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Arab Guide for Free and Fair Elections

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The Editor.

INTRODUCTION

Elections are the basis for democracy and the most important mechanism for the political system legacy in general, as they are the foundations upon which electoral institutions are constructed.

Electoral systems differ in a number of legal and procedural aspects, starting from the identification of the voter and the candidate, the electing system (individual, grouped ...), up to the screening of votes and contestations raised about the vote; all of this is made with regard to constitutional, political, social, cultural and economic factors characterizing society, but what characterizes democratic electoral systems is fairness in the broad sense of the word, including different operations, procedures and behaviors, which aim at ensuring as much as possible the “respect of voters’ choices” in selecting their representatives (Parliament).

The purpose of this Guide is to provide Arab readers with a set of political principles, theories and procedures, in order to strengthen the electoral operation and reinforce efforts to hold free and fair elections.

The Arabic library may need further materials and publications explaining and analyzing political practices and the construction of democratic institutions, the first of which is Parliament. This Guide includes comparative studies of electoral systems and actual practices in Arab countries, as well as contributions of private international institutions. The Guide also recommends a practical method to manage elections process that may be debated and tailored according to national environments.

The Guide is made up of three sections following the election procedure: pre-election phase, during elections, and post-elections. Each section includes a number of principles and procedures, taking into account the need for coordination during implementation.

The Guide has been prepared based on three theories:

- 1- The translation of key principles for the holding of democratic and fair elections throughout the election process. For instance, the “equal opportunity” principle was used to discuss candidates’ promotion and campaigning tools, as was the “fairness” principle central in the composition and liabilities of the national election committee, or the “impartiality” principle in organizing campaigns and avoiding the use of public money, facilities and properties during elections, or the “transparency” principle in the design of procedures related to the screening of votes, the announcement of results and reservations raised against the vote.
- 2- Taking the social, political, economic and cultural conditions in the different Arab countries into consideration, reflected namely in prohibiting the use of religious shrines for campaigns, reducing the age of voters and candidates, the representation of women and youth in the national elections committee, or candidates’ level of instruction requirement; the absence or risk of dissolving parliaments in several Arab countries requires considering this fact during elections as a frequent and likely alternative; several principles have therefore been designed that would transfer some prerogatives related to elections to the

Head of State in case the Parliament is dissolved (and not during holidays); similarly, the Guide also suggests the impartiality of high officers by not participating in the vote, though they may run for elections after ~~temporary~~ resignation from their posts, such as high officers in the armed forces, police and intelligence, diplomatic and consular corps, justice and members of the supreme court, and prefects, as has been adopted by several Arab countries;

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- 3- The Guide also includes a strategic line concerning contestations raised against the National Elections Commission that may not be compatible with legal procedures performed in the framework of constitutional or supreme courts. That is, the ability to raise reservations against decisions taken by the National Commission (after exhausting all appeal possibilities before the Commission itself) through a direct suit filed before the Constitutional Court. Some raise doubts about the feasibility of such an action in the light of current legal procedures, but this can be avoided by submitting reservations to the Administrative Court (or Supreme Court in some countries), or the Appeal Court (in other countries), or to the Constitutional Council (in others). It is important to assign the examination of appeals against decisions of the National Election Committee to a higher instance (according to the hierarchy of courts and judgment processes in different countries), and to enable contesters to submit their reservations directly to said Court, with a stability guarantee in all legal centers, which would ensure the stability and fairness of the elected body (Parliament).

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Definitions:

- Electoral system: the set of principles and procedures regulating the election process, according to national laws;
- Head of State: President of the Republic, the King, the Prince, the Sultan;
- Elections National Commission: the only entity responsible for the direction of the elections process;
- General elections: election of members of the national parliament;
- Presidential elections: election of the President of the Republic (in republican systems);
- Local elections: election of county or community councils members;
- Electoral body: a group of eligible citizens to elect members of (local or national) parliaments, as well as to elect the Head of State;
- Candidates: voters willing to run for parliament or for president;
- Elections support fund: a private and independent account to protect all types of election operations, and the work of the elections national commission;
- Electoral district: a group of voters in a specific geographic area; the whole state can be one single electoral district (such as Iraq) according to the electoral system in place;
- Voters' lists: or voters' tables or registers; they are official documents identifying voters;
- Voting association/sub-commission/ballot center: the place where the voter can vote; this place and its vicinity are under the control of the Elections National Commission;
- Ballot box: the container where voters actually place their vote.

General Rules

First: Elections National Commission

This Guide considers the creation of the Elections National Committee¹ as a means to ensure fairness in the management of elections, including the decision to hold elections, then candidature, screening of votes and announcement of results.

Supervision of elections must be the task of an impartial entity, referred to in this Guide as “Elections National Committee,” though some countries still rely on judicial entities to run the voting phase only, or on a common supervision shared by judicial and governmental agencies, which of course implies involvement of the executive branch (Ministry of Interior ...) leading to doubts and skepticism about the fairness of the election procedure in general.²

This practice is the most widely used in modern systems and legislations in order to ensure impartiality in competitive elections. It is considered to be one of the best practices.

The Committee can be implemented on the basis of the following principles:

¹ National Elections Committee NEC; some call it the “Elections High Commission”, considering that “Commission” is higher than “Committee” from an organizational perspective, and to provide it with a special position to face the State’s different bodies; more important than the name is its legal prerogatives, and its operational efficiency to manage all election processes with all diligence and fairness.

² The widespread practice in Arab legislations concerning supervision of electoral processes, is to assign this task to a special committee; legislations in Bahrain, Jordan, Palestine and Morocco provide for a special committee to supervise the funding of electoral campaigns called: Elections Central Committee in Palestine, the High Elections Supervision Commission in Jordan, the High Elections and Polling Commission in Yemen, and the High Commission in charge of the fairness of polling and elections in Bahrain. This committee may also be a special juridical committee in Palestine and Bahrain, the first being made up of nine members selected among judges in Palestine and appointed by the President of the Palestinian Authority after consulting with members of the national authority and the various Palestinian political parties and groups. The second, called “High Commission in charge of the fairness of polling and elections”, is chaired by the Minister of Justice and Islamic Affairs, and a fair number of judges and counselors. The elections supervising authority may also be mixed, including juridical experts and representatives of the executive committee, as is the case in Jordan and Egypt. The first is called the Elections Supervision High Committee chaired by the Minister of Interior and the Secretary General of the Ministry of Interior, and including the Director General of Civil Affairs and Passports, a judge from the Supreme Court appointed by the president of the judiciary council, and the Director of the Department in charge within the Ministry. The Minister also appoints a Secretary for this Committee. As for the second, supervision is shared by three entities: the general commission supervising elections in the single district, appointed by the Minister of Interior, and chaired by a member of a juridical commission with the level of a counselor or a judge, and also with at least two members of juridical committees, a secretary general of a State Union, a public works or a public sector committee; the general committees are made up of a chair (judge/member of a juridical committee) and at least two members, a secretary general working for the State, public works or the public sector in general, the screening and results announcement committees, chaired by the President of the General Committee, and including chairmen of all various subcommittees, with the general secretary general assuming its secretariat.

- The committee should be permanent including nine full members,³ and nine back up members, for a limited period of time depending on the Parliament's or the President's terms (4-6 years.) It should be recomposed by the end of every term, or when five of its full or backup members resign.
- The chair of the committee is the first when tie. Each member becomes chair according to a rotation system defined by the Committee.
- Decisions of the Committee follow the majority of seven votes including the Chair.
- Candidature to the Committee is made through an elected body, or by decision of the Head of State alone (in the absence of an elected body,) and members cannot be dismissed during their mandate. Candidates for this Committee must respond to the following criteria:
 - Citizen of the country, never had another citizenship;
 - Aged between 30 and 60 years;
 - Registered in electoral books;
 - Holding at least one University degree;
 - Never been subject to a lawsuit with final imprisonment sentences in a penal or disgrace crime;
 - Not member of any political party over the five years preceding candidacy.
- The Supreme Court (or constitutional court or council according to the case) is the only body liable to reject membership in the Committee within fifteen days following the appeal request submitted by means of a lawyer at the Constitutional Court, after exhaustion of all rejection procedures before the Constitutional Court.
- At least one full or back-up member must be a woman and at least another one must be less than 45 years old.
- Members of the Committee cannot work for the State (executive, legislative or judicial) during their mandate; this prohibition is extended to two years after their mandate, or five years after their resignation, the longer prevails.

³ The work of this committee must be fair and unbiased from a political perspective, and can therefore not be limited to “judges” as it is widely believed in Arab countries. As for considering the “legal experience” as a criteria in the choice of members for this committee, this is not true for two reasons: the first is that candidates for this committee may include judges, or legal experts in general (lawyers, law teachers ...) and not only “acting” judges, the second is that this Committee may call upon legal advice from outside experts whenever needed, as counselors or advisors.

- The Committee must have one main office and branch offices throughout the country; their expenses must be tax exempt.
- An “Elections Supporting Fund” should be created, with a financial autonomy and suitable funding sources. The Committee should have full latitude in terms of expenditures, but the Funds being public, they must be subject to national auditing.
- The Committee should establish an internal working chart, including the staff and consultants organizational chart. The Committee may call upon the assistance of citizens as well as of non governmental and non partisan national entities, as cost-free consultants.
- The Committee should design an appropriate and independent budget, cleared by the Parliament, and included in the State’s overall budget under a single code; the budget should include amounts design for the support of candidates, and a chart of rewards for the Committee members and their consultants.
- Membership should be optional/voluntary; members must be completely freed from any private or public responsibilities, but they must also be appropriately rewarded, while keeping promotion and rewarding privileges for when they resume their initial jobs.
- The Committee’s decisions are final throughout the election process. Resorting to justice is permitted when contesting the truthfulness of results; this is where the constitutional justice comes into force (Constitutional Council in some countries, Administrative Court in others ...)
- The Committee should be the only authority liable to assign financial penalties to offenders of its instructions or to dismiss a name from the voters’ lists or to remove a candidate from competition if the Committee decides this with the majority of two thirds of its members. In this case, any dismissed voter may submit an appeal request to the geographically competent primary court, or to any appeal court within twenty four hours for candidates removed from the competition list, provided appeal is ruled on as soon as possible.
- The National Committee may receive an agreement request from a candidate rejecting the Committee’s unwritten decision with this regard, if two thirds of the committee’s members approve the agreement.

It is important to note that the Committee’s supervision of the election process does not mean that its members are completely immune with absolute powers, as in case of offense, they must be subject to tough penalties,⁴ that are also applicable to voters, candidates and delegates.⁵

⁴ In Jordan for instance, employees in charge of elections may be jailed for at least a year and up to three years, or sentenced to pay a penalty ranging between five hundred and one thousand dinars, or can be subject to both in specific cases, such as trial to add an illegible name in voters’ lists, or intentionally issue

Second: Elections Support Fund

The “Elections Support Fund” is created by decision of the National Elections Committee, which defines its objectives, its funding sources and expenditures.

It is noted that:

- The Fund’s assets are public money under the responsibility of the National Elections Committee;
- The Fund must have an independent bank account; surplus in this account shall not be returned to the Public Treasury;
- The Fund’s assets are collected from the State’s contribution to the election process, Candidates’ money security deposits, as well as from donations and gifts approved by the Committee;
- The Committee sets the rules and procedures for the spending of funds;
- The Committee publishes the Fund’s financial statement within three months from the announcement of results, by all available means to all who requests it against fees determined by the Committee;
- The Fund’s financial statement must be approved by the Parliament.

Third: Organizational Schedule

The most important timelines are the following:

- End of voters’ registration 90 days at least before ballot day;
- Announcement and demarcation of electoral districts 60 days at least before ballot day;
- Time length of election campaign: 30 to 45 days (may be reduced to a minimum of half that period in special cases at the national level and under special conditions);
- Ballot time (voting hours): 10 hours at least in the Committee/box;

of a fallacious statement asking for or announcing candidature, or illegally stealing an official document related to elections.

⁵ In Palestine and Jordan for instance, any person obliging a voter to disclose names of candidates he voted for or to unveil his ballot card, may be subject to jail and/or financial penalties. For the first case, jail can be for one year and the penalty can amount to one thousand dinars, while for the second jail should not be less than for three months, while penalty cannot exceed five hundred dinars. In Morocco, jail time ranges between six months and a year, and penalties between 5,000 and 20,000 Dirhams, in order to punish anyone receiving or trying to receive a vote or several votes by means of bribery. The Bahraini legislation also provides for similar punishments in case of electoral fraud

- Announcement of all results at the national level within one week after the end of voting;
- End of the election process, including rejection of results of the vote at least one week before the first meeting of the new Council.

First Phase: Pre-voting phase

This phase includes a number of rules and procedures regulating elections, starting from the identification of voters and their registration, to looking into candidacy requirements, the authority monitoring elections, until the voting date (or ballot), when the second phase starts ending in the losing of ballots, and the immediate beginning of the third phase covering the screening of votes and announcement of results, as well as electoral appeals, until the Parliament's composition is announced.

First: Composition of the Voters' Body

The composition of the voters' contingent is the basis of the election process, and includes the following components:

1- Voters' Contingent

The voters' contingent is the group of citizens eligible to take part in elections according to the national legislation and the nature of elections.

The common belief is that all citizens become voters when they reach a specific age and have the citizenship, which constitutes the most prestigious legal relationship between the individual and the political community, and defines the rights and duties of all citizens.

There is agreement that citizenship constitutes the most important criteria to enjoy political rights in any country, as residents in a specific country not holding citizenship of that country cannot take part in any election, while holders of that citizenship residing abroad must be allowed to take part in said elections, be it by mail, or modern technology tools or through proxy according to national legislation.

Some western European countries extended the notion of voter in municipal or local elections in small areas, where councils are elected to mainly monitor the maintenance of public municipal facilities, and where working residents may enjoy lengthy residence periods and hence pay taxes, and are therefore granted the right to vote for members of these municipal councils, even if they don't hold the host country citizenship, and are likely not able to run for these councils.

In spite of this, national legislations often set conditions for the common citizen to be able to take part in elections, including in addition to the age requirement, conditions related to profession and mental conditions, which means that legislation may have conditions to reduce the size of the voters' contingent with regard to the total number of citizens or population from a geographic perspective.

It is obvious that the construction of a democratic electoral system depends on two conditions: the first is to reduce constraints hindering the "citizen"/"voter" relationship, and the second is applying these constraints to everyone with no exception, as for instance, the Law cannot prevent a whole group of people from voting (holders of the country's political citizenship) because of political or tribal reasons, as it cannot prevent a

full sector of society (such as Women) from being member of the voters' contingent as they also constitute full citizens for they hold the citizenship.

Similarly, there is no need to develop other criteria and conditions for people to vote, such as financial requirements, as there should be no difficulty in registration procedures, and hence hamper registration of a large number of the population.

Based on this, principles that can be implemented to reform political rights in Arab countries with regard to defining voters can be the following:

a- Age criteria

16 is the minimum voting age in municipal/local elections is, and 18 in general elections (legislative/presidential).

The minimal age for candidates to municipal elections shall be 21, and 25 for the general (legislative) elections, while candidates for the Presidency shall be 35.⁶

To facilitate this distribution, the first card shall have a specific color (say blue), different from the second (red for instance). The supervising Committee will therefore have two voters' lists; the voter holding the red card may then vote in all elections, while the holder of the blue card can vote only in local/municipal elections. In case the card is lost, names registered in the lists on the ballot day will be considered.

The purpose of this distribution is to encourage young people for political participation at an early age, namely at the level of municipal elections, then have them spontaneously take part in the general elections, while correcting and updating voters' lists according to the national legislation.

b- Nationality criteria

Only citizens can be registered on voters' lists.

This means that individuals who do not hold the country's citizenship cannot register their names on the voters' lists. There is here distinction between the right to vote and the right to be candidate, as the right to be candidate is open only to those who hold the country's citizenship and not to persons holding two nationalities.⁷

⁶ Arab countries disagree on the minimal age to enjoy political rights: In Palestine, Jordan and Egypt, the voting age is 18, while it is 21 in Lebanon, Bahrain and Kuwait.

⁷ It is clear that this trend is not appropriate to some cases for practical reasons, as the Palestinian case where many Palestinians hold other nationalities (being residents in other countries), and also similar cases in Lebanon and North African countries where a number of citizens are expatriates while keeping their citizenship, and also other Arabs. It is therefore necessary to lift this prohibition preventing dual citizenship from being candidates, with the exception of those holding the Israeli citizenship. There is a more conservative position limiting the voting or candidature right to those holding the country's citizenship only on the ballot day, as to them, there is a possibility, in theory at least, that the same person would run for parliament in all countries where he holds citizenship! One practical solution to solve this issue would be to consider the actual citizenship on the candidature date, as the candidate holding several citizenships may agree to withdraw other citizenships when running for parliament in one of these countries, and this may be debated according to national conditions.

We note that this prohibition facing people holding two citizenships to run for elections shall not be extended to all other political, economic and social rights (such as education, healthcare, etc.), an idea that can be debated.

c- Prohibition to vote

(1) Permanent prohibition

To be able to register on the voters' lists, the citizen must not be prevented, or have been subject to final juridical prosecutions in penal and honor crimes and have not been legally rehabilitated.

The national legislation defines the nature of penal and honor crimes, though they generally include crimes such as treason, fraud, misappropriation ... or even dismissal from job for disciplinary reasons.

Local legislations also provide for the rehabilitation of rights in some cases, including expiry of the sentence, or of a specific period after completion of that sentence, as they provide for the repeal of the sentence by prescription.

(2) Temporary/partial prohibition

Most Arab countries design laws to prevent some citizens from enjoying their voting rights, be them temporarily⁸ or permanently.⁹

Concerning the temporary prohibition to register:

Members of the military, police and security forces, as well as members of the consular, diplomatic, and judicial sectors cannot register in voters' lists.

This represents a temporary prevention from the right to vote (and hence the right for candidature) for professional reasons in order to ensure the political impartiality of these vital sectors. Prevention can be extended to some higher executive or administrative positions such as prefects, district prosecutors, or district officers in most Arab countries.¹⁰

It is also possible to be allowed to vote but not to be candidate in some countries where the military are allowed to vote, but can run for elections only if they leave the military corps (by resignation or retirement).

⁸ In Palestine, temporary prohibition affects illegible citizens, and those having been subject to a final sentence preventing him from his civic rights ; in Bahrain and Jordan, members of armed forces, police and national guards cannot enjoy their political rights as long as they are engaged, as is the case for Morocco in addition to persons having acquired the citizenship within the previous five years, unless a general release decision is made; the same applies for Lebanon and Egypt, where citizens losing their jobs for disciplinary reasons cannot enjoy their voting rights before expiry of their sentence.

⁹ This is applied in Palestine for those who hold the Israeli citizenship, and in Lebanon for citizens who are permanently banned from public positions and jobs, and in Egypt for any who disturbed political life before the revolution of July 23, 1952, or those charged by the Revolution Court of constituting "power centers" after the revolution, or accused of threatening national unity and social peace.

¹⁰ Legislations in Jordan, Bahrain, Oman, Egypt, Syria, Mauritania, Morocco, Kuwait, Tunisia and Qatar prevent from vote members of the armed forces, civil security, and intelligence as long as they are engaged, while in Yemen and Algeria the military can vote, provided they are registered in their communities in voters' lists; this issue is still debated in Kuwait.

A similar case concerns new citizens (not those holding more than one citizenship), as legislation prevents them from being candidates while they are allowed to vote, whether requiring a longer citizenship period to be candidate than to vote, or prevention limited to some positions such as the Presidency, or in royal or republican systems, where candidates must have “national” parents.

2- Registering Voters

Vote is open only to those registered in voters’ lists; registration must be free of charge.

Registration in voters’ lists depends on several criteria specific to each country, tailored to the local context to better respond to specific conditions and reality, and also depending on the financial and logistic resources needed for the preparation of the lists; but the best modern practices show that computer based databases are more efficient than paper lists (registers).

In the suggested text, there is distinction between the candidate and the voter, as one may be able to vote without being allowed to be candidate as described above.

The text also provides for the “legal evidence”, as electoral lists may be used to prove the right for vote, but cannot show the right for candidature, as candidature requires more documents than the simple registration on the lists, such as the age requirement (as the minim leg for candidates is higher than the minimal age for voters), the profession ... as we will see later.

The voters registration operation is considered to be the most costly in the election process, being the backbone of this process, as it constitutes the beginning of the whole operation, which requires that officers specifically in charge of registering voters in the lists must be meticulous, fair and honest, as well as flexible in terms of procedures in order to ensure the right of every citizen to register and hence vote and contribute to political life.

The voters’ registration procedure differs between Arab countries, starting from the office in charge of registration, to the methods, conditions, places and times of registration, until the final publication of lists, before getting the voting card or any other documents showing actual registration in the lists.

a- Office in charge of registration

The civil registration department prepares voters’ lists under the supervision of the Elections National Committee.

The Committee’s decisions shall be mandatory to this department without resorting to justice or any other authority; refusal to implement the Committee’s decision is considered as offence on the part of a civil servant to perform official duty and shall require disciplinary measures, including denial to comply with the law.

In practice, the name of the authority responsible for registering voters differs from one country to another as does the department in charge,¹¹ be it the Civil Affairs department or service in the Ministry of Interior as is generally the case, or under the authority of the Cabinet.

Databases are held by civil registration offices only and cannot be duplicated, assigning specific numbers to every citizen at the national level, which facilitates the updating of databases and the classification of citizens.

This text states that civil registration offices are the execution offices, but are under the authority of the National Elections Committee only when pertaining to the registration of citizens. They are no more under this authority when performing other tasks (such as social security, delivery of civil statements to citizens such as marriage certificates, etc...).

Civil registration offices are where main data regarding citizens are collected, which enables them to be the single part capable of providing the National Elections Committee with data to well perform its mission, as their registers contain statistics and data pertaining to births (and deaths), hence age, address (thus population survey vital for the demarcation of **electoral** districts and distribution of voters into committees/ballots or voting centers with similar size), profession, as well as judicial background (to apply all types of prohibitions) and consequently it is necessary for this office to be under the authority of the National Elections Committee when it comes to the registration of voters.

The role of the committee in the management of civil registration offices is the definition of registration requirements and procedures, the updating of lists and printing of voters' cards ... ~~the committee's instructions must be observed as administrative rules, in addition to being legally binding.~~

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The "screening" or revision of lists is the responsibility of the administration, under the supervision of the National Election Committee, so as to check the absence of conditions for political prohibition due to legal reasons.

¹¹ In Palestine, this is the task of ballot commissions under the authority of the National Elections Committee composed of nine members selected among Palestinian judges, University professors, and lawyers with outstanding professional experience. In Jordan, the office in charge is the Passports and Civil Affairs Department and its regional branches. In Lebanon, this task falls to the General Department of Personal Affairs through registration high commissions made up of the President of the District's Court of Appeal, a professional judge, an inspector from the General Inspectorate, and the chair of the Family Department or a Family department employee as secretary general. In other countries, special committees are set to perform this mission, such as the committee for "the safety of polling and elections" in Bahrain created in every electoral district by the Minister of Justice and Islamic Affairs, made up of a president from the judicial body in the Kingdom, and two members one of whom appointed secretary general. In Morocco, the administrative committee chaired by the president of the communal or rural council or any representative elected by this Council is responsible for this mission and includes the first deputy of the prefect or their representatives, two full members and two back up ones elected by the Communal or Rural Council from its members. In Egypt, the executive power "or Government" is responsible for the inventor and registration of men and women voters, and is assisted in the making of voters' lists in cities and villages distributed into districts by committees including the chief of village or his representative, or an at least six-grade employee, and a member of the concerned district, the village legal consultant, and two members able to read and write chosen by the mayor and qualified to be voters.

b- Is registration optional or mandatory?

The registration of voters is automatic, through civil registers.

The automatic registration remains the best practice in democratic systems,¹² whereby the citizen is added to the voters' lists through civil registers, which constitute the only reliable source to ensure that all legal requirements are met.

The civil registration office commits to receive citizens' automatic registration with no specific request. The purpose of political participation is to facilitate not to complicate the registration process, knowing that registration does not necessarily mean voting, but this method offers more opportunities for (eligible) citizens willing to participate even if they decide to actually vote hours before the end of ballot.

Participation in the election is in all cases voluntary.

Two reservations may be raised about this method: the first is that it does not make the difference, in most world countries, between two categories of citizens, those who fully respond to voting criteria and actually vote, and therefore the automatic registration - according to critics - does not consider the difference in rates, and its influence in demarcating electoral districts and the balance of voters numbers between different ballot centers, it is therefore better for registration to be voluntary, so any citizen complying with legal requirements and willing to enjoy his right to vote must submit a "special" request to be added to voters' lists.¹³

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The second reservation is the increase in the workload of civil registration offices, already responsible for citizens' various civil issues, which may put at risk confidentiality requirements, besides the fact that using civil registers for various purposes may require the development of special, complex and costly databases.

c- Documents required for registration in voting lists

Registration on commission/district voters' lists requires the presentation of identity evidence documents. Registration is made according to the residence site.

As is the case for other official registers, registration on voters' lists may require special documents and references, but in other countries it may be done with no official documents particularly when automatic.¹⁴

¹² Among the most common methods for the registration of voters, there are some international examples such as "ACE Users' Guide for the use of electronic sources", the use of civil registers for the data they include about all citizens, where electoral lists are built according to data collected from civil registers.

¹³ In Palestine, registration is voluntary, whereby citizens fulfilling legal requirements and willing to enjoy voting rights submit a request to be registered in the lists; in Jordan it is voluntary but general, as registration is automatically prepared with computers, and based on the national numbers, lists and voting cards for eligible residents in every electoral district are prepared; In Iraq, voters' lists are based on databases used for the distribution of ration cards, which are then updated during registration.

¹⁴ In Morocco, there are special documents for registration, as the applicant has to fill a special form, signed by competent authorities, and showing evidence of personal and family names, the date and place of birth, address and ID number. In Egypt, it is necessary to show one's ID, receipts of public services (electricity bill for instance), or an official work certificate showing the place of residence. In Jordan, it's exactly the

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This method may seem to overlap with the previous method based on automatic registration, where citizens make no effort or procedure, nor submit any document to add their names to voters' lists. The explanation to this is that systems have been unable to include all citizens in civil registers' databases (unregistered databases), or require citizens to submit requests to be added to voters' lists. This emphasizes the importance of the database, where it would be enough to present the personal ID card, as evidence of the place of residence (or as evidence of citizens' interest to be in a voting district of their choice, if voters are free to choose an electoral district from their residences).

In this case, the number and quality of documents required for registration on voters' lists represent the most important obstacles to the registration process, as some required data or documents are sometimes unavailable when a citizen asks to be registered which hinders the registration operation. In addition to this, the citizen may suffer from Government bureaucracy, and would hence delay registration; we therefore recommend facilitating the process in case the automatic registration proves to be inadequate, by not requiring additional documents for registration, and limit them to an ID, a residence certificate, or the chosen electoral district.

d- Is registration personal or can it be done by proxy?

A voter can register in voters' lists by own or by proxy; the proxy holder cannot represent more than three persons for registration, who have to be third-degree relatives at most.

This principle is used in countries that do not apply the automatic registration of voters. As previously said, registration on voters' lists is taxing and may discourage many citizens from registering themselves, and hence not participate in the vote, as the registering place may be a hurdle, or registering time may constitute a constraint.

The basis of this principle is that "performing" registration is not "voting"; it is a requirement but it is not enough, and can be made by proxy.¹⁵ This means that registration in lists through proxy does not necessarily mean voting through proxy.

Critics here say that there is a possibility to register dead people; but registration by proxy requires a formal power of attorney, which would shatter this critic.

On the other hand, "proxy" is a legal operation regulated by civil laws, and is formalized by the fact that the concerned person actually asks for it; civil laws even authorize voting by proxy, as is the case in associations, social clubs and even in some union elections.

Also, the number of registered citizens on voters' lists has no impact on the majority required to win elections, which is rather influenced by the number of actual voters in the case of simple majority electoral systems; registration by proxy will then affect the size of the electoral district or box, and not the voters' choice.

opposite, as registration in voters' lists does not require any document, as it is made automatically using computers and national ID numbers.

¹⁵ In some Arab countries, it is possible for citizens to ask representatives to register them in voters' lists; some require that registration be personal, as is the case in Morocco, Palestine and Egypt.

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It is still possible to set conditions for proxy, by requiring that the holder of said proxy is actually registered on voters' lists, or limiting the number of citizens asking to be represented by the proxy holder, which is three in this case, knowing that civil laws set no limits for the number of people that can be represented by only one person, as a lawyer may have power of attorney to represent dozens of people, as one single person may be the legal proxy of several people in various legal or contract transactions; it is important therefore to authorize a proxy in the registration of voters in order to encourage political participation. There is still a restriction that the proxy must be at most a third-degree relative to the represented individuals, so as to ensure the absence of fraud.

e- Is registration individual or in groups?

Group registration on voters' lists is prohibited.

Registration of citizens on voters' lists is one that raises most doubts. Though there is no evidence showing that individual or group registration is more democratic, the reality of practices in the Arab world may raise skepticism concerning group registrations, in terms of fraud or bribery to distort citizens' real choices.

This principle may seem to contradict the previous one, but the number difference between proxy representation of three people and an unlimited number of people may affect the quality of elections. There will always be doubts about the real voting choices in the case of a proxy, as it constitutes a civil contract, and it is always difficult to know whether the proxy holder obliged the citizens to register their names in the voters' lists. As opposed to this, authorizing power of attorney to register a reasonable number of citizens helps voters unable for unexpected reasons to register (health reasons for instance), particularly when registration period is limited.

In any case, registration as previously said, does not mean voting, and does not necessarily have an impact on the truthfulness of elections.

f- Where is voters' registration conducted?

Registration in voters' lists is made at the Civil Registration Offices nearest to the voter's place of residence.

The National Committee may develop specific databases for the sake of the election process, but will therefore rely on the civil registers. This office may be called the Civil Registration Office, or Civil Affairs Department or Registrar, which is generally the official office in charge of registering "Statements of births and deaths" and the citizens' civil affairs. This office may be under the authority of the Ministry of Interior, or the Ministry of Social and Municipal Affairs, or directly related to the Cabinet...depending on every country's administrative structure.

But tasks of this office related to elections - the preparation and updating of electoral lists - must be performed under the authority of the National Elections Committee, being in charge of the whole elections process, and as correct election registers constitute the corner stone of faithful elections.

It is therefore suggested to create a specialized and permanent department within the civil registration offices, to be solely responsible for the preparation of elections, in terms of designing, updating, correcting and distributing all electoral registers and ballot centers, and shall then be responsible for all types of national and local elections and polling surveys, and between elections, can work in the field of public awareness and training.

The text also includes another database, related to the electoral district's dependence on the place of residence. Most electoral systems in Arab countries provide for the citizen's right to choose an electoral district away from the place of residence, but the rule suggested in this regard is to relate the electoral district with the place of residence, being the basis in the State-citizenship relationship.

Critics may say that this would hamper voters from participating in the ballot if their professional duties require their absence from the place of residence; this can be responded to in two ways: first, most countries grant a full or half day holiday on elections day, and even citizens who have to work on that day, can vote after professional hours as ballot boxes will still be open afterwards; the second relates to the voting technical method, as the electronic registration of voter enables citizens to vote online, from any ballot center, which means that the voting center has no impact on the electoral district related to the place of residence; this method has become one of the best practices in modern democratic systems, as it has already been used in banking services, the online paying of facilities bills, such as electricity, telephone etc. ...

The registration of voters according to their place of residence helps a lot in facing the issue of "special boxes" or closed ballot centers (for voters working in state departments such as military caserns and units), which would put voters under the influence of the ballot center, and the instructions of their hierarchies thereby distorting their voting choices. Even in case of closed centers for this category of voters, considering computerized votes would ensure the specificity of the voting site while ensuring the voter's voice would be addressed to the electoral district of their residence.

In general, it is better for civil registration offices to take in consideration the (quality and quantity) geographic distribution of the population, in order to ensure balance between electoral regions and districts, as citizens tend to register themselves in electoral centers close to their homes or offices, and only few would look for the registration center decided for them by the Administration if it is relatively distant from their place of residence (as in remote rural or desert areas).¹⁶

g- Registration time

Registration on voters' lists can be made only within three months at least before the ballot day. This period is reduced to one month for citizens discharged of temporary prohibition and willing to be registered.

¹⁶ In Palestine, registration is made in ballot centers related to the electoral district, or in centers located in the city/village where the voter was born. In Morocco and Lebanon, it is made in the center of the last place of residence, as every electoral district will include one registration commission or more. In Jordan this is made in the Passports and Civil Affairs Offices in the various provinces. The place of registration may constitute an obstacle facing citizens, as in Egypt, registration is made in police stations and offices.

The registration operation is exhausting and costly for the electoral administration, as the problem is not just registering citizens on lists, but the regular screening and updating of the lists are vital and may have a considerable influence on a democratic electoral operation. Officers in charge of the electoral operation are required to regularly update the lists. We therefore believe that participation can be enhanced if registration is to be made throughout the year, instead of a limited period before the elections, so as to balance the voters' geographic distribution and prepare voting and screening average rates, particularly in individual districts.¹⁷

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As for limits and constraints preventing some citizens from registration and candidature due to their work (as judges, diplomats, and the military in most Arab countries), they are automatically removed once subject citizens leave their jobs (resign or retire), and can then enjoy their full rights in terms of registration and candidature. The question here is the time of registration in voters' lists, particularly when limited by the Law; we therefore suggest that an exception can be made with their regard, for half of the period.

h- Confirmation of registration in voters' lists

A voting card is delivered to any citizen registered on the lists, showing the voter's photo, name and date of birth, as well as the registration number and electoral district.

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This method may suit countries not applying the single code number for every citizen, which shows - among other things - the citizen's voting data, as in these countries, distinction is made between civil registers and electoral lists.

In this case, the election card usually shows the voter's name, photograph, electoral district, and also profession, date of registration and address.¹⁸

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Although this card is important, it may not be delivered to all citizens registered in the lists, especially in the case of automatic registration.¹⁹

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¹⁷ The registration period differs from one country to the other, as in Morocco registration is made within 30 days launched by a decree suggested by the Minister of Interior and published in the Gazette fifteen days before the beginning of the registration period, while in Egypt, registration is made every year from the month of November until the end of January. In Lebanon, registration is also made on a yearly basis during the first half of February.

¹⁸ Such as electoral cards in Palestine, Lebanon and Egypt; in Egypt however, no photograph is attached.

²⁰ In Palestine, the ballot centers are in charge of registering voters, then the Central Elections Committee – through the central voting center and electoral administration's branches- prepare the general list of voters. The preparation of lists is carried out by special committees, such as registration councils in Egypt, or the elections and polling safety committee in Bahrain. In Iraq, the responsible of preparing lists is the high elections Authority, with the voters registers built on databases designed according to the general provision and supply card. Eligible voters may check the actual registration of their names and correct any possible mistakes according to guidelines set by the Authority, which opens voting centers throughout Iraq, that work in areas and during times fixed by the Authority.

3- Voters' Lists

They are the official lists including data about voters, and are prepared under the supervision of the National Election Committee; some data may be public and free of charge.

These lists usually have a general description of the citizen including first and family names, date of birth, address and other information to discern homonyms, with the citizen's photograph, and numbered according to national laws.

"Some data" refer to: the name, registration number and the electoral district; other data however are personal and cannot be disclosed to the public unless privacy is respected in compliance with a legal statement.

The preparing method of electoral lists differs between countries, as it may be manual or automated, or both at the same time. Countries also differ in the review of lists, revision times and objectives, as well as in the publication of lists and display means, with all recourse requests and the settlement authority.

The method suggested here is based on three principles; the first is that these lists shall be considered the single and final document defining the list of voters; the second is the monitoring by an independent committee of the lists preparation and updating, which can be, in principle, contested before justice; and the third is that registers should be available to the public free of charge in order to ensure transparency.

In this framework, let's describe how voters' lists are prepared and updated in several Arab countries, including their publication and contestation.

a- How are voters' lists prepared?

The authority in charge of registering voters shall be the one preparing voters' lists. This authority may be one or several departments.²⁰

The preparation of lists may be automatic as the authority in charge prepares a list of all voters in the various parts of the country, and can also be done manually by identifying voters first by district after dividing them into small areas.²¹

However, as there is no method that guarantees that said lists are correct and faithful to the voters, it is necessary to reinforce control over the various preparation phases, starting from registering voters until the publication of their names and review then production of electoral cards. This can be done by different means, such as the assignment of trained volunteers to monitor registration operations throughout the country particularly in risky areas, or by asking a number of independent consultants and experts to review the lists, and also to compare them with previous elections lists to identify inconsistent changes.

²¹ In Jordan, review is made every year in the first half of January, while in Egypt review is conducted between the beginning of December and the end of January.

But the meticulous review of electoral lists may be hampered by several issues, the most important of which is the preparation of teams trained in monitoring elections, which would increase the financial costs of the whole election process.

If we don't consider the issue of cost and ways to raise funds or to reduce expenses, the voters' registration operation must be:

- comprehensive, which means that lists must include all citizens eligible to vote according to the national legislation, with no distinction between citizens;
- suitable, that is providing for regular updates to cope with demographic or geographic changes affecting voters before elections are due;
- correct, including true and faithful data relating to voters;
- complete, which means the registration of citizens from all groups, classes and ethnics, and not limited to a specific group of citizens.

b- Review of electoral lists

The purpose is to correct data in the lists, by adding missing names, or correcting any possible mistakes; review must be conducted periodically and whenever needed, and shall all be under the supervision of the electoral committee.

In addition to this, review - usually conducted by the registration authority - aims at adding any missing eligible citizen according to national legislation, removing names that no longer fulfill voters' criteria, such as dead citizens, or those having been subject to legal suits. This operation is therefore a very important and necessary phase to ensure more confidence in the electoral process.

As for the lists' review date, it differs from one country to the other, as is the case for the office in charge, as some countries set specific review times every year, while others don't fix any period, though try anyway to review the lists annually.²²

c- How are lists publicized?

The voters' lists are public registers that can be checked by every citizen and advertised by different means under the supervision of the National Elections Committee. Mass media and newspapers commit to advertise voters' list at the request of the National Committee, at no cost.

Lists to be advertised shall not include all voters' registration data, as previously mentioned, only the name, number and electoral district can be advertised, while other data (address, profession, age, etc...) shall be kept in the databases held by the registration authority.

²² In Lebanon, lists are reviewed annually one week after review is publicized in the media; registration committees then receive correction requests and take decisions therefore.

There may be one central body in charge of publicizing these lists, as they may be published in various registration centers throughout the country.²³

As for the lists displaying times, some countries have fixed publication times,²⁴ while others are not bound to specific dates; this does not mean that checking lists can be made at anytime.²⁵ It is important here to stress the importance of the media in publishing and advertising voters' lists.²⁶

A country may choose to use all mass media to announce at no cost the publication of the lists (visual, audio, print and even electronic), including state and private newspapers, and may also resort to large circulation national papers, namely state owned ones, to publish the lists, sequentially or in special editions, or may invite people to check them and have copies (for free or at symbolic price), according to the country's local conditions.

d- Contesting lists

The National Election Committee sets rules for the submission of correction requests and their settlement method and deadlines. Voters are liable to contest the truthfulness of the voters' list in their electoral district, by raising it before the primary court in charge of the district within three days following its publication. The Court shall debate and settle the case within three days.

The reasons of contest are similar in most countries, as voters may contest their data or information concerning other voters in the same district, or may want to add their names with the belief that they are eligible or that temporary restrictions have been lifted after publication of the lists. Voters may also contest registration of others they believe are not

²³ In Jordan, the publication of voters' lists is not centralized, as the administrative judge, being the Chair of the electoral district, shows the voters the lists provided to him by the Passports and Civil Affairs department and its branches in the various districts. The display of lists is made in a place of his choice and for a week after he receives them. Their publication however, is not centralized as is the case in Palestine, Morocco, Bahrain, and Egypt. Every ballot center committee displays the list of its voters in its center, while in Morocco, administrative authorities announce the final lists of urban and rural districts, per decree fixing announcement dates, and lists are classified by electoral districts with all voters registered in said districts. Similarly in Bahrain, the lists of voters in every electoral district are displayed for seven days in public places fixed by the Minister of Justice and Islamic Affairs, forty five days at least before voting day. Finally in Egypt, voters' lists are displayed during legal hours in places fixed by the prefect or the security director in city quarters or village counties.

²⁴ In Lebanon, the lists are displayed and advertised on February 10 of every year for eight days, while in Morocco, the settlement committee displays every year the full updated lists on February 15 at eight in the morning and for a period of eight days, in places provided for by the legislation, so that voters can check them and even have a copy of the lists. In Egypt, lists are also advertised in February for voters to raise appeals or correction requests, and become final the following month, including the printing and delivery of voting cards, but "advertising" is not well defined, which makes it absent most of the time.

²⁵ In Egypt for instance, displaying times are announced, and it is strictly forbidden to have access to the lists beyond said dates.

²⁶ In Jordan, the display of electoral lists must be advertised in at least two local daily papers, while in Morocco, the public is informed through notices displayed in public offices, and also through radio/TV and papers press releases.

eligible to vote, or the absence of others that are eligible, provided they justify their contestations with evidence.²⁷

As for the office in charge of responding to lists correction requests, it should usually be the one responsible for registering voters and preparing the lists; this does not imply that its decisions are final, but can be contested before the geographically competent primary court.²⁸

The settlement of this issue does not generally take a lot of time though it differs from one country to the other; it is recommended to settle contestations as soon as possible - three days - and that the decisions of the primary court be final.²⁹

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Second: Candidature

Candidates, be them to parliaments or to the Presidency, constitute a vital actor in the election process. It is obvious that there are criteria for candidates, as there are procedures and guarantees for candidates, as described below:

1- Candidature Requirements

Candidates for parliament must be registered on one voters' list, must be at least 25 years old on the ballot day, or 21 years old for local and municipal councils, or 35 years for Presidential elections, and must hold the elementary/mandatory school certificate at least.

This means that candidates must meet the following requirements:

- 1- They must be nationals (hold the country's citizenship, with no other citizenship, according to the national legislation),
- 2- They must be old enough to sit in Parliament, municipal councils or to be president,
- 3- They must be registered on voters' lists, according to preset conditions (as described above);

²⁷ In Jordan, a citizen may contest the registration of a non eligible voter, or the absence from the lists of eligible voters, provided justifying documents are provided; in this case all citizens have "interests" before the court and may contest, at no cost, the voters' lists.

²⁸ Such as the high registration committees in every electoral district in Lebanon, or the courts of appeal in charge of elections in Palestine, or the primary court in Jordan, or the high civilian appeal court in Bahrain, and the administrative court in Egypt. Decisions issued by these bodies can in now way be appealed.

²⁹ This period does not exceed five days in Palestine after the claim is submitted, while in Jordan it is ten days, taken usually three days after issue of the decision of the civil affairs department, while in Bahrain, this period is seven days after an appealed settled with a decision that cannot be contested. In Lebanon, the registration committee looks into contestation requests before March 15 of every year, as for requests to appeal the committee's decisions, they are submitted within five days after decision is made, and must be settled before March 25.

4- They must hold the elementary school certificate.³⁰

This text does not recommend more requirements, such as the number of registration years in voters' lists, but considers requirement related to the initial registration operation.

The general principle is that all citizens should be able to be candidate when reaching the legal age, with the condition that they fulfill the citizenship requirement, which governs the citizens' rights and duties. There is consensus that the citizenship requirement be the main condition for someone to be a candidate, by making the distinction between the right to vote and the right to be a candidate (acquired versus inherited citizenship), as residence related requirements are added, such as the necessity for citizens acquiring citizenship to have regularly lived for ten years in the country in order to be added to the voters' list, and a much longer period to be eligible for candidature; people acquiring citizenship may never be able to be candidate even if they have the right to vote. Another political requirement may be added, which is approval of the Ministry of Interior, or a higher office, to authorize the right to vote or to be candidate for someone acquiring the citizenship.

Similarly, some countries prevent their citizens from acquiring another citizenship, as they would lose their initial one, or some would limit political rights to citizens having two citizenships, that is the right to vote or to be candidate only.

There are also differences related to age;³¹ while there is agreement not to distinguish between candidates by type, some countries limit the right to candidature for the parliament to men only, and others set specific requirements to be a candidate.³²

As for the educational background, all Arab legal systems require that candidates be able to read and write at least, but the recommendation is to have at least completed the basic education (nearly 9 years, referred to as ninth grade, or preparatory education), which shall be the minimal limit to be a candidate for parliamentary or executive positions, and increase this limit for Presidential elections to university degrees.

2- Candidature Restrictions

The military forces, members of the police, the judiciary and office of the prosecutor, as well as members of the consular and diplomatic bodies, prefects and local officers, cannot be candidates for parliament, neither through elections nor by appointment.

³⁰ The ninth grade or basic school certificate. This limit can be raised according to national contexts.

³¹ Most Arab countries require a minimal age of 30 to run for parliament elections –referred to differently- as in Palestine, Egypt, Bahrain and Jordan, and increasing age when running for one of the two Houses (5 for the Senate in Egypt, and the State's Council in Oman, while the minimal age to sit in Parliament is 30 in Egypt and Syria).

³² As is the case in Kuwait and Saudi Arabia, where men and women don't enjoy the same right to vote, being now reconsidered. In Iraq, there are special provisions, where candidature is limited to political entities referring to political parties made up of eligible voters sharing the same ideas and interests in order to defend their priorities and get power and enable their representatives to be candidate, provided this political entity is officially authorized by the Iraqi independent elections Authority ; "political entity" may also refer to one individual willing to be candidate for a public position, provided also this individual is authorized in advance to act a political entity.

This restriction means the following:

- a- Restriction is extended to election or appointment to either councils of the Parliament (also applies to both Houses)
- b- Restriction depends on the profession at the time of candidature; if the professional status changes, said restriction shall be removed; exceptions shall be granted to immediately register concerned candidates without regard to registration time limits, according to voters' general rules.³³

Some local legislations prevent officials such as Ministers, government directors and employees of Arab, regional or international organizations from being candidate.³⁴

In addition to individuals prevented from the right to vote by juridical decision, and citizens sentenced in absentia, and others juridically deprived of their civil rights, legislation also prevents other categories from this right such as penal offenders and prisoners, beside other restrictions in some countries specifically.³⁵

³³ In Yemen, restrictions involve more categories, such as prefects, their representatives, judges, Ministry directors, officials, Ministry institutions' executives, military officers, executive secretaries in local councils, and any official employee in the Administrative unit who cannot be candidates in the electoral districts where they work, unless they leave their positions three months at least before candidature is open.

³⁴ In Jordan, the Mayor of the City of Amman, the members of Amman's city council and the employees of this council, the presidents of municipal councils, their members and municipal employees cannot run for Parliament (deputies and senators).

³⁵ In Egypt, candidates shall not have contributed to disturbing political life before July 1952 revolution.

3- Candidate's Financial Guarantee

The National Elections Committee fixes the amount of the guarantee to be deposited by the candidate in the "elections support fund," and that cannot exceed 5% of the maximum amount to be spent on the campaign also fixed by the Committee.

It should be noted that this principle is based on another one fixing the campaign budget ceiling included in this Guide, as the National Elections Committee defines this ceiling, and according to this amount, the guarantee amount can be fixed.

On the other hand, the electoral system may use lists of candidates (party, open, ...) then the same rule will be applied in terms of guarantee, as criteria will then be the number of candidates in every list, or the total guarantee of the whole list as a measuring unit. In both cases, the principle that shall be applied is equal opportunity and fairness in paying guarantee amounts by the candidates.

Nonetheless, the guarantee payment method is flexible, according to the country's financial system, as bank security bonds or payable checks may be accepted, provided the Committee can withdraw amounts related to the guarantee.

4- Candidature Procedures

Voters willing to be candidates must submit a written request prepared by the national elections committee within specific deadlines, with all documents required for candidature including the guarantee fixed by the committee. Deposit of this request may be made by the candidate or a legally designated representative.

Candidature procedures differ between countries, as do offices in charge of receiving candidature applications or deposit deadlines.³⁶

This principle states that the candidate must first be an eligible voter, must submit a written request to the National Elections Committee (according to the method determined

³⁶ In Palestine, registration can be made at the electoral district during nine days fixed in a Presidential decree. In Jordan, applications can be submitted for three days to the chair of the central committee thirty days before the ballot. The application must be submitted in two copies by the candidate in person, on a form chosen by the Minister, and including all justifying documents and data required by local regulations and systems and related instructions; an acknowledgement of receipt is delivered in return. In Bahrain, the application must be submitted in writing to the Voting and Polling Safety Committee in the offices of the authority in charge of receiving candidatures, where individual or grouped candidature requests must be submitted in three copies signed by all candidates, and bearing the full names of all candidates ... applications cannot be sent by mail or by any other means. In Lebanon, applications with the financial guarantee must be submitted to the juridical authority of the region of candidature. Finally in Egypt, candidatures are submitted to the security department in the prefecture concerned by the candidature, within a minimal period of five days fixed by the Minister of Interior. Applications must include a deposit of one thousand pounds to be kept by the prefecture, and all documents defined by the Minister of Interior to justify the candidate's eligibility. In Iraq, it is necessary to classify the names of candidates in the lists submitted to the Authority according to their profiles, then seats in the National Council will be distributed according to the classification of names in these lists, that cannot be changed after the deadline set by the Authority. To encourage the election of women, the three first names must include a woman, the six first names two women and so on. There can't be less than 12 names and more than 275 names in every list (the number of seats in the National Council).

by the Committee), must pay the fixed guarantee amount, and respect the legal timeframe (throughout the candidature opening), but it is also flexible as it authorizes the submission of applications by power of attorney according to the country civil law.

One of the most important constraints likely to hamper candidatures is the financial guarantee, as some systems require that this guarantee be accompanied with a non-reimbursable deposit, or one that can be returned in case of failure, or when winning with a specific number of votes.³⁷ This principle relies on guarantees as a seriousness of the candidate.

Finally, the principle also includes the right of the national elections committee to organize candidature operations through a number of documents that candidates must submit in order to be accepted including the basic education certificate at least, an electoral campaign bank account, a legal record, registration in voters' lists, and a military service accomplishment certificate according to the national law.

5- Advertising Lists of Candidates

The National Elections Committee announces the lists of candidates in the elections.

This includes the following:

a- Advertising the names of candidates

The National Elections Committee must publish the names of candidates in the mass media and papers, at no cost for at least one week.

This includes daily and weekly papers, the national mass media, whether by publishing the names of all candidates at once or by sequentially, according to the electoral process phases and to country resources. This principle provides for exempting said publications from editing taxes, as this concerns a vital aspect of the electoral process and the national interest. The Guide will recommend adopting the same principle in the publication of voters' lists.

In practice, newspapers and mass media strive to have the names of candidates to publish as this represents "information of interest" to attract readers.

b- Electoral symbols

The National Elections Committee assigns a list of symbols for candidates on the basis of first come first served

The Committee must consider a set of symbols matching the national social and cultural customs, and avoid symbols inspiring religious, partisan or ethnical aspects.

The use of symbols is possible - next to the names of candidates - in the case of individual seats as well as in the case of lists. The purpose of using symbols next to

³⁷ In Lebanon, candidates are required to make a deposit of ten million Lebanese Lira that can be reimbursed only in case of victory with at least 10% of the votes. In Egypt, candidates must include a deposit of one thousand pounds to be kept by the concerned prefecture that can theoretically be returned after deducing administrative costs.

candidates' names and not instead of them is to make it easier for the voter, especially when illiteracy is prevailing. The use of symbols is necessary, but transitional.

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c- Contesting lists of candidates

Every voter has the right to contest lists of candidates announced by the National Electoral Committee by means of a request submitted within 24 hours after said announcement. The Committee has to settle all contestations within three days after their submission, and to later announce the final lists of candidates, provided this final announcement is made at least one month before the ballot date. Every candidate removed by the committee has the right to contest its decision before the court of appeal within twenty four hours, and the court must settle the case within three days. Its decision shall be irrevocable.

Lists in this chapter refer to the simple listing of names, i.e. a group or set of names of candidates, and not from an electoral perspective (election based on relative lists).

The previous text provides for the possibility of any voter to contest one of the candidates, if there is any minimal interest in doing so, as set by the National Elections Committee. Flexibility in accepting contestation requirements to the profit of the plaintiff for the simple fact of being a voter in the district, is seen as an extension in the transparency principle, as opposed to what the Guide raises for other issues, such as contesting the decision of the National Committee about election results, for the rule accepts contestation from a losing candidate against his winning opponent in the elections of one district, as we will see in the third part of this Guide.

The rule includes some general requirements, such as the very limited time periods to put the election operation into place and to install the legal centers in charge, as was raised by the Guide concerning the legacy of voters' lists.

This was actually the key aspect of the rule targeted by national legislations, and which has to be conducted in a specific timeframe, knowing that the authority in charge of settling this issue differs between countries.³⁸ In most Arab countries, contestations have to be submitted in a given time not to be rejected, and it's clear that this period differs from one country to the other, as does the authority in charge of settling the issue.³⁹ As

³⁸ In Jordan, requests for candidature are studied by the central elections committee, which chair announces the final list of candidates. In Egypt requests and profiles of candidates are examined by one committee and even more committees in every department chaired by a legal professional of the rank of a Court President, and including representatives of said committee such as judges, appointed by the Minister of Justice, a representative from the Ministry of Interior chosen by the Minister. The Committee prepares a statement with all candidates after classifying the names of parties by alphabetical order, displays the lists for four days, then declare the closing of candidature, by issuing a final list of candidates with their description.

³⁹ In Jordan, contestations are submitted to the concerned court of appeal within three days after displaying of the list of candidates, and have to be settled within five days after their submission. In Egypt, contestations can be made as long as lists are displayed, and are then examined by one committee or more set up by the Ministry of Interior in every province, chaired by a legal officer chosen by the Minister of Justice and a representative by the Ministry of Interior also chosen by his Minister; their decision has to be made seven days at least before closing candidature. In Iraq, contestations may be made about the accuracy of voters' lists as long as the lists are advertised, and must be submitted to the head of province where the voters' registration center is implemented.

soon as contestations are settled, and the final names of candidates are advertised, the legal centers will consider them as official candidates fulfilling all requirements. Contests received afterwards will be rejected in terms of form.

While some constitutions leave this period open until the parliament starts its sessions, so that the parliament settles the issue; this period must be limited in time to enable the legal centers to look after candidates (winners and losers), and must be finished one month at least before the parliament's first session.

Third: Limits of Electoral Districts

The National Elections Committee issues a statement about the distribution of voters in districts with similar numbers, two months at least before the elections.

It is obvious that the distribution of electoral districts is more than a technical operation, though important, but it represents an important factor in examining democratic practices in elections, and its ability to select a representative group reflecting public opinion concerns in elected councils.

The distribution and correction of electoral districts have considerable impacts on competing candidates and on citizens selecting their representatives, as well as on voting debates and estimates concerning election results. The distribution impacts the representational role of the Parliament.

1- Distribution/partition of electoral districts

The partitioning of electoral districts must take in consideration an equal number of voters, as well as the geographic limits of the district.

The review of voting lists is required, and hence the limit of electoral districts, according to data of civil registers defining population surveys and distribution. Some countries perform this task when making a population survey (every decade for instance), and others according to lists of voters used for previous elections.

Consequently, the number and method of partitioning districts are different in countries depending on geographic and demographic factors and the type of electoral system. It is therefore necessary to regularly update the limits of electoral districts according to ongoing demographic changes.

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It is clear that the updating of electoral limits has fundamental impacts, not only on competing candidates, the voting context, the defection of voters from ballot centers and winning or losing equations, but also on the political balance of the legislative power.

The lack of balance would generate a questionable political reality and open the imbalance among seats in the same council to criticism.

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The distribution method also differs among electoral systems; in Parliaments with single seat-districts, repartition is made in very small districts, but this method raises several administrative problems, in addition to being costly, particularly when lists are regularly revised.

In the case of lists-based elections, distribution is made within one single national district, or a small number of districts with similar number of seats, which makes it easier to manage and less costly. Besides, there is a possibility to choose a mixed method combining voting for lists (relative representation) and a limited number of singular districts. The general principle is to consider the number of voters per seat in the Parliament, no matter what the electing system is.⁴⁰

2- Authority in charge of defining districts

The authority in charge of the distribution and naming of districts is the National Elections Committee. The Committee shall issue a report including factors considered in demarcating districts and justifications for their number. It is possible to contest the Committee's decision before the supreme court by means of a statement signed by at least fifty voters registered in the district, within two days from publication of the list of districts. The Court shall settle the case within three days.

This rule shows that the Committee is the only part in charge of defining the limits of districts, being a impartial and independent committee, while most Arab countries assign this task to the Law (Parliament) or to the executive power.⁴¹

The rule also provides for the right to contest the Committee's decision by requiring serious "justifications," and also the right to contest organizational schedules, with settlement requirements.

In addition, the distribution structure must take into consideration a number of factors in the distribution of districts such as transparency in defining district distribution criteria, the ability of the electoral system to reflect votes into a relative number of seats, hence the number of members to be elected in each district. It is important to consider some international models such as "ACE Online Users Guide". Factors include:

- The representational aspect: electoral districts must be designed in a way to enable voters to elect candidates who really represent them. This means in general that the limits of the district must be defined as much as possible according to common interests. If voters of the same district don't share the same interests and values, their representative will find it hard to represent the whole district.
- Balance between the number of voters: the voters' distribution must be made in a way to ensure the relative balance between districts in terms of population. Big demographic differences between districts contradict the democratic principle, which aims at granting the same rights to all voters.

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⁴⁰ The study of district distribution in some Arab countries shows that Palestine is sectioned in sixteen electoral districts, while Lebanon includes fourteen districts. In Egypt, the distribution of electoral districts depends on the electoral system, singular or list-based, as since 1990 the single seat system has been adopted, and the number of districts reached 222. In Bahrain, electoral causes are defined by Royal decree demarcating the electoral districts, regions and their limits, the number of subcommittees required for voting and screening of votes. In Iraq, Law provides for only one big district, though seats are distributed between political parties according to the relative representation principle based on simple shares.

⁴¹ For instance, the Head of State in Bahrain, or the Minister of Interior in Lebanon, or the Cabinet in Jordan, while in Egypt, the distribution of districts is made by law or by a republican decree.

- Same standards for all: the electoral distribution must be clearly stated in the Law to ensure equality of rights, no matter the authority in charge of the operation. If we want to guarantee impartiality in the voters' distribution, no political party shall have a say in the distribution. If the legislative power is responsible for the distribution, there is risk for bias, as the majority party with most seats may influence the distribution process. Distribution rules and their results must be accepted by all different parties involved.

3- Number of electoral districts

The distribution of districts must take into account demographic factors and the country's electoral system.

A country may apply the "single district" system, whereby the country becomes only one district, which is suitable for list-based type of elections, and hence the relative representation of voters, where each list has a specific portion of seats matching the number of votes acquired at the national level, while no vote is ignored. Individuals on the list will get seats by order of priority.

Other countries may apply the single district system, where the country is divided into a number of districts, which matches the simple majority type of elections, and seats will be won by the candidate who gets most correct votes in a specific district, while votes awarded to losing candidates will be ignored.

Still other countries will apply the system of districts or regions with scattered seats, where the country is divided into large enough electoral districts, and each district is assigned a number of seats matching the demographic size of the region. This is also suitable for the list-based type of elections with relative representation wherein a number of candidates win the seats in the district list according to the rate of correct votes obtained by that list in that district. ~~In this case, voters' choices will not be neglected either.~~ As for the best level of districts with different sizes, it is better for practical reasons to have a list with 3 to 7 seats in order to offer more opportunities to political parties and movements. ~~This system penalizes small parties, at least when compared to the single-list system with the relative representation, by reducing the minimum rate to the least possible (1% for instance).~~

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Generally speaking, it is not necessary for distribution to be perfect to be too complex or too costly.⁴²

In reality, countries do not agree on common guidelines for the distribution of electoral districts. This is logical because of the difference between electoral systems and their social and political contexts. According to the Lebanese legislation for instance, criteria for the distribution of electoral systems depend on population, as the single district is divided through a decree of the Minister of Interior, into several electoral portions, whereby every 100 citizens of a village constitute at least one electoral portion. As for

⁴² In New Zealand, there is a regular distribution of districts every five years taking into account its cost. In 1998, the distribution budget amounted to 1.89 Million New Zealand dollars. In the U.S. a huge group including thousands of people worked in 1991 to redistribute the Congress electoral districts, which cost tens of millions of dollars.

villages and cities with more than 100 citizens, every 400 constitute one electoral portion at least. The 2000 legislative electoral law was widely criticized, as it was charged of reinforcing ethnical and demographic scattering; similarly in Egypt, the redistribution of districts has been criticized for taking in consideration political parties' interests, as the distribution of the 25 districts in Kuwait was charged of increasing tribalism.

Fourth: Administration of electoral campaigns

Every candidate has the right to prepare and conduct a campaign to address the voters by all possible means, according to rules set by the National Elections Committee, and no distinction can be made between candidates.

Electoral campaigns are complex and teamwork operations, aimed at highlighting the behavioral and intellectual skills of candidates and their campaign teams, in order to achieve the largest popular impact of candidates and their programs, and to face competitors' influence and critics.

Campaigns are influenced by the fast and sometimes unexpected changes of voters and their social conditions; many events often happen before the end of voting. If the candidate, campaign teams, and all competing parties understand well enough the political and legal environment surrounding the voter, they can be better able to improve their strategies and hence succeed in this environment. This means that a successful electoral campaign is the one that can cope anytime with all changes to better target the voter, and hence develop a convincing message based on a logical approach to attract voters and gain their vote. But the legal and procedural organization may hamper the candidates' ability to conduct a successful campaign, that may be added to their personal deficiencies, but which may also prove to be determinant factors is contradicting - in its results - with the equal opportunity principle. The legal principles and type of procedures are not as important as the candidates' ability to conduct successful campaigns, based more on their personal skills than on laws.

Due to the role played by electoral campaigns in the political process, national legislations in most countries developed specific laws and regulations that will be described for some countries, as will some international experiences will be presented in order to identify the best practices and available alternatives, to be adopted in the Guide in order to reinforce democratic principles in the election process.

The electoral campaign is a way used by candidates to present their electoral program, ideas and future plan of action to the voters in order to win a seat in the local or national parliament or to become a President. National legislations gave candidates the right to hold campaigns to gain popularity and promote as much as possible their ideas, and also to face competitors' critics. In this framework, national legislations regulated the administration of electoral campaigns, as most national laws include special chapters pertaining to campaigns such as Morocco, Jordan, Palestine and Bahrain, while others issued special decrees pertaining to campaigns such as Egypt and Lebanon, and related to the funding of campaigns, funding sources, various promotion methods, monitoring tools and contestation procedures.

The importance of electoral campaign is reflected in the interest of international organizations as well, such as the National Democratic Institute, which insists in its guide “Building Confidence in Electoral Campaigns” on the importance of controlling electoral competition to achieve truthful and fair elections, by taking into consideration a number of aspects, the most important of which the right for all competitors to have access to similar resources, be them financial, logistic, mass media ... and the necessity of complying to electoral rules, mainly by avoiding privileges and faithfully respecting their provisions.

This chapter includes a number of suggestions to organize electoral campaigns, identify sources of funding, the right of candidates to accept donations for their campaign, tools to monitor funding and expenditures, to promotion methods and their legal aspect, advertising requirements and authorizations, and penalties provided by the law if promotion is misused. It also includes recommendations for fair electoral campaigns, in terms of control and supervision, and the arbitration authority.

5- Administration of candidates’ electoral campaigns

Electoral campaigns represent the democratic and legal means for voters to know candidates.

From this perspective, besides the legal one, electoral briberies are considered non democratic and illegal practices, and state bodies above all are required to take this into consideration, being responsible for the rule of law.

The need to conduct electoral campaigns with the equal opportunities principle sets moral standards not to interfere **with** candidates’ freedom to conduct their campaigns using all democratic tools. Such interferences can be legislative (imposing freedom restriction laws such as emergency state rules) or administrative through the institutional authority of State agencies (favoring candidates of the party in power at the expense of others by providing them with facilities and tolerance in observing political work rules), and even organizational due to the liabilities of the office in charge of elections, even as it is supposed to be impartial and non partisan.

Interventions in candidates’ electoral campaigns shall be exceptional and limited to organizational matters according to well set rules. For instance, the office in charge may impose instructions to candidates displaying promotional materials, and apply the priority principle, whereby the party in power will “immerse” promotion areas with its own campaigning materials monopolizing opportunities under the Law umbrella. In this case, and even if the intervention of the office in charge is impartial being purely organizational and relying on a rule that theoretically provides equal opportunity for all, the practical results obviously favor one candidate at the expense of others in the framework and with the support of the law. This is why the notion of “democracy” weakens under “legacy,” and **discrepancies** appear between the legal base and the democratic practice.

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The appropriate implementation of the rule balancing both principles relies on the equal opportunity theory, and not the priority theory, in organizing candidates’ rights to use authorized promotion spaces; the office in charge must therefore distribute/reserve equal

spaces for all candidates at the level of the whole district, so that relationship between candidates becomes a non-zero sum, hence providing the same opportunities to all candidates, and protecting complementarities of the basic rule stating that the electoral campaign represents the right of candidates in a democratic system.

The administration of electoral campaigns relies on various components as follows:

a- Accountable budgets

Candidates must keep accounting books stating sources funding their campaigns, and present it to the National Elections Committee in their districts within one month after announcing elections results. No one beside members of the Committee can have access to these books, unless by legal authorization.

Money is important for electoral campaigns in order to be able to communicate with the voters; candidates need budgets to pay salaries of their campaign staff, equip their offices, pay for media announcements, hand out campaigning materials, and also cover expenses related to research, design and printing of materials, in addition to providing transportation and communication means, etc..

Since financial capabilities play a major role in the election process in general, and electoral campaigns in particular, and may hence influence the fairness of votes, legislation provides for some restrictions related to funding sources and type of expenses; laws set ceilings not to be exceeded by candidates in their electoral campaigns, and defined restrictions and procedures pertaining to donations, and regulated contestation and appeal procedures, and the way to monitor expenses in order to avoid financial offenses; some systems suggest that the State also contributes to candidates' campaigns.

Every campaigning action requires a budget. Candidates first need to identify the funding sources for their campaigns, which constitute the base of the whole process and define the various campaign tools and methods.

This chapter also suggests a legal commitment from candidates to provide the NEC with their accounting books including their funding sources within one month after announcing election results in their district by the Committee, without waiting for any legal proceeding pertaining to contestations and appeals if authorized by the local legislation.

The third aspect of this chapter concerns the privacy right, and the non publication of said accounting books without a legal decree.

b- What is the limit of campaigning budgets ?

The NEC defines the ceiling of expenditures to be made for the electoral campaign, the control tools and procedures in case of infringement.

There is of course a difference between countries in terms of campaigning budgets, while some countries set no ceiling in terms of expenditures.⁴³

We recommend tying the budget ceiling to the GDP of a specific group of voters, according to estimates of the national central bank, within limits of 0.5-1% of the total voters in the district.

For instance, if the GDP per capita according to the Central Bank is 1000 USD, and the number of voters in the district is 5000, the budget limit must then range between twenty five (25) and fifty (50) thousand USD (or between 0.5% and 1% of all voters' total GDP); the maximal budget will then be fifty (50) thousand USD.

The same rule can be applied in the case of lists-based elections, where the unit will be the number of seats; if candidates in a list compete for 3 seats, the maximal budget for all candidates (individually or together in parties) cannot exceed one hundred and fifty (150) thousand dollars, or the whole list is considered to be one candidate, or something in between. This rule provides for the "multiplicity" of types of expenses within a country as a whole, or between regions/sectors/provinces, and even between districts in the same district, according to economic conditions and life standard if there are differences between their living standards.

It is clear that the budget ceiling issue is still being debated and subject of political, juridical and financial disagreements, as it should always be related to monitoring real expenses, in addition to its relation with the economic and social conditions at the time of elections.

c- Electoral Campaigns Funding Sources

Campaign funding sources are: (1) candidates' personal resources; (2) donations and gifts from individuals and local private institutions; (3) the contribution of the State. No financial or material gifts or donations can be accepted from foreigners.

Consequently, all funding sources must be locally generated, as no gifts can be accepted from foreigners, whether residents or not, while citizens living abroad can contribute to the campaign (residence must not conflict with the citizen's legal status, for is a citizen loses his citizenship he is considered to be a foreigner).

There is fear in the Arab world to allow foreign funding of electoral campaigns, for there is a common belief - that may be true - that foreign funding in elections may hide interests of foreign countries in supporting one specific candidate, as some external

⁴³ In Morocco, the budget is defined by decree proposed by the Ministers of Interior, Justice and Finance. In Palestine, Jordan, Yemen and Algeria, there is no limit to campaigning budgets.

parties may want to stimulate tribal and ethnical conflicts, in order to affect regimes through several and various means.⁴⁴

Similarly, the previous rule prohibits the use of public institutions' financial and material resources, such as government facilities. According to the equal opportunity principle, it is not at all permitted to use government vehicles, buildings, and telecommunication means for partisan or electoral purposes, and particularly public mass media owned by the State.

The three sources are described below:

1) Personal funding:

All candidates are allowed to use their personal financial or material resources to cover expenses related to their electoral campaigns.

Funding sources represent one of the most important aspects in the administration of campaigns, as our Arab context is not familiar with the extensive State support to candidates, in addition to the limited resources of political parties, which make of the candidate's personal resources the main source of funding.

Most modern legislations set limits for campaign expenses, and define mechanisms to monitor the funding and spending sources, as will be explained later.

2) Gifts and donations

Candidates may accept material or financial donations and gifts from entities and individuals holding the country's citizenship according to provisions of the law. Governmental and or government owned agencies cannot grant gifts or donations to any of the candidates.

Most candidates cannot cover alone costs related to their often costly campaigns; donations are therefore necessary for most candidates, including gifts and contributions of political parties to their members, namely in the case of competition between wealthy and financially modest candidates, and the State's contribution cannot reduce the gap between the financial resources and the candidate's electoral program in order to avoid the risk of electoral bribery.

3) Contribution of the State

The contribution of the State in funding electoral campaigns is defined by the National Elections Committee and approval of the Cabinet and the parliament with a majority of

⁴⁴ The study of Arab legislations show that there is a consensus between Arab countries not to allow candidates to receive external funding; in Bahrain, the Law prohibits receiving money from any source, in Palestine, it is forbidden for any individual or party taking part in elections to receive money from external or foreign sources; In Jordan the Law prevents candidates from asking for gifts, presents, material or financial donations or any other interest, whether directly or through intermediaries; in Saudi Arabia legislation requires from candidates to submit a detailed statement of all finding sources received for the electoral campaign within ten days after announcement of the final results, while forbidding the collection of gifts, financial or material donations, or any presents from external sources; the Yemeni legislation also prohibits external funding for the promotion of electoral campaigns.

votes. This contribution must come under one single allotment in the State's budget, and must be spent according to rules set by the NEC.

The political purpose of this legislative rule is to limit the negative impacts of considerable financial gaps between candidates, and a way to provide all candidates with the financial means to conduct campaigns. This positive contribution on the part of the State accounts for the prohibition of resorting to "external" funding to candidates, as even the most underprivileged candidate will not be in need to resort to foreign sources asking for their help, as long as the State provides a minimum budget.

The contribution of the State to electoral campaigns is a worldwide common practice, including financial funds provided to candidates, or facilitating campaigning facilities such as offices, telephones, or dispensation to pay some specific taxes,⁴⁵ but on the contrary there are other countries prohibiting this assistance, for political or financial reasons,⁴⁶

d- Monitoring Campaign costs

All aspects related to the electoral campaign shall be under the supervision of the National Elections Committee, and only members of this committee may have access to data related to candidates' expenses, unless a legal authorization is provided.

The monitoring operation on expenses is the best guarantee for the fairness and legacy of elections, as it is the best way to limit any excessive spending of resources. Candidates shall commit to provide all justifying documents and data required by the Committee.

Although it is hard to permanently monitor all campaign spending and funding operation, the development of communications and databases enables the efficient control of spending limits, and of the funding sources and methods, as obliging candidates to process all of their financial transactions through a bank account specifically devoted to their campaigns (exempt from all taxes commonly applied on accounts), and also coordinating with other banks to better coordinate with the National Committee about Candidates' account operations, in addition to the need of coordination between the National Committee and the State's tax, accounting and administrative offices throughout the campaign.

i- Campaign period

The electoral campaign for parliamentary and local councils elections shall not be less than one month and not more than 45 days, while electoral campaigns for the Presidential

⁴⁵ In Lebanon, electoral campaigns don't pay taxes as is the case in Syria. In Kuwait and Bahrain, the State reserves areas used free of charge by candidates for their electoral campaigns.

⁴⁶ In Palestine, the Palestinian authority does not have the right to sponsor or help any of the candidates; in Yemen, it is not allowed to use public resources, budgets of ministries and public institutions to fund electoral campaigns, while in Jordan it is forbidden to use official state facilities in electoral campaigns, and also to use the official state seal in meetings, invitations, announcements and electoral statements. In Saudi Arabia, it is totally prohibited to use mosques, public facilities, schools and universities, charity foundations, sports and cultural associations, and public agencies and institutions for electoral promotion campaigns. This is almost the case in Algeria, where it is forbidden to use religious spaces and education facilities in any electoral activity.

elections shall range between 45 days and three months including weekends and official holidays. The National Elections Committee may vote with a two third majority to reduce the previous period for no less than the half to face special events, with the approval of the parliament if existing, otherwise by decision of the Head of State.

As was previous said concerning the final announcement of candidates, there must be no less than a month and no more than one month and a half between this announcement and the voting day, which represents the campaign official period.

Providing voters with a period of time to think about their choice without the pressure of candidates' campaigns is considered to be among the best democratic practices, particularly during presidential elections; for this, election rules include provisions to stop all campaigns one to three days before the ballot, though ending campaigns one day only before the ballot would also be reasonable.

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It is also possible to reduce campaigning period for less than a month as said above, in case of necessity or to face national or external events, having a considerable impact on the national context and likely to put elections fairness at risk, such as a tough economic crisis, or exceptional weather conditions, ... In this case, the Committee shall submit its proposal to the Parliament, if any, to adopt it in the shortest possible time, otherwise to the Head of State, provided the period is reduced to non less than half.

5- Campaigning tools

Candidates may use available campaigning tools according to regulations set by the National Elections Committee. Promotional materials are prohibited from public facilities and religious temples, while candidates shall have equal access to public and private mass media, according to the media ethical chart.

This rule includes three principles; the first is the liability of the National Elections Committee to set rules and regulations adapted to the national context during elections; the second is the commitment of the committee and all parts to respect the constitution and public order (and hence apply juridical control); and the third is the positive impartiality of State owned mass media (50% at least), by providing equal opportunities to all candidates, while having private owned media observe the media ethical chart for, under the supervision of the National Elections Committee.

The previous rule insists on prohibiting campaigns (in any form, according to the Committee) in public facilities and religious temples. The term "public facilities" refers to the type and not to the ownership of the building, which extends prohibition to government facilities (departments and ministries ...) as well as public facilities owned by individuals as long as they are open to the public (such as distraction and entertainment centers) or open to private public (such as clubs, unions, and even youth clubs and sports compounds).

As for "religious temples", they include praying areas and related facilities, such as religious events temples, medical units, libraries or gardens around mosques or churches.

Consequently, candidates may use two types of "physical" areas for their promotion, the first being the non governmental commercial centers such as shops and companies ..., and

the second is public roads, streets, parks and places, where promotion is regulated by rules set by the National Elections Committee.

Campaign promotion tools are used by candidates to carry their messages to voters, and these tools are also their playing “cards” to know each other. The electoral campaign may be one strategy to influence the voter and the whole electoral campaign, as a number of politicians don’t resort to the most suitable campaigning tools, or pretend to control them, while the end may be failure.

The electoral campaign may not be limited to one single tool, as it often calls upon different methods used by candidates according to the district context and their own resources and conditions. Tools used by candidates in their campaigns may be material, written or printed, or audiovisual. Each type offers variety for candidates to choose from according to their national legislation, with consideration to previously stated principles in terms of not using religious and public facilities in campaigns, or for political or moral reasons, and also for practical reasons particularly in the case of public areas. This prohibition shall be highlighted in cases where one political party monopolizes power in a way that it can have access to these areas at the expense of other parties, not to mention the use of public funds or misusing power, also possible.

The different tools used for electoral campaigning may not be valid in all places and all times, as they can be temporal, or specifically tailored to special events and exceptional conditions.

No matter the type of campaigning tools and the period they are used, campaigns may be specific targeting individual voters, or common aimed at a group, or public designed for the whole district.

a- Prohibiting and penalizing the use of public money in campaigns

It is forbidden to use public facilities and money for campaigning purposes; the National Elections Committee may impose financial penalties on offenders, and may even vote with the two third majority to disqualify candidates from the list, as it may submit the case to the prosecutor to conduct investigations in the area where wrongdoings are made.

Most national legislations include campaigning conditions and requirements, while all agree on a decisive principle that must be observed when campaigning, which is respecting the constitution and the Rule of Law, and respecting opinion differences.⁴⁷

Some legislations provided candidates with the right to use mass media, including State owned, in their electoral campaigns,⁴⁸ though most Arab legislations prohibit the use of public money and facilities for campaigning purposes, at least theoretically.

⁴⁷ In Jordan and Palestine, electoral campaigns must take in consideration opinion differences, safeguard national security and stability, and avoid libeling other candidates or damaging their reputation.

⁴⁸ In Palestine, official mass media work with the National Elections Committee to prepare a special schedule to cover at no cost electoral campaigns of all parties and candidates, thereby providing equal opportunities to all. In Tunisia, it is possible for all candidates to use radio and TV channels based on equal time shares decided by the Minister of Information after draws of various requests submitted in advance. The drawing operation is generally witnessed by candidates or their representatives in the case of presidential elections, and by candidates only in the case of other elections.

It is recommended here to expand the notion of “public money” or “public facilities” to also cover Government institutions, syndicates and associations, and all financial resources subject to public audits, and also the Parliament. This prohibition does not hamper electoral campaigns, as candidates may still use private facilities and companies, commercial businesses, halls and fairs, etc...

Sanctions may go up to disqualifying the candidate from the list, and the specialized prosecutor (public, administrative, state security prosecutors) may carry investigations therefore, which may lead to legal suits, and bringing offenders before the court.

Campaigning tools, methods, and procedures differ between countries and even within the same country in different periods. Most Arab countries grant more liberties in electoral campaigns, though most require observing the constitution and the law, including prohibiting illegal activities, or those likely to provoke public feelings such as discrediting other ethnic groups, or libeling opponents; some countries authorize the use of state resources, such as ministries and government institutions, while others don't or even prohibit this use.

There is almost consensus between national legislations not to use the State's official seal in electoral meetings, announcements and statements. They also agree not to allow government employees, agencies and officials, or chairs of municipal councils and their staff to take part in electoral campaigns by promoting candidates at the expense of others in their place of work, or hold electoral meetings in mosques, churches or buildings used by the Government for its institutions and agencies.⁴⁹

b- Sanctions for misusing campaigning tools

The National Elections Committee may impose financial sanctions on candidates not respecting campaigning rules, and may even disqualify one candidate, with a two-third majority vote, if the candidate is charged with harming other candidates. Disqualified candidates may resort to court to appeal their disqualification within 24 hours after announcing the list of candidates.

As long as there are legal rules regulating campaigning procedures and activities, there must be sanctions to penalize offenders.

Such sanctions are applied in many Arab countries, where legislations suggest different sanctions for candidates not respecting campaigning regulations, ranging between soft sanctions such as financial fines or penalties, and tough ones including imprisonment and financial penalties.⁵⁰

⁴⁹ Some Arab countries limit the use of electoral campaigning tools. In Palestine and Jordan, it is forbidden to put electoral posters and banners in areas other than where they are designed to, as it is forbidden to use the State's official seal, or libel or damage the reputation of any of the other candidates. Besides, in Jordan and Yemen, candidates cannot use loudhailers, except in organized meetings; in Lebanon as in Jordan, employees of the Government and of official agencies cannot use their offices to promote any of the Candidates. Morocco's legislation takes in consideration the organization of campaigns.

⁵⁰ The legal sanction for not respecting campaigning regulations range between imprisonment and financial penalties or both at the same time. In Bahrain, offenders may be jailed for up to six months, while penalties shall not exceed five hundred Bahraini dinar. In Jordan jail cannot be less than three months, while penalty cannot be more than five hundred Jordanian dinar. As for Palestine, offending candidates can be jailed for

There are two types of sanctions in this rule: the first is decided by the National Elections Committee, ranging between the financial penalty and disqualification from the list, while the second is resorting to the court to file lawsuits against offenders and claiming compensating damage caused by negative campaigning of one the sued candidate. If for instance, one candidate beats another candidate in public, there is an electoral damage here, and the Committee may impose financial sanctions and disqualify the offending candidate, as this may be considered a penal offence requiring imprisonment, beside any civil suit that may be filed by the victim.

5- Guarantees for fair election campaigns

The National Elections Committee suggests an electoral Chart, and sets rules to monitor campaigns and support their fairness. The NEC may receive complaints in this regard from different parties and voters.

Electoral campaigns may be decisive in voters' choices, as they may raise doubts about the fairness, seriousness and accuracy of the whole electoral process. We recommend including the issue of fairness of electoral campaigns in the prerogatives of the National Electoral Committee, and drafting laws to regulate it. The technical team assisting the Committee will then receive complaints from registered voters only - to ensure seriousness of the file - as well as from all governmental and non governmental parties, private entities, provided they are national, while keeping external parties away from the electoral operation, including international supervision teams authorized to monitor elections, in order to reinforce the national sovereignty principle.

While this rule provides for the liability of the National Elections Committee to receive complaints regarding misuse of electoral tools, this does not prevent law suiting the case.

In Arab countries, this operation may be assigned to the same agency or authority in charge of the whole election operation, or may be assigned to specialized entities, as there may be a popular or local system to monitor them. Monitoring electoral campaigns in Arab countries is an important way to assess elections in general, as in some countries, the authority in charge may be biased, working in favor of some candidates; therefore the full independence of the authority in charge of elections may guarantee fairness and reliability of elections.⁵¹

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up to one year, and penalties may go to one thousand Palestinian dinar. Finally in Morocco, the situation is a little different, as although its legislation provides for detailed types of sanctions, most sanctions applied are financial penalties.

⁵¹ Arab countries may be divided in three categories in terms of monitoring and supervising elections : The first, as in Jordan and Palestine, the authority in charge of monitoring elections is the election commission, called the Elections High Committee in Jordan made up of a special team chaired by an administrative judge, and including a Government employee, a judge chosen by the Minister of Justice, while in Palestine, it is called the Central Elections Committee, liable to receive complaints about campaigns that are immediately settled. The second category includes Bahrain and Lebanon, where electoral campaigns are monitored by municipalities. As for the third category, including Egypt, Morocco and Yemen, campaigns are controlled by regular courts, and where administrative courts settle issues pertaining to electoral campaigns.

Second Phase – During Elections

This is the second phase of the electoral process, including two parts; the first relates to voting procedures and requirements, and the second concerns monitoring elections, and more particularly during voting, as election monitors usually focus on this specific ballot phase.

First: Voting Procedures

The legislation dealing with the electoral process - enjoying political rights - often defines the voting method in this process. This method differs from one country to the other, in terms of voting procedure, people in charge of supervising ballots, ballot hours, and also people authorized to be in ballot rooms, all dealt with by national laws. This phase includes the following rules:

1- Supervising the voting operation:

The National Elections Committee supervises the voting operation

This means that the (National impartial) Committee shall ensure the safety of the voting operation, its compliance to the law, and the absence of fraud to ensure fair elections. Monitoring voting is the key phase in the overall monitoring operation, as voting is the only factor determining elections results, therefore the tight control on voting is a major factor to ensure free and fair elections.

There are, in the Arab World, many critics and doubts about the voting operation, as some voters may not be registered or vote more than once and some voters may register in more than one district. As a result, Arab countries are always looking for new voting procedures and methods to make elections more fair and objective.

In any case, countries also differ in terms of authority(ies) in charge of supervising the ballot/voting operation, as it may be performed by one entity,⁵² or several entities.⁵³ In spite of these differences, the mission of the supervising authority is usually similar, ranging from the physical preparation and equipment of the ballot center, looking after all

⁵² In Bahrain, a number of sub-committees are in charge of the vote, and are nominated by Royal decree assisted in that by employees chosen by the elections executive director, according to the needs of every sub-committee. In Lebanon, voting is supervised by the Ballot Office nominated by the Minister of Interior.

⁵³ The supervision of ballots is shared between different parties in Palestine, Yemen, Jordan and Egypt. In Palestine, this is the responsibility of the Central Elections Committee composed of seven members appointed by the President of Republic. In Jordan, it is performed by the district committee. In Egypt, this is the task of general committees formed by the Minister of Interior and chaired by a judicial committee member; similarities between Egypt and Palestine are not only in terms of the number of parties co-supervising ballots, but also in their composition as the juridical sector plays key roles in both countries. The situation in Morocco is not very different where ballot committees made up of literate civil servants working in public administrations and state offices supervise the voting operation and the settlement of all cases that may arise.

procedures pertaining to the voting operation, screening votes and recording findings in special minutes then sending these reports through.⁵⁴

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As for the most common methods used in supervising votes, NDI's guide states that the elections' employees are responsible for ballots according to set rules and procedures, but also insists on the importance of the presence of monitors to check the work of these employees, and hence avoid fraud.

2- Voting times

The voting operation must last at least ten hours on one single day, and cannot be less than one minute per registered voter; it is possible to extend this period to enable individuals present in the ballot room after closing hour to vote.

In practice, if the average number of registered voters is 500, the minimal time to vote will be 1000 minutes, or 8.5 hours, which is a reasonable period, namely if we consider the total number of voters and the number of actual voters, which seldom exceeds 59% in the best cases.

There is no doubt that national legislations define ballot opening and closing hours, and some refer to exceptions when ballot times may be extended for eligible citizens abroad two weeks before the ballot, as it is possible to vote by mail or electronically through the Internet. It is clear that voting electronically no longer has time constraints for the voters.

The study of regulations in the Arab World shows that there is a general consensus for the vote to last one single day, though there are some differences between starting and closing hours.⁵⁵ Opening and closing hours are not rigidly fixed times, as though countries aim at respecting hours, but in case of absolute necessity, there must be some flexibility to extend the closing hour.⁵⁶

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3- Who is allowed to be present in the ballot center?

The National Elections Committee sets rules for the presence of candidates or their authorized representatives to be present in the ballot room, to ensure equal opportunities between all candidates and the safety of the ballot and hence reassure voters.

Whenever the electoral system provides for the presence of monitors during the vote, and particularly inside the ballot room, this reflects a better transparency and fairness intentions. Candidates certainly need assistants, whether during their electoral campaigns

⁵⁴ In Jordan and Morocco, the supervising committees settle all reservations and contestations raised by candidates or their representatives concerning voting operations.

⁵⁵ Countries do not agree on voting hours : In Jordan and Palestine ballot starts at 7 in the morning and finishes at 7 in the afternoon, hence 12 hours ; in Morocco and Bahrain, ballot starts at 8 AM and finishes at 6 PM or ten hours ; while in Egypt and Lebanon, ballot hours are from 8 AM to 7 PM for the first, hence 11 hours and 6 PM for the second or 10 hours.

⁵⁶ In Jordan for instance, the Head of State may, if need be, extend the closing of the ballot by 2 hours maximum, while in Egypt and Bahrain, voting may continue after hours for voters remaining in the subcommittee office. If all registered voters vote before the closing hour, the committee chair may announce the closing of the ballot once the last voter expresses his vote.

(conventional, modern or even online) or to monitor voting operations along with assistants of other candidates.

Delegates of candidates are therefore necessary in the election process, as they represent the power for their popularity, and even vital for their success, with no regard to the type of district, the social condition and habits or ~~the candidates'~~ political trends. The delegate is the authorized representative of the candidate during elections. But not all representatives are delegates according to the legal definition of delegate, as they may also be "agents" of the candidate. In other words, the candidate's representatives in the electoral operation may be "delegates," that is for "a specific mission" - their role being limited to this - or "agents" representing the candidate, or a legal agent, hence liable to perform the candidate's various rights pertaining to monitoring and controlling electoral activities.⁵⁷

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4- Voting procedures

The National Elections Committee sets rules for voting procedures.

Countries also disagree in terms of voting procedures, such as confirmation of voters' identity, guarantees not to have repeating voters, and also the voting mechanisms including voting tools, confirming the validity of the vote, cancellation of voting papers, overcoming the issue of citizens not willing to take part in elections due to election procedures, which are all vital issues that need to be addressed as follows:

a- Preparation of ballot boxes:

The ballot box is the physical container where voters insert their voting papers; it must be transparent, with appropriate and impartial size and form determined by the National Elections Committee.

The use of transparent boxes has become a good practice in fair elections as they enable voters to visually check its content. In spite of their low cost and the possibility of reusing them in other elections making them economically efficient, not many Arab countries have adopted transparent boxes, but still use old heavy wooden boxes, padlocked and sealed with red cords; these boxes however do not ensure transparency, do not prevent fraud, and their maintenance including repair and painting is more expensive than making new transparent plastic boxes.

b- Confirming voters' identity

⁵⁷ Most Arab countries provided candidates and their representatives the right to be present in and to make comments in the ballot rooms. In Jordan, Palestine, Morocco and Lebanon, candidates may delegate representatives to witness the voting operation. It is to note that though most countries authorized candidates to have only one delegate, they disagree on procedures for the choice of the delegate. In Palestine, the ballot center committee authorizes the presence of the delegate, while in Jordan delegates need to have a written proxy from the Candidate, cleared by the administrative judge to be able to attend the vote. In Lebanon, it is necessary to have legal statements from the prefect, while in Morocco, candidates must declare the names of their delegates to the local administrative power 24 hours before the ballot.

Voters cannot vote unless they provide their identity to the authority in charge of the vote.

In spite of the importance of the voting card to know the voter's identity, being a tool to vote and participate in the election process, but not having it does not prevent voter, in some systems, from voting, provided they are registered on the voters' lists, as the general rule states that registration in the lists can be confirmed by lists only, with the possibility of contesting them.

This means that voters registered on voters' lists may confirm their identity by all official means (passport, ID card or driving license), in order to facilitate the process and encourage as many citizens as possible to participate, and also confirming registration is the basis of lists held by the authority.

c- How to vote? What is the method used?

The voter matches the required number of candidates in the ballot paper. For medical reasons, a voter may ask another voter to do this in front of the supervisor.

The supervising entity should provide pens attached to the voting desk in order to make this operation easier for the voters. Also and in order to keep voting private, voting should be made in booths separated with curtains (side curtains or walls between booths).

The voting method differs between countries according to the use of modern technologies and their willingness to change their conventional means and methods, and also according to their voters; the voting method differs depending on the literacy level of voters, as when literate, voters can assume their voting right alone,⁵⁸ whereas illiterate voters must be assisted by a second person from the voting committee or from outside,⁵⁹ For medical reasons, a voter may cross in the place of another one (disabled or blind) the names of candidates chosen by the registered voter, provided this is done in front of committee's supervisor in the ballot room/center. Such a case must be reported in the voting book. The importance of this "authorization" is reinforced when the voting method requires the voter's signature or uses technological means.

⁵⁸ In Jordan and Palestine, the voter can vote after receiving a ballot paper sealed with the ballot center's seal. The voter keeps it before inserting it in the appropriate box. In Lebanon, the ballot center's chair, the secretary and one assistant sign the voting envelope before handing it to the voter, who puts it personally in the ballot box after expressing his vote. In Egypt, the committee's chair hands to every voter an open ballot paper sealed on the back by the committee's seal and the voting date, and once the choice is made on the paper, the voter returns the folded paper to the committee chair, who puts it in the appropriate ballot box. Finally in Bahrain and Morocco, voting is direct with secret ballots, by making choices on pre-designed cards, knowing that in Morocco, ballot cards are put in non transparent envelopes sealed by the local administrative authority.

⁵⁹ Arab countries have tried to help as much as possible voters unable to vote for being illiterate or sick, as in Palestine and Lebanon, it is possible for the illiterate or disabled voter unable to fill on their own their voting papers, to call upon another trusted voter, after approval of the ballot committee and confirming the voter's real choice. In Jordan, Egypt and Bahrain, the illiterate, blind or disabled voter may vote orally, and the committee's chair writes the name of the chosen candidate on the card then shows it to the committee member, then returns it to the voter who folds it and inserts in the box.

In spite of the assistance provided to disabled voters, it can provide an opportunity to the vote supervisors to control the ballot context and influence the voters.

d- Confirming validity of votes

The vote cannot be valid if the voter expresses his choice of more/less than the required number, or does not express his vote, or marked the voting paper with a special sign.

This means that voting does not yet mean that it is counted among the valid votes. It is possible to withdraw some voters and consider their voting papers as void if the previous rule is not respected, as will be shown in the counting operation.⁶⁰

e- Confirming voters' participation and avoiding repeaters

The entity in charge of the ballot marks the name of every voter coming to vote; the voter must sign or fingerprint before taking the voting paper.

One factor to prove the fairness of elections is to confirm the voters' identity, as the more guarantees confirming voters' identity are available, the more fair and democratic elections can be.

A requirement for good elections is then to have the vote show evidence of his identity to the person in charge of the ballot, and to have this identity checked before actually voting. There is in fact no one single method to confirm voters' identity in the various Arab countries,⁶¹ as there is no common agreement on one single ID card, as voters' identity may be confirmed by any means, including parole of witnesses, as is the case in Egypt, where officers in charge of the ballot center are supposed to know all registered voters enough to confirm their identity.

As for the most common methods to confirm voters' identity, NDI's guide recommends comparing voters' cards to the lists of registered voters by officers in charge of the ballot center, in order to confirm the eligibility of the voter to vote in that specific center. These officers may even check voters' index fingers to check whether they voted or not through the presence of indelible ink.

As for checking vote repeaters, the previous rule may also be applied, i.e. signing or fingerprints or both at the same time.

But in some cases, it may be impossible to present the voting card or an ID card, then the voter may resort to what is referred to as "acquaintance" voting (i.e. witnesses) as long as

⁶⁰ A voting ballot is considered void in Jordan, Bahrain, and Egypt if including the names of more than one candidate, or marked with a special sign, as in Lebanon to refer to a specific candidate; it can also be spoiled if not sealed or signed by the electoral committee represented by the chair of the ballot committee.

⁶¹ Arab countries agree on the need to confirm voters' identities. In Palestine, Jordan, Egypt, Morocco and Bahrain, voters are not bound to hold a voting card to be able to vote, as these countries require any ID giving evidence of the identity of a voter who may have lost or damaged his voting card. This procedure has been adopted in other countries, including Lebanon but with the condition of the existence of voters' names in the voters' lists...if the voter has no ID card to show identity, as in Egypt or Morocco, the voter may vote by acquaintance, which means calling for witnesses who know the voter to prove identity, provided said witnesses hold ID cards.

his name is registered in the voters' list; this issue is often criticized, but seems necessary in special cases such as catastrophes, crises, or the absence of voters' registration lists.

In both cases, it is necessary to use a method to avoid repeated voters, known as indelible ink (fluorescent, colored, or similar) applied on the voter's finger before giving him the ballot paper; this method is commonly used even in the case of official registered lists and the existing of voters' ballot papers and cards, which adds more to the transparency and fairness of elections.

The phenomenon of repeated voters constitutes one major problem prevailing in many Arab countries, and the worrying paradox is that many citizens choose to vote more than once, while many others don't vote at all.

As this issue of repeated voters in elections in some Arab countries has resulted over the years in the emergence of weak and fraudulent bodies in charge of supervising the voting phase, many countries decided to adopt different procedures to ensure that every citizen expresses his vote only once and not more.⁶²

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As for the most common practices to avoid repeating voters, according to NDI's Guide, would be to put a sign on the voter's name and/or number on the voters' list, as well as on the ID card or finger to show that the voter actually voted. This does not prevent voting station workers from confirming the truthfulness of procedures, and ensuring that the ink used is indelible and cannot be easily removed.

⁶² In Morocco, an indelible sign is put on the voter's hand that cannot be removed throughout the voting day, while in Yemen the voter puts fingerprint across the name in the voters' book, then the card is crossed out by the committee chair; in Egypt and in Jordan, special signs are marked in the voters' book and on the voter's card to show that the voter has actually voted, while in Lebanon the Ballot Manager perforates the voter's ballot card then returns it after voting, but in Palestine, the chair of the voting center, or a representative, crosses out the name of the voter from the voter's book after the ballot, while the card is maintained until the voter finishes voting.

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5- Absence of voters

Elections cannot be valid if less than one quarter of the total number of registered voters actually vote; if this happens, elections must be redone after one week. Private and public TV stations shall advertise at no cost instructions issued by the National Elections Committee inviting voters to the ballot, until the last elections day.

This rule includes two principles:

The first is the requirement to have at least 25% of the registered voters actually vote in order to validate elections, before counting votes and announcing results. This can be done by totaling up the number of voters participating in the ballot in the different ballot boxes/centers/committees, transmitted by the ballot committee chair to the National Elections Committee, which needs to make sure that the 25% participation rate has been reached, to then order the opening of the boxes to count the voting papers.

The rule can be applied at the level of the district, or the region according to the national elections system and procedures in every country. This means that elections can be repeated in one district, and be correctly conducted in a neighboring one, as it may be applied to the whole country if it is considered to be one single district.

The reality is that this rate is much less than the one announced by Arab governments concerning elections over the last decade, as some Governments may claim the voting rate to be 90%; fearing a limited participation rate cannot then be justified.

The second principle has to do with the obligation to all public and private mass media to advertise instructions of the National Elections Committee inviting voters to participate in elections; announcements must be at no cost and including: brief messages about the necessity to participate for development, information about voting procedures and how to avoid spoiled votes, the NEC's phone numbers and contact details, ... Announcements must be broadcast and published until the voting day. This principle is valid for the main elections as well as for repeated ones.

The absence of voters is one major issue facing candidates throughout the Arab World. There are voters who don't want to be involved in the political life, as they think they have no direct or indirect interest in it. Absent voters also don't trust elections results, and think it's useless to participate. This group of absent voters may be interested in participating in political life hence less extremist than the previous, but don't trust the fairness and impartiality of elections, as they don't believe their vote will affect results. Finally there are absent voters because they reject the main social foundations; this is reflected in some parties boycotting elections, and many citizens not voting at all.

In reality, candidates need to make a lot of effort to build an appropriate strategy and face this phenomenon before getting out and encouraging voters to go to the ballot. It is necessary to convince citizens about the direct and indirect impact of votes on their lives, and their importance in the construction of their economic and social conditions. For citizens to be convinced about the importance of the vote, they must first firmly believe in the close interconnection between their personal, family and social interests – whether political, economic, social or cultural- with their electoral vote, as if they feel there is no

relationship between their interests and them participating in the ballot, they will definitely not vote, and it won't then be necessary to tell them about elections being a national duty.

For this reason, mass media and religious authorities need to work together and convince citizens to participate to the vote. The message transmitted by the mass media and religious authorities must highlight the interconnection between interests and elections. It is certainly not enough to say that elections are a national duty or obligation that must be performed by every citizen, as some countries threaten absent voters through financial sanctions when refusing to execute a legal obligation.⁶³

There is no doubt that mass media and religious messages can achieve their goals only when the public fully trusts elections. This confidence can be built only when citizens get rid of fears and concerns about exceptional laws and complicated procedures. In addition to this a real outreach strategy must be designed to directly address citizens' interests and their immediate families. Messages must be clear about the notion of electoral councils, the notion of promise, and the construction of society. Messages should be tailored in a way to reach the illiterate, people with limited instruction, educated, intellectuals, researchers, ... in addition to all social categories including professionals, artisans, merchants, business people, etc. Other messages should be tailored to address other categories.

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6- Police impartiality during elections

The Elections National Committee is the only body responsible for keeping order inside ballot centers, and for defining the role of police in the vicinity of the center and guiding its work. The elections committee chair is the senior officer of police assigned to the center throughout elections. No weapons are permitted inside the ballot center without the explicit authorization of the committee chair or his/her representative.

Governments' interference in elections is certainly most unfortunate and bitter when police interfere in the voting process and which provides the physical argument for external interference. The question here is: can the Elections Committee only ensure order and fairness inside ballot centers? This principle takes this for granted, with the presence of police under the authority of the committee, and restrictions about having weapons even for police officers.

The police here is the legal party in charge of maintaining internal order, so prohibitions to have weapons is extended to all members of the armed forces, as well as to candidates, voters and common citizens. The principle suggests a commitment by all parties to comply with the instructions of the electoral committee related to presence inside the ballot center, from the preparation of ballot booths and boxes, the organization of traffic lanes inside the center and exit gates.

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This rule does not conflict with the Committee's liability to supervise all various electoral operations, outside the ballot center, such as operations relating to civil registers and the

⁶³ In Egypt, the political rights code states that registered voters not participating to the ballot for no reason must pay a 20 pound penalty.

media; it concerns here only organizing the role of police in the electoral process on ballot day. As for the behavior of police outside the ballot center, it must be subject to the general law providing for citizens' rights and duties.

This rule also includes an implicit prohibition of emergency laws, at least with regard to election different processes (here, it concerns the ballot center and its immediate vicinity), as the committee's liabilities according to previous rules were limited and specific, knowing that the specific binds the general, as it is not possible to justify the state of emergency in any of the elections' phases.

Second: Monitoring the Vote

Local and external elections monitoring teams must be authorized in advance by the National Elections Committee, and must perform their missions according to the NEC's instructions.

This rule contains three aspects: the first stating that the supervision of elections is legal, but has to be in made teams and not individually or not structured; the second concerns "the national supervision of elections monitoring teams," hence the necessity for said teams to be authorized in advance throughout the monitoring operation (in case of offense, this authorization must be withdrawn and the team can no longer be under the country's legacy); the third is the positive role of the national committee to activate monitoring as a means reinforcing transparency and fairness, as the committee is in charge of setting the logical and procedural rules for monitoring teams' works, which does not hamper its ability to monitor elections.

The first goal of monitoring any election is ensure the safety and fairness of the voting process; legislations in many countries have tried to offer enough guarantees for straight and proper elections,⁶⁴ while in other countries, no specific committee have been set and offenses to ministerial or administrative decrees and decisions related to funding and spending are brought to courts, as laws in these countries provide for general sanctions against offenders, and no special sanctions are applied to funding or spending offences; arbitration and settlement of this type of offence are then carried out by the common jurisdiction and are subject to sanctions provided for in the regular legislation.⁶⁵

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In addition to the official local authorities in charge of monitoring and supervising the electoral operation, the candidate may suggest the contribution of other parties,⁶⁶ as it is

⁶⁴ In Jordan and Palestine, before starting the vote, boxes are opened in front of all members of the committee and the candidates' representatives to confirm that they are empty, they are then immediately closed and sealed to start the vote.

⁶⁵ In Egypt, regular Courts are liable to look into offences related to funding electoral campaigns, while in Lebanon, this type of offence is subject to the Sanctions Code; in case there is no suitable legal text, offenders may be sentenced to sanctions ranging between three and five million pounds.

⁶⁶ In Egypt, it is possible for every candidate to assign a representative in his district to be member of the counting commission. In Jordan also, every candidate or his representative may attend and monitor the voting and screening operations of any ballot center, then attend the counting of votes in the electoral district. The presence of the candidate's representative must be subject of a proxy approved by the administrative authority.

possible for foreign/regional/international to join the local official and non official teams in monitoring elections.⁶⁷

Monitoring teams must be limited to volunteers to ensure their impartiality; their costs are covered by sponsors, at no cost to the hosting country; the visits of international monitors may also bring along tourists and have an economic impact on the country. It is also possible that the National Elections Committee provides computer and training facilities for specific amounts (explanation of elections rules, presentation of the country's social and political context, or providing data and information ...) according to rules set by the committee, which may generate additional revenues to the "elections support fund."

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Most international organizations market the concept of monitoring elections, the most popular of which are monitoring teams working for the United Nations, the European Union and Transparency International, and many other NGO's mainly from the United States and Europe. There is a widespread belief in the Arab World that monitoring elections constitutes an interference in domestic affairs, and some may have to resort to it for the international monitoring of the fairness of elections may determine the volume of aid and assistance provided by international assistance agencies; another trend thinks that monitoring is a way to improve their country's image abroad, or by conviction about the interest and profits generated by impartial external monitors on elections as a supreme national interest.

Monitoring/observation in the electoral operation is not *monitoring elections* (from a general and pragmatic perspective) but rather *monitoring for elections* (hence carefully following up). A report including all observations will be published afterwards, with no legal imposition character, unless the country is under protectorate, but constitutes an observer's report that must be impartial. In this regard, it is not important to make a distinction between the purpose of local and international monitoring teams.

Similarly, observers' reports must not be considered literally, as no elections can be free of deficiencies on the level of the form and the method; the most important observations made by these reports have to do with the methodology, repetition or explicit irregularities, such as preventing voters from entering the ballot centers, or repeated failure of police to ensure the security and safety of ballots ... facts that can be hidden only by those who fear transparency.

Among the most known methods used to monitor elections as suggested by NDI's guide, there are two vital monitoring methods: self monitoring which mainly aims at avoiding Government's control, and also indirect control or threats and attacks by non-governmental forces aiming at preventing mass media from performing their legal mission during elections ... this type of control imposes on editors and publishers not to disclose detailed information for the interest of one specific candidate they are supporting in order to harm opponents; this why we should insist on the vital role played by mass media, the second type of monitoring, performed on the basis of the availability and

⁶⁷ In Palestine, electoral campaigns are monitored by international and local monitors, as well as media and communication professionals. In order to facilitate their work, the Central Elections Committee provides any who requests them with credentials throughout the elections.

efficiency of claims sent to the media asking for justice against persecution, and also claim mechanisms offered to competitors to compensate the lack of media interest with their regard, knowing that these mechanisms may include procedures before government election committees and before a governmental authority in charge mass media and/or a juridical body.

For monitoring to be efficient, there are some requirements that need to be fulfilled such as coverage ratio. A comprehensive coverage requires the presence of one monitor per ballot center, and when this is difficult coverage may be partial, by assigning monitoring teams to one sector including several ballot centers, and where every team made up of one or more monitors, is assigned to several ballot centers throughout the electoral process. Although this method ensures the complete monitoring inside ballot centers, it can unfortunately give only little if not any information about what may be happening in centers where there are no monitors for some time;

Other partial monitoring systems also include the assignment of mobile teams to visit various ballot centers during the vote, but this method is more costly in practical terms (permanent availability of vehicles) than the two other methods; mobile teams cannot also make a comprehensive assessment of ballots in the different centers, as they do not remain in one single site throughout the day, but this does not deny the fact that this method is the best in terms of geographical outreach, number of ballot centers and number of registered voters. Also, as long as mobile teams follow an unannounced itinerary, they may provide a shield against fraud, as they may visit ballot centers more than once.

As mobile teams may not cover all ballot centers, there is need to set clear priorities and design a visit schedule accordingly; it is possible to plan a wide representative coverage of the whole country or district which may generate a good report on elections' general conditions. On the other hand, it is also possible to focus efforts on centers usually witnessing problems, or where clutches are likely to happen between competitors.

Third phase: Post Elections Phase

The third phase includes the outcomes of the electoral process, which constitutes the most sensitive part of elections, as it determines the competition results, the winners and the losers.

This phase starts immediately after the end of the vote, hence the end of ballot time and departure of the last voter from the ballot center after the end of legal hours. This phase is considered to be important and decisive with regard to fairness and transparency required in elections, as the electoral campaign may have been fair and transparent since the beginning, but if these two principles are deficient on the last phase, the whole elections process will be considered to be fake.

The post-elections phase includes a number of sub-operations that are sensitive, complex and delicate, including announcing the end of the vote, closing ballot boxes, ensuring their transportation, defining people to look after the transportation and safety of boxes, counting valid and spoiled votes, announcing results and settlement of appeals before the committee, settling appeals concerning the committee's decisions before the constitutional court, ~~and~~ validating elected parliament members, so that Parliament can start its sessions with no contestations or appeals and democracy can grow.

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Therefore, the last phase of elections is a decisive phase unraveling all competitions, campaigning, alliances, voting and monitoring made throughout elections in the form of official results. This phase is presented below under three sub-categories.

First: End of Votes and Safety of Ballot Boxes

It is not possible to end voting before its official closing time unless an official decision of the Elections National Committee with a two-third majority. The Committee shall be the only entity in charge of the safety of ballot boxes until ballot papers are counted and the announcement of results, then maintaining them until the settlement of all contestations pertaining to membership.

Most countries tend to fix a closing hour for the ballot, hence the closing of ballot boxes. Laws also provide for the way to ensure the safety of ballot boxes before counting ballot papers.

The end of vote and the safety of ballot boxes constitute important sub-tasks in the electoral process, due to factors likely to affect the fairness of the vote, such as drafting minutes of vote supervisors, safeguarding the closing then transportation of ballot boxes, and the part in charge of the safety of ballot boxes.

This rule relies on one major principle, which is the power of the Elections Committee only to stop the vote, based in the following principles:

- Closing must be temporary, an exception that should not be overused, in order to address cases of absolute necessity, such as major incidents inside or outside the ballot room, which may require the committee to instruct police to clear off the room..
- The temporary closing must be decided by the National Elections Committee, even if the request emanates from the ballot center's or committee's chair, and has to be subject of vote with the majority;
- Closing is different from organizational suspensions due to logistical requirements, that can be decided by the ballot center's supervisor, such as timing of the vote, waiting procedures, facing minor lighting problems in the ballot room. ... As for closing the voting operation, the issue has to be transmitted to the National Committee.
- Temporary closing must be compensated by adding to the voting time of the concerned committee.

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The general rule also includes the responsibility of the elections national committee for the safety and holding of ballot boxes, ballot papers, and committees' reports until the end of the period fixed for the final settlement of contestations related to membership, that is the final decisions of the National Elections Committee announcing the final results, provided these data and documents will beheld by the competent court (the constitutional court).

What follows is a detailed description of principles underlying the rule:

1- When does the voting finish?

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Voting ends after confirming that all registered voters present in the ballot center have actually voted.

Most local legislations relating to political rights and the election of parliamentary and local councils or the election of the president define specific closing hours for the voting operation,⁶⁸ as the voting committee's chair closes all doors and keeps the ballot boxes, then prepares a report including the number of present and absent voters, and all observations and complaints.

This rule focuses on where a voter can physically be at the time of the closing hour of the ballot center. If voters happen to be inside the ballot room, according to the description of the election committee, voting must continue until the last registered voter can vote.

2- Who is responsible for the safety of ballot boxes?

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The voting committee chair is responsible for the transportation of ballot boxes to the counting center; he must be assisted by the administration and by police as required.

⁶⁸ In most Arab countries, ballots end between 6 and 8 PM, with the possibility of extending voting time as long as there are registered voters in the ballot room that have not voted yet. In Egypt, Morocco and Jordan, voting time can be extended by 2 hours or until all present registered voters actually vote. But in Palestine and Bahrain, the period can be extended only to voters present in the ballot center.

This means securing ballot boxes against damage. Before voting, boxes are first checked to confirm they are empty, while in this phase, it is important to protect boxes against adding or removing ballot papers, in other words ensure that only boxes used by voters to vote will be later counted.

The protection of ballot boxes differs from one country to the other, as it depends on the counting system whether at the central level which requires extensive security measures against damage, or non central which takes away transportation risks, as boxes can be counted at the center with less complex security measures.

National legislations generally offer special texts concerning the safety of boxes during transportation,⁶⁹ but it would be better to assign this task to the National Elections Committee depending on logistic resources provided to it by the State, as the Committee needs to implement insurance rules and procedures, and the State having resources, must implement these rules in order to reinforce democracy and protect the fairness of elections.

In order to ensure the safety of ballot boxes, it is better to close them and confirm they are well locked.⁷⁰ Witnesses (members of the Election Committee) must then sign the closing minutes.

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Second: Counting Votes

All vote counting operations must be conducted under the supervision of the National Electoral Committee and must be public.

The technique used in this operation has a lot of influence on the accuracy of counting. Although some countries use the most modern counting techniques, still many rely on manual counting. It is recommended here to apply the display counting method, showing the ballot paper on the screen, which enables a larger group of monitors to supervise the counting operation, particularly when using video networks or live TV broadcasting.

The counting operation is also influenced by how central it is, and also the composition of the committee in charge, and how much confidence they have among the population. These factors and others lead to the following rules:

1- Who counts votes?

The counting of votes shall be made by impartial individuals,⁷¹ under the supervision of the National Elections Committee, and with the presence of a representative of each candidate⁷².

⁶⁹ Most Arab countries, such as Egypt, Lebanon and Jordan assigned the task of transporting ballot boxes to police officers; representatives of candidates may accompany the boxes during transportation.

⁷⁰ In Jordan, Morocco and Lebanon, immediately after closing ballot doors, the number of ballot papers are compared to the number of registered voters then recorded in an official report. In Jordan, a report is put in every box, stating the number of registered voters actually voting and the number of ballot papers used in the vote, and papers that are spoiled or destroyed. Reports must be in two copies signed by the ballot committee chair, his assistants and any willing to sign.

⁷¹ In Jordan, members of the voting committee cannot have family relationship, up to third degree, with any of the candidates. All must be sworn before the Ballot Committee.

Although this operation is relatively simple compared to other operations and procedures related to the electoral process, it is the most risky and dangerous for the whole process; it therefore requires a lot of accuracy and focus on the part of counting employees.

In order to ensure the transparency and fairness of this operation, the National Elections Committee must set up rules to protect the counting operation, such as the presence of a representative of the candidate (agent), or an appropriate media coverage and live TV broadcasting.

As for the safety of the counting operation which is required to ensure elections impartiality, it should be protected by police officers provided by the State under the supervision and the guidance of the Elections National Committee.

2- Centralized/decentralized counting of votes

Every ballot subcommittee/center counts ballot papers and vote results in its boxes before transferring them to the district center, while keeping the committee's/center's reports and documents to deliver them to the National Elections Committee along with the ballot results.

As the transfer of ballot boxes and papers from subcommittees to the counting committee is an important procedural component in the counting process, as several risks may then hamper the fairness of the vote, such as the exchange or damage of some boxes, some countries resorted to counting ballots at the same voting center, hence a decentralized counting operation, while counting in other countries is still centralized and subject to doubts.

Whether counting is centralized or decentralized certainly affects the fairness of the vote, as do the profile of the counting committee members, the counting method i.e. automatic or manual, the counting operation deadline and results announcement time and all related appeals and their impact on announced results.

There are ways commonly used for the administration of counting ballots; the first is the decentralized counting usually performed in ballot centers immediately after closing the voting operation, while the second is the centralized counting made in the district center or a central office after closing ballot centers and transporting ballot boxes to the central office.⁷³

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⁷² The composition of ballot counting committees between countries. In Palestine they are made up of three members and a president nominated by the Central Elections Committee. In Jordan, it is composed of government employees chaired by a president with a minimum of second degree professional grade, two members and one or more secretaries. In Bahrain, the committee is made up of a president from the judicial body or legal experts working in governmental ministries or public institutions, and two members including one secretary. In Egypt, the counting committee is chaired by the president of the general committee, and includes the judicial supervision committee chair and another chosen member; Sub-committee presidents can witness the counting of ballot boxes they are concerned with.

⁷³ In practice, most Arab counties adopt the centralized method, as is the case in Palestine at district central committees' headquarters, while in Jordan counting is performed after gathering all ballot boxes in one single place in some districts, knowing that the Law provides for their counting in branch centers. In Egypt, counting takes place after delivering boxes to the General Committee. In Bahrain, the method is slightly different, as counting is made at the ballot centers, then the registration committee counts collected ballot

The previous rule takes in account the decentralized method, as there is less risk to deteriorate or damage ballot boxes and also to organize the counting operation at the national level, while ensuring fair and faithful counting according to rules set by the National Elections Committee, including appeal requests related to counting results, and request to resume counting in one or more boxes as will be described later.

3- Who can witness the counting operation?

The transparency of counting requires the presence of candidates or their delegates, representatives of media institutions, and NGO's working in the field of democracy enforcement, according to the guidelines of the National Elections Committee.

Counting may be done manually in a closed area for organizational and security reasons; people authorized to attend the counting operation may be more than what the space can offer, the NEC then has to suggest intermediary solutions ensuring transparency and practical considerations.

For instance, presence can be in shifts, or different times can be reserved for ~~non-~~ candidates, and also on the basis of the equal opportunity principle. National and international monitors - if present - should enjoy the same rights.⁷⁴

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3- How is counting performed ?

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Ballot papers are counted manually and in public.

The counting of ballot papers constitutes the last phase of the voting process, that needs to be well prepared or it may be put into question. The counting method must be clearly defined.

Counting may be manual, or manual and broadcast live on a large screen, or completely automatic. In the case of manual counting, it must be done in public witnessed by representatives of candidates, voters and the media as instructed by the Elections National Committee. This method is less costly than the manual counting of votes – manual counting is also authorized in case counting is resumed- as it is easy to identify and correct errors.⁷⁵

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5- Recording voting results

papers and records all results, then submit them to higher committees in electoral districts, which perform one last counting operation to confirm the final results.

⁷⁴ In most Arab countries, some people are authorized to witness the counting process. In Palestine, the ballot committee's members and employees, the candidates or their delegates, and the national or international monitors may attend the vote. In Egypt, Jordan and Bahrain, the candidate or his delegate may attend the operation but cannot attend the committee's deliberations, being secret.

⁷⁵ Some countries such as Palestine, Jordan and Lebanon use the manual counting method. In Palestine two members of the ballot committee are assigned this task, one counting and the second taking note; the central elections committee later prepares the initial general results to be announced by the central elections committee. In Jordan, election ballots won by every candidate are manually counted and recorded on a visible board, once spoiled ballots are removed. In Lebanon, the ballot center's chair or assistant opens the ballot envelopes one by one with the presence of candidates or their representatives and some voters, and reads the names written on the ballot papers, then registers votes won by each of the candidates on a report to be signed in two copies by the Committee's chair and all assistants.

The votes counted in every box are kept separate, and counting results in the center are registered in a report made in two copies to be signed by the ballot center's chair, a representative of the Electoral National Committee, candidates' representatives present in the counting center, then reports are submitted to the National Elections Committee to adopt them and announce results.

As the recording of counting results ensures legacy of counting, it must be adopted by all attending the counting operation; the screening committee should publish all signed reports.⁷⁶

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This rule also states that every box must be subject to a specific request, even if counting is conducted at the central level, and that all different actors in the voting operation must sign two copies of the counting report for each box. The NEC shall then keep and keep reports and related justifications, before approving them and announcing results.

6- Repeating counting

Any candidate or candidate representative when attending the counting operation from the beginning may ask the committee's chair to repeat counting one or more boxes. If there is disagreement with the committee's chair decision, the issue may be submitted to the NEC to take the final decision. In all cases, candidates may register all observations they may have in the counting report.

This rule contains the condition that a candidate asking to repeat counts must be present from the beginning of the counting operation, and that the candidate defines the box or boxes to recount. The committee's chair may agree or disagree with the request; in the latter case, the candidate may resort to the NEC, which looks into the request and justifications, then takes a final decision thereabout.⁷⁷

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The rule also provides for the fact that the candidate or representative have the full right to state their observations in the counting report, including request for recounting, whether accepted or rejected.

7- Who announces counting results?

⁷⁶ In Palestine, the ballot and counting committee drafts two reports, the first concerning presidential elections and the second legislative elections, to be signed by the committee's chair and members, and any willing candidates or their representatives. In Jordan, every ballot and counting committee prepares minutes of final results made in two copies also signed by the committee's chair and members. Same thing in Bahrain where the chair of the electoral district subcommittee and the secretary sign the counting results. In Morocco, the head of the voting office and assistants immediately signs three copies of minutes, while in Lebanon, upon receiving counting minutes and tables of results, the elections higher committee drafts a report of the general final results signed along with attached tables. In Egypt, the counting committee drafts a report on the counting of subcommittees' boxes, signed by the committee's chair and secretary; after counting, the committee deliberates in private and takes appropriate decisions registered in minutes also signed by the chair and assistants. Finally, a report is made in two copies, one of which is sent with all attachments within three days to the Ministry of Interior, while the second is kept in the regional security department.

⁷⁷ In Palestine, Ballot papers are recounted only when they don't match with the registered voters' lists, including spoiled ballot papers. If recounting shows discrepancies that may alter the results of elections, voting must be done again in the voting center, based on the NEC's decision.

The president of the National Electoral Committee announces ballot results, based on counting reports in districts, and according to procedures set by the NEC. Ballot results announcement for all districts must be done within one week after the last voting phase, unless otherwise provided by a two-third majority of the NEC.

The timing for announcing the practical results of elections is an issue that requires transparency and fairness, as long delays after the end of the vote may raise questions about possible frauds. The National Elections Committee, being responsible for announcing results is the only part in charge.

Announcement must be made for each district separately, and not for all districts together. When completing counting ballot papers in the various districts, related results shall be announced, then official certificates are provided to winning candidates, and results are published in the Gazette as well as in public media.⁷⁸

Third: Contesting Elections Results and Membership

Electoral contestations may concern the physical counting of ballot papers, or the electoral operation as a whole. Most national legislations regulate contestation procedures, by describing who is eligible, how to contest and to whom, who settles contestations and the period allowed, as well as any possible impacts, as described below:

⁷⁸ Most Arab legislations agree on the promptness of announcing results. In Palestine preliminary results are announced once the District electoral committee completed counting ballots, then the central election committee announces results. In Lebanon the chair of the ballot center announces results soon after counting them. Similarly, in Egypt, the chair of the general committee announces the elections results and the number of votes per candidate. Results are officially announced three days later by the Minister of Interior.

1- Contesting the Committee's decision about election results

Any candidate may submit to the National Elections Committee a contestation request concerning election in the district where he is candidate, whether personally or through legal representation. The committee of appeal has to settle the case within 48 hours.

The request must be submitted to the president of the National Elections Committee, provided it is justified by all required documents including witnesses' statements.⁷⁹

It is obvious that the sooner contestations are made the better it is to settle the case, then announce it to the public and candidates alike; most countries have therefore tried to regulate contestation procedures and settle them in the shortest possible time.⁸⁰

2- How to contest the committee's decision?

Contestations must be hand delivered to the National Elections Committee, according to set rules and fixed standards.

Most legislations defined the various contestation procedures, and also limited the number of people eligible to make reservations; some authorize who has interest in doing it even when not candidate, while in other countries, only candidates can contest results.⁸¹

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3- Contesting the membership validity of an elected person

Any candidate has the right to submit a case before the constitutional court contesting the election of a competitor declared to be the winner by the NEC. This must be done within 24 hours after said announcement through an eligible lawyer at the Constitutional Court, which settles the case within one week after receiving the case.

Once voting is complete and results are announced by the NEC, the elected council is set up but not started yet (usually beginning with the constitutional oath of MP's). The liabilities of the National Elections Committee related to the full and independent supervision of elections, with decisions that cannot be contested, become void as soon as it announces the elections final results. The right to resort to justice to contest the committee's decisions must also be protected. This rule provides for the right to contest once, with settlement being the sole responsibility of the constitutional court.

⁷⁹ In most cases, such as in Palestine, Jordan and Egypt, the Committee of Appeal is the same as the counting committee. In Palestine, contestations are examined by the District elections committee, knowing this committee's decision may be contested before the elections court. In Jordan, the voting and counting committee is the only part liable to examine contestations pertaining to counting operations. In Egypt also, the counting committee settles all issues pertaining to elections and the validity or spoiling of ballot papers.

⁸⁰ Countries differ in terms of contestation procedures, namely with regard to submission and settlement times. While in Palestine, contestations may be submitted within two days after announcing results, in Morocco this period is extended to eight days after announcing results.

⁸¹ On the other hand, countries differ in terms of contestation procedures. In Palestine, contestations are submitted by candidates or their representatives, or parties according to the different counting phases. In Jordan, only candidates may contest, while in Morocco contestations can be submitted by any who has interest in that, namely prefects, mayors, district managers, or village leaders concerned by subject district.

National legislations regulated contestation requests pertaining to membership validity, and agree in asking parliaments to settle them, as referred to by “the Parliament is the master of its own decisions”, even if by special majorities.⁸²

4- Contesting validity of elections in the whole district

Any losing candidate in elections may contest their validity in the district of his candidature before the Constitutional Court within 24 hours after announcing the decision of the National Elections Committee. The Court must settle the case within 3 days.

This rule relies on the requirement of “the interest of the plaintiff in submitting his contestation,” as contestations are limited to directly affected candidates. It also includes procedural requirements in submitting requests, including paying publication fees, submitting the case before the constitutional court (supreme court, or upper constitutional court, constitutional council, etc.). The contestation request must be submitted through a lawyer eligible to advocate before the constitutional court, and defines the final settlement deadlines, in order to have an elected council free of contested members.

In spite of this, this requirement cannot prevent contesting elections from two perspectives:

First, contesting the (winning) candidate’s vital requirements after announcing results and the end of the contestation period can still be valid, but before the constitutional court only. As for invalidating, when candidates falsify documents related to mandatory service (military or civil), and other couldn’t discover this fraud before announcing elections or before granting immunity to MP’s, it is then still possible to contest the membership validity, as it is considered to be public order, to ensure the truthfulness and legacy of the constitution of the parliament and its activities.

The second perspective is that invalidating membership as a result of invalidating results must be subject of a final constitutional decision (by decision of the constitutional court), in order to guarantee the winners’ legal statutes and preserving the political context in general.

5- Returning candidates’ financial deposits

Any candidate winning at least 5% of validated votes has the right to recover the financial security deposited at the “elections support fund” when presenting his candidature. This is done by decision of the Elections National Committee, after deducting a maximum of 25% of the amount as a contribution to increase the fund’s resources, and any other amounts according to promotion rules applied by the committee.

The purpose of this rule is ensure the minimal resources in the elections support fund, in order to cover its various activities including training and awareness campaigns and advertisements. This is also done to ensure its autonomy, not being part of the general budget. This source complements the State’s contribution as stated before.

⁸² Parliaments in Egypt and Jordan are liable to settle the validity of their members ; membership becomes non valid only by a majority vote in Jordan, and a two third majority in Egypt, while in Tunisia and Lebanon, the settling authority is the Constitutional Council.

Many countries tend to require a security deposit before running for elections, which may reflect candidates' commitment to participate. It may be done to compensate costs incurred by the State with regard to elections, or even to compensate the candidate's possible wrongdoings.

There are also countries which require that the candidate wins a minimal number of validated votes to reimburse the security deposit. Some countries deduce a portion of this amount to cover administrative costs related to elections, while others deduct required costs, which means that deposits may not be returned in full.⁸³

6- End of the election process

In all cases, all contestations must be settled and final results must be announced one week at least before the new elected council holds its first session.

When the contestation submission period is over and final decisions are taken, the elected council can be confirmed and legalized. The electoral process can be completed long enough before the new parliament starts its work, one month or less, so that the Parliament can begin work with no contestations or doubts about the fairness of elections.

⁸³ Most countries require that candidates deposit a security guarantee amount, as miscellaneous administrative costs, called "insurance". In Egypt this amount may be returned if the candidate loses elections but after deducting costs, in Lebanon deposit is returned if the candidates wins at least 10% of the votes in his district, while in Jordan and Palestine, losing candidates cannot recover their guarantees, worth of five hundred dinars in the first and the second one thousand US dollars. In the opposite, there are other countries such as Algeria and Morocco where candidates are not required to deposit guarantees.