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# Guide for the Planning and Organization of Local Government Elections in the West Bank and Gaza 

Presented to the Ministry of Local Government and the Supreme Elections Committee of the

Palestinian National Authority by the International Foundation for Election Systems January 1998

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## About the International Foundation for Election Systems

The International Foundation for Election Systems ("IFES") is a non-governmental, non-profit organization based in Washington, DC. Founded in 1987, IFES supports the development of democratic institutions, governance and practices, with a special focus on elections, worldwide. IFES has provided expert technical assistance in election organization, particularly in countries holding competitive elections for the first time, in countries throughout the world. IFES also works with newly-elected parliaments and local governments, supports local non-governmental organizations undertaking civic education and political participation activities, and conducts election observation missions. IFES currently has field offices in more than nineteen countries in Africa, the Middle East, Eastern Europe, the former Soviet Union, Central and South America, and Asia.

## IFES in the West Bank and Gaza

IFES programs in the West Bank and Gaza began soon after the Declaration of Principles (DOP) was signed in September 1993. In January 1994, IFES conducted an assessment mission to the West Bank and Gaza, Israel, and Tunis (where the PLO leadership was then based) to examine the legal, political, and administrative issues involved in holding legislative and ra'ees elections for the first time in the West Bank and Gaza. Soon afterward, IFES began supporting Palestinian non-governmental organizations' and the Palestinian Authority's civic education programs on elections, democratic systems, and effective political participation. The programs, organized in collaboration with a range of Palestinian NGOs and P. A. ministries, targeted women (particularly rural women), youth, and political prisoners released from Israeli prisons under the terms of the Oslo Accords, took place between summer 1994 and December 1995. Preceding the historic January 1996 legislative council and ra'ees elections, IFES carried out, in every city and town in the West Bank and Gaza, an information campaign about the voting process. IFES also provided technical assistance to the Palestinian Central Election Commission.

Since April 1996, IFES has provided technical assistance to the Ministry of Local Government and the Supreme Elections Committee for Local Elections in the planning of local government elections in the West Bank and Gaza.

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## CHAPTER I. INTRODUCTION AND SUMMARY OF RECOMMENDATIONS

In this manual, IFES presents a series of major recommendations concerning the organization of local government elections in the West Bank and Gaza. With these elections, Palestinians in the West Bank and Gaza will have their first opportunity to establish democratically-chosen local governments. Local government, with its mandate to provide water, electricity, road repair, waste collection and other local services, as well as to issue business licenses and collect taxes, is the form of government closest to the people. Building effective local government structures, of which freely and fairly elected representatives are an essential part, will help to improve the daily lives of Palestinians. The ability of local council officials to respond to the needs and demands of their constituencies will be a key factor in Palestinians' assessment of the benefits of self-rule. Free and fair elections will provide an opportunity for Palestinians to select the leaders whom they believe will be most effective in providing local government services. For all these reasons, local elections will be a crucial step on the road to self-rule and a democratic Palestinian polity.

In contrast to the Palestinian Legislative Council, an institution of governance created within the framework of the Oslo Accords, local government is not new to the era of the Palestinian Authority. Under the British Mandate, and then under Jordanian and Egyptian rule, forms of municipal government and local councils existed in the West Bank and Gaza. After the Israel occupation in 1967, the established municipal government structure was basically maintained, and tocal councils continued to convene. But despite its long history, a variety of well-known factors prevented local government from achieving its full potential as a representative and effective institution. The Israeli authorities imposed many restrictions, such as prohibitions on levying local taxes and on issuing business licences, as well as budgetary controls, that served to diminish greatly the power of local government.

No local elections have taken place in the West Bank since 1976, when the Israelis convened municipal elections. Of the mayors elected at that time, all but one was eventually deposed, deported or assassinated. The last local elections were held in Gaza in 1948, under the British mandate. During the period of Israeli occupation, all councils in Gaza were appointed, depriving Gazans of the opportunity to select local government leaders. Since the beginning of self-rule, local government officials in the West Bank and Gaza have been appointed in advance of longawaited elections.

Under the Palestinian Authority, new possibilities exist for more representative and effective municipal government. The basic legal framework for local government is now established in two pieces of legislation approved by the Palestinian Legislative Council. These are the Palestinian Local Councils Election Law (referred to in this report as "the Election Law"), signed into law by ra'ees Yasser 'Arafat in December 1996, and the Law for Palestinian Local Councils (also referred to as "the Local Government Law"), which 'Arafat signed into law in October 1997. The new Local Government Law is historic because it unifies the local government legal systems of the West Bank and Gaza. Previously, local government in the West Bank and Gaza operated under a complicated mixture of Ottoman custom; British Mandate, Egyptian and Jordanian legislation; and Israeli military decrees. The new law also provides for devolution of many powers to the local level.

For these reasons, it is evident why well organized, transparent, and competitive local elections, with a high level of participation from all sectors of Palestinian society, are so significant. These elections will be the second opportunity for Palestinians in the West Bank and Gaza to vote for their leaders under self-rule, the first being the legislative and ra'ees elections of January 1996. In this way, local elections are a crucial step in developing democratic self-rule institutions and processes. IFES also hopes that municipal elections, following on the January 1996 elections, will help lay the groundwork for an impartial and open electoral framework and a sustainable system of regular competitive elections.

In this manual, IFES presents a series of major recommendations about how to organize local elections in which the Palestinian public can have confidence. As is evident from the level of detail in the manual, local elections will be much more logistically complicated than the January 1996 elections. Like the previous elections, they are certain to take place in a politically sensitive context, as well as under the glare of international attention. As this manual points out, elections involve far more than voting day. Good elections result from a process that begins far before election day: indeed, good elections result from a good election system, a system made up of many individual laws, policies and preparations without which the whole event is not possible.

Among the most important parts of an election system is the capacity, knowledge and experience of those administering the election. IFES hopes that this manual will provide information that will enhance the capacity of Palestinian election officials so that when local elections are called, these officials will be ready to respond with a high level of professionalism. All recommendations reflect principles of free and fair elections now recognized by most countries throughout the world. Certain recommendations are specific to the Palestinian context, and we draw upon IFES' knowledge of local conditions and upon lessons learned from the January 1996 elections. These elections were exemplary in many ways. There is always room for improvement, however, and we hope that this manual will prompt reflection and debate that will lead to local elections in which Palestinians will be enthusiastic to participate.

Nine chapters, each covering a major component of electoral administration, follow. The appendix contains further information that will be helpful in planning local elections, such as a draft election calendar, sample ballots, sample forms, and a list of local councils. Since many decisions about the administration of local elections have not yet been made, in many chapters IFES makes only preliminary recommendations. Where possible, we offer more detailed guidance. The following is a summary of the key recommendations presented in each chapter.

## Chapter II: The Election Law

- Review the law carefully for inconsistencies and ambiguities, and prepare a detailed set of regulations that will clarify the law and provide the necessary guidelines for administering the elections


## Chapter III: Election Administration

- Clarify the role of the Supreme Elections Committee and provide it with the legal powers
- necessary to conduct the elections
- Provide the SEC with a trained staff (secretariat)
- Organize district-level administration based on the sixteen constituencies operative in the January 1996 elections, rather than on the local council areas


## Chapter IV: The Voters Register

- Decide whether creating a new register is necessary
- Simplify the process by holding registration or revision of the registry in polling stations
- Improve the forms and the data entry process to reduce the chances for errors in the voters list
- Review the time line outlined in the Election Law and establish a more realistic calendar


## Chapter V: Candidate Qualification

- Due to the anticipated huge number of candidates (in the thousands), plan carefully for the design of the ballots; print ballots in more than one location in the West Bank and Gaza


## Chapter VI: Logistics

- Develop a detailed logistics plan, involving early delivery of some materials, de-centralized printing of ballots, and a communications plan


## Chapter VII: Election Day Operations

- Reduce the number of voters assigned to each polling station to 750
- Arrange the polling station so that secrecy of the vote is protected
- Clarify and minimize the role of security forces in the voting process
- Use indelible ink to deter multiple voting
- Use only one team of pollworkers to conduct voting and to count the ballots
- Develop a plan to tabulate the results at the district level
- Develop a plan to announce preliminary results on election night


## Chapter VIII: Training

- Shorten the training of registration workers and pollworkers to one-day sessions
- Develop plans for timely and adequate compensation of trainers, registration workers and pollworkers
- Design training manuals that are concise, accurate and include illustrations and graphics
- Develop a training program for candidates' agents


## Chapter IX: Voter Education

- Use multiple media outlets at one time; increase use of radio
- Develop messages carefully, with the guidance of a local firm; conduct "focus groups" to test potential messages
- Involve Palestinian non-governmental organizations in the voter education campaign

Chapter X: Public Relations

- Develop plans for the SEC to deal with the local and international media in an effective, transparent way
- Improve communication with candidates, parties and non-governmental organizations
- Appoint a public relations officer whose only duty is to deal with the public

A final introductory note: it is very unusual that neither the Local Government Law or the Elections Law explains the structure of the local council, such as of number of members on each the council in relation to the population size of the council area, or which councils have mayors ("presidents"). To the best of IFES' knowledge, this information is outlined only in a proposal issued from the Ministry of Local Government (see appendix). IFES strongly recommends that such information be incorporated into a legal form before the elections, as is normal practice in other countries.

## CHAPTER II. THE ELECTION LAW

Elections begin with an election law. A law provides the legal and administrative framework upon which the entire election process is organized. Election laws also have important political consequences that can affect the fairness of elections. The law governing the local elections process in the West Bank and Gaza is the Palestinian Local Councils Election Law ("the Law"), approved by the Palestinian Legislative Council in October 1996, and signed into law by President Yasser Arafat in December 1996.

The Local Councils Election Law (referred to hereafter in this manual as "the Election Law" or "the Law") addresses in general terms most aspects of the elections, but it also leaves many questions unanswered. In comparison with the 1995 Election Law (the Palestinian Legislative Council and Ra'ees Elections Law), which is a fairly comprehensive document, the new Law contains little detail about key areas of the election process such as the legal and administrative role of the election commission, the registration procedure, the voting and vote count procedure, election observation, and the adjudication of results.

It is of critical importance that such issues be clarified as early as possible to ensure a smooth, properly-administered election process, one that produces results in which voters and candidates will have confidence. Failure to address these issues well in advance of the calling of the election will:

- hinder further election planning. Planning elections requires clearly-defined rules, lines of authority, and administrative procedures. No planning for pollworker training, voting procedures, supplies, etc. can proceed until the basic guidelines of the process are determined and codified.
and
- lead to confusion and disorganization in the election process, for the officials who must plan and administer the election, for voters who must understand how to register and cast their ballots, and for candidates, likely to number in the thousands, who need to understand the rules of the game in order to compete. Ultimately, such disorganization will not only reflect poorly upon the Palestinian Authority locally and internationally, it may also exacerbate political tensions in the West Bank and Gaza.

In this chapter, IFES discusses the sections of the Election Law that are unclear or problematic. The length of this chapter gives an idea of just how many such sections there are in this Law. The issue of how the Law can be clarified and the necessary level of detail added, and how revisions, if necessary, be made to certain articles, should be resolved as soon as possible.

In theory, there are several ways in which this could be accomplished. As one option, the Law could be amended by the Palestinian Legislative Council. Another option, one that is probably politically and technically easier, is for the Supreme Elections Committee ("SEC"), the body which oversees the local elections, to adopt regulations or by-laws that will serve as a supplement to the Election Law. This is a very common procedure. In many countries, Parliament enacts a basic election law, and then allows the Election Commission, which has more expertise in election matters, to, through a set of regulations, determine the details of the election process, including any necessary changes in the Law. ${ }^{1}$ Together, the regulations and the election law provide all the guidelines and details of the election process. Regulations are common in most countries throughout the world. The appendix includes examples of especially good regulations and by-laws drafted by election authorities in South Africa and Yemen.

IFES strongly recommends that regulations be prepared as soon as possible. This will not only clarify the election process, but it will also avoid a major shortcoming identified in the 1996 elections process: sporadic and last-minute ad hoc announcements about election procedure.

## A. Election Administration ${ }^{2}$

The Law does not give a clear picture of the functions of the different levels of administration that will conduct the election. To develop the most effective administrative system possible, the roles of the Election Commission, district level committees, and polling station committees should be thought out carefully and presented in simple, easy-to-understand language.

## I. The Supreme Elections Committee (Article 2)

As compared to the 1995 Election Law, this Law does not provide sufficient details about the legal or administrative role of the Election Commission.

Because the SEC is the body that will oversee the entire election process, it is critical that its role be clearly defined, and that it have the necessary administrative and legal powers to conduct the election. The following issues should be clarified:

- What is the specific authority of the SEC? For example, does it have the legal authority to issue decrees regarding the election process (such as regulations or by-laws)? Or must it make recommendations to some other body, such as the Palestinian Legislative Council or the Ministry of Local Government, that issues decrees or prepares recommendations?

[^0]- What is the overall role of the SEC? For example, does it have the authority to decide what type of registration system should be used, does it implement a process that has been chosen by other bodies, or does it merely oversee a process that is organized and carried out by other ministries? Questions about the distinction between designing/ implementing/overseeing are relevant to each part of the election process (logistics, voter information campaign, pollworker training, etc.).
- Does the SEC have the authority to establish a secretariat (permanent staff of the election commission)? If so, who is the head of the secretariat?
- How does the SEC reach decisions --by majority vote? Or who has the ultimate decision making authority? What institutions can override decisions made by the SEC, and under what circumstances?
- What is the exact relationship of the SEC to the Ministry of Local Goverment? What is the relationship of the SEC to the Palestinian Central Election Commission that oversaw the 1996 elections, which technically is a permanent body? Whose decisions are final?

It may be necessary to elaborate upon the role, legal authority, number of members and length of term of the SEC by means of a ministerial or presidential decree. This would give the SEC the ability to either draft regulations for approval by the Legislative Council, or to prepare and issue regulations on its own. In addition, the following language, which is found in one form or another in almost every election law, should be included in the regulations:
"The Supreme Election Committee may, by regulation, enforce the provisions of this Law and provide for the effective administration of the elections." (This will give the SEC the legal authority to enforce the regulations.)
"The Supreme Election Committee may establish a secretariat and employ such persons as may be necessary for the effective administration of the elections." (This will give the SEC the ability to hire staff and election workers.)

Another area of concern that is not included in the Election Law is the funding of the SEC and its employees. From where is the SEC's budget derived? How is it determined? To whom is the budget submitted in advance of the election? Are there other government structures required to provide logistical support and personnel to the SEC? To clarify these issues, the following language should be added to the current Law:
"The Supreme Election Committee shall submit a budget to the $\qquad$ for approval."
"The Supreme Election Committee may request, and the Ministries of Government shall provide, such logistical and personnel support as may be required for the conduct of the elections."

## II. District Level Administration (Articles 5-7)

Article 5 states that each local council --whether for a city such as Nablus, or a small village such as Surif-- is considered one electoral district. Since there are estimated to be more than 350 local council areas, there will therefore be more than 350 electoral districts for the local elections. ${ }^{3}$ This is in comparison with the January 1996 elections, for which 16 electoral districts were established. The Law also states that for each of the 350+ electoral districts, an administrative committee will be formed to oversee voting, etc. in that district. (This is similar to the structure used in the 1996 elections, for which 16 district election offices were formed.)

Article 6 states that: "The Supreme Election Committee will appoint for each electoral district an Electoral Committee to register the voters and to organize and prepare the voter registry...the Electoral Committee will consist of five to nine qualified members who have the right to vote and who are known for neutrality and honesty. The president of each committee will be chosen from among its members." According to Articles 21-23, 26, and 27, the District Electoral Committees are also responsible for receiving candidates' applications and for adjudicating claims relating to candidacies.

In Chapter Three, IFES discusses in more detail its concerns about the role of the District Electoral Committees; IFES recommends that the SEC retain the administrative structure of the January 1996 elections --based on 16 territory-wide constituencies-- and have fewer administrators at the local council level. The following are some of IFES' concerns about the five-to-nine member District Electoral Committees called for in this Law:

- How, exactly, are committee members selected? Article 7 states only that the members must be "qualified" and "known for neutrality and honesty." But what provisions will ensure that members are in fact neutral, or that they represent a balance of political forces --both provisions necessary to build public confidence in the conduct of the election? How will the SEC find impartial members in villages and towns where many people will be related to at least one of the candidates? Are Palestinian Legislative Council members or staff, or Palestinian Authority employees, allowed to serve on a committee, or must they resign their position? If not, serious issues are raised about possible conflict of interest.

[^1]- How is the number to serve on each election committee determined? Does it correspond to the size of each district? For example, how many committee members would serve on the committee for Bethlehem? For Beit Jalla?
- When do committee members assume their positions and how are they notified of their selection? The nature of the election process seems to require them to be appointed well in advance of the election so that they can be involved in the planning and implementation of the registration process. With as many as 2,500 committee members required, a sound method for notification is necessary.
- What is the process by which these committees will evaluate petitions to remove or add voters' names to the register, or decide on the eligibility of certain candidates? What evidence must be presented? What form must the challenge take and what evidence or affidavits must accompany the filings?
- What are the exact duties of these committees in the registration process, training of officials, civic education, voting, vote count and tabulation? This should be stated clearly so that committee members know exactly what to do and when they must do it.
- Will there be an additional administrative level, such as district level offices, between these committees and the SEC, or will all $350+$ committees be expected to report directly to the SEC? Having no intermediary level between the committees and the SEC would be almost unworkable on a practical level, especially for the committees in Gaza, if the SEC's headquarters is in the West Bank. ${ }^{4}$

If these issues are not discussed and clarified, and if the selection of the committees is done on an ad hoc basis, or made close to the election after all the planning has been completed, the result may cast serious doubt on the impartiality of the committees and impede the effective administration of the election.

## B. Revision of the Voters Register/Registration ${ }^{5}$ (Articles 6-20)

The Law does not state directly what kind of registration process is to take place. The process is referred to only indirectly in Article 6 ("the District Electoral Committee [will] register the voters") and in other articles.

[^2]IFES questions the use of the term "registration" in this Law. For the January 1996 elections, a register of voters had to be created from scratch since none existed. The 1995 Law established a thirty-day period during which more than one million voters were registered. However, for the local council elections, IFES assumes this will not be the case. Unless the SEC is contemplating the re-registration of all voters eligible to vote in the local council elections, it is questionable whether a registration period is required at all. There now exists a voter register of Palestinians living in the West Bank and Gaza. Reports from the various observer missions to the January 1996 elections, as well as information gathered by IFES, indicate that it is a relatively accurate register. It is estimated to include approximately one million out of the approximately 1.2 eligible voters in the West Bank and Gaza. For the local council elections, therefore, the existing register need only be updated, or, to use a term found in most electoral laws, "revised."

The revision of a register is not a complete re-registration. It is designed to add to an existing list those who did not previously register, those who have turned 18 since the last registration period, and those who have moved to a new local council area and therefore need to change their residence on the register. The revision is also used to remove from the register the names of those who have died since the 1995 registration. By its nature, the revision is a much smaller exercise requiring many fewer resources and much less time.

The Law, however, is written as if a new register is being compiled. The period for registration is specified (Article 11) as is the period and process for contesting the register (Articles 16-20). It appears that the 30 -day period for registration outlined in the Law is designed to add only those who have turned 18 and those who did not register during the last registration period. Individuals who have moved since the previous registration and who wish to be added to the register at their new location must wait until the 10-day period for contesting the election to record a change of address, as do those who wish to report the death of a relative.

IFES has serious concerns about the need for and cost of a 30-day registration period to add names to the register when what is actually required is a revision of the current register. It is IFES' recommendation that Articles 10 and 11 be re-written as follows:
"Not later than the 90th day prior to the day of the election, the SEC shall post the voter register for public scrutiny for a period of 10 days at each polling station within the council areas. Any person may, within this period, request that his name be entered in the register of the polling station if he has never previously registered or, if previously registered in another polling station, request that his registration be moved from the polling station where he formerly was registered to the current polling station provided that he has complied with Article 14 of this Law."

Because there will be relatively few changes to the register and the additions to the register can be added to the register itself, we also recommend that Article 16 be amended to read:
"Beginning on the day following the period specified in Article (above), the register shall be posted for public scrutiny for a period of 5 days. Any person during this period may contest the register by all alleging his name has been erroneously omitted from the register, or to delete another person's name from the register by a written statement on a form provided by the Supreme Election Committee, handed to the President of the Electoral Committee in his respective electoral district. Such statement shall detail concisely the reasons for contesting the register and shall be accompanied by such affidavits and list such evidence as the person intends to present to the Electoral Committee."

The above, or similar, language would permit the addition of a person's name to the register if it had been erroneously omitted during the revision process (but not permit a new registration), and allow for the removal of persons who are not qualified to be registered voters (or who have died). The language would also require the person contesting the register to provide evidence to support his claim. The person would then be required to present his evidence to the Electoral Committee during the resolution of claims period. If the SEC provides the form, it can ensure that the person understands what must be presented to support the claim in the way it designs the form.

It would also mean that the entire revision process would be completed in 15 days - rather than the $\mathbf{4 0}$ days currently called for in the Law, allowing for more time to concentrate on other election administration issues. As noted above, 40 days is an unnecessarily long period for a revision of an existing register. The expense of paying stipends of revision workers for such a long period might be prohibitive. Furthermore, the extreme length of such a period will add time pressure to the rest of the election calendar, leaving only 50 days for all other preparations. ${ }^{6}$

## Other Issues:

If the Law is amended as recommended above, or if the decision is made to retain the current language in the Law, and proceed with a registration process, the following issues require clarification:

- The Law states that a voter's ability to register is dependent on "fulfilling the requirements of voters," which include being a "resident in the area of the local committee in which register his name appears" (Article 9 B ). The definition of "resident," as provided in Article 1, suggests that residency means where one lives or works. (IFES notes that this Article is worded in a very unclear way, leaving it open to interpretation.) This raises three very important issues that could have an impact on the credibility of the entire election process: ${ }^{7}$

[^3]1. According to the information available to IFES at the time of this writing, local council elections will not be held in all areas of the West Bank and Gaza. Specifically, it is possible that residents of West Bank refugee camps will not vote in these elections, nor will persons living in localities with populations of less than one thousand. Yet the Law creates a loophole by which unscrupulous candidates or other persons could abuse the system by registering such persons to vote in these elections. Persons living in West Bank refugee camps and/or in localities of less than one thousand that are close to local council areas can register and vote in the nearby local council elections by claiming they "work" in the council area. Is this what the Law intends? If not, some means must be found to ensure that these individuals are not enticed to register fraudulently. If yes, then all candidates and the public must be made aware of these provisions. Failure to inform the public will inflame passions as people in the council areas will allege that outsiders are voting to manipulate the outcome of the election.
2. If proof of "residency" is required at registration/revision of the register, what documents does the voter need to present to prove that he or she actually works in a particular constituency? Also, how will "living" in a constituency be established: what sort of identification will be accepted? How long must a voter have lived in a particular location in order to be considered a resident, and how will this be established?

While IFES recognizes that there are certain considerations (such as maximizing people's options of where to vote) that may provide a rationale for the live/work provision, we also believe that this provision could have a detrimental impact on the quality of the voters' register - one of the basic elements of a credible election-- by increasing the likelihood of fraudulent/double registrations, unless sufficient procedural safeguards are devised to prevent these abuses.

Such safeguards might include detailed requirements for establishing where a voter lives or works, a database system that can detect double registrations, and clear guidelines for how a voter will in practical terms "choose the electoral district in which he wishes to vote" (Article 14). For example, does the voter submit a letter to the PCBS? By what deadline?
3. The Law provides for a thirty-day registration period, and for the revised lists (of newly-registered voters and voters who have made changes to the lists) to be published within ten days after the thirty-day period. IFES notes that this schedule is less than desirable in practical terms. Thirty days is a very long time for registration workers to be sitting in offices waiting to assist voters, especially if the register is only revised. This is because not every one of the 1.2 million or so potential voters will come to register/check his or her name on the register. In
addition, it will be very difficult (and perhaps impossible) to make the necessary corrections to the register and distribute it to all the constituencies within the ten days required by the Law. Shortening the registration/revision period should be considered, as discussed above.

- The deadlines associated with the registration process (Articles 15-18) are not clearly defined here, and should be made more specific. For example, statements such as "within a period of ten days after the period in Article 11 elapses" can be interpreted several different ways. Such vagueness may not seem important now, but when the process is underway, there must be a time line that is clear to everyone involved to ensure that the Law is uniformly applied, and to avoid unduly denying voters or candidates their rights.
- Based on the wording of Article 16, it seems easy to delete someone's name from the register without his or her knowledge, making it possible for voters to be disenfranchised, without effective oversight by the SEC. Article 17 says a person must be "notified" that his or her name has been removed. But what does this mean in practical terms: sending a letter stating that someone's name has been removed, telephoning him or her and leaving a message, or what? In addition, the article does not make clear that the burden of proof rests with the person contesting the register. It is he who should be required to establish that the person in question is not eligible. This should be clarified, with the goal of protecting voters' rights.
- Why is it necessary to send the registers to the SEC for "adoption"? It is unlikely that the members of the SEC will review the register for each local council area and approve it. If they were to do so, for what purpose? The Law only need state that the registers are signed. What happens to the register after the signing is an administrative matter for the SEC and should not be discussed further in the Law.
- Reading the Law, it is unclear who actually compiles the register (Article 6). The Law states that the register is prepared "in cooperation with the Palestinian Central Bureau of Statistics." It is IFES' understanding that the register is maintained by PCBS and not the SEC. IFES understands the situation that resulted in PCBS having control of the register. However, IFES points out that to allow another government agency or private company to have possession of the register and the register not be under the direct control of the election commission and its employees is highly unusual. IFES' attempts to obtain information about the register (which is supposedly a public document) have been difficult at best, which illustrates the problems associated with the current situation. The preparation of a voters register is the most basic function of an election commission. When a voters register is not under the direct control of the electoral authority, it is very easy for persons to allege that the register has been tampered with, regardless of whether the allegations are true. Such an arrangement casts doubt on the credibility of the register, which is fundamental to a successful election process.


## C. Candidates (Articles 21-32)

The articles dealing with the qualification (i.e., registration) of candidates need relatively little clarification. Several sections, however, could be improved by adding additional language. For example:

- Article 22 states that the deposits for candidacies are paid to the SEC, but it is actually the District Electoral Committees that accept the deposit. No mention is made as to the handling of the funds by the District Electoral Committees: who is responsible for them, how are they transferred to the control of the SEC, etc. Obviously with so many candidates and so many deposits, a large amount of money is involved. These funds will be used toward the financing of the election process, so it is important that they be carefully controlled and accounted for.
- Article 27 does not, as do the voter registration articles, provide for notification and a hearing for the candidate against whom an objection is filed nor does the article specify what court reviews the challenge. These omissions can cause problems if hearings are not held and if an appeal is filed in the "wrong" court. This section could also be improved by clarifying what evidence must be presented to disqualify a candidate.
- Article 31: The start and end point of the campaign period must be made more specific. "Two weeks prior to election day" for the opening of the campaign could mean 14 or 13 days before. It is very important to clarify this to avoid candidates campaigning, unknowingly, at the wrong time. We recommend:
"The electoral campaign shall begin on the 14th day prior to the day of the election and ends 24 hours prior to the day of the election, by ending all campaign activities."
- Article 32: This section provides for a code of conduct for candidates. Unfortunately, it does not spell out the penalties for engaging in the prohibited activities. It implies, since the activities are prohibited, that disqualification would result if an infraction occurs. IFES strongly recommends that this section be amended to allow the SEC to provide, by regulation, both a means to determine whether an infraction occurred and to set a table of penalties for the infractions. All infractions of codes of conduct do not merit disqualification. For example, the posting of posters with the Palestinian Authority logo may have been an oversight by the candidate and simply require removal with a warning that a second infraction will result in disqualification. Campaigning prior to the official beginning of the campaign might result in a reprimand or a civil fine. The SEC will be asked to rule on any number of infractions. How that process will occur needs to be clarified. Will the district committees decide? If so, by what standards?
- Given the controversy that arose in the January 1996 elections regarding actions on the part of some candidates that were perceived to be improper (improper use of Palestinian Authority vehicles and resources, etc.), as well as the fact that campaigning for public office is new to the Palestinian public, IFES strongly recommends that the SEC initiate a discussion about an improved code of conduct for the local elections. Political leaders and other key actors should be included in the discussion, which should result in a code of conduct that is accepted by all parties involved in the election.
- Are candidates entitled to receive a copy of the voters register for the district in which they are running? This is the practice in many countries. If so, by what date? How will the cost of this be covered?


## D. Polling Station Committees (Article 35)

This section lacks basic information about polling station staffing and activities. This is especially true in the following sections:

- Nowhere does the Law state the number of committee members required to serve in each polling station, the duties of the entire committee and those of each individual member, on what basis they are selected to ensure neutrality and competency, or the deadlines by which they are selected and notified of their appointment. No mention is made of training.
- Only in Article 2(2) does the Law mention separate committees for voting [polling station committees] and counting [counting committees]. This can be interpreted as a provision for separate committees to count the ballots. If separate counting committees are intended, a plan that IFES does not endorse, then detailed information about these committees --criteria for selection, etc.-- should be spelled out in the Law to ensure a transparent process. IFES discusses its concerns about such a plan in Chapter Seven, Election Day Operations.


## E. Election Day Procedure: Voting (Articles 34-41)

There are several crucial issues not addressed in the Law. These include:

- Article 34: Some electoral laws list specifically how many ballots -equivalent to the number of registered voters, plus extras-- should be delivered to each polling station. The "adequate number" mentioned in this article is vague, and creates a loophole by which a large number of extra ballots could be delivered to polling stations, enhancing the opportunities for ballot fraud. The typical number is 10 to 15 percent over the number of registered voters at each polling station to allow for spoiling of ballots by some voters.
- Article 38(1): How are voters' identities confirmed to establish their eligibility to vote: by identity card, two oral witnesses, etc.? What happens if a voter's name is on the register, but he does not bring identification to the polling station? Or, thinking back to the January 1996 elections, what if voters arrive with identification, but for some reason their names do not appear on the register on election day? Will they be allowed to vote?
- Article 38(2): Is it necessary for the President of the committee to sign each ballot? Technically, the signing should take place immediately prior to handing the ballot to the voter, in which case the President of the committee is the person who must issue the ballots instead of tending to the supervision of the polling station. If the President signs all of the ballots at once (for example, before the polls open), it defeats the purpose of having him sign the ballots at all.
: Article 38(3): Must the voter mark an " $X$ " in order for the ballot to be valid, or can he or she put some other mark (a line, a check, or a dash)? This is an important consideration given that despite participating in one election, many voters may not know how to mark the ballot with a perfect "X." It would be unfortunate for their ballots to be unnecessarily invalidated for this reason. The common practice in most countries is for the law or regulations to state, "an $X$ or some other mark by which the choice of the voter can be determined."
- Article 38(5): This article seems unnecessary given that the register is marked at the time that the voter gives his name to the committee in (1) above. It is also a cumbersome process to require the committee to watch each ballot go in the ballot box and at the same time attend to the "checking in" of another voter.
- Article 39: Candidate agents should not be allowed to assist voters. Given the problems noted in the January 1996 elections concerning illiterate voters and ensuring the secrecy of the vote, a workable procedure for assisting illiterate voters should be established and explained thoroughly to polling station workers, as well as explained thoroughly to the voters before the election. The Law does not provide enough detail.

In General:

- Can voters be challenged (by candidates' agents) on election day about their eligibility to vote? If so, what are the procedures for such claims?
- What safeguards will be established to prevent multiple voting? The use of indelible ink, common in many countries around the world, should be considered. This will be essential if the "live/work" provision is maintained for registration. Ink is generally the most effective
means to prevent multiple voting. A public information campaign can be used to explain to voters the purpose of the ink, how long it will stay on (usually one to three weeks), etc.
- In order to ensure a standardized voting process through the West Bank and Gaza, it is necessary to clarify under what circumstances the voting hours can be extended. If there are still voters in line outside a polling station at 7 pm , the specified time in the Law for closing, will they be allowed to vote? Under what conditions are polling stations allowed to stay open past 7 pm ? If the permission of the SEC is required to extend the voting, how would the SEC communicate this permission, in the confused and hectic atmosphere of election night, to the thousands of polling stations, many of which will not have telephone or facsimile connection?
- Is the "written report" to which Article 41 refers the protocol? Reference should be made somewhere to a standard form to be filled out, and to the polling station committees' responsibility to complete certain sections of this form before voting begins (noting the number of ballots received at each polling station, the number of registered voters for that polling station, etc.) in order to establish the basis for comparing ballots received vs. ballots used, etc. at the end of voting (one of the main controls on the number of ballots).
- Are security officials allowed inside the polling stations? If so, which security forces, and under what circumstances? Under what conditions can the polling station committee request that they leave? Given the problems in the 1996 elections with many people's perceptions of over-zealous activity on the part of some security forces (particularly in Gaza), IFES recommends that the role of security officials be carefully reviewed.
- The Law is silent on the issue of voting by pollworkers and security officials. How, when and when will they vote?


## F. Election Day Procedure: The Vote Count (Articles 42-45)

This section does not provide enough information about counting procedure. A few considerations:

- Given the role that quick reporting of results plays in keeping a calm political environment immediately after voting, the count should be designed to be as fast, and as transparent, as possible.
- The count should begin immediately after the close of the polls, rather than within one hour later as the Law states. Any break between polling and counting is not recommended, and certainly should not be provided for in the Law. Not only does it slow down an already slow process, but it also invites allegations of tampering, which will create suspicion about the integrity of the process.
- Clarifying reporting of polling station results (Article 45) is essential, as the steps between counting the ballots at the ballot box level and tabulating the results at the electoral district level must be spelled out to ensure the transparency of the process.
- The Law excludes an entire CRUCIAL step: polling stations delivering the results (counted ballots) from each polling station to the district office for tabulation (the process of adding together votes from all polling stations within a district to determine the total votes for each candidate within the district). How and when must the results arrive at the district offices? What is the exact role of the electoral committees in this process? Who is allowed to observe the tabulation process? Are ballot boxes with ballots in them (once counted) delivered to the district offices, or just the protocols? If only the protocols, what happens to the ballots, and how can these be retrieved in the event that a recount is required? Given some of the confusion surrounding the counting and tabulation process in the January 1996 elections, these procedures should be developed carefully, and a workable system of tracking the protocols as they arrive established and tested ahead of time. IFES discusses this issue further in Chapter Seven.
- There is no provision in the Law for a re-count of the ballots.
- How do the district offices deliver the tabulated results for each district to the SEC, and within what time frame? What happens to the ballot boxes, ballots, and protocols at this stage?
- 48 hours is a very long time, and probably too long, to make the public wait for any information about election results. Considering the delays in announcing results in the January 1996 elections, it is important to develop a workable system for announcing provisional results as soon as the tabulation of results for a municipality has been completed.


## G. Contesting The Election Results (Article 50)

- Article 50 states that a claim against the results of the election must be presented to a "specialized" court. However, nowhere in the Law is this court established or defined. It seems that it would be very difficult for a voter or candidate wishing to contest the election results of a local council to travel a great distance to one (and only one) court to make the claim. There would, no doubt, be problems in producing evidence and witnesses. IFES recommends that the court that will adjudicate election contests be clearly defined in the Law. As recommended in the section on registration, the form of the claim should be specified as well.


## H. Election Observation: Domestic and International Observers and Candidates' Agents (Article 54)

Clear guidelines for observation should be established. IFES notes that:

- Other than Article 2(5), which mentions that among the SEC's duties is to issue accreditation documents for observers and to facilitate their work, and Article 54, which states in general terms observers' and agents' ability to observe the vote and the count, the Law does not discuss in any detail the rights and responsibilities of observers and agents. Are there deadlines by which observers and candidates' agents must submit documents in order to receive credentials, and if so, where? What limits might exist on observers' activities?
- In terms of candidates' agents, their rights and responsibilities must be specified. For example, do they have the right /responsibility to sign the protocols for the polling station in which they have observed the voting and counting, and to record on them any complaints or irregularities observed or alleged? Do they have the legal right to prepare their own tally sheets for the vote count and have the polling station committees sign them? These provisions were included in the 1995 Law. They are important because they serve as the evidence which is needed for candidates to challenge the results of the election.
- Does "certified agent" (Article 23) mean candidate's agent? One term should be employed consistently.


## Conclusion

The Law governing the local council elections is similar to the election laws used in some countries around the world. It provides a basic outline for the election process, but does not give the details that are needed to effectively administer the election. In this chapter, IFES has identified the areas that must be reviewed and addressed well before the election. Whether a particular section requires a change in the Law to be made by the Palestinian Legislative Council, or a regulation issued by the SEC, depends on the procedures for writing laws and regulations in the West Bank and Gaza. Whatever the case, IFES strongly recommends that a review of the Election Law be undertaken with the goal of strengthening those sections that require strengthening and empowering the SEC to adopt regulations to address those areas that are appropriate.

The Election Law is the basis of the entire electoral process. As has been seen in elections around the world, a vague and problematic law will result in an election that is disorganized and in which the voters and the international community lack confidence.

## CHAPTER III. THE ADMINISTRATION OF THE ELECTIONS

The organization of credible elections is a highly complex undertaking requiring clear laws and procedures, detailed planning, efficient organization, complicated scheduling, intricate monitoring of activities, and meticulous execution. It is a political activity that must be above the political fray but remain sensitive to the political processes at work within a country.

How the administrative structure of an election system is organized, from the election commission down to the polling station, has a direct effect on the success of an election. Horror stories aboud about how administrative or procedural oversights (for example, ballots delivered to the wrong polling station, or poorly trained staff) have created major political headaches in various elections around the world.

The organization, skill and professionalism of election administrators and staff, from the election commission to the polling station workers, are the basis of election management. Creating a strong administrative structure for the Palestinian local elections will be very important. These elections will be more logistically challenging than the January 1996 elections, even taking into account the experience gained in these elections. The local elections will involve more than 350 constituencies, and perhaps more than 7,000 candidates, as compared to just 16 constituencies and fewer than 700 candidates in the 1996 elections. The entire process will take place in a politically sensitive environment, which will only increase the importance of competent and impartial election administration. A high level of international interest in the elections, including the presence of foreign media and observers, will present another source of pressure.

This chapter discusses the main issues and concerns related to election management, focusing on the election commission, its staff, and district-level administrators. ${ }^{1}$

## A. The Election Commission: The Supreme Elections Committee

Increasingly in many countries throughout the world, the organization of elections is vested in an independent election commission, whose staff provides support by carrying out much of the actual work of planning and conducting the election. According to the Election Law, the Supreme Elections Committee ("the SEC") is responsible for overseeing the local elections. The SEC's fourteen members were appointed by presidential decree in January 1997. The Minister of Local Government serves as the chairman. The creation of such a committee (as well as the formation of the Central Election Commission, which oversaw the January 1996 elections) is a very important step in establishing a credible and well-managed election system. in fact, the Palestinian commission is one of only two independent election commissions in the Arab world (the other being in Yemen).

According to the Law, the SEC has the following mandate (Article 2):

[^4]1. To undertake all necessary procedures for the preparation, organization, supervision and launching of the elections.
2. To assign the electoral district committees, as well as the polling station and counting committees.
3. To supervise the administration and the work of these committees and the electoral district offices, and to implement this law.
4. To appoint staff and consultants in the different offices of the electoral districts.
5. To issue accreditation cards for election observers and to facilitate their work.
6. To assign the polling stations.
7. To carry out other activities as mandated by this law.

Other than this information, the Election Law provides very few details on the role and duties of the SEC. This is in contrast to the 1995 Elections Law. For example, articles appearing in the 1995 Law on the size, independence, powers, and functions of the commission are totally absent from the Local Elections Law. ${ }^{2}$ Because the SEC is the body that will oversee the entire local election process, it is critical that its role be clearly defined, and that it be given the necessary administrative and legal powers to conduct the election. A number of issues, including what kind of commission it will be, its legal authority, and how it will be organized, must be decided before election planning can proceed.

The first issue to be decided is: what type of commission will the SEC be? This is important because the organizational structure of the commission can affect its ability carry out its job as much as can the skill and personalities of the individual commissioners.

## a. Types of Election Commissions

Election commissions fall into two basic categories: (1) those organized as oversight bodies where the commission acts as a policy-making authority with a strong administrative staff, and (2) those in which the election commissioners themselves take an active role in the day-to-day administration of an election. The first type of commission rarely becomes involved in the day-to-day operations of an election. It is usually characterized by a strong staff component to support the commission. The second type of commission plays a much more visible role in day-to-day operations, and commissioners take an active part in the management of the election system. More detailed information about each type of commission follows.

[^5]
## i. Executive Commission

An executive commission is a commission in which the commissioners themselves carry out the day-to-day administration of elections. Beginning far in advance of an election, they work full-time, with each heading the major committees of the commission (such as Training, Voter Education, Logistics, Finance and Administration, Voter Registration). The commissioners, as a group, adopt policies and plans that the individual commissioners implement in their respective committees.

This organizational structure works best when commissioners do not have other major responsibilities and can devote their full attention to the work of the commission. The primary advantage is that because the commissioners are full-time and have no other duties, they can devote to the administration of elections. The primary disadvantage is that with so many equal members, disputes over areas of responsibility often develop. In addition, in situations where the political context calls for persons of high public profile and stature (such as ministers, judges, etc.) to be appointed as commissioners in order to lend a certain credibility to the election commission, it is usually quite difficult if not impossible for such persons to devote sufficient time to detailed election planning and organization.

Executive commissions are found most often in countries where there are frequent elections that require the full-time attention of a full-time commission. In these countries, members of the national legislatures are elected from individual constituencies rather than from a party list, meaning that resignations or other vacancies require a new election. There are also numerous local administrative authorities who are elected. As vacancies occur through death, resignation or disqualification, by-elections must be held both at the constituency level to fill national legislative vacancies and at the local level to fill vacancies at the local level. Uganda, with a national legislature and five levels of local government, is an example of a country that has an executive commission.

## ii. Policy Making Commission

Policy making commissions set policy for the overall administration of the election process, write rules and regulations, and decide election petitions. Policy making commissions do not have fulltime commissioners. The commissioners meet periodically to set policy, adopt rules and regulations, and provide overall instruction to the secretariat. The actual day-to-day administration of the election process is carried out by a secretariat (permanent staff of the election commission). An executive secretary (sometimes called Director General, Chief Director, or Director of Elections, depending on the country) heads the secretariat. The executive secretary is tasked with implementing the commission's policy decisions. The executive secretary is responsible to the entire commission, but usually receives day-to-day instruction from the chairman of the commission.

Policy making commissions often organize themselves into committees along organizational lines to ensure that sufficient attention is paid to major election issues. However, the full commission approves policy recommendations of the committees before being implemented by the secretariat through the executive secretary. The committees do not give day-to-day instructions to the executive secretary or department heads.

In those countries where the commission does not have an independent full-time permanent secretariat staff, the chairman of the commission is often a minister in government and a section or department of his ministry is dedicated to election administration. When an election is called, additional resources from other ministries or from outside are added to assist in the administration.

Policy making commissions are by far the most common and have proven to be the most efficient. The commissioners sit much as a board of directors of a business. The actual day-to-day administration of the election process is left to the executive secretary and his staff. The individual commissioners are free to engage in other activities while leaving the day-to-day management of the process to the secretariat. Members of policy making commissions are often public figures and leaders in their own right -- judges, ministers, businessmen, scholars and others who have, through their service to the nation, gained positions of respect and substance. In countries with a strong multiparty system, the commissioners may be representatives of the various political parties or groupings within the country.

The primary advantage of the policy making type of commission is that the day-to-day management of the electoral process is left to the secretariat. With experience and training, the secretariat staff becomes very professional in the administration of elections. This reduces controversy and increases the public's confidence in the democratic process and in the capacity and impartiality of the commission. Because commissioners are not full-time, they can engage in other activities and are free to have contact with a wide variety of individuals and groups whose views and concerns the commission can then address as it considers policy options.

## iii. Executive/Policy Making Commission

Executive/policy making commissions combine features of both types. Several commissioners may be full-time and manage the day to day operations of the commission and its committees, while other commissioners serve as part of the policy making body only and are not full-time. The full-time commissioners implement the policies adopted by the entire commission. The chairman of this type of commission is always full-time. How many other commissioners are full-time depends on the Election Law and upon the needs of the election process.

An "executive committee," made up of the full-time commissioners, conducts the day-to-day administration. The full commission meets periodically to adopt policy decisions. The chairman serves as "first among equals" on the executive committee and as the de facto executive secretary of the secretariat.

This type of commission has advantages and disadvantages. The chief advantage is that commissioners are closely involved in the administration of the election. The disadvantage is that, as equals on the commission, some commissioners end up supervising the work of other commissioners. This often causes friction among the commissioners, which has a detrimental effect on the process. With respect to the full-time commissioners, staff is often caught in the middle of internal commission conflicts over who is responsible for what areas.

An example of a successful executive/policy making commission is Ghana. In the Electoral Commission of Ghana, the chairman and the deputy chairman for operations and the deputy chairman for finance and administration are full-time commissioners. The remaining four
commissioners are part-time. The full commission meets once a month to consider policy issues. There are also committees of the commission for areas of voter education and procurement.

## General Comments on the Supreme Elections Committee

Other questions about the SEC's role and powers include:

- What is the specific authority of the SEC? For example, does it have the legal authority to issue decrees or other decisions with the force of law regarding the election process (such as the executive regulations that clarify the Election Law)? Or must it make recommendations to some other body that issues the regulations?
- What provisions will ensure that the SEC will conduct its duties in an impartial manner?
- What is the overall role of the SEC? For example, does it have the authority to design the registration system, does it only implement a registration process that has been designed by other institutions (such as the PCBS), or does it merely oversee a process that is organized and carried out by other ministries? Questions about the distinction between designing/ implementing/overseeing are relevant to each major component of the election process (logistics, voter information campaign, pollworker training, etc.).
- Will the SEC be organized into committees related to each major component of the elections, such as registration, training, logistics, public relations, etc., each headed by a commissioner and with committee staff to support him or her?
- How will the SEC organize itself internally to make policy and carry out its work? Where will it meet, and how often?
- What is the exact relationship of the SEC to the Ministry of Local Government, and to the Central Elections Commission? Whose decisions are final?
- What is the length of the SEC's term? For how long after the local elections does it remain in place? If it disbands immediately after the election, when will new commissioners be appointed to oversee run-offs or by-elections?

Whether they serve on an oversight body, or are actively involved in the management of the elections, few election commissioners come to their positions fully prepared for the task at hand. This is true even when the commissioner is drawn from a cabinet ministry or other major national post. Organizing and training thousands of employees, procuring hundreds of individual supplies in huge quantities, writing regulations, developing and implementing civic education plans, registering voters, training electoral officers, monitoring the electoral campaign, developing balloting and counting procedures, creating a public information strategy, and coping with the logistical nightmares that elections create, all within unforgiving time constraints, tests the management skills of the best of us. In addition, the entire election process takes place in a politically heated
environment. Yet all election commissions must strive to exhibit three fundamental characteristics. These are:

## Independence

It is generally agreed that an election commission that is free to act in the interests of all voters and is not perceived to act on behalf of any particular party, faction, clan or candidate is essential to build the trust needed so that all political actors will respect the process and, most importantly, accept the results of the election.

Impartiality
Like independence, impartiality is an essential element in building trust. Generally, election commissions are made of individuals who are perceived by the major political entities and the public as impartial, and who therefore enjoy their confidence. To maintain this confidence, however, election commissions must apply the laws and regulations in a consistent, even-handed and transparent manner.

## Competence

The most independent and impartial election commission is ineffectual if it cannot register the voters, qualify the candidates, train the polling station officials, or deliver the ballots on time. The public and political parties must have confidence that the commission is capable of fulfilling its mission. Missed deadlines, confused or undirected staff, poor communication with political leaders and the press, or a general sense of disorganization and lack of direction within the commission will severely diminish the ability of the commission to do its job. In addition, it will cause candidates and voters to question the fairness and legitimacy of the election.

It is in the last area that election administrators can make their most significant contribution. Competent administration of the election system can go a long way to contributing to its independence and impartiality.

## B. Election Staff: the Role of the Secretariat

Regardless of the type of commission formed, there is always a need for a secretariat to do the actual work of the commission. No one expects a commissioner to drive vehicles, type letters, develop training and voter education programs and the like. These activities are the work of the secretariat. Members of the secretariat, through training and experience, become professionals in the area of election administration. They develop detailed knowledge of logistics, training, and administrative requirements, as well as the political sensitivities, of managing elections in the areas they serve.

The size of a secretariat depends on the needs of the country and how often elections are held. In countries where candidates are elected on a party list system where by-elections are infrequent if held at all, there is only a small core group of individuals who make up the secretariat. In countries
where elections are frequent, there may be a need for a large secretariat. Ghana is a good example. Its Electoral Commission secretariat is composed of the Division of Finance and Administration and the Division of Operations. Beneath these two divisions are headquarters departments of Operations, Voter Education and Training, Finance, Personnel, Procurement, etc. In addition to these departments located at the Commission's headquarters, ten regional directors, in turn, supervise 120 electoral districts each with an electoral officer. The Ghana commission has a full-time staff of about 300 people. Most commissions, however, are not as large as Ghana's. They often have a core secretariat with specializations in logistics, voter/civic education and finance. As elections occur, additional staff is added early in the process to facilitate the planning of the election.

In Yemen, a country with fewer regular elections, but with an independent election commission, the commission's staff perform an important role. The Yemeni Supreme Elections Committee is a permanent institution, but new commissioners are appointed every four years (after parliamentary elections have been held). This turnover, and the criteria by which commissioners are selected, means that commissioners often lack election management experience at the time of their appointment. A small, but permanent, staff of the SEC provides the practical experience and institutional memory necessary to assist the commissioners in planning major election issues. As the date of the election approaches, many more staff are added.

Besides managing the day-to-day election process, the secretariat performs a critical function for all commissions: it develops and provides policy alternatives for the commission. There is no one correct way to administer an election. Every election is administered within the political context of the country. It is the responsibility of the secretariat to develop policy options and planning alternatives for the commission to consider. This essential task provides the commission with the information it needs to make the policy decisions that best fit the needs of the country. The secretariat is then responsible for implementing the policies of the commission to produce credible and transparent elections.

The secretariat is also essential to the improvement of the election process. The management of elections is an ever-improving process. Every election can be administered better than the last. It is the responsibility of the secretariat to review the management of the previous elections and recommend to the commission ways in which the process can be improved. Election administrators are assumed to have substantive experience in the field of election administration and achieve their mandates as efficiently and as effectively as possible. They are expected to be administratively competent at devising the organizational structures and arrangements that produce successful elections. Election administrators must also be able to make judgments of what is in the public interest, assess political reactions, and make difficult calculations of what can be accomplished operationally. In other words, they must integrate politics, substance and administration into the electoral process. In order to accomplish all of this as effectively and efficiently as possible, a wellqualified secretariat is essential.

The SEC does not appear to have a permanent secretariat that is independent of any other department or ministry or that is housed within another department. There are small offices in the West Bank under the Minister of Local Government and in Gaza (attached to the Central Election

Commission). These offices are not, however, organized in the traditional way that a secretariat is organized. They consist of a couple of people who have the responsibility of organizing the elections whenever they may be called. The closure between the West Bank and Gaza makes the necessary level of coordination and communication between election officials in the West Bank and Gaza difficult to achieve.

Basic secretariat staff for the Palestinian local elections, with more staff added as necessary as the election date approaches, should include:

- an executive secretary
- a coordinator for the West Bank and a coordinator for Gaza
- persons in charge of the following areas: finance, logistics, training, voter education, public relations, etc.

In addition, district electoral officers, along with necessary support staff for each administrative district, work under the West Bank and Gaza coordinators and are part of the secretariat. All of these persons should be carefully selected for the appropriate skills and background required for their position and be appointed as soon as initial election planning starts.

## C: The Regional Level: District Level Administration

The administration of the local government elections is greatly complicated by the provision in the Law (Articles 6-7) that calls for establishing "district electoral committees" for each of the more than 350 districts (local council areas). The Law states merely that "five to nine individuals ...known for neutrality and honesty" will staff these committees. The committees are to conduct, at the constituency level, registration of voters and candidates. Their role in other election administration activities (election planning, tabulating of results, etc.) is not specified in the Law.

The use of such committees raises a number of important questions (many of which are discussed in Chapter Two of this Manual). First, what is their role? The Law does not indicate when these individuals are to be appointed, or exactly what their responsibilities are in relation to the SEC and its secretariat. Piecing together various sections of the Law, it appears that the SEC oversees the process at the national level, and that hundreds of committees --some for cities, many for small villages-- operate at the most local level, with no administrative level in between. How will the more than 350 committees, and the more than 2,000 committee members, report to the 14 members of the SEC, and how will the SEC supervise them effectively? Such a scenario seems unworkable on a practical level. Second, how will the required number of the necessary "qualified and impartial people" be found for committees in small villages (the majority of the local councils) with only 1,000 to 2,000 voters, where many people may be related to several of the candidates?

Given these practical and political concerns, IFES recommends that the use of these committees of five to nine be re-considered, and that regional administration instead be organized along the lines of the January 1996 elections:

- District election offices ("DEOs") should be set up for each of the 16 electoral constituencies operative for the January 1996 elections. These constituencies are useful because they are


## already determined and their boundaries known.

- Each DEO should have a manager and staff (the size of the staff depending on the size of the constituency). It would supervise all districts/local council areas and the associated polling stations falling within the boundaries of the larger district. For example, the DEO for Ramallah would oversee Ramallah City, el-Bireh, el-Taybeh, etc.; the DEO for Hebron would oversee Hebron, Halhul, Dura, etc. The District Election Offices would be the main administrative unit for the tabulation and announcement of results. ${ }^{3}$
- The DEO should appoint coordinators to oversee planning and operations for different regions of each district. For example, within the Ramallah district, one coordinator would oversee Ramallah City, another, el-Bireh and surrounding areas, etc. The coordinators would be responsible for organizing and overseeing all polling stations within their areas. Polling station officials would report directly to the coordinator, who would report to the DEO.

This arrangement is preferable to separate committees for each of the $350+$ municipalities because it will a) facilitate the recruitment and training of qualified, impartial staff and b) facilitate coordination and communication with the election commission and staff, which in turn will allow the election process to run much more smoothly.

IFES recommends that, as with secretariat staff, District Election Office managers and staff be appointed as early as is practically possible. It is clear that much of the technical success of the January 1996 elections was due to the early appointment of district electoral officers. They had plenty of time to learn the electoral process, and their responsibilities. IFES recognizes that it will be difficult to appoint staff until the election date is a reality. However, at the very least, the SEC should use the interim time to compile a list of qualified persons, interview candidates to develop a pool of staff, determine compensation and other policies, prepare training plans, etc. This way, when the election date is determined, appointing qualified staff will not pose a problem.

Another lesson from the January 1996 elections concerns the duplication of roles that emerged with the appointment of District Election Commissions (as distinct from District Election Offices). These commissions, which were mandated by the Election Law but whose exact function was unclear, were appointed very late in the process. They were created after the district election offices had been planning the election, including recruiting and training the 7,000 teachers who served as registration and polling station workers, for several months. This resulted in interjecting late into the election process individuals unfamiliar with the preparations ongoing for months and in some cases unaware of basic election procedures. Their demands for changes in the process and requests for office space, vehicles, telephones and administrative support only served to put additional pressure on an already strained election administration. In addition, the division of roles between the DEOs and the DECs was not clear and much duplication of effort and unproductive time spent sorting out

[^6]authority was the result. This situation and the resulting organizational problems should be remembered when the SEC plans for the local elections.

## D. General Recommendations

No date has been set for the local council elections. This does not mean, however, that some basic decisions about election administration cannot be made in the interim. The following are the main administrative issues that should be addressed:

1. The first step in preparing for the local council elections is for the Supreme Election Committee to decide on the type of election commission it wants to be. Given the fact that all of the commissioners are high-level officials in ministries or other organizations, it is unlikely that any of them will be able to devote their full time and attention over several months to the organization of the local council elections. It appears, therefore, that it will be most effective and practical for the SEC to operate as a policy-making commission. As soon as appropriate, it should begin meeting on a periodic basis to discuss and adopt the policies that will govern the conduct of the elections and to plan for staff and regional administration.
2. As is discussed in detail in Chapter Two, the Election Law is missing much crucial information about election procedure and administration. The SEC must address these issues as soon as possible. However, before this can take place, the SEC must clarify its own role vis-a-vis the electoral process: does it have the legal authority to issue decrees or regulations that have the force of law? Since the Law itself does not mention this, how would such a power be conferred upon the SEC? If there are major changes to be made to the Law, which is likely, will these changes be made by the Palestinian Legislative Council, by a decree issued by the Ministry of Local Government, or by decrees or regulations issued by the SEC itself? This must be clarified as soon as possible.
3. Once the above issues are clarified, the SEC should begin immediately to review the Law and either seek amendments by the Legislative Council or write regulations that clarify ambiguities in the Law. Having a complete and clear set of laws, regulations and procedures in place well before the election and made fully available to the public, is necessary to ensure not the smooth administration of the election, but also a transparent process and a credible election. Whenever an election commission takes decisions on policy issues after the electoral process has begun, those decisions are almost always suspect. Regardless of the good intentions of the commission, there will be many people who believe the decisions were taken for political reasons. It is essential, therefore, that the ground rules for the election are taken at the outset so that ad hoc decisions after the process has begun can be avoided.
4. The SEC should also authorize and organize a small secretariat with offices in the West Bank and Gaza. The staff of the secretariat should begin as soon as
realistically possible to start the preliminary planning for the election. Logistics plans for the delivery of materials, voter education plans, identification of reliable vendors for the procurement of the needed supplies, the identification of district electoral officers, development of preliminary training plans and documents, and drafting of regulations and procedures that will ensure a credible and transparent process are all tasks that need not wait for an election to be called. The better prepared the SEC at the time the election is called, the more efficient and credible the process will be.
5. The SEC should review the need for District Election Committees, and consider whether District Election Offices, supervising all the local council areas in their regions with sufficient support staff, can more efficiently administer the process. The SEC should begin as soon as possible to identify and appoint the individuals who will serve on the committees. Waiting to appoint the committees until the election is called and all the planning has been completed will risk a repeat of the organizational problems experienced in 1996.

## CHAPTER IV. THE VOTERS REGISTER

Why Register Voters?

The first question that one must ask when discussing a voters register is, "why create a register?" Many countries manage quite well without using a register. Creating a voters register, however, has become a common feature of most election systems around the world. There are five basic reasons for creating a voters register. These are:

1. The need to ensure that only those persons who meet the eligibility criteria to participate in elections are permitted to vote. In other words, according to what eligibility criteria the election law establishes, a voters register may exclude noncitizens, persons convicted of a serious crime, the mentally incompetent, those below voting age, those who have not lived in an area the required amount of time, etc.
2. The need to ensure that only those who live in a certain region or constituency are allowed to participate in an election. Elections are often held on a regional, constituency or local area basis. Through compiling a voters register, those who live outside the designated area can be excluded from the list of eligible voters.
3. To help ensure that persons do not vote more than once. In countries that do not have any other means to prevent individuals from voting more than once, the voters register is a valuable tool. If sufficient information about each voter is collected, multiple registrations can be eliminated from the register.
4. To facilitate the planning and administration of the election. By providing detailed information about the number of voters in each constituency, the voters register informs the election administrator in advance of the election about how many people can vote in total and in each area, where more polling stations are needed due to an increase in the number of voters, how many ballots are needed in each polling station, etc.
5. In countries with a highly developed postal and communication system, the voters register is used by parties and candidates to campaign (for mailings and telephone calls).

When a country decides not to use a voters register, the above factors must be taken into consideration and weighed against the type of election desired. For example, in the historic 1994 South African elections, it was decided that no register was needed because everyone had some form of identification to prove who he was on election day, the election was based on a national proportional representation system and therefore the residence of the voter was not important, and it was widely believed that people would not try to abuse the system by voting more than once. In
the state of South Dakota, USA, for reasons of simplicity, no voters register is used, but voters are required to present, on election day, identification that establishes their identity and residence.

For local elections in the West Bank and Gaza, there are three basic options relating to registering voters:

- to revise the existing voters register
- to create a new register
- not to use a register at all, and to have voters simply present on election day identification proving their identity.

As of this writing, no option had been selected. The decision will depend upon the time and resources available, as well as on certain political factors. Taking all factors into consideration, IFES recommends the revision of the existing register as the best option.

This chapter provides basic information about each option, however, so that Palestinian election officials can make an informed decision about this most important of election issues.

## A. Revision of the Register

As noted in Chapter Three, the Election Law uses the term "registration," which implies the creation of a voters register. However, the need to conduct a new voter registration exercise for local elections, when a voters register already exists, is questionable. It is common practice in most developing democracies to conduct a complete voter registration for the first national election. Such a register was created for the January 1996 Palestinian elections, and by most accounts, that register included 85 to 90 percent of all eligible voters. ${ }^{1}$ Especially when the existing register is fairly accurate, for subsequent elections most countries do not create a completely new register. This is simply too expensive, too complicated, and too time-consuming.

Instead, the register is updated with corrections of errors made in the previous registration exercise; the names of those who have turned 18 years old and those who have moved from one locality to another; the names of those who have passed away since the last election are removed. The general term to describe this update is a "revision" of the register. The time and cost of a revision are significantly lower than those associated with a full registration exercise.

Another reason for establishing a revision process is that it can be an ongoing exercise. According to Articles 55 and 56 of the Election Law, the SEC is mandated to conduct by-elections when vacancies occur on local councils. With at least 350 local councils in the West Bank and Gaza, vacancies of council seats will be a common occurrence. The Law calls for holding by-elections whenever a vacancy occurs in the office of chairman and when a certain proportion of the seats on a council become vacant. A revision process would allow the SEC to update the voters register in

[^7]a local council area where it is holding a by-election without having to conduct a registration process for those local council areas where no election is taking place.

The revision of a voters register is a fairly straightforward and simple exercise and is usually conducted along the following lines:

1. A list is printed, by polling station, of the entire register.
2. Forms are designed to collect voter information for inclusion in the register. These forms include:
A. Registration Form - to collect information from voters who will register for the first time. This includes those who have turned 18 since the previous election, and those who did not register for the previous election. This form is usually the same form used in the previous registration exercise, but it should include any design improvements deemed necessary.
B. Change of Address Form - to collect information from those who have moved from one constituency to another. This form must ask for the voter's previous address information. This is to guard against the wrong person being listed at the new location when the data entry is being performed.
C. Report of Death Form - to collect information about those who have passed away since the previous election. Where there is a reliable reporting of deaths, this form is not necessary. For example, if the Ministry of Interior (or the relevant Palestinian Authority ministry) maintains a database of ID-card numbers of persons who have died, this information can be used to remove those people from the voters register by doing a ID number match against the register.
D. Correction Form - to record corrections of errors on the register (such as incorrect identification card numbers or spelling of names)

## A Note on Design of Forms:

Well-designed forms are important because they are the means by which accurate information about voters is captured. If the forms are difficult for voters and registration workers to complete, and identification numbers, names, and other information are recorded incorrectly on the forms, errors in the register will result.

IFES' review of the forms used for the 1995 registration exercise found that those forms were adequate. Several former election officials and registration workers commented to IFES, however, that the forms were confusing and hard to use. Forms should be designed and tested well in advance of the election. In
addition to some problems in the forms themselves, inaccuracies in the register were caused when the information from the forms was entered into the computer database. This problem can be avoided by having only one form from which information is entered into the database, rather than a form completed by voters and another for data entry. In addition, IFES emphasizes that proper training for completion of forms and data entry is essential to make sure that the information in the register is accurate.
3. One or two people are assigned to each polling station to collect the information. The period usually lasts no more than $\mathbf{7}$ to $\mathbf{1 0}$ days. This is because the number of people who will actually need to register or update their registration is very small compared to the number of names on the register. Therefore the number of people coming to the polling station will not require a longer period.

Placing the register in the polling stations where people voted in the previous election:

Provides a convenient place for citizens to check their names. People can check their names going to and from work, market or any activity that takes them into the neighborhood. One of the problems that plagues all revisions is low turnout. It has been shown in country after country that making the revision convenient for voters by placing the register at the neighborhood polling station significantly increases turnout.

- Reminds the voters of their polling station. Whether they check their names or not, they will be reminded of where to vote.

If there is a need to divide a polling station list (the voters register) into two or more lists because of overcrowding in the previous election, when people come to check their names they can be told if they are being re-assigned to a new polling station.

Displaying the register at the polling station increases confidence in the credibility of the register by demonstrating to the people in the area who is registered to vote. Placing a number of registers in a central location (for example, displaying all the registers for Ramallah municipality in one location) is much less effective in this regard because it is more difficult for people to examine the register.
4. A public information campaign is conducted to encourage people to (a) check their names on the register and (b) update or correct the information if anything is erroneous. In most instances, only a small number of people actually turn out to check their names; this was the case with the register revision effort in December 1995 and January 1996. It must be kept in mind, however, that during a revision one person can check the names of an entire family; in this way, many names can be
checked for accuracy even if not every voter comes to check his name.
5. Information is collected BOTH on the forms AND added in writing to the printed copy of the register itself provided to each polling station. At the end of the revision period, the forms are collected and forwarded to the Palestinian Central Bureau of Statistics (PCBS) for data processing. The copy of the register used in the polling station with the updates is signed by the revision workers to prevent any additions of names by unscrupulous persons. This copy of the register, with the hand-written updates, is retained at the local level (polling station or district office) as a backup copy of the register for use on election day in the event that for some reason a new register with the updated information cannot be printed and distributed in time for the election.
6. Article 14 of the Election Law prevents a voter's name from appearing on the voters register in more than one district. Yet because according to the Law the voter is allowed to choose in which district he wishes to vote, it is possible to have one's name appear in more than one electoral district register. Unless there is a good way of removing the other registrations, this provision will invite multiple registrations. This has the potential to cast serious doubt on the integrity of the register. In most countries, it is simply assumed that the last place one registers to vote is the place one currently resides, and all other registrations are automatically deemed invalid and removed from the register. Adoption of this method by the SEC/PCBS would greatly simplify the registration process and enhance the credibility of the register.
7. In the worst case scenario, if time does not permit the input of the data and printing of a new register, the updated, handwritten backup copy completed by revision workers at the polling station can be used for the period for contesting the register.

## B. Creating a Voters Register

If for some reason the SEC decides to conduct an actual registration (as opposed to revision) process as outlined in the Election Law, it should first consider whether a door-to-door canvass as was conducted in 1995 is necessary. Adopting the polling station concept as outlined above may prove to be a viable and less costly alternative to the door-to-door method. The key to voter registration (or revision) is to make it as convenient as possible for the voter. After all, participation in the democratic process is a right and governments should take reasonable steps to ensure full participation. However, the cost and time to conduct a door-to-door campaign is prohibitive for most countries.

Aside from the cost and complexity of the registration process and the question of need, it appears from the wording that there is not enough time to implement what the Election Law seems to require.

Article 11 requires that voter registration begin no earlier than three months ( 90 days) prior to election day and last for 30 days. Article 15 requires that the register be posted within 10 days from the close of registration for a period of five days. This means that the registration forms must be collected from the 350+ districts throughout the West Bank and Gaza, the data returned to a central
location and entered into a computer, the lists printed and sent back out to the 350+ districts, and then to the proper polling stations -all within ten days from start to finish. Unless massive logistic and data entry resources are put in place, this will almost certainly be impossible.

## C. General Points about Revision or New Registration

## Contesting the Register

The day after registration/revision ends, the period to contest the register should begin. The registration team has the completed forms and has entered the new data manually on the register itself. At the end of the contest period, the completed (and uncontested) forms are forwarded to PCBS for data processing.

The simplicity of the process outlined above (and shown in the chart in at the end of this chapter) is evident in the fact that no data entry is performed until the period for contesting the register is completed. There is no gathering of forms, transmitting them to PCBS, or returning of information back to the polling station. Once the contest period is finished, the register is complete. All that remains is to perform data entry and produce a new printed copy of the register in time for election day. If mistakes are made in data entry, the SEC still has the original backup copy of the register as proof that a person did in fact register or change his address.

## Local Council Areas - Inside and Out

As the SEC plans the election process and the registration/revision process, it must confront an issue that did not exist in the previous election. According to information available to IFES at the time of this writing, the local council structure excludes from local elections areas of less than 1,000 residents; it is also possible that residents of West Bank refugee camps will not participate in these elections. Yet because the Election Law permits a person to vote in a local council election if he either lives or works in the local council area, it will be very difficult to exclude these voters from participating in local elections. The Law does not require any proof of employment. There is no means, therefore, to prohibit someone from registering in a local council area as long as he claims he works there. There is the opportunity to challenge registrations during the contestation period, but the burden of proof in this case is on the challenger, not on the voter (in other words, the challenger must produce evidence that the voter in question does not work in that area, rather than the voter himself having to prove this). The SEC must be aware that the "live or work" provision can cause serious problems, and therefore it should weigh the advantages against the disadvantages of such a system.

The chief advantage of this provision is that permitting people to vote in areas where they live or work may increase turnout in an election. Also, businessmen may want to have a say in who sits on the councils where they do business rather than where they live, if it is in a different constituency. Workers may also feel that they are more affected by local government issues in the area in which they work than where they live.

The chief disadvantage is that it is likely that the allegation will be made (whether true or not) that people who do not work or live in the area are being encouraged to register to vote in a council election by one or more potential candidates. People are often very protective of their particular village or neighborhood. Some may resist permitting whom they consider as "outsiders" from voting in their council elections. Such challenges may call into public question the credibility of the register, and therefore, of the entire election.

To protect the integrity of the election process, the SEC must be prepared to deal with this allegation. ${ }^{2}$ A well-designed public information campaign will be necessary to explain the process to voters. In developing its voter education campaign, the SEC should make explaining the inside/outside and voter registration issue a top priority so that voters know who is eligible to vote in the election.

## Planning

By all accounts the registration exercise conducted in November and December 1995 was remarkably successful in registering a huge number of people in a very short period of time. However, those same accounts point out that the 1995 exercise also suffered from less than perfect organization and planning. Assumptions were made that simply did not work, and the resulting process was much more difficult than it needed to be. Some problems pointed out to IFES include:

- The logistics of retrieving registration forms from locations throughout the West Bank and Gaza and delivering them to the PCBS in Ramallah for data entry proved more difficult than expected, due to a shortage of vehicles, the lack of a good logistics plan, and other problems;
- Many errors were made when registration workers had to copy information from the initial registration form filled out by the voter to a second form that was scanned in to the computer database;
- The optical mark scanners used to enter voters' identification numbers into the computerized register database were much slower and less reliable than expected, greatly slowing the data entry process; and
- Since the scanners could only read Western-style numbers (identification card numbers) and not Arabic letters, the identification card number was the only information that could be scanned in. All other information recorded on the forms in Arabic (name, address, etc.) had to entered manually by PCBS data entry workers. This process was very slow and brought with it the potential for errors in entry.

It is critical to any registration process that careful thought be given to all aspects of the exercise, from the location of registration/revision sites to the process of data entry and printing of the revised register. The SEC and PCBS should plan carefully to address the problems described above. A

[^8]better designed program with effective training will help to eliminate many of the problems experienced in the 1995 data entry process.

## Timing

It will be of critical importance to the success of the register update exercise that time for proper planning and execution be incorporated into the process. At least 60 days and preferably 90 days are required for preparation before registration/revision begins. According to the Election Law, registration begins ninety days before election day. If the election is announced only 90 days in advance, technically registration begins on the day the election is announced! In order to be fully prepared for registration/revision, 60 to 90 days (two to three months) before the registration/revision process begins is needed to:

- Identify polling stations where registration/revision will take place and assess the suitability of all locations;
- Plan the process in detail, including a logistics plan for delivery of materials between the PCBS and the polling stations;
- Appoint, train and make all arrangements (payment, etc.) for registration and data entry workers:
- Plan and launch a voter information campaign that tells voters about the registration/revision process so they will know what to do when the process begins;
- Coordinate among the various ministries and agencies involved in the process;
- Design, print, and deliver forms and other materials before the process begins; and
- Print the register and prepare for delivery to all locations.

Some estimates suggest that the registration/revision exercise will result in up to 250,000 transactions (new registrations, change of residence, deaths). If scannable forms are used to capture information and the three scanners currently available at PCBS are used to input the data, it may take as long as 45 days to compile and print the revised register. ${ }^{3}$ This scenario, however, is dependent on a well-planned and organized process in which the registration workers understand the importance of marking the forms correctly.

## D. No Voters Register: "Election Day Registration"

This option, in which voters vote by presenting identification on election day and no register is used, draws upon the principle of "broadest possible participation" in the electoral process by the people of the West Bank and Gaza, rather than prioritizing control over who can vote. If an election is called suddenly with very little or no time to plan a registration exercise, this option also involves the

[^9]least amount of hindrance and administrative overhead.
This option eliminates some of the problems with respect to the form of identification that will be required and the issue of work versus residence as a place for registration. Under a broadest possible participation principle, registrants will not be asked to produce identification at the time of registration, nor will they be asked to provide documentation of or state whether they are registering where they live or where they work.

With this option, election officials plan for the election based on the maximum number of voters (i.e., total number of eligible voters) who can vote. For example, in the West Bank and Gaza, this would be approximately 1.2 million voters. ${ }^{4}$ The number of polling stations, election workers, ballots, etc. is calculated based on maximum voter turnout and divisions are made for each constituency on the same basis. For example, planning for city council elections for Ramallah would be based on an estimate of 75,000 eligible voters in that city, with 750 voters per polling station.

On election day, voters present their identification cards (or some other acceptable document for the small number of people who do not have Israeli or Palestinian Authority identification cards). Political party agents or candidates' representatives are allowed to challenge voters at the polls if they have reason to believe that voters are not who they claim to be. Indelible ink applied to the voters' thumbs by polling station officials is the main safeguard against multiple voting.

The main advantage of such a system is that it allows for an election to be held on very short notice with little lead time, since the time and logistics involved with creating or revising a register are eliminated. Since it does not involve using a pre-determined list of eligible voters, this option maximizes voter turnout by creating no barriers to participation on election day.

One important downfall of this option is that it depends upon the availability of accurate population information for West Bank and Gaza as a whole and on a district basis. If the figures used to plan for the election are for some reason inaccurate, and the updated information normally gathered through a registration or revision exercise, such as population increases or movement into or out of certain constituencies, is not available, election planning can be wildly off base. Election day chaos (too few ballots, too few polling stations, etc.) is usually the result.

More important, the main disadvantage --and it is a significant one-- of this option is that in a political context marked by lack of trust, not using a register may raise serious questions about control over who can vote and how many times people can vote, therefore undermining public confidence in the electoral process. Without using a register, it is very difficult if not impossible to prevent people from casting ballots areas where they are not eligible to vote (such as local council areas where they neither live nor work). If indelible ink is not used consistently in all polling stations, sufficient doubt may be raised about the possibility of widespread multiple voting. These concerns may be enough to make the option unsuitable for the Palestinian context, where building trust

[^10]among the various factions, and building the public's confidence in the election system, will be essential.

## CHAPTER V. CANDIDATE QUALIFICATION

Candidate qualification is the process by which candidates register to appear on the ballot. It is discussed in this manual because of the complicated nature of candidacies for the local government elections: with elections for ten to fifteen-seat councils and mayorships in 350+ constituencies, there could easily be more than 7,000 candidates. Several aspects of the qualification process will cause problems for the SEC as it administers the election process. Most are related to the printing of the ballots. Important issues include:

1. According to Article 21 of the Election Law, the date for candidate qualification begins 44 days before the election and lasts for 10 days. The list of candidates is then posted for the challenge period for three days. Therefore, preparation for printing of ballots can begin as soon as the challenge period has passed, which is 31 days before the election.

IFES does not recommend that the SEC wait until the period for candidate withdrawal --ten days before the election-- has passed to begin printing the ballots. The period for printing the ballots is much too tight. It is much easier simply to post notices in the polling stations that particular candidates have withdrawn than to risk the delivery of all ballots by waiting until the withdrawal period has ended before beginning to print. ${ }^{1}$ Where a challenge has been made to the qualification of a candidate, the SEC could delay printing that particular council's ballots.

To ensure delivery of the ballots to the polling stations in time, the ballots must be delivered, at least to the district election offices, no later than three days before the election. This time is necessary to enable the district officials to make sure the correct ballots go to the correct polling stations. This process will be much more complicated than in the January 1996 elections. In those elections, all the ballots delivered to the Hebron district election office, for example, were the same. In the local elections, there will be more than 50 different districts falling under the jurisdiction of the Hebron District Election Office, with more than 70 different ballots (since those areas electing mayors will also have a mayoral ballot). Sufficient time must be allowed to organize the ballots, deliver them to the correct locations, and correct any mistakes.

The period for design and printing of ballots, therefore, is only $\mathbf{2 7}$ or $\mathbf{2 8}$ days.

[^11]2. Before printing can begin, however, the ballot template must be designed, and the names of the candidates must be collected and provided to the printers. Candidate information must be collected and checked from more than 350 local council locations throughout the West Bank and Gaza. The SEC should review whether it would be more efficient to require candidates to qualify not with Local Electoral Committees but with the District Electoral Office at the district headquarters office.
3. IFES strongly recommends that a database of candidates by local council area be developed. The ballot design template can also be developed on a word processor, and candidates' names, numbers, and/or symbols can be placed on a blank ballot and sent to the printer. Selected persons with computer skills in each district should be selected and trained for this task. The printer should be given camera-ready copy. All proofing of candidate names should take place before the ballot is given to the printer. This eliminates the back-and-forth of ballot proofing when the printer does the ballot layout, and can cut down the amount of time needed to print the ballots. In addition, printers are skilled in proofing ballots from a design standpoint, but they are not trained, nor should they be expected to be, in proofing candidates' names, symbols, etc.

Under the best of circumstances, the collection of the data and preparation of the ballots for printing may take up to 10 days. This amount of time, in fact, should be scheduled given the complexity of the local council ballots. This leaves just 17 days to print the ballots and deliver them to the district centers.
4. The printing of the ballots must be scheduled in accordance with the logistics plan. Remember, specific ballots will be sent to specific polling stations. Therefore, ballots that will take the longest amount of time to deliver to district offices should be printed first. Again, this underscores the importance of a good logistics plan.

IFES also recommends that ballot printing be done at several locations throughout the West Bank and Gaza, rather than the one printer (in Nablus) used for the 1996 election ballots. De-centralizing printing will:

> Lessen the time pressure and burden on the printers, as they will have to make hundreds of different plates each, rather than just 17 (16 district and one presidential ballot) as in the 1996 election;
> Facilitate the delivery of ballots to the different council areas; and
> Eliminate the problems involved in transporting ballots from the West Bank to Gaza.
5. It can be seen that the ballot preparation takes up a considerable amount of the time needed to print the ballots. The SEC should discuss with the printers well in advance of the election their capacity to print the ballots in the time given.

IFES recommends that the SEC review the section of the law which details the candidate qualification process and determine whether enough time is provided to print and distribute the ballots. If not, the law needs to be changed.

The SEC should also consider printing a "NOTICE OF POLL." A notice of poll is simply a large blowup of a ballot with NOTICE OF POLL and the date of the election written across the top. Printed and distributed in advance of the election, the NOTICE OF POLL is a valuable tool in educating the voters about what the ballot will look like and who is running for office in their district.

## Ballot Design

The design of the ballot will, no doubt, be a major source of concern for the SEC. IFES can predict that in many districts, as many as 50 candidates will be on the ballot. This means that most ballots will be lengthy and filled with information (candidates' names, symbols, etc.) In planning design of the ballot the following should be taken into consideration:

- In what order will the candidates be listed and how will that order be determined in a way that is fair to the candidates? The most common ways are by date and time of filing as a candidate, by conducting a lottery, or alphabetically.
- Given the likely huge number of candidates, what is the best design to ensure that the voter is not confused by a crowded ballot, but the rights of the candidates are also protected? (For example, ballots should not be printed on two sides, as this disadvantages those candidates appearing on the back side of the ballot.)
- The size of the ballot paper. What is the maximum size that can be used and still allow all the ballots to fit into the ballot box in a high turnout election? Remember that the ballot boxes used in the 1996 elections, which are available for use in the local elections, were designed to hold much shorter ballots.
- The need for envelopes. Placing ballots in envelopes takes time, takes up space in the ballot boxes, and costs money. IFES strongly recommends the elimination of ballot envelopes. Voters all over the world simply fold their ballots and place them in the ballot box; this protects the secrecy of the vote. There is no compelling reason for using envelopes, and they only serve to delay the counting process.
- To facilitate ballot accounting and to enhance the security of the election process, IFES strongly recommends that the ballots have a counterfoil (stub) and be serially numbered. Serially numbering ballots increases significantly the security of the process. When ballots are delivered, a record of which serially number ballots went where can be made. This prevents counterfeit ballots from being introduced into the supply. The ballot stub, in addition to the security benefits, provides an easy way for the polling station officials to determine how many ballots were issued to and used in each polling station. Ballots are normally bound in packs of 50. The SEC must be aware, however, that serially numbering ballots increases ballot printing time. Few printers are able to place the serial number on the ballot at the time of printing. It is a separate process. As noted above, discussion of ballot printing with
the printers should begin well in advance of planning the election. Not all printers are able to print serial numbers.

Samples of ballots with serial numbers and counterfoils are found in the Appendix.

- Using ballots with counterfoils and serial numbers will eliminate the need for special security paper for printing ballots. Although popular in some countries, special paper actually does not serve a useful purpose in deterring ballot fraud. It is, however, very expensive, and the fact that it usually has to be procured internationally unnecessarily slows down the printing process. IFES strongly recommends against the use of special security paper for ballots. Ballot security is better enhanced through serial numbering and counterfoils.
- IFES strongly recommends that the district name and the local council name be printed on the ballot as well. This small step will help in ensuring that the correct ballots go to the correct local council polling stations.
- Each candidate will be assigned a number when he or she registers for candidacy and this number will appear on the ballot next to the candidate's name and symbol. IFES recommends that these numbers be maintained through election day, even if a candidate withdraws. In the January 1996 elections, major problems were created when candidates in Gaza were assigned a number upon registering, and campaigned using that number ("vote for number 37 on the ballot"), but their numbers were changed by election officials when other candidates withdrew. For example, candidate 37 suddenly became candidate 36 when that candidate withdrew. Candidates were not aware that their assigned ballot numbers had been changed. The ballots were printed using the revised list of candidate numbers, which came as a surprise to candidates and voters. This problem was not anticipated by election officials, and caused major headaches.
- Note: these recommendations refer to candidates who withdraw completely from the race by the withdrawal deadline (ten days before the election). If candidates register and are assigned a number, and then want to change their number to join with a group of candidates as a "bloc" on the ballot (for example, numbers $37,38,39,40$ ) this is a separate issue. This must be done before the deadline for withdrawal, by which time all information must be accurate and final in preparation for its appearance on the ballot.



## CHAPTER VI. LOGISTICS

Logistics planning is the key to effective election administration. Without an effective logistics plan, the entire election process is in jeopardy. As one considers the magnitude of putting together a logistics plan for training, voter registration, voter education and election day, it can appear overwhelming. The delivery of materials and services to thousands of locations within a very tight time frame, not to mention the transportation challenges posed by different areas of Palestinian and Israeli control in the West Bank and Gaza, will test the administrative ability of the best military commander, not to mention the best election administrator. The key to developing a logistics plan is to break the process down into small steps and to develop the plan from the bottom up --the local level-- and not from the top down.

Reliable and knowledgeable people at the local level are essential to the development of a logistics plan. The West Bank and Gaza are already divided into a number of administrative districts where people who are familiar with the terrain of the district both reside and work. Engaging the assistance of a cadre of these people, under the supervision of the SEC and the district offices, well in advance of the election will be the central component of logistics planning. Once these district level people are on board, the following steps should occur.
A. The district election officials should be tasked with developing a logistic plan for their respective regions. This plan should:

1. Identify the local council areas and the polling stations within each.
2. Calculate a routing schedule that assumes materials will be delivered, at the earliest, the night before the election, if not the morning of the election (see sample schedule at the end of this chapter).
3. Take into consideration the TIME it takes to travel, not the DISTANCE traveled. The primary concern in logistics planning is not the distance a delivery vehicle must travel but the time it takes to travel from one point to the next. Remember, the deliveries must be made within a very short period of time, not distance. A council area polling station located along a road with checkpoints will take longer to reach than one that is farther away but located on a road with no checkpoints.
4. Take into consideration the problems that the locations of Israeli settlements, roads and checkpoints, as well as the closure between the West Bank and Gaza, will create, and devise solutions to these problems, as well as contingency plans, ahead of time. For example, a particular council area may be close by in distance to a distribution point, but because of a settlement by- pass road that cannot be used or crossed, or a checkpoint that must be traversed, it may take longer to deliver the materials. The problems that arose in transporting materials between the West Bank
and Gaza during the January 1996 elections are well-known and should not occur again now that those lessons have been learned.
5. Consider the size of the vehicle (and number of vehicles) needed for each route, based on the number of ballot boxes, voting screens, etc. that must be delivered. The plan should also take into consideration the kind of vehicles that will be available for use. Preparing a routing that requires huge trucks that are not available is useless.
6. Plan for the amount of fuel to travel the distance of each route at least TWICE: once to deliver the materials and once to pick up the materials after the election.
7. Estimate the manpower needed to organize materials, pack them up, make deliveries, unpack them, and check them.
B. Once the individual district plans are completed, they should be combined into one document to produce the national plan. In producing the national plan, the following should be taken into consideration:
8. The needs of the district distribution offices. For example, if vehicles from District A must begin travel early in the afternoon of the day before the election, the national plan must ensure that the materials have been delivered and time given to properly collate the materials for distribution and loading onto the vehicle.
9. The possibility of pre-positioning materials at various locations well in advance of the election. If non-sensitive materials can be procured and pre-positioned in district or sub-district locations, the pressure in delivering the sensitive materials is lessened considerably.

The pre-positioning of non-sensitive materials (pens, pencils, indelible ink, ballot boxes, protocols, and most everything except the ballots and the register of voters) can significantly lessen the pressure put on election administrators. Where storage space permits, all the election day supplies can be packed and sealed (with serially number seals) and stored in locked schools and police stations several days before the election, ready for distribution on election morning. By pre-positioning such materials in advance of the election, the election administrator need only distribute the ballots and the voter register on election morning. This cuts down considerably on the number of vehicles and personnel required and reduces the chances of problems developing. IFES strongly recommends that the SEC identify locations in each local council area, if possible, were nonsensitive election day materials can be securely stored.
3. The de-centralization of ballot printing. Ballot printing is usually the major task that takes place prior to the election. As detailed in the previous chapter, printing the local council elections ballots will present problems that did not arise during the last election. Because of the size of the local council areas, many will only have one or two polling stations. This means that the correct ballots must go to those stations and no others. Special care must be taken in printing and packing the ballots otherwise ballots will be sent to the wrong stations. It may also take longer to print the ballots than in 1996. In that election, large numbers of ballots were printed for only 16 constituencies. The local council elections will require a very few ballots for at least 350 constituencies times two (Local Council Chairman/Mayor + Local Council Members). This will be a much more complicated process than in 1996. The de-centralization of baliot printing will also lessen the pressure on SEC staff in sending the correct ballot to the correct polling station by having fewer "sets" of ballots printed by any one printer. IFES recommends using one printer in the northern sector of the West Bank, one in the southern sector, and one in Gaza.
4. Printing the ballots after the candidate withdrawal date (ten days before the election) should not be considered a realistic possibility.

## C. Communications

Communication plans for an election need not be elaborate. In fact, if the process has been planned in detail, very little communication is necessary on election day. However, when glitches in the process do occur, a communications plan is critical. A communications plan does not necessarily mean an elaborate system of radios and/or telephones (land and cellular), or fax machines. It can be as simple as having roving supervisors visit every polling station in a given area several times a day to make sure that all is going well, to supply additional materials if necessary and to help solve problems. The most critical period for communication in an election is the first hour before the polls open and the hour immediately after the polls open. Most problems on election day occur during this period. Logistics plans running and materials not delivered on time, the wrong materials delivered to wrong polling stations, election officials not showing up for work --all are examples of some of the problems that occur early on election morning. Having a well thought-out plan for making sure these things do not occur is key to managing the election successfully.

Most countries cannot place a telephone or radio in each polling station. Many of those who can, don't. The fact is that it isn't necessary. Other means of dealing with election day problems can be found. The key to a good communication system is communication: putting people together to talk and plan election day activities carefully and ensuring that there is a system in place to deal with the problems outlined above. In putting together a communication system for local council elections, it will be essential that the district electoral officers be involved in the process. They know their areas and are best qualified to advise the secretariat and the commission with regard to the problems that they foresee developing.

Once the national logistics plan for the election is made, the principles on which the plan is based can be used in developing the plan for the training, voter education, registration/ revision and candidate qualification process. Much of the same area must be covered. More importantly, the logistic needs of the various programs must be coordinated. It is very likely that at the same time training is taking place for registration and election officials, voter education will be in full swing. Both must be catered to. To ensure a well organized and executed process, IFES recommends that the West Bank and Gaza coordinators meet with their District Election Office staff at least twice a month during the election period. The officials must be frank and honest in discussing the problems in providing the logistics necessary for the election. The earlier they can begin meeting to plan out the process, the better. Experience has shown that only through face-toface communication can logistical problems be properly discussed and solved. Applying the election plan during the training, voter education and registration/revision and candidate qualification process tests the accuracy of the plan, highlights problems, and allows adjustments to be made before election day.

## SAMPLE VEHICLE MOVEMENT PLAN

Note: This form should be completed for each vehicle used to deliver materials. For eletion ballot serial numbers for each polling station may be included on the form.

| Vehicle \# 784982 | Vehicle Type: Truck | District: <br> Hebron |  | Start Time: 01:30 |
| :---: | :--- | :--- | :--- | :--- |
| Polling Station Number | Polling Station Name | Village/Area | Local Area Council Name | Comments |
| H234 | Beit Kahil School | Beit Kahil | Beit Kahil |  |
| H235 | Beit Kahil Center | Beit Kahil | Beit Kahil |  |
| H236 | Beit Awla Center | Beit Awla | Beit Awla |  |
| H250 | Beit Awla Boys School | Beit Awla | Beit Awla | Nuba Area Council |
| H252 | Nuba Town Center | Nuba | Nuba Area Council | Israeli checkpoint outside <br> Nuba. |
| H257 | Nuba Girls School | Nuba | Nuba Area Council | Israeli checkpoint outside <br> Nuba. |
| H258 | Nuba Council House | Nuba | Nuba Area Council | Part of Nuba Area Council. <br> Council Chairman will meet <br> truck. |
| H259 | Kharas Council House | Kharas | Nuba Area Council | Across from mosque on edge <br> of town. Same instructions as <br> above. |
| H260 | Arafat Day School | Kharas | End Time: |  |

## CHAPTER VII. ELECTION DAY OPERATIONS

After all the preparations have been made, election workers trained, candidates registered and materials delivered, everything must come together on election day. Without a well-organized election day operation, all the months of preparation and planning will have been for nothing. Every election administrator knows there are many steps involved in preparing for an election. The press and public, however, focus only on election day. Reports from the 1996 election suggest that while much of the election was well-executed, election day suffered from some significant organizational shortcomings. These included crowded polling stations (in terms of voters, candidate agents, observers and security officials), omissions in the voter register, a breakdown in the plans for counting the ballots and announcing the results, and perceptions of overzealous actions on the part of security forces.

With proper planning and training, these problems can be avoided in the local elections. The key to a smooth running election day operation is to keep it simple. Poor planning, complex procedures and lack of clear instructions are the causes of most election day operational problems. The discussion below provides some general guidelines for a well-run election day.

## A. The Polling Station

## 1. Number of Voters Per Station

Records from the 1996 elections show that a number of polling stations had more than 1,000 voters. The problems this caused on election day, particularly in Gaza, are well known. Assigning a more manageable number of voters to each polling station is one of the most important improvements to be made for the local elections. The overcrowding caused by too many voters at a polling station can create situations of chaos under which polling station officials lose control of the process.

IFES strongly recommends that no more than 750 voters, and ideally, no more than $\mathbf{5 0 0}$ voters, be assigned to each polling station. IFES recommends that as soon as is reasonably possible:

- Registration/polling station records from the 1996 election be reviewed and a list of those polling stations to which more than 750 voters were assigned (according to the register and the supplementary lists of voters from election day) be compiled. IFES recognizes that the 750 limit may not be possible in every case. There simply may be no other location to site a new (or expanded) polling station. But every attempt should be made to reduce the number of voters per polling station to fewer than $750 .{ }^{1}$

[^12]- Additional polling stations be identified in areas where more than 750 voters were assigned to polling stations.
- All polling stations be reviewed for their suitability, and alternatives for unsuitable stations be identified.


## II. Features

Every election administrator knows how difficult it is to find suitable polling stations. In the West Bank and Gaza, potential locations are particularly limited. Generally public buildings or schools are the available choices. Since neither of these types of buildings was designed to handle the large numbers of people who must vote on election day, however, it is important to make the best use of the facilities available. In addition to having a location accessible to voters, the following features are the most important.
a. Entrance and exit doors. If people can go in one door and out another, it results in a steady and free flow of traffic through the station.
b. Size. The polling station room must be large enough to accommodate polling station officials, voters, observers, candidates' agents, tables, chairs, and voting screens/tables for voting. The polling station must have enough room for the agents to actually view the voting process. ${ }^{2}$ Many people raised concerns about this issue in the 1996 elections.
c. Large courtyards. If the room for voting is small, having room for people on the outside can help relieve the pressure inside. (Remember, though, that candidate agents and observers must always be allowed inside the polling station area.) Another advantage of large courtyards is that if the weather permits, the entire operation can be moved outside. Evidence from many countries has shown that polling stations located outside are easier to manage and people feel that the operations are more transparent.

Wherever they are situated, all polling stations should be carefully reviewed ahead of time for their suitability. Detailed notes should be made for those locations that are found to be unsuitable and follow-up action taken to identify more suitable locations.

[^13]
## III. Polling Station Layout

The layout of the polling station is of critical importance. Polling station committees' manuals should include a diagram showing a typical polling station layout. PSC members should be encouraged, however, to use their own discretion in laying out their polling station, with the goal being to ensure a smooth flow of movement. They should also be aware that candidates' agents have a right to be as close to the voting as reasonably possible without disrupting the polling station operations.

- As discussed above, if entrance and exit doors are located in the room, this facilitates greatly the orderly movement of people, although obviously not all locations will have this feature.
- Voting screens must be arranged in such a way that voters have full privacy while casting their ballots. This was not done in many polling stations in the 1996 elections.


## IV. Staffing

The staffing of the polling station should include enough people to process the voters quickly, but not so many that people are sitting around all day with little to do. Polling station committees should include the following members:
a. President of the Polling Station Committee (PSC). The President is the supervisor and the problem solver. He holds authority in the polling station over the other committee members, observers, agents, and security forces (see below). The President must not be consumed with tasks better assigned to other PSC members. If he is performing a task better delegated to other PSC members, such as handing out ballots, proper supervision of the station will not occur and problems cannot be solved quickly and efficiently.
b. A person to check in the voters and mark the register.
c. A person to sign and hand out ballots.
d. A person to mark the voter with indelible ink, if ink is used. The ink can sometimes spill. It is a good idea to have one person do this to ensure that ink is not spilled on the register or the baliots.
e. Whenever a polling station is split into two or more because of overcrowding in the previous election, it is essential that another person be added to the PSC to direct voters to the correct station. This person directs voters as they enter the polling station area. Allowing a person to stand in line for an hour and reach the check-in table only to find that he's in the wrong polling station will clearly cause problems.
f. Security Forces: Many countries require a security person at each polling station, particularly if there are valid concerns about election day unrest or violence. However, it should be remembered that security personnel are stationed in polling stations to prevent trouble, not to cause it. They should be as unobtrusive as possible and should not be involved in the running of the polling station. The conduct of the election is the responsibility of the SEC and by extension the polling station committee. Security personnel are under the authority of the President of the Polling Station Committee. They should not be rogue officials acting on their own authority or on the authority of some outside person. It is obvious that security personnel should not intervene or interfere with the voting process (such as directing voters how or for whom to vote).

In the January 1996 elections, the actions of security forces in some polling stations raised substantial local and international concern. Problems listed in one international observer delegation report include:

- Lack of distinct roles for the different security forces deployed on election day;
- Lack of adequate public understanding of the role of security forces;
- Security forces serving as de-facto pollworkers when overcrowding inside polling stations caused PSC members to lose control over the process;
- Security forces directing voters how to vote; and
- Intimidation of PSC members and voters by security forces. ${ }^{3}$

Each security official at a polling station should be given clear instructions by his superiors that he may not question or arrest any person within the vicinity of the polling station with clear instructions from the President of the Polling Station Committee. In addition, unless there is a clear and present danger of civil unrest at a polling station, they should be unarmed.

## V. The Voting Process

Throughout the world, the process of moving voters through the polling station is basically the same. It includes the following steps:
a. The voter is checked in at the check-in table. If a register is used, his or her name is marked. If no register is used, the check in official must decide whether the person is qualified to vote in that station.

[^14]b. If the voter's thumb is inked to prevent double voting, he or she proceeds to the ballot clerk. This process may take place after voting, depending on the type of ink used. Many countries are switching to inking systems whereby the ink is applied to the lower part of the thumb with a pencil like device or a brush. This avoids the mess of placing the voter's the thumb in the bottle of ink.
c. After having his thumb inked, the voter is issued a ballot. Often the ballot is stamped or signed by the clerk before it is issued. Where people are not accustomed to voting, it is often good to fold the ballot for the voter so that he/she knows to re-fold the ballot before putting it in the ballot box. It is also at this point the voter receives final instructions for voting. These instructions should consist of no more than telling the voter to "Vote for ten candidates for member of the council and one candidate for chairman" or similar words.
d. The voter is instructed to vote the ballot, place it FOLDED in the ballot box and leave the voting area. IFES strongly recommends that envelopes not be used. They are expensive, take up room in the ballot box, and greatly slow down the counting process. Voters should be instructed to simply fold the ballot before placing it in the box to maintain ballot secrecy.
e. A key consideration is the length of time involved in processing each voter. This includes checking in and filling out the ballot. Ideally, as one person leaves the "voting booth" (or in this case, the table with the voting screen), another voter is ready to enter. Because the ballots in the local council elections will be extremely long, it will take longer for voters to make their selections, and a particularly long time for those (illiterate, elderly or disabled voters) requiring assistance in filling out the ballots. "Test runs" should be conducted well ahead of time to determine the length of time required to fill out the ballot, per voter.
f. The voter leaves the polling station.

## V1. Problem Solving on Election Day

The most important responsibility of the President of the Polling Station Committee is to solve problems on election day. These invariably occur if errors exist on the voter register and voters' names cannot be located, the voter fails to bring the proper identification, or a voter's eligibility to vote is challenged by a candidate's agent. The key to solving problems on election day is to GET THE PERSON OUT OF THE LINE OF VOTERS. Spending a great amount of time looking up a name, explaining to a voter the proper identification requirements or resolving a challenge while the person is standing in line is a mistake because it only serves to keep other people waiting,
to delay the voting process, and to raise tensions. Presidents of PSCs should be instructed to intervene immediately when a problem occurs and take the person out of line to solve the problem. While the problem is being solved, everyone else can proceed through the line to vote.

Another key aspect of problem solving is to let the polling station officials know the types of problems they are likely to encounter on election day and provide them with solutions. Not every problem can be anticipated, of course, but most of them can. Problem solving should be part of the training program and a problem solving section should be included in the training manual for easy reference on election day.

If a proper job has been done in locating the polling stations, assigning a reasonable (fewer than 750) number of voters, organizing the layout, having proper staffing, and making plans for problem solving, election day will be most likely be a smooth operation.

## B. After the Polls Close

Reports from the 1996 elections indicate that many of the problems associated with an otherwise well-run election occurred after polis had closed, during the counting of the ballots and the consolidation and announcement of results. Although the Election Law and the pollworkers' manuals provided clear instructions for counting the ballots and consolidating the ballot box results at the district centers, the system did not function as intended on election night. In some cases, polling station committees delayed in delivering results to the district election offices. ${ }^{4}$ In other cases, the district election offices were not prepared to handle the receipt of all the materials: many of the offices were too small to accommodate the materials, polling station committee members, observers, etc. This created a chaotic atmosphere in some district offices. In addition, there was no workable system to keep track of protocols (and ballots and other important material from the polling stations) as they arrived. This meant that district officials could not determine which polling stations results were outstanding, and that some polling stations results were recorded twice by mistake, while other results were not recorded. The result of these problems was: chaos in some of the district centers, delay in releasing results (due to missing protocols that could not be tracked down), and public concerns that the results were being tampered with. Although there was no evidence to prove that the vote count was manipulated, there was sufficient concern among segments of the public to call into question the fairness election process. As one international observation delegation report stated,

[^15]"Disorganization in the tabulation of votes, changes in the lists of winners and losers, and reports of missing polling station tallies created an atmosphere of suspicion in the days after the election. ${ }^{n 5}$

In elections, perception is often reality to the public.
Given the suspicions that problems calculating the results can cast on the entire election process, it is of the utmost importance that the SEC design and implement a counting and tabulation system that is practical, efficient and transparent.

## I. Closing the Polls and Counting the Ballots

IFES has been informed that there are plans to have a separate counting team that would take over for the polling station committee after the polls have closed, to count the ballots. While understanding that the rationale for this provision may be to alleviate the fatigue of the polling station team at the end of the day, IFES nevertheless strongly recommends that the counting teams NOT be used. '

Throughout the world, polling station officials count the ballots at the end of the day. They are responsible for the conduct of the election in their polling station -- including the counting of the ballots. In those countries where the ballots are not counted at the polling station, the ballot boxes are sealed at the close of the poll and transported to a central location for counting. ${ }^{6}$ Using a separate counting team is costly: it doubles the size of the stipends that must be payed to election day workers. More important, this plan raises serious logistical issues. What happens if a member, or all members, of the counting team fails to appear at the appointed time? Will the count be able to proceed? The potential for mass disorganization is very great. In addition, having a new team of workers arrive for the count raises suspicion about the commitment to transparency in the count, and creates a situation where there is a lack of a clear chain of command.

IFES strongly recommends that the polling station teams also count the ballots, and that the president of the PSC, accompanied by other committee members and candidates' agents, delivers the counted ballots, along with the ballot box and other polling station materials, to the district center for consolidation of results for each constituency. Problems associated with polling station worker fatigue should be addressed through proper training and plans for provision of food and drink for polling station workers throughout election day and evening.

[^16]The following outlines the counting procedures followed in most countries.
a. The poll is closed when everyone who was in line at the closing hour has been allowed to vote. A security officer should be posted at the end of the line to prevent additional people from getting in line after the close of the polls has been announced.

Article 40 of the Election Law allows the president of the polling station committee to extend voting hours by two hours "with the approval of the Supreme Election Committee." This Article is problematic. IFES recommends that voting hours not be extended in any case except when there are still voters in line at 7 pm (the designated closing time). Allowing certain polling stations to stay open later than others will raise serious questions about foul play and uneven application of the Election Law.
b. The PSC, under the direction of the president, performs a ballot accounting. This should begin immediately after the close of the polls. There is no reason for allowing a one-hour delay as the Election Law states (Article 42). This delay serves no purpose except to raise the public's suspicions and concerns about tampering with the ballots. The steps outlined here are in the opposite order in which they are outlined in the Election Law (Articles 42-45).

IFES strongly recommends that standard election procedures --accounting for ballots used and unused first, and after that counting the votes-- be followed in the West Bank and Gaza.

1. Count the number of persons who voted, as marked on the voter register.
2. Count the number of ballots issued using the serially numbered counterfoil.
3. Subtract the number of ballots that were spoiled by the voter and returned to polling station officials.
4. The resulting number should equal the number of ballots in the ballot box, if all voters placed their ballots in the ballot box.
5. Record all this information on the official accounting form.
c. Once the ballot accounting is complete, the ballot box can be opened and the ballots counted. The President of the Committee should call out the votes for each candidate and the votes should be recorded on the tally sheet. After all the ballots are counted and votes recorded, the votes are added together and included on the results form (protocol).

Copies of the signed protocol should be provided to every candidate agent. ${ }^{7}$ The regulations should provide this right as it is not specified in the Election Law.
d. At the conclusion of the count and the completion of all the forms, IFES recommends that all ballots, supplies and other materials EXCEPT THE PROTOCOLS be replaced in the ballot box and the ballot box sealed. The protocols should be placed in a sealed envelope for transport to the District Election Office.
e. In instances were the SEC must provide transport to the District Electoral Office, at least one security person should be assigned each vehicle. The SEC should also transport at least the President of the Polling Station Committees. Candidate agents should be allow to follow the vehicle in transit. The SEC is under no obligation to provide transport to candidates' agents.

In instances where the President of the Polling Station Committee can walk to the District Election Office, the security person assigned to the polling station should accompany him as well. Candidates' agents should be welcome to be part of the transit party. However, under no circumstances should an agent be allowed to carry any of the materials.

## II. Consolidation of Results for Each Constituency

Consolidation of results refers to the process of totaling the votes per candidate from each polling station to determine the winners of each local council election. As IFES explains below, this step should occur at the district election office (the district offices used for the 16 constituencies created for the 1996 elections) level.

After the ballots have been counted at the polling station, the next step is to transport the results, as recorded on the protocols, as well as the actual ballots, plus unused baliots and other materials, and the ballot box, to the headquarters for each local council district, which should be located at the 16 district election offices. As discussed in the chapter on election administration, IFES recommends that consolidation of results take place at district election offices. For example, the district election office for Nablus would handle the consolidation of results from all polling stations for each local council district within the Nablus electoral constituency (as defined for the January 1996 elections). This is in keeping with IFES' recommendation that the 16 district election offices should be the basic administrative unit between the polling stations and the SEC. However, in district election offices that supervise large local council districts (such as cities), the SEC may want to designate satellite locations for consolidation of results. For example, for reasons of space, a

[^17]separate location for consolidation of Nablus city council and mayorship results might be needed, near the district election office for those constituencies headquartered in Nablus city. Should this decision be taken, public notice should be given well in advance of the election of the location where the consolidation for each local council district will take place.

The consolidation of election results often causes problems. Unless care is taken, results from the protocol from one local council area may be included by mistake in the results of another. A detailed system of making sure that the correct results are matched with the correct polling stations will be essential to the success of the local council elections.

Below are IFES' recommendations for the improvement of the results reporting process for the local council elections.

## a. Adequate space for delivery of boxes and protocols

Each district election office (or satellite office) should have adequate space for receipt of the election night materials. If the office is not adequate, a substitute location should be found such as a school yard. Obviously the availability of lighting will be important as the consolidation process will be occurring at night. The space should be adequate for both the receipt of ballot boxes and protocols and the storage of the materials for at least one night. There should also be plenty of room for candidates' agents, observers, and the candidates themselves to fully observe the process. In 1996, many offices were deemed too crowded to allow room for observers and agents, and election officials prevented such people from observing the consolidation on this basis. These problems should not be repeated, as there will be even greater demands for transparency in the local elections.
b. A uniform process for collection of polling station results

The reports from the 1996 elections detailed chaos in some district election offices as ballot boxes and protocols arrived from the polling stations. There was no tracking system for recording what materials had come in and which polling station results were still outstanding. The biggest problem this caused was that results were tallied and announced for some constituencies before all polling station results had arrived, meaning that those votes were left out of the totals. One way of improving the process is to employ and train sufficient staff for the receipt of materials. One person should be in charge of receiving materials from each constituency, and presidents of the Polling Station Committees should be given clear instructions about where and to whom to take their materials when they arrive at the district office. Ballot boxes should go to one area of the office and protocols to another. Ballot boxes should go to one area and protocols to another. They should also receive receipts after they have turned in all their materials.
c. Next, well-trained district election office staff should be assigned to consolidate the protocols from the polling stations from each local council area. A consolidation form for each local council area should be developed for this purpose (see Appendix, sample election forms). The form should contain the polling station names and numbers for the council area. As protocols are received, the results should be transferred by district election office staff to the consolidation form. When all the
results from all polling station in that area are received, the votes for each local council area can then be tallied and announced.
d. Before the official announcement of the results, the District Election Officer (or his designee in a satellite center) should review the results and approve them. The District Election Officer (or his designee) should be the only person who is authorized to announce the official results.
e. The totaled results can then be written on a declaration of results form and faxed to the SEC headquarters. The SEC should also have a detailed system for tracking which councils have reported in results and which are outstanding. Only results filed on official forms signed by the District Election Officer (or his designee) should be considered valid. The SEC should have lists of all such people prepared for election night so they can keep track of who is where.
f. The protocols from each polling station, the consolidation forms and the results deciaration forms should be attached and forwarded to the SEC.
g. The SEC should re-check all numbers before making the results official. By keeping all the relevant documents together, if a mistake has been made in entering the data or tallying the results, it can be easily corrected and explained.

## III. Reporting of Results

The reporting of results is often the most disorganized and controversial part of the election day operation. While many hours are devoted to planning what happens on election day, it seems that reporting of the results often gets little attention. In reporting the results of an election, it is important to remember three things:
a. It must be done as soon after the polls are closed as possible. People understand it that it takes time to count ballots, but not days.
b. It must be accurate. In the rush of tallying votes from many polling stations, mistakes do occur. However, if the SEC has maintained the original polling station results, the mistakes can be explained.
c. Official results do not need to be reported on election night. An election commission has the right to report the results as they come in on election night, review all the numbers for accuracy over the next few days and then to issue the certified results. Commissions often find problems in trying to do all of these tasks on election night.

Where election results are announced also causes problems for a number of election commissions. Some commissions insist that results can only be announced from one central location as if it were a state secret, completely ignoring the fact that thousands of people have been involved in counting and tallying process.

For the local council elections, many "constituencies" --the hundreds of small villages in the West Bank-- will involve only one or two polling stations for the entire constituency. While it is the clear duty of the SEC to make the results "official," it is absurd to wait until all forms have traveled to the headquarters before being announced. Unofficial election results should be announced at the lowest level where a consolidation of results from a particular council area has taken place. This most probably will be the District Election Office.

## CHAPTER VIII. TRAINING

Training is an integral part of preparing for an election. There does not have to be premeditated fraud to destroy the integrity of an election. Election results have been contested many times due to procedural irregularities committed by officials and pollworkers unfamiliar with mandated procedures. Training of pollworkers, registration workers, and other election officials is necessary to ensure uniform application of the Election Law and to help maintain order on election day.

The training conducted for the January 1996 Palestinian elections was generally very successful, with the exception of some problems involving the vote count. The basic training model used for these elections can be replicated for the local elections, with a few improvements. The most important of these are:

- To use a smaller number of "trainers of trainers"
- To make the training manual shorter and to include more diagrams and drawings; and
- To develop a sound plan for payment of trainers and election workers (such as stipends, reimbursement of transportation costs, etc.) and to disburse payments in a timely fashion (no later than 30 days after services are performed).

What follows are some key points to keep in mind when designing the training program for the local elections.

## A. Who Needs Training?

The first step in planning a training program is to determine who needs to be trained, and when.
For the Palestinian local elections, two main groups will need to be trained: registration/revision officials and pollworkers.

- Registration officials (or revision officials, depending upon what process is chosen) need training in the process of registration/updating the voters register, specifically 1) the importance of checking the list of voters even when a voter insists that he or she is already registered; 2) how to obtain the voter's information and enter it clearly and correctly on the registration form. If scannable forms are used, training should explain how to fill out these forms so that the information can be read by the scanner and entered into the computer database. This is very important, because errors in the scannable forms will result in errors in the production of the register; and 3) how to prepare and deliver forms and other materials to the PCBS for data processing.

Registration/revision workers should be trained about one to two weeks before the registration process begins ( 90 days before the election, according to the Election Law).

- Pollworkers need training in how to receive and account for election day materials, in
setting up the polling station, in voting and counting procedures, and in how to maintain a voting environment in keeping with the Election Law and regulations.

Pollworkers should receive training one to two weeks before election day. It is very important that registration workers and pollworkers are appointed far enough in advance to ensure there is time to train them. There is no point designing a training program if the intended training audience does not have time to be trained in advance of their assigned duties.

IFES recommends using teachers as registration/revision and polling station workers, as was done for the 1996 elections. They are a highly skilled group and are viewed by the Palestinian public as having the neutrality and skills necessary for the job. If possible, many of the same teachers can serve both as revision workers and later as pollworkers. They should receive separate training for each assignment, however. Because teachers face a heavy workload in their regular jobs, however, special care must be taken to use their time efficiently and compensate them adequately and promptly. Many people remarked to IFES that this was a problem in the January 1996 elections.

IFES estimates that approximately 2,500 registration workers, and 4,800 pollworkers, will be needed for the local elections. These calculations are based on a plan of two registration workers per polling station (estimating 1,200 polling stations) for registration/revision of voters list and four pollworkers per polling station for election day.

Other target groups that need training include:

- Election officials including the SEC members, secretariat, and district election officials. These officials should receive training as soon as possible, ideally immediately after they are appointed. They are a specialized group; IFES could assist with training them.
- Candidates' agents (see the Appendix, section on election supplies, for more information about training candidates' agents).
- Security forces assigned to election day duty.
- Domestic observers. Training domestic observers is not the responsibility of the SEC. IFES has found that local nongovernmental organizations (NGOs) are very effective in organizing and conducting such training of observers in the mechanics of the electoral process, enabling them to more accurately monitor the situation. The SEC should assist this effort by providing accurate information on election procedures to NGOs (see Chapter Ten for more information).

This chapter focuses on training for registration/revision workers and pollworkers, although many of the suggestions presented here are applicable to other training programs.

## B. Training Methodology: Use of Trainers of Trainers

Rather than conducting training at a few central locations for hundreds of trainees at once, training should be decentralized so that many training sessions, with fewer students in each, can take place simultaneously. A "cascade" technique, in which the training committee of the SEC trains a core group of trainers (the trainers of trainers), who then train the next level of "local" trainers, who in turn train the pollworkers/registration officials, has been used successfully in many countries throughout the world.

## How Many Trainers Are Needed?

The number of trainers is, obviously, related to the number of people who need to be trained and the desired size of training classes. To ensure proper instruction, each training seminar should be limited to a group of 25 people. With a larger group, individual participation, feedback, questions, and group discussion become unwieldy, if not impossible. To calculate the number of trainers needed, divide the total number of trainees by 25 (the optimum class size). This will result in the total number of training sessions. For example, for pollworker training, start with the number of pollworkers required. If four officials are assigned to each polling station, and there are 1,200 polling stations for the local council elections for a total of 4,800 polling station officials, 192 training sessions (4800/25) will be needed. (One-day training sessions are sufficient.)

Beginning four weeks before the date of election, with all training ending one week before the election, three weeks (five-day weeks, for a total of 15 days) for training is needed. ${ }^{1}$ This means approximately 13 sessions ( 192 total sessions divided by 15 days) held per day in locations throughout the West Bank and Gaza, and thus a minimum of 13 local trainers. However, depending on the number of polling stations per district and the location of training centers, more trainers might be added to facilitate training in all districts at the same time. Each local trainer would conduct nine to ten training sessions per week. This brings the number of local trainers up to twenty. Two trainers of trainers would be needed to train these 20 or so trainers. In summary, to train about 5,000 poll workers, two trainers of trainers would train twenty local trainers, who would conduct nine to ten training classes for pollworkers over a three-week period right before the election.

## Selection of Trainers

In selecting the trainers of trainers and local trainers, it is important to take into consideration professional background in or aptitude for training, political neutrality, and previous experience in elections. It is recommended that trainers sign a contract with the SEC to encourage the satisfactory completion of their assigned tasks prior to receiving the agreed-upon stipend and/or per diem.

[^18]
## C. Training Design

## I. Length of Training

The training program for trainers of trainers and local trainers is generally more exhaustive than that given to pollworkers. Trainers must become familiar with not only all legislation and instructions governing the election process, both registration/revision and election day, but also with effective teaching techniques. A training-of-trainers program can vary between two and three days in length depending on the complexity of the electoral process. Two two-day training sessions (one for the registration process, and one for pollworkers) is probably sufficient for trainers of trainers and local trainers for the Palestinian local elections.

It is not necessary, nor is it cost-effective, to have multi-day training sessions for registration workers and pollworkers. In fact, if sessions are too long, trainees will become bored and fail to absorb the necessary information. It is also an imposition on their time as many of them have other work and family responsibilities. If training sessions are well designed, all necessary information and instructions can be conveyed in one day, including time for questions, answers and review.

## II. Methodology

A one-time verbatim reading of the Election Law does not constitute training. To be effective, a training program should be participatory. IFES' experience has shown that a successful seminar emphasizes trainee participation and role-playing rather than rote learning. Keep in mind that people generally remember 20 percent of what they hear; 40 percent of what they hear and see at the same time; and 80 percent of what they do and discover for themselves.

Trainers can use different approaches to stimulate participants' interest, such as:

- Role-playing or simulations (e.g., how to set up the polling station, standard operations, special cases: how to assist a blind or elderly voter, how to assist an illiterate voter);
- Question and answer sessions;
- Use of election-day supplies (ballot boxes, voting screens); and
- Practice exercises (filling out protocols, other election forms).


## III. Content

Training sessions for registration/revision workers should cover:
--procedure for registration/revision according to the timeline for the process
--how to instruct voters to fill out registration, change of address, and notice of death forms
--how to update the voters list with corrected information
--what to do with the forms when the process is completed: delivery to PCBS for data entry

Pollworker training sessions should address several topics. These include:
--administrative matters (contracts, salaries, levels of authority)
--roles and responsibilities of pollworkers
--who is eligible to vote
--polling station setup and opening
--security and logistics at the polls
--steps involved in voting
--use of indelible ink
--role of candidates' agents and domestic and international observers
--closing the polls
--completion and transmission of the various election forms
--counting the votes
--what to do with election materials after the count is completed

## Do's and Don'ts for Training Sessions

Do:
--Plan the session in advance
--Use clear and understandable terminology
--Respect the knowledge and experience of participants
--Present each topic clearly and simply, in the order it occurs on election day
--Respect the time allotted for each activity
--Diversify activities to prevent participants from becoming bored
--Encourage people to ask questions
--Be flexible and adaptable to participants' needs

## Don't:

--Plan the session at the last minute
--Lose participants' interest with long lectures
--Allow one individual to monopolize discussions
--Use jargon that no one understands
--Use the training session to debate the legal, philosophical, and political underpinnings of the Election Law or election process
--Express partisan political opinions

## IV. The Training Manual

A good training manual is the basis of a good training program. Two kinds of manuals are needed: a manual for training, which includes all the basic information that trainers will cover in their training sessions, as well as suggested teaching techniques, role play ideas, etc., and manuals for pollworkers themselves. Trainees need to have something to refer to during training sessions. The manual also serves as a memory aid after training has been completed. A well-designed manual will double as an easy reference guide for officials during the registration exercise and on election day.

It is very important that the manual is well-designed and easy to use. Otherwise, it will not convey usable information. A number of people involved in the January 1996 elections have remarked to IFES that the manuals prepared for those elections were overly long, filled with extraneous information, and hard to read. This diminished their effectiveness. Special care should be taken to design local elections manuals that:

- are written in clear and straightforward language;
- use illustrations and graphics to assist readers in visualizing procedures;
- include only relevant information, covering only those areas absolutely necessary for the individuals who are being trained: how to check in a voter, how to issue a ballot, how to deal with difficult situations;
- use simple terminology and concrete examples;
- avoid legal jargon;
- use "what if" questions to test knowledge; and
- use checklists to emphasize process steps and pollworker tasks in a quick review format.

Needless to say, it is essential that the manual be factually correct and accurately reflect correct election procedure. This can be assured by having persons who are thoroughly familiar with the Election Law and regulations be closely involved in preparing and reviewing the manuals. When manuals contain errors, the results can be disastrous since once the information is in pollworkers' hands, it is very difficult to correct.

Manuals should be distributed to all trainees at the training session. If funds are available, manuals should also be given to each candidate and candidate's agent (numbering in the thousands), and to non-governmental organizations organizing domestic observer training.

## Other training materials:

Blow-ups of forms and ballots (if possible, as they are expensive), sample forms, ballots, pens, pencils and notebooks (or include blank pages at the end of the manual for notes).

## V. Suggestions for Trainers

Before the Training Session
Step No. 1
Ask yourself the following questions: What do I want to achieve during the training session? What are my objectives? What should participants know and be able to do by the end of the session?

Step No. 2
Find out about participants' backgrounds (professional history, electoral experience, membership in organizations, etc.). This will enable you to prepare your training program to fit participants' needs as well as your own objectives. You may be able to save time by skipping over areas in which participants have sufficient background.

Step No. 3
Structure your program based on the objectives you have identified. Ask yourself: What information and experience do the participants need to acquire to achieve these objectives? Don't try to cover too much in one session. This will only lead to confusion.

Step No. 4
Structure each session of the seminar carefully. Decide on the order in which material will be presented. What will you do first? And next? Ensure that you have sufficient materials for distributing
to participants.
Step No. 5
How are you going to present each topic? What techniques and format will you use for each? Roleplaying or simulation?

Step No. 6
How will you close the subject? Summarize the key elements of each topic presented before moving on to the next, and briefly present the contents of the following step. You may also ask participants to evaluate what they learned during presentation of the topic through short quizzes. When you move to the next topic, briefly refer to the issues previously covered before introducing new material.

## D. Logistical Issues

The SEC should make very clear and issue in writing all policies surrounding training honoraria and compensation for appointed pollworkers and trainers. These issues include levels of compensation and conditions for and timing of payment. Clarification of these points beforehand minimizes potential misunderstandings on the part of trainees that can lead to dissatisfaction, work stoppages, and refusal to assist with future elections efforts.

For example, trainers of trainers, trainers and trainees should all be informed at the time they are engaged of the amount that will be paid in subsistence allowance, salaries, transportation, and any other payments. It is also critical that training stipends be paid during training and funds be made available to do this. Payments for working on election day should be made no later than 30 days after the election.

- The location of training centers, the necessary contact persons, and whether or not these locations can used free of charge, should be determined well in advance.
- Training centers should have, at a minimum, tables, chairs and heat (if the training is in the winter) available for training sessions.
- Pollworkers should be advised in advance of their assignment that training is compulsory.
- Refreshments should be provided at all training sessions.


## E. Evaluation of Training

Evaluation of the training program helps improve training for future elections. A good way to evaluate the training program is to conduct a brief post-training evaluation, in the form of a
questionnaire or targeted question-and-answer period during the last session of the training program. This also provides a useful snapshot of election official and pollworker preparedness. Evaluation forms should be short and anonymous and allow participants to provide feedback on the following matters:

Training organization and logistics

- Training content
- Training methodology

Accomplishment of stated objectives

- Self-evaluation of preparedness to perform assigned tasks
- Recommendations for future training programs

In the final analysis, the best way to evaluate the quality of the training is to observe voting operations on election day. If a majority of pollworkers know the procedures and are confident in their actions, then the training has been a success. If, on the other hand, confusion and disorganization reign, then it is safe to consider that training was insufficient or ineffective.

Trainers can be deployed to the field on election day as technical monitors to evaluate the quality of the election process. Requiring trainers of trainers and local trainers to prepare monitoring reports on pollworkers' election day performance will prove invaluable in helping electoral authorities to improve future elections.

## CHAPTER IX. VOTER EDUCATION

A successful election is more than the successful organization of staff and resources. It also requires an informed electorate. It is the election authority's responsibility to educate the public about the election: how, where, when and why to vote. This chapter deals with developing an effective voter education strategy for the local council elections.

Voter education for these elections must work within the overall public relations strategy of the Supreme Elections Committee. The information campaign should be designed to enhance the credibility of the SEC, the Palestinian Authority and the election process itself. The paragraphs below provide a basic outline for the SEC to consider in developing a voter education program for the local government elections. The program outline below assumes that the SEC will provide at least $\mathbf{6 0}$ to $\mathbf{9 0}$ days before the beginning of voter registration to allow time to prepare the voter education materials, television and radio spots, and public speakers.

## A. Marketing and Media Strategy

Citizens, government officials, political parties and non-governmental organizations must understand that they have an integral role to play in the election process, which will have a direct bearing on the quality of democratic governance they enjoy. A comprehensive and extensive information program must be implemented in advance of and in conjunction with preparations for the local council elections. IFES recommends an information campaign that covers two phases:

Phase One: Voter Registration/Revision<br>Phase Two: Voting in the Elections

Throughout both phases of the campaign, the SEC should include a component that explains what local government does and why it is important for citizens to participate in the local government elections.

There is no dominant mass medium in the West Bank and Gaza for reaching all audiences, so combinations of media (radio, television, newspapers, posters, etc.) and activities are recommended to deliver and reinforce messages. The basic target audience is Palestinians residing in those areas covered by the local councils and where the elections will be held. A secondary audience is those NOT eligible to vote in the elections. These include people living outside a local council area and residents of certain refugee camps. ${ }^{1}$ The SEC should seek the assistance of a qualified advertising and design firm with experience in the West Bank and Gaza to assist in developing the messages and materials. IFES strongly recommends developing effective messages through focus-group testing (which can be carried out through local advertising or public opinion research organizations, such as the Center for Palestine Research and Studies

[^19]in Nablus). Through focus-group testing, the SEC can learn in advance what voters consider most important about these elections and which messages and formats are most effective in conveying these points.

The voter information campaign should contain the following basic elements:

- A theme and logo for the campaign
- Press Releases: At least one each week, beginning one week before registration workers training. Each press release should highlight something going on with the election that week -- no matter how minor. The important point is to let the public know that the SEC is doing something and what it is.
- Radio: At least one 30-second spot each day broadcast in the morning, at noon, and in the evening on a variety of stations. Broadcast should be timed as close as possible to news broadcasts. During the registration/revision, the spots will focus on that aspect of the elections. After registration/revision, the spots will focus on election day itself. The spots in both phases should alternate with the spots on the role and importance of local government in general. Ministry of Local Government officials, SEC members and other public officials should be available for this kind of public speaking.
- Television - Same as above
- Radio and television talk shows/call-in programs: The issue of local government elections and what local government does is more complex than can be discussed in a short public service announcement. It is critical to the public understanding of what local government does and why it is important to vote that this be discussed as widely as possible. Experience in other countries has shown that TV and radio talk shows and call-in programs are very effective. At least one such program could be scheduled each week, more often if air time is available.
- Public Meetings: District election officials should be detailed to attend public meetings to explain the local government elections and the election process. A standard script should be developed to ensure continuity in the message.
- Posters: At least two posters for voter registration, two for the election and two to explain local government should be produced. They should have consistent colors and work well with the overall theme of the campaign. Many people have noted that the posters for the January 1996 elections were beautifully designed and captured the attention of many voters, so the SEC has good examples from which to draw.
- Newspaper Advertisements: Ads in all major Palestinian papers should be placed at least once each week and should discuss various aspects of local government.
- Handbook on Local Government: A handbook or manual that explains what local
government does and why it is important should be printed for wide distribution.
- Private Sector/NGO Cooperation: The private sector and NGOs should be encouraged to provide information to their employees and clients about the local government elections. The non-partisan voter education materials produced by the SEC should be distributed widely to these organizations.


## B. Timing

Timing for the voter education campaign should begin as soon the SEC has set the official date for the election and it has been announced publicly. The voter registration/revision phase of the campaign should begin at least three weeks prior to the beginning of voter registration/revision. This means that preparation for implementation of the campaign should be at least 60 days prior to implementing the first phase.

The second phase of the campaign should begin as soon as the voter registration/revision process is complete (about 45 days before the election).

## C. Palestinian Non-Governmental Organizations (NGOs) and Voter Education

Palestinian non-governmental organizations can be effective partners of the SEC in developing trust in the election system, and in bringing about an election in which voters are informed and eager to participate and in which all actors understand the rules of the game. NGOs bring a wealth of talent and resources to the election process. Through their grassroots and specialized networks in reaching various segments of the electorate, they can be particularly effective in conducting voter education, civic education, and domestic monitor training activities. NGOs' activities in these areas can be a crucial supplement to the election commission's efforts, particularly in a situation where resources and time are scarce. There is an especially rich and diverse array of Palestinian NGOs that can play an important role in supporting the electoral process.

However, finding a mutually acceptable role for NGOs to play can be difficult. To the election commission, NGOs often represent a resource that is needed but cannot be controlled. Assistance from an NGO might be rejected due to the fear that, because it is private, its actions may not be compatible with the election commission' s goals or guidelines, but the commission will still be held responsible for any misunderstandings or misdirection if the NGO is made a formal part of the election process. By employing basic election management techniques, however, effective working relationships can be formed.

In working with NGOs, remember that clear and timely information and transparency on the part of an election commission are the essential factors in building a positive working relationship. The SEC should consider appointing a liaison with the NGO community. This person would work directly with the NGOs working on voter education, domestic monitoring, etc. The liaison would develop agreements with NGOs to carry out specific programs to support the SEC's efforts. These agreements could include the following information:
(a) Details of specific tasks the NGO is to perform.
(b) The procedures to be followed.
(c) The number of days involved.
(d) The names and positions of senior staff.
(e) The need for backup and assistance, if any, by the commission should be stipulated.
(f) If there are any financial aspects to the agreement, proper record-keeping and reporting processes should be put in place as well as the stipulation that all financial records are available for public inspection.

The election commission should be prepared to withdraw cooperation and/or support if an NGO fails to live up to the agreement. In addition, setting up a regular monitoring process so that the election administrator can be informed about the NGO's activities and progress toward meeting goals can reduce the SEC's concerns.

## CHAPTER X. PUBLIC RELATIONS

The SEC is responsible not just for managing the election preparations and conduct. It must also communicate with the public about the election. This involves managing the "public process" of an election. That is, relations with the media, political parties and candidates, and non-governmental organizations (NGOs). Reports from the 1996 elections noted some shortcomings in the Central Election Commission's public relations. Some members of the public were frustrated by the lack of timely dissemination of information to voters and last-minute changes in procedure that were not explained to the public.

Transparency in elections is crucial. Dealing openly and honestly with the public throughout the process will serve the SEC well when the going gets rough, as it inevitably will. If the SEC has established a relationship of trust when all is going well, it will be much more believable when things are not going smoothly. Applying the following principles of management to the public process of the election can go a long way in building the trust and confidence with the public that are essential to free and fair elections.

## A. Public Relations and the Media

Although at times one may wish otherwise, the media will always be present. Getting the media to understand the complexity of administering an election under severe time pressure is almost impossible. In addition, the media has its own agenda that is not necessarily compatible with that of election officials. This does not mean the media is the enemy, but rather that an election administrator who believes that he can depend on the press to get his message across is naive. An election commission has a mission and message that it must convey to the people.

Every election commission, therefore, must develop a public relations strategy. This puts the election administrator in control. The most important component of a public relations strategy is to be open and honest. A successful strategy also demands a clear purpose, effective organization and implementation. If an election administrator is required to field questions from the media on a daily basis, he is acting in a passive mode -- letting the media set the public agenda. Rather, he should be proactive. A proactive approach means that you should:
(a) Decide what you want the message to be and remain with it. Every press release, statement from an election official or interview should focus on a few key points concerning the election.
(b) Develop standard answers and guidance to routine press inquiries on a day-to-day basis. Dealing with the media can then be delegated to a qualified staff member. The election administrator is then free to address only those issues that require his or her direct attention.
(c) Prepare a media kit, which should include as much information as possible about the election process. Maps, forms, booklets, posters, and training manuals are all good
items to include. Include past election results as well. They are sure to be requested anyway.
(d) Pre-determine when media announcements of election activities will be issued and prepare the release well in advance, rather than waiting until the rush of the last minute. Make your press release direct and to the point. Include at least one quotation in the first or second paragraph from the chairperson or some other election official. Most reporters cover more than one story or event in a given day. The key is to write the story for the reporter so that he will put as much of the press release in his story as possible.
(e) If SEC staff are expected to address meetings and rallies, prepare a standard public relations kit containing sample speeches, forms, posters, etc. It should provide answers for just about any question anyone could ask. Insist that staff stick to the script and not make up answers. If a staff member is asked a question he is not sure of, require him to respond only after checking with the appropriate official. This is very important because once in the public domain, misinformation and rumors spread quickly.
(f) Set up lines of communication with district level staff. The press feeds on rumors. Being able to check out allegations or "happenings" is critical. Speak only when you know the facts. If a reporter calls before you have all the information, tell him or her that you are checking and will call back at a certain time. Then do it. Failure to return telephone calls is equal to admitting guilt in the reporter's eyes.

## B. Political Parties

This section discusses issues related to relations with political parties, or, in the case of local elections in the West Bank and Gaza, political entities or factions. The term "party" is used here for the sake of simplicity. Many of these basic points apply to relations with Palestinian nongovernmental organizations as well. There are many highly-professional and prominent Palestinian NGOs that will be concerned with the election process, and they deserve to be treated professionally by the SEC.

Parties act, on a day-to-day basis, as the representatives of the people to the election commission and its staff. Often, election administrators feel that the parties should act in a particular way to demonstrate that they are responsible and can be trusted as legitimate players in the political process. In most instances, this is a mistaken attitude. Rather, the reverse is true: it is the obligation of the election commission and administrators to build the confidence and trust of political parties in its policies and actions. In other words, in a democratic system, political parties have little or nothing to prove to the election authorities, but the election authorities have everything to prove to the political parties. This does not mean that the SEC must yield to every whim or request, but rather that it must establish a cooperative, working relationship with parties and respect their role in the political process.

The most effective way to build a constructive relationship with political parties is through establishing a regular line of communication. Scheduling regular meetings with the parties where they are brought up to date on developments, developing a goal of cooperation, identifying areas that enhance cooperation, agreeing on deadlines for action, and scheduling follow-up meetings to keep each other informed about particularly important aspects of the election process are all key parts of such communication.

Candidates' agents often pose a particular challenge for election administrators. They are generally untrained and know little or nothing about the election process. They frequently come to the registration or polling site looking for something to go wrong. An election administrator can do little to gain their trust, but can contribute to making their participation as constructive as possible by following some of these suggestions.
(a) Training sessions on the registration, voting and counting processes should be held. Election administrators often profess no responsibility for training party agents and they are correct. However, in the long run, the administrator must decide whether it is better to have untrained agents in the polling station with all that involves, or to have spent time to help train them so that they at least know what the process is supposed to be. See Appendix X, on list of supplies, for more information about training candidates' agents.
(b) Develop standardized forms for reporting allegations of irregularity or failure to follow procedures. These forms should be completed by the candidates' agents and filed with the commission with a copy to the candidate. They should detail exactly the allegation including the date and time of day the incident occurred. They should provide enough information for the SEC to determine the seriousness of the incident. When rumors begin, the commission can refer to the documentation to know what happened and when.

Another area where building trust and confidence is fundamental is rule and regulation making. As IFES has mentioned throughout this manual, one of the SEC's most important tasks will be to write regulations to supplement the election law. Insofar as the regulations will have the force of law, the SEC commissioners will act as legislators. However, the give and take that is essential to the process of writing legislation in a deliberative body such as a parliament is absent when rules are adopted by an election commission.

The SEC, therefore, must be very sensitive to the concerns of parties, candidates, civic associations, and independent groups in developing its rules. To put it simply, election commissions should not make regulations in isolation. Because a commission is made up of just a few members, a way must be found to incorporate the views of outside groups into its deliberations. The following are important points for election commissioners to keep in mind while preparing regulations:
(a) Publication of any proposed regulations in an official publication, such as the major newspaper. This includes informing registered parties that a rule change is being proposed.
(b) Setting aside a reasonable period for public comment before final action can be taken on the proposed regulations. This is usually 30 days, enough time for parties and interested groups to deliberate the rule internally and to formulate a response or recommendations.
(c) Taking the views and changes recommended by the political parties and interest groups into serious consideration, and incorporating them into decision-making as appropriate.

This organized inclusion of political parties and NGOs in the rule-making process builds confidence and trust.

## C. Responding to Complaints

An effective election system includes effective means to deal promptly with the complaints that always arise in an election. There are two basic types of election complaints. First are those that concern the legality of some action by the election authority or its staff. This kind of complaint is handled by the courts before the election (in the case of challenging the qualification or disqualification of a candidate) or after the election (in the case of challenging election results). The second kind of complaint includes complaints that may or may not involve a specific legal issue but concern the credibility of the electoral authority in its impartial and fair administration of the election process. These can range from complaints about the denial of a voter registration to unresponsiveness of election authority staff to inquires from the public and press to the misuse of governmental resources in the election. Unfortunately, election authorities often do not see the importance of responding to these types of complaints in a timely and effective manner. Responding, however, is critical to the effective administration of the election and to building the public confidence in the electoral process. Every election commission, therefore, should develop a well defined process for responding to complaints.

The same techniques used in developing regulations, as outlined above, can be applied to developing procedures for the adjudication of complaints as well. Three key points should be kept in mind:

- It is essential for the commission to be seen as impartial in the process of handling complaints.

Procedures must be known by the parties and public well in advance. Procedures for resolving complaints should not be made up on an ad hoc basis. They should be known well in advance of the election process and have a clearly defined timetable.

The commission must act promptly to resolve the issues before they become

Public Relations
divisive. "Justice delayed is justice denied" is true in this case. Developing a wellorganized system to investigate and resolve complaints quickly is key to building trust.

An effective technique in facilitating the resolution of disputes is the standardization of the process, meaning that the step-by-step process of adjudication is simplified and made consistent. This is accomplished by:
(a) Developing one form for use in filing a complaint so that the SEC will have the information it needs to follow up and issue a decision. The form should include all the particulars of the complaint and cite the relevant rule or statute that was broken.
(b) Developing a list of evidence documents or standards. What evidence exists to support the allegation? Letting the challenger know what to produce to sustain an allegation not only helps the commission decide a challenge, but also prevents frivolous challenges from being filed and wasting its time.
(c) Developing clear lines of authority regarding who can decide on the type of challenge in the election commission hierarchy. Quite often every challenge, no matter how obscure or insignificant to the outcome of an election, must be decided by the commission itself. This can delay certification of results and wastes a great deal of time on minor matters. Many election codes, however, permit delegation of authority to administrative officials or at least allow an administrative official to first hear and decide a challenge before it reaches the commission. A dissatisfied party can appeal to the full commission, but the evidence and arguments would have been presented at a lower level. The commission need not start from scratch. Many challenges are minor and never make it to the commission level. The standardization of the forms used to file a challenge, and developing standards for the presentation of evidence, facilitate "administrative" adjudication of many challenges.

## D. Conclusion

This chapter shows the importance of having a well thought-out public relations strategy. IFES recommends that an experienced public relations officer (PRO) be appointed as soon as the SEC begins to plan the election process. In addition, the PRO should sit in on most (if not all) planning meetings to facilitate his/her understanding of the election process and why certain decision were made. The PRO's understanding of the election process is critical to his/her ability to respond to questions from the press and public. This understanding means that most press inquires can then be handled by the PRO and that the PRO is in a position to advise the SEC on the best strategy for dealing with a particular situation. A PRO who must search for answers or constantly put off reporters to consult with the SEC will make it appear that the SEC is unsure of what it is doing. A well-informed PRO can build confidence in the election process by responding quickly and knowledgeably to inquires.

APPENDICES


## A:

## List of Supreme Elections Committee Members

Dr. Sa'eb 'Eraqat
Dr. Mohammad ShteyyaDr. Na'im Abu al-Hamas
Mr. Ali al-Saffarini
Mr. Ahmed Bayad al-Tamimi
Mr. Abdel Karim Sidr
Ms. Amal Kreisha
Mr. Adnan Jaffal
Mr. Tawfiq Abu Ghazzaleh
Mr. Abdel Karim Abu Saleh
Mr. Isma'il Abu Shamala
Mr. Faraj al-Saraf
Mr. Ibrahim al-Saqqa
Ms. Firyal al-Banna

أعمناs اللجـنة الهـ للإنتىـا
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عبد الكُريّ سدر
السِيِ ס أمال ذرِيشَ

المـامِي كدنـ

المهامِ عبـ
إسماعير ابو سمـالة

الـحـا

الللحق رقم ( (i)

أعضاء بلنة الانتخابات العليا


## DRAFT ELECTION PLANNING CALENDAR

The outline below provides a time line for the major tasks involved in preparing for the local government elections. For each activity, there will also be many smalier tasks that must be accomplished; these are discussed in greater detail in the relevant sections of this manual.

Because voter registration/register revision is the major undertaking of the SEC prior to the election, "days before" have been identified terms of both election day and voter registration.

The most important point to note about this calendar is the number of tasks that must be accomplished, and policy decisions made, well before the ninety-day election calendar outlined in the election law begins.

This is to remind SEC members of the need to have a minimum of four months lead time before registration begins.

| Days Before Election <br> Days Before Registration | Activity |
| :---: | :--- |
| 240 days before election <br> 150 days before registration | Establishment by SEC of Secretariat/Staff - Secretary <br> General and Finance \& Administration, Logistics, Public <br> Relations, Training, Voter Education Directors |
| 210 days before election <br> 120 days before registration | Appointment and raining of district electoral officers for <br> each of the sixteen electoral districts in the West Bank <br> and Gaza |
| 180 days before election <br> 90 days before registration | Completion of logistics plan for registration/updating of <br> voter registry -- includes plan for training voter <br> registration and pollworkers |
| 150 days before election <br> 60 days before registration | Minister of Local Government announces election date <br> Dates for registration announced |
| 145 days before election <br> 55 days before registration | Begin to develop basic voter registration message for <br> radio and newspapers. Radio: 30 to 60-second spot to <br> announce election, registration/update date, and where <br> to go register/update. One or two 30 to 60-second spots <br> encouraging people to participate in the election. <br> Newspaper full page ad. |
| 135 days before election Basic outline of voter registration process announced <br> (such as new registration or revision of registry) <br> 45 days before registration Development of training plan and materials begins. <br> Planning for one registration center/polling station for <br> each 500 eligible voters (about 2,500). <br> Procurement of basic registration supplies begins -- <br> pens, pencils, rulers, ink pads, etc. |  |


| 120 days election <br> 30 days before registration | SEC finalizes questions concerning procedure and location of registration centers. <br> Training plan and materials development completed <br> Procurement of registration forms -- earlier if final form already developed and approved <br> Begin radio announcements at least twice a day during prime time. Allow 24 hours to re-do spots if SEC changes procedures. Broadcast during news if possible. Run newspaper ads at least twice a week. |
| :---: | :---: |
| 100 days before election 10 days before registration | Procurement of Election Day Materials Begins Development of Election Day Training Materials Begin Deadline for Delivery of Registration Training Materials |
| 99 days before election 9 days before registration | Training for registration officials begins for all 2,500 registration centers |
| 94 days before election 4 days before registration | Training for registration officials ends <br> Deadline for delivery of registration supplies and forms |
| 92 days before election 2 days before registration | Distribution of materials to registration centers. If possible, registration officials take supplies with them after training or asked to come to one of the 385 municipalities to obtain the materials. |
| 91 days before election 1 day before registration | Distribution of materials complete |
| 90 days before election | Voter Registration Begins ( 90 days before the election) <br> Begin to plan procurement of election day materials (see list of supplies in the Appendix of this manual) |
| 85 days before election | Registration Ends |
| 86 days before election | Exhibition/Challenge Period for Voter Register Begins |
| 75 days before election | Deadline to Challenge names on Register/Exhibition Ends |
| 45 Days Before Election | Begin Voter Education Program for Election Day <br> Procurement of Training Materials for Polling Station Officials Begins |
| 44 days before election | Registration of Candidates Begins |
| 34 days before election | Registration of Candidates End Lists of Candidates Published |


| 37 days before election | Deadline to File Object to Candidate |
| :---: | :--- |
| 38 days before election | Candidate Lists Delivered to Printer (except those where <br> objection has been filed.) |
| 40 days before election | Deadline for Decision on Objection to Candidate |
| 43 days before election | Deadline to Appeal Decision on Objection to Candidate |
| 46 days before election | Deadline for Court to Issue Decision on Appeal to <br> Objection of Candidate |
| 20 days before election | Delivery of all Training Materials for Polling Station <br> Officials |
| 15 days before election | Finalize Logistics Plans for Distribution of Election Day <br> Materials <br> Begin Training of Election Officials |
| 10 days before election | End Training of Election Officials <br> Deadline for candidate withdrawal/candidate receives <br> refund of deposit. <br> 5 days before Election <br> Deadline for Receipt of All Materials for Election -- <br> Except Ballots. |
| Receipt of Ballots from Printer - Begin Distribution to <br> District Electoral Offices and Locations where materials <br> can be pre-positioned <br> Plans for Receipt of Election Night Results and Materials <br> Finalized |  |
| 0 days before election | Deadline for Distribution of All Ballots and Election Day <br> Materials to Pre-Positioning Sites for Distribution on <br> Election Day |
| Election Day |  |


| تسليم مواد التدريب الخاصة بتدريب العاملين في مراكـــــز الاقتراع. |  |
| :---: | :---: |
| الانتهاء من وضع الخطة اللوجستية لتوزيع المواد المستخدمة <br> في يوم الانتخابات. <br> بداية برنامج تدريب مسئولي الانتخابات. | 10 يوما ما قبل الالتخابات |
| انتهاء فترة تدريب مسئولي الانتخابات. <br> الموعد النهائي للمرشحين لسحب الترشيح/عكن للمرشح استلام إبداعاته المالية. الموعد النهائي لاستام كل المواد الخاصـــــة بالانتخابـــات باستثناء نماذج الاقتراع. | - |
| استلام نماذج الاقتراع من دار الطباعة (بـــدء التوزيـــع إلي <br>  <br> ختزين هذه المواد). <br> يتم الانتهاء من وضع الخطط لاســـتالام التـــــائج والمــــواد <br> الانتخابية في الليلة التي تلي هار يوم الانتخابات. | ه أيام ما قبل الانتخابات |
| الموعد النهائي لتوزيع نماذج الاقـــتراع والمــــواد الأخـــرى المستخدمة في يوم الانتخابات إلي مواقع أولية ليتم توزيعها في يوم الانتخابات. | r أيام ما قبل الانتخابات |
| يوم الانتخابات. | - |


| عرض قائمة أسماء المقترعين وبداية قترة الاعتراضات القانونية على قائمة الأسماء. | \1 يوما ما قبل الانتخابات |
| :---: | :---: |
| الموعد النهائي لتقدم الاعتراضات على قائمة الأسماء | يوها ما قبل الانتخابات Vo |
|  بداية شراء المواد واللوازم للقيام ببرنامج التدريب للعاملين <br> في مراكز الاتتراع. | 0 |
| بداية تسجيل المرشحين. | £ |
| هاية تسجيل المرشحين. يتم نشر توائم المرشحين. | ع |
| الموعد النهائي لتفلـم الاعتراضات على المرشحن. | يوما ما قبل الانتخابات rv |
| يتم تسليم قوائم المرشحين إلي دار الطباعة (باسشتناء من تم تقدم اعتراضات بعقهم). | ^^r يوما ما قبل الانتخابات |
| الموعد النهائي لاخناذ القرارات بخصوص الاعتراضات على المرشحين. | - |
| الموعد النهائي لتقدــم الاستينافات على القرارات بخصوص الاعتراض على المرشحين. | r |
| الموعد النهائي لاصددار قرارات المحكمة حول الاســـئنافات <br> المقدمة على الاعتراضات - (المرشحين). | 7 ¢ يوما ما قبل الانتخابات |




## الملحق رقم ( ب )

الجلول الزمني للتخطيط للانتخابات:
 الملي، وضمن كل بحموعة من المهام الرئيسة توجد هناك مهام فرعية والتي يمبب أن يتم القيام ها: (ويتم نقات هذه المهام بالتفصيل في هذه الككراسة). ونظرا لأن عملية تسحيل الناخبين/مراجعة السحل الانتخابي هي من اكبر المهام التي تقوم بها بلنة
الانتخابات العليا قبل الانتخابات فلقد تح تحديد "عدة أيام ما قبل يوم الانتخابات وعملية تسحيل الناخبين. وبحدر الإشارة إلي أن أهمية هذا الجلدول الزمبن تكمن في عدد المهام التي يبـب أن يتم القيام هـا والقرارات التي يجب أن يتم آخناذها قبل بداية التسعين يوما المحدة في القانون الانتخابي. (ويتم اقتراح هذا البحدول الزمني لتذكي أعضاء بلمنة الانتخابات العليا بالحاجة إلي تخصيص ع شهور كحدد أدنى قبل بداية عملية التسـجيل).

الملحق رقم ( ب )

> الجدول الزمتي للتخطيط للانتخابات
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## C:

## Basic Election Supplies Needed

The list of supplies needed for an election is determined by the requirements of the specific electoral process, and therefore differs from country to country. Below is a basic list of supplies that will be needed for local council elections in the West Bank and Gaza. The SEC should review well in advance what cannot be procured locally, and make careful plans for ordering such supplies. IFES can provide lists of international vendors for items that must be procured out of the country.

1. Revision of Voters Register/Registration (depending on process chosen), per poling station:

- Copy of voters register
- Pens
- Voter registration form
- Change of address form
- Report of death form
- Correction of information form


## II. Registration of Candidates

## Candidates' filing forms

Candidate kit: to be provided to each person who obtains the forms for filing for candidacy. It should include:

- a list of polling stations in the candidate's local council area
- name, address and telephone number of the district election officer or other responsible person
- turnout numbers, by polling stations, from the previous election
- map of local council area, if available
- notice including restrictions on campaigning, such as locations where campaign posters may or may not be posted
copy of polling station officials manual
- dates and times of candidates' agents training, whom to contact about registration of candidates' agents
poll book to record incidents at the polling station


## III. The Polling Station

- Two different color ballot boxes of sufficient size to hold the maximum possible number of ballots. IFES highly recommends performing a test well in advance of the election to ensure that the ballot boxes are in fact large enough to hold all the ballots, an obvious point that is often overlooked in elections planning. IFES understands that in the January 1996 elections, problems occurred with ballot box overflow in some polling stations in Gaza. Keep
in mind that most ballots in the local elections will be very long and will take up much more room than most of the ballots used in the January 1996 elections. Ballot boxes are sometimes difficult to procure, so if additional ballot boxes are needed, plans should be made well in advance to allow time for order and delivery.
- Voters Register of voters registered to vote in that polling station
- Pens for polling station officials, and for voters to mark the ballots
- Ruler to locate voters' names more easily on the voters' register, and to cross out voters' names from the register after they have voted
- Indelible ink to be applied after the voter has cast his ballot
- Ballots. As discussed earlier in this manual, IFES does NOT recommend using special "security" paper. Serially numbering the ballots will be much more effective in maintaining ballot security.
- Serially-numbered ballot box seals, a sufficient number to seal the ballot boxes during voting, and to re-seal the boxes at the end of the count when the ballots and other materials are returned to the box for delivery to the constituency-level offices.
IFES does NOT recommend the use of padlocks: they are too expensive and are not trustworthy.
- Voting screens, enough for several voters to be voting at once in separate booths.
- Ballot validation stamp numbered for each polling station.
- Forms:
- ballot accounting forms
- vote tally forms
- protocol to report results, forms to provide candidates' agents with results.
- Security envelopes for sealing the results forms, ballot accounting forms, and vote tally forms
- Posters that explain the voting process in words and pictures
- Posters that list which candidates have withdrawn from the race (but whose names appear on the ballot)
- Badges to identify polling station officials and candidates' agents.
- Chairs and tables for polling station committee, candidates' agents; tables for voting


## IV. District Election Offices (for election night/consolidation of results)

- Consolidation of Results forms
- Hand-held calculators for tallying results per constituency
- Staplers to staple together results forms for each constituency
- Receipt forms for ballot boxes
- Signs directing presidents of polling station committees where to deliver ballot boxes and other materials
- Crowd control rope to ensure an orderly delivery process
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* البيانات الخاصة بالحملات الانتخابية وقائمة الحظورات خحلال هذه الحملات الدعائية (المواقع التي يسمع / لا يسمح فيها تعليق الملصقات الانتخابية). * نسخة عن كراسة المعلومات الخناصة بــ مسئولي مراكز الاقتراع. *قائمة بتواريخ ومواعيد تدريب مندوبي المرشحين الواجب الاتصال هـم فور بـــ التسحجيل الخـــاص بمنـــدوبي المرشحين.
* محضر لتسجيل الموادث في مركز الاتتراع. ع r الحتياجات مركز الاقتواع

صندوقين غتتفي اللون وذويا حجم واسع ليتسع على أكبر عدد ممكن من أوراق الاقتراع. وتوصي المؤسسة الدولية للأنظمة الانتخابية في هذا السياق وبشدة بضرورة فحص هذه الصناديق قبل موعد الانتخابات للتأكد من إفا فعلا تتسع لأكبر عدد مككن من نماذج أوراق الاقتراع، وهي خحوة سهلة وبسيطة ولكن يتم التغاضي عنها خلال الاستعداد للانتخابات.

وتدرك المؤ سسة الدولية للأنظمة الانتخابية انه في انتخابات العام 1997 قد حصلت بعــض الأشكــالات الخاصة بعدم اتساع صناديق الاقتراع في بعض المراكز في غزة، ويجب أن يؤخذ بعين الاعتبار هنا، أن ححم نماذج الاتتراع في هذه الانتخابات سيكون اكبر من ذلل الذي تم استخدامه في انتخابات العام 997 1، 9 وقد يكون من الصعوبة بمكان شراء مثل هذه الصناديق بشكل سريع ولذلك لا بد من التحضير والإعداد لمثل هذه المسألة قبل موعد الانتخابات حتى يتسن شراءها وتوزيعها إلى مراكز الاقتراع المختلفة في الوتت المحدد.

* *سحل الناخبين لتسجيل الناخبين في مراكز الااقتراع.
* أقلام حبر لاستخدامات مسئولي مراكز الاتتراع وللناخبين حتى يتمكنوا من الإدلاء بأصواكَم.
 شطب أسماء هو لاء الذين قاموا بالتصويت. ** الحبر المتعذر إزالته، وذلك لاستخدامه بعد أن يقوم الناخب بالإلاء بصوته. ** ماذج الاقتراع. لا توصي المؤسسة الدولية للأنظمة الانتخابية استخدام أوراق أمنية حاصة .
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الملحق رقم ( ج )

الاحتياجات والمواد اللازمـــــــة



## D:

LOCAL COUNCIL COMMITTEE RESULTS CONSOLIDATION FORM
Electoral District: Hebron
Local Council Name: Hebron Council


USE MORE THAN ONE SHEET IF NECESSARY.
RECORD CANDIDATE TOTALS IN PROPER SPACE ON RESULTS FORM.


## E:

## الملحق رقم ( هــ )

تصــميم أوراق الاقـــتراع


|  | GENERAL ELECTIONS |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
|  | $1$ | D. L. M. <br> democratic labour movement Candidzes' List | $\frac{1!}{2}$ |  |
|  | $2$ | N. D. F. NATONAL DEMOCRATC FRONT Candidates' itst | $\mid 8$ |  |
|  | $3$ | N. R. P. <br> natonal repubucan party Candidates' List |  |  |
|  | $4$ | P. D. M. <br>  |  |  |
| Electors No.. $\qquad$ In OrficialUst | $5$ | P. N. C. <br> PEOPLE'S NATIONAL CONGRESS Candidates' List | 齐 |  |
|  | $6$ | P. P. P. <br> PEOPLE'S PROGFESSNE PARTY <br> Candidates' List |  |  |
|  | $7$ | $\begin{gathered} \text { T. U. F. } \\ \text { THE UNTED } \\ \text { Candidates' } \\ \text { Conce } \end{gathered}$ |  |  |
|  | $8$ | U. G.I. <br> UNITED GUYANESE INTERNATIONAL Candidates' Lltst |  |  |
|  | $9$ | U. R. P. united republican party Candidates' List |  |  |
|  | $10$ | U. W. P. <br> UNTED WORKERS' PAATY Candodates' List |  |  |
|  | $11$ | W. P. A. <br> working peoples alliance <br> Candrcates List |  |  |





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اللسلهلة الوهلنية الفلسهلينية
وزارة الحـكــمه الغـلـي

Date التاربن

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## A PROPOSAL FOR

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\text { PALESTINIAN LOCAL } \\
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\text { PREPARED BY } \\
\text { DEPT. OF } \\
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\end{gathered}
$$

## The Local Government Branches ca be divided into 4 main sections :-

1- Main Municipalities are considered to be of the kind "A " and the members in its council will be 15 members, which includes the Mayor whose education must be at least the first degree of University " Bachelors Degree ", and his job standing will be considered to be a General Director in a Ministry .

2- Municipalities whose residents are more than 8.000 residents, or the municipalities which were established since a long time ago, are considered to be of the kind " B " and the members in its council will be 13 members; which includes the Mayor whose education must be at least a Middle college degree, and his job standing will be considered to be a Director " A " in a Ministry .

3- Municipalities which were,recently established, and the municipalities whose residents are more than 4.000 residents, are considered to be of the kind " C " and the members in its council will be 11 members, which include the Mayor whose education must be at least a graduate of high school ( TAWJHI), and his job standing will be considered to be a Director " B " in a Ministry .

4- Municipalities whose residents are more than 1.000 residents, are considered to be of the kind "D " and the members in its cöuncil will be 9 members, which includes the Mayor whose education must be at least a graduate of high (TAWJHII), and his jog standing will be considered to bea" Head of Section " in a Ministry .

5- The groups of Homlets, whose resident are less than 1.000 residents, are considered to be "Committees of Local Improvements " and the members in its council will be 7 members, which includes its director, whose education must be at least knowledge of reading and writing and his salary will be decided by the ministry .

# According to the extensive studies which were conducted the number of these Municipalities which total ( 374 ) are spread like this :- 

1-Municipalities " A" $=14$
2- Municipalities " $\mathrm{B}^{\pi=}=41$
3- Municipalities " C " $=47$
4- Municipalities " $D$ " $"=220$
5- Local Improvement Committees $($ over 500$)=52 . \quad$ i

Main Municipalities are considered to be of the kind " $A$ " and the members in its council will be 15 members, which includes the Mayor whose education must be at least the first degree of University " Bachelors Degree " , and his job standing will be considered to be a General Director in a Ministry .

The Position of the City of Jerusalem remains the same as it was prior to 1967.
1- Qalqilia ..... 2- Tulkarem
3-Jenin 4- Nablus
5-Ramallah 6-Al-Bireh
7- Jericho 8- Beitlahem
9- Hebron 10-Gaza
11-Jabalia 12-Deir Al-Balah
13-Khanyounes 14- Rafah
Municipalities whose residents are more than 8.000residents, -or the municipalities which were establishedsince a long time ago, are considered to be of the kind "B" and the members in its council will be 13 members,which includes the Mayor whose education must be atleast a Middle college degree, and his job standing willbe considered to be a Director " A " in a Ministry .
First : Jenin District :-
1- Ya'bed 2- A'rabeh 3- Qabatia 4- Al-Yamon
Second : Tubas Area :-
1-Tubas 2- Tammon
Third : Tulkarem District :-
1- A'nabta 2-Deir Al-Ghoson 3- A'tel
Fourth $\rightarrow_{+}^{+N a b l i u s ~ D i s t r i c t ~:-~}$
None
Fifth: Salfit Area :-
1-Salfit
Sixth : Qalqilia District:-
None
Seventh : Jericho District :-
None
Eight : Ramallah District :-
1- Deir Dibwan 2-Silwad 3-Betonya 4-Beirzeit .5-Bany Zaid

Ninth : Jerusalem District :-

| 1-Al-A'zariah | 2-Al-Ram |
| :--- | :--- |
| Tenth : Hebron District :- | $=3-A b u d e s$ |
|  |  |


| 1- Dura | 2-Yatta | 3- Halhol | 4-Al-Thahria |
| :--- | :--- | :--- | :--- |
| 5- Bany Ne'am | 6-Ethnah | 7-Beit O'mar | 8-Al-Samo' |
| 9- Sa'er | 10-Tarqomia | 11 -Sorif |  |
|  |  |  |  |

Eleventh : Beitlahem District :-
1-Beit Sahor 2-Beit Jala
Twelfth : Gaza District :-
None
Thirteenth : North Gaza District :-
1-Beit Lahia 2- Beit hanon
Fourteenth : Deir Al-Balha District :-..
1-Al-Zawaideh 2-Al-Braj 3-Al-Maghazi 4- Al-Nusarat
Fifteenth : Khanyounes District :-
1-A'basan Al-Kabereh 2- Bany Soheilah 3-Ma'en
Sixteenth : Rafah District :-1-Al-Bayouk


#### Abstract

Municipalities which were recently established, and the municipalities whose residents are more than 4.000 residents, are considered to be of the kind " $C$ " and the members in its council will be 11 members, which include the Mayor whose education must be at least a graduate of high school ( TAWJHI ), and his job standing will be considered to be a Director " B" in a Ministry .


First : $\bar{J}$ enin District :-

1-Maythalon
2- Al-Zababdeh
5-Silet Al-Harthia 6-Silet Al-Thaher
9- Deir Abu Th'ef

3- Jaba'
7- Kuferrae'i
4- A'jah
8- Burqen

Second : Tubas Area :-
1- A'qaba
Third : Tulkarem District :-
1-Bal"ä
2- Qeffen
3-Beitled
4- A'llar

Fourth : Nablus District :-

| 1- Beit Forek | 2- Qabalan | 3- A'qraba | 4- Beta |
| :--- | :--- | :--- | :--- |
| 5- A'sereh Al-Shamalya | 6- Jama'een | 7- A'yarta | 8- Til |
| 9- Howarah | 10-Salem |  |  |

Fifth : Salfit Area :-
1-Bedia
Sixth : Qalqilia District :-
1-A'zzon
2-Hableh

Seventh : Jericho District :-
None
Eight : Ramallah District :-
1- Beitliqya $\quad 2$-Sinjel
Ninth : Jerusalem District :-
1-A'nata 2-Qatanna 3-Beddo
Tenth : Hebron District :-
1- Al-Shyokh 2-Beit Ula 3-Tfoh
5- Beit A'uah 4- Kharas

Eleventh : Beitlahem District :-

| 1- Al-Doha | 2- Beit Fajjar | 3- Al-Khader | 4- Tqo' |
| :--- | :--- | :--- | :--- |
| 5-Hosan | 6- Nahalen | 7-Za'tarah |  |

Twelfth : Gaza District :-
None
Thirteenth : North Gaza District :-
None
Fourteenth : Deir Al-Balha District :-
None
Fifteenth : Khanyounes District :-
1-Al-Qararah
2-Khoza'eh
3- Al-Fukhary

Sixteenth : Rafah District :-
None

Municipalities whose residents are more than 1.000 residents, are considered to be of the kind " D " and the members in its council will be 9 members, which includes the Mayor whose education must be at least a graduate of high (TAWJHI ), and his jog standing will be considered to be a " Head of Section " in a Ministry .

First : Jenin District :-

| 1-Al-Jdaideh | 2-Al-Jalamah | 3-Talfet |
| :---: | :---: | :---: |
| 4-Al-Taibeh | 5-Al-E'rkah | 6- Al-fanduqaymiah |
| 7- Al-Mughayer | 8- Barta'a | 9-Beir Al-Basha |
| 10- Ta'nak | 11-Jalbon | 12- Jalqamaous |
| 13-Raba | 14- Muthalath Alshohada' | 15-Rummanah |
| 16-Zebdeh | 17- Zabobah | 18-Sereis |
| 19- Sanour | 20-A'nen | 21- A'raneh |
| 22- A'nzeh | 23-Fahmeh | 24-Faqo'a |
| 25-Kufur Than | 26-Kferet | 27-Markah |
| 28-Meseliah | 29- Tora Al-Gharbia \& Al- | qya |

Second: Tubas Area:-
1-Tavaser 2-Al-Far'ah 3-Bardalah

Third : Tulkarem District :-

| 1- Kufur Al-Lubbad | 2- Baqa Al-Sharqya | 3- Zeta |
| :--- | :--- | :--- |
| 4- Kufur Sour | 5- Rameen | 6- Ektaba |
| 7- Kurur Zebad | 8- Kufur Jammal | 9-Seidah. |
| 10- Kufur A'bboush | 11- Far'oun | 12-Shofah |
| 13- Al-Nazaleh Al-Sharqya | 14- Nazalet I'sah | 15- Jaroshia |

## Fourth : Nablus District :-

| 1- Zeita Jama'een | 2-Talozah | 3-Al-Bathan |
| :--- | :--- | :--- |
| 4- Al-Nasaryah | 5- Al-A'qrabanya | 6- Bazariah |
| 7- Madama | 8- Buren | 9-Talfit |
| 10- A'sereh Al-Shamaliah | 11-Jorish | 12-Yetmah |
| 13- Rojeeb | 14-Kufur Qallel | 15- Beit Dajan |
| 16- Qaryout | $17-$ Sarrah | 18-Qouseen |


| 19- Beit Wazan | 20- Dier Al-Hatab | 21-A'zmot |
| :--- | :--- | :--- |
| 22- O'usareen | 23- Qasrah | 24-Doma |
| 25- Majdal Bany Fathel | 26- Sabastiah | 27-Al-Naqorah |
| 28- Beit E'mreen | 29- Yased | 30-O'reef. |
| 31-A'ynabos | 32-Zwata | 33-Burqah |
| 34-Al-Lubban Al-Sharqya | 35-Al-Sawyeh | 36-Dier Sharaf |
| 37- Beit E'bah |  |  |

Fifth : Salfit Area :-

1- Kuful Hares<br>4- Al-Zawieh<br>7- Qarawet Bany Hassan<br>10-Sartah<br>13- Deir E'stya

2- Kufur Al-Deik
5- Hares
8 - Deir Ballout
11- Farkhah
14- Broqein

3-Mashah
6-Mardeh
9- Rafat
12- Yasouf

Sixth: Qalqilia District :-

| 1-Ras A'taeyah | 2- A'zon E'tmeh | 3- Kufur Thuluth |
| :--- | :--- | :--- |
| 4- Sannerya | 5- Al-Naby Elyas | 6- Javous |
| 7- Kufur Qaddom | 8- Jet | 9- A'mateen |
| 10- Raqat Al-Hatab | 11- Jensafout | 12-Hejja |
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Seventh: Jericho District:-
1-Al-Jiftlek 2-Zbedat 3-Al-O'ja $\quad$ 4-Nue'mah

Eight : Ramallah District :-

1- A'in A'reek
4- Ras Karkar
7- Kharbatha Bany Hareth
10- Abu Kash
13- Allubban Al-Gbrabi
16- Kariet Bany Zeid
19- Deir Kdees
22- Saffa
25- Al-Mazra'eh Al-Garbiah
28- Al-Mazra'h Al-Sharqyah
31 kufer Malek
34- Al-Taybeh

2- Dura Al-Kare'
5-Beit Sera
8- Jefuah
11- Al-Teirah
14- Deir A'mmar
17- Abu Shkedem
20-Surda
23- Shuqba
26-E'bween
29- Abu Falah
32- Rammon
35-Deir Jreer

3- Deir Ebzei'
6-Bal'ein
9- Kufer A'in
12- Beittelloh
15- A'jjol
18- Budrus
21- A'tarah
24- Qebia
27- A'rorah
30- Turmusa'ya
33- A'in Yabrod
36- Kubar

| 37. Deir Abu Mesh'al | 38- Na 'leen | 39- Rantees |
| :---: | :---: | :---: |
| 40- Deir Al-Sudan | 41- Beit O'ur Al-Tahta | 42-Beteen |
| 43- Kharbatha Al-Misbah | ah 44-Al-Mughayer | 45- Burga |
| 46- Mazare' Al-Nobany | 47- Kufer Ne'meh | 48- A'bud |
| 49-Rafat |  |  |
| Ninth: Jerusalem Distrin | strict :- |  |
| 1-Beir Deqo | 2-Beri Nabala | 3-Beit A'nan |
| 4- Al-Jeeb | 5-Beit Sureek | 6-Mukhmas |
| 7- Jaba' | _-8- Al-Qbeibeh | 9- Alejdaireh |
| 10-Beit Eksa | 11-Al-Aua'yem | 12-Hemna |
| 13-Al-Shekh Sa'ed | 14- Al-Sawahreh Al-Sahrqya | 15-Beit Hanena |

Tenth : Hebron District :-

| 1- Deir Samet | 2-Nuba | 3-Beit Kahel |
| :---: | :---: | :---: |
| 4- Al-Karmel | 5-Kharsa | 6-Beit E'noun |
| 7-Al-Reheyeh | 8- Al-Ramadeen | 9- Hadeb Al-Fawwar |
| 10-Al-E'desyya | 11-Al-Duuarah | 12-Khellet A1-Mayeh |
| 13- Deir Al-A'sal | 14-Al-Tabacah | 15-Kreisah |
| 16- Al-Sarrah | 17- Al-Kom | 18-E'mreish |
| 19-Al-Majd | 20- Al-Burj |  |

Eleventh : Beitlahem District :-
1- Al-Walajeh
4- Wady Rahhal
7- Al-Shawawreh10- Hendazah
13- Wad Fokeen

2- Batter
5-Dar Salah
8- Al-A'sakreh
11- E'rtas

3- Jouret Al-Shama'eh
6- Al-E'bedeya
9- Beit Ta'mar
12- Harmalah

Twelfth: Gaza District :-
1-Al-Meghraqah 2-Hajer Al-Deek
Thirteenth : North Gaza District :-
None

Fourteenth : Deir Al-Balha District :-
1- Al-Musadder 2-Wady Al-Saiqa

Fifteenth : Khanyounes District :-
1-A'basan Al-Sagherah 2-Mawasy Khanyounes
3- Al-Fayatheh
Sixteenth : Rafah District :-

1- Bahar Rafah<br>2-Al-Musabbeh<br>3- Mashro' A'mer<br>4- Shuket Al-Soufy



Sample of Election Regulations (Yemen-1997)
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## الملحق رفم (ز)

غاذج من لوائح انتخابات اليمن و جنوب إفريقيا

## Sample of Election Regulations

 (South Africa-1995)
## LOCAL GOVERNMENT

## ELECTION REGULATIONS

LOCAL GOVERNMENT TRANSITION ACT, 1993 (ACT 209 OF 1993) : REGULATIONS RELATING TO VOTERS AND MEMBERS FOR TRANSITIONAL LOCAL COUNCILS, TRANSITIONAL METROPOLITAN COUNCILS, AND TRANSTTIONAL METROPOLITAN SUBSTRUCTURES, AND THE CONDUCT OF THE ELECTION.

The Premier has in terms of the Local Government Transition Act, 1993
(Act 209 of 1993) made the following regulations:
as amended by

1) Western Cape Proclamation 83/1995 dated 12 May 1995
2) Still to be proclaimed in Western Cape but approved by MINMEC on 16/5/1995
3) Still to be proclaimed in Western Cape but approved by MINMEC on 20/6/1995
this docnent is for adinistrative purposes oney nid hist not be promratio

KPS ROOME 7 July 1995

## C'HAPTER 1

## DEFINTIIONS

1 (1) In these regulations, unless the context otherwise indicates :
(i) "Act" means the Local Government Transition Act, 1993 (Act 209 of 1993);
(ii) "address" means a mode of identification of a place which is sufficiently precise to permit a person contemplated in regulation 2 who is ordinarily resident within the area of jurisdiction of a transitional authority, or under law liable for the payment of assessment rates, rent, service charges or levies to the transitional authority concerned, to be enrolled in a voters' roll and to exercise his or her vote at a voting station in a ward or part of a ward in which such place is situated.
(iii) "advertise" means publish;
(iv) "candidate" means any person in terms of regulation 26(2) or 29(4) whose nomination has been accepted and in respect of whose party or in respect of whom a vote will be held;
(v) "chief executive" means the chief executive or acting chief executive of a transitional authority regardless of the designation of the post occupied by that officer;
(vi) "council" means the council of a transitional authority;
(vii) "Constitution" means the .Constitution of the Republic of South Africa, 1993 (Act 200 of 1993);
(viii) "day" means a period of twenty-four consecutive hours commencing at midnight and including a Saturday, Sunday or public holiday referred to in the Public Holidays Act, 1994 (Act 36 of 1994); ${ }^{\text {1 }}$
(ix) "election" means the election as contemplated in section 9(1) of the Act;
(x) "election material" means any form, declaration or item referred to in regulation 40;
(xi) "election officer" means the metropolitan returning officer, the returning officer and any officer referred to in regulation 31;
(xii) "election period" means the period from nomination day to the close of voting stations;
(xiii) "identity document" means : ${ }^{1)}$
(a) an identity document or a temporary identity certificate issued in terms of the Identification Act, 1986 (Act 72 of 1986) or any other applicable law of the Republic, as the case may be : Provided that an acknowledgement of receipt of an application for an identity document issued by the Director-general of the Department of Home Affairs shall be deemed to be an identity document only for purposes of registration for the election;
(b) a reference book issued in terms of the repealed Blacks (Abolition of Passes and co-ordination of Documents) Act, 1952 (Act 67 of 1952);
(c) an identity document referred to in section 13 of the Population Registration Act, 1950 (Act 30 of 1950);
(d) a valid travel document issued in terms of any law of the Republics of Transkei, Bophuthatswana, Venda and Ciskei; or
(e) a valid book of life issued by the former republic of :
(i) Ciskei in terms of Act 15 of 1981; or
(ii) Transkei in terms of Act 24 of 1976; or
(iii) Bophuthatswana in terms of Act 12 of 1978; or
(iv) Venda in terms of Act 6 of 1980;
(xiv) "identity number" means the official number recorded on an identity document;
(xv) "metropolitan returning officer" means the person appointed in terms of regulation $30(1)$ as returning officer for a transitional metropolitan council and includes any election officer lawfully acting in his or her stead;
(xvi) "local" in relation to a party means a party which operates an office or has an address within the area of jurisdiction of the transitional authority;
(xvii) "name" in relation to a voters' roll means a sumame followed by a name or names ordinarily prefixed thereto;
(xviii) "nomination day" means the day determined for the nomination of candidates and parties in terms of regulation 23(1)(b);
(xix) "official language" means any language declared to be an official language in terms of Section 3(5) of the Constitution;
(xx) "ordinarily resident" in relation to any person, means resident at the home or place where he or she normally lives and to which he or she returns regularly after any period of temporary absence;
(xxi) "party" means any local organisation, body or voluntary association which has objects and purposes which, among others, have relevance to local government matters and includes a political party which has been registered in terms of Chapter IV of the Electoral Act, 1993 (Act 202 of 1993);
(xxii) "Premier" means the Premier as contemplated in Section 144(1) of the Constitution and includes the competent authority designated by him or her for the purposes of the administration of the Act;
(xxiii) "publish" means publish in each official language of the Province in one or more newspapers which substantially use such language or in the absence thereof in one or more newspapers which are of general circulation within the area of the transitional authority.
(xxiv) "returning officer" means the person appointed in terms of regulation 30(1) and includes any election officer lawfully acting in his or her stead.
(xxv) "service" in relation to a notice or other communication addressed to a person means :
(a) delivery to him or her in person by hand; or
(b) delivery at his last known place of residence, business or occupation to a person apparently of 18 years of age or more who is resident or employed or in business at that place; or
(c) posting to him or her at his last known place of residence, business or occupation by prepaid registered or certified mail;
and "serve" has an equivalent meaning;
(xxvi) "transitional authority" means a transitional local council, transitional metropolitan substructure and transitional metropolitan council;
(xxvii) "transitional metropolitan council" means a transitional metropolitan council as defined in section 1 (xviii) of the Act;
(xxviii) "transitional local council" means a transitional local council as defined in section 1 (xvii) of the Act;
(xxix) "transitional metropolitan substructure" means a transitional metropolitan substructure as defined in section 1 (xix) of the Act;
(xxx) "voters' roll officer" means the person appointed in terms of regulation 3(2) and includes any person lawfully acting in his or her stead;
(xxxi) "voting station" means any place referred to in regulation 41(1)(a);
(2) Any term or expression used in these regulations which is not defined herein shall bear the meaning given to that term or expression by the Act.

## CHAPTER 2

## QUALIFICATION OF VOTERS

## Franchise

(1) Any natural person who is :
(a) (i) a South African citizen; or
(ii) not such a citizen but who in terms of an Act of Parliament has been accorded the right to exercise the franchise; and
(b) of or over the age of 18 years on the day of the first election determined by the Minister in terms of section 9 of the Act; and ${ }^{1)}$
(c) ordinarily resident within the area of jurisdiction of a transitional authority or under law liable for the payment of assessment rates, rent, service charges or levies to the transitional authority concemed,
shall be entitled to be included in the voters' roll of that transitional authority and shall thereupon be entitled to vote in an election for members of the council of such transitional authority : Provided that any person shall be entitled to exercise only one vote for such transitional authority in terms of these regulations : Provided further that the exercise of a vote as contemplated in this subregulation may entail the marking of two or three ballot papers representing the proportional and ward components of a vote.
(2) Notwithstanding the provisions of subregulation (1), no person shall be entitled to be included in the voters' roll of a transitional authority or be entitled to vote in an election for members of the council of such transitional authority, if he or she is :
(a) Subject to an order of court declaring him or her to be of unsound mind or mentally disordered or affected;
(b) detained as a mentally ill patient under the Mental Health Act, 1973 (Act 18 of 1973), or any other applicable law of the Republic, as the case may be;
(c) detained under the Prevention and Treatment of Drug Dependency Act, 1992 (Act 20 of 1992), or any other applicable law of the Republic, as the case may be; or
(d) detained in a prison after being convicted and sentenced without the option of a fine in respect of any of the following offences irrespective of any other sentence in respect of any offence not mentioned hereunder which is served concurrently with the first mentioned sentence :
(i) murder, robbery with aggravating circumstances and rape; or
(ii) any attempt to commit any offence referred to in subparagraph (i).
(3) For the purposes of subregulation (1)(c):
(a) the word "liable" means liable in respect of an address within the area of jurisdiction of such transitional authority delimited in terms of Section 8(2) of the Act and shall not include any larger area of jurisdiction established in terms of any other law; and
(b) the word "jurisdiction" means jurisdiction delimited in terms of Section $8(2)$ of the Act.
(4) The onus to be enrolled as a voter shall rest on the voter concerned.

## CHAPTER 3

## VOTERS' ROLL

## Making the Roll

3 (1) Every transitional authority shall make a voters' roll and any natural person who is entitled to be included in such voters' roll may, subject to the provisions of these regulations, claim within the period 27 January 1995 and 5 June 1996 inclusive to be enrolled. ${ }^{2)}$
(2) Each transitional authority shall designate or appoint :
(a) a voters' roll officer within its employment who shall be responsible for preparing a voters' roll on its behalf; and
(b) such employees or other person or persons as may be necessary to assist with the preparation thereof at such remuneration as it may determine.
(3) A person applying to be enrolled as a voter shall make a claim in accordance with form ER1.
(4) Any person claiming to be enrolled as a voter shall provide the information required in form ER1 and if the voters' roll officer is satisfied on the face of such information that such person is qualified in terms of regulation 2 to be enrolled as a voter such person's name and particulars shall be included in the voters' roll.
(5) (a) At the expiration of the period referred to in subregulation (1), every transitional authority shall cause a roll to be prepared containing the names of persons qualified to be enrolled as voters for the election and such roll shall :
(i) contain a serial number unique in respect of each name;
(ii) contain the identity number of each person claiming enrolment;
(iii) be in alphabetical order according to sumames;
(iv) state the address to which the claim relates; and
(v) identify the basis of qualification or entitlement.
(b) Every page of a voters' roll shall be numbered consecutively and shall identify the name of the transitional authority and the year to which it relates; and where such roll has been divided into parts, every page of such part shall also identify the ward and voting station to which it relates.
(6) (a) A voters' roll as certified and approved for a transitional local council or for a transitional metropolitan substructure shall be divided into parts according to the wards into which the area of jurisdiction of such transitional local council or transitional metropolitan substructure has been divided.
(b) Every ward shall, unless written authorisation by the Premier to the contrary had been obtained, be divided into parts in accordance with the provisions of regulation $41(3)(c)$, and the voters' roll for any ward that had been so divided, shall be divided into such parts.
(c) A voters' roll as certified and approved for a transitional metropolitan council shall be divided into parts according to the area of jurisdiction of each transitional metropolitan substructure within the transitional metropolitan council area, and thereafter further into parts which correspond exactly with the wards and parts of such wards, if any, for each such transitional metropolitan substructure.
(d) A voters' roll divided into parts shall comply with the requirements of subregulation (5)(a) in respect of each such part.
(e) A voter shall vote in a ward or part thereof at the voting station where his or her name appears in the voters' roll for such ward or part thereof.
(7) When any claimant :
(a) is under law liable for the payment of assessment rates, rent, service charges or levies in respect of more than one address; or
(b) is so liable in respect of an address other than the place at which he or she is ordinarily resident; or
(c) is ordinarily resident at more than one place
within the area of jurisdiction of the same transitional authority, such claimant shall be entitled to be included only once in the voters' roll of such transitional authority and shall, at the time of making a claim for enrolment, identify one such address as the place for inclusion failing which the voters' roll officer shall make such identification.
(8) (a) The voters' roll officer may include in the voters roll the names and particulars of any person in respect of whom a claim on form ER1 has not been made or received, but whose particulars provide the information required for subregulation (5)(a) and on the face of such particulars satisfy the voters' roll officer that such person is qualified in terms of regulation 2 to be enrolled as a voter.
(b) A claim in a form substantially in accordance with form ER1 :2)
(i) received before 27 January 1995; or
(ii) notwithstanding the provisions of regulation 17 (1)(a)(i) received between 6 June 1995 and 23 June 1995 and shown to the satisfaction of the voters' roll officer to have been completed by the claimant and entrusted to another person, party or agency not later than 5 June 1995 to deliver to the voters' roll officer; .
shall be a lawful claim and shall be taken into account by the voters' roll officer.
(9) During the period specified in terms of regulation 3(1) the voters' roll officer shall ensure that :
(a) an adequate supply of forms ER1 and ER2 and one or more prominent places or secure receptacles for the deposit of claims delivered by hand, are clearly identified, available and accessible to the public at all times during normal office hours at every office of the transitional authority concerned; and
(b) a reasonable quantity of forms ER1 are made available upon request to a party or person who satisfies the voters' roll officer of a bona fide intention to canvass or facilitate the submission of claims at no cost to any claimant.
(10) Nothing herein contained shall be construed as requiring any person to be physically or personally present at any place or office in order to lodge a claim for his or her enrolment as a voter, or as precluding any person from posting by ordinary mail such a claim to the voters' roll officer at the address specified on form ER1 for the applicable transitional authority.
(11) Where no address exists, the transitiormal authority shall cause an address to be determined or identified within its jurisdiction for the purposes of claims and the preparation of the voters' roll.
(12) (a) For the purposes of regulation 3(1) the date announced by the Premier shall be not less than twenty-eight days after the date of promulgation of these regulations.
(b) Notwithstanding the provisions of paragraph (a) the date announced by the Premier shall be not later than 27 January 1995.
(13) Where any person applying to be enrolled as a voter makes a claim in accordance with form ER1 and certifies or otherwise signifies as the basis of qualification or entitlement to such claim that he or she pays or is liable for the payment of assessment rates, rent, service charges or levies, such certification or signification of payment or liability for payment shall not found or be used as evidence in respect of any legal action, claim or prosecution by a transitional authority, local govemment body or any other person or persons whatsoever. ${ }^{\text {l }}$

## Claims and Objections

(1) The voters' roll officer shall not later than 16 June 1995 publish a notice :2)
(a) stating that a copy of such roll and any claim received in terms of regulation 3(8)(b)(ii) may be inspected at the office or offices of the transitional authority during normal office hours and at such other place or places as the voters' roll officer may appoint during the hours of 06:00 to 22:00 daily, including Saturday, Sunday and any public holiday, during the period 24 June 1995 to 7 July 1995 inclusive; ${ }^{2}$
(b) calling upon every person whose name does not appear in such roll and who believes that he or she is entitled to be enrolled as a voter and every person who has any objection to the enrolment of any person whose name appears in such roll or in respect of whom a claim has been received in terms of regulation 3 (8)(b) (ii) : ${ }^{2)}$
(i) to lodge a written claim or objection, in the prescribed forms ER1 or ER2, which shall be available at such office or place specified in paragraph (a); or
(ii) in respect of any person who is unable to write, to appear in person at a stated place and time to lodge an oral claim or objection, ${ }^{\text {J }}$
with the voters' roll officer not later than 22:00 on 7 July 1995; ${ }^{2)}$
(c) stating that a list setting out the name of and particulars relating to every claimant, objector and person in respect of whom an objection has been lodged in terms of paragraph (b) may be inspected at the office of the transitional authority during normal office hours and at such other place or places appointed in paragraph (a) during the hours of 06:00 to 22:00 daily including Saturday, Sunday and any public holiday, during the period 14 July 1995 to 17 July 1995 inclusive, ${ }^{2}$ )
(d) calling upon every person who has an objection to the enrolment of any person whose name appears in the list referred to in paragraph (c) :
(i) to lodge a written objection, in the prescribed form ER2; or
(ii) in respect of any person who is unable to write, to appear in person at a stated place and time to lodge an oral objection,
with the voters' roll officer not later than 22:00 on 17 July 1995;2)
(e) fixing one or more days, during the period 20 July 1995 to 29 July 1995 inclusive, and one or more places, for sitting of the revision court to hear such claims and objections : Provided that at least one such day shall be a Saturday or Sunday and at least one such place shall be in an area referred to in regulation 16(1)(b). ${ }^{\text {2) }}$
(2) The voters' roll officer shall :
(a) not later than 13 July 1995, prepare a list setting out the name of and particulars relating to every claimant, objector and person in respect of whom an objection has been lodged under subregulation (1)(b); and ${ }^{2}$
(b) not later than 22 July 1995 prepare a list setting out the name and particulars relating to every objector and person in respect of whom an objection has been lodged under subregulation (1)(d). ${ }^{2)}$
(3) The voters' roll officer shall lodge with the revision court objections to the enrolment of all claimants whom such officer has reason to believe are not entitled to be enrolled as voters.
(4) The voters' roll officer shall, not less than four days before the day fixed for the sitting of the revision court, serve a notice on :
(a) every person whose name appears on the roll or a list of claimants contemplated by subregulation (2) and to whose enrolment an objection has been lodged;
(b) the objector concemed; and
(c) any claimant for enrolment as a voter whose claim has been objected to or rejected by the voters' roll officer;
setting out the grounds of such objection or rejection, the date on which it will be considered by the revision court, and inviting each such person, claimant and objector to attend; and stating that such objection will not be considered by the revision court unless such objector attends such sitting and every other sitting of the revision court to which consideration of such objection is adjourned :

Provided that where the address of a claimant or objector is not sufficiently precise to permit such service, the voters' roll officer shall in respect of any one or more claimants or objectors publish a notice substantially in accordance with the provisions of this subregulation or where such publication cannot be effected owing to limitations on the availability of a newspaper or newspapers, display such notice at the municipal office closest to the address of the claimant or objector.
(5) Non-receipt of a notice or defect in the publication of any notice referred to in subregulation (4) shall not invalidate the voters' roll or any proceeding or decision of the revision court.
(6) The Premier may with due regard to the date of the election, direct a voters' roll officer to increase the number or the locality of places or sittings referred to in subregulations (1)(a) or (1)(b) and the Premier may extend the expiry date in subregulation (1)(e).

## Constitution of Revision Court

5 (1) (a) There is hereby established for the purposes of each voters' roll a revision court with the powers, functions and duties set out in these regulations.
(b) Notwithstanding the provisions of subregulation (1)(a) above, or (2) below, the Premier may authorise and establish more than one revision court in respect of each roll or any part of each roll.
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(2) The revision court for each roll or part of such roll shall consist of three persons appointed by the transitional authority concerned, not later than 31 May 1995, at least one of whom shall be an advocate, attomey or other legally qualified person who shall be the presiding officer of the court : Provided that the Premier may, upon written application by the transitional authority concerned and upon being satisfied that there is no suitable legally qualified
person, approve in writing the appointment by the transitional authority of some other suitably qualified person who shall be the presiding officer, and an alternate. ${ }^{1) \& 2}$ )
(3) The transitional authority shall further appoint alternates to take the place of any member of the revision court who is absent or incapacitated and shall determine the order of precedence of such alternates : Provided that at least one such alternate shall comply with the qualifications prescribed for the presiding officer referred to in subregulation (2).
(4) The appointment of members and altemates to a revision court in terms of subregulations (2) and (3) shall be decided by a resolution of the council adopted by a majority of at least two-thirds of all its members.
(5) (a) No person shall be appointed or accept appointment as a member of such court if he or she :
(i) is the holder of an office in a party;
(ii) is a member or councillor or employee of the transitional authority concerned; or
(iii) is not eligible to be enrolled as a voter for a transitional authority in terms of regulation 2.
(b) A member of such a court shall cease to be a member thereof and shall vacate his or her seat if he or she :
(i) becomes disqualified for appointment as a member of such a court;
(ii) tenders his or her resignation to the chief executive; or
(iii) dies
and any vacancy so arising shall be filled from the appropriate alternate appointment, or in the absence thereof as soon as possible by the transitional authority with a person who has substantially the same qualifications as his or her predecessor.
(6) The revision court shall determine the manner in which it shall conduct its business.
(7) Whenever a change in the membership of the revision court takes place any part-heard claim or objection shall, at the request of the applicable claimant or objector, be dealt with de novo.
(8) Administrative work incidental to the performance of the functions of a voters' roll officer and a revision court shall be performed by the chief executive of the transitional authority concemed or by one or more officials of such authority duly appointed in writing and acting under the jurisdiction and control of such chief executive.
(9) Members of a revision court shall be remunerated on such basis as shall be determined by the Premier not later than the time referred to in subregulation (2), or, failing which, by resolution of the transitional authority.

## Powers. Functions and Duties of Revision Court

6 (1) On the day or days and at the place or places fixed in terms of regulation $4(1)$ (e) or 4(6) the revision court shall sit to consider and determine claims and objections to the enrolment of persons as voters.
(2) The revision court shall :
(a) add to or insert in the roll the name of every claimant :
(i) whom it is satisfied is entitled to be enrolled; or
(ii) to whose enrolment no objection was lodged; or
(iii) who notwithstanding any objection is shown to its satisfaction to be entitled to be enrolled as a voter,
or place the names of all such claimants on a supplementary list complying with the provision of regulation 3(5)(a), and add such list to the roll; or
(b) delete or remove from the roll the name of every claimant :
(i) in respect of whom an objection was lodged; and
(ii) who is shown to its satisfaction not to be entitled to be enrolled as a voter; and
(c) correct any error or supply any omission which may appear to it to have occurred in any entry in the roll with regard to the particulars required in terms of regulation $3(5)(\mathrm{a})$.
(3) (a) (i) Where a name is added to or inserted in the roll in terms of subregulation (2)(a), the serial number allocated to such name in terms of regulation 3 (5)(a)(i) shall be a number which has not been allocated previously to any other name or claimant; and
(ii) Where a name is deleted or removed from the roll in terms of subregulation (2)(b), the serial number allocated to such name in terms of regulation $3(5)(\mathrm{a})(\mathrm{i})$ shall not be allocated to any other name or claimant.
(b) Where a voters' roll is divided 'into parts in terms of regulation 3(6), the serial number allocated to a name in the roll in terms of regulation $3(5)(a)(i)$ shall be retained with such name in any part.
(4) The revision court shall not consider any claim or objection unless :
(a) such claim or objection has been lodged in accordance with these regulations; and
(b) (i) in the case of any claim or objection referred to in regulation 4(1)(b) such claim or objection was received by the voters' roll officer before the expiry of the period referred to therein.
(ii) in the case of any objection contemplated by regulation $4(1)$ (d) such objection was received by the voters' roll officer before the expiry of the period referred to therein;
(iii) failing compliance with subparagraph (i) or (ii), the revision court is satisfied that there are exceptional circumstances relating to the late submission of the document concemed warranting the consideration of the claim or objection; and
(c) in the case of any person to whose enrolment an objection has been lodged, the objector attends every sitting of the revision court at which the objection is to be considered to substantiate such objection.
(5) The voters' roll officer shall be entitled to attend and shall be heard in the presence of a claimant or objector at all sittings of the revision court.
(6) Any person whose claim or objection may be considered by the revision court and any person opposing any such claim or objection shall be entitled to be heard in person or by a representative authorised thereto in writing and to give and call evidence viva voce.
(7) All evidence given before the revision court shall be given on oath or affirmation administered by the presiding officer.
(8) Sittings of the revision court shall be open to the public and the press.
(9) Subject to the provisions of these regulations the revision court may adjourn from time to time as it may deem expedient.
(10) If no claims or objections in terms of regulations $4(1)(\mathrm{b}), 4(1)(\mathrm{d})$ or $4(3)$ are lodged within the periods referred to in such provisions the voters' roll officer shall, by notice posted at the offices of the transitional authority, forthwith cancel the sitting of the revision court.

## Certification and Signature of Roll

7 (1) The roll as amended if any by the revision court in terms of regulation 6 shall be certified and signed by the presiding officer of such court not later than 12:00 on 31 July 1995 and shall, subject to the provisions of regulation 8 and 9, thereupon be the voters' roll for the transitional authority concerned until a new voters' roll has been lawfully made. ${ }^{2)}$
(2) Any document purporting to be the voters' roll as certified and signed by the presiding officer of the revision court in terms of subregulation (1) or a true copy of such roll certified by the chief executive by the issue of a certificate to that effect shall, uniess it is proved that such document is not such voters' roll or such a true copy, as the case may be, be conclusive proof that the persons whose names appear therein are entitled to exercise any right conferred on voters by these regulations.
(3) The voters' roll so certified shall be deposited at the offices of the transitional authority and shall be open for inspection by members of the public during the normal office hours of the transitional authority or during such extended hours and times as such transitional authority may determine by resolution.
(4) Any voter or candidate or party may obtain a copy of the voters' roll or part thereof applicable to a ward at such prices as the transitional authority may determine by resolution.

## Revision of Voters' Roll

8 (1) Every transitional authority shall cause its voters' roll to be updated not less than six months prior to the expiration of the term of office referred to in regulation 80.
(2) The provisions of regulations 3 to 7 shall apply to every such revision.

## Omission

9 No omission of the name of a person from the voters' roll shall invalidate such roll or any election held in terms of these regulations.

## Expenditure on Voters' Roll

10 A transitional authority may incur such expenditure as it may consider necessary in terms of these regulations for the election and in connection with the making, revision or adjustment of any voters' roll by it or any legal proceedings arising therefrom. ${ }^{1)}$

## Agency by Local Government Body

11 (1) The Premier may after consultation in writing with the authorities or bodies concemed authorise or direct any transitional authority or local government or other body or bodies to prepare a voters' roll or to undertake in whole or in part the conduct and management of the election in terms of these regulations as the agent for or on behalf of a transitional authority which has been proclaimed or is yet to be proclaimed in terms of section 10 of the Act, or for or on behalf of any other local government body or bodies, and to perform in whole or in part the duties imposed on such authority in terms of these regulations. ${ }^{2)}$
(2) Any directive by the Premier in terms of subregulation (1) above may include such directives and other arrangements as the Premier may deem necessary or desirable to give effect to the preparation of such a voters' roll and shall include directions relating to the apportionment and recovery of costs.

11A(1) Following upon the delimitation of a transitional metropolitan substructure in terms of Section 8 of the Act the Premier may authorise any person, committee or transitional metropolitan substructure to do all things necessary to co-ordinate the election of the members of the transitional council of the transitional metropolitan substructure so delimited.
(2) Without derogating from the generality of sub-regulation (1) such authority shall in respect of the area of jurisdiction of the transitional metropolitan substructure so delimited include the power to:
(a) amalgamate voters' rolls prepared or being prepared in respect of such area;
(b) prepare a voters' roll for such area;
(c) constitute a revision court for such area;
(d) establish an election committee for such area;
(e) appoint a returning officer for such area,
and in respect of any transitional metropolitan substructure which may form part of the area now delimited in terms of section 8 of the Act, the power to :
(a) disestablish any revision court;
(b) disestablish any election committee;
(c) terminate the appointment of any returning officer; and
(d) recover any election co-ordination costs from the transitional metropolitan substructure concerned. ${ }^{2)}$

## Offences

12 Any person who:
(a) furnishes any false information in any claim or objection lodged in terms of regulation 3 or 4 or in regard to any particulars required for the making of a voters' roll;
(b) refuses or fails to furnish any information in regard to any such particulars;
(c) gives false evidence before or interrupts or disturbs the proceedings of a revision court; or
(d) treats a revision court with contempt,
shall be guilty of an offence and liable to the penalty specified in Chapter 17 of these regulations.

## CHAPTER 4

## SEATS AND WARDS

## Introduction

13 (1) After due consideration of the written representations of the transitional authority, if any, which is established at that stage and which may be affected, and after due consideration at the advice and written recommendations of the Local Government Demarcation Board established for the province, the Premier shall :
(a) delimit the area of jurisdiction of such transitional authority;
(b) determine the number of seats in such transitional authority taking into account the right of any traditional leader of a community observing a system of indigenous law and residing on land within the area of jurisdiction of a transitional authority referred to in paragraph (a) to be ex officio a member of such transitional authority;
(c) determine the area of jurisdiction of such transitional local council or transitional metropolitan substructure into wards; and . .TMS $\cong T L C$
(d) determine the number of seats in each ward : Provided that within the area of jurisdiction of any individual transitional local council or transitional metropolitan substructure all wards shall have an equal number of seats;
and incorporate the provisions of such delimitation and determination in the proclamation contemplated in section 10 of the Act.
(2) Any delimitation or determination contemplated in subregulation (1)(a), (b) or (c) may from time to time, but not later than a date three months prior to the day determined by the Minister as contemplated in section 9(1) of the Act, be reviewed by the Premier in accordance with the provisions of subregulation (1).

## Number of Seats

14 Where the number of seats in a transitional authority to be filled by an election cannot be apportioned in the manner required: ${ }^{2)}$
(a) for a transitional local council or a transitional metropolitan substructure in terms of regulations 16 and 22 without resulting in fractions, the apportionment shall be made in accordance with Schedule 1 to these regulations; and
(b) for a transitional authority in terms of regulation 22 without resulting in fractions, each such fraction shall be converted up or down to the whole number nearest thereto and the apportionment shall be made in terms thereof.

## Wards

15 The number of wards shall be determined in accordance with the provisions of regulations $13(1)(\mathrm{b})$ and (d), 16, 17 and 22.

## Allocation of Wards

16 (1) Where the area of jurisdiction of any transitional local council or transitional metropolitan substructure includes :
(a) the area of jurisdiction of any institution or body contemplated in Section 84(1)(f) of the repealed Provincial Government Act, 1961 (Act 32 of 1961); and
(b) any other area not falling within the area of jurisdiction of the institution or body referred to in paragraph (a).
no area referred to in paragraph (a) or (b) shall be allocated less than half the total number of wards of such transitional local council or transitional metropolitan substructure : Provided that for the purposes of determination of wards in terms of regulation 15, no area referred to in paragraph (a) shall include any area of :
(i) any local authority as defined in section 1(1) of the Black Local Authorities Act, 1982 (Act 102 of 1982);
(ii) any local government body established by virtue of the provisions of section 20(2)(a) of the Black Administration Act, 1927 (Act 38 of 1927); or
(iii) any council or committee established under the provisions of the Regulations for the Administration and Control of Certain Urban Areas in Natal, 1982 (Proclamation 86 of 1982) and the Regulations for the Administration and Control of Certain Urban Areas in Natal, 1983 (Proclamation 67 of 1983).
(2) A transitional authority shall make available to the Local Government Demarcation Board such maps and information as the Board may reasonably or necessarily require within such time as it may specify, in order to fulfil its obligations in terms of regulation 17.

## Criteria to Delimit Wards

17 (1) For the purposes of this regulation: ${ }^{2)}$
(a) "claimant voter" means a person in respect of whom, not later than 5 June 1995 : $^{2)}$
(i) a claim to be enrolled as a voter has been made or received in compliance with the provisions of regulation 3(3),3(4) or 3(8)(b)(i); $o r^{2}$
(ii) particulars in terms of regulation 3(8)(a) provide the information required for the purposes of regulation $3(5)(a)$ and on the face of such particulars satisfy the voters' roll officer that such person is qualified in terms of regulation 2 to be enrolled as a voter; ${ }^{2)}$
(b) "enumerator area" means an area specified as such and containing a number of people determined by or through the authority of the Head; ${ }^{2)}$
(c) "Head" means the officer designated as Head of the Central Statistical Service or the duly authorised representative thereof in terms of the Statistics Act, No 66 of 1976. ${ }^{\text {) }}$
(2) The advice and written recommendations of the Local Government Demarcation Board in respect of the delimitation of the area of jurisdiction of a transitional authority into wards shall take into account the following criteria :2)
(a) topographical and physical characteristics of the area including manmade features; ${ }^{2)}$
(b) the accessibility and availability of premises which are suitable as one or more voting stations; ${ }^{2}$ )
(c) the provisions of regulations $13,14,16$ and $22 ;{ }^{2}$
(d) at the sole discretion of such Demarcation Board, as it may after due consideration determine most appropriate, either : ${ }^{2)}$
(i) the number of people in each ward; or ${ }^{2}$
(ii) the number of claimant voters in each ward; or ${ }^{2}$
(iii) both such number of people and number of claimant voters. ${ }^{2)}$
(3) Each ward shall fall within the area of jurisdiction of such transitional authority delimited in terms of regulation 13(1)(a). ${ }^{2)}$
(4) (a) Where the Demarcation Board determines in accordance with subregulation (2)(d)(i) above that the number of people shall be taken into account, each ward shall contain an approximately equal number of people and subject to the provisions of subregulations (7) and (8) no ward shall contain a number of people which is fifteen percent more or less than the quota. ${ }^{2)}$
(b) The number of people in a ward shall be determined by adding together the number of people in every enumerator area or part thereof falling within each such ward. ${ }^{2)}$
(c) (i) Where only part of an enumerator area falls within any ward, the number of people in that part shall be a fraction of the number of people in that enumerator area, and such fraction shall be established by reasonably estimating the area of that part as a fraction of that enumerator area. ${ }^{2)}$
(ii) Where the Demarcation Board is of the opinion that by virtue of special circumstances a more accurate estimate of the number of people in part of an enumerator area can and should be established by means other than that required in subparagraph (i) above, it may, notwithstanding the provisions thereof, authorise and use such means to establish the number of people in such part. ${ }^{2)}$
(d) For the purposes of subregulation (4)(a) the quota shall be ascertained by dividing the total number of people by the total number of wards in the area of jurisdiction of the transitional authority. ${ }^{2)}$
(5) (a) Where the Demarcation Board determines in accordance with the provisions of subregulation (2)(d)(ii) above that the number of claimant voters shall be taken into account, each ward shall contain an approximately equal number of claimant voters and subject to the provisions of subregulations (7) and (8) below no ward shall contain a number of claimant voters which is fifteen percent more or less than the quota. ${ }^{2)}$
(b) For the purpose of subregulation (5)(a) the quota shall be ascertained by dividing the total number of claimant voters by the total number of wards in the area of jurisdiction of the transitional authority. ${ }^{2}$
(6) Where the Demarcation Board determines in accordance with the provisions of subregulation (2)(d)(iii) above that both the number of people and the number of claimant voters shall be taken into account, the provisions of subregulation (4) and (5) shall be applied in respect of every ward in the jurisdiction of the transitional authority : Provided that nothing herein contained shall be construed as precluding the Demarcation Board, in conducting any determination made in terms of subregulation (2)(d)(i) or (2)(d)(ii), from taking into consideration respectively the number of claimant voters or population statistics, including enumerator areas. ${ }^{2)}$
(7) Where, in the opinion of the Demarcation Board, it is not reasonably possible in the case of any ward to achieve the percentage requirement of subregulation (4)(a) or (5) (a) the Board shall make specific recommendations in respect of any such ward or wards to the Premier who may notwithstanding the provisions of this regulation make such determination as he or she deems necessary or appropriate, including further increases in general or specific terms to the percentage applicable to any quota. ${ }^{2}$ )
(8) Where the requirement of subregulation (4)(a) and (5)(a) are impossible to achieve because of the difference in the total number of voters within the area specified in regulation $16(1)(\mathrm{a})$ and the total number of voters within the area specified in regulation $16(1)(\mathrm{b}) ;{ }^{2}$
(a) the provisions of subregulations (4), (5), (6) and (7) as the case may be, shall be applied separately in respect of each such area; and ${ }^{2}$
(b) the applicable quota shall be ascertained for each such area by dividing. the total number of people and the total number of claimant voters in each such area by the total number of wards in each such area. ${ }^{2}$
(9) Any document purporting to be issued by or on behalf of the Head and purporting to specify one or more enumerator areas containing a number of
people determined by the Head shall, unless it is proved that such document is not issued by or on behalf of the Head or does not specify such enumerator area or areas containing a number of people determined by the Head, be conclusive proof of the enumerator area or areas and the number of people contained therein.

## CHAPTER 5

## QUALIFICATIONS: VOTING AND NOMINATIONS

## Voting According to Wards

18 Every voter whose name appears in the voters' roll for a ward shall be entitled to cast a vote for each vacancy for a councillor which exists in such ward.

## Voting According to Proportional Representation

19 In addition to voting in terms of regulation 18, every voter whose name appears in the applicable voters' roll for a transitional local council or transitional metropolitan substructure or the applicable voters' roll for a transitional metropolitan council for an election of councillors according to proportional representation shall be entitled to cast a vote for a party whose name appears on the applicable ballot paper for such transitional authority.

## Ballot Papers

20 There shall be one ballot paper in accordance with form ER3(A) for the purpose of voting in the manner provided for in regulation 18; and one ballot paper in accordance with Form ER3(B) for each `transitional authority for the purpose of voting in the manner provided for in regulation 19.

## Qualifications for Nomination and Election

21 (1) Any person who is enrolled in the appropriate voters' roll as contemplated in regulation 2, shall be entitled to be nominated and elected as a member of the council of a transitional authority unless :
(a) he or she is a member of the National Assembly, the Senate or a provincial legislature;
(b) he or she is disqualified to be elected as a member of the National Assembly in terms of section $42(1)$ the Constitution, namely if he or she :
(i) at the time of the election is serving a sentence of imprisonment of more than 12 months without the option of a fine;
(ii) at any time after 9 March 1994 was convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon : Provided that no person shall be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.
(iii) is an unrehabilitated insolvent; 1 ?
(iv) is of unsound mind and has been so declared by a competent court or;
(v) holds any office of profit under the Republic : Provided that the following persons shall be deemed not to hold an office of profit under the Republic for the purpose of this paragraph, namely :
(aa) an Executive Deputy President, a Minister or a Deputy Minister;
(bb) a person in receipt of a pension paid from public funds or from a pension fund aided by public funds;
(cc) a justice of the peace or appraiser; or
(dd) a member of any council, board, committee, commission or similar body established by or under law or a committee of the National Assembly who received remuneration not in excess of an amount equal to his or her salary as a member of the National Assembly.
(c) he or she is disqualified to be elected by any competent court;
(d) at 15:00 on the day immediately preceding nomination day, he or she is indebted to the transitional authority concemed in respect of any assessment rates, rent, service charges or any other monies for a period longer than three months; or
(e) he or she is an employee of the transitional authority concerned or any other transitional authority : Provided that the Executive Council contemplated in section 149 of the Constitution may exempt any such person if satisfied that such exemption is in the public interest and proof of such exemption accompanies the nomination. ${ }^{\text {. }}$
(2) (a) No person nominated as a candidate for a ward shall be nominated as a candidate for any other ward, and no person nominated as a candidate on a party list shall be nominated as a candidate for any other party list, for the same transitional authority at the same election.
(b) (i) Save as provided in subparagraph (ii), no person nominated for election as a member of a transitional authority shall be nominated for election as a member of any other transitional authority.
(ii) Notwithstanding the provisions of subparagraph (i), a person may be nominated for election as a member of a transitional metropolitan substructure and as a member of its corresponding transitional metropolitan council.

## CHAPTER 6

## REGISTRATION AND NOMINATION

## Election by Proportional Representation and by Wards

22 (1) (a) Forty percent of the members of a transitional authority shall be elected according to the system of proportional representation as set out in these regulations; and
(b) Sixty percent of the members of a transitional local council or a transitional metropolitan substructure shall be elected on the basis that each member shall represent a ward of such transitional local council or transitional metropolitan substructure.

## Notice Regarding Nominations and Registration

23 (1) Upon the determination of the day of the first election by the Minister in terms of section 9 of the Act, the returning officer shall, by notice published not later than 14 August 1995 : ${ }^{2)}$
(a) give notice of the election day and the hours of voting as prescribed by regulation 45(1);
(b) specify that nomination day contemplated by regulation 26(2) and 29(4) shall be 22 Septebmer 1995; ${ }^{2}$
(c) specify that not later than 12:00 on 4 September 1995 nominations of candidates for ward elections shall be delivered to the returning officer in compliance with regulation 29 , invite such nominations and indicate the number of vacancies to be filled; ${ }^{2)}$
(d) specify that not later than 12:00 on 4 September 1995 applications for registration of parties shall be delivered to the returning officer in compliance with regulation 24 and invite such applications; ${ }^{2}$
(e) designate the place at which nominations and applications referred to in paragraph (c) and (d) above will be received by the returning officer.
(2) (a) In respect of elections to be held for transitional metropolitan substructures and a transitional metropolitan council, the metropolitan returning officer shall consult with such substructures and not later than 4 July 1995 shall by mutual agreement determine common times and dates for the purposes of regulations 23(1)(b), (c), (d) and (e), which agreement shall be binding on such bodies. ${ }^{2)}$
(b) Failing an agreement in terms of regulation 23(2)(a), the metropolitan election officer shall forthwith advise the Premier who shall determine such times and dates at his or her sole discretion.

Registration of Parties : Proportional Representation Elections
24 (1) Every party which intends to participate in an election according to proportional representation shall :
(a) not later than 12:00 on 4 September 1995 deliver an application in writing to the returning officer concerned for registration as a party; and ${ }^{2}$
(b) include the following in the application referred to in paragraph (a):
(i) the name and distinguishing mark or symbol of the party which in terms of regulation $36(5)(b)$ is required to appear on the ballot paper;
(ii) the distinguishing mark or symbol used by such party, on a separate page and clearly identifiable for and capable of printing or reproduction in black and white;
(iii) the address of the party within the area of jurisdiction of the transitional authority to which the application relates;
(iv) its constitution in the case of a party which has not been registered in terms of the Electoral Act, 1993 (Act 202 of 1993),
(v) the names, identity numbers and addresses of the local officebearers of the party who are ordinarily resident within the area of jurisdiction of the transitional authority to which the application relates;
(vi) a list of party candidates for the election, together with the full names, identity number and address of each such candidate and an acceptance from each candidate in terms of form ER4; ${ }^{1)}$
(vii) in the form of cash or a bank guaranteed cheque, a deposit determined not later than 18 August 1995 by the returning officer as representing an accurate estimate of one percent of the
number of voters on the voters' roll expressed in rands and disregarding any cents $:$ Provided that ${ }^{2}{ }^{2}$
(aa) in the case of a transitional authority with one thousand voters or less the deposit shall be one hundred rand; and ${ }^{2}$
(bb) in the case of a transitional authority with more than one thousand voters the minimum deposit shall be two hundred and fifty rand and the maximum deposit shall be one thousand five hundred rand, ${ }^{2}$ )
which deposit may be refundable in terms of subregulation (3) below; and
(viii) the name and address of a duly authorised party representative.
(2) Not later than 12:00 on 5 September 1995 the returning officer shall post outside the place of nomination referred to in regulation 23(1)(e) a list showing the name and address of each party in respect of whom an application has been received, together with its list of party candidates, and keep such list so posted until 12:00 on 22 September 1995.2)
(3) Upon receipt of an application for registration referred to in regulation 24(1). the returning officer shall establish whether :
(a) the party has an address within the area of jurisdiction of the transitional authority to which the application relates;
(b) the constitution of the party substantially complies with the definition of a party in regulation 1; or
(c) the party has been registered in terms of the Electoral Act, 1993 (Act 202 of 1993); and
(d) the candidates on the list are included in the voters' roll of the transitional authority to which the application relates and are not disqualified in terms of regulation 21.
(4) (a) The returning officer shall not later than seven days after election day, refund a deposit made in terms of subregulation (1)(b)(vii) to a party which has received in such election not less than 25 per cent of the quota of votes for a seat as determined in terms of regulation 74(2) or 78(2) as the case may be. or which in such election has obtained sufficient votes to entitle it to representation on a vacant seat.
(b) A party which is not entitled to a refund in terms of subregulation (3)(a) shall forfeit its deposit to the transitional authority concerned.

## Rejection of Applications

25 The returning officer shall, not later than 12 September 1995, by notice in writing to the applicant reject any application made in terms of regulation 24 if $:^{2)}$
(a) such application does not substantially contain the information or does not include the deposit required in terms of regulation $24(1)(\mathrm{b})$; or
(b) the party does not substantially comply with the definition of a party in regulation 1; or
(c) the party does not have an address within the area of jurisdiction of the transitional authority to which the application relates; or
(d) one or more persons on the list of party candidates is or are disqualified in terms of regulation 21 or not included in the relevant voters' roll; or ${ }^{\text {l }}$
(e) the name of one or more persons appears on the list of candidates of more than one party with an acceptance in terms of form ER4 for the transitional authority concerned; or
(f) the distinguishing mark or symbol is rejected for reasons set out in regulation 29(5)(f), (g) or (h) :

Provided that where the rejection is in terms of paragraphs (a), (c), (d), (e), or (f), the returning officer shall in writing grant the party the opportunity to rectify the defect by not later than 16:00 on 19 September 1995, by supplying to such officer the rectified information or address or deposit or substituting another name or names or qualified persons or making other rectifications, as the case may be, and upon due compliance therewith, the returning officer shall approve the application and register the party : Provided further that where a party fails to rectify a defect in terms of subparagraph (d), (e), or (f) only, the returning officer shall reject the person or persons or, subject to the provisions of regulation 90(1)(e)(iii), the distinguishing mark or symbol concerned, and shall otherwise approve the application and register the party. ${ }^{2)}$

26 (1) The returning officer shall approve all applications and register all parties which comply with the requirements of regulation 24.
(2) At noon on nomination day the returning officer shall, at the place of nomination referred to in regulation 23(1)(e), publicly declare :
(a) the names of the parties whose nominations have been rejected in terms of regulation 25 ;
(b) the names of the parties whose nominations have been accepted and in respect of which a vote will be held;
(c) the names of the accepted candidates on the party list of each party in paragraph (b); and
(d) display the distinguishing mark or symbol of each party, if any, accepted by the returning officer or adjudicated by the election committee in terms of regulation 90(1)(e)(iii).
(3) The nomination of a party whose nomination has been declared in terms of subregulation (2) may not be withdrawn in respect of any such party.

## Publication of Lists

27 (1) The retuming officer shall, not later than 9 October 1995 and after applications for registration in terms of regulation 24(1) have been dealt with in terms of regulation 24, 25 and 26 publish :2)
(a) the full name and address of the registered parties;
(b) the distinguishing mark or symbol, if any, of the registered parties; and
(c) the list of party candidates,
and post a copy of such notice outside the place of nomination referred to in regulation 23(1)(e).
(2) The application of each registered party shall be open for public inspection for a period of seven days following the date of publication in subregulation (1), from 08:00 to 17:00 at the place of nomination referred to in regulation 23(1)(e).
(3) If the returning officer is not the chief executive, the retuming officer shall forthwith deliver a copy of such notice to the chief executive. ${ }^{2)}$

28 The metropolitan returning officer shall, for the purposes of an election for a transitional metropolitan council, exercise the functions and duties of the returning officer in terms of regulations 23 to 27 inclusive and any reference to the returning officer shall be construed as a reference to such metropolitan returning officer.

## Nomination for Wand Elections

29 (1) No person may become a candidate at any ward election for a council unless a nomination paper in the prescribed form ER5 duly completed and signed by :
(a) the proposed candidate or his agent duly authorised thereto in writing, which authority shall accompany the nomination paper, confirming such candidate's acceptance of the nomination; and
(b) at least the number of voters determined in terms of subregulation (9) whose names are included in the voters' roll for that ward other than such proposed candidate or agent;
is delivered to the returning officer not later than 12:00 on 4 September 1995, accompanied, on a separate page clearly identifiable for and capable of printing or reproduction in black and white, by the distinguishing mark or symbol of the candidate which in terms of regulation 36(2) is required to appear on the ballot paper. ${ }^{2)}$
(2) No nomination paper or any particulars contained therein shall, after the delivery of such nomination paper to the returning officer in terms of subregulation (1), be disclosed by the returning officer to any person other than an election officer prior to the hour referred to in subregulation (1).
(3) Not later than 12:00 on 5 September 1995 the returning officer shall post outside the place of nomination referred to in regulation 23(1)(e) a list showing the name and address of each person in respect of whom a nomination has been received and keep such list so posted until 12:00 on 22 September 1995. ${ }^{\text {() }}$
(4) At noon on nomination day the returning officer shall, at the place of nomination referred to in regulation 23(1)(e) publicly declare :
(a) the names of the proposed candidates whose nominations have been rejected by him or her in terms of subregulation (5);
(b) the names of the candidates whose nominations have been accepted and who are, in terms of subregulation (6), deemed to have been duly elected;
(c) the names of the candidates whose nominations have been accepted and in respect of whom a vote will be held in terms of subregulation (7);
(d) the name of the traditional leader of a community observing a system of indigenous law and residing on land within the area of jurisdiction of the transitional authority who is ex officio a member of the council; and
(e) display the distinguishing mark or symbol of each candidate, if any, accepted by the returning officer or adjudicated by the election committee in terms of regulation $90(1)(\mathrm{e})$ (iii).
(5) The returning officer shall reject :
$\%$ \%
(a) the nomination of any person proved to his satisfaction not to be eligible as a candidate in terms of regulation 21 ;
(b) any nomination in respect of which the requirements of subregulation (1) have not been complied with;
(c) the nomination of any person in respect of whom the returning officer has, before the declaration is made in terms of subregulation (4), received a communication in writing, signed by such person and witnessed by at least two other persons, that he or she has withdrawn his or her candidature;
(d) the nomination of a person nominated for more than one ward in the same transitional authority if more than one of such nominations complies with the requirements of subregulation (1);
(e) the nomination of a person who, to the knowledge of the returning officer, died after delivery of his nomination paper in terms of
subregulation (1) but before the declaration is made in terms of subregulation (4);
(f) a distinguishing mark or symbol which is or purports to be the distinguishing mark or symbol of a party, in the absence of an accompanying written and signed authorisation by the duly authorised representative of such party;
(g) distinguishing marks or symbols which are identical or which are not clearly and easily distinguishable; and
(h) a distinguishing mark or symbol which is indecent, abusive, misleading, sacrilegious or otherwise likely to cause offence or which is materially similar to a cross or tick :

Provided that no nomination shall be rejected on the grounds of any defect contemplated by paragraph (b), (d), (f), (g) or (h) unless :
(i) the returning officer has, not later than 12 September 1995, served on the person concerned a written notice informing him or her of such defect; and ${ }^{2}$
(ii) such person has failed :
(aa) to remedy such defect; and
(bb) if such defect has been remedied, to furnish proof to the satisfaction of the returning officer that such defect has been remedied,
by not later than 16:00 on 19 September 1995 : Provided further that where such person fails to rectify a defect in terms of paragraph ( f ), (g)
or $(\mathrm{h})$ the retuming officer shall, subject to the provisions of regulation $90(1)$ (e)(iii), reject the distinguishing mark or symbol concerned and shall otherwise accept the nomination. ${ }^{2)}$
(6) (a) If the number of candidates for a ward whose nominations have been accepted is equal to or less than the number of vacancies in that ward, such candidates shall be deemed to have been elected and a by-election shall be held within 90 days from the date of the election substantially in the manner provided by these regulations for the holding of elections, to fill any remaining vacancies.
(b) If insufficient nominations to fill the remaining vacancies referred to in paragraph (a) are accepted for the by-election referred to in the said subregulation, the returning officer shall, within seven days of the declaration made in terms of subregulation (4) in respect of such byelection, notify the Premier in writing thereof and the Premier may thereupon either direct that a further by-election shall be held to fill the balance of the remaining vacancies or may appoint persons as councillors to fill such balance and any person so appointed shall for all purposes be deemed to be a councillor.
(7) If the number of candidates whose nominations have been accepted exceeds the number of vacancies the retuming officer shall immediately by notice posted outside the place of nomination referred to in regulation 23(1)(e) and shall not later than 9 October 1995 publish the full names of each candidate together with his or her distinguishing mark or symbol, if any, in respect of whom a vote will be held on election day. ${ }^{2}$ )
(8) The returning officer shall, on being satisfied that a candidate in terms of subregulation (4)(c), has died before the day of the election, terminate all proceedings and by notice published in the press withdraw all notices issued under this chapter in respect of the ward concerned, whereupon a by-election
shall be held within 90 days from the date of the election for the ward concerned substantially in the manner provided in these regulations for the holding of elections : Provided that such termination and notice shall in no way be construed as terminating or suspending any other concurrent election proceedings, including the nomination of members from a transitional metropolitan substructure to a transitional metropolitan council.
(9) The retuming officer shall for the purposes of subregulation (1)(b) above not later than 18 August 1995 determine in respect of each ward and make available a number representing an accurate estimate of two percent of the voters on the voters' roll for each such ward. ${ }^{2)}$

## CHAPTER 7

## APPOINTMENT, POWERS AND DUTIES OF ELECTION OFFICERS

## Appointment and Responsibilities

(1) (a) The chief executive shall $e x$ officio be the retuming officer of the transitional authority concerned unless such authority by resolution of the council adopted by a majority of at least two thirds of all its members appoints another person as returning officer not later than 4 May 1995. ${ }^{2)}$
(b) The transitional authority shall confirm the ex officio or other appointment of the returning officer in writing not later than seven days after such appointment.
(2) The returning officer for a transitional local council shall be responsible for the administration, organisation, supervision and conduct of the election for such transitional local council.
(3) The retuming officer appointed for a transitional metropolitan substructure shall be responsible for :
(a) the administration, organisation, supervision and conduct of the election both for such transitional metropolitan substructure and for the transitional metropolitan council according to proportional representation conducted within such transitional metropolitan substructure;
(b) ensuring that the election for the transitional metropolitan council shall be conducted within the same voting stations as the election for the transitional metropolitan substructure; and
(c) such other duties and responsibilities as may be impposed in terms of these regulations.
(4) The returning officer appointed for a transitional metropolitan council shall be responsible for :
(a) inviting, receiving and adjudicating applications for the registration of parties and for registering parties in respect of a transitional metropolitan council election in accordance with the provisions of regulation 23 to 27 inclusive;
(b) printing and transmitting ballot papers in respect of such election to the applicable returning officer- for each transitional metropolitan substructure in accordance with the provisions of regulation 36(4) to (6) inclusive, and 40(3);
(c) receiving from the returning officer for each transitional metropolitan substructure in terms of regulation 77, or the responsible deputy returning officer in terms of regulation 81, a transmission on the total number of votes cast and the total number of votes cast in favour of each party;
(d) the determination of the result of the election for the transitional metropolitan council according to proportional representation in terms of regulation 78;
(e) the determination in terms of these regulations of the number of nominees required from transitional metropolitan substructures to the transitional metropolitan council and the result of such nomination in terms of regulation 84 to 88 inclusive; and
(f) such other duties and responsibilities as may be imposed in terms of these regulations.
(5) (a) The transitional authority shall, subject to the maintenance of essential services, permit the returning officer to recruit and appoint or second such of its employees for such period or periods and in such capacity or capacities as he or she may reasonably require as being necessary for the proper preparation and conduct of the election.
(b) Such employees shall be granted for this purpose by the transitional authority concerned permission to be absent from their normal place of work on full pay without prejudice to any other condition of employment plus for a period of not more than two days any fees as may be determined by such transitional authority in terms of regulation 93.
(c) The returning officer may recruit and appoint from outside the employment of the transitional authority such additional persons as he
or she may deem essential at not more than the fees determined for any other election officer in regulation 93 : Provided that any such recruitment shall be within the limits of any general or specific financial provision which shall have been made in advance by the transitional authority. ${ }^{3)}$
(d) Nothing herein contained shall be construed as prohibiting the transitional authority from making such additional provisions or arrangements as it may deem necessary in respect of employment or staffing for the proper preparation and conduct at the election.
(e) Where the chief executive is ex officio the returning officer he or she shall, in addition to his or her normal remuneration and conditions of employment, be granted for a period of not more than two days any fee as may be determined by such transitional authority in terms of regulation $93 .{ }^{1)}$
(f) Where the transitional authority appoints in terms of subregulation (1) another person as returning officer it shall at the same time as such appointment determine by a majority of at least two thirds of all its members his or her remuneration and conditions of employment which may include for a period of not more than two days any fee as may be determined by such transitional authority in terms of regulation 93.

## Election Officers

31 (1) (a) The retuming officer shall appoint such election officers as he or she may deem necessary for the effective and proper conduct of the election and may in his or her discretion withdraw any appointment so made. ${ }^{3)}$
(b) The Code of Conduct for Election Officers set out in Schedule 2 to these regulations shall be deemed to be a term and condition of appointment for every election officer, including the returning officer. ${ }^{3)}$
(2) No person shall be appointed or accept appointment as an election officer who :
(a) is a candidate at the election;
(b) is a nominated member of or is on the supplementary list for appointment to the transitional authority;
(c) has been directly or indirectly engaged with or without remuneration by any party or candidate in connection with the election; or
(d) is the holder of an office in a party;
(e) fails to make a declaration in terms of form 9A. ${ }^{3)}$
(3) (a) The returning officer shall where appropriate designate one election officer or more as a deputy returning officer, presiding officer, voting officer, translation officer or voter's assistant contemplated in subregulation (4), counting officer, and/or other election officer : provided that any election officer may be given more than one designation.
(b) The returning officer for any transitional metropolitan substructure shall designate one or more deputy presiding officers in respect of a voting station.
(4) The returning officer shall ensure :
(a) that sufficient election officers fluent in the official language are readily available at all times during voting at every voting station;3)
(b) that sufficient election officers are specifically appointed, and allocated to assist illiterate, blind or disabled voters in terms of regulation 53,58 and $59 ;{ }^{3)}$
(c) that every election officer is given adequate training and instructions for the effective and efficient performance of his or her duties and responsibilities in terms of these regulations; and ${ }^{3)}$
(d) that every election officer is given full and adequate opportunity to read, or where such officer cannot read, to have read to him or her, the Code of Conduct for Election Officers in Schedule 2.3)
(5) In the appointment and designation of election officers the returning officer shall make positive and affirmative endeavours to ensure racial and gender representativity.
(6) The provisions of this regulation shall apply mutatis mutandis to the metropolitan returning officer.
(7) Election officers appointed in terms of this regulation shall be under the control and carry out the instructions of the returning officer. ${ }^{3)}$
(8) The returning officer or the presiding officer may in respect of any polling station falling under his or her jurisdiction, management or control :3)
(a) at any time instruct any election officer to stop work or to leave any voting station or place for the counting of votes for such period or periods as such returning officer or presiding officer may specify; and ${ }^{3)}$
(b) any such instruction may include a directive to such election officer to report directly or not later than a specified time to another identified voting station or place for the counting of votes or office or official of the transitional authority. ${ }^{3)}$

32 (1) The returning officer shall issue to each election officer a certificate of appointment in accordance with applicable form ER6 and such letter of appointment shall : ${ }^{3)}$
(a) in the case of a presiding officer, be enclosed at the close of voting in envelope ER7 in accordance with regulation 62(3);
(b) in the case of a voting officer or other election officer designated to a voting station, be handed for signature to the responsible presiding officer not later than the time at which such voting or other election officer first enters the voting station, and thereafter retained by such voting officer or other election officer until such time as it is required by the presiding officer for enclosure in envelope ER7 in accordance with regulation 62(3);
(c) in the case of a counting officer, be handed for signature to the returning officer not later than the time at which such counting officer first enters the place for the counting of votes, and thereafter retained by such counting officer until such time as it is required for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b); and
(d) in the case of any other election officer, be handed for signature to the returning officer at a time and place specified by such returning officer. and thereafter retained by such election officer until such time as it is required by the returning officer or for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b).
(2) Every election officer shall, subject to any direction issued by the returning officer, exercise such powers and perform such duties and functions as are conferred and imposed on him or her by these regulations or as may be assigned to him or her by the returning officer.
(3) (a) Whenever the retuming officer is absent or incapacitated or fails or refuses to act the deputy returning officer shall exercise the powers and perform the duties and functions conferred and imposed by law on the returning officer.
(b) Where two or more deputy returning officers have been designated the returning officer shall at the time of such designation rank them in order of seniority.

## Election Officers to be Impartial

33 All election officers shall maintain strict impartiality in the exercise of their powers and the performance of their duties and functions and shall by nothing in their actions, demeanour, manner or speech give cause for imputing the contrary.

## Agents and Messengers

34 (1) Every candidate for a ward in an election and whose name appears on the ballot paper for that voting station may appoint :
(a) one general agent to represent or accompany him or her at any such voting station and at the place for the counting of votes;
(b) not more than two special agents for each such voting station;
(c) one special agent and one messenger to be present at the place for the counting of votes; and
(d) one messenger for each such voting station :

Provided that only one agent and one messenger of any candidate shall at the same time be allowed in the voting station and provided further that agents and messengers shall be included on the voters' roll of a transitional authority.
(2) The provisions of regulation 34(1) shall apply mutatis mutandis to every party registered for an election and whose name appears on the ballot paper for that voting station : Provided that any reference to a general agent shall be construed as a reference to a party representative.
(3) (a) Every candidate and every party in an election shall, at least fourteen working days before election day, advise the returning officer in writing in accordance with applicable form ER8 of the names, if any, of agents and messengers appointed in terms of regulation 34(1).
(b) The name of any duly appointed agent may be withdrawn or replaced by similar notice to the returning officer not later than noon on the second day before election day.
(4) Where the same voting station is used for an election in respect of a transitional metropolitan council and a transitional metropolitan substructure, the provisions of this regulation shall be applied separately in respect of each such election.

Declarations ${ }^{3)}$
35 (1) Every election officer shall make a declaration in accordance with form ER9A, in the case of $:{ }^{3}$
(a) the returning officer or a deputy returning officer, before a commissioner of oaths;
(b) a presiding officer, before the returning officer, a deputy retuming officer or a commissioner of oaths; and
(c) any other election officer, before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths. ${ }^{3)}$
(2) The declaration contemplated by subregulation (1) shall :
(a) in the case of the returning officer, be enclosed in applicable envelope ER29 in accordance with regulation $72(2)$ (b);
(b) in the case of a presiding officer, be handed to the returning officer when such presiding officer is supplied with his election material in terms of regulation 40, for enclosure in applicable envelope ER29 in accordance with regulation $72(2)$ (b);
(c) in the case of any other election officer and in the case of any person contemplated in subregulation (3), be handed to the returning officer at a time and place specified by such returning officer, for enclosure in applicable envelope ER29 in accordance with regulation 72(2)(b) or, if no time and place is so specified, be handed to :3)
(i) the presiding officer when such person first enters a voting station, for enclosure in envelope ER7 in accordance with regulation 72(2)(b); or
(ii) the retuming officer when such person first enters the place for the counting of votes, for enclosure in applicable envelope ER29 in accordance with regulation $72(2)(b)$.
(3) Every other person who is entitled to be present in a voting station or the place for the counting of votes otherwise than as a voter or as a police officer on duty, shall make a declaration in accordance with form ER9 before the returning officer, a deputy returning officer, a presiding officer or a commissioner of oaths, which form shall be dealt with in accordance with subregulation (2)(c) above. ${ }^{3)}$

## CHAPTER 8

## PREPARATIONS FOR ELECTION

## Printing Ballot Papers for Wards

36 (1) Immediately after the declaration in terms of regulation 29(4) by the returning officer of the names of candidates whose nomination for election in a ward has been accepted and in respect of whom a vote will be held on election day the returning officer shall cause to be printed in accordance with form ER3(A) for use in an election according to wards, a sufficient number of ballot papers on white paper.
(2) Each ballot paper printed in terms of regulation 36(1) shall :
(a) contain the name of each candidate in alphabetical order of the sumames as stated on the nomination forms and, if there are two or more candidates with the same surname, in alphabetical order of their other names; and
(b) contain adjacent to the name of each such candidate the distinguishing mark or symbol, if any, of that candidate as displayed in accordance with regulation 29(4)(e); and
(c) have the counterfoil numbered with the consecutive number of such counterfoil on the face of the counterfoil.
(3) A separate series of ballot papers with consecutive numbers on each counterfoil shall be printed for each ward.

## Printing Ballot Papers for Proportional Representation

(4) Immediately after the declaration in terms of regulation 26(2) by the returning officer of the names of the parties whose nominations have been accepted and in respect of which a vote will be held on election day :
(a) the returning officer shall cause to be printed in accordance with form ER3(B) for use in an election according to proportional representation in a transitional local council or transitional metropolitan substructure, as the case may be, a sufficient number of ballot papers on yellow paper; and
(b) the metropolitan returning officer shall cause to be printed in accordance with form ER3(B) for use in an election according to proportional representation in a transitional metropolitan council, a sufficient number of ballot papers on green paper.
(5) Each ballot paper printed in terms of regulation 36(4)(a) and 36(4)(b) shall :
(a) contain in alphabetical order the names of the parties concerned as stated on the nomination forms and, if there are two or more parties with the same first name, in alphabetical order of their other names and, if there are two or more parties with the same first letter of the alphabet, then in alphabetic order of the second, and if necessary, subsequent letters;
(b) contain adjacent to each such name the distinguishing mark or symbol, if any, of that party as displayed in accordance with regulation 26(2)(d); and
(c) have a counterfoil numbered from one with the consecutive number of the counterfoil on the face of the counterfoil.
(6) A separate series of ballot papers with consecutive numbers on each counterfoil shall be printed for each transitional authority.
(7) For the purposes of regulation 36(5)(a) the starting letter of the alphabet in the alphabetical order shall be determined by the name of the party drawn first
by lot conducted in accordance with regulation 73(1)(b)(i) to (iii) inclusive by the returning officer in the presence of the authorised representatives of not less than half the number of registered parties, or should such number fail to be present after written invitation, in the presence of such representatives who are present plus not less than five independent witnesses invited, if necessary, by the returning officer.

## Ballot Boxes

37 (1) The retuming officer shall before election day provide or cause to be provided a sufficient number of ballot boxes.
(2) Every ballot box shall :
(a) have a lid attached thereto with hinges;
(b) have an aperture large enough to permit the insertion therein of ballot papers;
(c) be so constructed and be made of such material that ballot papers cannot be removed therefrom without opening the lid thereof;
(d) be provided with a lock or other device for locking it when closed;
(e) be clearly marked on the outside with a number or symbol which is unique to that box and which cannot be readily removed or obliterated; and
(f) be clearly and securely marked on the outside in such a manner as to permit independent identification :
(i) of the name of the particular transitional authority to which it relates; and
(ii) of the ward to which it relates; and
(iii) as a combined ballot box for an election according to wards and according to proportional representation; or
(iv) as a ballot box exclusive for an election according to proportional representation for a metropolitan transitional council.

## Official Mark and Instruments

38 (1) The returning officer shall before election day :
(a) decide on the official mark or marks to be placed on ballot papers;
(b) provide a sufficient number of instruments for placing such official mark or marks on ballot papers; and
(c) place each instrument in a separate applicable envelope ER10 and seal every such envelope with his official seal before handing it to a presiding officer in terms of regulation 40.
(2) The returning officer shall not communicate to any person whatsoever any particulars of the official mark or marks decided upon by him.

Fixing of Time and Place of Counting and of Place for Delivery of Election Material
39 The returning officer shall before election day :
(a) determine the place or places, date and time for the counting of votes, which shall commence not later than 09:00 on the day immediately following the election, and give written notice thereof to every candidate, party and general agent;
(b) notify each presiding officer on form ER11 of the place or places where ballot boxes and other election material are to be delivered to such retuming officer after the closing of voting stations; and
(c) (i) appoint in writing a deputy retuming officer to act on his or her behalf in any case where such returning officer has decided that a place or places for the counting of votes will not be under his or her direct supervision and control; and
(ii) notify in writing each such deputy returning officer of the place to which the result of the count in accordance with regulation 81 and election material is to be delivered to such returning officer after the completion of counting.

## Provision of Election Material

40 (1) The returning officer shall not later than 17 h 00 on the day before election day supply to each presiding officer the following election material for use at his or her voting station :
(a) a list of the candidates for the ward allocated to such presiding officer;
(b) a list of the parties for the election;
(c) a list of candidate and party agents and messengers whose names appear in respect of his or her voting station on the applicable form ER8 handed in terms of regulation 34 and in respect of whom a form ER9 has been handed in terms of regulation 35.
(d) one copy of the voters' roll or applicable part thereof containing the names of voters entitled to vote at his or her voting station;
(e) a copy of these regulations;
(f) three copies of each poster referred to in regulation 46;
(g) a sufficient number of ballot boxes as required, identified and marked in terms of regulation 37;
(h) a sufficient supply of ballot papers;
(i) a sufficient supply of instruments for placing the official mark on ballot papers each in a separate envelope ER10;
(j) one official seal;
(k) a sufficient supply of forms, envelopes and labels ER7 and ER12 up to and including applicable form ER25;
(1) a sufficient number of pens or pencils for marking ballot papers;
(m) a sufficient supply of pencils, pencil sharpeners, rulers, cutting instruments, ink and ink pads, envelopes, sealing wax or other sealing materials, matches, tapers, brown paper, cardboard boxes or containers, bags, sealing tape, string, paste, drawing pins, candles, rope or tape and other materials necessary for maintaining the identity of the inner perimeter of the voting area, and where considered appropriate by the returning officer, one or more functioning, battery operated torch; and
(2) Each presiding officer shall immediately in the presence of the returning officer enter on the applicable form ER20 the counterfoil numbers of ballot papers received by such presiding officer and shall give a receipt to the returning officer for the election material supplied to him or her in terms of subregulation (1), including thereon the sequence of serial numbers on the counterfoils of the ballot papers received and the numbers or symbols in terms of regulation 37(2)(e) of ballot boxes supplied to him or her and shall retain a duplicate of such receipt signed by the retuming officer.
(3) (a) The metropolitan returning officer shall supply to the returning officer of each transitional metropolitan substructure not later than noon on the day before election day a required number of ballot papers in
accordance with regulations $36(4)(b),(5)$ and (6), which number shall be specified in writing by such returning officer to the metropolitan retuming officer not later than the time of approval and registration of parties in terms of regulation 26.
(b) Each returning officer shall give to the metropolitan returning officer a receipt including thereon the sequence of serial numbers on the counterfoils of the ballot papers supplied to him or her in terms of subregulation (3)(a) and shall retain a duplicate of such receipt signed by the metropolitan returning officer.

## CHAPTER 9

## CONTROL. PREPARATION AND OPENING OF VOTING STATION

## Voting Areas

41 (1) A voting area shall comprise :
(a) a voting station being a place designated by the returning officer within which a voter shall be allowed to cast his or her vote;
(b) an inner perimeter around the voting station bounded by a circumference with a radius of 500 metres, or such shape or lesser radius or area as practical circumstances may necessitate, so designated and with boundaries clearly demarcated by the returning officer :
(i) within which persons shall be allowed for the purposes of voting;
(ii) within which all political activity other than voting shall be prohibited;
(iii) from which persons other than those provided for in regulation 42(1), (2) and (3) shall be excluded; and
(c) a controlled area around the voting station bounded by a circumference with a radius of 1000 metres, or such shape or lesser radius or area as practical circumstances may necessitate, so designated by the returning officer in respect of which a presiding officer may prohibit all political activity other than voting.
(2) For the purposes of subregulation (1)(b)(ii), political activity includes :
(a) the wearing or display of any armiet or rosette designed or intended to identify a particular person with a particular party or symbol;
(b) the display or distribution of any poster, placard, banner, pamphlet, circular or letter intended or calculated to influence a voter to vote for a specific candidate or party;
(c) the making of any announcement, delivery of any speech or reading aloud any speech, article or letter intended or calculated to influence a voter to vote for a specific candidate or party; and
(d) canvassing of support for any candidate or party;
(3) (a) The returning officer shall subject to the provisions of these regulations determine the number and location of voting stations within each ward having due regard to the number of voters, accessibility, security, availability of suitable premises and other relevant factors influencing the successful and proper conduct of the election.
(b) Not less than one voting station shall be determined for each ward or for each part of a ward.
(c) In the absence of specific or general written authorisation to the contrary by the Premier :
(i) no voting station in a ward delimited in terms of regulation $16(1)$ (b) shall be allocated part of the voters' roll comprising more than 2500 enrolled voters; and
(ii) no voting station in a ward delimited in terms of regulation 16(1)(a) shall be allocated part of the voters' roll comprising more than 4000 enrolled voters.
(4) The returning officer for a transitional metropolitan substructure shall ensure that every voting station is designated and used for the purposes of an election for a transitional metropolitan substructure and a transitional metropolitan council.
(5) The returning officer shall ensure compliance with the provisions of regulation 3(6).
(6) Not later than 12 September 1995 each retuming officer shall publish a list of voting stations and their addresses and shall maintain a copy of such list at a place or places determined by him or her or by the election committee contemplated in regulation 90 for public information until the day after election day : Provided that after consultation at his or her request with such election committee such list may be added to by the returning officer and published and maintained in like manner not later than 22 September 1995. ${ }^{2}$
(7) The Premier may not later than 22 September 1995 direct the returning officer to increase the number or the locality of voting stations referred to in subregulation (3). ${ }^{2)}$

## Certain Powers in Respect of Voting Area

(8) The presiding officer appointed to a voting station shall have the power to :
(a) take such steps and give such directions as may be necessary for the orderly conduct of voting and the effectual conduct of the election and compliance with these regulations, including control of the number of voters to be admitted at a time to the voting station and the inner perimeter; and
(b) exclude or evict from the voting station and the inner perimeter all persons except those permitted in terms of regulation 42.
(9) Subject to regulation 42, no person shall enter or remain in a voting station or inner perimeter without the permission of the presiding officer.
(10) The presiding officer shall take all reasonable steps for the protection of persons and property and for preventing any violence or disturbance in the voting area.
(11) The powers conferred by subregulation (8), (9) and (10) shall not be so exercised as to prevent any person who is entitled to vote from having an opportunity to cast his or her vote.
(12) The provisions of this regulation shall not be construed as limiting any powers, duties and functions conferred or imposed on the presiding officer by any other regulation.

## Persons Who May Enter Voting Stations

42 (1) Only the following persons may enter a voting station or inner perimeter designated in terms of regulations $41(1)(\mathrm{a})$ and (b):
(a) the returning officer;
(b) duly appointed election officers;
(c) police officers on duty;
(d) the candidates;
(e) any person whose name appears in respect of such voting station in the list referred to in regulation 40(1)(c); and
(f) voters for the purpose of voting at such voting station; or
(g) a person permitted to do so for the purposes of regulation $58(1)$.
(2) Only persons referred to in subregulation 1(a) to (e) inclusive may enter a voting station before the time at which voting is due to commence or remain therein after the close of voting.
(3) Notwithstanding the provisions of this regulation the returning officer may in writing authorise other named or specific persons with specific responsibilities to enter a voting station or an inner perimeter of such station on such terms as such officer may deem necessary or appropriate.
(4) All persons entitled or authorised to enter a voting station or inner perimeter including police officers on duty, candidates and agents, shall be subject to the authority, control and directives of the presiding officer.

## Equipment and Furniture for Voting Stations

43 (1) The returning officer shall ensure that the following equipment and furniture is provided within each voting station before the time at which voting is due to start :
(a) sufficient number of tables and chairs for election officers and in the opinion of the returning officer a reasonable number of tables and chairs for common use by agents of the candidates and parties; and ${ }^{l}$
(b) sufficient number of voting compartments each with a writing surface; and
(c) ballot boxes in terms of regulation $40(1)(\mathrm{g})$.
(2) The returning officer shall not provide equipment or furniture outside the voting station to any candidate, party or agent.

## Arrangement Within a Voting Station

44 (1) Each voting station shall be arranged in such a manner that :
(a) at the entrance to the voting station and/or inner perimeter there shall be one or more election officers to check that each person wishing to enter the voting station and/or inner perimeter is in possession of an identity document; and
(b) thereafter, upon admission to the voting station, the voter shall first be directed to an adjacent place where ballot papers can be issued for the election of councillors in wards and for the election of councillors according to proportional representation for a transitional local council or transitional metropolitan substructure, as the case may be, and where the vote for such election shall be cast and deposited by the voter; and
(c) thereafter, subject to the provisions of regulation 44(3), the voter shall be directed to an adjacent exit separated from the entrance; and
(d) there shall be one or more election officers or police officers on duty at such exit to ensure that no person shall enter through such exit.
(2) Where a person referred to in subregulation 44(1)(a) does not produce the identity document required in terms thereof, such person shall not be permitted to enter the voting station or, if entry has been made, shall be escorted
directly out of the voting station from the exit by an election officer or police officer on duty.
(3) Where the election for a transitional metropolitan council is conducted within the same voting station as the election for a transitional metropolitan substructure :
(a) a voter who has cast a vote in terms of regulation $44(1)(b)$ shall thereafter be referred directly to the place in regulation 44(3)(b);
(b) the place where a ballot paper shall be issued and the vote shall be cast and deposited by the voter for such transitional metropolitan council election, shall be clearly separated from and subsequent to the place referred to in regulation $44(1)(b)$, but situated in a position before the exit referred to in regulation 44(1)(c); and
(c) all election material referred to in regulation 40 and issued in respect of such transitional metropolitan council, shall at all times be kept and maintained separate by the presiding officer from any other election material in such voting station until taken into custody by the relevant authorised returning officer;

## Voting Hours and Arrival at Voting Station

(2) The presiding officer, voting officers and any other election officer who is specifically directed thereto by the returning officer, shall be in the voting station at least sixty minutes before the time at which voting is due to start.

## Poster Outside Voting Station

46 The presiding officer shall, before voting is due to commence, place in a conspicuous position outside the voting station :
(1) poster ER14(A) stating that it is a yoting station for the election, the hours of voting, the name of the transitional authority, the ward and voting station for which voting according to wards will take place; and
(2) where applicable, poster ER14(B) stating that it is a voting station for the election, the hours of voting, and the name of the transitional metropolitan council, ward and voting station for which voting according to proportional representation will take place; and
(3) poster ER13 stating that smoking or the lighting of matches or lighters is prohibited in the voting station.

## Preparation of Voting Compartments

47 The presiding officer shall, before voting is due to commence :
(a) arrange each voting compartment so that no person can :
(i) enter or leave it without being seen by the presiding officer or other election officer deputed thereto by him; or
(ii) observe how any person casts a vote;
(b) affix form ER12(A) and (B) inside each voting compartment in a position facing a voter who may enter such compartment; and
(c) attach a pen or properly sharpened pencil by means of string to the writing surface in each compartment.

## Sealing of Ballot Boxes

48 (1) The presiding officer shall, before voting is due to start but not more than thirty minutes before such time :
(a) ensure and confirm that all the ballot boxes have been provided in terms of regulation 43(1)(c) and are marked in accordance with regulation 37(2)(e) and (f);
(b) show persons present inside the voting station that each ballot box is empty;
(c) close and lock each ballot box;
(d) secure the lid of each ballot box firmly and with sealing wax impressed with his or her seal, seal each ballot box and seal the key, if any, to the side of the box in such a manner that such lid cannot be opened nor such key removed without the seal being broken or damaged; and
(e) permit the candidates or the agents present to affix their seals to all or any ballot boxes if they so desire.
(2) In the event of additional ballot boxes being delivered thereafter to the voting station and being accepted by the presiding officer, the procedure set out in regulation $48(1)$ (a) to (e) inclusive shall be followed immediately upon such delivery and the presiding officer shall temporarily close the voting station for such limited period as may be reasonably required to comply therewith.
(3) After the ballot boxes have been sealed they shall not :
(a) be opened except as provided for in regulation 69; or
(b) be removed from the voting station except as provided for in regulation 63(1).
(4) The presiding officer shall place each ballot box in a conspicuous position where it can at all times be seen by him or her or by any other election officer deputed thereto by him.

## Opening of Voting Station and Official Mark Envelopes

49 (1) The presiding officer shall ensure that the voting station is opened at the time at which voting is due to start.
(2) The presiding officer shall, at the time when voting is due to start, open only as many envelopes containing instruments for placing the official mark on ballot papers as may be necessary for the vote.

## CHAPTER 10

## CONDUCT OF VOTE

## Periodic Inspection of Voting Station and Voting Compartments

50 (1) The presiding officer shall periodically during the course of the election cause the voting station to be inspected to ensure that the provisions of these regulations are being complied with and that :
(a) the posters referred to in regulation 46 are still in position and have not been damaged or defaced;
(b) the voting compartments are still arranged as required by regulation 47(a); and
(c) the ballot boxes are still in the position required by regulation 48(4).
(2) The presiding officer shall periodically during the course of the election cause each voting compartment to be inspected when it is not occupied to ensure that :
(a) the form ER12(A) and (B) is still in position and has not been damaged or defaced;
(b) a pen or properly sharpened pencil is still attached to the writing surface; and
(c) no other notice, paper sign, writing or symbol is in such voting compartment.
(3) The presiding officer shall periodically during the course of the election cause the inner perimeter to be inspected to ensure that the provisions of these regulations are being complied with and that the boundaries of such inner perimeter are correctly and clearly demarcated.

## Admission to Voting Compartments

51 Subject to the provisions of regulations $50(2)$ and 58 , no person other than a voter wishing to vote shall enter a voting compartment and not more than one voter shall be in a voting compartment at any one time.

## Interference with Voters

52 No person shall, except as provided in these regulations, approach, interfere with, speak to or assist a voter from the time such voter has been issued with a ballot paper or papers to the time such voter has inserted such ballot paper or papers into the appropriate ballot box or boxes.

## Questions to Voters

53 (1) The presiding officer may, and if so requested by any candidate or agent, shall put to a person applying for a ballot paper the questions set out in form ER15 in the presence of not less than two candidates or agents, and where the presiding officer deems it appropriate may explain the import and content of form ER15.
(2) The presiding officer may at his discretion record on form ER15 the answers of the person concerned and require such person to make and sign or mark the declaration.
(3) No person contemplated by subregulation (1) shall be permitted to vote unless he or she answers the first question distinctly and absolutely in the affirmative and the second and third questions distinctly and absolutely in the negative and, when so required by the presiding officer, makes and signs or marks the declaration with his or her mark.
(4) No enquiry other than that contemplated by subregulation (1) shall be made at any casting of a vote as to the right of any person to vote. ${ }^{1)}$
(5) Where a person referred to in regulation 53(1) refuses or fails to answer a question or make and sign or mark a declaration as required in regulation 53(3) such person may be directed by the presiding officer to leave the voting station and shall thereupon be escorted directly out of the voting station from the exit by an election officer or police officer on duty.
(6) When a person applies to an election officer for a ballot paper in the name of a particular voter and a line has already been drawn through the name and number of the voter concerned in the voters' roll or such election officer has reason to believe that a ballot paper has already been issued in such name, the presiding officer shall put to the person applying for the ballot paper the questions set out in form ER15, record on form ER15 the number of the counterfoil of any ballot paper issued and the answers of the person concerned, and require such person to make and sign the declaration, and the provisions of subregulations (3) to (5) inclusive shall apply mutatis mutandis. ${ }^{1)}$

## Issue of Ballot Papers

54 (1) An election officer to whom a person applies for a ballot paper, shall request the person to display his identity document and to state his name and address, and shall satisfy himself that :
(a) in the case of a ballot paper for the election of councillors in wards, such person's name appears in the voters' roll for that voting station;
(b) in the case of a ballot paper for the election of councillors according to the system of proportional representation, such person's name appears in the voters' roll for that voting station for the applicable transitional authority; and
(c) a ballot paper of the kind for which application is being made, has not already been issued at that voting station in the name of the voter concerned.
(2) If an election officer is satisfied in terms of regulation $54(1)$, or if the presiding officer so directs, the election officer shall in the case of each ballot paper :
(a) call out the serial number and name of the voter concerned as stated in the voters' roll;
(b) enter such number on the counterfoil of the ballot paper;
(c) draw a line through the name and number of the voter concerned in the voters' roll to indicate :
(i) that a ballot paper has been issued in such name; or
(ii) where a single voters' roll is used for the issue of a ballot paper for the election of councillors in wards and for the issue of a ballot paper for the election of councillors according to a system of proportional representation for a transitional local council or transitional metropolitan substructure, that two ballot papers have been issued in such name;
(d) tear out each such ballot paper and mark it with the official mark in the space provided on the back thereof;
(e) fold each such ballot paper once lengthwise and then once crosswise so that the official mark is on the outside; and
(f) unfold each such ballot paper and hand it to the appropriate voter.

## Assistance to Voters by Election Officers

55 An election officer may :
(a) direct a voter to a voting compartment or to a subsequent ballot table;
(b) inform a voter that directions for guidance are posted inside the voting compartment;
(c) in any case deemed appropriate by him or her inform a voter that such voter may request assistance by an election officer referred to in regulation 31 (4) or assistance in terms of regulation 58 and direct such voter to such officer;
(d) instruct a voter where to deposit ballot papers after such voter has exercised his vote; or
(e) direct a voter to the exit of the voting station after such voter has completed the voting process.

## Marking and Disposal of Ballot Papers

56 (1) A voter to whom a ballot paper or papers has been issued shall :
(a) immediately proceed to an unoccupied voting compartment;
(b) when inside such compartment without delay secretly place a cross or clear mark of intention by means of mark or writing other than a cross
on the ballot paper in the square opposite the name and symbol of the candidate for whom he or she wishes to vote in a ward election, and on the ballot paper in the square opposite the name and symbol of the party for which he or she wishes to vote in the election according to proportional representation;
(c) fold the ballot papers so that the official mark is on the outside;
(d) show the official mark on the ballot paper or papers to the presiding officer or to any other election officer deputed thereto by such presiding officer and put such ballot paper or papers in the appropriate ballot box; and
(e) immediately leave the voting station through the exit.
(2) No ballot paper shall be removed from the voting station except as provided in regulation 63(1).

## Inspection of Ballot papers and Ballot Papers without Official Mark

57 (1) If an election officer has any doubt whether a ballot paper in the possession of any person is a ballot paper duly issued to such person, such election officer may require such person to show him or her the back of such ballot paper in order that the official mark thereon may be seen.
(2) The presiding officer shall cause the official mark to be placed on any ballot paper from which it has been omitted if he or she is satisfied that such ballot paper was otherwise properly issued and has not yet been inserted in the ballot box.

## Iliterate, Blind or Disabled Voters

(1) Upon request to the presiding officer by a voter :
(a) who is unable to obtain a ballot paper in the manner contemplated by regulation 54 or is unable to vote in the manner contemplated by regulation 56 by reason of such voter being illiterate, blind, infirm or otherwise physically disabled; and
(b) who is accompanied or assisted by another person who has attained or who in the opinion of the presiding officer, appears to have attained the age of eighteen years,
the presiding officer shall, if he or she is satisfied that such voter so desires, grant permission to such voter to obtain a ballot paper or papers and vote with the aid and in the presence of such other person only, and, in such event, everything done by such other person at the request or with the express or implied consent of the voter in connection with the exercising of the vote of the voter concerned, shall be deemed to have been done by such voter.
(2) If any voter is unable to obtain a ballot paper in the manner contemplated by regulation 54 or is unable to vote in the manner contemplated by regulation 56 by reason of such voter being illiterate, blind, infirm or otherwise physically disabled, and, if an application has not been made in terms of regulation 58(1), the presiding officer or his duly authorised representative shall, at the request of such voter and in the presence only of not less than two agents as may be present :
(a) obtain a ballot paper or papers in terms of regulation 54 for such voter;
(b) mark the vote of such voter on the ballot paper or papers in the manner directed by such voter;
(c) fold such ballot paper or papērs as required by these regulations; and
(d) put such ballot paper or papers in the appropriate ballot box.
(3) Everything done by an officer in terms of subregulation (2) at the request or with the express or implied consent of the voter in connection with the exercising of the vote of the voter concerned shall be deemed to have been done by such voter.

## Objection to Voter

59 (1) Any candidate, candidate's agent or voter may, by declaration on oath or affirmation made in accordance with form ER16 before the presiding officer, object to a person in the voting station exercising any vote on the grounds that such person is not the voter in whose name such person has applied for or been issued with ballot papers.
(2) The presiding officer shall forthwith :
(a) read the declaration contemplated by subregulation (1) to the person exercising or attempting to exercise the vote; and
(b) request such person to make a declaration on oath in accordance with the form ER17 before the presiding officer; and
(c) where the presiding officer deems it appropriate may explain the import and content of form ER16 and ER17.
(3) If the person exercising or attempting to exercise the vote makes the declaration contemplated by subregulation (2)(b) immediately after being requested to do so in terms of the said subregulation, the presiding officer shall permit such person to exercise his vote in accordance with these regulations.
(4) If the person exercising or attempting to exercise the vote refuses to make the declaration contemplated by subregulation (2)(b) immediately after being requested to do so in terms of the said subregulation, the presiding officer shall
prohibit the issue of any bailot paper to such person or, if a ballot paper or papers have already been issued to such person but have not yet been disposed of as provided in regulation $56(1)(\mathrm{d})$, impound and cancel such ballot papers or papers and endorse thereon and on the counterfoils thereof the reason for such cancellation.
(5) The presiding officer shall set aside all declarations contemplated by subregulations (1) and (3) and all ballot papers impounded and cancelled in terms of subregulation (4), in the applicable envelope ER18.
(6) The presiding officer shall administer any oath contemplated by this regulation.

## Spoilt Ballot Papers

60 (1) If any voter spoils a ballot paper he or she may return it to the presiding officer who shall, if he or she is satisfied that such ballot paper was inadvertently spoilt, issue to such voter a fresh ballot paper.
(2) The presiding officer shall, if he or she issues a fresh ballot paper :
(a) cancel the spoilt ballot paper and :
(i) endorse on the applicable voters' roll next to the name of the voter that such ballot paper has been cancelled and that a fresh ballot paper has been issued; and
(ii) endorse on the spoilt ballot paper the number of the fresh ballot paper counterfoil in the following manner :
"See fresh counterfoil $\qquad$ ."
and
(b) set aside the spoilt ballot paper in the applicable envelope ER18.

# CHAPTER 11 <br> CLOSE OF VOTING AND MAKING UP AND DELIVERY OF <br> ELECTION MATERIAL 

## Close of Voting

61 (1) The presiding officer shall ensure that :
(a) the doors of the voting station are closed at the time at which voting is due to close, save and except to such persons who are at the time of closing within the inner perimeter of the voting area as described in regulation 41(1)(b); and
(b) no person is admitted into the voting station after the time at which voting closes, save and except such persons who are at the time of closing within the inner perimeter of the voting area as described in regulation $41(1)(b)$.
(2) The presiding officer shall permit every person who is inside such inner perimeter at the time when voting closes and who is entitled to vote, to exercise his rights to vote.

## Making up of Election Material

62 (1) The presiding officer shall, in the presence of the persons present in the voting station and immediately after every person contemplated by regulation 61(2) has exercised his or her vote :
(a) close the aperture in every ballot box;
(b) seal every such closed aperture with his official seal;
(c) seal any locking device, or tie and seal any key to the box, in such a manner that it cannot be used to open the box without breaking such seal;
(d) permit candidates or agents each to affix a seal to any such aperture if so desired;
(e) complete and sign applicable form ER20;
(f) separate the counterfoils of the used ballot papers from unused ballot papers and their counterfoils and for this purpose divide any partly used ballot paper book into two.
(2) The presiding officer shall then, in the presence of the persons present in the voting station, enclose the material specified in the first column of the following Table in the applicable envelopes specified in the second column of the said Table and paste or tie or otherwise deal with each envelope so that it is securely closed :

| TABLE |  |  |
| :---: | :---: | :---: |
| MATERIAI |  | ENVELOPE: |
| (a) | Forms ER6 and ER9 | ER7 |
| (b) | Forms ER15, ER16 and ER17 plus impounded, spoilt and cancelled ballot papers | ER18 |
| (c) (d) (e) | $\begin{array}{ll}\text { Unused ballot papers and counterfoils } & \} \\ \text { Counterfoils of used ballot papers } & \\ \text { Marked copies of the voter's roll } & \}\end{array}$ | ER19 |
| (f) | Form ER20 | ER21 |
| (g) | Instruments for marking ballot papers with official mark | ER25 |

(3) The presiding officer shall thereupon, in the presence of the persons present in the voting station :
(a) seal envelope ER7, applicable envelopes ER18, ER19, ER21, and ER25 with his official seal and permit the candidates or agents each to affix a seal thereto if so desired;
(b) retain applicable envelopes ER21 and ER25 separately;
(c) enclose envelope ER7, applicable envelopes ER18 and ER19 in the single bag or container supplied for this purpose, affix applicable label ER23 thereto and seal such single bag or container with his official seal and permit the candidates or candidates' agents each to affix a seal thereto if so desires; and ${ }^{1)}$
(d) thereafter enclose his official seal in applicable envelope ER24 paste down the flap of such envelope so that it is securely closed and sign such envelope.
(4) The presiding officer shall securely enclose all remaining unused stationery, forms, cutting instruments, sealing wax and similar election material in the single box or container supplied for this purpose and affix applicable label ER22 thereto.
(5) In the election for a transitional metropolitan council and a transitional metropolitan substructure, the provision of regulation 62(1), (2), (3) and (4) shall be applied by the presiding officer separately, and, if appropriate, consecutively, in respect of such council and such substructure. ${ }^{\text {() }}$

## Delivery of Election Material to Returning_Officer

63 (1) The presiding officer shall, immediately after complying with the provisions of regulation 62 remove from the voting station and deliver and accompany all ballot boxes and materials included with applicable form ER21, ER22, ER23, ER24 and ER25 into the hands of the returning officer or deputy returning officer at the place fixed in terms of regulations $39(\mathrm{a})$ and $39(\mathrm{~b}){ }^{.1)}$
(2) The presiding officer shall, without prejudice to his or her obligations in terms of subregulation (1), permit such candidates and agents who are immediately available and ready, to follow him or her to the place fixed in terms of regulations $39(\mathrm{a})$ and 39 (b). ${ }^{1)}$
(3) The returning officer or deputy returning officer shall be present at the place fixed in terms of regulations 39(a) and 39(b) from the time at which voting stations are due to close and shall issue a receipt to the presiding officer for the election material contemplated by subregulation (1), including a statement of the numbers or symbols of ballot boxes in terms of regulation 37(2)(e), which shall be compared by both such officers with the receipt issued under regulation $40(2)$ and in respect of which any discrepancy shall be noted and signed by both such officers. ${ }^{1)}$

## CHAPTER 12

## COUNTING OF VOTES AND DECLARATION OF RESULT

## Control of Place for the Counting of Votes

64 (1) (a) The returning officer shall be in charge of the place for the counting of votes and shall take such steps and give such directions to persons present therein as may be necessary for the proper conduct of the count.
(b) The returning officer shall have the power to exclude or evict from the place for the counting of votes all persons except those permitted in terms of subregulation (2).
(c) Subject to subregulation (2) no person shall enter or remain in a place for the counting of votes without the permission of the returning officer.
(d) The provisions of this subregulation shall not be construed as limiting any powers, duties and functions conferred or imposed on the returning officer by any other provision of these regulations.
(2) Only the following persons may be present in the place for the counting of votes :
(a) the returning officer;
(b) the presiding officer or officers;
(c) election officers duly appointed for the counting of votes;
(d) police officers on duty;
(e) every candidate for a ward;
(f) any person whose name appears as an agent to be present at the counting of votes in terms of regulation 34(1)(a) and (c) on a form ER8 duly surrendered in terms of regulation 35(2)(c) and in respect of whom a form ER9 has been duly surrendered in terms of regulation 35(2)(c); and
(g) persons delivering ballot boxes and other election material in terms of regulation 63.
(3) Notwithstanding the provisions of this regulation the returning officer may in writing authorise other named or specific persons with specific responsibilities to enter a place for the counting of votes on such terms as such officer may deem necessary or appropriate.
(4) Without derogating from the generality of the foregoing all persons entitled or authorised to enter a place for the counting of votes including police officers on duty, candidates and agents shall-be subject to the authority, control and directives of the returning officer.

## Requisites for the Counting of Votes

65 The returning officer shall take into the place for the counting of votes :
(a) a copy of the Act; the Constitution; the Electoral Act, 1993 (Act 202 of 1993); and these regulations;
(b) his or her official seal; ${ }^{1)}$
(c) sufficient copies of applicable forms ER26 to ER31 inclusive; and
(d) the applicable receipt or receipts issued in terms of regulation 40(2); and
(e) sealing wax or other sealing materials, matches, tapers, candles, pencils, pencil sharpeners, paper, brown paper, bags, cardboard boxes, string, paste and cutting instruments.

## Counting

66 (1) In the conduct of counting for an election for a transitional local council or transitional metropolitan substructure, the provisions of regulations 68 to 72 inclusive shall be complied with separately :
(a) in respect of ballot papers from each ward and from each voting station within each ward; and
(b) in respect of ballot papers for the election of councillors by wards and ballot papers for the election according to proportional representation from each such ward voting station referred to in paragraph (a).
(2) In the conduct of counting for an election for a transitional metropolitan council the provisions of regulations 68 to 72 inclusive shall be complied with separately in respect of each metropolitan voting station and each metropolitan voting sub-station if any.
(3) The returning officer shall not commence the counting of votes for any ward or voting station until the ballot boxes and all other election material from all voting stations, if any, from such ward have been delivered to him or her. ${ }^{\text {l }}$ )

## Duties and Functions of Counting Officers

67 The returning officer may direct any election officer to perform under his or her control one or more duties and functions imposed by these regulations. ${ }^{\text {I }}$

## Checking of Election Material

68 The returning officer shall deal separately with the election material received from each ward as follows :
(a) Open applicable envelope ER24 containing the official seal used by the presiding officer.
(b) With such candidates or agents as may desire to do so, examine the ballot boxes, applicable envelopes ER21 and ER25 referred to in regulation 62(3)(a), and the parcel under applicable label ER23 in order to ascertain whether the seals and fastenings are intact.
(c) Make a record of any seals or fastenings which are not intact.
(d) (i) Open applicable envelope ER21 containing the applicable form ER20;
(ii) Compare the counterfoil numbers of ballot papers entered on such form ER20 with the statement on the receipt of counterfoil numbers made in terms of regulation 40(2);
(iii) Note and endorse the result of such comparison with his or her signature on such form ER20 and display the result to such agents or candidates who may be present; and
(iv) Proceed forthwith to comply with the next provisions of these regulations.

## Procedure for Counting Votes

69 After compliance with the provisions of regulation 68 , the returning officer shall open and empty each ballot box and :
(1) in the case of an election for a transitional metropolitan substructure or a transitional local council, first separate the ballot papers into those for the election according to wards and those for the election according to proportional representation; and thereafter
(2) (a) set apart any material therefrom which is not a ballot paper, and including any ballot paper which on the face of it, should have been inserted in another ballot box to be dealt with in terms of regulation 71 ;
(b) unfold the ballot papers and place them with their backs upwards;
(c) set apart all such ballot papers as do not bear the official mark to be dealt with in terms of regulation 71;
(d) count with their backs upwards the number of all such ballot papers, compare the total so counted with the total as reflected on the applicable form ER20;
(e) note and endorse with his or her signature on the applicable form ER20 the comparison of totals in terms of subparagraph (d); and display the result to such agents or candidates who may be present; and
(f) proceed forthwith to comply with the next provisions of these regulations.

## Counting of Votes

70 (1) The retuming officer shall, after the provisions of regulations 69 have been complied with, deal as follows with the ballot papers for the ward concerned, which have not been set apart in terms of regulation 69(2)(a) and (c):
(a) Turn all such ballot papers face upwards;
(b) Set apart to be dealt with in terms of regulation 71 all such ballot papers which :
(i) give votes for more candidates than the number of vacancies, or for more than one party;
(ii) are unmarked; or
(iii) are ambiguous or doubtful as regards the vote or votes marked thereon; or
(iv) are otherwise subject to rejection in terms of regulation 71(1).
(c) In respect of ballot papers not set apart in terms of paragraph (b) count the votes given for :
(i) each candidate in the case of the election for councillors for wards; and
(ii) each party in the case of the election for proportional representation.
(2) After the ballot papers have been turned face upwards in terms of subregulation (1)(a) they shall be kept face upwards.

## Returning Officer to Decide on Ballot Papers Set Apart

71 (1) The returning officer shall, with such candidates or agents as may desire to do so, scrutinise every ballot paper set apart in terms of regulations 69(2)(a) and (c), or $70(1)(b)$ and shall, after considering the submissions made by any such candidate or agent, reject and not count any ballot paper which :
(a) does not bear the official mark;
(b) gives votes for more candidates than the number of vacancies, or for more than one party;
(c) is unmarked;
(d) contains a vote which is void because it is so marked that the returning officer cannot determine for which candidate or candidates or party the vote or votes was cast;
(e) is a ballot paper for another election; or
(f) on a balance of probability was not issued in the voting station concerned.
(2) The returning officer shall not reject any ballot paper merely because there is thereon a mark other than a cross, or writing, or a signature.
(3) The returning officer shall endorse :
(a) the word "rejected" on every ballot paper rejected by him or her in terms of subregulation (1); and
(b) the words "rejection objected to" or "acceptance objected to", as the case may be, on every ballot paper in respect of which a candidate or agent objects to his decision.
(4) The returning officer shall ensure that the votes counted in terms of regulation $70(1)(c)$ are adjusted by the addition of any vote which has been accepted by the returning officer in terms of this regulation, whether or not the acceptance of the ballot paper concemed has been objected to.

## CHAPTER 13

## DETERMINATION OF RESULT

## VOTING ACCORDING TO WARDS

## Declaration of Result : Wards

73 (1) The returning officer shall, immediately after the provisions of regulation 72 (1) to (3) inclusive have been complied with : ${ }^{2}$ )
(a) ascertain which candidate or candidates has or have been elected by a majority of votes;
(b) in the event of the number of votes for two or more candidates being equal, determine by lot which of such candidates shall be elected in the following manner :
(i) record the names of the candidates, for whom there was an equality of votes, on separate pieces of paper of the same size, shape and appearance, fold them so that they look identical and place them in an empty ballot box in the presence of the candidates or their agents;
(ii) close the ballot box and shake it and without looking therein draw one of the pieces of paper from the ballot box and, in the presence of the candidates or their agents, show such piece of paper to the candidates or their agents and sign such piece of paper;
(iii) announce the name of the candidate whose name appears on such piece of paper.
(c) complete applicable from ER26;
(d) declare the result of the election outside the place where the votes were counted or some other place as he or she may by notice in the press have designated by announcing the ward, the number of votes for each candidate in that ward, and the candidate or candidates duly elected; and
(e) in any instance where the returning officer is not the chief executive, deliver a certified copy of completed applicable form ER26 to the chief executive.
(2) The returning officer shall post a copy of the completed applicable form ER26 at the office or offices of the relevant transitional authority not later than two days after the declaration of the result and shall serve a copy thereof on the Premier not later than seven days after the declaration of the result.
(3) The returning officer shall not later than seven days after the declaration referred to in subregulation (1)(d) publish or cause to be published the name and applicable ward of every candidate elected.

## VOTING ACCORDING TO PROPORTIONAL REPRESENTATION

## TRANSITIONAL LOCAL COUNCIL OR

 TRANSITIONAL METROPOLITAN SUBSTRUCTURE
## Determining the Ouota

74 (1) The returning officer shall, for the purpose of determining the result according to proportional representation, take into account the results of proportional
representation voting in respect of the transitional local council or transitional metropolitan substructure as the case may be.
(2) The quota of votes per seat shall be determined by dividing the total number of votes cast by the number of seats to be filled by proportional representation, plus one, and the result, plus one, disregarding fractions, shall be the quota of votes per seat.

## Allocating Seats

75 (1) The total number of votes cast in favour of a party shall be divided by the quota of votes per seat and the result shall, subject to subregulation (2), determine the number of seats allocated to that party.
(2) Where the calculation in subregulation (1) yields a surplus, such surplus shall compete with similar surpluses accruing to any other party or parties and any undistributed seat or seats shall be awarded to the party or parties concerned in sequence of the highest surplus.
(3) The representatives of a party shall, according to the number of seats determined for such party in terms of subregulations (1) and (2) be taken from the list of the aforesaid party in the order in which they are stated on such list.
(4) In the case of a list containing fewer candidates than a party is entitled to. that party :
(a) shall be allocated the number of representatives on its list; and
(b) shall forfeit its entitlement to any further representation in excess of the representation so allocated.
(5) In the event of a party forfeiting its entitlement to representation in terms of subregulation (4) :
(a) a new quota shall be determined on the following basis :
(i) the total number of votes cast, minus those votes cast for all parties referred to in subsection (4), shall be divided by the remaining number of seats, plus one, still to be allocated to the other parties; and
(ii) the result, plus one, disregarding fractions, shall be the new quota.
(b) a new determination of the allocation of representatives in respect of such other parties shall then mutatis mutandis be made as provided for in subregulations (1), (2) and (3) respectively
(6) In the event of a party being entitled to an additional number of representatives in terms of the provisions of subregulation (5), and its list of candidates not containing a sufficient number of candidates, the process provided in subregulations (4) and (5) shall be repeated until all representatives have been allocated to a vacant seat.
(7) (a) Any candidate elected to represent a ward of a transitional local council or a transitional metropolitan substructure shall be disqualified with effect from 22:00 on election day from being designated as a party representative in terms of regulation 82(a) or from being elected according to the system of proportional representation for the same transitional local council or transitional metropolitan substructure. ${ }^{1)}$
(b) The returning officer shall for the purposes of subregulations (1) to (6) inclusive and regulation 76 , deal with any such disqualified candidate as if his or her name were not on the list of party candidates.

76 (1) The returning officer shall, immediately after the provisions of regulation 75 have been complied with : ${ }^{2)}$
(a) ascertain which person or persons has or have been elected in accordance with the system of proportional representation;
(b) complete applicable forms ER26;
(c) declare the result of the election outside the place where the votes were counted or some other place as he or she may by notice in the press have designated by announcing the number of votes for each party and the persons from the party lists who have been duly elected in terms of these regulations; and
(d) in any instance where the returning officer is not the chief executive, deliver a certified copy of completed applicable forms ER26 to the chief executive.
(2) The returning officer shall post a copy of the completed applicable from ER26 at the office or offices of the relevant transitional authority not later than two days after the declaration of the result and shall serve a copy thereof on the Premier not later than seven days after the declaration of the result.
(3) The returning officer shall not later than seven days after the declaration referred to in subregulation (1)(c) publish or cause to be published the name and applicable party or every candidate elected.

## TRANSITIONAL METROPOLITAN COUNCIL

## DETERMINING VOTING AND THE QUOTA

Transmittal and Receipt of Counting Totals
77 (1) In the case of an election in respect of proportional representation for a transitional metropolitan council, the retuming officer shall, after the
provisions of regulation 72 or 81 have been complied with, announce the result of such count outside the place specified in terms of regulation 39 by announcing the total number of votes for each party in his area of jurisdiction.
(2) The retuming officer shall, after compliance with the provisions of regulation 77(1), immediately deliver or cause to be delivered on form ER34 to the appropriate metropolitan returning officer the total number of votes for each party in the area of jurisdiction of such returning officer, together with a copy of the appropriate form ER30.
(3) The place to which such form ER30 and ER34 shall be delivered within the area of the metropolitan transitional council shall be determined by the metropolitan returning officer who shall advise each applicable returning officer thereof in writing on form ER35 not later than noon on the day prior to election day.
(4) The metropolitan returning officer shall be present at the place fixed in terms of regulation 77(3) from a time not later than eight hours after the time at which voting stations are due to close and shall issue a receipt to the returning officer for the election material contemplated in regulation 77(2).

## Determining the Ouota

78 (1) Upon receipt of the transmission form ER30 and ER34 referred to in regulation 77 from each returning officer within the area of jurisdiction of the transitional metropolitan council, the metropolitan returning officer shall complete form ER30 in respect of the metropolitan area and shall for the purpose of determining the result according to proportional representation. take into account the result of proportional representation voting in respect of the transitional metropolitan council.
(2) The quota of votes per seat shall be determined by dividing the total number of votes cast by the number of seats to be filled by proportional
representation, plus one, and the result, plus one, disregarding fractions, shall be the quota.
(3) The provisions of regulations 75 to 76 inclusive shall apply mutatis mutandis to the metropolitan returning officer and any reference to the returning officer shall be a reference to such metropolitan returning officer.

## SUPPLEMENTȦTION OF LIST AND VACANCIES

79 After the determination of the number of seats for each party and the identification of the representatives of such party, that party may, in order to fill any vacancy that may arise between the election and the next election, supplement the list referred to in regulation $24(1)(b)(v i)$ in accordance with the requirements of these regulations : Provided that the name of any person holding office as a councillor for the transitional authority to which that list relates shall not be included in such list.

## ASSUMPTION AND TERM OF OFFICE

80 Any persons elected as a councillor in terms of these regulations shall upon announcement in terms of regulation 73(1)(d) and 76(1)(c) respectively, and where applicable, forthwith assume office as a councillor for the council concemed for a period of three years commencing from the date of the election or until the next election of the council concemed takes place.

## DEPUTY RETURNING OFFICER

## Functions and Transmittal of Results and Totals

81 (1) Where the returning officer has decided that a place for the counting of votes will not be under his or her direct supervision and control, and has appointed a deputy returning officer in terms of regulation 39(c) to act on his or her behalf, any reference to the returning officer in regulations 63 to 72(3) inclusive shall be construed as a reference to the applicable deputy returning officer.
(2) The deputy returning officer shall, after compliance with the provisions of regulations 63 to $72(3)$ inclusive, announce the result of such count outside the place where the votes were counted by announcing :
(a) in the case of an election in respect of councillors by wards, the name of each candidate and the number of votes cast in respect of each such candidate; and
(b) in the case of an election in respect of proportional representation for a transitional authority, the number of votes for each party in each applicable transitional authority.
(3) The deputy returning officer shall immediately thereafter deliver or cause to be delivered to the returning officer at the place specified in terms of regulation 39(c):
(a) the result of the count in accordance with subregulation (2)(a) and (b) on each applicable form ER32 together with each applicable form ER30; and
(b) all election material and documents into the custody of the returning officer.
(4) The returning officer shall upon receipt of all relevant forms ER32 and ER30:
(a) complete the count of the election result for his entire jurisdiction by adding the respective and corresponding totals contained therein;
(b) comply with the provisions of regulation 73(1)(a); and ${ }^{1)}$
(c) proceed with the provisions of regulation 73 to 77 inclusive.

## CHAPTER 14

## FILLING OF ELECTED OR NOMUNATED SEATS

82 (a) A councillor elected according to a party list shall cease to hold office when he or she dies, resigns office in writing, ceases to hold the qualifications required for nomination or election or is disqualified or removed from office in terms of any law or by order of court, or ceases to be a member of the party for which he or she was listed as a party candidate, and the chief executive of the council concerned shall forthwith designate the person whose name is on top of the list referred to in regulation 27 or a supplemented list referred to in regulation 79 , as the person that has become a representative for the party concerned in that council.
(b) Where a vacancy contemplated by paragraph (a) occurs and there is no list as provided for in regulation 27 or a supplemented list, or if such lists have become exhausted, or if the party concerned has ceased to exist, such vacancy shall remain unfilled.

83 A councillor representing a ward or a transitional metropolitan substructure shall cease to hold office when he or she dies, resigns office in writing or ceases to hold the qualifications required for nomination or election or is disqualified or removed from office in terms of any law or by order of court, and in the event of such vacancy a by-election shall be held mutatis mutandis in terms of these regulations.

## CHAPTER 15

## TRANSITIONAL METROPOLITAN COUNCIL NOMINATIONS FROM

## SUBSTRUCTURES

## Percentage and Quotas

84 Sixty per cent of the members of a transitional metropolitan council shall be nominated by the transitional metropolitan substructures from among their members on a pro rata basis according to the number of registered voters in the area of jurisdiction of such transitional metropolitan substructures : Provided that each such transitional metropolitan substructure shall be entitled to at least one representative.

85 (a) Within 7 days of the last announcement of the results of the election in terms of regulations $73(1)(\mathrm{d})$ and $76(1)(\mathrm{c})$ in respect of the election of the members of transitional metropolitan substructures, the metropolitan returning officer shall direct the chief executive of each such substructure to convene a meeting of each substructure within 14 days of such last announcement in order to nominate by resolution of the council of such substructure a member or members of such substructure to represent it on the aforesaid metropolitan council according to the following formula : ${ }^{1)}$
(i) A quota of votes per seat shall be determined by dividing the total number of voters on the voters' rolls for all transitional metropolitan substructures by the number of seats for nomination, plus one, for the transitional metropolitan council and the result plus one, disregarding fractions, shall be the quota of votes per seat for such transitional metropolitan council.
(ii) The number of seats to be awarded to a transitional metropolitan substructure for the purposes of subparagraph (iv) shall, subject to subparagraph (iii), be determined by dividing the total number of voters
on the voters' roll for such transitional metropolitan substructure by the quota of votes per seat determined in terms of subparagraph (i).
(iii) Where the result of the calculation in terms of subparagraph (ii) yields for any substructure a figure which is a fraction of the figure 1 , such substructure shall be awarded one seat and shall not thereafter participate in any calculation or award in terms of subparagraph (iv). ${ }^{1)}$
(iv) Where the result of the calculation in terms of subparagraph (ii) plus any award in terms of subparagraph (iii) yields a surplus not absorbed by the number of seats awarded to a transitional metropolitan substructure concerned, such surplus shall compete with other similar surpluses accruing to any other transitional metropolitan substructure or substructures in respect of the transitional metropolitan council concerned, and any seat or seats not awarded in terms of subparagraph (ii), shall be awarded to the transitional metropolitan substructure or substructures concerned in sequence of the highest surplus.
(v) The aggregate of a transitional metropolitan substructure's awards in terms of subparagraph (ii) and (iii), shall indicate that transitional metropolitan substructure's allocation of seats in the transitional metropolitan council in question.
(vi) If there are further surpluses, after any second calculation referred to in subparagraph (iv), such surpluses shall be disregarded and thereafter the calculations for nominations for the metropolitan council shall be closed. ${ }^{1)}$
(b) No person shall be nominated who holds office as a councillor in the transitional metropolitan council.

The metropolitan returning officer for the transitional metropolitan council concerned shall in the directive referred to in regulation 85 , advise each
substructure of the correct number of members to which it is entitled in terms of regulation 85 .

87 Where a transitional metropolitan substructure does not submit a name or names as contemplated in regulation 85 within 30 days from the date of the last announcement of the election results referred to in regulation 85(a), the metropolitan returning officer shall forthwith advise the Premier who may apply the provisions of regulation 95.

88 Not later than 35 days after the date of the last announcement of the election results referred to in regulation 85(a) the metropolitan returning officer for the transitional metropolitan council shall in respect of nomination received :
(a) advise each nominee of his successful nomination;
(b) publish a list of the names of all nominated councillors and the substructures they represent; and
(c) notify the Premier thereof in writing

## CHAPTER 16

## GENERAL

## Opening or Inspection of Election Material

89 (1) If the returning officer at any time prior to sealing the election material in the bag or box referred to in regulation $72(2)(c)$ has reason to suspect any irregularity in connection with any matter relating to the election or any failure to comply with these regulations he or she shall, in writing advise each candidate, general agent and party thereof, invite such persons to be present
at a stated time and place, and in the presence of such candidates or agents as are present :
(a) open the parcel or envelope concerned;
(b) make a record in duplicate of any such irregularity or non-compliance;
(c) retain one copy of such record and place the other copy in the parcel or envelope concerned;
(d) re-make such parcel or re-close such envelope;
(e) seal such parcel or envelope with his or her official seal; and ${ }^{\text {I) }}$
(f) permit the candidates or agents to affix their seals thereto if they so desire.
(2) No sealed bag or box referred to in regulation 72(2)(c) or any parcel or envelope therein shall be opened and no person shall be allowed to inspect any election document except under the order of a superior court on its being satisfied by evidence on oath that the inspection or production thereof is required for the purpose of instituting or maintaining a prosecution for an offence or for the purpose of proceedings questioning the validity of an election or election result and any such order may be made subject to such conditions as such court may deem expedient, necessary or desirable.
(3) Where an order has been made for the production by the returning officer of any document, parcel, envelope, bag or box in his or her custody relating to any specific election : ${ }^{1 /}$
(a) the production by such returning officer of any such document, parcel, envelope, bag or box in the manner directed by such order or in
accordance with a rule of court shall be conclusive evidence that such document, parcel, envelope, bag or box relates to such election; and
(b) any endorsement appearing on any document, parcel, envelope, bag or box produced by him or her shall be evidence of the contents of such document, parcel, envelope, bag or box being what they are stated to be by such endorsement.

## Election Committee

90 (1) (a) A transitional authority shall establish an election committee not later than 31 May 1994 which will function for such period as the transitional authority or Premier may determine but in any event not later than 23:59 on the day immediately preceding the date contemplated by section $9(1)$ of the Act. ${ }^{2}{ }^{2}$
(b) Such committee shall consist of three persons at least one of whom shall be a legally qualified person who shall be the presiding officer, and three alternates appointed by resolution of the council adopted by a majority of not less than two thirds of all its members : Provided that the Premier may, upon written application by the transitional authority concerned and upon being satisfied that there is no suitable legally qualified person, approve in writing the appointment by the transitional authority of some other suitably qualified person who shall be the presiding officer, and an alternate.
(c) No person shall be appointed as a member of such committee if he or she :
(i) is the holder of an office in a party;
(ii) is a member or councillor or employee of the transitional authority concerned;
(iii) is not eligible to be enrolled as a voter for a transitional authority in terms of regulation 2 ;
(iv) is a candidate or is on a party list for the election; or
(v) is a member of a revision court referred to in regulation 5 .
(d) A member of such a committee shall cease to be a member thereof and shall vacate his seat if he or she :
(i) becomes disqualified for appointment as a member of such a committee;
(ii) tenders his resignation to the chief executive; or
(iii) dies
and any vacancy so arising shall be filled from the appropriate alternate appointment, or in the absence thereof as soon as possible by the transitional authority with a person who has substantially the same qualifications as his or her predecessor.
(e) Such committee shall :
(i) attempt to resolve any dispute or complaint resulting from a decision taken by a voters' roll officer or a returning officer that has been brought to its attention by such officer or by an aggrieved person or party;
(ii) consider and advise in respect of any matter submitted to it by the voters' roll officer or the returning officer;
(iii) adjudicate and decide not later than noon on nomination day any conflict or complaints regarding the distinguishing mark or symbol of a party or person in terms of regulation $24(1)(b)(i)$ and (ii); $25(1)(\mathrm{f}) ; 29(1)$; or $29(5)(\mathrm{f}),(\mathrm{g})$ or $(\mathrm{h})$; and ${ }^{1)}$
(iv) consider and advise the returning officer not later than 22 September 1995 of the manner in which voters in any ward or wards should be informed of their appropriate voting stations :2)

Provided that the committee shall not receive or consider any matter falling within the powers, functions and duties of a revision court; and provided further that nothing herein contained shall be construed as limiting or interfering with the fulfilment of the responsibilities of a voters' roll officer or retuming officer in terms of these regulations.
(f) Members of such committee shall be remunerated on such basis as may be determined by the Premier not later than the date of its appointment in terms of paragraph (b) or, failing which, by resolution of the transitional authority.

## Bills and Placards

91 During the election period :
(a) every bill, placard, poster, pamphlet, circular or other printed matter having reference to the election shall bear upon the face thereof the name and address of the printer and publisher thereof;
(b) no person shall print, publish or post or cause to be printed, published or posted or in any other manner disseminate any such printed matter which fails to bear upon the face thereof the name and-address of the printer and publisher;
(c) the proprietor and publisher of every newspaper or magazine shall cause the word "advertisement" to be printed as a headline to each article or paragraph
in his or her newspaper or magazine which originated from a candidate, party or its agents or supporters, the insertion of which is, or is to be, paid for, or for which any reward or compensation, or promise of reward or compensation, is or is to be made;
(d) the articles or paragraphs referred to in paragraph (c) shall include all such text as may prima facie appear to be intended or calculated to affect the result of the election, and shall include any paid advertisement or report of the speech of a candidate, if the insertion thereof is, or is to be, paid for;
(e) every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this regulation referred to as an "election article") which, prima facie, is intended or calculated to affect the result of the election, is inserted in any newspaper or otherwise produced and is published in the Republic, shall bear at the foot thereof the full name and address of the person or persons by whom such election article was written or produced : Provided that : ${ }^{1)}$
(i) any such election article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper. shall also bear the full name of the editor;
(ii) in the case of any such election article which is written jointly by two or more persons, it shall be sufficient for the purposes of this regulation if the report as a whole bears the full names and addresses of the persons by whom it was written; and
(iii) in the case of headlines to any election article which is inserted in any newspaper as aforesaid, and of bills, placards or posters having reference thereto and which are issued-in the ordinary practice of a newspaper or magazine, it shall be sufficient for the purposes of this regulation if the full names and addresses of the persons by whom such headlines, bills,
placards and posters were written, are published in the issue of the newspaper in which such election article is inserted; and ${ }^{l}$
(f) subject to the provisions of the proviso to paragraph (e)(iii), no person shall print or publish any newspaper or other printed matter in which is inserted or produced any election article which fails to comply with the provision of paragraph (e).

## Indemnity

92 No act or omission by a chief executive, voters' roll officer, election officer, presiding officer or returning officer shall render such person personally liable for loss or damage of any kind suffered by any person as a result of such act or omission provided that such act or omission is not wilful or malicious and any costs reasonably or necessarily incurred by any such officer in opposing any claim, demand, action or other legal proceedings relating to such loss or damage shall be borne by the transitional authority concerned.

## Fees Payable to Election Officers

93 (1) Every council shall, at its first ordinary meeting after notice of the day of election has been given in terms of section 9(1) of the Act determine by resolution the fees to be paid to election officers : Provided that such fees shall not be decreased before any final payment has been made in terms of such resolution.
(2) The fees contemplated by subregulation (1) shall not exceed the following amounts per day :
(a) In the case of a transitional local council :

$$
\begin{array}{llrl}
\text { Returning Officer } & : 1-10000 \text { registered voters : } & \text { R400,00 } \\
& 10001-50000 \text { registered } & \text { voters : } & \text { R600,00 } \\
& 50001-100000 \text { registered } & \text { voters : } & \text { R800,00 }
\end{array}
$$

$$
\begin{array}{ll}
100001-250000 \text { registered voters : } & \text { R1 } 000,00 \\
250001 \text { upwards registered voters : } & \text { R1 } 250,00
\end{array}
$$

Deputy Returning Officer : $70 \%$ of the above
Presiding Officer :
R240,00

Any other Election Officer : R160,00
Counting Officer : R120,00
(b) In the case of a transitional metropolitan substructure :

| Returning Officer : | R1 500,00 |
| :--- | ---: |
| Deputy Returning Officer : | R1 000,00 |
| Presiding Officer : | R320,00 |
| Deputy Presiding Officer : | 240,00 |
| Any other Election Officer : | R160,00 |
| Counting Officer : | R120,00 |

(c) In the case of a transitional metropolitan council :

Metropolitan Returning Officer : R1 500,00
Deputy Metropolitan Returning Officer : R1 000,00

## Forms, Labels and Envelopes

94 (1) The forms, labels and envelopes referred to in these regulations shall be substantially in accordance with the specimens set out hereto, and the word "envelope" shall include any bag or box serving such purpose.
(2) Where a space is left on any specimen for filling in any information which will be the same throughout the area of jurisdiction of the transitional authority or any ward, as the case may be, such information may be included when printing the form, label or envelope concerned.
(3) Any portion of a specimen which is intended to be used only in the case of the area of jurisdiction of a transitional authority which is divided into wards may
be omitted when printing the form, label or envelope concerned for use in a transitional authority area which is not divided into wards.
(4) Provision may be made when printing a form, label or envelope for giving or requiring information not shown on the specimen concerned if this is considered necessary or desirable for the conduct of the election.
(5) Information required on any label or envelope may, at the discretion of the returning officer, be typed or clearly and legibly handwritten.

## Power to Act in Default and Recovery of Expenditure

95 (1) (a) If a transitional authority, local government body, revision court or any person fails within a period and in accordance with conditions, if any, specified by the Premier to commence, enforce or carry out any provision of these regulations, or to take any decision or resolution required in terms thereof, or to comply with any direction of the Premier contemplated by these regulations, the Premier may commence. enforce or carry out such provisions or directions and for such purpose and failure, may in writing authorise any authority, body or person to take all steps and measures necessary in connection therewith.
(b) Any expenditure incurred in respect of a transitional authority or local government body by the Premier under paragraph (a) above shall be recoverable from such authority or body and the certificate of the provincial accountant or person acting in such capacity shall be prima facie proof of the correctness thereof.
(c) In order to ensure that the election is or will be conducted in accordance with these regulations, the Premier may, without prejudice to any other right or power which he or she may have, in writing appoint any authority, body or person who shall have the right to require any transitional authority, local government body or revision court to
provide a written report from time to time as the Premier or such authority, body or person, as the case may be, deems necessary or expedient in his or her sole discretion in respect of the election or any part thereof. ${ }^{1)}$
(d) The Premier, authority, body or person contemplated in paragraph (c) shall have the right to conduct inspections at or in the offices of any transitional authority, local government body or revision court to ascertain the state of affairs in respect of the election or any part thereof and to peruse and make extracts from files, books, registers and records which may have a bearing on the election. ${ }^{1)}$
(e) Any authority, body or person appointed in terms of paragraph (c) shall submit a written report to the Premier when required by the Premier, setting out the state of affairs in respect of the election or any part thereof in one or more transitional authority, local government body or revision court and shall make recommendations in respect thereof. ${ }^{11}$
(2) If a transitional authority, local government body, revision court or any person fails or appears likely to fail to carry out or complete within the period specified in these regulations any provision or requirement which is a necessary preliminary or prerequisite to conducting the election, the Premier may conditionally or otherwise extend or review such period : Provided that no such extension or renewal shall be granted which would prevent or prejudice or be detrimental to the holding of the election on the day determined by the Minister in terms of section 9 of the Act.
(3) Expenditure necessarily incurred by a transitional metropolitan substructure in the conduct of an election for a transitional metropolitan authority shall be recoverable from such metropolitan authority and the certificate of the chief financial officer of such metropolitan substructure or person acting in such capacity shall be prima facie proof of the correctness thereof.

## Powers of Court

96 In any proceedings questioning the validity of an election or election result the court may, unless it declares the election void or orders a fresh election to be held :
(a) deduct from the total number of votes declared by the returning officer to have been given for a candidate or a party, that number of votes which, in the opinion of the court, were recorded for such candidate or party as a result of any corrupt practice or in contravention of these regulations or any other law;
(b) correct any errors made by the returning officer in the counting or allocation of votes or in the acceptance or rejection of ballot papers and take into account or deduct the votes which should, in consequence of the correction of such errors, have been taken into account or deducted in terms of these regulations; and
(c) take such other action and make such other order as to it may appear just and equitable.

## Validation

97 No election shall be invalid or set aside by a court by reason of a mistake or noncompliance with these regulations or of any determination in terms of these regulations if it appears that the election was conducted substantially in accordance with the principles contained therein and that such mistake or non-compliance did not affect the result of the election.

## Voter not to be Required to Disclose how he or she Votes

98 No person shall in any proceedings relating to an election be required to disclose the name of the candidate or party for whom he or she voted.

## Secrecy

99 Every election officer, police officer, candidate, candidate's agent or party agent and messenger who is present at a voting station or at the counting of votes shall maintain the secrecy of the voting.

## Prohibition on Certain Political Activities During Certain Period Prior to and During Voting Period

100 (a) No person shall during the period 48 hours prior to $23: 59$ on the day of the election hold or take part in any public demonstration, march, public meeting or rally of a political nature. ${ }^{\text {l }}$
(b) The holding of or participation in any activity referred to in paragraph (a) shall be an offence.

## CHAPTER 17 <br> OFFENCES AND PENALITIES

Interference with Election Proceedings
101 Any person who :
(a) refuses or fails to give effect to any direction, instructions or order lawfully issued by or on behalf of the voters' roll officer, the returning officer or any election officer;
(b) refuses or fails to leave a voting station or inner perimeter or place for the counting of votes when so ordered in terms of regulation 41 or 64 ;
(c) enters or remains in a voting station or inner perimeter or place for the counting of votes in contravention of regulation 42 or 64;
(d) obstructs or hinders any election officer or party agent or candidate's agent in the execution of his or her lawfur duties,
shall be guilty of an offence.

## Infringement of Secrecy

102 Any person who :
(a) contravenes regulation 52 or 99;
(b) unlawfully attempts to ascertain or directly or indirectly aids any other person to ascertain for which candidate any person intends to vote or has voted;
(c) directly or indirectly induces or attempts to induce any person to whom a ballot paper has been issued to display his or her ballot paper after he or she has marked it, in such a manner as to disclose the name or names of the candidate or candidates for whom he or she has voted;
(d) places upon any ballot paper, other than the ballot paper issued to him or her, any mark or writing whereby the person who records his vote thereon may be identified; ${ }^{1)}$
(e) except in reply to a question lawfully put to him or her in the course of proceedings in a competent court, discloses or communicates any information he or she may have obtained as to the candidate or candidates for whom a vote has been given on any ballot paper; or
(f) unlawfully breaks the seal or fastening on or in any other manner opens or removes any of the contents of a ballot box, parcel or envelope referred to in regulations $56(2), 62,72$ or 73 ,
shall be guilty of an offence.

## Undue Influence

103 (1) Any person who, directly or indirectly, uses or procures the use of, or threatens to use or procure the use of, any-force, violence or sexual harassment, or inflicts or threatens to inflict any injury, damage, loss or disadvantage to or upon any other person or property :
(a) with intent thereby to compel, induce or influence any person :
(i) to vote or refrain from voting, either at all, or for any party or any candidate, or in any other manner; or
(ii) to attend or participate in, or to refrain from attending or participating in, any political meeting, march, demonstration, or other event of a political nature, or in some other manner lending support to or for any party or any candidate; or
(b) on account of any person having :
(i) voted, attempted to vote or having refrained from voting, either at all, or for any party or any candidate, or in any other manner; or
(ii) attended or participated in, or having refrained from attending or participating in, any such political meeting, march, demonstration, or other event or a political nature, or from lending support as aforesaid,
shall be guilty of an offence.
(2) Any person who induces, influences or procures any other person to vote in the election, in the knowledge that such other person is not entitled to vote in the election concerned, shall be guilty of an offence.
(3) Any person who, directly or indirectly, by duress or intimidation :
(a) impedes or prevents or threatens to impede or prevent the free exercise of the franchise by any voter; or
(b) in any manner influences the result of any election,
shall be guilty of an offence.
(4) Any person who, directly or indirectly, by duress, intimidation or otherwise, compels or induces any voter who has already voted at the election :
(a) to inform such or any other person of the name of the party or the candidate for which the voter has voted; or
(b) to display the ballot paper on which such voter has marked his or her vote, in such a manner as to make known to such or any other person the name of the party or the candidate for which the voter has voted,
shall be guilty of an offence.

## Bribery

104 (1) Any person who, directly or indirectly :
(a) accepts or contracts for any valuable consideration, for himself or herself or for any other person, in order that he or she or such other person votes or agrees to vote, or refrains or agrees to refrain from voting, either at all or for any party or any candidate or in any other manner; or
(b) after the election, accepts any valuable consideration, for himself or herself, or for any other person, on account of having induced or influenced any person to vote or refrain from voting as aforesaid;
(c) gives, lends or procures, or agrees, offers or promises to give, lend or procure, any valuable consideration to or for any voter, or to or for any other person, in order to induce or influence any person :
(i) to vote or refrain from voting, either at all or for any party or any candidate or in any other manner; or
(ii) to attend or participate in, or refrain from attending or participating in, any political meeting, march, demonstration, or other event of a political nature, or in some other manner lending support to or for any party or candidate; or
(d) on account of any person having voted or refrained from voting, either at all or for any party or any candidate or in any other manner, gives, lends or procures, or agrees, offers or promises to give, lend or procure, any valuable consideration to or for any other voter, or to or for any other person,
shall be guilty of any offence.
(2) Any person, who, in consequence of his or her acceptance of any valuable consideration, votes or refrains from voting, either at all or for any party or any candidate or in any other manner, shall be guilty of an offence.

## Personation

105 Any person who, at any voting area referred to in regulation 41(1) during the election $:{ }^{1)}$
(a) applies for a ballot paper in the name of any other person, whether living, dead or fictitious;
(b) save as provided in regulation 58, casts a vote in the name of any other person;
(d) having voted in the manner provided in these regulations, again votes or applies for a ballot paper in the same election; or
(e) votes in the knowledge that he or she is not entitled to vote in the election concerned,
shall be guilty of an offence.

## Prohibition on Interference with Voter Registration and Election Material

106 (1) Any person who removes, destroys, conceals or mutilates or assists the removal, destruction, concealment or mutilation of any voter registration material or election material, save under the provisions of these regulations, shall be guilty of an offence.
(2) Any person who receives or accepts from any other person a claim on form ER1 or a claim in a form substantially in accordance with form ER1 shall ensure that such claim is delivered timeously to the voters' roll officer at the address specified or required on form ER1 for the applicable transitional authority and any person who wilfully or negligently fails to do so shall be guilty of an offence.

Prohibition on Unauthorised Printing, Manufacture and Supply of Election Material
107 Any person who, directly or indirectly, prints, manufactures or supplies or procures the printing, manufacture or supply of any election material in connection with the election, save on the authority of a transitional authority, shall be guilty of an offence.

## Prohibition in Interference with Free Political Canvassing and Campaigning

108 Any person who :
(a) directly or indirectly, by the use or threat of force, violence, sexual harassment or otherwise, prevents the conduct of any political meeting, march, demonstration or other event of a political nature, or any other person from attending or participating therein;
(b) creates a material disruption with the intention of preventing a party or a candidate from holding a public political meeting; ${ }^{1)}$
(c) impedes or prevents or threatens to impede or prevent the right of any candidate or any representative of any party or any candidate to gain access,
in the manner and during the hours prescribed, to voters in any particular area, whether public or private, for the purposes of conducting political canvassing and campaigning, and of soliciting membership and support; or ${ }^{\text {l }}$
(d) impedes or prevents or threatens to impede or prevent any member or representative of the transitional authority to gain access, in the manner and during time or period prescribed, to voters in any particular area, whether public or private, for the purposes of conducting voter registration, ${ }^{1)}$
shall be guilty of an offence.

Prohibition on Making Intentional False Statements or Publishing False Information 109 Any person who :
(a) makes a false statement or furnishes false particulars in any statement which is required in terms of these regulations in the knowledge of such statement or particulars being false or without reasonable grounds for believing the same to be true; or
(b) publishes, repeats or disseminates in any manner whatsoever false information with the intention of :
(i) disrupting or preventing the election;
(ii) creating hostility or fear in order to influence the process or outcome of the election; or
(iii) otherwise influencing the process or outcome of the election,
shall be guilty of an offence.

## Other Offences

(a) forges or counterfeits or unlawfully destroys or alters any ballot paper or the official mark thereon;
(b) without due authority supplies any ballot paper to any person;
(c) puts into a ballot box any forged or counterfeit ballot paper or any ballot paper other than the ballot paper which he or she is authorised by law to put into such ballot box;
(d) unlawfully takes out of the voting station any ballot paper or other election material; or
(e) unlawfully destroys, takes, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of an election; or
(f) smokes, or save as permitted in order to exercise a duty or right in terms of these regulations, lights a match or lighter or any inflammable substance in a voting station; or
(g) contravenes or fails to comply with the provisons of regulations 12,91 or 100(a); or ${ }^{\text {l }}$
(h) commits any contravention of these regulations,
shall be guilty of an offence.
(2) Any person who makes a false statement in reply to a question asked in terms of or in a declaration referred to in regulations 53 , or 59 shall be guilty of an offence unless he or she proves that he or she did not know that such statement was false.

## Penalties

111 (1) Any person convicted of any of the offences referred to in this Chapter shall, if convicted of a contravention of any provision of :
(a) regulation $103(1)$, (3) or (4) or $105,107,108(a)$ or $109(b)$, be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment;
(b) regulation 104, be liable to a fine not exceeding R80 000 or to imprisonment for a period not exceeding four years, or to both such fine and such imprisonment;
(c) regulation $103(2), 102,106$ or $108(b)$, (c) or (d), be liable to a fine not exceeding R60 000 or to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment;
(d) regulation 101(d) or 109 (a), be liable to a fine not exceeding R40 000 or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment; or
(e) regulation 101(a), (b) or (c), be liable to a fine not exceeding R20 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.
(2) Any person convicted of an offence under these regulations, shall, unless another penalty is specifically prescribed, be liable to a fine not exceeding R40 000 or imprisonment for a period not exceeding two years, or to both such fine and such imprisonment.

## Contraventions to be Reported to Public Prosecutor

112 The returning officer shall after every election report to the public prosecutor any apparent or alleged contraventions of these regulations.

## CHAPTER 18

## APPLICATION OF REGULATIONS

## Co-Ordinating Committee and Exempted Bodies

113 The provisions of these regulations shall, in so far as they apply to a transitional local council, apply to a local government co-ordinating committee established in terms of Section 7 of the Act and to a local government body exempted in terms of Section 5 of the Act.

Annexure
114 The annexures to these regulations shall be read as one with these regulations.

Pre-Interim and Interim Phases
115 These regulation shall apply during the pre-interim phase and the interim phase defined in section 1(1)(iv) of the Act.

Short Title
116 These regulations shall be called the Local Government Transition Election Regulations, 1994.



Zeiestinian Lecal Committee Councis



# In The Name Of God The Merciful The Compassionate 

## Introduction

The 15.6 Palestinian Local Authorities electoral law expresses the Palestinian National Authority willingness to establish democracy and independency of the Palestinian local authorities. For more than a century, the Paicstinian local authorities have suffered a lot under the Othoman law - 1877. and passing through the Israeli occupation laws. This - first of its :...rd - Pales inian law under the Palestinian National Authority comes to enhance democracy ano pluralism as basic components of relations prevailing in the Palestinian society. The fact that people would run their public affairs implicitly endorses people's right to rule themselves independently. In other words, people' rule seeking people's interests.

The local authorities electoral law, which comes as a result of laborious efforts exerted by the executive power, represented by the ministry of local government and the legislative power, represented by the legislative council demonstrates a real breakthrough towards establishing a local Palestinian society based on justice and democracy.

Furthermore, this law comes as an embodiment of President Arafat's directions to establish the principle of separation of powers.
Lastly, through the local authorities electoral law, the ministry of local governer. nt is tir uessly seeking to establish the principle of political and administrative de-centralization within the local Palestinian areas. These authorities would contribute towards a comprehensive development; being an integral element in establishing a local government system in the - God willing - upcoming Palestinian state.

Dr. Saeb Erekat<br>S. $\varepsilon_{-}$Kat<br>Minister of Local Government<br>President of the Supreme Committee for Elections

# Palestinian Local Committee Councils ElectionLaw 

The President of the Palestinian<br>National Authority:

After reviewing the municipalities law no. 29 for the year 1955, valid in the West Bank provinces, and the municipalities law no. 1 for the year 1934, valid in Gaza provinces, and the law of village administration no. 5 for the year 1954, valid in the West Bank provinces, and the law of village administration no. 23 for the year 1944, valid in Gaza provinces, and the law proposed by the cabinet, and after the approval of the Legislative Council of the proposed law,

We issued the following law,

## Chapter One

Article 1
Definitions
The following words and statements shall have the specified meanings unless otherwise indicated:

| The Minister | The Minister of Local Govemment |
| :--- | :--- |
| The Ministry | The Ministry of Local Government |
| The Supreme Elections Committee | The Election Committee for the Palestinian Local <br> Committees, formed by a presidential decree. |
| The Local Committee | Local Government Unit in a specific <br> administrative geographic area. |
| The President | The head of the Local Committee |
| The Council | The Council of the Local Committee: This includes <br> the Municipality Council, Local Council, Village <br> Counci, Administrative Committee, Development <br> Committee or any other committee formed <br> according to the law. |
| The Resident | A Palestinian citizen who resides within the arta of <br> jurisdiction of a Local Committee, where he has a <br> permanent residence or work. |
| The court | The preliminary courts or central courts, <br> accordingly. |

# Chapter Two <br> Election Administration 

## Article 2

The Responsibilities and Prerogatives of the Supreme Elections Committee.

For the purpose of enacting the articles of this law, the Supreme Elections Committee shall do the following:

1. To undertake all necessary procedures for the preparation, organization, supervision and launching of the elections.
2. To assign the electoral district committees, as well as the polling stations and counting committees.
3. To supervise the administration and the work of these committees and the electoral district offices; and to implement this law.
4. To appoint staff and consultants in the different offices in the electoral districts.
5. To issue accreditation cards for election observers and to facilitate their work.
6. To assign the polling stations.
7. To carry out any other activities as mandated under this law.

## Article 3

The Minister of Local Government issues a decision by which he asks the electorate to convene free and direct elections for the presidents and members of the Local Committees, and sets a date for these elections.

## Article 4

The Minister is entitled to postpone the elections for a certain council or more for a period not exceeding two weeks, if the public interest and the integrity of the elections so requires. This period shall be deducted from the term of that Council.

## Chapter Three

Article 5
Electoral Districts

The area of each Local Committee shall be considered one electoral district.

## Article 6

The Supreme Election Committee will appoint for each electoral district, an Electoral Committee, to register the voters and organize and prepare the voter registry in cooperation with the Palestinian Central Bureau of Statistics.

## Article 7

The Electoral Committee will consist of 5-9 qualified members who have the right to vote and who are known for neutrality and honesty. The president of each electoral committee will be chosen from among its members.

## Chapter Four <br> The Right to Vote

## Article 8

The elections shall be free, direct, secret and on an individual basis. No voting by proxy is allowed.

## Article 9 <br> Requirements of Voter:-

A- To be a Palestinian who has reached 18 years of age on election date.
B- To be a resident in the area of the local committee in which registry his name appears.
C- To enjoy his legal competence.

## Chapter Five <br> Voters Registry

Article 10

Every individual who fulfills the requirement of voters has the right to be registered on the voters' registry of his electoral district.

## Article 11

Registration commences three months prior to election day, and shall last for 30 days.

## Article 12

The Electoral Committees in each electoral district ( translator's note: district electoral committees) assumes the responsibility for registering the voters. The voters' registry should have the following information:

1. Person's name, father's name, grandfather's name and family name
2. Sex
3. Date and place of birth
4. Permanent address
5. Type of identity card and its serial number.

## Article 13

The voters' registry shall be organized alphabetically and shall include the voters' data.

## Article 14

No voter's name is to appear other than in the registry of the electoral district where he/she resides. The voter is not allowed to vote in more than one electoral district. If the name of the voter appears in more than one registry, he is allowed to vote in the electoral district that he chooses.

## Article 15

The registry is posted for public scrutiny within a period of ten days after the period specified in Article (11) elapses, in the councils' location or any other location to which voters have access.

Chapter Six<br>Contesting the Voter's Registry

## Article 16

Any person is permitted to contest the registry within a five-day period after it is published, either by asking for his name to be entered to the registry, or to delete another person's name from it by a written statement handed to the President of the Electoral Committee in his respective electoral district.

## Article 17

1. The Electoral Committee issues its decision within a five-day period after the period for contesting the registry elapses.
2. If the claim concerns the insertion or deletion of another person's name, then no decision on the claim can be taken before notifying the individual in question; this is in order for him to be able to defend himself.

## Article 18

Decisions of the Electoral Committee can be appealed to the head of the court within the mandate of which lies the electoral district concerned within a three-day period. The court issues its decision in three days. The court's decision is binding.

## Article 19

The Electoral Committee carries out its decisions on claims if there are no appeals and also the decisions of the court which are binding.

After the aforementioned procedures terminate, the presidents of the Electoral Committees sign the registries, and they are subsequently sent to the Supreme Elections Committee for adoption.

## Chapter Seven <br> Nomination for Presidency and Membership

Article 21
Registration of candidates starts 44 days prior to election day, and it takes place at the Election Committee for that electoral district (translator's note: district electoral committee). Registration lasts for 10 days, and no applications for nomination will be accepted after that time frame except with a Supreme Election Committee's decision.

Article 22
Every individual who wishes to nominate him/herself as a candidate for the Presidency of a council has to pay a deposit of JD 500 and every individual who wishes to nominate him/herself as a candidate for a membership has to pay a deposit of JD 100 to the account of the Supreme Election Committee as an insurance. The individual will be reimbursed if: he/she wins the election, or if he withdraws ten days prior to election day.

Article 23

1. Applications for nomination are made on a special form to be handed to the Electoral Committee within the period stated in article (21) of this law. The application form has to contain the full name of the candidate - person's name, father's, grandfather's and family name-; age; address at the electoral district where he/she is running; his/her registration number as it appears in the registry; and signature. The application form should also mention the name and address of his/her certified agent.
2. The Electoral District Committee registers the applications for nomination, and issues to each candidate a certificate to the candidate that includes the time and date of registration, as well as the registration number.

Article 24
Requirements for Candidates:-

1. To have reached 30 years of age for the Presidency and 25 years of age for council members.
2. To meet the requirement for voting eligibility and to have his name in the voters' registry.
3. Not to be convicted of a misdemeanor that affects his honor, or a crime.
4. Not to be an employee or a servant of the Ministry of Local Government or of any section of the General Security or of the committee council or a lawyer for the Council, unless a resignation document is submitted together with the application for nomination.
5. To be a resident in the area of the council where he/she is running for membership, and not be a member or a candidate for another council.
6. To hand in a document certifying that he has paid all his financial commitments to the council for which he plans to run.

Article 25
The list of candidates shall be published 34 days prior to election day at the electoral district centers and at the headquarters of the council.

Article 26
Any person is entitled, within a three day period from the date in which the list of candidates is published, to file a written objection to the Electoral Committee in his electoral district explaining the reasons.

Article 27
The Electoral Committee issues the decisions concerning claims handed within a three day period after the period for claims elapses. The Committee's decisions can be appealed within three days from the time they are issued.

Article 28
The court issues its decision concerning appeals within three days from the date of the appeal's submission. The decisions of the court cannot be appealed.

## Chapter Eight <br> The Electoral Campaign

Article 29
Campaigning is manifested by the various legal electoral activities that the candidates carry out to explain their electoral platforms to the electorate.

Article 30
The Palestinian National Authority and its agencies should assume a neutral position vis-a-vis all stages of the electoral process. The Ministry and the Supreme Election Committee can publish materials and executive announcements that clarify the importance of the elections, and encourage the electorate to exercise their right in registering, participating in the elections, and casting their votes.

The electoral campaign starts two weeks prior to election day and ends 24 hours prior to election day, by ending all the electoral activities.

Article 32
The guidelines that should govern the electoral campaign are the following:
1- Not to hold rallies or public electoral meetings in mosques, churches, or near hospitals or in buildings occupied by public administrative bodies and governmental institutions.

2- Not to paste campaign posters and banners in public places other than the places assigned for such purposes.

3- Not to use the Governmental emblem in publications, advertisements, writings, drawings, and pictures relating to the elections. Governmental vehicles are not to be used for electoral campaigning purposes.

4- It is prohibited that electoral speeches, publications, advertisements or pictures should libel, slander or incite against a certain candidate, or stir tribal, familial or sectarian feuds.

## Chapter Nine <br> Ballot Papers

## Article 33

Ballot papers for the President shall be red in color, and ballot papers for the member council shall be white. Ballots must include the following:

1. The name of the electoral district in which the polling takes place.
2. The full name of each candidate: first, father's, grandfather's and family name. Nickname if applicable.
3. A square next to the name of each candidate to be filled with an $X$ to indicate the choice of the voter.

## Article 34

Every polling station will be furnished with two copies of the voter's registry, and a sufficient number of red ballot boxes for the Ballots for Presidency and a sufficient number of white ballot boxes for the Ballots for council members, and with an adequate number of ballot papers.

## Article 35

One of the registries will be hung in a visible place at the polling station to permit the voters to consult it, and the second will be used in the polling procedure by the polling station committee.

## Article 36

The candidates are allowed to appoint agents and to commission them in writing to be present at the polling station. It is prohibited that a candidate will have more than one agent at a given polling station.

## Chapter Ten <br> Voting

## Article 37

Before the start of the polling, the President of the Electoral Committee (translator's note: polling committee) opens the two ballot boxes before the members of the Committee and the candidate agents in order for them to see that they are empty. Then the boxes are sealed and stamped with red wax, and shall not be reopened until the counting procedure commences.

Article 38

Polling starts at 7:00 A.M. and ends at 7:00 P.M. of the election day, and it shall be conducted in the following manner:

1. The President of the Electoral Committee, or a chosen member by the president, confirms the identity of the voter and the appearance of his/her name in the registry. A mark is put next to the name of the voter in the registry.
2. The President of the electoral committee or a chosen member by the president, hands the voter the two ballot papers signed by the President of the electoral committee and stamped with the official Electoral Committee seal.
3. The voter then goes to the specified area for voting which guarantees privacy for voter and fills the box next to the name of the candidate(s) he/she wants to elect with an X . The voter cannot choose a number of candidates that exceeds the number of seats allotted to that constituency.
4. The voter places the ballot papers in the ballot boxes assigned for each, in front of the Electoral Committee.

5 The name of the voter is then crossed from the registry.
6. If the voter makes a mistake while filling in the ballot paper, then he/she can hand in the spoiled ballot paper to the President of the Electoral Committee, and ask for a new one. The person cannot receive a new ballot paper unless the spoited ballot paper is crossed out and put in a special envelope.

## Article 39

If the voter is illiterate or handicapped in a way that prevents him/her from filling the ballot paper, he/she can choose a person to assist him/her to mark the names that are read to him/her in the presence of the Electoral Committee President.

Article 40
Prior to the closing time of the polls, the President of the Committee is entitled to have approval of the Supreme Election Committee to extend the polling time for a period not exceeding two hours. Members of the electoral committee are requested to vote prior to closing the poll.

## Article 41

The President of the Electoral Committee prepares a written report in which he shows the number of people in the registry and how many of them have voted; and that the polling process was legal mentioning any violations that took place and how they were handled.

## Chapter Eleven <br> Counting <br> Article 42

The counting procedure starts at the polling station within one hour after closing the poll, in the presence of the members of the Electoral Committee (translator's note: polling committee), the candidate agents in attendance; and those who wish to attend from among the members of the press and monitors. The counting should end within twelve hours.

## Article 43

A. The Electoral Committee opens the ballot boxes, takes out the ballot papers and starts counting votes for the president and council members by reading out loud the names of candidates selected in each ballot paper. A sign is added next to each candidate who receives a vote.
B. The candidates' agents and the observers have the right to look at the ballot papers.

## Article 44

After the counting procedure ends, it must be confirmed that the total number of ballot papers, including blank and spoiled ballots, equals the total number of voters in that electoral district. The Electoral Committee prepares a report stating the number of ballot papers in the ballot box, the number of votes each candidate has received in descending order, the number of spoiled ballots mentioning why they are spoiled, the number of registered voters in the electoral district, the number of individuals who did not vote, and to register the complaints handed by the candidates or
agents during the counting procedure. Another protocol shall state the number of canceled and replaced ballot papers due to technical mistakes during the voting exercise.

## Article 45

A copy of the voting protocos is sent to the Supreme Elections Committee along with all the ballot papers and the results. All reports have to be stamped by the Electoral Committee (translator's note: polling committee), and signed by the Committee's President and its members.

## Chapter Twelve <br> Spoiled Ballot Papers

## Article 46

A ballot paper shall be considered spoiled under the following circumstances:

1. If not signed by the President of the Electoral Committee ( translator's note: polling committee), or stamped with its official stamp.
2. If it bears the signature of the voter or any other distinguishing mark.
3. If more candidates are chosen than the allotted number of seats for that constituency.
4. If the names of the candidates have undergone any changes.

Chapter Thirteen<br>Elections Results

## Article 47

The president of the Supreme Elections Committee announces the results of the candidates who have won the membership and the presidency of the councils, within a period not exceeding 48 hours after the counting is finished and issues them official certificate to that effect.

## Article 48

A- When there is a tie for the President seat, new elections will be rescheduled for the specified district within a period of two weeks after the announcement of results.

B- When there is a tie for the members seat, the Local Elections Committee holds a draw between the candidates, with them or their representative in attendance. Then the winner will be announced by the President of the Supreme Elections Committee.

## Article 49

The ballot papers, registries, protocols and any claims are to remain at the headquarters of the Supreme Election Committee.

# Chapter Fourteen <br> Contesting the Election Results 

## Article 50

A- Every voter, candidate or agent has the right, within a one week period from the date in which the results of the elections have been announced to hand a claim to the specialized court. The court issues a decision within a five-day period from the date in which the claim is filed; subsequently the court informs the Supreme Elections Committee of its decision.

B- If the decision of the court considers the election, in whole or in part null and void, new elections shall take place within a ten-day period after the court issues its decision according to this law. In the new elections the same registries are used.

## Article 51

Members of the Council choose a Deputy President from among themselves by a secret ballot in the first session held within a fifteen-day period after the results of the election are announced.

## Article 52

The elected President of any council should be fully committed to the council and cannot combine it with any other job or profession.

## Article 53

The term of the Council is four years, members of the Council can serve two consecutive terms.

## Article 54

The observers have the right to monitor all the steps of the election process in coordination with the Supreme Election Committee.

## Chapter fifteen <br> Vacancy of President or Member's seat

Article 55
Vacancy of President's position:

1. The President's position is considered vacant if:
A) he/she looses the legal competence or becomes incapable of fulfilling his/her duties according to definite legal decision.
B) he/she resigns or passes away.
2. The deputy president takes over the responsibilities of the president until a new president is elected.
3. Elections are called within a period of one month after the vacancy is announced to choose a new president for the council according to this law.

## Article 56

Vacancy of council member's position:-

1. menuber's position is considered vacant if:-
A) he/she resigns or passes away
B) he/she looses the legal competence or became incapable of fulfilling his/her duties according to definite legal decision.
2. The council will announce the vacancy of the member's position and informs the Minister of Local Government as well as the Supreme Election Committee.
3. The candidate who received the highest number of votes after him/her will take the position.
4. The vacancies are filled accordingly without exceeding $50 \%$ of the total members.
5. In the case of members' vacancies exceeding $50 \%$ of the total number of members, new elections will be called within a maximum period of one month after announcing the vacancies, in order to choose new council members for the specified council according to the law.

## Chapter Sixteen Electoral Crimes

## Article 57

Infringing upon the freedom of the voters
Anyone who infringes upon the freedom of the voters in the following manner,

1. uses force or violence; or threatens to use force or violence to force a voter to vote for, abstain from voting for a certain candidate. Or uses force or violence; or the threat of force or violence to force a voter to participate or abstain from participating in an electoral campaign gathering.
2. incites, helps or enables a person to vote and he is fully aware that he is legally not allowed to vote.
3. hinders or attempts to hinder a voter from exercising his right to vote in total freedom.
4. causes a voter to reveal the candidates he has voted for, or to reveal the contents of the ballot paper.

The person in question is considered to have committed a crime, and will be punished after conviction by imprisonment for a period not exceeding one year or with a fine not exceeding one thousand Jordanian Dinars or equivalent in local currency or with both.

## Anyone:

1. Who gave a voter directly or indirectly or lent or offered or promised a voter money, a benefit or any other incentive to cause him to vote or to abstain from voting.
2. Who asks directly or indirectly for money, a benefit or any other incentive for himself or another person in promise that he will vote or abstain from voting for a given candidate; or cause another person to vote or abstain from voting for a given candidate.

The person in question is considered to have committed a crime, and he will be sentenced to up to three years in prison or with a penalty that should not exceed 3000 JD or its equivalent in any local currency or both.

## Article 59 <br> Fraudulent Voting

## Anyone:

1. Who attempts to obtain, or obtains a ballot paper in the name of another person whether this person is dead or alive or;
2. Who shows or uses fraudulent documents to identify himself or;
3. Who assumes someone else's identity or;
4. Who votes more than once in any polling station or;
5. Who votes while being fully aware that he has no right to vote.

The person in question is considered to have committed a crime, and he will be sentenced to uy to one year in prison or with a penalty that should not exceed 1000 JD or its equivalent in any local currency or both.

## Article 60 <br> Electoral Materials

## Anyone:

1. Who transports or hides or assists in transporting, destroying or concealing any electoral materials contrary to what is stated in this law, or if he is not officially commissioned to do so by any specialized authority or;
2. Who prints, makes or furnishes any electoral materials without being legally commissioned to do so by any specialized authority.

The person in question is considered to have committed a crime and he will be punished to up to one year in prison or a penalty of 1000 JD or its equivalent in any local currency or with both.

## Article 61

Ballot Papers and Protocols

## Anyone:

1. Who forges the protocols or the registries or;
2. Who drops or allows ballot papers to be dropped into a ballot box for unregistered or nonexistent individuals or;
3. Who gives knowingly false information in the application, announcement or date of the application for membership or;
4. Who conceals, destroys or mutilates any application for membership or claim handed by any candidate in accordance with the law.

The person in question is considered to have committed a crime, and he will be punished to up to no more than one year in prison or a penalty that should not exceed a 1000 JD or its equivalent in local currency or with both.

Article 62
Other Crimes

## Anyone:

1. Who goes back on the oath of secrecy of the election or;
2. Who disseminates or publishes, before or during the elections, false information having to do with the conduct of a certain candidate with intention of changing the result of the elections or;
3. Every action, inaction, abstention, or anyone who falls short of carrying out any duty described in this law, unless a specific penalty is stated.

The person in question is considered to have committed a crime, and he will be punished to up to no more than three months in prison or a penalty that should not exceed 200 JD or its equivalent in local currency or with both.

## Article 63

Anyone convicted of the crimes in this law shall be denied the right to include his/her name in the voters' registry for a period defined by the court; the period shall not be less than four years. If he/she is a member of an elected Council, then his membership will be suspended in the election where the illegal act was committed.

## Article 64

Any part of a law that contradicts any part of this law is considered null and void.

## Article 65

All concerned parties shall carry out what is stipulated in this law, and it becomes effective from the date on which it is published in the official newspaper.

Issued in Gaza city on December 16, 1996(5 $5^{\text {th }}$ of Sha'ban 1417)

Yasser Arafat<br>The President of the Executive Committee of the Palestinian Liberation Organisation The President of the Palestinian National Authority

دليل تخطيط و إدارة انتخابات البحالس الملية
في الضفة الغربية وغزة


وزارة الـكم المللي ولمنة الانتخابات العليا
للسلطة الوطنية الفلسطينية
ه
المؤسسة اللدولية للأنظمة الانتخابية
قام .بإعداد الدليل كل من
جو باكستر - مستشار كبير للانتخابات
ليكي هوئورن - مديرة برامج المؤسسة في الشُرق الأوسط و ثمّال إفريقيا
قإم بالترجمة الى اللغة العربية


إبرامهـم جبريل


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& \text { الفصل الرابع : تستحيل الناخبين } \\
& \text { الفصل الخامس : تأهيل المرشحين للانتخابات } \\
& \text { الفصل السادس: الـططـــة اللوجستية } \\
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أ. أعضاء بلنة الانتخابات العليا
ب. الجدول الزممن اللتخطيط للانتخابات
ج. الاحتياجات والمـــواد اللازمة
د. ناذج جمع البيانات الخاصة بالنانبين


ز. نماذج من لوائح الانتخابات (اليمن ، جنوب إفريقيا)

حقائق عن المؤ سسة الدولية للأنظمة الانتخابية

المؤسة الدولية للأنظمة الانتخابية هي عبارة عن منظمة غير حكومية وغير ربكية مقرها في العاصمة
 الانتخابية بدعم وتطوير المؤ سسات الدمقراطية وأنظمة الـلكم والمهارسات اللدعمراطية مع التركــــــيز
 والدعم الفين تلنظيم أحراء الانتخابات في ألبلدان الليَ تشهد إجراء انتخابات تنافسبة لأول مــــــرة في تاريخها ولقد قامت اللموسسة بتوفير مثل هذا الدعم في اكثر من تسعين بلدا في أرجاء العــــ لم. كــــــ
 الغير حكومية الملية وتقوم بالتنسيق فيما بينها كما تقوم بدعم جهود التثقيف المـــــدن وتشــــارك في
 العديد من المقرات الرئيسية في اكثر من لمسة عشرة بلدا في كل من أفريقيا والشرق الأوسط واتطار أوروبا السترقية ودول الاتحاد السوفيتي السابق وأمريكا اللاتينية والجنوبية.

المؤسسة الدولية للأنظمة الانتخابية في الضفة وغزة
 التوقيع على اتفاق إعلان المبادئ في أيلول من العام 199 19 ، ولقد قامت المؤ سسة بإيفاد بعثة لتميـم الوضع في الضفة الغربية وغزة وإسرائيل وتونس (المقر السابق لمنظمة التحرير الفلسطينية)و ذللك مـــن اجل الوقوف على القضايا القانونية والسياسية والإدارية الميطة بإجراء أول انتخابــــــات فلســـطينية تشريعية على الإطلاق، وبدأت المؤسسة الدولية للأنظمة الانتخابية بعد ذلــــــك بدعــــم نشاطـــات المنظمات الفلسطينية ذات العلاقة بالتـقيف المدني حول الانتخابات والأنظمة الديمقراطِيــــة الفعالـــــة. ولقد تم تنظيم برامج عديدة لمذه الأغراض بالتعاون مع منظمات فلسطينية غير حكوميـــــــة ووزارات السلطة الفلسطينية المختلفة ولقد استهدفت هذه البرامع النساء (النســـــاء الريفيــات علــى وجـــه الخصوص) والشباب والمعتقلين السياسين المفرج عنهم من السحون الاسرائيلبه بمو جـــب اتفاقيـــات
 البلس التسْريعي والرئاسة في كانون الثاني من العام 1997 قامت المؤسسة الدولية المية للأنظمة الانتخابية بكملة تثقيفية عن إجراءات التصويت، وتقوم المؤسسة أيضا بتوفير الدعم ألفين للجنــــــة الانتخابــــات المركزية الفلسطينية. ومنذ نيسان من العام 1997 تقوم المؤسسة اللولية للأنظمة الانتخابية بتوفير الدعم ألفـــــي الـــلازم
 الجالس الحلية في الضفة الغربية وغزة.

لقد شارك العديد من الأشخاص في إعداد هذه الكراسة وللحقيقة فقد كانت مساهمة كـــلـ شنص منهم على مستوى من الأمية ، حيث قام كل من جو باكستر (مستشار كبير للانتخابــــات
 ونمال أفريقيا) بإعداد هذه الكراسة، وقام كل من حكم شهوان (منسق المؤسسة في الضفة الغربيـــــة وغزة) وايهاب البرغوئى (منسق شؤون الانتخابات الفلسطينية لعام 1997 ) بتقدـم بمحوعــــة مـــن التوصيات المامة والاقتراحات التي ساهمت في بلورة الشُكل اللنهائي للذه الكراسة ، وقام خحليل غـــان بتقلـم الدعم الإلاناري.

كا قام كل من كيث كلين (مدير شعبة برامب أفريقيا والشــــــرت الأدنى-واشنطــن-)، وميوتـــل تشَلانبوا بقراءة مسودة هذه الكراسة والتعليق عليها، كما قام كل من إبراهيم حبريل وحكم شهوان بتر جمة هذه الكراسة الى العربية، وقام الدكتور عدنان سا لم بتدقيق وتنقيح الترجمة العربية فيها فامت سعاد صالُ بإدنحال التعديلات اللغوية وتضير المسودة للطباعة، وقام الدكتور رونالد ورلف بتقلـم النصح والمشورة فيها يتعلق بالترجة والتنقيح.
 الملى ورئيس بلنة الانتخابات العليا وذلك لمساعدته وتعاونه مع المؤسسة طوال فترة عمل المؤسســــة في الضفة الغربية وغزة كـا نتقدم بالشكر والعرفان لاسامة أبو صافيه (منسق الانتخابات في غزة ) وعبد الناصر مكي (منسق الانتخابات في الضفة الغربية) والعديد من العاملين في وزارة الـككم المحلى على مساعدهَم وجهودهم. كما تقدم الدكتور محمد اشتية مدير عام بكدار بالعديد من الاتتراحات حول الانتخابات للمؤسسة كـا قام العديد من الفلسطينين الذين ساهوا في العمل خلال انتخابات العام 1997 بتقلـم المعلومات والعون للمؤسسة.
 بالدعم الملي الذي جعل من هذا المشتروع أمرا واقعا.

## تقديم وتلنخيص

ستاح للفلسطينيين في الضفة الغربية وغزة مع إحراء الانتخابات الفلسطينية للمجالس المحلية
فرصة الاختتار الدممقراطي بلالس الحكم الملى لأول مرة في التاريخ الحديث ومن الواضح أن هــــــــه الانتخابات ستكون بمثابة الـططوة الأساسية على طريق تعزيز حكم الذات وإقامة فلسطين الديمقراطية.

وعلى العكس من البحلس التشريعي الفلسطيين من حيث كونـــه مؤسســـة وليـــــة نتيجـــة لاتفاقيات أوسلو، فان مؤسسات الحكم الملى ليست بظاهرة جديدة على البحتمع الفلسطيني. حيث أن مئل هذه المؤ سسات الملية كانت موجودة خلال فترة الانتداب البريطاني والحكم الأردني والولاية المصرية في كل من الضفة الغربية وغزة ولكن نظرا للظروف السياسية فان مؤسسات الـكم المحلى لم تتمكن من العمل كمؤسسات ممثلة للحمهور بكفاءة ون أعقاب الاحتلال الإســــــرائيلي في العـــام 197V 19 عليه الحال قبل الاحتلال إلا أن السلطات العسكرية الإسرائيلية قامت بفرض العديد من القيود على أنشطة هذه البحالس فعلى سبيل المثال كانت هنالك قيود على فرض الضرائب وجبايتها من اللــــــــان وإصدار رخصص العمل منا أدى الى إضعاف نفوذ هذه المخالس بشكل كبير.
 السلطات الإسرائيلية في هذا العام بإحراء الانتخابات المحلية للمحالس البلدية وفيما بعد تم إبعاد بعض رؤ ساء البلديات المنتخبين باستناء واحد منهم فيما تَ عزل آخرين وتعرض آخرون محاولات اغتيال
 الانتخابات اليملية منذ العام 9 ^1 إبان الانتداب البريطاني ، ففي عهد الاحتـــلال الإســـرائيلي ، تم تعيين أعضاء اللـحان والبالس الملية في غزة وبذلك لم يتم إعطاء الغزيتن فرصة اختتـــــار وانتخــــاب كمثليهم الى هذه البحالس.

وفى عهد السلطة الفلسطينية برزت هناك الإمكانية لوجود بكالس محلية يتم اختبارها بشكل ديمقراطي وبالتالي لان تكون اكثر تمثيلا للسكان واكثر فعالية في العمل. وتم اعتماد الأساس القانونِ لميئات الـككم الملى من خلال تشر يعين صدراعن البحلس التشريعي الفلسطبين وهــــــا:- القـــانون الانتخابي للهيئات المحلية الفلسطينية (ويتم الإشارة إليه في هذه الكراسة " بالقانون " ) والـــــــــي تـ اعتماده رسميا من قبل الرئيس عرفات في كانون الأول 1997 والثاني هو قانون الهيئـــــات المليــة

الفلسطينة (ويتم الإشارة إليه " بعانون الـكم الخلى ") والذي قام الرئيس عرفات بتوقيعه رسميا في تشرين أول من العام 199 وقبل أن يتم ترير القانون المديد فلقد خضعت البالس الماليلية في الضفة
 القوانين الأردنية والصرية وأوامر الاحتلال العسكري ، ويعتبر قانون الميئات الملية حدئا تاريخيا لأنه يوحد الأنظمة القانونية للهيئات الملية في كل من الضفة الغربية وغزة كـا إفا تشكا تشل أساسا لتجميع العديد من المسئوليات والصلاحيات ووضعها تحت مسئولية مؤسسات المكم الملى.

وستكون انتخابات الـحكم الغلى الفلسطيني مامة نظرا للعديد من الأســـباب والاعتبـارات
 يقوموا بالتصويت لاختتار ممثلهم وبذلك فان هذه الانتخابات ستكون خططوة هامة على طريق تطوير







 الأقدر على القيام بواجبات الـحكم العلى والمدمات المقدمة الى الجمهور

 للأنظمة الانتخابية أيضا أن تساهم الانتخابات الخلية الفلسطينية كـا سـا سـامـا



 العديد من العناصر مثل القانون والاستعلادات التي يستحيل من دوها أن يتم إجراء الانتخابات ومن



 احسن و جحه.

وتقدم المؤسسة الدولية للأنظمة الانتخابية من خلال هذه الكراسة العديد من التوصيات والاتتراحات






 الشُعب الفلسطيني " بكماسة وان تكون مبعثا على الفخر .




 وإرشادات تفصيلية كلسا أمكن ذلك وفيسا يلي نقدم ملخصا عن التوصيات المامة الواردة في كل من أصول هذه الكراسة.
القانــــون اللانتخابي
 بتحضير بمموعة من الأنظمة والتشريعات اليّ من شأها توضيح القانون وتوفير الأرضية لإدارة

- توضيح دور بلنة الانتخابات العليا ومنحها الصلاحيــــات القانونيــة الضروريــة لإجـــراء

الانتخابات.

- تزويد لِنة الانتخابات العليا عوظفين مدربين (سكرتارية " أمانة سر ").



الجالس الحلية.
تسجيل الناخبين

- من الضروري أن يتم اتخاذ القرار حول الحاجة الل عضير سحل انتخابي جديد.
 الاقتراع.
- تحسين النماذج وعملية إدنال البيانات وذلك من احل التقليل من احتمال وقو ع أحططـــاء في قائمة النانبين.
- مراجعة الإطار الزمني الوارد في القانون الانتخابي ووضع خطة زمنية "جدول زمـــــي اكــــر

واقعية.
تأهيل المرشحين

 النواحي اللوجستية

- وضع خطة لوجستية مفصلة ما يشمل التوزبع المبكر للمواد الانتخابية ولا مر كزة عملية طباعة نماذ الاقتراع ووضع خطة شاملة للاتصالات. نشاطات يوم الانتخابات
- التقليل من عدد الناخيبن في كل مركز من مراكز الاتتراع الى .لا . نانيا. - إقامة مراكز الاتتراع وتصميمها بشكل يضمن سرية الاتتراع.
- توضيح وتحديد دور أفراد توات الأمن خلالال عملية التصويت.
- استخدام طاقم واحد للعمل في مراكز الاتتراع والقيام بفرز وعد الأصوات.
- استخدام المبر الخاص " المعغذر ازالته " لمنع تكرار التصويت.
- استخدام آلية عملية ناجعة لمدولة النتائج على مستوى المكاتب الانتخابية المنطقية.
- تطوير آلية لإعلان عن النتائج الأولية للانتخابات في ليلة يوم الاقتراع.

الكدريـــــــــــب

- تقصير فترة تدريب عاملي التسجيل وعاملي مراكز الاقتراع وتحديدها بيوم واحد.
- وضع آلية لدفع مستحقات العاملين في التدريب (المدربين ) والعاملين في مراكـــــز الاقـــراع

والعاملين في التسحيل.

- وضع كراسات تدريب تصيرة ومكفنة بحيث تحتوى على رسومات بيانية وتوضيحات. - وضع برامج تدريب لمندوبي المر شحين.

تثقيف الناخبين
 الإعلامية.

- وضع الرسائل الاعلاميه بعناية مع استخدام خحبرات مؤسسة محلية فـ هذا البحــــال ، والقيـــام باستخدام أسلوب المجموعات البؤرية التجرييية. - إشراك المؤسسات الفلسطينية الغير حكومية في حملات توعية وتثقيف الناخبين


## اللالوــــات العامـــة

- وضع خطط للجنة الانتخابات العليا للتعامل مع وسائل الإعالم الحلية والأحنبية بشكل فعال

ونزيه.

- تحسين وتعزيز قنوات الاتصال مع المرشحين والأحزاب والمنظمات الغير حكومية.
- تعيين مسئول للعلاقات العامة للتعامل مع الجمهور فنط.

ملاحظة أخحية : انه من غير العادي إلا يتطرق إي من قانون هيئات الـكم الملى أو القانون الانتخابي لبنية البحالس المحلية من حيث عدد أعضاء هذه البحالس بالمقارنة مع عدد سكان المناطق التي تقع تحت إشراف المالس الملية أو تحديد إي المالس اليَ سيكون فيها منصب رئاسة البلدية-ورفقا للمعلومات المتوفرة لدى المؤ سسة اللدولية للأنظمة الانتخابية فان مثل هذه المعلومات متوفرة فقـــط في الاتـــتراح المقدم من وزارة الحكم الحلى (انظر الملحق ). وتوصى المو سسة اللدولية للأنظمة الانتخابية بان يتــــــم تضمين هذه المعلومات بشكل قانوني معتمد رسميا كـا هو الحال في العديد من البلدان الأخرى.

تبدأ العملية الانتخابية بتشريع القانون الانتخابي وهو القانون الذي يكدد القواعد القانونية والإدارية التي تنظم سير العملية الانتخابية ككل وتو جد هنالك أهمية خاصة للقانون الانتتابي من حيث ضمان نزاهــــــة العمليـــة الانتخابية. والقانون الذي يمكم سير انتخابات البحالس الحلية الفلسطينية في الضفة الغربية وغزة هو قـــــــانون. انتخابات المحالس الحلية الفلسطينية "القانون" الذي تبناه ابلملس التشتريعي الفلسطين في تشرين أول من العام 1997 وتَ توقيعه عرسوم رئاسي من قبل الرئيس ياسر عرفات في 17 كانون أول 1997 .

وفي الوقت الذي يعالج فيه القانون الانتخابي للمحالس المحلية معظم جوانب العملية الانتخابية بشكل عام إلا انه يترك الكثير من الأسيلة دون إجابات شافية، فبالمقارنة مع القانون الانتخابي للعام 1997 (قانون انتخابات المجلس التشُريعي والرئيس) والذي كان مفصلا وشاملا في معظم جوانبه، يأتي هذا المانون ليترك العديد مــــن
 تسجيل المرشحين و الإحراءات الـناصة بالتصويت والاقتراع وعملية فرز الأصوات ومراقبة العملية الانتخابية وعملية التحكيم الـلاصة بالنتائج... الخ. ومن الضرورة .مكان أن يتم التعرض لهذه القضايا بالشرح والتفصيل وذلك لضمان إجراء عـلية انتخابية جيدة وعلى مستوى إداري مقبول بكيث تحظى على قبول ورضى كافــــة
 الانتخابية سوف يؤدي إل:

* تعطيل الاستعدادات للانتخابات حيث أن التحضير للعملية الانتخابية يتطلب تحديد قواعد واضحة المعا لم و كذلك يتطلب تحديدا لمستويات السلطة إضافة إلى تحديد واضح للإجراءات الإدارية، فلا يمكن البـــــدء في
 الخنطوط العريضة للعملية الانتخابية ككل.
* الإرباك وانعدام التنظيم خلال العملية الانتخابية لكل من المسئولين الذين يتو حـب عليهم التخطيـطط والتحضير لإدارة العملية الانتخابية وللناخبين الذين يتو جبب أن يعرفوا كيفية التصويت والتســـــجيل والإدلاء بأصوامَم و كذلك للـرشحين الذين من المتوقع أن يبلغ عددهم بالآلاف، والذين يتو حب أن يفهـوا ويعرفوا

أصول العملية الانتخابية، وبشكل عام فان انعدام التظيم في هذه العملية قد ينعكس بشكل سلبي على السلطة الفلسطينية على المستوين المللي والدولي كـا قد يتتج عنه أيضا توترات سياسية.

ون هذا الفصل ستطرق المؤ سسة الدولية للأنظمة الانتخابية لتلك الأجزاء المهمة من القانون و التي من شأهأها إن تَلت إشكاليات معينة، إن حجم هذا الفصل الطويل نسبيا يشير إل كبر حجم هذه الأجزاء من القــــانون. أن معالمة مذه الأجزاء من خلال توضيح الفقرات المبهمة من القانون سواء بالإضافة أو .عراجعة بعض بنـــود
 يتم ذلك بإحراء تعديلات على القانون من قبل الجلس التشريعي وهناك خيار آخر اككر سهولة واستخدلاماما من
 على إجراء الانتخابات بوضع بمموعة من التشريعات على شكل ملحق إضافي للقانون الانتخابي، ففي العديد من البلدان يقوم البرلان بسن قانون أساسي ويسمح بعد ذلك للحتنة الانتخابات اليت تملك خحبرة كافية في هذا البال، بان تقوم بوضع بجموعة من القوانين والتشريعات للتعامل مع تفاصيل العملية الانتخابية و يتضمن ذلك


 داخلية جيدة تَ عضير ها من قبل بلمان الانتخابات في كل من جنوب إفريقيا واليمن).

## أ. إدارة الانتخابات:"

لا يعطي القانون صورة واضتحة عن مهام المستويات الإدارية المختلفة اللي ستقوم بتنفيذ القانون الانتخـــــــابي، ومن احل ضمان تطوير افضل نظام انتخاي يمكن يبب أن يتم تحديد أدوار اللجنة الانتخابية اللختلفة واللجان الإقليمية (على مستوى المناطت) و بلمان المراكز الانتخاية وتدوين ذلك بلغة بسيطة سهلة وتابلة للفهم.

## 1. اللجنة العليا للانتخابات

 والإدارية المتعلقة بلجنة الانتخابات. وحيث أن لـنة الانتخابات العليا هي الـهة اليني ستقوم بالإشراف على



العملية الانتخابية بمحملها، فمن الضرورة بكان أن يتم تَديد دور هذه اللجنة بشكل واضح والم وان يتم منحها
 الآَتَة:

 القيام بإصدار توصيات إلى جهات أخرى للقيام بذلك مثل اليلس التشريعي إلفلسطيني أو وزارة الـلمك الحلي والتي تتوم بدور ها بإصدار مثل هذه التشريعات. * ما هو الدور الكلي للجنة الانتخابات العليا؟ فعلى سبيل المثال، مل تُلك هذه اللجنة صاتلاحية تحديد النظام


 مراحل العملية الانتخايبة من النواحي (اللوجستية وما يتعلق بتقفيف الناخبين وتزويدهم بالمعلومات وتدريسـبـ العاملين في مراكز الاقتراع ... الخ). * هل تُلك بلمنة الانتخابات العليا صلاحية تشكيل أمانة للسر (مؤلفة من أعضاء دائمين من بين أعضاء بلمنة الانتخابات) وان كانت الإجابة بنعم فمن هو رئيس أمانة السر هذه؟

 العليا وتحت أي ظروف؟
 ما بين لجنة الانتخابات العليا ولجنة الانتخابات الفلسطينية المركزية التي تعتبر من الناحية الفنية لجمنة دائمة؟ ومن هي المهة التي تعتبر قبرارامَا فائية و فاصلة؟




 التشريعات المنوي إصدارها:-
(--عو جب القانون- تقوم لجنة الانتخابات العليا بتطبيق كافة بنود هذا القانون ويعكن بذلك تحقيق إدارة كفؤة للعملية الانتخابية)، (ويعطي هذا بلنة الانتخابات العليا الصلاحية القانونية لتطبيق التشريعات).
"تقوم لجنة الانتخابات العليا بإنشاء أمانة للسر وتقوم بتوظيف أشخاص لضـمــــان ســـير وإدارة العمليـــة الانتخابية بشكل ناجع"، (وهذا سيمكن اللجنة من توظيف أشخاص لإدارة العملية الانتخابية).

ومن بين القضايا الهامة الأخرى التي لم يتطرق لها القانون مسألة تمويل بلنة الانتخابات العليا وطاقم الموظفين؟ من أين تم اشتقاق الميزانية الحناصة بلجنة الانتخابات العليا؟ وكيف تم تحديد هذه الميزانية؟ ولمن يتم طـــــرح الموازنة للمصادقة عليها ما قبل الانتخابات؟ وهل هناك جهات حكومية معينة ستقوم بتوفير الدعم اللو جسبي والقوى البشرية للجنة الانتخابات؟ ومن اجل توضيح كافة هذه القضايا فانه من الضروري إضافــــة التعابـــير اللغوية الآتية إلى نص القانون :

هـــــــــ (تقوم لجنة الانتخابات العليا بطرح مشــــروع الموازنـــة إلى المصادقة عليه)
(تطلب بلنة الانتخابات العليا من وزارات الحكومة تقديم الدعم اللوجستي والماص بالقوى البشرية وفقا لاحتياجاهِا وذلك للقيام بالانتخابات وتقوم هذه الوزارات بالمقابل بتوفي الدعم المطلوب).
الإدارة الإقليمية (V-0) الادة (Y)

تنص المادة المنامسة من قانون الانتخابات المحلية على اعتبار كل بكلس معلي سواء كان ذلك في مدينة ميــــــلـ

 فيها 17 دائرة انتخابية فقط ، وينص القانون أيضا على تشكيل بلنة إدارية للقيام بمهام الإشراف على العملية


 أز ب تعديد عدد الهالس البلدبة الكلي والني ستفرم بإجراء التخابات علبة.
 الِ لوز


 Gition











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 برمتها بحيت تد يتم التشكيك في حيادية هذه اللجان.

ب. مراجعة سجل الناخبين / عملية التسجيل(المواد Y-Y)

لم يكدد القانون بششكل واضح ومباشر طبيعة عملية التسجيل التي سيتم العمل هال، حيث تتم الإشارة إل عملية التسجيل بشكل غير مباشر في (المادة 9) من القانون (ستقوم اللجان الانتخابية الإتليمية بتسجيل النـــانجبين). كما تَ الإشارة إل هذه العملية بشكل غَر مبانر في بي بعض المواد الأخرى من القانون.
(إن المؤسسة اللولية للأنظمة الالنخايبة تتساءل حول استخدام مصطلح "التسجيل" في إطار هذا القانون)


 وعلى الرغم من ذلك فان المؤسسة الدولية للأنظمة الانتخابية تفترض بان الـال سيكون غتلفا في الان الانتخابات


 تلك السجلات على درجة عالية من الدقة. وعلى غو تقديري فان مذه السجلات تحتوي على أسماء مليون
 استكمال عملية الانتخابات للمجالس الغلية يوجد هناك ضرورة لتحديت المعلومات أو بتعبير أدق- يستخدم ي العمليات الانتخابية- القيام براجعة هذه السجلات.
(إن عملية مراجعة السجلات الاتخخابية ليست هي نفس عملية أعداد هذه السجلات). حيث انه في هذه

 بختلفة وبالتالي هناك ضرورة لتغير عناوينهم في السجلات الانتخابية، كما يتم في هذه العملية شطب أسمـــــاء

أولئك الذين توفوا خلال الفترة المنصر مة 1900 وبطبيعة الحالل، فان مراجعة السجلات الانتخابية عملية أقل كلفة واستهلاكا للوقت من عملمة تسحيل الناخبين.

وبحدر الإشارة هنا إلى أن القَانون يتحدث عن عملية التسجيل و كأفا ستم من جديد، حيث تم تحديد فــــترة
 القانون، ويتضح من مراجعة هذه المواد أن الفترة الزمنية المحددة بثلاثين يوما سيتم فيها إضافة أسمــــاء أولكـــك
 الذين قاموا بتغير عناوينهم والذين يرغبون في التسجيل وفقا لاماكن سكناهم الجديدة فان عليهـم الانتظـــــــار لـلول فترة العشرة أيام ما قبل الانتخابات لعمل ذلك، وكذلك الحال بالنسبة لأولئك الذين يرغبون في التبليغ عن حالة وفاة .
!ا المؤسسة الدولية للأنظمة الانتخابية قلقة بشكل جدى من كلفة تحديد فترة زمنية قدرها ثلاثين يوما من اجل إضافة الأسماء لسـجل الناخبين في الوقت الذي يكتاج هذا السـجل إلى عملية مواجعة فقط، وتوصــــي المؤسة الدولية للأنظمة الانتخابية ين هذا الإطار أن يتم إعادة كتابة نصوص المادتين • 1-11 من القـــــانون

كـا يلي:

ستقوم الللجنة المليا للانتخابات بتعليت السـجلات الانتخابية لكانة الدوائر وذلك هِدف توقَعها من قبـــل جهور الناخبين في موعد لا يزيد عن • 9 يوما قبل موعد الانتخابات وذللك لمدة عشرة أيــــام كاملــــة في خغتلف المراكز الانتخابية. ويحق لأي شخصص خلال هذه الفترة أن يطلب إضافة اسمه إلى سـجل الناخبين في حالة عدم تسـجيله سابقا أو انه كان قد تح تسـجيله في مركز انتخابي آخر فيحت له الطلب بتغيـر مكــــــــان التسـجيل في حالة كونه قد التزم بنصوص المادة ع ا من هذا القانون.

وحيث انه سيتم إجراء عدد قليل من التغييرات وسيتم القيام بالإضافات على نفس السحجلات الانتخابية، فإننا نقترح بان يتم تعديل المادة (107) من القانون كالآلي : بعد يوم واحد من انقضاء الفترة الزممنية الخددة أعلام، يتم تعليق السـجلات الانتخابية للتدقيق من قبــــلـل جهور الناخبين لفترة زمنية قدرها ه أيام، ويكق لأي شخص خلال هذه الفترة الاعتراض علــــى ســــجل الناخبين في حالة إن تم شطب أسمه من السجلات عن طريق الحطأ أو الاعتراض بطلب شطب أحد الأسماء من السـجل وذلك بعد تقديم طلب وبيان خطي على النموذ ج الحاص من اللجنة العليا للانتخابات ويقوم

بتسليمه لرئيس اللججنة الانتخابية الإقليمية في منطقته الانتخابية، وفي هذا البيان يجب على مقدم الطلب أن يذكر بشكل ملتحص الأسباب التي أدت إلى اعتراضه على سـحل الناخبين على أن يرفـــت مـــع الطلــــب تصريعا مشفوعا بالقسم وان يذكر ججموعة الأسباب والبراهين التي تدعم طلبه الذي ينوي تقديمه إلى بلنة

الانتخابات.
إن نص القانون المقترح أعلاه سيمكن من إضافة أسماء الأشخاص التي سقطت سهو! من السجلات نــــــــلال فترة المراجعة (ولكن لا يمكن إضافة أسماء جديدة) كما أن النص المقترح يسـع بشطب أسمــــاء الأشخــــاص الذين لا تنطبق عليهم شروط أحقية التصويت (أوليك الذين توفوا). ككا أن النص المقترح يشترط على أي شخص يطعن في السحلات أن يقدم الأدلة والبراهين لدعم ادعاءاته، ويجب على الشخص أيضا أن يقدم أدلته

 ودراية بما يجب أن يقدم لدعم طلبه وذلك وفقا لطبيعة النموذج الذي ستقدمه اللجنة.

كما يحدد النص بان الفترة المخصصة لمراجعة السـجل الانتخابي ستكون عحددة بــ 10 يوما فقط بدلا من - ع يوما حسب نص القانون المالي. وبذللك يفسح الجال للتركيز على قضايا إدارية وانتخابية أخرى. و كـا تمت الإشارة إليه سالفا فان الفترة المددة بأربعين يوما هي فترة طويلة جدا لمراجعة سجل انتخـــابي موجـــود أصلا كـا سيتم توفير المبالغ اللي سيتم دفعها للعاملين يـ مراجععة اللسحل الانتخابي. إن طول هــــــذه الفـــترة
 لاستكمال كافة الاستغدادات الأخرى.

## قضايا أخرى:

 والمضي في تطبين عملية تسجيل الناخبين، فان القضايا الآتية تحتاج الى توضيح:

* ينص القانون على إن أحقية الناخبب في التسجيل للاقتراع تعتمد على مدى مطابقته لنشروط الناخبين والتي تنص على ضرورة كون الشخص مقيما في المنطقة التابعة للمجلس الهلي (الملادة 9 فرع ب) ويتــــم تعريــف المقيم في المادة (1) من القانون بان مكان الإقامة يعني مكان الإقامة أو العمل ، (وتلاحظ المؤسسة الدوليـــــــة للأنظمة الانتخابية في هذا البحال أن الصياغة اللغوية لمذه المادة مبهمة وتحتمل العديـد من التفسيرات) وبذلك

فان هذا من شانه إنارة ثلالة قضايا جدية من شأها أن تؤرُ على مصداقية العملية الانتخابية برمتـــها وهـــذه القضايا هي:1. وفقا للمعلومات المتوفرة لدى المؤسسة الدولية للأنظمة الانتخابية فانه لن يتم إحراء الانتخابات المحليـــة في كافة مناطق الضفة الغربية وغزة، فمن المتوقع أن لا يشارك اللاجئون القاطنون في مخيمات الضفة الغربيـــــة في هذه الانتخابات كما لن يشارك فيها أولئك المقيمين في بحمعات سكنية يقل تعدادها عن ألف نسمة وبذلك فان القانون يخلت ثغرة يعكن من خلالها أن يقوم المرشـحون غير الزَيهين أو أشـخاص آخريـــن باســتغلالها وتستجيل مثل هؤلاء الأشـخاص للتصويت في هذه الانتخابات. إن الأشخاص القاطنين في خخيمات الضفــــة الغربية أو أوليك القاطنين في بحمعات سكنية ذات تعداد أقل من . . . ا نسمة يمكنهم أن يسحلوا ويقوموا بالتصويت في مناطق المخالس الملية القريبة منهم تحت الادعاء بأفم يعملون في مناطق الملالس الملية القريـــــــــ فهل هذا هو المقصود من القانون؟ وفي حالة الإجابة بالنفي، فان هناك ضرورة لإيجاد اللبل الكنيلــــة ممنــع ع حدوث مثل عمليات التسجيل هذه أما في حالة الإجابة بنعم فانه يكب إعلام جمهور النانحبين والمرشحــــين
 بان هناك غرباء عن منطقة البجلس الحلي يقومون بالتصويت هـدف التأثير على نتيجة الانتخابات.
r. وفي حالة عدم وجود ضرورة لتقلـم إنباتات الإقامة خلال عملية التسجيل / المراجعة، فما هي الونائق الكي يبب على الأشخاص تقديمها لإبلات مكان عملهم في إطار دائرة انتخابية معينة؟
 التي يجب أن يكون الششحص قد عاشها في منطقة معينة حتى يتم اعتباره مقيما؟ وكيف يككن التأكد من ذلك؟

في الوقت الذي تدرك فيه المؤ سسة اللدولية للأنظمة الانتخابية بان هناك بجموعة من الاعتبارات مثل (زيــــادة
 المشتار كة) واليت تفسر وجود النص الخاص بمكان السكن/العمل فإننا نعتقد أيضا بان هنالك نتائج سلبية هـــــــا النص على عملية التسجيل -التي تعتبر أحد أهم مقومات العملية الانتخابية الناجحة- ويكمن الأثر الســـــلـي المتمل في إمكانية تزوير أو وجود تسجيلات مزدوجة للأشخاص إلا إذا تَ استخدام بحموعة من الإجراءات الوقائية للحيلولة دون وقوع مثل هذه التجاوزات.

ويمكن أن تشمل مثل هذه الإجراءات بحموعة من المتطلبات والشروط التفصيلية لإنبات هـكـــــان العمـــل أو السكن وإنشاء قاعدة معلوماتية لتمكن من اكتشاف التسجيلات المزدو جة بالإضافة إل إنشاء خطوط عريضة

تحدد الكيفية التي يمكن لصاحب حق الاقتراع استخدامها في "اختيار المكان / الدائرة الانتخابية التي يرغب في التسجيل والتصويت فيها" (المادة ع (1)، فعلى سبيل المبال: هل يقوم صاحب حق الاقتراع بإرسال كتاب إلى دائرة الإحصاء المركزية؟ وما هو الحد الأقصى لذلك؟
 فترة أل . ب يوما الأولى وذلك لإِعلان عن السحالات الانتخابية ونشبرها للجمهور بعد مراجعتها( وذلك من اجل إطلاع الناخبين الملدد وأولئك الذين قاموا بإجراء تغييرات معينة على القوائـــم )، وتلاحــظ المؤسســــة

 النانبين والقيام بمساعدته خصوصا إن كان المقصود فقط هو مراجعة السسلات الانتخابية وليس القيام بعملية التسجيل حيث انه من غير المتوقع أن يقوم الــــليون و . . Y ألف ناخحب من أصحاب حق التصويت بالقدو؟ إلى هذه المكاتب وتسجيل أسماءهـم أو فحص السـجلات، وبذلك فان هذه الفترة الزمنية المخصصة هي فــــترة طويلة. وبالإضافة إلى ذلك فانه سيكون من الصعب ور.ما من المستحيل أن يتم القيام بالتنقيحــــات اللازمــــة للقوائم وتوزيعها إل الدوائر الانتخابية خلال فترة العشرة أيام وفقا لنص القانون. ولنـلك فلا فلا بد من النظر في تقصير أمد فترة التسجيل والمراجعة كما تمت الإشارة سالفا.
 تحديدها بدقة، فعلى سبيل المثال، أن جملة مثل: "خلال فترة عشرة أيام بعد انقضاء الفترة الزمنية المذكورة في المادة | |" مككن أن تفسر بأكثر من طريقة، فمثل هذا الإهام في الحملة قد لا يبدو ذو أهمبة الآن إلا أن تحديد الإطار الزمني خلال العملية الانتخابية سيضمن تطبيق القانون بشكل عادل ويلغي إمكانية حرمان الناخبين أو

المرشحين من حقوقهم.
*بالاستناد إلى نص المادة 17 من القانون فانه ييدر أن بالإمكان شطب / إسقاط اسم أي شخص من السشل الانتخابي دون علمه بذللك، وبذللث ممكن حرمان الأشخاص من حقهـم الانتخابي دونا رقابة من قبل اللجنـــــة العليا للانتخابات، وتنص المادة (IV) من القانون على ضرورة إبلاغ الشخص في حال شطب اسمه من على السحجل الانتخابي ولكن ماذا يعني ذلك من الناحية العملية:فهل يتم إرسال كتاب إلى الشخص المعني تفيد بشطب المه من على السحل الانتخابي، أو أن يتم الاتصال به هاتفيا وترك رسالة هذا المضمون؟ أم ماذا؟ إضافة إلى ذلك فان هذه الملادة تنص بوضوح على إن عبء تقدـر

 Ifmini (ific $1,-1$.

> Ifere |k:

 Tukroifir -



 x. $10 \rightarrow 0$




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* تنص المادة r r من القانون على أن يتم دفع الودائع المالية للمر شحين للجنة الانتخابات العلبا ولكـــن مــــ
 لكيفية تعامل بلنة الانتخابات الإقليمية مع هذه الأموال من حيت: تحديد المسئول عن هذه الأموال، وكيف يتم تَويل المسئولية عنها إلى لجنة الانتخابات العليا..الخ ومن الواضح أن زيادة عـــــدد المرشحــــــن ســــؤدي بالضنرورة إلى (زيادة المبالغ والودائع المالية) و حيث انه سيتم استخدام هذه الودائع في تمويل العملية الانتخابية فمن الأهمية مكان أن يتم التعامل مع هذه الأموال بحذر ومسئولية.
* لا تنص المادة YV الخاصة بتسجيل الناخبين على ضرورة إبلاغ المرشحـــــن وعقــــــ جلســـات للنظــر في
 الشكاوى. ويمكن لمثل هذه الثغرات أن تخلق العديد من الأشكالات في حال عدم عقد جلسات للنظــــــر في
 وبحاوز هذه الثغرات من خحلال تقدي بيان ماهية الأدلة التي من المفروض أن يتم تقدمها ليتم إبطال أحقية أحد المرشحين وإلغاء ترشيحه.
* *يجب أن يتم تحديد اللادة اM الخاصة ببدء وانتهاء فترة الدعاية الانتخابية بشكل واضح. حيث إن المـــــــادة
 يوما قبل يوم الانتخابات، ومن الأمية بمكان أن يتم تحديد ذلك لتجنب قيام المرشـحين بحــــــــــالات الدعايــــة الانتخابية في الأوقات الغير صحيحة - ولذلك فإننا نوصي بالآتي: تبدأ فترة الدعاية الانتخابية في اليوم الرابع عشر قبل موعد الانتخابات الحدد وتنتهي في موعد أقصاه ؟ Y ساعة قبل يوم الانتخابات حيث تنتهي كالة نشاطات الحملة الانتخابية الدعائية.

اللادة rr: تنص هذه المادة على "أصول تعامل" المرشحين والخطوط العريضة لذلك ولسوء الحظ فان هــــــذه اللمادة لا تشير إلى العقوبات التي سيتم تطبيقها بحق هؤلاء الذذين يقومون بنشاطات مخالفة للقانون ولكنها تلمح !إلى احتمال إلغاء أحقية المرشح في حال ارتكابه لمنالفة معينة. وتوصي المؤسسة الدولية للأنظمة الانتخابية بشـدة أن يتم تعديل هذه الفقوة بما يسـمح للجنة الانتخابات العليا أن تقوم وبواسطة إصدار تشريع خاص بو ضع السبل الكفيلة بععرفة ما اذا كان تد تم وتو ع مخالفة معينة وتحديد العقوبات المختلفة للمخالفات المختلفة التي قد يتم ارتكاهِا. -علما بأن بعض المخالفات والحُروقات لقواعد وأصول التعامل لا تستو جب إلغاء أو إبطال أهلبة الترشيح- فعلى سبيل المبال إن تعليق بعض الملصقات التي تحمل شعار السلطة الفلسطينية
Brisicer
-
 व"



هذا إجراء تيع فِ العديد من البلدان وإذا كانت الإجابة بنعم فني أي تاريخ عكن أن يتم ذلك وكيف ستم . .








$$
\begin{aligned}
& \text { וחר }
\end{aligned}
$$





 اللجان المنفصلة، وتناقش المؤسسة الدولية للأنظمة الانتخابية هذا الموضوع بإسهاب في الفصل الثامن من هذه الكراسة تحت عنوان (نشاطات يوم الانتخابات).

هـ هـ إجراءات يوم الالنتخابات: التصويت (المواد \&-
هناك العديد من القضايا الأساسية التي غفل القانون عن ذكرها والتعامل معها وتشّمل هذه القضايا الا با يلي :-




 الاقتراع المسجلين في كل من مراكز الااقتراع وذلك نظرا لإمكانية تلف بعض هذه النماذج خــــــــلال عمليــة الاتتراع من قبل بعض المقترعين.

الملادة rA (1): كيف يتم التأكد من هوية المقترعبن والتأكد من أحقيتهم في المشار كة في الانتخابات؟ هل


 مراكز الاتتراع ومعهم بطاقات الموية الماصة هم إلا أن أسماءهم ليست مدر رجة على السحهل الانتخابي؟ فهل يتم السطاح لم بالتصويت؟
 الفنية يجب أن يتم التوقيع على نوذج الاقتراع فور نسليمها للمقترع ، وإذا ما قام رئيس اللجنة بتوقيع جميــع

> وتماذ ج الاقتراع قبل أن يتم افتاح مر كز الاقتراع فان ذلك يفسد المدف المر جو من عملية توقيعه على النماذج

المادة للمقترع أن يضع أي إشارة يريد على الورقة؟ (خط مستقيم، إشارة / ــز خطط متقطع ----؟) فهل يو جد اعتبار لمبل هذه القضية أم أها غير هامة مع الأخذ بعين الاعتبار أن حقيقة كون المقترعين قـــــــد شــــار كوا في انتخابات سابقة لا يعي بالضرورة افم سيقومون تلقائيا بوضع علامة X بوضوح على ورقة الاقتراع وبالتالي

 واحتساب أصوات المقترعين بو جبها.

* المادة ^r (0):يبدو للو هلة الأولى أن هذه المادة غير ضرورية حيث أنه حين يقدم المقتر ع اسمه إلى أعضـــــاء اللـجنة يقوم هؤلاء بشطب اسمه من على السحل الانتخابي، كما انه من المرهق من الناحية العملية لأعضـــــــاء اللـجنة أن يتابعوا عملية التصويت وإسقاط أوراق الاقتراع في الصناديق المخصصة لذلك في الوقـــــــت الـــــي يتوجب عليهم أيضا أن يتعاملوا فيه مع مقترعين آخرين والقيام بشطب أسماءهم من على السحجل الانتخابي.

المادة (rq): يجب أن لا يتم السماح لمندوبي المرشحين - الو كلاء - بمساعدة المقــــترعين، وبالاســتـناد إلى الاشكالات التي حصلت خلال العملية الانتخابية في العام 1997 فيما يتعلق بالمقترعين الأميين وضمان سرية الاقتراع فانه من الضروري أن يتم سن أنظمة خاصة لمساعدة المقترعين الأميين ويجب أن يتم تحديـــــد ذلـــك بوضوح وان يتم شرح ذلك بشكل مفصل للعاملين في مراكز الاقتراع و كذلك بلمهور المقترعين قبل موعد الانتخابات - حيث أن القانون الحالي لا يوفر أي معلومات حول ذلل.
وبشكل عام:

هل يمكن لمندوبي المرشحين الطعن في أحقية أحد المقترعين بالتصويت؟ فان كانت الإجابة بنعـــــ فـــــا هــــي
الإجراءات الواجحب إتباعها في مثل هذه الحالات ؟

ما هي الإجراءات الوقائية التي سيتم اتخاذها للحيلولة دون القيام بالتصويت اككثر من مـــرة ؟ فــهـل ســـيتم استخدام الحبر المتعذر، ازالته وهو إجراء متبع في الكثير من بلدان الهالم ، ويجدر النظر في مسألة استخدام الحبر

الخناص سيما إذا كان سيتم اعتماد البند الخاص بأحقية "الساكنين والعالملين" في المناطق الانتخابية بالتصويت خحلال عملية التسجيل. ويعتبر استخدام الـبر الخاص افضل السبل للحبلولة دون التصويت لأكثر من مـــــــــرة
 الحبر (عادة يستمر الحبر في الظهور على الأصابع لمدة تتراوح ما بين الأسبوع آلي الثلانة أسابيع).
 من الضروري أن يتم توضيح الظروف الين يمكن من خهلالها أن يتم تمديد ساعات التصويت، وذلك في




 اغلب الأحيان) مع الأحذ بعين الاعتبار عدم وجود خدمات فاكس ميل أو هاتف في العديد مــــــن مراكـــر

الاقتراع؟

* ما هو المقصود "بالتقرير المكتوب" ونقا للمادة (\&) هل هو الخضر؟ فيجب هنا أن يكدد القانون ضرورة




 القوات وتحت أي ظرف يتم السماح لما بالدخول؟ وتحت أي ظرف بعكن للجان مراكز الاتتراع الطلب إلي هذه القوات بمغادرة مراكز الاقتراع؟ وبالرجوع إلى المناكل الئ حصلت أنناء الانتخابات في العام 1997
 للأنظمة الانتخابية توصي بأن يتم مراجعع الدور الذي سيلعبه المسؤلون الأمنيون في هذه الانتخابات بـــــــــر
 (ir
* 



*





* يجب أن يتم الشُروع في عد وفرز الأصوات مباشرة بعد إغلاق مراكز الاقتراع بدلا من أن تبدأ هذه العملية

* نظرا لأمية فرز الأصوات والإعلان عنها بسرعة في ضمان استمرار جو من المدوء السياسي بعد الانتــــهاء

لا يقدم هذا النصل الخاص بفرز وعد الأصوات معلومات وافية حول الإجراءاتات التي سيتم استخدامها أثنـــاء


* K



 ת 0 分

 2. 1 ות











ط. مراقبة الانتخابات: المراقبين الخليون واللدوليون ومندوبو المرشحون الملادة (؟ه):
 اللولية للأنظمة الانتخابية في هذا السياق ما يلي:-

* باستناء المادة r(0) من القانون والتي تتطرق إلى مهام بلنة الانتخابات العليا وتحديدا إصدار أوراق الاعتماد للمراقبين والعمل على تسهيل مهـتهم والمادة \&ه والتي تنص بشكل عام على ضرورة تسهيل مههة المراقبين ومندوبي المرشحين في مراقب عملية التصويت وفرز الأصوات، فان القانون لا يناقش بشكل تفصيلي حقوق وواججات المراقبين ومندوبي المرشحين. فهل يو جد هناك مواعيد هائية يتو جب الالتزام هـا من قبل المراقبــــين والمندوبين الراغبين في الخصول على أوران اعتماد وان كانت الإجابة بنعم، فأين ومى يجب أن يتم ذلك وما

صلاحيات المراقبين؟

* وفيما يتعلق بمندوبي المرشحين وحقوقهم ومسئولياهمّ فهناك ضرورة ملحة لان يتم تحديد هذه الأمور، فعلى سبيل المثال هل يوجد فم صلاحية التوقيع على محاضر نتائج الانتخابات في مراكز الاقتراع اليَ يراقبون فيها عملية التصويت وفرز الأصوات وهل يكق فم أن يقوموا بتسحيل ملاحظاتّم عن سير عملية الاقتراع علــــى هذه الأوراق؟ وهل يكق لهم من الناحية القانونية تضير جداول خاصة بفرز الأصوات والخصول على توقيع أعضاء اللجنة الانتخابية على هذه الجداول؟

وتحدر الإشارة هنا إلى انه قد تَت إضافة هذه الملاحظات في القانون الانتخابي لعام 990 1، وتعتبر هذه البنود (جداول خاصة بالمندو بين "عن فرز الأصوات" ) على مستوى عال من الأهمية وذلك نظرا لأها يمكـــــن أن تقدم على شكل دليل في حالة رغبة أحد المرشحين في الطعن في نتائع الانتخابات.

* هل تعني عبارة "المندوب المعتمد"، المادة (YY) (مندوب المرشح)، ويتضح من ذلك ضــــرورة اســـتخدام مصطلح موحد للدلالة على المعن المقصود.


## الـلاصــــــــــة

 من بلدان العالم ويوفر هذا القانون خطا أساسيا لسير العملية الانتخابية إلا أنه لا يقدم التفــــاصيل الواجـــــبـ توفرها وذلك حتى يكون بالإمكان إدارة العملية الانتخابية بشكل فعال. وفي هذا الفصل، قامت المؤسســـــــة

 تسُريعات معينة إل القانون من قبل اللجنة العليا للانتخابات فان هذه القضضية تعتمد إل حد كبير على طبيعة الإجراءات المتبعة ي الضفة الغربية وغزة. وبغض النظر عن الكيفية فان المؤسسة الدولية للأنظمة الانتخابيــــة توصي بشُدة بان يتم إعادة مراجعة القانون والنظر فيه وان يتم تقوية اللجننة العلبا للانتحابات للقيام بـــإصدار تشريعات لمعالبة تلك القضايا التي تَ نقاشها سابقا.

وتَدر الملاحظة هنا إل أن القانون هو الر كيزة الأساسية للعملية الانتخابية ككل كـا هو الحال في بقية أرجاء
 سيؤدي إلى زعزعة ثقة ابلحمهور فيها.
III.إدارة العملية الانتخابية:
 الواضحة والأنظمة بالإضافة اللى الـطط الني تعالج كافة جوانب العملية وكذلك التنظيم الجيد ورضع المداول
 الخطط بشكل دقيق
 السياسية على الرغم من ضرورة أن تأحذ هذه العملية بعين الاعتبار المساسيات السياسية في البلاد.

ترك كيفية التركيب الإداري لإدارة العملية الالتخابية وذلك بدءا من لجنة الانتخابات العليا ونزولا الى مراكز

 معينة)، أو عدم تدريب العاملين من شأنه أن يخلت مصاعب واشكالات سياسية كبيرة.




 الانتخابات ستؤخذ بعين الاعتبار وسيتم الاستفادة منها.
 دائرة انتخابية واتل من . . . مرشح في انتخابات العام 1997 .



 والعاملين نيها بالإضانة الى الإدارين على مستوى المانطق الانتخايية'.

## أ. لجنة الانتخابات العليا









الثانية في اليمن.


 وأعضاء اللجان الي ستقوم بفرز وعد الأصوات. r. الإشراف على إدارة ونشاطات هذه اللهانان واللهان الناطثية ( الالقيبية) والعـل على تطبيت أحكام هذا القانون. ع . القيام بتعيين العاملين والمستشارين في مختلف المكاتب المناطقية في الدوائر الانتخابية المختلفة. ه . القيام بإصدار بطاقات اعتـاد للمراقبين على الانتخابات وتسهيل مهـتهم. 7. القيام بتنفيذ نسُاطات أخرى ككا ينص عليه القانون. V. القيام بتحديد مراكز الاتتراع.لالقيام يتنفيذ نشاطات أخرى كيا كما ينص عليه القانون.

وبالمقارنة مع القانون الانتخابي لعام 1990 فان هذا القانون يوفر القليل من المعلومات التفصيلية حــــــل دور وطبعة عمل لِنة الانتخابات العليا فعلى سبيل المثال، تلك المواد التي تنص على تحديد استقلالية وصالحيات ونساطات بلنة الانتخابات العليا والكي هي موجودة في قانون الانتخابات لعام 1.990 لا تو حد على الإطلاف
 فان هناك ضرورة ملحة لان يتم تحديد دورها وطبيعة عملها بوضوح وان يتم منحها الصالحيات القانونيــــــة والإدارية. اللازمة لإدارة العملية الانتخابية ولذلك فانه من الضروري أن يتم توضــــح ماهيــة هـــذه اللجنــــة وصلاحياقا القانونية وكيفية تر كيبها والعاملين فيها قبل البدء في التخطيط للعملية الانتخابية.

ويجب أن يتم أولا تحديد ماهية الللجنة العليا للانتخابات؟ حيث أن هناك أهمية خاصة للتر كيب التنظيمي لمذه الللجنة لان ذلك من شأنه أن يؤثر على قدرة اللجنة على القيام بالمهمات المنوطة هـا كـا أن لطبيعة اللـــهارات وشخصية أعضاء هذه اللجان الأثر نفسه على سير العملية الانتخابية.

## أ. أنواع اللجان الانتتخابية

يوجد هناك نوعان فقط من اللجان الانتخابية (ا) تلك اللجان اليَ يتم تشكيلها كهييات رقابة وإسراف على سير العملية الانتخابية من حيث رسم السياسة العامة وتتشكل هذه اللـجان من إداريِن أكفاء والنو ع الـــــــاني (Y) وهي تلك اللجان التي يقو\% أغضاءها بالقيام بالمهام اليونمية للتحضير وإدارة العملبة الانتخابيـــــة وبحــــر الملاحظة هنا أن النوع الأول من اللجان الانتخابية قلما يقوم بالتدخل في الأمور اليومية لسير العملية الانتخابية والتحضير لها على أفا تتميز بوجود أعضاء ذوي خبرة إدارية غنية وذلك من ابحل دعم اللمنة في مهماحا. بينما يقوم النوع الثاني من هذه اللجان بلعب دور اكثر. بروزا في إدارة النشاطات اليومية حيث يقوم أعضــــاء هذه اللجان بلعب دور نسط في إدارة العملية الانتخابية. وفيها يلي المزيد من المعلومات والشرح حول طبيعة كل من هذين النوعيبن من اللجان.

1. اللجان التنفيذية:

اللجان التنفيذية هي تلك اللجان الليَ يقوم أعضاءها أنفسهم بإدارة الأمور والنشاطـــــات اليوميـــة للعمليـــة الانتخابية، وتبدأ هذه اللحان أعمالما قبيل موعد الانتخابات بفترة طويلة ويعملون بشكل منتظم ومتواصـــــلـ



حيث يترأس كل من أعضاء هذه اللجنة اللجان الفرعية اليَ تشرف على (تدريب العاملين وتوعية النــــاخبين واللجان الفنية مثل اللجان الإدارية واللو حستية والإدارية تسجيل الناخبين) ويقوم أعضاء هذه اللجنة بشُكـــل جاعي برسم اللسياسة العامة والحطط التي يقوم كل منهم بالإشراف على تنفيذها من قبل اللمجان الفرعية. يككن أن يلعب التركيب التنظيمي لمذه اللحان دورا اكثر فعالية حيث يكون جميع أعضاء هذه اللجنة متفرغين تماما للإشراف على العملية الانتخابية بحيث يكرسون ومتهم واهتمامهم لمتابعة هذه العملية فتــــط، وتكـــــن الفائدة العظمى في أن أعضاء اللجنة متفرغين تماما للعملية الانتخابية وبالتالي نهم يكرسون كل وقتهم لمتابعة النــاطات المنتلفة والتحضير للعملية الانتخابية إلا أن السلبية التي تميز مثل هذا التركيب التنظيمي للمان هي حقيقة أن الأعضاء متساورن من حيث المراكز في داخل نفس اللجنة ويكون ذلك باعثا لنشــــوء اللـلافـــات حول توزيع المهام والصالاحيات ين إطار اللـجنة إضافة الى انه يصعب توفير أعضاء ذوي مراكــــز اجتـاعيــة
 تكريس كل وقتهم للإشراف على العملية الانتخابية.

إن استخدام مثل هذا النو ع من اللجان يتم عادة في البلدان التي تشهد العديد من الاتتخابات الـــــيت تتطلــــب إشرافا من قبل أعضاء متفرغين بشكل دائم وفي هذه البلدان يتم عادة انتخاب أعضاء البرلمان الوطني باستخدام
 استقالة أحد الأعضاء أو. شغور مقعده.فان هنالك ضرورة لان يتم إعادة عملية الانتخابات، ككا يتم انتخــــاب العديد من اللجان الإدارية الحلية ويكدث أن تحصل شواغر في المقاعد نتيجة للوفاة أو الاستقالة أو سحب أهلية العضوية ويتم إجراء الانتخابات الفرعية على المستويين الوطين والملي لملأ هذه الشواغر. وتعتبر أوغندة مثالا للبلدان التي تعتمد نظام اللجان التنفيذية وذلك لان لما برلمانا وطنيا وممسة مستويات من الحكم المحلي.

ץ. بلـان السياسة العامة
تقوم بلان السياسة العامة بوضع الخطط العامة لإدارة العملية الانتخابية كما تقوم بإصدار اللوائع والأنظمــــة الخاصة بالعملية بالإضافة الى النظر في الطعونات ححلال العملية الانتخابية ولا يتطلب وجود ميل هذه اللجان أعضاء متفرغين حيث يجتمع أعضاء هذه اللحنة بشكل دوري لرسم اللمياسة العامة وإصـــــــــار التستريعــات ولات والأنظمة والقرارات لأمانة السر، وأما المهام اليومية والإشراف الإداري على ســـــــر النشاطــــات والعمليـــة الانتخابية فيتم من قبل أمانة السر (وهي هيئة دائمة مولفة من أعضاء بلنة الانتخابات).

ويقوم المدير التنفيذي (المدير العام) رئيس اللجنة)، رئيس الانتخابات تتم التسمبة بشنكل غتلف في البلدان الئي تستخدم هذا النوع من اللجان) يترأس أمانة السر (السكرتارية) ويتم تكليف المدير التنفيذي بالأثراف على تطبيق الأنظمة والسياسة العامة التي وضعتها اللجنة ويكون مسئولا عن ذلك أمام أعضاء اللجنة جميعهم إلا انه في العادة يتلقى تعليماته من رئيس اللجنة.


 بتطبيق تلك التوصيات على الأرض من خلال المدير التنفيذي ولا تقوم اللجان بإصلار تعليمات بشُكل يومي الى المدير التنفيذي أو مسئولي الأقسام.
 وزير أو أحد مساعديه يفوم بتولي مهمة إدارة العملية الانتخابية، وعندما يتم الشتروع ع في التحضـــــــير الفعلــيـي للعملية الانتخابية يتم عادة دعمه بأعضاء آخرين للمساعدة في إدارة العملية الانتخايية سواء كان ذلك برفده .كوظفين من الوزارة نفسها أو من خارجها.

إن هذا النوع من. اللجان ابثبت كفاءة عالية في إدارة العمليات الاتتخابية ويعتبر هؤلاء عمثابة أعضاء بعلس إدارة لتر كة معينة حيت يتم ترك الأمور والمشاغل اليومية للمدير التنفيذي وطاقم مساعديه وبذلك يعكن لأعضاء
 ويتكون أعضاء مثل هذه اللـجان في العادة من أصحاب المراكز الاجتـاعية المرموتة ميل: القضاة، الــــــوزراء، رجال الأعمال، المئفِين.. الخ، مُن يكظون باحترام المحبع.
 السياسية المختلفة في البلاد وتعتبر الفائدة الأعظم في استخدام مثل هذا النوا يتر كون مسئولية الإشراف ومتابعة القضايا اليومية لأمانة السر والمدير التنفيذي ومع اللمبرة والثدريب يصبـــــح أعضاء أمانة السر ذوي خبرة غنية في إدارة العملية الانتخابية.
 الجمهور فِي دبوتراطية العملية الانتخابية وكذلك تزيد الثقة في حيادية ومفدرة لجنة الانتخابات العليا. ونظرا

 رسمهم للسياسة العامة.
r. اللجان التنفيذية و.لمان السياسة العامة





 الانتخابات واحتياحات العملية الانتخابية ككل .
 بكامل هييتها بتتمع بشكل دوري لاتخاذ القرارات ذات العلاقة بالسياسة العامة ويترأس رئيس اللحتنة بشكل فعلي اللجنة التنفيذية ويكون في الحقيقة أيضا المدير التنفيذي لأمانة السر.




 بأعضاء اللجنة المتفرغين بشكل كامل فان وجود الملافات فيما بينهم خول تقسيم الأدوار ينعكس سلبا على العاملين بشكل عام.

وتعتبر غانا بمابة المثال على بحاح بتربة العمل ضمن اللجان التنفيذية / صانعة السياسة العامة حيث إن رئيس لِنة العمليات ونائبة ونائب رئيس اللجنة المالية وبلمنة الإارارة هم من المتفرغين بشُكل ككـــــامل في حــــين أن الأعضاء الأربعة الباقين هم من غير المتفرغين وبَتـمع اللجنة بكامل هيئتها مرة واحــــــــة في الثـــهـر لاتخــــاذ


المشتريات.

## ملاحظات عامة حول بلنة الانتخابات

يوجد هناك بعض الأسئلة حول دور وصلاحيات بلنة الانتخابات العليا منها:* ما هي صالاحيات لِنة الانتخابات العليا بالتحديد؟ فعلى سبيل المال: هل تُلك هذه اللجنـــــة الصلاحيــة
 اللوائح التنفيذية والأنظمة التي من شأها أن تفسر نصوص القانون الانتخابي وتحددها؟ أم أها يبـب أن تقــــوم فقط بإصدار توصيات بلمهة أخحرى من احل آخاذ مثل هذه القرارات والتعليمات؟
*ما هي النصوص القانونية التي تضـن بان بلنة الانتخابات العليا سوف تقوم بتأدية مهامها بشكل محايد؟
** ها هو الدور الكلى للجنة الانتخابات العليا؟ فعلى سبيل المثال هل تملك هذه اللجنة صلاحية وضع نظــــام عملية التسحيل، أم أها تقوم ذقط بالإشتراف على تنفيذ نظام تسحجيل تَ وضعه من قبل هيئة أخرى مئل دائرة
 التساؤلات حول طبيعة الاختلاف ما بين كل من وضع نظام معين، تنفيذه والاشراف على عملية تنفيذه هي أسئلة هامة في كل مرحلة من مراحل العملية الانتخابية (النواحي اللوجستية وتوعية الناخبين وتدريب العاملين
في مراكز الاقتراع ... ا'لخ).
** هل سيتم تقسيه أعضاء اللحنة الانتخابية العليا الى بلان فرعية للإشراف على العمليات الرئيسة للانتخابات مثل التسجيل والتدريب والعلاقات العامة .. الخ، بكيث يترأس أحد أعضاء بلـنة الانتخابات العليا كل من هذه اللحجان الفرعية؟

* كيف ستقوم لـنة الانتخابات العليا بتظيم نفسها على الصعيد الداخحلي لرسم السياسة العامة والقيام باللهام المنوطة ها؟ أين ستجتمع و كم ستكون وتيرة هذه الاجتماعات؟
* ما هي طبيعة العلاقة ما بين لجنة الانتخابات العليا ورزارة الـكم العلي ومــــــا هـــي علاتــــها بلجنــــة الانتخابات المركزية ومن هى اللجنة صاحبة الحق في الخاذ القرارات النهائية؟
* ما هي الفترة الزمنية لعمل بلنة الانتخابات العليب؟ وكم من الزمن ستستمر اللجنة في الوجود بعد الانتهاء
 تعيين بلمنة أخرى جديدة للإشراف على عمليات الانتخابات الفرعية / إعادة التصويت في بعض المواقــــع إن حصل ذلل؟؟ وبصرف النظر إن كانت اللجنة سوف تعمل كهيئة مراقبة وإسراف أم أها ســــــوف تتدمــــع بشكل فعال في إدارة العملية الانتخابية فان القليل من أعضاء هذه اللجان يتقلدون مناصبهم وهــــم علـــى أتم الاستعداد لتأدية المهام المنوطة همَ، و ينطبق هذا أيضا على الملميع حتى ولو كان من بين أعضاء هذه اللمجنـــة وزراء أو من أصحاب المناصب المكومية الرفيعة، حيد أن الانتخابات تشكل بمموعة من التحديات الكبيرة اللي تتمثل في تنظيم عملية تدريب آلاف من العاملين وشراء كميات كبيرة من المواد التي يتم اســــتخدامها في العملية الانتخابية وصياغة الأنظمة والتعليمات وتطوير وتنفيذ خطط التوعية للناخبين والقيام بتسجيل الناخجين وتدريب العاملين في الانتخابات والاخشراف على الرقابة على الحملات الانتخابية وتنظيم إحراءات التصويت وأنظمة فرز وعد الأصوات ووضع خطة إعلامية والتعامل مع مشكلات المواصلات والمشكلات اللو جســــتية
 سياسي مفعم بالنشاط والحساسية، ولذلل فان على أعضاء اللجنة أن يناضلوا من احل تحقيق ثالانة مـــــــيزات

إن حرية واستقلالية اللجنة الانتخابية واليَ تعمل من احل الصالح العام ممثلا بيمهور الناخبين دون تحيز لحزب معين أو جهة معينة أو عشيرة أو مرشع فلي مسألة ضرورية جدا من الحل بناء الثقة ما بين الناخبين والعملية


للانتخابات.

الحيادية:
ركذلك الحال مثل الاستفلالية، فان حيادية اللحنة أمر ضروري في بناء جسور الثقة وبشكل عام فان أعضاء اللجنة يجب أن يكونوا محايدين في نظر الأحزاب السياسية والححهور وبالتالي يتمتعون بالثقة العامة ومن احل

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من دائرة المالية والإدارة وقسم العمليات، ويأي تحت هاتين الدائرتين فرق رئاسة العمليات وتوعية النـــــاخبين والتدريب والملالية وشؤون العاملين والتـوين .. الح، بالإضافة الى هذه الدوائر التَ توجد في مواقــــع رئاســة


انتخابية.

وتجدر الإشارة هنا الى انه يوجد في دولة غانا بلنة للانتخابات يبلغ تعداد العاملين فيها . . Y شخص، على أنه
 الأشخاص حيث تحتوي هذه اللمان على هيئة أمانة سر مع وجود مختصين في الشئون اللوجستية والتوعيـــــة الانتخابية والمالية وحين يتم الستروع في التحضير لعملية الانتخابات يتم رفد هولاء بعدد آخر من الموظفين | العاملين في وقت مبكر من العملية هدف تسهيل عملية التحضير والتخطيط للعملية.

وي اليمن وهي بلد لا تتم فيه الكثير من العمليات الانتخابية مع وجود بلنة انتخابات مستقلة، يقوم أعضـــاء هذه اللجان بلعب دور هام حيث أن اللجنة اليمنية العليا للانتخابات هي هيئة دائمة ولكن يتم تعيين أعضــــاء هذه اللجنة مرة كل أربع سنوات (ما بعد الانتخابات النيابية). إن القيام بعملية التبديل هذه والمعايير التي يتم على أساسها اختيار أعضاء الللجنة تعني أن أعضاء هذه اللجان يفتقرون للخبرات الضروريـــة الللزمـــة لإدارة العمليات الاتتخابية، إلا أن العدد القليل الدائم من العاملين في هذه اللجنة العليا للانتخابات هم من يعلكــــون الحبرة والتجربة المؤسساتية الضرورية للمساهمة في إبحاح التخطيط وتنفيذ العمليات الانتخابية وفي الوقت الذي يقترب فيه الموعد المدد للانتخابات يتم زيادة عدد العاملين في هذه الهيئة.

وبالإضافة الى إدارة ومتابعة القضايا اليومية تقوم أمانة السر بالقيام بدور هام في كانة أنواع اللجــــــان العليـــا حيث أفا تقوم بتطوير وتوفير سياسات عامة بديلة لأعضاء اللجان، حيث انه لا توجد طريعة ناجعة وحيـــــــة عِادارة العملية الانتخابية بل أن ذلك يعتمد على طبيعة المناخ السياسي في كل بلد على حده، ويقـــع علــى
 بدراستها وتعتبر هذه المعلومات البديلة الكي تقدمها أمانة السر ضرورية وهامة لأعضاء اللجان الذين يقومـــون بدورهم بأخاذ القرارات التي تلاتم احتياجات البلد وبذلك تكون أمانة السر مسئولة عن تطبيق السياسات اللتَ تصدر عن اللجان العليا وبالتالي الوصول اللى تحقيق انتخابات عادلة ونزيهة.

كـا أن أمانة السر مسئلة أيضا عن تطوير وتحسين أداء العملية الانتخابية وإدارها حبث أن هذه العملية قابلة

 العملية الانتخابية. ويتوقع من الإداريين العاملين في بكال الانتخابات أن يكونوا ذوي خبرة غنية وأن يقوموا بأداء المهمات المنوطة

 يستطيعوا تقدير ردود الفعل السباسية والقيام بالحسابات الصعبة ذات العلاتة فيسا يعكن تعقيقــهـهعلــى ارض الواقع و .معنى آخر، يبج عليهم أن يأحذوا بعين الاعتبار المسابات السياسية والمهنية والإدارية خحلال العملية الانتخابية ومن أجل تَقيق كل ذلك فانه من الضروري أن يكون مناك ألمانة سر كفؤة وعلى مستوى عـــــال من الفعالية والمهنية.





 المنطقتين.

من الضروري وجود عاملين في أمانة السر الخاصة بإجراء الانتخابات الملية الفلسطينة مع زيادة عددهم مـــع اقتراب موعد الانتخابات ويجب أن يشمل ذلك على ما يلي: * أمين سر تنفيذي.

* منسق للضفة الغربية وآخر لقطاع غزة. * وجود أشخاص ليكونوا مسئولين عن القضايا الآتية: المالية، اللوجســــتـة، الثدريــب، توعيــة النــاخبين والعلاقات العامة ... الث.

وبالإضانة الى ذلك فان هناك ضرورة لان يتم تعيين مسئولي انتخابات على مستوى المناطق و كذلك طاقم من
 الوقت جزء من طواقم أمانة السر. ويجب أن يتم اختيار كل هولاء الأشخاص بعناية مع مراعـــــاة ضـــرورة توظينهم في الوقت الني تبدأ فيه الاستعدادات الأولية للانتخابات.

ج. المستوى الإقليمي: الإدارة على المستوى الإقليمي ستكون عملية إدارة الانتخابات للمجالس الملية معقدة جدا وفقا للبنود الواردة في القانون المادة (V-ף) واللي تنص على إقامة "بلـان انتخابات مناطقية" لكل من الدوائر الانتخابية أل . ه 0 (مناطق صلاحيـــات ابحـــالس اليحلية)، حيـث أن القانون ينص على وجود 0-9 أعضاء معروفين بحيادهم وأمانتهم للعمل في إطــــــار هــــنه اللجان، ومن المفروض أن تقوم هذه اللـحان على المستوى المناطقي واللدوائر الانتخابية بتـــــــــحيل النـــاخبين
 (التخطيط والتحضير للانتخابات، جدولة نتائج الانتخابات... الخ).

إن استخدام مثل هذه اللمان يطرح العديد من الأسئلة المامة (واليَ يتم نقائ معظمها في الفصل الثاللث مـــنـ هذه الكراسة) وي البداية، ما هو دور هذه اللجان؟ حيث أن القانون لا يشير الى التاريخ الذي يجب أن يتم فيه تشكيل إقامة هذه اللجان؟ كـا انه لا يكدد طبيعة مسئلياقم بالمقارنة مع أمانة السر وبلنة الانتخابـــات العليا؟

وبالنظر الى العديد من أحزاء هذا القانون فانه يظهر أن بلحنة الانتخابات العليا ستقوم بالإشراف على العمليـــة الانتخابية على المستوى الوطي بينما ستقوم الملات من اللجان (ي المدن والقرى) واليَ ستعمل على المستوى الإتليمي بالإشراف على الانتخابات دون وجود اللية أو وساطة ما بين الحهتين.
 بالعمل تحت إشراف عا عضوا والذين يشكلون اللجنة العليا للانتخابات وكيف ســـــتقوم اللجنــــــة العليـــ بالإئراف الفعال على عملهم ونشاطاكمّ؟ وعليه يبدو من الناحية العملية انه لا يمكن تحقيق ذلك. وثانيا: كيف يمكن إيجاد العدد المطلوب من الأعضاء الكفؤين والمايدين للعمل في إطار هذه اللحان في القرى
 ناخب، حيث إن معظم الأشخاص سيكونون مرتبطين بعلاقات قرابة مع أحد أو بمهوعة من المرشححن؟

بالنظر الل هذه الاعتبارات العملية والسياسية، فان الموسسة الدولية للأنظمة الانتخايية ترى أن يتم إعادة النظر
 كـا حدث خحلال انتخابات العام 1997.

* يتم إقامة مكاتب انتخابية مناطقي لكل من الدوائر الانتخابية أل 17 والتي تم العمل هلا في انتخابات كانو الثاني من العام 1997، إن استخدام هذه الدوائر الانتخابية على درجة عالية من الفائدة حيث أن حدود هذ ها

الدوائر معروفة وعددة سابقا.

* يكب أن يتم توظيف مدير إداري لكل نـكتب التخابي إقليمي وطاقم من الموظفين المساندين ويتم تحديد عدد
 الاقتراع فيها، فعلى سبيل المثال، يقوم المكتب الانتخابي الإتليمي في رام الش بالإشراف على مراكز الاقتراع في كل من مناطت رام الش والبيرة والطيبة ... الع.

وتكون المكاتب الانتخابية الإتليمية هي الجهة المسئولة عن جدولة النتائج والإعلان عنها.「

*     * يقوم المكـب الانتخابي الإقليمي بتعين منسقين لإٕشراف على التخطيط وعمليات الانتخابات في المنـــــاطق المختلفة ضمن حدوده فعلى سبيل المثال، في منطةة رام الش، يقوم أحد المنسقين بالإشراف على مدينة رام الش،
 على مراكز الاتتراع في مناطقهم. ويعمل مسوولو مراكز الاتتراع تحت إشراف المنسقين مباشرة.

يعتبر مثل هذا النظام افضل من وجود بلـان منفصلة في كل من أل . ب د دائرة انتخابية وذلك للأسباب الآتية: ا ا. سوف يسهل عملية توظيف أشخاص ذوي كفاءة وعككن من تدريسهم.
 أخرى منا سيودي بدوره اللى إدارة العملية الانتخابية بشكل اككر نعالية.




وتوصي المو سسة الدولية للأنظمة الانتخابية بان يتم تعيين مديري المكاتب الانتخابية المناطقية وطواتم الموظفين المساندة في اقرب موعد مككن كما هو الحال بالنسبة لموظفي أمانة السر، ويتضح أن النجاح الفيني للانتخابات
 للتعلم حول العملية الانتخاية ومعرفة مسئولياقم وتدرك اللمو سسة الدولية للأنظمة الانتخابية في مذا البال اليال انه


 تكون هناك مشكلة في توظيف الأشخاص من ذوي الكفاءة عندما يتم الإعلان فائيا عن موعد الانتخابات.



 قامت بتوظيف وتدريب . . . معلم الذين قاموا خلال تلك الفترة بههام التسجيل والعمل في مراكز الاقتراع


 الخاصة بالحصول على مكاتب منفردة وسيارات وهواتف لتضيف من العبء الإداري والفي
 الإتليمية واللجان الانتخابية الإتليمية وعدم وجود تقسبم واضح للأدوار والعمل خلق العديد من إشكاليــاتـات
 تأخذها لبنة الانتخابات العليا بعين الاعتبار في الوتت الذي تخطط وتستعد فيه للقيام بالانتخابات الخلية.

## د. توصيـــات عامــــــة

 الأساسية فيها يتعلق هذه العملية، وفيها يلي نستعرض بجموعة القضايا الرئيسية اليّ يبب أن يتم أخذها بعين























 الغربية وغزة، ويجب أن تقوم طواتم العاملين بالبدء وبشكل سريع تدر الإمكان في التحضير والاستعداد الأولي لعملية الانتخابات بما يشمل، الخطط اللوجستية و برامج توعية الناخبين وتحديد مصاجر المُتتريات لابتيـــــاع ع المواد اللازمة وتحديد مواقع المكاتب الإتليمية للانتخابات والعمل على تحضير اللنطط الأولية للتدريب والبدء في تحضر مسودات الأنظمة والتعليمات التي ستضمن نزاهة الانتخابات، وليس من الضروري أن يتم البدء في هذه الننـاطات حتى تحديد الموعد النهائي للانتخابات. حيث انه كلما كانت بلنة الانتخابات العليا مـــهيأة ومستعدة أكثر في الوقت الذي يتم فيه تحديد موعد الانتخابات كلما كانت العملية اكثر كفاءة.

ه. يجب أن تقوم بلنة الانتخابات العليا بكراجعة الحاحة اللى وحود بلجنة انتخابات إقليمية وهييات (مكــــاتب) انتخابات إقليمية للإشراف على انتخابات البحالس الملية في المناطق مع وجود إعداد كافية من الطواقم المساندة حيث أن ذلك سوف يبعل العملية الإدارية اككر بخاعة ويجب أن تقوم لِنة الانتخابات العليا كذلك وبشكل سريع بتوظيف الأشخاص الذين سيعملون في هذه اللـجان حيث أن الانتظار لـين الإعـــــالان عـــن موعـــــ الانتخابات سوف يودي على الأغلب لنفس الاشكالات الي حصلت في انتخابات كانون الثاني من العام 197 .


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ف

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وعندما تقرر أحد البلدان عدم استخدام السجلات الانتخابية فانه يجب أن يتم اخذذ القضايا المذكورة ســــابقا بعين الاعتبار فعلى سبيل المثال، نحلال العملية الانتخابية التاريخية التي جرت في العام ع991 9 في حنوب إفريقيا ونظرا لان جميع الناخبين كانوا حائزين على بطاقة هوية لإبات الشخحصية في يوم الانتخابات، فلقد اعتمدت تلك الانتخابات على استخدام نظام التمثيل النسبي الوطي ولذلك فان مكان إقامة الناخب لم يكن ذا أميـــة على الإطلاق. وكان كذلك من المعروف أن الناخبين لن يقوموا بإساءة استخدام أسلوب الانتخابات مــــن خلال التصويت اكثر من مرة. وفي ولاية داكواتا الجنوبية في الولايات المتحدة الأمريكية ومن اجل تبســــيط إحراءات العملية الانتخابية، لا يتم استخدام أسلوب تسحمل الناخبين ولكن يطلب إلى الناخبين أن يتقدمـــــوا ببطاقات إبّات الشخصية في يوم الآتراع.

وأما في الانتخابات المحلية في الضفة الغربية وغزة فان هناك ثالأة خيارات يمكن استخدامها في عملية تسجيل الناخبين وهذه الميارات هي:* * أن يتم مراجعة السجل الانتخابي الموجود. * * أن يتم بَهيز سجل جديد.

* أن لا يتم استخدام السـحل الانتخابي على الإطلاق وان يتم الطلب إلى الناخبين أن يبرزوا بطاقات المويــــــة الخاصة بـم لإثبات الشنخصية في يوم الانتخابات.

وحت ساعة إعداد هذه الكراسة لم يتم اعتماد أحد هذه الميارات حيث أن القرار سيعتمد بشكل كبير علـــىى التوقيت وعلى المصادر المتوفرة بالإضافة إلى العديد من العوامل السياسية. وبالأخذ بعين الاعتبار بجيع هــــذه العوامل، فان المؤسسة الدولية للأنظمة الانتخابية توصي بأن تتم مراجعة السـجل الانتتخابي الموجود وذللك

كأفضل الحيارات المتاحة.

ويقدم هذا الفصل معلومات مفصلة حول كل من هذه الخيارات بحيث يتمكن مسئولو الانتخابات الفلسطينية من اتخاذ القرارات المناسبة في هذا الصدد.

أ. مراجعة السجل الانتخابي الموجود
كما تمت الإشارة إليه في الفصل الثالث من هذه الكراسة فان القانون الالتخابي يستخدم مصطلح "التسجيل" والذي يعني بَهيز سجل انتخابي جديد ولكن لا بد من الإشارة هنا انه من المشكولٌ في جدوى عملية بَههيز
 الدئوقراطية الناشئة تقوم ولمرة واحدة بتجهيز سحل انتخابي عام يتم استخدامه في أول عملية انتخابابات وطنية

 سجل انتخابي جديد للانتخابات اللاحقة حيث أن مثل هذه العملية مكلفة ومعقدة ومستنفذة للوتت.

ويتم بدلا من ذلك تحديث السـجل وتنقيحه وتصليح الأخطاء الواردة فيه خلال عملية التسجيل السابقة وذلك

 "مراجعة" لوصف عملية مراجعة وتدقيق السجل الانتخابي. إن مراجعة السجل الانتخابي وتدقيقه يستهلك وقتا أقل وكذلك فان النفقات الحاصة بمثل هذه العملية هي اقل بكثير من عملية تجهيز السـجل الانتخابي.

ويوجد سبب آخر لدعم استخدام عملية مراجعة السجل الانتخابي وهو أن مثل هذه العملية قد تكون عملية دائمة ومستمرة، وونقا للمادة 00 والمادة وه من القانون الانتخابي فان بلمنة الانتخابات العليا تملك صلاحية
 .
 شغور عدد من المقاعد في الجلس نفسه وبذلك فان مراجعة السحل الانتخابي سيمكن بلجنة الانتخابات العليـــ
 المناطق التي لا يوجد فيها شواغر واليَ لن يتم إحراء الالتخابات فيها.

إن عملية مراجععة السسل الانتخابي عملية بسيطة وسهلة وعادة ما يتم إجراءها بإتباع الـطروات التالية: 1. تـتم طباعة القوائم موزعة حسب مراكز الاتتراع لتُّمل كافة المناطق وفقا للسشل الانتخابي.
 النماذج ها يلي:
 , ومسئولي الانتخابات قدموا ملاحظاقم للمؤسسة الدولية للأنظمة الانتخابية بان هذه النماذ مانج كانت

 اجل الحصول على المعلومات والبيانات من الناخبين بسهولة ومن اجل تنادي أي أخططاء خلال هذه العملية.
 إن إعداد وصياغة النماذج بشنكل دقيق عملية مهمة وذلك لان هذه النماذ هي الوسيلة التي يتم من خلالما K
. عع تلك الموجودة على السجل الانتخابي.
التموفين فيمكن استخدام هذه البيانات لشُطب أنساء الأشخاص الذين تونوا



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 التسجيل والحصول على بيانات دقيقة.
r. يتم تعين شخصص أو اثين في كل مر كز اتتاع بلمع اللعلومات واليبانات. ولا تستمر الفترة عادة با يزيد



يتم تعلين السسل الانتخابي في مراكز الاتتراع حيت فام النانيون بالإدلاء بأصواقمّ في الانتخابات الــــابقة، وذلك من اجل تعيت با با يلي:






* يتم تذكير الناخين بأماكن مراكز الاتتراع، وذلك بغض الظظر عن قياههم بفحص أسماءهم، نعلى الأقل يتم تذكيرم باللواقع اليّ سيقر مون بالتصويت فيها.

 على توائم المتخين بأنه تد تَ تنير مراكز الاتتراع الماصة هـم .
* إن عرض اللوائح والسحلات الانتخاية في مراكز الاتقراع يزيد من ثنة جههور الناخيين بالعملية الاتتخاية

 الصعب على الأنخاص القبام بفحص أسماءهم على اللرائع الانتخاية.

ع. يتم القيام بكملة إعلامية لتشجيع الأشخخاص على:
أ. القيام بفحص أسماءهم على اللوائح الانتخابية .
ب. القيام بتصحيح البيانات الواردة فيه إن كان هناك أي أخطاء. وفي معظم الحالات، يأيت عدد محدود من الأشتخاص للقيام بفحص البيانات الحخاصة همم، حيث كانت هذه هي المال نحلال عملية مراجعة الســــجل الانتخابي في كانون الأول من العام 1909 وكانون الثالي من العام 997 19 . على أنه يجب التذكر في مثل هذه الحالات انه يمكن لفرد واحد من العائلة أن يفحص الأسماء والبيانات الخاصة بمعيع أفراد عائلته دون أن يضطر هؤلاء جميعا إلى القدوم إلى مركز الاقترإع.

 وتسليمها إلى دائرة الإحصاء المركزية للتعامل مع البيانات الواردة فيها، ويتم توقيع نسخة السـحل الانتخـــــابي المعدل يدويا من قبل العاملين وذلك لمنع أي تلاعب متمل في هذه السجلات . و يتم الاحتفاظ بالستحلات المعدلة يدويا في مراكز الاقتراع أو في المكاتب الإتليمية ( الفرعية) وذلك كنسنحة احتيــاط في حـــال ععـــدم التـكن من الحصول على نسنة معدلة حسب البيانات الملديدة وتوزيعها في الوقت المناسب للانتخابات.
7. تنص المادة 1 من القانون على ضرورة عدم ظهور اسم ششص معين في اكثر من موقع انتخابي واحد.
 من المتتل أن ينتج عن ذلك ظهور اسم شخص معين في اككر من دائرة انتخابية، وفي حال عدم وجود نظام محدد لشطب الأسماء المتكررة في اكثر من منطقة انتخابية فان هذا البند من القانون سوف يؤدي إلى وجـــــــود حالات متعددة من الأسماء المتكررة ومن شأن ذلك أن يلقي بظلال الشك على نزاهة عملية التـــــــجيل، وفي معظم البلدان، يتم الانتراض إن آخر مكان تمت فيه عملية التسجيل للشتخص يكون ذلك هو عنوان/مكــــــان إقامته وبذلك يتم إلغاء أي تسجيلات أخرىى وتعتبر باطلة. إن تبن مثل هذا النظام من قبل دائرة الاالحصــــــاء المر كزية وبلنة الانتخابات العليا من شأنه تسهيل عملية التسجيل و كذلك تعزيز الثقة بعملية التسجيل والعملية
 السجل الانتخابي، يعكن أن يتم استخدام النسخة اليَ تم إجراء التعديلات عليها بخط اليد من قبل العاملمين في مراكز الاتتراع خلال فترة الاعتراضات على السجل الانتخابي .
 للسحل الانتخابي الحالي) كما هو مذكور في نص القانون الانتخابي، فان هنالك ضرورة لبحت الطريقة الـــــي


 تتطلب أن تكون عملية التسجيل مريكة وسهلة للناخب قدر الإمكان، وعلى أية حال، فإن المشار كة في عملِية
 هذا الحق. إضافة إلى الكلفة المرتفعة وتعقيد عملية التسجيل والتساؤلات حول الحاجهة إليها، فانه يبدر أنه لا يوجد الوقت الكافي لتطبيق ما ينص عليه القانون في هذا البال.
 الانتخابات وان تستمر هذه العملية لمدة . r يوما. وتنص المأدة 10 على أن يتم تعليق السـيلات الانتخابية أمام المـهور خهلال • ا أيام بعد أن يتم الانتهاء من عملية التسجيل لمدة لا تقل عن خمسة أيام




 ستكون مهمة مستحيلة.

ج. تضايا عامة ذات علاقة بعملية مراجعة السجل الانتخابي أو تجهيز سـجل انتخابي جديد الاعتر اض على السـجل الانتخخابي
 اللسحل الانتخابي وذلك بعد أن تكون طواقم التسسحل قد حصلت على النماذج المعبأة وكذلل تكون قد حصلت على البيانات المعدلة يدويا على السحلات الانتحابية. و بعد إنتهاء فترة الاعتراضات يتم إرسال كل النماذج إلى دائرة الإحصاء المركزية من احل التعامل مع البيانات.

إن سهولة العملية المذكورة أعلاه (والموضحة في الملحق رقم د ) تتضح من خحلال حقيقة انه لن يتم التعامل مع البيانات وإدخالها إلى الحاسوب قبل انتهاء فترة الاعتراضات، وبذلك فلن يتم جمع النماذج وإرسالها إل دائرة الإحصاء المر كزية أو إرساهلا إلى مراكز الاقتراع، و يتم اعتبار عملية التسـجيل منتهية فقـــــط بانتـــهاء فـــترة الاعتراضات وتبقى عمليات إدخال البيانات إلى الحاسوب وبحهيز النسخة المعدلة من السجلات الانتخابية ما قبل يوم الانتخابات ، وإذا ما ظهرت هناك أخطاء معينة في عمليات إدخال البيانات فان بلـنــــة الانتخابـــات العليا بامتلاكها النسخة الاحتياطية المعدلة يدويا يمكن أن تعتمدها لابُات أن شخص معين قد قام بتغير عنوانه

## مناطق الجالس الخلية " الداخل والحارج"

في الوقت الذي تقوم فيه بلمنة الانتخابات العليا بالتحضير للعملية الانتخابية وعمليـــات التســــحيل/مراجعـــة السحلات الانتخابية فانه يكب أن تتعامل أيضا مع إحدى القضايا اللي لم تبرز خلال الانتخابــــات الســــابقة، وبالاستناد إل المعلومات المتوفرة للى المو سسة الدولية للأنظمة الانتخابية حتى ساعة إعداد هذه الكراسة فان تر كيب المالس الملية يستيني التجحعات السكانية التي يقل تعدادها عن ألف نسمة كما انه من المتمـــل أن لا يشارك سكان مخيمات اللاجئين في الضفة الغربية في الاتتخابات، ولكن نظرا لان القانون يسمح .ممشاركة كل من يسكن أو يعمل في نطاق المحالس الملية في المُماركة في الانتخابات فان ذلك يعي انه سيكون من الصعوبة بكان استناء هؤلاء من المشار كة في هذه الانتخابات الملية حيـث أن القانون لا يشترط إبراز أي أوراق ثبوتية
 انه يدعي بأنه يعمل هناك، ويو جد هناك إمكانية للطعن في السبحلات الانتخابية خحلال فترة الاعتراضات على

 على الناخب (موضوع الاعتراض) أن يقدم الدليل الذي من شأنه دحض ذلك. و يمب على لـنة الانتخابات
 المثاكل الجدية ولذلك لا بد من مقارنة فوائد ومساوئ استخدام مئل هذا النظام.

الفائدة العظمى من استخدام هذا النظام هي انه سيودي إلى زيادة عدد الناخبين المشار كين في الانتخابـــــات، وكذلك فان رجال الأعمال قد يرغبون في تحديد من سيتولى رئاسة المالس المحلية في المناطق اليَ يديرون فيها
 مناطق عملهم بدلا من مناطق سكناهم.

المساوئ الرئيسية
يتمثل الضرر الرئيسي في هذا النظام أن يقوم بعض المرشحين بتشجيع أصحاب حق الاتقراع كمن لا يسكنون

 سيعتبروفم غر باء، إن مثل هذه المشاكل قد تتسبب بالة من انعدام الثقة في عملية التسجيل والعملية الانتخابية ككل.

ومن إجل حماية نزاهة العملية الانتخابية فانه يجب على بلـنة الانتخابات العليا أن تستعد للتعامل مع مثل هذه
 التوعية والتققيف الإعلامي، يجب على بلنة الانتخابات العليا أن تولي أهمية خاصة لتوضيح مسألة الأحقية في التصويت للناخبين حى يعرف هؤلاء من هو الذي يمق له المششار كة في العهلية الانتخابية.

التخطيط: تعتبر عملية تسجيل الناخبين التي تمت في تشرين ثالي و كانون أول من العام 1990 . 19 مثابة عمليــــة
 واجهت تلك العملية في العام 1900 العديد من المشاكل الكي تتعلق بضعف التنظيم والتخطيط، ومن هـــــــه المنـاكل: * "المساكل اللو جستية اللي واجهت استرجاع ناذ ج التسحيل من المواقع في الضفة الغربية وغزة و إيصالها إلى دائرة الإحصاء المركزية في رام الله من اجل إدخال البيانات، حيث أن هذه العملية كانت أكتر صعوبة ما تبدو وذلك نظرا للنقص في المركبات وعدم وجود خطة لوجستبة جيدة بالإضافة إلى العديـــد مـــن الاشكـــالات
 تبيتها من تبل الناخيين و إدخالها إلى الحاسوب.




 العلبة بطئة جدا.



 .1990






 ابل عَقين الآَيْ:

* أن يتم تحديد مراكز الاتتراع التي سيتم فيها عملية التسجيل والمراجعة وذلك لتحديد مدى ملامـــــة هـــذه المواقع.
** التخطيط والإعداد للعملية بشكل تفصيلي بما يشهـل خطة لو جستية لإيصال المواد ما بين دائـــرة الإحصـــاء المركزية ومراكز الاتتراع المختلفة. * تعيين وتدريب واستكـال كافة الاستعدادات (الدفعات ... الخ) للتسجيل وعملية إدخال البيانات.
 التسجيل والمراجعة وتعريفهم على ماهية خطوات عملية التسجيل قبل أن تبدأ هذه العملية. * التنسيق ما بين مختلف الوزارات والمنظمات العاملة يف هذا المالل. * تصميم وطباعة وتوزيع النماذج والمواد قبل بدء العملية. * طباعة السحل الانتخابي وتَضيره ليتم توزيعه على المواقع المختلفة.

ومن المتوتع أن تشمل عملية التسجيل والمراجعة ما يقارب من . .... . 0 عـلية (تسجيل جديــــدة، تغيــير عناوين وبلاغات عن حالات وفاة).
 تستغرق مدة 0 0 يوما لتحضير السـجلات المنقحةَ「.

ويعتمد مثل هذا السيناريو على وجود عملية منظمة ومخطط لما بعناية والتي يدرك فيها العاملون ي التســـجـيل أمية تعبئة النماذج بشلك صحيح. د. عدم القيام بعملية تسجيل مسبقة للناخبين، "التسجيل يوم الانتخاب" إن استخدام مثل هذا الاسلوب الذي يعتمد على تسجيل الناخبين حال وصولهم إلى مراكز الاقتراع لـــــإدلاء بأصواهمـم حين إبرازهـم لمستندات إبات الشخحصية دون وجود سحل انتخابي مسبق يؤ كد أهمية تحقيق اكـــــبر





مشار كة مككنة في الانتخابات من قبل مواطي الضفة الغربية وغزة بدلا من تأكيد أمية عَعيق السبطرة علـــى
 كاف للقيام بالاستعدادات المطلوبة فان استخدام مثل هذا الأسلوب سوف يخنف من الصعوبــــات الإداريـــة

 تعقيق أوسع مشار كة مكنة في الانتخابات لا يتطلب من الناخبين أن يقوموا بإبراز مستندات تعقيت النُخصية وتت التسجيل كـا أنه لا يتطلب تقدم أي إبناتات حول مكان سكنهم أو عملهم.

وباستخدام مذا الأسلوب، يقوم مسؤلو تنظيم الانتخابات بيالاء أمية خاصة للاستعداد لاستقبال اكبر عــــد




 حق اقتراع في كل مركز اقتراع.

وفي يوم الانتخابات المدد يقوم الناخبون بتقدم أوراتهم البوتية (بطاتات الموية) أو أي ونائق أخرى معتـدة

 المقترعين ليسوا من يدعون، ويعتبر استخدام الحبر (الخاص) المتعذر إزالته بكثابة الضمان الرئيسى لمنع التصويت لأكر من مرة.

 بشار كرا ف عملة الانتحابات) اورلن القاطنين ين الفدس (على انتراض افم لن يشار كوا في هذه العملب أبضا).





 TSI $n$ non

 10ッาค





## (د)

## مقترح خاص بععلية اللسجلات الانتخابية





تعتبر عملية تأهيل المرشحين بمثابة عملية تسحجل المرشحين للظهور على القوائم الانتخابية وقـــــت الاقــتراع وتناقش هذه الكراسة هذه العملية نظرا لتعقيد العملية الانتخابية للمجالس البلدية الملية: (انتخابات بلحـــــالس
 المُوقع أن يتنافس في هذه الانتخابات ما يزيد عن . . . آلاف مرشَ ومن المتوقع كذلك أن ينجــــم عـــن عـلية تسشيل المرشحين العديد من الاشكالات الإدارية ذات العلاقة بعملية طباعة نماذج الاقــــراع ومـــن القضايا الهامة في هذا الإطار ما يلي:

I ـ وفقا للمادة ا 1 من القانون الانتخابي فان تاريخ بدء عملية الترشيح للانتخابات يبدأ قبل (६ ع يوما) من
 الاعتراضات لمدة (r أيام) وبذلك يمكن أن تبدأ عملية طباعة نماذج الاقتراع فور انتهاء مــــــدة الاعتراضـــــات القانونية أي (آ يوما) قبل يوم الانتخابات المدد.

## (ولا توصي المؤ سسة الدولية للأنظمة الانتحخابية أن تنتظر بلمنة الانتـابات المركزية انتهاء فــــرة ســـحب

 الفترة المخصصة لطباعة النماذج قصرة جدا).

إن من السهولة بمكان تعليق بيانات باسماء المرشحين الذين انسحبوا فعلا من الانتخابات في مراكز الاقــــتراع بدلا من المغامرة في تأخير عملية طباعة وتوزيع ناذج الاقتراع حتى انتهاء فترة سحب الترشيح'، وفي حالــــــة تقدم اعتراض معين على ترشيح أحد الأشخاص فانه يمكن للحنة الانتخابات المركزية أن تؤ جل طباعة نماذج

الاقتراع الخناصة بالدائرة الانتخابية المعنية.

ولضـان توزيع نماذج الاقتراع إلي المدف في الوقت المدد ، فانه يبب على الأقل إيصال هـــذه النمـــاذ إلي المكاتب المر كزية للجنة الانتخابات في المناطق المختلفة في موعد لا يزيد عن ثالالة أيام من يوم الاقتراع وتعتبر


هذه الفترة الز منية ضرورية لتمكين المسئولين في مكاتب الانتخابات الإقليمية من توزيع النماذج الخاصة بكل
 كانون الثاني من العام 197 9 ففي تلك الانتخابات كانت كل النماذج التي تح توزيعها إلي الدائرة الانتخابية

في المليل مثلا، متـاثلة في حين انه في انتخابات الجالس الملية سيكون هناك .0 دائرة انتخابيـــة غختلفـــة في منطقة الخليل وبذللك سيكون هناك حوالي •V نوذجا مختلفا لنماذج الاقتراع (حيت أن هذه الدوائر ستشهذ أيضا انتخابات لرئاسة المحالس المحلية ) ولذلل لا بد من توفير الوقت الكافي لتنظيم وتوزيع ناذج الاتتراع إلي المواقع الصحيحة دون أي أخطاء.

وبذللك فان الفترة المخصصة لتصميم وطباعة نماذج الاقتراع هي YV أو Y C يوما فقط.

 دائرة انتخابية في الضفة الغربية وغزة. ويكب أن تقوم لجنة الانتحابات المركزية بمراجعــــــة هــــذه المعلو مــــات والتأكد من أن ترشيح بعض الأشخاص يكب أن يتم عبر المراكز الانتخابية الرئيسة في المناطق وليـــــس عـــر اللجان المحلية.
r. (وتوصي المؤ سسة الذولية للأنظمة الانتخابية بشده أن تقوم اللجان المحلية بإعداد قاعدة معلو ماتية حـــول
 كذللك تسجيل أسماء وأرقام ورموز المرشحين على نموذج اقتراع فارغ وارساله إلي دار الطباعة، ولذلك لا بد من اختيار وتدريب أشخاص ذوي مهارات في استخدام الحاسوب للقيام هذه المهمة في كل المناطق الانتخابية حت يتم تسليم المطابع نماذ ج جاهزة للطباعة بصورة فائية على أن يتم نحص هذه النماذج و التأكد من أسماء المرشحين بشكل هائي قبل أن يتم تسليمها إلي دور الطباعة وذلك لتجنب تكرار تنقيح هــــــذه النــــــاذ ج الوقت الذي تقوم فيه دار الطباعة بتجهيز التصميم النهائي لقالب الطباعة وبذلك يتم اختصار الوقت الــــلازم للقيام بعملية تجهيز القالب والطباعة، وإضافة إلي ذلك فان دور الطباعة تملك المهارة والخبرة الضرورية لتنقيح قالب الطباعة، إلا أنه لا يجب أن يتوقع منهم القيام بتنقيحات خاصة بأسماء المرشحين والرموز الانتخابية....

 يترك V اليوما نقط لطباعة نماذج الالتراع وتوزيعها على المراكز في المناطق الانتخابية المختلفة.
\&. يـب أن تأنخذ النطة اللوحستية بعين الاعتبار عملية طباعة نماذج الاقتراع حيت انه سيتم توزيـــع نـــــاذ


 عملية الطباعة في مواقع غتتلفة من الضفة الغر بية وغزة بدلا من القيام بذلك في دار طباعة واحدة في (نابلس) كسا حدث خحلال انتخابات كانون الثاني من العام 1997 حيث أن توزيع عملية الطباعة على عدد من دور الطباعة من شأنه أن يعقت آلاتي : 1. تُغفيف العبء الزمني وعبء العمل على دار الطباعة، حيث أن العاملين سيضطرون إلي بيههيز الميات من قوالب الطباعة بدلا من VV قالبا فنط كما كان الحال (ين انتخابات البلس التشريعي والرئاسة 1997 1) . r. تسهيل عملية توزيع غاذج الاتتراع إلي الدوائر الانتخابية المختلفة. r. بَنب حلوث المشاكل المتوقعة خلال توزيع نماذج الالتراع من الضفة الغر بية إلي غزة.
 النماذج، ولذلك فان على لـلنة الانتخابات المركزية أن تناقش هذا الموضوع عمع أصحاب دور الطباعة للتأكد من تدرفَم على إباز العمل ضمن الإطار الزمين المدد.

 لطباعة وتوزيع ناذج الاقتراع، وفي حالة عدم وجود نص واضـح لذلك ، فلا بد من تغير القانون).




دون أدن شك ستكون عـلية تصميم نماذ ج الاتراع هامة للجنة الانتخابات المركزية، وتتوقـــــع المؤســـــة الدولية للأنظمة الانتخابية أن يكون هناك ما لا يقل عن • O مرشحا في كل مركز انتخابي وبالتالي ســـيكون



* ترتيب أسماء المرشحين على القائمة بحيث يكون هذا الترتيب عادلا لكافة المرشحين ومن الأساليب الشائعة في هذه الحالات أن يتم ترتيب الأسماء حسب تاريخ ووتت الترشبح، أو بإجراء القرعــــة أو وفقــــا للـــترتيبـ الأبجدي للأسماء.
* ا احذ العدد الكبير للمرشحين بعين الاعتبار وتصمبم نوذج الاقتراع بشكل مريح للنانحب و بشكل يضمـــن حقوق المرشحين أيضا (فمئلا لا يبوز طباعة الأسماء على وجهي النموذج حيث أن ذلك لن يكون عادلا بكت أولئك الذين ستظهر أسماءهم على ظهر النموذج).
* حجم ورقة الاقتراع - ما هو الحجم الأكبر لنموذج الاقتراع الذي يمكن استخدامه في انتخابات قد تشهد
 صناديق الاقتراع التي تم استخدامها في انتخابات العام 1997 والمنوي استخدامها ين الانتخابات المحلية أعدت لاستيعاب ناذ ج تصويت اصغر حجما من تلك اللي سيتم استخدامها في الانتخابات المللية.
* المغلفات - إن استخدام المغلفات ين عملية الاتتراع تستنفذ وقتا و تستحوذ على حيز كبـــــر في صنـــاديق الاقتراع إضافة إلي الكلفة المادية، وعليه فان المؤ سسة اللدولية للأنظمة الانتخابية توصــــي بالاســتغناء عـــن استخدام المغلفات حيث أن الناخبين في كافة أرجاء العا لم يقومون بالتصويت على نموذج الاقتراع ويضعونــــه في صناديق الاقتراع دون استخدام المغلفات.
**سهيلا لعملية فرز وعد الأصوات وللحفاظ على أمن العملية الانتخابية ونزاهتها، فان المؤ سســــــــة الدوليــــة للأنظمة الانتخابية توصي بشدذ أن يتم ترقيم وختم نماذج الاقتراع حيث أن الرقم التسلسلي لنـاذج الاقتراع يعزز من أمن ونزادة العملبة الانتخابية بشكل كبير، وفي الوقت الذي يتم فيه توزيع نماذ الاقـــــتراع علـــى

المراكز الانتخابية اللختلفة يتم تسحيل الأرقام المتسلسلة لتلك النماذج حسب مواقع توزيعها، وبذلك يتم منع إبكانية الإدلاء بنماذج اقتراع مزيفة كما أن الاحتفاظ بيزء مقتطع من كل نموذ اقتراع يتيح للمسئولين عن العملية الانتخابية معرفة عدد النماذج اليت تَ توزيعها على كل مركز من المراكز الانتخابية ويتــــم عـــادة رزم النماذج الانتخابية في حزم مؤلفة من • ه نوذج، على انه من الضروري أن تدرك لجنة الانتخابات المركزية أن عملية ترقبم الأوراق هذه تزيد من الفترة الزمنية اللازمة لطباعتها حيت أن عدد تليل من دور الطباعة يمكنها
 سالفا فإن نقاش موضو ع طباعة النماذج مع دور الطباعة يبمب أن يتم في وقت مســـــبق خـــــالال التخطيــطـ للانتخابات، مع مراعاة انه لا يمكن بلميع دور الطباعة أن تقوم بطباعة الأرقام المتسلسلة. (مرفق في الملحق الخاص هذه الكراسة نماذج اقتراع مع أرقام متسلسلة وأبزاء مقتطعة ).

*     * إن استخدام نماذج اقتراع مع أرقام متسلسلة وأجزاء مقتطعة بَنب الـاجة إلي اســــتخدام أوراق "أمنيـــة" خاصة لطباعة نماذج الاقتراع وعلى الرغم من استخدام هذا الأسلوب (الأورات "الأمنية) في العديد من البلدان
 البلاد في العادة ما يزيد من أمد الفترة الزمنية اللازمة لطباعة نماذج الاتتراع، (وتوصي المؤسســـــــة الدوليــــــة للأنظمة الانتخابية في هذا البجال بعدم استخدام الأوراق الأمنية الماصة في طباعة غاذج الاقتراع) حيث أنه بمكن ضمان نزاهة وأمن عملية الاقتراع من خلال استخدام أوراق ذات أرقام متسلسلة وأحزاء مقتطعة.
* (وتوضي المؤسسة الدولية للأنظمة الانتخابية بشدة بان يتم طباعة اسم البجلس العلمي والمنطقة الانتخابية على راس غوذ ج الاقتراع). حيث أن هذا من شأنه المساعدة في ضمان عملية توزيع النماذج الصحبحة إلي عناوينها الصحيحة.
* حيث انه سيتم إصدار رقم لكل مرشح خلال عملية ترشيحه وتسجيله رسميا فان هذا الرقم إضافة إلي الرمز الانتخابي لكل مرشح يجب أن يظهر على نوذج الاقتراع (وتوصي المؤسسة الدولية للأنظمة الانتخابية بشدة أن يتم الاحتفاظ هذه الأرقام والتعامل فيها طيلة يوم الانتخابات) حتى وان قام أحد المر شحــــــين بســــحب ترشيحه ففي انتخابات كانون الثاني عام 199 1 وقعت إشكالات كبيرة خحلال العملية الانتخابية حين قـــــام العديد من المرشحين باستخدام أرقامهم الانتخابية خلال العملية الانتخابية و في يوم الانتخابـــــات "صــوت الناخبون للمرشَ حامل الرقم Vr على نوذج الاقتراع" إلا انه كان قد تَ تغيير الأرقام الانتخابية من قبــــلـل rv مسئولي الانتخابات عندما قام مر شحين آخرين بالانسحاب فعلى سبيل المثال أصبح المرشح حامل الرقم

بصورة مفاجئة حاملا لرقم 7 ץ عندما انسحب المرشح رقّم 7 . . وتمت طباعة نماذج الاقتراع باســــتخدام
الأرقام الجديدة.
لم يتوقع مسئولو الاتتخابات حدوث ميل هذه الخللل إلا أنه كان سببا رئيسا في العديد من المشكــــلات الـــيت
حصلت أنثاء العملبة الانتخابية.

ملاحظة: تم تقديم هذه التوصيات من قبل المرشحين الذين انسحبوا بشكل فائي من الانتخابات قبل انتــــهاء الموعد النهائي للانسحاب (عشرة أيام قبل يوم الاقتراع) وفي حال تسجيل المرشحين وحصولم على أرقامهم

 يكون بكلوله قد تَ استكمال كافة المعلومات بششكل دقيق وهائي تحضيرا لظهور هذه المعلومات على نمـــاذـ
الاقتراع.

تعتبر الخطة اللوجستية بكثابة العامل الأكثر أممية في نياح العملية الإدارية للانتخابات حيث أنه بدون مئـــل هــــهـ الخطة فان العملية ككل ستكون عرضة للخطر، وحين ينظر المرء إلل العبء الكبير الذي يتطلبه غَضير مثل هــــــهـ الخطة في بكالات التدريب وتسجيل الناخبين وثثقيف الجمهور وتلك العمليات الخاصة بيوم الانتخابات فانه وبلا شك يدرك مدى الصعوبات التي ستواحه التخطيط لثل هذه المهـات حبث انه يتطلب إيصال المواد والخدمات إلن آلاف من المواقع خلال فترة زمنية عحددة، ناهيك عن الصعوبات اليَ تواجه عـلية المواصلات سيها تلك النابمــــة

 يشرفون على عملية الانتخابات وتعتبر أنضل السبل المدكنة لوضع خطة لوجستية ناجحة للعملية الانتخابية هي أن






 الخطوات الآتية:

1. يكب أن يتم تكليف المكاتب الانتخابية الإقليمية بتطوير خطة لوجستية كل على حده، ويجب أن تشتــل هذه الـطة على العناصر الآتية:-

أ. تحديد مناطق اللجان العلية ومراكز الاتقراع في كل منها.
ب. رسم خطة وبرنامج السير النذي يضسن إيصال المواد في أقرب بوعد مككن، ليلة واحدة قبل يوم الانتخابات أو صببحة يوم الانتخابات (أنظر البرنامج المرفق في الللحق X).



يجب أن يتم في فترة زمنية قصيرة بغض النظر عن المسافة، حيث أن إيصال المواد إلى مركز اقتراع في قرية قريبـــــة يتواجد نقاط التفتيش على الطريق إليها سوف يؤخر الوصول إليها وتستغرق وقتا أكثر من إيصال المواد إلى قرية

بعيلة نسبيا ولكن لا وجود لنقاط التفتيش في الطريق إليها.

د. يجب الأنحذ بعين الاعتبار تلك الاشكالات الي تنحم عن وجود المستوطنات الإسرائيلية والطــــرق الالتفافيــــة
 إشكالات ولذللك يجب أن تأخذا الحطة اللو حستية بعين الاعتبار وضع سلول لمبل هذه المشاكل المتتملة إضافة الى وضع خحطة طوارئ ليتم العمل ها في حالة حلوث هذه الاشكالات، فعلى سبيل المثال، الوصول إلى قرية معينة قد تكون قريبة من موقع التوزيع، إلا أن الوصول إليها يتطلب استخدام طرق التفافية غير مسموح المــــــرور هـــــا أو يتطلب العبور من خحلال نقطة تفتيش، ففي هذه الحالة يتطلب الوصول إلى تلك القرية وتـا أطول، وبنـــاءا عليــــ يكب أن يتم بحاوز المشاكل اليّ حصلت أثناء توزيع المواد الانتخابية أثناء انتخابات العام 1997 . 1 .

هــــ يجب الأخذ بعين الاعتبار حجم وعدد المركبات اللي يجب استخدامها في كل خطط سير وذلك بالاعتمـــــــاد
 الاقتراع ويجب أن تأخحذ الخطة أيضا بعين الاعتبار نوعية المركبات التي سيتم استخدامها، فعلى سبيل المــــــــال، إن تخضير خحطة سير تتطلب شاحنات ثقيلة وعدم توفر شاحنات كهذه يكعل من الحطة عدممة البلدوى.

و. يجب التخطيط أيضا لكمية الوقود اللي من المتوقع أن يتم استخدامها في كل خطط سير وأن يتم الأخذذ بعـــــــ الاعتبار ضرورة مضاعفة هذه الكمية وذلك لأنه سيتم استخدام الكمية مرتين، مرة خلال توصيل المواد إل المواقع ومرة أخرى هدف جمع هذه المواد "صناديق الاقتراع" بعد الانتهاء من عملية الانتخابات.

ز. يجب أن يتم التخطيط واحتساب تقديري للقوة البشرية اللازمة لتنظيم المواد وحزمها والقيام بتوزيعها والحفاظ
عليها ... 'ل.
r. حين يتم الانتهاء من تصير الخططط الإقليمية (المناطقية) لكل دائرة على حدا بيب أن يتم جمع هذه الخططــــــط
 الاعتبار:
أ. احتياجات مكاتب التوزيع الإقليمية، فعلى سبيل المثال: إن كانت الشاحنات في منطقة "أ" ستتحرك في ظهيرة
 المواد وإيصالما وان يتم تخصيص وقت كاف لفحص وتحميل هذه المواد على الشاحنات.

ب. يكبب أن تفحص المطة الوطنية العامة كذلك إبكانية توصل المواد إلى المواتع المختلفة قبل موعد الانتخابات بفترة طويلة نسَبيا، حيت أن شراء المواد "الغير حساسة" وتوزيعها على المواقع المختلفة يخفف من الضغط المتوتــــع خحلال عملية نقل المواد الحساسة "أوراق الااتتراع" إلى المواقع المختلفة.
 الخ) سلفا تخفف كذلل من الضغط الواقع على مديري العملية الانتخابية، حيث يمكن أن يتم رزم كافة هذه المواد وختمها بأرقام متسلسلة وتوزيعها على المواقع المختلفة في مباني المدارس المغلقة أو مراكز الشترطة مثلا، وذلــــــــك خحلال أيام عديدة قبل موعد يوم التصويت وبالتالي بككن توزيعها بسهولة في صبيحة اليوم اليمــــدد لللنتخابـــات. وبذلك يبقى على مديري العملية الانتخابية أن يقوموا بتوزيع أوراف الاتتراع والسجالات الانتخابيـــــة فتـــط في صبيحة يوم الانتخابات، ومما هو واضح فان مثل هذه العملية توفر من عدد المركبات والعاملين في نقل هذه المواد بشكل كبير كما أها تقلل من احتمال وقوع اشكاليات خحلال هذه الغملية.

- وتوصي المؤسسة الدولية للأنظمة الانتخابية أن تقوم لجنة الانتخابات العليا بتحديل مواقع البجالس الحلية في كل منطقة، إن أمكن، بحيث يمكن توزيع وخغزين المواد الغر حساسة فيها.

ج. توزيع طباعة نماذج الاقتراع على اككثر من دار طباعة. تعتبر عملية طباعة أوراق الاقــتراع مـــا قبـــل يــوم الانتخابات بمثابة المهـة الرئيسية في كل عملية انتخابية، ويجب الأخلذ بعين الاعتبــــار أن عمليـــة طباعــــة أورات الاقتراع الخلاصة بالانتخابات الملية سوف تخلت بضعا من الاشكالات التي لم تحصل خلال العمليـــــــة الانتخابيــة السابقة، وذلل نظرا لكبر ححم وعدد المناطق. ويتضح من ذلك أن هنالك ضـــرورة لتحديـــد أوراق الاقــتـراع

وإيصالها إلى غاياها بدقة. ويجب أن يتم ايلاء عناية فائقة خلال عملية طباعة ورزم الأوراق حتى لا يتم الـلطط ما بين أوراق الاقتراع المختلفة والتي من المفروض أن تصل إلى مواتع محددة وليس اللى غيرها ويتضح من هنا أيضا أن
 نفس العملية خحلال الانتخابات السابقة في العام 1997 . ففي تلك الانتخابات تمت طباعة أعداد كبـــــيرة مـــن أوراق الاقتراع لـــ 17 دائرة انتخابية فقط، في حين أن الانتخابات الملية تتطلب طباعة أعداد اككــبر حيـــث أن هنالك • هץ دائرة انتخابية ويجب مضاعفة هذا العدد ليشمل (الأوراق الخاصة بانتخاب أعضاء البحلـــس البلـــدي إضافة لتلك الأوراق الماصة بالرئيس) وبذلك يتضح أن هذه العملية ستكون اكثر تعقيدا من العملية الســـــابقة في العام 997 1، وبَدر الملاحظة أيضا أن عملية توزيع طباعة أورات على اكثر من دار طباعة سوف تخفــــف مـــن الضغط الواقع على كاهل أعضاء اللجنة العليا للانتحابات من حيث توزيع عدد اقل من الرزم إلى كل من المواقع
 الطباعة في ثلاث مواقح، واحدة في شمال الضفة الغربية وأخرى في الجنوب إضافة إلى واحدة في قطاع غزة.

د. طباعة أوراق الاقتراح فور انتهاء فترة انسحاب المرشحين (عشرة أيام قبل موعد الانتخابات). يكب أن يتـــــم أحذ ذلك بعين الاعتبار.
$\qquad$
من غير الضروري التحدث عن أمية الاتصالات في العملية الانتخابية وتحديدا في يوم الانتخابات حيث أنه إذا تح وضع خطة لوحستية ناجعة وتم تدريب بمموعة من العاملين الأكفاء للعمل في مراكز الاقتراع فانه لن يكون هناك ضرورة ملحة للاتصالات في يوم الانتخابات نفسه.

وعلى الرغم من ذلل فانه حين تحدث اشكالات معينة خحلال العملية الانتخابية فانه من الضروري وجود خحطــــة
 اللاسلكي والمواتف الخلوية وأحهزة الفاكس، فيمكن أن تكون هذه الخطة بسيطة للغاية من حيث الإمكانيـــــات بحيث يتواجد هنال فريق متجول من المشترفين لزيارة كل من مراكز الاقتراع في كل منطقة عدة مرات خلال اليوم الانتخابي وذلك للتأكد من أن الأمور تسير على ما يرام وتوفير المواد الإضافية إن لزم الأمر والمساعدة في حل أي


 الاقتراع عن الوصول في الموعد المهدد ... الح، ولذلك فانه من الضروري الأنخذ بعين الاعتبار عدم حصول مئـــلـ هذه المنـكلات.

ولا تقوم الكثير من البلدان بوضع جهاز اتصال لا سلكي أو هاتف في كل مركز اقتراع وللحقيقة فانه حتى تلك

 الأنتخاص للتحدث عن نشاطات يوم الالتخابابات بدة والتأكد من وجود نظام معين للتعــــامل مـــع المشـــاكـل المذكورة أعلاه، وحين وضع مثل هذه النطة يل الاعتبار يكدر أن يتم إطلاع المسئولين في المكاتب الإقليمية عليها

 استخدام تلك الأسس اليت اعتمدهَا الخطة في رسم الخطط الأخرى الخاصة بالتدريب وتثّيف الناخيبن والتسبحيل

ومراجعة اللسجلات الانتخابية .. الح.
وبَدر الإشارة هنا أيضا إلى ضرورة التنتيق في القضايا اللوجستية ما بين البرامج والنشاطات المختلفــــــة، فمـــن


 الضفة الغربية رغزة بالاجتماع مع مسئولي المكاتب الانتخابية الإقليمية على الأققل مرتين في الشههر خلال فترة الانتخابات).
 حيث القضايا اللوجستية ويتضح هنا انه كلما كان وتت الاحتماع اقرب كانت النتائج افضل من حيث التخطيط والتظيم، ولقد أفادت التجارب انه فتط من خلال مثل هذه الاجتـاعات يمكن حل المشكلات اللوجســــتـية، إن
 الناخبين ... الح، يكون .كثابة نحص عملي لقدرة وبخاعة هذه الخطة و بالتالي إمكانية إدخال تعديلات معينة عليها قبل حلول الموعد المدد ليوم الانتخابات "التصويت".

نموذ جـ خطة لوحستية

خطة حركة المركبيت

ملاحظة: يجب أن تتم تعبئة هذا النموذج لكل مركبة يتم استخدامها في إيصال المواد ويمكن إضافة الرقم
المتسلسل لكل مركز اهتراع على هذا النموذج.

أسم الجلس الطا

بيت قابيل
بـت قابيل
بيت أولا
بيت أولا
بعلس نربا
بعلس نوبا
بعلس نوبا
بكلس نوبا
بلس تربا


نوع المركب: شاحنة
المم مركز الالحـراع
مدرسة بيت قابيل
مركز بيت تابيل
مركز بيت أولا
مدرسة ذكور بيت أولا
مركز بلدة نوبا
ملرسة نربا للبنات
مقر بعلس نوبا
مركز أم نوبا
مدرسة عرفات

$$
\begin{aligned}
& \text { ركم مركز الالتّراع } \\
& \text { هـ } \\
& \text { rron } \\
& \text { rra } \\
& \text { ro. هـ } \\
& \text { ror هـ } \\
& \text { rov- } \\
& \text { roin } \rightarrow \\
& \text { roq- } \\
& \text { ri. هـ }
\end{aligned}
$$

بعد أن يتم استكمال كافة الاستعدادات من حيث تدريب العاملين وتسحيل المرشحين وتوزيع المواد الانتخابية يجب أن يتم بَهيز كافة الأمور الأخرى الستعدادا ليوم الانتخابات حيث انه بدون القيام بإحراءات يوم الانتخابات بشكل منظم فان شهور الاستعداد والتخطيط والتنظلم من شأنا أن تذهب هباء. ويدرك كل الإداريين العاملين في الانتخابات أن التحضير والاستعداد للانتخابات يتطلب القيام .كحموعة من الخطوات فئ الوقت الذي تركز فيه الصحافة وو سائل الإعالم على يوم الانتخابات فقط وتفيد التقارير حول الانتخابــــات
 "الاقتراع" شهد العديد من المشاكل التنظيمية الكبيرة ميل مشاكل الازدحام الشديد في مراكز الاقتراع ( عدد المقترعين ومندوبي المرشحين والمراقبين ومسئولي الأمن) إضافة إلي الخلل في سحللات تصويت الناخبين (عدم وجود أسماء لأشخاص معينن) و كذللك كان هناك خلل في عملية فرز الأصوات والإعلان عن النتائج إضافة إلي ظاهرة الحماس المبالغ فيه من قبل قوات الأمن.

و للحقيقة فانه بالإمكان بحاوز مثل هذه المشاكل خلال الانتخابات المحلية بمزيد مـــــن التخطيـــط والتدريب، حيث أن ضمان بكاح العملية الانتخابية وتحديدا في يوم "الانتخابات" يتطلب الحفــــــاظ علــى الانـى

 الخطرط العريضة اليت من شأفا ضمان الوصول إلي أفضل مستويات العمل خلال يوم الانتخابات.


ا. اعدد المقترعين في كل مركز اقتراع
إن تحديد عدد المقترعين في كل مراكز الاتتراع من شتأنــــــه أن يــؤدي إلي تحســــن الأداء خــــلال الانتخابات الملية حيت أن الازدحام في مراكز الاقتراع ووجود أعداد كبيرة من المقترعين من شأنــــه أن يخلق حالة من الفوضى وعدم النظام ويمكن أن يودي إلي فقدان مسئولي الانتخابات للسيطرة على بريات الأمور.

 كانت معروفة للجميع وتوصى المؤ سسة اللدولية للأنظمة الانتخابية بان يتم تحديد عدد المقــــترعين في

كل مر كز اقتراع ب . Vo 'شتخص وبَدر الإشارة بان العدد المثالي للناخبين في كل مر كز اقـــــتراع هو • . 0 مقترع.
وتوصى المؤسسة الدولِية للأنظمة الانتخابية بان يتم اتخاذ الإجراءات التالية في هذا الصدد:-

*     * أن تتم مراجعة السجل الانتخابي وسجلات مراكز الاقتراع في انتخابات العام 1997 وأن يتم إعــــــــاد قائهة بمراكز الاقتراع التي يتواجد فيها اكثر من Vo مقترعا (بالاستناد إلى سحلات مراكز الاقــــتراع في يوم الانتخابات). وتدرلك المؤسسة اللوولية للأنظمة الانتخابية بأنه قد يكون من الصعب تحديـــــد العـــدد ب.Vo مقترعا فقط في بعض الحالات حيث قد لا يكون هناك أماكن كافية لإقامة المزيد مــــن مراكـــز الاقتراع إلا انه يجب أن يتم بذل كافة المهود المـكنة لتخفيض عدد المقترعين في كل مركز من مراكـــــــز الاتتراع.
* أن يتم إقامة المزيل من مراكز الاتتراع في المناطق اللَ يتواجد فيـــــهـا اكــــر مـــن . Vo مقـــتر ع لكـــل مركز اقتراع.
* وتوصى المؤ سسة اللـولية للأنظمة الانتخابية بان يتم استعراض وفحص مدى ملاتمة مراكـــــز الاقـــتراع ع


يدرك كل العاملون الإداريون في الْعملية الانتخابية صعوبة العثور على أماكن مناسبة ليتم استخدامها كمراكز اقتراع وتحديدا في الضفة الغر بية فان مئل هذه الألماكن محدودة، وبشكل عام فان الملارس والمبــــــــيـي
 لاستخدامات العملية الانتخابية فانه من الضروري أن يتم الاستفادة منها بأفضل السبل الممكنة - بالإضافة إلي

ضرورة كون الموتع مناسب للمقترعين فانه لا بد من توفر المواصفات الآتية في مراكز الاقتراع:أ. مداخحل ومخارج منغصلة - حيث انه إذا تَكن المتترعون من الدخول إلي مراكز الاقــــتراع مـــن أبواب معينة والخروج من أبواب أخرى فان ذلك من شأنه أن يســـهل حريـــة اللـر كــــة ويمنــعـع الـا الازدحام.



















 انتخابات العام 1997.
ع- العاملون (الموظفــــون)
 مراعاة عدم وجود عدد كبير من العاملين بيهث لا يتوفر لمطظهـم مهام عدددة خلال يوم الانتخابات ويمب أن يتواجد في مراكز الاتتراع كل من الأعضاء التالين:-








التصويت.
r. r. موظف مكلف بتوقيع نماذج الاتتراع وتسلبيها للمتترعين.

 وجود موظف خاص للإشراف على هذه العملية.








وجود رجال الأمن في مراكز الاقتراع هو الـفاظ على الأمن ومنع المشاكل لا خلقها وبذلك فلا بد




 توجيه المقترعين أو الإشارة عليهم بكيفية التصويت).

 تقارير المراقبين اللدولين ما يلي :-

* عدم وجود توزيع واضح للأدوار ما ين أفراد قوات الأمن المختلفة اليَ تَ نشرما يوم الانتخابات. * عدم وضوح دور قوا الأمن كلمجهور.

 * * قيام أفراد توات الأمن بالإشارة على المقترعين بكيفية التصويت.



 كان هناك خطر مباشر على الأمن العام داخل مر كز الاتتراع.

0- عملية التصويت "الاتتراع"


يوحد هنالك نظام واحد متع ين كل أتطار العالم فيها يتعلن بخطرات عملية التصريـــت في مراكــز الافتراع وتشّمل هذه الخطوات ما يلي:-
 وضع علامة مقابل اسم المقتر ع والا في حالة عدم استخدام السجلات الانتخابية فانه يتـــــــم في هــــذه المرحلة اتخاذ القرار حول أحقية أو عدم أحقية المقتر ع في التصويت في ذاك المركز.
. إلى الموظف المسئول عن نماذج الاتتراع ويمكن أن تتم هذه العملية - دمغ الحبر - بعد القيام بالاقتراع
وذلك حسب نوعية الحبر المستخدمة. وتقوم العديد من البلدان في الوقت الحاضر باستخدام فرشـــــــاة صغيرة أو قلم رصاص لدمغ البزء الأسفل من الإهام بالحبر بدلا من غمس الإهام كله في الحبر.

ج. بعد أن يتم دمغ الإهام بالحبر الخاص، يتوجه المقترع إلى موظف الاقتراع ويتسلم نوذج الاقتراع المناص به ويتم في العادة توقِع أو ختم نوذج الاتتراع من قبل الموظف المسئول، وفي حالة عدم كون المقترعين

 المقترعين بان يقوموا بالتصويت لعشرة مرشتحين لعضوية البملس المللي وأن يصوتوا لمرشح واحد لرئاسة

د. يتم إرشاد المقترع بان يقوم بالإدلاء بصوته وأن يقوم بثن ورقة الاقتراع وأن يضعها داخــــل صنــــو الاقتراع وان يغادر بعد ذلل - (وتوصي المؤسسة الدولية للأنظمة الانتخابية بان لا يتم الســـــتخحدام المغلفات خلال عملية التصويت). حيث أنا عالية التكلفة وتَتل حيزا داخل صندوق الاقتراع وتؤدي إلى الإبطاء من عـلية التصويت ويجب أن يتم إرشاد المقترعين بأن يقوموا بثني نــــــوذ الاقـــــراع وان يضعوه في صندون الاقتراع من اجل الحفاظ على سرية التصويت.

هــ. ويجب أن يتم الأخذ بعين الاعتبار طول الفترة الزمنية اليت يكتاجها كل مقترع للإدلاء بصوته وتشمل هذه الفترة فحص أحقيته في التصويت وقيامه بالإدلاء بصوته - ومن الضروري الإشــــارة هنــــا إلى أن افضل طريقة للقيام بالاقتراع هي أن يكون مقترع ثان جاهز للإدلاء بصوته في اللحظة اللي ينتهي فيها

المترع الأول من الإدلاء بصوته كـا يِلدر الانتباه إل انه وبسبب طول فائمة المرشححين و ككرة عددهم
 بالنسبة للمتترعين (الأمينن واصحاب الإعاقات وكبار السن) حيث يكتاج هؤلاء إلى مساعدة خاصي


الانتخابات.

و - يقوم المترع عمغادرة مركز الاتتراع.

7- حل المثاكل المناصة في يوم الانتخابات
إن أحد أهم مهام رئيس لجنة مركز الاتتراع هي القيام بكل الأشكالات اللي تبرز في يوم الانتخابات
 وجود اسم أحد المتترعين على السجل الانتخابي أو أن لا يمسل أحد المقترعين الأوراق البوتية اللازمة أو أن يقوم مندوبر المرشحين بالطعن في أحقَية أحد المتترعين في التصويت (وتجدر الإشارة هنا إلى انه في مثل هـل هذه الحلالات يجب أن يتم التعامل مع هذه المشكلة باخخراج المقتر ع - صاحب المشكلة - من طابور المقترعين)، حيث أن تضاء وتت طريل في حل مشكلة معينة على حساب المقترعين الآخرين من شأنه أن يخلق المزيد من المتاكل والتوترات في صفوف المترعين ويمب على رؤساء بلان مراكز الالتتراع التدحل فور حدو هذه الاشكالات وان يقوموا بإخراج المقترع - صاحب المشكلة- من طابورا المترعين وحل المشكلة.

وبذلك يمكن للمقترعين الآغرين أن يقوموا بالإدلاء بأصوامَم ين الوتت الذي يتم فيه حل المشكلة.
 على طبيعة الأشكالات المتو تعة وطرق حلها إلا انه لا يمكن توقع كل المشكلات التي يمكن أن تحدث، ويبر أن يتم تدريب العاملين على حل مثل هذه الأشكالات في إطار برامج التدريب التي يشتر كون فيها كيا يكا يكب أن تكون كيفية حل الأشكالات حزءا من كراسة التدريب وذلك من احل تسهيل الرجوع إليها في يــــــوم الانتخابات.
 كذلك تنظمبم وتصمبي مر كز الاقتراع بشُكل جيد و تزويده بعدد معقول من الموظفين (العاملِين) وتَ وضــــــع

الخطط الملاتمة لـل الاشكالات في يوم الانتخابات فان ذلك من شأنه أن يضمن باح عملية الاقتراع في يوم الانتخابات.

ب. بعد إغلاق مراكز الاتتراع

تفيد التقارير حول انتخابات العام 1997 بان العديد من الاشكالات التي حصلت خــــــــالال تلـــك العملية جيدة التظظيم (لولا حدوث تلك الاثشكالات) كانت قد حصلت بعد إغلاق مراكز الاقتراع وخلالال



 حالات أخرى لم تكن المراكز الرئيسية على استعداد لاستقبال واستلام المواد التي وصلت إليها (حيث كاع المانت

 بعض مراكز الاتتراع مرتين خطأ بينما لم يتم تسجيل نتائج بعض مراكز الاقتراع إطلاكرا.

وكانت نيجة ذلك أن سادت حالة من الفوضى في بعض المراكز وحصل تأخير في الإعـــلان عـــن التتائج (نظرا لفقدان بعض عاضر التصويت) كما ساد اعتفاد يف أوساط الحمهور بأنه تد تم التلاعب بنتــائج
 أوساط البمهور ما أدى إلى التشكيك في نزاهة العملية الانتخابية برمتها - وذلك وفقا لاحد تقارير المراقبين الدوليين الذي أشار بقوله:-
 تقارير عن فقدان جداول بعض مراكز الاتتراع خلقت حالة من الشك في أو ساط البمهور في الأيام الني تلت العملية الانتخابية وتحدر الإشارة هنا إلا أن الشُك في العملية الانتخابية يعتبر حقيقة في نظر ابلحمهور.

[^21]
 ونزيه و كفوء.

إغلاق مراكز الاقتراع و البدء بعد الأصوات



 الطواقم لعد الأصوات).


 وإغلاقها بعد إغلاق مراكز الاقتراع وتنتل إلى المراكز الرئيسية حيث يتم فرز وعد الأصوات.'


 إمام عملية الفرز وعد الأصوات؟ ويو اند


شان ذلك أن يخلق الانطباع بعدم وجود وضوح في تسلسل المناصب القيادية لإدارة العملية. (وتوصي المؤسسة الدولية للأنظمة الانتخابية بشدة بأن يقوم العاملون في مراكي الانز الاقتراع بفرز الأصوان




التدريب المناسب ورضـع الحطط حول توفير الطعام والشراب لفم خلال يوم الانتـخابات وفي مساء هـــــذا اليوم).

في الكثير من البلدان يتم العمل بموجب الخطوات الآتية خحلال عملية عد وفرز الأصوات:أ) يتم إغلاق مر كز الاقتراع بعد أن يتم السـاح لكل من تواجد في الطابور ساعة الإغلاق بالتصويت. ويتم وضع رحل أمن في فاية الطابور لمنع أي شخص من الانضمام للطابور بعد أن يتم إغلاق مركـــز الاقــــراع. وتنص المادة • ع من القانون الانتخابي بالسماح لرئيس بلنة مركز الاقتراع بان يقوم بتمديد وقت التصويــت
 من القانون من شأنه أن يخلق بعض الاشكالات ( وتوصي المؤسسة الدولية للأنظمة الانتخابية بان لا يتــــم تديد وقت الاقتراع إلا في حالة وجود مقترعين يقفون في الطابور في الساعة السـابعة وهي الموعد الحـــــدد لإغلاق مراكز الاقتراع).

حيت أن السماح بتمديد وقت الاتتراع في بعض المراكز دون غيرها من دون وجود سبب واضــــــح لذلك من شأنه أن يخلق تساؤلات حول عدالة تطبيق القانون الانتخابي .

ب) تقوم بلنة مركز الاقتراع حتت إشراف رئيسها بعد الأصوات وفرزها، (ويجب أن يتم ذلك فور إغلاق مركز الاقتراع)، ولا يو جد هناك سبب لأن يتم تأخحير عد وفرز الأصوات بساعة حسببا ينـــــص القـــانون
 بنتائج التصويت ويتم هنا رسم الخططوات الواحب إتباعها بعكس الخطوات التي ينص عليها القانون الانتخابي
 والانتخابات الموجودة في الضفة وغزة وذلك بفرز غاذ ج الاقتواع المستخلدمة وتلك غير المســتخدمة أولا ومن ثم يتم عد الأصوات).

1. يتم عد الأشخاص الذين قاموا بالتصويت - وذلك بالاستناد على اللسجل الانتخابي . r. . يتم عد نماذ الاقتراع التي تم تسليـها للدقترعين وذلك باستخدام الأجزاء المقتطعة والأرقــــــام
المتسلسلة لمذه النماذج.
r. يتم طرح عدد نماذج الاقتراع اليَ أتلفها المقترعون وعَت إعادهّا إلى مسئولي مر كز الاقتراع. ع. يكبـ أن يكون الرقتم الناتج عن هذه العملية مساويا لعدد نماذج الاقتراع الموجودة في صنـــــورق الاقتراع وذلك في حالة قيام كل المقترعين بالإدلاء بأصوامـم ين صناديق الاقتراع.

ه. يـب أن يتم تسجيل هذه المعطبات على ناذج عد الأصوات.

ج) في الوقت الذي يتم فيه الانتهاء من فرز الأصوات، يتم فتح الصناديق ويتم البدء بعد نماذج التصويـــــــ، ويقوم رئيس لجنة مر كز الاقتراع، وبصوت عال بذكر كيفية التصويت على كل نموذج اقتراع ويتم تسجيل

على النموذج الخناص بذلك - المضر -.
 الانتخابية بان يتم إعادة.وضع كل.المواد الانتخابية (نماذج الاهتراع والمواد الأخرى) ما عدا محاضر النتائج في داخل صناديت الاقتراع وإغلاقها وختمها). وأن يتم وضع محاضر النتائج في مغلفات خاصة وأن يتم ختـــــم هذه المغلفات وذلل تَضيرا لنقلها إلى مكـب المنطقة الانتخابي .

هـــ) وفي تلث الحالات الئي يتوجب على بلنة الانتخابات العليا فيها أن تقوم بتوفير المواصلات إلى مكـــــب
 الانتخابات العليا المواصلات لرئيس بلنة مركز الاقتراع على الأقل. ويجب أن يتم السـأح لمندوبي المرشحين
 المواصلات.

وفي تلك الحالات اليَ يمكن فيها لرئيس بلنة مركز الاقتراع أن يذهب مشيا على الأقدام إلي مكتب المنطقة الانتخابي فانه يجب على المسئول الأمني أن يرافقه كما يمكن اللسماح لمندوبي المرشحين أن يرافقوه كذلك. إلا انه يكب ألا يتم السماح لأي من المندوبين بان يممل أي شيء من المواد الانتخابية.

تعني عملية ( بحميع النتائج) القيام بتجميع النتائج المناصة بكل مرشح في كل من مراكز الاقـــتراع

 الانتخابي (المكاتب أل 19 التي تم استخدامها للدوائر الانتخابية خلال انتخابات العام 197 1).






 الانتخابية باعتبار المكاتب الالتخابية المناطقية أل 19 . 19 الابابة حلقة الاتصال الالإداري وبلنة الانتخابات العليا ولكن في تلك المكاتب الالتخابية المناطقية الين تشرف على مناطق واسعة من الهالس الحلية (ميل المدن) فان لجنة الانتخابات العليا تد ترغب في إقامة مراكز فرعية تابعة للمركز الرئيس من ابحل

 أن يكون الموتع الفرعي قريبا من المر كز الرئيسي في مدينة نابلس.

وفِ خالة ايَّاذ القرار فانه يُب أن يتم إبلاغ الجمهور بمواقع مراكز فرز وبَمبع النتائج في كل بجلس
محلي في المنطقة.

تخلت عملية بَميع نتائج التصويت العديد من الاشكالات، وفي حالة عدم آخاذ الاحتياطات الللازمة

 العملية الانتخابية. وفيـا يلي تقدم المؤسسة الدولية للأنظمة الانتخابية توصيات خاصة لضمان تحسين الأداء خلال عملية بحميع نتائج الانتخابات للمحالس الحلية:I. وجود مساحة كافية لتسليم صناديق الاقتراع ومحاضر النتائج
 الانتخابية عشية يوم الانتخابات وفـ حالة عدم وجود مساحة كافية في أحد المراكز فـــــــن هنــــاك



 - Hiskn


 ITR

غ















in
r. يـبـ أن تكون النتائع دقِقة عند الإعلان عنها، وحيث أن بالإمكان وقوع أخطاء نظرا للسرعة
 العليا يككن اللجنة من تصحيح الأنطاء وتفسير سبب حدونها. r. لا يجب الإعلان عن النتائج الرميمة والنهائية عشية يوم الانتخابات، حيث ألان للجنة الانتخابابات

 بالإعلان عن التائج النهائية رسميا، وتواحه العديد من اللمحان العديد من المئاكل إن هي حاولت القيام بالإعلان عن النتائج الرسمية والنهائية في ليلة يوم الانتخابات.

وعند القيام بالإعلان عن التائج تحدث العديد من المثاكل لعدد من اللجان الانتخابية حيث أن بعض هذه اللحان تعتقد بضرورة الإعلان عن النتائج بشكل مركزي فقط وكا كأن الأمر يتعلق بسر من أسرار الدول متناسية حقيفة أن آلاف الأتشخاص قد شار كوا عمليا في عملية فرز وعد الأصوات.

وفيها يتعلق بالانتخابات الملية فان العديد من الدوائر الانتخابية بل المات من القــــرى الصغــــرة في الضفة الغربية سوف تعوي على مر كز أو مر كزي اقتراع نقط لكل الدائرة الانتخابية. وعلى الرغم من أن
 البمهور طيلة الوفت اللازم لنقل هذه النتائج إلي المقر المر كزي للجنة الانتخابات العليا حتى يتم الإعلان



تعتبر عملية التدريب بمثابة جزء رئيسي من الاستعدادات لإجراء الانتخابات، حيث إن التأئير علـــــــــي
 انه قد ت الطعن في نزاهة العملية الانتخابية بسبب وجود أخططاء إجر ائية من قبل مسئولي الانتخابات والعاملين
 العاملين في مراكز الاتتراع والعاملين في التسجيل وغيرمم من المسئولين والعاملين في بعال العملية الانتخابيـــة ضروري لضسان توحيد تطبيق القانون الانتخابي والحافظة على سير العملبة الانتخابية بشكل عام.

ولقد كانت عملية التدريب اللي تمت للعاملين خحلال العملية الانتخابية في العام 1997 ناححة جدا
 التدريب التي ت استخدامها آنذاك خلال الانتخابات الخلية مع إضافة العديد من التحسينات.

$$
\begin{aligned}
& \text { ومن أهم جوانب عملية التدريب والتحسينات التي من المسكن إدخالما عليها ما يلي:- } \\
& \text { - استخدام عدد أقل من ملربي المدر يين. }
\end{aligned}
$$


 المواصلات ... الخ) وأن يتم صرف هذه المدفوعات في أوقات منتظهة (وليس بعد مرور • ب يوشا

من تقدم الخدمات).
وفيما يلي نتدم بعض من النقاط الواحبب أحذها بعين الاعتبار خلال تصميم ووضع برنامج التدريب
للانتخابات العلية.

1. تحديد من يكتاج الى التلدريب
 أن يتم القيام بذلك؟

وخلال الانتخابات المحلية الفلسطينية فان هناكُ حاجة لتدريب بمموعتين من العاملين وهم:العاملون في التسحيل/مراجعة السجل الانتخابي والعاملون في مراكز الاقتراع.
** (العافلون في التسـجيل) أو (مسؤولو مراجعة السـجل الانتخابي وذلك حسبب نوع العملية التي ســــيتم استخدامها).
ويحتاج هؤلاء الى التدريب في بمال مراجعة السـل الانتخابي وتحديث هـــذا الســــجل وتحديـــدا في البحالات التالية:-
() أمية التأكد من القائمة ونحص أسماء المقترعين حتى وان قام أحد المقترعين بالتأكيد للعاملين بأن

إسمه موجود على القائمة.
Y) كيفية الحصول على البيانات الحناصة بالمقترعين وإدخالها بشكل صصحيح ودقيق علــــى نــــوذ
 تدريب العاملين على كيفية تعبئة هذه النماذج حتى يتمكن جهاز النسخ الإلكترون من التقاطها وإدخالما الى الحاسوب ومن الضروري أن يتم الانتباه الى هذه القضية حيث أن وجود الأخطــــاء خلال عملية النسخ ستؤدي بالتالي الل وجود الأخطاء في السسل الانتخابي.
 التعامل مع البيانات. ويجب أن يتم تدريب العاملين في التسجيل/مراجعة السحل الانتخابي بأسبوع أو أسبوعين قبل البدء بعملية التسجيل.
 الانتخابات وكيفية تضضير وتصميم مراكز الاقتراع والتدرب على إحراءات فرز وعد الاصـــــوات وكيفيـــة الحفاظ على جو منسشحم مع العملية الانتخابية والأنظمة والقوانين الخاصة هلا. ويجب أن يتم تدريب العاملين قبل أسبوع أو أسبوعين من يوم الانتخابات أن من الأهية بمكان أن يتم توظيف عاملي التسجيل والعاملين في مراكز الاقتراع بشكل مسبق وذلك لضمان وجود فترة كافية من الزمن لتدريبهم.
وبتدر الإشارة الى أن عدم وجود متسع من الوقت لتدريب العاملين يبعل من عملية تصميم وتحضير برامع التدريب الخاصة هـم عملية عديمة البلدوى.

وتوصي المؤسسة الدولية للأنظمة الانتخابية بأن يتم استخدام المعلمين كعاملين تسجيل وعـــاملين في مراكز الاقتراع وذلك كما حدث خلال انتخابات العام 1997 - حيث يكظى هؤلاء بالاحترام وينظر إليهم




 انتخابات العام 1997.

وتقدر الموسسة الدولية للأنظمة الانتخابية بأنه سيكون هناك حاجة لما بحموعه . . 0 ب عامل تسجيل

 السشحل الانتخابي للمقترعين واستخدام ع عاملين في كل مركز اقتراع خلال يوم الانتخابات.

> بجموعة أخرى من العاملين والتي قد تحتاج الى التدريب



فور القيام بتوليهم لمناصبهم.

تقدم يد العون ين تدريهمم.

- مندوبو المرشحين (انظر الللحق المرفق، القسم الخاص بــ لوازم الانتخابات للحصول على مزيد
من المعلومات حول تدريب مندوبي المرشحين),
- أفراد قوات الأمن الذين سيقومون بمهـات أمنية في يوم الانتخابات.
- المراقبون المليون - إن تدريب المراقتين العللين ليس بسسؤولية لمنة الانتخابات العليا ولقد وجديان المؤ سسة الدولية للأنظمة الانتخاية بان المنظمات الملية الغير حكومية على قدئ



بتقلـي يد العون في توفير المعلومات الدقيقة والواضحة حول العملية الانتخابية للـنظمات الغــــير حكومية. (انظر - الفصل XI- الحصول على مزيد من المعلومات).
(ويركز هذا الفصل على تدريب العملين في بجالات التسجيل ومراكز الاقتراع وذلك على الرغم من أن الاقتراحات الواردة هنا يككن أن تطبت خلال إجواء العديد من برامـج التدريب الأخرى).
Y. Y. آلية ومنهجية التلريب - استخدام أسلوب "مدربي الملربين" بدلا من القيام بالتدريب في عدد قليل من المواقع المركزية للمئات من العاملين المتدربين بشكل فوري فانه بالإمكان أن تتم (لا - مركزة )عملية التدريب بكيث يمكن تدريب عدد اقل من الأثشخاص في حلقات تدريب متعددة في نفس الوقت - و يتم استخدام هذا الأسلوب "الشـلال" في التدريب بحيـــــ تقــــوم بلـنـــة الانتخابات العليا بتدريب بمصوعة أساسية من المدربين "مدربي المدريين" والذين يقومون بعد ذلك بتدريـــــبـ
 الاقتراع- بشكل ناحح وفعال في العديد من البلدان حول العا لم.

كم مدربا تحتاج عملية التدريب؟
يرتبط عدد المدربين بوضوح بعدد الأشخاص الذين يجب أن يتم تدريبهم و كذللك بالحجم المرغوب
 ه م متدربا حيث أن كبر ححم الصفوف يؤدي اللى تلة التفاعل ومشار كة المتدربين في النقاث وتوجيه الأسئلة ومن اجل احتساب العدد الكلي المطلوب للمدربين فانه يجب أن يتم تقسيم عدد الطلبة المتدربين الكلي على OT0 (ححم الوحدة التدريية المثالي) وسيودي ذلك أيضا الى الوصول الى العدد الكلمي لجلســـــات التـدريــبـ. فعلى سبيل المثال سيتم احتساب تدريب العاملين في مراكز الاتتراع وعدد العاملين المطلوب في المراكز ، فإذا
 في مراكز الاقتراع سيكون . . . . r 1 و وحدة تدريب. (وتكون اللدورات التدريبة على مدار يوم واحد فقط ).

ويبب أن يتم البلدء بالتدريب قبل أربعة أسابيع من موعد الانتخابات على أن يتـــم الانتــهاء مـــن التدريب قبل أسبوع من بداية الانتخابات (فترة ثلأة أسابيع .معدل (خمسة أيام في الأسبوع) لمدة 10 يوما).

وتعتبر هذه الفترة بمثابة الفترة الللازمة للتدريب' ، ويعني هذا أن هناك ضرورة للقيام بـــ تقريبا (19 1 بجموع الوحدات التدريبية مقسمة على 10 يوم) على أن يتم عقد الدورات التدريبية على مدار

 التدريب حيث أن هذا العدد قد يزداد هدف تسهيل عملية عقد الدورات التدريبية في غتتلف المواقع في وقت واحد ويجب على كل مدرب أن يقوم بعقد تسعة إلى عشرة دورات تدريبية في الأسبوع الواحد - ومن شأب ذلك أن يرفع عدد المدربين المطلوبين اللى عشرين مدربا (حيث انه سيكون هناك ضرورة لتعيــــين ملربـــين للمدربين لتدريب ما بين • - Y • متدربا). وبشكل ملخص فمن احل تدريب . . . . 0 عامل في مراكز الاقتراع فانه يكبب أن يقوم مدربين اثنين للملربين بتدريب عشرين مدربا ععليا والذين يقومون بدورهم بعقد
 الانتخابات.

عند اختيار ملربي المدربين والمدربين المليين فانه من الضرورة بمكان إن يتم اخذ الخلفية المهنية والخبرة لهؤلاء المدربين بعين الاعتبار بالإضافة الى الحيادية اللمياسية والخبرة اللمابقة في بمال الانتخابات ومن المبذ أن
 على العلاوات أو الأجور.

في العادة فان فترة تدريب المدربين والمدربين المحلين هي أطول من تلك اللي يكتاجــــها العـــاملون في مراكز الاقتراع ويبب على المتدربين في هذه إللملسات التدرب ليس فقط على الأنظمة والتشريعات التي تحكم
 يبب أيضا التدرب على وسائل التعليم/التدريب الفعالة حتى يتمكنوا من تدريب غيرهم. ويمكن أن تطـــــــلـ فترة تدريب المدربين ما بين يومين الى ثالانة أيام وذلك بالاعتماد على مدى تعقيد العملبة الانتخابيـــــة ومــن

اليتمل أن يكون عقد جلسيَ تدريب على مدار يومين (يوم للتدرب على عملية التسجيل ويوم آخر لتدريب العاملين في مراكز الاقتراع) فترة كافية لتدريب المدربين والمدريين الغليين للانتخابات الخلية الفلسطينية.

 يستوعبوا المعلو مات المطلوبة كـا إن ذلك يشكل عبئا عليهم من ناحية الوقت حيث إن لديهم وظائف أخرى
 تلقين المعلومات والتشريعات المطلوبة في يوم واحد فقط). ويشمل ذلك طبعا الوقت اللازم لتو جيه الأسئلة - والاستفسارات والقيام بالمراجعات.
الأسلوب (أسلوب التدريب)

إن القيام بالقراءة الحرفية للقانون الانتخابي في يوم واحد لا يعتبر تدرييا، ومن اجل القـيــام بيرنــامـج تدريب فعال فانه يجب استخدام أسلوب المشـار كة والتفاعل خلال الدورات التدرييية. (إن تجربة المؤسســــــة

 يتذكرون فقط • \& \% ما يسمعون و • \& \% مما يسمعون ويشـاهدون في نفس الوقت إلا افم يتذكــــرورن . \% .

ويمكن للمدربين أن يستخدموا العديد من الوسائل التعليمية المختلفة لتحضــــر المشـــاركين وإبـــارة اهتمامهم. ومن هذه الوسائل ما يلي:-

- لعب الأدوار - تثيل الأدوار وعاكاة المواقف فعلى سبيل المالل (القيام بسيناريوهات حول


كبار السن اللاميين في الإدلاء بأصوامَم).

- جلسات مدربين خاصة من خلال توجيه الأسيلة والأجوبة.
 التصويت).
- القيام بالتمارين الخاصة بتعبئة الحاضر ونماذج التسجيل المختلفة.
(يجب أن تغطي الجلسات التدريبة لعملية التسججل/مراجعة السجل الانتخالي ما يلي): - مراجعة التسجيل/مراجعع السجل الانتخابي ونفا للإطار الزمين للعملية الانتخابية. - كيفية إرشاد المترعين حول تعبئة نماذج التسجيل و تغيير العنوان ونماذج الإبلاغ عـــن حـي الوفاة.

> - كيفية القيام بتحديث قائمة المقترعين وإدخال المعلومات الصحيحة.
> - ماذا يتم العمل بالنماذ ج عند الانتهاء من عملية التسجيل (القيام بتســــليم النمـــاذج المى دائـــرة الإحصاء المركزية من احل التعامل مع البيانات).
(يجب أن تغطي عملية تدريب العاملين في مراكز الاقتراع الجوانب الآتية:-- القضايا الإدارية (العقود والرواتب ومستويات الخاذ القرار) .

- مهام ومسئوليات العاملين في مراكز الاقتراع.
- من هو صاحب المق في الالتراع.
- إنشاء مراكز الالتراع وافتتاحها.
- الأمن والقضايا الوجستية فيـا يتعلق بمراكز الاتتراع.
- خحطوات القيام بعملية التصويت.
- استخدام الحبر الخاص "المتعذر إزالته".
- اللدور الخاص بمندوبي المرشحين والمراقيني المليين والدوليين.
- إغلاق مراكز الاتقراع.
- إفاء وإرسال نماذج العملية الانتخايبة المختلفة. - عد الأصوات.
- ماذا ييب أن يتم عمله بللواد الانتخابية بعد الانتهاء من عملية عد الأصوات.
(الواجبات والغظررات خلال الجلسات التدريبية)
الواجبات
- يجب أن يتم تنظيم الجلسات التدريبية وإعدادها سلفا.
- استخدام لغة سهلة واضحة وقابلة للفهم.
- احترام خبرة ومعرفة المشار كين في الدورات التدريبية.
- يبب أن يتم تقدـم كل موضوع بوضوح وسهولة ونقا لترتبب حصولا في يوم الانتخابات. - احترام الوقت المحدد لكل نشاط.
- تنويع الأنتطة وذلك للحد من إمكانية ملل المشاركين في الدورات التـريبية. - تشّيع المشار كين في الدورات التدريية على توجيه الأسئلة. - المرونة في التجاوب مع احتباجات المنار كين "المتدربين".

الحظررات

- يجب أن لا يتم ترتيب وتضضير الجللسة التدريية في آخر لـطة. - أن لا يتم إضاعة اهتمام وانتباه المشار كين من خراء إلقاء الخاضرات الطات الطريلة. - أن لا يتم السماح لشخص واحد بالسيطرة على بعريات النقاش خلال البلسات التدريبية. - أن لا يتم استخدام لغة غير مفهومة. - أن لا يتم استغلال البلسة الثدريبة لنقاش الأسس القانونية والفلسفية والسياسية للقانون الانتخابي أو العملية الانتخابية ككل.
- الأعراب عن الآراء السياسية الخز بية.


## كراسة التدريب






 جيدة يمكن إن تستخدم كدليل حهلال قيام المسئولين بعمليات التسجيل في يوم الانتخابات.
 تتدكن من نقل المعلومات المفيدة حيث أشار العديد من الأشخاص الذين شار كوا في الانتخابات العام 1997 الماري


أدى الى تقليص فعاليتها وإمكانية استخدامها ولذلك فلا بد من العناية بتصميم كراسة جيدة لاســــتخدامات
الانتخابات الحلية والتي تتميز بـــــ:-

- أن يتم إعدادها باستخدام لغة واضحة ومباشرة.
- أن يتم استخدام التوضيحات والرسومات البيانية لمســـاعدة القـــارئ ي اســـتـعاب الإجحــراءات

الانتخابية.
 كافة الموانب الضرورية لإفزراد الذين يتم تدريبهم: كيفية فحص المقترعين وإصدار نماذج الاقتراع

وكيفية التعامل مع الأوضاع الصعبة. - استخدام لغة سهلة وأمثلة واضحة. - بتخنب استخدام المصطلحات القانونية. - يجب طرح الأسئلة التي تفترض حدو اشكالات معينة وذلـــــك لفحــص مـــدى الاســتيعاب والاستفادة الحاصلة لدى المتدربين. - استخدام أسلوب القوائم في التأكيد على ضرورة إتباع الخطوات الإجرائية خـــــــلال أداء عــــاملي الاقتراع للمههام المنوطة هـم بشكل سريع.
 الإجراءات الانتخابية ويمكن التأكد من ذلك من خلال استخدام أشخاص ذوي إطلاع واسع على القـــــانون الانتخابي للمشار كة في إعداد هذه الكراسة، وبتدر الملاحظة هنا الى أن وجود أي أخطاء في هذه الكراسة من شأنه أن يؤدي الى مشاكل كبيرة حيث أن تصحيح المعلومات المناطئة في حالة وصولما الى أيدي العاملين في مراكز الاقتراع سيكون مهمة صعبة.

ويجب أن يتم توزيع الككراسات الى بميع المتدر بين خحلال الدورات التدريبية، وفي حالة وجود الأموال لذللك فانه من الضروري أن يتم توزيع اللكراسات اللى كل المرشحين ومندوبي المرشحين كذللك (والذين مـــن الممكن إن يصل عددهم الى الآلاف) وكذلك إن يتم توزيعها الى المنظمات الغير حكومية والتي تقوم بتدريب المراقبين المليين.
مواد تدريبية أنرى

نماذج بحريبية عن أوراق الاقتراع إن أمكن توفير ذلك (حيت إن هــــذه عمليـــة مكلفـــة) وذلـــك لاستخدامات التدريب (أقلام رصاص وأقلام حبر ودفاتر ملاحظات أو أوراق فارغة لأخذ الملاحظات).
اقبلت الخات البدء بحلساصة بالمدر بين التدريب

يجب أن تسأل نفسك، ما الذي ارغب بتحقيقه نحلال البلسة التدريبية؟ ما هي الأهداف اليت أسعى اللى الوصول إليها؟ ما الذي يجب أن يعرنه المشـــــاركون ومــــا الـــــي يتو جب عليهم القيام به بعد انتهاء الدورة التدريبية؟
الخطوة رقم "r"،

يجب أن تتحقق من خلفية المشار كين (الحلفية اللهنية والحبرة في بحــــال الانتخابــات والعضويـــة في المنظمات المختلفة) حيث إن ذلك سيساعدك في حضير برنامج التدريب لملاتمــــــة احتباجــــات المشــــار كين ويساعدك على تحقيق أهدافك، حيـث أن ذلك يمكنلك من غض الطرف عن طرح القضايـــــ الــــيَي يعرفـــها المشار كون في التدريب.
الخطوة رقم "r"

قم ببناء برنامج التدريب وفقا للأهداف التي تح تحديدها، واسأل نقسك ما هي المعرفة والمعلو مـــــــات والخبرة التي يحتاج إليها المتدربون من اجل تحقيق هذه الأهداف؟

لا تحاول أن تطرح الككير من المعلومات خلال جلسة واحدة حيث إن ذلك سيؤدي الى إرباك المتدربين.
الخطوة رقم " ع"

يجب أن يتم إعداد كل جلسة تدريية بشكل جيد، ويجب أن يتم إعداد الترتيب الذي ســــيتم مـــنـ خلاله طرح المواد المختلفة، ما الذي ستقوم بتقديه أولا؟ وماذا ستقوم بعده؟ ويجب أن تتأكد من وجـــــــود المواد الكافية ليتم توزيعها على المشاركين.

كبف ستقوم بطرح كل موضوع، وما هي الأساليب والو سائل اليت تستخدمها في طرح كل من هذه
المواضيع؟ فهل سيتم استخدام أسلوب لعب الأدوار أم محاكاة أوضاع معينة مثلا؟
الخطوة رقم "ף"

كيف ستقوم بإهاء الموضوع المطروح للبحت؟ عليك أن تقوم بتلنيص العناصر الرئيســـه؟؟ي كــــل موضوع مطروح على بساط البحث وذلك قبل الانتقال الى الموضوع التالي على أن يتم تقدم ملخص بسيط من الموضوع التالي كما يمكنلك أن تطلب من المشار كين بأن يقوموا بتقيـم ما تعلموه خحلال تقدم الموضـــــو ع ع من خحلال القيام بامتحانات سزيعة، وعند الانتقال الى الموضوع التالي، يمكن الإشــــارة الى القضايـــا الـــي تم طرحها مسبقا قبل طرح المواد الجديدة.


يجب على بلنة الانتخابات العليا أن تقوم بتوضيح السياسات الحـاصة بأنظمة الدفع والأجور للعاملين
 الدفع حيث إن توضيح هذه القضايا بشكل مسبق من شأنه أن يحد من إمكانية وقوع أي سوء فهم من قبـــلـ المتدربين والذي من شأنه أن يقود الى عدم الرضا ورقف العمل ورفض القيـــام بالمســــاعدة خــــلال القيــام بالعمليات الانتخابية في المستقبل. فعلى سبيل المثال يجب أن يتم إبلاغ المتدربين ومدربي المدربين خلال انشغالهم في عملية التدريب عمقدار المبالغ التي سيتم دفعها لمم على شكل علاوات مهنية أو رواتب وعلاوات المواصلات بالاضافة الى أي شكل آخـــــر
 لذلك) خحلال فترة التدريب وأما المدفوعات مقابل العمل في يوم الانتخابات فيجب أن يتم دفعها في مــــــــة لا تتجاوز • ب يوما بعد يوم الانتخابات.

يبب أن يتم:-
ـ تحديد مواقع مراكز التدريب وتحديد هوية المنسقين عن المراكز المختلفة سلفا، وفيــــــا إذا كـــان بالإمكان أن يتم استخدام هذه المراكز بجانا.






- ofstirin.

$\rightarrow 2$





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ويمكن أن يتم توزيع المدربين على مراكز الاقتراع المختلفة كمراقبين فنيين وذلك من أجل تقيم مدى
جودة العملية الانتخابية، حيث أن التقارير الفنية التقيمية التي يتقدم هـا المدربون ومدربي المدربين العليين تكون ذات قيمة كبيرة لمساعدة سلطات الانتخابات على تحسين أداء العملية الانتخابية بشكل عام.

يعتمد بخاح العملية الانتخابية على أكثر من بكرد التظـيم الميد للعاملين ووجود:المصادر حـث يبب
 يجب أن يقوم الجمهور بالمشاركة في التصويت ويناقش هذا الفصل عملية تطوير استراتيجية نعالة للقيام بتوعية وتثقيف جمهور الناخبين للانتخابات الملية.

ويجب أن تكون عملية تثقيف وتوعية الناخخبين "للانتخابات الملية جزء من استراتيجية العلاقات العامة
للمنة الانتخابات المركزية ويبب أن يتم تصميمم وتوجيه الحملة الإعلامية من اجل تعزيـــز مصداقيـــة بلـــــة الانتخابات العليا والسلطة الفلسطينية والعملية الانتخابية على حد سواء وتقدم الفقرات التالية أدنــــاه خطـــــة عمل أساسية من اجل أن تقوم بلنة الانتخابات العليا بأخذها بعين الاعتبار خلال وضع خطة شاملة لبرنامب توعية وتثقيف المحهور للانتخابات المحلية وتقوم بتخصيص • 9 - • 9 يوما على الأقل ما تبل البدء في عملية تسنجيل الناخبين وذلك من اجل توفير الوقت لتحضير المواد المستخدمة في عملية اللتقيف والتوعية (معطــــات التلفزيون والراديو).
أ- الاستراتينجيــــة الإعلاميــــــــة

يبب أن يفهم المواطنون والمسئولون الـلـوميون والأحزاب السياسية والمنظمات الغير حكومية بـــــفـم جـــزء رئيسي وهام من العملية الانتخابية وان هذه الانتخابات سيكون لما اثر مباشر على نوعية وديمقراطية الـكــ الحلي الذي سيتمتعون به لاحفا وبحدِّ الإشارة هنا انه يجب أن يتم تطبيق برنامج إعلامي شُامل ومكثف قبل الانتخابات وبالتزامن مع البلدء بالاستعدادات للانتخابات الملية. وتوصي اللؤسسة اللوولية للأنظمة الانتخابية بأن يتم العمل بحملة إعلامية لتغطية مرحلتين: المرحلة الأولى: تسجيل الناخبين/مراجعة الستحل الانتخابي. المرحلة الثاني: التصويت في الانتخابات.

وخلال مرحلي الحملة الإعلامية فانه على لجلنة الانتخابات الملية أن تضمن الخملة شروحات عـــــنـ ماهية الحكم الملي وما مي مهامه ولماذا يتوجب على المواطنين المسيار كة ي الانتخابات الملية.














ويب أن غتوي المـلة الإعلامية للناخين على بعوعة العناصر الآتية:-- فكرة عددة وشعار للحملة.
 بالبدء بأسبوع واحد تبل التسجيل وتدريب العالمين - على أن يقوم البيان الصحفي بالتر كيز علئلى





 التسجيل/مراجعة السجل الانتخابي يتم تركيز اللتطات الإذاعية حول هذا الموضوع ويتم بعد ذلك

 ومسئولو وزارة الحكم الخلي في إعداد مثل هذه اللقطات الإذاعية.

- التلفزيون: ينطبق على هذا النشاط ما ينطبق على الراديو.
 المشار كة فيها ... الخ هي مواضيع أككر تعقيدا من أن يتم بشرحها في إكلاناتات تلفزيونية أو إذاعية


 درجة عالية من الفائدة والكفاءة. وعككن أن يتم تصصيص حلقات إذاعية أو تلفزيونية واحدة في الأسبوع على الأقل أو كلما سمحت بذلك برامج الإذاعات والتلفزيون.
 وذلك من أحل شرح العملية الانتخاية وأمية المشار كة في الانتخابات الحلية، ويبب أن يتم إعداد خطب موحدة من احل ضمان توحيد الر سالة المنقولة إلي ابلمهور. - اللمصقات الدعائية: يبب أن يتم إصدار ملصقين دعائين على الأقل لعملية تسجيل الناخيبن وائين
 . يـ هذه اللاصقات منسحمة مع فكزة الانتخابات بشُكل عام وبَدر الإشارة هنا أن الملصقات التي تم تصميهها خلال التخابات كانون الثاني من العام 1997 كانت جذابة ولفتت التتاه العديد من الناخبين وبذلك يوجد للجنة الانتخابات العليا ما يككن الاحتذاء به.

 العملية الانتخابية.
- كراسة يدوية عن الـكم العلي: أن يتم إنتاج كراسة عن الـكم العلي والئ تتناول بالشرح مامية الماية الدكم الملي والأسباب اللاعية للمشار كة في الانتخابات الملية.

 الإعلامبة (الغير متحيزة) لتوعية وتثقيف الناخبين من تبل اللجنة العليا للاتخابات إلي هذه المنظمات.
Somin joxad








 וא:
和 2. $\quad$ ITMn




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 العلاتة، ولذلك يبب على لمنة الانتخابات العليا أن تنظر بكدية إلي ضرورة وضع آلية للتنسيق مع المنظمــــات الم

 حكومية - ويمكن أن تحتوي هذه الاتفاقيات على العناصر الآتية:-. أ. . تفاصيل عحددة عن المهام الي ستقوم هـا المنظمات الغير حكومية. ب. الإجراءات التي يكب أن يتم إتباعها. ج. عدد الأيام (الفترة الزمنية) للاتفاقيات. د. أسماء ومناصب الموظفين الكبار.

 وكذلك التأكيد على إمكانية فحص الوثائق والتقارير المالية من قبل المنظمات العامة.

ويجب أن تكون لجنة الانتخابات على أتَ الاستعداد لإلغاء اتفاقية التعاون في حالة عدم التزام إحدى

 المرسومة من شانْ التخفيف من يخاوف بلنة الانتخابات.

لا تقتصر مهام بلنة الانتخابات العليا على إدارة العملية الانتخابية وإحراء الاستعدادات لما فقط وإنا هي مسئولة أيضا عن التواصل مع المحهور حول الانتخابات، وبذللك فهي مســـــولة عـــن إدارة المـــانب الحماهيري من العملية الانتخابية ويعني ذللك إدارة العلاقات مع وســـائل الإعـــلام والأحـــزاب السياســـية والمرشحين والمنظمات الغير حكومية، وتشير التقارير عن انتخابات العام 1997 اللى وجود العديد مــــن ألا خحفاقات الواضحة في التواصل ما بين بلحنة الانتخابات المركزية والعلاقات العامة. حيث آن العديد من فئات الجمهور كانت مستاءة من عدم انتظام توقيت الحصول على معلومات خاصة بالنــــاخبين وعـــدم وجـــود تفسيرات للعديد من التغيرات والإحراءات والقرارات التي اتخذها لِننة الانتخابات المر كزية.

إن مسالة الشَفافية في العملية الانتخابية قضية على جانب عظيم من الأامية ولذلك يعتـــر التعــامل
 الانتخابات العليا في الأوتات الصعبة خلال العملية الانتخابية حيث انه سيكون من السهولة بمكـــان علـــى الجمهور أن يتعاطف مع بلنة الانتخابات وان يصدق كل ما يصدر عنها في حالة قيام اللجنة بيناء جســـور الثقة ما بينها وبينه في الأوتات اليت تسير فيها العملية بشكل منتظم. إن تطبيق المبادئ الآنفة الذكر خحلال القيام بحملات العلاقات العامة من شأنه أن يبي جســــور الثقــــة مـــع البحمهر ويضـن نزاهة وعدالة العملية-الانتخابية.

أ- العلاقــات العامــهة مع وسائل الإعـــلام
في الوقت الذي قد لا يرغب فيه البعض بذلك تتواجد وسائل الاععلام طيلة فترة الانتخابات، وبحدر الملاحظة هنا إن جعل وسائل الإعلام تدرك الصعوبات اليتخ تواجه العملية الإدارية للانتخابات و قلة الوقت والضغرطات الأخرى هي مسألة مستحيلة من الناحية العملية بالإضافة الى أن هناك أولويات نحاصة بوسائل الاععلام واليَ تختلف عن أولويات العملية الانتخابية إلا أن ذلك لا يعني أن وسائل الإعلام هي عدو للعملية
 الاعتماد على وسائل الإعلام والصحافة لنقل رسائله للجمهور . ويجب أن تدرك لِنة الانتخابات أن لديها مهـهة ورسالة يجبب أن تقوم بنقلها بنفسها للمحهور.





 וrinoprons.
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الإجابة عنها (ومن الضروري الاهتمام هنا البحانب حيث انه مـــن اللــهـهولة عكــــان أن تشكــــلـ


 توية بكيث يتمكن المسئول الانتخابي من المصرل على المعلومات والتحقق من صحة الادعــــــــاءات، ويمب أن يتحدث المسئول الانتخابي للصحافة فتط حين يكون واعيا للحفــــــائق ومتـــأكدا مـــنـن المعلومات الين يقدمها - وفي حالة قيام أحد الصحانيين بالاتصال مع المسئول الانتخابي حول تضية
 مع مذا الصحفي مع مراعاة ضرورة معاودة الآتصال حيث أن عدم القيام بذلك معناه الاعـــــــرافـ بوجود الـطأ في نظر المراسل الصحفي.
ب - الأحزاب السياسية



 والكفوءة والتي ستهتم مكوضوعـعـالالانتخابات.الملية وتستحق هذه المنظمات أن يتم التعامل معها بـــــــــاحترام ومهنية من قبل بلحنة الانتخابات العليا. وتنشط الأحزاب السياسية بشكل يومي كسا هو الحال لممثلي الجمهور في لِنة الانتخابات والعاملين فيها وفي العادة يعتقد العاملون في إطار العملية الانتخابية إن على مثلي الأحزاب الياب السياسية أن يتعاملوا بشكل مسئول خلال العملية الانتخابية وذلك كوغم يمثلون الأحزاب التي تلعب دورا هاما في العملية السياسية، وفي معظم الـلالات يتضح أن هذا الاعتقاد مغلوط اللى حد بعيد، بل أن العكس هو الصحيح (حيث إن مسنولية
 بالانتخابات) ( وبععى آخر، فانه تحت النظام الديعراطي فان الأحزاب السياسية لا تَلك ما يمكـــــن أن

 الضروري أن تقوم جخنة الانتخابات ببناء أواصر التعاون والعلاتة البناءة مع الأحزاب وان ان تان تانوم باحترام دورها

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 أن يتم بَهيز نماذج موحدة للإبلاغ عن وجود خلل معين في الإحراءات الانتخابية. ويبب أن تم $i$




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إن افضل الطرق لبناء مثل هذه العلاقة البناءة مع الأحزاب السياسية أن يتم بناء خطوط اتصــــــالات






 لجان الانتخابات أن لا تقوم بسن الأنظمة بععزل عن هذه الاحتياجات) ونظرا لان اللحان مكونة من عدا

 أخذها في عين الاعتبار من قبل أعضاء اللجتنة في الوقت اللذي يقومون فيه بسن الأنظمة:أ. إبلاغ الأحزاب المسجلة عند القيام بإصدار أي مسُروع قرار مقترح



 يتم تضمين هذه المقترحات في.-آلية آخاذ القرار.
 من شأفا آن تبي جسور الثقة ما بين الطرفين من جهة وبلمنة الانتخابات من جهة أخرى.
ج - الرد على الشكارى

 عليها بسرعة. ويوجد هناك نوعين رئيسين من الشكاوى التي تبرز خلال العملية الانتخابية وها:-

 (في حال الطعن في أحقية أو عدم أحقية أحد المرشحين في الانترالك في الانتخابات) أو يتم البت فيها ما بعد الانتخابات (\$ حالة الطعن فِ نتيجة الانتخابات).

وإبا النو ع الثاني من الشكاوى فهو يشمل تلك الشكاوى الين قد لا تتضمن أي تضايا ذات بعد قـــانوني إلا

 المدهور والصحافة حول سوء استخدام المصادر الـلكومية في الانتخابات (مثلا).

ولسوء الحظ فان سلطات الانتخابات في العادة لا تدرك مدى أمية الرد على مثل هذه الشـكـــــاوى، بسُكل سريع ومنتظم والرد على مثل هذه الشكاوى ضروري وحيوي لإدارة العملية الانتخابية بشُكل كنؤ
 ونظاما للرد على الشكاوى.

و عيكن استخدام نفس الآلية اليَ وضعت لسن الأنظمة والتشريعات كـا هو مذكور سابقا لتطوير الآلِــــــة
الحناصة بالتحكيم والنظر في الشكاوى ويبب أن تؤخذ هنا ثلالة تضايا بعين الاعتبار:-

- من الضروري أن تظهر اللمتنة عمظهر حيادي خلال النظر في الشكاوى.



 . هذه الشـكاوى بشُكل سريع

إن توحيد كافة الإجراءات في مثل هذه الحالة يعتبر بمثابة الوسيلة الأمثل لتسهيل حل المنلافات ويعئ ذلك أن يتم توضيح وتبسيط الخطوات التي يتم إتباعها في التحكبم والنظر في الشكاوى ويتم تَعقيت ذلت من

خحلال الآتي:-

أ. توحيد نماذج تعبئة الشكاوى بييث تتوفر للجنة الانتخابات العليا كل المعلومات الئ تحتاج إليها
 بالشكوى وان يتم تحديد القانون أو التشريع الذي تمت غخالفته.

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 וrix mis.



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$\int_{6}^{6}$

رنيس اللجنة العليا للانتخابات الحكم الملبي

-路 اللسلطة اللتنينية مملاة بوزلرة الحكم المخلي، و اللشّربعية ممبـة بـالمجلس الشتريعي، يعبر


和 P. Mron :
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## $0 \rightarrow$ ?

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# Palestine Liberation Organization Palestinian National Authority 

الهنظهمـة التحريـــر الفلسهلينيـة Office of the President السلسلة الو طنية الغلسطينـية مكتب الرتُيس

انتخاب مجالس الهينات المحلية الفلسطينية

رنيس اللجنة اللتَيذية لمنظمة التحرير الفلسطينية
رنيس السلطة الوطنية الفلسطينية

بعـد الاطــــلاع علــى قانـون البلـــــــات رiَــــم 29 لسنـــة 1955 اللـــاري المفعـول في محافظات الفنفة الغربية،


 وعلى مشُروع القانون المتدم من مجلس الوزراء اءراء، وبعد اعتماد المجلس السُريعي لسُروع القانون،

الفصل الأول

المادة (1)

تعاريف
 لم تدل القرينة على غير ذلك :-

وزير الحكم المحلي.
وزارة الحكم المحلي.
الوزير :
الوزارة :
 رئاسي.

وحدة الحكم المحلي في نطاق جغرافي إداري معين.
رنيس الهيئة المحلية.
مجلس الهينة المحلية ويشمل مجلس البللدية أو المجلس المحلي أو المجلس القروي أو اللجنــة الإداريـة أو لجنـة التطويـر أو أي مجلس آخر يشكل وفتاَ لاحكام القانون.

سكن أو عمل داتم فيها.
المحكة المركزية أو محكة البداية حسب الأحوال


الههئة المحلية :
الرنيس :
المجلس :

المقيم :

المحكة :

## اللصصل الثاني

## إدارة الإنتخابات

المـادة (2)

## مهام وصلاحيات اللجنة العليا للإنتخابات

إعمالً لاحكام هذا القانون بما يحقّ الغاية المتصودة منه يناط بلجنة إنتخابات الهينـات المحليـة ها يلي:-

1ـ اتخاذ الإجر اعات اللازمة كافة، لمباشرة علية الانتخابات إعدادأ وتتظيمأ وإشر افاً.
2. تعيين لجان الاواتر الانتخابية ولجان التسجيل والاتر|اع والفرز .
3. الاشر افت على إدارة وعمل هذه اللجان ومكاتب الاوانر الانتخابية والعمل على تطبيت أحكام هذا القانون.
4. تعيين الموظفين والمستارين العاملين في مكاتب اللجان في مخثن الدوانر الانتخابية. 5. إمدار بطاقات إعنماد لامر اقبين على الآتخابات وتسهيل عملم. 6. تحديد مر الكز الاتر اع.
7. ممارسة أية صصلاحيات أخرى تتاط بهأ بموجب أحكام هذا القانون.

المادة (3)
يصدر وزير الحكم المحي ترارأ بـإجر اء إنتخابـات حـرة ومباشـرة لاتتخـاب رؤسـاء وأعضـاء مجالس الهيئات المحلية اللفسطينية ويحدد موعدأ لها. الماده (4)

للوزير أن يوجل موعد الأنتخابات لمجلس من المجالس أو أكثر لمدة لا تزَد على المبوعين إذا إتحضت ذلك المصلحة العامة وسلامة الاجتخابـات، على ان تحتسـب مـدة التـأجيل ضمـن المـدة「it

الفصل الثّالث

الدائرة الإنتخابية

المـادة (5)
تعبَّر منطتةَ كل هينة محلِية دانرة إنتخابية واحدة.
المـادة (6)
تعين اللجنة العليا للإنتخابات لجنة انتخابية واحدة لكـل داترة انتخابيـة للسَجيل وإعداد وتظظيم سجلات الناخبين بالتعاون مع داترة الاجحصاء المركزية. المـادة (7)

تسسكل كل لجنة إنتخابية من خمسة إلى تسع أعضاء ممن لهم حق الإتتخاب ويتمتعـون بالكفـاءة والنزاهة والحياد. ريعين رئيس اللجنة من بين أعضانها.

الفصل الرابع

حق الأنتخاب

المـادة (8)
تجرى الإتنذابات بصورة حرة ومباشُرة وسرية وفردية ولا يجوز التصويت بالوكالة.
المـدادة (9)
يمارس حق الإتتخاب بموجب أحكام هذا القانون كل من تئرفر فيه الشروط التّالية: أـ أن يكون فلسطينياً بلغ الثامنة عشرة من عمره يوم الآتراع. ب. ب.

# الفصل الخامس 

## سجلات الناخبين

المـدة (10)
يحق لكل من نوالفرت فيه الشُروط الواجبة في الناخب أن يدر ج أسمه في سجل النـاخبين العــثد لمنطقة الهينة المحلية التي يتيم فيها.

المادة (11)
يبدأ تسجيل الناخبين تبل تلانةَ أثهر من الموعد المحدد للجتراع ويستمر لمدة تلاثيّن يوماً. المادة (12)

تتولى اللجنة الإتخابية في كل دانرة انتخابية مهمة تسجيل المقيمين فيهـا في سـجلات النـاخبين متضمنة البيانات التالية:-

1. الاسم الرباعي.

2
3• تاريخ ومكان الولادة.
4. عنوان الاقامة المحدد.
5. نوع ونبّة التعريف الشخصية ورتمها.

المادة (13)
ينظم سجل الناخبين حسب الحروت الهجائبة مع ذكر البيانات الخاصة بكل ناخب.


لا يجوز أن يدر ج اسم الناخب في غير سجل الناخبين العاند لإحدى الاوانر التي يقتيم فيها.. ولا يجوز للناخب أن يتتر ع في اكثر من دانرة انتخابية واحدة، وفي حال إدراج إسمه في أكثر مـن دانرة فعلية أن يختَار إحداها.

المـادة (15)
تتشر سجلات الناخبين خلال عشرة أيام من تاريخ إنتهاء مدة التسـجيل المنصـوص عليها فيا في المادة 11 من هذا القانون في مقر المجلس أو في أي مكان آخر يسهل فيه الإطلاع عليها. الفصل السادس الاعتراض على سجل الناخبين

المادة (16)
يحق لأي شخص خلال خمسة أيام من تاريخ نشر السـجلات أن يقدم إعتراضـأ كتابيـأ لرنيس
 مدرجأ فيها بغير حقّ.

المادة (17)

1. تُدر اللجنة الإنتخابِية تراراتها في الاعتراضات المتدمة لها خلال خمسة أيام من تـاريخ إنتهاء مدة الاعتراض.

إذا كان الاعتراض يتعلق بقيد شُخص أخر أو عدم تِيده في جدول الناخبين فلا يجوز البت . 2 في الاعتراض فبل إبلاغ ذلك اللشخص الآخر بالطريق القـانوني ليتمكن مـن إبـاء دفاعـي بشانه.

Y


## $1075(z 7)$


Imrs ( Iz )


 Mrワ: $(0 z)$ النهانثية الصادرة عن رنيس المحكمة.
تتوم اللجان الإتنايية بتّنذ الترارات النهائية الصادرة عنها في حالة عمم استنانها والقرارات


المادة (23)

1. تُتدم طلبات الترشيح حسب النموذج المعد لهذا الغرض إلى اللجنـة الإنتَابيـة خـلال المـدة

 في سجل الناخبين، وان يكون مذيلا بتوتيعه، وان يضمن اسم وعنوان ممثله المعتدد.
 تنضمن ساعة وتّاريخ تَتديم الطلب ورقم تسجيله لديها.

المـاده (24)
يشترط في المرشح ما يلي :
1- بلوغ سن الثالاشين لمرشح الرتاسة، وسن الخامسةّ والعشرين لمرشح العضوية.
2. أن يكون إسمه مدرجأ في سجل الناخبين وأن شتونر فيه شروط الناخب. 3. أن لا يكون محكوما عليه في جنحة مخلة بالشرن أو بجناية.
4. أن لا يكون موظفاً أو مستخدمأ في وزارة الحكم المحلي أو في أي من أجهزة الأمن العـام أر في مجلس الهينة، أو محامياً له، إلا إذا تدم اسنتالته مرنقة بطلب الترشيح. 5. أن يكون مقيمأ ضمن الهيئة المحليـة المرشـح لمجلسـها، وأن لا يكـون مرشــأَ في دائـرة أخرى.
6. أن يقدم شُهادة بدفع جميع الرسوم والضر انب المستحقة عليه لمـالح المجلس.

المـادة (25)
تسشر قواتم المرشّحِن في مر اكز الدوانر الانتخابيـةُ وفي متـار المجـالس قبـل موعد الاقـتراع ع باربعة وتلاثين يومأ.


المـادة (26)
يجوز لأي شخص خلال ثلاثة أيام من تاريخ نشر تواتم المرشحين أن يقدم اعتراضأ كتابياً الـى اللجنة الإنتابية التابع لها مبينأ فيها أسباب اعتراضهـ المـدة (27)
 الاعتراض وتكون تراراتها تابلة للاجستنان أمام المحكمة المختصة خلال ثلاليَّ أيام مـن تـاريخ صدورها.

المادة (28)
 وتكون تراراتها في هذا الشان نهانية غير تابلة للطعن. الفصل الثامن

الاعاية الاتتخابية

المادة (29)
شَمثل الاعاية الانتخابية في النشاطات المشـروعة التي يقوم بهـا المرشُحون لشـرح برامجهم لجمهور الناخبين.

المادة (30)
تلتَزم السلطة التتفيذية وأجهز تها المختلفة موقــف الحيـاد في جميع مراحل العمليـة الإنتخابيـة. وتَتوم الموزارة واللجنـة العليـا للإنتخابـات بـبإصدار النشـرات والإعلانـات التــي تـبرز أهميـة
 الإتتخابات وتحث المواطنين على المشاركة فيها.

تبدأ الاعاية الإنتخابية تبل أسبو عين من اليوم المحدد لإجتراع وتتّهي قبل أربع وعثّرين ساعة من ذلك الموعد مع وقّف الفعاليات الاععائية كافة.

المادة (32)
يراعى في الاعاية الإتنجابية ما يلي :-

1. عدم إقامة المهرجانات أو عتد الاجتماعات الانتخابيـة العامـة فـي المسـاجد أو الكنـانس أو
 المؤسسات العامة.
2. عدم وضـع اللمقــت واللافتـات الالنتخابيـة في الأمـاكن أو المواتِع العامــة غـير تــك المخصصة لذلك.
3. عدم استعمال الشعارات الحكومية في اللنــرات أو الإعلانـات أو في سـانر أنـواع الكتابــة والرسوم والصور الانتخابية. وكذا عـدم استعـعال السيارات الرسميةَ في أعمـل الدعايـة الإنتخابية.
4. أن لا نتضمـن الخطب أو الششرات أو الإعلانـات أو المـور الاتتخابيـة أي تحريـض أو طعن بالمرشحين الآخرين أو أي ابـارة اللنعرات التي تمس بوحدة الشعب.

الفصل التاسع

أوراثق الاڤترّاع

المـداة (33)
 العضوية باللون الأبيض، ويجب أن نَّنمن البيانات التالية: 1. إسم دانرة الهينة المحلية الإنتخابية التي يتم فيها الاتتراع.

أسماء المرشححين رباعية وأسم الشّهرة إن وجد،
3. رسمأ مربعأ بجانب كل أسم هن المرشحين للتاشــير عليـه بعلامـة (x) للدلالـة علىى أسـم المرشح الذي يختاره الناخب.

المـدة (34)

يزود كل مركز إقـتراع تــبع للجنـة الإنتخابيـة بنسـختين مـن قواتـم النـاخبين وبعـدد كـاف مـن صناديت الآتر اع الخاصـة بـالرنيس وهـي بـاللون الأحمر، والخاهــة بالأعضـاء وهـي بـاللون الابييض وبعدد كاف من أوراق الأتتراع.

المـدة (35)

تعلق نسخة واحدة من قوانم النــاخبين في مكــن ظـاهر في مركز الاحتراع لإطـلاع النـاخبين عليها، وتستخدم النسخة الأخرى لإجراعات عمليات الا⿴تراع من قبل اللجنة الانتخابية. المـدة (36)

يحق للمرشحين تُعيين وكـلاء عنهـم وتفويضهـم كتابيـأ بـالتو اجد بمركز الاقـتر اع التـابع للجنـة الانتخابية ولا يجوز أن يتواجد في المركز أكثر من وكيل.عن كل مرشتح أو قاتمة.

الفصل العاشر
.الإقتراع

المادة (37)

قبل البـده فـي عمليـة الاقتر اع يتـوم رنيس اللجنـة الالتنتابيـة بفتح صندوقَي إقـتر اع الرنيـس والأعضاء أمام أعماء اللجنة وركلاء المرشحين اللتاكد من خلو هما ثم يعيـد إفقالهمـا وختمهمـا بالشمع الأحمر، ولا يجوز فتحها إلا عند البدء بعمليات الفرز. 5

يبدأ الاترَ اع من الساعة السابعة صباحأ وينتهي الساعة السابعة من مساء اليوم المعين للإقتر اع ونقأ للججر اءات التالية:

1. اسمه مدرج في سجل الناخبين بالدائرة الانتخابية التابع لها ويؤشر عليه.
2. يقوم رئيس مركـز الاقتنراع أو مـن يختـاره مـن أعضـاء لجنتـه بتسليم النـاخب ورتَتي

الاتتر اع المختومتين بخاتم اللجنة والموقعتين من رنيسها.
3. الناخبب بالتأشير بعلامة (x) في المربع المعد لذلك في الورشتين أمام الاسم الــذي يختـاره ولا بجوز له التأشير على عدد من المرشحين يتجاوز العدد المطلوب.
4. الاقتراع.
5.
6. إذا ارتكب الناخب خطا أناء التأتير على ورقَّ الاهتراع يمكنه تسليمها البى رئيس مركز الاقتر اع اللذي يسلمه ورقَة جديدةَ بعد التأشير بالإلغاء على الورقــةَ القديمـة التـي يضعهـا في مغلف خاص ليسلمها بعد ذللك إلى لجنة الدانرة. (39) المـادة

إذا كان الناخب أمياً أو معاقـأ بصـورة تمنعـه مـن التاشـير على ورقــة الاقـتر اع بنفسـه فيمكنـه الاستعانة بمن يختاره ليؤر له على الاسم أو الأسماء التي يملِيها عليه على مسمع ومر أى مـن رنيس مركز الاقتر اع.

المادة (40)
قبل حلول الوتت المحدد لانتهاء الاهتر اع يجوز لرنيس لجنة الانرة الانتخابية عند الضرورة أن يحصل من لجنة الانتخابات العليا على المو افقة على تُديـد مـدة الاوتـر اع لفترَ لا تزيـد علىى


المادة (41)

 إنكالات وتعت أثتاء الاهتراع والطريقة التي أتبعت في معالجتها.

## الفصل الحادي عشر

## فرز الاصوات

المادة (42)
يبدأ فرز أوراق الاهتراع في مكان الاتتراع خلال ســاعة مـن إغلاق صنـاديت الآتـراع وذلـك
 خلال فترة لا تتجاوز التتي عشرة ساعة من ساعة بداية الفرز.

المـدة (43)

 إسم كل مرشح بما يفيد إنتخابه.

ب. من حقَ الوكلاء والمراقبين الإطلاع على الورتةّ المتروءة علنا.
المادة (44)
بعد أنتهاء عملِية الفرز يجب التاكد من مطابتة عدد الوراق الاهتراع بما في ذلك أورات الإتراع الباطلة والبيضاء مــع عدد المتترعين المسجلين في سـجل النـاخبين وتنظم اللجنـة الإنتذابيـة





يرفق بـالمحضر المذكور محضـرا آخر عن عدد الاوراقَ اللاغبـة المستَبلة بسـبب أخطـاء إجر انية أنثاء العملية الانتخابية.

ترسل نسخةّ من المحضر الششار اليه في المادة السابقة بلى اللجنة العليا للجنتخابـات هـى جميـع
 اللجنة الانتخابية وموتعة من رئيس اللجنة وأعضانها.

## الفصل الثاني عشر

أوراق الإقَّراع الباطلة

المادة (46)
تُع أوراق الاقتراع باطلة في الحالات التالية:

1. إذا لم تكن الورقَة مختومة بخاتم اللجنة الانتخابية وموتُعةَ من رنيس اللجنة. 22 إذا كانت موقعة بأسم الناخب أو مؤشر عليها باية علامة تميز ها. 3. إذا تم التأشير على ورتة الاتتراع لعدد من المرشحين يزيد عن العدد المطلوب إنتخابه. 4. إذا انطوت على تغيرر في أسماء المرشحين.


# الفصل الثالث عشر 

## نتائج الإلتخابـات

المادة (47)
يعلن رنيس اللجنة العليا للإنتذابات أسماء المرشُحين الذين فازوا برئاسـة وبعضويـة المجالس، وذلك خلال مدة لا تتجاوز ثمان وأربعين ساعة من إنتهاء عملية الفزز، ويتوم بإصدار شهادات رسمية للفانزين.

المادة (48)
أ. ألمند تَاوي أصوات المرشحين لمقعد الرناسة تعاد الإنتخابات لمتعد الرناسة في الدائرة المعنية خلال مدة لا تزيد على أسبوعين من تاريخ إعلان النتائج.

ب. وعند تساوي أصوات المرشحين اللمعد الأخير للعضوية تجري اللجنة الإنتخابية القر عــة بينهم وبحضور هم أو بحضور من يمثلهم تـم يعلن رنيس اللجنـة العليـا للإنتخابـات اسم المرشح الفانز .

المادة (49)
تحتفظ اللجنة العليا للانتخابات في متر ها بسجلات الناخبين وأسماء المرشُحين وأوراقِ الاهتَراع ومحاضر الانتخابات والاعتراضات والطعون والقرارات الصـادرة بشانها.


## الفصل الرابع عشر

## الطعن في نتائـج الإتتخابات

المادة (50)
أ. يحق لكل ناخب أو مرشح أو وكيله الطعن في نتـانج الإنتخابـات المعلنـة أمـام المحكمـة

 تصدرها للعمل بمقتضناها.

ب. إذا تضنى ترار المحكمة بالغغاء عملية الانتخابات كلها أو بعضهــا تجرى الانتخابـات بعد
 سجلات الإتخابات المتمدة في الاتتراع الاورل

المادة (51)
ينتخب أعضاء المجلس الجديد من بينهم بالاتراع السري نانبآ للرنيس في أول جلسـة يعتدونها ضمن مهلة خمسة عشر يومأمن تاريخ إعلان نتيجة الاتتخابات. المـدة (52)

يشترط فيمن ينتخب رنيسأ للمجلـس الثفرغ التـام ولا يجـوز الجمـع بيـن رناسـة المجلس وأيـة وظيفة أو مهنة أخرى.

المادة (53)
مدة دورة المجلس أربع سنوات ولا يجوز إنتخابَ رنيس للمجلس لاكترّ من دورتين متّاليتِين. المادة (54)

للمر اقبين الحق في مر اقبَ مراحل العطلية الإتنذابية كافة بالتسيق مع اللجنة العليا للجنتخابات.

## الفصل الخامس عشر

## شُغور مركز الرئيس أو العضو

المادة (55)
شُغود مركز الرئيس
1.

تُطعى.
ب) باستال أو توفي.
يبّولى نانب الرنيس صيلاحيات الرنيس لحين إنتخاب رنيس جديد للمجلس.
 اللهينة المحلية المعنية وذلك ونتأ لأكام هذا القانون.

المادة (56)

شُغور مركز العضو

1. يعد مركز العضو شُاغرأ إذا :

أ)استَّال أو تونى.



لالجنتذابات علمأ بنكّ.
3.

4

فى حالة نمغور مراكز اكثر من نصن اعضناء المجلس تجرى إنتخابات جديدة في مـدة
 هذا القانون.

الأصل الاسنادس عشر

هراثم الإلتخابات

المادة (57)

التعرض لحرية الناخبين
كل من تعرض لحرية الناخبن على وجه من الوجوه التلالية :

 الآستراك او الامتّاع عن الاستراك في الي اجتماع أو مهرجان إنتخابي.
 مول لنلك كانونأ.
 الآتخابات بحرية كاملة.
 لمالحهم او الكثغ عن محتويات وركة الاهتراع التي الترع بو بوجبها. بيع مرنكب لجرم ويعاتب بعد بانته بالحبس لمدة لا تزيد عن منة الو بغرامة لا تزيد عن الـف



المـادة (58)

الرشّوة

كل من :

1. تدم مالأ بطريتة مباشرة أو غير مباشرة او أكرض أو وعد بترض أو بتحتيق منغعة لأي ناخب لحمله على الاهتراع بطريتة الاملاء أر لمنعه من الاحتراع. 2. طلب مباشرة أو بمبورة غير مباشرة نتودأ أو ترضأ الو منفعـة أو أي شتـابل آخر سـواء

غيره للهـراع أر الامتاع عن الاهتراع.

بعد مرنكباً لجزم ويعاقب بعد إدانته بالحبس لمدة لا تزيد على ثلاث سنوات أو بغرامة لا تزيـد على ثلاية آلات دينار اردني أو ما يعادلها من العملة المتداولة الو بكلتا هاتين العتوبتين.

المـدة (59)

الآثّراع بغيز حت
كل من :
1- حصل أو حاول الحصول على أية وثيتة إتِّاع بأسـم أي شـخص آخـر سـواء كـان هذا الشخص حيا أر ميتاً.
2. أبرز أو استعمل وثائق مزورة أو غير محيحة للتعريف على شخمه. 3. انتحل اسم أي ناخب آخر.
4. إتترع أكتر من مرة في أي مركز التراع.
5. إترّ ع وهو يعلم بأنه لا يملك حق الاهراع.

يعد مرتكبأ لجرم ويعاقب بعد إدانته بالحبس لددة لا تزيد عن سنة أو بغرامة لا تزيد عن الـف دينار أردنى أو ما يعادلها بالعملة المتداولة أو بكلتا هاتين العتوبتين.


1. نتل أو أخفى أو ساعد على نقل أو اتلاف أو اخفاء أي مـن المـواد الانتخابيـة خلافـألمـا جاء في هذا القانون ودون أن يكون مكلفا بذلك من أي جهة مختصـة.
2. طبع أو صنع أو جهز أيـة مواد إنتخابيـة ذات صفـة رسمية منصـوص عليها في هذا القانون دون إذن من جهة مختمة.
 دينار أردني أو ما يعادلها بالعطلة المنداولة أو بكلتا هاتين العقوبتين.

المـدة (61)

## أوداق الاقتراع أو المحاضر الإتخابية

كل من :

1. زور أو أورد بيانات كاذبة في المحاضر الإتخابية وتوانم المتّرعين.
 الإطلاق أو لأشخاص وهميين.
2. أورد أي بيانات كاذبة وهو عالم بذلك في طلب اللترشّيح أو إعلانـه أو تـاريخ تُتديـــ أو تاريخ تسجيله.
3. أففى أو أتلف أو شوه أي طلب ترشيح أو لاتحة إعتراض متدمـة مـن اني مرشُـح طبــأ لهذا القانون.

يعد مرنكبأ لجرم ويعاقب بعد إدانته بالحبس لمدة لا تزيد على سنة أو غرامةّ لا تزيد عـن ألـف دينار او ما يعادلها بالعملة المتداولة أو بكلتا هاتين العقوبيّين.


 Tomer or

## $\therefore$


[^0]:    ${ }^{1}$ Where possible, IFES gives examples of the sort of wording that could be used to amend the Law or included in regulations, to assist in developing the language to fit the Palestinian context.
    ${ }^{2}$ Chapter Three of this manual provides a more detailed discussion of election administration issues.

[^1]:    ${ }^{3}$ As noted at the end of Chapter One, according to the information available to IFES at the time of this writing, the number of local council areas had not been established by formal decree, but rather upon guidelines developed by the Ministry of Local Government (see Appendix). It is unclear whether or not a formal decree will be issued that defines the criteria used in categorizing municipalities according to their population size, or in determining the total number of municipalities that are to elect local councils.

[^2]:    ${ }^{4}$ See Chapter Three for further discussion of this point.
    5 The issue of whether a voter register is actually needed for the local council elections is discussed in Chapter Four. The comments here discuss the Law as written.

[^3]:    ${ }^{0}$ See Chapter Four for more detailed discussion of the revision process.
    7 These issues are also of concern in a revision process and should be addressed regardless of the process used.

[^4]:    ${ }^{1}$ Issues relating to registration workers and pollworkers are discussed in separate chapters of this manual.

[^5]:    ${ }^{2}$ See Palestinian National Authority, Palestinian Elections Law (Law no. 15 of 1995 relating to the elections, issued in Gaza, 7 December 1995), Part III, Chapter 2, Articles 22-25.

[^6]:    ${ }^{3}$ Especially on election night, when under this system all the polling stations in a particular regional district will bring their ballots, results forms, and ballot boxes to the district headquarters for tabulation and announcement of results, it will be very important that district offices have ample room and are well-organized and prepared to handle large numbers of election workers, candidates, candidates' agents, etc.

[^7]:    ${ }^{1}$ As discussed in more detail in Chapter 2, the fact that the register kept at PCBS and is not under the direct control of the election commission is highly unusual.

[^8]:    ${ }^{2}$ Responding to this allegation will be difficult. The most straightforward way is to point out that there will be a period to contest the register. If a person is believed not to either work or live in the council area, it is at that time that the person can be challenged. The SEC should also work closely with local leaders to ensure a credible challenge process.

[^9]:    ${ }^{3}$ This calculation is based on 250,000 formed scanned at 4,000 per hour on the PCBS' three scanners for eight hours or 2,400 forms per hour, which would take 105 hours or about three weeks. For entry of data that cannot be scanned because of the inability of scanning Arabic words, such as names and addresses, PCBS has 40 computer terminals that, if operated at one form per minute for data entry, would take an additional two weeks working an eight-hour day.

[^10]:    4 This is a rough estimate based on an estimate of the number of voters already registered plus the number of voters not registered who will be able to register for the local elections, minus voters residing in West Bank refugee camps (assuming they will not take part in these elections) and Jerusalem voters (assuming they will not take part either).

[^11]:    ${ }^{1}$ With regard to candidates who have withdrawn but whose names appear on the ballot, in no case should the ballots be tampered with after printing by, for example, crossing out the names of withdrawn candidates. This was done in the April 1997 Yemeni parliamentary elections, with problematic results.

[^12]:    ${ }^{1}$ If for some reason the SEC decides to hold local council elections without using a voter register, it will need to plan for assigning voters to polling stations based on whatever population figures are available for each constituency, and base the number of poling stations required on an estimate of maximum voter turnout per polling station. In Chapter 4, IFES points out the potential problems associated with such an approach.

[^13]:    2 Domestic and international observers do not necessarily have the right to be as close to the process as do candidates' agents.

[^14]:    ${ }^{3}$ National Democratic Institute for International Affairs/The Carter Center report, "The January 20, 1996 Palestinian Elections," pp. 58-59.

[^15]:    4 Apparently this was due to a number of problems, such as pollworker fatigue and the lack of clear instructions regarding re-imbursement for pollworkers for the costs of transporting ballots and other materials to the district election offices.

[^16]:    ${ }^{5}$ National Democratic Institute for International Affairs/The Carter Center report, "The January 20, 1996 Palestinian Elections," p. 71.

    5 This system has its own set of problems as it often raises fears that the ballot boxes have been tampered with on the way to the counting center.

[^17]:    ${ }^{7}$ Because of the number of candidates likely to be on the ballot might make this impractical, the SEC might want to consider providing a form that details the votes cast by a single candidate and is signed by the polling station officials as a means to inform the candidates' agents of the votes of the candidates they represent.

[^18]:    1 This time-frame underscores the importance of appointing all polling station committees early enough in advance.

[^19]:    ${ }^{1}$ Note: As of the writing of this manual, a final and official decision on West Bank refugee camp participation had not been made.

[^20]:    Q

[^21]:     إعادة دفع نفقات المواصـلان لايصال صنادبت الاتتراع والمواد الأخرى إلي المراكز الرنـيـبـة.
    

