



EUROPEAN PARLIAMENT

**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION**  
**DIRECTORATE B**  
**- POLICY DEPARTMENT -**

**Briefing on**  
**the New Palestinian Electoral Law**

**Abstract:** The briefing contains an assessment of the new Palestinian electoral Law in the light of the recommendations of the EU Observation Mission to the Presidential elections in January 2005 and of the EC Exploratory Mission Findings of April 2005.

**DGExPo/B/PolDep/Note/2005\_ 243**

**[DATE]**

**[PE N°]**

**EN**

This note was requested by the European Parliament's Working Party Palestinian Elections

This paper is published in the following languages: English

Author: Dr. Stefan KRAUSS  
ATR 09K033  
Tel.: 3 2256  
skrauss@europarl.eu.int

Manuscript completed in October 2005

Copies can be obtained through: E-mail: ccalvo@europarl.eu.int

Brussels, European Parliament, October 2005

Any opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

The upcoming Palestinian legislative elections on 25 January 2006 will be held according to the amended Palestinian Electoral Law voted on 18 June 2005 by the Palestinian Legislative Council (PLC).

The Law incorporates lessons learnt from past elections and was elaborated with the assistance of international expertise. It takes up recommendations made by the EU-EOM after the Presidential Elections of January 2005 to which the EP Delegation was associated and observations made by the EC Exploratory Mission Findings of April 2005. Furthermore, it reflects broader criteria for democratic elections as defined by international experts following an assessment mission in 2002<sup>1</sup>.

New elements include:

- An increase from 88 to 132 seats (art.2).
- A shift from a majority system to a **mixed electoral system** (art. 3) that enhances representation and legitimacy: 66 members are elected by a *proportional system* on closed lists of candidates with Palestine being considered as one single constituency. The number of seats for each list is proportional to the number of votes obtained (Sainte-Laguë method). The other 66 members are elected by a relative *majority system* in 16 districts (11 in the West Bank, 5 in the Gaza strip).
- The **voters register** as the only basis for identifying voters (art. 36 ff.). The civil register is no longer used, thus eliminating a major source of confusion. The more efficient system of opening registration centres where potential voters come to register is now being used instead of door-to-door canvassing. Registration centres exist in all 16 districts.
- Restrictions on the **nomination** of categories of **candidates** (ministers, PA employees, employees of public institutions and international organisations and heads of local authorities, chairpersons, directors and employees of NGOs) who may not run as candidates unless they resign (art. 11). The aim of this provision is to prevent these categories from using public or NGO funds or facilities for campaign purposes.
- The electoral **quota** for Samaritans, who represent less than 400 persons, is abolished. A quota of six seats for **Christian** representatives is maintained (art. 3 (2)).
- A quota for **women** on the lists for proportional election (art. 4).
- The right of **illiterate electors** to be assisted by another person when voting is subject to the surveillance of the chairs of polling stations (art. 80 (4)). The EU EOM had recommended increasing safeguards against manipulation of assisted voters.
- There is no Law on political parties. Parties are recognised on an ad hoc basis without formal or transparent process. Those **parties** included in the 1996 list of

---

<sup>1</sup> The International Institute for Democracy and Electoral Assistance (IDEA): "Democracy in the Arab World", 2004.

election participants do not require new **registration** and are exempted from making a deposit as candidacy surety. Hamas was not included in such a list as they did not participate in the 1996 elections. Their application to register for the 2006 elections will be examined by the CEC on the basis of the Electoral Law and the Palestinian Basic Law.

- As was the case for the last Presidential elections, the PLC elections are managed by the **Central Elections Committee** (CEC) (art. 19 ff.) which is an independent body with its own funding from the PA budget. The acting chairman during the January Presidential elections, Hanna NASIR, has been reappointed to this function. There is an electoral dispute resolution mechanism and the CEC's decisions are subject to appeal before the Election Court (art. 29 ff.). The EU EOM had advocated *inter alia* that the CEC establishes more formal decision-making procedures and more open deliberations, not least to reduce the scope for outside interference. The new Law, however, contains no such provisions.
- All candidates enjoy **equal access to state media** and are assigned free and unpaid propaganda time (art. 63). The EU EOM had insisted on clearer and more comprehensive guidelines on media coverage and has criticised that in the January Presidential Elections the CEC had no means of autonomous oversight of infringements of the law. Generally a "culture of self-censorship" was noted which is unlikely to change over night.
- Electoral **campaign restrictions** (art. 64): The campaigning period is 21 days; no defamation or humiliation of any other candidates or propaganda which may lead to tribal, familial or factional conflicts is allowed; campaigning is forbidden in mosques, churches, near hospitals or public and governmental institutions; campaign funding from external or foreign resources is forbidden (art. 100) and campaign expenditure is limited (art. 101). The EU EOM had recommended enforcing the prohibition of the abuse of "state resources" in the electoral campaign and enhancing verification procedures for campaign financing and expenditure.
- **Electoral fraud** is defined in detail and subject to sanctions specified in the Law (art. 102 ff.).

According to the CEC, voter registration operations are ongoing at the CEC's 16 district offices. Occasionally the CEC conducts major CEC voter registration drives in which more than 1000 voter registration centres are established throughout the West Bank and the Gaza Strip.

As of 20th August 2005 the number of eligible voters registered on the voters list stood at around 1.35 Million. Almost 80% of the estimated total eligible voters are now registered on the Voters' List. Two voter registration centres opened in East Jerusalem on 7 May 2005, one in Wadi Joz and one next to the Magharbi Gate. At the end of the last major CEC registration drive there were 39,554 eligible voters from Jerusalem registered on the Voters' List. Registration in East Jerusalem depends on the co-operation of the Israeli Authorities. The number of eligible voters in Jerusalem is estimated at 100,000.

According to information available, an **Electoral Code of Conduct** has been drafted and should be signed soon by the parties which participate to the elections.

In a nutshell, form and content of the new Electoral Law now correspond to international standards and some provisions (women's quota) can even be considered as a model for the region. In the light of the high-level preparatory work that has already been done by the CEC on a technical level, the **outstanding issues** are **political in nature** and concern the enforcement of the legal provisions and the **practical conduct of the elections**:

- How to ensure the movement of candidates within and between the Palestinian territories?
- How to ensure voting in East Jerusalem?