



PRELIMINARY STATEMENT

January 24, 2013

I. Executive Summary

Jordan's January 23, 2013 election saw a marked improvement in procedures and administration -- chief among them the creation of an Independent Election Commission (IEC) -- that should give competitors and voters in this and future electoral contests more confidence that their votes are counted fairly and their choices reflected through the election system.

Nevertheless, systemic distortions remain. The unequal size of districts and an electoral system that amplifies family, tribal and national cleavages limit the development of a truly national legislative body and challenge King Abdullah's stated aim of encouraging "full parliamentary government."

In many senses, Jordan's national parliamentary election is a series of profoundly local contests where candidates are elected as service providers and representatives of parochial interests, rather than national legislators able to hold the executive branch to account or propose laws.

If King Abdullah is to give concrete expression to his promise to involve the parliament in the naming of the prime minister and the formation of government, he will also have to work to unite individuals and groups in pursuit of national policies and agendas and encourage the formation of like-minded coalitions.

Technical Improvements

Jordan's IEC, created just months before the election, and working under the new election law passed by parliament in July 2012, instituted several significant improvements to the election process, including:

- pre-printed, standardized ballots containing pictures and symbols that made it easier for voters to identify candidates and party lists. In previous Jordanian elections, voters wrote the name of their preferred candidate on a blank piece of paper, offering multiple opportunities for fraud and cheating;
- assigning voters to specific voting stations – an improvement from previous polls where transfers from one district to another created the chance to cast multiple votes;
- creating a hotline for reporting problems and concerns directly to the IEC;
- improving procedures for processing voters, including multiple identity checks, a computer screen displaying the voter's registration card information and picture to

domestic observers and candidate agents, and more consistent finger-inking procedures to prevent multiple voting;

- accreditation of 7,000 domestic election observers and, for the first time, full cooperation with international observers;
- enhanced counting procedures, including reconciling the number of voters and ballots issued prior to opening ballot boxes and displaying each ballot to observers and candidate agents as it was counted;
- posting of results at individual polling stations where ballots were cast and counted; and
- implementing new provisions for challenging results that allow candidates and voters the chance to file complaints with the Court of Appeals.

Reportedly a widespread practice in Jordan, vote buying was investigated by the election commission and the police and perpetrators were brought before the courts, although concerns were raised about the timing and the relatively modest number of people who had been charged.

The IEC itself drew praise from candidates and observers alike, with most political competitors expressing confidence in the commission's professionalism and observer groups noting its responsiveness to their suggestions and concerns.

On election day, the NDI observer delegation found voting materials present at most locations and noted that most polling places were set up properly and opened within minutes of the scheduled time. Polling station staff appeared to be well trained and, for the most part, executed their duties competently and professionally.

Candidate agents and domestic election observers were present in most polling stations and international observers were granted access to all aspects of election day procedures, including tabulation centers and operations rooms.

Shortcomings Remain

Observers also witnessed a number of shortcomings and irregularities on election day – some of them serious in nature.

Despite the new procedures designed to combat the practice, there were numerous instances of public voting where the voter displayed the marked ballot before depositing it in the ballot box. NDI observers also witnessed cases where officials ceded their authority in polling stations to candidates, agents, and other prominent members of the community; failed to prevent or react to violations; and, in isolated cases, even willingly compromised the secrecy of the vote.

Although the law states that campaigning must stop at midnight on the day before the election and prohibits campaigning outside voting centers, most observers reported active campaigning on the streets immediately outside polling places. Vote buying, while discouraged through new rules and enforcement of existing laws, was still a factor.

Confusion among voters was noted and many people were unfamiliar with the new national ballot, underscoring the need for expanded voter education. Pollworkers, while on the whole

well-trained, were sometimes inconsistent in their application of the rules. There were very few voting stations accessible to voters with disabilities, and even the designated polls had many obstacles and stairs. Observers noted that most pollworkers were men and would encourage the recruitment and training of more women for future elections.

Electoral System and Disproportionate Seat Allocation Hamper Progress

While the new election law contained an important innovation – a national closed proportional representation system that would elect members in 27 new seats – it did not change other problematic aspects of the Jordanian election system. Disproportionate electoral districts -- with wide differentials between urban and rural districts -- and a “single non-transferable vote” system in multiple-member constituencies continue to favor local notables and tribal candidates over political parties and non-tribal groupings.

The national list did not fundamentally change the defining feature of Jordanian parliamentary elections –where family, clan, tribe and national origin is the deciding factor rather than ideology, policy, party affiliation or even past performance in parliament. In fact, preliminary results indicate that as many as 17 lists were awarded at least one of the 27 national seats within the proportional system.

Described as an initiative to create a better, more representative parliament, the 2013 election was supposed to represent a turning point in Jordan’s political progress. King Abdullah has promised that parliament will be consulted in the formation of a government as a first step toward a parliamentary system. Meaningful parliamentary blocs are unlikely to form and the king will be faced with the task of consulting dozens of individuals.

The introduction of a national list ballot -- identical in all areas of the country -- and an independent election body hold the promise of future improvement and, possibly, more confidence in the election process. The next step is to create an electoral system that incentivizes parties and groups to pursue voting blocs that will give them a voice in the decisions that affect citizens’ lives.

II. Background and Electoral Context

Jordan’s 2013 legislative election has been characterized by the government as the capstone of a two-year reform process ushered in since the Arab Spring. In 2011, parliament endorsed the first revisions to the kingdom’s constitution since 1952 and, in doing so, established a constitutional court and an independent election commission. Also in 2011, the government relaxed restrictions on public gatherings, requiring only notification, not approval, for events. In 2012, the government introduced—and parliament passed—new laws on political parties, municipalities, and elections.

While in form these changes reflect some of the demands made by protesters and activists over the past two years, some critics charge that the reforms are mostly cosmetic. Although protests remain disparate and disconnected, several themes have emerged, including the need for determined action to fight corruption, greater accountability in government, and an electoral

system that encourages meaningful political organizing and competition—changes many activists suggest have not been addressed by the legislative reforms.

Jordan's electoral framework, passed into law by the parliament in 2012, exemplifies this tension. The new law retains the previous configuration of 108 district seats determined by majority vote, raises the women's quota from 12 to 15 seats, and adds 27 new seats to be awarded to national lists on the basis of proportional representation, for a total of 150 seats. Although the introduction of a mixed electoral system has long been an aim of civic and political activists—even before the start of the Arab Spring—many Jordanians remain dissatisfied.

Citing concerns with the law, specifically the retention of the “single non-transferrable vote” system at the district level and the limited number of national list seats, a number of political parties and opposition groups, including the Islamic Action Front (IAF) announced their intention to boycott. Disappointment with the law, however, is not limited to the opposition; NDI's pre-election delegation and long term observers noted a widely held expectation, shared by Jordanians across the political spectrum, that an election held under the current law was likely to yield a parliament similar in composition to previous bodies, many of which have been deeply unpopular.

Despite the controversy and threats of boycott, public statements by the king in the latter half of 2012 reaffirmed an intention to hold the polls, and the newly established IEC began preparations for the election.

During the pre-election period and with technical and financial assistance from NDI, three civil society coalitions, led by the National Center for Human Rights (NCHR), Al Hayat Center for Civil Society Development, and the Identity Center, trained and deployed 250 accredited citizen observers to monitor the voter registration and candidate registration processes, as well as other pre-election developments, a practice made possible through the electoral law's acceptance of the role of election monitors.

III. Observations

Pre-election and Campaign

Although the controversy over the election framework dominated the electoral discourse in the run-up to the polls, NDI's long-term observers noted several positive technical developments during the pre-election period:

Electoral administration and preparations. NDI's long-term election observers noted a generally positive assessment of the work of the IEC among electoral stakeholders, particularly at the national level. Specifically, observers noted several steps the IEC had taken to increase the transparency and integrity of the polls, including: assigning voters to particular polling stations, introducing pre-printed ballots, and posting results at the polling stations where ballots are cast and counted. Additionally, the IEC demonstrated an openness and responsiveness to the recommendations of domestic election observers throughout the pre-election period that

confirmed its intention to increase transparency. Further, an appeals process was introduced to allow appeal of results to the courts, rather than to parliament.

Nevertheless, questions remained about the IEC's genuine independence, in particular relative to its limited resources and lack of permanent staff. Overall, NDI's observers noted greater confidence in national level election officials than in local officials.

Voter list. 2,272,172 million Jordanians were registered to vote in the election. NDI's long-term observers heard few concerns about the accuracy of the voter list, but concerns were raised about the practice of allowing family members and, in some cases, non-relatives, to pick up multiple voter cards. There were also reports of a high number of voter cards being held by others, a practice that many believed would lead to potential voter fraud on election day.

Candidates, lists, and campaigns. There were 606 district-level candidates on the ballot and 61 lists competing for national-level seats. NDI's long-term observers noted that the candidate registration process was relatively smooth, although there was confusion over the manner in which candidates were assigned positions on the ballot. In addition, the rules of campaign deposits were not uniform--refundable clean-up deposits ranged from 500 Jordanian Dinar (JD) to 4,000 JD – and were unevenly applied.

The concern raised most frequently during the campaign period was that of “political money” or vote buying. Prior to election day, at least six candidates and nine other people had been arrested for vote-buying and four remained in custody. Many Jordanians with whom NDI's observers spoke believed that the authorities had responded appropriately, but questioned the timing and the relatively small number of people who had been formally charged. Nearly all Jordanians with whom the delegation met believed vote-buying was widespread. The lack of campaign finance disclosure requirements in the election law obscured any effort to understand or uncover the role of political money. The efforts by the IEC to encourage financial disclosure through executive instruction, while laudable, was insufficient.

Women's participation. NDI's long-term observers noted that women remained underrepresented as candidates, campaign workers, and election officials, despite the fact that they represented a larger share of registered voters than men. There were 105 women competing for district-level seats (17.3 percent). Women who did not win a seat outright were eligible for one of the 15 women's quota seats, awarded to the woman from each governorate or Bedouin area who receives the highest percentage of the votes in her district. In the lead-up to the campaign, some complained that the method of awarding seats (on the basis of percentage, rather than on number of votes received) would present an advantage to women in rural areas and reinforce the influence of tribalism in parliament. Separately, the lack of a quota mechanism on the national list has been an issue of debate. Two national lists were headed by women, but many other women were placed lower on the list, often in unwinnable positions (86 of the 829 list candidates—roughly 10.5 percent—were women).

In addition, all five of the IEC commissioners are men, and women remain underrepresented in lower-level electoral administration.

Electoral procedures. Election authorities in Jordan took an important step toward addressing the anticipated problem of electoral manipulation through the introduction of pre-printed ballots. Additional procedures were introduced to close the loopholes many believed had led to fraud and manipulation in previous polls: the reconciliation of votes and ballots would be done before opening ballot boxes; each ballot was to be read and shown to all observers and candidate agents present in the polling station; inking was introduced to prevent multiple voting; the use of mobile phones and recording devices was banned inside of polling stations; voting cubicles were designed to prevent the use of pre-marked ballots, cell phones, and cameras; and a second screen was added to allow observers and candidate agents to see the voter identification process. Stakeholders welcomed these changes.

Voter education and citizen confidence. Many Jordanians with whom NDI's long-term observers met expressed concern that public apathy and a lack of familiarity with the changes introduced by the election law would result in confusion at the polls, specifically in light of the fact that voters would, for the first time, have the opportunity to cast a national ballot on election day. The IEC conducted a number of voter education activities, and several civil society organizations also made efforts to engage and educate citizens about the process.

NDI's long-term observers encountered attitudes ranging from indifference to moderate enthusiasm about the polls. Both those actively boycotting the election and those who stated that they did not care about the election cited a lack of genuine change in the political and electoral system, the likelihood that the new parliament would resemble the old parliament, and the perceived irrelevance of parliament in addressing pressing problems of Jordanian citizens. Enthusiasts emphasized the introduction of national lists, the creation of the IEC and increased transparency of the process as reasons to hope that the outcome would be accepted and contribute to gradual change.

Election Day Observations

General environment. In observed areas, voting was conducted in a mostly peaceful environment and in an orderly manner. However, NDI observers noted that overcrowding in some polling stations led to higher incidence of irregularities and even tension or violence. Some

Campaigning. Observers noted campaign activities and polling materials outside all polling centers visited, including within 200 meters of polling centers where campaigning was prohibited by law even during the campaign period. Candidates and agents distributed campaign materials and, at times, voters were seen entering polling stations with these materials.

Election officials. NDI observers noted a relatively orderly and efficient process, with the majority of election officials performing their duties in a professional and neutral manner. The majority of officials appeared well-trained and knowledgeable about procedures. However, NDI observers witnessed cases where officials ceded their authority in polling stations to candidates, agents, and other prominent members of the community, failed to prevent or react to violations; and, in isolated cases, even willingly compromised the secrecy of the vote. NDI observers did see several instances in which higher-level election officials took steps to remedy the violations.

Procedures. Procedures were generally followed; however, there were some omissions related to checking the identity of veiled women and cutting the corners of voter cards. In addition, officials did not routinely check for ink prior to allowing voters to cast their ballots.

Materials and Equipment. Overall, the polling stations NDI observers visited had received all essential materials. A high number of polling stations experienced network problems in the morning, but these seemed to have been resolved by midday.

Public voting. NDI observers witnessed cases of public voting across all governorates and in the majority of electoral districts visited. Observers saw voters display ballots to candidate agents and, in some cases, election officials; failing to fold the ballot correctly; ask for help to find their candidate on the ballot; show ballots to officials to confirm that they had voted correctly; and announce their vote aloud to candidates and agents. Polling officials mostly, but not always, discouraged this practice. While in some cases this may have been a consequence of a lack of familiarity with the ballot and voting procedures, in other instances there may have been an intent to compromise vote secrecy. Procedures for assisted voting, while improved, were not always followed, leaving room for undue influence and abuse.

Voter education. Polling officials regularly took time to explain the voting procedures and the ballots, specifically the national list ballot. Nevertheless, observers still witnessed a high degree of voter confusion.

Vote count and tabulation. Observers commented on the level of transparency in most observed counting and tabulation centers. Results were announced at the polling station and posted outside of polling stations, in line with regulations. Observers noted some confusion among polling staff over the packing of sensitive and non-sensitive materials.

Observers and candidate agents. NDI's observers encountered accredited observers and candidate agents, primarily from district candidates, in all polling stations. Few candidate agents seemed to understand their roles and election procedures. In some cases, candidate agents attempted to influence voters or direct the process.

IV. Recommendations

NDI's delegation welcomes the implementation of recommendations from previous election delegations, including NDI's 2010 international witness delegation, its 2012 pre-election assessment, and the recommendations of a number of domestic observation groups, including: the establishment of an independent election commission; the introduction of pre-printed ballots; the decision to assign voters to a particular polling station; the introduction of an appeals process that allows contestation of results in court rather than in parliament; and legal recognition of domestic and international observers. These developments represent significant steps toward greater electoral transparency and integrity.

On the basis of its pre-election and election-day observations, NDI's delegation respectfully offers the following recommendations that it believes could enhance the integrity of future elections and build citizen confidence:

- ***Strengthen the electoral framework.*** NDI's delegation encountered a near consensus on the need to review the election law and system to encourage political competition and the formation of coalitions and political parties. Although Jordanian observers focused almost exclusively on the single, non-transferrable vote, the delimitation of districts that provides unequal weighting of votes remains an issue of concern and officials should make efforts to achieve better representation through balancing the distribution of voters per seat. Other legal changes that could be considered include: removing the provision requiring voters to "write" the name of the candidate and abolishing the requirement for officials to record the name of the voter in a special voter list, providing an opportunity for voters who make a mistake to receive a fresh ballot.

- ***Clarify the process of government formation.*** To achieve King Abdullah's vision of parliamentary government, clarification -- and, ultimately, a legal framework -- for government formation should be provided. Such clarity would provide an environment of greater political competition and democratic incentives to which parties and candidates could respond.

- ***Establish a dedicated staff for the IEC.*** The development of a professional, permanent cadre of election workers, and appointing commissioners for mandates that extend beyond the election cycle would further ensure the independence of the IEC.

- ***Review and enforce rules for election day campaigning.***

- ***Empower the IEC and other election officials to address violations in polling centers, including instances of public voting.***

- ***Encourage parties and candidates to provide better training and clarify the roles of candidate representatives.***

- ***Encourage the participation of women in the electoral process.*** The IEC should recruit and train a higher number of women election officials. If the legal framework is revisited, consideration should be given to incorporating a quota for the national lists. Authorities should review voting patterns in women's polling stations and consider ways to alleviate overcrowding and tension observers.

- ***Institute financial disclosure requirements.*** Officials should consider issuing regulations outlining financial disclosure requirements to help prevent voter fraud and limit the influence of political money. Such regulations could require candidates and lists to set up dedicated campaign bank accounts and provide the IEC access to bank statements, including contributions/donations and campaign expenditures. The IEC should set up a dedicated office to review campaign spending and donations.

- ***Conduct extensive voter and civic education initiatives.*** Expanded efforts to ensure that voters understand the rules and the power of their vote can encourage meaningful participation and reduce opportunities for electoral manipulation.

- ***Consider expanding the franchise.*** To encourage youth participation, the minimum age for standing as a candidate should be reduced. Further, consideration should be given for ways to allow polling officials to vote and extending the voting right to members of the security services.

V. The Delegation and International Observation

This preliminary statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Jordan's January 23, 2013, legislative election. The delegation, comprising 50 observers from 29 countries, included a former head of state, former ambassadors and parliamentarians, current and former political party leaders, election officials, representatives of nongovernmental organizations and regional specialists.

The leaders of the delegation were: Jorge Quiroga, former president of Bolivia; Attahiru Jega, chairman of the Nigerian Independent National Electoral Commission; Elizabeth Weir, former member of the New Brunswick, Canada, legislative assembly and former leader of the New Democratic Party in New Brunswick; and Leslie Campbell, NDI regional director for the Middle East and North Africa.

The delegation's findings were informed by a pre-election assessment mission in November 2012, and by the work of a team of eight long-term observers that has been monitoring the electoral process since December 2012. The group visited Jordan from January 19 to January 25 and met with election officials, candidates, political leaders, citizen election monitors, civic and political leaders, and media representatives. On election day, the delegation visited more than 250 polling centers in all twelve governorates.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, domestic election observers, and civic activists. NDI has been officially accredited to conduct an international election observation mission by the Independent Election Commission and is grateful to the Commission and other government officials for welcoming this and other observation groups. The delegation offers this election statement in the spirit of supporting and strengthening democratic institutions in Jordan.

The purpose of the delegation was to demonstrate the interest of the international community in the development of stronger democratic political processes in Jordan and to provide an impartial assessment of the character of the election process. NDI conducted its activities in accordance with the laws of Jordan and the *Declaration of Principles for International Election Observation*.

This statement of preliminary findings is delivered prior to the completion of the election process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the election process, including the announcement of results, and the handling of possible post-election day complaints or appeals. The NDI will issue a comprehensive final report after the completion of the election process.

The National Democratic Institute is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government. NDI has sponsored democratic development programs in Jordan since 1993 and has maintained an office in the country since 2004.

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VII. NDI Contact Information

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