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**Carter Center Preliminary Statement on the First Round of Voting in Egypt's People's
Assembly Elections**

The Carter Center deployed witnesses to observe two days of polling on Nov. 28-29 in the first of three rounds of Egypt's parliamentary elections, as well as the preceding election preparation period. Carter Center witnesses visited more than 300 polling stations in all nine active governorates, and followed the process through to the counting exercise.

"Carter Center witnesses in Egypt reported enthusiastic participation in the election and a largely peaceful process, for which the Egyptian people should be proud," former U.S. President Jimmy Carter said. "However, the process is far from complete, and there are several areas for improvement before the next two rounds of voting. We hope that steps can be taken to help ensure the integrity and transparency of these elections."

Despite long lines, late poll openings, and other indicators of under-preparation evident in some polling stations and counting centers, Carter Center witnesses reported that Egyptian citizens displayed optimism and participated in large numbers. Candidates, parties and their representatives, and election officials also appeared eager to participate and to demonstrate their commitment to a democratic transition. Egypt's voters and other political stakeholders in general warmly received Carter Center witnesses, a sentiment that was deeply appreciated.

The Carter Center notes the deep skepticism of activists in Tahrir and in other parts of the country about the value of these elections, however, and so urges Egyptian authorities to ensure that the parliamentary elections will result in a more transparent, inclusive and participatory transition process, and a parliament with genuine authority to select the Constitutional Assembly.

At this time, The Carter Center cannot offer a comprehensive assessment of the electoral process. There remain two further rounds of voting, run-off elections and the resolution of any complaints. In the interim, the Center offers the following preliminary observations and suggestions for the next rounds of voting.

These observations include:

- Campaigning prior to the election was vigorous and enthusiastic. However, campaigning continued through the election days in contravention of the Supreme Judicial Commission for

Elections' (SJCE) regulations on campaigning. The Center suggests that the SJCE provide clear instruction to the parties on what constitutes improper campaigning.

- Despite reports of some isolated incidents of violence, the Carter Center witnesses found the voting environment to be generally peaceful, and that security personnel, while present did not interfere in the process.
- The process thus far has suffered from a lack of clear and well communicated information about election day processes and procedures. The Carter Center hopes that clear information about the process will be disseminated widely and in sufficient time to guarantee that voters and other stakeholders have the opportunity to understand and adapt to it.
- In general, Center witnesses reported considerable disorganization and confusion stemming from inadequate preparation and instructions to the judges and workers on how to efficiently count the ballots and report the results to the supervising sorting committee. It is recommended that the SJCE publicize clear vote count procedures, as well as regulations on the access of candidates, parties and their agents to the counting centers, and that they enforce these rules fairly.
- While Carter Center witnesses received accreditation, there were isolated incidents in which access to polling stations and counting centers was denied or limited. For the next two future rounds of elections it is important to ensure that accredited domestic and international witnesses have access to polling stations and counting facilities without obstruction.
- Any complaints regarding the Nov. 28-29 election days are yet to be heard. The Center reiterates the importance of providing information on the complaints process to voters and candidates.'

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The Legal Framework

The People's Assembly elections are governed primarily by the Constitution, the Law of Political Rights,¹ and the Law Concerning the People's Assembly.² In addition, Egypt has ratified a number of international treaties which provide guidance on the electoral process. Although codified during earlier Egyptian regimes, both electoral laws were amended significantly during 2011 to establish Egypt's current electoral system. Additionally, Supreme Judicial Commission for Elections (SJCE) has issued several regulations concerning candidate registration, campaigning, and the role of civil society organizations in witnessing elections.

Outreach by the SJCE

Distinguishing between speculation and authoritative information on the process has been a recurring problem. Misinformation on the electoral process creates confusion among voters and can damage the credibility of the elections. In the week prior to the elections, there were conflicting messages communicated by the SJCE on whether voters were allowed to vote for any two candidates or were restricted to only choose candidates with a particular occupation.³ Misstatements such as these can depress voter turnout, affect the free exercise of the right to vote, and generally damage the credibility of the electoral process.

It is also worth emphasizing that changes in electoral procedures must be communicated sufficiently early in the process. Even though the late introduction of two days of polling for the first round was broadly welcomed among Egyptian voters, the lack of a single spokesperson for the SJCE created a lack of clarity on how the two days were to be implemented. In addition, the SJCE issued a last minute regulation extending the polling hours by two hours from 7 p.m. until 9 p.m. on the first day of voting. While this action is to be commended, particularly in light of the late poll openings observed across Egypt by Carter Center witnesses, there were incidences of confusion on the part of judges and poll workers who had not received word of the change. In these cases, the situation was generally rectified to prevent unnecessary disenfranchisement of voters. Future decisions that may affect electoral operations should be issued in sufficient time to guarantee that voters and other stakeholders have the opportunity to comprehend them and adapt

¹ Law Number 73 of 1956, as amended.

² Law Number 38 of 1972, as amended.

³ The SJCE representative claimed that voters would be required to vote for at least one "worker" or "farmer" candidate among the two votes to be cast in the individual races. This is incorrect. According to Article 15 of the Law Concerning the People's Assembly, a voter may vote for any two candidates, even if both of the candidates are not workers or farmers. The electoral commission is then required to ensure that at least 50% of the winning candidates following run-offs are either farmers or workers, in accordance with the above-referenced legal provision. The SJCE ultimately publicly stated the correct version of this legal provision.

to them.

Campaigning

The campaign environment in the weeks leading up to the elections was vibrant with campaign banners, posters and graffiti widespread throughout both urban and rural areas. Candidates and parties used face-to-face meetings, going from house-to-house and holding public gatherings to receive voters.⁴ Although the campaign period was held under the shadow of an arbitrary Emergency Law, in general, candidates of all political persuasions appeared to be able to campaign freely and openly.⁵ There was, however, confusion over the official start date of the campaign period, and as a result, Carter Center witnesses observed active campaigning before the campaign period commenced.

The campaigning process, however, was disrupted by the violence used by state security forces in response to protests in Tahrir and public squares throughout major Egyptian cities starting on November 19. It should be acknowledged that two of the Egyptian Current Party's activists were killed during the course of these events and that some political parties suspended their campaigns in response to these events until only a few days before voting commenced.

Both before and during the election days, witnesses reported widespread campaign-related violations. Although SJCE Regulation 21 establishes start and stop times for electoral campaigning, these regulations were flouted by numerous parties and candidates.⁶ Vigorous campaigning was particularly notable on the election days themselves, with witnesses reporting that parties and many individual candidates were active in distributing pamphlets and using vehicles and loudspeakers for publicity in contravention of SJCE campaign regulations. Witnesses reported that the Freedom and Justice Party (FJP) set up information tables in Cairo, Damietta and Asyut to assist voters seeking information about the whereabouts of their polling stations. While it is appropriate for political parties to provide neutral voter information to assist voters,⁷ Carter Center witnesses noted that FJP volunteers in many cases simultaneously provided campaign documents or other literature, violating the prohibition on campaigning. For the next rounds, the SJCE should clarify campaign regulations to all political parties by providing instruction regarding activities that are authorized and those that constitute improper campaigning.

Voting and Counting

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled in order for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to participate in public affairs, and to enjoy security of the person. The state

⁴ United Nations (UN), International Convention on Civil and Political Rights (ICCPR), Art. 21: "The right of peaceful assembly shall be recognized."

⁵ ICCPR, Art. 25: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) to take part in the conduct of public affairs, directly or through freely chosen representatives; (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; (c) to have access on general terms of equality, to public service in his country."

⁶ SJCE Regulation 21, Art. 3: "The Campaign will start at the announcement time of the final statements of candidates, and the stoppage in the previous two days on the ballot in each stage of the stages. And In the case of run-off it will be the day following the announcement of the result, stoppage in the previous day of conducting it, the election campaign shall be abstained at any other dates by any mean."

⁷ ICCPR, Art. 19(2): "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

must take all necessary steps to ensure such rights are fully protected and awarded to all citizens in an equal and non-discriminatory manner.

Polling Station Locations

Voters generally seemed to be aware of their polling station location, although this information was imparted in many cases informally, through word of mouth. Based on several reports, it appears that the voter hotline developed by the SJCE was generally effective, although the service was reportedly slow at times on the first election day.

Security

Personal security is a necessary condition for the exercise of democracy, including the exercise of the right to vote. Though Carter Center witnesses reported a generally peaceful environment surrounding the voting process on November 28 - 29, with voters waiting patiently for their turn to cast ballots, The Carter Center is nevertheless concerned by reports of isolated incidents of violence. Although there were considerable numbers of security and police forces present at many polling stations visited by Carter Center witnesses, at the majority of polling stations the security and police generally remained outside of the polling stations and did not interfere in the electoral process.⁸

Opening

Carter Center witnesses across Egypt reported widespread delays in the opening of polling stations, especially on the first day. These delays were caused by different factors, including the failure of ballots and ink to arrive by the allotted start time, and the failure of the presiding judge to arrive on time. Such delays sometimes caused anxiety and frustration in voters, and may damage the perceived integrity of the process in the eyes of political stakeholders.⁹ The next two rounds could be improved by ensuring adequate time for ballot preparation and electoral supply procurement and delivery. In addition, steps should be considered to ensure the timely arrival to the polls of judges, and for contingency plans to address last-minute judicial and polling station worker absences.

Secrecy of the Ballot

The right to cast your ballot in secret is a right granted to Egyptian citizens in the Egyptian electoral code, and is consistent with Egypt's international commitments.¹⁰ Carter Center witnesses reported that the majority of voters were afforded the opportunity to cast their ballot in secret. However in some instances, judges, responding to the long queues of voters, hurried voters through the polling station, encouraging them to cast their ballot outside of the voting booth to expedite the process. In other cases, polling stations were reported to either have broken or improperly structured secrecy booths, or had no secrecy booth at all. Many voters were observed willingly casting their ballots in the open, marking their ballots on the floor, against the wall, or on ballot boxes. While these deviations from the secrecy of the ballot appeared to be practical and understandable responses to the circumstances at hand, the secrecy of the ballot is a

⁸ It was reported by one team in the Cairo governorate that judges postponed the count on November 29 for fear of their security, but resumed the counting process the next day. Another team in the Alexandria governorate also reported a deterioration of the security environment at a counting center, but were later assured by the head of the Police that the situation had been defused. In one case in Fayoum, Carter Center witnesses reported large number of Ministry of Interior personnel in full riot gear outside of a polling station. This was thought to have a chilling effect on the voters at that polling station.

⁹ 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."

¹⁰ Law Concerning People's Assembly, Article 1 "The People's Assembly shall be comprised of 498 members selected through the public direct secret ballot method, provided at least half of them are workers and farmers."; ICCPR, art. 25(b)

fundamental right that should be fully respected in order to ensure credible elections. To this end, steps should be considered before the next two rounds of elections.

Voter Identification

The use of indelible ink can be an effective means of preventing multiple voting. Carter Center witnesses reported that, in almost all cases, indelible ink was applied to the fingers of voters after they cast their ballot. However, it should be noted that voters' fingers were not systematically checked for ink prior to receiving their ballot. While this undermined the utility of the indelible ink as a safeguard for the voting process, Carter Center witnesses also noted that voters were routinely crossed off the voters' list - another effective means of protecting the integrity of the election process. Looking forward to the next phases of voting, poll workers should be instructed to ensure that voters are systematically checked for ink in addition to voter list marking.

Women's Participation Poll Workers, Agents and Witnesses

Women constituted approximately 25 percent of the workforce in polling stations visited by Carter Center witnesses, though a much smaller number of presiding judges were female. In addition, women made up sizable percentages of the candidate and party agents and domestic witnesses met by our teams. In the coming weeks, The Carter Center will provide more detailed analysis of the role of women in the broader political process, including as candidates.

Poll Closing Day One

The additional day of polling introduced new security and logistical challenges to the electoral process, with election authorities having to undertake measures to temporarily close and secure ballot boxes and materials overnight. Despite the last minute issuance of Decision No.43 of the SJCE governing the establishment of the additional polling day, The Carter Center witnesses reported that, in general, judges locked and sealed ballot box openings using cloth sealed by a red wax stamp in the presence and with the assistance of polling staff. The decision, however, did not require judges to place a seal over the ballot box lock to ensure locks were not tampered with, or the box opened. In future rounds, The Carter Center recommends that judges be required to secure the ballot box lock with cloth and a red wax seal. Given the late decision to add a second day of voting to each of the three phases, the Center hopes that the SJCE will have clear plans in the place for the continued security of ballot boxes between the first and second day of polling, including contingency procedures should boxes be found to be tampered with.

Vote Counting

An accurate and nondiscriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled. The counting of ballots and the announcement of results is ongoing as of the time of this statement and therefore the Center's comments are preliminary.

At the end of the second day of polling, ballot boxes were moved to counting centers. Carter Center witnesses visited 16 of the 28 counting centers active during this first phase of voting.

Most Carter Center witnesses reported a large number of people present at the counting center, including not only the presiding judges and poll workers, but candidate and party agents, domestic witnesses, representatives of the media, and security forces. Despite the volume of people at the counting centers and the instances of tension that this caused, Carter Center witnesses reported that the environment in the counting centers was generally peaceful.

In general, Center witnesses reported considerable disorganization and confusion stemming from inadequate preparation and instructions to the judges and workers on how to efficiently count the

ballots and report the results to the supervising sorting committee. Some poll workers spent several hours awaiting instructions from the head of the SJCE subcommittees on how to proceed. It is recommended that the SJCE publicize clear vote count procedures, as well as regulations on the access of candidates, parties, and their agents to the counting centers, and that they enforce these rules fairly.

Witness Access

Carter Center witnesses reported meeting Egyptian domestic witnesses at a considerable number of polling stations visited and were pleased to note the high percentage of women among their number. However, the Center was troubled by reports that some had only limited access to the counting centers because of a requirement that they have an additional letter to gain access to counting centers. This is not a requirement of their regulations. The Center welcomes the continued participation of many Egyptian organizations in witnessing the process and encourages the SJCE and other Egyptian institutions to take steps to enable the appropriate role of domestic civil society organizations in electoral observation.

All Carter Center witnesses were granted accreditation cards in a timely fashion prior to the start of the polling, which authorized access to both the polling and counting processes. However, Carter Center witnesses were denied access to polling locations by security forces in three instances, and by presiding judges on seven occasions. Several Carter Center witnesses had problems initially in gaining entry to counting centers, hampering their ability to observe the conveyance of ballot boxes from polling stations to the designated centers, although eventually they were allowed inside. For the next two future rounds of elections it is important to ensure that accredited witnesses have access to polling stations and counting facilities without obstruction. In the interest of promoting greater transparency and confidence in the electoral process, the Center urges the SJCE to ensure appropriate access for both domestic and international witnesses across Egypt.

Electoral Complaints

Efficient electoral dispute mechanisms, including, as necessary, the provision of a fair and public hearing before a tribunal, are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.

The polling and counting complaints process has just begun, so it remains to be seen whether the electoral complaints system will serve as an effective feature of the overall electoral process. However, as originally noted in the Carter Center's statement released on Nov. 21, the Center is concerned that the SJCE has not yet publicized procedures regarding this critical aspect of the electoral process. Witnesses reported that many Egyptians were unaware of their right to complain about alleged electoral violations, and the appropriate avenue to do so. The Center reiterates the importance of providing information on the complaints process to voters and candidates.

Seat Allocation and the Powers of Parliament

The Carter Center remains concerned about the lack of information regarding how totals from the party list votes will be allocated into seats. The lack of clarity regarding this information could lead to disagreements about the final seat allocation and possible conflicts between parties and with the SJCE. One interpretation of the existing law that may be taken by the SJCE and would favor dominant political parties and disempower smaller parties is also a concern. As this parliament will be selecting the membership of the future constituent assembly, the broadest representation of views is vital. Clear and widely disseminated information from the SJCE on the

application of the Law Concerning People's Assembly Article 15,¹¹ and other provisions regarding seat allocation could bolster trust in the system and promote comity between the parties during the electoral phases.

In addition, ambiguity remains about the types of legislation the future parliament will be able to pass within the current constitutional framework. At the moment, the 2012 parliament will operate within a legal framework that is designed and regulated by the Supreme Council of the Armed Forces (SCAF), making it difficult for the civilian parliament to have oversight of the military and serve as an equal partner in the continued transition process. In particular, it is important that representatives, elected freely by citizens, are able, in fact, to exercise governmental power and be held accountable through the electoral process for their exercise of that power. ¹²The Carter Center hopes that the Egyptian authorities will ensure that the parliamentary elections facilitate a more inclusive and participatory transition, and result in a parliament with genuine authority to select the Constitutional Assembly.

The Carter Center mission to witness Egypt's Parliamentary Elections has been accredited by the Supreme Judicial Commission for Elections. The Carter Center deployed the first phase of its international delegation on Nov. 6, 2011. The Carter Center has deployed 40 long- and medium-term observers from 21 countries including: Austria, Canada, France, Germany, Ireland, Italy, Kenya, Lebanon, Malaysia, Morocco, the Netherlands, Norway, Palestine, Philippines, Slovakia, Somalia, Spain, Sudan, Tunisia, United Kingdom, and the United States. While deployed, these witnesses will observe the election administration, campaigning, voting and counting operations, and other activities related to the electoral process in Egypt.

The Carter Center's election mission is conducted in accordance with the Regulations and Code of Conduct for Elections Followers issued by the Supreme Judicial Commission for Elections, as well as the Declaration of Principles for International Election Observation and Code of Conduct that was adopted at the United Nations in 2005 and has been endorsed by more than 37 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.

¹¹ "Representatives of each constituency of the closed lists shall be elected by giving each list a number of the constituency seats by the number of valid votes the list obtained to the total number of valid votes of voters that the parties' (that have the right to represent, according to the next paragraph) had obtained in the constituency, adhering to the order on each list, and the remaining seats shall be distributed to the lists according to the sequence of the highest remaining votes for each list." "The party or party coalition whose lists do not gain at least half percent of the number of valid votes in the constituencies of the republic that are allocated to the lists, may not have representation in the assembly."

¹² UNHRC, General Comment 25, para. 7