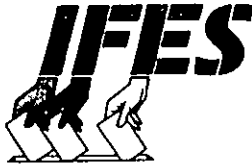


Date Printed: 11/03/2008

JTS Box Number: IFES_13
Tab Number: 11
Document Title: 1996 Pre-Election Technical Assessment
Document Date: 1997
Document Country: Yemen
IFES ID: R01947



* 7 D 2 8 A E A 8 - E 7 F E - 4 2 5 2 - 8 7 3 B - 3 4 A 3 5 B F D 6 4 6 3 *



Yemen

1996 Pre-Election Technical Assessment

**Ronald G. Wolfe
Amy W. Hawthorne**

January, 1997

This report has been made possible through funding from the United States Agency for International Development. Any person or organization is welcome to quote information from this report if it is attributed to IFES.

BOARD OF DIRECTORS		Barbara Boggs	Victor Kamber	William R. Sweeney, Jr.	DIRECTORS EMERITI
Charles T. Manatt Chairman	Patricia Hutar Secretary	Dame Eugenia Charles (Dominica)	Peter G. Kelly	Leon J. Weil	James M. Cannon
David R. Jones Vice Chairman	Joseph Napolitan Treasurer	Judy G. Fernald	Maureen A. Kindel	Richard W. Soudriette <i>President</i>	Richard M. Scammon
		William J. Hybl	Jean-Pierre Kingsley (Canada)	Randal C. Teague <i>Counsel</i>	Peter McPherson
					HONORARY DIRECTOR
					Mrs. F. Clifton White

IFES Pre-Election Technical Assessment in Yemen

TABLE OF CONTENTS

Executive Summary	i
I. The Political and Economic Context	1
A. Political Background	1
B. The 1993 Elections	2
C. Post-Election Developments	3
D. Civil War	4
E. Economic Restructuring	5
F. Political Party Relationships	6
The Ruling Coalition	6
The National Opposition Bloc	7
The Higher Opposition Coordination Council	7
The Joint Meeting Group	7
G. Party Registration	8
II. Legal and Administrative Framework for the Elections	9
A. Yemen's Electoral System	9
B. The Amended Election Law	9
C. Election Administration	11
D. The Supreme Elections Commission (SEC)	12
E. Disputes Over the SEC	15
III. The Elections Logistics Framework	18
A. Voter Registration	18
B. Allegations of Improper Voter Registration and Political Practices	19
C. Registration of Women	21
D. Ballot Issues	22
E. Election Official and Pollworker Training	24
Early Selection	25
Training Methodology	25
F. The Vote Count and Announcement of the Results	26
The Vote Count	26
Announcement of Results	27
Recommendations	28
G. Election Observation	29
Candidates' Representatives	29
IV. Summary and Recommendations	31
A. Summary of IFES' Recommendations	31
B. IFES Assistance with Pollworker Training	32

V. Appendices

Appendix A.....List of Contacts
Appendix B..... Revisions to the 1992 Election Law
Appendix C.....English Translation of the 1996 Election Law
Appendix D.....List of SEC Members
Appendix E.....New Male and Female Registered Voters by Governorate, 1996
Appendix F.....New Male and Female Registered Voters by Constituency, 1996

Executive Summary

The Republic of Yemen plans to hold multiparty elections on April 27, 1997, when Yemenis -- male and female-- will elect 301 representatives to their country's Parliament. These will be the first elections since the civil war of summer 1994, and the second elections since the unification of the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen) in 1990.

At the invitation of the Yemeni Supreme Elections Commission (SEC), and with funding from the US Agency for International Development (USAID), the International Foundation for Election Systems (IFES) Middle East Program Officer Amy Hawthorne and IFES consultant Dr. Ronald Wolfe, a Yemen specialist, traveled to Yemen from October 4 through October 14, 1996 to conduct an assessment of election preparations and of the pre-election political climate.¹

During the mission, the IFES team met with election and government officials, political party leaders, members of Parliament, diplomats and others to assess the progress of election activities and preparations, and to determine what assistance IFES could offer to enhance the electoral process. Although the pressure of time made it impossible to travel outside of Sana'a, the team was able to meet with a wide range of senior government officials, including four meetings with members of the SEC, senior officials of nearly all the leading parties in Yemen, national civic leaders, and visiting international election experts. (A listing of those with whom the team met is attached as Appendix A.)

This report presents the findings of the assessment mission.² It focuses on the establishment of an adequate legal and technical environment for free elections in 1997. While in Yemen, the team heard many well-founded criticisms of the electoral process. It is the IFES team's overall assessment, however, that while there are significant procedural and political problems in election preparations so far, the potential for a free and fair election remains, and that the establishment of democratic processes in Yemen, though fragile, deserves external support. The team met many citizens committed to continuing Yemen's "democratic experiment," with its domestic and regional

¹ In January 1993, a combined delegation from IFES and the Electoral Reform Society (ERS) of Great Britain traveled to Yemen to assess election preparations and needs for the April 1993 election (the first post-unification election). As a direct outcome of that visit, IFES undertook a program of election support with funding from USAID and the Government of Holland that included the provision of commodities (ballot boxes, seals, and voting booths) and the dispatch of a four-person team to Sana'a to assist the SEC with the training of poll-workers and to advise it on other technical election matters. The results of these missions are presented in two reports entitled *The Republic of Yemen - Pre-Election Preparations: Report of [IFES-ERS] Delegation, 25 January-1 February 1993* and *Preparing for Elections in Yemen: Final Activity Report on IFES Pollworker Training Project*.

² The report is co-authored by Ms. Hawthorne and Dr. Wolfe.

implications, flaws and all. As one Yemeni told us:

We know there are problems, and that these elections will not be perfect.. But the important thing is to go forward with the process, to learn from our mistakes. Democracy in its various forms is still new to us. But we cannot give up. We hope that, eventually, a democratic system here will be like water: natural, and essential to our life in Yemen.

The report discusses political background relevant to the 1997 elections, including the 1993 multiparty parliamentary elections (Yemen's first), the 1994 civil war, and current economic conditions. It then describes the new Election Law and elections preparations thus far, focusing on the role and activities of the SEC. The report also covers various "problem areas" in the 1993 elections that the Election Law or the SEC's policies do not address. It concludes with recommendations for technical improvements to the electoral process, and for potential areas for technical support by IFES.

The assessment team would like to express its appreciation for the generous hospitality extended to it throughout its stay in Yemen. Despite the fact that many meetings had to be arranged on very short notice, the team was welcomed everywhere with openness and a wealth of information on upcoming election preparations and political developments. The team would like to thank members of the SEC, members of Parliament, Yemeni government officials, and representatives of all the political parties and non-governmental organizations with whom it met, as well as members of non-Yemeni organizations, such as the United Nations Development Program, the European Union, and the National Democratic Institute for International Affairs, who provided so many insights into current election developments. Lastly, the IFES team would like to thank United States Ambassador to Yemen David Newton (whom it had the opportunity to meet during his visit to Washington in early October), and the staff of the American Embassy, particularly Deputy Chief of Mission Margaret Scobey, Political Officer Richard Jarvis, and USAID staff member Abd al-Ali al-Shami, for their support in making the mission a success.

I. The Political and Economic Context

A. Political Background

Yemen's 1993 elections were conducted in the context of an electorate enthused with the 1990 unification of North and South and enjoying more political freedoms than Northern or Southern leaders had previously granted. A new post-unification constitution lifted many restrictions on political parties, political organization, and public expression. It was the political space created by these reforms that enabled domestic actors to press the government to make good on its promise of free elections.

Many hoped that successful parliamentary elections would be a major step toward resolving peacefully the issue of restructuring national power sharing in the unified country. Elections were viewed as a viable mechanism for determining the "true" strength of the Northern and Southern political forces, and the consequent makeup of the various government ministries and their staff. Southern leaders felt that as one of two partners to the union, they were entitled to an equal voice in the distribution of national resources. Many in the North considered the Southern demand for an equal share in civil service jobs and other resources excessive and unjustified, however. At the time of the union, the Southern and Northern armies and civil services were roughly identical in number. But the South constituted only one-sixth of the total unified population, and brought with it about six times as much external debt as was owed by the North (approximately \$13 billion versus \$2 billion).¹

The realization that Yemen was entering new democratic terrain on the Arabian Peninsula, where it is the only country with a republican form of government, bolstered national enthusiasm for the elections. Holding multiparty, universal suffrage parliamentary elections in close proximity to the non-democratic regimes of the Gulf Cooperation Council satisfied a certain felt need to retaliate, albeit peacefully and indirectly, against these regimes' treatment of Yemen during the Gulf War. (As retribution for Yemen's refusal to join other UN Security Council members in condemning Saddam Hussein's invasion of Kuwait, Saudi Arabia and other Gulf states had expelled thousands of Yemeni citizens, whose labor remittances are a key component of Yemen's economy, from their jobs and residences.)

The presence of a number of political forces suddenly vying for dominance intensified electoral competition. These included the General People's Congress (GPC) the ruling party representing the North, which one observer described as "an Egyptian style amalgam of all political tendencies

¹ Indeed, the South's hope of finding assistance in relieving this debt burden, most of it loans owed to the former Soviet Union, was a key factor leading its leaders toward unification.

within [the] regime”;² the Yemen Socialist Party (YSP), the ruling party representing the South, with a Marxist-Socialist heritage; and the Yemeni Reform Congregation (Islah), encompassing conservative religious and tribal elements of the population, Islamists, and some intellectuals and others who generally oppose the regime. In all, more than 40 political parties were registered in Yemen prior to the 1993 election. Independents, some thought to be ideologically or financially tied to a party and some genuinely independent, were also abundant. Although the large majority of these had only minimal political bases or genuine grassroots support, such pluralism was unprecedented.

B. The 1993 Elections

As one signal of its commitment to a competitive election process, the government established an independent election body, the Supreme Elections Commission (SEC). By law the SEC was a "fully independent" body and its members were required to resign from the parties to which they belonged following their nomination by Parliament. This was the first time in an Arab state that an entity other than the Ministry of Interior or another official branch of the government conducted elections.³

The election date was postponed several times due to technical and political problems, but eventually was scheduled for April 27, 1993. The SEC carried out elections preparations in two stages, with a budget of 1.4 billion Yemeni rials (YR), or \$35 million. The first stage was registration, during which 2,668,032 persons were registered, or 43 percent of all those eligible to vote (reportedly 6,939,282 individuals). The second stage consisted of consolidating the registration lists, posting the names of voters for public review, and opening applications for candidacy.

On Election Day, at least 84 percent of all registered voters cast their ballots (2,271,018 persons). Turnout reached 90 percent in some regions. International observers gave a generally favorable assessment of the elections, noting that the results reflected the will of the voters. Most, though not all, problems were attributed to administrative bungles. Notably, there were outbreaks of violence during the vote count, and claims of government manipulation in some areas.

² Sheila Carapico, "Elections and Mass Politics in Yemen," in *Middle East Report*, November-December 1993, p. 3.

³ This is not to say that the government was not represented in the SEC. As the *1993 IFES Final Activity Report* pointed out, while the SEC repeatedly demonstrated "independence and ability to accomplish its mission as an autonomous body, it was nonetheless headed by one of the five members of the ruling Presidential Council, and eight of its 17 members were representatives of the single ruling party of former North Yemen (GPC) or that of former South Yemen (YSP), or independents allied with them."

Out of 3,600 candidates, including 2,200 independents and 50 women, the results were dominance for the GPC (123 seats). Resentment toward Southern claims for equal economic and political representation, and distaste for the Marxist heritage of the YSP, provided a significant stimulus to the largely Northern tribal and religious elements, who coalesced around the Islah party. This (and Saudi Arabian support, some asserted) produced a strong showing by Islah (62 seats, with some winning GPC candidates suspected to lean toward Islah), and somewhat of a disappointment for the YSP (57 seats).⁴ The most prominent smaller parties (Baath, al-Haqq, Nasserists) won a few seats each. 47 independents, some of whom were thought, significantly, to be ideologically sympathetic to the YSP, were elected. Women candidates won in two constituencies (both in the South).

Despite the voter enthusiasm indicated by the extremely high turnout, and the mostly favorable observer assessments, domestic controversy grew sharply in the days following the election. SEC member and official spokesman Abd al-Malik al-Mikhlaifi (Nasserite Unionist Party) refused to participate in a press conference scheduled to announce election results and sent a letter to SEC Chairman Abd al-Karim al-Arashi stating that:

The ruling coalition (GPC and YSP) used public funds to buy the electorate's votes, offered them nonexistent projects, allowed political security agents to terrorize citizens, and forged the will of the illiterate who form the majority of society. Officers imposed themselves on electoral districts and election committees and filled in the names of candidates of the two ruling parties with no concern for the will of the voters.

For its part, Islah also announced that it rejected election results in the Southern and Eastern governorates where the YSP had dominated nearly every constituency. Islah accused the YSP of using illegal methods, wide-scale fraud, and violence to intimidate voters during the voting process.

C. Post-Election Developments

Some contend that the 1993 election, although certainly historic and generally successful as a democratic process, in fact destabilized North-South political relationships (and Yemen's political system as a whole) by more accurately reflecting the relative strengths of the contending parties.

Under the Yemeni constitution, Parliament was to nominate, within 60 days of the first session of Parliament, candidates to the Presidential Council, five of whom are selected by two-thirds vote

⁴ Approximately 4,800 candidates registered, but 1,200 --many of them independents-- withdrew up to a week before the election, as allowed by the Election Law.

of Parliament. The five members of the Council then vote to elect the Council President from among them. This process was to have been completed by August 15, but severe difficulties arose in working out political arrangements to which the major winning parties could all agree. As a result, action to nominate and vote on members of the Presidential Council was postponed for another 60 days.

Relations between President Ali Abdullah Salih and Vice President Ali Salim al-Bidh, never good due to long-standing hostilities between North and South, began to deteriorate severely. At the conclusion of a medical visit to the United States in August 1993, al-Bidh returned to Aden rather than to the capital, Sana'a. He was protesting alleged growing centralization of power in the hands of the GPC and Islah following the elections, mismanagement of the economy, and government policies he opposed.

In October, following extensive maneuvering, the Parliament voted to elect a new Presidential Council with Ali Abdallah Salih (GPC) as President, Ali Salim al-Bidh (YSP) as Vice President, and Abd al-Aziz Abd al-Ghani (GPC), Salim Salih Muhammad (YSP), and Abd al-Majid al-Zindani (Islah) as members. Yet despite formation of the new Council, outstanding political differences and unification issues had not been resolved. A period of increased instability soon followed, marked by numerous assassination attempts directed at YSP and other party members, including two attacks on the sons of al-Bidh in Aden, and by outbreaks of fighting between Northern and Southern army units. Al-Bidh remained in Aden, refusing to return to Sana'a until certain conditions were met. In December President Salih accepted the 18 conditions proposed by the YSP as the basis for resolving the dispute with al-Bidh. In February 1994, "the two Alis" traveled to Jordan, where with King Hussein's personal mediation they signed the Covenant of Reconciliation and Accord incorporating these conditions.

King Hussein's efforts to resolve the political crisis proved fruitless, however: within 48 hours of the signing, Northern and Southern soldiers began fighting one another in various parts of Yemen. French and American diplomats in Sana'a took leading roles in attempting to defuse the crisis, but their efforts too ultimately failed. A combination of factors, including the inability of Yemen's contending forces to modulate the tensions inherent in the process of national unification, Southern grievances, the failure to integrate fully the Northern and Southern military and security services, and the exercise of democratic practices which opened up political space for dissent, eventually led to full civil war. Unable to accept his role as a minority member of the ruling coalition, al-Bidh, joined by some but not all of the Southern leadership, quickly declared secession from the union.

D. Civil War

The war began on May 5, 1994, when Parliament voted to dismiss Vice President al-Bidh and ruled that any actions on his behalf would be illegal and not binding. President Salih ordered a thirty-day state of emergency as fighting broke out in Aden and Sana'a, and four days later fired Prime Minister Abu Bakr al-Attas (YSP) and Defense Minister Haytham Qasim Tahir (YSP).

Vice-President al-Bidh retaliated on May 20 by declaring that South Yemen was once again an independent state, and two days later named a vice president and formed a new cabinet and five-man presidential council.

Despite international efforts to bring about a cease-fire through the Arab League and the United Nations, fighting continued until July 7 when government troops claimed victory after taking control of Aden and Mukalla. The civil war had lasted only two months in large part because several Southern brigades defected to the North, thereby decisively altering the balance of power. Southern President al-Bidh and five of his aides fled by boat to Oman, where they requested asylum.

In August 1994, President Salih announced that the Southern-based YSP would be allowed to participate in the government only if it expelled the leaders involved in the war. The following month, a greatly diminished YSP elected Ali Salih Abbad Muqbil as secretary general, replacing al-Bidh. On September 28, 1994, the Parliament adopted a new constitution based on Islamic law.⁵ It also announced that the President would be elected by direct universal suffrage for a five-year term, and would be given the right to appoint his own vice president. The Presidential Council was disbanded under the new constitution. The Parliament re-elected President Salih four days later. With this series of acts, the struggle for political dominance in Yemen was resolved resoundingly in favor of the GPC, with the strong backing of its coalition member Islah party, which acted swiftly, and often harshly, to take over YSP party offices in the south and government positions formerly held there by YSP members. Many members associated with the secessionist Southern political leadership remain in exile abroad, although intensive political efforts are currently underway to facilitate their return without reprisal and pave the way for a smoother election process in 1997.

E. Economic Restructuring

The war is estimated to have cost Yemen in the neighborhood of \$5 billion, with the greatest damage occurring to oil, air, and seaport installations in Aden. The fighting devastated much of the Southern population as the shelling of urban areas destroyed homes, cut food and water supplies, and made access to medical care impossible. Investment activities, particularly in the oil industry, had halted much earlier due to escalating political tensions. It was clear that urgent economic action was required to restore the country to a sound economic footing.

It was in this context of urgency that the government agreed to embark on a major economic restructuring program proposed by the International Monetary Fund. The first phase of Yemen's economic reforms began in March 1995 with the lifting of subsidies on a number of consumer commodities, reduction of the government subsidy of petroleum derivatives, a 100 percent

⁵ Article 3 states that "Islamic Shari'a is the source of all legislation." An earlier version (1991) stated that "the main source of all legislation is Islamic Shari'a."

increase in the price of gasoline for domestic consumption, raising the exchange rate from 12 YR per dollar to YR 50, raising interest rates, expanding the tax base, raising taxes on a number of products and commodities, and adjusting the exchange rate for customs purposes.

During the second phase of restructuring from January to June 1996, prices were increased on other subsidized foodstuffs (wheat and flour), petroleum derivative prices were increased 100 percent, the price of gasoline was raised an additional 50 percent, electricity, water, and telecommunications rates were increased 100 percent, interest rates were increased to between 21 percent and 23 percent, a unified exchange rate of YR 100 to the dollar was established, direct taxes were increased, and the indirect tax base was expanded.

As a result of these measures, the deficit was reduced to seven percent of the budget between January and April 1996. The inflation rate stood at 48 percent.

In July 1996, the government began implementation of the third phase of restructuring by floating the Yemeni rial and by abandoning official exchange rates for all types of transactions. While deemed essential to the long-term economic health of the country, the imposition of these restructuring policies has inflicted a tremendous social cost in terms of the economic livelihood and standard of living of large sectors of the Yemeni populace. Conditions in the South are especially difficult. The government has raised salaries and bonuses to help offset restructuring's impact on the population, but economic issues are certain to play a greater role than ever before in Yemen's 1997 parliamentary elections.

F. Political Party Relationships

A dominant feature of the current Yemeni political scene is the forming and reforming of political alliances, often between parties at opposite ends of the political and ideological spectrum, to counter what many expect will be a major victory for GPC candidates in April 1997.

The Ruling Coalition

Yemen's current coalition government reflects the fact that in the 1993 elections the GPC won 123 of the 301 available seats, Islah 62, and the YSP 56. Rather than select a YSP MP as Speaker in 1993, the Parliament chose Sheikh Abdullah b. Hussein al-Ahmar, the Secretary General of the Islah party and head of the Hashid tribal confederation. Sheikh Ahmar wields significant political power in Yemen, due to his appeal with tribal leaders and his credibility among Yemenis seeking a more prominent political, legal and social role for Islamic ideology. In addition, Islah is rumoured to have Saudi backing; given the Yemeni government's often tense relations with the Saudis, this factor enhances Sheikh Ahmar's influence.

Islah was given one position on the Presidential Council, constituting the swing vote in the event of a deadlock between the two GPC members and the two YSP members. As indicated above, although the YSP occupied the nominal position of Vice President, the introduction of Islah into the ruling coalition greatly reduced the YSP's, and hence the South's, ability to influence the

course of political and economic events in the country. At the same time, the GPC has found its ability to maneuver and to implement its political agenda substantially limited by the need to coordinate and compromise with its current coalition partner, Islah.

As the elections near and the stakes increase, Islah has sought to challenge anticipated GPC supremacy at the polls. The extent of Islah's genuine popular support is difficult to discern, but it has tried to strengthen its position by actively courting opposition parties, by filing lawsuits against the SEC and the GPC for alleged registration violations, and by seeking common ground with YSP leaders. The tension between the GPC and Islah has grown to the point where frequent outbreaks of violence between the two have occurred in recent months, especially in the context of voter registration.

During one meeting with opposition party leaders, the IFES team was told that as matters now stand, the GPC already has a "lock" on 126 seats in Parliament. The question remaining is how many of the still undecided seats it will win. Accepting that numerical assessment as fact, and given rigid party discipline, the GPC is only 24 votes from a parliamentary majority and nearly two-thirds of the way toward having the 201 seats needed to enact constitutional amendments. This would theoretically eliminate the need for a coalition partner. As a practical matter, this would appear to be a risky strategy for the GPC in a country as heavily armed and committed to tribal, sectarian, or regional separateness as Yemen historically has been. Nonetheless, the desire of any party to rule with minimal outside constraints is a powerful force, and seems particularly to be the case in the country today.

The National Opposition Bloc

The National Opposition Bloc, formed in August 1993, is composed of the Nasserite Popular Unionist Organization, the Sons of Yemen League, the True Path Party, the Yemeni Unionist Congregation, and the Yemeni Popular Forces Union.

The Higher Opposition Coordination Council

The Higher Opposition Coordination Council (HOCC) is made up of the following political parties: The YSP, the Nasserist Unionist Organization, the Arab Baath Socialist party (Qasim Sallam's wing), al-Haqq (Truth) party, the Union of Popular Forces party, the Yemeni Unionist Congregation party, and the Constitutional Liberals party.

The Joint Meeting Group

The Joint Meeting Group (JMG) was formed between Islah and the HOCC at the end of August 1996 when it issued a joint declaration calling for the reformation of the SEC so that all of Yemen's political tendencies could gain representation. The declaration also called for a review of registration procedures, and said that the absence of national political reconciliation would severely detract from the legitimacy of the results of the forthcoming elections. The stated purpose of forming the JMG was so the signatory parties could meet regularly to confer and coordinate to guarantee that the April 1997 elections would be conducted in a free and fair manner.

G. Party Registration

Eleven Yemeni political parties were given official certificates of registration as of the October 31, 1996, deadline for registering. These parties are the GPC, Islah, the Arab Socialist Baath Party (Abd al-Wahhab Mahmoud's wing), the Democratic National Front, the Democratic Nasserist Party, the Liberation Front Party, the Sons of Yemen League, the Nasserist People's Corrective Organization, the Nasserist Unionist Organization, the YSP, and the al-Haqq Party. In 1993 there were generally thought to be over 40 political parties in Yemen. Any of these parties still existing but not now registered are to be treated as new parties undergoing formation according Political Parties Law 66 of 1991. As such, they will be subject to a different set of procedures than the parties already registered. Furthermore, if the authorities insist on strict enforcement of the law, they will not be allowed to present candidates for the April 1997 elections, to engage in partisan political activity, or to issue newspapers or other publications in their name..

The Yemeni Unionist Congregation, the Constitutional Liberals Party, and the Arab Socialist Baath Party (Qasim Sallam's wing) refused to submit registration applications, claiming that the provision of law requiring them to do so was unconstitutional. Their position is that any party that existed prior to the 1991 Political Parties Law has the right to take part in the elections under the terms of the constitution and the Election Law. This is a factor certain to heighten tension between the numerous opposition parties and the Supreme Elections Commission on the issue of guaranteeing a fair election.

II. Legal and Administrative Framework for the Elections

A. Yemen's Electoral System

When viewed in a regional context, the most notable aspect of Yemen's electoral system is that in contrast to its Gulf Arab neighbors, all Yemeni citizens over age 18 residing in the country -- male and female-- enjoy the right to vote. The only restriction on suffrage is that Yemenis living or working abroad cannot vote.⁶

Yemen is divided into 301 electoral constituencies spread throughout the 18 governorates of the country. Each constituency has approximately 47,000 to 48,000 citizens. Yemen uses a single-member district system: Each constituency is represented in Parliament by one MP. Winning candidates are those "first past the post," meaning that a successful candidate needs only a relative majority (*i.e.*, one vote) over the next most popular candidate.

The single-member, first-past-the-post system corresponds with Yemeni MPs' generally close ties to their constituencies, as well as the strong local, rather than national, support of many MPs. In the 1993 elections, this system paved the way for a large number of independent candidates, and for the election of 47 independent MPs --an indication of the degree of political pluralism officially permitted in Yemen. This system also means, however, that the many smaller parties lacking strong geographically-concentrated support will find it very difficult to garner enough votes for representation in Parliament. Leaders of some of the smaller parties spoke to the IFES team about their desire to switch to a proportional representation system, which would likely strengthen their electoral chances.

In terms of the 1997 elections, the single-member system means that constituencies with strong support for the two large parties --GPC and Islah-- will likely face fierce competition for votes. This situation could encourage various forms of pre-election deal-making in candidate nominations to avoid the risk of "splitting" the vote between the two big parties in closely-fought constituencies. Obviously, pre-election deal-making that excessively limits voters' choice is not a positive indicator of a free election.

B. The Amended Election Law

On August 31, 1996, the President signed General Elections Law 27 of 1996, introducing a number of changes to Law 41 of 1992, which governed the 1993 elections. Article 91 of the 1992 law had provided that within one year from the first session of Parliament the SEC was to submit to the Parliament via the government a comprehensive draft election law, presumably drawing on experience gained in the 1993 election. Although the bill was due at Parliament in July 1994, it

⁶ This restriction means that the sizable number of Yemeni citizens who work outside the country will not be able to cast their ballots. There are thousands of Yemenis working temporarily in Saudi Arabia alone.

was not actually submitted until May 1996, nearly two years later. The new law is largely based on the recommendations of a report dated July 13, 1996, prepared by the parliamentary committee assigned to review the government's proposed amendments. The committee's report states critically that the changes to the Election Law proposed by the government were "incomplete and failed to include all of the objectives sought by Article [91]."

To address this shortcoming and to broaden involvement in amending the law, the parliamentary committee sent copies of the law and the government-proposed amendments to an array of political and civil institutions, and sought their comments "within one week." Although this request was sent to all of the political parties that participated in the 1993 elections, as well as the University of Sana'a, the Yemen Center for Research and Studies, the Federation of Jurists and Lawyers, the Journalists Syndicate, the Yemen Federation of Women and other concerned organizations, only the Yemen Federation of Women responded within the deadline. Later, as the committee was about to conclude its work, the HOCC also submitted its views on the draft law. In considering the government's proposals, the committee accepted some, rejected others, and made numerous revisions of its own. A list of the revisions to the 1992 Election Law is found in Appendix B. Appendix C contains an English language translation of the 1996 Election Law.

While the delay in amending the Election Law must be seen in the context of three years of extreme political turmoil, Parliament should have allowed more opportunity for public deliberation to ensure that the full implications of proposed changes had been assessed. In many areas, the new law constitutes an improvement over the law it replaced. The critical area of the election timetable, however, received little attention.

The 1993 IFES reports made numerous recommendations on amendments and revisions to Yemen's electoral law. Some recommendations related to setting more workable election timetable deadlines, setting deadlines where they were missing altogether, and the appointment of candidates' representatives. Recommendations also addressed the need to make the by-laws conform with the Election Law itself on certain procedural matters, designing a ballot that is easy to mark in view of the high level of voter illiteracy in the country, ensuring that pollworkers are not disenfranchised as in 1993, and addressing shortcomings in the law regarding the count, questionable ballots, publicizing unofficial results, reporting official results, and handling legal challenges to the count. A number of these areas have received attention in the new law.

Major changes to the law are as follows:

- The law is expanded to apply not just to parliamentary elections, but to include presidential elections, local elections, and national referenda.
- Symbol ballots are introduced to facilitate voting by illiterate voters.
- Administrative and judicial procedures for challenging an election outcome are elaborated more fully than previously.

- Voters can no longer vote without a valid voting card.
- SEC membership is set at seven, requiring a 2/3 vote of Parliament to approve.
- The “official media” are made subject to SEC oversight and directives.
- Educational requirements for election committee members are raised to a minimum of high-school diploma or the equivalent.
- Authority for approving the use of school facilities for campaign meetings is decentralized from the SEC to the governorate-level and constituency-level election administration committees.
- Elected local council officials must resign to run for Parliament, but Cabinet officials can continue to hold both a ministerial post and a seat in Parliament.
- Vote count procedures are spelled out more fully to reduce the potential for disruption by disgruntled candidates and to provide a procedure for resolving a tie vote.
- Provision is made for the SEC to announce election results as they arrive and within 72 hours of closing the polls. The requirement that SEC first “check the correctness of the results” is removed.
- By-elections must be held within six months of a nullified or incomplete election.
- The need for access to the election process by foreign and domestic grassroots organizations is implicitly recognized, and the SEC is charged with establishing the rules related thereto.

C. Election Administration

Election administration in Yemen is organized according to the following structure:

Supreme Elections Commission

Oversees the entire election process; writes the election by-laws; seven to 15 members;⁷ five subcommittees; based in Sana’a; members appointed to four-year terms.

18 "Supervisory Committees" (lijan ishrafiyya)

One for each of the 18 governorates; made up of three people, nominated by the parties, each of whom must represent a different political party (no more than two from the same alliance of parties); responsible for supervising election administration within each governorate.

⁷ See discussion below on the debate about the number of members comprising the SEC.

301 "Principal Committees" (*lijan asaasiyya*)

One committee of three for each constituency; same requirements for selection as the supervisory committees; must have a high-school diploma; supervise the vote count and district-level activities.

Thousands of District-Level "Branch Committees" (*lijan far'iyya*) (Polling Stations)

The exact number of polling stations will be determined by the new figures of registered voters in each constituency. As in 1993, there will one station for every 350-500 registered voters. In addition, IFES assumes that the SEC will maintain 1993 stipulation that if a polling site had more than 100 registered female voters, a separate polling station, staffed by three women, must be set up. Each polling station will be staffed by a team of three (president, clerk, member); again, no more than two from the same alliance of parties; must have high-school diploma/be literate. Based on the most current figures on the number of registered voters, IFES estimates the need for approximately 12,000 polling stations, and approximately 36,000 pollworkers, in 1997 (up from 22,000 in 1993).

In theory, this structure is feasible; it is not overly centralized or decentralized. In practice, however, it could prove problematic. As in most countries, the Yemeni election will require the selection, training and mobilization of a huge number of workers on the constituency and polling station levels. Since these are only unified Yemen's second elections, there is not a large body of experienced election workers from which the SEC can draw to carry out the administration of the election on the local level. This means that the more than 36,000 election officials and workers will require thorough training in the months before the election. The success of the election will depend on many factors, of course, but among them is the adequate, timely training of these workers (this will be discussed further below). The IFES team views this as a major area of concern for the Yemeni elections.

D. The Supreme Elections Commission (SEC)

In a free and fair election, an independent and impartially administered electoral process is essential...countries in transition frequently...suffer a lack of trust among the political players; for a democratic election to occur, all major parties...must accept the process and accept the results. Experience shows that confidence is only likely where the election machinery is and appears to be impartial...⁸

In preparation for the 1993 election, the Republic of Yemen took an important step by calling for an independent commission to administer the elections, rather than delegating the task to the

⁸ *Free and Fair Elections: International Law and Practice*, Guy S. Goodwin-Gill, Inter-Parliamentary Union, 1994, p. 35.

Ministry of Interior or another explicitly governmental institution as is the practice in many other Arab countries. Such a commission was first mandated by the 1991 Election Law, which established the Supreme Elections Commission (SEC) as a transitional body to oversee the 1993 parliamentary elections. This SEC eventually grew to a total of seventeen members, including five members nominated by Parliament, and twelve others representing parties and independents.

The current SEC was appointed after the 1993 election to serve a four year term, through the 1997 election. The fifteen members (eleven of them active) were nominated by the President and then selected by a two-thirds vote of the Parliament. Nominees were required to be at least 35 years old; born of two Yemeni parents; have a university degree; "possess competence and expertise"; and "be of good conduct and ethics." Members of the SEC have ministerial rank.

The SEC's mandate includes:

- zoning of constituencies, based on "equal population distribution" (no new constituencies have been formed for this election);
- revision of the existing voters' list and registration of new voters;
- selection and appointment of all members of the Supervisory Committees, the Principal Committees, and the Branch committees. All these election workers are subordinate to the SEC, and ultimately must follow the SEC's instructions (Article 26 of 1996 Election Law);
- preparation of the election by-laws (*al-nizam al-asaasi*), and their distribution to the committees;
- establishing the rules for campaigning;
- voter education and information;
- supervision of the official media during the elections;
- provision of forms, schedules, documents, election cards, indelible ink, ballots, ballot boxes, and distribution to the committees;
- making security arrangements to ensure the honesty and freedom of the elections.

These duties are carried out by the five subcommittees of the SEC: The Information and Public Relations Committee; the Planning and Technical Committee; the Secretariat Committee; the Financial Affairs Committee; and the Legal Affairs Committee (Appendix D lists the SEC members, including the chairman of each committee.)

The government is supposed to provide the SEC with all the "resources, equipment and other needs" to perform its work fully. It has a funding special allocation under its own name, approved by Parliament (Article 32 of the Election Law).

For an election commission to be effective in organizing a free and fair election, and to gain legitimacy among the populace as it carries out this task, it must above all be impartial, not favoring or being seen to favor one party or parties over others. It must also have a diverse membership, so that the major political tendencies in the country have an equal voice on the commission. A credible commission should be institutionally strong and politically independent

enough to shield itself from excessive government influence or interference in its work. The members of the commission must have adequate technical experience and/or capacity to plan and administer the many complex and sometimes controversial components of the electoral process.

While in Yemen, the IFES team heard numerous complaints about the lack of adequate representation of all but the two major political parties (GPC and Islah) on the Commission and the shortage of experienced election officials on the Commission. It is common for opposition parties in newly-democratizing countries to hurl exaggerated or unfounded criticisms at elections commissions to strengthen their own positions or to distract the electorate from other issues. This notwithstanding, it is the IFES team's assessment that some of the opposition's complaints are valid.

In terms of neutrality, the Election Law does refer to individual SEC members' impartiality and to the independence of the Commission as a whole. Article 22 states that "if an appointed member of the committee has an affiliation to a political party or political organization, such affiliation should be frozen;" Article 24 requires that SEC members take an oath before the President, stating that they will "respect the Constitution and the law...and perform [their] duty in the SEC honestly, with integrity and faithfully without favoritism." The SEC is endowed with its own legal status, such that decrees it issues have the force of law (this is important in terms of the by-laws issued by the SEC). Article 33 states that the SEC is "independent financially and administratively" and operates with complete neutrality.

Despite such legal stipulations, the current SEC lacks the necessary degree of multi-party representation. A number of Yemenis, both those active in politics and not, expressed concern to the IFES team about the Commission's independence, commenting that it is "seen to serve the regime."

This contrasts sharply with the general perception of the 1993 SEC. IFES' 1993 post-election report described that SEC as "broadly representative of the more than 40 political tendencies, parties and groupings that exist in the unified country." It included three representatives from the GPC, three from the YSP, nine from other political parties, and two independents. Observers noted that an atmosphere of trust and non-partisanship developed among the members of the Commission, and that many decisions on complex or controversial elections issues were hammered out through negotiation and compromise among followers of competing political parties. One SEC member captured this spirit by joking to the IFES Project Manager, "we want to form a new party --the SEC party (*hizb al-lajna*)."

This change in the SEC's character may be emblematic of a shift in the political climate in Yemen away from the spirit of hopefulness for unity and reconciliation between North and South, and toward GPC attempts to dominate political life.

Regarding administrative capabilities, the IFES team was concerned that by the time of our visit --with Election Day only seven months away-- the SEC did not appear to have formulated many of the necessary plans or timelines for the election. Although members of the SEC assured IFES that such plans had been made, the IFES team saw little evidence of this. No overall or detailed

plans for training of pollworkers, for example, had been made; nor did the SEC appear to have addressed problem areas noted in the 1993 elections.

Very few of the current SEC members have previous election management experience. This shortage of expertise means that the SEC lacks sufficient institutional memory. Although the IFES team recognizes the benefit of bringing new personalities into each election cycle, this is perhaps outweighed by the need for adequate technical capacity. In a country such as Yemen without a tradition of multiparty, competitive elections, it is admittedly difficult to build an election commission with professional elections administrators or experts. In such circumstances, it becomes even more important to select committee members from a wide variety of parties and political orientations. In this way, the committee's credibility and its effectiveness emanate from its perceived balance of partisan interests, if not from its administrative professionalism.

E. Disputes Over the SEC

The opposition parties, joined quite significantly, by Islah, have intensively criticized the SEC for lack of transparency in its decision-making, for perceived irregularities in the registration process, and, most recently, for exceeding the number of members stipulated in the new Election Law.

Complaints began to mount in July, soon after voter registration opened. Since that time, the opposition has aired its views in the Yemeni and Arab presses (in *al-Sharq al-Awsat* and *al-Hayat*, for instance), and has taken legal action by bringing lawsuits based on specific alleged violations. In late July, a Sana'a court ruled that the SEC was in violation of the Election Law, and ordered it to open the branch committees required to conduct registration on the local level. The SEC was also ordered to purchase the cameras needed to produce photographs for picture-IDs of new registrants. (As of the IFES team's visit to Yemen, these rulings had not been implemented.)

During July and August, Islah held a series of meetings with the HOCC. These resulted in demands to "re-establish the SEC and all sub-committees, cancel all violations that occurred during registration; make the SEC meetings and decisions public; and insure that the SEC respects court decisions against it."

In September, complaints about the SEC continued to mount, with some members of the opposition calling for registration to be re-done. They also contended that the standing SEC was "illegal" because it had 15 members while the 1996 Election Law states that the SEC shall be made up of seven members (Article 20). In fact, the current SEC was formed before the 1996 law was drafted, so this inconsistency appears to be an unintentional result of the hasty process by which the new law was enacted. MP Abd al-Wahhab Mahmoud told the IFES team that the parliamentary committee reviewing the law intended for the current SEC remain in place through the April 1997 elections because under the Constitution, the new law is not retroactively effective. The parliamentary position is that the new Election Law refers to a future SEC, to be appointed after the 1997 elections. Apparently in its rush to enact the new law, Parliament failed to insert a transitional article that would have made the law's intent clear in this regard.

The SEC responded to the charges leveled against it in a lengthy letter to President Salih published in the Yemeni daily *Al-Thawra* on October 13.⁹ It stated that any mistakes committed during registration were unintentional, and resulted from a lack of adequate funding. It also defended itself against allegations of invalidity by stating that having too many members was not sufficient grounds for declaring it "illegal."

Although criticisms of the SEC attracted considerable attention to the workings of the Commission, at the end of October it was announced that the SEC would continue with its activities and that registration would not be re-done. President Salih stated that "the SEC is a legal body, legally formed, its members selected by Parliament, which itself is made of members who were elected in 1993."¹⁰ Yemeni authorities encouraged those with complaints to take them to the courts; at least 12 such charges have been brought so far. It is unclear, however, if the courts will provide adequate remedy for such complaints, since the legal decisions handed down against the SEC thus far do not appear to have been fully implemented. The opposition has recently muted its calls for reformulation of the SEC, but criticism of the SEC is certain to continue during the months leading up to the election.

The fact that the opposition seized upon a such a technicality indicates both its commendable hope for a more neutral committee, and its more partisan desire for a SEC that is simply more responsive to *its own interests*. As one Yemeni remarked to us, "The parties all want *special favors* from the SEC -- and the Commission doesn't follow them." And as another observer noted, "Any new commission would be formed by Parliament from the parties, so what would change?" since the opposition parties are weak, and would not necessarily be able to get their nominees of choice onto the SEC.

Calls for re-doing the registration process and for re-forming the SEC can also be seen as an attempt to cause postponement of the election, since either move would result in a major disruption of election preparations just months before election day. Yet the IFES team was struck by the comments of many opposition party figures on the prospect of re-doing registration and re-forming the SEC, once they had fully contemplated the prospect. An illustrative remark was:

We know there are problems with elections preparations, and we are very frustrated by them, but the most important issue is that Yemen gain experience in the democratic process. For this reason, the election must be held as scheduled. We must learn from our mistakes, but also maintain our commitment to regularized competitive elections.

¹⁰ "Response of the SEC to the Letter from the Seven Parties," *Al-Thawra*, October 13, 1996, p. 3.

This comment captures the mood of many Yemenis as the election approaches: quite frustrated and disappointed by the imperfections and difficulties of the process, but taking a long view, and willing to commit once again to developing Yemen's version of a "democratic election system."

III. The Elections Logistics Framework

Much of the success of an electoral exercise depends on the organization of very practical details. Lack of careful planning, or failure to think through all possible scenarios for a given administrative component, such as voting or counting procedure, often causes logistical problems on and soon after Election Day. These problems can create an unintentional impression of manipulation of the process by election officials. The IFES team noted that some sections of the Election Law lack sufficient details about or clarification of many such aspects of election administration, particularly the time frame within which certain tasks must be completed. Members of the SEC told the IFES team that they would soon begin drafting the by-laws [*al-nizam al-asaasi*], which will provide needed clarification. IFES urges the SEC to complete this task *as soon as possible*, as it will be crucial to clarify those many logistical and administrative issues for which the SEC has not yet formulated plans.

A. Voter Registration

Updating of the voters' registry from the 1993 election and registration of new voters was the first major task facing the SEC.¹¹ Registration of voters is one of the most important components of an electoral process. The transparency with which registration is conducted and the accuracy of the voters' registry that registration produces impact directly on the administrative success and the political credibility of an election. Through registration, of course, voters establish their eligibility to vote on Election Day. In addition, registration and revision of the registry provide election administrators with crucial information about the number of registered voters as compared with the total electorate, the number of voters in each constituency and precinct, and other data about the gender and geographic breakdown of voters. All of this is essential to plan the correct number of polling places, and election workers and ballots to be printed and distributed to each site. Political parties also benefit from access to the voters' registry.

As mentioned previously in the report, every Yemeni citizen age 18 and over can register to vote (with the exception of naturalized citizens who have not fulfilled the residency requirements). Eligibility to register is proven by showing a national identity card to registration officials, or by providing two witness who will vouch for the registrant's information.

According to the Election Law, voters can choose the constituency in which they wish to register and to vote; no residency requirement (*i.e.*, voters can register to vote where they live, or where they work, or in their village of origin) is stipulated. To change one's constituency status, a voter submits a written request to the SEC before the close of the registration and review period (Article 4b). The Arab Democratic Institute (ADI), a non-governmental advocacy organization in Sana'a,

¹¹ No aspect of the registration process is fully computerized in Yemen. At the SEC headquarters, the IFES team viewed hand-written 1996 registration data, stored in large ledgers; clearly this is a cumbersome method of record-keeping. The voters' lists from the 1993 election are also hand-written. With assistance from the European Union, the SEC is in the process of entering the 1993 data into a computer database, but as of the IFES visit this process was not yet completed.

led a lobbying effort to change this section of the law. ADI argued that this provision had led to multiple voting in the 1993 election because the registry was not sufficiently updated to reflect constituency changes, with the result that some voters were listed in more than one constituency. The parliamentary committee reviewing the law, however, rejected ADI's proposal.

Registration opened on July 2, 1996. The process was originally scheduled to last one month, but the SEC was compelled to keep the registration committees in place for an extra month, thereby extending the deadline until the end of August. Voters who had registered during 1993 were not required to re-register. Thus all of the registrations recorded during this period are of newly registered voters.

The official results of the two months of registration are as follows: 1,949,405 new voters were recorded, of whom 826,171 (42 percent) were women and 1,123,234 (58 percent) were men. In 1993, 2,684,831 new voters were registered, of whom 497,662 (19 percent) were women and 2,187,169 (81 percent) were men. The enrollment of new women registering to vote in 1996 amounted to a 166 percent increase over their 1993 numbers, while the new men who registered this year increased their overall registration numbers by 95 percent of the 1993 total.

Assuming no changes due to death or other causes, official figures for combined registration for 1993 and 1996 voter registration stands as follows: Yemen today has 4,634,236 registered voters, an increase of 58 percent over 1993. Of this number 1,323,843 (29 percent) are women, compared to 1993 when only 19 percent of all registered voters were women; and 2,310,403 (71 percent) are men. Current estimates place the population of Yemen at 14 million (or higher); assuming that Yemenis 18 years old and older make up half the population, approximately 65 percent of the electorate is registered for the 1997 election. Detailed tables showing 1996 voter registration statistics are provided in Appendix E (New Male and Female Voter Registrants by Governorate) and Appendix F (New Male and Female Voter Registrants by Constituency).

B. Allegations of Improper Voter Registration and Political Practices

Unfortunately, the registration process was marred by a wide variety of allegations of impropriety, some of which are noted below. One major problem was that by contrast with 1993, when 2,000 registration centers were set up around the country, each having one committee for male registration and another for female registration, only 301 registration centers were initially set up, one center per electoral district. SEC officials attributed this major reduction in the number of voter registration centers to a lack of adequate funding to pay salaries and per diem rates for registration workers. Given the mountainous character of Yemen and the poorly developed road infrastructure in many areas, failure to provide registration centers other than at district headquarters imposed a serious hardship on many members of the population who wished to register.

Another problem area quickly developed concerning voter photos. Unlike in 1993, the SEC originally made no provision for cameras at the registration sites to take the required voter card photo. Citizens wishing to register were required to bring two photos with them for application for the permanent card, but in many cases citizens from remote locations either had no access to photographic studios or the cost was prohibitive. SEC officials told the IFES team that the vast majority of cameras used in the 1993 elections were no longer working, and that funds were not available to buy new cameras and the large amount of Polaroid film needed for the task. Whatever the reason, this means that a large number of registered voters still lack ID cards.

In early August 1996, the official weekly newspaper of the Nasserite Unionist Party began a fierce campaign in which it accused the GPC-Islah coalition of "redeployment of the armed forces in a number of electoral districts in the South and of pumping in millions [of rials] to entice the public to register, thereby buying their votes." The newspaper reported that the only resource the opposition parties possessed was their ability to speak out, while the coalition was bringing all the resources of the state into its efforts to predetermine the outcome of the election.

Following is a listing of the various charges we encountered during our mission, many of which have been made publicly, or exchanged between the leadership of GPC and its coalition partner Islah. *It is important to note that IFES was not present during the registration process, nor were we able to verify any of the allegations.*

- The GPC and Islah used government vehicles to transport registrants to registration sites.
- Armed Forces officers withheld the pay of conscripts for two to three months until they had registered to vote and turned their voting cards over to their commanding officers.
- Members of the Armed Forces were trucked in to register in more than one location.
- Party officials reported that their members had checked the last registration serial number at the end of the day at certain registration stations only to find that 50 or 100 additional names had been added during the night, so that the next morning the register began with a much later number.
- Large numbers of underage citizens were registered to vote.
- Registration committees were composed solely of GPC or Islah party members, while other parties were kept off the committees.
- Press reports in early August described alleged attacks on registration centers by Islah followers, and clashes between supervisory committee members of different parties during attempts by each party to convince their followers to register.

- Constituencies were divided up into thirds - e.g., zone A, zone B, zone C. Instead of listing a voter's full address, only a zone was included. This can lead to multiple voting because voters cannot be traced to a particular address, and therefore can be listed on more than one polling station list.
- Large amounts of government money, personnel, and other resources were illegitimately diverted to GPC party activities and could not be matched by the competing parties.
- The voters lists that are required to be posted for the voting public's review and revision were said to be of such poor copy quality that they quickly faded in the sunlight and could not be read, or that pages were torn away, either purposely or due to the elements.

C. Registration of Women

It bears mentioning again that women constitute about half the electorate in Yemen, and therefore represent a significant voting population that politicians would be wise not to ignore. Although Yemeni women enjoy full suffrage, the Government of Yemen has far to go in encouraging women to register to vote, and to cast their ballots. In recognition of the SEC's professed commitment to increasing women's electoral participation in 1997, Article 5 of the Election Law states that the SEC

takes the steps to encourage women to exercise their electoral rights through the formation of exclusive women's committees, which have the responsibility of registration of voters' names in the registry.

The provision for separate women's committees is quite practical, since many Yemeni women would not feel comfortable registering at an all-male registration site (particularly when they have to be photographed by men for their voter identification cards).

Official SEC figures indicate that Yemen has made truly significant progress in three short years in increasing the representation of women on the voters rolls. Many opposition party figures, however, (as well as some ordinary citizens to whom the IFES team spoke) believe these figures might be somewhat inflated, based on claims that women were registered in high numbers where in fact no women's committees were formed. The IFES team was unable to verify such charges, nor were we provided with any documentation. The women's registration figures provided to IFES by the SEC (Appendix E), however, do reveal some strange inconsistencies. For example, the figures for District 72 (Taizz Governorate) list 2,764 men and ten women; District 93 (Ibb Governorate) lists 2,944 men and just five women registered; District 110 shows 44,470 men and three women. Is it possible that only three women in this district registered during an entire two-month registration period? Two districts in Hodeida Governorate (178 and 179) show zero women registered there. Such odd figures raise the possibility that no women's registration centers were set up in these districts. One Islah member told the IFES team that she and her colleagues visited

women's registration sites in Sana'a and found them absent of registration officials. At other sites, she claimed, registration officials registered voters without following required identification procedures.

D. Ballot Issues

As the result of an intensive lobbying campaign by opposition parties and NGOs (in particular the Arab Democratic Institute), the Election Law was revised to require the use of symbol ballots. Article 64 now stipulates that

Each candidate has a symbol [*ramz*] or mark [*alama*] distinctive from other candidates in the same constituency...the ballot must show the symbols and marks of the candidates in the constituencies clearly.

Symbol ballots are entirely appropriate for an electorate in which 60 to 65 percent (or more) of voters are estimated to be illiterate, and a major improvement over the write-in ballots used in 1993. These ballots were much criticized because they required most voters to seek assistance in filling out their ballots, which effectively nullified the right of secret ballot guaranteed by the Yemeni Constitution.¹² The write-in ballots also complicated the counting process because the handwriting on many ballots was difficult to read or illegible, and many voters confused the names of candidates (writing "Mohammad Mahmoud" instead of "Mahmoud Mohammad," for example).

However, the use of symbol ballots presents a host of design, technical and timeline issues about which the SEC is visibly concerned. It is the IFES team's view that failing to resolve these issues could result in major problems with ballot design and production, potentially impinging upon the quality of the entire electoral process.

The central issues to be resolved, as the IFES team sees them, are the following, in order of concern:

- The Election Law allows candidates to withdraw up to seven days before the election (Article 56). While the IFES team was in Yemen, the SEC, and the various parties, were vigorously debating the possibility of beginning the design and printing of the ballots after the list of candidates had been finalized, *e.g.*, six days before the election. Yemen has 301 constituencies, and, if the 1993 elections are any guide (when 1,200 candidates withdrew), a high number of candidates can be expected to pull out of the race at the last minute. *This means that 301 different candidates' lists will need to be finalized and proofread, and 301 different ballots designed, typeset, printed, proofread, and distributed to thousands of polling*

¹² Article 62 reads, "The Parliament consists of 301 members, who shall be elected in a secret, free and equal vote directly by the people."

stations within six days. The actual production of the ballots must be completed five days before the elections, since all election materials --first and foremost ballots-- must be delivered to the polling stations the day before the election.

The fact that Yemen's election officials will undertake such logistics for the first time, in a country with many remote regions and with an underdeveloped transportation infrastructure, will add to the complexity of the process. Moreover, it is not clear if Yemen has sufficient printing capabilities to print the ballots in-country, particularly under such a tight time-table. During extensive discussions with SEC members about this issue, the IFES team was told merely that the SEC "hoped" to print the ballots in-country, possibly at a German-owned printing facility in Sana'a. The IFES team was unable to assess the capabilities of this facility.

It is IFES' position that if the law on candidate withdrawal cannot be modified (and Yemen may choose not to modify it in light of the anticipated high number of independent candidates, who may want the flexibility to pull out at a late date), then preparing, printing and disseminating the ballots within six days before the election will be extremely difficult, and *probably impossible*, given the high level of accuracy, attention to detail, and time required by such a process.

If the law is not modified, then IFES recommends that the SEC explore ways of printing the ballots ahead of time --this must begin at least six weeks before the election. It must also devise viable methods by which the names of withdrawn candidates will be removed from the ballots, and the voters notified (by a media campaign and by signs in each polling site, at a minimum) about who the final candidates are. If the electorate, and the poll workers, are not well-informed, then many voters may unknowingly cast their ballots for withdrawn candidates, thereby casting null votes.

In addition to these challenges, there are other issues which must be sorted out:

- The Election Law is silent on the issue of which symbols will be acceptable to the SEC (and to the parties), and how the SEC will determine which party or candidate can use which symbol. In Yemen, as in most polities, certain symbols or marks may carry deep cultural meaning or convey a strong political message that is inflammatory or unacceptable for some other reason. To avoid producing ballots with such symbols, or unfairly excluding other symbols, the SEC should establish detailed guidelines on who will make the final decisions about choice of symbols, and through what mechanism.
- Clarification is also needed on the *design* of the ballot, specifically on what order candidates' names and symbols will appear in on each ballot. Studies of elections in many countries have shown that the visual characteristics of ballots, including the placement of candidates' names and symbols, can influence a voter's choice. An automatic positioning of the ruling party's candidates first or last on the ballot, or in larger type, for example, can give an unfair advantage to these candidates. It is the responsibility of an election commission to determine a method of ballot design that does not give such unfair advantage to any one party or

candidate, particularly to the party in power. The Yemeni Election Law states merely that “the arrangement [of the symbols] shall be according to the precedence of the application of candidature” (Article 64 c). The vagueness of this clause could cause logistical and political problems for the SEC: what if two candidates, or more, submitted their applications at the same time? Further, IFES believes that such a stipulation could give unfair advantage to the GPC, whose candidates very well may have submitted its applications first (or which could claim that they did).

On a separate note, IFES recommended in its 1993 final report that the SEC seriously consider having the ballots printed in tablets of 100, and that each ballot be numbered. Tableted and numbered ballots would simplify the logistics of distributing the correct number of ballots to the 301 constituencies. In 1993, ballots came in loose stacks of 500. High-level SEC members stayed up until the early hours of the morning several days in a row counting out the ballots before they were transported from Sana’a to the constituencies. The time and energy required by such a task obviously takes election officials’ attention away from other crucial areas of elections preparations. Furthermore, counting out ballots by hand is far from an error-proof method, and opens up the possibility that too few, or too many ballots, will be delivered to the polling places.

Significantly, some Yemenis expressed concern to us that “if ballots are numbered, there will be some way for the government to trace ballots to particular voters.” This sentiment reveals a striking lack of faith in the guarantee of secret ballot, and points to the need for an enhanced voter information campaign to emphasize the government’s commitment to protecting this right.

E. Election Official and Pollworker Training

As previously noted, the 1997 Yemeni elections will require the selection and mobilization of more than 36,000 election workers, most of them pollworkers. Designing an effective and timely training program for these workers, particularly the pollworkers, is one of the SEC’s most pressing tasks. Such training will be crucial to ensure that Yemen’s pollworkers are thoroughly prepared ahead of time to administer voting at their precinct sites, have the knowledge needed to deal with various questions that arise on voting day, and inspire confidence among the electorate that voting is conducted in a free, impartial and efficient way. Indeed, pollworkers are the “front line” of a free and fair election. No matter how well-thought-out the legal provisions for a fair voting process, it is the pollworkers who implement them, or fail to safeguard them, on election day.

Pollworker training can also be seen as an opportunity to create a core group of Yemeni citizens well-versed in fair and orderly elections administration, and, in a broader sense, in the rule of law and democratic processes.

The SEC to date lacks detailed plans for this area. To carry out a successful training program, the IFES team recommends that the SEC focus on two core areas: Early selection and notification of pollworkers, and training methodology.

Early Selection

In Yemen, as in many countries, the parties nominate individuals to serve on polling station committees (and on district-level committees, as well); the Election Law requires that no one committee of three can include more than two members from affiliated parties. Yet however justified the role of the parties in selecting a balance of workers, *the whole process breaks down if the parties do not nominate their pollworkers in a timely fashion or if the SEC does not announce its approval quickly.* A major flaw in the administration of the 1993 election was that the names of nominees to election day polling place committees were to be submitted by the political parties for SEC approval with a deadline of less than one week prior to training. This was not ample time to nominate and select thousands of people who will need to report for training immediately. Adding to the confusion, even as of this late deadline, only one party had actually submitted its nominations. This meant that thousands of pollworkers were notified at the last minute --by a radio announcement in which thousands names were read continuously for hours.

During meetings with election and party officials, the team repeatedly stressed the need to ensure that election workers be notified that their nomination had been approved *at least one month* in advance of the actual election date. This will allow for adequate preparation by the election worker, make proper training possible, and give the SEC time to make an orderly assignment of poll workers to their stations. Party submission of nominee lists would have to occur even earlier, of course. While this requirement seemed to be well understood by members of the SEC, more effort with the political parties may be required. IFES also discussed with the SEC more effective ways of notifying pollworkers of their selection, recommending that radio announcement should not be the only means of notification.

It will be crucial to the success of the election that early notification of pollworkers occurs.

Another complicating factor in 1993 was that pollworkers had to serve outside their own constituencies. (The SEC told IFES that it planned to follow the same guidelines for 1997.) Such a requirement reflects a commendable attempt to reduce pollworkers' potential bias toward voters or candidates in their own districts. But in many cases it caused significant logistical problems for training and deployment of these workers.

On a related note, the IFES team raised the issue of how election officials, pollworkers and others outside their constituencies on Election Day (election security forces, for example) would be able to vote. Because there is no provision for absentee ballots or early voting in Yemen, in 1993 thousands of such people were effectively disenfranchised. As of the team's departure from Yemen, the SEC had not yet resolved this problem.

Training Methodology

IFES notes three major weaknesses in the training methodology followed in 1993. First, election officials -- including high-level members of the SEC -- took on the task of pollworker training. While well-intentioned, this approach generally proved unsatisfactory. SEC members were mostly unfamiliar with training pedagogy; in addition, the heavy administrative burden of conducting the

elections meant that they were unable to devote their full attention to training.

Second, in many sites training was conducted at huge training centers, with hundreds of pollworkers in attendance. Not only did many trainees have to travel long distances to reach their training sites (since there was only one session per region in some cases), but the huge classes precluded interaction between trainers and trainees or even question and answer periods. As a result, many pollworkers were not adequately trained, leading to confusion and procedural errors at some polling places, and weakening public confidence in the integrity of the electoral process. The amount of material pollworkers must absorb is vast. It is IFES' view, based on experience with pollworker training projects throughout the world, that the most effective training conveys this material in small groups with interactive learning, role-playing, and ample time for questions and answers.

Third, IFES recommends extending the training period. In 1993, training was conducted under severe time constraints. Planning for more training days would greatly enhance the entire training process by reducing the pressure, caused by an unrealistically short training schedule, experienced by election officials in the last election.

F. The Vote Count and Announcement of the Results

In preparing for an election, emphasis is often placed on the elements leading up to election day, especially on encouraging voters to go to the polls and cast their ballots. Not enough attention is always paid to what happens right after the polls close. Yet the vote count and the announcement of results are crucial procedural aspects that should not be overlooked. The way in which these are planned and carried out is essential not only to the smooth administration of an election, but also to how it is interpreted politically by all participants. Even if many other aspects of the election have been conducted in a transparent and credible manner, problems with the count and delays in announcing of the results, whether unintentional or not, can easily generate suspicion and mistrust among the electorate. Snafus in these areas can also have an impact on the willingness of candidates and parties to accept the results, and to work with the newly-elected government.

IFES would like to review problems it observed in 1993, and to make some recommendations based on improvements that could be made to the process in 1997.

The Vote Count

The 1996 law follows the 1992 law in stipulating that counting shall be done at the constituency level, which means that ballot boxes must be transported to the central constituency office, and that counting cannot begin until all boxes, election officials, and candidates' agents have arrived.

In 1993, ballot boxes were transported to the Principal Committees under armed security guard, accompanied by candidates, their representatives, election officials, and official observers. Only when the ballot boxes from every polling place in the district had been received, and all committee members and candidates or their representatives were present, could the count begin. After the

count, the results and all election materials (sealed in the ballot boxes) were delivered to the constituency offices, which wrote a separate receipt for each polling station, and then transported all documents to the SEC. The results forms were returned to the SEC in a separate envelope. These materials remained at the SEC until the deadline for complaints ends, or until the courts settled any challenges. Official election results were to be made public by the SEC within 72 hours "after the release of results by the committees."

The requirement that counting could not begin until all boxes were received at the constituency-level counting center meant that in many cases, the process did not begin until the early hours of the morning, as officials and others waited for the last boxes to arrive. One reason for the delay was that some polling places stayed open far later than others, despite the consistent closing time (8 pm) required by the law. Another problem was that once the count finally began, the law did not provide sufficient guidance on what to do if a box arrived with a broken seal, without the required signatures on the tape, or with fewer or more ballots inside than district records showed had been distributed to that polling site. Sorting out these issues caused significant delay, because the large group of people assembled at each counting site had to reach a consensus on what to do in each case, and each had to be resolved on an ad-hoc basis. With an average of 30 minutes to count each box, the process took more than 12 hours at some counting centers.

In terms of the count itself, the issue of spoiled ballots presented another challenge for those involved. The 1992 law failed to provide clear guidance on how to determine a spoiled ballot, stating only that blank ballots, ballots marked for more than one candidate, and votes on paper other than the official ballot were invalid. In most cases, it was not too difficult to assess ballots with these problems. But on other ballots, it was not so easy to determine what the "clear intention of the voter" meant --the ultimate determinant mentioned in the law. With the write-in ballots used in 1993, this caused confusion, as officials and others at the count gathered around to examine a ballot where the name of the candidate was misspelled, or where two names were combined. By what mechanism could they determine the clear intention of the voter? It is anticipated that the use of symbol ballots (especially if there is an effective voter information campaign explaining how to mark these new ballots) will eliminate much of this confusion, since voters will simply check a box next to their candidate of choice and no handwriting will be required. The law must further elaborate, however, Article 68, which states that valid ballots "refer to the will of the voter." What if a voter makes a check that touches two boxes, or more --how will the will of the voter be determined? This question may seem nitpicky, but in fact such judgement calls can affect thousands of ballots. Many countries using similar balloting systems have clarified such issues by establishing detailed guidelines well ahead of time, and by making sure that all election officials and candidates agents are well aware of them.

Announcement of Results

Again, this is an area where great damage can be done to perceptions of the legitimacy of the electoral process, despite success in many other areas. In 1993, Yemenis experienced a long period of suspense after the voting ended because little preliminary information was released. Because the public did not know what was happening, many people feared the worst. IFES

observed two main problems in 1993, both of which deserve the SEC's serious consideration.

The first problem was that although it did set up a media center, the SEC failed to formulate a clear policy for announcing preliminary results. This meant that the media center couldn't release much or any clear official information on results as they came in. A number of press conferences were suddenly canceled, leaving a bad impression, and causing rumors to spread. Although announcement of preliminary results can be problematic because the information is not final, many countries have devised detailed and sound mechanisms for making sure that counting centers convey accurate information to the elections headquarters, for the headquarters to confirm those results, and for officials to then release preliminary results soon after they arrive. Fax and computer technology are used in many places; since this may be difficult in Yemen, a system of unofficial tally boards is one possibility.

A second problem was that the law stated (as does Article 71a of the 1996 law) that official final results would be announced "72 hours after ending up the process of voting." Since many polling stations stayed open longer than others, it is not clear what "72 hours" means. It is crucial for the SEC to decide on a workable, but absolute, deadline that applies to all voting places universally. Otherwise, the murkiness of Article 71 leaves it open to numerous interpretations.

Recommendations

- IFES is aware that a desire for a high degree of transparency, encouraged by the presence of a large number of people at the transport of the boxes and at the vote count, in part shaped the decision that counting would take place at the district level. However, the SEC might explore the possibility of having the count take place at the polling station level immediately upon the close of the polls, as this would speed up the entire counting process and the announcement of the results. At the polling station, the results of the count could be acknowledged by all present and a copy of results provided to all. What happens to the ballot box after that would simply be an administrative matter.
- In the by-laws, the SEC must outline detailed instructions for what to do with ballot boxes that have broken seals or other problems, or that have a discrepancy in the number of ballots.
- The by-laws must also give detailed guidelines for how to determine what "the intention of the voter" on his or her ballot means, so that election workers can rule quickly and fairly on questionable ballots.
- The SEC should again establish a media center, and make it effective by developing clear policies and workable procedures on announcement of preliminary results to the public.
- The by-laws must clear up the issue of the deadline for announcement of official final results.

G. Election Observation

The IFES team heard a number of Yemenis say, when questioned about flaws in the electoral process thus far, that "international observers will guarantee that we have a free and fair election." Yemen permitted delegations of international observers to observe the 1993 election, and the SEC has stated its interest in inviting similar missions to the country in 1997.

Although the inclination to permit international observation is a positive sign, the role of domestic monitoring organizations should not be overlooked. Non-partisan, well-trained local monitoring and observation organizations can exercise considerable influence through their domestic credibility, their knowledge of the language, and their nuanced understanding of the pre-election political situation. There are currently two grassroots organizations seeking to organize domestic election monitors and observers: ADI and the Election Monitoring Committee (EMC). IFES discussed observation activities with both groups while in Sana'a.

It is important to note the background to the issue of domestic observation in Yemen, however. The 1992 law was silent on the subject, and on that basis the SEC voted twice against officially allowing domestic monitors to operate out of concern that partisan interests (specifically the YSP) were driving the effort. For the 1993 election, Yemen's Election Law 41 of 1992 provided that candidates could have representatives present within the voting hall to monitor balloting procedures, but no such provision was made for specifically for domestic monitors outside of the framework of candidates' representatives. The 1993 effort by the National Committee for Free Elections (NCFE) to obtain domestic monitor status with NDI support failed to win official recognition from the SEC.

Regarding the 1997 election, Article 104 of the new Election Law implicitly recognizes a legitimate role for both foreign and domestic observation organizations, stating that "The SEC shall establish rules organizing the granting of access to foreign and domestic grassroots organizations wanting to monitor the course of the election process." While such rules have not yet been prepared, the law's recognition of the importance of the role of foreign and domestic monitoring is a welcome and progressive development on which such organizations will be able to build. IFES urges the SEC to provide detailed provisions for both types of observers in the by-laws.

Candidates' Representatives

As noted above, the 1992 Election Law provided for each candidate to have one representative inside each polling place in his/her constituency to monitor election procedures. Despite the avowedly partisan nature of such representatives, they are nonetheless able to play an important role in making sure pollworkers and other officials adhere to established procedures, provided their candidates have trained them in proper election procedure. Experience gained during the 1993 elections indicates that in most cases the representatives had received virtually no training, although they were undoubtedly generally alert to any obvious attempts to defraud or purposely interfere with the election process. With an average of 16 candidates per electoral district, the

large number of candidates' representatives often resulted in considerable crowding inside the room at the smaller polling places, but those present did not seem to mind.

During meetings with officials of various political parties, the IFES team repeatedly emphasized the importance of establishing monitor training programs for candidates' representatives, since as of now, they are the *only personnel legally authorized inside the polling place* other than the voters and the election committee. Because it is hopeful, but not certain, that domestic monitors will be allowed inside the polling place, ADI and EMC could contribute greatly to ensuring election fairness by working with political parties and independent candidates to offer training programs for candidates' representatives.

IV. Summary and Recommendations

A. Summary of IFES' Recommendations

- The SEC must plan and implement a wide-reaching media campaign to inform voters about the new symbol ballots.
- The process of providing voter identification cards must be completed as soon as possible.
- The SEC must decide whether to change the deadline for candidate withdrawal, or devise a way to print the ballots ahead of time and cross out the names of withdrawn candidates.
- The SEC must decide where the ballots will be printed, and must formulate detailed plans for distribution and security of the ballots.
- The SEC must clarify guidelines for which ballot symbols will be unacceptable, and for the visual design of the ballot.
- The SEC should consider printing ballots in tablets of 100, and numbering them, for easier distribution and control.
- The SEC must work closely with the parties to set realistic deadlines for the submission of names of election committee nominees --*particularly pollworkers*--, and convince the parties of the necessity of adhering to these deadlines.
- The SEC must develop an effective plan by which to notify election workers of their selection, training site, and training dates.
- The SEC needs to formulate workable plans to encourage women to serve as election workers, and to ensure they are well-trained, in special women-only training sessions, if required.
- The SEC should consider the possibility of allowing pollworkers to serve in their own constituencies.
- A plan for voting by security forces, election workers and others who may be out of their voting district on election day should be devised so that these Yemenis are not disenfranchised.
- The SEC should explore the possibility of having the count take place at the polling stations, rather than at the constituency level.
- Very detailed guidelines must be spelled out to determine spoiled ballots and the will of the voter on ballots that are not clearly marked.
- A universal closing time must be enforced at all polling stations. This will help greatly with

speeding up the start of the counting process.

- The SEC should set up a media center for election-night updates, and devise workable plans for announcing preliminary returns to the public in a timely and accurate fashion.
- The SEC should allow both international delegations and Yemeni organizations to undertake observation activities.
- The political parties should train candidates' agents in their rights and duties in monitoring the voting and the count.

B. IFES Assistance with Pollworker Training

Cascade Training System

To eliminate the need for SEC members to serve as trainers, and to improve the training process in general, the SEC should use a core group of "trainers of trainers" drawn from throughout the country, with previous experience in teaching and training. IFES could assist with their recruitment, and with training them in both election procedure and teaching technique at a central site in Sana'a, over a period of several days. At the completion of this training, these core trainers --well-versed in pollworkers' duties, the Election Law and by-laws, sound election administration, and training methodology-- would fan out into the constituencies, where they would train district-level election officials, who then would train small groups pollworkers. Core trainers and IFES experts would be on hand to observe constituency-level training in selected sites and to offer assistance where necessary. This approach would free the SEC of a major administrative burden and would significantly improve the training process through the use of expert trainers in a cascade system.

Assistance in Training Materials Development

Well-designed, easy-to-use printed materials also enhance training, and can serve as reference guides for use on Election Day. Such materials, based on the Election Law and the by-laws, include training manuals for core trainers, for district-level trainers, and for pollworkers themselves. IFES proposes to assist in the production and expense of such materials. IFES also could help the SEC produce an "election day checklist" for every polling site, similar to the checklist IFES helped design in 1993. In addition, the SEC might consider IFES' assistance in producing non-written training materials, such as videos, that might be effective in the Yemeni context, where although the law requires that pollworkers have a secondary school degree, not all will necessarily be literate.

APPENDIX A

List of Contacts

The IFES team met with the following people as part of its assessment mission:

Members of the Supreme Elections Commission:

Muhsin al-Ulufi, President of Committee

Said al-Hakimi, President, Information and Public Relations Committee

Ameen Ali Ameen, President of Planning and Technical Committee

Alawi al-Attas, Vice President, Planning and Technical Committee

Abulfatah al-Baseer, President, Legal Affairs Committee

Abdulrazaq al-Ruqaihi, Vice President, Legal Affairs Committee

Abdullah al-Saidi, Director General, Public Relations Department, Ministry of Foreign Affairs, seconded to SEC

Abdulghani al-Zabidi, Media Committee staff member

Abdulkarim al-Iryani, Minister of Foreign Affairs and Secretary General, GPC

Abdulwahhab Mahmoud, MP, Iraqi Baathist Party, Head of Parliamentary committee reviewing the amended election law

Hamoud al-Hitar, Chief Judge of the Appellate Court, Sana'a, and President of the Yemeni Organization for Human Rights

Muhammad Abdel Malik al-Mutawakkil, Dept of Poli Sci, Sana'a University, independent

Jarallah Omar, YSP

Omar al-Jawi, Yemeni Union Rally

Taqiya al-Ahmar, Director, Islah Women's Charity Association

Abdulmalik al-Mikhlaifi, Nasserite Unionist Party, Former SEC member (1993)

Mohammed Muqaleh, Secretary General, al-Haqq Party

Za'idi al-Zaari, al-Haqq Party

Hafez Fadel, President, Arab Democratic Institute

Raoufa Hassan al-Sharki, political activist and Vice President, Arab Democratic Institute

Faris Senebani, Arab Democratic Institute

Mohammad Abdulrahman al-Rubayi, Chairman, Elections Monitoring Committee

Abd al-Aziz al Saqqaf, Editor, *Yemen Times*, Economist, Sana'a University, Elections Monitoring Committee

Ahmed al-Sufi, Journalist, Elections Monitoring Committee

Ahmed al-Iryani, Chief, Promotion Sector, General Investment Authority

Fou'ad Nu'man, Businessman

Abdul Hamid al-Ajami, Office Manager, Educational Development Center

Mazen Luqman, former IFES team member (1993), Director, English Language School, Sana'a

David Newton, US Ambassador to Yemen (briefing in Washington before departure)

Margaret Scobey, Deputy Chief of Mission, US Embassy Sana'a

Richard Jarvis, Political Officer, US Embassy Sana'a

Abdul Ali al-Shami, Democracy Officer, USAID/US Embassy Sana'a

Onder Yucer, Resident Representative, UNDP/Yemen

Jurgen Koch, GJW Europe/European Union

Noha Sadeq, Resident Director, American Institute for Yemeni Studies

Renaud Detalle, Doctoral student specializing in Yemeni politics and Consultant, European Union

David Nassar, National Democratic Institute

Khalid el-Guindi, National Democratic Institute

APPENDIX B

**Revisions Enacted to the 1996 Election Law,
with Comparisons to the 1992 Law**

Major Changes in General Elections Law 27 of 1996¹

Part One - Names, Definitions, and Voting Rights Chapter One - Names and Definitions

Old/New

No. Comment

1/1 No change.

2/2 Minor changes were made to enhance the definitions used in the law. "General referendum operations" are added to the list of election activities for which SEC is responsible.

Chapter Two - Voting Rights

3/3 No change.

4/4 As amended, this Article allows a voter to change registration locale. The election committee at the new locale advises SEC, which in turn advises the committee at the old locale to strike the voter's name from its rolls. It further provides that a citizen may not be compelled to register in a particular locale or to vote for a particular candidate.

5/5 No change.

Part Two - Registry of Voters

6-8/6-8 No changes.

9/9 This Article is amended to specify the manner in which a prospective voter establishes his age for voting purposes (presenting an ID card or other official document, or by affidavit of two attestees).

10/10 No change.

11/11 In this Article, the timing for the review of voter registers is changed from "January" to any 30-day period once every two years. This must occur "at least" two months prior to the call for general elections.

12-17/12-17 No change, except to remove reference to specific months as in Article 11.

¹ Comparison is made to the September 21, 1992, English translation of Election Law 41 of 1992 published and distributed by the Government of Yemen. An English translation of Law 27 of 1996 was published in four installments in the *Yemen Times* newspaper in September 1996, and is included as Appendix C.

18/18 Amendment permits a voter with a lost or destroyed registration card to submit a request for a new card. Application must be made at least one week before election day.

19/19 No change.

Part Three - The Supreme Elections Commission (SEC) and SEC Duties

20/20 Sets the size of the SEC at seven members and requires a 2/3 vote of Parliament to approve their nomination.

21/21 Reworded slightly without any change in content.

22/22 The political non-affiliation requirement in the 1992 law for SEC members is changed from having to resign from one's party to "freezing partisan activity."

23/23 A minor change specifies that an SEC member shall have all privileges accorded a cabinet minister.

24/24 This amendment, based on the oath of office provided for in the Constitution, adds a stronger religious tone than the previous oath contained.

Old oath: "I swear by God Almighty that I shall preserve faithfully the Republican system..."

New oath: "I swear by God Almighty that I adhere to the Book of God and the Sunnah of His Prophet and that I shall preserve the Republican system..."

25/25 This Article is amended to make the SEC responsible for conducting a general referendum and for dividing electoral districts on an equitable basis considering geographic and social factors. It also adds the requirement that the members of all committees (estimated 12,000) formed under this Article be approved by a 2/3 majority of the SEC membership and that no committee solely comprise members of a single party. It further corrects a constitutional reference from Article 61 to Article 77.

26/26 This Article is amended to make "the official media" subject to the oversight and directives of the SEC in election matters.

27/27 This Article is amended to specify its applicability to both "Chairmen and members" of election committees and to require all such committee members to have at least completed general secondary school or the equivalent. They were previously required only to be literate.

28-31/28-31 No change, except to add the Arabic word for female voters where the word for male voters occurs in Article 29.

32/32 This Article is amended to make the SEC budget subject to parliamentary approval.

33/33 This Article on the nature of the SEC is amended to add "neutrality" to "independence" as a feature describing how the SEC conducts its business, and to specify that all its decisions shall be public.

Part Four - Election Campaign Rules and Organization

34-39/34-39 No change.

40/40 An amendment to this Article makes the SEC responsible for "establishing controls to ensure candidates will remove their election posters."

41-43 No change.

44/44 After minor reworking for greater clarity, this Article is amended to authorize supervisory and principal committees to permit the use of schools for election campaigning. This authority had been restricted to the SEC. The clause concerning violations is moved to Article 78.

45-46/45-46 No change.

47/47 "Individuals or any other entity" are added to the list of those prohibited from exercising pressure, intimidation, and the like during campaigns.

Part Five - Elections Procedures

Chapter One - Parliamentary Elections

48/48 This Article was reworded to make the number of electoral districts (301) explicit.

49/49 The provision for "November" general elections is replaced by "general elections to be held at least 60 days before the end of Parliament's term."

50/50 No change.

51/51 The qualification that a candidate for Parliament "not be illiterate" is amended to read "shall be proficient in reading and writing."

52/52 This Article is clarified to indicate that candidates shall apply to "nominations acceptance committees during official working hours..."

53/53 This Article is clarified to specify that a party's "president, secretary general, or the official deputy of either" shall sign to certify a party candidate.

54/54 No change.

55/55 The provision that a government employee must "resign" to become a candidate is

replaced by "is deemed suspended from engaging in public employment." A member of a local council running for Parliament must first resign. If unsuccessful, he must be reelected to the local council. Cabinet members are the only public officials allowed to combine a parliamentary seat with a government appointment. The requirement in Para B that certain public officials resign three months in advance of running for office in the district in which they worked is reduced to one month in the case of by-elections to fill a vacancy.

56/56 This Article is amended to allow the SEC "to extend" the deadline for candidate withdrawal if need be. Withdrawal of a candidate must be "announced in all the official media."

57/57 In the event only one candidate has filed by the deadline to run in a particular district, the amendment to this Article specifies that the SEC shall declare nominations immediately reopened for an additional five days.

58/58 This Article underwent minor rewording not affecting its substance.

59/59 No change.

60/60 "Executive officials" are added to the list of personnel not allowed to enter the polling stations without authorization.

61-62/61-62 No change

63/63 This Article is amended to provide that should a voter's voting card be lost or destroyed, the voter may no longer submit a ballot after his registration is checked and his identity verified by acceptable means. He/she must have obtained a valid voting card per Article 18. Either the president or a member of the committee is required to check that the voter's name is in the register.

64/64 This Article is amended to delete the requirement that a candidate's name be written on the ballot, to remove the provision for assistance to an illiterate voter which violated ballot secrecy, and to provide for symbols. The new Article reads as follows:

"A. Each candidate shall have a symbol or sign distinguishing him from all other candidates within the electoral district.

"B. When nominations are opened, the nominations acceptance committee shall receive the symbols submitted by the candidates and coordinate them in a single list for the district. In coordination with the SEC, each party or political organization may select a single symbol for all of its candidates in the various electoral districts.

"C. The ballot paper shall contain the symbols and signs pertaining to the candidates in the electoral district in a clear manner. They shall be arranged in the order in which candidate nomination applications are submitted.

"D. The committee president shall provide each voter with a ballot paper on which to record his choice secretly behind the curtain assigned for that purpose within the election hall. The voter shall then place it in the ballot box in front of the committee president and members, and the candidates or their representatives, none of whom shall have the right to look at its contents. A voter who is handicapped, blind, or unable to distinguish the symbols or to mark them may use a voter he trusts to record his choice on the ballot paper under the supervision of the committee president or one of its members, but neither they nor the candidates or their representatives shall have the right to mark the ballot paper of any voter.

"E. After each voter has voted, the committee must place a mark next to his name in the voter's register. The president of the committee shall also sign his voting card so indicating, and the special ink must be put on the voter's thumb which is then imprinted next to his name on the voter's lists."

65/65 This Article is amended to provide that after the ballot boxes are shown to be empty to the voters, candidates, and delegates at 8:00 a.m. on voting day, "the number of ballot papers delivered by the SEC to the election administration committee shall be determined."

66/66 This Article is amended to delete the reference to "the voters who declared having lost their voter's registration card."

67/67 This Article is amended to provide for a tally committee which "shall consist of the president of the principal committee as chairman, with membership comprised of principal committee members and the presidents and members of the branch committees in the district."

Paragraph E is added as follows:

"E. The tallying process must continue without halting. No candidate or his delegate may leave the tally hall without having received permission of the tally committee and having designated in writing someone to replace him during his absence. Should he fail to take permission and to designate a replacement, the tally committee shall appoint someone in his stead and a report to that effect shall be written and signed by the committee. The tally process shall continue in the presence of the appointee, who shall sign the minutes on the candidate's or delegate's behalf. The refusal of a candidate, his delegate, or his appointee to sign the tally minutes and results shall have no effect on the results announced by the tally committee."

68/68 This Article is amended to provide that "in all cases any [marking of a ballot] that indicates the will of the voter shall be considered valid."

69/69 The following paragraph is added to this Article to provide a process for determining the winner in the event of a tie vote:

"A drawing shall be conducted by writing the names of those with an equal number of votes on pieces of paper of equal size and indistinguishable from each other. Each name shall be written on the paper in front of all present, and each piece of paper shall be placed in an envelope.

Someone from outside the committee headquarters who did not witness the writing process shall be brought in, and he shall select one of the envelopes. The result shall be recorded in a separate minute."

70/70 This Article is amended to ensure that the name of the winning candidate is not announced by the tally committee until after the legally required paperwork has been completed, including signature by committee members, candidates, delegates, and appointees. Candidates are accorded the right to obtain copies of such reports and minutes, and provision is made for copies to be sent to the supervisory committees and the SEC. A second addition provides that the number of unused ballots shall be included in the committee's final report.

71/71 This Article is amended to remove the requirement that the SEC "check the correctness of the election results" to provide that SEC "shall receive the election results and announce them as they come in." It further provides that all results be announced within 72 hours of "closing of the polls" rather than "72 hours from the release of the results by the election committees..."

Two new articles are added to this section regarding procedures for parliamentary elections, as follows:

Article (72). In the event the polling results in one or more electoral districts are invalidated, or if the election process did not begin or was not completed, by-elections must be conducted within six months of the date the polling results were invalidated or of the date scheduled for the elections which could not be conducted or completed.

Article (73) Should the seat of a member of Parliament become vacant not less than one year prior to the end of the Parliament's term, his successor shall be elected for the remainder of his term of office within 60 days of the announcement of the Parliament's decision that his seat is vacant. A member's acceptance of an appointment to executive work shall be deemed equivalent to his vacating the seat. Within one month of the appointment, the Parliament must notify the SEC to conduct an election in his district.

Chapter Two entitled Election of the President of the Republic and Procedures for a General Referendum is added to the law here. The chapter consists of 15 Articles, as follows:

Chapter Two - Election of the President of the Republic and Procedures for a General Referendum

Article (74) Subject to the provisions of Articles 106, 111, 112, 113, and 115 of the Constitution, the staff of the office of Speaker of Parliament shall notify the SEC of the names of candidates proposed for the office of President of the Republic in accordance with the provisions and procedures specified under Article 107 of the Constitution.

Article (75) The SEC must make preparations for conducting competitive elections for the office of President of the Republic in accordance with the provisions and measures pertaining to parliamentary elections as provided under this law.

Article (76) Whichever participant in the elections receives an absolute majority shall be deemed President of the Republic. If none of the candidates receives such a majority, the election shall be repeated using the same procedures as before for the two candidates who received the highest number of votes of those who voted.

Article (77) The result of the balloting in each district shall be tallied individually. The candidates or their delegates shall be given a copy of the tally result. The SEC shall announce the result and the name of the winner of the position of President of the Republic.

Article (78) A general referendum shall be conducted on the basis of a decree by the President of the Republic calling for a referendum in accordance with the time periods and deadlines specified in the Constitution.

Article (79) As soon as the SEC is notified of the general referendum, it shall begin preparations for the referendum in accordance with constitutional procedures.

Article (80) Should the Parliament resolve to amend one or more Articles of the Constitution, it shall notify the SEC to conduct a general referendum concerning the amendment. If the resolution to amend takes place during a year in which general elections are to be held, the referendum on amendments and procedures for the elections will take place at the same time.

Article (81) Electoral districts and voters rolls shall be identical for a general referendum. The voter's card is likewise a referendum card and shall be subject to the provisions of Article 18(B) of this law.

Article (82) The provisions pertaining to the rights and duties of voters with respect to elections shall apply to participants in any general referendum.

Article (83) Subject to the contents of this Chapter, the provisions and procedures related to elections contained in this law shall apply to a general referendum.

Article (84) The SEC shall take measures to ensure public awareness concerning a general referendum via the official visual, radio, and print media.

Article (85) With the exception of Articles 78(3) and 79(4) of this law, election crimes shall be deemed referendum crimes and subject to the same penalties.

Article (86) The courts of first instance shall have jurisdiction for considering appeals pertaining to the procedures and results of the referendum in the districts. Their decisions shall be subject to appeal before the appellate courts.

Article (87) The Supreme Court shall decide on appeals related to the general result of the referendum and its decisions shall be final.

Article (88) A general referendum shall come into force unless it receives the approval of an

absolute majority of those casting their votes.

Part Six - Challenges to Membership Validity (*Title Change*)

72/89 This Article is amended to give "any interested party" the right to challenge an election's results, not just "All voters who have voted" as previously. The challenge must be limited to "voting and tallying procedures" and "must be accompanied by a surety bond of 50,000 Yemeni rials, which are forfeited if the challenge fails, or returned to the challenger if he/she wins the challenge."

73/90 This Article is rewritten as follows:

"The Supreme Court shall form a tribunal to assist it consisting of all of the presiding judges of the appellate courts in the Capital Municipality and the Governorates, or their deputies, whose task shall be to investigate and render an opinion on the validity of challenges submitted regarding voting and tally procedures. The Supreme Court shall issue its decisions in light of this opinion within ten days of submission of the response, with the proviso that the decision not exceed the period prior to convening of the newly-elected Parliament. The court's decision shall be communicated to the President of the SEC and shall be considered final."

74/91 This Article is rewritten as follows:

"The Supreme Court shall serve the winning candidate, against whom a challenge regarding voting and tally procedures in his electoral district has been filed, with a copy of the challenge petition so that he may submit any written comments or points of defense. This must be done within four days from the date of the candidate's being served with the challenge."

Article (92) Submission of a challenge shall not prevent the SEC from announcing the names of winning candidates against whom challenges regarding voting and tally procedures in their electoral districts have been filed, nor shall it prevent granting them the certificate of having won membership in the Parliament or their attendance at meetings of Parliament.

75/93 This Article is amended to raise the bond required of someone challenging an election from 20,000 rials to 100,000 rials, and adding that "if the challenge is not resolved in favor of the challenger, that sum shall be forfeited to the Public Treasury; if the challenge is resolved in favor of the challenger, the bond shall be returned to him."

76/94 The timetable for the Parliament Speaker's office to submit challenges to the Supreme Court is changed to "within 15 days of their submission to the Parliament...for the purpose of investigating and rendering an opinion on the validity of the challenge submitted to the Parliament." Action by the Court is required within 90 days of its receipt of the documents.

Part Seven - Penalties

77/95 No change.

78/96 In Article 96(3) "Part Four" replaces "Articles 34-40". Paragraph 11 is added as follows:

"96(11).Anyone altering the choice of an illiterate or similar voter by having written a name or marked a symbol which the voter did not intend, or anyone impeding any voter to prevent him from exercising his right to vote."

79/97 No change.

80/98 The fine imposed is raised from "up to 80,000 rials" to "not less than 200,000 rials and not greater than 300,000 rials."

81-82/99-100 No change.

Part Eight - General and Transitional Provisions

83-89 Deleted from the new law.

90/105 See 90/105 below.

91 Deleted from the new law.

Two new articles are added to this part regarding SEC responsibilities, as follows:

Article (101) Any interested party may submit a challenge petition to the court against the SEC in the event of any measure taken by it in violation of the constitution and the law. The court shall decide on such challenge within 15 days.

Article (102) All applications, petitions, and challenges submitted in accordance with this law shall be exempted from all general and judicial taxes and fees and from the stamp tax.

92/106 See 92/106 below.

93/103 This Article is amended to read: "Apart from the specific provisions of this law, the provisions contained in the Local Administration Law shall apply to elections to local councils."

The following new Article is added:

Article (104) The SEC shall establish rules organizing the granting of access to foreign and domestic grassroots organizations wanting to monitor the course of the election process.

90/105 This Article is reworded as follows: "The SEC shall prepare the Executive Regulations for this Law. They shall be promulgated by virtue of a Republican Decree following SEC review."

92/106 No change.

94/107 No change, but for the number of the law revoked thereby.

95/107 No change.

APPENDIX C

English Language Translation of the 1996 Election Law



First of Three Parts:

Text of the Amended Elections Law

Last week, President Ali Abdullah Saleh enacted Law 17 on General Elections. This law comes to replace an earlier law.

Yemen Times is happy to provide herewith its translation of this important law.

CHAPTER ONE: Names and Definitions and the Rights of Elections

Article (1):
This law shall be called the General Elections Law.

Article (2):
The words and expressions used hereunder are defined as follows, unless specified otherwise.

- a- Republic: Republic of Yemen
- b- Citizen: Male and Female Yemeni
- c- Voter: Each Yemeni who enjoys the voting rights according to this law.
- d- Voting Locale: The place where the voter usually resides, or where his main work is, or his family residence address though he may be not residing there.
- e- Supreme Committee: The Supreme Elections Committee which is formed and its members named according to this law.
- f- Preparative Committees of Schedules: The basic Committee and the Branch Committees which are named to prepare schedules (lists) of names, voters' data or review them and edit copies of them and all that is ought to be processed according to this law.
- g- Committees Steering the Elections: The original and the Branch Committees which are formed to steer the elections starting from receiving candidature forms and supervision of the electoral process up to the counting of votes and exercising its tasks according to this law.
- h- Supervision Committees: The committee or committees which the Supreme Committee forms in the governorates for supervision on the other election committees.
- i- Constituency: It is to form an electoral constituency in the Republic according to Constitution and text of this law and the citizen is entitled to practice his electoral rights.
- j- General Elections: It is the direct method for citizens to practice its rights in voting for their representatives in parliament and in any other general elections.
- k- A Schedule of Final Registrants for Voting: It is a schedule which includes the final list of voters' names which announced and irrefutable.
- l- Casting of Ballots: The process in which voter gives his decision in any general election or referendum.
- m- General Referendum: The public opinion poll to know to what extent the general public approves or rejects any issue related to making adjustment on the Constitution or dissolving of parliament or any other general referendum which the president of the Republic calls to according to Constitution.

CHAPTER TWO: The Right of Voting

Article (3):
Each citizen who reached the age of maturity (18 years) enjoys the right of voting with exception of naturalized citizens who have not completed the acquiring residency conditions stipulated in the law of naturalization.

Article (4):
A- Each voter practices his electoral rights by himself in his constituency. In case of options regarding constituencies, he should specify the constituency in which he plans to exercise his electoral rights. However, it is not allowed for a citizen to register his name in more than one constituency or polling station. Citizens may exercise their right to vote only in the polling station in which they are registered.

B- It is allowed for the voter to change his constituency among the constituencies legally optional to him. In case of changing his constituency, the voter has to inform in writing the chairman of the election committee in the new constituency where he plans to vote, and make sure his name appears on its schedules. Such a process - through the Supreme Committee - will entail cancelling his name from the schedules of the election committee in his former constituency before announcement of voters' schedules according to the text of Article (12) of this law.

However, it is not allowed to change the constituency in the election year after a review to the voters' schedules are rendered final and irrefutable.

C- It is not allowed to force a citizen to choose a certain electoral constituency or force any voter to cast his ballots for a certain candidate. The law prohibits any civilian military authority employing

his authority or his influence to force-change the voter's will with punishments stated in article (97) of this law and will be dismissed from his position.

Article (5):
The Supreme Committee takes the steps to encourage women to exercise their electoral rights through the formation of exclusive women's committees which have the responsibility of registration of voters' names in schedules. Confirmation of identity during voting is carried out within the frame-work of polling stations in each constituency.

Article (6):
Each voter has one vote and it is not allowed for the voter to cast his ballot more than once in one election.

CHAPTER THREE: The Schedules of Voters

Article (7):
Each constituency has a schedule of permanent voters prepared by a basic committee and branch committee. The tasks of both are specified by the Supreme Committee, and they exercise their tasks according to this law together with the resolutions and regulations implementing it. The branch committees ought to provide the basic committee with schedules that it had edited so that they are written down in the permanent voters' schedule of the constituency after signing them by chairman and members of the committee.

Article (8):
The schedule of voters in each constituency includes the name of each citizen in the constituency who attained on the first of January of the year of elections, the necessary constitutional conditions to exercise the electoral rights. The schedule also includes surname, profession, birthplace, and constituency of the voter.

Article (9):
The committees preparing the schedules ought to make sure of the citizen's age by the following methods:
1- Identification card or any official document.
2- A testimony of two witnesses in case there is no identification document.

Article (10):
The schedule of voters for each constituency is made out of five copies - each signed by the chairman of basic committee and its two members. The 1st copy is kept by the committee in the constituency, the 2nd is sent to the Supreme Elections Committee, the 3rd is kept with secretary of the parliament, the 4th with the Supreme Court, and the 5th copy is kept with the supervisory committee in the Governorate's capital.

Article (11):
A- The reviewing/editing of the voters' schedule or adjustment proceeds during thirty days once in two years and once, at least two months before the decision to call for general elections. The adjustment is done by adding of names of citizens who acquired the right to vote. However, it is not allowed to make any adjustments in the schedule after calling the voters for election.
B- The adjustment ought to include the following:
1- Adding names of those who obtained the electoral rights.
2- Adding names of persons neglected without any right in the previous schedules.
3- Omitting the names of the dead.
4- Omitting the names of those who lost their rights since the last review or those whose names were wrongly listed.
5- Omitting those who transferred their constituency to another, while adding those who were transferred to this constituency.

Article (12):
Copies of schedules of elections for each constituency - once approved by the chairman of the basic committee - must be available in general places of the constituency in the district capitals, and in places which are specified by the Supreme Committee within fifteen days after closing the registration process.

Article (13):
Each citizen resident in the constituency has the right to demand from the basic committee to list his name in the special schedule of voters if it was omitted by mistake. Application for such purpose are to be presented to the preparation committee within twenty days starting from the first day of the announcement of schedules. Such applications are then noted in their order of application in a book, in which each voter has the right of access.

Article (14):
The preparation committee gives its decision to additional names depends on the applications stated in the previous article within a time not to exceed 20 five days starting the day following the final deadline for filling up the applications. The committee should give the applicant's the chance to explain his/her views, and should undertake the necessary investigations.

Article (15):
The resolutions of the preparation committee on the schedules are announced in the locale referred to in article (12) of this law and remains announced for fifteen days starting from the last day for a decision on the applications.

Article (16):
A- Each voter in the constituency has the right to refute the resolutions of preparation and review schedules and appeal them before a specialized primary court within a maximum of fifteen days from the announcement of the resolutions. The court is authorized to proceed with the necessary investigations and to decide on each and every case whether to omit/add names within 20 days from the last day of the appeal period.
B- Each voter and representative of the general attorney in the constituency has the right to appeal the decisions of the Primary Court within fifteen days from the last day of the period of the court for giving decision, by applying to a judge assigned by the head of the appeal court of the governorate. It is allowed, when necessary, to depolize a number of judges and distribute the work to them according to the electoral constituencies. The decisions in these appeals are final and should be issued within twenty days of the appeal application date.

Article (17):
The schedules of voters are adjusted according to the final decisions of the appeal judge.

Article (18):
A- Each citizen registered in the schedules is given

a temporary certificate which is replaced by a permanent election card after registration in the schedule becomes final. The permanent election card must include the photo, full name, date of birth and the electoral constituency where the voter has the right to exercise his rights. It must also carry the signature and seal of the basic committee in the relevant constituency.

B- The election card is personal and cannot be used by any other person. The card is valid to exercise the electoral rights during the period specified by the Supreme Committee on the card itself, unless it is changed or replaced for legal reasons.

C- The election card may be withdrawn from any person who loses his electoral rights by a judicial sentence. The relevant bodies should provide the Supreme Committee with a copy of the decision or the sentence issued in this case.

D- Each voter who loses or damages his election card has the right to get a new one based on an application presented to a special committee in his constituency on condition that such application is made at least one week before balloting date, and provided the voter's name exists on the final voting schedules.

Article (19):
The final schedules of the voters' names are deemed for participation in elections, and no one is permitted to participate in the elections unless his name is registered on the schedules.

CHAPTER FOUR: The Supreme Elections Committee and Its Tasks

Article (20):
A- The Supreme Elections Committee is made up of seven members appointed by a presidential decree from a list containing (15) candidates nominated by parliament according to the conditions specified in this law.
B- The list of candidates for membership of Supreme Committee is decided by a majority of two-thirds of parliament's members.

Continues Next Week

وعمت البهجة والأفراح

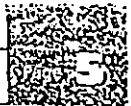
أسرة تحرير مجلة الوطن تهنيئاً
القيديد عبد عباس الشامي - مساعد مدير أمن المنطقة الثالثة بأمانة العاصمة
بمناسبة قرب دخوله التقمص الذهبي والذي تقرر في يوم 16 سبتمبر
المهزون لتكون الفرحة فرحتين ، وأدام الله السرور
المهزون بالقيديد علي مني ، علي سيد بن طالب ، منصور هائل ، المزي السلوي ،
محمد عبد الوهاب المرواشي ، سمير النجار ، وجميع الزملاء والأصدقاء.

بسم آل الحمدي وأصدقائهم وأنصارهم
يا جميل التهاني وأصدق التهريكات للشباب

عبدالله يحيى الالاهدي
بمناسبة قرب دخوله التقمص الذهبي ، أسعد الله مع عروسه ، وأدام الله السرور
المهزون
بمناسبة قرب دخوله التقمص الذهبي ، إبتسام الحمدي ، نشوان إبراهيم الحمدي
وجميع الأهل والأصدقاء.

بمناسبة قرب دخوله التقمص الذهبي وأعذب الأمتيات إلى
عبدالله يحيى الالاهدي
بمناسبة قرب دخوله التقمص الذهبي وأعذب الأمتيات إلى
عبدالله يحيى الالاهدي ، وتقع بها أهلها ووطنها ودينتها
وألف مبروك

بمناسبة قرب دخوله التقمص الذهبي ، عين تاييزه ، والأهل والأصدقاء.



Part II of Three Parts:

Text of the Amended Elections Law

Article (21):
 A- The tenure of membership in the Supreme Elections Committee (SEC) is four years starting from the date of appointment.
 B- The procedures for nomination and formation of the committee starts within five months from the date of the first session of the law.

Article (22):
 The candidate for membership in the SEC should possess the following conditions:
 A- 35 years of age.
 B- Born of Yemeni parents.
 C- Must have a university certificate, or equivalent, and possess competence and expertise.
 D- Must be of good conduct and ethics.
 E- Free from any record of judicial sentence issued against him, related to any election violations or crimes of honor and integrity.
 F- If an appointed member of the committee has an affiliation to a political party or political organization, such affiliation should be frozen.
 G- Must forfeit the right to announce himself a candidate in any general elections or participate in electoral campaigning for parties or candidatures during his membership in the committee.

Article (23):
 A- The rank of the member in the SEC should not be less than the rank of a minister. If a member did not have this rank before appointment to the SEC, then he acquires it by virtue of this appointment.
 B- The member of the committee is dealt with as a minister regarding rights and privileges during his work in the committee.
 C- A member of the SEC can only be expelled by a Republican decree and only in the event that the member has lost one of the conditions mentioned in Article (22) or due to a final judicial sentence issued against the said member. In case of a member's death or resignation, or expulsion, a successor is appointed to take his place for the rest of the membership tenure in the SEC from among the list of candidates approved by the parliament when the Committee was established.
 D- The members of the SEC select one among them to be Chairman of the Committee and another to be his Deputy.

Article (24):
 Before the members of the SEC should carry out their tasks, they must take an oath before the President of the Republic as follows:
 "I swear by God to adhere to the Holy Quran and the prophet's Rulings (Sunnah), to preserve faithfully the Republican System and to respect the Constitution and the law and guard the people's interests and freedom completely and keep secure the unity of the homeland, its independence, security of its lands and to perform my duty in the SEC honestly, with integrity and faithfully without favoritism.
 And I swear to what I say."

Article (25):
 The SEC is responsible for the management, preparation, supervision and sponsorship of proceedings of the general elections and referendums. In addition to its specialized function as specified above, the SEC is responsible for the following tasks:
 A- The zoning of the electoral districts in the Republic and to specify them on the basis of equality among the population, taking into consideration the geographic and social factors. Such zones are to be legitimized by the issuance of a Republican decree.
 B- Formation and appointment of the Chairmen/ Chairwomen and members of the Supervisory Regional Committees (SRC) and preparation committees of the basic and branch voters' schedule; and formation of basic and branch committees to manage the elections and then distribute them among electoral constituencies in the specified times for each of them and define the speciality of each inside of each constituency.
 Each committee is formed of a Chairman and two members; the formation of all the committees are by approval of two-thirds of members of the SEC and no committee should have a full membership from any one political party.
 C- All activities are to be completed within a pre-determined time, beginning with the provision of forms, schedules, documents, election cards and the special ballot boxes of the voting process and voting papers and sealing them with the seal of the SEC and the organization/distribution of them to the committees.

F- Calling for elections in the constituencies which the parliament announces is free of an elected member as decreed in Article (77) of the Constitution.

Article (26):
 A- The basic, original, branch, supervision, security committees and the security senior officials, the governors, the heads of the sub-administrational centers (districts) and all those who do not relate in terms of tasks to the elections are subordinate to the SEC and should follow the Committee's instructions relevant to elections, and the Committee must make sure of the neutrality of the senior officials of the local administrative authority which the SEC might require the assistance of.
 B- The official media is subject to the supervision and instructions of the SEC as related to the electoral process.

Article (27):
 All those individuals appointed by the SEC as presidents and members of preparation committees of schedules and committees managing the original and the branch committees and the supervision committees to have the following qualifications:
 a- To be a Yemeni national
 b- His age must not be less than 21 years, for the members, and 25 years, for the president.
 c- To have a secondary certificate or a certificate equal to it.
 d- To exhibit good manners and conduct and that no final judicial sentence was passed against him in any crime of dishonor unless rehabilitated.
 In all cases, it is not possible to appoint in any person in an electoral committee in a constituency in which this person is related to the fourth degree to any one of the candidates.

Article (28):
 The Supreme Elections Committee shall form supervision committees on the level of governorates, to have based in the governorate capital with the purpose of supervising the preparation of schedules, managing the elections, and other general responsibilities.

Article (29):
 The SEC must increase the numbers of registration stations and voting in the constituency areas so as to enable more numbers of voters to participate in the elections.

Article (30):
 The SEC ought to follow up the works of election committees and send inspectors to make sure of the safe application of the procedures, starting with the process of registration to voting. In addition, it has to make sure of effectiveness of the committees and their legality.
 The SEC may form any committees which it sees necessary to enable it perform its tasks and responsibilities.

Article (31):
 The SEC provides the liquid substance (ink) which must be placed on the thumb of the voter when casting his ballot on condition that the substance must not be removable before the passing of (24) hours at least, so as to avoid repetition of the same person voting.

Article (32):
 A- The state shoulders the full costs of elections and referendum and the government must put under the disposition of the SEC all its needs of resources, equipment and other means to enable it perform its work fully.
 B- The SEC has a special allocation under its own name prepared and introduced to the cabinet and approved by the parliament and shown within the general state budget under its name.

Article (33):
 A- The SEC is independent financially and administratively and enjoys legal status. It dispenses all its tasks, responsibilities, authorizations stated in this law independently and with complete neutrality. It is not allowed, whatever the case, to interfere in the affairs of the committee or to limit its authority.
 B- The SEC has an administrative and executive apparatus with a special cadre formed by presidential resolution. The SEC forms its organization and necessary by-laws.
 C- The SEC exercises all the authorities of civil and financial services in the said legislation as related to the staff affairs of the committee admin-

The SEC lays down the rules that govern the election propaganda campaign allowed for candidates with consideration to stipulations stated in this law.

Article (35):
 The SEC undertakes the tasks of educating the citizens on the importance of elections and calls for their full participation, and organizes the announcement of candidature lists in each constituency, pre-closure of candidature without nominating any of them in any way.
 The official media must put all its organs under the disposal of the SEC. All candidates are banned from undertaking any electoral campaigns which involve cunning the voters or defrauding them, Mud-slinging, slurs, and other degrading styles or defaming of others are banned in the electoral propaganda.

Article (36):
 The SEC gives access to the official media to all candidates in an equal way to express their electoral programs, and guarantees equal opportunity for all in employing these facilities.

Article (37):
 It is banned to use public funds in electoral campaigns or to use funds from the ministries, government institutions, and corporations, or from external financial support. It is also banned to employ the public institutions and organizations in electoral campaigns.

Article (38):
 On the 14th day prior to elections, it is to appoint specified areas for laying down the electoral propaganda in the constituency. In these areas it is to specify equal space for each candidate and the number of these spaces must not exceed what is determined by the SEC.

Article (39):
 The committee managing the elections undertakes allocating the spaces indicated in the previous article according to alphabetical arrangements of candidates. All local authorities and assistants are to fully cooperate in the implementation of what is directed by the election administration committee regarding appointment or allocation of required areas according to the stipulation of previous article under legal obligation.

Article (40):
 It is not allowed for any candidate to put new material in the areas specified in article (38) to the previous ending day of voting day.
 A- To hold 2 election campaign meetings in public areas, the candidate applying must specify the date and place of meeting.

Article (41):
 It is not allowed for any candidate to use the board of advertisement or space allotted for him for any purpose except his candidature, his program and thoughts. However, it is possible for any candidate to give up his space for some one else for his advertisement.

Article (42):
 It is not allowed for any candidate to distribute on the day of balloting by himself or through some one else any program or publications or cards or other documents.
 In general, it is not allowed for any employees working with the state or local authorities to distribute on the day of balloting any cards, publications, programs for the candidates, neither are they allowed to put advertisements or programs or publications in the name of a candidate not listed among the candidates of the constituency.

Article (43):
 It is not allowed to employ mosques, colleges, schools, institutes, government offices, military camps, public utilities, clubs, and sports stadiums for electoral campaigns in any way.

Article (44):
 The candidates are required to hold electoral meetings through which they introduce their programs for the voters. The SEC lays down the rules for holding these meetings taking into consideration that it is not allowed to use mosques for these purposes. It is not allowed for the supervision committee and even the SEC to allow employing the educational institutions for the purpose of these electoral meetings.

It is not allowed to employ any propaganda means in favor of any candidate except as allowed by this law and according to instructions of the SEC.

Article (46):
 It is not allowed to violate the campaign regulation in any form whether by tearing or distorting or destroying or any other methods the messages of rival candidates. Such behavior is regarded as an election crime.

Article (47):
 It is against the law for any political party or group or organization or individuals or any party whatsoever to practice any form of pressure or intimidation or act of blasphemy or treason or giving promise of material or moral gains.

Chapter Five: The Electoral Procedures Part One: Parliamentary Elections

Article (48):
 The House of Parliament is composed of 301 members who are elected by fair, direct, free voting. The Republic is thus divided into 301 equal constituencies according to the number of residents based on the general census results. The number of people in any constituency may vary a maximum of 5% plus or minus from the national average.

Article (49):
 A- The President of the Republic calls voters to cast their ballots to elect a new parliament before 60 days of the end of the tenure of the present parliament.
 B- The implementation of procedures related to elections is undertaken in scheduled times as stated in this law.

Article (50):
 The elections are executed by fair, direct and free voting.

Article (51):
 Each voter has the right to announce his candidature in the constituency where his electoral habitat is and each candidature should possess the following qualities to qualify for parliamentary membership:
 1- Must be a Yemeni.
 2- Must not be less than 25 years old.
 3- Must be literate.
 4- Must be of good manners and conduct and not perform the religious rituals, and that no judicial sentence has been issued against him to dishonour him unless he has been rehabilitated.

Article (52):
 The application of the candidature is introduced with the application of a form to be presented to all committees receiving them during the official hour within ten days following the announcement opening for candidature. The application should include the following:
 A- Full name of the candidate (up to four names).
 B- Place and date of birth.
 C- Educational level.
 D- Political affiliation if any.
 E- Profession and position if an employee.
 F- The constituency and the election station which the candidate is registered within schedule of voters and his address.
 Such application should be registered in a special book and a receipt should be given after making sure of the data regarding the necessary conditions to be met by the candidate. It is the right of voter to have access to this book and to inspect list of the candidates in the constituency as set on in article (12) of this law starting from the lowering day of closing candidature for elections.

Article (53):
 To accept candidature under the name of any political party or organization, it is necessary to present an official letter of candidature signed by the president or secretary-general of the party or whoever designated for this purpose officially.

Article (54):
 No one has the right to be a candidate in more one constituency and if it appears that a candidate is standing in more than one constituency, his candidature is cancelled in all of them.

Article (55):
 A- Each employee who announces his candidature for parliamentary membership is immediately to be on an official leave from work, if he is employed by the government. His remuneration shall be paid...



Third of Four Parts:

Text of Amended Elections Law

H. Each member of the local council who is a candidate for parliament is considered to have resigned automatically from membership of the council.

C. It is not permissible to combine membership of parliament and a general official post or membership of local councils.

D. It is permissible to be a member of parliament and of the cabinet (government).

E. For the prime minister and his deputies and the ministers and their deputies and the chairmen of the public corporations to stand for parliamentary elections, at least three months must have passed on their resignations from their posts.

F. For the governors and their assistants and the directors-general of the branches of ministries and directors of the public corporations, the senior officials of the security and military apparatus, and the senior executives of the local councils to stand for parliamentary elections in the areas where they work, at least three months must have passed on their resignations from their posts.

G. The duration of three months is reduced to one month regarding the election of a members which becomes vacant outside of the elections season.

Article (56):
Every candidate has the right to withdraw his candidature by applying to the committee with which he formerly had filed his candidature. This should take place, at least within a minimum of one week before the following date. The candidate can amend such requirement by a decision from the SEC as necessary and it must be written down in the list of candidates. Such a decision must be announced in the constituency and by all the official media and in the form that the SEC specifies. On the day of elections, such a decision should also be announced by posting at the door of the electoral committees in the constituency. In case of the death of a candidate after closing of the candidature and just before the voting, and in case of withdrawal of candidates leaving the constituency only with one candidate, the SEC announces reopening of candidature in the constituency.

Article (57):
If in a constituency, only one candidate announces his candidature, the SEC is to be notified of it immediately. Then, the SEC announces a reopening of candidacy in the constituency for five more days following the expiry of the original deadline and invites candidates and makes sure of appropriateness of the procedures. In case no candidate or candidates announces their candidature, the voting shall proceed according to procedures stated in this Law.

Article (58):
A- Administration of election in each constituency is entrusted with a basic committee and branch committee.
B- Each candidate introduces his representative to the electoral committee in writing at 48 hours prior to the time of voting. In case a candidate does not provide the name of his/her representative to the committee, or that the representative fails to attend, the head of the committee may choose one of the voters to represent the candidate.
C- If the head of the committee was absent and did not appoint a successor to chair the committee, the oldest member shall replace him and the supervision committee has the right to appoint a new chairman.

Article (59):
The committee chooses from among its members a secretary to keep minutes of the sessions of the elections. Such minutes have to be signed by the head of the committee, its two members, the candidates or their representatives and then stamped by the seal of the committee referring to its specified date as specified by the Supreme Election Committee.

Article (60):
The safety of the electoral committee and its quarters are entrusted on the head of the committee who has the right to call the police whenever necessary. The military, police, and senior executives in government are prohibited from entering the hall of elections, unless the head of the committee authorizes them, or when they cast their ballots. It is the right of the committee to expel anyone who disrupts the order of voting.

Article (61):
The candidates have the right to enter the hall of balloting and they have to choose one of those registered in the schedule to represent them, which should be given in writing. It is not permissible for anyone to enter the balloting hall except those registered in the schedule when they want to cast their ballots, the candidates and/or their representatives. No one is allowed to carry arms inside the hall of

the park or the workplace of the committee.

Article (62):
Ballot casting is done all over the Republic in one assigned day.

Article (63):
Each voter should present his voting slip or card to the electoral administration when casting his ballot, and the head of the committee or one of the members must make sure that his name is listed in the schedule of voters, and then put a mark next to his name.

Article (64):
A- Each candidate has a symbol or mark which differentiates him from other candidates in the same constituency.
B- The reception committee receives the applications of candidates and coordinates them in one list per constituency. Each political party or organization has the right to choose a symbol in coordination with the SEC in the various constituencies.
C- The voting card must show the symbols and marks of the candidates in the constituencies clearly. Their arrangement shall be according to precedence of application of candidatures.
D- The head of the committee hands each voter the voting card to cast his ballot. The choice of candidate shall be made behind an enclosure allocated for this purpose inside the hall of voting. Then the vote is inserted inside a ballot box. The head of the committee, the members, the candidates or their representatives witness this event without being too close to know the way the citizen votes. It is permissible for handicapped, blind or disabled voter to get help of individuals they trust in casting their ballots under the supervision of the committee or one of its members.
E- After each voter casts his ballot, the committee shall put a mark next to his name in the schedule. Then the head of the committee shall sign to show that so and so has voted and at the same time a special ink is put on the thumb of the voter and uses the same to leave a fingerprint next to his name in the voters' schedules.

Article (65):
The process of voting starts at eight in the morning on the day of voting after opening the (empty) ballot box or boxes before those present to make sure they are empty. Then the committee proceeds to count the voting cards handed to it by SEC through the committee for administering the elections. All these events are recorded in minutes signed by the head of the committee, its two members, and the candidates or their representatives. The process of voting continues all day up to six in the evening of the same day. In case all the voters were able to vote before this time, the head of the committee announces the ending of the process of voting after the last voter casts his ballot. The process of voting continues after six o'clock if it appears that there are voters waiting to cast their ballots. This continues until eight o'clock in the evening. Then the head of the committee announces the end of voting.

Article (66):
At the end of the voting process, each elections committee - whether basic or branch - in the constituency seals the openings of the ballot box or boxes by using a sealing wax as the candidates or their representatives observe. Then the box is taped, which is then signed by all. These events are recorded in minutes which include the hour of ending of voting the number of voters, the absent and the original voting cards handed by the SEC, the quantity used in voting and those which remain. Then the branch committee of each constituency together with the candidates or their representatives transfer the documents and ballot boxes to the head quarter of the basic committee in the constituency, where the votes of each box is counted in the presence of all the members of the committees and representatives of the candidates.

Article (67):
1- The committee which counts the votes is under the chairmanship of head of basic committee and membership of the other members and the sub-committees in the constituency.
2- It is not permissible to open the ballot boxes without the presence of all the heads of committees and members of the constituency committees together with the presence of the candidates or their representatives. After making sure there has been no tampering with the seal on the box, the committee opens the box and begins counting the votes. This event is recorded in minutes signed by all present. The counting proceeds as follows:
A- The counting of votes for each box is done by itself and the number of votes is written down in a schedule showing the number of votes which each candidate got together with any invalidated votes,

all of which is listed in the schedule by the head of the committee.
B- Registering the total votes of each candidate if the committee had more than one box so as to know the total number together with the invalidated votes.
C- Reconciling the number of votes counted in each committee and writing them down as referred to in article (66) of this law.
D- Writing down the schedules of each committee in one overall schedule of each candidate's votes in each constituency mentioning the invalidated votes. Then minutes are taken of the counting process which are signed by all the committee members, candidates and/or their representatives.
E- The counting of votes should proceed without interruption. It is not permissible for candidates or their representatives to leave the counting room without permission or authorization. But representative may alternate replacing one another. The process of vote counting proceeds. If a new representative of a candidate refuses to sign on the minutes, it shall have no effect on the process of counting.

Article (68):
A- The counting of votes committee as stated in article (67) has the right to decide on this or related issues of vote casting, the ballots or invalidating votes without violating the stipulations of chapter six of this law special in voids.
B- The following votes are invalid:
1- A blank vote.
2- A vote naming more than candidate.
3- A vote cast on card/paper which is not furnished by the head of the committee.
In all cases the casting of ballots is correct for it refers to the will of the voter.

Article (69):
The candidate acquiring the highest number of votes in the elections is regarded the winner of the constituency. In case two candidates or more acquire equal votes, the committee runs a lottery among them by writing their names on separate equal and undistinguishable papers in their presence. Such papers are then put inside an envelope. After that, someone from outside the constituency who has not seen the writing is brought in to pick one of the names in the envelope. The outcome is registered in a separate record.

Article (70):
The committee of counting right after finishing up the process of counting proceeds the following:
A- The announcement of the outcomes and the name of the winner by the committee of counting before the members, the candidates or their representatives and this should be signed by the members of the committee, the candidates or their representatives in two copies, one original and a photocopy. The original to be kept in the original committee district and the photocopy to be sent to the SEC and another copy to the supervision committee. It is the right of any candidate to get a copy of the action mentioned from any of those parts.
B- Preparation of a final report of original and a photocopy regarding the outcomes of counting the votes and signing on it by the head of the committee and the members and then sealing them inside of an envelope with the seal of the constituency. Then sending them to the SEC inside a special envelope sealed with wax. The report should include the names of the candidates in the constituency and the number of the correct votes that each candidate acquired together with the incorrect votes and the papers unused in voting. The name of the winner and his number of votes which he acquired in the constituency in addition to remarks and data related to the procedures of counting the votes.
C- Gathering the voting card for each candidate after arranging them in the form of parcels and such the schedules and the sessions related to the process of counting the votes and putting them all in a box or more and it should be sealed with wax, signed by the committee and handed to the SEC keeping them till the end of the period of voids or to be decided on by the parliament.

C. The SEC must give an official receipt for receiving the reports and the documents mentioned in the two previous articles showing the name of the receiver, the specified date and the time of it.

Article (71):
A- The SEC receives the outcomes of the elections and announces them firstly. The process of announcement of the final outcomes is proceeded within a duration not more than 72 hours of ending up the process of voting.
B- The SEC hands each candidate winning the elections certificates of election and this will not eliminate the possibility of nullifying if found legitimate reasons for the same. The basic branch and the supervisory committees are banned from granting any certificate about the outcome of election.

Article (72):
If the outcome of voting in a constituency or more is cancelled, then a completion election should be proceeded within six months from the date of cancelling the voting or from date decided upon for the process of election which was not completed or ended.

Article (73):
If one of the members of the parliament became vacant before the end of the duration of the council of parliament for less than a year, a successor is being elected instead for the remainder of the council during sixty days of the date of announcement of the vacant seat. The procedure of the member for appointment in an election should be announced by the council within a month of appointment to inform the Supreme Election Committee to proceed the elections in his constituency.

CHAPTER TWO: Procedures for Presidential Elections and National Referendum

Article (74):
In consideration to the stipulations of the articles (6, 110, 111, 113, 115) of the constitution, the secretariat committee of the council of parliament provides the SEC with the names of the candidates who are being selected as candidates for the post of the president of the Republic, according to the laws and proceedings stated on in the article (107) of the constitution.

Article (75):
The SEC should prepare and be ready for the proceedings of the elections of the post of the president according to the stipulations of the constitution and the laws and proceedings related to it.

Article (76):
He who acquires the absolute majority is regarded the president of the republic from among those who participated in the election. In case the candidates do not acquire this majority, the election is proceeded again and this time the proceedings for the candidates who acquired more of the votes vote for those who cast their ballots.

Article (77):
The outcome of counting the votes in each constituency is done by hand and handed to the candidates or their representatives each one copy of the outcome. Then the SEC announces the outcome and the name of the winner of the post of the president.

Article (78):
The process of the referendum is proceeded according to a decree by the president calling for referendum based on the duration of the procedure stated in the constitution.

Article (79):
The SEC, the members of the council of parliament and the supervision committee should proceed according to constitutional provisions.

Article (80):
If the parliament decides on adjustment of an article or more of the articles of the constitution it informs the SEC of proceeding the referendum about that adjustment and if the adjustment is done during the year of the election, the referendum on the adjustment and the procedures of the elections are done at the same time.

FINAL PART NEXT WEEK

أفراح آل السلفي

نقدم إلى الشاه
عبدالله عبدالباري نعمان
بالتهنئة والتبريكات بمناسبة دخوله
القصر الذهبي - فالف ميرور
المهزون
سفيان عبدالرحمن نعمان
وكافة شباب آل نعمان والأصدقاء.

أفراح آل السلفي

نقدم إلى الشاه
عبدالله عبدالباري نعمان
بالتهنئة والتبريكات بمناسبة دخوله
القصر الذهبي - فالف ميرور
المهزون
سفيان عبدالرحمن نعمان
وكافة شباب آل نعمان والأصدقاء.



Final of Four Parts: Text of Amended Elections Law

Article (81):
The constituencies and the schedules of the voters are also applicable constituencies and schedules and the electoral card are valid for the referendum and the stipulations of item (B) of article (18) of this law is applied to it.

Article (82):
The special stipulations regarding the rights of voters and their duties as related to elections are valid in any referendum.

Article (83):
All that has been stipulated in this law is applicable to the referendum and the proceedings related to elections in this law.

Article (84):
The SEC takes full procedures in educating the public about the referendum through the official media.

Article (85):
With exception of item (4) from article (97) mentioned in this law, the crimes of elections are regarded crimes against referendum and the same penalties are applied on them.

Article (86):
The primary courts are specialized in the voids related to the procedures and outcomes of the referendum in the constituencies and their resolutions are non-void before the Appeals Court.

Article (87):
The Supreme Court is responsible for deciding how to fill any legitimacy vacuum related to the general outcome of the referendum and its resolutions are final.

Article (88):
Any referendum decision is not valid unless it received the majority of the votes.

CHAPTER SIX: CONTESTING DECISIONS
Chapter One: Contestations Prior to Awarding Winning Certificates

Article (89):
Any person who has an interest in the outcome of the voting process, may contest such outcome by applying to the Supreme Court according to the following conditions:

- A- The contestation should be presented within 48 hours from announcement of the outcome of counting of votes in the constituency.
- B- The contestation should give reasons and be specific about what is being contested.
- C- An amount of 50,000 Y. Riials have to be deposited in the court's treasury as a guarantee

the void being incurred and the amount is returned to the applicant if the void was in his favor.

Article (90):
The Supreme Court forms an assistant committee for her composed of the heads of the Appeal courts in the capital Sana'a and the governors or their deputies to give opinions in the correctness of the voids applied about the procedures of voting and counting. The Supreme Court issues its resolutions within a duration of ten days from the date of the void on condition that it does not exceed the duration before holding the session of the elected council. The resolution of the court is informed to the head of the Supreme Election Court and its resolution is final.

Article (91):
The Supreme Court announces the winning candidate who a void taken against him about the proceedings of voting and counting in his constituency a photocopy of the void so as to introduce what he has of remarks or defence within four days from the date of his announcement of the void.

Article (92):
The application of the void does not prevent the Supreme Election Committee of announcing the names of the winners who the voids being taken against them about the procedures of voting

and counting in their constituencies and this also does not prevent granting them certificates of winning the membership of the parliament and their attending of the sessions.

CHAPTER TWO: CONTESTING MEMBER-SHIP RESULTS

Article (93):
Each voter or candidate introduces to the parliament a petition contesting based on legal reasons the invalidity of membership of a candidate as announced in the results. Such contestant should deposit YR 100,000 as deposit with the state fund. If his/her petition is found inappropriate, he/she loses the money. If the petition is found appropriate, the amount is given back.

Article (94):
A- The Secretariat of Parliament undertakes to send the contestations together with enclosed documents within fifteen days from the date of delivery to the Supreme Court for investigation. The Supreme Court shall express legal opinion about the contestations within 90 days.
B- The court decision is presented to a sitting parliament within sixty days of decision. The membership is not regarded null and void unless voted by a resolution from parliament with a two-thirds majority.

CHAPTER SEVEN: PENALTY CODES

Article (95):
The Judiciary is the only authority to pass sentences of penalties on violation of this law and the attorney prepares the procedures of investigation according to the procedures of the penal code and other laws.

Article (96):
A six months imprisonment is passed against:

- 1- Any person who purposely lists the name or names of false characters in the schedules of voters or neglects to list the name of a person thus violating this law.
- 2- Any person who tries to knowingly list the name of someone who does not satisfy the conditions and any person who tries to remove the name of a person who is legally listed.
- 3- Any person who violates the stipulations of Chapter Four of this law.
- 4- Any person who actually casts the vote in the elections and knows that his/her name was listed in the schedule improperly or that he/she has lost the required conditions to use his/her voting right.
- 5- Any person who on purpose casts his/her ballots in the name of others.
- 6- Any person who discloses how a voter had consent.
- 7- Any person who uses his/her right in the election more than once.
- 8- Any person who enters the hall of ballot-casting without any right and does not leave.
- 9- Any person who participates in demonstrations on the day specified for voting.
- 10- Any person who embezzles or hides or spoils any paper related to the elections.
- 11- Any person who manipulates the right of illiterate voters by impeding their practice their full electoral rights.

Article (97):
Any person who violates the fol-

lowing is imprisoned for a duration of not less than a year and not more than two years:

- 1- Any person who uses force or threat of force to prevent a voter from using his/her right or imposes on the voter how to vote.
- 2- Any person who gives or shows or promises to give a voter something in return for voting in a certain way.
- 3- Any person who accepts an interest for himself or for someone else with the intention of affecting voters.
- 4- Any person who publishes or spreads among the voters incorrect news about the character of one of the candidates with the aim of affecting voters' opinion or the outcome of the elections.
- 5- Any person who enters the ballot casting hall carrying arms violating the stipulation of article (61) of this law
- 6- Any person who insults or defames or beats the committee members during the process of elections.

Article (98):
Any person who violates the following is imprisoned for a duration of not less than a year and six months and not more than three years or a penalty of not less than YR 200,000 and not more than YR 300,000. The judge has the right to give his sentence as stated in the penalty law, and as he sees fit in the following cases:

- 1- Any person who embezzles or hides or spoils the schedule of voters or changes its outcome in any way possible.

2- Any person who violates the freedom of elections or its order using force or threat of force.

Article (99):
Any person who commits crimes in elections law as stated in the penalty code deserves the penalty.

Article (100):
In case a crime is committed in the ballot-casting hall or in case of an attempted crime, the head of the committee specifies the crime, and has the right to give orders to arrest the culprit and hand him/her over to the attorney to take legal procedures.

CHAPTER EIGHT: GENERAL STIPULATIONS

Article (101):
Any person has the right to introduce a contestation against the SEC in case of any procedures violating the constitution and the Law, the judiciary looks into the petition within 15 days.

Article (102):
All the contestations are

exempted from taxation charges, taxes, or judicial fees or stamp duties, according to this law.

Article (103):
Except as specified in this law regarding the elections of local councils, the stipulations mentioned in the law of local administration are applied.

Article (104):
The SEC lays down the rules which control organizing the way to inform public committees whether local or foreign regarding the election process.

Article (105):
The SEC prepares the executive by-laws and a republican decree is to be issued based on the Supreme Election Court's

Article (106):
The SEC shall issue all necessary laws and decrees in conformity with the law.

Article (107):
Law No. 41 of 1997 concerning null and void made in all laws in contradiction with this law.

Villa for Rent or Sale بيلا للايجار او للبيع

located in Khormaksar, Al Sa'ada zone on the airport road.
Furnished, Conditioned, Telephone line, Garage,
two floors, 5 rooms, two bathrooms.
Call: 02-231227 (3 pm - 10 pm)
01-245742 (any time)

News Aden Hotel Mövenpick in the autumn

In the meantime while the sun is always shining in Aden, Mövenpick also looks after you on Thursday and Friday.

What does Mövenpick offer ?

- The Autumn of Aden
- A Room with Mövenpick Buffet Breakfast
- a welcome drink in one of the Restaurants
- WZN a trip to Amman
- one free extra bed in the room
- 50% discount for children under 16 years old on the package in an adjoining room

The Cost is only?

Single \$99,- or Double room \$109,- for Foreign residents
Single YR9900,- or Double room YR10900,- for Yemeni residents
All above rates are inclusive 10% service charge and 4.5% taxes as well as Mövenpick Buffet Breakfast.

When to go ?

Whenever you are in need of a short break on Thursday and Friday when the hotel has availability. Also it might be possible to come on national holidays. Reserve in advance, not to be disappointed.

Now how do I win this trip ?

Each time staying on this package, you have the chance to be drawn, as a winner for a trip for two persons to Amman, by Royal Jordanian Airlines and also to have three overnights FREE, with Breakfast at the Petra Mövenpick Hotel.

But... The availability is limited, only a small number of rooms has been allocated for this Autumn Package. You must have a valid resident permit in Yemen. The package is only valid from September 1 until the end of 1996.

Aden Hotel Mövenpick
for reservation call 81-232 911 or Fax 81 231-255
Petra Mövenpick Hotel, Petra, Jordan
Abulad Mövenpick Hotel, Irbid, Saudi Arabia
Mövenpick Hotels & Resorts in Egypt
Mövenpick Hotels & Resorts
Egypt, Belgium, China, Germany, France, Jordan, Oman, Netherlands, South Africa, Switzerland, Czech Republic

YEMEN HUNT OIL COMPANY

VACANCIES

YHOC has opening for qualified individuals in the following positions:

ACCOUNTANTS
Candidates should have the following qualifications:

- A. A 4 years degree in Accounting or Business Administration.
- B. A minimum of two years work experience in Accounting.
- C. Computer experience.
- D. Must be fluent in spoken and written Arabic and English.

COMMUNICATION ENGINEER
Assist manager in the coordination and administration of all communications contractors services. Responsible for the maintenance of emergency communication systems. Calculate theoretical radio coverage contours considering the natural indigenous topography. Design and implement complete, reliable communications systems in the microwave, UHF, VHF and HF radio frequency spectrum.
Candidate must have B. S. in Electrical Engineering or related with a minimum of five years experience in electrical engineering or telecommunication engineering.
In addition to conditions mentioned above, candidate should have:

- A. Excellent verbal and written English skills.
- B. Must be in good physical condition.
- C. Computer literate.
- D. Must be a Yemeni National.

All candidate must be YEMEN NATIONALS

If you meet the above requirements, please forward your resume and a photograph to:

YEMEN HUNT OIL COMPANY
Attn: Personnel Department
P. O. Box: 481, Sana'a, Republic of Yemen

APPENDIX D

List of SEC Members

Members of the Supreme Elections Commission, October 1996

Muhsin al-Ulufi	President of SEC
Mahmoud al-Arasi	Vice President of SEC
Sa'id al-Hakimi	President, Information and Public Relations Commission
Muhammad al-Muhatwari	Vice President, Information and Public Relations Committee
Ameen Ali Ameen	President, Planning and Technical Committee
Alawi al-Attas	Vice President, Planning and Technical Committee
Khaled Ghailan	President, Secretariat
Ali Abdulkhalig	President, Financial Affairs Committee
Abdulfatah al-Baseer	President, Legal Affairs Committee
Abdulrazaq al-Ruqaihi	Vice President, Legal Affairs Committee
(Abdullah al-Sai'idi	Ministry of Foreign Affairs, seconded to the SEC)

APPENDIX E

New Male and Female Registered Voters by Governorate, 1996

New Male and Female Voters Registered in July & August 1996, by Governorate

No.	Governorate	Males	Females	Total
1	Sana`a Municipality	125,825	39,284	165,109
2	Aden	39,383	12,094	51,477
3	Taizz	160,695	143,041	303,736
4	Lahij	42,587	17,722	60,309
5	Ibb	146,154	150,970	297,124
6	Abyan	26,435	14,429	40,864
7	Al-Baydaa	33,790	31,138	63,928
8	Shabwa	28,039	24,813	52,852
9	Hadramawt	43,574	18,131	61,705
10	Al-Mahra	6,859	3,065	9,924
11	Al-Hodeida	97,394	75,734	173,128
12	Dhamar	83,120	97,299	180,419
13	Sana`a	108,801	77,870	186,671
14	Al-Mahwit	26,320	30,891	57,211
15	Hajja	82,532	64,864	147,396
16	Saada	42,122	12,199	54,321
17	Al-Jawf	7,817	4,527	12,344
18	Maarib	21,787	8,100	29,887
	Total	1,123,234	826,171	1,949,405

APPENDIX F

New Male and Female Registered Voters by Constituency, 1996

Appendix E - New Male and Female Voters by Electoral District Registered in July & August 1996

Sana'a Municipality				Taizz Governorate [Cont'd]				Abyan Governorate			
District	Male	Female	Total	District	Male	Female	Total	District	Male	Female	Total
1	2458	1038	3496	62	3738	4456	8194	123	5185	1623	6808
2	2312	1425	3737	63	3377	3454	6831	124	2854	1158	4012
3	3589	1644	5233	64	3188	3838	7026	125	2141	1231	3372
4	6748	2747	9495	65	2617	3253	5870	126	2139	525	2664
5	5983	2715	8698	66	2754	3949	6703	127	4005	2490	6495
6	9916	3048	12964	67	1856	1829	3685	128	2904	2209	5113
7	6528	2261	8789	68	3562	3562	7124	129	3828	2191	6019
8	11312	2351	13663	69	2303	2112	4415	130	3379	3002	6381
9	9494	3023	12517	70	3823	5312	9135	Al-Bayda Governorate			
10	4160	1271	5431	71	3303	4370	7673	131	2867	1759	4626
11	6960	1275	8235	72	2764	10	2774	132	2290	3421	5711
12	10070	2333	12403	Lahij Governorate				133	2505	1040	3545
13	5206	1455	6661	73	2718	1040	4758	134	5017	2886	7903
14	3510	1459	4969	74	4061	772	4833	135	1561	2560	4121
15	10141	3269	13410	75	3838	1226	5063	136	5269	4248	9517
16	7912	2102	10014	76	4272	1153	5425	137	3372	5323	8695
17	6765	2564	9329	77	6226	2324	8550	138	3688	2627	6315
18	12761	3304	16065	78	2791	505	3296	139	3479	3502	6981
Aden Governorate				79	4399	4137	8536	140	3642	3772	7414
19	4672	850	5522	80	3821	583	4404	Shabwa Governorate			
20	3571	523	4094	81	1980	603	2583	141	7802	3226	11028
21	5438	1190	6628	82	3056	947	4003	142	2998	4646	7644
22	4042	1157	5199	83	9149	2688	11837	143	3863	4758	8621
23	2101	842	2943	84	3699	2080	5779	144	5332	4196	9528
24	3812	668	4480	Ibb Governorate				145	4148	2912	7060
25	1872	696	2568	85	3679	2961	6640	146	3896	5002	8898
26	3047	990	4037	86	6504	4066	10570	Hadramawt Governorate			
27	3264	2188	5452	87	3104	4261	7365	147	2153	275	2428
28	4498	629	5127	88	4774	3787	8561	148	2348	425	2773
29	2066	2361	4427	89	2586	4338	6924	149	2088	332	2420
Taizz Governorate				90	4185	4564	8749	150	1600	418	2018
30	5873	2747	8620	91	3498	4032	7530	151	2384	778	3162
31	5275	2317	7592	92	3173	3392	6565	152	1784	922	2706
32	6709	3670	10379	93	2944	5	2949	153	1810	1818	3628
33	3769	3319	7088	94	2933	1352	4285	154	1293	1818	3111
34	5345	2757	8102	95	3401	2843	6244	155	2159	729	2888
35	8530	4070	12600	96	9229	4658	13887	156	5564	3396	8960
36	3623	3866	7489	97	3790	4736	8526	157	1895	1201	3096
37	3134	2675	5809	98	2513	3238	5751	158	2994	1087	4081
38	3461	3157	6618	99	3383	536	3919	159	3579	715	4304
39	3712	4177	7889	100	3155	3255	6410	160	5838	1690	7528
40	4566	3800	8366	101	2217	6484	8701	161	2078	691	2769
41	3002	2125	5127	102	2914	6103	9017	162	1186	923	2109
42	2793	3035	5828	103	2041	4765	6806	163	2811	2032	4843
43	2119	2205	4324	104	2301	4211	6512	Al-Mahra Governorate			
44	2224	1954	4178	105	2611	3950	6561	164	5211	1958	7169
45	2459	2281	4740	106	4916	5063	9979	165	1648	1107	2755
46	3614	990	4604	107	3307	4401	7708	Al-Hodeida Governorate			
47	3474	1029	4503	108	3020	3463	6483	166	2615	1894	4509
48	1889	1832	3721	109	3800	3620	7420	167	2303	950	3253
49	3331	3155	6486	110	4470	3	4473	168	4490	1619	6109
50	2612	1511	4123	111	3172	0	3172	169	5639	4344	9983
51	4566	5788	10354	112	3220	5208	8428	170	5293	1451	6744
52	2767	1538	4305	113	2845	3550	6395	171	2362	2213	4575
53	2741	5440	8181	114	6385	6397	12782	172	2290	2377	4667
54	2850	2521	5371	115	3961	5808	9769	173	2163	310	2473
55	2609	4221	6830	116	4184	4997	9181	174	1816	1756	3572
56	3242	3078	6320	117	4273	5164	9437	175	2792	2040	4832
57	6452	2711	9163	118	3586	4098	7684	176	1769	1021	2790
58	3121	3027	6148	119	5726	5375	11101	177	1877	904	2781
59	6986	3423	10409	120	3556	4605	8161	178	2586	0	2586
60	5054	5229	10283	121	3575	4912	8487	179	2316	0	2316
61	4338	5390	9728	122	6223	6769	12992	180	1285	1476	2761

Al-Hodeida Governorate (Cont'd)				Sana'a Governorate				Al-Mahwit Governorate (Cont'd)			
District	Male	Female	Total	District	Male	Female	Total	District	Male	Female	Total
181	2619	3781	6400	221	2297	1190	3487	261	3504	4956	8460
182	3380	1815	5195	222	702	251	953	262	4594	4597	9191
183	2247	1833	4080	223	793	190	983	263	3843	1499	5342
184	2168	1155	3323	224	3619	2133	5752	264	2366	2563	4929
185	2533	2340	4873	225	2359	1766	4125	Hajja Governorate			
186	4669	1803	6472	226	2441	1579	4020	265	4794	4257	9051
187	2950	4032	6982	227	2460	776	3236	266	4318	5439	9757
188	2152	3054	5206	228	3311	2004	5315	267	3278	353	3631
189	3145	3150	6295	229	2398	2801	5199	268	4426	2476	6902
190	2453	3000	5453	230	2405	2220	4625	269	3906	3312	7218
191	3449	3248	6697	231	2121	676	2797	270	2374	1792	4166
192	2598	2632	5230	232	5227	3173	8400	271	3646	3982	7628
193	3898	3851	7749	233	3047	2047	5094	272	3385	1208	4593
194	3092	3712	6804	234	3040	5316	8356	273	3544	1648	5192
195	2314	3047	5361	235	2262	971	3233	274	4187	3265	7452
196	3080	2514	5594	236	4147	5	4152	275	2917	3805	6722
197	1930	1829	3759	237	3140	1101	4241	276	1403	2315	3718
198	6102	4369	10471	238	3113	1076	4188	277	2967	2606	5573
199	3019	2214	5233	239	3762	2179	5941	278	3661	2719	6380
200	5299	3396	8695	240	3711	3187	6898	279	1806	1569	3375
Dhamar Governorate				241	4625	845	5470	280	2279	1706	3985
201	4023	2707	6730	242	3500	3798	7298	281	4048	3677	7725
202	3647	4987	8634	243	2359	3938	6297	282	6451	2943	9394
203	3064	3141	6205	244	1389	2322	3711	283	3239	3885	7124
204	4680	5314	9994	245	2096	3235	5331	284	2627	2032	4659
205	3169	5266	8435	246	1997	5488	7485	285	4704	3104	7808
206	5389	4040	9429	247	1491	4675	6166	286	4909	2762	7671
207	5634	5827	11461	248	4257	5323	9580	287	3763	2009	5772
208	4387	4366	8753	249	5411	2097	7508	Sa'da Governorate			
209	4396	1940	6336	250	3994	3921	7915	288	6860	3145	10005
210	4393	4650	9043	251	3806	2109	5915	289	7530	1009	8539
211	5975	7401	13376	252	2212	1134	3346	290	3124	1246	4370
212	2773	4065	6838	253	4001	1613	5614	291	1340	1740	3080
213	2536	4933	7469	254	2095	998	3093	292	1983	330	2313
214	3133	5760	8893	255	2324	1128	3452	293	3200	1405	4605
215	3515	3517	7032	256	6580	2112	8692	294	9777	2111	11888
216	3144	5073	8217	Al-Mahwit Governorate				295	2003	501	2504
217	3205	5801	9006	257	3066	2910	5976	296	8279	715	8994
218	3166	6832	9998	258	3283	4571	7854	Al-Jawf Governorate			
219	2622	3785	6407	259	3259	6022	9282	297	4142	3434	7376
220	4970	4498	9468	260	2571	3985	6556	298	3675	1293	4968
								Marib Governorate			
								299	10931	2456	13387
								300	3098	2293	5391
								301	5574	2704	8278