

RASED for Election Monitoring RASED's Report on the IEC's First Draft of Executive Instructions May 2, 2016

- Regulating spending and capping the spending of electoral campaigns promotes the integrity of elections.
- Ensuring the independence of monitoring institutions encourages the fundamental success of the electoral process.
- There is a lack of transparency in some clauses of the instructions that were issued by the Commission.
- The priorities for reform in Jordan make it imperative for the Independent Commission to adopt a participatory behavior and openness.
- The period of time granted by the Independent Commission to submit observations is insufficient.

The RASED team has been following recent developments in the legal framework for elections in Jordan with interest, in an effort at strengthening democratic transformations in Jordan towards a higher degree of popular representation and the reflection of political and popular forces in Jordan.

It is in this context that RASED has followed the IEC's publication of the draft of executive instructions governing the electoral process. These instructions were published on Wednesday on IEC's website. After our initial review of these instructions, we would like to offer our preliminary observations about the draft instructions.

First: There is a need for the IEC to maintain the independence of oversight institutions, while avoiding any limitations or conditions that could possibly affect electoral monitoring process, the independence of these oversight institutions, or their role in electoral monitoring. In accordance with the Declaration of Global Principles for Nonpartisan

Election Observation and Monitoring by Citizen Organizations, launched at the UN in 2012, we will choose the most appropriate means regarding the publication of violations observed in the field. We emphasize that we deal with these violations as required by the national interest. In regards to planning for the monitoring process and organizing and implementing trainings for the observers, RASSED adopts methodologies based on international standards and best practices that are in line with the development of the electoral process in Jordan.

Second: Regulating financial spending and campaign limits is vital to the integrity of elections. Enough time should be spent before publishing any instructions regarding campaigning, especially since the determination of spending caps and the need to adopt the principle of financial disclosure made up 60% of the total recommendations from citizens through national dialogue on election dialogue. This dialogue was carried out by RASSED with the Legal Committee in the House of Representatives. Therefore, electoral campaigns should take enough time to study and consult these recommendations in order to achieve justice and electoral fairness. The electoral campaigns are still in the early stages.

Third: Regarding the publication date of the instructions and the time period allotted by the IEC to provide any comments, RASSED notes that the length of time (not exceeding 8 days) is insufficient to review all the instructions and compare them with international best practices. Considering that the next elections are of concern to citizens because of the new Election Law in Jordan, this is of special concern. We hope that more time is allotted to submit suggestions and comments.

Four: Commitment to the participatory approach is one of the most basic principles that must be pursued by the IEC, as stakeholders and specialists in the electoral process should be considered. IEC met with the media to hear their instructions, but, on the other hand, did not meet with local observers before issuing the instructions that actually deal with them.

Five: The Commission should take into account the best international practices while preparing the executive instructions. RASED sees that the IEC was supposed to establish a dialogue with specialists and stakeholders regarding all the articles contained in the instructions in order to develop common points that would have contributed to the development of the instructions themselves. The electoral reform priorities in Jordan require the IEC to be more open and to operate fully independently in all stages of the electoral process.

Six: The Commission should be clearer in dealing with the lists of delegates representatives and state the reasons of any refusal in order to maintain its fairness and transparency. The IEC should also take into account the presence of several representatives inside the polling rooms as well as clarifying the mechanisms of dealing with the overcrowding that can happen inside.

Seven: The executive instructions grant special committees authority to form assisting committees as needed, but these instructions did not mention the conditions under which they must be formed, thus violating the transparency of electoral administration procedures. RASED demands all the provisions of the instructions concerning the composition of any committee to be clear and transparent without any ambiguity.

Eight: Articles 3 and 7 of the instructions that tackle candidacy eligibility prohibit citizens in possession of dual nationality from running in parliamentary elections. This contrasts with recent constitutional amendments that, in article 42, allowed the holders of a non-Jordanian

nationality to be Parliament members, Senate members, or ministers. RASED recommends amending any legislation that needs to be aligned with the Jordanian constitution.

Nine: The mechanism adopted by the IEC to organize the candidates on the ballot paper is contained in Article 6 of the instructions. The article stipulates the order of candidates

according to the priority of application, which poses a threat to the procedures on registration day and also works to disrupt them. RASSED recommends adopting the lottery mechanism between all candidates after the completion of their registration to ensure justice. Therefore, we recommend omitting Article (6 / c) the instructions.

RASSED works on the development of the electoral process in Jordan to make it a role model for all countries, through laying the foundation for the principle of participatory elections and openness, in addition to efforts by the concerned authorities to maintain the integrity,

transparency, freedom, and fairness of elections in Jordan. RASSED will work to provide the IEC with detailed observations on the draft of instructions after completing its analysis and comparing the draft with international best practices.