Consensus after Conflict:
Electoral System Choice in Revolutionary Egypt

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Executive Summary

On February 13, 2011, the Supreme Council of the Armed Forces announced its intent to lead a pluralistic, consensus-driven democratic transition following the popular revolution that ousted President Mubarak. By summer, the SCAF called for elections and decided on a mixed-parallel electoral system, much to the dissatisfaction of Egyptian political parties. While the elections were free and fair, the results did not conform to the SCAF's goal of creating a consensus-driven, pluralistic Assembly. Despite these complications, in March 2012, the SCAF convened a joint session of Parliament for the purpose of convening a Constituent Assembly focused on the drafting of a constitution.

Given these developments, as members of the Constituent Assembly meet, they will begin discussing the future of the electoral system. The attached report develops a set of evaluative criteria to measure electoral system performance against the SCAF's stated goals of consensus and pluralism; measures these criteria against the 2011-2012 People's Assembly elections; and provides policy options for the Constituent Assembly, Supreme Judicial Committee for Elections, and other electoral system reform stakeholders.

Evaluative Criteria

The report begins with a very brief overview of the electoral system, followed by an overview of the policy problem. Specifically, the report aims to answer the following question:

> *What electoral system choices are available to Egyptian policymakers, and what evaluative criteria should be used to decide from among them?*
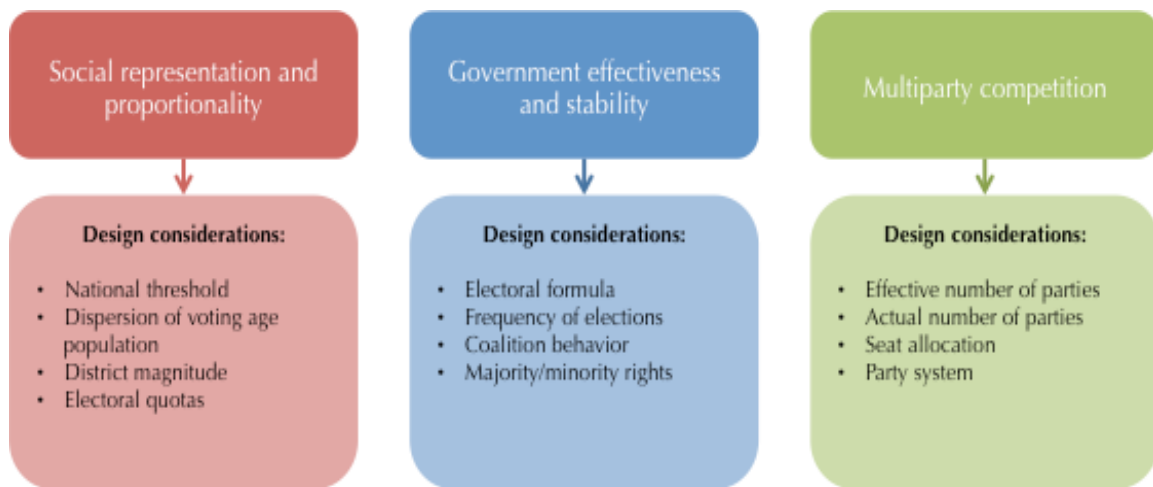
Methodologically, the report builds a set of evaluative criteria, derived from normative democratic principles, for policymakers to use as they construct Egypt's new electoral system. These criteria conform to the SCAF's aim to develop a political system based on consensus and pluralism. They include:

✓ Social representation and proportionality
✓ Government effectiveness and stability
✓ Multiparty competition

The criteria also refer to specific focus areas and design considerations relevant to the reform process.

The 2011-2012 People's Assembly Elections

The report continues with an application of these criteria to the 2011-2012 PA elections. Doing so suggests that with few exceptions, the election results failed to produce a pluralistic, consensus-driven assembly. The following design considerations are analyzed in the following report:

Social representation and proportionality	Government effectiveness and stability	Multiparty competition
Design considerations:	**Design considerations:**	**Design considerations:**
• National threshold • Dispersion of voting age population • District magnitude • Electoral quotas	• Electoral formula • Frequency of elections • Coalition behavior • Majority/minority rights	• Effective number of parties • Actual number of parties • Seat allocation • Party system

Recommendations

Using these considerations, the last section manipulates these design considerations to create three hypothetical assemblies that align with the criteria above. The following options are explored, though more are included in a summary table in Appendix D.

Option A: Adopt a pure proportional list system, keeping the electoral threshold at 0.5%, and increasing the size of each PR district by 50% to compensate for the elimination of majoritarian districts. This will maximize social representation and proportionality.

Option B: Keep the mixed-parallel electoral formula, but switch the seat allocation formula to the D'Hondt sequence. This will maximize government effectiveness and stability.

Option C: Using a pure proportional list system as in Option A, increase the size of each PR district by 50% but increase the electoral threshold to 2% to eliminate smaller parties. This will contribute to multiparty competition in the assembly.

The report closes with a brief conclusion on the need for a data-driven, analytic process in the selection of Egypt's next electoral system.

Introduction

On February 13, 2011, the Supreme Council of the Armed Forces (SCAF) announced its intent to lead a pluralistic, consensus-driven democratic transition following the popular revolution that ousted President Mubarak. To do this, SCAF issued a "Constitutional Proclamation," suspending both houses of Parliament and announcing that the military would "administer the affairs of the country" until elections legitimized a civilian government. The Proclamation called for the formation of a constitutional amendments committee that would submit amendments to the Egyptian people through a popular referendum.

After the referendum passed in March 2011, the SCAF adopted an interim Constitution and began preparations for parliamentary elections scheduled to begin in November. By summer 2011, the SCAF decided on a combined-independent electoral system, much to the dissatisfaction of many Egyptians who believed that proportional systems would better consolidate democratic gains. Critics of the electoral system were skeptical of the SCAF's claim that voters were not ready for a proportional system, and there was general agreement that the electoral rules were inconsistent with the SCAF's stated aim of pluralism and consensus.

> *"The Supreme Council of the Armed Forces believes that human freedom, the rule of law, support for the value of equality, pluralistic democracy, social justice, and the uprooting of corruption are the bases for the legitimacy of any system of governance that will lead the country in the upcoming period."*
> *- Constitutional Proclamation, 13 February 2011*

With the completion of People's Assembly elections in February 2012, the SCAF's commitment to this aim still appears reluctant, if not subversive. Activists, civil society leaders, and political party officials are still harassed. Corruption and economic malaise persist. Former National Democratic Party (NDP) members appear immune from prosecution for past crimes. The military even appears unable (or unwilling) to maintain security, as the Maspero Massacre and Port Said Stadium tragedy seem to suggest.

Despite these complications, in March 2012, the SCAF convened a joint session of Parliament for the purpose of refocusing national attention on the transition's aim of building a democratic political system. As per Article 60 of the

interim Constitution, Members of Parliament will select members of a Constituent Assembly to draft a new Constitution. A critical feature of this process will include the creation of a new electoral system aiming to consolidate democratic gains through pluralism and consensus.

Given these developments, the aim of this report is to develop a set of evaluative criteria to measure electoral system performance against the SCAF's stated goals of consensus and pluralism; measure these criteria against the 2011-2012 People's Assembly elections; and provide policy options for the Supreme Judicial Committee for Elections and other electoral system reform stakeholders.

Research Design: Structuring electoral choices

The debate over how to measure electoral system performance largely revolves around how best the consequences of electoral manipulation conform to contested sets of normative criteria. Studies typically focus on one aspect of this debate: authors choose either to focus on the consequences of electoral manipulation, or they emphasize the relevance of establishing normative criteria to better structure electoral choice. When scholars move to establish a relationship between the two, the connection is typically weak and underdeveloped.

This is not surprising, nor does it necessarily hinder electoral system reform. In the academic literature, this knowledge deficit exists for two reasons. First, it is difficult to weigh the consequences of electoral decisions (which come primarily from "large-n" cross-national data) against normative democratic criteria. For example, an intervention designed to increase party representation might come at the expense of government effectiveness—both vital to democratic consolidation. When electoral system designers are left with these and other dilemmas, the measurement of electoral consequences against normative criteria becomes arbitrary.

Second, there is no normative starting point. System designers are left with sets of criteria that complicate, not clarify, the decision-making process. For example, should the consequences of electoral manipulation be measured against principles of democracy (such as equality and accountability)? Or should consequences focus more on state management and governability, such as system stability or government effectiveness? This poses an additional problem for electoral system designers attempting to align electoral consequences with normative criteria.

The aim of this section is to provide an overview of the existing electoral system, present the policy problem, and introduce the research methodology.

The 2011-2012 People's Assembly elections

After the SCAF adopted an interim Constitution in March 2011, it was agreed that elections would be the first step towards the drafting of a new Constitution. Negotiations were subsequently held between the SCAF and several

prominent political parties over the type of electoral system to be used. Eventually, a combined-independent, or mixed-parallel, electoral system was chosen. Parties advocated for a completely proportional list system, but the SCAF was reluctant to switch from a run-off majoritarian system, whereby 444 members were previously elected from 222 dual member districts.

On September 26, 2011, the SCAF issued Decree Law 120/2011, which described elections to the People's Assembly in detail.[1] The law stipulated a mixed-parallel electoral system for the lower house, combining a proportional list system for two-thirds of the body (332 members) with an independent run-off majoritarian system for the other third (166 members). The 332 list members would be elected from 46 districts, with an average district magnitude of 7.2 members. The legal threshold for representation was 0.5% of the national popular vote. The 46 list districts were further divided into 83 dual member districts, with each voter given two votes. If no candidate reached an absolute majority, or if only one did, a second round was held between the top four candidates.[2]

The law also maintained a 50% "worker/farmer quota," a holdover from the Nasser era that aimed to encourage working class membership in Parliament. In list districts, a zipper rule required parties to alternate workers/farmers from "professionals" on their lists. In majoritarian districts, a complex set of rules ensured that at least one elected member was a worker or farmer. To encourage women, a party quota was enforced, requiring each list to have at least one place reserved for a female candidate. The largest remainder method, and the Hare quota, would be used to allocate seats.

People's Assembly elections were held in three phases, over the course of nearly a month and a half. In each phase, nine districts voted: Cairo, Port Said, Damietta, Kafr el-Sheikh, Alexandria, Luxor, Asyut, Fayoum, and Red Sea voted on November 28-29, with run-offs on December 5-6. Giza, Bani Suef, Sohag, Aswan, Suez, Ismailiya, Sharqiya, Monufiya, and Beheira voted on December 14-15, with run-offs on December 21-22. North Sinai, South Sinai, Daqahliya, Qalyubia, Matruh, Minya, New Valley, and Qena voted on January 3-4, with run-offs on January 10-11.

Generally, observers and monitors praised the elections as free and fair. The Muslim Brotherhood's Freedom and Justice Party (FJP) finished with a plurality of

seats, securing 225 out of the Assembly's 498 seats (45.2%). The Salafi Nour Party finished in second, with 124 seats (24.8%). Figure 1, below, displays the results.

Figure 1. People's Assembly election results
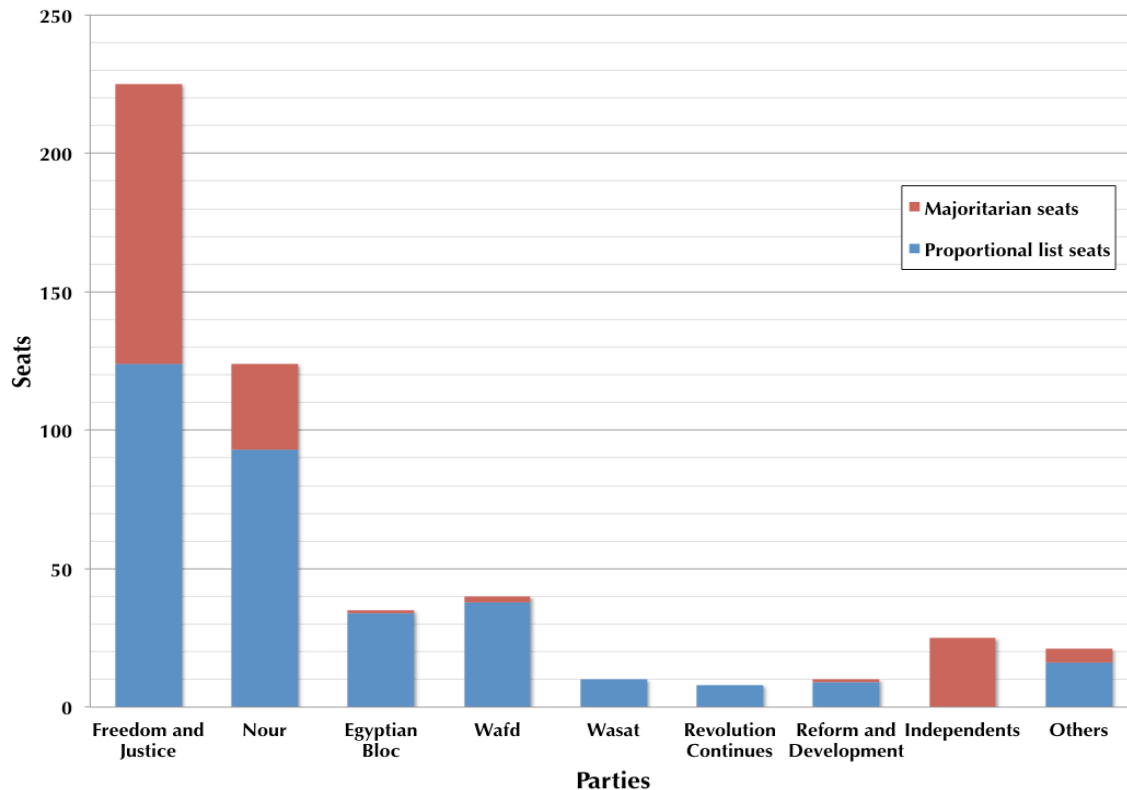
The results came as a shock to many Egyptians, who feared the overwhelming influence of the FJP and Nour. Liberal parties, in particular, performed poorly. Parties formed around former National Democratic Party (NDP) partisans managed to secure seats in pockets throughout the country, despite minimal nationwide popularity. Moreover, only nine women and eight Coptic Christians were elected. The results prompted considerable unease, especially amongst secular elites, youth movements, women, and underrepresented minorities who believed they were going to be shut out of the constitutional process.

Policy Problem

The electoral system failed to produce a pluralistic assembly that would need to rely on building consensus in order to achieve the demands of the Revolution. Many believed the elections occurred too soon, conferring an unfair advantage to mass movements like the Muslim Brotherhood that were easily able to mobilize support. Others were critical of the electoral formula: the majoritarian districts went almost entirely to FJP, Nour, and unaffiliated independent candidates. The exceptionally low national threshold now seemed almost intentionally designed to incentivize small parties to run on their own lists (rather than form coalitions. As the Constituent Assembly meets to discuss the future of the electoral system, these arguments, as well as the expected changes likely to result from electoral alternatives, will structure the debate.

The purpose of this report is to inform Egyptian policymakers as they begin to approach the question of electoral system choice, particularly for the People's Assembly. The central research question is summarized below:

> *What electoral system choices are available to Egyptian policymakers, and what evaluative criteria should be used to decide from among them?*

Methodology

This report relies on a three-part research design, consisting of the development of evaluative criteria, an application of these criteria to the 2011-2012 People's Assembly elections, and a summary of policy interventions and their implications in light of findings. Figure 2 below summarizes this approach.

Figure 2. Methodological approach
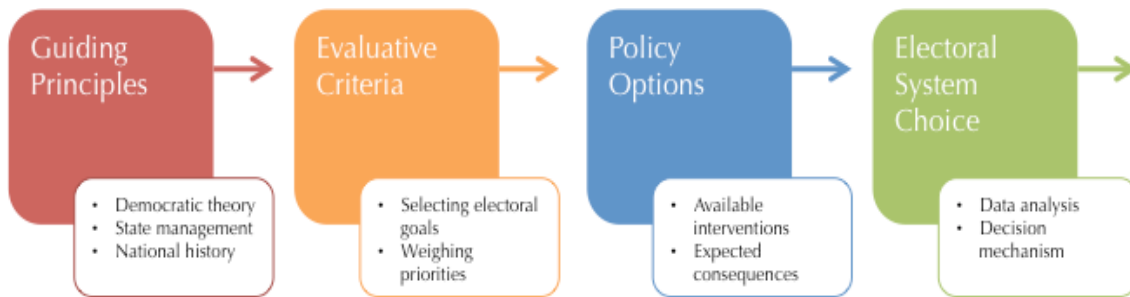
The first step in electoral system design is the distillation of evaluative criteria from democratic principles. These principles come either from normative theories of democracy, theories of state management and institution building, or the national history of the country in question. The International IDEA, for example, provides one set of criteria for design, based primarily on normative democratic theory.

Too often, electoral system designers fail to prioritize from among these principles, leaving them with an overwhelmingly expansive knowledge of ideal-types. Consequently, policymakers neglect to consider *what they are actually trying to accomplish*. This is a critical step in the design process. Electoral goals must be set, and competing priorities must be weighed.

After settling on a set of criteria the range of available interventions and their expected consequences must contribute to an overview of policy options. These options can be limited, for political or functional reasons. For example, electoral bodies might not have the financial or personnel resources to hold run-off elections. Once the effects of policy

Criteria for Design

✓ *Providing representation*

✓ *Making elections accessible and meaningful*

✓ *Providing incentives for conciliation*

✓ *Facilitating stable and efficient government*

✓ *Holding the government accountable*

✓ *Holding representatives accountable*

✓ *Encouraging political parties*

✓ *Promoting opposition and oversight*

✓ *Making the election process sustainable*

✓ *Taking into account 'international standards'*

International IDEA, Electoral System Design

interventions are properly understood, policymakers can then create a process for decision.

In the following section, evaluative criteria agreed upon by Egyptian policymakers (in particular, the SCAF and political parties), are presented. All statistics and figures rely on elections data released by the High Judicial Elections Commission[3] and population data from Central Agency for Public Mobilization and Statistics (CAPMAS).[4]

Building evaluative criteria

The Constitutional Proclamation makes clear that the transition process, and democratically elected institutions, must be consensus-driven. In her review of the historical role of consensus in shaping Egyptian politics, Mikawy (1999) writes that consensus is facilitated in two ways: the arrangement of pacts, and the holding of elections. Pacts provide democratizing forces with the opportunity to pool resources and ally together. Similarly, the elections process can do more than build opinions and legitimize the majority: it can become an act of consensus in itself, as democratizing forces focus less on polarizing language and more on contested democratic rules and procedures.

The transition process has consistently emphasized pluralism and healthy democratic dialogue as necessary for consensus. The Constitutional Proclamation makes specific mention to "pluralistic democracy." As the SCAF prepared the electoral law, it frequently invited all political parties to provide input and feedback. On several occasions, this resulted in substantial changes to the law. The SCAF changed the electoral formula twice under pressure from parties. The SCAF also eliminated a clause from Decree Law 120/2011 that prevented individuals affiliated with political parties from running in majoritarian districts. In advocating for these changes, parties hoped that the elimination of restrictions would diversify the composition of Parliament.

From these principles of consensus and pluralism, Egyptian policymakers generally agree that the evaluative criteria most relevant to electoral system choice include social representation and proportionality, government effectiveness and stability, and multiparty competition. Each of these criteria has three relevant areas of focus and several electoral design considerations. Figure 3, shown below, summarizes these criteria and highlights some of the focus areas and design considerations examined in this report.

Figure 3. Evaluative criteria – Focus areas and design considerations
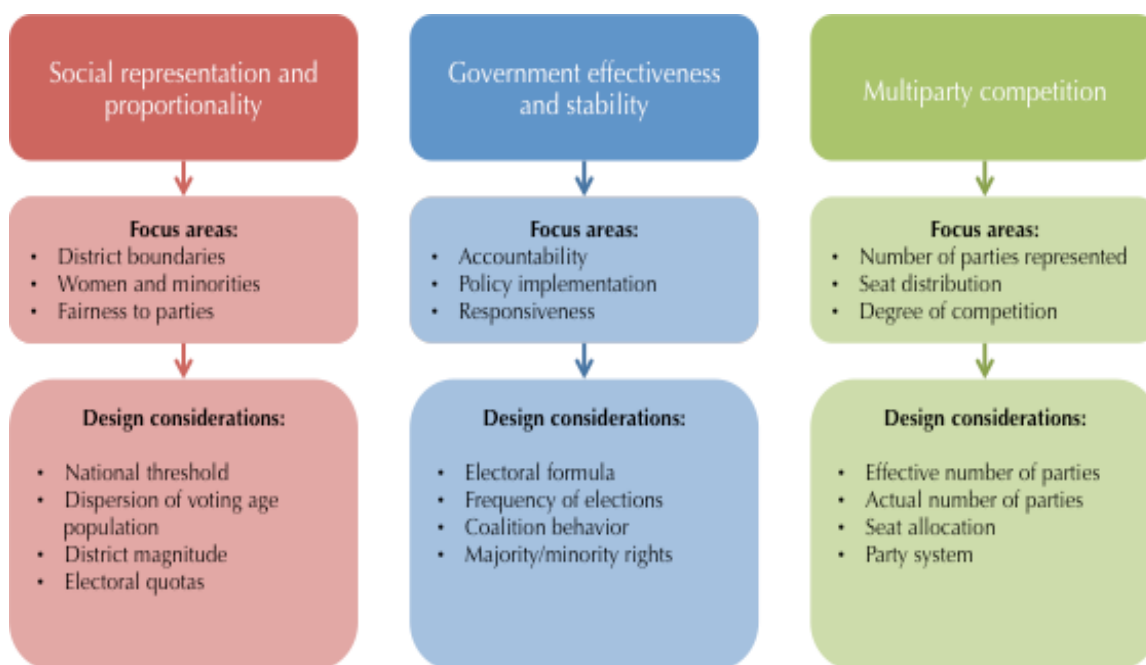
Social representation and proportionality

This criterion focuses on the degree to which Parliament is representative of society. The electoral system should encourage fair and adequate demographic representation, governorates and electoral districts should be assigned members in proportion to their population, and smaller parties should be given a chance to compete. The following design considerations should be considered in furtherance of these goals:

✓ National threshold: the threshold a party must meet in order to obtain representation, expressed as a percentage of the popular vote
✓ District magnitude: the number of representatives elected from each district
✓ Dispersion of voting age population: the number of eligible voters in each district
✓ Electoral quotas: reserved seats or legal candidate quotas designed to increase representation for particular groups (i.e., women and minorities)

Government effectiveness and stability

This criterion focuses on the extent to which Parliament is able to effectively carry out its responsibilities, without being vulnerable to volatile changes to its composition in the short term. Parliament must be held accountable (both legislative accountability and electoral accountability), it must be able to implement policy, and it must be responsive to constituent demands. Design considerations include, primarily, a decision on the electoral formula (proportional or majoritarian), in addition to the structure of the executive.

✓ Electoral formula: majoritarian, proportional list, or combined
✓ Frequency of elections: held in regular intervals, or when a governing coalition collapses
✓ Coalition behavior: the mechanisms by which coalitions are formed when no party obtains a majority of seats; allocation of parliamentary offices
✓ Majority/minority rights: the responsibilities of the government versus the responsibilities of the opposition

Multiparty competition

Consensus and pluralism are enhanced by the promotion of rules that encourage dynamic party competition. In particular, this criterion focuses on the distribution of seats in the assembly, the total number of parties represented, and the extent to which there is legislative competition. Design considerations include the effective and actual number of parties, seat allocation methods, legislative behavior and rules, and the type of party system generated by the rules

✓ Effective number of parties: the degree of fragmentation in a party system
✓ Actual number of parties: the total number of parties with at least one seat in Parliament
✓ Seat allocation: the mechanism by which votes are translated into seats
✓ Party system: party disproportionality, relevance, and system type

2011-2012 People's Assembly Elections

This section aims to measure the results of the People's Assembly elections against the aforementioned evaluative criteria: social representation and proportionality, government effectiveness and stability, and multiparty competition.

Social representation and proportionality

As the election results were announced, it became increasingly clear that the People's Assembly would be demographically, geographically, and politically unrepresentative of Egyptian society. There were a number of design considerations that might have mitigated this problem.

National threshold

The SCAF opted for a national threshold for proportional list districts of 0.5%: the lowest of its kind in the world. Low national thresholds disincentivize the formation of electoral coalitions and may lead to fragmented, multiparty legislatures in emerging democracies. The Egyptian elections were no exception, with 35 political parties and coalitions submitting at least one list in 46 districts. 20 political parties did not meet the threshold. These parties received roughly 800,000 votes nationwide, or 2.8% of the popular vote. A few other statistics are worth noting:

- ✓ 14 parties submitted lists for less than 10 districts (10 of those parties submitted lists for less than 5 districts, and 5 submitted lists for only one);
- ✓ Only 10 parties submitted lists for at least half the districts;
- ✓ The top five political parties (FJP, Nour, Egyptian Bloc, Al Wafd, and Al Wasat) received 84.6% of the popular vote.

Figure 4 lists each party that participated in the elections, followed by the number of lists it submitted and its percentage of the popular vote.

Figure 4. Proportional list participation, by party

Party	Lists (#)	National Vote (%)
Freedom and Justice	46	36.401%
Al Nour	44	27.064%
Egyptian Bloc	42	8.742%
Al Wafd	45	8.910%
Al Wasat	44	3.548%
Revolution Continues	31	2.671%
Reform and Development	43	2.171%
National Party	19	1.527%
Freedom Party	33	1.847%
Al Adl	21	0.663%
Conservative Party	30	0.981%
Egyptian Citizen	19	0.846%
Democratic Peace Party	25	0.894%
Al Ghad	15	0.356%
Union	14	0.508%
Arab Nasserist	14	0.480%
Egyptian Revolution	12	0.243%
Democratic Front	11	0.155%
Arab Egyptian Union	14	0.536%
Modern Egypt	16	0.199%
Egypt The Revolution	6	0.275%
New Independents	10	0.429%
Guardians of the Revolution	2	0.038%
Human Rights and Citizenship	1	0.016%
Social Peace Party	5	0.041%
Awareness	2	0.067%
Arab Party for Justice and Equality	8	0.151%
Free Social Constitutional Party	3	0.035%
Justice and Development	2	0.076%
Free Party	1	0.002%
Al Tahrir (Liberation) Party	2	0.037%
Umma Party	1	0.026%
Liberal Socialist	1	0.038%
Voice	1	0.027%
People's Democratic Party	1	0.001%

District Magnitude

The basic unit of Egypt's electoral administration is the governorate, of which there are 27. Since there are not enough judges to conduct elections throughout the country simultaneously, elections are phased: nine districts voted in three phases in the 2011 elections. Because of this decision, districts lines are drawn according to the size of each governorate, without regard for the national distribution of eligible voters. Despite this constraint, district magnitude appears poorly conceived—especially in proportional districts, where the number of representatives could have been altered. For example, there are 28,745 voters per representative in New Valley, while Cairo's second district has 257,535 voters per representative. On average, in these districts, there are 128,000 voters per representative. Figure 5 provides a visual representation of this disparity:

Figure 5. Voting age population in proportional districts
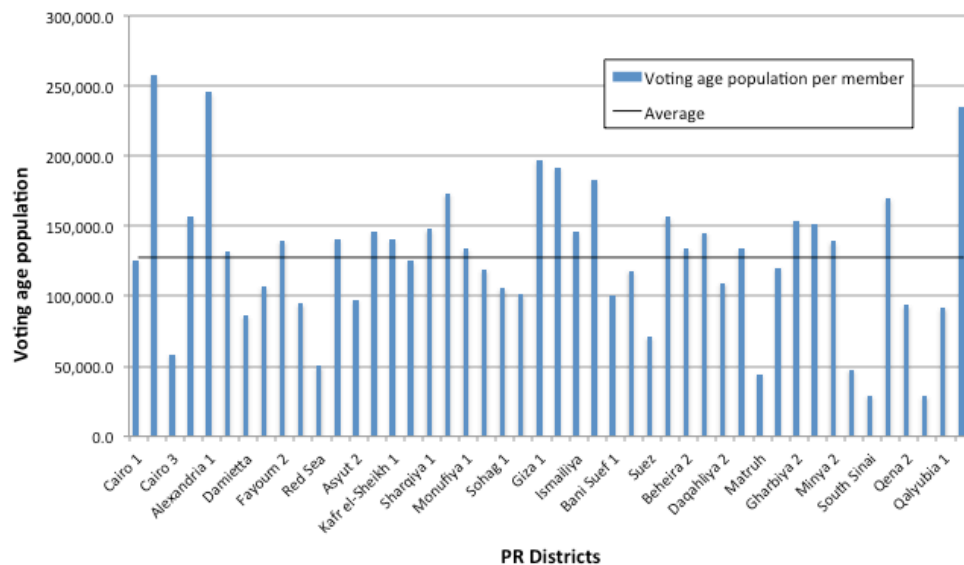
Similarly, in majoritarian districts (each of which elects two members), the voting age population varies from 114,978 voters in New Valley, to 1,348,103 voters in Cairo's fifth district. On average, each district has roughly 540,000 eligible voters. Figure 6 provides a visual representation of this disparity, as well:

Figure 6. Voting age population in majoritarian districts
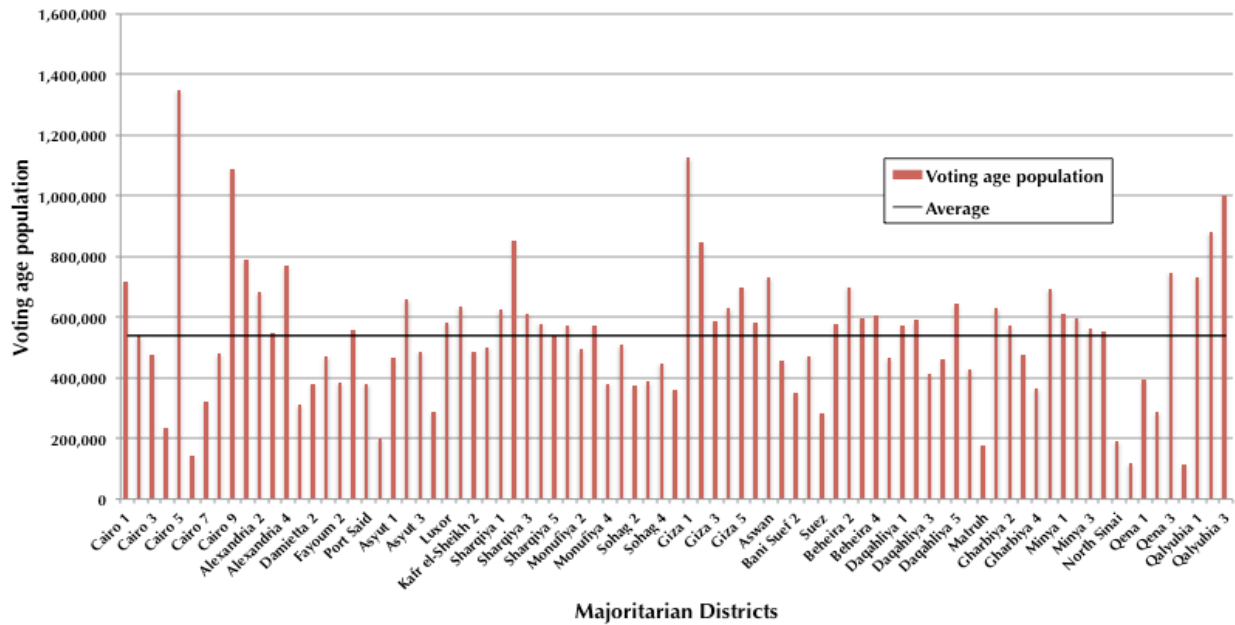
Dispersion of voting age population

Generally, there is a positive correlation between governorate population and the total number of seats per governorate, as shown below. There are a few anomalies, however. In some cases, districts of roughly equal size have fewer seats.

A change in the district magnitude could have alleviated these small disparities. Instead, some districts are underrepresented according to their population, and some governorates have a disproportionate amount of representation in the People's Assembly. This is particularly true for smaller governorates, such as Suez, North Sinai, South Sinai, and Port Said. For example, South Sinai and Aswan have the same number of total seats, despite the fact that Aswan's population is roughly six times greater.

Figure 7. Seats per governorate, by population
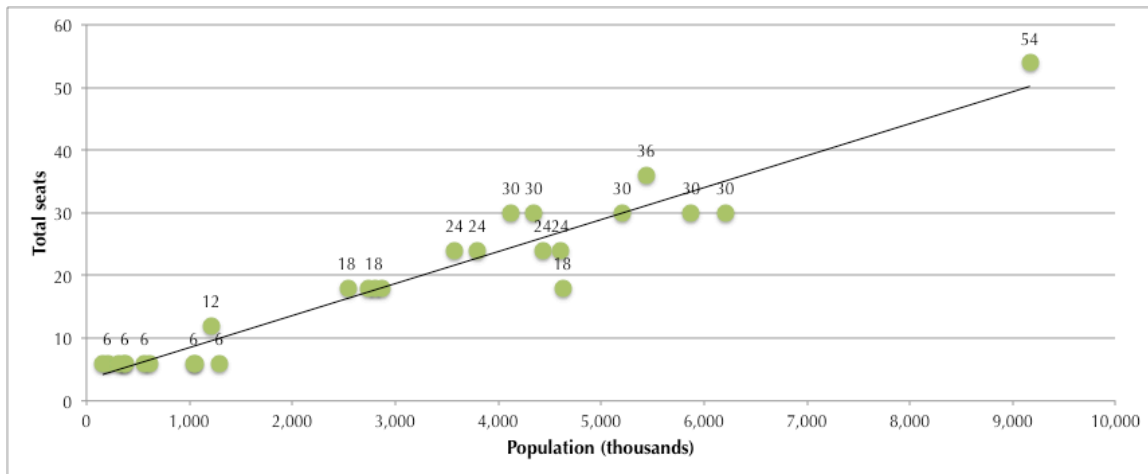
Electoral quotas

As the election laws were released, it became increasingly clear that the SCAF had no intention of renewing the reserved seat system used to elect 64 women to the People's Assembly in the 2010 parliamentary elections. Though the reserved seat quota was controversial, it was assumed the SCAF would keep it, since it never came to effect. Instead, the SCAF adopted a party quota, mandating that each party list have at least one female candidate.

Consequently, only nine women were elected to the People's Assembly: four from FJP, three from Al Wafd, and one each from the Egyptian Bloc and Reform and Development. Most parties placed women at the bottom of their lists, leaving them with little real chance of getting elected.

Government effectiveness and stability

Initially, the SCAF sought to limit the effectiveness of the People's Assembly by instituting a low national threshold and allowing only a third of the party's members to be elected by proportional list. Though SCAF's initial intentions might have been to intentionally fragment the Assembly and prevent the formation of coherent political powers in Parliament, political parties eventually pushed back.

The electoral formula

The SCAF eventually settled on a mixed-parallel system, whereby only one-third of the Assembly would be elected from two-member majoritarian districts. Despite this change, the SCAF again tried to limit the power of the Assembly by prohibiting candidates running in majoritarian districts from affiliating with political parties. There was considerable apprehension that this provision would lead to the election of 116 "*felool*," or remnants of the former regime who still had the resources and influence to succeed in their electoral districts. Consequently, under further pressure from political parties, the SCAF relented, and revoked this provision from Decree Law 120/2011

The electoral formula had the unintended consequence of providing an electoral cushion to the strongest party, Freedom and Justice. Despite getting only 36.4% of the popular vote, the party holds 45.2% of seats in the PA after winning 93 of 116 seats allocated to majoritarian districts. As SCAF planned, however, there were a number of independent candidates who won seats. 25 seats went to unaffiliated candidates, many of whom were formerly affiliated with the NDP. Appendix C shows these results in greater detail.

Presidential or Parliamentary Executive

There are a number of design considerations that will stem from the structure of the executive, and whether it is presidential, parliamentary, or mixed. Lijphart (1999) describes the differences between presidential and parliamentary systems. Presidential systems elect a president for a fixed term of office under direct popular election, and governance is non-collegial: one person is responsible for oversight of a subordinate cabinet. Parliamentary systems, in contrast, leave a prime minister subject to a vote of no confidence (and thus, accountable to the legislature). The prime minister is typically the head of the largest party, with a cabinet holding collective responsibility.

Historically, Egypt has had a presidential system. With PA Members likely to participate in the drafting of the constitution, however, it seems likely that they will

compromise on a mixed system. Typically, mixed systems mandate mutual autonomy and cohabitation. A president is elected by direct popular vote independent of the legislature, but the prime minister is dependent on parliament and shares executive powers with the president. Other electoral design considerations stemming from the structure of the executive include: election frequency, coalition behavior (how governing coalitions are formed), and minority rights (whether or not an "opposition" group forms in the legislature).

Multiparty competition

The SCAF was well aware that no one political party, or small group of parties, could adequately reflect the diversity of Egypt's pluralistic electorate. The SCAF sought inclusivity as the electoral laws were drafted, meeting regularly with a wide range of political parties. As the results indicate, however, there is unlikely to be robust party competition in Parliament. With FJP and Al Nour holding 70% of the seats (45% and 25%, respectively), smaller parties cannot successfully mount real challenges to the hegemony of the FJP (since most have been unwilling to cooperate with Al Nour). The following design considerations are useful for policymakers interested in rethinking the multiparty balance in the PA.

Effective number of political parties

This tool summarizes the degree of fragmentation of a party system, measuring either the percentage of the popular vote a party secures, or the percentage of seats it obtains in the legislature. The effective number of political parties (N) describes the results in terms of party power in the legislature. The effective number of political parties in the PA is 3.55, meaning that the PA's party system is as fragmented as if it contained exactly 3.55 equal-sized parties.[5]

Looking at the results, such a small number might not leave much room for robust party competition in the Assembly. Considering FJP and Al Nour each have at least 25% of all seats, voters are left with only 1.55 alternatives. If the PA is as fragmented as if there are 3.55 political parties, and if two of them are Islamist-oriented, voters are presented with a very simple choice: support either the

stronger, more organized Islamist parties, a smaller alternative, or an independent candidate.

Actual number of parties

Excluding independents, fourteen political parties have at least one seat in the PA. Although half of these parties have five or fewer seats, policymakers might want to consider whether or not there is any value in creating rules that encourage or discourage these parties from winning seats. It could be the case that certain political parties represent minority interests, or have a very narrow niche in the electorate. In this particular case, these seven smaller parties were successful largely because they took advantage of institutional structures in place before the revolution. Many of these parties, such as Union, Citizen, National, and Freedom, are parties comprised of NDP members: representatives very familiar with their electoral turf.

Seat allocation formula

Seat allocation refers to the mechanism by which votes are translated into seats in proportional list districts. In general, there are two categories of formulas: highest average and largest remainder. Highest average formulas allocate seats sequentially, awarding seats to parties that present the highest average. In this case, "averages" are constructed by dividing the number of votes a party wins by the number of seats it has already been awarded. The D'Hondt sequence uses a sequential divisor, and the St. Lague sequences uses odd-numbered divisors.

Largest remainder formulas use quotas formed by dividing the number of votes cast by the number of seats to be awarded. A party gets a seat for each full quota it reaches, with the remaining seats allocated to parties with the most votes left over. The Hare quota is obtained by divided the number of total votes by the number of seats, whereas the Droop quota is calculated by dividing the total number of votes by the number of seats plus 1.[6] Egypt used the largest remainder method and the Hare quota to allocate seats in the elections.

Party system

Party systems can be described in terms of party relevance and party system type. Sartori (1976) describes two specific rules for determining whether or not a party in the legislature is relevant. First, a party is *irrelevant* if it's inclusion in a coalition is infeasible or its presence in the legislature is superfluous. Sartori describes this as a party's "coalitional potential." Second, a party is relevant if it is able to change the direction of competition, or move the ideological debate in one direction or another. This is a party's "blackmail potential." A simple review of the results indicates again that only FJP and Al Nour have either coalitional or blackmail potential. The Egyptian Bloc and Al Wafd, with roughly 10% of seats each, appear unable to exercise either form of relevance, given the ideological proclivities of potential coalition partners.

Building on Sartori's focus on the number of *relevant* parties, Ware (1996) developed a general typology, grouping party systems into four broad types. Egypt is a party system with two large parties and several smaller ones, according to this classification, shown in Figure 8 below. Two-party systems with several small parties tend to incentivize intense competition and rivalry between the two leading parties. This strengthens weaker parties, who are forced into the fray by virtue of their coalition-building potential.

Figure 8. Party system classification (Ware, 1996)
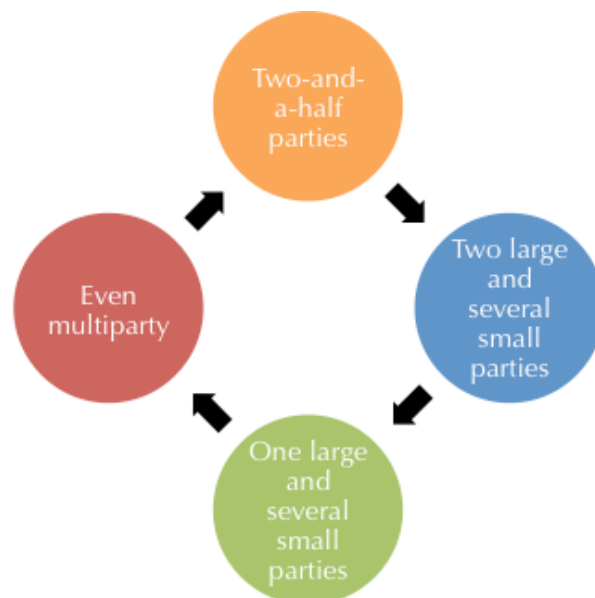
Recommendations: Choosing a new electoral system

This section aims to provide policymakers with a menu of electoral options given the consequences of specific electoral manipulations. These options are derived from manipulations to the above design considerations, focusing on effects on the evaluative criteria: social representation and proportionality, government effectiveness and stability, and multiparty competition. Specifically, the section focuses on four policy interventions, shown in Figure 9 below. For each intervention, a limited number of options are explored. As discussed below, these limits reflect those generally acceptable to political forces involved in the design process.

Figure 9. Policy interventions and options

Electoral formula

Options:
- Parallel: 1/3 majoritarian (no change)
- Proportional list

National threshold

Options:
- 0.5% (no change)
- 2%

Seat allocation

Options:
- Hare (no change)
- d'Hondt
- Droop
- St. Lague

District magnitude

Options (if proportional list):
- Average district magnitude of 7.2 (no change)
- Average district magnitude of 10.8 (50% increase across each district)
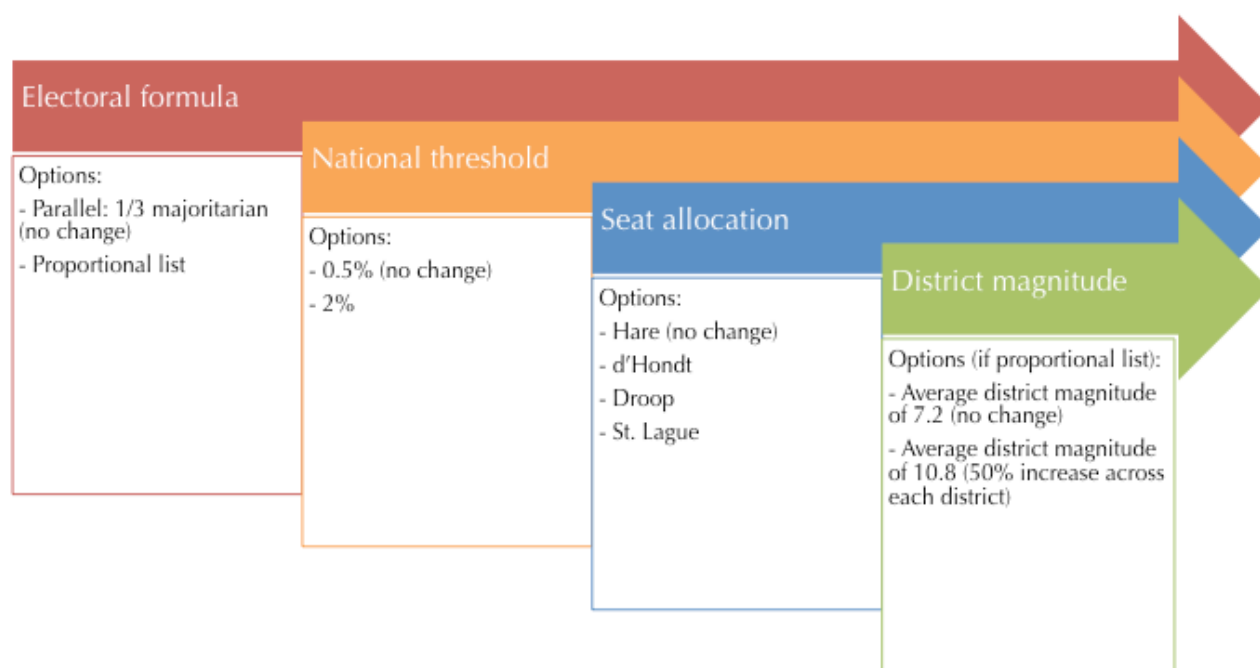
Policy interventions

The first step of the design process should focus on the electoral formula. Throughout the 1990s and 2000s, 444 members were elected from 222 two-

member majoritarian districts. After the Revolution, political parties criticized this formula as incentivizing corruption and patronage. Most political parties were in agreement that the entire PA should be elected by proportional list, but the SCAF eventually decided to elect one-third of the Assembly in two-member majoritarian districts.

Next, the process should focus on the national threshold, and the extent to which small parties are encouraged to submit lists. The SCAF settled on an electoral threshold of 0.5%, under pressure from newly formed political parties who wanted a chance to win. This section considers the effects of raising the threshold to 2%, but it should be noted that this too is relatively low. Most advanced democracies adopt thresholds between three and five percent.

Third, different seat allocation formulas will advantage different parties. Of the highest average formulas, the D'Hondt is the most ungenerous to smaller parties, whereas St. Lague is typically more equitable. Similarly, of the largest remainder formulas, smaller quotas tend to favor larger parties. The Hare quota is more equitable, while the smaller Droop quota favors larger parties.

Last, the process should examine district magnitude. In proportional list districts, the average district magnitude was 7.2 members. Electoral designers can choose to maintain the status quo, but it might be more appropriate to increase each district magnitude by 50% in the absence of majoritarian districts elected in parallel. This section looks only at a 50% increase, or maintenance of the status quo.

Alternative options

Applying these four interventions to district-level electoral returns sheds some light on the consequences of different electoral systems. This section models three hypothetical assemblies, each of which emphasizes one element of the evaluative criteria. It should be noted that, given the interventions outlined above, there are 24 different hypothetical assemblies. This section considers three for brevity.[7]

Option A: Social representation and proportionality

In order to account for a more thorough balance of diverse political views in the PA, Egyptian policymakers might want to consider adopting a pure proportional list system, keeping the electoral threshold at 0.5%, and increasing the size of each PR district by 50%, to compensate for the elimination of majoritarian seats. Applied to recent results, these changes would have increased the effective number of political parties to 4.23, while awarding 36.3% of all seats to the FJP, rather than 45.2%. The system also relies on using the largest remainder method for allocating seats (Hare quota). Below, Figure 10 provides a visual representation of each party's winnings.

Figure 10. Hypothetical People's Assembly election results (A)
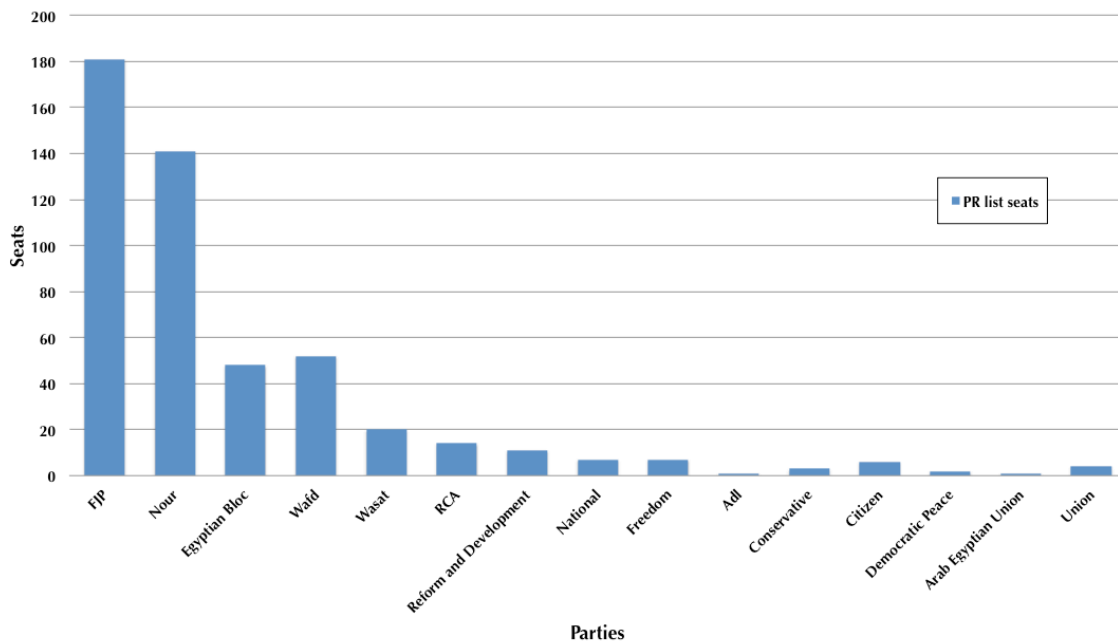
Option B: Government effectiveness and stability

In order to provide a particular party with an electoral cushion, policymakers should consider switching the seat allocation formula to the highest

average method, using the D'Hondt sequence to allocate seats. This small switch would have allowed the FJP to win 257 seats, or 51.6% of the assembly. This formula would also have led to Al Nour securing 29.7% of seats, and reduced the effective number of parties in the legislature to 2.8—a significant drop from 3.6 under the Hare quota. The benefits of providing a cushion to stronger parties are clear: the stronger party will have a more robust mandate to exercise power in the assembly, and the rules might incentivize smaller parties to pool resources in future elections. See Figure 11 below for a representation of this dominance.

Figure 11. Hypothetical People's Assembly election results (B)
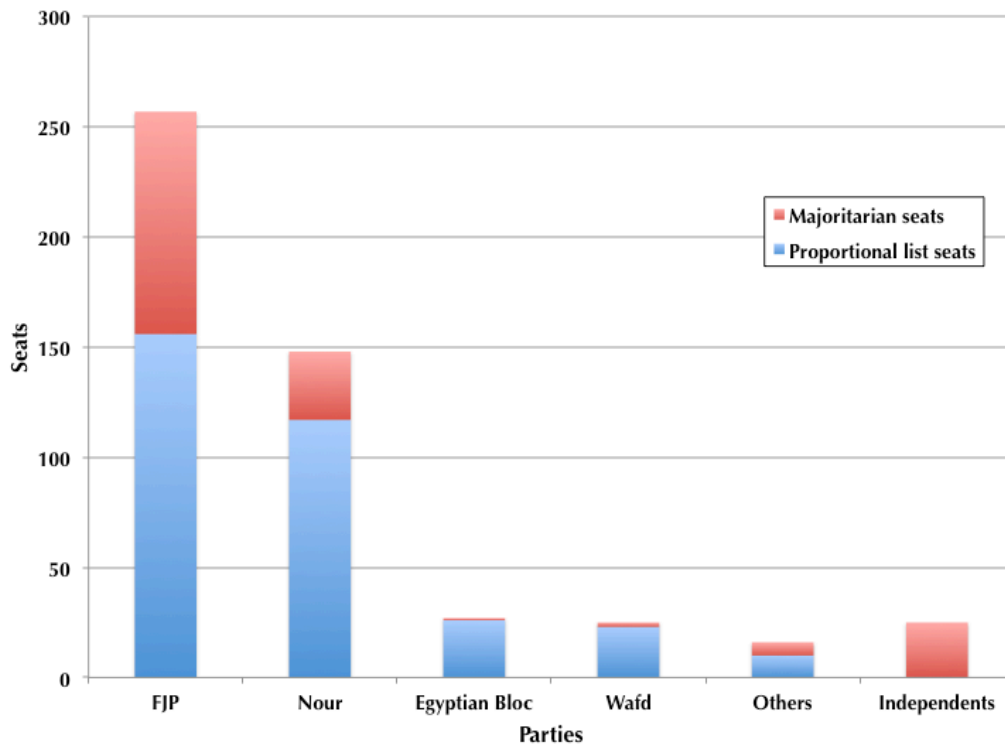
Option C: Multiparty competition

To provide for meaningful party competition in the assembly, policymakers should consider Option A and raise the national threshold to 2%. This will reduce the number of parties in Parliament from 14 to 7, and it will increase the effective number of parties to 4.23. Under this system, the FJP would only have won 36.3%

of seats in the assembly. This option will make it difficult for Parliament to pass laws, but it will incentivize the formation of coalitions and, ultimately, the long-run development of political parties.

Figure 12. Hypothetical People's Assembly election results (C)
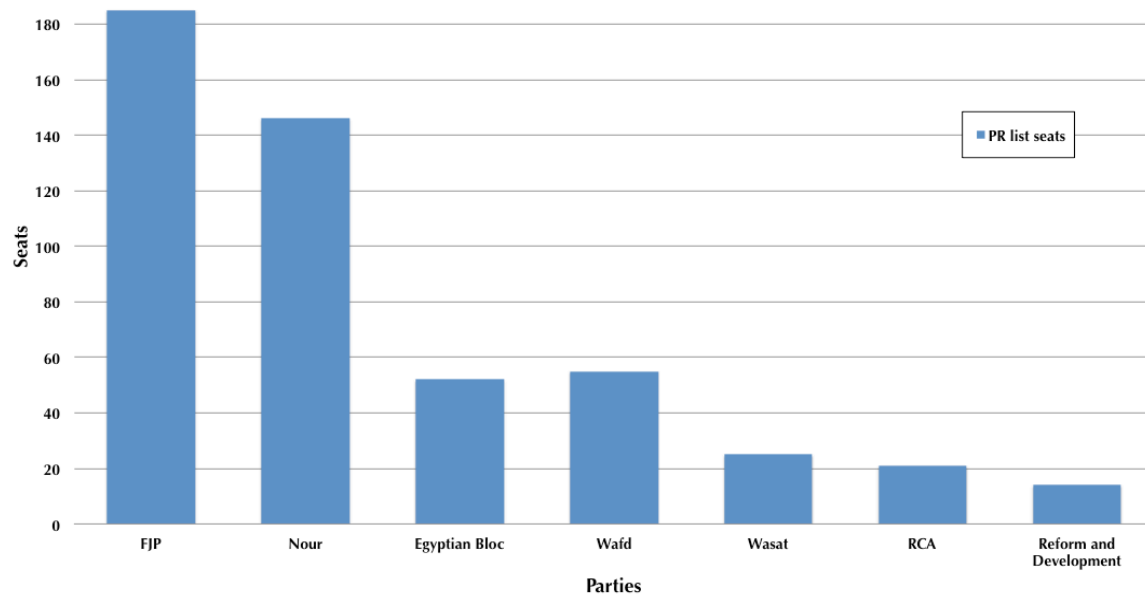
Conclusions

This report provides a foundation for Egyptian policymakers interested in a data-driven, analytic approach to the problem of electoral system choice in revolutionary Egypt. The SCAF's failure to align process-focused goals with political goals of consensus and pluralism were reflected in the results of the 2011 People's Assembly elections. As the Constituent Assembly meets to discuss electoral system reform, they should consider prioritizing social representation and proportionality, government effectiveness and stability, and multiparty competition. Doing so could lead to a more inclusive electoral system.

Ultimately, Egyptians must decide for themselves how best to proceed with reform. Designing an electoral system is never easy, and the final choice usually reflects a series of compromises and disappointments. Egypt's transition from autocracy has been difficult, but the choice of an electoral system will provide Egyptians with the opportunity to consolidate democratic gains and begin developing nascent democratic institutions.

Appendix A: Decree Law 120/2011

The Supreme Council of the Armed Forces Decree-Law No 120/2011
On the amendment of some of the provisions of Law No 38/1972 on the People's
Assembly
And Law No 120/1980 on the Shura Council

The President of Supreme Council of the Armed Forces,

After reviewing:
- Constitutional Proclamation issued on February 13, 2011;
- Constitutional Proclamation issued on March 30, 2011;
- Constitutional Proclamation issued on September 25, 2011;
- Law No 38/1972 concerning the People's Assembly; and
- Law No 120/1980 on the Shura Council; and

After consulting the Higher Election Commission;
And after the approval of the Cabinet;

Has hereby made
The following Decree Law, which we hereby issue:

(Article one)
Provisions of articles 1 (first paragraph), 3 (first, second, third, and fifth paragraphs), and 9 (last Para) of Law No 38/1972 concerning the People's Assembly shall be replaced by the following:

Article 1 (first paragraph): The people's Assembly shall be composed of (498) members to selected via general secret direct voting, provided that half of whom at least shall be laborers and farmers

Article 3 (first, second, third, and fifth paragraphs):
(Paragraph 1): Two thirds of the People's Assembly members shall be elected by closed party list system, while the other third by Single-member system. The

number of closed party list members representing each governorate must be equal to two thirds of the number of seats designated for such governorate. Also, the number of Single member members representing it must be equal to one third of the number of seats allocated for it.

(Paragraph 2): The Arab Republic of Egypt shall be divided into (46) constituencies for the List system.

(Paragraph 3): Furthermore, the Republic shall be divided into (83) constituencies for the single-member election system by which two members shall be elected for each constituency, one of whom one at least shall be a laborer or farmer.

(Paragraph 5): In observance of the provision of Article 16 hereof, the number of candidates for any of the lists must be equal to two thirds of the number of seats allocated for the constituency provided that half of whom at least shall be laborers or farmers. A non-laborer/farmer candidate shall not be followed by another nonlaborer/farmer candidate. In all cases, each list must include one name of a woman candidate at least.

Article 9 (last Paragraph): Any party submitting a list in a constituency may exercise the right provided for in the two preceding paragraphs for the candidate thereof whose name is on the list system candidate list.

(Article 2)

A new article shall be added to the said Law No 38/1972 under number 15 bis, as follows:

Article 15 (bis): Should the distribution of seats, based on ballot result, results in the incompletion of the percentage of workers and peasants in any list constituency, such percentage shall be completed through the list of which elected members got the least electoral factor in the constituency. This shall be done in the same order stated in this list.

The electoral factor is calculated by dividing the number of votes cast for each list in the constituency by the number of members elected from the same list.

[…]

(Article 5)

Anyone applying for the membership of the People's Assembly or the Shura Council through the single-member system shall not be affiliated to any political party. For the continuity of their membership, they shall retain the capacity upon which they were elected; should anyone lose such capacity, their membership shall be dropped by two-thirds majority.

(Article 6)

This decree shall be published in the official gazette, have the force of law and shall be in force as of the day following the date of publication thereof.

Field Marshal/ Hussein Tantawi
Chairman of the Supreme Council of the Armed Forces

Issued in Cairo on 28 Shawwal 1432 AH (Corresponding to 26 September 2011 AD)

Appendix B: People's Assembly districts

Seat distribution

Governorate	Population (thousands)	Population (%)	List PR districts (#)	List PR seats (#)	Majoritarian districts (#)	Majoritarian seats (#)	Total seats	Total seats (%)
Alexandria	4,438	5.6%	2	16	4	8	24	4.8%
Aswan	1,292	1.6%	1	4	1	2	6	1.2%
Asyut	3,800	4.8%	2	16	4	8	24	4.8%
Bani Suef	2,540	3.2%	2	12	3	6	18	3.6%
Beheira	5,206	6.5%	2	20	5	10	30	6.0%
Cairo	9,168	11.5%	4	36	9	18	54	10.8%
Damietta	1,211	1.5%	1	8	2	4	12	2.4%
Daqahliya	5,440	6.8%	3	24	6	12	36	7.2%
Fayoum	2,803	3.5%	2	12	3	6	18	3.6%
Gharbiya	4,347	5.5%	2	20	5	10	30	6.0%
Giza	6,210	7.8%	2	20	5	10	30	6.0%
Ismailiya	1,057	1.3%	1	4	1	2	6	1.2%
Kafr el-Sheikh	2,875	3.6%	2	12	3	6	18	3.6%
Luxor	1,043	1.3%	1	4	1	2	6	1.2%
Matruh	372	0.5%	1	4	1	2	6	1.2%
Minya	4,607	5.8%	2	16	4	8	24	4.8%
Monufiya	3,580	4.5%	2	16	4	8	24	4.8%
New Valley	204	0.3%	1	4	1	2	6	1.2%
North Sinai	385	0.5%	1	4	1	2	6	1.2%
Port Said	617	0.8%	1	4	1	2	6	1.2%
Qalyubia	4,636	5.8%	2	12	3	6	18	3.6%
Qena	2,738	3.4%	2	12	3	6	18	3.6%
Red Sea	313	0.4%	1	4	1	2	6	1.2%
Sharqiya	5,876	7.4%	2	20	5	10	30	6.0%
Sohag	4,124	5.2%	2	20	5	10	30	6.0%
South Sinai	157	0.2%	1	4	1	2	6	1.2%
Suez	563	0.7%	1	4	1	2	6	1.2%
Totals	79,602		46	332	83	166	498	

= Phase 1; ### = Phase 2; ### = Phase 3

Proportional list district magnitude

Governorate	PR seats (#)	PR district magnitudes (list sizes)			
		1	2	3	4
Alexandria	16	6	10		
Aswan	4	4			
Asyut	16	8	8		
Bani Suef	12	8	4		
Beheira	20	12	8		
Cairo	36	10	8	8	10
Damietta	8	8			
Daqahliya	24	8	8	8	
Fayoum	12	8	4		
Gharbiya	20	10	10		
Giza	20	10	10		
Ismailiya	4	4			
Kafr el-Sheikh	12	8	4		
Luxor	4	4			
Matruh	4	4			
Minya	16	8	8		
Monufiya	16	8	8		
New Valley	4	4			
North Sinai	4	4			
Port Said	4	4			
Qalyubia	12	4	8		
Qena	12	4	8		
Red Sea	4	4			
Sharqiya	20	10	10		
Sohag	20	12	8		
South Sinai	4	4			
Suez	4	4			
Totals	332				

= Phase 1; ### = Phase 2; ### = Phase 3

Appendix C: Election results by party

Party	PR seats	Maj seats	Total seats	PR seat %	Total seat %	Vote %
Freedom and Justice	124	101	225	37.3%	45.2%	36.4%
Nour	93	31	124	28.0%	24.9%	27.1%
Egyptian Bloc	34	1	35	10.2%	7.0%	8.7%
Wafd	38	2	40	11.4%	8.0%	8.9%
Wasat	10	0	10	3.0%	2.0%	3.6%
RCA	8	0	8	2.4%	1.6%	2.7%
Reform and Development	9	1	10	2.7%	2.0%	2.2%
National	4	1	5	1.2%	1.0%	1.5%
Freedom	4	1	5	1.2%	1.0%	1.9%
Adl	0	2	2	0.0%	0.4%	0.7%
Conservative	0	0	0	0.0%	0.0%	1.0%
Citizen	4	1	5	1.2%	1.0%	0.9%
Democratic Peace	1	0	1	0.3%	0.2%	0.9%
Ghad	0	0	0	0.0%	0.0%	0.4%
Union	2	0	2	0.6%	0.4%	0.5%
Arab Nasserist	0	0	0	0.0%	0.0%	0.5%
Egyptian Revolution	0	0	0	0.0%	0.0%	0.2%
Democratic Front	0	0	0	0.0%	0.0%	0.2%
Arab Egyptian Union	1	0	1	0.3%	0.2%	0.5%
Modern Egypt	0	0	0	0.0%	0.0%	0.2%
Egypt the Revolution	0	0	0	0.0%	0.0%	0.3%
New Independents	0	0	0	0.0%	0.0%	0.4%
Guardians of the Revolution	0	0	0	0.0%	0.0%	0.0%
Human Rights and Citizenship	0	0	0	0.0%	0.0%	0.0%
Social Peace	0	0	0	0.0%	0.0%	0.0%
Awareness	0	0	0	0.0%	0.0%	0.1%
Arab Party for Justice and Equality	0	0	0	0.0%	0.0%	0.2%
Free Social Constitutional	0	0	0	0.0%	0.0%	0.0%
Justice and Development	0	0	0	0.0%	0.0%	0.1%
Free Party	0	0	0	0.0%	0.0%	0.0%
Liberation	0	0	0	0.0%	0.0%	0.0%
Umma	0	0	0	0.0%	0.0%	0.0%
Liberal Socialist	0	0	0	0.0%	0.0%	0.0%
Voice	0	0	0	0.0%	0.0%	0.0%
People	0	0	0	0.0%	0.0%	0.0%
Independents	0	25	25	0.0%	5.0%	0.0%
	332	166	498			

Appendix D: Additional interventions and options

Quota	Hare
Seats	498
Include Majoritarian Districts?	Yes
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	3.5530659
Actual number of parties	14
% of seats to FJP	45.2%

Quota	Droop
Seats	498
Include Majoritarian Districts?	yes
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	3.26888807
Actual number of parties	13
% of seats to FJP	47.2%

Quota	D'Hondt
Seats	498
Include Majoritarian Districts?	yes
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	2.75645756
Actual number of parties	11
% of seats to FJP	51.6%

Quota	St. Lägue
Seats	498
Include Majoritarian Districts?	yes
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	3.23401925
Actual number of parties	13
% of seats to FJP	47.6%

Quota	Hare
Seats	498
Include Majoritarian Districts?	yes
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	3.44000888
Actual number of parties	11
% of seats to FJP	45.8%

Quota	Droop
Seats	498
Include Majoritarian Districts?	yes
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	3.22191909
Actual number of parties	11
% of seats to FJP	47.4%

Quota	D'Hondt
Seats	498
Include Majoritarian Districts?	yes
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	2.70788112
Actual number of parties	11
% of seats to FJP	52.0%

Quota	St. Lägue
Seats	498
Include Majoritarian Districts?	yes
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	3.12473541
Actual number of parties	11
% of seats to FJP	48.4%

Quota	Hare
Seats	332
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	4.09389392
Actual number of parties	13
% of seats to FJP	37.3%

Quota	Droop
Seats	332
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	3.61295398
Actual number of parties	12
% of seats to FJP	40.4%

Quota	D'Hondt
Seats	332
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	2.80825478
Actual number of parties	10
% of seats to FJP	47.0%

Quota	St. Lägue
Seats	332
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	7.2173913
Effective number of parties	3.56481242
Actual number of parties	12
% of seats to FJP	41.0%

Quota	Hare
Seats	332
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	3.86832316
Actual number of parties	7
% of seats to FJP	38.3%

Quota	Droop
Seats	332
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	3.51614138
Actual number of parties	7
% of seats to FJP	40.7%

Quota	D'Hondt
Seats	332
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	2.73210391
Actual number of parties	7
% of seats to FJP	47.6%

Quota	St. Lägue
Seats	332
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	7.2173913
Effective number of parties	3.37303385
Actual number of parties	7
% of seats to FJP	42.2%

Quota	Hare
Seats	498
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	10.826087
Effective number of parties	4.2370669
Actual number of parties	15
% of seats to FJP	36.3%

Quota	Droop
Seats	498
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	10.826087
Effective number of parties	3.91556412
Actual number of parties	14
% of seats to FJP	38.2%

Quota	D'Hondt
Seats	498
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	10.826087
Effective number of parties	3.06268524
Actual number of parties	12
% of seats to FJP	45.2%

Quota	St. Lägue
Seats	498
Include Majoritarian Districts?	no
Threshold	0.5
Average District Magnitude	10.826087
Effective number of parties	3.87821355
Actual number of parties	14
% of seats to FJP	38.4%

Quota	Hare
Seats	498
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	10.826087
Effective number of parties	3.96603339
Actual number of parties	7
% of seats to FJP	37.1%

Quota	Droop
Seats	498
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	10.826087
Effective number of parties	3.68111382
Actual number of parties	7
% of seats to FJP	38.8%

Quota	D'Hondt
Seats	498
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	10.826087
Effective number of parties	2.90763711
Actual number of parties	7
% of seats to FJP	46.6%

Quota	St. Lägue
Seats	498
Include Majoritarian Districts?	no
Threshold	2
Average District Magnitude	10.826087
Effective number of parties	3.54362301
Actual number of parties	7
% of seats to FJP	40.2%

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[1] See Appendix A for the text of Decree Law 120/2011 provisions relevant to People's Assembly elections.

[2] See Appendix B for a breakdown of proportional list and majoritarian districts by governorate.

[3] Elections data is available in Arabic at the website for the Supreme Judicial Committee for Elections: http://www.elections2011.eg.

[4] CAPMAS data is taken from Ahmed, Amel, 2011, EgyptElections.org <http://www.egyptelections.org>.

[5] See Gallagher (2005) for more information.

[6] For additional information on seat allocation formulas, see Gallagher and Mitchell (2005).

[7] The remaining hypotheticals can be found in a summary table in Appendix D.