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# **Elections in Egypt**

## *June 16-17 Presidential Election Run-off*

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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*Disclosure:*

*These FAQs reflect decisions made by Egypt's election authorities as of June 14, 2012, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Who will Egyptians elect June 16-17, 2012?**

On June 16-17, 2012, Egyptian voters will vote in the second round of presidential elections to elect the President of the Arab Republic of Egypt for a term of four years.

## **What are the key dates associated with the presidential election?**

The first round of elections took place May 23-24, 2012. The run-off (second round) is scheduled for June 16-17, 2012. The final announcement of results is expected no later than June 21, 2012.

Please see the timeline in the resources section for a more detailed outline of key dates.

## **What are the powers and responsibilities of the new president?**

According to Articles 25 and 56 of the March 2011 Constitutional Declaration,<sup>1</sup> issued by the Supreme Council of Armed Forces (SCAF), the president will undertake, upon assuming the position, the following responsibilities:

- Appoint members of the People's Assembly to fill the 10 seats reserved for appointees
- Convene the People's Assembly and Shura Council
- Promulgate laws or object to them
- Represent the State domestically and abroad; sign international treaties and agreements; and be considered a part of the legal system of the State
- Appoint the prime minister and his deputies; ministers and their deputies; and dismiss them from their duties according to the law
- Appoint civilian, military and political representatives, and dismiss them according to the law
- Accredite foreign political representatives
- Pardon or reduce punishment
- Perform other functions and responsibilities in accordance with existing laws and regulations

## **Who is eligible to vote?**

According to Articles 1, 2 and 3 of Law 73 of 1956 on the Practice of Political Rights, all Egyptian citizens 18 or older have the right to participate in referendums and presidential, parliamentary and local council elections.

These articles also stipulate that officers and members of the armed forces, as well as officers and personnel of the police, are not eligible to vote throughout the duration of their service.

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<sup>1</sup> See Resources.

The following citizens are also not eligible to vote:

- Those convicted of a felony, unless they have subsequently been proven not guilty
- Those who are detained, and therefore cannot exercise their political rights, are unable to vote throughout their detention period
- Persons with mental illnesses confined in institutions – they are ineligible to vote throughout the period of their confinement
- Citizens who have declared bankruptcy – they are ineligible to vote for a period of five years from the date of their bankruptcy, unless it is resolved

## **What is the legal framework for the presidential election in Egypt?**

The presidential election in Egypt is governed by different pieces of legislation, namely: the SCAF-issued Constitutional Declaration; Law 174 of 2005 on Presidential Elections and its amendments; and Law 73 of 1956 on the Practice of Political Rights and its amendments.<sup>2</sup>

The latest amendment to Law 73 of 1956 was approved by the Egyptian Parliament and issued by the SCAF on April 23, 2012.<sup>3</sup> It imposes a 10-year ban on political participation by any person who held high-ranking positions under President Hosni Mubarak's regime. The ban is imposed on individuals who have held positions such as president, vice president, prime minister, head/secretary general of the National Democratic Party and members of its policies bureau or its general committees since February 11, 2001.<sup>4</sup> However, this amendment was referred to the Supreme Constitutional Court (SCC) for a ruling on its constitutionality. On June 14, 2012, the SCC ruled that the Disenfranchisement Law is unconstitutional.

## **Who can be a candidate?**

According to Article 1 of Law 174 of 2005 on Presidential Elections, to be eligible as a presidential candidate, one must be of Egyptian nationality and born to parents who both hold Egyptian nationality. Additionally, neither the candidate nor his/her parents can have held any other nationality than Egyptian or be married to a non-Egyptian. The candidate must still be in possession of his/her civil and political rights in accordance with Article 3 of Law 73 of 1956, which delineates those citizens who lack such rights. Finally, presidential candidates must be at least 40 years old by the date of submission of their candidacy in order to be eligible.

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<sup>2</sup> See Resources.

<sup>3</sup> See Resources.

<sup>4</sup> The ban on individuals who held high-level positions applies to people who held those positions in the 10 years prior to Mubarak's resignation on February 11, 2011.

Article 2 of Law 174 of 2005 states that candidates can exercise one of the following options when submitting their nomination:

- Candidate is formally endorsed by at least 30 elected members of the Peoples' Assembly and the Shura Council
- Candidate must secure the endorsement of no less than 30,000 eligible voters in at least 15 governorates, with no less than 1,000 supporters in each governorate

Additionally, those political parties whose members obtained at least one seat in the 2011-12 parliamentary elections, either in the Peoples' Assembly or in the Shura Council, as established by Article 2 of Law 174 of 2005, may nominate one of its members for candidacy.

## **What is the electoral system used in this presidential election?**

The president is elected through direct universal suffrage. Egypt uses a majority two-round system for the presidential election.

A candidate must obtain an absolute majority (50 percent plus 1) of valid votes cast in order to be elected. Should such a threshold not be met by any of the candidates in the first round of voting, as was the case in the first round of this election on May 23-24, 2012, then a second round of voting (run-off) must be held between the two candidates with the largest number of valid votes. This run-off will take place on June 16 and 17, 2012.

At the end of the second round, the candidate who has obtained the highest number of valid votes, regardless of any threshold, will be declared president.

The two candidates contesting the run-off are Mohamed Morsi (Freedom and Justice Party) who obtained 5,764,952 votes in the first round, and Ahmed Shafiq (Independent) who obtained 5,505,327 votes in the first round.

## **Which election management body is responsible for administering the presidential election?**

The Supreme Presidential Elections Commission (SPEC) is responsible for administering the presidential election.

Currently, the electoral management system in Egypt is based on the establishment of ad-hoc bodies, each with a temporary mandate and responsibility to administer a specific election or referendum process. Each of these bodies is dissolved upon the completion of the electoral process that it was mandated to supervise.

The recent parliamentary elections were administered by the High Judiciary Elections Commission (HJEC), which had a different composition and mandate from the SPEC.

## **How many polling stations will there be?**

The SPEC established approximately 13,400 polling stations for this election. Many of the polling stations were set up in the same locations used during the 2011-12 parliamentary elections.

This is in marked contrast to the 50,000 polling stations established for the parliamentary elections. However, it is worth noting that since the parliamentary elections took place over three phases, all 50,000 polling stations were not set up simultaneously.

## **What are the roles and responsibilities of the SPEC in the presidential election?**

The Constitutional Declaration and Law 174 of 2005 on Presidential Elections mandate a full judicial commission, the SPEC, as the sole body responsible to supervise the presidential election. These responsibilities begin with the announcement of the opening of candidate nominations and end with the announcement of the election results.

The SPEC is composed of five commissioners and headed by the president of the Supreme Constitutional Court. Other members include the president of the Cairo Court of Appeals, the most senior deputy of the Office of the President of the Supreme Constitutional Court, the most senior deputies of the Office of the President of the Court of Cassation and the most senior deputies of the Office of the President of the State Council.

The SPEC has been vested with the following primary responsibilities:

- Set procedures for the candidate nomination process; establish and announce the nomination period; and supervise its implementation
- Receive and examine applications of presidential candidates and verify they meet established legal requirements
- Compile and announce the final list of presidential candidates
- Determine the start and end dates for the presidential election campaign
- Verify compliance with regulations governing election campaigns, including equal access by candidates to state-owned media, and resolve any violations
- Supervise the polling and vote counting processes
- Decide on all matters, including disputes, referred by the General Election Committees supervising the elections on the governorate level
- Within three days after receiving the consolidated election results from the General Election Committees, determine and announce the final results for the presidential election
- Receive, evaluate and make a final determination on any complaints arising during the presidential electoral process. Unlike the HJEC, the SPEC's adjudications on electoral complaints carry the force of law and are considered final. As such, they can neither be cancelled nor

appealed by any another body. The adjudication process will take place between the closing of polls on June 17, 2012, and announcement of the final results on June 21, 2012.

- Decide on all issues related to the jurisdiction of the SPEC and any potential conflict of jurisdiction

The SPEC's structure also includes a General Secretariat, an inter-ministerial body whose membership is established by the SPEC's chairperson. The work and mandate of the General Secretariat are determined by regulations issued by the SPEC.

In various governorates of the country, General Election Committees are responsible for supervising all polling stations within their territorial jurisdiction. General Election Committees are composed of judges and members of judicial bodies, and their functions are determined through the rules and procedures established by the SPEC.

## **What are the roles and responsibilities of the Ministry of Interior in the presidential election?**

The Ministry of Interior (MoI) is responsible for all necessary administrative, operational and logistic support to the electoral process such as procuring and handling ballot papers, ballot boxes, indelible ink, polling booths, etc. In addition, the MoI is mandated to supervise all security arrangements for the electoral process.

## **What are the roles and responsibilities of the judiciary in the presidential election?**

All polling stations are headed by a member of the judiciary. Judges also comprise the heads and members of the General Election Committees at the governorate level. These judges supervise polling stations and tabulation of results.

## **How are voter lists compiled?**

Voter lists are compiled on the basis of citizen information stored in a national identity card database.

The personal information of all Egyptian citizens possessing a national identity card, who are above the age of 18 and are eligible to vote, is transferred from the national identity card database to the voter register database. The voter lists ultimately distributed to each polling station are extracted and compiled from the database of the voter register.

## **On what basis are voters allocated to polling stations?**

Voters are allocated to the polling station closest to the address that is listed on their national identity card. For the presidential election, the maximum number of voters to be allocated to a polling station

has been established at 1,000, a significant increase from the previous ceiling of 700 established for the 2011-12 parliamentary elections.

## **How many candidates registered to compete in the first round and how many of them actually ran in the presidential election?**

A total of 23 candidates registered to compete in the presidential election. However, at the end of the candidate registration period, the SPEC announced its decision to disqualify 11 candidates:

- Two candidates were disqualified over ongoing legal disputes about their party's leadership.
- Two candidates were convicted under Mubarak's regime and failed to submit a written statement of rehabilitation issued by the Criminal Court.
- Two candidates were unable to obtain the required endorsement by 30,000 eligible voters.
- One candidate's parent held foreign citizenship.
- One candidate did not complete the mandatory military service.
- One candidate lost the endorsement of the parliamentarians who nominated him.
- One candidate's endorsing political party did not have a legal representative with the right to endorse the candidacy of one of its members.
- One candidate was disqualified for serving as prime minister under Mubarak's regime.

All disqualified candidates appealed to the SPEC against its decision. Only one disqualification was overturned. The SPEC reversed its decision to bar Ahmed Shafiq from running for president, ruling that the Disenfranchisement Law is unconstitutional. The law was subsequently referred to the Constitutional Court, which upheld the SPEC's decision. All other appeals to the SPEC were rejected and, as established by the 2011 Constitutional Declaration, these appeals were not subject to further consideration.

Of the 13 individuals included on the final list of candidates for the first round of the 2012 presidential election, only the two candidates who received the highest number of votes will compete in the run-off on June 16-17, 2012.

## **What are the rules on electoral campaigning by presidential candidates?**

The electoral campaign for the presidential election is governed by Law 174 of 2005 on Presidential Elections. Article 21 establishes that candidates:

- Must refrain from exposing facts about the private life of other candidates
- Must protect national unity and abstain from using religious slogans
- Must refrain from using, or threatening to use, any form of violence
- Are prohibited from offering voters gifts, donations, assistance in cash or in-kind, or any other benefits or promising to offer them, directly or indirectly



- Are prohibited from using state-owned, public-sector or public-business-sector owned buildings, facilities and means of transportation for any electoral campaigning purposes
- Are prohibited from using state-owned facilities, places of worship, schools, universities and other public or private educational institutions for electoral campaigning purposes

Campaigning for the run-off officially started on May 30, 2012, and will end on June 15, 2012.

## **What are the rules governing electoral campaign finance?**

Financing of a presidential election campaign is regulated as follows:

- The ceiling for election campaign expenditures during the first round of elections for each candidate is 10 million Egyptian pounds (approximately USD \$1.6 million).
- In the event of a run-off election, the law specifies that each candidate will have a total of 2 million Egyptian pounds made available to them for expenditures during the run-off campaign period. Left over funds from the first round may not be used in conjunction with the 2 million Egyptian pounds designated for the run-off.
- Candidates may receive contributions in cash or in-kind from any Egyptian citizen or entity, or from the political party that nominated them, provided that any such contribution does not exceed 2 percent (200,000 Egyptian pounds) of the expenditure ceiling.
- Candidates must open an account and deposit all financial contributions in one of the banks designated by the SPEC, and must disclose to the SPEC all financial transactions relating to their election campaigns. Candidates can only fund their election campaigns through such a bank account.
- Political parties must notify the SPEC about each contribution exceeding 1,000 Egyptian pounds that were received within the three-month period prior to Election Day. Parties must notify the SPEC of such contributions within five days of receipt.
- Candidates cannot receive any election campaign contribution, in cash or in-kind support, from any Egyptian or foreign juridical person; from any foreign state, institution, international organization; from any corporation where any foreign person holds an equity stake; or from any foreign nationals.

## **Is there a code of conduct for the media during the electoral campaign?**

According to Articles 22 and 23 of Law 174 of 2005, during the period of the electoral campaign all private and state-owned media must comply with the following rules:

- State-owned audio-visual media must ensure equal access for all candidates in their election campaign activities. The SPEC has the authority to ensure full compliance with this requirement and correct any violations.
- Opinion polls and surveys on the presidential election broadcasted or published by the media must disclose full information on the entities conducting and financing such polls; on the questions to be asked; on the size of the exercise; the locations where it will take place; the

methodology used; the data collection's method; and the date and potential error ratio for its findings.

- No opinion polls and surveys can be published or broadcast from two days before Election Day until the end of the electoral process.

## **What are the hours for polling stations on both Election Days?**

As during the first round of the elections, polling stations will open at 8:00 a.m. and close at 8:00 p.m.

However, the judiciary supervisor can extend operating hours of a polling station should such a need arise; for example, to accommodate large numbers of voters who might still be queuing outside the polling station at its closing time. Such an extension took place in the first round of the elections, when polling was extended until 9:00 p.m. on both days.

## **How many poll workers are in a polling station and what are their main duties?**

At a minimum, each polling station has to have a judge, one civil servant who serves as the secretary and an alternate.

The judge has the authority to supervise more than one polling station provided they are all in the same room. As a result, there can be situations where one room has one judge and up to six civil servants. This depends on the number polling stations in the room. The judge supervises all electoral operations at the polling stations.

The civil servant, in the role as secretary, checks that the person is on the voter list, ensures that the voter signs their name, inks the voter's finger and directs the voter toward the polling booth.

## **What are the steps in the voting process?**

The voting process for the presidential election unfolds through the following steps:

- *Voter identification:* A voter presents his/her national identity card to the head of the polling station for identification purposes.
- *Issuing the ballot paper:* Once identified, the voter receives a ballot paper from the head of the polling station.
- *Marking the ballot paper:* The voter proceeds to one of the polling booths; marks the ballot paper in secrecy; folds the ballot; and leaves the polling booth.
- *Vote casting:* The voter proceeds with the folded ballot paper to the head of the polling station for his/her vote to be deposited in the ballot box and then places a signature by his/her name on the voter list.

- *Application of indelible ink:* After voting, the voter dips his/her finger in indelible ink and leaves the polling station's premises at once.

## **Who can be assisted to cast their votes?**

Electoral regulations allow visually impaired voters, or persons with other types of disabilities who are unable to mark the ballot paper on their own, two choices for assistance in the polling station.

They can be assisted by the judge of the polling station by verbally indicating their voting preference so the judge may mark their choice on the ballot paper. Or, the voter may delegate any person who is accompanying him/her to mark the ballot paper on his/her behalf. The second option must be recorded by the head of the polling station.

## **How do election officials provide assistance to illiterate voters?**

There are no legal provisions specifically establishing the provision of any form of assistance to illiterate voters. However, it is a common practice in Egypt for the head of the polling station to assist illiterate voters needing help or those who expressly request such assistance to mark their ballot paper.

## **When and where will vote counting take place, and how are results aggregated at various levels?**

Unlike the 2011-12 parliamentary elections, vote counting in the presidential election is conducted at the polling station level. Votes are counted after the close of polling on the second day and the relevant presiding judge from each station delivers the vote count to the District General Committee.

The District General Committee then aggregates the results from all polling stations in its district prior to transmitting them to the SPEC. The SPEC then carries out a national aggregation of votes, which serves as the official source of the final election results.

For the first time ever, ballot papers have been bound in booklets, with each paper bearing a unique serial number and many other security features including embossing and micro-printing.

## **Will the run-off round of the presidential election be monitored by international and domestic observers?**

As was the case for the first round of elections, both international and domestic observers will be allowed to witness the run-off of the presidential election. To be allowed to witness this election, international observation groups must have submitted an application to the SPEC by May 2, 2012.

The application must provide evidence of the organization's prior work in election observation during the last three years, and certain details for all the international observers it intends to deploy, such as their names, job titles and nationalities.

## **How will electoral disputes be adjudicated and by which body?**

The system to adjudicate electoral disputes is set forth in Article 28 of the Constitutional Declaration issued by the SCAF and in Article 8 of Law 174 of 2005 on the Presidential Elections.

The SPEC has responsibility for addressing electoral disputes arising from the presidential election. During the adjudication period that takes place between the closing of polls on June 17, 2012, and announcement of the final results on June 21, 2012, candidates may appeal to the SPEC against decisions taken by General Election Committees. However, the SPEC's determination of electoral disputes are final, self-enforcing and cannot be appealed by any means or before any other body or institution after the announcement of the final results.

## **Are Egyptians living outside Egypt able to participate in the presidential election?**

Yes, the SPEC has made the necessary provisions for out-of-country voting (OCV) so Egyptian nationals living abroad can vote in the presidential election.

After registering their actual residence abroad at the SPEC's website ([www.elections.eg](http://www.elections.eg)), voters are able to print the ballot paper, mark it and send it by mail to the Egyptian embassy or consulate in the country where they live. While 586,803 Egyptians living abroad registered with the SPEC to participate in OCV for the presidential election, only about 150,000 of them voted in the first round of elections.

OCV for the second round took place from June 3-9, 2012.

## Resources

- [Timeline: Presidential Election](#)
- IFES Briefings on challenges facing electoral operations in post-Mubarak Egypt:
  - [February 2011](#): Key Challenges for Credible and Competitive Elections
  - [April 2011](#): Lessons from the 2011 Constitutional Referendum and the Constitutional Declaration
  - [August 2011](#): Structure and Responsibilities of the Higher Elections Commission, and Other Issues Concerning Electoral Operations
  - [November 2011](#): Analysis of the 2011 Parliamentary Electoral System
- [Constitution](#) of the Arab Republic of Egypt, 1971
- [Constitutional Declaration](#) of March 30, 2011
- Electoral Laws
  - [Law No. 174 of 2005](#) on Presidential Elections (amendments included)
  - [Law No. 73 of 1956](#) on the Practice of Political Rights
- Relevant Supreme Council of Armed Forces Decree-Laws
  - [Decree 18/2012](#): Amendments of Law No. 73 of 1956 on the Practice of Political Rights (English)
  - [Decree 18/2012](#): Amendments of Law No. 73 of 1956 on the Practice of Political Rights (Arabic)
- High Election Commission Decrees
  - [HEC Decree 1](#): Executive Regulation on Practice of Political Rights Law
- [List of Presidential Candidates](#)