

## NDI EGYPT PRELIMINARY ELECTION STATEMENT

### NOVEMBER 30, 2011



#### I. EXECUTIVE SUMMARY

In the weeks leading to the first round of Egypt's 2011 People's Assembly elections there were massive daily protests, contradictory election rulings, threatened boycotts and voter confusion. Less than a week before voting started, it seemed unlikely that out of such disarray a meaningful exercise could emerge. Defying expectations, large numbers of voters and two largely peaceful days of balloting provided a promising beginning to a three round voting process and gave rise to the possibility of an election that reflects the will of the people.

The impressions of NDI's 45 long- and short-term "witnesses"<sup>1</sup> who visited 290 polling places and 10 counting centers in seven governorates over the two days of voting, November 28 and 29, painted a largely positive picture. With improvements in subsequent rounds of voting, the important achievements of the first round can be consolidated and the process made more transparent, consistent and better understood.

After a slow start, the weekend before the first round of voting saw a dramatic spike in campaign activity (although campaigning is actually illegal the day before and on the day of the election), with bustling party offices, a veritable cornucopia of posters and billboards, blast text messages from various parties and interest groups, a last minute blitz of voter education and the unmistakable buzz of electoral competition.

As election day dawned, the Supreme Council of the Armed Forces (SCAF) mobilized military and security personnel and effectively provided an environment of safety leading to an atmosphere conducive to voting. While official figures have not been released as of the writing of this report, by all accounts, voter turnout was heavy and likely an increase of many-fold from previous elections.

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<sup>1</sup> The Arabic word normally used for observer, "Murakeb", has a connotation in Egypt that suggests active supervision rather than simply watching or observing. Egyptian authorities dislike the use of the term "observation" but are comfortable with the word "Mutaba," that translates to "witness" or "follow." Since witness and observe are synonymous in English, and the activities of the NDI delegates called witnesses were largely indistinguishable from the activities of a typical observer delegation, the terms will be used interchangeably in this report.

This included increased numbers of women in all age groups, many of whom were voting for the first time. Many waited in long lines, argued for their right to vote and took officials to task if they were displeased with their performance.

In most cases, the supervising judges and officials executed their duties with diligence and earnestness, although many witnesses noted disorganization and confusion about procedures. Demand to vote was so great that lines often stretched outside polling centers and down streets and ballot boxes were filled to capacity in many areas with new ballot boxes being dispatched to receive the overflow.

The last minute extension of the balloting to a second day and extended polling hours encouraged voting as did the physical security provided by the military. The enthusiasm of most Egyptian citizens -- although there were notable and important exceptions among many youth activists -- was palpable. Illustrative of the sentiment of the public was a moment when NDI's observers in Cairo were implored by voters to follow the ballot boxes to a counting center because, they said, "that is our future in that box."

That the first round of voting was better than expected should not be cause for complacency or triumphalism. There were also significant administrative problems, inconsistent application of rules and procedures, numerous violations of election law, and an occasionally chaotic, sometimes opaque counting process.

This marked only the first in a series of 12 voting days over a seven-week period for the People's Assembly elections. The shortcomings during the balloting were numerous and significant and there are important unanswered procedural questions, the most important of which is how the proportional list votes will be tabulated and seats allocated. Those answers could have profound implications for the outcome of the process, the safety and security of upcoming electoral rounds and the legitimacy of the subsequent parliament.

Voting started late in many areas as ballots and materials were not delivered until the last minute or even hours after voting was due to begin in some cases. There were frequent instances of assisted voting, and active campaigning outside and sometimes inside polling centers in contradiction of Egyptian election law.

Facilities for polling stations were often too small, making it difficult to accommodate voters and party agents. Additionally many polling stations were not accessible for the elderly and those with disabilities. Voting booths provided inadequate privacy and the writing surface was small and ballots very large, leaving many to mark their votes in the open. International witnesses and domestic election observers were sometimes denied access, a decision that was left to individual judges and applied inconsistently across districts and even within the same center.

The process of moving ballot boxes to central counting centers was sometimes tense, with long convoys following buses and trucks carrying judges and ballot boxes. In some places, buses were temporarily blocked by demonstrators. Counting centers were often boisterous and confusing -- some saw temporary work stoppages by poll workers demanding better compensation while others had large, restive crowds outside who received little information about the process inside the walls.

In a testament to the seriousness with which the election was conducted, however, judges generally erred on the side of transparency, meaning that counting continued well into the next day after numerous delays.

In a multi-stage voting process, improvements can be made between rounds. If election authorities are open to recommendations for change, there is a greater chance that the results of the exercise will be accepted by competitors and voters.

On the basis of pre-election and election-day findings, NDI's delegation respectfully suggests that the government of Egypt consider implementing the following changes for round two:

- Establish and clearly communicate standard procedures and forms for the nightly counting and reconciliation of ballots to include: counting the ballots received, those used, unused and spoiled, and the number of signatures on the voter list. This information should be recorded and reported on a standardized form distributed by the Supreme Judicial Committee for Elections (SJCE).
- Increase staffing for call center and information lines.
- Conduct media outreach defining what constitutes an invalid ballot.
- Provide procedural instructions for the sealing, securing, and storage of ballot boxes once they are filled or polling has ended.
- Increase the frequency of public updates online and through the media in both the pre-election and election periods.
- Consider having the military establish a campaign-free perimeter of 30 meters around polling centers, removing political posters and preventing electioneering as voters enter the polls.

Subsequent reports will address long-term or systemic issues and recommendations. The delegation wishes to thank the Ministry of Foreign Affairs, the Supreme Judicial Committee for Elections, judicial supervisors throughout the country, as well as the Egyptian people who welcomed and assisted the NDI mission.

## **II. BACKGROUND**

NDI's international election observer delegation to Egypt's region one People's Assembly elections on November 28-29, 2011, offers this preliminary statement. The vote represents the first in the country's political transition following the citizen-led uprising that ousted the regime of Hosni Mubarak on Jan. 14, 2011. The new body will determine the composition of the next government and lay the foundation for the country's post-revolution constitution.

During this first stage of the People's Assembly election, NDI fielded 45 accredited observers from 18 countries and territories who deployed throughout region one governorates for the election. The mission's objective was to witness impartially every aspect of the election process – including the campaign, the casting and counting of ballots during the elections, and the post-election period. Additionally, 12 delegates will stay through the entire election period to observe the pre- and post-election periods for subsequent rounds. The delegation also serves to

demonstrate the interest of the international community in the development of a democratic political process in Egypt.

The delegation was co-led by Sergio Bitar of Chile, president of the Foundation for Democracy and a former senator who has held three ministerial positions; Markus Meckel of Germany, former minister and member of the Bundestag; Mu Sochua, a member of parliament from Cambodia; and Leslie Campbell of Canada, NDI senior associate and director for the Middle East and North Africa. Others in the delegation included member of parliament Rodaina Al Atti of Jordan; and former members of parliament Anita Neville of Canada and Jordi Pedret of Spain.

NDI is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government. NDI has worked with Egyptian democratic activists since 1999 and opened an office in Egypt in 2005 to provide comparative experience from other democratic transitions, help strengthen political parties, improve the transparency of the election system, and encourage civil society groups to participate in the political and policy process.

Prior to the election, the delegation met with senior government and election officials, political party representatives, candidates, citizen election monitors, civil society leaders and representatives of traditional and new media. During the round one elections, the delegation visited more than 290 polling stations in nine governorates. NDI conducted its activities in accordance with the laws of Egypt and the [Declaration of Principles for International Election Observation](#), which is endorsed by 39 intergovernmental and nongovernmental organizations and was launched at the United Nations in 2005.

*The delegation recognizes that it is still early in the election period and that votes are still being tallied, results have not yet been officially announced and election complaints and challenges that may be lodged will need to be resolved in accordance with the rule of law. It is therefore not the intention of the delegation to render a complete or definitive assessment of the election process at the time. Indeed, it is the people of Egypt who, as citizens and voters, will determine the credibility of this election and their significance for ongoing democratic processes. Further statements may be released after the subsequent rounds of voting and run-offs, and a final report will follow after the entire election process is completed in January 2012.*

NDI's international election observation mission in Egypt is funded by a grant from the U.S. Agency for International Development (USAID). NDI programs in Egypt are also supported by the Bureau of Democracy, Human Rights and Labor of the U.S Department of State and the National Endowment for Democracy.

The delegation presents below a summary of its preliminary observations and recommendations.

### **III. ELECTORAL CONTEXT**

The last year in Egypt has been one of great upheaval, the results of which surprised close observers after a previous half-decade of limited political progress. Under pressure to hold more open and competitive elections, Egypt held a referendum that paved the way for the country's

first presidential election in September 2005. Prior to this, the president had been appointed by parliament and only subjected to a referendum for the public's approval. Hosni Mubarak received roughly 94 percent of the vote in the 1999 referendum, although this result was not truly representative of popular sentiment as voter turnout was estimated at only around 10 percent.

Accusations of widespread electoral violations took place following the 2010 parliamentary elections as well. Domestic observers trained by NDI reported dozens of serious violations, political party agents witnessed brazen ballot stuffing and YouTube videos flourished – many showing obvious fraud. The Muslim Brotherhood boycotted the subsequent runoff round and retained only a single seat in parliament. The National Democratic Party, meanwhile, made significant gains and obtained control of over 81 percent of seats in the legislative body.

While political repression eventually pushed opponents of the Mubarak regime onto the streets in January 2011, economic grievances were also a driving force. As Egypt's population doubled during his tenure, Mubarak set the country on a course of economic liberalization. In 2004, the government passed legislation to spur private sector growth, which triggered growth rates that peaked at around seven percent prior to the global financial crisis. However, a relatively small number of regime insiders profited from the privatization of public enterprises. One-fifth of Egyptians remained in dire poverty, even as the government slashed subsidies. Inflation reached 12.8 percent in 2010 and pushed basic goods out of the reach of many Egyptians.

In January 2011, a terrorist attack at a Coptic church in Alexandria left nearly two dozen people dead and 100 wounded, troubling the regime's paradigm of sacrificing political freedom in the name of national security through the restrictive emergency law. Many Egyptian activists watched the Tunisians' overthrow of longtime president Ben Ali in January 2011, and utilizing social media platforms such as Facebook, Twitter and YouTube, called for a massive protest to be held on January 25 in Cairo's Tahrir Square. Over the next 18 days, millions of Egyptians demonstrated across the country, united in their demand for Mubarak's resignation, with youth and women represented across Egypt. On February 11, 2011, Vice President Omar Suleiman announced Mubarak's departure from office.

After widespread strikes began to paralyze the country's economy, the military forced Mubarak's resignation. The SCAF seized control of the government, and subsequently proposed and held a constitutional referendum on March 19. Of 45 million eligible voters, 41 percent cast ballots and 77 percent of those approved of the reforms, which includes term limits for the president and judicial oversight of the election process.

Since the uprising, strikes, protests, marches and other public demonstrations have become common in Egypt. Bus drivers, doctors, lawyers, teachers, university professors, chicken farmers, even clerics have all gone on strike for a variety of issues; most of these protests have been loud but peaceful. However, on October 9, the minority Coptic community took to the streets to protest the burning of a church in the Aswan governorate and the lack of a government response. The Army responded with armored personnel carriers and troops to quell the demonstration held in front of the state broadcasting service at the Maspero Building – much of which was captured on tape or broadcast live on independent television stations. Ultimately, the clashes claimed 27 lives and injured more than 300.

Egypt's Deputy Prime Minister recently proposed a second draft of "supra-constitutional principles" that was largely rejected by most of Egypt's political parties, movements and presidential candidates. This opposition sparked protests immediately prior to the conduct of the parliamentary election that turned violent on the 18<sup>th</sup> of November and prompted some to call for the delay in the elections.

Egypt currently has 111 political parties or movements, though only 59 have been licensed by the Court of Cassation and are eligible to field candidates in a list. Only 22 of these parties existed prior to the revolution, so voters have little understanding of who they are and what they stand for. As of the end of the candidate filing period there were 6,591 individual candidate filings and 590 proportional representation lists.

#### IV. OBSERVATIONS

##### *Pre-Election and Campaign Period*

While election administration issues persisted throughout the pre-election and campaign period, in a positive development, political contestants from across the spectrum largely expressed confidence in the capacity of the Supreme Judicial Committee for Elections to organize an inclusive and credible election. Political parties and independents instead focused on sharing their early visions for how the political system would operate after the election, including the development of a constitution, the election of a president, the role of religion in Egyptian society, and the prospects of forming coalitions and/or national unity governments in the constituent assembly.

NDI identified challenges in the following areas during the pre-election and campaign period:

**Electoral System.** Participation in these elections was increased due to improved public confidence and key changes to the electoral framework such as: lowering the age limit on candidates for the People's Assembly, discarding the old voter registration system, establishing a separate electoral administrative body in the SJCE, requirements on full judicial supervision of the electoral process, and setting low party and candidate registration requirements. However, major changes to the electoral system were instituted late in the process such as: the reduction in the number of proportional representation seats and the addition of the second day of voting for each round, as well as out of country voting. These changes reflected public demands and contributed to public confidence in the process; however, the changes also contributed to confusion among political actors, media, civil society, judges and poll workers, and hampered voter education efforts of the SJCE

**Election day procedures.** Protocols for election day were not released by the Supreme Judicial Committee for the Elections until November 19th, and those procedures provided relatively few new instructions or clarifications than what were already present in the electoral law. This resulted in a great deal of uncertainty in the pre-election period for political actors and a lack of guidance to electoral staff during the elections. This delay, combined with the late release of a final list of polling stations, polling centers and candidate lists for round one elections became an

impediment to political parties' and candidates' campaign organization as well as party agent recruitment and mobilization. Witnesses reported that the regulatory requirements prohibiting campaigning 48 hours prior to the election were widely ignored by several political parties that campaigned immediately outside the polling station right up to the closing.

**Voter education.** A large proportion of the Egyptian electorate has never voted, and government estimates indicate that up to 35 percent of the population cannot read, so voter education for these elections was always a difficult task. Those who participated in elections under Mubarak followed significantly different procedures from those adopted for the People's Assembly election in 2011. While the SJCE's used new media and mobile technologies for outreach,-- including online and mobile phone registration confirmation and polling station locators – , citizens in region one governorates had limited access to clear and timely information about SJCE decisions that affected the electoral process, such as extensions in voting hours and changes in polling station locations.

### *Election Day*

**Electoral Infrastructure.** The physical space allocated for polling stations often could not comfortably accommodate the number of voters who turned out to participate in this historic election. In places where officials had uniforms, observers reported greater order and enhanced confidence on the part of voters. Observers reported seeing many polling stations that had limited or no electoral accessories, such as polling booths, standardized sealing tape, reporting forms, contact sheets, and masking tape to post electoral lists and rules.

**Voter turnout and participation.** By all early accounts, voter participation surpassed expectations, reaching very high levels in certain districts, according to NDI delegates. These elevated participation rates—especially among women and youth—are testament to the broad-based desire among citizens to contribute to Egypt's transition to democracy. Lines of voters were often long, and polling stations were crowded, with many voters waiting for several hours and some even turned away at the close of polling on the second day. NDI's delegation noted that the SJCE, in the pre-election period and on election day, made efforts to ensure that Egyptian citizens at home and abroad could cast a vote. The shortcomings emerged as a result of the system being put in place only recently and quickly stretched to capacity rather than lack of will on the part of officials.

**Polling station management.** Across the country, poll workers and judicial authorities under the auspices of the SJCE administered voting procedures in a generally good-spirited and earnest fashion. However, several poll workers and even some judges complained of the lack of training, the vagueness or gaps in the procedural guidance they were given as well as the physical limitations of the polling stations themselves. This lack of specificity as well as the wide berth given to judges in interpreting the regulations led to a lack of standardization in application of the rules from one polling station to the next.

**Ballot design.** The design of the ballot contributed to some confusion among voters, mainly due to the large number of candidates and parties and the resulting difficulties distinguishing among their political choices. Voters also faced a logistical challenge when attempting to mark such a

large ballot on the small 12-inch triangular shelf of the polling booths provided. This often compromised ballot security as voters dropped ballots or decided instead to mark them in the open.

**International and domestic monitoring.** More than 25,000 accreditations for nonpartisan Egyptian election monitors from civil society organizations were issued by the SJCE and eight international organizations were accredited to “witness” the election. However, there were several polling stations where witnesses reported no monitors present. Most poll workers and judges appeared welcoming of domestic monitors and international observer presence; however witnesses were denied access to a minority of polling stations and counting centers and in a few cases domestic monitors reported being ejected without explanation.

**Party poll watchers.** Political parties successfully fielded agents at most polling stations visited by the delegation, with the Freedom and Justice and El Nour parties organizing a ubiquitous party agent network observed in nearly every polling station attended by witnesses. The degree of preparedness and discipline among poll watchers varied significantly.

**Counting.** The majority of witnesses were able to both follow ballot boxes to the counting centers and observe a counting process that was at times chaotic due to the large number of boxes and individuals involved in the counting. Observers reported a wide variance in intake and counting procedures, but they were not able to view the actual sorting and tabulation of ballots due to the distance of the areas set aside for observation. Several party agents complained that judicial administrators were using ink pens in the immediate vicinity of the ballots and therefore might inadvertently spoil the ballots.

**Access for persons with disabilities.** Many polling centers were inaccessible for both the disabled and the elderly. While election procedures allow for special treatment for persons with disabilities once in the polling station, they often required significant assistance to reach stations on the second or even third floors of buildings. Elderly voters were often advanced to the front of lines, and at least one polling station was moved to a lower floor on the second day of voting in response to these concerns.

**Illiterate voters.** While voting procedures authorize judicial assistance for blind and other disabled voters, witnesses reported seeing widespread assisted voting by judges, poll workers and, in a few cases, party agents. Some voters were not able to recognize or remember the symbols of the parties they intended to vote for and, in other cases, it appeared as if poll workers were attempting to speed the voting process in response to long lines and voter agitation.

## V. RECOMMENDATIONS

On the basis of these pre-election and election-day findings, NDI’s delegation respectfully suggests that the government of Egypt consider implementing the following changes for round two:

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Subsequent reports will address long-term or systemic issues and recommendations.

## **VI. THE DELEGATION AND INTERNATIONAL OBSERVATION**

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the election, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the mass media in providing coverage of parties, candidates and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

International election observation has become widely accepted by countries around the world and it now plays an important role in informing citizens and the international community about the nature of each country's electoral process. International election observation, when done in accordance with accepted principles for impartial assessments, seeks to enhance the integrity of election processes by encouraging best electoral practices and deterring misconduct, as well as by identifying problems and irregularities, which can lead to effective redress.

International election observers are welcomed by countries in all stages of democratic development. The mission builds on NDI's 25 years of experience observing more than 200 elections around the world including delegations in Morocco, Jordan, Lebanon, the West Bank and Gaza, and Yemen. NDI conducts its election observation in accordance with the [Declaration of Principles for International Election Observation](#), which is endorsed by 39 intergovernmental and nongovernmental organizations, including the United Nations Secretariat.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, civic activists and interim government officials. NDI was officially accredited to conduct an international election delegation by the SJCE. The delegation offers this election statement in the spirit of supporting and strengthening democratic institutions in Egypt.

**NDI Contact Information**

For more information, please contact: Kathy Gest in Washington, DC ([kgest@ndi.org](mailto:kgest@ndi.org), +1 202 728 5535); Julie Hughes ([jhughes@ndi.org](mailto:jhughes@ndi.org), +201092487456) in Cairo, Egypt.