



**REPORT ON PALESTINIAN ELECTIONS FOR LOCAL COUNCILS:
ROUND TWO**

THIS PUBLICATION WAS MADE POSSIBLE THROUGH THE SUPPORT PROVIDED BY THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT MISSION IN TEL AVIV, UNDER THE TERMS OF ASSOCIATE COOPERATIVE AGREEMENT NO. 294-A-00-05-00203-00 UNDER THE LEADER COOPERATIVE AGREEMENT NO. DGC-A-00-01-00004-00. THE OPINIONS EXPRESSED HEREIN ARE THOSE OF THE AUTHORS AND DO NOT NECESSARILY REFLECT THE VIEWS OF THE U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT.



Copyright © National Democratic Institute for International Affairs (NDI) 2005. All rights reserved. Portions of this work may be reproduced and/or translated for noncommercial purposes provided NDI is acknowledged as the source of the material and is sent copies of any translation.

2030 M Street NW
Washington DC
20036-3306
tel: +1(202)728 5500
fax: +1(202)728 5520
www.ndi.org

Abu Rumeleh Bld, Khalil Sakhakini St.
P.O.Box 17311
Beit Hanina, Jerusalem
tel:+972(0)2 583 7447, 583 7448
fax:+972(0) 2 583 7449
www.ndi-wbg.org

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections: NDI promotes open and democratic elections. Political parties and governments have asked NDI to study electoral codes and to recommend improvements. The Institute also provides technical assistance for political parties and civic groups to conduct voter education campaigns and to organize election monitoring programs. NDI is a world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability: NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

TABLE OF CONTENTS

OVERVIEW AND SUMMARY	5-8
INTRODUCTION AND BACKGROUND	9-13
FINDINGS AND OBSERVATIONS	14-29
RESULTS	30-31
WOMEN’S PARTICIPATION.....	32-33
RECOMMENDATIONS	34-36
APPENDICES.....	37-55
A. APPENDIX A: OVERVIEW OF ELECTIONS: DISTRICTS.....	37-38
B. APPENDIX B: MAP OF LOCALITIES WHERE ELECTIONS WERE HELD.....	39
C. APPENDIX C: MAP OF REPORTED PROBLEMS WITH THE VOTERS LIST.....	40
D. APPENDIX D: ELECTION RESULTS	41
E. APPENDIX E: COURTS AND CHALLENGES	42-43
F. APPENDIX F: PRELIMINARY STATEMENT OF THE NDI INTERNATIONAL ELECTION OBSERVATION DELEGATION TO THE MAY 5, 2005 PALESTINIAN LOCAL ELECTIONS	44-49
G. APPENDIX G: SUMMARY OF OBSERVATIONS FROM THE FIRST ROUND OF LOCAL ELECTIONS	50-52
H. APPENDIX H: LIST OF OBSERVERS AND STAFF FROM THE SECOND ROUND OF LOCAL ELECTIONS	53-55

OVERVIEW OF THE 2ND ROUND OF LOCAL ELECTIONS

The Oslo negotiations process in the early 1990s resulted in authorization for the Palestinians to hold presidential, legislative, and local elections in the West Bank and Gaza. Presidential and legislative elections were held in 1996, but local elections were postponed by Palestinian Authority president Yasser Arafat until shortly before his death in November 2004. The Ministry of Local Government, headed by Minister Jamal Shobaki, announced that elections for local government would take place in several phases from December 2004 to December 2005.

The Ministry of Local Government established the Higher Committee for Local Elections (HCLE) charged with organizing and overseeing elections until December 2005 at which time responsibility for local elections would pass to the Central Election Commission (CEC)—a national body established in 2002, funded largely by the international community.

The National Democratic Institute (NDI) has been observing local elections in the West Bank and Gaza as part of a comprehensive effort to monitor the overall Palestinian electoral processes. NDI observed voter registration, the first and second round of local elections, and the January 2005 presidential election. The Institute will also observe subsequent rounds of local elections and the upcoming parliamentary elections.

Administered by the HCLE, the second round of Palestinian elections for local councils was held on May 5, 2005 in the West Bank (76 districts)¹ and Gaza (eight districts)² and on May 19, 2005 in the West Bank district of Al-Ram³. Additional rounds of elections for the remaining district councils are expected to be held before the end of 2005.

NDI deployed four long-term observers (LTOs) to observe the broader electoral process and 28 short-term observers (STOs) in 14 teams to observe election day.⁴

The HCLE released the following figures on the second round of local councils:

- 917 municipal council members were elected out of a total 2,534 candidates.
- 165 women were elected out of 400 female candidates.
- 103 of the women elected were directly elected and 62 were elected to reserve seats⁵.
- 269,233 of the approximately 400,000⁶ eligible voters (voters on both the registered voters list and civil registry) cast ballots.

In the second round of local elections, the HCLE introduced a new option for candidates to choose to be affiliated with a specific list of candidates. In the first round of local elections, this option was not available and all candidates stood officially as independents, though many formed unofficial blocs and electoral alliances and campaigned in this manner. Under the new arrangement, candidates could register their affiliation with a particular block, or list of candidates, but did not have to declare an allegiance to a political party or faction. Very few lists of candidates assumed the name of political parties or factions,⁶ making affiliations more difficult to identify.

As a result, the final tally for each political party and faction remains a matter of disagreement. Without official analysis of the results from the HCLE, NDI processed the election data internally. The Institute crosschecked each candidate's official registration and list-affiliation with each faction-endorsed list. The following is NDI's best estimate of the elections results:

¹ See Appendix A for a list of districts where elections were held in the West Bank.

² See Appendix A for a list of districts where elections were held in the Gaza Strip.

³ Jerusalem governorate.

⁴ NDI included election and political development experts from the Australia, Cambodia, Canada, Croatia, Ecuador, Egypt, Georgia, Northern Ireland, Kosovo, Morocco, Norway, Philippines, Romania, Serbia and USA.

⁵ An amendment to the local election law reserves two seats on each council for women candidates. This is further explained and explored in the section on Women's Participation.

⁶ In several districts, a Fatah-endorsed list actually carried the movement's name.

Candidates affiliated with Fatah-endorsed lists took approximately 324 seats and won a majority in 29 local councils, including: Wadi Al Salqa, Biet Jala, Biet Sahur, Dar Salah, Wadi Gaza, Bani Naim, Tarqomya, Kufr Raai, Qabatia, Al Jeeb, Al Ram, Mukhmas, Abasan al Jadeedah, Abasan al Kaberah, Biet Eba, Huwarah, Sabastyh, Ematin, Snerya, Abu Falah, Al-Mughyer, Al Taybeh, Deir Kadees, Kufr Malek, Deir Balot, Salfit, Al Shufa, Nazlet Easa, and Rameen.

Candidates affiliated with Hamas-endorsed lists took 224 seats and won a majority in 20 local councils: Bethlehem, Janata, Taqou', Za'atara, Al Meghraka, Alsamoa', Biet Awla, Taffuh, Burqin, Silat al Harithya, Silet il Thahr, Katana, Jama'en, Tel, Jayous, Qalqilya, Budrus, Deir Abu Meshal, Kharbatha Almesbah, and Far'oun.

Results in Al Bureij, Rafah, and Biet Lahiya remain in dispute as the courts ordered a revote in these areas, which has not yet been scheduled. Initial results indicated that Hamas had won in these districts.

Fatah and Hamas each won four seats in Aqabah. Independents took the remaining three.

Non-affiliated candidates, or independents, won a majority in 22 local councils: Ertas, Hossan, Nahhalin, Al Raheyah, Kharas, Noba, Al Jalmah, Al Zababda, Kufr Dan, Al Jiftlek, Anata, Biet Sorek, Bir Nabala, Azmoot, Salem, Jensafout, Al-Mazrah Al-Alsharkeya, Al-Zaytona, Al-Zawyah, Hares, A'teel, and Marda.

The remaining nine districts are held by various coalitions of factions. Detailed analysis of the election results appear in Appendix D.

This was first occasion in which Hamas— the militant Islamist Resistance Movement—participated in the electoral process. Hamas opposed the Oslo agreements and the institutions established by this process, and therefore did not participate in the legislative or executive elections in 1996, leaving the PA almost entirely in the control of the dominant Fatah movement. In recent years, popular support for Hamas has grown and the organization is now Fatah's primary political rival.

The Institute's findings and recommendations from the second round of local elections echo those from the first round. While polling procedures generally went well on election day, inadequacies in the HCLE's decision and policy-making procedures led to significant problems during the challenges process and delayed voting in some districts. Election results and/or the electoral process were challenged in several localities and HCLE failure to manage the voter list and civil registry led to the disenfranchisement of some voters.

The HCLE deemed these complaints unofficial, and instructed appellants to challenge the election results in court. The court annulled the results in the West Bank localities of Sneriyah (Qalqilya), Attara (Ramallah) and the Gaza localities of Rafah, Beit Lahiya, and Al Bureij and ordered the HCLE to rerun the elections in ten days.

The HCLE scheduled reruns for June 1, 2005, a date past the required timeframe, and then cancelled polling in all localities except Sneriyah. Voting in Gaza was cancelled the night before election day when Hamas announced it would boycott the repeat elections. The HCLE postponed the revote in Attara for what it classified as security concerns. As of this writing, polling has not been rescheduled in any of these areas.

Clearly aspects of the HCLE's work requires substantial structural improvement, particularly as upcoming rounds of local elections will include major population centers and an increasing number of districts. The body will soon have to manage a larger number of voters and a potentially weightier process.

SUMMARY OF FINDINGS AND OBSERVATIONS

The HCLE has made a number of improvements in its elections management, particularly concerning polling day procedures by establishing rules for assisting illiterate voters, and by installing polling center managers and staff, thereby eliminating the need for police involvement in line control. However, the body's haphazard and often extralegal operation causes serious problems and creates opportunities for the electoral process and/or election results to be challenged. The HCLE continues to make decisions and manage its responsibilities in a way that calls into question its impartiality and creates significant problems for voters, candidates and political parties. The HCLE ignores some of its own internal regulations in its operations.

The HCLE has not sufficiently augmented the weak legal framework of local elections. Many of the technical aspects of running the local elections are not addressed in the current governing legislation. The HCLE has neglected to use its authority to sufficiently define and strengthen existing regulations, making decisions without issuing them as legal written documents. Technical details of issues such as the exhibition and challenges to the Voters List are not covered by law or bylaw.

The civil registry portion of the voter list was mismanaged in several localities in these elections, leading to the disenfranchisement of voters. Several District Election Commissions (DECs) made inappropriate and, in some cases, illegal adjustments to the civil registry portion of the voter list, prohibiting a number of voters from being able to cast their ballots. The HCLE offered insufficient guidance and oversight in these situations.

The campaign environment was vigorous and energetic. Voters had a variety of candidates, coalitions and political ideologies from which to choose. The local elections continue to be important community events. Political parties, factions and candidates were highly active in organizing outreach events and materials. Voter turnout was high.

Campaigning on election day was aggressive and ubiquitous, in violation of the local election law that prohibits campaigning in the 24 hours around an election. Polling station and security officials did little to attempt to prevent active campaigning on election day, despite the legal prohibition. In some cases, these activities made it difficult for voters to access polling stations.

While there were measurable improvements in the way polling centers and stations were managed overall, serious abuse of provisions for assistance to illiterate voters persisted in this round of elections. Observers witnessed both political party agents and polling station officials attempting to influence the ballots of voters claiming to be illiterate.

The complaints and challenges process is poorly-defined and contributed to tensions between factions over the results of the elections in several localities. The HCLE and the judicial system were unable to handle the large number of complaints and challenges lodged after the election. The process through which stakeholders can challenge the electoral process and/or results is unclear and ill-defined by the HCLE. The committee has not established a system to deal with complaints, particularly those related to issues outside the election results. Additionally, the courts were not fully prepared to deal with this process. This contributed to serious tensions between factions over the results of the election.

SUMMARY OF RECOMMENDATIONS

1. Clear and transparent guidelines should be established by the Ministry for Local Government and the HCLE for the drawing of boundaries for electoral districts, the selection of districts for each round of elections, and the reduction or expansions of the number of seats on a local council. Once elections are announced, no modifications should be made.
2. Significant changes are required in the operating procedures and overall administration of the elections by the HCLE in order to legitimize the local elections process. The HCLE should institutionalize their policies and decisions and publish them in form of legal documents.
3. The HCLE should eliminate the use of the civil registry as a voter list.
4. A clear process for complaints to the HCLE bodies should be established and followed.
5. Provisions for assistance to illiterate voters need to be tightened and closely regulated to prevent abuse.
6. Regulations prohibiting campaigning on Election Day should be enforced or removed.
7. If the HCLE is going to permit candidates to register with a political or party affiliation, it should acknowledge this affiliation when announcing the final results of the election.

INTRODUCTION AND BACKGROUND

Background

Local elections were last held in Palestinian areas in 1976, organized by Israeli authorities. Since then, local posts have been filled largely by appointment, offering residents little say in the composition and performance of municipal government.

As part of the Oslo negotiations process in the early 1990s, agreements were reached to hold a new round of local elections in the West Bank and Gaza, along with presidential and legislative elections. The latter were held in 1996, but local elections were consistently postponed by Yasser Arafat, President of the Palestinian Authority. Arafat was reportedly concerned that an elected local government would dilute his authority and dissolve his ability to confer favors on certain individuals by appointing them to local positions. However, under pressure from reformists in his Fatah movement, Arafat conceded to scheduling these elections shortly before his death in November 2004. The Ministry of Local Government, headed by Minister Jamal Shobaki, announced that elections for local government would take place in several phases from December 2004 to December 2005.

To manage local elections, the Ministry of Local Government established the Higher Committee for Local Elections (HCLE). Through an amendment to the local election law, the HCLE was given until December 2005 to organize and oversee local elections. After that, responsibility for local elections would pass to the Central Election Commission (CEC), a national body established in 2002 to oversee Palestinian elections, funded largely by the international community.

The creation of a separate entity to administer local elections caused a number of problems. Because it was established by a government ministry run by the governing Fatah movement, several parties complained that it could not function in a non-partisan manner. Additionally, two separate bodies meant that without a high level of coordination, different and even contradictory decisions could be made about voting procedures, creating confusion among voters. Finally, the creation of two separate election authorities created a strain on limited resources as both the CEC and HCLE required funding for fixed, running and election-related costs.

Local elections are an important community event in the West Bank and Gaza. The atmosphere outside of polling stations on election day is festive and animated. There is a sense of excitement. Families – mostly men and boys – gather and stay for the day. Towns and villages are colored with electoral posters and banners. Cars with loudspeakers strapped to the roof drive through the streets blaring partisan slogans and music. Voter participation is high.

Part of what fuels the atmosphere is that, in addition to being a social occasion, these elections are also a veritable political contest. This is first occasion in which Hamas – the militant Islamist Resistance Movement – has participated in the electoral process. Hamas opposed the Oslo agreements and the institutions established by this process, and therefore did not participate in the legislative or executive elections in 1996, leaving the PA almost entirely in the control of the dominant Fatah movement. In recent years, popular support for Hamas has grown and the organization is now Fatah's primary political rival.

The National Democratic Institute is observing local elections in the West Bank and Gaza as part of a comprehensive effort to monitor the overall Palestinian electoral processes. As part of this program, NDI also observed voter registration, the first and second round of local elections and the January 2005 presidential election. The Institute also plans to observe subsequent rounds of local elections and upcoming parliamentary elections.

First Round of Local Elections

The first round of local elections took place on two dates: December 23, 2004 in the West Bank and January 27, 2005 in Gaza. NDI organized teams of observers for both dates, deploying international monitors to the West Bank. Because of military activity and restrictions on movement in the Gaza Strip at the end of January, the Institute recruited domestic observers who were trained and supervised by NDI election experts.

NDI issued a comprehensive report on its findings from the first round of local elections.⁷ In general, the Institute made the following observations:

- Elections in the West Bank proved a confusing start to the election process, characterized by:
 - overcrowded polling stations,
 - poor crowd control,
 - inappropriate engagement of police in crowd control,
 - extensive coaching of voters and abuse of assistance to illiterate voters,
 - inappropriate campaigning inside polling stations,
 - use of an incomplete preliminary voter list, rather than a final voter list,
 - variations in polling procedures at different stations, and
 - a weak and unclear challenges process, which could lead to problems if serious or significance challenges were raised regarding election results or procedures.
- There were similar problems in the Gaza polls as well. However, NDI noted the following improvements in January:
 - fewer voters per polling station,
 - more staff per polling station,
 - more voting screens to ensure privacy,
 - improvement in practices governing third party assistance to illiterate voters,
 - mandatory female member of polling staff,
 - copy of the protocol posted in polling stations, and
 - improved staff training.

In preparation for future rounds of local elections, the Institute recommended the following:

- Greater transparency and accountability in the work of the HCLE, particularly concerning its decision-making processes. Under current conditions, the HCLE would find it difficult to legitimately and effectively handle strong challenges to the election process and results. This, in particular, needs to be addressed.
- Better management of the Final Voter List, including cooperation with the CEC.
- Further harmonization of practices with those of the CEC to avoid confusion among voters regarding election and voting procedures.
- Institutionalization of election day rules and procedures to avoid inconsistencies.

⁷ See NDI's *Report on Palestinian Elections for Local Councils: Round One* for more details.

- Decrease the number of reserve or excess ballots in each polling station.
- Better maintenance of polling records and protocols.
- More effective restrictions on election day campaigning by partisan entities.
- Work with security officials to establish and enforce a uniform code of conduct for police officers and security personnel on election day and create a system for better crowd control in general.

Second Round of Local Elections

For the second round of local elections, NDI deployed four long-term observers (LTOs) to observe the broader electoral process and 26 short-term observers (STOs) in 13 teams to observe the final days of the campaign and election day.⁸ The final delegation included election, campaign and democracy experts from 15 countries and was led by Senator Mac Harb of Canada and Bjarte Tørå, former deputy Member of Parliament and International Secretary of the Christian Democratic Party of Norway. This report is based on findings of the LTOs and STOs, as well as observations, research and interviews with political leaders and electoral authorities in the West Bank and Gaza conducted by NDI's Jerusalem-based staff.

LTOs were positioned in the field at the official start of the campaign, April 21, 2005. LTOs were in daily contact with NDI's election team in Jerusalem and submitted regular reports on their findings. Their observation focused on monitoring the following:

- The composition and work of the DECs.
- Management of the voter lists and challenges to the voter list.
- Registration of candidates and challenges to the list of candidates.
- The tone and activities of party and candidate election campaigns.
- HCLE and DEC preparations for election day.
- Voter education and activities of local non-governmental organizations.
- The challenge process for election results.

STOs arrived during the final days of the campaign. Both LTOs and STOs received extensive briefing materials, an orientation, and a schedule of field visits to prepare them for their assignments. Observers met with candidates for local office, political party officials, representatives of the HCLE and DECs, representatives of the news media, civic and community leaders and domestic monitoring organizations.

STO teams were deployed early on election day in order to witness the opening of the polling centers. Observers visited over 120 of the 320 polling centers in the West Bank and Gaza Strip, spending at least one hour in each and remaining in polling stations through the closing of the centers and the vote count. The STOs reported their findings regularly throughout the day to NDI's operations center in Jerusalem and focused their observations on:

- Implementation of proper polling procedures as defined by the election law and HCLE policies.
- Adherence to legal requirements and international standards for voting.
- Overall management of polling centers, including crowd control, privacy for voters, and the role of the security forces.

⁸ NDI's observer delegation included election, campaign and democratic development experts from Canada, Cambodia, Croatia, Ecuador, Georgia, Kosovo, Morocco, Northern Ireland, Norway, The Philippines, Romania, Serbia & Montenegro and the United States.

- The general environment within and outside of each station.
- The fairness, transparency and accuracy of the vote count process.

Preliminary Findings from the Second Round

The day after the election, observers met to debrief and construct a preliminary statement of findings. The delegation noted that the election was contested vigorously and administered fairly and that the process was characterized by the following positive developments:

- A mostly orderly administration of the election, conducted by officials who performed in a generally professional manner.
- Clear improvements in the organization of voting by the HCLE, including assigning a smaller number of voters to each polling station and bringing in queue controllers to create a more efficient voting process.
- Large numbers of Palestinians who came out to cast their votes.

Election day, however, was not without problems, including the following:

- Scattered incidents of violence and tension among large crowds in some areas, which forced some polling stations to close temporarily.
- Abuse of provisions for assisting illiterate voters by some party agents and election officials.
- Aggressive campaigning in and around polling centers by candidates and factions, despite regulations prohibiting such activities 24 hours before an election.
- A significant number of voters unable to find their names on the voters list or civil registry because of mismanagement of these lists. In Bethlehem, several hundred voters were unable to vote because of such voter list mismanagement.

Immediately following election day, a number of complaints⁹ were submitted to the DECAs, with more than 200 reportedly filed in Gaza. The majority of complaints related to three issues, which had been highlighted by NDI observers: illegal campaigning on election day, abuse of illiterate voter provisions, and disfranchisement of voters through arbitrary deletion of their records from the voter list.

The final results were also challenged in a number of localities. In Attara in the West Bank, armed men, reportedly affiliated with the governing Fatah movement, broke into the polling station during the vote count and burned two ballot boxes, halting the counting process. In the Gaza districts of Rafah, Beit Lahiya and Al Bureij, election officials declared that the list of candidates endorsed by Hamas had taken the majority of seats. Fatah claimed that polling staff exhibited bias in favor of Hamas candidates and manipulated the results.

The HCLE deemed these complaints unofficial and instructed appellants to challenge the election results in court. The court annulled the results in the West Bank localities of Sneriyah (Qalqilya), Attara (Ramallah) and the Gaza localities of Rafah, Beit Lahiya, and Al Bureij and ordered the HCLE to rerun the elections in ten days.

The HCLE scheduled reruns for June 1, 2005, a date beyond the required timeframe, but then cancelled polling in all localities except Sneriyah. Voting in Gaza was cancelled the night before when Hamas announced it would boycott the repeat elections. The HCLE postponed

⁹ *Complaint* is defined as an "appeal to the electoral administration"; *challenge* means "an appeal in court"

the revote in Attara for what it classified as security concerns. As of this writing, polling has not been rescheduled in any of these localities.

LTOs and NDI staff remained in the field for this process, monitoring the manner in which the courts and the HCLE managed complaints and challenges. More details regarding their findings can be found in this report.

Results from the Second Round

The HCLE did not offer figures on the precise political outcome of the elections, refusing to announce results based on the political affiliation of candidates. Under current regulations, candidates can choose to register their affiliation with a particular block or list of candidates, but do not have to declare a political allegiance. Lists and blocs are then unofficially endorsed by various factions, parties or coalitions. Except in a few cases, none of the lists of candidates assumed the name of the parties or factions with which they were associated. This system essentially allows for a high number of technically independent candidates, making it difficult to determine the exact results for each Palestinian party, faction or movement.

The general judgment from an examination of the results seems to be that Fatah candidates took control of the highest number of councils, but Hamas candidates won the highest number of seats (by winning in major population centers). However, there has been no official announcement from the HCLE on the outcome for each political faction.

FINDINGS AND OBSERVATIONS

THE LEGAL FRAMEWORK

The basis of the HCLE's work is the Law for the Election of Local Councils from 1996¹⁰ and its subsequent amendments, passed in December 2004. These amendments empowered the HCLE, a body of the Ministry of Local Government, to assume the responsibilities of the Central Elections Commission (CEC) for local council elections until December 2005. The CEC was established in 2002 as the authority for elections in the West Bank and Gaza.

Other sources for the legal framework for implementation of local elections are: HCLE Internal Regulations,¹¹ the HCLE's manuals, "Exhibition and Challenges Procedures"¹² for DEC's and, "Polling and Counting Procedures" for Polling Station Commissions (PSCs), as well as various decisions made by the HCLE on policies and procedures.

The existing legal framework for local elections offers a broad structure for their conduct and for the HCLE's operations, but several key areas are not addressed. For example, there is no guidance on shared responsibilities or required coordination between the two election commissions (i.e., the HCLE and CEC) to ensure that the standards and procedures encountered by voters are not different or contradictory in local versus national elections.

Additionally, the laws and amendments provide limited regulation on technical issues regarding how local elections should be implemented. For example, limited guidance is offered on how voters should be registered or how the voter list should be created. Therefore, practical implementation of the electoral process is largely regulated by the manuals created by the HCLE and independent decisions made by the HCLE, which lack the legal power of a bylaw or decree.

Most significantly, there is an insufficient legal foundation for complaints and challenges to the electoral process. In the case of local elections in the West Bank and Gaza, the law does not provide sufficient information for the courts to rule on election challenges. Article 50 of the law assigns challenges to the, "competent court," and does not offer further definition.

The HCLE has the authority to supplement and enhance this existing legal framework by issuing decisions in the form of decrees and initiating bylaws, but until now the body has largely declined to do so. Most often, decisions of the HCLE are conveyed to the general public through the use of the media and advertisements, and are not institutionalized or formalized by being issued as written documents or decrees, making them more difficult to track and enforce.

The ambiguity of the legal foundation for the local elections process and the disinclination of the HCLE to better define and augment this structure have created a number of problems, including:

- A lack of standardization in the manner in which local elections are conducted, including significant variations in the ways in which different DEC's conduct business;

¹⁰ Law no. 5 of 1996

¹¹ The Internal Regulations were issued by the Minister of Local Government on July 11, 2004.

¹² "Exhibition and Challenges" refers to the Preliminary Voter List. This title has also been translated as, "Manual for Publication and Objection Procedures".

- Confusion surrounding the electoral process by voters, stakeholders and the broader public; and
- An insufficient legal basis for key areas in the electoral process, such as the system for challenges, the ability of the HCLE to oversee challenges, and the aptitude of the courts to rule on any electoral irregularities.

Additionally, a lack of clear structures for decision-making by the HCLE creates the appearance of arbitrary and even partisan choices by the body. For example, there is no clear standard applied to the manner in which local electoral districts are selected for each round of voting, creating the opinion among some observers, particularly competing political organizations, that the sequence is determined for largely political reasons intended to benefit the governing Fatah movement.

The Ministry of Local Government has contributed to this problem by the random nature of the pronouncements it has made in its areas of responsibility for the local elections. For example, in both the first and second round of elections, the Ministry modified the number of seats available in twenty local councils without clear explanation.¹³ These announcements were made after the date of elections was set, creating confusion and contributing to the appearance of partisan decision-making. It should be noted that the Executive Office of the HCLE expressed concern about these adjustments, as they could possibly undermine the credibility of the electoral process.

Problems arose with the determination of the municipal council boundaries, a task also performed by the Ministry of Local Government. Electoral boundaries of villages and municipalities were established just prior to the second round of local elections. The merging of certain villages was met with criticism from local residents and candidates, who claimed decisions were politically motivated.¹⁴ Additionally, the mergers impeded management of the civil registry records portion of the voter list.¹⁵ LTOs reported several instances where DEC's did not receive any civil registry records for municipalities located on the margins of newly constructed boundaries for voting districts.

ELECTORAL ADMINISTRATION

Administration of elections for local councils is under the authority of the Ministry of Local Government and specifically its subsidiary, HCLE. The current HCLE was appointed in accordance two presidential decrees, the first of which established the body as a 17 member commission, and the second of which added an additional 14 members.¹⁶ At the time of

¹³ Additional seats were created in Al Jalmah, Al Meghraka, Al Zytona, Anabta, Atarah, Burqin, Deir Balot, Hajah, Hossan, Janatah, Kufr Malek, Kufr Qaleel, Nazlet Easa, Qabatya, Ramoon, Sabastya, Salfit, Silat El Harthya, Wadee Al Salkah, Za'tara.

¹⁴ This especially created problems in Qufr Khaleel, for which elections had to be postponed because of tension surrounding the decision.

¹⁵ For example, in Za'atara the DEC reported that it did not receive the civil registry records of the Preliminary Voter List for exhibition and challenges. Delimitation of electoral districts is closely connected to the management of the voters list, i.e., the voters list must be properly divided and distributed to the district commission according to clear geographic boundaries, otherwise there will be extra or missing records.

¹⁶ President Decree No. 8 of May 24, 2004 established the HCLE as a 17 member commission: Original members include: Jamal Shobaki (Chair), Abdullah Abdul Dayem, Tayseer Karajeh, Dr. Hussein Al-A'raj, Nathmi Harb, Amal Khriesheh, Hatem Abbas, Dr. Abdul Rahman Abu AlNasr, Dr. Mamdouh Al-Ikir, Abdullah Ghizlan, Waleed Al-Hayek, Dr. Ghazi Hanania, Ziad Abu Zayyad, Suleiman Al-Roumi, A.D. Fathi Al-Wahidi, Mariam Al-Atrash, Dr. Mohammed Shtieh. Presidential Decree No. 14 of August 16, 2004 added 14 additional members: Nuha Taleb Barghouti, Wafa Fayek Mir'i, Tayseer Ali Al-Zibri, Anwar Anton Hilal, Farhan Anees, Sami Hamdan Abu Zuhri, Rafiq Abu Dhalfeh, Nasser Al-Rayes, Ziad Al-Arda, Wadah Al-Asmar, Hilmi Abu Al-Danbak, Khadijeh Abu Ali Habashneh, Rabiha Diab, Rana Mohammed.

formation of the HCLE, the Minister for Local Government, Jamal Shobaki, took the position of chairman as well. When a new cabinet was formed in February 2005, Khaled Qawasmeh came in as the Minister for Local Government, but Shobaki remained as chair of the HCLE.

A three-level structure has been created for the administration of elections. The highest authority is the HCLE and its Executive Office. The second tier is composed of DEC's, which are appointed by the HCLE for the purpose of administering the elections for the local councils in specific geographic areas. The third tier consists of the Polling Center and/or Polling Station administration – specifically the Polling Center Manager and his or her staff who do not perform balloting duties but assist in overall management – and the Polling Station Commissions, which are responsible for implementing polling procedures on election day.

As noted earlier, these are the first local elections in Palestinian areas since 1976 and the first ever to be administered by the HCLE. The committee has made important efforts to try to ensure that a free and fair electoral process and has made measurable improvements in its performance. Observers noted that overall management of polling procedures is particularly sound. In its preliminary statement, observers commented that the elections were characterized by, “a mostly orderly administration of the election, conducted by officials who performed in a generally professional manner,” as well as “clear improvements in the organization of voting by the HCLE, including assigning a smaller number of voters to each polling station and bringing in queue controllers to create a more efficient voting process.”¹⁷

However, aspects of the HCLE's work still require substantial structural improvement, particularly as upcoming rounds of local elections will include major population centers and an increased number of districts, which means the body will have to manage a larger number of voters and a potentially weightier process. The political competition in the first two rounds of local elections was intense. If upcoming rounds involve more voters and the struggle for political control of key cities, the atmosphere around the electoral contest will likely intensify. It is critical that the HCLE be able to administer a sound process in this environment, which means that serious problems with the voter list, challenges process, and HCLE operational culture must be addressed.

HCLE Decision-Making Processes

On an operational and procedural level, and as noted in NDI's report on the first round of local elections, the HCLE does not consistently abide by transparent and reliable decision-making processes. Under its internal regulations, the HCLE is required to meet weekly but attendance is restricted to the body's members. Observers and other interested parties can only attend these meetings by specific invitation from the chairperson. While the chair can invite whomever he deems appropriate, domestic organizations in particular were never included.

The HCLE does not always function in accordance with all legal requirements. For example, the Commission is required to take decisions by a majority vote of its commissioners. In practice, the Institute found that although the body will discuss the topics on its agenda at length, many rulings are simply dictated to the commissioners by the chairman, rather than agreed upon by consensus or by a commission vote. Additionally, the HCLE consistently

¹⁷ See, *Preliminary Statement of the NDI International Election Observer Delegation to the May 5, 2005.*

declined to issue its decisions in any form of legal order, such as decrees or bylaws, which would offer a higher level of public scrutiny and institutionalization of the process. As such, the technical implementation of elections is essentially defined and regulated by instruction manuals written for those working on the elections, rather than by a sound legal structure.

Many decisions of the HCLE were subject to change even after they were announced and released at commission meetings.¹⁸ This pattern made decisions and the procedures they outlined difficult to follow and confusing for observers, DEC, PSCs and voters.

Significantly, the committee has on occasion ignored specific legal requirements regarding its actions. For example, after the challenges process in which the election results in five districts were annulled, the law specifically required that new elections be held within ten days. The HCLE missed this deadline and scheduled them later than the required date, bringing into question the legal legitimacy of the revote and creating another opportunity for challenges to the new elections, had they been held.

District Election Commissions

This haphazard and unsystematic style of operating had a measurable impact on the implementation of the second round of local elections, most noticeably with the voters list (addressed in the following section) and in the performance of the DECs.

There were questions raised about the DECs on two levels: 1) their composition and the manner in which their members are selected and, 2) their style of operating, which some observers criticized as arbitrary, inconsistent and, at times, politically biased.

The local elections law requires the HCLE to establish temporary DECs to serve as local bodies for the purposes of administering elections. However, the law does not specifically define the duties and responsibilities of these subsidiaries, nor does it set standards to regulate the composition of the DECs. Recruitment of the members of these commissions is conducted by the HCLE.

Observers found the manner in which DEC members were selected to be arbitrary and opaque. NDI's long-term observers (LTOs), who met with the DECs, reported that a majority of their members were Fatah-affiliated or employees of the Palestinian Authority, which is controlled by Fatah. LTOs recorded a number of complaints from candidates that the DEC responsible for their elections was not operating in an impartial or politically neutral manner. However, the work of a specific DEC was challenged in court in only one district, Al Ram in the West Bank.

Additionally, many members of the DECs functioned as quasi-volunteers, with no full-time commitment required. This limited the ability of several DECs to operate on a daily and consistent basis. LTOs reported that in some cases DEC members sent a representative or surrogate to handle their required tasks, rather than showing up themselves. As such, individuals not selected or officially sanctioned and managed by the HCLE were performing election-related work.

¹⁸ For example, on the HCLE meeting held on May 23, the chairman communicated to the commissioners his decision to hold repeated elections on May 31 (which was later changed to June 1) because of final exams in schools. This decision was not taken by majority vote and, further, violated the deadline imposed by the courts for rerunning the polls.

Finally, observers noted that there were considerable variations in the ways in which different DEC's conducted business, an apparent consequence of the insufficient legal guidelines governing local elections. If the standards implemented by the DEC's are not uniform, then voters and candidates face different arrangements and may be required to meet different criteria in order to vote and compete in elections in various localities. In these elections, this led to the disenfranchisement of voters when some DEC's made arbitrary decisions about removing voters from the voter list (explored further below) as well as problems for prospective candidates attempting to register to stand for office in some areas.

VOTER LIST

Compilation of the Final Voter Lists (FVL), used to determine eligibility of voters on election day, remains one of the weakest points in the electoral process. In these elections, voter records were both added and removed from the voter list in an arbitrary and extralegal manner.

In addition to being of the legal age of 18, Palestinian voters must be recorded in the FVL to cast their ballots on election day. In local elections, voters have the right to cast their ballots either in the locality where they live or the locality where they work.

The FVL starts with the Preliminary Voter List (PVL), which is compiled by the Central Election Commission through a voter registration process. Voter registration for the PVL was conducted in September, October and December 2004.

Voter records can also be enrolled or transferred to the PVL from the civil registry. The civil registry is a database maintained by the Palestinian Ministry of the Interior, which is compiled for purposes other than voting. In the past, the list has been managed by both Israeli and Palestinian officials, so data entry has been inconsistent at best. The quality and accuracy of the civil registry has been called into question by several observer organizations, candidates and political factions.¹⁹

The PVL is then put through a process called exhibition and challenges. In exhibition and challenges, the list is publicly displayed and eligible voters can review the list to ensure that their information is correctly recorded. Voters also have the right to challenge the eligibility of other voters on the list whom, for example, may no longer live in the area, have died, or are not lawful citizens. Any voter within a designated district can challenge any record on the PVL for that district. For the second round of local elections, the exhibition and challenges process was run from March 10 – 14, 2004.

A voter whose record is challenged should be notified and given five days to respond, according to the local election law. If the voter does not respond, the DEC can delete the record. Legally, DEC's cannot remove records from the list without a challenge from another voter. Once a record is marked for deletion, a voter has three days to appeal the DEC's decision to the courts.

In these elections, certain DEC's used the exhibition and challenges period as a means to "clean up" the civil registry portions of the list, both removing records and adding new

¹⁹ In its final report on the first round of local elections, NDI recommended removing the civil registry as a source for proving voter eligibility. The same recommendation was made by several domestic monitoring organizations and political factions.

registrants to the list. After complaints were lodged, the DEC's said that they would assign special centers on election day for voters who may have been removed from the list. Such a decision is technically outside of the authority of the DEC's. The special centers were never assigned and on election day, most voters who fell into this category were left without recourse. NDI observers present at a polling station in Bethlehem reported that only 74 people whose names has been removed from the civil registry were able to vote while approximately 300 people were unable to cast their ballots. Similar reports were received from the districts of Beit Jala and Jifltek.

In other areas, such as Al Ram, several thousand voters were added to the list during the exhibition and challenges period. The court assigned to handle challenges to the voter list received a petition from a group of more than 15 voters from the Al Ram district, protesting the addition of approximately 2,100 new names to the voter list during exhibition and challenges.²⁰ The court ordered that non-residents of the Al Ram locality – among the new records added – should be deleted from the list. However, the DEC responsible for the area interpreted this to mean that all 2,100 names should be removed. Twenty of the newly-added voters whose records were deleted appealed to the court, which clarified its decision on the matter and the DEC reintegrated voters who could prove residency.

In addition to the arbitrary manner in which voter files are handled, challenges to records have no institutionalized mechanism through which to contact voters and inform them that the validity of their record is in question.²¹ In the Bethlehem case, it was not possible for the DEC to contact the approximately 24,000 voters in enough time to allow them to respond.

The HCLE and DEC's did conduct a media campaign calling on voters to approach the DEC and defend their records. However, this means of communication was clearly insufficient. It was nonspecific and therefore could not create the necessary level of information and incentive that contacting individual voters about specific challenges to their records would have had. It was also inappropriate for the tight timeline, as defined by the election law, for a voter to respond.

Some improvements were made in the voter list from the first round of elections. In the first round of local elections in December 2004 and January 2005, the HCLE used a version of the registered voters list that was run on November 20, 2004. This meant some voters who registered in December 2004 were unable to cast ballots in the first round of local elections. It is unclear why the HCLE used an outdated version of the list for the first round of elections, however the list was duly updated for the second round.

The poor manner in which the DEC's, under the management of the HCLE, dealt with the civil registry portions of the voter list in this round of elections led to legal challenges of the processes, disenfranchised voters, called into question the credibility of the process, and was perceived by many candidates as politically-motivated. It is not possible to quantify exactly how many legally eligible voters were unable to cast a ballot on election day, or conversely how many illegitimate voters remained on the list. The state of the voter list and the way it was handled by the DEC's were the main sources of legal challenges to the final election results.²²

²⁰ This petition was supported by no legal documents, only by witnesses.

²¹ Article 17 of the local election law states, "...person should informed about challenge on his record..."

²² For example, in Gaza Strip elections, the DEC's compilation of the voter list provided arguments to challenge the elections results.

An additional factor contributing to problems with the voter list was the ambiguous and arbitrary establishment of new local council boundaries by the Ministry of Local Government, described earlier. LTOs reported several instances in which the DECAs did not receive any civil registry records for municipalities located on the margins of newly-drawn voting districts.

CANDIDACY AND CAMPAIGNS

Candidate Registration and Lists

Candidate registration began on March 22, 2005 and lasted for ten days. A number of candidates complained to NDI that they did not receive adequate information from the DECAs on the legal requirements for candidate registration, which made the process more difficult in general and meant that some missed important deadlines or obligations.

On April 1, the HCLE published the Provisional List of Candidates, which included 2,770 candidates (445 women and 2,351 men). Citizens were given three days to challenge the eligibility of any of the registered candidates to stand for local office.

LTOs reported a total of 38 challenges to candidate registration, a relatively small number. Most complaints related to the residence of candidate, in which challengers argued that candidates did not have an official or actual residence in the district in which they intended to stand.²³

Candidates were allowed to withdraw their registration and receive their deposit back until April 25, at which time the Final List of Candidates was published. This list consisted of 2,519 names, a relatively high nine percent dropout rate from the Provisional List.²⁴

A number of factors appear to have influenced the rate of withdrawal. Various political factions and influential families negotiated new deals on candidate support, which left some candidates with insufficient backing to remain viable. Some candidates reported to observers that they withdrew their registration due to pressure from factions, families or other candidates and that, in some cases, they were promised favors if others were elected. Some factions were represented with more candidates than available mandates and so had to shorten their lists.

Several domestic NGOs reported that some female candidates were pressured to withdraw so they would not be automatically elected through the quota system, thus reducing the chances of male candidates to take a seat.²⁵ Though the overall dropout rate was essentially the same for male and female candidates across all districts, in two localities all women candidates withdrew from the race.²⁶

²³ For example, in Marda, Salfet challengers complained that four candidates did not pay municipal bills. The HCLE rejected these complaints and, in the case of a female candidate, stated that this was not relevant because it is the responsibility of a husband to pay such bills.

²⁴ The disputed locality of Al Ram is not included in these figures.

²⁵ An amendment to the local election law requires a woman to fill two seats on every local council. This quota stipulates that where female candidates are registered, no less than two seats will be reserved for a woman council member, and will be allocated to the female candidates who receive the largest number of votes. If the female candidates do not win at least two seats in the council, i.e. achieve a sufficient number of votes to take a seat, the two female candidates with the greatest number of votes among all of the women running for the council will automatically win the last two seats on a council.

²⁶ See "Women's Participation" later in this report for more information.

In the second round of local elections, the HCLE introduced a new option for candidates in which they could choose to be affiliated with a specific list of candidates. In the first round of local elections, this option was not available and all candidates officially stood as independents, though many formed unofficial blocs and electoral alliances and campaigned in this manner. Under the new arrangements, candidates could register their affiliation with a particular block or list of candidates, but did not have to declare an allegiance to a political party or faction. Except in a few cases, none of the lists of candidates assumed the name of political parties or factions. However, most were unofficially endorsed by various factions, parties or coalitions and candidates and political parties campaigned as though formally linked.

Sixty percent of candidates selected this new option and decided to register their affiliation with a list while the remaining 40 percent of contenders opted to register as independents. The final list of candidates therefore consisted of 978 independent candidates and 1,565 affiliated candidates.

NDI's analysis of the final list of candidates indicates that among affiliated candidates, 48 percent were associated with lists endorsed by Fatah, approximately 31 percent were associated with Islamic lists headed by Hamas, and about 14 percent were endorsed by coalitions of various parties and factions. The remaining 8 percent of affiliated candidates joined a list endorsed by the Popular Front for the Liberation of Palestine (PFLP) and/or the Democratic Front for the Liberation of Palestine (DFLP).

It should be noted that any analysis of the list of candidates, as well as the final results of the elections, inherently includes some margin of error or percentage of ambiguity, as there is no official connection between the names of candidates and the names of any associated political faction under this system of registration.²⁷ Additionally, a number of candidates affiliated with Fatah who ran as independents after not receiving official endorsement from the movement, were largely perceived by voters to be Fatah candidates. In several cases, successful independent candidates were claimed by more than one faction after the elections.²⁸

Candidates on lists were largely recruited and selected by senior party officials or a committee. Lists were composed primarily to represent the major clans, or *hamulas*, within the locality. The only competitive candidate selection process appeared to be with Fatah in Gaza. In Rafah, Beit Lahiya and Al-Bureij, the movement ran candidate selection through conferences, in which more than 1,000 delegates met to select a group of potential candidates, from which a final list of official candidates was selected.²⁹

²⁷ Additionally, the HCLE declined to announce the final results based on party affiliation so there is no official record of how well competing political parties and factions fared in these elections.

²⁸ This was also a problem after the first round of local elections.

²⁹ In Rafah, 2,870 delegates met in conference and selected 44 preliminary candidates, from which 15 official candidates were ultimately selected. In Beit Lahiya, out of 2,451 delegates, 50 preliminary candidates were selected, from which 13 official candidates were finally selected. In Al-Bureij, out of 1,745 preliminary candidates, 40 were selected, from which 13 official candidates were finally selected.

Campaigning

The campaign period began on April 21, 2005 and ran for 13 days. A number of political organizations, parties, factions and independent candidates competed in these elections, offering voters a choice from among distinct points of view.

Campaign activities were conducted in most areas without significant impediments. Most candidates interviewed by NDI observers indicated they were able to campaign without restrictions. Because most activities took place within localities and did not require much travel, there were fewer concerns about freedom of movement than in a national election. However, election officials, candidates and political activists in many areas had to restrict the timing and movement of their activities to conform to opening and closing times of checkpoints and limits on permit hours.

The campaign atmosphere in the days preceding the elections was generally positive and somewhat celebratory in most areas. Candidates largely avoided inflammatory attacks on one another; many candidates were reluctant to engage in direct debate. Campaign forums organized by local non-governmental organizations and community groups largely consisted of candidates presenting their platforms and answering questions from members of the public. Domestic organizations, such as Juhud, Arab Thought Forum, Civic Forum and the Palestinian Centre for Democracy and Conflict Resolution were active in organizing candidate forums for voters and, in general, reported that they received a positive response and willingness to participate from candidates and factions.

Most campaign activities in the weeks leading up to the election consisted of informal gatherings with influential family and community members, often in private residences. Campaign efforts also included displaying large numbers of party flags, banners, posters, graffiti, marches, and cars driving through the streets broadcasting campaign slogans and music over loudspeakers. Most candidates did not deem it necessary to conduct any kind of mass campaigning as they considered themselves well-known and in good standing within their communities.

In some localities, there were disagreements between opposing parties over where banners, posters and other campaign paraphernalia would be placed. NDI received complaints that in parts of Gaza, competition for public space to hang banners and signs became confrontational, with groups of armed supporters clashing at night. Election law requires the HCLE to identify specific areas of public space where campaign communication materials can be posted, which was not done.

Campaigning was localized, rather than run by centralized political party structures or organizations, and driven more by the candidates than by the parties and factions. Most candidates ran their campaigns according to the law, with only minor irregularities reported. Complaints largely focused on campaign posters that were torn down, allegedly by political opponents.

Influential families and *hamulas* played a strong role in these elections, affecting who stood for election and what level of support various candidates and lists received. In most rural districts, candidates were nominated by their families without regard to their political affiliation. Some families placed several relatives on competing lists as a form of insurance that the family would have at least one successful candidate.

Active Campaigning on Election Day

The local election law dictates that campaigning must cease entirely 24 hours before the polls open.³⁰ As in the first round of local elections, this rule was ignored by virtually all political entities. Campaigning was active, and in some cases, aggressive, outside polling centers and stations during what was supposed to have been an obligatory quiet period. On election day, posters, leaflets, mock ballots, and flags were plentiful around polling centers. In some cases, candidates and factions used loudspeakers strapped to vehicles to continue to broadcast campaign messages and music. The volume of the loudspeakers and mobility of the vehicles made the din difficult to escape, particularly in small villages.

Some election officials requested assistance from Palestinian security forces to prevent such activities in the entrance to and inside the polling stations; others did not attempt to address it.

The Role of the Media

NDI's observation mission did not include a comprehensive media monitoring project, though LTOs followed the media's coverage of the campaign and attempted to identify any signs of bias or censorship.

Political campaigning through the media by the political parties and factions is not regulated, though the Palestinian media is largely free to report on campaign activities. In general, there was relatively limited coverage of the local elections in the mainstream media. The news cycle was dominated largely by national political issues, such as the Israeli disengagement from Gaza, reform of the Palestinian security services, and various incidents of violence.

Observers noted a few incidents of bias and one attempt to restrict coverage of a certain political group. In Tulkarem, Al Salam television station reportedly wanted to broadcast a videotape of a Hamas rally that was held in the Faroun municipality. The governor of Tulkarem ordered that the tape not be broadcast. Al Salam complained to the PA Minister of Information and received the Minister's support to show the video.

Certain radio stations in Gaza openly advocated for specific factions. This practice reportedly continued on election day as a Gaza radio station announced that Fatah candidates were winning while ballots were still being counted. Violent inter-factional clashes between Fatah and Hamas occurred later that evening when the final results were announced and Hamas was declared the winner.³¹

POLLING AND COUNTING

With few exceptions, election day was orderly and peaceful. Polling centers and stations were generally well managed and were not overcrowded, unruly or overwhelmed by long queues of voters, as was observed in the first round of local elections. This was due largely to the improvements in polling day procedures by the HCLE, including assigning a smaller number of voters to each polling station and bringing in queue controllers to create a more efficient voting process. On the whole, polling officials supervised the voting venues and

³⁰ Law for Elections of Local Councils, Article 31

³¹ For additional information on this, see the report and findings from the Palestinian Center for Human Rights in Gaza, a domestic monitoring group.

electoral procedures according to guidelines laid out in the *Polling and Counting Procedures* manual, written and distributed by the HCLE.

In both the West Bank and Gaza, stations were equipped with semi-transparent ballot boxes, received from the Central Election Commission and previously used in the January 9, 2005 presidential election. Ballot boxes were properly sealed and marked. The voter list and polling procedure instructions were posted in every station, as required.

The majority of the problems witnessed by STOs on election day were the result of pre-election day issues. Many involved the mismanagement of the voter list. STOs witnessed a number of voters unable to find their records on the list and were therefore, prohibited from casting their ballots. This was particularly true in the Bethlehem area.³²

Abuse of Provisions for Assisting Illiterate Voters

The one notable exception to the general sense of order involved the coaching of illiterate voters, under the guise of offering assistance. This practice, especially prevalent in the West Bank, remains a source of confusion and abuse.³³

In past elections, provisions allowing assistance for illiterate voters have been used by some party agents and partisan observers to coach voters and influence their ballots. The HCLE attempted to address this abuse by placing restrictions on the number of voters any individual can assist to one. In these elections, one helper could assist only one illiterate voter on election day.³⁴ Additionally, party agents were strictly prohibited from engaging in this activity. These restrictions were not enforced in all polling stations and the problem remained widespread.

In several cases, NDI observers witnessed domestic observers from the area protesting that they knew a particular voter requesting assistance was, in fact, literate. However, there was no acceptable means to test or challenge the voter's claim and the polling official was obliged to take the voter at his or her word.

In several stations, observers witnessed not only party agents engaging in this practice, but reported that election officials were involved in coaching voters who said they were in need of assistance. According to the official polling manual, the polling station chairperson must directly and actively supervise voting by illiterate voters.³⁵ Such oversight and assistance, however, was provided inconsistently, and often in a cursory fashion. Although the polling manual clearly informs polling staff that misconduct may result in severe penalties, there were reported cases of chairpersons crossing the line between supervising and instructing.³⁶

Vote Count Procedures

Ballots were counted in the polling stations where voting took place at the end of election day, after the polls had closed. Observers reported that procedures for counting ballots and

³² In Bethlehem several hundred voters could not find their names on the lists. Voters were told by polling station officials to come back in the afternoon, but when they did nothing had changed.

³³ See appendix C

³⁴ Officials were supposed to write down the name of every helper to ensure that he or she provided voting assistance only once.

³⁵ NDI has some concerns about this provision as well, which violates the voter's right to a secret ballot.

³⁶ NDI observers filed official complaint at the Center 0234 in Nablus on this issue.

tallying votes were transparent and straightforward. As required, polling officials posted a copy of the results at the station for public viewing directly following the count.

Observers and party agents were permitted to remain until the end of the process. In the first round of local elections, domestic observers were not always able to remain in the polling stations until the end of the count because of restrictions on freedom of movement. Several checkpoints closed at a specific hour, and Palestinians who needed to cross these checkpoints to get home either had to depart from polling stations early or make arrangements to stay overnight where they were. In the second round of elections, this appeared to be less of a problem and NDI observers reported fewer incidents of restrictions on freedom of movement.

Voter Turnout

As with the first round of local elections, the HCLE organized two types of polling centers for the second round: regular center and special centers. Regular centers catered to individuals who registered to vote and therefore should have been on the Final Voter List. Special centers were designated for individuals on the civil registry who had not registered to vote.

Again, as with all recent Palestinian elections where both the Final Voter List and civil registry have been used, activity in regular centers was much higher.³⁷ Official figures from the HCLE indicate that voter turnout in regular centers (i.e., among registered voters) was 86 percent; turnout in special centers (i.e., among voters on the civil registry) was 33 percent.

COMPLAINTS AND CHALLENGES

According to the election law, challenges to the official results of an election can be filed with a “competent court” within a week of the announcement. There is no further definition in the law as to which courts fit in this category, but in practice it has been the *biddya* courts, or the civil courts of first instance, which accept submissions. *Biddya* courts are located in each governorate and the plaintiff must file a challenge with the court in the governorate of his or her residence. However, this lack of clarity resulted in some claimants submitting challenges to the wrong court, which were then rejected.

The election law restricts the authority of the courts to deal with Elections Day complaints only as challenges related to the results of an election. The courts are not empowered to handle complaints outside of this specific area. A ruling must be made on each accepted challenge within five days, and the court must inform the HCLE of its ruling. If, as part of its ruling, the election results are annulled by the courts, the HCLE must repeat the election within ten days. The law requires that the same voter list be used for each repeated election.³⁸

NDI’s received reports from observers, candidates, voters, and HCLE officials in Gaza that over 200 complaints were submitted to the DEC’s in Gaza immediately following election day. The majority of these complaints related to three issues: election day campaigning; abuse of

³⁷ Both the list of registered voters and civil registry have now been used in four courses of elections: the first round of local elections, which took place on December 23, 2005 and January 27, 2005, the presidential election on January 9, 2005 and the second round of local elections on May 5, 2005. NDI has recommended the removal of the civil registry as a means of proving voter eligibility since the idea was first introduced.

³⁸ Under this process, a *complaint* is defined as, “an appeal to the electoral administration.” A *challenge* means “an appeal in court.”

provisions for assistance to illiterate voter; and disfranchisement of voters through deletion of their records from the voter list. Challengers also complained about the relocation of several civil registry centers without notice. Additionally, some plaintiffs, generally believed to be representing Fatah but officially recorded only as voters, claimed that polling staff exhibited bias in favor of Hamas-endorsed candidate lists and manipulated results during the tabulation stage of the vote count.

Technically, the HCLE, like the courts, does not have the specific legal authority to rule on these complaints, as the law does not address how such grievances should be handled. However, the HCLE does have license, and arguably the responsibility, to create the necessary processes to manage complaints. To date, the HCLE has not done this.

In the first round of local elections, the HCLE dealt with such complaints on a case-by-case basis. With the number of such appeals relatively small, the body was able to adjust its practices to respond to problems and objections as necessary. Though such complaints were dealt with in an arbitrary manner, the manageable number meant that, in general, problems could be addressed.

However, as highlighted in NDI's report on the first round of local elections, no process was put in place for dealing with a large number of complaints. No forms, deadlines or clear procedures exist that would ensure that stakeholders have an opportunity for appeal. Even within the court system, judges had not been trained on the election law and any challenges process.

In public statements, the HCLE indicated that it did not maintain an official record of how many complaints were received after the elections. Regardless of the number, the HCLE judged all complaints to be "unofficial." This decision implied that the complaints would not be considered by the HCLE, and that plaintiffs would have to go to the courts to make them 'official', thus forcing the HCLE to act only on the court's ruling.

Records collected by NDI's long term observers indicate that the courts accepted 26 challenges.³⁹ All of these were treated as challenges to the results of the elections. A number of candidates and political party representatives claimed that the courts exhibited a bias in approving submissions to be reviewed, and that a large number were rejected as incorrect submissions *ab initio*.⁴⁰ NDI has been unable to obtain a detailed account of challenges submitted to the courts in order to verify this.

The *biddya* courts annulled the results in the West Bank localities of Sneriyah (in the governorate of Qalqilya) and Attara (in the governorate of Ramallah) and the Gaza localities of Rafah, Beit Lahiya, and Al Bureij, ordering the HCLE to rerun the elections within ten days.

The HCLE initially decided to repeat these elections on May 31, later changing the date to June 1.⁴¹ Both dates were after the ten-day deadline required by the election law. Additionally, the HCLE did not schedule a repeat election in Attara at all, citing security concerns. This decision also violated the deadlines and requirements established by law.

³⁹ A full list of cases can be found in Appendix E.

⁴⁰ Meaning, flawed "from the beginning"; Al Ram, for example, fell into this category.

⁴¹ Because of final exams, it was not possible to give a free day to students and teachers and use the schools for polling centers.

Disputes over the results of the elections created tensions in Gaza between Fatah and Hamas, which erupted into violence. The lack of a clear and independent process for addressing complaints likely contributed to this friction. Hamas complained that the system in place was controlled by, and biased toward, the ruling Fatah movement. Hamas announced that it rejected the courts' rulings and that it would boycott any repeat elections.

Egyptian officials attempted to mediate a settlement between the two factions, but were not able to reach an agreement. Hamas requested a postponement of the repeat elections until the following conditions could be met: 1) elimination of the civil registry list, 2) dismissal of the current HCLE and appointment of a local electoral regulatory body with fair political representation or a transfer of management of the local elections to the Central Election Commission, 3) a ban on the use of PA resources by candidates, 4) a strengthened and fair judiciary for the handling of election challenges and claims, 5) reform of provisions for illiterate voters, and 6) the elimination of the potential for duplicate voting (i.e., removal of the provision of the election law that allows an individual to vote in either one's place of residence or place of work).

Ultimately, the HCLE issued statements announcing that the repeat elections would be postponed until the factions could agree. As of this writing these elections have not been officially rescheduled.

OBSERVATION

In general, NDI observers, domestic organizations, and candidate agents did not face any restrictions or obstacles in their work on election day. There were, however, some isolated incidents in which polling officials denied observers the right to witness a specific activity.⁴²

NDI observers reported overall a large number of political party agents in the polling stations, though their presence varied from governorate to governorate. As with the first round of local elections, most domestic observers representing Palestinian organizations were well-trained and prepared, particularly in Gaza. NDI observers encountered domestic observers from the following Palestinian non-governmental organizations: the Palestinian Center for Human Rights (PCHR), and Al-Meezan in Gaza; Jahud, Election Monitoring Civil Commission, Al-Lod Society, and the Civic Forum in the West Bank.

Domestic observers appeared generally well-informed and recognized and responded to electoral irregularities when they occurred, but neither these monitors nor party agents seemed willing to file official complaints. They complained verbally, but rarely chose to leave written record with the station chairperson.

POLICE AND SECURITY

There was better coordination between election officials and Palestinian security forces in the second round of local elections than was witnessed in the first round. A few problems were reported, mainly concerning poor crowd management outside the polling stations and incidents of armed security officers entering polling stations without the clear invitation of the polling station manager required by the regulations.

⁴² NDI observers were not allowed to enter Polling Center 1750 (Bethlehem) during setup. A domestic observer was not allowed to closely observe the vote count at Center 0888 (Deir-Al-Balah).

There were a number of incidents of violence and conflict among substantial crowds gathered outside of polling stations, particularly in Gaza. NDI observers reported from two polling stations in Gaza and one in Tulkarem forced to close down temporarily until the tense situation outside was diffused.⁴³ Four NDI observers in Gaza received armed escorts through large, heated crowds at the end of vote counts. In the West Bank village of Attara, a group of armed, masked men entered two polling stations and destroyed ballot boxes as votes were being tallied.

Observers described the level of police deployment as sufficient in most areas of the West Bank and Gaza. However, the deployment of PA security forces is restricted in some areas by security arrangements with Israel dividing Palestinian areas into three types of zones:

- in Zone A, Palestinian authorities are responsible for internal security and public order,
- in Zone B, Palestinian authorities are responsible for civil matters and Israel has overriding responsibility for security, and
- in Zone C, Israel is completely responsible for civil and security matters.

According to NDI's analysis, in the second round of local elections, approximately 29 percent of electoral districts were located in Zone A, 67 percent in Zone B, and 4 percent in Zone C. These territorial categorizations created complications for election officials, who had to meet different requirements for their freedom of movement in each zone, and for security officials, who had to accommodate different levels of coordination and preparation. Palestinian security officers were not deployed to localities within Zone C.

Security officers seemed to have a better sense of what their role was in these elections, but could likely still benefit from additional preparation regarding their specific role in managing large crowds, and tense or hostile situations.

FREEDOM OF MOVEMENT

Restrictions on freedom of movement had an impact on the administration of the elections, the campaign period and election-day security arrangements.

HCLE officials faced problems scheduling training sessions and managing the District Elections Commissions. HCLE officials had to apply to Israeli authorities for travel permits to enter certain parts of the West Bank and Gaza, and to pass through major checkpoints. Permits were limited to specific dates and times. As a result, officials were forced to schedule their activities with these restrictions and had minimal flexibility in their work.

Candidates were affected as well. Restrictions on movement, checkpoints, road closures and the construction of the Israeli security barrier in the West Bank made cross-territory campaigns and even some campaigns within the same governorate, virtually impossible. Several candidates complained that they were unable to visit localities within their own district, or were forced to take long detours to reach certain areas.⁴⁴

⁴³ These stations were 0192 (Anabta), 0946 and 0498 (Absan Al Jadida and Absan Al Kabirah).

⁴⁴ Al-Shoufeh, for example.

Restrictions on movement did not seriously impact voter turnout, as voters cast their ballots within their own communities. NDI received some reports of voters unable to reach civil registry centers because of checkpoints, but the Institute was not able to verify this.

The movement and duties of NDI observers were facilitated by both Israeli and Palestinian officials, who were helpful and professional in accommodating the work of the mission. However, domestic observers complained to NDI's international observers that they were not given the same consideration or assistance.

RESULTS

By law, final results must be announced within two days of an election. The HCLE postponed this announcement by one day because of data entry delays.

In the second round of local elections, the HCLE introduced a new option for candidates in which they could choose to be affiliated with a specific list of candidates. In the first round of local elections, this option was not available and all candidates stood officially as independents, though many formed unofficial blocs and electoral alliances and campaigned in this manner. Under the new arrangements, candidates could register their affiliation with a particular block or list of candidates, but did not have to declare an allegiance to a political party or faction. Except in a few cases, none of the lists of candidates assumed the name of political parties or factions,⁴⁵ making affiliations more difficult to identify.

Sixty percent of candidates selected this new option and decided to register their affiliation with a list while the remaining 40 percent of contenders opted to register as independents. The final list of candidates consisted of 978 independent candidates and 1,565 affiliated candidates.

The HCLE issued results for every candidate and polling station, but declined to offer official results for each political party and faction. The published results were largely comprehensive and contributed to the transparency of the electoral process. However, the ambiguity of the candidate registration process, the high number of independent candidates, and the reluctance of the HCLE to issue an official statement on the overall success of each political entity leaves some uncertainty of the final political outcome.⁴⁶ Additionally, after the results were announced, there were several cases of factions disputing the political affiliation of a victorious candidate.

As a result, the final tally of the success of each political party and faction remains a matter of disagreement. Without any official analysis of the results from the HCLE, NDI processed the election data internally. The Institute crosschecked each candidate's official registration and list-affiliation with each faction-endorsed list. The following is NDI's best estimate of the elections results:

Candidates affiliated with Fatah-endorsed lists took approximately 324 seats and won a majority in 29 local councils, including:

Wadi Al Salqa, Biet Jala, Biet Sahur, Dar Salah, Wadi Gaza, Bani Naim, Tarqomya, Kufr Raai, Qabatia, Al Jeeb, Al Ram, Mukhmas, Abasan al Jadeedah, Abasan al Kaberah, Biet Eba, Huwarah, Sabastyh, Ematin, Snerya, Abu Falah, Al-Mughyer, Al Taybeh, Deir Kadees, Kufr Malek, Deir Balot, Salfit, Al Shufa, Nazlet Easa, and Rameen.

⁴⁵ In several districts, a Fatah-endorsed list actually carried the movement's name.

⁴⁶ The elections law does not mention anything about the political affiliation of candidates. Since the HCLE registered candidates' faction affiliation, announcing elections results for each faction is not prohibited.

Candidates affiliated with Hamas-endorsed lists took 224 seats and won a majority in 20 local councils:

Bethlehem, Janata, Taqou', Za'atara, Al Meghraka, Alsamoa', Biet Awla, Taffuh, Burqin, Silat al Harithya, Silet il Thahr, Katana, Jama'en, Tel, Jayous, Qalqilya, Budrus, Deir Abu Meshal, Kharbatha Almesbah, and Far'oun.

Results in Al Bureij, Rafah, and Biet Lahiya remain in dispute as the courts ordered a revote in these areas which has not yet been scheduled. Initial results indicated that Hamas had won in these districts.

In Aqabah, Fatah and Hamas each won four seats and independents took the remaining three.

Non-affiliated candidates, or independents, won a majority in 22 local councils:

Ertas, Hossan, Nahhalin, Al Raheyah, Kharas, Noba, Al Jalmah, Al Zababda, Kufr Dan, Al Jiftlek, Anata, Biet Sorek, Bir Nabala, Azmoot, Salem, Jensafout, Al-Mazrah Al-Alsharkeya, Al-Zaytona, Al-Zawyah, Hares, A'teel, and Marda.

The remaining nine districts are held by various coalitions of factions. More on election results in Appendix D.

WOMEN'S PARTICIPATION

Candidates

An amendment to the election law requires a woman to fill two seats on every local council.⁴⁷ The language stipulates that where female candidates are registered, no fewer than two seats on each council will be reserved for the women candidates who receive the largest number of votes.

If, among all the candidates standing for election, at least two women win seats on the council in their own right, the quota is not triggered. However, if there are women candidates running and none achieve enough votes to take a seat, the female candidates with the greatest number of votes among all of the women standing for the council automatically take the last two seats.

The final list of candidates for the second round of local elections included 400 women, representing 16 percent of all candidates. The proportion of female candidates was slightly higher in the Gaza Strip (18 percent) than the West Bank (15.5 percent). There were no female candidates in five districts: Mukhmas (in the governorate of Jerusalem), Al Mughyer (Ramallah), Noba and Reheyah (Hebron) and Kufr Dan (Jenin). Only two women each ran in the districts of Qatana, Al-Ram (Jerusalem), Silat Althaher (Jenin), Hossan (Bethlehem) and Jensaout (Qalqilya). In Ramoun (Ramallah) only one woman was registered as a candidate.

Women initially registered as candidates in Kufr Dan⁴⁸ and Reheyah⁴⁹, but all withdrew their candidacies. It is unclear why these women withdrew from the race. They were the only registered candidates for these councils to do so. Local NGOs issued complaints that women candidates in several areas were being pressured to pull out so that the quota was not triggered and, therefore, opportunities were not missed by male candidates.

As with the first round of local elections, the majority of women elected won without use of the quota. Of the 163 women elected, 103 won outright. For example, in Jaftalak (Jericho), Al-Mighraka and Wadi Gaza (Gaza), Abasan Al-Jadida and Abasan Al-Kabira (Khan Younis), all female candidates who won a seat did so without the quota. In Anata (Jerusalem) a woman topped the poll, receiving the highest number of votes among all candidates in that district.

Sixty women candidates took reserved seats, in the districts of Ramoon, Katana, Silat Al-Thaher, Jensaout and Hossan.

Officials

The HCLE required at least one female official be posted to each polling station, which made a difference for veiled women likely to be more comfortable unveiling in front of a female official if asked to prove their identity in order to vote.

⁴⁷ Article 29 of the amendments to the Local Councils Election Law.

⁴⁸ Six women withdrew their candidacy. None of them registered a faction affiliation. These were the only candidacy withdrawals in the district.

⁴⁹ Two women candidates withdrew. As in Kufr Dan, these were only candidates in this district who withdrew their candidacies.

Voters

As in past elections, voter participation was generally gender balanced with approximately 50.5 percent of voters male and approximately 49.5 percent of voters female. Roughly equal numbers of men and women registered to vote.

Two extremes were both found in districts in the Jerusalem area. In the district of Al Ram, 61.1 percent of voters were male and 38.9 percent were female. In Mukhmas, 44.9 percent of voters were male and 55.1 percent were female.

RECOMMENDATIONS

Clear and transparent guidelines should be established by the Ministry for Local Government and by the HCLE for drawing boundaries for electoral districts, the selection of districts for each round of elections, and the reduction or expansion of the number of seats on a local council. Once elections are announced, no modifications should be made.

There is an urgent need to establish definitive borders for local electoral districts, a set number of seats on each council, and a firm list of which localities will be selected for a particular round of local elections well in advance of the next polling day. These decisions must be taken using clear and transparent guidelines that are familiar and acceptable to all stakeholders. This will be crucial for the subsequent rounds of local elections as the HCLE has already announced the possibility of merging some localities into larger electoral districts.

In the last two rounds of local elections, political factions and civil society organizations have most often had to rely on rumors and conjecture as to where and when the next round of elections would take place, contributing to the impression that the process was politically biased. When the Ministry for Local Government and the HCLE make changes to electoral boundaries, the number of seats on councils, or the localities included in each round of elections—particularly after the date of elections has been announced—it bolsters the opinion that the system is unfair. The lack of a clear decision-making process on these issues creates confusion and raises tensions among all stakeholders.

The Ministry of Local Government and the HCLE should produce, distribute, and adhere to a set of clear guidelines and principles which affect the decisions on: drawing boundaries for electoral districts; selecting districts for each round of elections; and reducing or expanding the number of seats on a local council. Such judgments should be taken well in advance of an election and, once a polling date is announced, no further modifications should be made.

Significant changes are required in the operating procedures and overall administration of the elections by the HCLE in order to legitimize the local elections process.

The HCLE has demonstrated an ability to deliver appropriate polling procedures on election day. However, as with preparations for the first round, important decisions affecting the regulations and operations for the second round of local elections were largely made in a seemingly arbitrary manner, without public scrutiny and, at times, under dubious legal authority.

The haphazard and unstructured manner in which the HCLE operates and makes decisions creates serious deficiencies in the overall electoral process, raises questions about the impartiality of the HCLE and its subordinate bodies, invites legal challenges, and creates significant problems for voters. In this election, voters were disenfranchised by the mismanagement of the civil registry portion of the voter list, due to a lack of clear guidelines and oversight.

Greater transparency and accountability is necessary for the HCLE, particularly regarding its decision-making processes. The HCLE should vote on its decisions and then formalize them in writing. Decisions affecting electoral operations should be issued as decrees and made available to the general public. Commission meetings should be open to the public, and the minutes and decisions taken should be made readily available for review. These reforms

would facilitate a better understanding of the HCLE's decision-making procedures by all stakeholders and demonstrate clear rules for the local election process, setting an important precedent for future local elections.

At the district level, commission members should be required to perform their duties on a full-time basis. The quasi-volunteer status of members can undermine the professionalism of the DEC's and the HCLE. The DEC's should consist of either exclusively non-partisan members or include partisan members through a transparent, balanced formula agreed upon by all factions.

The HCLE should eliminate the use of the civil registry as a voter list.

The use of the civil registry as a form of voter list has proven faulty. This list, which was not compiled for purposes of voting, was very poorly managed in this last round of local elections, and has effectively disenfranchised voters and led to serious challenges to the results of these elections in several locations.

NDI recommends that the HCLE eliminate the use of the civil registry as a source document for proving voter eligibility. It is not required by the election law and has not contributed to the legitimacy of the electoral process. The Final Voter List should be exclusively maintained and managed by the Central Election Commission, and compiled exclusively through the voter registration process. This list should be regularly updated and used for all elections.

As such, the CEC should re-open voter registration at local registration and polling centers prior to any election – local, regional or national – to allow unregistered voters to participate. The Final Voter List, including the updates from the most recent period of registration, should be submitted by the CEC to the HCLE within a reasonable amount of time before each election.

Clear processes for complaints and challenges should be established and followed.

The right to appeal or challenge aspects of an election is an important part of a democratic voting process. The second round of local elections revealed that neither the HCLE nor the judicial system were sufficiently prepared for such a development

NDI recommends that the HCLE define and establish comprehensive procedures for filing complaints and challenges to the electoral process and/or results, which can be easily accessed and followed by voters, political parties and observers.

The current law does not sufficiently specify which courts have authority to rule on local election disputes. The Institute recommends that the Election Appeals Court, which handles all electoral challenges for national elections (e.g., presidential and parliamentary elections), be granted jurisdiction to hear local election cases as well, thus creating a single process for all levels of elections.

Provisions for assistance to illiterate voters need to be and further regulated and strictly enforced to prevent abuse.

As in past elections, provisions allowing assistance for illiterate voters were used by some political party agents to coach voters and influence their ballots. Additionally, in this election, observers witnessed polling station staff engaging in the same type of offense.

Though the HCLE restricted the number of voters any individual could assist to one, this regulation was not applied in a uniform manner. NDI recommends that the HCLE fully enforce this provision and, additionally, abandon the supervision of illiterate voters by polling station administrators, which frequently breaches the fundamental right of secrecy in voting.

Regulations prohibiting campaigning on election day should be enforced or removed.

The local election law prohibits campaigning in the 24 hours around an election. This provision is rarely enforced by polling station and/or security officials. In many locations, these activities are quite aggressive and voters may have to walk a gauntlet of political activists to enter a polling station.

Not all countries restrict campaigning on election day. A determination should be made as to whether it makes sense to prohibit this practice in the West Bank and Gaza. If so, the HCLE should make certain that the regulation is enforced by polling station and security officials. If not, the language banning this practice should be removed from legislation, and officials should ensure that campaign activities do not interfere with the ability of voters to access a polling station and cast a ballot in secrecy and without harassment.

Party or political affiliation of candidates should be acknowledged as part of the final election results.

Affiliation with a specific party or faction list is the free choice of every candidate. If a candidate chooses to register a political affiliation, he or she is identifying with a specific policy agenda, which provides the voters with additional information about each candidate and his or her position on specific issues.

If the HCLE is going to permit candidates to register with a political or party affiliation, it should acknowledge this affiliation when announcing the final results of the election. The preference of the HCLE to ignore these allegiances when presenting official results has led to unnecessary confusion and added to tensions among factions over electoral outcomes.

APPENDIX A

Jerusalem

No	District	Category
1	Al- Sawhra Al- Shrkay	Local council
2	Anata	Local council
3	Al-Ram (May 19)	Local council
4	Bir-Nabala	Local council
5	Katana	Local council
6	Beit-Sorek	Village council
7	Al-Jeeb	Village council
8	Mukhmas	Village council

Jenine

No	District	Category
1	Qabatia	Municipality
2	Burqin	Municipality
3	Kufr-Raai	Municipality
4	Silat Al_thahr	Municipality
5	Silat Al-Harithya	Municipality
6	Al-Zabadah	Municipality
7	Kufr Dan	Village council
8	Al-Jalmah	Village council

Tulkarm

No	District	Category
1	AL -Shufa	Village council
2	Nazlet Easa	Village council
3	Far'oun	Village council
4	Rameen	Village council
5	A'tteel	Municipality
6	Beit Leed	Municipality
7	Anabta	Municipality

Tubas

No	District	Category
1	Aqabah	Municipality

Nablus

No	District	Category
1	Jamaen	Municipality
2	Huwara	Municipality
3	Sabastyh	Municipality
4	Salm	Village council
5	Tel	Village council
6	Kufr Qaleel (canceled)	Village council
7	Beit Eba	Village council
8	Azmoot	Village council

Qalqilya

No	District	Category
1	Qalqilya	Municipality
2	Jayous	Municipality
3	Emateen	Village council
4	Snerya	Village council
5	Hajah	Village council
6	Jensafout	Village council

Salfit

No	District	Category
1	Salfit	Municipality
2	Deir Balot	Municipality
3	Al-Zawyah	Municipality
4	Borqeen	Municipality
5	Haris	Village council
6	Marda	Village council

Ramallah

No	District	Category
1	Singl	Municipality
2	Al-Tayba	Municipality
3	Al-Mazrah Al-Sharkeya	Municipality
4	Al-Zaytona	Municipality
5	Atarah	Municipality
6	Dear-Kadees	Village council
7	Budrus	Village council
8	Al-mughyer	Village council
9	Ramoon	Village council
10	Kufr Malek	Village council
11	Abu Falah	Village council
12	Kharbatha Almesbah	Village council
13	Deir Abu Meshal	Village council

Jericho

No	District	Category
1	Al-Jiftlek	Village council

Betlehem

No	District	Category
1	Bethlehem	Municipality
2	Beit Jala	Municipality
3	Beit Sahur	Municipality
4	Za'atara	Municipality
5	Taqu'	Municipality
6	Janatah	Municipality
7	Dar Salah	Village council
8	Nahhalin	Village council
9	Hossan	Village council
10	Ertas	Village council

Hebron

No	District	Category
1	Bani Naim	Municipality
2	Taffuh	Municipality
3	Tarqomya	Municipality
4	Ethna	Municipality
5	Kharas	Municipality
6	Beit awla	Municipality
7	Al-Samoa'	Municipality
8	Sa'er	Municipality
9	Noba	Village council
10	Al-Raheyah	Village council

Gaza Strip

No	District	Category
1	Beit Lahya	Municipality
2	Al-Meghraka	Municipality
3	Wadee Gaza	Municipality
4	Al-Breaj	Municipality
5	Wadee Al-Slkah	Municipality
6	Absan Al-Kabera	Municipality
7	Absan Al-Jadedah	Municipality
8	Rafah	Municipality

APPENDIX B

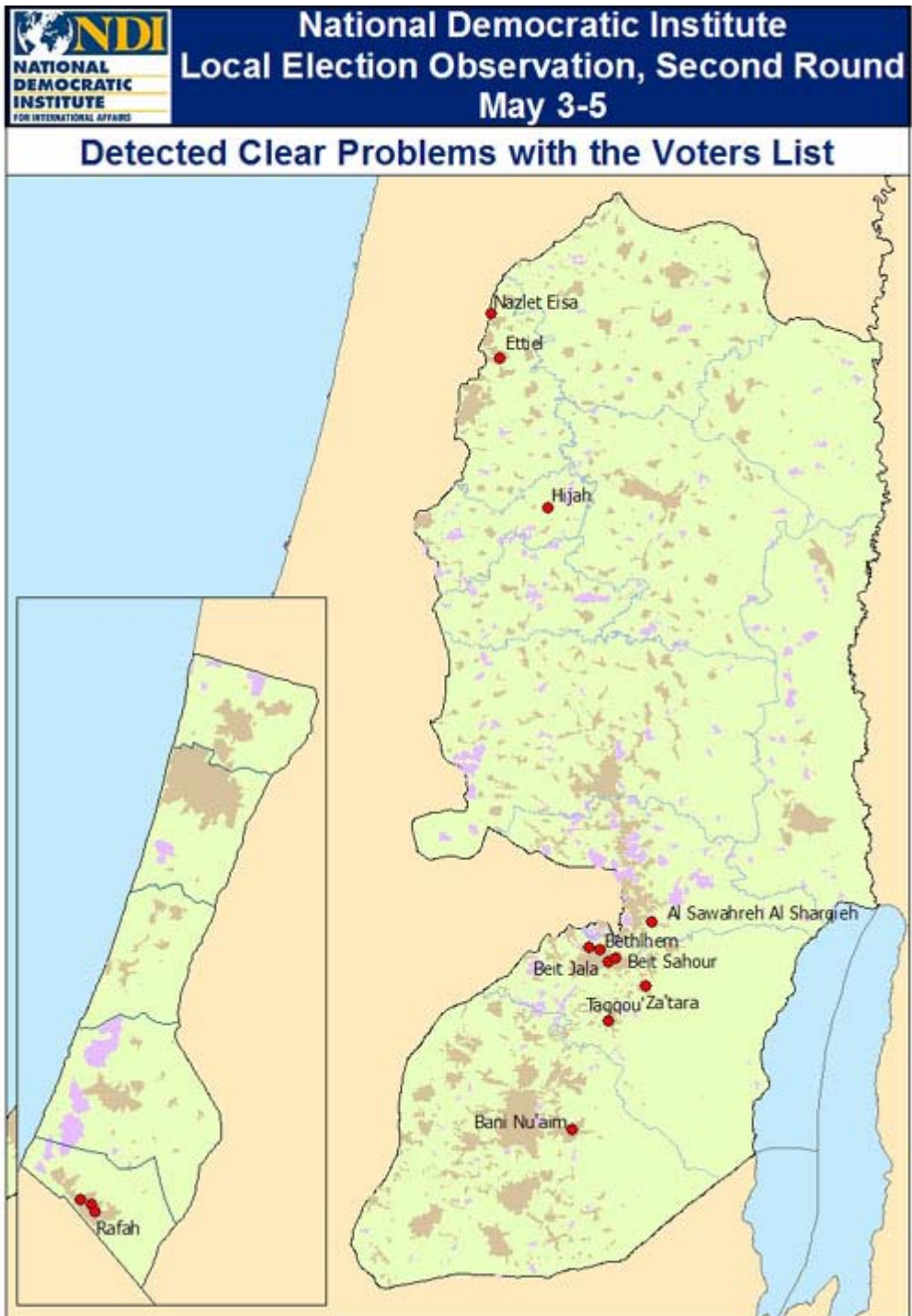


National Democratic Institute
Local Election Observation, Second Round
May 3-5

NDI Monitored Polling Centers



APPENDIX C



APPENDIX D

NOTE: for more detailed results, contact NDI Jerusalem Office at jerusalem@ndi-wbg.org

Governorate	District	Endorsement	Votes	Candidates	Votes for elected members	mandates	% votes	% mandates
Bethlehem	Bethlehem	Fatah	20755	15	7588	4	26,6%	26,7%
Bethlehem	Bethlehem	Independent	22880	28	3345	2	29,3%	13,3%
Bethlehem	Bethlehem	Islamist Party	16874	11	10964	6	21,6%	40,0%
Bethlehem	Bethlehem	Popular Front for the Liberation of Palestine (PFLP)	17463	15	6086	3	22,4%	20,0%
			77972	69	27983	15	100,0%	100,0%
Bethlehem	Biet Jala	Coalition (PFLP + Independent)	14549	12	7339	5	28,9%	38,5%
Bethlehem	Biet Jala	Fatah	17727	13	10367	6	35,2%	46,2%
Bethlehem	Biet Jala	Independent	16487	24	3050	2	32,7%	15,4%
Bethlehem	Biet Jala	Islamist Party	1623	3			3,2%	0,0%
			50386	52	20756	13	100,0%	100,0%
Bethlehem	Janata	Fatah	4441	11	1064	2	30,7%	18,2%
Bethlehem	Janata	Independent	5503	14	2132	4	38,0%	36,4%
Bethlehem	Janata	Islamist Party	4538	9	3068	5	31,3%	45,5%
			14482	34	6264	11	100,0%	100,0%
Hebron	Taffuh	Fatah	8976	11	2218	2	31,6%	18,2%
Hebron	Taffuh	Independent	7502	12	2201	2	26,4%	18,2%
Hebron	Taffuh	Islamist Party	11972	11	8286	7	42,1%	63,6%
			28450	34	12705	11	100,0%	100,0%
Jenin	Burqin	Coalition (DFLP+Fatah)	3990	9	845	1	17,9%	7,7%
Jenin	Burqin	Fatah	7236	13	2777	4	32,4%	30,8%
Jenin	Burqin	Independent	2353	4	965	1	10,5%	7,7%
Jenin	Burqin	Islamist Party	8730	13	6064	7	39,1%	53,8%
			22309	39	10651	13	100,0%	100,0%
Jenin	Qabatia	Fatah	30268	19	15475	8	44,5%	53,3%
Jenin	Qabatia	Independent	17419	15	4934	3	25,6%	20,0%
Jenin	Qabatia	Islamist Party	20388	14	7893	4	29,9%	26,7%
			68075	48	28302	15	100,0%	100,0%
North Gaza	Biet lahya	Fatah	81693	22	39664	6	42,3%	46,2%
North Gaza	Biet lahya	Independent	1772	3			0,9%	0,0%
North Gaza	Biet lahya	Islamist Party	88369	21	45229	7	45,8%	53,8%
North Gaza	Biet lahya	Palestinian National Initiative (PNI)	516	1			0,3%	0,0%
North Gaza	Biet lahya	Palestinian People Party (PPP)	2669	2			1,4%	0,0%
North Gaza	Biet lahya	Popular Front for the Liberation of Palestine (PFLP)	17918	11			9,3%	0,0%
			192937	60	84893	13	100,0%	100,0%
Rafah	Rafah	Democratic Front for the Liberation of Palestine(DFLP)	4670	8			0,7%	0,0%
Rafah	Rafah	Fatah	287477	15	61726	3	44,8%	20,0%
Rafah	Rafah	Independent	7373	7			1,1%	0,0%
Rafah	Rafah	Islamist Party	331248	29	425537	12	51,6%	80,0%
Rafah	Rafah	Popular Front for the Liberation of Palestine (PFLP)	11453	9			1,8%	0,0%
			642221	68	487263	15	100,0%	100,0%
Ramallah	Deir Abu Mesha'l	Coalition (PFLP + Independent)	1829	8			17,4%	0,0%
Ramallah	Deir Abu Mesha'l	Democratic Front for the Liberation of Palestine(DFLP)	391	2			3,7%	0,0%
Ramallah	Deir Abu Mesha'l	Fatah	3478	9	898	2	33,1%	22,2%
Ramallah	Deir Abu Mesha'l	Independent	265	1			2,5%	0,0%
Ramallah	Deir Abu Mesha'l	Islamist Party	4545	9	3736	7	43,3%	77,8%
			10508	29	4634	9	100,0%	100,0%
Ramallah	Kufr Malek	Fatah	6946	11	5157	8	52,5%	72,7%
Ramallah	Kufr Malek	Independent	766	3			5,8%	0,0%
Ramallah	Kufr Malek	Islamist Party	5522	10	1902	3	41,7%	27,3%
			13234	24	7059	11	100,0%	100,0%

APPENDIX E

Courts and Challenges Second Round of Local Elections West Bank and Gaza May 5, 2005

No.	District/Court	Case #.	Respondent	Ruling	Date of hearing	Representative
1	Anabta/ Tulkarem		HCLE	case turned down 15/5/2005		Lawyer Adnan Abu Laila/ Nablus
2	Hares/ Nablus		HCLE	case turned down		
3	Salem/ Nablus		HCLE	a ballot box was rechecked		Lawyer Ahmad Alsi and/or Reema Al-Said/ Nablus
4	Bethlehem/ Bethlehem	2005/63	HCLE	case turned down 15/5/2005		Lawyer Osama Abu Zakieh/ Bethlehem
5	Mikhmas/ Ramallah	2005/5	HCLE	Gave copy of voters list on Saturday to station manager/ witness		Lawyer George Abu Haneesh/ Ramallah
6	Qabatya/Jenin	2005/16	HCLE	case turned down	15/5/2005	Lawyer Zuair Jarar/ Jenin
7	AlSawahra/Bethlehem	2005/65	HCLE	case turned down	17/5/2005	Lawyer Suleiman Abu Ghosh/ Bethlehem/ Telefax 2764382
8	Bethlehem/Bethlehem	2005/66	HCLE	case turned down	17/5/2005	Attallah Mousa Khalil Danoun
9	Bethlehem/Bethlehem	2005/5/64	HCLE	case dropped		
10	Sineria/Qalqilia		HCLE	Annuling results of elections in polling center no. 362 in station no. 1	17/5/2005	Lawyer Adnan Abu Laila/ Nablus
11	Nazlet Issa/Tulkarem		HCLE	case turned down	19/5/2005	Lawyer Bashar Ahmad Al- Damanhour/ Nablus
12	Tarqomiya/ Hebron	civil challenge 2005/120	HCLE	case turned down	17/5/2005	Lawyer Mazen Awad and/or Awad Al-Batran/ Hebron
13	Tafouh/ Hebron		HCLE	case turned down	17/5/2005	Lawyer Basem Masoudi/ Hebron
14	Atara/ Ramallah	2005/6	HCLE	Re-elections in two ballot boxes in accordance with the HCLE's decision	18/5/2005	Lawyer Rabi' Rabi'/ Ramallah/ Tel: 2985539
15	Deir Qiddies/Ramallah	2005/8	HCLE	Recount of ballot box no. 2	18/5/2005	Lawyer Adnan Al-Shu'abi/ Ramallah
16	Kafr Malek/Ramallah		HCLE	case turned down	18/5/2005	Lawyer Rabi' Rabi and/or Rasmi Hassan/ Ramallah
17	Beit Leed/Tulkarem	challenge no. 2005/19	HCLE	case turned down	19/5/2005	Lawyer Adnan Abu Shanab/ Tulkarem
18	Al Seila Al Harithya/Jenin	challenge no.2005/18	HCLE	case turned down	18/5/2005	Lawyer Waleed Al-Arda/ Jenin
19	Qabatya/Jenin (2)		HCLE	case turned down		
20	Bethlehem/ Bethlehem 2		HCLE	case turned down		
21	Beit Sahour/ Bethlehem 2		HCLE	case turned down		
22	Sa'eer/ Hebron		HCLE	case turned down		
23	Beit Lahia/ Gaza	challenge no. 2005/240	HCLE	Annuling results in 5 stations, and holding re-elections in: - Polling center no. 740, station		Lawyers Adel Abu Jahel & Mazhar Salem & Naser Mhana & Yousef Al-Sawaf & Ahmad Al-Maghni & Nafith Al-Bsous

				<ul style="list-style-type: none"> - no.4 Polling center no. 744, station no. 3 - Polling center no. 749, station no. 2 - Polling center no. 5106, station no.2 - Polling center no. 5108, station no.5 		
24	Al Mighraqa/ Gaza	challenge no. 2005/236	HCLE	case turned down		Lawyers Safi Mahmoud Al-Dahdouh & Naser AlDeen Mhana & Yousef Moh'd Ahel & Sakher Nimer Harz/ Gaza
25	Al Briej/ Gaza	challenge no. 2005/1	HCLE	<p>Bringing the ballot boxes of the centers and stations listed in the challenge list with the knowledge of the president of that commission and allowing the HCLE to present all the data it sees fit accordingly:</p> <ul style="list-style-type: none"> - Polling center no. 885, station no. 2 - Polling center no. 885, station no. 5 - Polling center no. 888, station no. 1 - Polling center no. 5102, station no. 1 		Lawyers Ai Na'ouk & Adel Abu Jahil & Marwan Othman & Ali Aden & Ra'ed Al-Afifi
26	Rafah/ Gaza	challenge no. 2005/165	HCLE	<p>Annuling results of elections in the civil registry polling centers, and they are:</p> <ul style="list-style-type: none"> - Polling center no. 963, station no. 2 - Polling center no. 977, station no. 2 - Polling center no. 970, station no. 4 		Lawyers Ahmad Al-Maghni & Hamada Mkheimar & Hisham Al-Karazon & Ali Al-Na'ouk

APPENDIX F



PRELIMINARY STATEMENT OF THE NDI INTERNATIONAL ELECTION OBSERVER DELEGATION TO THE MAY 5, 2005 PALESTINIAN LOCAL ELECTIONS

Jerusalem, May 6, 2005

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to the May 5, 2005 Palestinian local elections. The delegation included election and democracy experts from Canada, Cambodia, Croatia, Ecuador, Georgia, Morocco, Northern Ireland, Norway, The Philippines, Romania, Serbia & Montenegro and the United States and was led by Mac Harb, former Member of Parliament and current Senator in Canada, and Bjarte Tørå, former deputy Member of Parliament and International Secretary of the Christian Democratic Party of Norway.

The delegation to the May 5 local elections is part of NDI's comprehensive monitoring of Palestinian election processes, which is supported by the US Agency for International Development (USAID). To date, the program has included international observation efforts of the September-October 2004 voter registration process, the December 2004 West Bank and January 2005 Gaza local elections, and the January 2005 presidential election. The Institute also plans to monitor the upcoming legislative elections, as well as all subsequent rounds of local elections. Statements and final reports from all previous delegations are available on NDI's websites, www.ndi.org (English) and www.ndi-wbg.org (Arabic).

The delegation was composed of 4 long-term observers and 28 short-term observers. Long-term observers have been present in the electoral areas since the beginning of the official campaign period and will remain on the ground through the final vote tabulation and any dispute processes. Short-term observers were present for the final days of the election campaign, election day and the vote count. In addition to observing voting and counting procedures in more than 100 polling stations, the delegation held meetings with candidates for local office, political party officials, representatives of the Higher Committee for Local Elections (HCLE), representatives of the news media, civic and community leaders, and domestic monitoring organizations.

The purposes of the delegation were twofold: to demonstrate the international community's continued interest in and support for the development of viable democratic institutions that will enable Palestinians to freely choose their leaders and representatives; and to provide Palestinians and the international community with an impartial and accurate assessment of the election process and the political environment surrounding the election to date. The delegation conducted its assessment on the basis of international principles for election observation, comparative practices for democratic elections and Palestinian law.

This statement does not constitute a conclusive assessment of the election process, given that the final official tabulation of results is not complete and that any electoral complaints that may be lodged will require monitoring through their completion. Once these processes are completed, the Institute will release a final report of all its findings.

The delegation recognizes that ultimately it will be the Palestinian people who will judge the quality of the election process.

SUMMARY OF OBSERVATIONS

The election was contested vigorously and administered fairly. A number of political organizations, parties, factions and independent candidates competed in these elections, offering voters a choice among distinct points of view.

Election day was orderly and generally peaceful. The process was characterized by the following positive developments:

- A mostly orderly administration of the election, conducted by officials who performed in a generally professional manner
- Clear improvements in the organization of voting by the HCLE, including assigning a smaller number of voters to each polling station and bringing in queue controllers to create a more efficient voting process
- A large number of Palestinians came out to cast their votes

Election day, however, was not without problems, including the following:

- Scattered incidents of violence and tension among large crowds in some areas, which forced some polling stations to close temporarily
- Abuse of provisions for assisting illiterate voters by some party agents and election officials
- Aggressive campaigning in and around polling centers by candidates and factions, despite regulations prohibiting such activities 24 hours before an election

BACKGROUND

On May 5, 2005, elections were held in 84 localities in the West Bank and Gaza. More than 400,000 voters were eligible to cast ballots to select 906 members of local councils.

This was the second round of local elections to be held in Palestinian electoral areas since 1976. The first round of local elections was held in two parts: the first part was held on December 23, 2004 in 26 districts in the West Bank, and the second part was held on January 27, 2005 in 10 districts in the Gaza Strip. Local elections for all other districts are scheduled to take place in one or two subsequent rounds, anticipated for later this year.

The elections were administered by the Higher Committee for Local Elections, a body established under the authority of the Ministry for Local Government, an institution of the Palestinian Authority (PA). Under the terms of the current law on local elections, the HCLE will exist to oversee local elections for one year, after which it will dissolve and its responsibilities will be transferred to the Central Election Commission (CEC), a separate, independent body currently administering national elections and the national process of voter registration.

In addition to being an important democratic and technical exercise, these elections were also a significant political event. The political landscape in the West Bank and Gaza has largely been dominated by the leading Fatah movement for decades. This has been particularly true since the establishment of governing institutions in the mid-1990's as part of the Oslo Agreement and the related peace process. A number of Palestinian factions, most notably the militant factions such as Hamas and Islamic Jihad, did not recognize these agreements or the institutions they established, and therefore did not contest elections for legislative office. This left the government of the Palestinian territories almost entirely in the control of Fatah.

In 2004, a number of factions that had not previously competed in elections, most significantly Hamas, announced the intention to contest the local elections. This created an entirely new dynamic and very real competition for Fatah for the first time in years. These same organizations have since indicated that they will also stand in legislative elections, currently scheduled for July 2005. The local elections have therefore become a test of each organization's electoral capabilities and strength among the voters, largely in anticipation of legislative elections. The contest between Hamas and Fatah was intense, particularly in the Gaza Strip.

THE ELECTORAL CONTEXT

Legal Framework

The local elections were administered by the Higher Committee for Local Elections (HCLE), established by the Ministry for Local Government. The basis of the HCLE's work is the Law for Election of Local Councils of 1996⁵⁰ and its amendments, which were passed in December 2004. These amendments authorize the HCLE to assume the responsibilities of the Central Elections Commission (CEC) for a period of one year for local elections only, until the end of 2005. The CEC is the national election administration body established in 2002.

Other sources of legal documentation for the implementation of local elections were: HCLE procedural decisions, manuals outlining procedures for exhibition and challenges of the voters list and polling and counting on election day.

Election Administration

The HCLE has clearly made important efforts to improve its operations, technical processes and overall performance since the first round of local elections. Examples include:

- Hiring of polling station managers and queue controllers to better manage the voting process
- Allocating a smaller number of voters to each polling centers, creating a more efficient process and less crowding inside voting areas
- Further limits on assistance to illiterate voters, so that one individual should technically only be able to help one illiterate voter cast a ballot
- Regulations requiring at least one female commission member in case women voters have to remove veils to prove their identities

⁵⁰ Law no. 5 of 1996

- Increasing the number of voting screens to provide greater privacy to more voters
- Improvements in sharing responsibilities with the CEC, e.g., in this round of elections the HCLE used the CEC's semi-transparent ballot boxes and received a data update from the CEC on the registered voters list
- Better efforts to coordinate with police and security agencies regarding their roles in the electoral process

Some of these policies were enacted in the second phase of the first round of local elections, which took place in Gaza in January 2005. Their expansion and repetition in the May elections ensured an even smoother and more efficient process.

However, the campaign period and election day also demonstrated that there is still a need for greater institutionalization of the HCLE's procedures and their consistent application, as well as greater transparency and accountability for the body's decision-making mechanisms. To date, many of the decisions of the HCLE have been made in an arbitrary manner without proper documentation, dissemination or legal record.

One result of these practices is that procedures are often applied in an inconsistent manner in individual electoral areas, as there is no regulatory framework for guidance or reference. In this election, for example, candidates in some areas complained that it was difficult to obtain information on the legal requirements for the nomination and registration of candidates.

Additionally, there were a number of problems with the HCLE's administration of the voter list and its processes for determining and challenging eligibility to vote in the local elections. For example, the chair of the District Election Commission (DEC) for Bethlehem unilaterally removed the names of tens of thousands of individuals from the civil registry list for the area, reducing its size to from about 32,000 to about 6,000 individuals.

While the authority of an election official to rework the list in such a manner is highly questionable, the individuals who were deleted from the list had limited recourse to protest. Election officials were supposed to contact these individuals to let them know that their names had been removed and give them two days to respond and challenge the act. It is unclear what percentage of such a large number of voters was actually contacted with sufficient time to respond, though the delegation is unaware of any formal complaints or appeals that were filed.

On election day, NDI observers noted that by the close of voting only 74 people had voted in the special center assigned to those whose name had been removed from the list. Approximately 300 people were left outside, still unable to find their names on the list and cast their ballots.

CAMPAIGN

ENVIRONMENT

Campaigning by Candidates and Factions

The campaign period began on April 21, 2005 and ran for 13 days. A number of political organizations, parties, factions and independent candidates competed in these elections, offering voters a choice among distinct points of view.

Campaign activities were conducted in most areas without significant impediments. Most candidates interviewed by the delegation indicated they were able to campaign without restrictions. Because most activities took place within localities and did not require much travel, there were fewer concerns about freedom of movement than in a national election. However, election officials, candidates and political activists in many areas had to restrict the timing and movement of their activities to conform to opening and closing times of checkpoints and limits on permit hours.

The campaign atmosphere in the days preceding the elections was generally positive, and became almost celebratory in some areas. For the most part, candidates avoided inflammatory attacks on one another; many candidates were reluctant to engage in direct debate. Campaign forums organized by local non-governmental organizations and community groups largely consisted of candidates presenting their platforms and answering questions from members of the public.

Most campaign activities in the weeks leading up to the election consisted of informal gatherings with influential family and community members, often in private residences. Campaign efforts also included displaying large numbers of party flags, banners, posters, graffiti, marches, and cars driving through the streets broadcasting campaign slogans and music over loudspeakers.

In some localities, there were disagreements between opposing parties over where banners, posters and other campaign paraphernalia would be placed. NDI received complaints that in parts of Gaza, competition for public space to hang banners and signs became confrontational, with groups of armed supporters clashing at night. Significantly, the election law requires the HCLE to identify specific areas of public space where campaign communication materials can be posted, which was not done.

ELECTION

DAY

With a few exceptions, election day was orderly and generally peaceful. As noted above, the HCLE made a number of improvements to its election day procedures, which resulted in a more efficient system of processing and facilitating voting. Observers found election officials to be generally professional and eager to perform their duties well.

Security and Crowd Control

There was clearly better coordination between election officials and security forces in these elections. A few problems were reported, mainly concerning poor management of the crowds that gathered and stayed in the festive atmosphere outside of polling stations, as well as scattered incidents of armed security officers entering polling stations without the clear invitation of the polling station manager.

There were also a number of incidents of violence and tension among large crowds outside of polling stations, particularly in Gaza. At least two polling stations in Gaza and one in Tulkarem were forced to close temporarily until the situation calmed. In the West Bank village of Attara, 20 masked men reportedly entered two polling stations and destroyed three ballot boxes as votes were being tallied.

However, observers generally found that security officials were well briefed and trained in their election day duties and played a supportive role in facilitating the voting process.

Abuse of Assistance to Illiterate Voters

In past elections, provisions allowing assistance for illiterate voters have been used by some party agents to coach voters and influence their ballots. The HCLE attempted to address this abuse by placing restrictions on the number of voters any individual can assist to one, i.e., one helper could only assist one illiterate voter on election day.

These restrictions, however, were not enforced in all polling stations. In fact in some areas, observers witnessed not only party agents engaging in this practice, but in several stations election officials were involved in coaching voters who said they were in need of assistance.

Active Campaigning

Observers also reported that aggressive campaigning continued in and around polling centers on election day, despite legal regulations prohibiting such activities 24 hours before an election. Some election officials requested assistance from Palestinian security forces to prevent such activities in the entrance to and inside the polling stations; others did not attempt to address it.

THE NATIONAL DEMOCRATIC INSTITUTE

The National Democratic Institute for International Affairs is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

The delegation expresses its gratitude to all with whom it met and who facilitated its work.



**Summary of Election Observation Findings and Recommendations from
Round One of the Local Elections in the West Bank and Gaza Strip
West Bank Elections, December 23, 2004
Gaza Elections, January 27, 2005**

FINDINGS

The voting procedures on election day were administered fairly, but pre-election day process endangered credibility of elections. In general, in both the West Bank and Gaza elections, NDI attributed deviations from official procedures by polling officials to a lack of understanding of these procedures or, in some cases, a lack of procedures, rather than intentional wrongdoing or corruption. The atmosphere on election day was energetic, with fierce competition and campaigning between Fatah and Hamas in particular. Despite the intense rivalry, the elections were largely peaceful events and voters were able to freely express their will.

The use of a voter list other than the most current one caused confusion for voters. The HCLE used the voter list it received from the Central Election Commission (CEC) on November 20, 2004. This version included no changes made to the list after that date, which meant that it excluded the names of voters added during later periods of registration, as well as changes and corrections made during exhibition and challenge periods. This was especially problematic in Gaza where people who had voted in the presidential election could not find their records in the voter list used for the local elections.

Active campaigning outside, and sometimes inside, polling centers and stations, violated the election law. Posters, leaflets, mock ballots, flags, hats and banners were plentiful in areas where voting was taking place. In the West Bank, observers reported that candidate agents were allowed into polling centers wearing party paraphernalia. Campaigning on election day was just as active, and even better organized, in Gaza. Polling officials in Gaza actively prohibited the presence of clearly visible party paraphernalia inside polling stations.

The West Bank elections were a confusing start. Improvements were made for Gaza, but there were still inconsistencies in the application of polling procedures.

In the West Bank elections, polling centers were often overcrowded with voters waiting to cast their ballots. Crowd control outside the centers was poor. In several crowded stations, polling officials allowed people to vote outside of designated polling booths, using windowsills, empty desks and other surfaces to mark ballots. The HCLE took measures to improve this situation in the Gaza elections, including: reducing the number of registered voters assigned to vote in each polling station, increasing the number of stations within each polling center, and increasing the number of mandatory voting screens per station from two

to four. Overall, however, there were still variations from polling center to polling center in how polling procedures were applied, both in the West Bank and Gaza rounds.

There was intensive coaching and abuse of assistance to illiterate voters in the West Bank elections. Improvements were made in the Gaza round.

Coaching voters, in the form of assisting illiterate voters, was a problem in the West Bank elections. NDI observers witnessed several situations in which a single helper assisted many voters. Often the helpers were clearly party agents. For the Gaza elections, the HCLE instituted a rule limiting to two the number of voters one person could assist⁵¹ and strictly forbidding party agents to engage in this activity.

There was a heavy security presence in both the West Bank and Gaza elections. However, the police and other security forces present seemed to lack a clear understanding of their role in the process. In the West Bank, police officers were engaged in queue management at some stations. In Gaza, although they were present at virtually every center,⁵² the police were not involved in managing polling centers, nor were they involved in queue control.

Observers reported that the counting procedures they witnessed were transparent and straight-forward.

With rare exception, domestic and international observers and party agents were provided with full access to the vote count once the polls were closed. The process was transparent and generally followed regulations and standards.

Under present conditions, the HCLE and election officials would find it difficult to legitimately and effectively handle strong challenges to the election process and results.

The HCLE has clearly made admirable efforts to improve its operations, technical processes and overall performance. However, there is still a need for greater institutionalization of the organization's procedures and their consistent application. Greater transparency is also required for the body's decision-making mechanisms.

⁵¹ Officials wrote down the name of every helper to ensure he or she assisted only twice.

⁵² Observers reported no police only at center number 5000.

RECOMMENDATIONS

- 1) The most urgent improvement needed for future local elections is greater transparency and accountability in the work of the HCLE, particularly concerning its decision-making processes. All decisions should be formalized and those which affect the operations of elections should be issued as decrees and available publicly. Committee meetings should be open to the public and the minutes and decisions of such meetings should be made easily available for review.
- 2) The Final Voter List should be exclusively maintained and managed by the Central Election Commission (CEC), compiled through the voter registration process. This list should be regularly updated and used for all elections.
- 3) In districts where local elections will be held, the CEC should reopen voter registration at local registration and polling centers for at least a week to allow unregistered voters to participate.
- 4) HCLE should further harmonize its practices with the CEC. Under current legislation, the HCLE will be dissolved at the end of the 2005 calendar year and the CEC will remain as the permanent election administration. To this end, it makes sense for the HCLE to coordinate its efforts with those of the CEC so that voters become familiar with a single process of registering and voting.
- 5) It is recommended that the HCLE work with security officials to establish and enforce a uniform code of conduct for police officers and security personnel on election day, and that comprehensive training be held for all officers so that they are fully aware of their important duties and restrictions in this process.



**National Democratic Institute
West Bank and Gaza Program**

**Long-Term and Short-Term Election Observers
Round Two of the Local Elections in the West Bank and Gaza Strip
May 5, 2005**

For the second round of local elections, NDI deployed four long-term observers (LTOs) to observe the broader electoral process and 26 short-term observers (STOs) in 13 teams to observe the final days of the campaign and election day.⁵³ The final delegation included election, campaign and democracy experts from fifteen countries and was led by Senator Mac Harb of Canada and Bjarte Tørå, former deputy Member of Parliament and International Secretary of the Christian Democratic Party of Norway.

LTOs were positioned in the field at official start of the campaign, April 21, 2005. LTOs were in daily contact with NDI's election team in Jerusalem and submitted regular reports on their findings. Their observation focused on monitoring the following:

- The composition and work of the DEC's.
- Management of the voter lists and challenges to the voter list.
- Registration of candidates and challenges to the list of candidates.
- The tone and activities of party and candidate election campaigns.
- HCLE and DEC preparations for election day.
- Voter education and activities of local non-governmental organizations.
- The challenge process for election results.

STOs arrived during the final days of the campaign. Both LTOs and STOs received extensive briefing materials, an orientation and a schedule of field visits to prepare them for their assignments. Observers met with candidates for local office, political party officials, representatives of the HCLE and DEC's, representatives of the news media, civic and community leaders, and domestic monitoring organizations.

STO teams were deployed early on election day in order to witness the opening of the polling centers. Observers visited over 120 of the 320 polling centers in the West Bank and Gaza Strip, spending at least one hour in each. STOs remained in polling stations through the closing of the centers and the vote count. STOs reported their findings regularly throughout the day to NDI's operations center in Jerusalem and focused their observations on:

- Implementation of proper polling procedures as defined by the election law and HCLE policies.

⁵³ NDI's observer delegation included election, campaign and democratic development experts from Canada, Cambodia, Croatia, Ecuador, Georgia, Kosovo, Morocco, Northern Ireland, Norway, The Philippines, Romania, Serbia & Montenegro and the United States.

- Adherence to legal requirements and international standards for voting.
- Overall management of polling centers, including crowd control, privacy for voters, and the role of the security forces.
- The general environment within and outside of each station
- The fairness, transparency and accuracy of the vote count process

LONG-TERM OBSERVERS

Observer	Country of Origin	Assigned Locality
Marie-Claire Boillot	France	Southern West Bank
Ron Herrmann	Germany	Gaza Strip
Carlo Pappalardo	Italy	Northern West Bank
Lucy Young	United Kingdom	Gaza Strip

SHORT-TERM OBSERVERS

Observer	Country of Origin	Assigned Area
Elizabeth Byrne	Northern Ireland	Tulkarem
Robert Courtney	Nicaragua	Jenin
Nicholas Demeter	USA	Gaza Strip
Hassan Ez-Zaim	Morocco	Nablus
Widad El Hanafi	Morocco	Tulkarem
Senator Mac Harb	Canada	Gaza Strip
Andreas Katsouris	Canada	Hebron
Tamar Karosanidze	Georgia	Bethlehem
Telibert Laoc	The Phillipines	Gaza Strip
Owen Lippert	Canada	Gaza Strip
Slobodan Milic	Serbia and Montenegro	Gaza Strip
Mladen Momcilovic	Serbia and Montenegro	Ramallah and Al Bireh
Channtha Muth	Cambodia	Salfeet
Alex Pascal	USA	Salfeet
Linda Patterson	USA	Jenin
Costel Popa	Romania	Gaza Strip
Alice Ratyis	Romania	Qalqilya
David Rose	Northern Ireland	Ramallah and Al Bireh
Mara Rudman	USA	Jerusalem
Franco Sanchez	Ecuador	Hebron
Arianit Shehu	Kosovo	Gaza Strip
Amanda Sloat	USA	Gaza Strip
Lee Sothearayuth	Cambodia	Qalqilya
Laura Thornton	USA	Gaza Strip
Galja Tomcanji	Serbia and Montenegro	Bethlehem
Bjarte Roar Tørå	Norway	Jerusalem
Alexsandra Veselinovic	Serbia and Montenegro	Nablus
Dragan Zelic	Croatia	Gaza Strip

NDI PROGRAM STAFF

Les Campbell	Senior Associate and Regional Director, Middle East and North Africa
Joseph Hall	Senior Advisor for Middle East and North Africa
Shannon O'Connell	Director, West Bank and Gaza Programs
Vladimir Pran	Senior Program Officer, West Bank and Gaza Programs
Nuha Musleh	Advisor and Field Program Director, West Bank and Gaza Programs
Yousef Awadallah	Director of Operations, West Bank and Gaza Programs
Tania Awwad	Director of Administration, West Bank and Gaza Programs
Dalia Hatuqa	Elections Program Assistant, West Bank and Gaza Programs
Ruba Haddad	Elections Program Officer, West Bank and Gaza Programs
Ghadeer Dajani	Program Officer, West Bank and Gaza Programs
Kate O'Donnell	Press Officer, West Bank and Gaza Programs
Linda Patterson	Program Officer, NDI Elections Programs
Amy Thayer	Senior Program Assistant, Middle East and North Africa
Loren Absher	Program Assistant, Middle East and North Africa
Michael Baldassaro	Program Assistant, Middle East and North Africa
Jafar Filfil	Field Coordinator for the Gaza Strip
Maher Hararah	Transportation Manager for the Gaza Strip
Alex Pascal	Project Assistant, West Bank and Gaza Programs
Waffa Abbasi	Project Assistant, West Bank and Gaza Programs