The administration of national elections: A comparative analysis and the case of Egypt.

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American University in Cairo
School of Global Affairs and Public Policy

THE ADMINISTRATION OF NATIONAL ELECTIONS
A COMPARATIVE ANALYSIS AND THE CASE OF EGYPT

A Thesis Submitted to the Public Policy and Administration Department
In partial fulfillment of the requirements for the degree of
Master of Public Policy

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Abbreviations

ACE: Administration and Cost of Elections.
BRIDGE: Building Democracy in Development
CIT: Communication, Information Technology
DEO: District Electoral Officer
EMB: Electoral Management Body
ECI: Election Commission of India
EVM: Electronic Voting Machine
GA: General Assembly
GDP: Growth Domestic Product
HEC: High Election Committee
ICCPR UN International Covenant for Civil and Political Rights
IDEA: International Institute for Democracy and Electoral Assistance
IEC: Independent Electoral Commission
IFE: Federal Electoral Institute
IPU: International Parliamentarian Union.
INE: National Electoral Institute
IT: Information Technology
LNEA: Local Chief Electoral Officer (LNEA)
NEC: National Electoral Commission
NEA: National Electoral Authority
NDP: National Democratic Party
NGO: Non-Governmental Organization
MOI: Ministry of Interior
MOFA: Ministry of Foreign Affairs
MSAD: Ministry of states for Administration and Development
PA: People Assembly
PAN: Party Action National
PLC: Political Liaison Committee
PREP: Program for Preliminary Electoral Results
PEC: Presidential Election Committee
PRI: Party Revolutionary Institutional
SCAF: Supreme Council of the Armed Forces
SLC: State Local Council
TEPJF: Electoral Federal Court
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Acknowledgements

I would like to thank my committee Dr. Hamid Ali, and Dr. Amr Hamzawy for their perceptive and insightful feedback on this study and present a special thanks to Dr. Khaled Amin for beginning this journey with me. I would also like to thank my family for their continuous support and encouragement throughout this exercise and everything else I choose and practice. A special appreciation for Dr. Rafael Lopez Pintor and Carlos Valenzuela the two international experts in elections with whom I spent four full years working in this field and who inspired me and helped me to understand the real value of democracy and the way to put it in practice. I’m offering this study to the Egyptian government, political parties, and judicial institutions hoping that they will use it as a reference for the establishment of the upcoming apparatus’ National Election Authority”. My final wish is for every Egyptian citizen to stand for and practice his/her human rights that belong to every individual with no discrimination, and to realize their inherent human dignity.

Abstract

This study introduces policy directive outlines and important considerations in relation to the design of the National Electoral Authority organigram- the new electoral management body- NEA- stated in the 2014 Egyptian constitution. The suggested structure is based on a range of the most widely used electoral administration options and a comparative study of three different countries. It also recalls relevant principles of international electoral principles policies and practices.
Executive Summary

Between other fundamentals that are critical for the acceptance and credibility of an electoral process, the clear identification of the principles and rules that govern the process, the precise allocation of the roles and responsibilities in the administration and the effective implementation and delivery of these responsibilities remain the core functions of any Electoral Administration.

For the purposes of this study, the electoral management bodies (EMBs) are implicit to be the structures and individuals accountable for carrying out the range of activities involved in the administration and planning of any given elections. Therefore its design, composition and performance is an important variable in the integrity of an electoral process and the acceptance of results. It is therefore important for an EMB to be perceived as a credible entity by the different contenders involved in the process. For the author to propose the National Electoral Authority (NEA) apparatus that will support national efforts to enhance the credibility of the process, the author researched comparative experiences on best practices in this field and carried numbers of one to one interview with a number of UN experts, national electoral officers and ex-parliamentarians. This study helped the author to reach a general consensus on the main elements that will better describe the NEA responsibilities in the following areas: - the development of the legal framework, planning and organizing elections and resolution of election-related disputes.

The author reviewed the three different models for Electoral Administration: Independent, Governmental and Mixed that can be appropriate for any country, depending on various factors including the particular transitional circumstances. Based on the following the author reviewed
the Egyptian history related to the Electoral Administration, constitution, legal background and suggested the organization structure of the upcoming NEA, the method of appointment of the governor body and secretariat, the recruitment of polling staff, the sub national structure, inter institutional cooperation, the NEA’s relation with the political parties; in addition to other related elements to the electoral operations (including voter registration, field coordination, training, procedures, etc.) external Relations (including observers relations, candidate/ political party and civil society liaison, etc.), public information (including voter education and media relations); in addition to the administration (including finance, human resources, budget, etc. and the data management that include information Technology.
Introduction

In December, 1948 the General Assembly (GA) of the United Nations adopted and declared the Universal Declaration of Human Rights where member states have promised and engaged themselves to achieve the endorsement of universal respect and the observance of fundamental freedoms and human rights.

According to the article 21 in the declaration, “everyone has the right to take part in the government of his /her country, directly or through freely chosen representatives, in addition to the right of equal access to public service in his country”. It was stated in the resolution 217A of the Universal Declaration that Human Rights are for everybody and therefore all persons are entitled to equity of access to electoral processes and the will of the people shall be the basis of government’s authority; therefore this should be expressed in legitimate and periodic elections, by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

International standards for democratic elections can be identified equally in international legal apparatus and in best practices shared between electoral practitioners’ analysts and democracy’s activists. The core legal international instruments regarding this element are the eight democratic principles enshrined in Article 25 of the UN International Covenant for Civil and Political Rights (ICCPR of 1966): 1) equal suffrage; 2) universal suffrage; 3) periodic elections; 4) free expression of the will of the people; 5) right to stand for public office; 6) right to vote; 7) secret ballot; 8) genuine elections.
The IPU in its declaration on criteria for free and fair elections urged governments and parliaments throughout the world to be guided by the principles and standards of free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage where every adult citizen has the right to vote in elections, on a non-discriminatory basis and where candidature, parties and campaign rights and responsibilities are determined in accordance with national constitutions and laws shall not be inconsistent with the State's international obligations. (IPU, 1994)

The IPU identified the rights and responsibilities of states to take the necessary legislative steps and other measures to guarantee the rights and institutional framework for periodic and genuine, free and fair elections by establishing an effective, impartial and non-discriminatory procedure for the registration of voters; in addition, to the necessary policies and institutional steps to ensure the progressive achievement and consolidation of democratic goals, through the establishment of a neutral, impartial or balanced mechanism for the management of elections (IPU, 1994).

The Egyptian government and citizens are currently in the process to ratify the declaration on free and fair elections guided by its principles and standards. Since January 25, 2011 Egypt has been experiencing a confused, chaotic and uncertain democratic transition. Egyptians stimulated and encouraged by the actions in Tunisia, they organized mass protests to overthrow President Hosni Mubarak. On February 11, 2011 when P. Mubarak stepped down, the Supreme Council of the Armed Forces (SCAF) lead the interim political process until the handover of power to an elected president in June 2012. (IFES, 2013)

Since the revolution, Egypt has held three referendums (March 2011 Nov 2012 and January 2014) and three elections (Lower house of representatives from Dec 2011 to Feb 2012,
upper house of representatives Feb 2012 to April 2012, presidential elections in June 2012 and May 2014. These elections have been accompanied with an increasing popular discontent with President Mohamed Morsi and his government. This was terminated in widespread, continued mass demonstrations in June and July 2013 that led to the appointment of a technocrat interim government. (IFES, 2013)

In review of Carter Center reports after the previous elections, there were limitations imposed on election witnesses by Egypt's electoral authorities that prohibit the assessment of critical pre-election phases including voter registration and campaigning. The current High Election Committee (HEC) and Presidential Election Committee (PEC) put efforts to upgrade the kind of services provided to the citizens’ pre, during and after the election day, they took new measure to promote transparency – Based on observation the current administration is facing legal, technical and managerial problems in the handling of the elections, election authorities prohibited access to the final aggregation of national results, undermining the overall transparency of the process. (Carter center, 2012)

The late amendments of electoral laws and procedures is still challenging the stability and credibility of the election process. The difficulties to ensure that election officials are trained and voters properly informed, increased the risk of administrative irregularities in the election process; in addition to the limitation on the right to an administrative appeal which question the public confidence in the impartiality of the body. (Carter Center, 2012)

Procedural irregularities continue to be one of the main issue that needs improvement, it includes failure to check for ink, the changeable implementation of closing procedures before starting counting, in some areas the secrecy of the ballot was challenged due to logistical arrangement,
disclosure of preferences by voters themselves, inappropriate assistance by judges, and overcrowding. The absence of candidates’ agents, media representatives, domestic and international witnesses at this crucial stage of the election process during the aggregation of national results undermines the overall transparency of the election results.(Eisa, 2012)

Therefore a comprehensive revision of the current transitional electoral laws and electoral administration is requested, with an appropriate legal framework that enhance the work flow of the new independent administration to ensure the credibility, sustainability, professionalism and impartiality of the upcoming elections in Egypt.
The Study Scope

Research Problem

In Egypt, after January 2011, the electoral process becomes a fundamental step in the transition period to strengthen the path to democracy. Within this viewpoint, the credibility of forthcoming electoral events and institutions are of the utmost importance to ensure that the results will accurately reflect the will of the Egyptian people; therefore the urgent necessity to have fair, transparent, professional, impartial and well administered election in Egypt’s transition becomes fundamental.

In view of the constitutional reform, as announced by the previous regime in 2012 constitutions, it provides for an independent, permanent National Electoral Commission (NEC) that is fully responsible for the conduct of referendums and elections at all levels. But still further legislation on the Election Management Body EMB, regarding procedures for the formation of the governing body, the functioning of the NEC, voting and counting, procedures and timelines for appeals and adjudication is mandated in the upcoming electoral laws. (Idea, 2012)

After the political events of 3 July 2013, a number of provisions are contained relevant for the conduct of elections. Some of these provisions are included in the constitution as they refer to main institutions of democratic government. Following the adoption of the constitutional amendments in 2014, the first elections for the PA and for local councils will be conducted in a mixed system.

As per the Idea’s formal documentation of the 2014 referendum: The electoral framework in Egypt continuing transition, Article 208 in the constitution explicitly provides that the National Election Authority (NEA ) is independent and it is replacing the NEC , the last institution is no
longer listed among the supervisory institutions and independent bodies. The NEA’s roles and responsibilities are the same as those of the NEC, as well as the appointment of the NEA’s board of commissioners’ members are the same as the NEC, but they are now appointed by a presidential decree after the approval of the Supreme Judicial Council and the relevant judicial councils. (Constitute projects, 2015)

In the 2014 approved constitution the condition of renewal for half the membership will be every three years. The NEA’s president will no longer be assigned part time but he will be full time official. Following the adoption of the constitutional changes, the current HEC and PEC will supervise respectively the first House of Representatives and presidential elections. (Idea, 2015)

While there were some significant proposed amendments relating to the electoral system, the 2014 constitution didn’t include the electoral systems and left the decision to the Egypt’s current interim president “Coun. Adly Mansour to confirm the selection of the electoral system that will ensure inclusion and equality in the representation. There are more public debates about some of these proposals.

Still the lack of accuracy in the constitutional articles regarding the formation of an EMB and the institutional confusion regarding the nature of the electoral administration organization (NEC or National Electoral Authority) its mandates, roles and responsibilities, its independency and budget urged the author to research this topic and to suggest a NEA structures for the future EMB in Egypt.

The research problem is now to translate the articles number 208/209 and 210 included in the 2014 constitution to a real proper election machinery based on the international principles and in view of the current political context through proper electoral framework, organization structure
with sub divisions where the roles and responsibilities are well defined, mechanism of appointment, and recruitment of its personnel is clear and the inter institutional cooperation among other institutions and stakeholders is emphasized.

**Research questions**

- What are the main components of an Election Administration from an international prospective?
- What could be the best practices in the field of electoral administration?
- What are the differences and similarities among comparable countries in administrating elections?
- What is the suggested Egyptian’s National Election Authority roles and responsibilities? The Inter-institutional cooperation among other institutions, political parties and other stakeholders?
- How the organization structure of the EMB in Egypt should look like, its mechanism of appointment and recruitment of polling staff and the sub national structure?

**Research objective**

The author researched and analyzed three international comparative experiences of Electoral administration system as best practices, their differences and similarities. She is providing recommendations about the suitable electoral administration system for Egypt, roles and responsibilities, NEA’s recruitment and operational mechanism that will support national efforts.
to enhance the credibility and sustainability of electoral institutions and processes, the proposed structure is trying to minimize the existing inconsistency in the legal framework, impartiality in law making, judicial full supervision, lack of professionalism in the administration process and operations, poor training and knowledge sharing of the electoral officers and polling staff.
Methodology

Based on the study’s scope, the author identified the research problem, questions and objectives; then she started with an in-depth review of the existing literature related to the two main concepts associated to elections: Electoral Governance and Electoral Administration (EMB structures model). The literature includes the historical aspect for the development of the electoral administration and its existing models. The author identified three different countries from three different region: South Africa, India and Mexico and conducted a comparative analysis to address the similarity in the political context, transitional phase and background, than an analysis of the different type of electoral administration, its composition, structure, function, roles and responsibilities using scholarly journal and academic books. The author selected these three countries because of their similarity with Egypt in term of history, political and economic background. The three countries have witnessed political instability, one party sovereignty for a long period of time, violence pre, during and post elections, fraud and corruption in the different aspect concerning the transition to democracy; in addition to the lack of transparency, credibility and impartiality in the different stage of elections. The Land and population size may differ but the structure and impact on the electoral administration faced the same challenges.

**Mexico:** Land area: 1.9km, population 125.5m GDP: 1,297.5 real GDP growth. PRI was governing Mexico in the period between 1929 and 2000, this party switched from being nationalist to adopt a liberalized economy, free market policies. followed this period in 2000 the representative of the PAN made a transition to democratic pluralism, the political efficiency was
slowed due to a divided legislature, the country witnessed a slow progress on structural reforms. Inactive growth and increasing violent crime were main factors to the return of the PRI to power.

The political system is a presidential, two-houses and federal it includes 31 states and a federal district that cover Mexico City the capital, the terms for presidency is six years, without the chance of re-election. Throughout the transition to democratic pluralism, the focus of political power has gone from the executive to the legislature and local governments. (Economist, 2015)

**India**: Land area 3,287,263 sq. km. Population growth; 1,295 GDP (US$ bn; market exchange rate) 2,052 Real GDP growth. In 1947 India gained its independence, after two hundred years of British colonial rule, India had fought three wars with Pakistan that has been created after. India currently is the world second-most populous country, its economy can be considered the third or the tenth worldwide depending how it is measured. The inefficient and large public sector exists with a diversified and contained private sector.

Since independence, India has been a democracy. For three decades, at federal level, the norm becomes that regional parties has made coalition government. Democratic procedures are normally respected. The leader of the government is the prime minister that require the support of a majority in parliament. The head of state is the president with limited executive power but he still can influence the formation of governments when no party has gained an absolute majority at both national at state level. The judiciary is officially and legally independent and is becoming increasingly firm. (Economist, 2015)

**South Africa**: 1,219,090 sq. km, Population 54.96m (mid-2015, Statistics South Africa), GDP (US$ bn; market exchange rate) 350.1Real GDP growth. South Africa turn in a full democracy in
1994, when the first all-race elections was held. The African National Congress (ANC) won and has conquered all of the successive elections—in 1999, 2004, 2009 and, the last one in May 2014.

South Africa is a constitutional democracy with an executive president elected by parliament and a two-tier parliament. The constitution is the ultimate law of the land, it provides for an Public Protector, an independent corruption watchdog, and for independent commissions on human rights, gender equality and elections. The National Assembly is composed of 400 members who are elected by proportional representation; the National Council of the nine provinces is composed of indirectly elected representatives. The judiciary includes an 11-member Constitutional Court and is fully independent. (Economist, 2015)

This comparative exercise helped the author to identify lesson learned from previous worldwide experiences. Based on the outcome of the previous step, the author used the qualitative research (One to one interview that is a method of inquiry employed in many different academic disciplines, this method aims is to gather an in-depth understanding of the different stakeholders, politicians, experts and government officials views concerning the electoral administration; moreover the author was interested in the why and how of decision making, she preferred to use smaller but focused samples more than large samples.

The outcome of these interviews is more general conclusions, only propositions (informed assertions). During this study the author interviewed ex parliamentarians, electoral officers who has been working with the temporary High election commission and Presidential election
commission, members of other stakeholder’s institutions.

Guidelines for the interview was developed with a set of questions, (six), the meetings was held in their premises for a period of two hours, an introduction about the study was given. The qualitative research was based on a one to one interview and structure questions was clustered under two main components as follows:

A. The internal electoral administration structure: Organizational structure of the electoral administration central bureau, the main component and division of this institution? How the appointment of commissioners will be made? How the chief electoral officer will be recruited? The recruitment of the polling officers and Sub national structure?

B. The relation between the Electoral administration and other stakeholders that will discuss how the independence of electoral commissions from government and political parties would be better ensured? How the division of labor would prevail in cases where the responsibility for elections is shared between different institutions within the country? What will be the kind of Political parties’ relationship with the EMB? Which institution should be responsible for the adjudication of results and dispute resolution?

The compilation of the one to one interview outcome helped the author gathering the different views and after the analysis, a draft NEA organization structure with its department is suggested
Literature Review

Based on the identification of methodology and country selected for the comparative experiences. In this section, the author is reviewing and summarizing the existing worldwide Academic concepts related to the electoral context: electoral governance and electoral administration. The in-depth understanding of the differences between terminology and concepts provided the study a more focused approach towards the analysis of the research outcome that consisted of desk review and one to one interviews with Experts. The main

- **Electoral Governance**
  
  o Voters Behaviour
  
  o Electoral System and Legal Framework
  
  o Institution Dimensions

- **Electoral Administration:**
  
  o Difference between electoral systems and structural patterns of EMB’s
  
  o Legal Framework of the electoral administration
  
  o Main functions of the electoral administration
  
  o Three different model of Electoral Management Bodies

**Electoral Administration a mean for good governance.**

As per the UNDP governance for human development report and the World Bank definition, Governance is the system of values, policies and institutions by which a society manages its
economic, political and social affairs through interactions within and among the state, civil society and private sector. It comprises the mechanisms and processes for citizens and groups to articulate their interests, mediate their differences and exercise their legal rights and obligations. It is the rules, institutions and practices that set limits and provide incentives for individuals, organizations and firms. Governance, including its social, political and economic dimensions, operates at every level of human enterprise, be it the household, village, municipality, nation, region or globe. (UNDP, 1997). We define governance as the traditions and institutions by which authority in a country is exercised for the common good. This includes the process by which those in authority are selected, monitored and replaced, the capacity of the government to effectively manage its resources and implement sound policies and the respect of citizens and the state for the institutions that govern economic and social interactions among them. (UN, bureau of policy 2011).

Good governance means competent management of a country’s resources and affairs in a manner that is open, transparent, accountable, equitable and responsive to people’s needs; in addition that it might be defined as a mode or model of governance that leads to social and economic results wanted by citizens.

The eight characteristics of good governance are; Transparency, effectiveness and efficiency, responsiveness, accountability, consensus oriented, Equity and inclusiveness and Rule of law. (UNDP, 1997)

1- Electoral Governance

As per the Electoral practitioners, governance is an all-inclusive term embracing every aspect of the management and administration of the electoral system.
The term embraces all electoral institutions, laws, regulations and procedures relating to representation, who can stand as a candidate and who can vote when, where and how, the voting method, decision-rule, how votes are tallied and the outcome determined, and how administrative and judicial appeals are conducted…(Gill.G,2006)

Based on the above and according to Lopez Pintor, the electoral systems are considered to be the prime vehicle for choice and for representative governance, which represent the vital foundation for democratization and good governance. Any systems have to provide opportunities for all, with non-discrimination, with the inclusion of the most disadvantaged to contribute in and influence government policies and practices. The effective management of the electoral management bodies that have the legitimacy to reinforce rules and ensure fairness among citizens and political parties should be inclusive, impartial sustainable, fair and independent. This EMB should receive the legislative support and empowerment to enhance their role and strengthen their capacity. (Pintor, 2000)

As per the UNDP policy on governance for human development, the realization of people-centered sustainable development depends on accountable and transparent governance and democracy which require the strengthening of governing institutions –judiciary legislature, and electoral institutions; in addition to the strengthening of electoral systems that promote inclusive processes within the broader context of democratic governance. (UNDP, 1997)

As per Mozaffar and Schedler, in emerging democracies, electoral governance is a critical variable in attaining the credibility of elections, they both worked to develop some analysis, trying to understand this abandoned topic. It conceptualizes electoral governance as a set of interrelated activities that includes the making of rules, its application and adjudication. It classi-
ifies the provision of procedural certainty as a requirement to secure the essential uncertainty of democratic elections as the primary task of electoral governance. They urge the academia professionals to study the comparative study for the construction of participatory and competitive structures as well as the processes of electoral governance. (Mozaffar, Schedler, 2002)

a- **Electoral Behavior:** Abundant researches in recent years on the voter patterns have examined in details the individual voter behavior. Paul Lazarsfel in 1940 studied the notions of the individual voter along the route to his vote. For twenty years the emphasis was on sociological background, others on, perceptions attitudes and different psychological variables. Lazarsfeld and his colleagues were preoccupied with the motives, the decisions, the conflicts of the individual voter; moreover they gave further comprehensive consideration to the role of political issues, emphasizing the frequency with which respondents overlooked or misperceived their preferred candidates’ issue positions when these were conflicting with the respondents’ individual views (Bartel,2008). The past few years, researchers and professionals moved from the study of micro-political components to understand the flow of the total vote by relating the perceptions gained from the reading of the individual voter to the description and justification of the behavior of eligible voters (Icpsr,2004). In 1948 the Center of The University of Michigan has conducted surveys to better understand the perceptions and motives of the national electorate, trying to analyses the individual voting decision descriptive facts. The findings lead to debate of the characteristics of elections. 1. The political attributes describe the members of the electorate, their level of fundamental
interest in politics, it has concluded that activist are prepared and stable in responding to everything related to politics and others are disengaged and lives in a nonpolitical world.

2. The second attribute is the party identification, where members of the electorate have some degree of psychological connection to one of the parties. This partisan identification influence his perceptions, attitudes, and behavior toward his participation and respond to political condition. (Campbell, A, 1952) In the National and international events, the current image of the parties and the personal characteristics of the candidates, build short-term political forces. The research proved that the highly informed people tend to be interested in politics and identified with specific party (Icpsr, 2004). Transferring these characteristics of voters to the one of the collective vote, proved that the size of the turnout in national elections depends on a mixture of fundamental political interest and the impact of short-term political forces. Arned Lijphard study explained that voter low turnout is a severe democratic problem for the following reasons: unequal turnout is biased to well-to-do citizens, it has negative effect on political influence. The turnout in midterm, local, supranational and regional are less noticeable, he concluded that the turnout tend to decline everywhere; therefore he suggests to solve the problem of inequality by institutional mechanisms, mixture of voter-friendly registration rules, infrequent election, a system of proportional representation, and other procedures that maximize turnout Lijphart, A.. (1997). The Michigan University study clarified that People with a great level of intrinsic interest, vote in most of national elections and contrary to people with tiny intrinsic interest, they vote only when other persuasive short-term forces are stimulated. The presence of short-term forces in the presidential elections that are stronger than those in the mid-term elections brings to the polls a large
number of marginal voters who do not vote in the less notable off-year elections. These people who are less party affiliated are more mobile than the regular basic voters who have intrinsic interest in political matters to participate in all national elections. These marginal people shift their votes from one party to the other. In the off-year elections these people do not turn out; the decision become to the core regulars whose greater degree of party loyalty. The swings in the vote seem to be more a reaction to personalities and circumstances than to issues in the normal sense. Public interest in these instant events and persons is transformed into political action, with a high turnout of voters and a common movement toward the party. The electorate seems skilled of expressing its intolerance of conditions, it finds it provoking and it responds strongly to the personal qualities of an outstanding candidate but it is not well informed to monitor a well-developed program of choice in governmental policies (Campbell. A, 1964). Behavioral studies of the vote proved to have their limitations. The history of efforts to find the association between aggregative events and the module of the individual acts is not encouraging. Arnold Toynbee has criticized our "lack of knowledge of the relation between communal results and the specific individual human acts.

For decades, scholars have studied the dynamic relation between voters and their candidates. International Organization as IDEA and Ace have assigned scholars to assemble volume of empirical research on fair voting and what do affect the voter decision from an external political, economic (unemployment, inflation, or growth), social and culture prospective, furthermore a special emphasis was given to the effect of violence on elections in specific in post conflict zone. As per literature review, it remains unclear whether voters reflect upon their own condition, or more generally on societies, when evaluating a candidate.
Many literature demonstrates that it is difficult to assess existent understanding of the voters outside of the situation of practices such as controlled voting. Informal votes are the result measures of ‘voter awareness’. (Ace, 2014) Still, there is some positive facts that in the democratic process, there is still possibility to reduce violence if candidates and supporters understand the process and its legal implications; furthermore more researches on proper civic education program have been developed.

**B- Electoral system and Legal Framework:**

To advance these debates, important areas of research remained unexplored. On another hand many scholars invested in the study of Electoral systems and its legal framework that represent the main vehicle for choice and representational governance, as a basic foundation for democratization to provide opportunities for all, to participate in and influence government policy and practice.

As per Reynolds, Andrew and Reilly, Electoral systems are today perceived as one of the most powerful of all political institutions, and of critical importance to wider issue of governance. These scholars discussed the selection of an electoral system as one of the key institutional decisions for a democracy and highlighted the process of designing an electoral system, by starting with a list of criteria that sum up what the country wants to achieve, avoid and how they want the legislature and executive government to look like. The ten main criteria for design were as follows: providing representation (geographical, ideological, party political and descriptive, making elections meaningful and accessible, provide incentives for conciliation, facilitate stable and efficient government, hold the government accountable as well as the individual representative, encouraging political parties, promoting legislative opposition and oversight, making the election process sustainable (Reynolds, A., & Reilly, B. 1997)
Hampson in its book included the definition of electoral systems, its importance and its classification, in addition to its advantages and disadvantages; moreover they explained the role of negotiating the selection of the electoral system as a prevention mechanism to conflict. Hampson, F. (2002). Lipitor agreed that it is not possible to identify one best system as what is best will be determined by the priorities of the country in question.

*Patterns of Democracy* started out as a revised and updated version of Arend Lijphart's 1984 classic, *Democracies: Patterns of Majoritarian and Consensus Government* (Yale University Press). Liphart studied the contrast between the majoritarian and proportional (consensus) system. Liphart carried out important changes, but the fundamental idea remains unchanged: Liberal Modern democracies are founded on two conflicting visions of the democratic model. The majoritarian principle highlights that democracy is grounded on a concentration of power and it is a majority rule; moreover majoritarian democracy tend to create sharp separations between those who do not hold power and those who does, it does not permit the influence of opposition over government policy. On the other hand, the consensus principle, promotes the idea of citizen representation and separates power so that there are several poles of decision making and several checks and balances, which limit the power of the central government and provide the representation of a wider range of interests. (Lijphart, A. (1999)

Political Sciences was controlled by the idea of majoritarian until Lijphart's work appeared in the 1960s and 1970s and raised the issue of consensual democracy, he persuasively argued that democracy requisite is not to follow the majoritarian model and that majority rule divides societies, influences majority dictatorship and create civil conflict rather than democracy. He concludes that consensus democracies have an equivalent or marginally better record than
majoritarian democracies in the control of violence, economic management and they do better with the promotion of women's representation, encourage electoral participation, reduce inequalities, protect the environment, provide social welfare, avoid high crime rates, encourage generosity in foreign aid and promote citizen satisfaction with democracy.

G. Bingham Powell in *Elections as Instruments of Democracy*, studies the degree to which elections let citizens influence policy making. Majority of theories of democracy discussed the idea of voters who elect representatives that express the general outlines of the voters' policy inclinations. Powell claims that elections are devices of democracy that provide citizens with impact over policy making. According to the majoritarian perspective, the citizens influence policy by selecting between two options but the proportional concept of democracy consider that all citizens, not only the one who voted for the government, must have influence over policy. (Powell, G. (2000).

Powell emphasis on the fact that the electoral system and the legislative rules are two constitutional features that define whether a democracy is inclined toward the proportional or majoritarian principle. As per his analyses, majoritarian hope that elections are to serve as instruments of accountability; therefore citizens should be able to recognize who is responsible for government policy, and the winning party or coalition must dominate policy making. Proportional view is that elections are to promote broad citizen influence in policy decisions.

As per the majoritarian idea, democratic governments must have policy positions that reveal those of the medium voter. Nevertheless, this system have often failed in this respect. According to Powell’s researches, political systems based on proportional vision are more effective at stimulating government nearness to the views of the median citizen.
Ohlendorf, N., & Roberts treated the legal framework in its different forms, the author found more than sixty researches and studies that treats the legal framework and the electoral dispute resolutions. The legal framework provides the foundation on which institutions are built; it is usually set out in a number of interrelated statutes supplemented by regulations.

In most cases we will found resources that treat the foundation in the constitution, that is, the supreme law of a country. Added to this, is other legislation including electoral laws, penal codes and civil rights statutes, as well as regulations and codes of conduct/ethics issued by the different bodies responsible for elections; moreover it contains guidelines for structuring the electoral administration and instructions for electoral administrators on managing elections.

In most countries, the legal framework for elections has evolved into a complex combination of statutes, regulations, judicial rulings and actual practice. Some election laws may be new and up to date, while others are outmoded but still in force. Ohlendorf, N., & Roberts, A. (2012).

Baxter and Joe studies highlighted the importance to explore the fundamental requirements of the effective management of electoral systems and its institutions to become inclusive, sustainable and independent; moreover the type of electoral management bodies that can gain the legitimacy to enforce rules and assure fairness with the cooperation of political parties and citizens.

**c- Institutional Dimension of the Electoral Governance:**

L. Pintor supported by the international organization reinforced the idea that the realization of social and people centered sustainable development cannot be achieved without democratic and transparent and accountable governance in all sectors of society; moreover as Policy
implications, these studies identify the strengthening of governing institutions - legislature, judiciary and electoral institutions - as one of five priority areas to support in order to better achieve this policy goals. (Pintor, R. (2000).

Pintor’s documents have focused on the institutional dimensions of strengthening electoral systems and issues related to electoral management bodies as institutions of governance. These analysis contained international and other regional comparative experiences. They classified the countries according to the type of electoral administration, five of these studies authored by IFES and UNDP argued that EMB worldwide are increasingly permanent and independent of the government executive branch, and it studied its financial implications and cost effectiveness. Special attention were given on the role and challenges of electoral management bodies in the new and older established democracies.

Andreas Schedler in his book The Self-restraining State: Power and Accountability in New Democracies dedicate a chapter on electoral commission history where he explains that the electoral administration is a relatively new field of study in new and emerging democracies when its relates to democratization. Schedler, A. (1999). These five studies are the basic research findings that made a positive contribution toward the ongoing work of specialized national commission’s electoral organizations, civil society, development partners and further contribution to the deepening of inclusive political processes and sustainable democratic institutions.

There are very little if none scholarly journal on the current state of EMBs in the Arab World and possible alternative developments in view of preparation of future elections but we can found few consecutive UNDP reports, IDEA and ACE comparative experience of the Arab region and
BRIDGE training material on the different institutional models and experiences in the structuring and functioning of electoral management bodies (EMBs) and on the cost of elections

The absence of a scholarly documents that discuss the current and future electoral administration in Egypt, its functions, roles and responsibilities and its suggested organization structure in view of the suggested articles in the 2014 constitution, initiated the author to research based on the international guidelines and the study of other comparative experiences what can be the best option of electoral administration structure in Egypt

2- **Electoral Administration:**

   a- **Difference between electoral systems and structural patterns of EMB’s**

Pintor emphasized on the fact that Public authorities’ role in elections is to remove the main obstacles to competition, ensure that voters have a real choice. In legitimate elections, the election management bodies and other public authorities should ensure fair legal requirements, good will, and neutrality of law enforcement. In this context the electoral framework depends on three main elements: the constitution, the electoral law and the Election administration to ensure its neutrality and a systematic relationship with the main players of the electoral game: political contenders.

Electoral systems remain the principal vehicle for choice and representative governance, which is the fundamental foundation for democratization. These systems must provide opportunities for all including the most deprived to participate in and influence government policy and practice. Efficient management of electoral systems requires institutions that are inclusive, sustainable, and independent— which includes in particular electoral management bodies that have the
legitimacy to enforce rules and assure fairness with the cooperation of political parties and citizens (Bridge materiel, 2008)

World experiences have proved that the foundation of an electoral system differs from a country to another and it relies on the social and political contexts of each country. There is no standard model that can be applicable to all states around the world. Each state should decide what is compatible with its social, cultural, political and economic conditions; in addition to the level of progress that has been achieved. Therefore, acknowledging that there is no electoral system that hasn’t merits and demerits. The best electoral system becomes the one of which the advantages prevail over the disadvantages (Pintor, 2011).

The core function of the electoral systems is to contain disagreements among political contenders and political disputes through ballot boxes. Electoral system doesn’t serve up a political group in particular; the system should include a large number of detailed technical expertise.

There are various conditions that any electoral system must offer. The system must be simple to the voter, candidate, and the electoral management body (EMB); it must ensure representation of all cultural, ethnic, social, racial and marginalized groups (IDEA, 2006). The electoral system should also put forward the ability to form a stable and responsible government that will be reflected in the stability of the legislative and executive institutions. In conclusion, any adopted electoral system, should help reduce violence before, after and during the electoral process.

b- Legal Framework of the Electoral administration

Pintor’s opinion’s is that provisions in almost all constitutions that are contained relevant for the conduct of elections. Some of these provisions refer to the main institutions of democratic government that include the following area
1- The declaration of fundamental political rights including the right to vote and to be elected, the main requirements for eligibility as an elector and as a candidate;

2- The establishment of a division of powers (legislative, executive and judiciary)

3- The main norms governing the elections or appointment to such powers

4- Definition of formula of representation (more commonly known as electoral system)

5- Kind of constituencies or districts for the different elections

6- An electoral calendar and terms of office for the different authorities.

Regarding the electoral administration, it is in modern constitution that the definition of the institution managing and arbitrating elections (an EMB) tends to be included either in general terms or with some details, depending on the country political country conditions.

In Many countries the legal framework makes available the basis on which institutions are built. For election integrity matters, the legal framework is generally set out in a number of interconnected decree complemented by regulations.

In the majority of cases the constitution that represents the supreme law of a country is the foundation; in addition to this is other legislation that includes electoral laws, civil rights and penal codes, moreover regulations, codes of conduct issued by the diverse bodies responsible for elections (Tuccinardi, D. (2014).

The legal provisions include guidelines for the structuring of the electoral administration and instructions for administrators on managing elections. They indicate the rights and responsibilities of political parties, voters, the media and other stakeholders and participants.
The legal framework permits the EMB to administer elections in accordance to the structure Précised in its provisions. It empowers political parties to raise funds and participate in Elections; moreover it preserved the political rights of voters and their right to elect their Representatives within the government (Tuccinardi, D. (2014).

c- Functions of EMBs in the Different Democracies of the World

According to the IDEA handbook on electoral administration, all EMBs undertake some or all of the essential elements for the conduct of elections while there are many distinctions of details. There are three broad types of EMB, t is expected of all EMBs, no matter the model is to take fearless, independent and normative decisions. (Wall, A. (2006)

The prime objective of a legal framework is to guide the EMB and enable it to accomplish the delivery of a fair and free election to the voters. The majority of EMBs have functions and powers which are of an executive nature – associated to the implementation of electoral activities; in addition to the executive powers, EMBs can also have judicial or/and legislative powers. It has been confirmed by many scholars that a good working relationship between EMB members and its secretariat is critical for its effective functioning. nevertheless it is important for an EMB to foster and encourage close cooperation with its stakeholders to ensure their support in the EMB’s programmes, policies and increase the level of confidence in the EMB performance. The general public perception about the EMB’s independence, accountability, good governance, and non-partisanship will reinforce the public confidence and important
stakeholders. Practices proved the importance of drafting electoral policies and practices that are cost-effective and realistic, nevertheless meet the needs of stakeholders in the electoral processes. In summary electoral reforms objectives is to improve the implementation of the guiding principles of electoral administration (Pintor, 2013)

**d- EMB roles and responsibilities:**

The mandate of an electoral commission or committee permanent or temporary is to conduct elections in a professional, impartial, inclusive and neutral manner. The Electoral Management area seeks to bring together the knowledge and expertise that has been gathered worldwide about Electoral Management Bodies (EMBs), their roles and functions, and the organization, financing, and management of election administration. It focuses on the institutional structure of EMBs, their administrative infrastructure, the work they do, and their external environment.

The different practices identifies examples that have proven to be successful or less successful. It recognizes the appropriateness of the different models in different contexts, it does not seek to be prescriptive, it draws the basic characteristics in good electoral processes:, fairness, equity, freedom integrity, , transparency, voting secrecy sustainability, effectiveness in the way the electoral management and EMBs perform to meet the best interest of the voters.

An electoral commission may be endowed with full responsibility for the conduct of elections or only with a regulatory and supervisory capacity. Therefore the model of administrative that will be selected for any country will be the reference for the task and responsibilities implied in the conduct of elections and will require the development of a set of given policies to achieve each task within each department. (Bridge, 2008)
An EMB’s activities usually require the determination of policy and the implementation of major logistics and administrative operations. All EMB’s have a policy making component and a policy implementation component, which is the secretariat. Usually it’s a double tire system, in one component decision are taken by EMB members and implemented by officials responsible for electoral implementation in the other.

When the governmental model is used in an EMB, the secretariat represent almost always the EMB, and may possibly assist in creating policy under the directive of the executive branch of government, so in this case there is no distinction between two components. When the independent model is used, both components the membership and the secretariat of the EMB are institutionally independent. In EMBs under the mixed model the policy making component is institutionally, independent and composed of members outside the executive, while the secretariat is under the direction of the executive branch (Wall, A. (2006).

The full range of responsibilities of electoral authorities—whether an electoral management body executive or some other model—in a given country would include most or all of the following responsibilities; first to have an advisory role or legal initiate on electoral matters, and self regulatory powers. Second in terms of Strategic and operational Election planning; Voter registration, registration of political parties and candidates, control and supervise party finance and campaign expenses, access of candidates and parties for Media, conducting the voting operations, tabulation of votes, announcement of results, voter and civic education, accreditation of domestic and international observers, adjudication of electoral complaints.

The previous functions will be clustered under different department or division based on the selected administration system, and policies will be developed with regard of each function for each department. The type of electoral administration will affect all stakeholders of an EMB,
those individuals, organizations and group that have an interest or participate in the EMB’s operations. They can be categorized as primary stakeholders, who directly affect or are affected by the EMB’s activities, practices and policies, or as secondary stakeholders, who have a less tight association with the EMB’s activities. True, open dialogue with stakeholders can contribute to confidence in the electoral process and trust in the EMB’s activities (UNDP, April, 2011).

**e- Different Model of electoral Administration**

International institutions like IFES, IDEA and UNDP summarized the three main categories of electoral administration as follows: Under the governmental model elections are managed by the executive branch through a ministry, (Ministry of the interior, and/or through local authorities). The main advantages of this system listed by electoral practitioners is that it has a self-renewing, reliable and sustainable corporate memory; in addition to an existing pool of experienced bureaucratic staff who can easily cooperate with other government departments in providing electoral services; nevertheless the calculated cost advantages for sharing resource within and between government departments.

Still the credibility of the government model may be compromised by stakeholders perceptions of being subject to political influence because it will be subject to internal decisions of government departments, funding allocations, local authorities and electoral policies; nevertheless the existing staff might not have the appropriate electoral skills because of their Bureaucratic method that may be inappropriate to electoral management requirements. This kind of model is known for the level of disintegration among a number of arms of the executive branch of government. (The BRIDGE Curriculum, 2008,)
• Under the Independent Model elections are managed by an EMB which is institutionally independent from the executive branch of the government. This model provides a favorable environment for the advancement of electoral corporate identity and staff competence and professionalism; meanwhile it is less possible to be subject to constraints and limitation on who can be involved in electoral management, as it may be able to recruit an external professional. The focus on electoral field may result in better planning and more consistent institutionalization of election responsibilities, the institution is in control of its own funding and implementation of electoral activities. In this case the electoral administration is likely to be under cohesive control even if different service providers are used and it lead to the legitimacy of the electoral process that is perceived to be impartial and not subject to political control. The independent model may be isolated from political and electoral framework decision makers, it might not have sufficient political influence to obtain sufficient or timely funding. The turnover of its members may reduce corporate knowledge and institutional memory. The staff may lack the skills or experience to deal with corporate and bureaucratic environments, which might affect negatively its inter institutional cooperation and the kind of services provided by the no-cost governmental structures to assist in the electoral implementation. (The BRIDGE Curriculum, 2008)

• Under the Mixed Model elections are executed and managed by the governmental implementation component of the EMB, with full oversight provided by the independent component of the EMB. This model combine both advantages and disadvantages of both systems where the credibility of senior members of independent EMB may improve electoral legitimacy and still the implementation arm of the EMB involves self-renewing
corporate memory and sustainability; meanwhile the existing pool of bureaucratically experienced staff will be reinforced by outside independent talent. The implementation arm of the EMB is well placed to cooperate with other government departments in providing electoral services, in addition to the cost advantages through resource synergies within and between government departments; while the Independent EMB is in control of its policies and funding implementation (The BRIDGE Curriculum, 2008)
As per the IDEA 2006 *Electoral Management Design handbook (2006)*, the main Factors that influence the EMB models can be summarized as follows:

This study will focus on the institutional dimensions of strengthening electoral systems and issues related to electoral management bodies as institutions of governance.
The Administration of National Elections: Comparative experiences

In November 2013, UNDP Egypt issued a working study on electoral matters from international perspective authored by Rafael Lopez Pintor, to support the work of different stakeholders related to elections in the Arab region, so it can be used for practical purposes on a short term timeline. The content of this chapter will focus on the main elements that affect the structural design of the electoral administration in any given country with a specific emphasis on the international standards and methods if exist. This document was issued based on the international previous work of IDEA and UNDP.

In this chapter, the author will follow Pintor’s patterns in the comparative review, she will first identify the international existing principals or standards for different functions and aspects, than will specify the case of each country selected: Mexico, South Africa and India.

1- Recruitment and appointment of the head of the management body for election:

In the various type of electoral administration worldwide, there are no standards method for the appointment or recruitment of the chief executive officer. But there are set of democratic principles on performance that can be applied: the impartiality, transparency, and professionalism in action of the chief electoral administrator concerning the recruitment and training of all electoral staff at the national and sub-national levels, the planning and proper conduct of the electoral operation; in addition to the respect of counting process and tallying of results that should abide to a certain time frame. (Wall, A. (2006).
Recruitment and appointment methods

Trust is a key element in all aspects of the electoral operation, any recruitment and appointment method is considered to be legitimate and democratically acceptable by all stakeholders as long that it is applied in a transparent and impartial manner, here are the most frequently used modalities.

According to Pintor, in countries where elections administration follow the governmental, or mixed model the chief electoral officer is usually recruited and appointed according to the established method in the civil service for positions, the appointment will require a degree of political confidence as vice-minister, or director general. The same would apply to the recruitment of the chief electoral officers where elections are run in a decentralized manner at the local level. In countries where elections are run by an independent electoral commission with full responsibility on the electoral operation, the chief electoral officer might be recruited and appointed by the body of commissioners and its president, from among professionals of management presented for the post or directly by the president of the republic or the prime minister or by Parliament by application in an open bid or examination. In some countries it is the head of the electoral commission or one of the commissioners who also performs as chief executive.

With a review of data listed in the ACE network and personnel communication with experts of the commissions in South Africa, India and Mexico, the author have been able to summarize the following methods:
South Africa

The Independent Electoral Commission (IEC) is composed of five members, one of whom must be a judge. Members of the IEC must be South African citizens and must not have a party-political profile. They are appointed by the president of the republic on the recommendation of the national assembly, after the nominations by a national assembly’s inter-party committee. The inter-party committee examines a list of at least eight nominations submitted by a panel consisting of the president of the constitutional court (Chair) and representatives of the human rights commission, the commission on gender equality and the public prosecutor. Commissioners are appointed for a 7-year term, which can be renewed.

The IEC management body is headed by a chief director of administration, who is appointed by the IEC and his role is to manage the administration (as per Article 12 of the 1996 National electoral commission act, the commission “shall appoint a suitable qualified and experienced person as chief electoral officer”). The chief director of elections appoints all electoral officers under his jurisdiction: provincial electoral officers and deputies, district electoral officers and deputies, and presiding officers for the polling stations.

India

The 1949 constitution article 324, established the Electoral Commission of India (ECI) in India. From 1950 to 1993 there was only a chief electoral officer who was appointed by the president of the republic. Since 1993 two commissioners were added again by presidential appointment. A chief electoral officer for each of the 28 states of India shall be appointed by the ECI in consultation with the state government. The district electoral officers, voter registration and deputy voter registration officers can be appointed through the same method.
The chief executive or manager of election resides in a permanent secretariat under the ECI with a permanent support structure of around 350 persons, all of them civil servants on deputation to the ECI. The head of the secretariat is recruited and appointed by the chief electoral officer from among all senior governmental executives all over India for a 5 year term.

The entire electoral administration of India is based on a personnel structure that is seconded to the ECI from all governmental institutions at federal, state, regional and local level. In this sense, the chief electoral officer as well as the state and district electoral officers can request on deputation from their respective level of government as many personnel as would be necessary for the conduct of elections

**Mexico**

At its central level, the federal electoral administration Instituto Federal Electoral (IFE) that now is so called Instituto National Electoral (INE) is composed of a governing body of 8 councilors and a councilor-president, all nine elected by the lower chamber of parliament by a special two-third majority of its members from among candidate proposed by parliamentary groups. After the 2007-2008 constitutional and legal reform, six new councilors were added with voice but without vote in representation of political parties from the six parliamentary groups.

The councilor-president is elected separately and is the only one who can be reelected for a second 7-year mandate. The councilor-president also performs as the chief executive of elections to whom the heads of all the operational departments are accountable. Members of the IFE’s council are elected from among academic, members of legal and other professions.
The IFE general council elects an executive secretary by a two-third majority upon a proposal by the councilor president of the Institute. Removal of the executive secretary shall follow a similar procedure.

2- The inter-institutional cooperation for the conduct of elections

To summarize the guiding principles and good practices for the cooperation among the institutions to conduct elections and provides a public service that allow the voters to exercise their rights. The provision of such service would require cooperation by different public institutions under the lead and coordination of electoral authorities independently of the institutional shape whether through agencies belonging to the executive branch of government, independent electoral commissions or a mix of both.

The implementation of the subsequent activities can be shared by other governmental institutions or sometimes by private agencies:

a) **Voter registration** can be planned and prepared by a different technical organization from the EMB who at that time will play the supervisory role and will be mandated to oversight the whole process. Civil registries, national statistics and IT agencies are example of institution who can accomplish this task.

b) **Political party and candidate registration:** This task is usually conducted in a decentralized manner through a specific subnational electoral authorities and under the supervision of the EMB.

c) **Control of political party finance and campaign expenses** is usually managed by the highest national accounting authority and judiciaries;
d) **Supervision and control of media access** by electoral contenders, political parties and candidates is frequently made through a media commission from within or attached to the electoral commission.

f) **Voter and civic education** are considered to be the core responsibility of political parties and civil society organizations (CSO), while the voter information is part of the EMB outreach department.

g) The **polling operations** and vote counting tasks, that require the recruitment and training of thousands of poll workers is frequently shared with other governmental institutions as municipal governments, school system and certain institutions of professional training.

b) **Electoral security** is strategically planned and coordinated by the electoral authorities, handled by army and police.

c) **Transmission and announcement of preliminary results** is managed by the electoral authority and implemented through the use of new information and communication technologies by outsourcing this service with some specialized agency, either public or private has become rather common practice.

d) **Adjudication of electoral complaints**, can be fully or partly executed by the electoral commission depending on tradition and legal system.

With a revision of standard good practice, it is advisable to have inter-institutional cooperation for elections established in the legal framework: Constitution, ordinary legislation or both.

**South Africa**
The South African constitution set up for the provisions of assistance to the Electoral Commission (IEC). Apart of these provisions the IEC co-operates pro-actively with a number of different institutions in order to deliver elections.

South African electoral law also makes provision for Political Liaison Committees (PLCs) to be established which act as consulting, as well as dispute resolution roles associated with an election. The PLCs exist at national, provincial and municipal level. They are not decision-makers structures, but are regularly convened to meet with the IEC to discuss electoral matters. These structures have been successful as a forum for dialogue and debate and have increased the electoral literacy amongst political parties greatly over the years.

At local level, the IEC has a good working relationship with the local government structures, as they often negotiate facility-sharing arrangements such as office and other infrastructure. Initially, the IEC has also shared staff with the local government offices, but this has changed over time as these staff members have become IEC employees and the institutional separation and independence has increased. (Encyclopaedia, ace —. (2006)

**India**

There is a constitutional mandate for inter-institutional cooperation on elections. The constitution establishes that “The president, or the governor of a state, when requested by the election commission, shall make available to the election commission or to a regional commissioner such staff as may be necessary for the discharge of the functions conferred on the election commission. In fact, the entire operation of the Indian electoral administration at all levels
(federal, state and local) cannot be understood without an active involvement of public servants from the different levels of government.” (Wall, A. 2006)

**Mexico**

In a federal system with a complex and decentralized electoral administration like Mexico, the cooperation among numerous agencies of government at federal state and municipal level is of paramount. It is established in the law that all relevant institutions shall cooperate with electoral authorities in supporting the electoral process. (Pintor, 2013)

3- **Liaison and relationship between the EMB and political parties**

For an electoral management body (EMB) to maintain close cooperation with other electoral stakeholders so they can guarantee their support for its policies and programs to strengthen their confidence in the EMB. This is particularly relevant for the political parties and candidates as the main contenders of the electoral competition.

The EMB should work closely and permanently with political parties and other stakeholders to create and sustain rigorous relations. In any election it is likely to be misunderstandings and uncertainties that can lead to the absence of public confidence and trust in the EMB and the electoral process. (Wall, A. (2006). The EMB should maintain good relationships with political parties by acting in a transparent manner, being sensitive to political parties’ needs and concerns; treating parties equitably, promoting regular open communication and demonstrating an open cooperative attitude towards political parties. EMBs can adopt various tools to ensure a systematic open relationship with political parties, through the establishment of a consultative
mechanism for political parties in the legal framework (e.g. the political party liaison committees in South Africa, or in the electoral legislation that will establish basic rules for the enhancement of this practice. or through some actions to keep good relations with parties, media and civil society.

An important aspect of good practice for the cooperation between the EMB and parties can be identified in the registration of parties and candidates, accreditation of party and candidate representatives for the polling station.

**South Africa**

The Electoral Act of 1998 and the Electoral Commission Act of 1996 regulates the relationship of political party liaison committees at the national, provincial and district levels that represent the link between the IEC, civil society, media and political parties. It confirm that these stakeholders must be consulted on their role on the delimitation of electoral districts and recruitment of poll workers where they provide lists of candidates for the different positions of poll workers: district electoral officers, presiding officers of polling station, accompanying electoral officers and vote counting officers. (Bridge curriculum, 2008)

**India**

In India, Provisions to regulate political parties relationship were absent from the electoral law and were introduced only in 1989, they used to have normal relationships in quite an informal manner although the ECI has the responsibility to register political parties. At the above mentioned date the ECI proposed some electoral reform that has been shared with the legislative institution and the prime minister, not to forget the intention to create public debate by
communicating with the media. The ECI was keen to create consensus among contenders; therefore they initiated a number of code of conduct in any debatable topics. (Wall, A. (2006)

**Mexico**

The IFE realized the importance to institutionalize the relationship between the IFE and political parties. Within the IFE, political parties are represented formally through a membership in the governing council and by ensuring the permanent accreditation of their own party representatives within IFE. In order to access the media during electoral event, to benefit of public finance and abide to the control of campaign expenses, the political parties have to liaise regularly with the IFE. (Encyclopedia, ace, 2006)

4- **Recruitment methods and training of polling station officers**

In order to ensure the secrecy of the voter and that one person produces only one vote, the transparency at the first counting of the ballot and tallying of results is achieved through the practice of impartiality and training of the poll workers to realize democratic standards (Pintor, 2013)

Polling station officers can be recruited in a variety of forms that depend on the country, degree of trust among electoral stakeholders, availability of human and financial resources. The political parties can provide a candidates list for polling officers who will be trained and accredited by EMB. In some cases polling officers are recruited from among state civil servants and trained by the EMB or other institution. In some other cases the presiding officer of each polling station is a member of the judicial sector and staff are government employees. In some systems, interested
people can apply in an open bid for the position of polling manager and staff where the selection among applicants become the responsibility of the electoral authorities.

Polling officers can be selected by the EMB at random from several lists of public service employees, school teachers, university students and business firms. In other cases random selection from the voter lists at polling station level is applied after the screening of illiterate persons. In any recruitment selected mechanism, the polling station officer must receive a training that is conducted by the electoral authorities centrally or by other public agencies.

Any person selected becomes a public official accredited by the electoral authority. (Pintor, 2013)

South Africa

The Chairman of the IEC in consultation with the commission appoints a president, vice-president and as many voting officers necessary; in addition to a counting and deputy counting officer for each polling station. A person cannot be appointed as an electoral officer if they are a candidate, or agent for that given election. PLC is responsible for the transmission of the nomination of candidates’ applicants and list of candidates from all layers of society to provincial and district electoral officers. Each political party running for the election can appoint two party agents per polling station to monitor elections plus another four to monitor how results are being processed. The duties of these monitors is extended to receive and file complaints.

Under a chief director of monitors in each district, additional monitors are appointed to oversee the electoral operation, mediate in resolving disputes and can also present complaints to the electoral officers. (Bridge Curriculum, 2008)
India

In the Indian context the presiding officer, is delegated by the returning officer of each constituency who makes a request for poll officers to assist in the conduct of the polls at the polling station. Electoral officers are commissioned on election times to the electoral commission from other offices of government at the federal, state or local levels.

There are polling agents of the candidates watching over the conduct of elections at the polling stations; in addition to electoral observers that are appointed by the ICI among public servants. (Wall, A. (2006).

Mexico

Mexico is a federal state with a complex electoral administration, there are separate electoral commissions at federal and state level

The required number of polling station officers is selected at random within each electoral section (an administrative division within the constituency). The national electoral authority in January of an elections year drawn a list of all citizens who are 18 and over, born on a given month sorted by lottery. Selected citizens are notified and trained by the electoral authority at a given time and place. After this training the list is cleared from the dead, the sick, migrants or the illiterate. In March of election year a second and shorter list is drawn from the cleared list of all citizens whose family name starts with a given letter of the alphabet. It is from this second list that poll workers are selected. The list is broken down at the district/section level during the first half of May. On May 15th selected pool workers are allocated to specific polling centers and stations and their names are published the following day (C. Navarro, IFE)
5- **SUB-NATIONAL Structures of the Electoral administration.**

Polling stations and centers are the lowest layer of the electoral operation. The kind of offices and number of sub-national illustration for an electoral administration vary on the presence and operational strength of state policies around the country, in addition to the presence of unitary or federal state. Unitary states are commonly structured with a minimum of two levels of sub-national government: governorates/provinces/departments and municipalities. Federal states tend to include three sub-national levels: states, departments/districts and municipalities.

A centralized trend with decentralized administration is the most recommended management module of public services for the electoral operations because the sub-national electoral structures usually run in parallel with the state machines of the different levels of government. This practice facilitates the electoral operations because it allows the electoral authorities to benefit from other governmental structures that operates on a permanent basis on the ground; in addition to the cost effectiveness that result of the cooperation between the permanent established governmental structures and the temporary electoral illustrations. (Pintor, 2011)

In countries where the electoral authority is the main agency responsible of voter registration and where there are frequent electoral event, keeping a few number of permanent electoral staff at the first sub-national level of government (governorates/provinces/departments is recommended. Another trend is that sub-national offices have a more temporary character by getting established only around elections

**South Africa**

The Chief Director of Administration, who is appointed by the IEC will act as the head of administration and the IEC's accounting officer. The Chief director of elections in consultation
with the commission shall appoint officers and employees necessary for the effective conduct of elections.

At the sub-national level, there are nine provincial electoral offices headed by a provincial electoral officer and deputy who led provinces. At the lowest level of the administration there are presiding officers who appoint other polling station officers.

**India**

The Secretariat at New Delhi, is the only independent electoral machinery in the field. The staff is temporary seconded of civil servants from all governmental institutions at federal, state, regional and local level. In this context, the chief electoral officer of India as well as state and district electoral officers can commission from their respective level of government as many personnel as would be necessary for the conduct of elections.

The ECI in consultation with the state government appoint a chief electoral officer for each of the 28 states and five union territories from civil servants. Same method apply to the selection of the district electoral officers (DEO), the Voter Registration and deputy voter registration officer. At national level, the ECI shall approve the dismissal of the State chief electoral officers. The main electoral activity takes place in the 500 districts, with an average of 1.3 million registered voters in each district. The office of district magistrate plays the pivotal role for the ECI who will perform key electoral duties as the team leader of all district and sub-district level officials.

Under the DEO there are constituency officers at the constituency level who shall be officers of government or a local authority. Finally there are sector officers and polling station officers as
the lowest levels of the administration for voter registration and elections. Elections are handled by 5 million polling staff in 700,000 polling stations. (Pintor, 2013).

**Mexico**

Mexico is a federal state with 32 federated units (3 states plus the Federal district of capital Mexico City. In the electoral field, there is the Federal Electoral Institute (IFE) with headquarters in Mexico city and 32 branches (one per each state) called State Local Councils (SLC), the membership of which is appointed by the IFE (192 citizens as a whole) from among professional and impartial personnel. In the 300 electoral districts, sub-national offices under the Local councils are placed. The federal electoral authority is responsible for federal elections: Presidential, Chamber of Deputies and Senate. IFE includes at each territorial level three different kind of divisions: a governing body or council, an executive office and a vigilance committee formed by representatives of political parties.

**The Executive Local Committee** (a separate electoral administration) headed by the chief electoral officer who is often appointed by the state legislature is responsible for the sub-national elections for state governors, state legislature and municipalities under their own state rules. There is a separated electoral judiciary different from the common judiciary. Within the specific electoral judiciary –in parallel with two separate electoral administrations- there is a federal judiciary (Federal Electoral Tribunal) with five branches, one per each district or constituency in which the country is divided for the election of members of parliament. There are also state electoral courts, one for each of the states and the federal district. They are integrated into the state judiciary, they are responsible for adjudicating complaints and appeals regarding governorate, state assemblies and municipal elections. (C. Navarro, IFE)
6- Transmission and announcement of preliminary results

Ohlendorf, N., and Pintor précised that one common and critical aspect for the credibility of election and trust in the electoral administration will not be achieved unless there is a decrease of degree of political uncertainty, reduction of citizens anxiety and increasing of transparency; therefore the announcement of results by the electoral administration shall be timely and inclusive after the quick tabulation and comprehensive transmission and announcement of provisional (not yet official). In most electoral democracies, electoral results are collected and compiled on election’s evening usually by using modern information and communication technology. In this way, preliminary (not definite) results can be timely announced to the population until all legal steps of aggregation of data is accomplish and any legal claim against results has been resolved. Preliminary results are delivered by the electoral authority (EMB) a few hours after the closing of the polling stations, once the first counting of the ballot has been conducted and tally sheets with results are usually posted at the polling station and copies handed out to representatives of political parties and candidates.

The complete aggregation of results at polling centers, constituencies and national levels will take longer. In addition there might be legal complaints against results, which need to be resolved by the authority responsible for electoral dispute adjudication (the judiciary or the electoral authority itself depending on countries). It is only after official process of result aggregation and announcement would usually take weeks has been completed that definite results of elections are announced by the EMB through more formal means. Hence, it is hard for the EMB to justify not having such an operation conducted.
There are some concepts and methods that should be considered during the compilation and transmission of preliminary results. It is important to highlight that preliminary results are real results of the elections, it does not include results announced from opinion surveys, exit polls without standard statistical sampling methodologies. The EMB should officially recognized the Preliminary results in order to consider them final results of a given election, they do not represent the press or an electoral observer organization oversight NGO. (Bridge curriculum, 2008)

There are more than one method that can be applied. First it can be based on a statistical sample of polling station structured with professional statistics, the other one is to collect results from the entire universe of polling stations. In both methods, results can be gathered by special IT agents organized throughout the polling stations by the EMB.

The central electoral authority should plan for a preliminary results operation in a separate manner from the legal-official counting process, which has high cost impact. The method is fully legitimate from a legal institutional perspective. Using CIT for result transmission should be audited by political parties and observer missions before the system starts operations.

**South Africa**

Preliminary results are announced by the electoral commission on election night from a result operation center, where the mass media have been given facilities to communicate with their editors and the public.

After the close of polling stations, counting happens at the same voting stations. After the count, results slips are completed and counter-signed by party agents at the polling station. The
counting officer announces the provisional result and place a copy of the result slip at the door of the polling station. The results are captured on the result slip at the office of the municipal electoral officer as well as scanned into the system. If no discrepancies are found, the result is declared and made available to the media at the results operations centre and to the public through the website. (Encyclopaedia, ace, 2006)

According to the law, the commission will decide on all complaints on results before final results are considered definite. Official final results are announced by the commission within 7 days of an election. Final official results cannot be announced sooner than 9 pm of the second day after the voting day. If an appeal on final results is filed before the electoral court, this would not preclude the announcement of results by the Electoral commission, which might have to modify the results if that were the case after a ruling by the Court has been issued. (Pintor, 2013)

**India**

ECI applied the information technology, the increase use of electronic voting machines (EVMs) at all polling stations although the reluctance of political parties who apprehended possible interfering and suspicion among voters resulting from widespread illiteracy. The use of EVMS at all polling stations in 2004 meant that the results were available within hours after the count started.

Each registered voter is issued with a photographic ID card to enable him/her to vote freely, and at the same time to prevent falsified and multiple voting. Copies of the electoral registers are made available to the political parties on CD-ROM for checking and for use on elections days. The quick transmission of results, through the use of computers at over 400 vote-counting
centers allowed the results to be processed instantly and made available to the public. (Encyclopedia, ace, 2006)

**Mexico**

Once the counting of the vote at the polling station is finalized, the presiding officer have to install a copy of the slip with results outside the polling site. Most importantly, the federal electoral authority (IFE) operates a Program for Preliminary Electoral Results (PREP), which allows for aggregate results coming from each of 300 electoral district councils to be electronically transmitted to a national center. The results is transmitted from this national center toward a national media center as to the IFE website. Normally announcement of preliminary results through this procedure has reached around 50% of all results by midnight of elections day and been completed the day after.

Mexican law allows for the conduct of exit polls during the voting day as well as of quick counts of the vote while the vote is being counted at the polling stations. The law allows that governing body (General Council) of the IFE to hire special statistical studies in order to have early statistical projections on results. The findings of such studies are made available to political party representatives accredited before the IFE.

When preliminary results have not been contested, the results become definite four days after the electoral authorities have completed the aggregation of results (as there is a 4-day deadline to file complaints). If a complaint against results has been filed, the results would only become definite once the dispute resolution has been made according by the Electoral Federal Court (TEPJF) within the deadlines established by the law (ace, 2013)
7- Dispute resolution on final results of elections

The adjudication of electoral complaint shall be quick, impartial and effective, no matter which authority is responsible for dispute resolution.

The legal practice and political culture of the country (i.e. ordinary, special judiciary, the electoral management bodies, or a mix) are the elements that define the institutional nature of the adjudication authority. The democratic standard defines that electoral legislation allows for the possibility that final results of any election can be challenged (presidential, parliamentary or local) via complaints and/or appeals before the relevant authorities. When challenging final results is not allowed, it permits manipulation at vote counting and aggregation of results, prohibiting any possibility for the damaged party or candidate to have the misconduct legally remedied (Wall, A, 2006).

South Africa

According to the 1998 Electoral Act, the (IEC) commissioners and its subordinate officers are authorized to resolve objections, appeals and code of conduct disputes through conciliation. However election petitions are heard by the courts, any concerned parties must submit complaints within 48 hours of the announcement of results. Then there is an electoral court that acts as the final court of appeal against IEC decisions.

Any interested party may file after the commission an objection that is material to the determination of the final result of the election. The objection must be made to the commission twelve hours after the closing of the polling centers. The objector affected by the decision of the
commission may appeal to the electoral court. The electoral court must consider and decide the appeal and notify the parties to the appeal of its decision. The result of an election is not postponed pending the decision of the electoral court.

If serious irregularity has occurred concerning any aspect of an election, the commission or the electoral court may order that the votes cast at a particular voting station do not count in whole or in part, so it can be deducted in favor of that registered party in that election.

**India**

Dispute adjudication on results is handled by ordinary judiciaries. Challenges to results can be filed before the High Courts on a first instance and as appeals to the Supreme Court in a final instance. Once the administration of the election process starts under the supervision of the ECI, no court of law can stop the process. Any election petition can be presented to the high court or appeal to the Supreme Court only after an election is concluded. The ECI itself investigates into any accusations of procedural irregularity or violations of the electoral law and if any irregularities have been noticed. The ECI has the power to order a re-poll at polling stations or in a whole electoral district. It may also postpone any poll for a few days. Complaints can only be presented by political parties or candidates. (Bridge curriculum, 2008)

**Mexico**

Only political parties are entitled to lodge a challenge regarding procedures on the results of federal elections, this process is allowed for the period of four days starting the day after the vote counting was finalized, and this is governed by a special law.
The central instance of the supreme electoral court (TEPJF) is the adjudication authority concerned with challenges on the presidential elections, where the challenges to results should be resolved before the last day of August (the election is in July). The regional branches of the TEPJF are responsible for the adjudication of the challenges of the lower elections and the Senate taking place within their own jurisdictions. In the case of parliamentary elections, an appeal against decisions by the regional courts can be lodged before the high central instance of the TEPJF. Such appeal should be resolved, at the latest, three days prior to the inauguration of the two chambers of parliament end of August of election year. Final results of elections shall be considered definite once the decision by the central instance of the TEPJF is made public. (C. Navarro, 2008)

In conclusion, there are numbers of similarities and differences in each one of the six components reviewed in the three identified countries.

Recruitment and appointment of the head of the management body for election: In India and SA, commissioners are appointed by the President of the Republic based on a list represented from political parties committees, The Head of the Secretariat (CEO) is appointed by the commissioners and in his turn he appoints all other CEO and DEO of subnational structural in the governorates. In Mexico the commissioners and CEO are elected by two third of the parliament.

In the three countries, the term of appointment vary from 5 to 7 years, the institution have a limited number of permanent staff and others are recruited during election period.

The inter-institutional cooperation for the conduct of elections: In India and South Africa, there is a constitutional mandate for inter-institutional cooperation on elections and in Mexico it exists in the Law, The three EMB do have a sort of party liaison committee stated in the constitution or the law,
the members of this committee are not decision-makers structures, but are regularly convened to meet with the EMB to discuss electoral matters.

**Recruitment and appointment methods of polling staff:** In India, electoral officers are commissioned on election times to the electoral commission from other offices of government at the federal, state or local levels. In South Africa and Mexico electoral officers candidates are selected whether from the PLC list or from the candidates list in each electoral section from all layers of the society. In the three countries there are Polling agents of the candidates watching over the conduct of elections at the polling stations suggested by the parties; in addition to electoral observers.

**Subnational structure of the EMB:** Unitary states are generally structured with at least two levels of sub-national government: governorates/provinces/departments and municipalities. Federal states tend to include at least three sub-national levels: states, departments/districts and municipalities. View the different sizes of the three countries, the subnational layers differ from a country to another: In India and South Africa there is the central level, than state and provinces level, than District level than the constituency level and the bottom there is the sector and polling station level. In Mexico there is the Federal Electoral Institute (IFE) headquarters. who appoints 32 head of state local councils who appoints the head of 300 electoral districts, sub-national offices placed under the Local councils. The Executive Local Committee (a separate electoral administration) headed by the chief electoral officer who is often appointed by the state legislature is responsible for the sub-national elections for state governors, state legislature and municipalities is a separated electoral judiciary different from the common judiciary.

**Transmission and announcement of Preliminary results:**
In India, the ECI applied the information technology in registration, voting and counting, they use the EVMS at all polling stations to avail the preliminary results within hours after the count started. The resulted are quickly transmitted through the use of computers at over 400 vote-counting centers and processed instantly and made available to the public. In South Africa and Mexico the preliminary results are announced by the electoral commission on election night, after the close of polling stations, counting
happens and results slips are completed and counter-signed by party agents and posted at the door of the polling station. The results are manually archived and electronically transmitted and scanned into the systems to a national center. In the three countries if no discrepancies are found that result is declared and made available to the media at the Results Operations Centre (ROC) and to the public through the website.

According to the three countries law, the Commission will decide on all complaints on results before final results are considered definite. Official final results are announced by the Commission within 4 to 7 days of an election.

**Dispute resolution and adjudication of results:** In the three countries dealing with resolution of electoral disputes (claims, complaints and appeals), adjudication of electoral grievance tend to be prompt, impartial and effective, laws identify that they should not exceed 9 days before the announcement of final result, no matter which authority is responsible for dispute resolution. In the three countries, the EMB’s commissioners and there subordinate officers are empowered to resolve objections, appeals and code of conduct disputes, investigates any accusations of procedural irregularity or violations of law and can solve it through conciliation. In India the electoral dispute resolution, dispute adjudication on results is handled by ordinary judiciaries. Challenges to results can be filed before the High Courts on a first instance, and as appeals to the Supreme Court in a final instance; nevertheless in Mexico and South Africa there is an electoral court that acts as the final court of appeal against EMB’s decisions.
The Administration of National Elections: The case of Egypt

The current status of the Egyptian Electoral Administration

Based on the previous chapter and the review of basic conceptualizations concerning Electoral administration, the way in which it is dealt with from international democratic standards. The author found some similarities and some differences in the following six components that guided the review process of the current Egyptian electoral administration structure and functions. The author will summarize in this chapter the historical development of the election systems and administration in Egypt and will describe the current practices in each component, than she will draw the lesson learned from the international experiences and will list the outcomes of the focus group with the experts, based on the above the author will suggest a full structure and organigram for the upcoming electoral authority in Egypt (NEA) based on international principles.

As per IFES report, Egypt has known for the past two decades three electoral systems that affected the legislative, implementation, the administration of elections and the interaction with political parties. Egypt's first election were held in 1866 during the reign of Khedive Ismail when the first shura council was elected through a two stage process, first the election of delegates who elected the representative of the shura through a single member district, this system has been alternated with a direct election until the 1983. This system changed to a parties list in 1983 (law 114) proportional representation that was judged unconstitutional in 1986 because it excluded Islamist, Nasserist and Marxist to participate and furthermore it limited the freedom of movement of the political parties to form coalition. This development encouraged
the formation of the National Democratic Party (NDP). In 1989, the law 188 opened a window for non-parties’ representative to run for elections. In the 1971 constitution article 87 stipulated that half of the seats in the people assembly must be from farmer and peasants; this last criteria remained unchanged until it has been removed from the 2014 constitution. (IFES, 2011) As per IDEA analysis’s, people failed to participate in election due to the political, economic environment, ignorance, the lack of trust in the election result and the electoral institution; in addition to the rigid rules for voter registration that explains the low turnout since the lack of inclusion to the army and police personnel and the out of country electorate

**Legal background in the transition period**

The Supreme Council of the Armed Forces (SCAF) in May 2011 issued a decree to amend a number of provisions included in the exercise of political rights law 73/1956. Additional decrees were issued to amend other electoral laws including Law No. 174 for the year 2005 to regulate the presidential elections, the people’s assembly1 Law 38/1972 and the Formation of the shura Council Law 120/1980. On July 2011, The SCAF ratified additional amendments to the Political rights law, and two others. The SCAF has announced the preparations for parliamentary elections, a decree was announced to elect a 100 members from the people assembly to draft a new Constitution.

A number of decrees amended 23 articles of Law 73/1956 followed with amendments to additional nine articles of the law. Most of the changes concern the organization structure, membership and responsibilities of the Higher Elections Commission (HEC), in addition to changes related to voter registration and electoral operations. (IFES, 2011) The Key changes included the following:
The (HEC) will be the institution responsible for the parliamentarian election and the presidential election committee (PEC) will be responsible for the presidential election. Both committee will be composed entirely of senior judges to secure the independence and impartiality of election. The HEC’s and PEC’s responsibilities include the development of rules for the election timeline, the compilation of voter lists from the national ID database where the assignments to polling stations will be based on the on voters’ National ID cards address. The voters’ eligibility criteria included all Egyptians aged 18 and over who have a legal duty to vote in presidential, parliamentary, shura Council and local council elections. All elections will exclude the participation of military and police personnel; nevertheless the persons prevented from practicing their political right.

The Higher Elections Commission, Presidential election committee

The higher committee with full judicial composition will supervise election and referenda starting the determination of electoral schedules and the voter registration until the announcement of the result and in accordance with the regulations of the law. All process including the Balloting and counting will be undertaken under the supervision of judicial bodies’ members who are nominated by the supreme councils.

The Establishment and membership of the HEC

Article 3 in the Law 73/1956 specifies the chair and six members of the HEC as follows:

President of the Cairo court of appeals as of 1 October 2011 as chair, two most senior deputies of the president of the Court of Cassation, two most senior deputies of the president of the state council, two most senior presidents of the court of appeals after the president of the Cairo Court of appeals.
Article 3 bis (b) stated that minister of justice must be informed by the presidents of judicial bodies with the names of the most senior deputies who will be the members of the HEC. The president of the republic must select from the list proposed by the minister.

The HEC who has a legal personality and is represented by its chair, requires the HEC’s chair to establish a general secretariat that is permanent and will be headed by one of the deputies of the president of the court of cassation or their similar. The members of the general secretariat remain unspecified in terms of number. Members are selected by the Supreme Judicial Council (or equivalent from other judicial bodies), plus representatives of the Ministries of Interior, Technology (CIT), Communications and Information and Local Development as nominated by the respective ministers. The HEC determines the secretariat’s terms of reference and statutes. The HEC chair could request the secondment of experts and civil servants, paid by their organization.

Both committee HEC and PEC manage their budget independently, and are responsible for the developing of the rules that will regulate their own finances. They may request support from state agencies to implement part or fully their functions. These institutions must provide the HEC with the documents and information needed; in addition that the HEC has the right to commission researchers and experts to carry out studies

a- The HEC’s procedures

The HEC’s chair organizes its meetings, where the chair and four members shall be present to present a quorum. The HEC’s considerations are private and its resolutions must be approved by an absolute majority. As per observers report, the lack of transparency in issuing the
deliberations adopted by the HEC’s is not following the international best practice. All HEC’s decision must be published in the Egypt Gazette and in two widely circulated newspaper. No mention about the organization structure of the technical secretariat, neither about the functions of each department and how the flow of work is organized in terms of procedures.

a- Subnational Structures:

Article 3 bis requires that the HEC form an electoral committee in each governorate. Each committee is chaired by the president of the courts of appeal and four judicial members: State council justice, president of the Court of first Instance; a deputy President of the administrative prosecution, deputy president of the administrative

b- Functions of the HEC/PEC

The centralized HEC bureau in consultation with the subnational structures appoint members and secretaries of the, polling station, general election and counting committees. The commission supervise the compilation, revision, editing and updating of voter registration and correction of voter lists from the National ID database; furthermore it develops and apply the system of electoral symbols for independent candidates and political parties, receive reports and complaints regarding the electoral process, verify its validation and eliminate causes; moreover develop rules for the election observation with national and international civil society organizations; furthermore it develops rules regulating electoral campaigning that ensure equal allocation of time slots on TV and radio broadcasting for electoral campaigning in formal and private media outlets and announce the final results of elections and referenda. The commission is to provide views on draft laws concerning elections.
In this law the responsibilities of the HEC to suggest delimitation of boundaries, raise awareness (carry voter information campaign) and monitor commitment to a code of ethics relating to elections have been absent from the last amended version.

The omission of raising awareness responsibility is significant if other arrangements to carry out this task are being made. In observation of the electoral and constitutional changes that are happening in Egypt, it is quite important that non-partisan, independent and effective public education and information campaigns are developed and implemented.

After observation of the process, the implementation of the subsequent activities are implemented in the following manner in Egypt:

a) **Voter registration process:** The HEC and PEC have broad authority over the creation of the voter register, being legally responsible for supervising the preparation, content, method of review, editing and updating, registration and correction of voter lists. The HEC and PEC have chosen to assign the task of managing the voter roll to the Minister of state and administration. The legal framework for creating the voter roll establishes that there will be a voter database of all persons eligible to vote. The law describes that the voter database will be based on the national identification database supplied by the department of civil and personal registration, within the Ministry of the Interior. The law states that the updating of the voter database to ensure the eligibility of the persons within it should happen all over the year. The opportunity for persons to contest details within the database is also described as happening all over the year. Periodically, the department of civil and personal registration should provide a copy of the national ID database from which a list of all Egyptian people who are of eligible age (at a date of or close to the polling date) is derived. The informant agencies are to provide lists of persons who should be removed
from the list, based on the criteria and persons who have become eligible again. The committee’s decisions can be appealed to the administrative court, which must inform the applicant, by registered mail of the date of the hearing (Article 17).

b) **Political party and candidate registration**: This task is usually conducted in a decentralized manner through the existing subnational electoral committee in each governorate. Each committee is chaired by the president of the courts of appeal and under the supervision of the HEC.

c) **Control of political party and candidate finance and campaign expenses**: Decree and regulations are issued by the HEC or PEC and managed by the central agency for accounting the highest national accounting authority and the judiciary system.

d) **Supervision and control of media access**: A media committee is appointed by the electoral commission to regulate and monitor the process, in addition to the control and supervision of the contenders’ access to the media channels and the allocated time for their appearance.

e) **Voter Information campaign** is developed by both commission HEC and PEC and broadcasted through the State information center network, while the very little effort are done regarding the civic education although it is considered to be the core responsibility of political parties and civil society organizations (CSO).

f) The **polling operations** and vote counting tasks is shared with the MOI who is in charge of logistical planning and distribution of sensitive and non-sensitive material, while municipalities, Ministry of education and Minister of Justice assign the civic employees to second the presiding officer (judge).
Article 29 identifies the method of voting and counting in any given election or referendum, further matters may be set by executive regulations. Procedures have changed during the past sixteen electoral events, the counting process was taking place at the headquarters of the general committee in the presence of the heads of all the subcommittees and candidates’ representatives and now it is done by the presiding officer in each subcommittee and announced to political representative and aggregation of results will follow at the general committee level, the governorate committee than transmitted to HEC/PEC headquarters.

**g) Electoral security** is strategically planned and coordinated by the electoral authorities, handled by army and police.

**h) Transmission and announcement of preliminary results:** There are no legal articles or mechanism in place to announce the preliminary results, the head of the general committee for a constituency announces the result of the election in that constituency, signs the committee’s minutes along with the committee’s secretary (Article 36). First copy of the minutes is sent to the HEC with the attached documentation for the election or referendum, one copy is kept at the general committee. The law does not require the results of the election or referendum in the constituency to be publicly posted, or copies to be provided to candidates’ representatives. In the past election (referendum 2014) and presidential 2014, the transmission of the results is managed by the electoral authority at a constituency level and implemented through the use of new information and communication technologies.

**i) Adjudication of electoral complaints**, Articles 41 to 51 of Law 73/1956 state that the electoral offences and penalties that include using force are as follows: violence against the head or a member of an election, preventing performance of the electoral officer, influencing the procedures of the election, destroying intentionally or damaging any buildings, facilities or
means of transport used or to be used in an election, inserting or deleting purposely a name on the voter lists, publishing or circulating false allegations or news about the subject of election.

Abducting or changing the contents of a ballot box for an election.

Article 52 stated that the committee has the same powers as judicial officers regarding any offences that take place in the polling station, they might receive, investigate reports and file complaints made about violations of election regulations or take action on those proved. The HEC’s functions is to receive reports and complaints in connection with the electoral process,
A suggested Administration Structure for Egypt

In this section the author will list the outcome of the qualitative research and interviews done with the ex–officials of the HEC, PEC, MSAD, SIS and ex-parliamentarian. The main objectives of this study is to support national actors to make fully informed decisions on electoral management structures, considering their needs and political objectives, so they can adopt a model that is appropriate to the circumstances; moreover to assist stakeholders in understanding the options available to them, to build consensus and present a coordinated position on electoral management structures that is Norm based.

The outcome of this study was developed with an understanding of Egypt’s political context, including conflict drivers, so as to ensure that relevant electoral management structure would help overcome any existing sources of tension and would contribute to the conduct of credible and acceptable elections that is sensitized on the need to give equal opportunities to both men and women at all levels in the design of electoral management structures, including appointment of the governing body, development of regulations, recruitment of staff and in all other processes of the EMB.

Furthermore the study stressed on the importance of an inclusive, consultative and transparent process for designing the electoral management structures bearing in mind the cost effectiveness sustainability, capacity development and knowledge transfer.

In review of the qualitative research done with the different stakeholders, the author was keen to address the Key Principles for the functioning of EMB in the conduct of credible and accepted elections, the author proposed a structure that engender the trust of the various stakeholders in the process to endorse the following principles:
1- The Independence and neutrality of the NEA, from any unnecessary influence or control from government and partisan; in addition to its neutrality in decision making.

2- The accountability and credibility of the NEA results, administration and performance

3- The professionalism, impartially and integrity of the NEA members and structure to ensure that every political party, candidate, voter or other participant is treated in an equal, fair and just way by the EMB and according to the established rules and procedures.

4-The transparency, clear and regular communication of each process when decisions and information on different stages of the process is stated

5-Sustainability of the process in a cost effective manner with the improvement that can be made to existing structures rather than the adoption of a completely new EMB structure.

It is worth to mention that the situation on the ground and discussions with all stakeholders highlighted the importance of regulating the appointment of the governing body and its secretariat that plays a key role in ensuring the integrity of the process based on the administration model selected, how the members and chair are chosen, what qualifications are required, the distribution of power and responsibilities between the governing body, secretariat and the subnational structure. A special emphasis on the adjudication of results was treated and suggested.

**The outcome of the interviews**

The relevant articles in the 2014 constitution were used as the base of these interviews.
- Articles (101-107) on the mandate, composition and membership of the House of Representatives;
- Articles (139-143) on election, mandate and candidacy of the President;
- Article (180) on local elections;
- Articles (208-210) on the National Elections Authority;
- Articles (228-232) in the Transitional Provisions on the role of the HEC, the PEC and the interim president;

All the interviewees agreed and confirmed that the article 208-210 provided in the 2014 Constitution of Egypt for the establishment of an independent permanent National Electoral authority (NEA) its composition ,its mandate, its responsibility versus the electoral justice and the publication of election results endorse its full responsibility for the conduct of referendums and elections at all levels; furthermore it reflects the full independence of the EMB in taking their decision and being fully autonomous in planning and supervising the referendum , people assembly and presidential election. The interviewees disagreed about the fact that the NEA should supervise trade unions and clubs, which was suggested in the previous 2012 constitution and omitted in the 2014 version. The interviewees stressed on the fact that a deadline should be set for the establishment of the new NEA in the upcoming electoral law once the upcoming presidential and the next parliamentary elections are implemented.

The representative of the PEC and HEC found that the 2014 Egyptian Constitution treats a number of details but still further legislation on the EMB is mandated regarding procedures for the formation of the governing body, the functioning of the NEA, voting and counting, procedures and timelines for appeals and adjudication of results. They pointed out that it is not written in the current constitution that by-laws and other secondary rulings should be expected from the EMB as is customary in most legal systems.
NEA responsibilities

In the 2014 constitution the NEA is one among other independent bodies and supervisory organs listed in the Constitution as public legal persons that are neutral and technically, administratively, and financially independent (Article 209). The National Elections authority is exclusively responsible for managing referenda and presidential, parliamentary and local elections, which includes the preparation and update of a database of voters, proposal and division of constituencies, setting regulations for and overseeing electoral campaigns, funding, electoral expenditure declaration thereof, and managing the procedures for out-of-country voting by expatriate Egyptians, and other procedures, up to the announcements of results.

NEA is foreseen as the only state body with election related responsibilities. The idea that other state mechanisms might have some operational responsibilities in the electoral process seems to be absent from the constitutional, and against more common practice.

Under the general supervision of the NEA’s board, electoral officers at different levels shall be conducting voting and counting (“members affiliated with the NEA” as per Article 210). But as an exception it is established that members of the judicial authority will be charged with these duties “for a period of ten years from the effective day of this constitution. This article has been accepted by two of the ex-parliamentarian and rejected by the others, because it will allow the legislator to facilitate the operation of elections by formally assigning specific responsibilities to non-judicial staff although under judicial supervision, they suggested that the constitution should include the identification of a transitional sustainability plan that will allow the handover of such responsibility to civil, well trained officials that do not belong to the judicial power after ten years.
Significantly, the NEA jointly with other independent bodies and supervisory organs, is given consultative power on legislation as they must be consulted on legislative bills and draft decrees relating to their domain of work, the majority of interviews rejected the idea of mixing of executive, legislative and judicial powers in supervising legislation.

The governing body

In the 209 article, the formation of the governing body of the NEA made by judges is regulated with some details. A Board of Commissioners of 10 members shall administer the NEA. Membership is evenly distributed among five different institutions from within the Judiciary. Two members should be selected from among the deputies of the heads of each of the following institutions: Court of cassation; the courts of appeals; council of state; state litigation authority, and the administrative prosecution. Members shall be selected by the general assemblies of these bodies and the supreme judicial council. The NEA chair shall be the most senior among the deputies selected by the court of cassation.

The term of office of commissioners shall be 6 year, but there will be a mid-term election of half of the commissioners every three years. Interviewees agreed that in this transitional period in the history of Egypt (upcoming ten years), the board of commissioners needs to remain within the judicial authority for the trust element; many parties expressed their confidence in the judicial system for their neutrality and credibility among the citizens, in contrary to the Judges themselves who are governing the election, they do believe that supervising the elections becomes a burden on the judicial institutions and the upcoming electoral law needs to integrate a sustainable plan for the implications of citizens and civil servants in the process.
The executive body or secretariat

The constitution mandate the establishment of an executive body, it is provided that the NEA board of commissioners can hire electoral experts to support the process by requesting the assistance of any of the “public figures, specialists or experts in the field of elections, and it has its own executive organ” (Article 209). Three out of the eight interviewees supported the formulation of this article because it gave opportunity to the NEA’s board of commissioners to establish support organizational structures as considered correct for implementation of their responsibilities.

The governmental officials commented on the fact that the 2014 constitution omitted the existing provisions about the managerial level of the NEA. There was an article related to all independent bodies, “The law will regulate the composition of each independent body or supervisory organ. It grants their staff members the guarantees necessary for their work. The law will define the procedures for employment, promotion, accountability and dismissal. It specifies other conditions that guarantee the neutrality and independence of staff members.”

The discussion with the interviewees regarding this article evolved around the criteria of selection of the two levels of recruitment: At a managerial level: Chief executive officer and at the national subnational structure: the polling officers

Interviewees agreed that for the upcoming ten years, the chief executive officer should be a judge who has extensive experience in public administration, and in specific not less than three years of experience in the field of electoral administration, the age should vary between 45 and 60 at max,
candidates for this position are not allowed to carry two nationality, at this stage it will be practically impossible to have a gender balanced board of commissioners.

The board of commissioners shall announce the necessity to recruit the chief electoral officer, opinions vary in this respect, the most accepted one was to leave the decision of selection to the board of commissioners formed by judges and another opinion was raised, is to form a committee where the legislative, executive and judicial power are represented. The second suggestion endorsed by HEC’s representative and two of the parliamentarian is to avail the first screening to a committee who will carry the interviews and to shortlist the list of the candidates to three only. This list will be presented to the board of commissioners and its President will select only one among them.

The second opinion suggests that the appropriate methodology to follow should state that the chief electoral officer or manager of elections (executive secretary, director of elections) is recruited and appointed by parliament who will receive application in an open bid or examination. The CEO, is appointed on a full-time basis by a resolution of the House of parliament (the lower house) – by a unanimous vote – until age 60. The CEO can only be removed for due cause, following a majority vote in the house of Parliament.

Sub-national administrative offices:

The Local national electoral authority will be established under the authority of the executive director of elections.
At a subnational level, the tendency of the interviewees is to keep at least a limited number of permanent electoral staff at the first sub-national level of government (governorates) so they can keep the operational burden of the electoral management bodies that has to be taken on a continuous basis.

The interviewees suggested the following structure where 27 permanent members will be responsible for overseeing all aspects of the voting process. One head and two assistants will be permanent staff responsible to coordinate with the existing 13000 polling stations (collected into a number of polling centers at a municipality level. The NEA will appoint a suitable qualified and experienced person as local chief electoral officer (LNEA) who will act as the chair of each subnational office. The LNEA in consultation with the NEA chief executive shall appoint such officers and employees as deemed necessary for the effective conduct of elections. Interested people will apply in an open bid for positions in the polling operation and the polling stations. Selection from among applicants will be made by the electoral authorities. Another methodology has been suggested where polling officers are selected at random from several lists of public service employees, school teachers, university students and business firms. The lists are requested by the EMB, which makes the selection, training and accreditation of polling staff

The main criteria for selection should be based on the age 21 and above, he/she should carry a bachelor decree and attend a training session provided at a governorate level.

Voting and counting operations shall be conducted by electoral officers affiliated with the EMB”, these activities shall be conducted by judges during ten years after the proclamation of the Constitutions, “as exception that is until 2024.
Most importantly, it is envisaged that after ten years even the supervision of voting and counting will be done by electoral officers different from the judicial bodies. In the meantime, main supervisory responsibility is to judges while other staff will contribute to the running of the electoral operation. And the law shall define how the electoral operation shall be conducted (Article 210).

**Further suggestions:**

Parliamentarians suggested that the article 210 should be amended or a specified article should be added to the EMB law on accountability; this article should mandate the NEA to submit reports to the president of the republic, the House of Representatives, and the prime minister. Upon receipt of the reports, the house of representatives has four months to review them and take appropriate action. Then it submits the reports to public opinion, this statement ensure political and institutional accountability with the other independent bodies and supervisory organs. The NEA is financially accountable before the national accounting authority: “The Central Accounting Office monitors the state funds and other offices that the law specifies” (Article 205).

**Announcement of results**

Interviewees found out that two provisions in the 2012 Constitution would not fit with the Egyptian context. One deals with establishing a maximum eight/day deadline from elections day for the announcement of election results. Such deadlines tend to be longer than that in the past elections. The other is the prohibition of filing any appeal against final results in referendums and presidential elections. Longer deadlines are needed for the announcement of official final which will allow for the filing of complaints and appeals. Once these are resolved, final official results are definite.
Final text in the 2014 addressed these two deficiencies in the following manner:

The law regulates the procedures for filing a challenge against the Commission’s decisions before the state council courts, and adjudication in it in accordance with specific dates without prejudice to the progress of the electoral process and referenda, or the announcement of their final results.

When author explained the international standard of preliminary results, interviewees suggested that a distinction needs to be made between preliminary, partial and final results. The word “results” is currently only used by the constitutional text.

**Adjudication of appeals**

More specifically, the constitution provides for challenges against the results of parliamentary elections with specific deadlines for both presentation of challenges and resolution of them by the judicial authority: “

The supreme administrative court adjudicates challenges against the Commission’s decisions pertaining to referenda, presidential and parliamentary elections, and their results. Challenges against local elections are to be filed before the administrative court. Dates to file challenges against these decisions are specified by law, provided that challenges are finally adjudicated within ten days from the date of filing them.
Conclusion and Recommendations

Based on Diamond’s outcome in many literature, there is a notable growth of democracy throughout the last three decades that reached almost majority of major cultural areas and that extended to over a third of the world’s underprivileged and poor countries; Diamond proposed that every country can become a democracy sooner or later, no country is lined out because of its culture, history or social structure. Not any country can become a democracy at any precise moment, and surely not quickly. (Diamond, 2006). Democratization in countries in transition that the author studied which have been heavily supported from the outside tend to be an indispensable means for the reestablishment of order. Diamond confirmed that authoritarian states cannot become democracies only because they hold elections where opposition compete and win seats, but reform should happen from within by granting space for opposition and where the international community should secure the resources and have the real will and knowledge to promote democracy within the existing political and social context.

Egypt is a republic undergoing a complicated and longwinded political transition, presumably designed to introduce a more democratic system. In this stage of Egypt’s history it will be up to the constituents to decide their future democratic status. There are many political, economic and social potential elements that endorse the reforms and can be summarized as follows: the new constitution that passed by a devastating majority in January 2014, the new president elected in polls on May 26th and the newly elected parliament that held its first session in December 2015. The rejection of a religious based ruling that has been proved by majority voting in May 2014. The nomination of the current technocratic government that has a more liberal bias than the 2004/2011 economically liberal cabinet, the financial support since July 2013 from Gulf allies
that allowed the government to boost investment spending. (Economist, 2015). The reform and increase in taxes personal income and pressure from the business community to lower the corporation tax rate. The investment in Suez Canal and renewable energy long term projects,

Still the main risk that will challenge the transition period in Egypt will be the political and security uncertainties, the renewed security concerns and the ultimate risk to long-term stability resulted from divisions between the liberal opposition, the deposed Muslim Brotherhood and the current regime.

Therefore, Egypt should learn from previous countries who went through similar process and act immediately to reach consensus among oppositions and to put the base for a democratic country through the support for democratic values such as openness, tolerance, and equality even if their concern for stability guide them to make it gradually. The middle-class liberal intellectuals, professionals, and businessmen should endorse a more democratic system. (Diamond, 2010)

The current regime should allow more civic activity and a more open electoral arena that allow competition, pluralism and inclusion. The regime should ensure that opponents are advantaged and empowered through electoral practices. The parliaments resulted from elections should have real power to legislate or govern, and limiting the authority power (Diamond, 2010)

One of the first reform will be through the establishment of the NEA and its legal framework that will ensure its political independence, full authority over the election process, financial autonomy, Select EMB’s members in a way as to instill inclusiveness and competence, Promote transparency, accountability and integrity, Invest in professional development, Build confidence and trust with political actors and voters.
According to the article 21 in the human rights declaration, everyone has the right to take part in the government of his/her country, directly or through freely chosen representatives, in addition to the right of equal access to public service in his country. In line with the above mentioned article, Egypt’s passed a new constitution after a public referendum in January 2015: where Article 208 in the draft constitution provides that the NEA. The National Election Authority (NEA) is independent and it is replacing the NEC, the last institution is no longer listed among the supervisory institutions and independent bodies. In the 2015 constitution the NEA is one among other independent bodies and supervisory organs listed in the Constitution as public legal persons that are neutral and technically, administratively, and financially independent (Article 209). The National Elections authority is exclusively responsible for managing referenda and presidential, parliamentary and local elections, which includes the preparation and update of a database of voters, proposal and division of constituencies, setting regulations for and overseeing electoral campaigns, funding, electoral expenditure declaration and managing the procedures for out-of-country voting by expatriate Egyptians; in addition to other operational procedures until the announcements of results. Under the general supervision of the NEA’s board, electoral officers at different levels shall be conducting voting and counting (“members affiliated with the NEA” as per Article 210)

In the 2015 approved constitution the condition of renewal for half the membership will be every three years. The NEA President will no longer be assigned part time but he will be full time official.

The research problem of this this study is to translate the articles number 208/209 and 210 included in the 2014 constitution to a real election machinery based on the international principles, and in comparison with other EMB from an independent nature, INE in Mexico, The
Election Commission of India (ECI) and the Independent Electoral Commission (IEC) of South Africa. The author carried numbers of one to one interview with a number of UN experts, national electoral officers and ex-parliamentarian. Questions evolved around the development of the legal framework, planning, organizing elections and resolution of election-related disputes. The following will summarize the points discussed and the consensus reached on the main elements that will better describe the NEA responsibilities and structure to support national efforts to enhance the credibility of the process.

After a close review of the Egyptian history, constitution, legal background and the output of the interviews an organization structure of the upcoming NEA (annex) is formulated.

The following elements have been confirmed during the discussion:

- The article 208-210 provided in the 2014 Constitution of Egypt for the establishment of an independent permanent National Electoral authority (NEA) reflects the full independence of the EMB in its composition, mandate, and responsibilities.

- A more detailed law, by-laws and other secondary rulings on the EMB that treat the procedures for the formation of the governing body, the functioning of the NEA, voting and counting procedures and timelines for appeals and adjudication of results is necessary to be issued once the parliament is in place.
**NEA responsibilities**

-The EMB law should consider and state that other state mechanisms might have some operational responsibilities in the electoral process.

-To encounter the dilemma of the 210 article, it is suggested that the law put in details a transitional plan that will allow the handover of operational responsibilities to citizens and civil servants who will be in charge to administer elections after ten years to come.

-The idea of mixing the executive, legislative and judicial powers in supervising legislation is rejected; therefore it is highly recommended that the NEA keep a consultative role only on legislation related to the procedural aspect and impartiality is secured.

**EMB Structure:**

The following suggested organizational structure for the future electoral authority was proposed, discussed and amended by the interviewees. The following document is consistent with the existing article of the Egyptian constitution and after close observation of the HEC and PEC current organization structure. The organizational structure consists of two basic parts:

**Legislative part:**

The board of commissioners is the supreme authority, composed of the chairman of the higher committee and ten judges who are selected according to the articles mentioned in the 2014 constitution, the most important function of the commissioners is to issue decisions, regulations that facilitate and regulate the implementation of the electoral law.
An article in the new EMB law should secure the gender balance in the selection process of the commissioners.

**The Executive Secretariat or the Electoral administration:**

Since the constitution didn’t include any methodology for the recruitment of the chief executive officer at a centralized level and polling officers at the national subnational structure, two alternative solutions were suggested, for the upcoming ten years, the chief executive officer should be a judge who has extensive experience in public administration, and electoral administration. After this period stated in the constitution, it is suggested to form a committee where the legislative, executive and judicial power are represented for the shortlisting and the selection of the chief executive officer or the CEO is appointed and/removed by a resolution of the parliament.

**Sub-national administrative offices:**

View Egypt’s size, population and the frequency of elections and referendum. It is recommended that Local national electoral authority (LNEA) will be established in each governorate under the authority of the CEO. A limited number of permanent electoral staff will be recruited at a governorate level to carry all tasks related to the electoral cycle. Interested people will be eligible to apply for any positions in the polling operation. To ensure civil and citizens engagement in the election process, another methodology has been suggested where polling officers are selected at random from several lists of public service employees, school teachers, university students and business firms.
**Accountability**

To ensure political and institutional accountability with the other independent bodies and supervisory organs, it is suggested to add an article in the EMB law that oblige the NEA to submit technical and financial reports to the president of the republic, the House of representatives, and the prime minister for review.

Furthermore, Political parties representatives advocated that the EMB should adopt practical tools to ensure an organized and efficient relationship with political parties, two mechanism were suggested: the establishment of a consultative mechanism for political parties in the legal framework or through some actions within the EMB structure to keep good relations with parties, media and civil society.

The EMB law should clarify the difference between preliminary, partial and final results. It is necessary that the law regulates the appeals and challenges deadlines to file challenges against these decisions, provided that challenges are finally adjudicated within ten days from the date of filing them.

**The Executive Secretariat or the Electoral administration:**

Consists of a chairman (chief electoral officer and his deputy); in addition to the office of the Secretariat that is responsible for the implementation and conduct of all electoral processes ranging from voter registration and ending with the announcement of results. Thus divided into several division according to the tasks and responsibilities of the technical and administrative tasks to accomplish multiple functions of the administrative processes and complex operational that are focused to serve millions of voters to vote in a single day or phases based on the future electoral laws.

**Department of Planning and Reporting affiliated to the Chief executive office:**
It is suggested that this sector is composed of a head of department and three employees with expertise in the field of planning. The duties of this section is to develop the general layout of the electoral process within a timeline as well as monitoring the implementation plan carried by the different sectors

**Legal Unit:**

This Sector consists of the head of the legal department and the number of staff needed to receive complaints and appeals related to the electoral process, validated them and remove the causes.

**The electoral administration will be divided in the following three sectors:**

**Department One: Operations and logistics**

The main task of this department is to coordinate and follow up the functions related to the operation and logistics that use to be carried by the Ministry of Interior through regular meetings. It is advised that the head of this department might have previous experiences in elections and administration, this person should be a member of the General Secretariat, due to the difficulty of this task and the necessity to perform multiple tasks. This section can be divided into several sections:

**Logistics Support Section** : Consisting of a head section and a number of experienced employees who will have the mandate to coordinate with the local commission offices in the governorates the planning, provision and distribution of the electoral materials that should be available on the day of the election based on the number of voters in the province, constituency and every polling station within the same constituency, as well as a plan to return the material after election day. This department will be responsible to coordinate with the civil registry office to inform the commission of all the variables that may arise during the voter registration
process for updating the voter register; furthermore they will cooperate with the Ministry of the Interior and other institutions involved in determining the number of constituencies, polling stations and locations as well as the general committee’s location.

**Database Development and Management Section (Management of the voters' register)**

This department will consist of a head section and three employees specialist in data management, they will have the duty to coordinate regularly with all other institutions and the committee at a governorate level to prepare a plan and formulate the procedures for updating the voters' register (deletion, adding and amendment the in and out of country voters) taking into consideration complaints and appeals involved. This department will coordinate with the lower courts in the provinces to regulate the disposition of appeals on voter database, and follow-up with the administrative courts and the security directorates in the case of the verdicts to make modifications to the database.

**Training and procedures section:**

This section consist of a head of section and three employees or more who will be responsible for the development of guidelines for supervisors of polling stations and officers, preparation of a training plan on operation and counting for polling staff, provide them with appropriate training materials and set up workshops. This department will make sure to integrate the inclusion aspect of the special measures set for disabled and blind voters in the training. It is advisable that the unit is created under this department to communicate with all polling officers in the provinces prior and during elections by mobile devices to answer all their questions and concerns concerning procedures.
Department Two: Public outreach

Consists of the head of the department and his deputy. The electoral authority is the only institution who has all the basic information of the laws and regulations pertaining to the electoral process as a whole and any matter related to the electoral contenders (political parties and voters; therefore the media remain a key player in the success of any election. This section will reinforce the media role in supporting the electoral organization to communicate to the public, political entities and others the requirements and procedures for the nomination and registration of political parties and their agents and observers, the access to polling station as well as dealing with the civil society organizations, observers local and international. It will regulate the governing of the election campaign on the basis of equality to distribute the time available in the media.

Political entities Sub section:

Consists of the head of the section and four employees who will be in charge to coordinate and facilitate all communication and procedures for the registration of political entities and candidates that wish to compete in the electoral process. This section will prepare the code of conduct for political entities.

Foreign Relations Section:

This section will consist of the head of section and four public relation staff, their duties will be to regulate the registration and follow up the processes of local and international observers during the electoral process, including the granting of special permits. The other main function will be the preparation of a plan to vote abroad in coordination with the Ministry of Foreign Affairs and other government agencies and other departments in the Supreme Committee.
Department Three: Administrative and financial

This department consists of a president and vice president of the sector to handle financial and accounting matters including the management of budget and personnel.

Section of Human Resources:

Consists of the Head of section specialist in administration, and three qualified staff, who will be responsible for the preparation of the organizational structure of the commission in a flexible manner to accommodate tasks required as needed and endorsement of any structural amendments, they will develop a strategy and plan regarding the personnel management, recruitment and training; in addition to all tasks related to documentation and archiving so they can ensure the establishment of an institutional memory.

Section of Finance and Accounts:

Consisting of a head section with financial qualifications in addition to two employees who will prepare the budget needed to conduct the elections operation, ranging from the voter registration period and ending with the announcement of the results and subsequent actions. This department will manage the financials of the institution employees, individuals and daily needs the whole year around, in addition that they will coordinate with the ministry of finance to make sure the allocation of budget for the electoral process from the state budget in a timely manner.

Section of Procurement and Contracts:

Consisting of a head section and the two staff members experienced in this area, this section will be in charge of procurement requests of electoral materials needed to conduct the elections as well as materials for the process of voter registration update.
The section will prepare lists of materials processed from the government budget or local and international companies in coordination with all relevant government agencies to elections.
References


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**Article 101 Mandate**

The House of Representatives is entrusted with legislative authority, and with approving the general policy of the state, the general plan of economic and social development and the state budget. It exercises oversight over the actions of the executive authority. All the foregoing takes place as set out by the Constitution.
Article 107 Validity of Membership
The Court of Cassation has jurisdiction over the validity of membership of members of the House of Representatives. Challenges shall be submitted to the Court within a period not exceeding 30 days from date on which the final election results are announced. A verdict must be passed within 60 days from the date on which the challenge is filed. In the event a membership is deemed invalid, it becomes void from the date on which the verdict is reported to the House.

Article 139 Mandate
The President of the Republic is the head of state and head of the executive branch of government. He defends the interests of the people, safeguards the independence, territorial integrity and safety of the nation, and abides by the provisions of the Constitution and carries out his responsibilities in the manner prescribed therein.

Article 143 Election
The President of the Republic is elected by direct secret ballot, with an absolute majority of valid votes. The procedures for electing the President of the Republic are regulated by law.

Article 180 Election of local councils
Every local unit elects a local council by direct, secret ballot for a term of four years. A candidate must be no younger than 21 years old. The law regulates other conditions for candidacy and procedures of election, provided that one quarter of the seats are allocated to youth under 35 years old, one quarter is allocated for women, workers and farmers are represented by no less than 50 percent of the total number of seats, and these percentages include a proper representation of Christians and people with disability. Local councils are responsible for developing and implementing the development plan, monitoring the activity’s different aspects, exercising the tools of monitoring the executive authority such as proposals, and submitting questions, briefing motions, interpellations and others, and withdrawing confidence from the heads of local units, in the manner organized by law. The law defines the mandate of other local councils, their financial sources, guarantees of its members, and their independence.

Article 208 Mandate
The National Elections Commission is exclusively responsible for managing referenda and presidential, parliamentary and local elections, which includes the preparation and update of a database of voters, proposal and division of constituencies, setting regulations for and overseeing electoral campaigns, funding, electoral expenditure declaration thereof, and managing the procedures for out-of-country voting by expatriate Egyptians, and other procedures, up to the announcements of results. The foregoing is regulated by law.

Article 209 Structure, composition
The National Elections Commission is administered by a board made up of 10 members selected equally from among the vice-presidents of the Court of Cassation, the presidents of the Courts of Appeal, the vice-president of the State Council, the State Affairs and Administrative Prosecution, who are to be selected by the Supreme Judicial Council and special councils of the aforementioned judicial bodies depending on the circumstances, provided that they are not members in them. They are appointed by decree from the President of the Republic. They are selected to exclusively work at the Commission for one term of at least six years. The Commission’s presidency belongs to its most senior member from the Court of Cassation. Half of the members of the council are replaced every three years.
The Commission may refer to public figures, specialists, and those deemed to have relevant expertise in the field of elections. They do not have the right to vote.
The Commission has a permanent executive body. The law determines its composition, system of operation, and the rights, duties and securities of its members to achieve their neutrality, independence and integrity.

**Article 210 Administering voting and counting of votes**
Voting and counting of votes in referenda and elections run by the Commission is administered by its affiliated members under the overall supervision of the Board. It may use the help of members of judicial bodies.
The voting and counting of votes in elections and referenda in the 10 years following the date on which this Constitution comes to effect are to be overseen by members of judicial bodies and entities in the manner set out in the law.
The Supreme Administrative Court adjudicates challenges against the Commission’s decisions pertaining to referenda, presidential and parliamentary elections, and their results. Challenges against local elections are to be filed before the Administrative Court. Dates to file challenges against these decisions are specified by law, provided that challenges are finally adjudicated within ten days from the date of filing them.

**Article 228 High Electoral Committee, Presidential Election Committee**
The High Electoral Committee and the Presidential Election Committee existing at the time this Constitution comes into force shall undertake the full supervision of the first parliamentary and presidential elections following the date it came into effect. The funds of the two committees revert to the National Electoral Commission, as soon as the latter is formed.

**Article 229 Election of the House of Representatives**
The election of the House of Representatives following the date on which this Constitution comes into effect shall take place in accordance with the provisions of Article 102.

**Article 230 Procedures for parliamentary and presidential elections**
Procedures for the election of the President of the Republic or the House of Representatives shall take place in the manner regulated by law, provided that they begin within no less than 30 days and no more than 90 days of this Constitution coming into effect.
In all cases, the next electoral procedures shall begin within a period not exceeding six months as of the date the Constitution comes into effect.

**Article 231 Beginning of the presidential term**
The presidential term following the adoption of this Constitution begins as of the date that the final result of the elections is announced.

**Article 232 The interim president**
The Interim President of the Republic continues to exercise the presidential powers stipulated in the Constitution until the elected President of the Republic takes the constitutional oath.