

RASED Key Findings on Monitoring the 2016 Parliamentary Elections



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Al Hayat Center - RASED

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Introduction

Al-Hayat Center - RASED is an independent, non-profit Jordanian Civil Society Organization funded in 2006. Al Hayat works through two main programs: Accountability, Governance and Participation – RASED (The Observer) and Preventing Radicalization. Through RASED program, Al-Hayat created a civil coalition of parliamentary election observation in 2007, represented by 125 local civil society organizations. RASED has observed elections since 2007 at the national and regional levels, having observed the parliamentary elections that took place in 2007, 2010, and 2013, as well as 2013 municipal elections. RASED also monitored elections in local labor unions and participated in numerous international electoral observation missions. Additionally, RASED conducted capacity-building programs in this field in different countries in the region.

This report includes findings of the observation throughout the electoral process, namely: Preliminary and final voter lists; candidate registration; campaigns; Election Day proceedings; results tabulation, then announcement; and results appeal. The observation activities also included verifying the compilation of the preliminary voter list for the fourth time, following RASED's observations for Jordan's previous 2010 and 2013 parliamentary elections, as well as the 2013 municipal elections. Also, for the second time following the 2013 parliamentary elections, RASED Coalition engaged in a Parallel Vote Tabulation (PVT), which RASED conducted for the second time after having been previously conducted it in 2013 parliamentary elections. In 2016 elections, RASED reached a total budget of approximately 225,518 Jordanian Dinars, which were allocated into different items. This budget was obtained with the support of the National Democratic Institute (NDI) with the equivalent of 212,400 Jordanian Dinars, and the Canadian Embassy in Jordan with 13,118 Jordanian Dinars.

In order to document RASED's finding of the observation through 2016 parliamentary elections and give the public access to information that raise their awareness and help them create lobbying circles advocating for election process in its different components, Al-Hayat launches an exhaustive and complete report with the findings of the observation through 2016 elections based on the provisions of international standards to observe local elections.

This abstract is a summary of the final and detailed report on the findings of 2016 parliamentary election monitoring. The report contains the following items:

- Political background of 2016 parliamentary elections.
- Comparison of election procedures in 2016 with international standards for election observation.
- Recommendations: a roadmap to enhance the election reform process in Jordan in harmonization with the local and international context.

The 2016 Electoral Process versus International Election Standards

Under Article (34) of the Jordanian Constitution, the Royal Decree to dissolve the 17th Jordan House of Representatives was issued on 29 May 2016. Therefore, according to Article (73) of the Jordanian Constitution, legislative elections had to be held within not later than four months from the date of the dissolution, hence the IEC – the election management body - announced that 20 September would be the Election Day of the 18th House of Representatives in Jordan, pursuant to the issued Royal Decree.

The 18th Parliamentary Elections were characterized by a newly adopted Election Law, and by new district delimitation system, that followed the abolition of the single-non-transferable-vote (SNTV) system that had been practiced in Jordan for 20 years. The new Electoral System was created in response to political demands, demonstrated in the form of protesting movements and calls for substantial political and socioeconomic reform. Also, many political parties and non-party groups demanded a new parliamentary Election Law that would ensure the utmost integrity, transparency, fairness and freedom.

Compared to the former laws in place, the Election Law used for the 18th House of Representatives had witnessed a significant improvement, as in 2016 the Hashemite Kingdom of Jordan adopted - for the first time after the revival of the democratic life in 1989 – a fully Proportional Representation System. Also, the Electoral System delimited new electoral districts, expanding their geographic area and thus reducing the number of districts to 23 in 2016 compared to the 45 electoral districts in 2013. This was one of the actions leading to furthering a fairer district representation. The Election Law defined 18 years as the voting eligibility age in accordance with the advisory opinion provided by the Legislative Interpretation Bureau. The number of actual voters who voted in the 18th Parliamentary Elections was 1.492.400, which is a 204.357 increase of the 1.288.043 actual voters in the 17th Parliamentary Elections. This increase can be attributed to multiple factors; including:

- Voter registration was not required

- Voter eligibility age was 18 pursuant to Article (3) of the 2016 Election Law (6) of 2016
- Participation of all various political and party powers in the latest elections, in contrast to their boycott of the 2013 election.

Nevertheless, the turnout was only 36.1% of all eligible voters.

One of the new Election Law advantages was that it gave right to the voter to vote for more than one single candidate within the voter's selected list, minimizing the sub-identities created by the SNTV system. However, the new Law also cancelled the National List context used in 2013 as the "General Electoral District" despite calls in the national dialogue involving the House of Representative and Rased where on Election Law for the General Electoral District to be incorporated in the Law. Rased's interviews with the candidates during campaigns revealed that 35% of all candidates vowed to recommend the re-establishment of the National List in the Election Law if they were to win elections.

The regulatory legal framework of elections has slightly improved, especially in terms of polling and ballot counting. This bore a number of indications, most significantly was the Executive Instructions by the IEC which established some new procedural safeguards not stated within the Electoral Law. For instance, the voter's polling station is to be specified in the voter list published by the IEC, albeit there were some inaccuracies in those lists that in turn affected the voter turnout. This was in the form of assigning polling centers not convenient to voters as demonstrated in a survey by Rased assessing information accuracy of the preliminary voter list. It found that the accuracy rate of voter preliminary list was 97%, however 22% of voters found their assigned polling center to be inconvenient; which makes 900,000 voters. Furthermore, voter lists of the Bedouin districts contained many inaccuracies.

During the objection period on the preliminary voter list, the IEC announced that of the 24,461 objections it received, 4,435 were rejected. Noteworthy, a procedural discrepancy occurred in the objection phase, in that informing the concerned person (either the person making the objection, or the person objected against) was done simply by publishing the objection lists, without an SMS notification on the results of the objection or to notify someone that they are being objected on.

The Executive Instructions on Polling and Counting required the candidate photo and list emblem to be printed on the ballot paper, thus curbing the pretence of illiteracy to evade the secrecy of suffrage. This misconduct (to pretend illiteracy) is still practiced though, in addition to the vote buying and black money usage at a large scale. Such unethical practices thrived as a result of the insufficient performance of competent law enforcement authorities. The end result was therefore a dramatic decrease in election integrity and freedom, and created substantial defects impacting on the elections outcome and disturbing the Rule of law. The final number of (male and female) candidates for the 18th Parliament was 1,252, i.e. 227 less than the 1,529 candidates in 2013.

Later following elections, it became evident that a number of breaches had been committed and they directly impacted the election outcome. The statistical analysis by Rased observation team, as well as findings of reports by the Expert Committees created by court orders, and the PVT result tabulation by Rased showed that most of the documented breaches were due to individual irregularities and incompetency of the election officials e.g. irregularities in data entry and computing totals, and loose implementation of the counting procedures, all provoked negative impressions about the electoral process.

Accountability and the rule of law were an extreme setback in the elections. Low accountability level was demonstrated in different ways. On 31 August 2016 the IEC announced that four black money cases were forwarded to the prosecutor. However, Rased observations learnt that no court decision was then made. Consequently, citizens had less trust in the election management determination to counter the use of black money in elections. This in turn had a negative impact, as in the Election Day there were many complaints in various districts on the use of black money in front of the polling center. The IEC announced that it dealt with a number of cases, while to the date this report is been issued names of violators had never been published, in addition to absence of any court decision in those cases. As a result the public started questioning the IEC credibility and decisiveness in countering the black money.

With regard to the transparency of the IEC performance in process management and enforcing the law pertaining to local and international observation, multiple malpractices were observed which undermined the election transparency. Election transparency requires explicitly stating the rules followed in defining which polling center to which voter. Furthermore, the IEC did not publish user friendly search information. This created confusion among voters as they could not handle the encrypted PDF files used by the IEC for the voter lists and candidate lists. More than one time Rased team requested that the IEC would publish information in the open (CSV) format. However, the IEC abstained.

The elections regulatory legal framework has improved as for defining a ceiling (maximum allowed) of campaign expenses and the methods thereof. The Executive Instructions required a bank account for every candidates list, from which campaign expenses are paid whilst abiding by the ceiling as defined in the Instructions, that was 3 JOD per voter for all districts excluding Amman, Irbid and Zarqa where the ceiling was defined as 5 JOD. This definition compromised the principle of election fairness especially that the IEC did not state the guidelines based on which the ceilings were defined. Assignment of a financial auditor for every candidate list was also required in order to scrutinize the list expenditure then submit a final financial report to the IEC. Nevertheless, according to the IEC only 7 of all the 226 lists did submit the audit report as for 16 /11/ 2016.

Polling, counting and result tabulation and announcement: The process technically improved as for the procedural safeguards, albeit the implementation of the legal framework stood below expectations; namely in the counting process, in contrast to the polling process which proved utmost readiness by the election committees, therefore positively affecting the polling process.

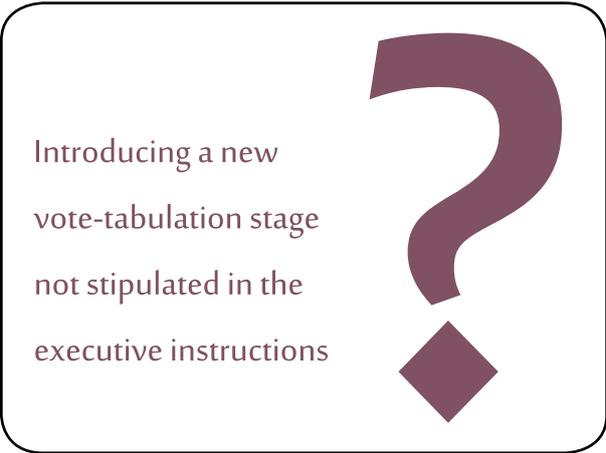
Several violations of integrity, transparency and fairness occurred along the course of counting. Performance of committees failed the expectations. A number of violations have been observed: Complaints and objections of candidate representatives were filed on grounds of the distant positioning of the monitor screen that shows the ballot paper and did not impart clear picture, add to that the Committee lacked accuracy in counting ballots. Representatives also were displeased of a protracted counting process.

Result tabulation: The procedural implementation was inconsistent. It basically seemed to be discretion based rather than uniform implementation of Instructions and Procedures. Whereas some committees tabulated results at the polling center level, others did not. Some committees tabulated results at a provincial level as was the case for Madaba Governorate and Irbed District 1 despite that this was neither established in the Executive Instructions nor was it uniformly done among every district within the Kingdom. Some committees abstained from posting the counting form, hence counteracting the IEC call for transparency.

First: Electoral Process Integrity

1. Procedural safeguards

In contrast with the Election Law No. (25) of 2012 under which the 17th Parliamentary Elections were held, Election Law No.(6) of 2016 included a set of procedural safeguards for the integrity of elections. The election regulatory legal framework, as represented by Jordan’s Election Law and the IEC law and executive instructions did as well include procedural



Introducing a new
vote-tabulation stage
not stipulated in the
executive instructions

safeguards for the integrity. However, the Election Law still lacks safeguards capable of preventing attempts to influence voters will. The IEC had attempts to bridge such gap through the Executive Instruction e.g. defining the voter corresponding polling center in the Executive Instructions, an area absent in the Electoral Law.

Election Law did not establish result tabulation at the Center level. The IEC tended to fix this lack through Article (24) of the Executive Instructions on counting. But though, there was no mention of an accountability and punishment mechanism. Despite the IEC attempt to provide further procedural safeguards, those were not however adequate to meet the desired election integrity level. Some indicators of inadequate accountability surfaced, in terms of legal breaches by the election officials.

2. Accuracy of Voter Lists

Rased team checked the voter lists published by the IEC on 24/2016/06/ for information accuracy. Election Law No.(6) of 2016 stated in clause (a) of Article (3) that any Jordanian who has completed 18 calendar years of age by 90 days prior to the announced Election Day is eligible to vote in the Parliamentary Elections pursuant to this law provisions”. The IEC prepared the voter list under this Article. The preliminary list contained 4,139,612 eligible voters, whereas the final list contained 4,130,145. Rased validation of the preliminary list found that 3%of the names listed therein were not correct. The list also included each voter’s assigned polling center. Eighteen percent (18%) of the study sample found the assigned polling center to be inconvenient in relation to their place of residence (inaccessible). The lists were therefore deemed imperfect and unsound.

The IEC called voters from the Bedouin region to correct their information as in the final voter lists; an obvious violation to Clause (a) of Article (6)⁽¹⁾ of the Election Law; which stated that “Once the Board approves voter lists sent by the District in accordance with provisions of Article (5) of this Law, such lists are deemed final and may not be amended in any way, and the parliamentary elections are held whereby”. Consequently, questions raised on the integrity of the final version of the voter lists published by the IEC.

Rased team then compared the data of the final list as published on the IEC website (after passing through all legal phases) against the figures in the IEC published report on the 2016 Parliamentary Elections that was submitted to His Majesty the King on 12/2017/02/. The review revealed discrepancies in figures which Rased could not explain. Such findings raise uncertainties regarding accuracy of information published by the IEC. Table (1) shows discrepancies detected upon comparing final lists Vs. the IEC-published detailed report.

(1) Paragraph (a) of Article (6): when the council adopts the voters’ tables sent to it by the districts according to Article (5) of this law, they are considered final and may not be altered in any way and under which the parliamentary elections are held.

Table (1): Differences in the final voters' tables

| Governorate | Number of voters as mentioned in the final lists published on the IEC's website | Number of voters as published in the IEC's final report | Difference |
|--|---|---|---------------|
| Amman | 1,557,385 | 1,559,626 | 2,241 |
| Irbid Governorate | 748,752 | 750,716 | 1,964 |
| Balqaa and Madaba Governorate | 404,188 | 405,391 | 1,203 |
| Governorates of Karak, Tafileh, Maan and Aqaba | 330,954 | 332,275 | 1,321 |
| Governorates of Ajloun, Jerash and Mafraq | 303,804 | 304,993 | 1,189 |
| Zarqa Governorate | 581,007 | 582,288 | 1,281 |
| Bedouin districts | 204,055 | 205,036 | 981 |
| Total | 4,130,145 | 4,140,325 | 10,180 |

3. Suffrage integrity and voters flow

During the 18th Parliamentary Elections there were safeguards in place to ensure suffrage integrity within the regulatory legal framework of polling and voters flow. In this context, Rased created suffrage integrity and voter flow assessment form, based in the international best practices. The forms were then given to the 5,000 local observers. The field observation detected indicators of limited suffrage (polling) integrity, these were: halting polling in 341 ballot boxes, and 25 cases of voters refusing finger-dipping in the special ink. Add to it 98 Election Committees did not allow field observers in the polling rooms. They had no knowledge of the legal entitlement of observers to freely enter polling rooms. This indicates inadequate training of the Committee members.

Central Bedouin District: Field observations during and after the Election Day revealed serious security shortcomings leaving the ballot boxes vulnerable. The IEC did not learn from previous experiences how to optimally control the scene in the Central Bedouin region. Field observers present in 40

polling rooms within the District observed 66 violations e.g. fire shooting and violent acts in front of the polling centers, as well as double voting. The IEC did not take the necessary precautionary measures, despite knowing that Central Bedouin District is one of the hottest spots in Election Day. Rased team holds the IEC responsible for the precarious situation during the Election Day. The IEC tended to prematurely issue judgments and release far-from-accurate statements to the media. Around noon time of the Election Day the Chairperson of the Board of Commissioners announced re-election to be held in the Central Bedouin District due to the attack on 8 ballot boxes. This created chaos in the District. It was then followed by statement released by Rased team advising the IEC to check integrity of the ballot papers inside the boxes and to exercise care in releasing statement and rather waiting until checking integrity of ballot papers inside the concerned boxes is being completed and also checking the number of boxes that had been tampered. In the evening of the Election Day, the IEC spokesperson announced the creation of an Investigation Committee for this matter; but this contradicted the IEC Chairperson statements on re-elections. Again, the IEC spokesperson then announced that results of the Central Bedouin District elections shall be announced only after the by-elections are being held due to tampering of 10 boxes, defying the IEC Chairperson statement that the tampered boxes were only 8. In 22 / 09 / 2016 the Spokesperson announced that Election results would be published on Thursday, 22 /09/ 2016.

RASED shows the conflicting statements made by the Independent Election Commission in these images⁽¹⁾.

(1) A collection of photos of a number of Jordanian news websites which quoted statements made by the Independent Commission for election.

الكلاذة: إعادة الانتخابات بدو الوسط في 8 صناديق تم سرقتها



2016-09-23 20:00:00

عموم- مساء الثلاثاء - أعلن رئيس الهيئة المستقلة للانتخاب إعادة الانتخابات في 8 صناديق في دائرة بدو الوسط بعد أن تم إلحاقها.

وقال الكلاذة إنه تم البدء بالجهيز للانتخابات في دائرة بدو الوسط وتعمية صناديق سرفه.

وأشار الكلاذة إلى أنه تم تحويل 56 شخصاً إلى المعنى العام خلال يوم الانتخابات بسبب تجاوزات.

وقال الكلاذة إنه تم استبدال 29 عضو لجان التحاقي بسبب إلحاقهم لمرشحين.

1

الموسى: تشكيل لجنة تحقيق بما حدث في صناديق دائرة بدو الوسط الـ 8

عمان 20 أيلول (سبتمبر) - أكد الناطق الإعلامي باسم الهيئة المستقلة للانتخاب جهاد الموسى أن مجلس المفوضي الهيئة سيشكل لجنة تحقيق بما حدث في اقتداء على 8 صناديق اقتراع بدائرة بدو الوسط مساء اليوم.

وقال الموسى في تصريحات خاصة لوكالة الأنباء الأردنية (سبأ)، أن الهيئة تنظر بتقرير لجنة التحقيق من سلامة الصناديق وعدم الصمت بها ومطالبة المسح الإلكتروني بالوقفة وعدد الأوراق التي وجدت بالصناديق وتحديد حجم العت وفي حال ثبوت سلامتها وعدم تعرضها للعتب يتم فرها واعتمادها بالناتج النهائية للدائرة الانتخابية لدو الوسط.

وأضاف الموسى أنه في حال تبين أن هناك عتبا بالصناديق التعمية سيتم إعادة الانتخابات فيها فقط وبصاف إلى نتائج باقي صناديق دائرة بدو الوسط التي تم فرها ولم تعرض لأى عتب لاعتماد الناتج النهائية للدائرة.

- (سبأ) - 20/9/2016 - 10:44 ب

2

الموسى: صناديق بدو الوسط ليست مع الأجهزة الأمنية

خبري - أكد الناطق باسم الهيئة المستقلة للانتخاب جهاد الموسى أن العترة صناديق التي تم الاقتداء عليها في دائرة بدو الوسط موجودة لدى الهيئة وليست مع الأجهزة الأمنية. وبين الموسى خلال مؤتمر صحفي عقد الأربعاء في المركز الإعلامي الخاص بالهيئة المستقلة للانتخاب أن الصناديق المضبوطة في بدو الوسط ، تعرضت لأضرار مختلفة كتلعة أوراق الاقتراع ، والطقف. وأوضح أن النتائج الأولية لدائرة بدو الوسط لن تعلن إلا بعد إجراء الانتخابات التكميلية في دائرة بدو الوسط وأضاف الموسى أن لجنة مخصصة ستكشف عن موعد إعادة الاقتراع في دائرة بدو الوسط ، بعد معالجة نتائج العترة صناديق ومقرنتها بالكشف الإلكتروني لأعداد المقر من في الهيئة.

3

اللجنة الخاصة بالتحقيق بالناتج الانتخابية تتسلم محاضر نتائج الانتخابات

تم نشره الخميس 23/9/2016 / ليوم / سبتمبر 2016 11:23 صباحاً

المدينة نور :- أعلن رئيس اللجنة الخاصة بالتحقيق بالناتج الانتخابية الدكتور مصطفى المراري عن أن اللجنة انتهت من استلام جميع محاضر لجان الفرز بجميع الدوائر الانتخابية بالمملكة وذلك عند الساعة الثالثة من فجر اليوم الخميس.

وأضاف المراري بتصريح لـ (سبأ) أن اللجنة ستعلن النتائج الانتخابية بعد الانتهاء من تدقيقها بشكلها النهائي. مؤكداً أنه سيتم إعلان النتائج الانتخابية بصفتها الأولية والنهائية اليوم الخميس.

من جانبه، كشف الناطق الإعلامي باسم الهيئة المستقلة للانتخاب جهاد الموسى عن أن مجلس المفوضين تسلّم تقرير لجنة التحقيق المتعلقة بصناديق دائرة بدو الوسط إذ 10 التي تعرضت للعتب متوقفاً اتخاذ القرار اليوم . موضحاً أن أحد الصناديق ما زال مفعوداً.

وأضاف الموسى أنه يتم تداول صور لأوراق اقتراع وذلك للشكك بالعملية الانتخابية مؤكداً أن هذه الأوراق تعود لصندوق الاقتراع الذي يحمل الرقم 92 والذي ما زال مفعوداً في دائرة بدو الوسط.

4

4. Integrity of the counting and sorting process

The process of counting and sorting is one of the most important international best practices contributing to strengthening the integrity of the overall electoral process. In this context, the legal framework regulating the counting and sorting process witnessed an improvement in terms of compliance with international standards pertaining to integrity, transparency and fairness of the electoral process. In addition to the improvement in votes counting and sorting process during the 17th Parliament elections, a new set of procedural safeguards introduced to enhance the harmonization with international standards. Accordingly, counting and sorting committees were obliged, once the process concluded, to post minutes of the process at the entrance of polling rooms in the presence of representatives of candidates, local and international observers, and media. Furthermore, immediate contest of the procedures permitted to candidates and representatives as well as introducing an expedited response to such contests. Electoral committees were also obliged to tabulate and combine votes at the electoral center level and post tabulation tables at the entrance of the center visible to representatives, local and international observers. The Independent Election Commission utilized sorting technologies with cameras and screens installed at every polling room to display images in front of representatives, observers and the media. Such procedures contributed to the integrity of the counting and sorting process.

As for the procedural aspect, imbalances and gaps affecting the integrity of the counting and sorting process were evident. These imbalances attributed to individual errors by members of the polling and counting committees reflecting the incompetency of training offered to members mainly with respect to counting and sorting mechanisms. Examples of such errors were, (15%) of the polling and sorting committees neglected to post the sorting record at the entrance of the polling room; heads of some committees prevented field observers from taking pictures of sorting records obliging RASED team to communicate with the IHEC to file complaints to this respect; some polling and sorting committees failed to comply with the executive instructions pertaining to the polling and sorting process, in particular to article (24)⁽¹⁾ which expressly stipulated the need for compilation at

(1) Article (24): After the presidents of the voting and counting committees in the polling stations hand over the copy of the counting record of each voting room to the centers' directors, each of the center director and the logistic communication officer collect the sorting results and fill them in the template.

the electoral center level. The article stipulate that “After heads of the polling & counting committees in the Center hand a copy of the ballot box counting form of each room – to the head of the Center, now both head of the Center and the technical focal officer shall sum up the results of the boxes in the Center on the form designed for this purpose.”

Failing to comply with this, at some polling centers, instigate concerns of citizens on the credibility of the Independent Commission as well as the integrity of the elections.

While conducting verification on results recorded in the posted minutes of the committees the commissions against the results published on the IEC website, RAESD team revealed that percentage of error reached 1.2% based on the sample selected by RAESD. However, such errors did not influence the results of the winning lists, yet possibly affected the results of candidates within these lists. The following image illustrates a number of variances between the recorded minutes at the polling centers collected by field monitoring team as opposed to the detailed results published by IEC on its website.

| الدائرة الثالثة | | | | عدد الأصوات المكتوبة بالأرقام | عدد الأصوات المكتوبة بالأسانيد | عدد الأصوات المكتوبة بالأسانيد | عدد الأصوات المكتوبة بالأرقام |
|-----------------|----|----|----|-------------------------------|--------------------------------|--------------------------------|-------------------------------|
| 190 | 91 | 90 | 89 | عدد الأصوات المكتوبة بالأرقام | عدد الأصوات المكتوبة بالأسانيد | عدد الأصوات المكتوبة بالأسانيد | عدد الأصوات المكتوبة بالأرقام |
| 4 | 11 | 11 | 9 | 12 | 89 | 0 | 0 |
| 1 | 10 | 5 | 7 | 16 | 90 | 0 | 0 |
| 2 | 12 | 10 | 2 | 20 | 91 | 0 | 0 |
| 1 | 8 | 5 | 7 | 10 | 190 | 0 | 0 |
| 1 | 11 | 9 | 10 | 16 | 191 | 0 | 0 |
| 2 | 7 | 7 | 8 | 18 | 192 | 0 | 0 |

Amman - Third district

| الاسم الانتخابي | عدد أصوات الناخبين والأرقام | عدد أصوات الناخبين الكلية والأحرف |
|-----------------------------|-----------------------------|-----------------------------------|
| 1. سعد هارح سالم العواد | 77 | 78 |
| 2. سعد هارح سالم العواد | 1 | 3 |
| 3. نبيل قطبان شمسور القرشان | 1 | 1 |
| 4. هادي حاتم سلطان العنبر | 15 | 13 |
| المجموع | 20 | 16 |

| الدائرة | عدد الأصوات | عدد الأصوات الكلية |
|--------------------------|-------------|--------------------|
| بمدا برتن جنوب الزين | 77 | 78 |
| سعد هارح سالم العواد | 1 | 3 |
| نبيل قطبان شمسور القرشان | 1 | 1 |
| هادي حاتم سلطان العنبر | 15 | 13 |
| المجموع | 20 | 16 |

Central Badia district

| الاسم الانتخابي | عدد أصوات الناخبين والأرقام | عدد أصوات الناخبين الكلية والأحرف |
|----------------------------|-----------------------------|-----------------------------------|
| 1. نوافل صبيح محمد التومعه | 61 | 62 |
| 2. نوافل صبيح محمد التومعه | 0 | 0 |
| 3. نوافل صبيح محمد التومعه | 1 | 1 |
| 4. نوافل صبيح محمد التومعه | 1 | 1 |
| 5. نوافل صبيح محمد التومعه | 1 | 1 |
| المجموع | 4 | 3 |

Tafleh

| الاسم الانتخابي | عدد أصوات الناخبين والأرقام | عدد أصوات الناخبين الكلية والأحرف |
|--------------------------------|-----------------------------|-----------------------------------|
| 1. سنان علي عبد الرحمن الصنوبر | 104 | 159 |
| 2. سنان علي عبد الرحمن الصنوبر | 236 | 104 |
| 3. سنان علي عبد الرحمن الصنوبر | 59 | 53 |
| المجموع | 394 | 302 |

Karak

5. Soundness of consolidating votes and the announcement of preliminary and final results. Elections of the 18th Parliament witnessed an improvement in terms of the consolidation process and the announcement of preliminary and final results as the independent Election Commission devoted

specific executive instructions for this process that were lacking in the 17th Parliament elections. The executive instructions pertaining to the consolidation and announcement of preliminary and final results were in line with international practices.

However, the actual implementation not comply with the executive instructions where many mal-practices noted by field observers affecting the integrity of the process. As an example, all election commissions failed to consolidate votes at the election centers' levels, a clear violation of article (24) of the executive instructions. Furthermore, votes were consolidated based on priority at the electoral center level, a phase and practice not reflected in the executive instructions. This raised concerns on the appropriateness of the consolidation and the delay of preliminary results at the electoral constituency. For example, relevant cases of such practices were noted in Madaba governorate and in the first constituency in Irbid governorate.

With respect to the time required to tabulate and calculate the preliminary and final results, the Commission stated much earlier to polling day that results will be within 48 hours. However, this anticipated long timeframe raised concerns on the correctness of procedures of the consolidation process one day before the polling day. It is worth noting, in this regard, that publishing preliminary results lasted more than 24 hours in some electoral constituencies such as Karak and the 1st constituency in Irbid, while other electoral constituencies such as Ajloun and the 3rd constituency in Irbid published results at a much shorter time. Furthermore, the long duration for finalizing results limited the ability to submit contest and complaints on the sorting process.

Furthermore, the appropriateness of the consolidation of votes requires commissions to check all persons present inside the polling and sorting centers. Field observers reported to RASSED's team that 3.4% of polling and consolidation centers had civilians, with no certified badges, present inside the polling rooms during the sorting process as shown in figure (1). No attempts were made by polling and sorting committees to verify their presence.

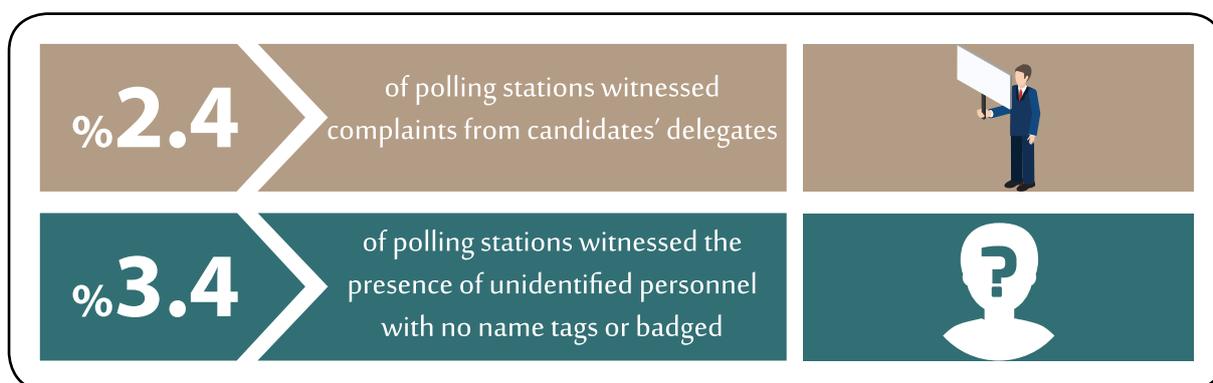


Figure (1): Observers remarks during counting process

6. Accuracy of published information

Accuracy of published information by the electoral management body is one of the main evidences on the integrity of the electoral process. Conflicting published information on the same topic raised concerns on the integrity of the electoral process and the ability of the designated authority to manage the electoral process.

The independent Election Commission published electronic records, candidacy lists, and the results at the level of electoral constituencies, as well as detailed information at the level of polling boxes of the 18th Parliament election. RASED technical team managed to manipulate the files and convert them to accessible forms allowing analysis and comparison of information even with the difficulties of such material due to protection, encryption and coding imposed by the commission. RASED team observed the variation and conflict in information without apparent reason. An example was the sum of votes per electoral lists and the results for each list. RASED team found that 23 electoral list showed inconsistencies in results when compared to data published by the Commission.

In addition to the above, RASED team conducted a review of approved and rejected contests by interception centers. The team tracked the numbers of relevant decisions on contests to reveal that the published tables did not include all decisions' numbers, which questions the accuracy of the presented records. Furthermore, the lack of showing all decisions raises concerns on transparency of the independent election commission and the fairness of the electoral process. An example, the team

failed to locate decision number 435 within the accepted/rejected objections at the Interception office of West Amman, and decision number 930 within the record of accepted/rejected objections in the interception office of Al Hasa, table (2) shows the interception offices and missing resolutions numbers.

Table (2): Examples of Appeal Offices and Lost Decisions' References

| Num. | Office | Sum | Number of last decision | Difference | Decision numbers example |
|------|--------------|------|-------------------------|------------|--------------------------|
| 1. | West Amman | 971 | 972 | (1) | 930 |
| 2. | Al-Ashrafieh | 1451 | 1459 | (8) | 972, 973, 145, 314, 541 |
| 3. | Marka | 898 | 900 | (2) | 124, 125 |

Second: issues related to the transparency of the electoral process

1. Public access to election information

RASSED team monitored the set of indicators defined to assess the transparency of the electoral process through quantitative assessments of the accessibility of information by the public. Outputs revealed that the Independent Election Commission was able to provide a high level of electoral management transparency. Yet the Commission failed to provide all required information that allows public access details and proceedings of the electoral process. Furthermore, some information was supposed to be posted and kept as a reference, were deleted from the website.

Other practices were documented by RASSED during the 18th Parliament elections included the failure of the Commission to publish candidacy tables in accessible form to allow study and analysis (CSV), and opted to publish encrypted and protected versions (PDF) as shown in table (2). This limited the transparency and public access to information. In addition, the Commission could not identify appropriate informative tools to announce its decisions and the decisions of the Directorate, Civil Services pertaining on approval or rejection of contests on the preliminary tables, within a reasonable timeframe, to enable candidates compile required documents and submit to first appeal court.

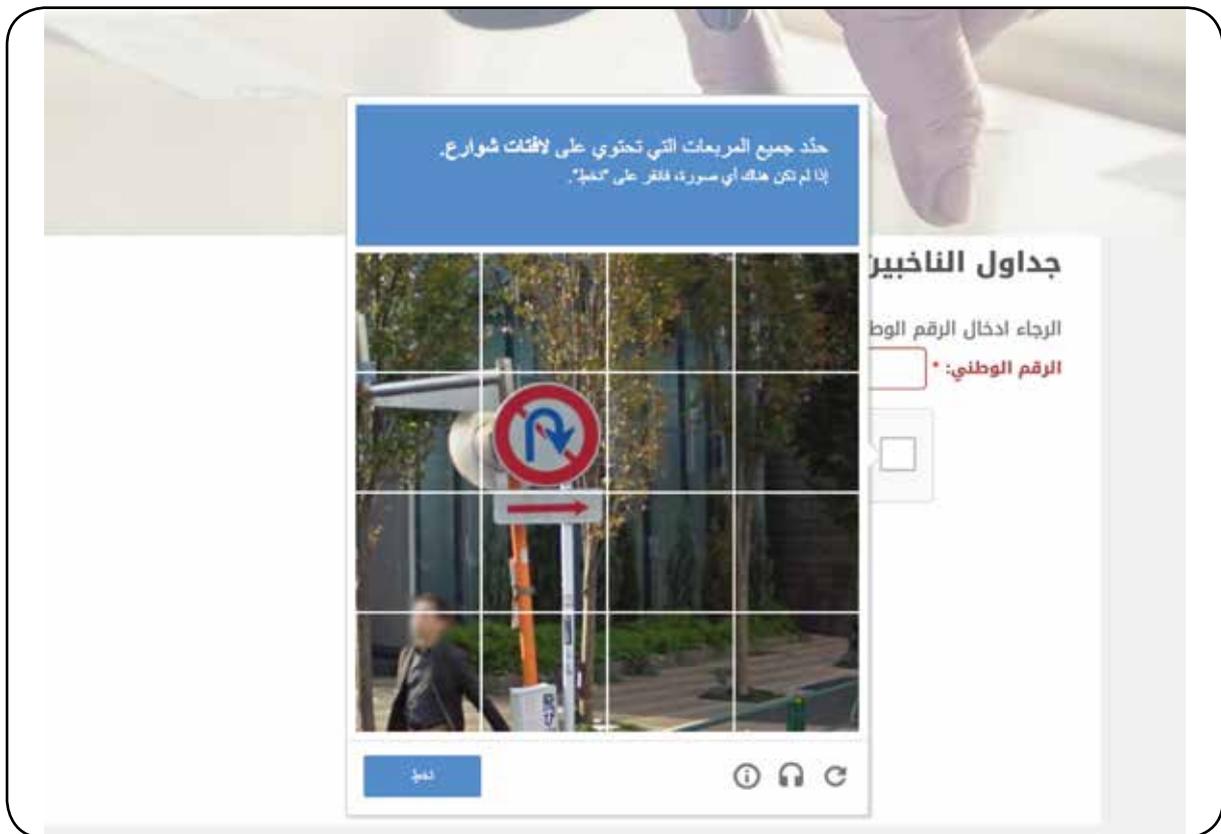


Figure (2): Screenshot of the IEC's website shows the hardness of verifying voters information

With respect to the transparency of the Independent Election Commission in publishing names of candidacy lists, the Commission published the names of lists and candidates on its website for only (13) constituencies. Furthermore, the Commission did not comply with paragraph (b) of article (16) of the electoral law obliging the Commission to publish all the names of the lists and candidates in two daily newspapers. The Commission also deleted names of the lists and candidates from its website and published the final lists in image format (JPG), which impede the electronic management and administration of lists as shown in figure (3).

It is worth noting that RASE team communicated formally with the Independent Election Commission requesting the provision of final results in (CSV) formats to facilitate statistical verification of results. Despite the confirmation of the Board of Commissioners to provide such versions, nothing received, irrespective of repeated follow up, as of the date of this report. Lack of response raises many concerns on the Commission's lack refusal to avail such information.

In a different context, RASED team observed the existence of indicators of critical nature reflecting weak transparency and accountability measures within the electoral management body. The Commission announced the replacement of (29) committee members in different electoral constituency biased to some candidates at the expense of others, however, the Commission did not disclose actions taken against violation of election law and executive instructions.



إغلاق باب الترشح للانتخابات النيابية على (230) قائمة تضم (1293) مرشحاً ومرشحة

تاريخ النشر: 18 أغسطس 2016

طلبات الترشح

التفريق باب الترشح للانتخابات النيابية على (230) قائمة تضم (1293) مرشحاً ومرشحة

أعلنت اللجنة المستقلة للانتخابات عن إغلاق باب الترشح للانتخابات النيابية بعد الساعة الثالثة والنصف مساء اليوم الخميس الموافق 18/8/2016 والتاريخ النهائي الذي يحظر من خلاله الترشح - وكان مجلس انتخابي اللجنة المستقلة للانتخابات قد حدد يوم 18/8/2016 الموافق الثلاثاء موعد الترشح لتجديدات العمادة 2016 - وذلك خلال أوقات اليوم الرسمي.

وبموجب القرار رقم 14 لسنة 2016 المؤرخ في 17/8/2016 الذي أقرته اللجنة المستقلة للانتخابات في كنفه التوافق الانتخابي - قد بلغ (230) قائمة يتلوا عدد المرشحين في تلك القوائم (1293) منهم (1045) ذكور و (248) إناث.

وكانت القوائم الانتخابية التي لم تفتح بطلبات الترشح خلال أيام الترشح على النحو التالي:

| مناطق | | الفرق الانتخابية | المرشحة | المرشحون | المرشحة والمرشحون |
|-------|---------------|------------------|---------|----------|-------------------|
| 1 | الضفة الغربية | 14 | 36 | 14 | 74 |
| 2 | الضفة الغربية | 12 | 54 | 12 | 78 |
| 3 | الضفة الغربية | 11 | 56 | 20 | 76 |
| 4 | الضفة الغربية | 11 | 42 | 11 | 53 |
| 5 | الضفة الغربية | 18 | 79 | 20 | 99 |
| 6 | مخيم اليرموك | 12 | 51 | 15 | 66 |
| 7 | مخيم جنين | 10 | 47 | 11 | 58 |
| 8 | الضفة الغربية | 18 | 76 | 20 | 96 |
| 9 | الضفة الغربية | 9 | 30 | 9 | 39 |
| 10 | الضفة الغربية | 13 | 38 | 18 | 56 |
| 11 | الضفة الغربية | 7 | 25 | 7 | 32 |
| 12 | مخيم جنين | 8 | 19 | 11 | 30 |
| 13 | مخيم اليرموك | 13 | 38 | 13 | 51 |

Figure (3): Screenshot of the IEC's website during candidate registration

2. Financial and Administrative transparency of the electoral authority

The recent election witnessed positive improvement in disclosing the financial funding sources required to administer all phases of the electoral process. However, the Commission abstained from revealing adopted appointment mechanisms and compliance with criteria ensuring equal opportunities mainly with respect to staff recruited during the election period. This imposed limitations and non-conformity with international standards with respect to the election authorities’ administration and conduct.

RASED commends the publication of the electoral budget of the 18th Parliament, yet was puzzled by the Independent Election Commission abstaining from publishing expenditure areas, mechanisms adopted, and bidding modalities and implementing entities selected for these tenders.

3. Disclosure of electoral campaigns funding sources

The elections of the 18th Council required candidates, theoretically, to disclose financial resources mobilized to fund the electoral campaigns and expenditure details as per article (14-a) of the executive instructions regulating the electoral campaign which stipulated: “Lists or any of their candidates must declare sources of funding for their election campaigns for their list or any of its candidates as well as channels of spending in compliance with law and the said Instructions”. Moreover, executive orders reflected in article (15) obliged the appointment of a legal auditor to audit the accounts of the list.



Figure (4): Lists submitted audit reports

RASSED team noted that both the electoral administration, on one hand, and electoral lists and candidates on the other hand, failed to comply with the requirements reflected in the election law and the executive instructions. RASSED team, through official correspondence, requested the Independent Election Commission to assess the commitment of electoral lists and candidates with the legal frame pertaining to financial disclosure. This revealed that all lists complied with the requirement of opening a bank account with one of the commercial banks operating in the kingdom. . Yet, upon reviewing the audit report, it was evident that only 7 electoral lists out of 226 electoral lists registered for the 18th Parliament, and as of 16/2016/11/, submitted audit reports, namely, two months after the conclusion of the election process as illustrated in figure (4). Despite the inadequate legal framework in reflecting the time limit for submitting the audit report, the Commission failed to show any follow up correspondence with electoral lists requesting the respective audit reports. Delay of such procedures negatively affected the transparency of the financial disclosure requirement. In addition, the delay in publishing such information and availing it to the public limited voters' knowledge of funding sources of electoral lists.

Third: issues related to the fairness of the electoral process

1. Distribution of representative powers

The election Law number (6) for the year 2016 addressed the main problems encountered in the preceding law with respect to the allocation of seats within electoral constituencies and the weak equitable distribution of representative powers in the Parliament. Allocation and distribution of parliamentary seats witnessed a positive development, however, it failed to adopt a comprehensive criteria based on existing references to accommodate multiple dimensions such as geographical proximity to the capital, population density, level of services, and development needs. In this context, RASSED team conducted statistical analysis based on the outcomes of the election process to perform comparison on distribution of seats at the legislative council with the ratio of eligible voter and percentage of actual voters as illustrated in table (4).

Table (4): Comparison between percentage of eligible voters and allocated seats

| Num. | District | Percentage of eligible voters against national total | Percentage of allocated seats against national total | Percentage of voters who casted votes against national total |
|------|-------------------------|--|--|--|
| 1. | Amman – First district | %7.0 | %4.3 | %4.4 |
| 2. | Amman – Second district | %9.6 | %5.2 | %5.5 |
| 3. | Amman – Third district | %5.8 | %5.2 | %3.1 |
| 4. | Amman – Fourth district | %6.0 | %3.5 | %5.0 |
| 5. | Amman – Fifth district | %9.1 | %6.1 | %6.2 |
| 6. | Irbid – First district | %7.9 | %5.2 | %7.6 |
| 7. | Irbid – Second district | %3.6 | %3.5 | %5.0 |
| 8. | Irbid – Third district | %2.8 | %3.5 | %3.3 |
| 9. | Irbid – Fourth district | %4.0 | %4.3 | %5.4 |
| 10. | Balqaa | %7.2 | %8.7 | %8.3 |
| 11. | Karak | %4.1 | %8.7 | %6.9 |
| 12. | Ma'an | %1.3 | %3.5 | %1.9 |
| 13. | Zarqa – First district | %10.9 | %7.0 | %6.9 |
| 14. | Zarqa – Second district | %3.2 | %3.5 | %2.9 |
| 15. | Mafraq | %2.3 | %3.5 | %3.4 |
| 16. | Tafleh | %1.3 | %3.5 | %2.2 |
| 17. | Madaba | %2.6 | %3.5 | %3.4 |
| 18. | Jerash | %2.6 | %3.5 | %4.2 |
| 19. | Ajloun | %2.4 | %3.5 | %4.0 |
| 20. | Aqaba | %1.4 | %2.6 | %1.6 |
| 21. | Northern Badia district | %2.0 | %2.6 | %3.4 |
| 22. | Central Badia district | %1.4 | %2.6 | %2.4 |
| 23. | Southern Badia district | %1.6 | %2.6 | %2.9 |
| | Total | %100.0 | %100.0 | %100.0 |

Statistical analysis of results revealed a number of variations, for example in the 3rd constituency of the capital governorate, the final parliamentary representation percentage was less than the total of those eligible to vote, as opposed to 2016 election where the number of voters was higher. Moreover, at the 2nd constituency of the capital governorate, the percentage of parliamentary representation was less compared to both percentage of eligible to vote and that voters in 2016. While in the 2n constituency in Irbid, the percentage of parliamentary representation was equal to the percentage of the eligible to vote, yet lower than the percentage of voters in 2016. Similar variations recorded in constituencies of Bedouin governorates in the North and South Badia where the percentage of parliamentary representation was higher than percentage of the eligible to vote, yet at the same time percentage of voters was higher as illustrated in the previous table.

2. Expenditure on Electoral Publicity Campaigns

The legal framework regulating expenditure of electoral campaigns also witnessed a theoretical improvement as stipulated in article (20-b) of the electoral law stated, "Provisions, principles, and regulations related to the electoral campaigns including control of financial expenditures governed by the executive instructions." The Commission adhered to the Election Act (6) for the year 2016 and published specific executive instructions pertaining to principles of electoral publicity campaigns. The instructions included articles (14 /15) that govern and limit the overall ceiling of expenditures. Article (14-b) stipulated, "A maximum ceiling for spending on publicity campaigns will be set against specific criteria in line with the size of the constituency, the number of voters and the standard of living. Constituencies are obliged to adhere as below:

1. In the districts of Amman, Irbid and Zarqaa the limit of spending is a maximum 5 JD per voter multiplied by the total number of voters in each district.
2. The limit of spending for other governorates is a maximum 3 JD per voter multiplied by the total number of voters in that district

Furthermore, the Independent Commission confirmed the need, as stipulated under article (15) of the executive instructions, for lists to open a bank account for the strict purpose of showing resources and areas of expenditure, as well as appoints a legal auditor to audit accounts of electoral lists. However,

the measures adopted by the Independent Election Commission were not in line with international best practices with respect to the fairness of the electoral process in the area of electoral publicity campaign expenditure. The commission based its procedures on the per capita income ratio in the electoral district and the number of voters yet it neglected principles of fairness while setting the ceiling. Variations were evident between the electoral districts. For example, the list nominated for the 2nd constituency in Amman governorate was able to spend the amount of JOD 1,201,356/ while any list of the South Badia, an area that extends geographically from Aqaba governorate up to Karak, was unable to spend more than JOD 320,159. This shows that any list within the 2nd constituency of the capital governorate can spend 4 times the amount allowed to any list running in the South Badia district. Figure (5) shows the different expenditure areas for the different lists.

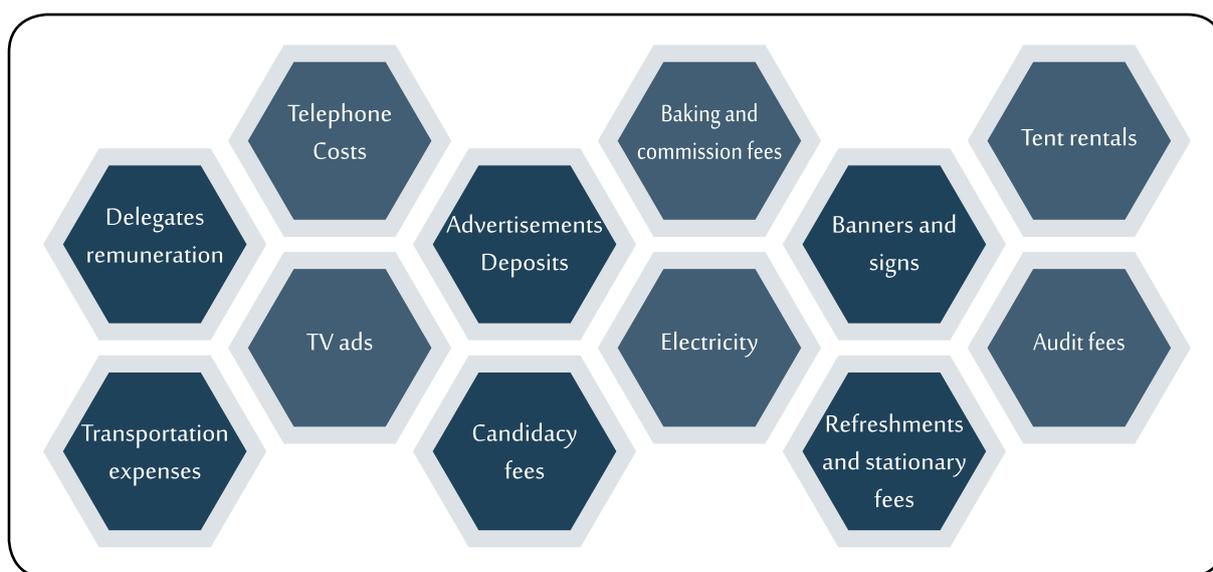


Figure (5): Different expenditure areas for the lists

It is worth mentioning that the Commission could have opted to utilize a set of international best practices to determine the expenditure ceiling for the publicity campaigns, as well as for the criteria to include geographical area, value of per capita income, and proximity to the services provided to voters in the relevant electoral district. In addition, the Independent Election Commission has not met standard for electoral fairness and best practices with respect to candidates’ access to the areas of voters especially if we take into account standard deviations in funding and personal wealth of candidates.

In this context, the Independent Commission was very weak in controlling the expenditure process, where, in spite of its authority and delegation by the electoral law, the Commission failed to follow up and monitor expenditures of electoral lists. Variations in expenditures among lists were very clear in terms of activities, visible publicity, and volume of paid advertisement aired on satellite channels and websites. This weakness is a clear breach of the electoral fairness rather than enhance.

With respect to the requirement to appoint a legal auditor by each electoral list to follow up and verify the detailed expenditure of the list and the submission of financial audit report to the Commission, RASED questions the seriousness of the Independent Electoral Commission towards the enforcement of law and executive instructions that it outlined, noting that only 7 electoral lists submitted financial audit reports out of 226. Moreover, the non-compliance to law and regulations is a clear manifestation of imbalances in observing the fairness of the electoral process.

3. Neutrality of the electoral authority

The Independent Electoral Commission exercised its constitutional authority maintaining a reasonable level of neutrality in dealing with voters, candidates, local and international observers. However, the Commission failed to address complaints received regarding the practice of buying votes of other candidates, a practice that did not get much attention by the Commission. Furthermore, the Commission failed to address this practice when RASED team published a study on candidates' poll with respect to this practice were 64% of candidates confirmed cases of buying votes in their respective electoral districts and that the Commission was not neutral in addressing the practice, as illustrated (Figure 6).

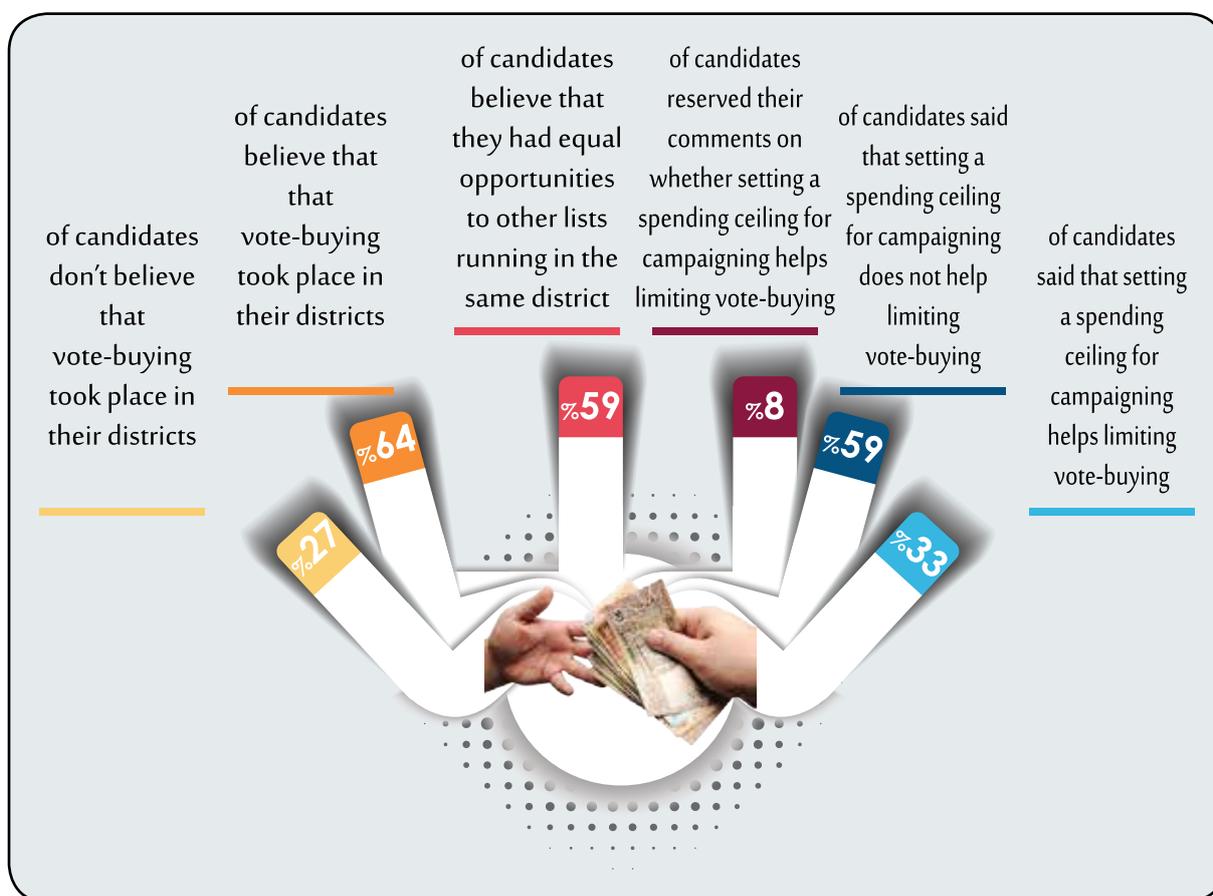


Figure (6): Candidates' poll results

4. Right of appeal and litigation

The legal framework governing the 18th Parliament elections secured the right to contest and object during the different stages of the electoral process. It further ensured equal rights to candidates and voters to submit appeals in accordance with international standards to enhance electoral fairness through the right of appeal and litigation. The framework also enabled the electoral district to take legal action against any violator or abuser, being employees, candidates or voters, who impede the electoral process.

As for the objections received from citizens on voters' tables upon the initial publication, total objections reached 24,461 presenting 0.6% of total names, out of which 20,026 were accepted and 4,435 rejected. Some of the objections were by the same person in order to update information, while the rest were

objections and challenges on other voters. It is worth mentioning that the Commission Board of Commissioners rejected most of the later objections due to inadequate documentation and information.

The legal framework secured the right to appeal during the candidacy period to both candidates and lists to appeal the commission's decision as well as the right to appeal to voters with respect to the decisions on the approval or rejection of candidates and lists. All appeals presented at the court of appeals to review and finalize. Appeals submitted by candidates against the Board of Commissioners decisions reached 18, two approved and 16 rejected. Appeals filed by voters reached 31, two were accepted and 29 rejected. Appeals submitted upon publishing the results of the elections were 39 pertaining to the validity of membership of the council, all rejected on basis of either subject matter or form of appeal, while one appeal withdrawn by the submitter.

5. Accountability and the Rule of Law

The Jordanian Election Law Number Six for the year 2016 states in several texts and paragraphs the varying degrees of penalties that are imposed on persons who commit electoral crimes. The Law, however, did not effectively specify the relevant authority that is responsible to take action on such crimes or violations or the one authority that holds the persons who committed the violations accountable. The Electoral authority, represented by the Independent Election Commission (IEC) has shown grave weakness in the implementation of the principles of accountability and responsibility with relation to most violations that were committed in the various phases of the election process. The IEC, since the early stages of the preparation of voters' lists, did not practice its constitutional power as expected in this area. Despite available proof through documents and incidents that took place and which were brought forward by several bodies, including RASSED Team, the IEC abstained from holding any person accountable for those violations, bearing in mind that many of those (persons or entities) were administratively working under the IEC umbrella at the time of the occurrence of those violations in accordance with the law. The formation of investigation committees emerged as a phenomenon during the time, but those committees did not produce any announced outcomes and did not bring any tangible change on the ground, nor did the results of investigation come to light until this day, when this report was prepared.

violations involved 72% of the candidates. Those figures also indicate the leniency or lack of measures taken by the IEC, as the IEC should have been more transparent with the public and should have revealed information on the locations of such cases as a minimum measure expected. RASSED Team received reports of suspicions and complaints on possible cases of political money in many electoral headquarters, as conveyed by citizens who happened to be present at those electoral headquarters.

In the same context, many observers and oversight bodies made a lot of criticism and had many reservations concerning the performance of many organs of the official apparatus, foremost the IEC, with respect to combating the phenomenon of political money. Also noteworthy that claims circulated by citizens on the existence of vote buying in the various constituencies had occurred under the watchful eyes of the official authorities who were present at those constituencies. But that as a fact was not sufficient for the relevant authorities to take any action. The authorities should have been more effective in its work through following up on the claims and complaints that it received, and should have exposed any violations that took place and were to have an impact on the free will of voters.

As for procedures on the Election Day, the IEC said that a number of individuals were referred to the attorney general based on electoral crimes or violations that occurred during the election process. This is an indication that legal measures were being taken, but this does not reflect the true electoral reality that was monitored by RASSED observers, who were present across all constituencies. Among the incidents that clearly and undoubtedly indicate that there were cases of manipulation of election results as well as fraudulent votes that went against voters' will are the cases of the Central Bedouin Constituency, the Fifth Constituency of Amman and the First Constituency of Irbid.

By looking at the events that took place in the Fifth Constituency of Amman and the First Constituency of Irbid, the ballot counting has revealed manipulation in some of the ballot boxes, and this was evident through the discrepancy in the numbers that were recited in front of the observers, in comparison with the numbers that were written down in the ballot counting reports relevant to the boxes. This is an indication that there was a distortion in the counting and tallying of the votes. figure 8 shows cases where the tallying reports were not published.

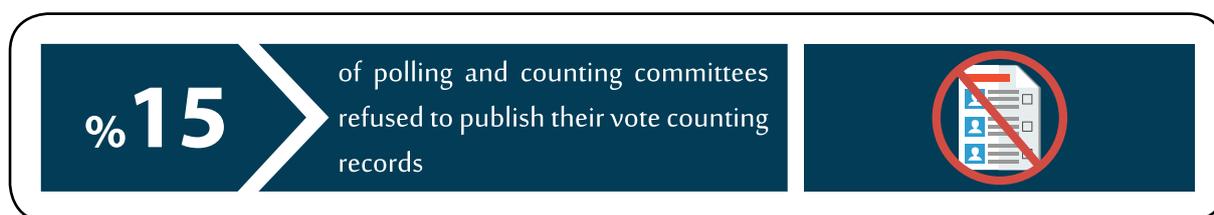


Figure (8): Committees refused to post tallying reports

RASED observers have reported numerous cases of swapping of Voting and Tallying Committee members in the various constituencies with other members during the election process. The IEC did not divulge the reasons of such swapping of members, and it was not clear what penalties were imposed on those members who were replaced. This throws doubts on the IEC's seriousness in holding accountable any person who violated the laws and the regulations.

In general, the Parliamentary Election of the 18th House of Representatives of Jordan suffered severe shortcomings that prevented those elections from staying abreast with international standards of accountability and rule of law.

Fourth: Freedom of the Electoral Process

1. Procedural guarantees and the electoral free will

The Jordanian Electoral Law Number Six for the year 2016 imposed penalties on most actions that directly impact and are obstructive to the voter's free will. Articles 5558- of the Law impose penalties on any person who does not abide by the Election Law and its Executive Instructions. Those penalties include a prison sentence of not less than one month and not exceeding six months against any person who has entered the polling station without authorization. The Law also imposes a prison sentence of not less than three months and not exceeding one year or a fine of not less than JD200 and not exceeding JD500 or both penalties against any person who has committed a crime such as vote buying, or has violated the law with relation to the duration of the election campaign. The Law also contains penalties against heads and members of the election committees.

Despite all the clauses contained in the Election Law with relation to penalties, the execution of such penalties was not evident, despite the fact that most violations were monitored, proof of which were the declarations made by the IEC as well as the information stated in the detailed report. However, the decisions taken with relation to most cases were not announced, which is a sign that there did not exist a real intent on the part of the IEC to confront such violations, though most of those violations have impacted the freedom of voters through subjecting those voters to influence and illegitimate pressure in order to attract them to vote in favor of a certain candidate. Voters' freedoms were undermined; they were intimidated and they were not able to make their own choices, especially on Election Day, as is the case in what occurred in the Second Constituency of Amman. Figure 9 shows cases when voters were prevented from voting.

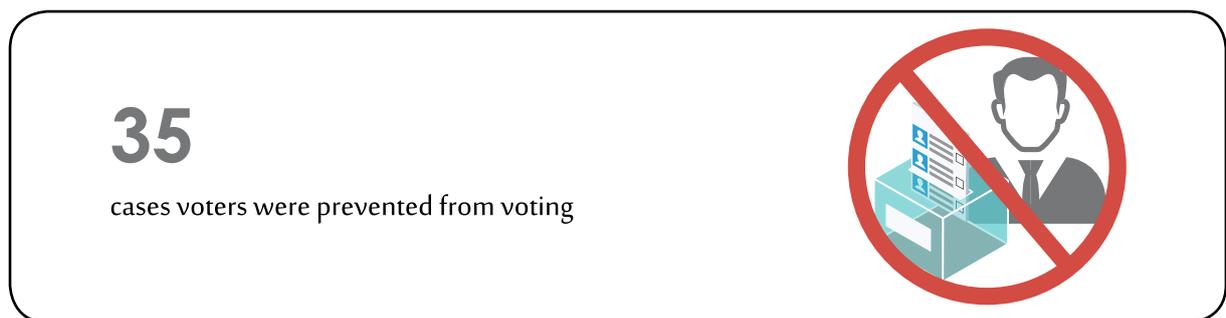


Figure (9): Voters were prevented from voting

With respect to the freedom of candidacy for Jordan's parliamentary election, and despite the fact that 70% of the population of Jordan are under the age of 30 years, the Jordanian Constitution has restricted the right for candidacy for parliamentary election to those who have turned 30 years of age on Election Day. This has been the practice despite numerous recommendations brought forward to decrease the minimum required age to become a member of the Jordanian House of Representatives. This practice has limited the freedom of candidacy in comparison with international standards. Every person who is entitled to vote should have the right to run for elections as a way to enforce the principles of freedom and justice of the electoral process.

On a different note, measures put in place by the IEC with relation to candidates' registration impose limitations of individuals from ethnic or religious minorities and other components of the Jordanian society, such as the Badia (Desert) citizens, Christians, Caucasians and Chechen. The table annexed to the Jordanian Election Law, which shows the constituency divisions, has indicated the ethnic and religious origin for each parliamentary seat. This means that the minimum parliamentary representation for minorities that has been specified on the local constituency level is the same as the maximum representation for those minorities or groups. Such constitutes a stark violation of the principles of freedom and justice in elections. Despite the fact that the abovementioned table annexed to the Election Law- with respect to specifying the ethnicity and religion of the successful candidate- the Law clearly states «Muslim MP», which enables those belonging to ethnic groups such as Caucasians and Chechens as well as the Badia people to run for election on competitive basis. The IEC registration procedures prevent those members of minority groups and other social segments from running for candidacy within the local constituencies that do not contain an allocated seat for Caucasians or Chechens or from other than the Badia constituencies- with relation to citizens of the Northern, Central and Southern Badia.

2. Secrecy of the Ballot Casting

The Jordanian Election Law incriminates actions that lead to a violation of the secrecy of the ballot. The executive instructions, set up by the IEC, also serve to limit to a great extent those who monitor the voting process to divulge any information on the polls prior to the tallying and voting of ballots. The instructions have also realized a big progress in the procedural guarantees of the vote through placing the photos of candidates and the symbols of the lists on the ballot papers in order to prevent any breach of the secrecy of the ballot by people who claim they are illiterate. However, those instructions have failed to put in place a clear mechanism on how to handle cases where voters publicly announce their ballot papers after filling them out. Those instructions also have not stipulated that announced votes should be annulled. Many RASED observers, who were present in different constituencies, have said that they witnessed cases where voters publicly announced their ballot papers after they have filled them out. Those voters were not prevented from placing their ballot papers inside the boxes, and many incidents of public voting that were in violation of the law

and which took place in many of the polling stations were not documented. This led to obstructing the secrecy of the ballot, which ultimately brought about a negative effect on the flow of the election process, which led to failing to meet international voting standards.

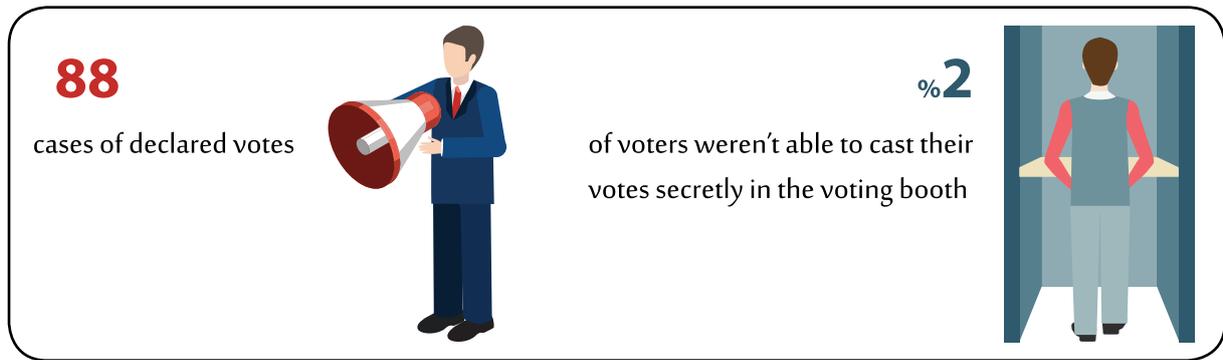


Figure (10): Secrecy of the Ballot Casting

This analysis was informed by a set of international standards relevant to the integrity, transparency, justice and freedom of the election process as the basic framework for oversight action. Annex 8 includes the key articles of texts related to these standards.

Recommendations

Introduction

The recommendations, hereafter, are part of the effort made by the RASED team to develop the election system of the Jordanian House of Representatives. These recommendations constitute a clearly defined framework for action, providing a basic database for decision makers to facilitate the democratic transformation in Jordan. These recommendations also assist in keeping the Jordanian elections abreast with international standards concerning the democratic execution of an honest, transparent, free, and just election process.

These recommendations were devised on the basis of a number of fundamentals that represent the terms of reference for the development of the election process and democratic life in Jordan. Some of the main recommendations come as a result of RASED Team's observations of all phases of the election process of the 18th House of Representatives and represent the fruit of their work, including preparation, planning and execution over several years with the aim of advancing the election system. Incorporated within these recommendations are some of the best international practices from across the world in the field of democratic empowerment and electoral reform.

RASED believes that a peaceful democratic development derives its strength from basic building blocks that must be collectively in place in order to ensure the sustainability of political development. A true intent on the part of decision makers and authorized persons on all levels are some of the key elements needed to realize the true aspired change, in addition to public awareness of the importance of democratic development and its effect on people's daily lives. Furthermore, an inclusive participatory approach must be adopted in planning and developing political life with all the components of the local political scene, as well action taken to empower those components and accord them their legitimate right to become part of the planning process without any favoritism. Accordingly, these recommendations would ensure the existence of the aforementioned building blocks, and therefore lead to the prevalence of all the key elements of democratic life and the sustainability of a healthy and applicable political development.

Before we get to the recommendations, we must look at people's voting during the election of the 17th House of Representatives, as monitored by RASED. RASED Team also made a number of analyses and studies based on the outcome of the election process to identify people's voting behavior and record some of the key votes won by women as well as monitor the results achieved by the lists in the various constituencies. These analyses were based on the final figures and numbers provided by the IEC on its website.

Developing an electoral system is the main step towards democratic advancement and electoral reform

According to democratic international standards, states are not obligated to implement a particular electoral system, as electoral systems across the world are selected with a view to the state's suitable local conditions, such as the local political environment, the voting culture, the social cohesion and the ability of political parties and political organizations to attract voters. However, best practices in many countries have proven that reaching the aspired electoral reform requires the development of an electoral system that is in harmony with the needs of political development- based on the aforementioned conditions.

One cannot look at an electoral system as only being the foundation for the distribution of political powers, because many specialized researches and studies have proven that electoral systems are closely linked with the integrity of the electoral process and the progress of voting behavior. Therefore, when one needs to find an alternative electoral system one must consider the developmental needs related to procedural guarantees created by that electoral system, and its ability to raise voters' awareness coupled with due consideration to the requirements needed to empower political parties and political organizations.

The electoral system adopted in Jordan in accordance with the current Electoral Law Number Six for the year 2016 and its amendments is a proportional system used for the first time in the Kingdom, which is represented by the open proportional list on the level of constituencies. The proportional list system requires that each political party or a group of individuals present a list of candidates for

each constituency with multiple representations. Voters cast their ballots in favor of a particular list, whereby each list wins a share of the seats in that constituency equal in proportion to votes cast, whereby, in the case of the open proportional list, voters can determine their favorite candidates from within the chosen list.

The Jordanian government came up with the proportional representation system using the closed list on the level of the general constituency, ie the national level during the election of the 17th House of Representatives, whereby only 27 seats were allocated out of 150 seats, which make up 18% of total seats in parliament. The result of such practice has shown a big progress in the electoral process with relation to the outcomes, since most of the successful candidates who won seats in the 17th House through national lists were able to play a political, oversight and legislative role that others can capitalize on. This can be concluded through the observatory reports prepared by RASED during its monitoring of the parliament's deliberations. By the same token, we must affirm here that the number of seats allocated to the general constituency is a small number that does not meet the aspirations of many active (political) elements with respect to advancing democratic development and electoral reform in Jordan, and does not allow political parties to integrate into the political process of parliamentary election. This system must be revisited.

The safety of all phases of the electoral process derives from robust procedural guarantees

Procedural guarantees on both the legislative and technical levels constitute the main requirement for ensuring the integrity, transparency, freedom and justice of the electoral process in all its phases. The legal framework that governs the parliamentary election, represented by the Jordanian Constitution, the Parliamentary Election Law, the IEC Law and its Executive Instructions collectively constitutes the fundamentals of the electoral process. The result of observing the ins and outs of the electoral process, since the outset, shows shortcomings in those fundamentals, which oftentimes led to delicate electoral violations without holding the officials accountable or rectifying the repercussions of those violations. Here below are the recommendations presented by RASED for the attention of all competent authorities responsible for developing the electoral process:

1. The Electoral System

In light of the above, there is a pressing need for the development of the electoral system in Jordan in order to enhance political development and electoral reform. This can be done through an alternative electoral system that meets the needs of political development for all the local political components, and puts an end to electoral violations and crimes through increasing public awareness of the role of the house of parliament and civilizing the behavior of the Jordanian voter.

Despite the fact that international standards do not obligate states to select a particular electoral system, those standards have shown that there should exist a number of basic requirements and guarantees capable of achieving equality in the right to vote and enhancing democracy.

After a review of the various electoral systems adopted in countries across the world, and having assessed the impact of such systems on the political environment and on people's rights, and having given due consideration to the national interests and the local context, the following proposed recommendations are made:

* The proposed electoral system is a mixture that combines two basic components, each of which represent an electoral system that is capable of enhancing the overall electoral system and achieve justice of representation through advancing people's voting behavior and providing political parties and organizations more power to compete on the local and national levels.

1. The Closed Proportional Representation Party List on the level of local constituencies. The local constituencies must be expanded geographically to include larger areas. Accordingly the number of seats given to the constituencies must be increased in order to achieve more justice in the election of seats given to each constituency, based on a number of international standards related to this issue. This would help ensure the realization of the impact of such reformative system on the political environment and on the electoral culture. This system provides a better chance for empowering political parties that have developmental programs to have access to voters across the Kingdom, and hence carry out program-based election campaigns. It also helps develop people's voting behavior after the process has been repeated in the future, ultimately leading to a more effective implementation of democratic values.

This system has been chosen for the local constituencies after a thorough revision of all electoral systems across the world and a study of the effect of those systems on the democratic development march as well as the progress made in electoral reform. This system hinders any influence in the voting process for candidates on the individual level (such as the case in open lists), promotes the formation of political alliances and increases the ability of political parties and organizations to compete in a more effective manner. It also raises the principles of justice of representation, and gives due consideration to the local political and social environment. It maintains the right for independent candidates to run in their own constituencies and limits the phenomena of vote buying and the exchange of political money, which are currently widely prevalent in Jordan.

2. Proportional Representation Party List System through the closed list system, whereby this list would constitute at least one third of seats allocated in the House of Representatives.

3. Constituencies: the Kingdom must be divided into broader local constituencies than the current division. The limited (geographical) area of a constituency leads to more personal interaction between the candidate and the voter and hence would create a bigger chance for the exchange of political money, and the obstruction of the development of voters' behavior. Therefore, one particular constituency must represent at least six parliamentary seats. In order to re-draw the boundaries of electoral constituencies one must put in place a clear formula that takes into consideration the population and electoral density, in addition to the geographical area and its distance from the capital, as well as the extent of developmental needs existing in that constituency, whereby a larger degree of justice in representation is achieved.

* Women's representation

To ensure good representation of women in the Jordanian House of Representatives in accordance with best international practices, the best scenario in the Jordanian case is to cancel the women's quota on the local constituency level and replace that with «gender subsequence» on the level of local and national lists, aka Zipper List Method. This is a mechanism that stipulates the inclusion of female candidates among the local and national lists, whereby any list would not have two

subsequent names of candidates of the same gender. This means that if the first candidate on the list is a male, the second candidate must be a female, the third candidate a male, and the fourth candidate a female, etc. By adopting this system and after having increased the number of seats allocated to each constituency we can ensure a minimum level of women's representation in the Jordanian House of Parliament.

* Representation of ethnic and religious minorities:

With respect to ethnic and religious minorities such as Caucasians, Chechens and Christians, it is recommended to keep in place the current system under the Election Law Number Six for the year 2016, but without restricting the upper ceiling of their representation, ie parliamentary seats, with the exception of seats allocated to those minorities, must not be determined according to the religion or ethnicity of representatives.

2. The safety of all phases of the electoral process derives from the robust procedural guarantees.

First: preparation of the voters' lists

- In order to ensure the ability of citizens and observers to carry out the comparative auditing of the voters' lists, the IEC must publish the voters' lists (preliminary and final lists) in the open electronic form (CSV) and the lists must be subject to revision and analysis, as opposed to the secure PDF on which the voters' lists were published. It is important to achieve transparency in the election and allow the public to carry out an independent analysis of the preliminary data and verify the information provided by any electoral administration.

- The IEC must find a mechanism to properly notify citizens of its decisions and of the decisions made by the Civil Status Dept. on accepting or rejecting their objections over the preliminary voters' lists, and within a suitable timeframe that enables the voter to prepare the necessary documents to submit an objection at the Court of First Instance. The IEC can use the (SMS) for this purpose since it requires citizens to provide their telephone numbers on the objection form.

- The IEC must allow more space to rectify distortions in the allocation of polling stations for voters in the constituencies. The time allotted to make changes on the polling stations within the constituency must be expanded further to a date that precedes the candidacy. This practice is applied in several modern democratic countries, whereby a voter has the right to change his/her polling station in light of his/her residency location within the constituency in a more flexible manner.
- RASED team proposes to the IEC to open the chance for electronic objection over the polling stations allotted for a determined constituency until the day preceding the announcement of the final voters' lists, after which the voter's ID verification number can be sent via SMS. Once the ID number is entered into the electronic amendment platform, a voter would select any of the schools located within his/her residency location, which is registered at the Civil Status Dept. This data and the verification number would become the required criteria to avoid any forced relocation of individuals, and spare the group relocation of voters by their candidates or campaign managers. A maximum ceiling should be electronically determined for the number of voters in each polling station.
- The IEC must publish a detailed list of the qualified polling stations to receive voters who are physically impaired, and to allow more flexibility for the movement of voters with special physical needs to other polling stations that are more suited to receive them on Election Day.
- The IEC must limit the use of government employees to complete the voters' registration process as such practice has a negative effect on the independence of the electoral authority, and give an impression that is detrimental to the electoral integrity.
- The IEC must amend and update the electoral registry within the timeframe determined under the law in order to avoid a recurrence of any case where voters may have been registered in a constituency other than the one they belong to. This was the case of voters in the Badia constituencies, whose names were listed on registries other than the constituencies where they belong.

Second: Registration of candidates and election campaigns

- The IEC must abide by the legal framework related to publishing the candidates' final lists on its electronic website or in any daily newspaper. Not abiding by this procedure is considered a violation of the executive instructions concerning candidacy. The IEC must abide by the legal publishing locations and the framework stipulated legally, and it must commit to the electoral transparency criteria in publishing any information in order to enable the electoral public to view all the information related to the election as well as to the numbers and names of candidates.

- The statements made by the IEC must be in harmony with the reality and with the facts on the ground. Information published by the electoral administration are some of the key requirements for electoral transparency, as this measure allows citizens to have access to information related to the electoral process, and provides comparative impressions among citizens concerning the election process.

- The legal texts concerning the removal of promotional material placed by the candidates must be implemented, and the IEC must fulfill its mandate with this respect through taking the necessary measures to remove the campaign promotional material in coordination with the relevant authorities.

- The legal texts concerning the neutrality of the state media must be implemented in order to ensure impartiality in allotting promotional spaces for candidates and for national lists, whether this is done through direct advertising or through televised talk shows, among other communication means. Such action allows for a higher degree of justice in the electoral process.

- The legal texts concerning the design and activities of the promotional campaign must be implemented, especially with respect to advertising in public places, such as the use of banners and posters, among other promotional material. This practice would ensure that public property is not damaged and that official resources are not exploited for the purpose of electoral campaigning. The phenomenon of violating promotional campaigning and the widespread of banners that disregard the Election Law during the 17th parliamentary election have had an adverse effect on public interests, and have undermined the principle of accountability during the election process.

- The legal texts concerning the promotional campaigning timeframe must be implemented, beginning with the launch of candidates' names. Official and private media must be able to monitor this timeframe as well as other campaigning activities in order to assess the commitment of candidates to the duration of the promotional campaign, whereby anybody responsible for violating the timeframe must be held accountable. Many candidates began their promotional activities prior to the start of the legal date, which led to undermining the adherence of the election process to the principles of the rule of law and electoral justice.
- The IEC must redraft the executive instructions related to the promotional campaigns, particularly with relation to identifying the limits on expenditure and the financial ceiling of promotional activities, whereby such instructions would become the actual guarantor of justice and the freedom of the electoral process.
- The IEC must adopt a participatory approach in the preparation of the executive instructions related to promotional campaigning in cooperation with experts and specialized people as well as with observers. This action would help enhance and develop those instructions.
- The IEC must open an in-depth dialogue with regard to the criteria of expenditure and to put a ceiling on money spent on campaigning, as well as on the sources of financing. The IEC must look at best international practices in this regard and benefit from those practices in line with the requirements of advancing electoral reform in Jordan.
- The IEC must take the necessary measures to implement the duration of «electoral silence», and to put in place preventative legal texts that include penalties against any person who may start to publish promotional material during this «electoral silence». This duration of silence is a key indicator of the justice of the election campaign.
- Paragraph L of Article Six of the executive instructions concerning child labor must be amended as children may be subject to danger if they are allowed to work in certain jobs. Since this Article allows

candidates to use children for jobs that do not endanger their safety, such is in contradiction with the Child's Rights Agreement that was ratified by Jordan in 1991. Furthermore, the International Labor Agreement that was ratified by Jordan in 1997 stipulates that children below the age of 15 years must not be encouraged to work. This agreement was not referred to by the IEC in the executive instructions.

- The IEC must put a timeframe of not more than one month for the financial auditor to submit the reports related to each electoral list.

- The IEC must take the necessary measures that contribute to increasing the speed in which decisions are taken on pending cases. This can be done through understandings that can be reached with the Judiciary, provided the Judiciary enjoys independence.

- The IEC must review past experiences on election campaigning, and how distortions were handled within a certain timeframe so as to benefit from such experiences provided they are suited to the Jordanian context. Tunisia, for one, introduced legislation that organizes the timeframe of election campaigns in accordance with standards and controls that have contributed to limiting the use of political money, as well as to enhancing justice among candidates. In Tunisia's case the minimum range of wages was utilized, and a number of observers were deployed to monitor the activities of candidates during the campaigning period. That country stipulated the presence of auditors, and obligated those auditors to submit their reports at the end of the election. At RASSED, we are ready to contribute to drafting an advanced legislation that can put a limit to violations during the campaigning period.

Third: The flow of the election process

- There is a need to develop a training program to qualify members of the election and tallying committees, as well as to enhance the quality control system concerning the necessary skills that those committee members must enjoy so that they could carry out a streamlined election process within the necessary legal framework across all polling stations. There have been many indications of the weakness of the election staff that carried out the 18th parliamentary election, such as

disparity in the implementation of the executive instructions, and in writing the reports at the end of the tallying process. Therefore, the electoral authority must formulate a better training program and to provide the electoral staff with more effective training in order to avoid violations and to apply the principles of integrity, and transparency in the elections.

- There is a need to develop the electronic linkage system used on Election Day whereby this system is equipped and tested prior to the Election Day in order to avoid any confusion resulting from such weak system such as what happened during the voting and tallying of the election of the 18th House of Representatives.

- There is a need to develop guarantees for the secrecy of the ballot, through banning group voting without any exceptions. Also, a legal framework must be in place to prevent any person from announcing his/her vote in order for the election process to remain in conformity with the electoral freedom standards.

- There is a need to draft legal texts to ban all forms of electoral campaigns inside or around the polling stations. Leniency in combating such campaigning has served to undermine the electoral freedom and allow for vote buying and the exchange of political money.

- There is a need to develop mechanisms to hold accountable the committee members responsible for electoral violations and mistakes, and to handle the cases of those committee members with utmost transparency, as well as not to suffice by relieving them of their responsibilities.

- It is a must to make it obligatory for voters to dip the left hand thumb in the electoral ink when voting, and to develop executive instructions relevant to the voting process, whereby the voter must place his/her thumb in the ink before placing the ballot paper in the ballot box. The electoral ink must be of higher quality in order not to make it easy for people to remove it before 24 hours have elapsed since the vote. Such action would enhance the electoral integrity on the Election Day and during the tallying of votes.

Fourth: Tallying and counting of the votes and announcement of the results

- A clear timeframe must be in place for the announcement of results in a unified manner, after having developed a mechanism to ensure a speedy collection and extraction of the results. A clearly defined mechanism must also be in place to present objections directly with respect to the flow of the ballot tallying process. Such action would enhance the electoral justice.
- The IEC must ensure the highest level of transparency in announcing the procedures adopted in the collection and tallying of votes and to announce those results in a clear manner. Committee members should be requested to hang up the tallying reports at the door of the polling room to enable citizens to view the detailed results of each ballot box.
- Training of staff is necessary on procedures related to counting and tallying votes. Past experience has shown that committee members who worked during the election of the 18th House of Representatives did not have enough knowledge and awareness of the counting and tallying procedures.
- It is imperative to announce the number of annulled votes and the number of empty ballot papers in detail for each of the ballot boxes. It is also important to tally and to publish clear copies of all the tallying reports on the IEC's website and this must be done within a reasonable timeframe in order to allow for statistical auditing and for scrutiny of the accuracy of the announced results.
- It is necessary to abide by the legal framework related to the collection of votes in accordance with the executive instructions, which stipulate that the tallying must be done on each ballot box, then for each polling station, followed by the final tallying center. In previous cases tallying took place on the district level, and this is considered a violation of the legal framework that was put in place by the IEC itself.

3. Popular confidence in the performance of the electoral authority is a key pillar in developing the electoral culture.

The performance of the Jordanian electoral authority, represented by the IEC is a key element in creating a favorable public impression and public opinions regarding the electoral process and the legitimacy of its outcomes. Such impressions are formed through indicators that prove there is prevalence of integrity, transparency, justice and freedom, whether on the level of outcomes of the election, or on the level of internal performance. This also serves to enhance democratic progress and advance electoral reform. It is important to work on developing the performance of the IEC in order to ensure its independence and its capability to practice its constitutional authority, as well as to enhance its administrative and financial transparency; to increase its powers through a legal framework and to institutionalize practices that aim to strengthen accountability and the rule of law. RASED recommends a number of procedures that could serve to enhance the administrative and financial transparency of the IEC, as stated here below:

First: The IEC financial and administrative transparency

- The IEC must make public its measures regarding the recruitment of its employees, and the procedures it follows in this respect to ensure that equal opportunity is accorded to all. Such action would help show that the electoral system is in conformity with administrative transparency standards.

The IEC must announce the details of its budget and how this budget is spent, as well as the sources of financing of its activities. This should be made clear to the public in order for the IEC to abide by the principles of financial transparency, and to create favorable public impressions of the electoral authority.

Second: Transparency in providing access to electoral information

- The IEC must publish all electoral information, such as voters' lists, preliminary and final results of the election within a reasonable timeframe. Such information is to be published electronically in a manner that allows the highest degree of flexibility in copying the texts and analyzing the data. During the 2016 election process, the IEC published electoral information electronically that enabled the public to carry out a minimum level of analysis, in addition to the fact that the information was

protected, whereby the user needed a password. This has raised many questions and hindered the electoral authority from meeting the electoral standards on transparency requirements.

- The IEC must public electronic copies of all the official electoral reports, as well as the final reports on the electoral lists, using the highest level of transparency that enable supporters of candidates to create favorable impressions on the impartiality of the electoral authority.

- The IEC must publish periodic reports on the complaints that it receives on the hot line and other means of communication. It must also publish the mechanism in which it deals with those complaints, and the progress being made on those complaints and how decisions are made regarding the complaints with due transparency. This action cannot be realized without setting up a specialized unit that handles the complaints, and announces all related details, ensuring a clear and definitive timeframe on the procedures adopted in the adjudication of those complaints, as well as the responses provided to the persons who submitted the complaints.

Third: The independence of the electoral authority and its ability to fulfill its constitutional powers

- RASSED recommends that the IEC amends its law to ensure its financial independence. Despite the fact that the law provides the IEC with an independent budget, it is imperative however in accordance with Article 21 of the IEC Law that its budget be incorporated by the prime minister within the general budget draft law of government entities.

- It is recommended to amend the IEC Law to ensure its administrative independence. In accordance with Article 26 of the IEC Law, the Council of Ministers is the party in charge of issuing the regulations related to staff members, employees, procurement, public work, and other financial and administrative matters pertaining to the IEC. Such regulations only serve to limit to a great extent the independence of the IEC.

RASSED hopes that decision makers would respond favorably to these recommendations due to the important role they play in supporting democratic life and electoral reform in Jordan.



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