

# Presidential Election Rules in Egypt: Multiple Problems

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Brief Analysis

**A**ugust 17 is the official start of the campaign for Egypt's first multicandidate presidential election; voting is scheduled for on September 7. President Hosni Mubarak, who has held office for twenty-four years, has been elected without opposition four times. In the upcoming election, only party leaders can be candidates; no independent candidates are allowed. Authoritarian rule and emergency laws have limited opposition parties' ability to interact with the public and atrophied their presence in the street. If Egypt's election is free and fair, it will be despite, not because of, the electoral procedures established by the Mubarak regime.

## Supervision

The electoral law entrusts a presidential election committee (PEC) with the implementation of regulations governing campaigning, funding, and poll monitoring. The PEC includes five judges -- the chairman of the Supreme Constitutional Court and his most senior deputy, the chairman of Cairo's Court of Appeal, two senior judges from the Court of Cassation and the State Council -- and five "public figures" appointed by parliament, which is controlled by the ruling National Democratic Party (NDP). The opposition condemned the inclusion of public figures on the PEC as a means for appointing biased members to the committee. The decisions of the PEC are immune from judicial review.

Election law calls on the judiciary to monitor balloting, but on May 13 the general assembly of the Judges Club, an official entity that works as a de facto union, voted to abstain from supervising the forthcoming presidential and legislative elections. Without judicial supervision, the elections will lack guarantees of fairness and independence. This judges' decision came amid growing tension between the government and the judiciary over a new law on judicial authority; judges had asked for greater independence from the executive. Currently, the Ministry of Justice controls judges' salaries, bonuses, and promotions.

The Judges Club objected that its 8,000 members cannot supervise all of Egypt's 54,000 polling stations on one day; called for guarantees that security forces would not interfere in the balloting; and demanded complete control over the electoral process, from drawing up registries to counting the ballot papers and publishing the results.

In an attempt to ease the tension between the Judges Club and the regime, the PEC promised to group some auxiliary polling stations in the same location to allow for greater judicial supervision. The Judges Club will review its position on September 2; some judges believe it is their duty to participate so that they can report irregularities.

The law prohibits international observers to monitor presidential elections in Egypt. A coalition of local non-governmental organizations (NGOs) has formed a national campaign to monitor the elections with the help of journalists, lawyers, and up to 250 paid monitors.

## The Time Factor

In February, Mubarak introduced his proposal to replace the old system of holding a one-candidate referendum with

multicandidate elections. Mubarak's proposal was approved in a controversial referendum in May, yet the official date for beginning the presidential campaign remained unclear until late July. The campaign will last eighteen days, starting August 17 and ending September 4. The opposition objects that eighteen days are not sufficient, as it does not even allow the candidates to tour Egypt's twenty-six provinces.

Shortening the electoral campaign gives Mubarak an advantage. The challengers, unknown to the public, are ill-prepared for a presidential campaign on such a short notice.

In addition, Egyptian voters must obtain a registration card in December to be eligible to vote in elections the following year. Last December, few expected the 2005 elections to matter, so registration rates were low. A large number of potential voters do not have registration cards, preventing many interested Egyptians from voting.

#### Funding and Media

Each candidate will receive 500,000 pounds (\$87,000) from the state. Election laws impose a 10 million pound (\$1.7 million) ceiling on campaign expenditures. Those sums are modest for a country of 72 million inhabitants. Candidates will not be allowed to accept donations from Egyptians living abroad, much less from foreigners. The Central Auditing Agency, a government body, will examine campaign contributions. Opposition candidates have expressed their concerns that Mubarak could use state resources for his campaign. As president, many of his activities during the campaign will be paid for by the state, and carrying out presidential duties could be considered a part of the campaign.

Controversy remains concerning candidates' access to the media. Paid television commercials are not allowed, giving the incumbent another advantage. When performing his duties as president, Mubarak enjoys unlimited, free media coverage. NDP officials claim that state media coverage is based on the fact that Mubarak is president and not the NDP candidate. Opposition candidates say that they are certain to be denied the same media access Mubarak enjoys.

#### Other Restrictions

The new electoral law does not specify how expatriates will cast their votes. An estimated 3 million Egyptians living abroad are eligible to vote; if allowed to participate, the expatriate community could have a significant effect on the election.

In all Egyptian elections, the ballot boxes are made of wood. Most are in bad repair, many without locks. It would be easy to stuff ballot boxes by inserting ballots before the polls open or after they close (in theory, the candidates' representatives may inspect the boxes before polls open). An extra step toward transparency would have included transparent ballot boxes (to make sure they start the day empty) with solid locks.

Governors of some provinces took measures to obstruct the campaigns of opposition candidates by imposing a fee on any poster or banner placed in public spaces. A poster would cost fifty pounds (\$8.70) and a banner, one hundred pounds (\$17). No candidate can afford such prices, especially with the low ceiling for campaign expenditures.

In several cities, government agencies and state owned companies had already started to place pro-Mubarak banners and posters. This violates the electoral law preventing government agencies and state-owned companies from funding campaigns.

#### Conclusion

If the Egyptian government wants to realize and extend the promise of political reforms, it could do much to improve campaign regulations and voting procedures. The international community has a great deal of experience advising and assisting governments on such procedural matters. It would be entirely appropriate for Egypt's friends, and for the friends of democracy in Egypt, to work for an improvement in Egypt's election procedures. Some changes could

still be made before the presidential election, and there is ample time to make additional changes before November's parliamentary elections -- which are almost certain to be more hotly contested than the presidential vote.

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