:** To build public confidence in the legislative process, it is essential that electoral laws and regulations be displayed prior to enactment for a reasonable period of time to enable stakeholders the opportunity to comment and offer suggestions for improvements. The Carter Center recommends that Egyptian lawmakers develop a system for displaying laws in advance of a final vote, using the Internet and other media to enable the Egyptian public, civil society, political parties, and others to provide comments to policy makers on the draft versions of laws in a public manner.
- **Establish fair apportionment of electoral districts:** The Carter Center has previously expressed its concern about the unequal representation of voters in different electoral districts during the 2011-2012 parliamentary electoral process. During the 2011-2012 parliamentary elections, the districts were not proportionate to their respective populations. In the Shura Council elections, for example, all but the three most populous governorates were assigned six seats each. As a result, there was also significant overrepresentation in less populated governorates, and significant underrepresentation in highly populated governorates. The Carter Center strongly urges that Egyptian lawmakers develop electoral districts that include a fair distribution of voters across all districts in advance of future parliamentary elections.
- **Create a standardized and accessible complaint process:** As Carter Center witnesses observed in previous elections, the processes for filing complaints regarding electoral misconduct are unclear to many Egyptians. The Carter Center recommends that Egypt establish a unified process for filing all electoral complaints, through the use of a standardized complaint form available online and off-line at multiple publicly accessible locations throughout the country, to clarify and facilitate access to the complaints process for all Egyptian citizens.
- **Ensure transparent and unified appeals process:** The right to appeal the decisions of election authorities to an impartial tribunal is an essential component of electoral justice. The establishment of

²⁷ Norwegian Helsinki Committee, Election Observation: An Introduction to the Methodology and Organization, sec. 5.5 “People must know their rights to use them; hence sufficient civic and voter education is a prerequisite for the facts of universality and equality.” It remains unclear under the terms of the new constitution whether a legal requirement to vote would be deemed constitutional. Both the previous constitution of 1971 and the current Constitution state that it is a citizen’s “national duty” to participate in public life, and a mandatory voting requirement was never declared unconstitutional under the earlier constitution. See Article 62 of the constitution of 1971 and Article 55 of the constitution of 2012.

a process to appeal decisions of the to-be-established National Election Commission to the administrative courts as established in Article 211 of the new constitution is therefore a positive development. This step will ensure that all electoral decisions made by the NEC will be reviewable by an independent, impartial authority and should also facilitate the development of a clear, public record of all electoral complaints and their adjudication.²⁸ For the 2013 parliamentary elections, The Carter Center hopes that Egyptian lawmakers and the HEC, the election authority for those elections, will consider establishing a transparent, unified appeals process for those who wish to challenge decisions of the HEC, and that all decisions of the courts pertaining to the HEC are publicized.

- **Ensure judicial independence in electoral complaint adjudication:** In accordance with internationally recognized standards regarding judicial independence and ethics, The Carter Center recommends that any future election authorities and the judiciary take transparent steps to ensure that judges 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.

- **Promote Independence of the National Election Commission:** The new Egyptian Constitution establishes the NEC to oversee all national and local elections as well as referenda following the 2013 House of Representatives election. The Carter Center considers the establishment of the NEC to be a positive step. Within the law, the NEC must have the ability to perform its duties free of undue influence by the government, political parties, candidates, and other powerful electoral stakeholders. This includes independence in the hiring of staff, development of the NEC budget, and disbursement of funds.²⁹ In addition, a permanent presence in each of the governorates through dedicated field offices and personnel will enhance the NEC's ability to independently oversee electoral preparations at the local level, improve voter education and assistance efforts, and strengthen oversight and enforcement of electoral procedures on election day. This is particularly important given the frequency of elections in Egypt.

²⁸ Appeals of NEC decisions in local elections are to be heard by local administrative courts. Art. 211, constitution of 2012.

²⁹ See Article 200 of the Egyptian Constitution of 2012, which guarantees financial and administrative autonomy for all independent bodies and regulatory agencies defined in the constitution, including the NEC.