



Palestinian Local Elections 2010

Briefing Paper, Updated 09 June 2010

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Background

Under the leadership of President Yasser Arafat, the Palestinian Authority's Cabinet called the 2004 local elections, managed under the authority of the Ministry of Local Government¹ (MoLG) in three² (3) stages throughout 2005. However, because of operational and political challenges, local elections were held in four (4) stages on six (6) different dates³ and were never finalized; elections in over 100 councils were postponed indefinitely.

The term of Palestinian local councils is limited to four (4) years, and because the elections were held on different dates, the terms of local councils did not expire at the same time. However, since the law provides the possibility of scheduling elections earlier than the expiration of the four (4) year term, but not later than one (1) month after the expiration, the local elections should have been conducted by 23 January 2009.

¹ MoLG created the Higher Commission for Local Elections (HCLE)--a body operating under the MoLG and lead by a 30 member commission appointed by President Arafat-- to organize and conduct elections.

² This is contrary to the elections law which requires elections for all councils to be held on the same day.

³ The four stages held: Stage I on 23 Dec 2004 and 27 Jan 2005, Stage II on 9 May 2005, Stage III on 29 Sep 2005, Stage IV on 15 Dec 2005.

Acknowledging the expiration of the local councils' term, the Cabinet changed the status of all of the councils into "caretaker councils."⁴ Subsequently, in February 2010, the Cabinet called for local elections to be held in the West Bank and Gaza on 17 July 2010.

Local Elections and Local Governance

There are several levels of local governments in the Palestinian Territories, but elections are conducted only for so-called "local councils." While the Local Elections Law uses somewhat confusing terminology to define what the "local council"⁵ is, these are in fact equivalent to city and village councils. Other levels of local government include governorates,⁶ joint services councils,⁷ project committees⁸ and refugee camps, but voters do not vote for these institutions. Elections are currently scheduled for over 3300 seats in a total of 327 local councils as follows:

- Municipal Councils: 95 (WB), 25 (G)
- "Local" (Mahali) Councils: 12 (WB)
- Village Councils: 195 (WB)

Local governance units in the Palestinian Territories are fragmented and the sizes of the local districts vary from a population of 1,000 to almost 200,000. There are over 200 councils with a population of less than 5,000.

Council Population	West Bank	Gaza	total
village population > 5000	16		16
village population > 2001 < 5000	111		111
village population < 2000	68		68
village councils total	195		195
local councils total	12		12
municipal population > 50,000	4	7	11
municipal population > 15,000 < 50,000	18	7	25
municipal population > 5,000 < 15,000	53	7	60
municipal population < 5,000	20	4	24
municipal councils total	95	25	120

⁴ February 2009

⁵ "Council: The Local Council which includes the Municipality Council, or the local council, or the village council, or the administrative committee, or the development committee, or any other council formed in accordance with the provisions of the law."

⁶ There are sixteen (16) governorates in Palestine, with eleven (11) in West Bank and five (5) in Gaza.

⁷ Several councils can form one joint service council.

⁸ These are local government units with a population of less than 1000.

Over 115 local districts in the West Bank have populations under 1,000 residents. Instead of merging them with the larger districts, the MoLG has classified them as “project committees” and excluded them from elections.

Electorate

The electorate in local elections consists of registered voters who are residents in their respective local districts.⁹ No one can vote unless he / she is registered in his / her district. Eligibility requirements in local elections are identical to those in presidential and legislative elections: one must be Palestinian¹⁰ and be at least 18 years old.

The Central Elections Commission (CEC) conducted a 10-day voter registration drive in March 2010 followed by the Exhibition and Challenges to the Preliminary Voters List¹¹ that ended on 30 May 2010. Palestinians who had previously registered in 2004 and 2005 for the presidential and legislative elections did not need to register again unless they wanted to register in another local district. With the publication of the Final List of Voters (15 May 2010), there will be no additional opportunities to register¹² or transfer to another district. The Final Voters List for the 2010 local elections includes just under 900,000 voters; it does not include voters from districts in Gaza, Jerusalem City,¹³ refugee camps, those located in areas deemed to be residing in areas governed by project committees or those in prisons.¹⁴

West Bank Only

Hamas has rejected elections without national reconciliation and has prevented the conduct of presidential, legislative and local elections in Gaza. Additionally, The Central Election Council refused to conduct the scheduled January 2010 presidential and legislative elections for the West Bank only, stating that the elections law for presidential and legislative elections does not allow for “partial” elections. This is not the case with the elections law for local elections. According to the law, elections can be postponed in the districts where the conduct of elections is not possible for “four weeks for technical needs and elections integrity purposes.”¹⁵ The four week postponement can in practice lead to elections being postponed indefinitely if the Cabinet chooses.

Following the CEC’s announcement that it was not possible to conduct voter registration in Gaza and Jerusalem, on 2 May 2010 the Cabinet postponed local

⁹ Residents of camps and project committees are excluded.

¹⁰ The definition of “Palestinian” was set in the draft citizenship law (1995) and has been used in election laws since then.

¹¹ This is the period when voters have the opportunity to view the voters’ list and submit appeals and challenges to it.

¹² This is according to the local elections law.

¹³ Israel does not allow Palestinian local elections in annexed East Jerusalem.

¹⁴ This is for prisoners in either Palestinian or Israeli prisons.

¹⁵ Article 5, Local Elections Law.

elections for districts in Gaza and Jerusalem “until the CEC is able to conclude its administrative and technical preparations according to the law.”

Electoral System (System of Representation)

Local elections are conducted under Law Number 5 of the 1996 Election of Local Councils Law (with 2004 and 2005 amendments). The 2005 amendments introduced a proportional system of representation with a closed list system. This means that instead of voting for individual candidates, voters will vote for a list of candidates (electoral list). The ranking of the candidates on the list is set during the list registration period for the candidates, and it is not subject to voters’ preferences. Voters can vote only for one list. Only lists that win more than 8% of total votes will be eligible to receive seats in the local council. Distribution of seats will be determined by the Sainte-Laguë formula¹⁶, taking into consideration women’s and Christian’s quota.

The women’s quota, as defined by the Local Elections Law, ensures that at least two women are elected to councils with up to 13 seats and three women are elected to councils with up to 15 seats. This is done by requiring lists to register women candidates and also basing the quota requirement on the distribution of seats.¹⁷

The quota for Christians is assigned by Presidential decree¹⁸ for nine districts in the West Bank. The Christian quota is based on the distribution of seats.

Electoral Lists (Registration of Candidates)

Registration of electoral lists starts on June 1, 2010 and will be conducted for 10 days at the CEC offices in the capitals of 11 governorates. Anyone who wishes to register an electoral list must present more candidates than the majority of the seats in the council. This means that there will be no opportunity for individual candidates to run in elections unless they form a list. All of the candidates on the lists must:

- Be registered voters in their respective districts;
- Have attained a minimum of 25 years of age;
- Not be employed by the MoLG, a Local Council or security forces;
- Obtain a certificate from his/her Local Council that proves that he/she has paid all required fees to the Council, including fees for building permits.

Should the list want to register its political affiliation with one of the political factions, the list must obtain a certificate from the representative of the faction accredited at the CEC. Without the certificate, the CEC will not allow registration of the list with the

¹⁶ The Sainte-Laguë formula is the standard method of allocating seats proportionally for representative assemblies chosen through party list voting systems.

¹⁷ Article 17 of the Local Elections Law

¹⁸ Issued on 10 May 2010.

logo or name of the political faction.¹⁹ According to the Elections Law, the CEC will not register more than one list per faction in the district, and will register all lists on a first come, first serve basis. Candidates can be registered with only one list.

In councils up to 13 seats, lists must register one female candidate among the first five names and another among the next five names. In councils with 15 seats, a list must register an additional female candidate.

In the nine districts in the West Bank where the Christian quota applies, the CEC has asked political factions to register a sufficient number of Christian candidates to fulfill the quota decreed by the President. Although registration of Christian candidates is not required by the law, the law does give authority to the President who can set the quota that must be fulfilled based on the distribution of seats. This contradiction could lead to challenges in districts with the quota where no Christians are registered as candidates. For that reason, the CEC may cancel elections in any of the nine districts which does not have a sufficient number of registered Christian candidates.

Campaigning

The official campaign period starts after publication of the final candidate lists on 2 July 2010 and lasts for 14 days. During the 24 hours before polling, candidates are not allowed to campaign. While, according to the law, the CEC has the mandate to monitor both campaign spending and breaches in campaign rules, it does not have enforcement powers beyond retaining the 500 JOD that each list must deposit.

Campaigning is not allowed in mosques or churches, near hospitals or other governmental premises. Candidates may not use vehicles that belong to government institutions. Incitement is forbidden, as are campaign calls by religious preachers.

As the law requires official media to offer equal opportunities to all electoral lists, the CEC, in cooperation with Palestine TV, has arranged an electoral program during which each list of candidates will have opportunity to broadcast a promotional video.

Polling and Counting

Polling will be conducted on July 17, 2010. Special advance polling (exclusively for security forces) will be conducted on July 15. There will be no advance or absentee polling for some categories of voters²⁰. Voters will be able to vote only at the polling centers where they have previously registered. Polls will open at 07:00 and close at 19:00, allowing voters who have arrived at the polls before closing time to cast their ballots.

Over 770 polling centers will be divided into stations allowing a maximum of 600 voters, but all stations will be in the same building (i.e. classrooms in a school).

¹⁹Political factions are registered by the Palestinian National Council and Ministry of Interior.

²⁰ These include prisoners and hospitalized voters, for example.

Counting will be conducted at the station by the polling staff in the presence of candidates' agents and domestic observers. Results of the polls will be posted at the station before transferring official forms to the CEC's offices in the governorate.

Advance Voting for Security Forces

According to the Presidential Decree²¹, the CEC must organize special, early voting on 15th July for security forces. Early voting in local elections for security forces is a precedent. The Election Law does not provide for early voting, and it has not been part of previous local elections. While the Presidential Decree does not further expand upon the means by which early voting for security forces should be conducted, it does task the CEC with developing the appropriate procedures by which to govern it.

The CEC is currently developing regulations and an operational plan for the conduct of early voting. Because of the President's late intervention, and the logistical challenges the CEC faces when conducting polls in over 300 local districts, the CEC will have to restrict the number of local councils where early voting will be organized. Presently, the CEC is considering early polling only in local councils where over 200 security forces are registered²². The estimated portion of security forces that will be eligible to take part in early voting is about 40%.

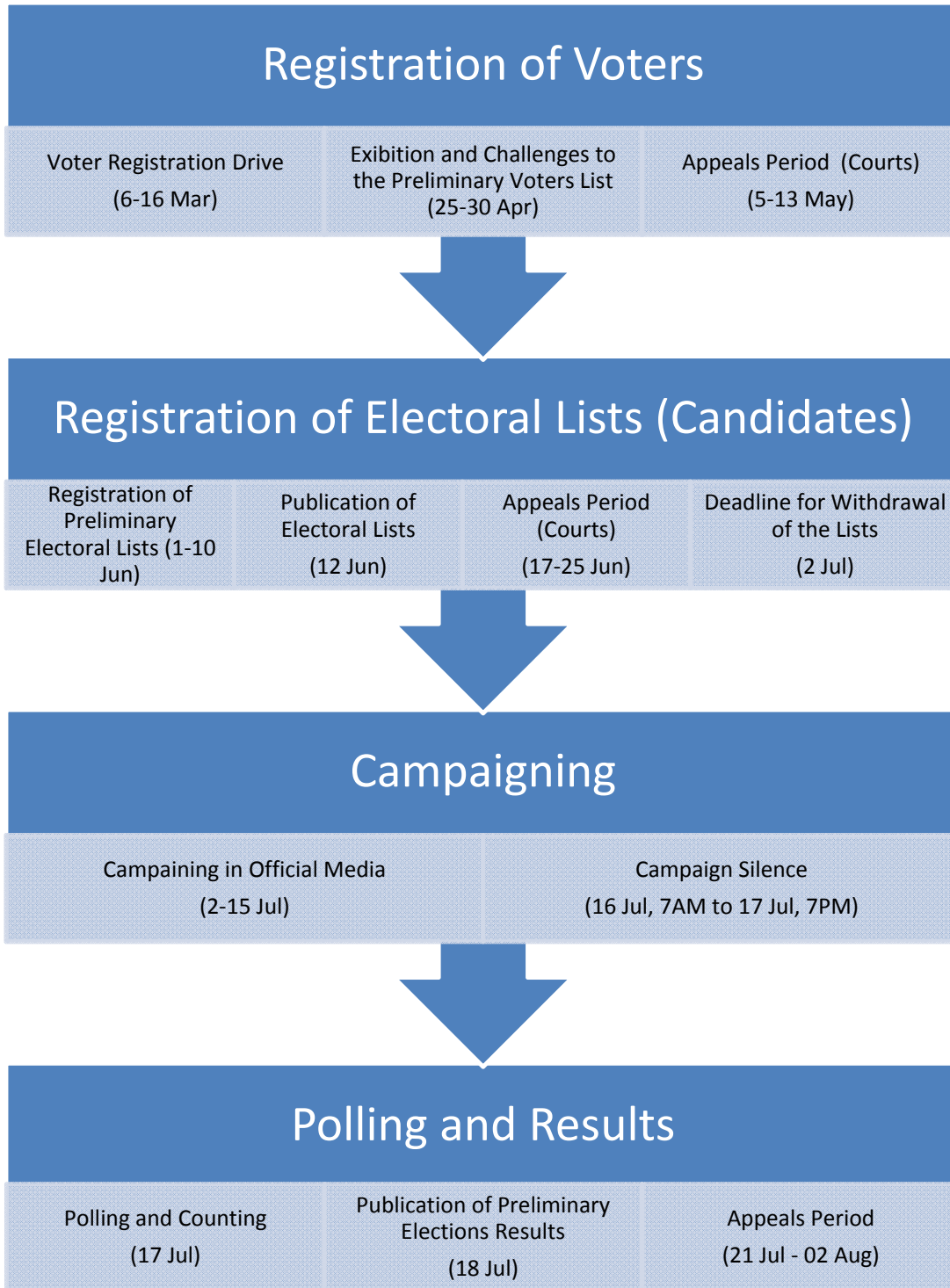
Elections Dispute Resolution

Electoral disputes in local elections are processed in several phases and at several levels. The Election Law provides a framework for challenges and appeals in three stages of the electoral process: registration of voters, registration of candidates and election results. All the disputes are first sent to the CEC. The CEC then reviews challenges and appeals in the short period that follows each of the three stages. In the case that the CEC rejects the complaint, the plaintiffs can appeal to the Court of First Instances (CFI). The CFI adjudicates all appeals within five days, and its decisions are final.

²¹ Issued on 06 June 2010.

²² This amounts to approximately 22 local councils.

Electoral Calendar



Additional Information

Map of Local Electoral Districts can be found at:

<http://www.ifes.org/publication/24272b534b0d23a67797657cc396ff9e/MAP2010PalestinianLocalElections.pdf>

National Democratic Institute (NDI) was the only international organization consistently monitoring and reporting on all of the stages of local elections in 2005. NDI's reports can be found at:

Stage 1:

http://www.accessdemocracy.org/library/1816_palestinianelectionreportrd1_033105.pdf

Stage 2:

http://www.accessdemocracy.org/library/1913_wegz_localcouncil_092905.pdf

Stage 3&4:

http://www.accessdemocracy.org/library/2069_ps_localelect_010106.pdf

Local Elections Law can be found at:

http://www.elections.ps/pdf/IOCAL_ELECTIONS_LAW-EDIT-EN.pdf

Results of the 2005 elections can be found at:

<http://www.elections.ps/template.aspx?id=351>