



far, it falls within this larger context of concerns about key aspects of the legal and electoral framework. In summary, the Center finds that:

- Article 28 of the Constitutional Declaration makes the decisions of the PEC final, not permitting objections by any party against its decisions, nor allowing them to be suspended or cancelled. The lack of ability to appeal the PEC's decisions is a limitation on the right to an effective remedy and administrative appeal.<sup>2</sup> Given the unparalleled powers of the PEC, public confidence in the impartiality of the body is even more essential to the credibility of the entire electoral process.
- The ongoing application of loosely defined provisions of the Emergency Law continues to stifle democratic debate, thereby hindering the full enjoyment of electoral rights.
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The parliamentary elections, ending in early 2012, created a new political landscape in Egyptian politics. The lack of a clear transition timetable and the absence of meaningful institutional and sectoral reform have fostered an atmosphere of speculation, suspicion, and skepticism. The Supreme Council of the Armed Forces's (SCAF) opaque administration and lack of public accountability has further fueled popular discontent and uncertainty, leading to several violent clashes where security forces used excessive force against civilians. No adequate investigations have been conducted.

In this context, the transition has followed an uncertain course, producing a fragile political environment as a backdrop to the presidential election. For the moment, the energy and intensity of the presidential election overshadows other crises, including the stalled constitutional-drafting process to define the form and structure of the new government and the powers of the presidency, as well as the outcome of a legal challenge to the constitutionality of the parliamentary elections. At the same time, several pressing concerns await the new president, including the worsening economic situation, rule of law, the role and privileges of the armed forces, and the reform of the government's institutions. The election of the president is therefore just one step in an ongoing transition, the ultimate success of which will depend on the formation of an inclusive constituent assembly and a constitution drafting process that all Egyptians can view as fair and legitimate. ""

The witnessing rules imposed by the Presidential Election Commission (PEC) and the late stage at which accreditation was issued to both international and domestic witnessing groups severely limited the Carter Center's ability to follow the election process and draw conclusions about the overall process. While the PEC started election preparations on March 8, 2012, The Carter Center as an organization was only accredited on May 3. Accreditation badges, necessary for witnesses to observe the process, were only

than 50 percent of the vote to win. If no candidate wins in the first round, the two candidates with the highest number of votes proceed to a runoff round to determine the winner.<sup>4</sup>

Egypt's presidential elections are conducted under the exclusive authority of an impermanent PEC that was reinstated when the SCAF issued the amended presidential election law on Jan. 19, 2012. The PEC is composed of five judicial members appointed *ex officio*, and is chaired by the Head of the Supreme

propaganda, which undermines the commitment to ensure that laws and procedures are not arbitrarily applied.<sup>10</sup>

- The late amendment of laws and procedures pose severe challenges for the stability and credibility of an election process.<sup>11</sup> They also impose significant difficulties in ensuring that election officials are trained and voters properly informed, escalating the risk of irregularities in the election process.

Voting is a fundamental exercise of a citizen's political rights. The accuracy of the procedures and process by which these votes are aggregated is not only essential to the full expression of popular will, but is also critical to ensure the rights of citizens to both elect and be elected.<sup>12</sup>

On March 7, 2012, the PEC formally invited eligible Egyptian citizens to vote for president on May 23 – 24, and to participate in runoff elections, if required

- Less than one-third of polling stations opened on schedule at 8 a.m., while just under two-thirds opened by 9 a.m. Delays were mainly caused by the time taken to prepare the materials and configure the polling station, while in several cases the opening was held up by late poll workers, judges, or candidate agents.
- Witnesses reported that presiding judges received a supplementary voters' list at the opening of the polls. The PEC advised The Carter Center that these supplementary lists included the names of security forces staff that were received after the voters' lists had been prepared, and were sent to all polling stations. As security forces employees, these persons were ineligible to vote, but had not been removed from the voters' list. Presiding judges were therefore instructed to exclude those on the supplementary lists from their respective voters' lists. The late dissemination of such supplementary lists could cause suspicion. In the future, these lists and their content should be made clear to voters,

As the presidential election is conducted over two days of polling, the close of polls at the end of the first day required that ballot boxes be sealed and secured overnight. At the end of polling on the second day, polling stations are closed and counting then conducted. The PEC extended polling on both days for an extra hour, from 8 p.m. to 9 p.m. The PEC's procedures state that voters still in the queue at the time the polling station closes must be allowed to vote. Carter Center witnesses observed closing at 64 polling stations across 24 governorates (38 on the first day, and 26 polling stations across 15 governorates on the second day.) The major findings from these polling stations were:

- Approximately one-third of polling stations closed earlier than the appointed time of 9 p.m. In almost one-fifth of cases, voters that were still in the queue at the time of closing were turned away without the chance to vote, contrary to PEC procedures and to commonly recognized international good practice to ensure the right to vote.
- In almost all polling stations visited, used ballot boxes were properly sealed for overnight storage on the first day, and secured inside the polling station with other polling materials.
- The poll closing was free from interference in almost all cases, with a few occasions where security officials created confusion.
- Candidate agents were present in almost all polling stations during closing. In contrast, domestic witnesses were present in only a fifth of stations. Candidate agents, witnesses and media representatives were generally able to conduct their work unhindered.
- Overall, Carter Center witnesses characterized the closing of poll stations as good in a large majority of cases.

authorized source of final results. The Carter Center's witnesses were able to attend 33 District General Committees in 21 governorates. The main findings include that:

- The Carter Center made a request to be able to have witnesses present at the PEC's Cairo headquarters during the aggregation of national results. The PEC informed the Center that only their election officials can be present during this process. The absence of candidate agents, media