



Global Expertise. Local Solutions.
Sustainable Democracy.

Referendum in Egypt

January 2014 Constitutional Referendum

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

1850 K Street, NW | Fifth Floor | Washington, D.C. 20006 | www.IFES.org

January 10, 2014

Frequently Asked Questions

When is the referendum for a new constitution in Egypt?	1
Why is there a need for a constitutional referendum if there was one in December 2012?	1
What was the process to amend the constitution?	1
What is the legal framework for the constitutional referendum?	1
Is there an established threshold for participation?	2
What quorum will be used to determine the validity of the constitutional referendum?	2
What happens once the proposed amendments to the 2012 constitution are accepted?	2
What happens if the proposed amendments to the 2012 constitution are rejected?	2
What will be on the ballot paper?	2
Who is eligible to vote?	2
Which election management body is responsible for administering the constitutional referendum?	3
What are the roles and responsibilities of the HEC in the constitutional referendum?	3
What is the role of the Ministry of Interior in the constitutional referendum?	4
What are the roles and responsibilities of the judiciary in the constitutional referendum?	4
How many polling stations will there be?	4
How are the voter lists compiled?	4
How many eligible voters are there, and what percentage of them are women?	5
Are there special polling stations for women?	5
How are voters allocated to polling stations?	5
Are voters allowed to vote in any polling station?	5
At what time do polling stations open on both days of the referendum?	5
What are the steps in the voting process?	6
What provisions exist to accommodate voters with disabilities?	6
How do election officials provide assistance to illiterate voters?	6
When and where will vote counting take place, and how are results tabulated?	6
Will the constitutional referendum be monitored by international and domestic observers?	7
Are Egyptians living outside Egypt able to participate in the constitutional referendum?	7
Resources	8

Disclosure:

These FAQs reflect information and decisions made by Egyptian authorities to the best of our knowledge as of January 10, 2014. This document does not represent any IFES policy or technical recommendations.

When is the referendum for a new constitution in Egypt?

Egypt's referendum on amendments to the 2012 constitution will be held over two days: January 14-15, 2014.

Why is there a need for a constitutional referendum if there was one in December 2012?

Following major demonstrations that began in June 2013 across Egypt – led by the Tamarod Campaign¹ – the Armed Forces removed President Mohammed Morsi on July 3, 2013. General Abdel Fattah al-Sisi, Minister of Defense and Head of the Supreme Council of the Armed Forces issued a statement the same day, which provided a roadmap for Egypt's transition. This roadmap called for the immediate suspension of the 2012 constitution and the appointment of the President of the Supreme Constitutional Court, Judge Adly Mansour, as interim President.

The July 8 Constitutional Declaration² also stipulated the interim President will run the affairs of the country during the transitional period until the election of a new President, and will have the authority to issue constitutional declarations. It also outlined the formation of a committee including all sectors of society and various areas of expertise to review the proposed amendments to the 2012 constitution.

What was the process to amend the constitution?

The constitutional amendment process commenced with the appointment of a committee of 10 experts – all judges and academics – that had 30 days to amend contested provisions of the 2012 constitution.

Once amended, the draft constitution was then submitted to a committee of 50 people representing Egyptian society. This committee of 50 had 60 days to amend and add to the revised version of the constitution. On December 3, 2013, the committee presented the amended version of the constitution to interim President Adly Mansour.

On December 12, 2013, President Mansour announced that the amended version of the 2012 constitution will be put forth for a public referendum January 14-15, 2014.

What is the legal framework for the constitutional referendum?

The legal framework for the constitutional referendum includes the July 8 Constitutional Declaration (Article 30), as well as Law 73 of 1956 on the Law for the Exercise of Political Rights that governs elections and referenda in Egypt. This law has been amended several times, most recently in 2014.

¹ Tamarod was founded in late April 2013 by members of the Egyptian Movement for Change. The group claimed it had collected more than 22 million signatures for a petition demanding then President Mohammed Morsi to step down. Profile: Egypt's Tamarod protest movement. (2013, July 01). *BBC*. Retrieved from <http://www.bbc.co.uk/news/world-middle-east-23131953>.

² The statements made by General Abdel Fattah al-Sisi on July 3 were approved and published on July 8 by interim President Adly Mansour, which is why the comments are referred to as the July 8 Constitutional Declaration.

Is there an established threshold for participation?

Unlike electoral practices in other countries, according to Egyptian law, there is no legal threshold for voters' participation in the referendum.

What quorum will be used to determine the validity of the constitutional referendum?

The constitutional referendum will use an absolute majority quorum or vote, meaning the amendments will pass if more than 50 percent of valid votes are declared in favor of the amendments. Likewise, the amendments will be rejected if more than 50 percent of valid votes are not in favor of the amendments.

What happens once the proposed amendments to the 2012 constitution are accepted?

According to Article 30 of the July 8 Constitutional Declaration, if the amendments are approved in the referendum, the interim President should call for parliamentary elections within 15 days from the date the results are announced.

However, amendments to the 2012 constitution changed the process, giving the interim President authority to decide whether presidential elections or parliamentary elections would come first. According to Article 230 of the 2012 constitutional amendments, procedures for the first electoral event – i.e., presidential or parliamentary polls – shall begin within a period of 30 to 90 days from the day the constitution comes into effect. At the time of writing, Egyptian officials had not determined the sequence of electoral events, although it is expected that both will take place in 2014.

What happens if the proposed amendments to the 2012 constitution are rejected?

There are no guiding procedures if the amendments are rejected.

What will be on the ballot paper?

The constitutional referendum ballot paper will include the question "Do you agree with the amendments introduced to the 2012 constitution?" The voter will have two options: "Agree" or "Disagree."

Who is eligible to vote?

According to Articles 1, 2 and 3 of Law 73 of 1956 on the Law for the Exercise of Political Rights, all Egyptian citizens 18 years or older have the right to participate in referenda 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 ineligible to vote throughout the duration of their service.

The following citizens are also ineligible to vote:

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

Which election management body is responsible for administering the constitutional referendum?

According to the July 8 Constitutional Declaration and Law 73 of 1956 on the Law for the Exercise of Political Rights, the Higher Elections Commission (HEC) is responsible for administering parliamentary elections and referenda.

The HEC is composed of the President of the Cairo Court of Appeals as Chairman, as well as:

- The two most senior deputies of the President of the Court of Cassation
- The two most senior deputies of the President of the State Council
- The two most senior Presidents of the Courts of Appeals next to the President of the Cairo Court of Appeals

What are the roles and responsibilities of the HEC in the constitutional referendum?

According to Article 3(f) of Law 73 of 1956 on the Law for the Exercise of Political Rights, the Higher Elections Commission (HEC) is mandated with the following responsibilities:

- Composing the general election, polling and counting committees, as well as appointing a secretary for each committee
- Supervising the preparation; content; method of review; editing and updating; registration; and correction of the voter lists based on national ID data
- Developing and applying an electoral symbol system for political parties and independent candidates
- Receiving reports and grievances in connection with the electoral process; verifying the validity and eliminating the causes thereof
- Developing rules regulating the participation of Egyptian and international civil society organizations in observing/witnessing all electoral processes
- Developing rules regulating electoral campaigning, provided that such rules prohibit the use of religious slogans/symbols or conducting electoral campaign activities of a religious or discriminatory nature based on gender or lineage
- Developing rules for allocating time slots – especially during prime time TV and radio broadcasting – for electoral campaigning in government and private media outlets on an equal basis³

³ On May 26, 2013, the Supreme Constitutional Court ruled it was unconstitutional to force the private media to comply with equal airtime in electoral campaigns.

- Declaring the general results of elections and referenda
- Determining run-off election times
- Providing opinions on election-related draft laws

What is the role of the Ministry of Interior in the constitutional referendum?

Under the direct supervision of the Higher Elections Commission, the Ministry of Interior (MoI) is responsible for all necessary administrative, operational and logistical support of the constitutional referendum – such as procuring ballot boxes, indelible ink, etc. – as well as the distribution of all election-related material.

The MoI is also responsible for supervising all security arrangements for the constitutional referendum.

What are the roles and responsibilities of the judiciary in the constitutional referendum?

The judiciary holds a number of roles and responsibilities during the constitutional referendum process. All polling stations are headed by a member of the judiciary. Judges also comprise the heads and members of the general elections committees at the governorate level.

These judges supervise polling stations and the tabulation of results.

How many polling stations will there be?

There will be 30,317 polling stations established for the upcoming referendum. It is likely that most polling centers will be set up in locations used during the 2012 constitutional referendum.

During the constitutional referendum held in December 2012, 13,100 polling centers were set up throughout Egypt. However, since the December 2012 referendum took place in two phases, all 13,100 polling centers were not used simultaneously.

The limited number of available judges will not have an impact, as each judge is allowed to supervise up to three polling stations simultaneously, provided they have visual access⁴ to all of them, per Article 24 of Law 73 of 1956 on the Law for the Exercise of Political Rights.

How are the voter lists compiled?

Voter lists are compiled with citizen information stored in a National Identity Card database. The personal information of all Egyptian citizens possessing a National Identity Card above the age of 18 who are eligible to vote is transferred from the National Identity Card's database to the voter register database.

The voter lists that will ultimately be distributed to each polling station are extracted and compiled from the database of the voter register.

⁴ Each polling center consists of many polling stations. In this case, the judge would be able to easily walk to the three assigned stations as needed for supervision.

How many eligible voters are there, and what percentage of them are women?

The Higher Elections Commission has not yet officially released any figures of the electorate; however, it is expected that there will be approximately 53 million eligible voters.

Are there special polling stations for women?

Yes, there are special polling stations for women, but most polling stations are mixed.

How are voters allocated to polling stations?

Voters are allocated to the polling station closest to the address listed on their National Identity Card. Voters may enquire about their polling station through different ways, such as: entering their 14-digit National Identity Card number into the Higher Elections Commission's website, www.elections.eg; dialing #140 over the phone; or sending their National Identity Card number in an SMS message to #5151.

Are voters allowed to vote in any polling station?

Initially, voters were only allowed to vote in the polling stations to which they had been assigned. However, on January 6, 2014, interim President Adly Mansour issued a decree allowing people to vote in designated polling stations in any governorate that they happen to be in, leaving the details of the necessary procedures to the Higher Elections Commission (HEC).

The HEC has established procedures to preserve the integrity of the ballot and prevent multiple voting. It created around 200 special polling stations throughout the country for voters who will cast their ballots outside their voting domicile (known as *Wafideen*). Every special polling station will have a laptop. This will connect the polling station to all other special polling stations. When a voter shows up to vote in one of these designated polling stations, their national ID number is entered and sent to all remaining special polling stations in order to prevent the voter from going to another one of these stations to vote again. The application of indelible ink is an additional precaution to prevent voters from voting a second time in their original polling stations, as is the application of hefty penalties for multiple voting (imprisonment).

At what time do polling stations open on both days of the referendum?

Polling stations will open at 9:00 a.m. and close at 9:00 p.m. on both days of the referendum.

However, a judiciary supervisor may extend operating hours of a polling station on the second polling day (January 15) should such a need arise; for example, to accommodate large numbers of voters who might still be queuing outside the polling station at closing time.

What are the steps in the voting process?

The voting process for the constitutional referendum will unfold through the following steps:

- Voter identification: A voter presents his/her National Identity Card or passport that contains their national ID number to the head of the polling station for identification.
- 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.

What provisions exist to accommodate voters with disabilities?

Electoral regulations allow persons with disabilities – who are unable to mark the ballot paper independently – two choices for assistance at the polling station. The first option is to be assisted by the secretary of the polling station by verbally indicating their voting preference so the secretary may mark the ballot paper appropriately. In this case, the head of the polling station must sign the ballot paper. The second choice is for the voter to allow a person accompanying him/her to mark the ballot paper on his/her behalf. This 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 establishing the provision of assistance to illiterate voters. However, it is common practice in Egypt for the head of the polling station to assist illiterate voters or others who expressly request such assistance to mark their ballot paper.

When and where will vote counting take place, and how are results tabulated?

The Higher Elections Commission (HEC) has indicated that vote counting will be conducted at the polling station level for the constitutional referendum. Counting will take place following the end of the second day of polling (January 15).

At the time of writing, procedures for counting and tabulating votes have not yet been released. However, results are generally sent from polling stations to general committees for verification and compilation, and then sent to governorate committees, and finally to the HEC.

Will the constitutional referendum be monitored by international and domestic observers?

Both international and domestic observers will be allowed to observe the constitutional referendum. According to the Higher Elections Commission, 67 domestic observations groups with a total of 83,467 domestic observers have applied for accreditation. This is in addition to six international observations groups, which have received accreditation for up to 790 international observers. The final numbers of observers depends upon how many are officially granted accreditation through the HEC and are able to deploy.

Below are the six accredited international organizations that will be sending observation teams:

- Electoral Institute for Sustainable Democracy in Africa (EISA)
- Election Network in the Arab World (ENAR)
- Transparency International
- Global Network for Rights and Development
- The Carter Center
- Democracy International

Are Egyptians living outside Egypt able to participate in the constitutional referendum?

Yes, the Higher Elections Commission (HEC) has made the necessary provisions for out-of-country voting (OCV) so Egyptian nationals living abroad can participate in the constitutional referendum.

Egyptians living abroad were able to register online at the HEC's website (www.elections.eg) between October 10 and December 2, 2013. A total of 681,346 Egyptians registered to vote from abroad on the constitutional referendum.

The HEC announced that OCV polling will take place in all Egyptian diplomatic missions (embassies and consulates) from January 8-12, 2014. Voting should be done in person between 9:00 a.m. and 9:00 p.m. No postal ballots will be accepted, as was the case during the 2011-2012 parliamentary and presidential elections.

Resources

- Higher Elections Commission Website ([Arabic](#))
- Law 73 of 1956 on the Law for the Exercise of Political Rights ([English](#))
- July 8 Constitutional Declaration ([English](#))
- Draft 2013 Constitution ([English](#))
- Voter's Guidelines ([English](#))