

Continuing Problems in Egypt's Electoral Process

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Brief Analysis

Egypt's election procedures have improved much, but some serious issues remain, though the U.S. government can only have modest influence regarding these matters.

On January 11, 2012, the third and final phase in the elections for Egypt's lower chamber of parliament, the People's Assembly, will end in a process that began November 28, 2011. In each phase, one third of the country's twenty-seven governorates go to the polls. The first two rounds of the elections were held on much sounder principles than elections under former president Hosni Mubarak, but serious issues remain.

Election Rules

Each of the three phases consists of an initial vote followed by a runoff for the individual candidates if no candidate wins a majority. Together, the three rounds will determine the makeup of the assembly's 498 parliamentary seats, two thirds of which are decided according to a proportional-representation list system and one third according to an individual-candidacy system. To make matters more complicated, the Law on the People's Assembly (LPA) stipulates that at least half of the 498 elected parliament members must be "workers and farmers."

According to Egypt's Law on the Exercise of Political Rights (LEPR), all Egyptians who are eligible to vote must do so or face a fine of up to 500 Egyptian pounds (about \$83 in U.S. currency -- a hefty penalty for average Egyptians). While this regulation is not likely to be enforced strictly, Egyptians who have voted thus far have not taken it lightly. By contrast, members of the police and military are ineligible to vote while they are serving -- a situation that could leave a group with large stakes in Egypt's future feeling disenfranchised and resentful.

Implementation of Voting Procedures

Visits to more than thirty polling centers in the Luxor governorate of southern Egypt during the first phase of parliamentary elections on November 28 and 29 revealed no violence or corruption on the scale reported following the 2005 and 2010 Egyptian elections, when ballot stuffing and vote buying were rampant. Nor did these visits reveal the thousands of discarded ballots and other electoral materials, as observed and reported by NGOs following the first voting round. Nevertheless, numerous minor violations and ad hoc procedures left significant room for error:

- Polling committee members (including judges) helped voters mark their ballots. Such assistance is permitted for persons with disabilities, but in the actual event, voters more commonly asked for help either because the procedures were unclear or because the voters wanted advice on whom to vote for.
- Voters lacked sufficient secrecy. The voting booths often faced the wrong direction, so voters were exposed to others in the room while making their selections. Often, voters did not use the booths at all, instead opting to mark their ballots on a tabletop or on the ballot box. Some ballots were too large to complete with ease on the writing

surface in the voting booths.

- Certain polling centers opened late or closed early or both. The voting hours on the first day were extended by two hours in a last-minute decision, from 7 to 9 p.m., with some polling committees possibly unaware of this change. During the first two phases of the election, reports emerged of inconsistent polling-center hours.
- No set procedure was in place for inking voters' fingers once they voted. Voters chose the finger they inked, with some submerging the entire finger and others dipping only the fingertip. Some reported seeing voters who did not ink their fingers at all. Ink was also used by illiterate voters to fingerprint the registration list in order to cast their vote, clouding the distinction between this ink and that used after voting. In other words, it was difficult to tell if someone had voted twice or was instead an illiterate voter with two fingers inked in slightly different colors.

Voters' Ability to Freely Express Their Will

The Egyptian government banned all political campaigning for two days prior to the start of elections, but this rule was ignored. Visits to a number of polling stations showed widespread, brazenly active campaigning.

Distribution of campaign materials on the polling-center grounds and on-site information tables staffed by political party representatives marked the two most common forms of campaigning in the Luxor governorate. The information tables, at which voters could locate useful information such as their voter ID and voting-station number, were a blatant campaign tool and an attempt to sway voters during the crucial last moment. Virtually all such tables were staffed by representatives of the Muslim Brotherhood-linked Freedom and Justice Party (FJP) or the Salafist Nour Party, but the tables were not always marked clearly as such, possibly leading some voters to believe they were unbiased sources of information. Some reported seeing mock ballots highlighting preferred candidates and parties at information booths.

For the second round of elections, on December 14-15, reports indicated active campaigning by a larger cross-section of parties, including the Egyptian Bloc coalition of mostly liberal and leftist parties, the Reform and Development Party, the Wafd Party, the Egypt Nationalist Party, and independent candidates.

Vote Counting

The counting of votes in Luxor was done centrally in an outdoor sports stadium. Aside from being chaotic and disorganized, the facilities could not accommodate the many people involved in the counting. Perhaps half simply sat in the open field on the grass or on ballot boxes, while others sat at tables under a makeshift tent on the field. Many tallied the votes on scraps of paper, and there was no sign of official counting forms.

The ad hoc nature of the counting process, which can be blamed on inadequate legal guidelines, left significant room for deliberate or accidental error. Moreover, the time it took to transport the ballot boxes to the stadium delayed the process and increased the risk for tampering. Once the ballots had arrived, each individual polling committee representing different districts determined its own counting process, and oversight appeared to be insufficient for preventing errors or fraud.

Electoral Symbols

According to the LPA, the High Election Commission (HEC) allocates a symbol to each political party after consultation with the given party's committee. The Muslim Brotherhood's FJP was allowed to use the scales, widely considered to represent justice and used by the party during Mubarak-era elections. Nour's symbol is a lantern (*fanous*), often linked to religious truth or knowledge and used despite a ban by the LPA and LEPR (according to recent amendments) on religious slogans in election campaigns. Other symbols included a gear, a tank, a flower, and sunglasses. Whereas symbol recognition likely bestowed advantages on older parties, many other parties' symbols were difficult to identify or interpret, possibly weakening those parties' prospects and creating major problems in the

voting process, especially given the large percentage of illiterate voters who rely on the symbols to cast their votes. One voter reported voting for the party with the flower symbol because she found the symbol pretty.

Lasting Concerns

The third round of voting, like the first two, may well be marred by illegal campaigning. In this respect, it is worth noting that efforts to stop illegal campaigning were more concerted during the second round, likely thanks to extensive reporting of the practice during the first round.

The vote-counting problems from earlier rounds, both logistical and procedural, have yet to be fully documented, though NGOs such as the Egyptian Organization for Human Rights reported finding thousands of discarded ballots and registration lists following the first phase of elections. According to the available reports from civil society organizations, most of the errors in the second round occurred during the counting process. Unless the HEC acts to strengthen the counting process, it is hard to believe these problems won't be repeated -- and possibly on a larger scale, as the final results draw nearer and the stakes rise. One step that could be taken to lower the chances for fraud would be conducting the counting at the polling stations rather than in a central location.

Despite these issues, Egyptians seem generally satisfied with the elections process, and they seem to have accepted the results, to date, as fair. This is a great achievement for the Supreme Council of the Armed Forces (SCAF) and one of the reasons the "second wave" of the revolution, which began November 19, subsided once the elections began. Had the public viewed the elections as fraudulent, the violence likely would have continued and even amplified, leading to a potential crisis for the SCAF.

As the third round of voting comes up, the United States should be realistic about its limited ability to influence events in Egypt. However, it should encourage the HEC to ensure that elections laws and procedures are enforced.

Margaret Weiss is a research associate of the Washington Institute for Near East Policy. She previously served as an open-source intelligence analyst in the private sector and earned an MS in foreign service from Georgetown University. Much of the information related in this piece comes from firsthand observation in the Luxor governorate. ❖

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