



**FINAL REPORT**  
**PALESTINIAN LOCAL ELECTIONS**  
**2005**

**ROUND THREE September 29**

**ROUND FOUR December 15**

*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) 2006. 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](http://www.ndi.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

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
SUMMARY OF FINDINGS AND OBSERVATIONS .....	1
SUMMARY OF RECOMMENDATIONS .....	2
<b>INTRODUCTION.....</b>	<b>3</b>
<b>FINDINGS AND OBSERVATIONS .....</b>	<b>4</b>
THE LEGAL FRAMEWORK.....	4
ELECTORAL ADMINISTRATION.....	5
VOTER REGISTRATION .....	7
CANDIDACY AND CAMPAIGNS .....	8
SECURITY AND FREEDOM OF MOVEMENT .....	10
POLLING AND COUNTING .....	10
OBSERVATION .....	11
<b>RECOMMENDATIONS.....</b>	<b>12</b>

## **EXECUTIVE SUMMARY**

At the invitation of the Higher Committee for Local Elections (HCLE), the National Democratic Institute for International Affairs (NDI) organized international delegations to monitor the September 29 and December 15, 2005 local elections in the West Bank and Gaza. The observation missions were part of NDI's comprehensive effort to monitor Palestinian electoral processes. As part of this program, the Institute has observed voter registration processes, the 2005 presidential election and previous rounds of local elections in the West Bank and Gaza.

### **SUMMARY OF FINDINGS AND OBSERVATIONS**

In the midst of ongoing conflict and occupation, thousands of Palestinians went to the polls on September 29 and December 15, 2005 to elect new local councils. The campaign environment was vigorous and energetic in the West Bank and Gaza. Voters had a variety of candidates, coalitions and political ideologies to choose from and voter turnout was high. Voting and counting were conducted in a largely orderly and peaceful manner. Improvements in election day procedures and staffing curbed many of the problems experienced (overcrowding at polling stations for example) during previous rounds of local elections.

New assisted voting procedures for illiterate voters helped to alleviate, but not eliminate, concerns over the "coaching" of voters. In the third and fourth rounds, the HCLE introduced new procedures allowing those who could not read to receive assistance from family members. Concerns over coaching persisted and a few incidents occurred in which individuals were allowed to assist more than one voter, a violation of the law. However, these abuses were not as widespread as in previous rounds of local elections.

While the elections went smoothly overall, several technical issues raised questions concerning the process. Although the results appear substantially unaffected, the HCLE's administration of the local elections was inconsistent. Last minute modifications to the process such as changing the electoral system from block voting to a system of closed proportional representation lists created confusion among candidates and voters.

Weaknesses in the legal framework for local elections included the absence of clear regulations on the sequence to conduct local elections, leading to speculation that final decisions intentionally benefited the ruling party. In addition, the HCLE chairman's decision to maintain his position on the elections committee despite being a Fateh candidate in the January 2006 legislative council elections was illegal and raised questions concerning the impartiality of the process. Furthermore, the HCLE's reasons for allowing lists the option of registering "unofficial" partisan affiliation appeared to have no legal grounding and were not communicated to the public.

Finally, on election day, polling station and security officials did little to prevent campaigning—a violation of Palestinian law—which was pervasive outside polling stations. Overall, the campaigning did not interfere with the actual process of voting, however in some cases voters had restricted access to the polling stations.

## SUMMARY OF RECOMMENDATIONS

The mandate of the HCLE to organize local elections expired in December 2005. As authority for the organization of local elections reverts to the Palestine Central Elections Commission (CEC) – a body that is widely viewed as impartial and professional – Palestinians and members of the international community expect to see corresponding improvements in the administration of future local elections. NDI hopes that the following recommendations will be of assistance to the CEC in meeting those expectations.

1. ***Steps should be taken to further define and/or institutionalize various policies and procedures related to the administration of local elections.*** These include, but are not limited to establishing procedures for: (re)districting; changing the number of seats in a local council; determining the order in which local elections will be conducted; registration of a partisan affiliation by candidates, should this option be maintained; and the resolution of local election disputes.
2. ***Any significant changes to the legal framework should be made and announced well in advance of future elections.*** This would ensure that all contestants and the public are fully aware of the rules of engagement and have adequate time to prepare themselves accordingly.
3. ***Regulations prohibiting campaigning on election day should either be enforced or reviewed.*** This would promote greater respect for Palestinian law and would prevent Palestinian voters from being pressured at the polling stations.

## INTRODUCTION

The last comprehensive local elections in West Bank and Gaza were held in 1976 and organized by Israeli authorities. Subsequently, local posts were largely filled by appointment, offering residents little say in the composition and performance of municipal government.

The Oslo agreements in the early 1990s allowed for a series of national and local elections in the West Bank and Gaza. Although presidential and legislative elections were held in 1996, local elections were repeatedly postponed by then Palestinian Authority (PA) President Yasser Arafat. In November 2004, the Minister for Local Government, Jamal Shobaki, announced that local government elections would take place in several phases from December 2004 to December 2005.

Presidential and legislative elections in the West Bank and Gaza are organized by the Central Elections Commission (CEC), a body created in 2002. However, an amendment to the local elections law transferred responsibility for the administration of local elections to the Ministry of Local Government for one year. As a result, the 2004/2005 local elections were administered by the Higher Committee for Local Elections (HCLE) created by the Ministry of Local Government. The mandate of the HCLE expired in December 2005 and authority for the administration of local elections has now reverted to the CEC.

The first and second rounds of the local elections took place in December 2004/January 2005 and May 2005, respectively. They proved to be important community events characterized by high voter participation and a festive atmosphere. These polls also marked the decision of Hamas and others who had boycotted previous elections to participate in the process. NDI observer reports describe some of the shortcomings of the first and second rounds of the elections including: the HCLE's informal and sometimes haphazard approach to administering the process; weaknesses in the electoral law; and problems with the voters list. Unfortunately, despite some improvements in electoral administration over the first two rounds (largely limited to election day operations), as the third and fourth rounds approached, concerns remained over the HCLE's ability to perform its duties professionally, transparently and credibly.

The third round, (September 29, 2005) and the fourth round (December 15, 2005) were to elect local councils in districts 104 and 44 respectively.

At the invitation of the HCLE, NDI organized international observer delegations to monitor each round of elections. The 15-member delegation for the third round was led by Kevin Deveaux, Member of the Legislative Assembly of Nova Scotia, Canada. It included election and democracy experts from Canada, Croatia, Bulgaria, France, Italy, Romania, the United Kingdom and the United States of America.

Paul Adams, from the Faculty of Journalism and Communications at Carleton University, Ottawa, Canada and Executive Director of EKOS Research Associates, led the 16-member delegation to the fourth round. The delegation included election and democracy experts from Australia, Belgium, Canada, Croatia, France, Germany, Ukraine and the United Kingdom and the United States of America.

The objectives of these observer missions were to demonstrate the international community's continuing commitment to, and support of, the development of legitimate and viable democratic institutions that will enable Palestinians to freely choose their leaders, and to provide an impartial and accurate assessment of the polls. The mission guidelines were based on the *Declaration of Principles for International Election Observation* as well as comparative practices for democratic elections and respect for Palestinian law.

An accurate and comprehensive assessment of any election must take into account all aspects of the electoral process, as well as the political context in which they occur. The conditions set up by the legal framework for elections; the environment before and during the campaign; voting, counting and tabulation processes; the investigation and resolution of complaints; and the conditions surrounding the swearing in of elected officials must each be assigned appropriate weight in drawing conclusions about the conduct of elections. This report is informed by the observations of the election-day delegations as well as those of long-term observers.

For more than a decade, NDI has conducted programs to support the development of democratic Palestinian institutions and processes on an impartial basis. The local elections observation mission was part of a comprehensive program to monitor Palestinian electoral processes. As part of this program, the Institute has observed voter registration processes, and presidential and local elections in West Bank and Gaza since December 2004. NDI activities in the West Bank and Gaza are supported by a grant from USAID.

## **FINDINGS AND OBSERVATIONS**

### **THE LEGAL FRAMEWORK**

The legal basis for local elections is found in the 1996 Law for the Election of Local Councils<sup>1</sup>. Additional aspects of the legal framework are spelled out in presidential decrees, HCLE internal regulations,<sup>2</sup> the HCLE's manuals,<sup>3</sup> and various decisions made by the HCLE on policies and procedures, including the Chief Executive Officer's direct instructions to district election commissions and polling staff.

In December 2004, amendments to Law no. 5 of 1996 for Election of Local Councils transferred authority for the organization of local elections from the Central Elections Commission (CEC) to the HCLE, a body of the Ministry of Local Government. This transfer of power was limited to a term of one year, ending December 2005. Further amendments ratified in August 2005 changed the local elections from a block vote system to one of closed proportional representation lists. The minimum threshold for securing a seat on the local council was initially set at 10 percent of votes in the amendment introduced on August 15. A second amendment, ratified on August 27, lowered the minimum to 8 percent.

The change to the electoral system, coming in the midst of the preparations for the third round of elections, constituted one of the greatest challenges to the administration of a

---

<sup>1</sup> Law no. 5 of 1996

<sup>2</sup> The Internal Regulations were issued by the Minister of Local Government on July 11, 2004.

<sup>3</sup> Such as: "Exhibition and Challenges Procedures" for District Elections Commissions (DECs) and, "Polling and Counting Procedures" for Polling Station Commissions (PSCs)



transparent and credible process. The modification impacted the registration of candidates, and the composition of lists by changing the system of religious and gender quotas to a relatively high threshold that compelled prospective coalitions of smaller parties to rethink their alliances. The first set of amendments was ratified more than three weeks after the announcement of elections,<sup>4</sup> after the voters list had already been exhibited and challenges to the list processed.<sup>5</sup> The second set of amendments was ratified after the registration of candidates had already begun.<sup>6</sup> Such a significant change in the rules, coming after the process had started, did not meet international standards that require clear rules that enable candidates and the voting public to prepare accordingly.

In addition, a number of gaps in the legal framework remain unaddressed. For instance, the decision to organize the local elections over several rounds has no clear foundation in the elections law<sup>7</sup>. Rather, it appears to have been a reasonable and practical response to the limited capacity of the electoral administration and the difficulties caused by the Israeli occupation. However, in the absence of clearly defined and publicized guidelines for determining the order in which different municipalities were to vote, some observers suspected that the sequence was determined largely by partisan political interests favoring the governing Fateh movement. In the lead up to the third round of elections, the Ministry of Local Government modified the number of mandates for the local councils without providing a clear explanation. These announcements also came after the elections date had already been announced, causing further confusion and heightening the perception of partisan decision-making. Even the Executive Office of the HCLE expressed concern about these adjustments and their potential to undermine the credibility of the electoral process.

In the absence of comprehensive regulations, practical implementation of the electoral process is largely determined by the decisions of the HCLE and the manuals created by its Executive Office. Although the HCLE had the authority to supplement and enhance the existing legal framework by institutionalizing its decisions, it largely declined to do so, instead making *ad hoc* decisions. This *ad hoc* approach was partly responsible for the lack of standardization in local elections. As a result, there were significant variations in the ways different District Elections Commissions (DECs) conducted their business that caused confusion amongst candidates, voters, and the public about key aspects of the electoral process.

## **ELECTORAL ADMINISTRATION**

As indicated above, administration of local elections fell under the authority of the Ministry of Local Government and, more specifically, its subsidiary, the HCLE. The 32 members of the HCLE were appointed by presidential decree.<sup>8</sup> At the time of formation of the HCLE, the Minister for Local Government, Jamal Shobaki, took the additional position of chairman.

---

<sup>4</sup> Elections were announced by Minister of Local Government on July 21<sup>st</sup>

<sup>5</sup> August 2<sup>nd</sup> to August 6<sup>th</sup>; deadline for appeals on the HCLE's decisions regarding the voters list was August 14<sup>th</sup>.

<sup>6</sup> August 20<sup>th</sup>

<sup>7</sup> Article 4, paragraph 1: Local elections shall be held in all local councils on the same day, once every four years upon a decision issued by the Council of Ministers.

<sup>8</sup> President Decree No. 8 of May 24, 2004 established the HCLE as a 17-member commission: Original members included: 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.

When a new cabinet was formed in February 2005, Khaled Qawasmeh became the Minister for Local Government, and Shobaki remained chair of the HCLE.

While the HCLE made some improvements in the second round of local elections, it failed to substantially improve the management of the elections in the third and fourth round. The elections administration was structured in three levels. The highest authority comprised the HCLE, its Executive Office, and Governorate Coordinators. The second comprised DEC's appointed by the HCLE for the purpose of administering the elections for specific local councils. The third comprised the polling center and/or polling station staff – specifically the Polling Station Commissions (PSCs), responsible for implementing polling procedures on election day and the Polling Center Manager who does not perform balloting duties but assists in overall management.

### *HCLE and the Executive Office*

During first two rounds of local elections, NDI observers expressed concerns about the lack of transparency in HCLE decision-making processes. This pattern continued through the third and fourth rounds of the local elections. Under its internal regulations, the HCLE is required to meet weekly. Attendance is restricted to the body's members, with observers and other interested parties wishing to attend these meetings requiring an invitation from the chairperson. While the chair could invite whomever he deemed appropriate, domestic organizations were never included. In addition, while the body often discussed agenda items at length, many rulings were finally dictated by the Chairman, as opposed to being decided by consensus or vote as provided for in the law.

These elections also saw a marked decline in the HCLE's adherence to Palestinian law and international standards for credible elections. While some of the decisions were in direct conflict with the law, others were extralegal and contrary to recognized good practices and international standards. This includes:

- Delay in the registration of candidates;
- Cancellation of already scheduled districts in the Gaza Strip, Jenin governorate and city of Hebron without setting a new date;
- No date for revote of districts participating in the second round as ordered by the courts;
- Compilation of the Final Voter List after the stipulated legal date;
- Update of the Final Voters List after "Exhibition of and Challenges to" the Preliminary Voters List;
- Cancellation of voting in districts with registered single list of candidates; and,
- Announcement of results with the HCLE interpretation of candidate's affiliation (third round) and introduction of "unofficial affiliation" (fourth round).

The fourth round of the local elections overlapped with preparations for the Palestinian Legislative Council Elections, in which HCLE Chair Shobaki ran as a Fateh candidate. This not only violated Palestinian law requiring all public officials to resign before filing their

candidacies for presidential or legislative elections but also undermined public confidence in the HCLE's capacity to administer the process impartially.

Further, the HCLE did not comply with legal requirements to hold a revote within 10 days in districts in which results of the second round of elections were annulled. The HCLE explanation was that security conditions precluded organizing the revote.

Additional complications in the fourth round of local elections included the replacement of the Chief Executive Officer, Firas Yaghi. Yaghi resigned and was replaced by his deputy Bashar Al-Deek after the fourth round of elections had begun, delaying in the creation of district commissions.

### ***District Election Commissions***

The composition and hiring procedures for DEC's are not regulated by law and there was little consistency and transparency in the process of their establishment and operation. Many DEC's began operating with only a single commissioner having been appointed. In many cases, commissioners functioned on a quasi-voluntary basis without a full-time commitment to the job. This fluid and informal system meant several DEC's could not operate on a daily and consistent basis. Long-term observers (LTOs) also reported that in some cases DEC members sent in their place representatives to handle their required tasks. As a result, individuals not selected, officially sanctioned, or managed by the HCLE performed election-related work.

A number of candidates shared with LTOs their concerns about partisan administration of the process at the district level. Additionally 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 may be required to meet different criteria for voting and competing in elections in various localities. These elections saw some voters disenfranchised when DEC's made arbitrary decisions about how to apply HCLE guidelines on adding voters' records received from the CEC after the exhibition and challenges period.

### **VOTER REGISTRATION**

To be eligible to vote, Palestinians must be at least 18 years old and be recorded in the Final Voters List (FVL). The first step in the Palestinian voter registration process was the compilation of a Preliminary Voter List (PVL) by the Central Election Commission in 2005. Public exhibition of the PVL allows eligible voters the opportunity to confirm their own information or to challenge the eligibility of any individual appearing on the PVL as a voter in their district. If an individual whose eligibility is challenged does not respond within five days of receiving notification, his/her record is marked for deletion by the DEC. At that point, the individual has a further three days to file an appeal with the courts. Problematically, in practice there is no institutionalized mechanism for informing voters that their eligibility is in question.<sup>9</sup>

---

<sup>9</sup> Article 17 of the local election law states, "...person should be informed about challenge on his record..."

For the third and fourth rounds of local elections, the exhibition and challenges process occurred August 2-6 and October 22-27, respectively. The lack of defined procedures for coordination between the CEC and the HCLE on the voter register posed a major challenge. In the lead-up to the fourth round of elections, after the exhibition and challenges period had ended, the HCLE directed DEC's to reopen the PVL for further exhibition and challenges for the addition of records provided by the CEC. Given the time constraints, DEC's had no reasonable opportunity to properly inform parties and voters. Some of the DEC's ignored this instruction all together. In Jenin, five lists challenged the instruction, leading the HCLE to overrule its previous instructions and cancel all additions to the PVL, in just the Jenin District.<sup>10</sup> As a result, voters in Jenin District were treated differently from other voters, a violation of international laws and standards that require all voters to be treated equally. This lack of consistency in elections administration resulted in different treatment of candidates and voters and the arbitrary decisions made by the HCLE on adding voters' records received from the CEC after the exhibition and challenges period resulted in the disenfranchisement of voters.

## **CANDIDACY AND CAMPAIGNS**

### ***Candidate Registration and Lists***

The changes to the electoral system required candidates to register as part of a list rather than as individuals. The number of candidates on each list was required to equal more than half of the mandates available in the district.<sup>11</sup> A 10 day candidate registration period began on August 20 and November 1, for the third and fourth rounds respectively.

Palestinian law does not require candidates in local elections to indicate any partisan affiliation when they register. In the first round of local elections, for instance, all candidates officially stood as independents, though many formed unofficial blocs and electoral alliances for the campaign. Starting with the second round of local elections, the HCLE introduced a new option, allowing but not obliging candidates to indicate partisan affiliation when they registered. Only a handful of candidates chose to make use of this option.

Although registration of a partisan affiliation was still optional, in the lead up to candidate registration for the third and fourth rounds, the HCLE published a list assigning each party a symbol.<sup>12</sup> For the third round, most DEC's ignored the published list and used their own methods for assigning symbols and affiliations to each list. Once the HCLE became aware of the problem, it issued instructions requiring DEC's to ask all candidates and lists to confirm their affiliation. Once again, application of HCLE instructions was inconsistent. While some DEC's had lists fill out forms to confirm their affiliation, others filled out the forms themselves without referring to the candidates.

In the absence of established procedures for confirming the stated affiliation of each list, it became possible for more than one list to register as candidates of a single party movement. As a result, a number of "alternative" lists claiming to be affiliated with the same political party or movement competed in the local elections.

---

<sup>10</sup> Allegedly this numbered around 200, the majority of whom were apparently supporters of the Fatah/PFLP Coalition

<sup>11</sup> For example: in districts with 9 mandates, lists would have to register 5 candidates; if 11 mandates were available, then 6 candidates had to be registered on the list.

<sup>12</sup> See appendix

For the fourth round, a more orderly system was introduced for assigning the various contesting parties/movements system. The HCLE also introduced “unofficial affiliation,” allowing “alternative” partisan lists an opportunity to indicate their association with particular parties or movements. “Unofficial affiliations” were not indicated on the ballot. Affiliation registration was used to enable the HCLE to announce results by faction and appears clearly intended to present “alternative” Fateh lists under Fateh results. Almost all of the lists stating unofficial affiliation were in fact affiliated with Fateh, that were unable to register officially as such due to the limit of one official list in each district.

### ***Campaigning***

The 14 day campaign periods for the third and fourth rounds began on September 15 and December 1, respectively. A number of political parties, movements and independent lists competed in these elections, offering voters a broad choice.

In most areas, the campaign atmosphere was generally positive. Local NGOs and community groups like Juhud, Arab Thought Forum, Civic Forum and the Palestinian Centre for Democracy and Conflict Resolution were able to organize a number of well-attended and well-received candidate forums where candidates presented their platforms and answered questions from the public.

Campaigning was largely localized and driven by the candidates themselves rather than by centralized political party structures or organizations. Large numbers of party flags, banners, posters, graffiti and processions were visible throughout the campaign. Vehicles carrying loudspeakers were also used to broadcast campaign slogans and music. Most candidates considered themselves well-known and in good standing within their communities and thus did not deem it necessary to conduct other forms of mass campaigning. As a result, the rest of campaign activity was conducted largely through informal gatherings with influential family and community members, often in private residences.

Most candidates ran their campaigns according to the law, with only minor irregularities. Some allegations of banners and posters being torn down by rival parties/candidates were reported. One difficulty was the HCLE’s failure to specify areas where campaign materials could be posted, despite being compelled to do so by electoral laws.

### ***The Role of the Media***

Although NDI’s observation mission did not include a comprehensive media monitoring component, long term observers watched media coverage of the campaign for any signs of bias or censorship.

Political campaigning through the media is not regulated. Although the Palestinian press is relatively free to report on campaign activities, mainstream media provided limited coverage of the local elections. Instead, national political issues like the Israeli disengagement from Gaza, reform of the Palestinian security services, and various incidents of violence dominated coverage. Given the relatively small size of the districts, some candidates did not consider it cost efficient to use paid media. Others paid for time on their local television stations. In the lead up to the third round of elections the Al-Hares Media Centre provided candidates with free time on Nativity TV in Bethlehem.

## **SECURITY AND FREEDOM OF MOVEMENT**

The climate of insecurity in both the Gaza Strip and the West Bank had a negative impact on the democratic selection of leaders. Israeli authorities generally cooperated to allow election officials to conduct their work, with some exceptions. For instance, HCLE officials were denied permits to travel to Gaza in order to train DEC officers. During the lead up to the fourth round, an attack in Netanya led to increased Israeli military activity, particularly in Jenin and Nablus, disrupting the movement of residents in the final days of the campaign and on election day. Candidates and their organizers complained about travel restrictions, though due to the local nature of the polls, these were less onerous than they might be in a legislative or presidential election. There was also one report of a candidate on an Islamic list being arrested by Israeli forces. There did appear to be a lull in Israeli military activity on both election days in many of the localities where voting was being held.

## **POLLING AND COUNTING**

Most polling station staff administered voting and counting procedures competently and professionally on election day. Observers reported that in the vast majority of cases, procedures were followed and that at each station polling officials posted copies of the results for public viewing directly following the count. In general, both election days were orderly and peaceful. There were, however, a few localized exceptions. During the third round of elections in Jenin overcrowding of voters and party agents in several polling stations created a chaotic atmosphere. There were also reports of poor crowd management outside of some polling stations and scattered incidents of armed security officers entering polling stations without the clear invitation of the polling station manager. In general, however, security officials appeared better prepared to play their role than in previous rounds of local elections.

### ***Election Day Campaigning***

As with the previous rounds of local elections, virtually all political entities engaged in widespread active campaigning on election day, in violation of electoral law.<sup>13</sup> Party workers distributed posters, leaflets, mock ballots and flags around polling centers. In some cases, candidates and factions used loudspeakers strapped to vehicles to continue to broadcast campaign messages and music. The noise and traffic created by these vehicles was difficult to escape, particularly in small villages. While some poll workers requested and received assistance from the security forces in clearing polling center entrances and compounds, others took no steps to ensure compliance with the law.

### ***Inconsistent Application and Abuse of Provisions for Assisted Voting***

Provisions for assisted voting for illiterate Palestinian voters remained a source of confusion and abuse.<sup>14</sup> In past efforts to address these problems, the HCLE allowed a person to assist only one other voter. For the third round, the HCLE initially banned assisted voting for illiterate voters but reversed its decision on election day to allow assistance from close relatives. Each person was only allowed to assist one voter and had to have his/her name recorded as an assistant. The new procedures were not consistently applied, and observers witnessed efforts to interfere with voters' right to choose. Violations continued into the fourth round. In Tulkarem, for instance, some people were allowed to assist multiple voters

---

<sup>13</sup> Law for Elections of Local Councils, Article 31

<sup>14</sup> See appendix C

without having their names recorded. Nevertheless, these abuses occurred on a smaller scale than those observed in earlier rounds of local elections.

## **OBSERVATION**

In general, NDI observers, domestic organizations, and candidate agents did not face any restrictions or obstacles to their work on election day. Israeli and Palestinian officials were helpful and professional in accommodating the work of NDI's observer missions. However, domestic observers complained to NDI's international observers that they were not given the same consideration or assistance.

NDI observers noted 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. The delegation 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. However, 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.

## RECOMMENDATIONS

The HCLE's mandate to conduct local elections expired on December 31, 2005. Authority to conduct local elections was automatically transferred back to the Central Elections Commission. As indicated above, the CEC already administers presidential and parliamentary elections and has established a record of impartiality and professionalism. As such, Palestinians and members of the international community expect that many of the shortcomings witnessed in local elections will be addressed in the near future. The following recommendations are offered with the intention of assisting the CEC in ensuring that those expectations are met.

***Steps should be taken to further define and/or institutionalize various policies and procedures related to the administration of local elections. Any significant changes should be taken well in advance of an election and, once a polling date is announced, no further modifications should be made that would affect that election.***

In recent rounds of local elections, political factions and the general public have relied largely 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. The lack of a clear decision-making process on these issues creates confusion and raises tensions among all stakeholders.

When elections administration officials make changes to electoral boundaries, the number of seats on councils, or the localities included in each round of elections without a clear public understanding of the rationale used, it creates suspicion and lowers general confidence in the electoral process. There is an urgent need to establish rules for defining borders of local electoral districts, setting the number of seats on each council, and determining the order in which rounds of local elections will take place. These decisions must be taken using clear and transparent guidelines that are familiar and acceptable to all stakeholders. They must also be reached and published well in advance of election day. This will be crucial for the subsequent rounds of local elections as the HCLE has announced that some localities may be merged into larger electoral districts prior to its dissolution.

The right to appeal or challenge aspects of the process is an important aspect of ensuring a transparent and credible election. NDI recommends that comprehensive procedures for filing complaints and challenges to local elections processes and/or results which can be easily accessed and followed by candidates, voters and observers be established.

As indicated above, current laws do 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 disputes for presidential and parliamentary elections, be granted jurisdiction to hear local election cases as well, thus creating a single process for elections on all levels. This would have the advantage of introducing a system that is familiar to political parties and the public.

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 candidates in future elections are allowed to



register a political or party affiliation, formal procedures should be put in place for verifying their stated allegiance. This affiliation should also be acknowledged throughout the process including the announcement of final elections results.

***Provisions for assistance to illiterate voters should be regulated and strictly enforced to prevent abuse.***

A number of options exist to facilitate voting by illiterate citizens which safeguard their right to vote without subjection to outside influences. A combination of candidate photos and symbols would make it possible for all voters to make their choice without assistance. Similar ballot design elements, when accompanied by vigorous voter education, have proved successful in countries with high levels of illiteracy

***Regulations prohibiting campaigning on election day should be enforced.***

Violation of the prohibition on election day campaigning was widespread and undertaken by what seemed to be all parties. While appearing to have no material impact on the outcome of the election, this violation weakens the law. To promote respect for the rules and to prevent inappropriate election day campaigning in the future, legal campaign periods and restrictions should be properly enforced or reviewed to better reflect Palestinian culture in a way that is consistent with international democratic standards.