



Elections in Egypt

Analysis of the 2011 Parliamentary Electoral System

Middle East and North Africa
International Foundation for Electoral Systems

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Background¹

The uprisings that unfolded in countries throughout the Middle East and North Africa during the first half of 2011 triggered a wave of electoral reforms and proposals for reform. In Egypt, one of the most pressing and controversial questions has been how to elect a new parliament that, as part of its charge, will select a body to draft a new constitution. How to elect representative assemblies is one of the fundamental questions of democracy. The resulting choice is greatly consequential in the transition from a despotic regime to a democratic system. The real challenge of election system design is producing an assembly that represents societal diversity, supports the important policy decisions made by legitimate governments, and provides a check on the exercise of executive authority.

This paper analyzes and provides insight into the Parliamentary election laws and the changes they have undergone during the transitional period, the current Parliamentary electoral system, and its impact on electoral stakeholders such as political parties, voters and disenfranchised groups, including women and Copts. The paper also covers key areas such as the occupational quota and the PR seat allocation formula.

Pre-2011 Election System in Egypt

Egypt's pre-revolution election system remains important because it will be used to elect a significant portion of seats in both houses of Parliament, and will shape the terrain of future electoral politics. Under Egypt's voting system in the 1990s and 2000s, 444 of the 454 seats were contested by a two-round system in two-member districts, and 10 were appointed by the President. In the November 2010 elections, the number of seats in the People's Assembly (PA) was increased to 518, with 508 elected by a two-round system in two-member districts and 10 seats appointed by the President. Sixty-four of the 508 seats within Egypt's governorates were reserved for female candidates. Seven of the 10 seats appointed by the President were awarded to Coptic Christians. Article 87 of the suspended Egyptian Constitution required at least one winning candidate to be a "worker" or a "farmer" within each two-member district. Candidates were classified as "worker/farmer" or "professional." Voters were required to cast two votes for any two candidates.

Under this system, a seat was won when a candidate obtained a majority (at least 50 percent +1) of all valid votes cast in the two-member district in the first round. However, the occupational quota enormously complicated how votes were cast and how votes were translated into winners. For example:

- If only one candidate was elected, and s/he was a professional, then the top two worker/farmer candidates competed in a second round
- If only one candidate was elected, and s/he was a worker/farmer, then the next two candidates with the highest number of votes (regardless of category) competed in the second round
- If two candidates were elected in the first round and they were both professional, then only the candidate with the highest number of votes was elected, and the top two worker/farmer candidates competed in a second round

¹ Please note that this paper is based on the following laws: Law No. 38 of 1972 and Decree Law No. 108 of 2011 with amendments on Sept 25, 2011 (People's Assembly); Law No. 120 of 1980 and Decree Law No. 120 of 2011 with amendments on Sept 25, 2011 (Shura Council); Law No. 73 of 1956 and Decree Law No. 110 of 2011 (Exercise of Political Rights).

- If no candidate was elected in the first round, there was a second round consisting of four candidates, with two worker/farmers in order of their first-round totals; at least one seat had to be awarded to the top worker/farmer candidate

Certification as a worker/farmer² has provided some candidates an advantage over non-certified candidates, historically. Thus, substantial power and discretion was granted to the electoral administrative body determining which candidates qualified in which category.

Process of Election System Design Post-Revolution

In May 2011, Egypt's Supreme Council of the Armed Forces (SCAF) presented a draft electoral law that maintained the majoritarian two-member district system, with the occupational quota, for two-thirds of the seats in the PA. An additional third of seats were to be contested under a closed-list proportional representation system (PR) in governorate-based districts. The 64 seats reserved for women were abolished. The SCAF was reluctant to abandon the occupational quota in establishing electoral rules for the 2011/12 parliamentary elections, since it was constitutionally enshrined. Three different thresholds for PR seats were suggested in the draft law (at the national, governorate and seat formula levels), but none of the exact percentage thresholds were determined.

This May draft law did not address several important elements, including the size of Parliament; how many seats were allocated to each governorate; whether or not electoral boundaries had to be redrawn and, if so, who would carry out this operation and how it would be done; the formula for allocating PR seats; and whether or not there would be out-of-country voting and, if so, how it would be run.

Amendments to the People's Assembly Law and Shura Council Law passed in July set the PA at 504 members and the Shura Council at 390 members (of which 260 would be elected and 130 appointed). These amendments altered the electoral system so that 50 percent of contested seats would be allocated through the PR system and 50 percent through a majoritarian two-member district system. It maintained the occupational quota and called for one woman to be nominated in each party list in the PR districts. There were to be 58 People's Assembly PR districts (48 districts that were four members in size, and 10 districts that were six members in size) and 28 Shura Council PR districts.

The amendments made to the election laws in late September, after the call for elections was formally announced, radically reshaped the system again.³ The amendments shifted the proportions, allocating a third of the seats to the majoritarian two-member system and two-thirds through the PR list system. These amendments also reduced the size of the elected PA to 498. However, reaction to the new amendments was negative. The Freedom and Justice Party (FJP) felt the approved amendments did not reflect what the SCAF had agreed upon with Egypt's various political parties.

² Law No. 38 states that worker candidates must provide a certificate from the employer certified by the Office of Social Insurance stating the candidate's benefit of employment, remuneration and qualifications; a certificate from the union they belong to or are a member of showing their registration number, type of membership and its history; and proof that he/she began working before they acquired a university degree and are still registered in their union. Farmer candidates must provide official documentation for the acquisition of agricultural land held by the candidate, his wife or wives and minor children, whatever the type of the legal possession of the property owned or rented, with a maximum of ten acres (*fedans*), as well as a certificate stating that agriculture is the main source of livelihood and work and that he/she resides in the village/rural areas.

³ See Resources.

One of the most controversial articles of the newly passed amendments, Article 5 of the People's Assembly and Shura Council Laws, stated that to stand in a majority district, an individual could not be a member of a political party and, if elected, could not join a political party while in Parliament.⁴ The Democratic Coalition, which includes political parties like the FJP and Al-Wafd, argued that maintaining this individual candidacy system would allow the return to Parliament of corrupt businessmen and officials that dominated the Mubarak regime, notably those in the National Democratic Party (NDP). The leftist Tagammu Party made the following statement: "...the amendments serve two main forces: the Muslim Brotherhood and the diehards of ousted President Hosni Mubarak's defunct National Democratic Party." Their leader noted that, "it is these forces which enjoy great financial and political leverage, making them highly capable of competing in large-sized districts covered by the party-list system."

These statements reflect widespread expectation that the amendments would benefit former NDP members' candidacies, as candidates affiliated with other parties would have a slimmer chance of claiming those seats. Others blamed the previously used district system for the proliferation of electoral fraud, vote-buying and intimidation that marred the various elections held under Mubarak's regime. As a result, Article 5 was repealed in the face of a boycott threat.⁵

The 2011 Parliamentary Elections System

The September amendments to the election laws introduced, for both houses of Parliament, a mixed (parallel) electoral system that is comprised of individual candidate (IC) districts (majoritarian two-member, two-round system) and proportional representation (PR) lists.⁶

In the People's Assembly, two-thirds of the 498 seats (332 seats) will be elected through the PR system and one-third (166 seats) will be elected through the IC system.⁷ The country has been divided into 83 IC districts and 46 PR districts. The average size of the People's Assembly multi-member districts is 7.2 seats per district, while the two-member majoritarian districts are much larger in size.⁸ Up to 10 seats will be appointed by the SCAF.

A minimum of 50 percent (249) of all PA members must fulfill the worker/farmer quota. On the PR lists, workers/farmers do not need to top the list, but non-worker/farmer candidates cannot be placed consecutively on a list. IC seats from each district must include at least one worker/farmer.

Within the Shura Council, the 270 seats were divided into 180 seats that will be contested through elections and 90 seats that will be appointed. Of the 180 contested seats, two-thirds (120 seats) will be elected through the PR system and one-third (60) will be elected through the IC system. Districts for the Shura Council elections include 30 PR districts and 30 IC districts, which means that the PR districts will average four seats per district.⁹

The key significances of the new electoral system are fair representation of parties, movements and ideologies; space for new political movements; and the opportunity for inclusion of women and minority voices.

⁴ See Resources.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

Under the proposed voting system, the balance of power in the PA and Shura Council is unlikely to reflect the vote fragmentation of the electorate. Even as party candidates are allowed to contest the IC district races (one-third of all seats), analysts expect those 166 PA seats and 60 Shura Council seats to be largely filled by local prominent citizens and former NDP partisans. Within the pool of 332 PA PR seats and 120 Shura Council PR seats, one would expect the new fragmented political reality of Egypt to facilitate seat bonuses for stronger, more experienced political movements. Further, analysts expect a highly fragmented political race with no one party or coalition coming close to a majority of the national vote. Analysts also identify the FJP (and the coalition they lead) and remnants of the National Democratic Party as the most coherent and organized movements. In return, smaller and less entrenched parties could be disadvantaged. However, with the increase from 50 percent to 66 percent of seats elected from PR lists, smaller and newer parties have a greater chance to gain a voice in the Parliament.

Common practice worldwide recommends a PR list as the most appropriate system to facilitate the election of female and minority candidates. However, in Egypt such advantages are mitigated by the decision to not place female and minority candidates in top positions on the PR list. Coptic Christians may be able to win a small number of seats in Cairo and Alexandria, but elsewhere they will likely be overwhelmed by the system, as they lack widespread geographical distribution. As noted later, female candidates are penalized not only by the removal of the nomination quota, but also by the fact that parties are not required to put them in winnable positions on the lists and districts are too small to allow for most parties to win more than one or two seats per district.

The election system also has implications for the formation of party coalitions. A coalition may ultimately determine which party, within the coalition, gets to place its candidates in winnable positions.

The system also has implications for party strategies. Within district seats, it makes sense for parties to run individual (or alliance) candidates in two-member races. Thus, parties may have to offer popular local candidates in districts, while simultaneously identifying nationally unifying figures for their PR lists. It also means resources will be focused on local, winnable seats, while maintaining an adequate national profile.

Schedule of Staggered Elections

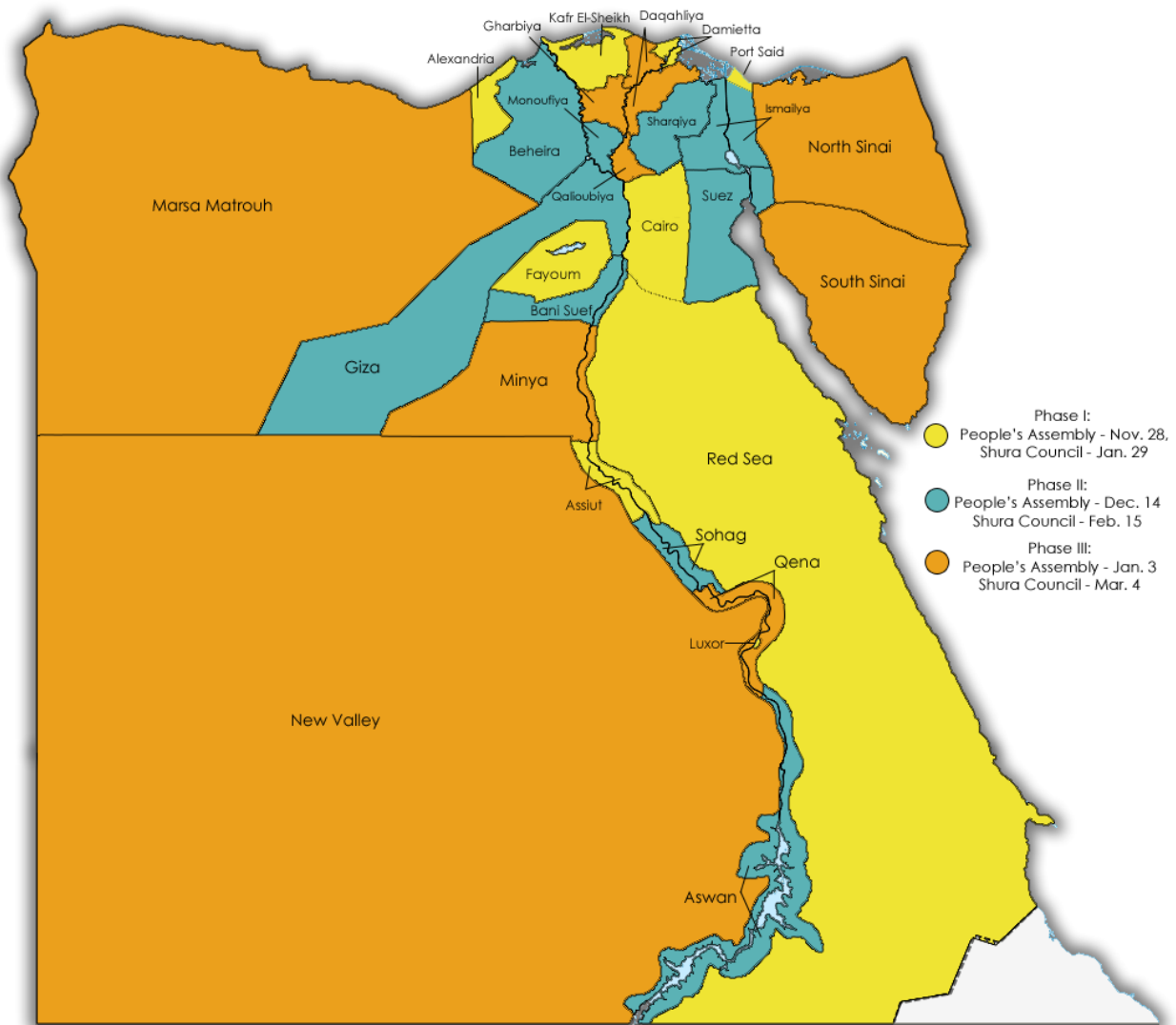
Upcoming parliamentary elections will be staggered over three stages throughout Egypt, lasting for a period of approximately three and half months. In late September, the SCAF announced that the first stage of PA elections will be held on 28 November 2011 and will include the nine governorates of Cairo, Fayoum, Port Said, Damietta, Alexandria, Kafr El-Sheikh, Assiut, Luxor and the Red Sea. The second stage of PA elections will be held on 14 December 2011 in the nine governorates of Giza, Beni Suef, Menoufiya, Sharqiya, Ismailiya, Suez, Beheira, Sohag and Aswan. The third and final stage of PA elections will be held on 3 January 2012 in the nine governorates of Minya, Qalioubiya, Gharbiya, Daqahliya, North Sinai, South Sinai, Marsa Matrouh, Qena and New Valley.¹⁰ Run-off elections for PA elections will be held on 5 December, 21 December and 10 January, respectively.

The three stages of the Shura Council elections are expected to take place in the same governorates as PA elections. The first stage of Shura Council elections is expected on 29 January 2012; the second stage is expected to take place on 14 February 2012; and the third stage is expected to take place on 4 March 2012.¹¹ Run-off elections for the Shura Council will be held on 5 February, 21 February and 11 March, respectively.

¹⁰ See Resources.

¹¹ Ibid.

The results from Cairo, Alexandria and other urban areas are likely to look different than those from the more rural governorates. Voting patterns will emerge before more than half the nation has had a chance to go to the polls. The first phase includes a population of approximately 24 million (33 percent) which is overwhelmingly urban (66 percent) with only around seven percent of the workforce employed in agriculture. The second phase includes approximately 28 million (38 percent), with 33 percent considered urban and 12 percent agricultural.¹² The last phase has approximately 21 million (29 percent), with 30 percent urban and 11 percent working in agriculture.



¹² These figures are based on the 2006 census.

Boundary Delimitation and Seat Distribution to Districts

To elect the 498 members of the People's Assembly, Egypt was divided into 83 two-member IC districts and 46 multi-member PR districts.¹³ Compared to earlier boundary delimitation exercises, the apportionment of seats to districts based on population size has improved with this new revision of district boundaries and their seat allocation. The PR districts range from four to 12 members in size, but three-quarters of the districts are smaller, with only four to eight members:

- 15 districts of four seats
- One district of six seats
- 19 districts of eight seats
- Nine districts of 10 seats
- Two districts of 12 seats

The 10 smallest governorates in Egypt (Port Said, Ismailia, Suez, North and South Sinai, Red Sea, El Wadi, Matrouh, Aswan and Luxor) each will elect six members, four from a single PR district and two from a majority run-off district. Thus, they will elect 12 percent of the PA seats with seven percent of the population. The largest PR districts of 10 and 12 members in size will enhance some space for newer parties with low levels of national support but some degree of geographical concentration. In those districts a full quota for election will be, respectively, 10 percent and 8 percent of the district vote. These districts are found in Cairo (two 10-member districts), Alexandria (one 10-member district), Sharqiya (two 10-member districts), Gharbya (two 10-member districts), Beheira (one 12-member district), Giza (two 10-member districts) and Sohag (one 12-member district).

Elections for the 180 elected members of the Shura Council will be conducted in 30 two-member IC districts and 30 multi-member districts using PR lists. Each of the multi-member districts will elect four members. Each governorate will be a single four-member PR district apart from Cairo, Daqahliya and Giza which will have two four-member districts. The 10 smallest governorates are further over-represented in the Shura council with 33 percent of the Shura council seats and 7 percent of the population.

PR Seat Allocation Formula

One of the most important issues of election design is the mathematical method of seat allocation to parties in PR districts.¹⁴ Unfortunately, this issue remains unclear in the PA and Shura Council election laws.

Article 15 of Law No. 38 Concerning the People's Assembly, states:

“Representatives of each constituency of the closed lists shall be elected by giving each list a number of the constituency seats based on the number of valid votes the list obtained compared to the total number of valid votes that the parties' lists (that have the right to represent, according to the next paragraph) had obtained in the constituency, adhering to the order on each list. The remaining seats shall be distributed to the lists according to the sequence of the highest remaining votes for each list.

¹³ See Resources.

¹⁴ Ibid.

The party or party coalition whose lists do not gain at least half percent of the number of valid votes in the constituencies of the republic that are allocated to the lists, may not have representation in the assembly.”¹⁵

This article outlines the classic quota-largest remainder system of seat allocation under the PR system, with an added 0.5 percent national exclusionary threshold. This would award seats to eligible parties with the largest remainder votes that have not met the quota required to obtain a seat.

Example 1 illustrates the standard interpretation of the law. In this example, eight parties present lists in a four-member PR district.

Example 1: List PR quota-largest remainder method (as written in Article 15)

List	A	30,000 votes	1 full Quota	5,000 remainder	1 seat won
List	B	24,000 votes	0 full Quota	24,000 remainder	1 seat won
List	C	17,000 votes	0 full Quota	17,000 remainder	1 seat won
List	D	12,000 votes	0 full Quota	12,000 remainder	1 seat won
List	E	8,000 votes	0 full Quota	8,000 remainder	0 seat won
List	F	5,000 votes	0 full Quota	5,000 remainder	0 seat won
List	G	3,000 votes	0 full Quota	3,000 remainder	0 seat won
List	H	1,000 votes	0 full Quota	1,000 remainder	0 seat won

Quota to determine the price of a seat: $100,000 \text{ votes} / 4 \text{ seats} = 25,000 \text{ votes}$ required to win a seat

In this example, List A wins a full quota, with a remainder of 5,000 votes, so it wins a single seat. No other party wins a full quota. The three remaining seats are distributed by the largest remainder method. The three largest remainders are with Lists B, C and D. Thus, Lists A, B, C and D all win a single seat. As illustrated above, this would mean that List A with 30 percent of the votes wins the same number of seats as List D with 12 percent.

An alternate interpretation is one in which only lists receiving more than one full quota could win seats in the district. Under this interpretation, if a list wins more than 0.5 percent of the national valid votes cast in all PR districts (fulfilling the threshold), but does not win a full quota of votes in a specific district, it is not eligible to win a seat in the district.

¹⁵ See Resources.

Example 2: List PR – only parties with a full quota eligible to win seats.

List	A	30,000 votes	1 full Quota	5,000 remainder	4 seats won
List	B	24,000 votes	0 full Quota	24,000 remainder	0 seat won
List	C	17,000 votes	0 full Quota	17,000 remainder	0 seat won
List	D	12,000 votes	0 full Quota	12,000 remainder	0 seat won
List	E	8,000 votes	0 full Quota	8,000 remainder	0 seat won
List	F	5,000 votes	0 full Quota	5,000 remainder	0 seat won
List	G	3,000 votes	0 full Quota	3,000 remainder	0 seat won
List	H	1,000 votes	0 full Quota	1,000 remainder	0 seat won

Quota to determine the price of a seat: $100,000 \text{ votes} / 4 \text{ seats} = 25,000 \text{ votes}$ required to win a seat

In this example, List A is the only list to achieve a full quota (with 5,000 votes remaining). As no other List is eligible to be awarded seats, List A must take the three unfilled seats with its largest remainder. Under this interpretation, List A wins 100 percent of the seats with 30 percent of the votes. Of course, this would dramatically exclude any party unable to reach a full quota in a district and over-represent larger parties/lists. The level of exclusion under this interpretation could be significant with a fragmented national vote.

Although the current electoral law does not specify that only parties that have fulfilled the full quota are eligible for the remainder seats, there is precedence for this interpretation from Law No. 188 of 1986, Article 17:

“Winners in the list districts are determined by giving every party list a number of seats in the district proportional to the number of valid votes it received relative to the total number of valid votes in the district achieved by all lists of all eligible parties, and the remaining seats are then distributed to the lists that achieved extra votes not less than half the quota in the district, every list should be given a seat according to the order of its extra votes, otherwise the remaining seats will be given to the party list with the most votes on the level of the republic.”

The interpretation of the seat allocation formula method will determine a great number of seats in the PA and Shura Council. It could allow one group to win an absolute majority of seats with a minority of votes, with another group holding a significant share of the national vote but no seats.

Unequal and unfair distribution of seats in an election system that is expected to be proportional could ignite violence once election results are known. The seat allocation formula is currently under serious deliberation and has not yet been determined. The Higher Judicial Elections Committee (HJEC) would need to thoroughly explain its methodology to the political parties.

The Occupational Quota

There are significant political and electoral consequences of the retained occupational quota requirement.

First, it could lead to complications in the two-member IC district races and increase the likelihood that many of these races will go into second round run-off elections. As described earlier in this document, the occupational quota will mean that some candidates will be elected with fewer votes than a competitor in the same district, which could lead to problems of confidence and legitimacy.

Second, the effects of the occupational quota are equally cumbersome in the allocation of PR seats. To ensure a minimum 50 percent worker/farmer representation on the PR side, the following counting formula will be applied to determine from which winning list a worker/farmer must be selected: $\text{Total Number of Valid List Voters} / \text{Number of Seats Won By List} = \text{Coefficient}$.

The list with the smallest Coefficient must elevate a worker/farmer from its list to ensure that the occupational quota is upheld. Because the lists no longer have to start with a worker/farmer candidate at the top, the worker/farmer seats are likely to be filled by the last (smallest) parties winning seats in the PR districts. Some parties may have difficulties finding candidates who fulfill the worker/farmer requirements. They may well find such individuals, but the consequence on party cohesion could be negative.

Some parties may win a small number of PR seats nationally, but only a single seat in any one district. The elected candidate may often be a worker/farmer in second or third place on their list, and not the leader at the top. Thus, the group of candidates from smaller parties elected to parliament may be unrepresentative of the party's actual leadership.

Independent Candidates

While the election law has been modified to allow party candidates to run for the 166 PA positions and 60 Shura Council positions in the two-member majority districts, independent candidates will still technically have an advantage in capturing those seats. If a significant number of unaligned candidates win seats in each house, it could challenge the development of a coherent political system in the Egyptian legislature. This will be significant especially since that legislature will be immediately charged with forming a constitutional drafting committee to draft a new constitution.

It is also possible for candidates associated with the NDP to contest and win seats in the IC districts; how many former NDP candidates will contest remains to be seen. It is important to note here that, if the Treason Law is put into effect, it may have an impact on candidacy of NDP candidates.¹⁶ The election laws also limit independent candidates to run for IC seats through the requirement that a party must have as many candidates on its PR district list as there are seats contested. This precludes any possibility of an independent candidate running as a party in a PR district, as all of them are multi-member districts.

¹⁶ A of the time of publication, media reports indicate that the law under consideration would ban anyone found guilty of "spoiling political life" during Mubarak's reign from holding government posts or running in parliamentary elections, as well as voting in parliamentary polls or joining political parties, for a period of five years.

Women's Representation in Parliament

While women have had full and equal suffrage since 1956, the strong legal basis for women's human rights in Egypt is limited by a lack of proper implementation mechanisms to ensure women's equal access to justice and the law. Egyptian women also have limited influence at the national and community levels, despite filling leadership positions as ministers, ambassadors, media heads, members of parliament and university professors.

Women's representation in the Egyptian parliament has been an issue of contention for several years. Since obtaining the right of political participation in 1956, women's representation in elected bodies varied, but was generally marginal, fluctuating between 0.5 – 2.4 percent. After the government introduced a 30-seat nomination quota in 1979, women occupied 9 percent of seats in the 1979 – 1984 PA and 8.3 percent in the 1984 – 1987 PA. However, that quota was repealed in 1986, and women's representation in parliament has been declining ever since. In the 2005 parliamentary elections, women secured only nine of 454 seats in the PA; four were elected and five were appointed by the President. Women's representation in the Shura Council has increased over the years (3.3 percent in 1980; 5.7 percent in 1996 and 2002; 8 percent in 2007), due at least in part to the President's authority to appoint one-third of the seats.

In response to the low level of women's representation in the PA, a new quota for women's representation was introduced for the 2010 PA elections. A total of 64 seats were contested by women candidates only, and all voters were able to vote for those candidates. The new quota system was to be applied for two legislative terms, or 10 years, which some argued was not long enough to change deep-rooted conservative views on women's roles. Although the introduction of the women's quota was an important step, it raised significant challenges for civic and voter education.

The women's nomination quota was revoked in the new electoral laws. Currently, the election law says that each PR list must include one female candidate, but does not oblige the party to put a woman in winnable positions on the list. As outlined earlier, the 332 PA seats elected through proportionality by party lists are elected in districts that range from four to 12 members in size. However, less than a quarter of the 46 districts are as large as 10 or 12 members and the vast majority of districts are four to eight members. Based on current polling trends, it is likely that parties will win a maximum of one or two seats per district. It is possible that a single party could win three (or four) seats in the 11 districts of 10 or 12 members in size. This means that in smaller districts if a female candidate is not in the top two positions, she will stand little to no chance of winning.

If every party were to place a female candidate in the second spot on their list, it is likely that such a candidate would secure a small, but significant portion of seats.¹⁷ However, if larger parties place a female candidate third on the list, instead of second, then the number of female candidates that win will drop dramatically. It remains to be seen how well female candidates fare running for IC seats. Past election data indicates that female candidates not running for a PR seat have fared poorly.

¹⁷ Assuming, based on recent polls, that some parties would secure more than one PR seat in any given district, it can be estimated that approximately 10 – 15 percent of PR seats would be filled by women.

Coptic Representation in Parliament

Although Coptic Christians (Copts) make up about nine percent of Egypt's population,¹⁸ their representation in Parliament over the past several decades has declined significantly, especially with the 1990 change from a PR system to a full IC district system. In 2005, Copts held 1.5 percent of the seats (approximately half of which were awarded through appointment, not election) in the 454-seat PA and 2.2 percent of seats (all through appointment) in the 264-seat Shura Council. After the November 2010 parliamentary elections, Copts held 1.9 percent of seats in the 518-seat People's Assembly (most of them appointed) and 2.2 percent of seats (all appointed) in the 264-seat Shura Council.

Political parties nominate relatively few Christians to run in elections as candidates. For the 2005 PA elections, the NDP presented two Copts on its list of 444 candidates. In the 2010 PA election, of 839 candidates for the NDP, 10 were Copts. Approximately 24 Copts ran as opposition candidates, and a number of others ran as independents¹⁹ with varying levels of success.

The November 2010 parliamentary elections were preceded by intense debate on whether or not there should be a nomination quota for Copts. While some thought a nomination quota would be a useful and a necessary corrective measure to ensure a fairer representation of underrepresented groups, others were concerned that it would promote religious sectarianism in Egypt.

The Freedom and Justice Party includes a Coptic Vice President and more than 100 Copts among its more than 10,000 members. Other parties, like the Free Egyptians Party and the Free National Coalition Party, contain a large number of Copts among their membership. However, it is unclear to what extent Copts will gain seats in upcoming parliamentary elections. As noted above, newly-formed parties face significant organizational and operational challenges that may impact their ability to gain seats through either system. The number of Copts elected hinges greatly on whether or not they are included in top spots on PR lists. As noted earlier, Coptic Christians may win a small number of seats in Cairo and Alexandria through both the PR system and IC system; however, elsewhere they are unlikely to gain seats, as they lack widespread geographical distribution.

Complexity for Voters and Administrators

Voters and election administrators will be challenged by the new system. For both the PA and Shura Council elections, voters will be faced with at least three votes on two ballot papers. They will also split their votes between party candidates at the local, district and the national level. Due to the design of the electoral system, it is likely that many races will go to a second round run-off. In that case, there is the possibility that voter turnout may atrophy as elections go on. Some voters may be put off by the difficulty of electing female and minority candidates. There could be confusion about when exactly to vote, given the long period over which parliamentary elections will be implemented and the various phases during which voters will have the opportunity to vote in several different elections.

These issues also pose great and unknown challenges to the legitimate and successful administration of the new election system. There is a significant need to educate voters and administrators about the new election system and limited available time to accomplish this important task. With the reinstatement of full judicial supervision of

¹⁸ U.S. Department of State Background Note: Egypt. Accessed 14 October 2011. <http://www.state.gov/r/pa/ei/bgn/5309.htm>

¹⁹ Ibid.

the elections, judges are now involved in the electoral process at several levels, from serving as commissioners on the HJEC, to supervising polling stations, to managing the candidate application and registration process. In light of ongoing revisions to various components of the election law, it is crucial that judges are sufficiently briefed on new laws and regulations to ensure unhindered voting access and as uniform an application of election procedures as possible.

These various changes also highlight the need to inform voters of the new requirements and obligations of the recently adopted electoral system. Especially since the elections will be staggered across governorates on different stages and run-off elections are likely to take place, it is critical that voters be informed of election dates, polling locations, their rights and obligations, required identification and how to correctly mark the ballot papers.

Conclusion

While most analysts do not predict the elections to face significant challenges, there are areas where the election framework would benefit from attention. In the lead-up to elections, it will be crucial to ensure the candidate application process proceeds smoothly and that disputes about candidates' approval or rejection are dealt with swiftly and transparently through uniform application of existing election laws and procedures. This will be a significant step toward ensuring that elections are credible and that the citizens of Egypt accept them as such.

It is also important to eliminate any possible ambiguity concerning interpretation of the seat allocation formula method that will be used to determine distribution of PR seats in the PA and Shura Council. Unlike an IC district system, which is fairly straightforward and well known, the PR system is more complex. Since the majority of contested seats in both houses will be assigned through the PR system, any uncertainty or possible misinterpretation about the meaning of various laws and their allocation formula could compromise the legitimacy of the election and fuel disputes throughout the election period and after.

Finally, in light of the relative complexity of the various legal, operational, administrative and procedural aspects of the upcoming elections, it will be critical to ensure that voters are provided with information on a regular basis and with enough lead time before the election to enable them to be fully informed and participate in the elections.

Resources

- IFES Briefings on challenges facing electoral operations in post-Mubarak Egypt:
 - [February 2011](#): Key Challenges for Credible and Competitive Elections
 - [April 2011](#): Lessons from the 2011 Constitutional Referendum and the Constitutional Declaration
 - [August 2011](#): Structure and Responsibilities of the Higher Elections Commission, and Other Issues Concerning Electoral Operations
- [Timeline](#) of Egypt's Parliamentary Elections
- [Map](#) of Governorates
- [Constitution](#) of the Arab Republic of Egypt, 1971
- [Constitutional Declaration](#) of March 30
- [September 25 Amendment](#) to the Constitutional Declaration
- Electoral Laws
 - [Law No. 38 of 1972](#) concerning the People's Assembly (includes recent amendments)
 - [Law No. 120 of 1980](#) concerning the Shura Council (includes recent amendments)
 - [Law No. 73 of 1956](#) on the Practice of Political Rights (includes recent amendments)
- Relevant Supreme Council of Armed Forces Decree-Laws
 - [Decree 120](#): Amendment of Some Provisions of People's Assembly Law and Shura Council Law
 - [Decree 121](#): Amendment of Provisions of Law 206 of 1990 on People's Assembly Constituencies (abridged)
 - [Decree 122](#): Amendment of Provisions of Law 120 of 1980 on Shura Council Constituencies (abridged)
 - [Decree 123](#): Abolishing Article 5 of Decree Law 120 of 2011
 - [Decree 199](#): Calling for People's Assembly Elections
 - [Decree 200](#): Calling for Shura Council Elections
- High Election Commission Decrees
 - [HEC Decree 1](#): Executive Regulation on Practice of Political Rights Law
 - [HEC Decree 11](#): Executive Regulation on Candidate Registration for People's Assembly and Shura Council