

Policy Paper

Jordanian parliamentary elections challenge in light of Corona pandemic

Issued by
Hayat Center - Rased
July 2020



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Introduction

Jordan started preparing for the 19th parliamentary elections in the beginning of the year 2020, where the king of Jordan announced that the elections according to the constitutional merit are going to take place in the summer of 2020, and that we are heading towards a constitutional entitlement to hold parliamentary elections in the same year. In the same context, The Independent Elections Commission announced its readiness to hold the elections according to the current elections law and in total harmony with the constitutional and legal terms in the summer of 2020. Returning to the breakthrough of democratic life in 1989, the observer of three decades ago sees that the political system was not systematic regarding the dates of running the parliamentary elections, This fluctuation in the dates of the elections was mostly linked to political and economic reasons, contributed to this fluctuation was constitutional texts governing the date of the parliamentary elections and thus governing the life of the parliament with four years or less, but these constitutional texts were developed positively after the amendment of the constitution in 2011, some of these texts still exist as Article 68 / 2 of the Jordanian constitution stipulated that the election must take place within the four months preceding the end of the term of the council, and if the election was not held at the end of the term of the council or was delayed due to any reason, the council remains in place until the new council is elected. Also, the Jordanian constitution permitted the parliament to continue its work until the end of the four years, which is the age of the council constitutionally, and it can be dissolved before that and at any time, according to the text of Article 34 / 3 of the constitution and authorized the king to dissolve the parliament, for example, but not limited to, the solution is to be in harmony with the date of the start of the regular session and it may be resolved for political reasons, and based on the foregoing, there is no specific date by which parliamentary elections can be held.

This paper reviews the dates of holding the elections to show that they were not the same in the dates of their conduct, and in the midst of the democratic development process, the electoral process suffered from negative practices that affected the outcomes of the electoral process, which contributed to strengthening voter doubts about the integrity of the electoral process and its usefulness, despite the significant procedural development that brought about The Independent Election Commission during the last eight years.

Jordan was able to run the elections in light of many political and logistic circumstances, some of which are sometimes complicated, like what happened in 1989 after wide protest movements that included most of Jordan in the 15th of April which was known as “Habbet Nissan” and it demanded public freedoms and the overthrow of the government at that time and the law of parties, the parliamentary elections of the 11th council were conducted and party work in Jordan legalized. On the same approach, Jordan had conducted parliamentary elections for the 17th council in light of the Arab Spring in 2013 which reflected on the internal political movement in Jordan that presented demands for the Jordanian system to the necessity of political and economic reforms. Despite the political pressures at that level, parliamentary elections were conducted and it was the first parliamentary elections run by The Independent Elections Commission which was founded following the constitutional amendments of 2011. As for logistics, during the last 20 years, Jordan had conducted 6 parliamentary elections, 4 of which were during winter, which is extremely cold, yet that didn't affect the elections. During the last 10 years Jordan was able to conduct elections even in the regions that are called “Hot Spots” which witnessed social tension, yet the state was able to conduct elections in such regions through imposing its control with exception of some minor breaches that occurred some times.

Today, Jordan is going through an exceptional circumstance in the middle of this year and an unprecedented epidemic challenge, Jordanian state institutions, like other countries in the world, have not been able to experience this type of challenge, which is the spread of the Coronavirus, which has become a global pandemic facing most of the world and forming a big threat to life practices in health, economic, social, and political aspects. One of the best advice and prevention methods is what is known as social distancing except that in this context social closeness is considered one of the most important ingredients and methods of campaigns in Jordan. This would pose a major challenge about conducting the elections and raise many questions that this paper will try to answer, perhaps the most important of them is, can the elections be conducted logistically? What polling options are available? When can elections be held? Did the constitution give enough flexibility to enable Jordan to hold elections and to take into account the changing epidemiological situation at any moment?

Executive summary

The Jordanian political system has achieved an unprecedented trust during the Coronavirus crisis, especially during the first weeks of the crisis, Trust in bureaucratic institutions, such as the army, security institutions, and many ministries, has grown.

The biggest challenge now is maintaining that trust which demands the existence of a legislative oversight institution possessing the highest level of popular legitimacy and the minimum level of popular criticism and not deepening trust gaps and raising suspicions of corruption, interests and deals, and its ability in handling the upcoming economic and geopolitical crisis which is very hard to occur through the 18th parliament that face Which is constantly facing questions about efficiency, trust and integrity, and therefore the options for extending the 18th parliament seem very narrow especially that delay means that the election is affected and subject to economic pressure, which can be exploited in multiple forms, whether by buying votes or the ideology of one party or individuals or others over others through exploiting the economic situation, and accordingly, the national interest in holding elections appears in the last quarter of this world and harnessing all the logistical capabilities to achieve this goal and not allowing the stakeholders and gains to disrupt the democratic life cycle under different names.

The paper showed that Jordan has 4 constitutional options regarding the fate of the 18th parliament and conducting the parliamentary elections of the 19th one. The constitutional options varied in its content and reflections on the parliament and the government, the first option requires conducting the elections in its constitutional date without dissolving the parliament and dismissing the government, the second option requires conducting the elections after dissolving the parliament and dismissing the government within two tracks, first one is conducting it in its constitutional date and the other one is after the date (which is after 27 / 9 / 2020). The third option includes conducting the elections after its constitutional date (which is after 27 / 9 / 2020) and through this option the parliament can be dissolved and government can be dismissed and this option enables the parliament to be dissolved, the government to be dismissed, and elections to be called after the eighteenth parliament

has ended, and within this option, the nineteenth parliament elections can be called after 9 / 20 / 2020 without dissolving the 18th Parliament and without dismissing the government. This means that the eighteenth parliament recognizes the nineteenth assembly, and it is also possible through this option to call for elections after 9 / 20 / 2020 with the call to dissolve the eighteenth parliament and dismiss the government. The fourth option is to conduct the elections after a year or two from ending the constitutional period of the 18th parliament, the data and circumstances have shown that the best choice is to conduct the elections after its constitutional date which is in the last quarter of this year, after dissolving and dismissing the government before the period ends.

The paper indicated that the average age of parliament in Jordan since 1947 until now has reached only 3 years, and it is worth mentioning that 15 of the 17 councils were dissolved since 1947, and elections were held for the sixth parliament without dissolving the fifth parliament, which is known with the option of a council to hand over a council, the paper presented a set of recommendations on the voting mechanism that could be adopted under the Coronavirus pandemic.

General recommendations

- Conducting the parliamentary elections within the constitutional and legal frame without extending the 18th parliament age.
- Achieving the guarantees of integrity, transparency, freedom, and justice in any option that The Independent Elections Commission resorts to when adapting to the logistical situation resulting from Coronavirus.
- Enhancing the electoral awareness campaigns messages from all the related parties to concentrate on the size of challenges in the next level and the importance of the 19th parliament role.
- Avoiding any technical options in the electoral process that contributes in weakening the constituent's trust or any suspicions could arise around it, which would be reflected negatively on the level of trust between citizens and the nineteenth Parliament.
- Use the direct polling mechanism in the polling stations in the upcoming parliamentary elections to ensure the freedom of the voters, establish the secrecy of the vote, limit the vote - buying processes, and achieve a reasonable degree of confidence in the electoral process and its outputs.
- The necessity of providing the necessary support to the independent monitors to ensure their continuation of the observation process under these circumstances and providing all facilities that support the independent election monitoring system.
- Increase the number of approved polling centers and ensure that the polling centers are spaced.
- Developing executive instructions for polling and counting day so that some items that are consistent with the requirements of health precautions are included in coordination with the epidemiological committee and the relevant authorities.
- Promote awareness of the health procedures of male and female voters and spread them widely through social media and traditional media (audiovisual) and coordinate with institutions active in this context, and the executive instructions include deterrent penalties for violators of these procedures.

- Building the capabilities of the human cadres working in polling and counting committees in terms of their verification of the application of health precautions in polling centers and rooms.
- Redrafting the instructions for election campaigns in coordination with the Epidemiology Committee, following up male and female candidates, measuring the extent of commitment, and creating a legal deterrent that limits their violations.
- Increasing the number of polling and counting committees within the gyms to reduce crowding at its doors.

The purpose of the elections and the warning of its delay

The tracker of the democratic process in Jordan believes that the citizen's trust in the political process and the guarantee of conducting fair elections in circumstances that no ballot secrecy violation occurs is the most important thing to the Jordanian citizen, even more important than procedural details and legal scenarios, especially since the citizen's confidence can be built upon in ensuring the stability and development of democratic life and maintaining the legislative institution, which contributes in maintaining stability in Jordan. This trust mainly works on increasing the feeling of responsibility of the constituent in the process of making his / her political decision regarding participating or not, or the foundations adopted for participation, therefore, it affects their political conviction in the purpose of participating, which will reflect directly on their electoral options. The acquired trust gained in the electoral process helps in increasing legitimacy of decisions without the need to justify the parliament's decisions which was lately present in the majority of the parliament's decisions, as most of the it contributed to fueling public opinion, raising the pace of demands for dissolving the parliament and dispensing the deputies, this necessitated that some MPs justify the goal of the decisions, and some of them were not justified or talked about by the them. Accordingly, the process of political participation in the Jordanian national scene needs to be strengthened and supported in accordance with constitutional standards and the best practices as a comprehensive national approach to get rid of negative accumulations that accompanied the general political scene, especially the parliamentary elections and the image of the parliament before the Constituents Commission.

Jordan had historically faced a lot of challenges, especially those related to the dates of organizing the elections, which led in sometimes to postponing the elections and conducting early ones as shown in schedule (1), but this time Jordan is facing an exceptional challenge represented in the spread of the Coronavirus in Jordan and the world, which started in March when the first case was registered to a young man coming back from Italy. On the 29th of February the government announced preventing the non - Jordanians who are suspected of having Corona from entering Jordan. On the 14th of March the Jordanian prime minister Omar Al Razzaz announced that all flights coming and leaving Jordan are going to be stopped on the 17th of March with exception to the commercial freight traffic, accordingly, the royal will was issued to activate the defence law number 13 for year 1992. In the same context, the spread of Coronavirus was accompanied with implications, whether it was economic implications, social, cultural, or even political. Jordan according to its geopolitical location

face another challenge that coincides with the date of parliamentary elections which is known as the Century Deal, this is known as the Trump Peace Plan to resolve the Israeli - Palestinian conflict, which was announced by the US President on January 18, 2020. Jordan announced its rejection of the Century Deal especially violating the Hashemite guardianship of Islamic and Christian sanctities in Jerusalem and not accepting the annexation of parts of the West Bank to Israel and refusing to declare Jerusalem as the capital of Israel. This position contributes in real to the increasing external pressures on Jordan that would have repercussions on the Jordanian interior, and then Netanyahu's statements came. By annexing parts of the West Bank, which the King of Jordan commented on in an interview with the German magazine Der Spiegel, he said, «If Israel actually annexed parts of the West Bank in July, this will lead to a major clash with the Hashemite Kingdom of Jordan.»

All that coincided with the end of the constitutional age of the 18th parliament which was supposed to end in 27 / 9 / 2020 where this parliament had faced a lot of criticisms from the Jordanian constituents regarding its performance in general and especially the regulatory side. Polls have shown a weakness in trust of the Jordanian citizen in the Jordanian parliament, trust percentage did not exceed 23% and in the same context Rased's report on parliamentary observation have shown that control indicators for the parliament members' performance was contradictory year after year, this is evident, for example, but not limited to the number of questions that were in the first year 1055 questions while in the third year 516 questions did not exceed that is, they were cut in half, and in the same report, the parliament's working days decreased from 64 days in the first year to 55 working days in the third world, and many indicators that confirm the decline in the legislative, regulatory, representative, and diplomatic performance of the parliament. Therefore, the public space related to the work of the parliament, with its political, popular and economic dimensions, is shrouded in mystery and with great caution against taking any action that might accumulate the situation, and make it worse, , which requires continuing to devote the positive political approach in conducting the electoral process in its constitutional dates, and building deep and accurate approaches to any political constitutional procedure towards postponement or extension, with taking into consideration the health dimensions and development of events regarding the countries' ability in dealing with the Corona crisis and the Jordanian government in specific and the state of gradual openness pursued by most of the world's governments is in a state of being able to develop approaches that balance the health and economic dimension. In the same context, it is necessary to start thinking carefully by developing approaches that take into account the social (physical) dimension.

Constitutional options and timeframes for holding the Jordanian parliamentary elections 2020 and the fate of the eighteenth parliament

Before talking about the available constitutional options, it must be emphasized that the political system in Jordan is a parliamentary, which is from the most widely spread political systems, the periodicity of the electoral process is considered one of the main pillars in this system, and this was confirmed in the first article of the Jordanian constitution that the system of government in Jordan is a hereditary monarchy. Accordingly, the Jordanian constitution was devoted to organizing the work of the authorities, especially the legislative authority, their work mechanisms and the periodicity of the electoral process. Article 68, paragraph 1 stipulated that "the term of the parliament is four solar years starting from the date of the announcement of the results of the general election in the official gazette, and the king may extend the term of the council by royal will to a period of not less than one year and not more than two years. «The general rule is the periodicity of elections every four solar years, which is the term of the parliament. The results of the general election in the official gazette. Going back to the official gazette we find that the results of the electoral process of the 18th parliament results were announced in issue number 5425 in the official gazette on 28 / 9 / 2016, in addition, its obligatory to conduct the parliamentary elections within the four months preceding the end of the parliament's term according to article (2 - 68) which stipulated that «the election must take place within the four months preceding the end of the term of the council. If the election was not held at the end of the term of the council or was delayed due to reasons, the council remains in place until the new council is elected» based on the mentioned constitutional texts and in the case of presence with the natural data without being present with the times that The elections must be held and the results announced before 9 / 2020.

According to what was reported in the Jordanian constitution, there are a group of constitutional options that might be followed regarding the current situation, however, the weighting of one option over the other is related to the time periods specified by the electoral law, it's also linked

to the updates of the epidemical and health situation especially the ability of the national policies taken to limit and control the epidemic, it's out of the question that the resulting challenges from the geopolitical situations represented with The Century Deal or the political situations in some unstable Arab countries as mentioned before will affect the elections date. The most important standard will be attached to the evolution of the epidemic situation resulting from the spread of Coronavirus. But before reviewing the time options it's necessary to review the historical path of the parliaments in Jordan from 1929 until 2016. Schedule number (1) shows the dates of starting and ending of the parliaments and the terms of it in months, and what option was adopted when each parliament ended.

Table No. (1): The Parliaments and their time periods throughout the history of the Hashemite Kingdom of Jordan

Councils	Beginning of Parliament (Month/Day/Year)	The End of Parliament (Month/Day/Year)	Duration in months	How the Parliament Ended
1 st Legislative Council	1 / 28 / 1929	2 / 9 / 1931	24	Dissolved
2 nd Legislative Council	6 / 7 / 1931	6 / 10 / 1934	36	Constitutional Term Completed
3 rd Legislative Council	10 / 16 / 1934	10 / 16 / 1937	36	Constitutional Term Completed
4 th Legislative Council	10 / 16 / 1937	10 / 21 / 1942	60	Extended
5 th Legislative Council	10 / 21 / 1942	10 / 28 / 1947	60	Extended
1 st Parliament	10 / 27 / 1947	12 / 31 / 1949	26	Dissolved
2 nd Parliament	4 / 20 / 1950	5 / 3 / 1951	12	Dissolved
3 rd Parliament	9 / 1 / 1951	6 / 22 / 1954	34	Dissolved
4 th Parliament	10 / 17 / 1954	1 / 7 / 1956	15	Dissolved
5 th Parliament	10 / 21 / 1956	10 / 19 / 1961	60	Extended without Dissolution
6 th Parliament	10 / 22 / 1961	9 / 27 / 1962	11	Dissolved
7 th Parliament	11 / 27 / 1962	4 / 21 / 1963	5	Dissolved
8 th Parliament	7 / 8 / 1963	12 / 23 / 1966	42	Dissolved
9 th Parliament	4 / 18 / 1967	1 st Dissolution: 12 / 1 / 1974 2 nd Dissolution: 2 / 7 / 1976	105	Extension then Dissolution

Councils	Beginning of Parliament (Month/Day/Year)	The End of Parliament (Month/Day/Year)	Duration in months	How the Parliament Ended
10 th Parliament	1 / 16 / 1984	7 / 30 / 1988	54	Extension then Dissolution
11 st Parliament	11 / 25 / 1989	8 / 4 / 1993	44	Dissolved
12 th Parliament	11 / 20 / 1993	9 / 1 / 1997	45	Dissolved
13 th Parliament	11 / 6 / 1997	6 / 16 / 2001	43	Dissolved
14 th Parliament	6 / 22 / 2003	8 / 20 / 2007	50	Constitutional Term Completed followed by a Dissolution
15 th Parliament	11 / 28 / 2007	11 / 24 / 2009	24	Dissolved
16 th Parliament	11 / 21 / 2010	10 / 4 / 2012	22	Dissolved
17 th Parliament	1 / 29 / 2013	5 / 29 / 2016	40	Dissolved
18 th Parliament	9 / 28 / 2016			

From the previous schedule it's clear that we cannot depend on one assumption or pattern in dealing with the parliament's terms, although the average age of the parliament since 1947 is 3 years, therefore, that stands as an obstacle in the process of forming the financial pillar for a constitutional norm that can be build on in drawing a unified scenario that can be depend on in making a decision regarding the current parliament, which assures that all scenarios are plausible and there's no constitutional objection regarding any of it, yet, the differentiation process falls in the general fields to apply the general rules to form a legislature that corresponds to the form of the political system in Jordan and the nature of the pillars of it such as the periodicity of the election and ensuring adherence as much as possible by not wasting this pillar except for justified and objective conditions which are consistent with the constitutional texts, this will be reviewed in the options available through this paper.

The first option: holding elections on their constitutional date without dissolving the parliament and without dismissing the government

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The essence of this option is to conduct the parliamentary elections within the constitutional terms according to article 2 - 68 of the constitution which requires conducting the elections within the 4 months preceding the end of the parliament's term. This means conducting the elections and announcing its results in the official gazette before 28 / 9 / 2020, which means that there's no need for dissolving the parliament and dismissing the government, and the 18th parliament will remain in session until the announcement of the 19th parliament's results, thus, the work of the legislature continues and there is no vacuum or absence of the legislative authority, and this applies to the government, so that it continues to work and accordingly submit its ministerial statement in order to obtain the confidence of the nineteenth parliament. This option is what has been called in political and constitutional jurisprudence, a council that recognizes a council, and it must be noted that there is a debate on the constitutional ability to make this choice.

In the historical context of the Jordanian parliament we find that this option was applied on once in the 5th parliament that was handed to the 6th and in details we see that the start on the 5th parliament was on 21 / 10 / 1956 and continued until 20 / 10 / 1961 which means that the parliament finished its constitutional term, the 6th parliament elections were held on 19 / 10 / 1961 which shows that this option was not used historically, on the other side we find that most parliaments were stopped by dissolving before conducting the elections, it will be reviewed according to their consistency with the options. This option is characterized by the flexibility to deal with the current conditions, especially the health situation in the event that there is a greater spread of the virus or control it completely, and this allows the independent election commission to postpone the election in a number of districts if it deems the need based on Article (4 - A - 2) that It stipulated that «the council may designate a special day for voting for some electoral districts at a date other than the date specified in the provisions of paragraph A of this article if the integrity of the election or the public interest is limited to that.»

Also, this option does not affect the sustainability of the work of both the legislative and executive branches, as elections can be canceled completely if the need arises, and this would keep the 18th Parliament fully owned by it and the government as well, the parliament and the government remain until announcement of elections for the 19th one.

This option is looked at as the closest to the democratic process soul, under the condition that it's used in a way that guarantees the equality of opportunities and fairness between the candidates, this requires awareness and practice from the electoral administration and the constituents commission so that the application of international standards governing the electoral process is guaranteed.

A group of specialist and experts call for not going to apply this option, and they warned against perpetuating a form of inequality between Jordanians before the law in contravention of article 6 of the constitution, legal and constitutional experts are afraid of violating the constitutional norm that laid the basis for equal opportunities and granted it equally to every candidate, so that no one can benefit from their position during the elections, and they think that the "handing" scenario is applied by countries whose members of government are from the parliament. A lot of inquiries regarding the guarantees that may be offered to dedicate an honest competition between candidates if the members of the parliament have their full powers were also brought up. A related question arises about the adequacy of the executive instructions issued by the independent commission to «restrain the candidates from the parliament in order to avoid the exploitation of influence and service channels with the various levels of government administration.» The election process must take place between 5 / 28 / 2020 until 9 / 27 / 2020.

The second option: holding elections after the dissolution of the government and the dismissal of the government

The essence of this option in to conduct the parliamentary elections after dismissing the government, this option is divided into two tracks, first on is to conduct the elections before its constitutional date and that is according to article 68 of the constitution which requires conducting it within the 4 months

preceding the end of the parliament's term, which means conducting the 19th parliament elections before 28 / 9 / 2020, after dissolving the parliament and dismissing the government according to article (3 - 34) which gave the king the power to dissolve, it stipulated that "The king may dissolve the parliament" This option also requires the government to go, as Article (74 - 2) stipulates that «the government during which the parliament is dissolved shall resign within a week from the date of dissolution, and its president may not be assigned to form the next government.»

The second track in this option is conducting the parliamentary elections after its constitutional date and that is by dissolving the parliament and dismissing the government between (15 / 6 / 2020 - 27 / 9 / 2020) which is before the end of the constitutional term of the 18th parliament which ends on 28 / 9 / 2020 and here this track allows for the dissolving of the parliament and dismissing the government before this date and conducting the elections within 4 months, and that is according to article (1 - 34) of the constitution which stipulated that "The King may dissolve the parliament" and article (1 - 73) which stipulated that "If the parliament is dissolved, a general election must be held so that the new parliament meets in an extraordinary session four months at the latest, and this session is considered as the regular session according to the provisions of Article (78) of this constitution and includes the conditions for extension and postponement. This track extends to January 2021 if the parliament is dissolved in September. If the first track is applied, the decision - making process requires that the dissolution of the parliament and the dismissal of the government take place during the first half of June so that the independent commission can conduct the election process within a period of no more than 105 days and that the constitutional period does not exceed 27 / 9 / 2020. And for example, if the king announces the dissolution of parliament and calls for elections to be held on 10 / 6 / 2020, the necessary periods of time indicate that the polling day will be on 9 / 22 / 2020, that is, before the term of parliament expires.

Going back to the historical context and how much this track was applied, we find that since the independence of the Kingdom of Jordan it was applied 16 times where the parliament was never dissolved except once in the 5th parliament, this indicates the usage of this option to the decision maker in the Jordanian state.

The other track allows conducting the parliamentary elections of the 19th parliament no later than the third week of January 2020, that contributes in giving a longer term to deal with the current data about Coronavirus, its spread, and the ability to control any updates that could happen during this period, it also contributes in retaining the government for the longest period especially that the current government is the one who started fighting the Coronavirus in Jordan via the plans and programs it put.

The application of this option creates a gap in the legislature which might lead to the non - continuity of some governmental programs especially that the government in which the parliament gets dissolved has to resign within a week from the dissolving date and its president cannot form the next government and that is according to the aforementioned article number (2 - 74), when forming a new government which its main mission is conducting the elections, it's not necessary to follow the previous governments business neither to continue its programs, accordingly, the next government has to start a short - termed program for the mission it came to achieve, as the norm in Jordan is for the current government to request a resignation from the king after finishing the elections unless the decision maker wanted to assign it again, it has to request trust from the parliament according to article (3 - 53) which stipulates that "Every ministry composed must submit its ministerial statement to the parliament within one month from the date of its formation if the assembly is in session and request trust in that statement,» which may and may not give it the trust, and therefore, it needs a new government.

It is worth mentioning that this option necessitates conducting elections in four months and if weren't conducted, then the eighth council returns to practice its constitutional duties according to article (73 - 1) which states that " if the parliament was dissolved then elections must be conducted, where the new council conducts a meeting within an extraordinary session, four months after the dissolution date. This session is considered the same as the ordinary session according to article 78 of the constitution, and this session includes extension and stall terms". The parliamentary life in Jordan witnessed a precedent where the parliament was dissolved and then returned to practice its duties, this was the 9th council which was extended for two years in 1971 and continued its responsibilities

after the extension period until it was dissolved in November 1974. Elections weren't conducted during the four months after the dissolution, so the council returned according to the constitution, and then it got dissolved in 1976, afterwards the tenth council elections were conducted.

In the same context, this option has the likability of many politicians and activists, since they rely on the societal culture. This societal culture has it that dissolving the council must be followed by conducting elections, at the same time asserting the necessity of two values; equality between candidates and justice - based elections. On this view, it is worth noting that most democratic countries conduct elections while the parliament is still in its tenure, then the new council is handed over, and such countries have taken measures either in the internal system or in the instructions governing the electoral process to temporarily suspend all privileges and immunities for members of the council when announcing the desire to conduct the elections and until the results are announced in the official newspaper, thus avoiding any fear or Obsession about inequality or the exploitation of influence by some during this process.

Third Option: Carrying out elections after its constitutional date, while the 18th council continues its duty.

The essence of this option is that if the current 18th council term expired and the elections weren't carried out for a reason, the council remains valid until a new council is elected. This was mentioned in the constitutional context, and backed by the 68th article listed below the second part of the constitution which stipulated that "Elections must be carried out during the four months that precede the expiry of the council term, if elections weren't carried out simultaneously with the expiry of the council's term or delayed for some reason, the council remains until a new council is elected" this part clearly indicated that if elections weren't conducted this year for any reason, the council remains until elections are conducted. This option is divided into two tracks, the first one is dissolving the parliament, dismissing the government and calling to conduct elections once the constitutional term of the 18th council is over, whereas the second track could be exploited by calling to conduct the 19th council elections after 27 / 9 / 2020 without dissolving the 18th council and without dismissing

the government, meaning that the 18th council will directly hand over its responsibilities and duties to the 19th council.

According to the option above, the current council will remain because the election won't be held in its constitutional time and no declaration of a decision regarding the dissolution of the council. In this Scenario, it is very likely that exceptional circumstances may occur, where it's very difficult to take any constitutional - based decision. Normally, this is attributed to political, economic, and health circumstances like the current pandemic crisis resulted of COVID - 19. Moreover, it's not easy to take a decision of dissolving the legislative authority and undermining a crucial constitutional authority in order to continue the legislative and regulatory authority. As a result, more collaboration between the kingdom's different institutes will definitely strengthen the national efforts in light of the current circumstances.

Dissolving the legislative authority exacerbated by the current economic deficit and the epidemiological situation, may necessitate implementing administrative procedures that in turn require legislative arrangements after freezing the defense law. Therefore, the legislative authority is very likely to remain in place to fill any political and institutional emptiness.

This option offers flexibility, in a time where we don't have variety of options, as a result when the general conditions are convenient enough, elections will be held and the current council will be dissolved. The essence of this option states that the council continues its duties once the current council term is over, later on if there was a national urge to conduct an extraordinary session, it will be conducted normally according to the constitutional procedures, and will be followed by the usual session conducted in its usual constitutional date exactly on the 1st of October every year, or will be postponed for two months maximum, meaning that the elections could be held in 1 / 12 / 2020. This will give the government more space to assess the convenience of conducting elections or not, or proceeding to conduct an ordinary session and starting their tenure in 2021.

Fourth option: Extending the 18th council tenure

This options states that the king has the full authority to practice his constitutional powers with regards to extending the parliament council to one year or two according to article (68 - 1) which stated that “the tenure of the parliament council is four solar years, starts from the date of announcing the election results in official newspapers, and the king has the authority to extend the tenure of the council upon a royal request to a period that doesn’t exceed two years and not less than one year”. Based upon that, if his majesty ordered to extend the 18th council tenure for one year, it will end on 27 / 9 / 2021, whereas if he ordered to extend the council parliament for two years, it ends on 27 / 9 / 2022.

This option allows the preservation of the current government, only if his majesty saw that plausible according to certain circumstances that accompany this option, it’s also permitted to dismiss the current government and form a new one. Noteworthy, this option can be utilized and then consider another alternative after this option goes into implementation, where it is plausible to dissolve the parliament once it’s extended for one or two years. Afterwards, the parliament will be dissolved and the government will be dismissed during the extension period according to the article (3 - 34) of the constitution, another option can be utilized after the extension is calling to conduct parliamentary elections without dissolving the council and without dismissing the government, where the king calls to conduct elections while the council remains until the elections are conducted,

In spite of the validity of this option, yet it doesn’t get the likability of the politicians, activists and some decision makers, as there are many countries that don’t permit the extension of the parliament council. In the same context, the decision maker has the authority to dissolve the council. For instance the United Kingdom passed a special law in 2011that authorizes the king of the UK to dissolve the parliament council, without the privilege of extension and this normally happens once the parliament council tenure is over. Along the same lines, the Jordanian context is not very much different, where some people flat out expressed their utter dissatisfaction regarding the eighteenth council, this dissatisfaction exacerbated due to the council’s passive attitude regarding the ongoing pandemic crisis. Analysts across the kingdom believe that the kingdom’s current state and the peoples’ unprecedented rage exemplified in the recent teachers strike, calls for a deep assessment of

the council's real impact, before the government decides to extend the council's tenure for whatever time needed. The peoples' trust in the constitutional authorities has never been as low as it is right now. On the same note, some people see that essence of the parliament, is that the people get to cast their votes, hence a council fully elected by the people and represents their views. The latter sort of parliament, contradicts the aspirations in granting the executive authority the right in extending the elected council, especially that the project didn't determine a fixed period for the extension, it could be one year or two, hence rendering the tenure of the council unpredictable.

In the Jordanian historical context, it appears that the Kingdom of Jordan has only undertook the extension option three times, as the fifth council was extended in 1960 to one additional year, upon the request of the king, where the ninth and the tenth councils were extended to two years in the years 1971 and 1987 respectively. It is worth noting that the extension option is often implemented simultaneously with special circumstances and events, which make it very difficult to conduct elections.

Logistical and technical Framework Option to Conduct Jordanian Parliamentary Elections 2020

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Among the goals that the independent electoral commission aspires to achieve is to manage the electoral process and oversee it, and this necessitates procedural management to contribute in choosing who represents them in the parliament council and that's through voting. It is known that the voting process represents geographical activities that take place across the entire kingdom, so they must be implemented according to a fixed timeframe determined by the IEC (Independent Electoral Commission) and based on the voting law. A successful electoral process is divided into two phases, the first one is by offering effective cost - friendly services to all eligible voters and with maintaining high levels of integrity, safety and vocational efficiency, most notably that the voting process is always a huge challenge to any electoral administration across the globe.

The voting process aims primarily to reinforce the audience's trust in the integrity and the capacity of the IEC and its vocational efficiency in applying the best practices and international standards and strengthening procedural guarantees which may raise the acceptance level of the voting results, and focusing on maintaining safety during the voting process and strengthening the IEC capacity to control the centers and voting rooms and guaranteeing the implementation of procedures according to the voting law and executive regulations linked to the voting process. Based on the aforementioned, we conclude that the voting process needs precise planning and previous testing to all the options that will be implemented especially that the voting options encourage the voters to practice their electoral right. Apparently, a set of considerations must be taken into consideration which help the electoral board to implement the electoral process effectively, for instance the locations of the voting centers and how suitable they are to voters and their ability to reach them easily and freely, additionally voting centers infrastructure must suit persons with special needs, and the electoral board must check or rephrase the voting brochures and information to see how understandable they are to people of all walks of life.

Choosing the voting method is linked to numerous factors which some of them were mentioned priorly, but the current health situation added an important standard especially if the outbreak of Corona pandemic not only in Jordan but the entire world, so we must outline all the potential options which abide or doesn't abide with the legal framework and the Jordanian voter culture and how effective the technological infrastructure in Jordan and the prior use of any option that may be implemented and guaranteeing the balance between maintaining the voter's right as well as well as avoiding the spread of the Virus during the elections process. Here we display the voting options with ensuring that the legal framework of the Jordanian parliamentary elections stated that the voter casts his vote by a ballot paper based on the model accredited by the board of the commissioners of the IEC, where the thirty third article of the elections law to year 2016 stated that " Voting is based on the model accredited by the council to the ballot paper, and every paper must be stamped by the certain electoral district and signed by the chair of the screening committee. Article thirty six of the voting law emphasized every polling center must be allocated an operations room and provided with the lists the candidates and their names in the electoral district. Where article thirty seven stated that after validating the voter's identity he will be handed a ballot paper by the screening committee, afterwards the voter points to the number or symbol of his desired list and also points to a name or more of the of the same list, finally the paper is placed inside the assigned box and in front of the screening committee and those who present.

Voting Options

First: Direct voting in the voting centers

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Traditional voting in the voting centers (ballot papers)

Direct voting in assigned voting centers, is deemed as the most popular method on the international level, and It is implemented with accordance to regulations and circumstances formulated according to the legal framework that shapes the electoral process set by the entity or committee that oversees the electoral process.

In the kingdom of Jordan, the electoral boards relied on the direct voting to voters in all elections that are being conducted, the societal culture which revolves around the voter going to the polling center, acquiring a polling paper and casting his vote in the assigned paper and assigned place, and then placing it in the polling box assigned for that, and in spite of some negative practices that were limiting the integrity of the electoral process, especially before creating the IEC, however this method is the primary and accredited method and is being developed gradually and different guarantees were incorporated within it.

The Jordanian voter is used to cast his / her vote in polling centers within divided electoral districts, and since 2013 where the first parliamentary elections was held under the supervision of the IEC, the IEC worked on granting the voters their assigned polling centers, so they can get familiar with them a period prior to the elections day. The Jordanian legislature stated that they would publish the final schedules of the voters at least seven days prior to the elections day and this is according to article (26 – A) “ Seven days prior to the elections day, the IEC must announce a decision regarding the polling and screening centers in every electoral district, as well as announcing the number of polling and screening boxes in every center, additionally the decision must be published on the IEC’s website and in two local and daily newspapers, as well as any suitable place.”

The Jordanian electoral law obliged the Jordanian voter to go to polling centers to cast their votes in elections, as article twenty eight of the electoral law stated that “the voter casts his / her vote and the counting is within his electoral district” and this shows that the Jordanian option is limited in selecting polling centers to receive voters in electoral districts that were divided according to article (8 - A) of the Twenty sixth electoral law, in addition the law states in its thirty seventh article that the voters have to implement some procedures so they can practice their voting right.

Article thirty seven of the Jordanian electoral law: The voter practices his right in voting according to the following:

A - When the voter is present in front of the screening committee, the committee checks the identity of the voter and also checks if the voter's name is listed in the final schedule of the electoral district by pcs and paper schedules, afterwards these scheduled will be marked electronically and manually that the voter has practiced his electoral right.

B - The screening committee hands the voter the ballot paper

C - The voter does the following:

- Choosing his preferred candidate list in the designated place to do so. This is done by ticking a name, symbol, or number of the voter's desired candidates list.
- Choosing his preferred candidate in the designated place to do so, by ticking a candidate's name or more in the list that he already chose.
- The voter casts his ballot paper in the designated box in front of the committee and those present.
- The voter must put his finger in the ink before he leaves the polling center.

In light of the above, we conclude that the electoral law doesn't allow practicing the electoral process outside of the designated polling centers, additionally it obliged that the voters must attend in person to their polling centers, to practice their electoral right. Accordingly, the IEC has to abide by the electoral law, and must also develop and consider some techniques that go in line with the current pandemic situation.

There are many advantages of this approach, the most important one being that it reinforces the integrity of the election, and raises the voters' level of acceptance regarding the results especially that they are the essence of this process. What characterizes this option is that it allows the comparison of our standards with the international standards regarding the electoral procedures, besides it helps in allocating the polling centers in a way that goes with the geographical and demographic distribution of voters. Additionally, the allocation of polling centers in the electoral districts lessens the fraud attempts that could be noticed and detected immediately.

It also know that this method allows offering an immense number of working force and allocating all needed tools to every center of polling centers and booths, which will strengthen the efficiency level in allocating resources methods. Noteworthy, that the policy of allocating the voters their assigned polling centers is deemed the basis of creating flawless electoral lists that would spare us any obstacles that may occur during the electoral process.

This electoral option strengthens the voting secrecy and lessens the pressure on the voters, since it allows who likes to cast his / her vote to write or point to the list or candidate he desires to vote to.

Electronic voting in polling centers

This option is mainly direct voting in polling centers but by using electronic methods that will help in the electoral process. The voter uses an electronic machine to choose his desired candidate, the voter can directly vote through the electronic machine and it is also feasible that the machine would generate a magnetic card or a printed paper of the same machine, but this option necessitates a reliable electronic infrastructure in a way that serves justice and offers opportunities to all voters. As a result, this will increase the financial cost allocated towards preparing the polling centers.

In the same context, electronic voting is deemed easier than conventional voting, since it helps in counting and announcing votes quickly and directly, besides electronic voting could lessen the crowdedness of the working force in the elections, especially if electronic voting was implemented without having to create any cards. Electronic voting was implemented in many countries, yet it is

not as widespread as typical voting. Electronic voting was first implemented in Australia in October 2001, accordingly the Australian electoral commission recommended in its report to the legislative assembly of the capital government, that electronic voting must only be implemented in polling centers that use safe internet networks.

In 2003, the internet right forum which is a private entity supported by the French government, published its recommendations regarding the future of electronic voting in France, and the recommendations included that only French citizens residing outside of France can use the electronic voting. However, the forum recommended that all citizens whom are eligible to cast their votes must cast their votes only in their assigned polling centers, in light of that France worked in 2004 to use electronic voting in polling centers where eighteen municipalities implemented eighteen electronic voting tests during the European elections in June, 13th 2004, and in the presidential elections in 2017 France only used the typical(paper) voting system.

Electronic voting was used in the UAE where Emiratis voted in 2015 to vote for the members of the “Federal National Council”(known as the Legislative system in the country), where they didn’t use boxes to cast their votes in, but they used voting machines, as a matter of fact they voted through smart voting machines known as “voting machines” to collect and count votes, and that is by direct voting through a machine as in Emirates or by counting ballots that voters casted through a perforated or colored card.

The main disadvantage of electronic voting is its high cost that the electoral process will require in order to prepare the polling center and booths, besides this option needs a completely different training system than the Jordanian context and personnel that have experience and skills in using machines and checking their efficacy and ability to absorb the pressure that the electoral process can cause. Moreover, the electoral process is deemed more difficult in detecting and determining the errors sources as well as technical malfunctions, there is also a possibility that the entire electronic system may fail in counting and announcing votes, which may cause in aborting the entire elections, especially that there are no backup paper records that can be referred to, and the electronic systems

can be easily pirated if they weren't designed and protected safely and previously tested, in turn this would undermine the integrity of the electoral process which will result in the voters doubting the credibility of the elections results.

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In light of the mentioned options, the most effective and practical option to be applied in the electoral process in Jordan, is the typical option which states that the voter goes to the polling center and casts his / her vote according to the procedures that the IEC outlines. Furthermore, the electoral board is supposed to be advised by the health authorities in terms of how to conduct elections with minimum risks.

Second: Remote voting without having to attend the polling center

Electronic voting (via internet) remote

This option doesn't go in line with the legal framework of the Jordanian parliamentary elections, as the electoral law stated clearly that the voters must be allocated certain polling centers they can attend so they can cast their votes. The Jordanian constitution stated in article 67 " the parliament council consists of members elected generally, secretly and directly according to an electoral law that controls the entire process." We can conclude that the constitution gives great deal of attention to the secrecy of elections, and to reaffirm the secrecy concept, the electoral law was mandated and stated that voting must be general, secret and direct, which asserts that the Jordanian legislature adheres to the law and implements it.

However, this paper displays the options so that everyone can strengthen knowledge in this context, electronic voting without having to attend to the polling center is deemed a very rare option and barely used world - wide, and needs prior preparations and arrangements. The voter can cast his / her vote anywhere he wants whether it is his house, workplace, or any place he sees convenient, but there are many question marks on this option. The biggest question mark lies in the secrecy of voting. This option also increases the spread of black money, since any person can acquire the electoral information of the voter, walk into the polling center as him / her, and cast his / her vote to another candidate. This person could even acquire a contacts list of the voter and cast all their votes, which would certainly lessen the integrity and transparency of the elections, besides it is not easy to build the citizen's trust in the electronic electoral process without prior tests and without guarantees to the integrity of the electoral process, not to mention that family - related pressures may come into play if this option was passed, since any family member could impose the rest of the family to vote for a certain candidate, hence undermining the concept of secrecy and freedom of voting.

Additionally, this option could last for one day or a few days before the exact elections day or the final voting date. This option is practiced by assigning every voter a username and password to use

them in order to log in to the official website of the voting process, and on the international level, this option was practiced in Canada through twelve municipalities in Ontario, as the first full electronic elections in Northern America. This election was for municipalities and schools bodies, through using the internet or the phone without polling papers. This election resulted in choosing the governor, the governors deputy, the assistant of the governor's deputy, the board of consultants and the members of schools bodies.

Absentee Voting - via mail

Voting by mail is considered one of the absentee voting options. This option is designed for persons who can't attend to the polling centers, or persons who don't want to attend at all, and this option is deemed one of the options that contributes in raising the participation percentage in elections, but some countries require that persons who intend to use this option must give a reason.

The phases of this process are as follow: The electoral board sends polling papers to persons who applied to use this option via their mails, then the person receives the polling papers and fills them according to terms, afterwards they sends it back to the electoral board via their email, but this option necessitates that the person must have a valid mail, otherwise he / she can't use this option.

As a matter of fact, this option can't be used in Jordan since that the mail in Jordan is rarely used, and there aren't mail addresses to all citizens, additionally this option can be applied a period before the exact voting day, and one of the candidates may withdraw, when he / she already has received votes.

This option was used in Switzerland, as the federal Swiss law allows voting by mail in all elections and federal surveys, and they are allowed to either cast their votes in a polling center or send them by mail. Along the same lines, Germany approved that voting by mail in all elections that occur in Germany is available only upon request, while providing an excuse condition was aborted in 2008 regarding elections that occur on a national level.

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