

ELECTION DAY OBSERVATIONS

On April 27, 2003, over six million voters across Yemen reported to their respective voting centers to cast their votes for their national representatives. With approximately 8 million Yemenis registered to vote, official turnout figures were registered at 75.8 percent, although some constituencies reported over 85 percent turnout. Women made up 41 percent of the total turnout, or 72.3 percent of female registered voters.

Preparation for the Opening of the Polls

Sub-commissioners were to be present in each sub-commission by 6:00 am to review the documents and count the ballots in preparation for the voting. Delegates observed that there were no problems with this procedure and no significant delays in voting resulting from the absence of election officials.

Observers watched as the main commission officials distributed materials to the sub-commissions, and noted that in the majority of stations this was done in an orderly fashion without serious problems. The ballots were opened in the presence of observers and candidate representatives; sub-commissioners counted the ballots out loud and compared this to the number of voters on the voter registry. This was also reported to run smoothly in most cases, with only a few delays due to materials not having been distributed early enough to allow sub-commissioners to count the ballots in time, or inconsistencies in the counting requiring re-counting of the ballots. International observers witnessed some disparities in the number of ballots, but no significant differences. The only exception was observed in one sub-commission where there were approximately 60 fewer ballots than voters on the rolls.

Opening

The polls opened at 8:00 am on election day. Observers did not note any significant delays that affected voters' abilities to cast their votes. Many observers arrived at polling stations prior to the official opening and observed that voters were lined up and waiting; some voters did not know what time the voting centers opened and had been waiting since 6:00 am. The lines were, for the most part, orderly and controlled. Delegates observed that despite the wait, most voters seemed eager to cast their votes.

In order to ensure the authenticity of the ballots, official ballots were imprinted with a watermark in the form of the government seal. This was visible on the ballots when held up to the light. Observers in most polling stations asked to see a sample ballot and there were no reports of any inconsistencies with the watermark. There were reports of black marks on some ballots in the Hadramaut, but they appeared to have been random printer ink.



Polling

In general, observers noted sub-commissioners doing a good job of administering the voting. When problems occurred, such as duplicate or inverted registration numbers or a shortage of indelible ink for marking voters' thumbs, the commissioners sought to solve the problems in ways that would permit citizens to vote.

Voting was slower in many commissions than desirable. Older voters appeared to be confused by the voting process; for example, numerous observers noted that older voters did not understand why they could not just tell the sub-commissioners for whom they wanted to vote. It should be noted that the SCER had made an attempt to address the problem of illiteracy through the inclusion of the party symbols and candidates' pictures on the ballot; however, voters' unfamiliarity with voting still caused difficulties and delays. Also, in a number of centers there were more voters than the hallways and rooms could fit and the crowds were handled roughly by security. In some sub-commissions observers noted that women were not lifting their face veils. The unauthorized presence of security men in the commission may have been a factor.

The major problems associated with the voting derived from outsider interference in the process: campaigning within the sub-commissions and centers and intimidation by security. In the by-elections in July, NDI staff observed money being given to voters leaving the voting center. In the instances where such misconduct was observed, election officials failed to take action. This could have been a result of insufficient awareness of their responsibilities or fearfulness about intervening, rather than commissioner collusion with the candidates. Nevertheless, the failure to enforce the law is a serious problem in Yemen and the government should take steps to address this problem before future elections.

Privacy of the Vote

The election law stipulates that each voter is to vote inside a curtained voting booth. In the majority of the voting centers observed on election day this process was followed. However, in one station the polling booths, which had only three covered sides with the open side to be placed towards the wall were turned around and voters marked their ballots in clear view of election

officials, candidate representatives, observers and military personnel. In another polling station domestic monitors told NDI observers that 80-100 persons from the police academy marked their ballots for the ruling party in full view of their superior officers. It is also important to note that security personnel attempted to prevent the domestic monitors from describing this to NDI observers, and that security entered this sub-commission uninvited to intervene in the discussion.

During the by-elections in July (which unlike the April 27 elections were not well administered by the SCER) there was blatant misconduct in both the voting and the counting. Commissioners were observed actively encouraging voters to mark their ballots outside the booth. In one center, the voters themselves insisted on showing the commissioners that they had voted for the ruling party. The impression of observers was that these voters had been pressured to cast their votes for the ruling party.

Underage Voting

Although observers could not determine the exact age of voters, all observers noticed voters who appeared well under the voting age. A number of observers also spoke with voters who admitted to being underage, one as young as eight years old. Observers also witnessed voters carrying voter identification cards that did not indicate the month or day of birth. Although this is not uncommon given the lack of official documentation of births in Yemen, especially for older generations, it was more surprising to see this with obviously younger voters.

When approached by one observer, a group of young women who claimed to be in the 10th grade (or approximately 15 years old) admitted that the voting center was in their school, and that their teachers and principals had encouraged them to vote. When asked if they thought that it was correct that they were voting, one answered: “They [our teachers] said we are *all* Yemeni.”

The affect of the underage vote on the results of the elections is not fully known. It is an issue, however, that had the potential to influence the outcome in one or more constituencies. NDI wishes to stress that steps should be taken to clean up the registration lists in order to protect the integrity of future elections. However, it is also important to recognize that the SCER did seek to resolve this problem when it was discovered. As noted above, it was unable to do so within the given timeframe and in compliance with the election law.

Campaigning on Election Day

The election law prohibits campaigning on election day. This is a standard regulation in many countries, although in many cases the law is neither followed nor enforced. Yemen’s elections were no different; all observers witnessed campaigning on election day. From the perspective of a developing democracy, election day campaigning could be viewed as one example of the truly competitive nature of these elections. However, from NDI’s perspective it would be better to change the law than to disregard it. The failure to enforce aspects of the law in one area contributes to disregard of the law in other areas as well. Most international reports observe that the weakness of the rule of law is a major hindrance to Yemen’s economic development and social integration.

Of greater concern were reports from international observers of extensive campaigning inside voting centers on election day. Activities included such things as campaigning by candidates inside sub-commissions, sometimes with military escorts; party-specific offerings of food and drink inside voting centers; and campaign posters on the inside walls of centers. In Sanaa¹² observers witnessed GPC teams working within the women's polling areas. Over 30 women activists wearing GPC stickers, and some wearing GPC hats, led women from the polling station entrance to their sub-commission, placed GPC stickers on many of them, campaigned up and down lines from the polling station doors and approached women immediately as they exited their sub-commissions after voting. No election official nor any security official attempted to stop this obvious violation of the election law's prohibitions against campaigning. Similar tactics were seen in other locations in this constituency. Voters in other constituencies around the country also made reference to these GPC "work teams."

Role of Security Forces

Observers witnessed, in almost every voting center monitored, many more soldiers than the three permitted under the law. Soldiers were also seen in almost all the men's and women's sub-commissions where voting was taking place. According to the law, security personnel are not permitted to enter sub-commissions without a request from the chair of the sub-commission.

The presence of military personnel was also very noticeable in areas immediately outside of voting centers. Although not a desirable situation in any election, the presence of these security forces must be considered in the context of the daily prevalence of military personnel in Yemen and the fact that past elections have been marred by violence. It is difficult to quantify what affect the military presence may have had. Increased security is one method of discouraging violence, and it should be noted that these elections saw much less violence than elections in the past, with three deaths on election day and 14 people wounded by gunfire. This is compared to 47 people reportedly killed in the 2001 elections. Many voters and election officials, when asked, seemed unconcerned about the presence of security forces. If they admitted that the security should not be inside the sub-commissions, they also expressed the belief that they were powerless to make them leave.

More worrisome was the fact that observers witnessed plain-clothes security personnel speaking with voters, leading voters from the entrance of the centers directly to polling booths, and involving themselves in procedures on election day, including the resolution of disagreements. These security forces did not have any identification. NDI strongly recommends that this practice be addressed and halted in the future.

Closing

The timing of the closing of the polling stations did not seem to conform to the law in the polling stations where NDI observers were present. Some polling stations closed at 6:00 pm as dictated by law, but many remained open, even if no voters were present. Some members of the sub-commission claimed this was in order to ensure all eligible voters had the chance to cast their votes. There were no observations of long lines requiring polling stations to stay open.

¹² Sanaa, Constituency 10.



Vote Count

Most of the international monitors returned to Sanaa by April 28. With calls coming in to NDI's headquarters from domestic observers and opposition party members of problems with counting procedures, the Institute redeployed observers in Sanaa and in a few centers in Aden in the late evening of April 28 and on the 29. While it is not possible to extrapolate positively to other centers which were reporting counting interferences, it is notable that where these observers were deployed their observations confirmed the reports of problems and the nature of the problem.

The first sub-commission (a men's sub-commission) in each voting center was responsible for counting the votes of the voting center at the end of election day. Inside the voting center, ballot boxes were to be transferred from the sub-commissions to the first sub-commission and the count conducted in front of the sub-commission's polling officials, candidates or their representatives and observers. The law requires that all three members of the first sub-commission must be present for the counting to commence and throughout the counting process.

The laws governing counting were greatly improved prior to the 2003 elections. In previous parliamentary elections the ballot boxes were transferred from the voting centers to the main commissions in the governorate capital, and there were many reports of tampering with the boxes. In almost all cases where NDI observers were present during these polls, the boxes were transferred properly from the sub-commissions to the first sub-commissions. There were credible reports of boxes being removed from observation during the counting, however.

In many cases counting continued long into the night and next day(s), taking 24, 48, and sometimes 72 hours to be completed. Once counting commenced, election officials, candidate representatives, and domestic observers were instructed by law to remain in the room and not enter or exit without the permission of the counting commission chair. Mobile phones were also not allowed in the counting room.¹³

¹³ Domestic observers and opposition party members cited difficulties in communicating problems to their central leaderships due to this restriction. This situation was compounded by the fact that in many areas in Yemen there are no public telephones.

Prior to the counting, the candidate representatives and first sub-commissioners had to come to agreement on various regulations governing the process, for example the standards for disqualifying a ballot (i.e. markings outside of the indicated circle for indicating the choice of candidates). The law stipulates that the voter must make a clear mark inside the circle next to the candidates name and symbol, and not mark anywhere else on the ballot. However, due to the high rates of illiteracy and unfamiliarity with voting procedures, observers noted that in many cases the candidate representatives and sub-commissioners agreed to a certain amount of latitude in interpretation. For example, if the voter marked the circle and wrote the name of the candidate as well, or marked outside the circle but on the name or symbol, this was generally accepted. This ensured that the voters' choices were respected within the reasonable limits of the legal framework and that no significant number of voters was disenfranchised because of a lack of experience with the voting process. In the counting center where the ballots with the ink spots were being disallowed, a call to the SCER resulted in their inclusion. The SCER should be congratulated on maintaining the enfranchisement of the voter as its priority.

The law required that counting continue without a break, and in most cases counting continued with time out only for prayers or meals. In a few instances, however, observers noted that counting was halted in the night and commenced again in the morning. In one case near Aden, observers noted that the boxes were collected in one location but were not watched during the night. There were reports that in polling stations where the counting did not continue all night, ballot boxes disappeared and reappeared in the morning. In constituency 23 in Aden when the *Islah* candidate appeared to be heavily in the lead, there was a commotion outside the voting center and gunfire was heard. Security personnel ordered the facility cleared of all people. Observers noted that the ballot boxes were not guarded during this time and when they returned to the room it appeared that some ballots had been tampered with and some had disappeared. The constituency was eventually awarded to the GPC.

The law stipulates that security personnel are not to be allowed inside the first sub-commission during the counting process unless requested by the chair of the counting commission. Observers noted almost without exception that uniformed and armed security were present in the rooms during the counting. In one case there were over fifteen armed personnel in the counting room. When queried, some election officials stated that they knew that the military presence had not been requested, but did not think they were in a position to ask them to leave. It should be noted that in another instance the election official did ask the military personnel to leave after being approached by international observers.

Observers noted that in some cases the counting process was also delayed due to the absence of one or more of the first sub-commissioners. The law requires that all three first sub-commissioners be present in order for the counting to commence or continue. Observers witnessed the GPC sub-commissioners leave the counting center when it appeared that the opponent was winning, effectively stopping the counting process. In some cases the count was stopped for 12 hours when sub-commissioners could not be located. Observers noted that vote counting was stopped by GPC counting commissioners in Sanaa constituencies 11, 12, 15, 18, and 19, as well as in several other constituencies around the country.¹⁴ It should be noted that *Islah* won in all the Sanaa constituencies listed above.

¹⁴ NDI monitors were deployed around the country on election day, but most returned to Sanaa by April 28. With increased reports from domestic observers and opposition party members of problems with counting procedures, the Institute redeployed

THE POST-ELECTION PERIOD

In the days and weeks immediately following the elections there were serious and widespread accusations of fraud brought forward by *Islab*, YSP and many of the smaller parties. The opposition parties accused the GPC of, among other things, falsifying ballots and stuffing ballot boxes, and the judicial system of strongly favoring the ruling party.

Post-Election Resolution of Complaints

A total of 62 voting and counting-related complaints were accepted for review by the Supreme Court. Twenty-five of these were filed by the GPC, 21 of which were against *Islab* and four were against independents. The court accepted 15 cases filed by *Islab* of which 14 were against the GPC and one was against an independent. The court accepted five cases filed by the YSP, all against the GPC. Nasserites filed three cases against the GPC, the Baath one against an independent. The filing fee discourages complaints by all but the biggest parties. It costs 50,000YR (approximately \$270) and is not refundable if the ruling goes against the plaintiff.

All opposition party and independent candidate challenges were rejected; four appeals by the GPC were accepted and re-votes were held in centers in constituency 61 and 63 (Ta'iz), 75 (Lahaj), and 86 (Ibb). The GPC candidates moved ahead to win the seats in constituencies 61, 63 and 86 and the *Islab* candidate retained his lead in constituency 75.

The integrity of elections depends on the institutional framework for complaints and the independence of the judicial branch as well as the administration of the elections. The judicial system in Yemen does not inspire confidence. Both international and domestic commentators criticize the judiciary for being overly responsive to the executive. That there is no appeals process available is also problematic. Election-related complaints are filed directly with the Supreme Court. Given the high number of election-related complaints brought before the Supreme Court in these and past elections, the appeals process warrants serious review before subsequent elections take place.

observers in Sanaa, and in limited numbers in Aden, on April 28 and 29. Observations of blocked counting are therefore concentrated primarily in Sanaa. As mentioned, however, NDI received widespread and credible accounts from domestic monitors of similar situations around the country. The prevalence of the use of such tactics in Sanaa itself, despite the small number of Centers observed and fierce competition over the constituencies in the capital, is in itself startling and significant.

RESULTS OF THE 2003 ELECTIONS

The ruling party increased its seats from 145 in 1993 to 226 (including independents who immediately affiliated with the GPC) in 1997 and 240 (including GPC affiliated independents) in 2003. Since 1997 the GPC has had sufficient numbers in parliament to amend the constitution without consultation with the opposition parties. The following table shows seats gained and popular vote in the three parliamentary elections.

In the 2003 elections the ruling party received 76 percent of the seats, but only 58 percent of the popular vote. *Islah* received 15 percent of the seats, but 22.5 percent of the popular vote. The YSP received two percent of the seats and five percent of the popular vote. Had Yemen had a list or proportional representation system rather than a "first past the post" system the opposition would hold close to 1/3 of the seats in parliament.

Parliamentary Seats and Popular Vote 2003, 1997 and 1993

	2003		1997		1993	
	Seats	Pop vote	Seats	Pop vote	Seats	Pop vote
GPC	230 (76.4%)	58.2 %	226 (75 %)	43 %	145 (48 %)	
<i>Islah</i>	45 (14.9 %)	22.5 %	53 (17.6 %)	23 %	66	
YSP	7 (2 %)	4.8 %	abstained	-	68	
<i>Ruling Coalition</i>	NA		92.6 %		70.7 %	
Nasserite Social Unionist Party	3		2	4 %	Small parties 22	
Baath Socialist Party	2		2			
Independents	14		18	30 %		

These figures show seats won by individuals as candidates for a party. They do not include independents who affiliated with a party after the elections.

Fourteen independents were elected in 2003. Ten independents (from constituencies 39, 50, 107, 109, 203, 234, 265, 267, 269, 274) are now claimed by the GPC, suggesting that they were not real independents. The list includes five who had been supported by *Islah*.¹⁵ *Islah* actually supported seven. Two of those supported by *Islah* remained independent plus two who ran without the support of any party. *Islah* has no explanation for the realignment of the five independents who they had supported. Current seats in parliament including the independents who subsequently aligned with the GPC are: 79.4 percent GPC, 19.2 percent JMP opposition, and 1.32 percent true independents.

¹⁵ We were told by one independent that he discovered he had aligned with the GPC only when he read his name in the newspaper. He was hesitant to protest.

Many of the accusations of ruling party violations that were raised by members of the JMP related to constituencies in the south. A review of the SCER data on votes cast, however, suggests that at least in the south, the opposition parties lost to each other rather than to the GPC. (This of course does not preclude the possibility that there were also violations.) The following table includes all 15 constituencies where opposition and independent votes were greater than the winning GPC votes. Eleven of the 15 constituencies where the JMP gained more votes than the winning GPC candidates are in the South. Of these southern constituencies, the combined votes of *Islah* and the YSP were greater than the vote for the GPC in 10 constituencies and of the YSP and the Nasserite Social Unionist in one constituency (119). In five of the constituencies (26, 55, 61, 72, 118) the votes cast for independent candidates could have swung the elections to either the GPC or the JMP, even if the JMP had run only one candidate.

Constituencies in which votes for opposition and independents were greater than winning GPC

Governorate	Constituency	Party	GPC Votes	YSP Votes	Islah Votes	Nasserite Unionists Votes	Baath National Party	Independent 1 Votes
Aden	22	GPC	5122	4892	4714	0	0	3722
Aden	23	GPC	6545	4030	6531	0	0	
Aden	24	GPC	6613	2822	6609	236	0	
Aden	26	GPC	3802	3059	2566	0	0	
Aden	28	GPC	10941	3112	8726	0		
Taiz	55	GPC	6919	0	6647	0		
Taiz	61	GPC	8002	927	9827	50	0	
Taiz	63	GPC	5670	2157	5925	0	83	
Lahaj	72	GPC	6881	4000	4098	0	287	
Lahaj	74	GPC	5320	4381	5274	0	0	
Abyan	118	GPC	8498	7509	0			
Abyan	119	GPC	5544	5018	0	2819	0	848
Shabwa	137	GPC	9666	557	9450	0	146	68
	143	GPC	9048	3009	6955	0	0	0
	299	GPC	9770	3261	8784	0		

Southern Constituencies in which JMP Votes were Greater than GPC Votes

- Aden: Constituencies 22,23,24,26,28
- Lahaj: Constituencies 72,74
- Abyan: Constituencies 119
- Shabwa: Constituencies 137
- Hadramaut: Constituencies 143
- Al Dhale: Constituencies 299

Had the JMP not split the vote, the opposition might have held eight of 10 seats in Aden, seven of 12 seats in Lahaj, three of seven in Abyan, three of seven in Al Dhale, six of 18 in the Hadramaut, one of six in Shabwa, and zero of two in Al Mahra. Twenty-eight of 62 seats (45 percent) of southern constituencies might have been held by the opposition.

Looking at the results of the elections by geographic area, there were significant changes in opposition party bases between 1997 and 2003. *Islab*, which retained only 19 seats from 1997, became a more urban party. In 1997, *Islab* held only one seat in the capital and one seat in Aden, the two largest urban areas. In 2003 it gained 10 seats in the capital and two seats in Aden. Had the opposition not split the vote, *Islab* might have held an additional five seats in Aden. It also increased the number of seats it holds in Taiz city, up from three of six in 1997 to four of six in 2003. In 1997, *Islab* held 19 of the seats in the tribal governorates of Sanaa, Amran, Sadaa, AlJauf, Marib, AlBaida, and Shabwa. As a result of the 2003 polls *Islab* holds only eight seats. Some in *Islab* attribute the party's decline in tribal areas at least in part to a failure to develop a compelling message for rural areas.

South versus North

Looking at the results by region and demography, we find that there was a 6.5 percent difference in turn-out between the north and the south and a .69 percent difference in invalid votes between the north and south. Five governorates are southern and detribalized. Shabwa is southern but very tribal, and Mahra is remote and Bedouin. The following table compares turn-out and invalid votes data between the northern governorates and the five southern governorates.

Regional Comparisons of Turn-out and Invalid Vote

	Turnout	Invalid vote
South	70.9 %	3.70 %
North	77.4 %	3.01 %

The differences between the north and south in turn-out can potentially be explained by cultural differences: tribal leaders can more effectively turn-out their tribesmen. The differences in invalid vote ratio, however, are somewhat unexpected. Given the fact that the southern governorates have a much more literate population than the northern governorates, one might have expected higher invalid votes in the north.

A comparison of tribal and non-tribal governorates in the north shows little difference.

Tribal and Non-Tribal Comparisons Turnout and Invalid Vote

	Turnout	Invalid vote
Tribal	75 %	2.4 %
Non-tribal	76 %	3.5 %

Tribal: Sanaa, Amran, Sadaa, AlJauf, Marib, AlBaida, Shabwa