

Election under Jordanian Legal Electoral System: a Comparative Study (Jordan, Britain, Germany)*

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The elections in democratic societies are the main pillars in supporting and strengthening the affiliation of citizens to their homeland, and because of the importance acquired by the election and its effects on the path of political life in any country, it reflects the political reality of the state with its advantages and disadvantages. It is considered as a mean to achieve the embodiment of parliamentary democracy, it can be also a negative factor which prevents the achievement of political participation, especially in the countries that have a category controls the power which is seeking to renew itself through creating formal institutions indicates the existence of a democratic system, but the reality is the opposite.

The election law in democratic systems is the real basis of democratic life and the basic principle of building the state institutions. As far as the law legislates a civilized election which realizes the requirements of the democratic life such as the guarantees of freedom of popular choice and respect for the will of the nation as a source of authorities, it lays the real rules of the democratic structure of state institutions and authorities.

The Hashemite Kingdom of Jordan has used two types of electoral systems. The first type is to give the right for voters to vote for more than one candidate. After the promulgation of the law, the voters have the right to choose only one candidate. This was confirmed by the election law for the year 2001 and the laws which were issued until 2012. As for Britain, it applies one vote system for each small constituency, and the winner candidate is who receives the highest number of votes. In Germany the system divides the state into one constituency where it is distributed among the lists on the state level. This study attempts to identify ways of voting in the Jordanian electoral system and the practical application of this system in the Jordanian legal system, the constitutionality of the electoral system and its representation of all Jordanian society categories, compared with the electoral systems in some countries.

Importance of the Study

The subject of election systems is selected as a title of this research, at a time of opinions accelerating and interacting, in order to reach the best formula for the representation of the People in the Hashemite Kingdom of Jordan. it cannot be talked about any democracy applications both on the one hand the enactment of laws or respect for human rights in Jordan or in any other country, without a modern election system based on the principles of equality among the people in practicing their right to elect their representatives in the parliament. So this study is to compare the Jordanian electoral system with the British and German models in order to stand on the experiences of these countries in the modification of Jordanian election system.

Problem of the Study

The research problem is that the current Jordanian electoral system does not reflect the proper orientation of the Jordanian State (Government and people) towards the strengthening of democracy, and there are gaps in the Jordanian electoral system requiring treatment.

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The electoral system must be evaluated and compared with other electoral systems in the countries which are advanced in democracy, to enable the development process of Jordan's electoral system to interact with the historical experiences of the countries that have preceded us several centuries in the democratic application, and to pick up the suited principles of electoral systems. Therefore, the researcher has compared the Jordan's electoral system with German and British regimes, namely the agreement of many, especially those interested in electoral systems and democratic political systems generally represent a model of Western democracy, which seeks to respect human rights in their right to choose their representatives in parliament.

Objectives of the Study

The study aims to diagnose the reality of Jordan's electoral system through the analysis of the positive and negative features of the electoral system applied in Jordan, and compare it with the British and the German electoral system to gain access to a modern electoral system.

Hypothesis of the Study

There are differences in the nature of Jordan's electoral system from British and German electoral systems.

Methodology of the Study

The study adopts legal method in the analysis of the Jordanian electoral system, the constitutional and legal aspects, as well as a comparative method in the Jordanian electoral system in comparing it with the British and German electoral system.

Study Concepts

Elections: are temporary legal means, which grant a kind of authorization for the voters, or legitimate for the voter to use, and use it for the purpose which it had been prepared for, at a specific time period. (Babad .2003, p. 46)

Electoral systems: means that the methods which used to choice of electors for their representatives to represent them in the various parliaments. Elections do not take place on a single frequency in different countries, but all of them choose the election system, which fits its circumstances and its political environment. The electoral systems are different depend on the technical means adopted by the state in the preparation of the election results and determine the winning candidates. These systems are divided into the following types: (May, 1980, p. 225)

1. Direct and indirect election (given to the relationship between voter and Member of Parliament in the selection process).
2. The individual election and the election list (given the number of MPs on the constituency and their choice method).
3. Majority election, and the election in accordance with the system of proportional representation (given to how the distribution of parliamentary seats to the candidates).

Previous Studies

The Most Important Studies Relevant to the Subject of Study Include

- Ghazwi study (2000), entitled "Brief of the election system, a comparative study", the author in his book spoke about the pillars of democratic governance in Jordan and the government, and he indicated that the nation is the source of authority and practices it in the manner prescribed in the constitution. When the election according to majority was considered as the most important foundations of democratic governance and the method which the people can protect their civil liberties and individual rights against the tyranny of the ruler, we have seen that since Jordan has emerged as the state, several laws which governing local elections were issued, the law of members election of the Legislative Council in 1928, the election law of 1947, the election law of 1960, then it was the last of these laws, the law No. 22 for the year 1986.
- Shatnawi study in 2007 entitled "The nomination right and basic provisions for membership of the House of Representatives in the Jordanian legislation," The study talked about that we cannot deny that the principles of universal human rights has become an increasing impact on constitutional law, where it became a constitutional status in most of the states, and represents one of the important elements of guidance and its standards in the constitutional interpretation of the rights and fundamental freedoms. In this context, the constitutions and international human rights instruments are keen to ensure the citizens' right to the nomination, as a legal constitutional right. With regard to the constitutional texts which dealt with the right of the citizen in the nomination, the Jordanian constitutional legislature has identified the requirements to be met by a candidate for

membership of the House of Representatives, under Article 75 of the Constitution. By working in the democratic principle in the field of public nomination, it requires the door opened equally to all citizens to acquire the status of a candidate, however, Jordanian legislature has cited certain restrictions preclude the practice of certain categories of their right to stand for certain considerations, despite the availability of conditions for the practice of this right in theory. It is clear that the legislator is the one who lays down the rights and public freedoms, and sets the terms of its organization.

- Al Khozai study, (2011), entitled: Advantages of temporary Election law of the Jordanian House of Representatives "applied social study ". This study aims to highlight on the advantages and disadvantages of temporary election law, and know the extent of popular participation in the parliamentary elections, according to this law. The Researcher used the descriptive approach in the analysis of the results of the parliamentary elections of 2003. As outlined by the Ministry of Interior which is responsible for organizing records and following-up elections in Jordan. The statistical tables have been classified, indexed and prepared which meet the objectives of the study.
- Ajarmeh Article, (2011), entitled: Reviews about the election law... Proposals and Solutions. The ballot box is the Democracy key and the beginning of political reform and then upgrade to society to the ranks of the civilized and advanced state. Whenever ballot box was expressing a real true reflection of the will of the voters, scientific and embodying the free, fair and transparent election, and through a review of the texts of the of the Electoral Law provisions for the year 2010, we find that there is a scientific problem in some of its articles, and some of its articles do not meet the provisions of the Constitution.
- Mashaqbeh article (2012) entitled: "The problems and challenges of Jordan situation « visions and solutions »" Jordan has faced many of political, economic and social challenges, and a situation of societal disintegration social regression and high level of political frustration, and institutions weakness. Sometimes, lacks in the rule of law and loss of confidence in institutions, n addition to economic challenges that affect the lives of citizens. But the clear vision of the Hashemite leadership that strives to get out of these challenges and at least restrain them; so as not to worsen more. The Hashemite leadership has a clear vision in overall reform process and has an ambitious plan to transfer the state and its components to an updated state and modern democratic system based on a parliamentary governments, elected by people and embodies the principle of the nation is the source of authority, and achieve justice, equality and freedom and expansion of political participation base. His Majesty the king has identified features of reform phases through parliament and free and fair elections, and government with a parliamentary character with the beginning of the New Year. Therefore, the required from all political and social forces is to engage in the political process to achieve the King's ambitious and serious vision to elevate Jordan to the ranks of modern states, after modifying more than a third of the articles of the Constitution and completing legal amendments which govern the democratic process, such as: the election law, the law of the Independent Commission for election, the law of the Constitutional Court and the law of parties.

What Distinguishes this Study?

This study differs from previous studies by trying to stand on the main differences between the Jordanian, German and British electoral systems.

The Jordanian, German and British Electoral System

Jordanian Electoral System

The Constitution adopted the principle of separation of three powers. The legislative power is entrusted to the parliament and the King, the executive power to the king and handled by his ministers, and stated that the judiciary is independent power, and it created some sort of cooperation between these authorities (Kiswani, 1983, p. 199). It gave the legislative authority the right to control the work of the executive authority, the government is controlled by Parliament, which means that the Parliament has right in the accountability of ministers for their actions, and the members of the legislative authority represented in the parliament has the right to question ministers and vote confidence and drop the ministry. On the other hand, we find that the executive authority intervenes in some of the legislative work, which is originally from the jurisdiction of the legislative power, as it has the right to propose laws, ratification and promulgation. Also it has the right to issue temporary laws when necessary, when the house of representatives be dissolved, or in the case of failure to convene.

There are some manifestations indicate the interference of the executive power in Parliament Affairs and give it some sort of control. It calls for the convening and broke up the meeting in order roles, and it also postponed a meeting. And above all, the executive branch represented by the King, has the right to dissolve the parliament both houses (House of Representatives and the Senate).

All of this, shows a balanced relationship between the legislative and executive branches, and then gives evidence that the Jordanian constitution taking style of flexible separation between the three powers, legislative authority is entrusted in accordance with the provisions of Article (25) of the Constitution, to the Parliament and the King. The Parliament, in accordance with the provisions of Article (62) of the Constitution, is composed of the bicameral; the Senate and the House of Representatives. Regarding the Senate, the king is the one who appoints its members, including senate President, also he accepts resignation (article 36), the number of the Senate does not exceed, in accordance with the provisions of Article (63) including the President, half number of the House of Representatives, in other hand, the House of Representatives is composed of members elected by a general and direct election according to the election law (article 67).

The article (67) of the Jordanian Constitution for the year 2011, states that the House of Representatives is composed of elected members directly and secretly, according to the election law, to ensure the following principles (Jordanian Constitution for the year 2011.)

- a. Right of candidates to supervise the election.
- b. The punishment of those who abuse the will of the voters.
- c. The integrity of the electoral process in all its phases.

2. According to the law, establish an independent body that oversees the parliamentary electoral process and run its all phases, also it oversees any other elections decided by the Council of Ministers.

Jordanian Constitution of 1952 has enjoined that the election shall be by secret, direct and public. It left the task of organizing the participation of the electorate in the election process for the law. The Jordanian Constitution did not provide of taking the principle of individual election or election list, but the election law has taken in both of them. If the vote in Jordan directly in the election law of 1960, it takes individual vote and the list systems, which are the closest electoral systems in the expression of the freedom of citizens and the disclosure of the real popular desire, because the election list system, if applied alone, the effect of minority disappears completely due to the breadth of the constituency and the rule of the majority on this wide constituency. These systems are two of the most electoral systems which link between political life and the basic issues of society and the closest to the structure and concepts of the Jordanian public opinion that prefer this electoral method (Khair, 1987, p. 33).

Jordanian Constitution of 1952 did not include text about minority representation in Parliament, but the election law has taken the principle that minorities should be represented in this Council. The election law has divided of the Kingdom to constituencies, and allocated to each constituency a number of House of Representatives, and saw that it should be electing people representing minorities, also the Jordanian Constitution did not take the principle of representation of interests and character.

The purpose of this principle that should be equality in the legal treatment among individuals (male and female), when exercising their right to vote despite their different affiliations stratified social or educational, as long as there is nothing legally prevent them which leading to the denial or cessation of the practice of political rights. The Article (6/1) of the Jordanian Constitution of 1952 on the principle of equality by saying: "Jordanians are equal before the law without discrimination in rights and duties on grounds of race, language or religion.

The Supreme Court of Justice has confirmed through one of its ruling, "The principle of equality mentioned in Article (6) of the Jordanian Constitution does not permit the violation of the law shall not be regarded as an example that may be invoked, because the principle of equality will be at similar legal centers, and there is no right to demand the application of this principle in cases out on the legal rules".

When we analyze the election law, No. (24) of 1960, we find in Article (3) that " Every Jordanian has the right to elect members of the House of Representatives if completed twenty years old, if his name was registered in one of the final electoral lists." (Jordanian election law No. (24) of 1960).

This makes it clear to us, that the right to vote is restricted right. Without meaning the release of this right for all people, also as it is not limited to men, but includes - women, especially after the amendment in 1974, which introduced to the electoral law.

And there is a word "every Jordanian" its purpose is to be restricted on foreigners, because political rights are national indoor rights. While reaching the age of (20) years, the purpose is to have the authority to make them higher than the age of majority for election which set up by the second paragraph of Article (43) of the Jordanian civil Code, which is (18) years (Ghazwi .1985, P118-119)

The article (3) of the electoral law No. (24) for the year 1960, states that every Jordanian has the right to elect the members of the House of Representatives if he completed twenty year old and if his name was registered in a final election lists.

An affirmation of the principle of equality between men and women, the second article stated that the word (every Jordanian) means male or female, but the second paragraph of Article 3 of the election law prevented some people from exercising this right if the person is a non-Jordanian or sentenced to bankruptcy and did not exonerated, or who was interdicted and did not emancipate, or who was sentenced for a period exceeding one year in non-political offense, as well as the crazy and insane, and who is relative of second degree to the king according to the royal family law.

Amendments on the temporary election law No. (22) for the year 1986 have occurred. The most important of these amendments: the amended temporary law No. (14) for the year 1989, and it was published in the Official Gazette No. (3622) dated 04.16.1989.

Under this law, the 11th elections of House of Representatives (1989) have been made. Highlights of this amendment:

- Prevent the employees of Jordan Armed Forces, Public Security and Civil Defense practice of the right to vote.
- The period of the House of Representatives has determined for four years.
- The voting age is (19) years and older. (Amended election law to the House of Representatives No. (14) for the year 1989)

The legislator in Jordan in 1993, tried to abide text of Article (88) of the Constitution, which codified, according to the consensus of constitutional jurisprudence , style of individual election which is based on two basic pillars "divide the state into constituency as the number of members of the House of Representatives, and the adoption the rule of one vote for each voter, through adding another amendment to the sum of the amendments to the election law of 1986 which codified one of the two pillars aforementioned, namely " each voter has one vote." Thus, Dr. Mohammed Ghazawi believes that the year of 1993 included a separation between the two main phases, the first one before 1993, and the second after 1993. In the first phase, a voter was voting for more than one candidate for many years without means this adopting the method of election list for the absence of the candidate lists, Candidature, according to the law of the election, is individually and not on the basis of list, also the law did never refer to the lists (Ghazawi 0.2012).

The Jordanian government has amended the Temporary Electoral Law No. (34) for the year 2001, the amended law No. (11) for the year 2003, where he has been allocated (6) seats at a minimum to compete by women, as well as the right to compete on all other seats, and the new law has determined the mechanism of choosing the winner women based on the rate of the voices in the constituency, and therefore winners are going to be the six who received the highest ratios in terms of the number of voices compared with the number of voters in their constituencies. And this increases the number of seats in Jordan from 104 to 110.

The key of Democracy, and the beginning of political reform and then upgrade to society to the ranks of the civilized and advanced state, is the ballot box. Whenever the box was expressing a real true reflection of the will of the voters, scientific and embodying the free, fair and transparent election, whenever possible to say that we live in a real democracy.

In 1993, the rule "each voter has one vote," was codified and it was applied in elections of 1993 and beyond. The rule of split the country into constituencies as the number of members of the House of Representatives did not been applied, and instead of correction the path in applying the contents of Article 88 of the Constitution in 2010, and the addition of the other rule "which means divide of the state into constituencies as the number of members of the House of Representatives, and the determining the limits of the geographical constituencies, as well as the names and numbers of voters ", the Jordanian legislator has codified a constitutional violation through creation of constituencies called phantom constituencies that have contributed to the migration of voters, and provide some quota with other similar quota in few votes may not exceed (200 or 300) voice.

When the election law of 2010 stipulates in Article 42/b-1 to determine the winners names in the additional seats which reserved for women, on the basis of the proportion of the number of votes that won by each candidate of the total votes of the voters in the sub- constituencies that ran where, and in comparison between these ratios, they considered winners of these seats candidates who received the highest percentages in all sub- constituencies. (Ghazawi 0.2012)

The one who looks to the division of constituencies system and allocated seats to each of them issued under articles (50, 51) of the temporary Law No. 9 of 2010, which is considered the basis of the election law, he finds that there is a distinction between Jordanians on the basis of race or religion, which is unlawful discrimination according to text of Article (6 / a) of the Constitution.

As a result of the controversy sparked by the election law of 2012, which was approved by the Jordanian parliament for the first time in June (2012), King Abdullah II sent the law back to the House of Representatives in beginning of July (2012) for further amendments, which was highlighted by amendment to paragraph "c" of Article (8) regarding to the seats allocated to national list, so that the seats became "27 instead of (17) . the House of Representatives, in the first session of the special session (08/07/2012), approved the amended Law of elections law of 2012, as stated by the government, as approved by the Senate (12 / 7/2012) as reported by the House of Representatives. The Royal Decree was issued (23/7/2012) to ratify the amended law, which form approved by the Senate and House of Representatives. the Prime Minister / Fayez Tarawneh, announced the government refusing to withdraw the law after being asked the House Speaker Abdul Karim Al-Doghmi to respond to claims of Representatives, who demanded the government to withdraw the law. Other representatives called to refuse the law, objection to the law, noting that it does not meet the Jordanian ambition in reform, while others representatives called to open up whole articles of the law not paragraph (c) of Article (8) of the law.

The Major Features of the law, Compared with the Previous Draft Law

- Increase the number of House of representatives to (150) seats instead of (140) (15 seats for the women's quota and 27 seats for the National List, in addition to the 108 seats to local constituencies in the various governorates of the Kingdom).
- To keep the one-vote system (giving the voter one vote to choose a one representative, no matter how many constituency seats, along with another vote for national list) according to the districting of the 2007 with number (108) seats on the Kingdom level.
- Cancel the principle of the two votes to each local constituency, and replace it with one vote per each voter in the local constituency.
- Replacement of the party-list in a national list (relatively closed), and on the national level (27) seats have been allocated for this list instead of (17) seats as in law draft.
- Cancel the condition in the text of the draft law to be the maximum number of candidates for the list (8), which allowed the list to include (27) candidates according to the number of national list seats.
- Allocate (15) seats for women, to reach the seats number of House of Representatives to (150). (
- Cancel the authority of government in issuing a system of dividing constituencies which is issued by the Council of Ministers, and approval within a law enacted for this purpose.
- Calculate the win of women in a ratio way, as in elections of 2007, so that the winner who gets the highest number of votes of the voters in the constituency, and not who gets the largest number of votes in the governorate.
- The Commission has cancelled the compensatory seats that stated in draft law.

Reactions to the Amended Law of Election Law of 2012

Political, party and union leaders have rejected the law because of adoption of one vote system (one vote to the constituency and another to the national list), considering that "it is a respond to political reform path, and reproduce the split one vote, and this system has contributed to tearing the national coherence. They pointed out that the "integrity" of the election process cannot be achieved without a democratic election law in accordance with democratic standards and management and supervision of competence and integrity which makes the citizens reassured about the outputs of the electoral process. They renewed the claims of the need to approve the principle of ratio lists, which has become a democratic standard fixed in the electoral systems internationally.

As a reaction to the law, opposition parties and vocational association have announced boycott the upcoming parliamentary elections "nomination and election", most notably the (Islamic movement "of the Muslims Brotherhood and the Islamic Action Front Party," the People's Unity Party, the National Front for reform / Ahmad Obeidat). Also the law was rejected by popular and youth movements. Then political parties have launched a national campaign calling on citizens to boycott the upcoming elections. (Jibreen, 2012).

Criticism of the Amended Law of the Election Law of 2012

1. The law outputs restore the creation of the one vote.
2. Adoption of the two votes is "unconstitutional", because it involves fragmentation of votes.
3. It directs the voter to vote on the basis of quotas and regionalization.
4. The law will not be a gateway to achieve genuine democratic political reform, and it does not solicit the output of Arab Spring in neighboring countries, including the aspirations of Jordanians and the youth sector in the consecration of an advanced programmatic case under the title "modern, progressive and comprehensive election law.
5. It has been noted that the dominance and control of the government directly on the electoral process (the division of constituencies, the Independent Commission for the election has obligated to appoint the heads of election Commissions, counting and members of the local constituency of government employees, giving the government the authority to intervene in determining the conditions and procedures of candidature for public constituency and polling and counting and identifying the names of the winners, civil Status Department was assigned to issue the election cards and preliminary lists for voters , ..) and that the tasks entrusted to the independent Commission are forma issues are not enough for the performance of the Board of Commissioners to practice its functions independently and impartially from the government. (Junaidi, 2012).

German Election System

The German federal state is a complex combination of the union State, and (16) states. In detail, German Constitution identifies the action areas and the authorities of both the Union and the states. In this respect, the German federal system is very similar to the federal systems in other states. The public life in Germany is governed by the Constitution (Basic Law). The Constitution requires equality in living conditions among all federal states.

States have absolute power in three important aspects: everything relating to schools, higher education, and homeland security and its Police Affairs, in addition to the self-management of the various regions. The "Council of States" is a broad political influence; the states find a great compensation for the legislative role of the Union State which is responsible for the enactment of laws.

German electoral system is the result of a combination of electoral systems "individual and list," the majority system "ratio representation system". There are multiple hybrid systems, and the most important one is "election system in the Federal Republic of Germany, applicable since 1949 till now. "(Shimon and Kibo, 1993, p. 139)

This System can be Summedup as Follows

1. The German state is divided into two types of constituencies
 - A. Small constituencies: Their numbers are the half number of the Federal Parliament members "Bundestag", and the voting on the basis of individual election and on one role. The candidate is considered winner in the small constituencies if he got the plurality or simple majority of votes.
 - B. Large constituencies: Their numbers are (16), where the election lists on the basis of proportional representation. These constituencies includes the small ones and the seats distribution according to the, "Hondut" system (*), after excluding the seats that have already been distributed according to a system of individual election. For example, if one of candidate lists got (20%) of the votes at the state level, it should get (20%) of the council's seats allocated to the state, then the seats obtained by the individual election will be deducted and the list will be given the rest seats pursuant to the lists.

To bring the idea of "Hondut" system, we set the following arithmetic example: three lists (a, b, c) competing in the electoral district to five electoral seats. List (a) got on (48,000) votes and list (b) got on (37,000) votes and list (c) got on (15000) votes. How can we distribute the five seats on the three lists? We split the votes of each list based on sequences of the lists:

	List (a) 48000 votes	List (b) 37000 votes	List (c) 15000 votes
dividing by 1	48000	37000	15000
dividing by 2	24000	18500	7500
dividing by 3	16000	12333	5000

(*) Hondut system is one of innovations of Belgian math scientist HONDUT: which is a way to determine the outcome of elections, and is based on the division of parliamentary seats on the electoral lists by dividing the votes of each list on the electoral lists (1,2,3, ...) and we get several quotients, then we take of the multi quotients as the number of parliamentary seats, arranged from high to low, and the last quotient is called approximate quotient.

We take (5) quotients as "the number of parliamentary base", in descending order from the highest to the lowest quotient, namely, (48000, 37000, 24000, 18500 and 16000), and the last number called approximate quotient.

- The German voter votes twice together at one time and one place, he is given two cards to vote. The first one, he writes the name of candidate for the small constituency and the second one, he elects whereby a list of candidate lists at the state level.
- There is an exception to the rule of full proportional representation, and summed up in that, after counting of the first votes given to a specific person in the constituency, and the second votes given to the list of the party in the state, and after the distribution of seats based on that, so every party gets on the number of seats equivalent to its share of the total votes. If the winner party at individual constituencies level if it won or got more seats than the number that it deserves under its share of the votes through the election lists, it has the right to keep these extra seats. In this case, the total number of the representatives will increase. (Shimon and Kibo, 1993, p. 141).
- Finally, in order to reduce the multiplicity of political parties and prevent the dispersion of political life, and political parties can take advantage of proportional representation, the German electoral law requires them to get at least on (5%) of the total votes at the state level, or getting at least to three seats in (3) constituencies, in the individual elections at the small constituencies level.

Based upon, the German electoral system makes it difficult to the singularity of a political party in power and formation of the government. But this happened only once during the past (56) years. The rule is a coalition of parties in power. In order for voters to know who will be the partner of the party who voted for in the government, the parties express their wishes in forming of alliances and coalitions before starting the election campaigns. By election one of the parties, the citizen may of the hand across his penchant for a particular alliance of parties, and his desire in the distribution of power between the rulings parties in the future, on the other hand.

Evaluation of the German Election System

Despite the multiplicity of electoral systems in the German states, but there is no fundamental difference deserves to be mentioned among them, and what we are introducing here for the elections at the federal level, applies mostly to local elections as well. And the general election in Germany is characterized in combining between two election systems, direct election for the members, the members of House of Representatives, and the indirect election, for the parties. Therefore, those who those parties determined that they represent the first class in the House of Representatives through the lists that are published before the election sufficiently in advance. This is what means to vote on the two cards system, as a voter, he chooses through his first vote, one of candidates in his constituency to represent him in the House of Representatives, and he chooses through his second vote, the party that favored and hopes to have the highest proportion of the House of Representatives seats. The voter can choose someone from a party other than the party that gives him a second vote. German electoral law decides that the distribution of seats according to the percentage obtained by the parties participating in the elections, by this, the second vote is considered a decisive vote in formation of parliamentary majority. This raises a number of issues which are also regulated by law: (1982).

The First Issue

The rule is the party who does not get (5%) of the total votes of the electorate, does not get on the electoral seats at all. It's a legislation pattern aims to prevent raising the number of parties in Council to the point which makes reaching to alliance government very difficult.

According to practical experience, often more than ten parties taking part in the elections, and only four or five parties reach the House of Representatives. And the other parties together do not get a percentage close to (5%). The seats are being distributed initially on the basis of what other parties got which exceeded the threshold of (5%).

The Second Issue

Half of the parliamentary seats are occupied by direct election. If one of the parties portion is 30%, the party can fill the rest of the seats by another number which can equal what the party gained through the direct election to reach 30%.

The Third Issue

There is a legislation came as an exception on the first issue which states that the party which gains less than 5 % but successes in three constituencies at least through direct election gains a percentage of seats equals the percentage of voting to the party even if it is less than 5 %.

The Forth Issue

For example : if a partly got seats in the council through direct election which equals 20% from the total of the house of representative seats and got only 15% through the second vote so the party will not lose the seats disparity and will not effect on the other parties seats percentage but the party will keep all the seat is got and the seats will consider as a differential which is 5 % “ extra seats “ so the number of the house of representative members will raise by adding them to the origin number of the seats which is 656 seats. (Bowman 2005).

Experts in the legal and constitutional affairs in Germany see that this electoral system which is for the first time complex but achieves a lot of features , firstly combine between the positives of both direct electoral systems , the most important is the relation between the candidates and the voters in a certain constituency and the positives of list electoral system , the most important in it the reliance of the political parties on the experts and persons who have political competence who are usually listed in the beginning of the lists which is displayed to the voters so that entrance to the house of representative is guaranteed relying on party's' political trust or probably the political achievements for the candidates in his list even if they did not success in completing their adversary in their constituency which is connected to their official resident.

Each person who has the German Nationality and become 18 years old has the right to elect automatically and he/she can got an election card from his /her residence the election law adds that: each German person who is 18 years old has the right to elect if he /she live in one of European council countries which consists of 44 country and he/she previously lived in Germany for three continuous months at least after 23 may 1949 which is the establishment date of federal Germany and also each German person has the right to elect by the mentioned terms if he/she lives out of the European Council and their absence of the German land doesn't increased more than 25 years . (Schulze,1998, P4)

It doesn't require from the person who live in Germany to register himself in the election lists because electing is a constitutional right and guaranteed and the country must ensure that the country must inform him about his right before the elections date by sending his/her election card to his/her official residence, but for German people who live outside Germany they have to register themselves in the election lists by a written request. the law decides to send it to the administration authorities to the last place he had lived in Germany and that before the date of the elections in a specific period.

In Germany there is voting system by mail the letter which contains the voting card should be closed and be received in the election date no later than 1800 hrs which means before 2 hrs of closing the poll boxes. there is no need for any person who travelled because of a reason of working with any authority to send a written request to vote by mail he can only register in his constituency , but he needs to request to send his card and this can be achieved by a letter or E-letter fax telegraph . They started to think about voting by internet which can be gradually achieved side by side with the traditional way and with executing the current projects under the name (electronic government) which means fulfilling most of the administrative processes by using the web.

British Electoral System

It could not be fair to compare the election process in the UK with the third world countries because of the gaps between them in the individual salary level, spread of scientific cognition, deepness the democratic experiment deepness of the political traditions for the civil country, presence of balance between the government and the civil community, liberation of the British mentality from the individual world and switch into programs and thoughts world, establishing the political life on the basis of citizenship. so UK is developed country out of illiteracy.

The British community is pluralistic to the max even though they have one national official language but they have the English, Scottish, Irish, Welsh, in addition to Muslims, Christians and Jewish which each religion contains several communities.

The British legislative elections base on the simple majority system and on one election period, house of representative members are elected through voting each voter to one candidate, and if the candidate got the majority of the votes he/she becomes a house of representative member of that constituency. the candidates may belong to registered political parties for the elections committee or they can be independent. (Abd-Algani 1980, page 187).

In additional for that, the candidate who got the highest number of the votes in his constituency considers as a winner even if he/she doesn't got half of votes by the voters. relying on this system leads to guarantee a wide representation for the winner's party with the majority of the votes even if it is the workers party or the conservative party, while the small parties agree relying on proportional representation e.g Democratic Freedom Party.

The legislative elections which is called public elections conducted in principle every five years but the prime minister usually decides to hold an early elections in the fourth year as it happened in the year 2005. As it is known that the queen has the authority to dissolve the parliament by a request from the prime minister. (Taha2010)

Any authorized person for voting can vote through the mail, British people who live outside UK can vote by mail as long as they spent less than 15 years outside the UK.

Britain is divided into 659 constituency correspond to the geographical areas, each constituency elect her/his house of representative member to represent them in the house of commons, and the parties appoint their candidates for the elections. Independent nomination is rare because the British voters vote for their party more than caring for the candidate himself.

The voters should be 18 years old, voting is not mandatory, voting via mail or by authorization is allowed.

The queen appoints the winning party's leader as a prime minister then the prime minister selects his government members and gives a list of them to the queen, the government which contains 18-24 member shares the most important ministries, and establish the close guards of the prime minister, for discussing the British electoral system we will divide the subject into:

Candidature Conditions in the Public Parliamentary Elections in the UK

- The participated person should be over 18 years old.
- Have to be a British citizen.
- (or) to be an Irish citizen.
- (or) to be a citizen from the commonwealth countries so he/she doesn't need permission to enter or stay in the UK.

Categories that are not Allowed to Participat

- Police staff.
- Army staff.
- Members of civil service and judges.
- People who subject to financial bankruptcy restrictions in England and Wales or loan burden reduction restrictions.
- People who exposed to sentenced bankruptcy in Northern Ireland.
- People who are imposed on them real-estate seizure in Scotland.

Organizing elections in Britain

The legislative elections in Britain is undefined in advance as in most of the systems. The prime minister is the one who decide the date of elections execution so the prime minister asks the queen to dissolve the parliament and excuse to implement the elections within one month at least . If the request is approved the beginning of the elections campaign will be declared as soon as the parliament is dissolved. The campaign lasts for 30 day. Usually the public elections is organized in the first Thursday of the month.

The elections in the United Kingdom are executed traditionally according to the governmental model in the elections management, people who are responsible of the elections are appointed by the local authorities although an election committee was established in the kingdom the year 2000, but it did not receive the responsibility of elections administrative, even this committee does not consider as an election administrative in a precise meaning but its' role to monitor the elections and motivate it to rehabilitate and update the election legislations and elections administrative in the United Kingdom. (Eugene, page 99-102) .

Permissions and Duties

❖ The main committee duties are: (Gwel 2003, p.127-135)

1. Organize the finance of the political parties.
2. Promote awareness in democratic and election systems.
3. Prepare the reports about elections in the UK and training projects to develop the elections.
4. Reviewing the election law and its' procedures.
5. Present advice to the persons who are involved in the elections management.
6. Advise all the working parts in elections administrative and referendums.
7. Appoint the chief of votes counting process to run the referendums on both national and regional level. (which is the normal role of committee chief who does it automatically if there is no one appointed to this mission) .

In addition the committee is responsible of drawing the borders of the constituency which began since 2002 and took over the responsibility of reviewing the local constituency borders in England.

The committee execute her responsibilities in promoting the public awareness in democratic and electoral systems through several methods , as : citizen reconnaissance to indicate knowledge level in democratic and electoral systems , execute the specialized researches on participation of specific social groups in the election processes , the researches result are used to design frequent campaigns to encourage the citizen to record in the voter lists and effective participation in voting during the elections and referendums. In addition the committee does comprehensive program to promote the awareness and taking care of the democratic and electoral system within youths (16- 24) years old especially youths who are outside the official educational institutions , the committee established a kitty which provide awards to support the organizations that offer creative and new initiatives to elevate the awareness levels . (Official site of Ministry of foreign affairs, UK 2012) .

Comparison between the Electoral Systems

The philosophical origin to move to the election process is in the political trend which was emerged to separate between the governor himself and the authority which is considered as a job , so the base in practicing the authority pictured in the (people authorization) which leads to restrict the governor authority , relying on the principle (authority of law) . across a long historical and political trip , a principle (The nation is the source of the authorities) settled gradually up to public authority theory (popular mandate) as a way for political representation which means authorizing the elected parliament members and suitable amount of authority to make decisions , proposed policies that achieve the public benefit . In democratic systems which is characterized of stable political institutions renewed by (frequent elections) according to the current system. (Abdullah, 2012)

Nominating and Electoral Rights

The voter in the direct electoral system vote for the candidate that he selected directly without any mediation, that means electing is just once , so the direct electoral system is the closest to the democratic principle, so people practice their electoral right directly without any mediation . (AbedelGhani, 1980, P. 27).

This system is characterized as a less cost and more democratic from other electoral systems, because it makes the voter in a direct contact with the candidate, and that motivate the candidates to represent the voters real representation in (presidency, parliament, local councils) as voter desires to elect the candidate because they believe that he/she seeks to achieve their interests, unlike the indirect electoral system. Most of democratic and semi-democratic countries adopted this system in our days because of the mentioned characters for this system. This system was applied in Yemen and Egypt. In Yemen the legislator took the direct electoral system in presidency, house of representative and local councils elections.

Germany took the mixed system since 1949 and it's still working until the last elections in our time, which combines between two different systems which is relative majority system in determining the votes and proportional representation system, so that half of the parliament are elected by individual election method and votes are calculated by the relative majority system in this case. The other half are elected by election list with relative representation at the level of whole Germany (Shrqawy, Nasef 1984, p. 141).

To illustrate that we mention that Germany is divided in two types of constituencies: the first section: small constituency voting in it by individual electing with simple majority on one role, the second section: constituency contain small areas, where election in it by list with relative representation, voters vote by using the two types at the same time (twice at the same time, same place and at the same moment) on the basis of one vote to select the candidate in the small areas (on the basis of the individual system with relative majority) and another vote to select the list from the big constituency (relative representation system) seats distribution and sorting votes are done in two different ways at the same time.

We notice that this system allows the candidate to apply at the same time for both types of constituencies, and it is not allowed for the parties to participate in distributing the seats on the basis of relative representation only if two conditions are available:

The first condition: To get a certain percentage of the vote, 5% rate on the level of federal country. The second condition: To get a certain number of seats (3 seats) in the elections as a majority on the country level.

This system reduces the number of the political parties and leads to the appearance of two parties so the voter in the small constituency try to make his voting effective, so that the voter will select the strongest two candidates which leads to impose two political parties in the small constituency.

The voter often tries to make his/her vote effective in the big constituency whereas both voting occur at the same time, and take in consideration the previous condition which allow the parties to participate in distributing the seats in the big constituency. From the justice side this system keeps the characters of relative representations, and lead to disappearance of the basic defect in relative representation which is distracting votes, multitude of parties dramatically, the majority system means that the candidate (person or list) who got more vote, the majority might be simple or absolute, the simple means that the candidate (person or list) wins as soon as he gets half + 1 (51%) of votes unless the two candidates who won and got more vote will redo voting on them. (Ghazwi, 2000, P. 100).

By returning back to the Jordanian election law 2001, the simple majority system based on the voters votes, if two or more candidates got the same votes in the day that minister of interior indicated a new election will be held within 7 days. Although the majority system is simple and create a way to make a majority of cohesive in the parliament which leads to governmental stability but faced criticism that oppress the minority and do not gave them the chance to represent in the final election result. What does minority means? What is the way which guarantee representation for the minority in the elections?

Reducing the age of the Jordanian voter come as a result of the awareness of the Jordanian legislator in many aspects of life in the Jordanian community have developed including level of persons, the Jordanian legislator made a great thing so he expanded the area of political participation for the body of voters, that indicates the awareness of the legislator in the significance of public opinion and its' role in creating the public policing and exaction of the constitutional rule, so the judge nowadays is by the public opinion. The Jordanian election law of 2012, M7-G rely on, the age of the voter 18 years old (AlAbbadi, Kashakesh, 2006, P. 537) but in German and British (18) years old, so our electoral system does not agree with the democratic systems which dominate most countries in the world, whenever the electoral system expands the body of voters it will become closer to democracy.

We find that most of the political powers demand to reduce the age of voter to 18 years old, and researcher sees it's important, especially that the civil puberty indicated 18 years old. This age allows the adult person the right and freedom to spend, manage his own money, this legitimacy is more dangerous than the political legitimacy which allows the person to vote. And both British and German systems allow the citizen if he/she is outside the country or out of constituency by mail voting. If the Jordanian electoral system adopted the mail voting- if it's organized well, so it will lead to expand the body voter to reach a real nation representation.

Regarding military personnel, we had illustrated that both British and German systems allow them to practice their right in voting. But the Jordanian electoral system forbids this category to vote. The researcher explained previously the causes and arguments for forbidding this category to vote and explained that currently these arguments are not justified, so he says that there is no harm if the Jordanian legislator follows the German and British legislators and gives this category the right to vote.

With regard to eligibility for nomination, we find that the Jordanian legislator stressed on the conditions that should be available in the candidate. The British legislator requires only to be British (nationality) and the German election law requires to be German citizen for one year at least before allowing him of nomination to be a member in (Bundstag).

But the Jordanian election law requires the candidate to be Jordanian since 10 years at least, and do not claim of protection or foreign nationality, although this condition is a bit tough on the naturalized persons who are interested in nominating himself to be a member in the Parliament but the researcher sees that it is important to guarantee the candidate loyalty, especially nomination processes in Jordan are easy, the person who wants to nominate himself only requested to apply to the governor in the constituency that he wants to nominate himself in, and pay (500) JD to the finance department in the constituency. But we saw that nomination in Britain and Germany is done by parties, and the candidate passes through several stages before subtract his name as a representative of that party.

If we search on the age of the candidate, we will find that the British legislator set it (21) years old, the German legislator (18) years old, but Jordanian legislator set it as (30) years old. The researcher sees that the attitude of Jordanian legislator is suitable to social and political position in Jordan and it is suitable to the way of nomination in Jordan electoral system.

About forbidding certain categories of nomination, we find that the Jordanian law devoid an important issue, it is the deprivation of the one who tried to disrupt the election by bribe or fraud in order to win. In Britain, in addition to the obstacles which was imposed by British law in these cases, so the candidates who are involved in these process are ineligible, the law indicated ineligibility for election 1975, cases of illegal practices in the elections that require forbidding of nomination.

If the UK which the cultural and political awareness are high and apply the rule of law. Tends to harden in depriving the counterfeiters and forgers who use their financial and political influences to effect on the elections. Is it prior for the developing countries which are dominated by tribal and corporeal interests influences which leads to elections fraud and affect on the organizations or on the voters to deprive those persons from nominating to elections? How can a person who commit a crime a fraud of reality to represent the people and fight for their rights and fight corruption, especially corruption phenomenon is not strange in Jordan elections experience, and spread of bribery and political corruption, especially there are countries, parties and powers try to break through the Jordanian community

If the current electoral system is direct electoral system, so during the law of legislative council member issued 1928, it was indirect system, code number (6) from same law says (members of the legislative council are elected by prior and secondary elections, prior elections contain secondary elected persons. Secondary elections contain electing the members through the secondary elected persons, according to the paragraph in the code, the voter does not select the parliament member he wants directly, but he select the representative who is known as " secondary elected person" who select the parliament member. But the indirect electoral system did not last long in the kingdom. As soon as law No. (7) of 1947 issued the indirect electoral system on one degree. This system has been used since that time till today.

The answer of the question: is the adopted system in Jordan individual electoral system or list, Jordan constitutional law jurists differ in this issue, part of them say that the Jordanian constitution adopted the individual electoral system (Ghweiry, 2000, p. 236) those part rely on code No. (88) of the Jordanian constitution " if one of the parliament or senator council places vacated because of death or resignation or other reasons, so it will be filled by appointing if it's senator or individual election, if it's parliament member within two months of informing the council of the vacated place and the new membership lasts as the same as the previous.

If one of the places in parliament council vacated in any constituency for any reason, and there were serious reasons considered by the majority of the parliament council within two months to elect a member to fill that place from the constituency people which the constitution is applied on them, by suitable way.

The jurists explained that we benefit from paragraph of the code, the clear, for intention of the constitutional legislator to adopt the individual electoral system, and they quoted that the constitution required to make supplemental elections in the constituency which miss member because of death, resignation or any other reasons. They explained that the condition of electing is just taken in the individual electing case, because the list electoral system does not require supplemental elections in death, resigning cases, the procedures are to replace the seat with the candidate who follows him in order of the list.

We find that another side of jurisprudence went to say if the adopted system in Jordan is list election system, so it constitutes a constitutional violation because it contradict the provisions of article No. (67) of the Jordanian constitution, which says that " the Jordanian parliamentary consists of direct, secret elected members " this paragraph requires direct elections, it wanted to be individual because the direct election is made without mediator, in list election, the parties prepare the lists, the voter only select one list, so that election does not consider direct.

Another side of jurisprudence went to say that the Jordanian constitution did not take those two ways but let them to the legislator. The applied election laws in the kingdom indicated the way of electing. By studying the temporary elections law for the parliament No. (24), 1960, especially code No. (25), which organized the constituencies and parliament seats, it is clear that this law took the list electoral system.

The deep study proves the invalidity of what the first side of jurisprudence went to, that list elections contradict the constitution code No. (67), claiming that the parties who prepare the lists, anyway the voter who select the candidate he wants without any mediation, so electing is done on one degree, add to that the election process in Jordan since 1957, when the parties took place till 1993 elections, the elections was executed under the official absence of the parties, most of the candidates were fighting in the election war as individual relying on the influence of the clan and the voter selects the candidate who is the best without considering to the party which nominate him, except few candidates, so I do not see anything contrary with code No. (67) of the constitution, if the applied system in Jordan is the list electoral system.

The saying that "code No. (88) of the constitution adopted the individual electoral system" is a respected saying. Although the Jordanian constitution did not mention frankly the electoral system, the constitutional law jurists have the right to innovate and search about the intention of the constitutional legislator and illustrate the constitutional codes. But I see that the constitutional legislator let the method of electing in code No. (67) to be organized in election law, the code is absolute and indicated the main principles for electing, which is to be public, secret and direct. The constitutional legislator let the rest for the election law legislator, to select what is suitable for Jordan, according to the political and social conditions and which is the best.

What was mentioned in code number 88 in the constitution, it is an exception on the origin, we cannot measure on it , especially if we studied the code very well , it explains how to fill the vacated seats house of representative by the subsidiary election . there is another way filling the vacated seat if it is not possible to hold subsidiary election in one of the consistency . house of representative has the authority with majority of the members within two months from the date of noticing , to elect a member to fill the vacated seat from the inhabitants of that constituency in a suitable way selected by house of representative .

So what is mentioned in code number 67 is the origin, it lets the way of indicating the voting for the election law. and that what was happened under the successive election laws in the kingdom , and what is mentioned in code number 88 is an exception applied whether there is a vacated place in one of the house of representative members, and this exception is not measurable .

This is the attitude of the Jordanian constitution, but for the attitude of election laws which was issued in the kingdom after applying the current constitution 1952, the researcher sees that the temporary election law for house of representative number 24, 1960 adopted the open list system, code number 25 from the law divided the kingdom to several constituencies and each constituency elect a certain number of representatives differ from constituency to another.

The code number 53 from the same law came and explained in paragraph (A) how the voter vote goes to this candidate or that , so " if the election paper contains extra candidate names more than required for election the extra names will be deleted from the bottom of the paper according to each category from the representative of the constituency , and the rest of the names considered null " , this paragraph is clear that the candidate can vote more than one representative , this system is just followed in list electoral system , because the basics of the individual electoral system is the voter votes only one member in the parliament that means each voter has one vote .

The case is the same in the house of representative law number 22, 1986 before the last amendment which occurred by the temporary law number 15 , 1993 . Paragraph (B) from code number 46 says " The voter should write the names of the candidates that he wants to vote on the election paper he received from the body of voters , then return to poll box and put it inside the box . the voter has the right if he is illiterate to authorize the chief of the body of voting to write for him the names that he want to elect then the chief has to say the names verbally to the voter and to the members of the body of voters .

This paragraph shows that the voter select more than one candidate without a list of candidates who select them on the voting paper. and this is the concept of list electoral system , and what enhance us , what was mentioned in code number 31 from the same law which divided the kingdom according to the attached table in the election law in 20 constituencies , and allocated a certain number of representatives from 2 – 9 representatives , this system only agree with list electoral system , add to that what is mentioned in code number 52 from the same law " If any paper contains more than the required representative names the extra names will be deleted from the bottom . " this code confirms that the Jordanian voter write the names of the candidates who wants to give them their vote , there is no doubt that the adapted system in this law is the list electoral system .

However, the legislator has amended the text of paragraph (b) of Article (46) of the original election law (1986), as that article was amended under the interim law No. (15) for the year 1993, to be read as follow: " the voter has to write the name of the candidate who wants to elect, on the ballot paper received by the head of the polling commission and back to the ballot box to put it inside , and if the voter is illiterate, he has the right to entrust the head of commission to write the name of candidate who wants, and the head of the commission should recite the name after writing in front of polling commission and deliver the paper to put it in the box" .

Jordanian legislator also canceled the text of Article (52) of the original law and replaced with the following text:

- a. If the ballot paper includes more than one the name of the names of the candidates, only the first name will be approved and the rest of the names will be deleted.
- b. if the name of the candidate on the ballot paper is unclear but include enough evidences to indicate to him and prevent confusion, the name is considered for that candidate. "

When we study of amendment, we notice that the Jordanian legislator has expelled he election list system. The voter is given only one vote, and this is clear from the text of paragraph (b) of Article (46) after the amendment which showed that the voter must write the name of one candidate he wants to elect. Thus, the voter has only one vote in the ballot while the rest of names are deleted in the case that the paper includes more than one name of candidates. but the question is: what is the electoral system created by the Jordanian legislator in this amendment, is it the individual franchise system?

At the beginning, it must be noted that this modifying law, "the temporary Election Law No. law (15) for the year 1993", which called "law of one vote" has provoked a lot of discussion and debates , there are those who said that the one-vote system is the best way to achieve justice and equality among citizens .Also they said that in light of the one-vote system voters will be keen to give their vote to the best candidates and one vote per voter shall elect representatives from all society categories.

There are somebody who criticized this law and said that it would weaken the chances of success of elite people in the country because the priority will be on tribal or ethnic or sectarian basis. They clarified that prevention the voter from the right to vote for more than one candidate would limit the voting for trends represented by the political and economic programs which are the basis of political pluralism.

Apart of this controversy, and from a purely legal point of view, the individual franchise system is based on two pillars:

1. Dividing of the country into constituencies as the number of members of the House of Representatives who will be elected.
2. The population of each constituency elect one member, which means that each voter has only one vote. (Ghazwi, 2012).

Based on the last amendment of "temporary election law No. (15) /1993", we find that it takes into consideration the second part of the one vote election system (each elector has one vote) and it ignores the first part which calls for dividing the kingdom into the constituencies equal to the number of parliament members. This amendment keep the kingdom divided into only (20) constituencies while the parliamentary seats are (80) member. Regarding to the elections law /2010 which determines the constituencies to be (45) and (120) parliamentary seats, this means that the election system discard one pillar of the one vote election system. We can say that our election system is a new system not hasn't been used before.

If the legislator considers that the most appropriate system for Jordan is the one vote election system, so the Kingdom should be divided into numbers of constituencies equal to the number of parliamentary seats, so that each constituency has one parliament member, thus achieving full equality between Jordanians according to the first paragraph of the Article (6) in the Constitution.

It is necessary to mention that the Higher Council for the interpretation of the Constitution, in response to a request for interpretation submitted by the Council of Ministers during May (5/2012), about the constitutionality of parliamentary elections based on lists system including the closed list, indicates that the manner of election lists, including the closed list is considered a direct election system and in accordance with the provisions of paragraph (1) of Article (67) in the Constitution. Higher Council considered that the intended direct election is that the voters themselves elect their representatives without any mediation whether it's through lists system or one vote election system, so that the expression «direct» is related to the voter not to candidates.

Identifying the Constituencies

According to constituency system issued under articles (50) and (51) of the parliamentary election law No. (9) for the year 2010, the Hashemite Kingdom of Jordan has been divided into (45) constituency in accordance with a special table prepared for the purpose of the election shows the administrative divisions in each province and the associated respective constituencies and the number of seats allocated to each constituency with quota representation (quota) that commensurate with social and religious composition of the Jordanian community. It's noted that the number of constituencies is not equal to the number of Parliament council members in Jordan compared to the constituencies in Britain in which the number of constituencies is equal to the number of parliament members, there are 651 constituencies for 651 parliament member s. Regarding to the identification of constituencies in Germany, there are electoral districts divided into constituencies by borders planning Commissions of constituencies and those constituencies must not exceed the administrative boundaries of the regions, because these the regions are similar to the state in its regime and has its own local constitution and laws. The number of constituencies in Germany are determined in the light of population of each region and the percentage of its population to the general population of the country. This electoral districts have equal population percentage and if any constituency population proportion becomes more or less than 33.33% of the overall rate of population size of the constituency, constituency or constituencies in the region should be re-planned. According to Article (29) of paragraph (7) of German election law, if boundaries of the regions has been changed, the boundaries of constituency boundaries should be changed as well.

Thus, we note that the British and German systems pay more attention to the issue of constituencies (numbers , boundaries, and how to plan and revisit the planning) because these issues aim at achieving equality and justice in population representation, seats distribution and maintain partisan balances in the election system. the changes in district boundaries may lead to a reduction in the size of the supporters of a particular party in order to defeat its supporters in constituency which are subjected to change borders, and therefore the borders planning Commissions must be neutral headed by judges of high ranks.

Supervision of Elections

According to the Jordan election law, the Supervision of elections is the responsibility of the Ministry of Interior, starting from the preparation of voters lists which carried out by a Commission appointed by the governor through an administrative request to submit the nomination which is provided to the governor, who must check the request to decide whether accept or reject the request.

Administrative governor is the chairman of the constituencies Central Commission, and has the authority to split the constituency into sub- constituencies and to allocate of selection stations each one has voting body that oversees elections and its chief is responsible for the prevention of doing anything or try to do to influence the freedom of voters to cast their ballots. This Commission shall handle the objections offered by the candidates or their delegates on the progress of the voting procedures in time they are submitted, and whose decisions are final. these Commissions are appointed by the governor.

The recount process is held under the supervision of the central Commission which has authority over the objections submitted to it during the counting process, and also collects the votes and announce the final results of the elections in the constituency openly in front of the audience of the candidates or their delegates. Election minutes are prepared and addressed to the Minister of the Interior who announce the results, as mentioned in election minutes of central Commissions constituencies. That within two days maximum after those election minutes received by ministry and then Minister of Interior issues an election certificate to every person as parliament member.

If we go back to the British electoral system for the purpose of comparison, we will notice that the Ministry of Interior is responsible for supervising the election after appointing a supervisor who is in charge of the election ((Returning Officer)) and he shall be responsible for the announcement of the election date and identify polling centers and announce the names of candidates and send the electoral lists to the voters to their addresses and prepare polling centers and voting requirements.

In the German electoral system and under Article (9) of the Electoral law, the elections general official is appointed by the Minister of the Interior, the election officials in the provinces, are appointed by the Government of the districts. The decisions of the electoral bodies on all matters, including the objections, determined by majority percentage.

It seems that the three electoral systems are similar in terms of supervision of the elections, they are similar in terms of content and different in terms of form. Each supervision Commissions in the three systems are subjected to the supervision of the Ministry of Interior, and the task of each supervisory body is to guarantee the conduct of elections in a systematic, prevent impact on the freedom of voters, approve the election results and decide on the objections, but the election laws in the British and German systems discuss the details of the appointment of electoral bodies, the specification of chairman and members, oath to preserve the integrity of the elections also they gives sufficient powers to the bodies to decide in each case and its decision shall be immediate and obeyed.

Under the draft law of the Independent Commission for elections /2012 as reported by the parliamentary council, the Commission shall supervise and operate the parliamentary electoral process, in all its phases also it supervise and operate any other elections determined by the Council of Ministers in accordance with the provisions of the legislation in force.

A board of commissioners of the Independent Commission consisting of a chairman and four members appointed by a Royal Decree for a six years, non-renewable. The list names suggested for appointment in board of commissioners is prepared by a Commission headed by the Prime Minister and the membership of the Senate President, the President of parliament council and the President of the Judicial Council.

Reference to election laws applicable in the Kingdom, we find all have adapted the simple majority system to determine the winners in the elections. the candidate who obtains the highest number of the votes is the winner of these elections, and thus becomes the one who represents the constituency in parliament. and we will clarify the method of counting the votes , determine and announcement of the results in light of the election law currently in force in Jordan. Jordanian legislator has allocated the Chapter (7) of the law to the counting of votes and announcement of results.

According to Article (38) of the election law/2010 that after the completion of voting process, the polling and counting Commission prepares a minutes for each polling box in two copies signed by the Chairman of the Commission, two members and the minutes writer and who wants from the audience of the candidates or their representatives. This minute shall that include a record number of voters who have voted and the number of papers used in the ballot.

Article 39 has identified the way of counting the votes according to the following methods: polling box is opened by the Commission of the voting and counting in front of the audience, the name of the candidate on the ballot paper is read in front of the audience and if the candidate's name written in the paper is not clear, shall be deemed to the name of that candidate if the paper include sufficient evidence to indicate and prevent confusion.

The ballot paper is considered unacceptable in any of the following cases: if they are not sealed by the approved seal of the minister, if it isn't signed by the Chairman of the polling and counting Commission, if it includes in addition to the name of the candidate certain phrases or additions indicate the voter's name, if it is not possible to read the candidate name and if it includes more than one candidate's name. The polling and counting Commission counts papers in the polling box, the votes obtained by each candidate and recorded it on the plate in front of the audience.

Voting and counting Commission controls the objections submitted to them from the candidates during a counting process and issues the appropriate decision, and this decision is final. The ballot box shall be canceled if ballot papers inside the box are more or less than 5% of the number of voters in that box.

After polling sorting is finishing, each polling and counting Commission prepare minutes on two copies within the form approved by the Minister, and all forms are signed by Chairman of the Commission , two members and the minute writer . The form should include (the number of voters in the polling box, the number of votes obtained by each candidate, the number of papers that considered void). The minutes should have the attachments of voters lists, ballot papers that have been used, those which have been invalidated, those had not been used and all minutes have to be handled to the constituency Commission immediately.

According to Article (40 / a) , the constituency Commission proceeds in the process of collecting the votes obtained by the candidate in each sub- constituency and the number of voters each, and the candidate who obtains the highest votes sub-constituency is considered a winner in elections and chairman of the constituency announces the final results of the elections in sub- constituency openly in front of the audience of the candidates or their representatives. Then the constituency Commission prepares a report of those results including the number of voters and the number of votes obtained by each candidate in each sub- constituency, after that a copy of it and all its decisions and papers relating to the election is sent to the Central Commission.

For the purposes of the provisions of Article (42) of this law, the number of voters in each sub- constituency is the sum of the votes obtained by all candidates in this constituency. After the completion of the process of vote counting , the announcement of the final results of the elections in all sub- constituency and submission them to the Minister by elections central Commissions in accordance with the provisions of Article (40) of this law, the Minister refer to the Special Commission the records relating to those results for review and check the number of votes obtained by female candidates who did not win any of parliamentary seats allocated to the sub-constituency.

A special Commission determines the winners names for the extra seats allocated women at the level of the Kingdom in the provinces and at any ALBADIA constituency, that's on the basis of the percentage of the number of votes won by each candidate to the total votes of the voters in the sub- constituency she belongs to and the winners of these seats who received the highest percentages in all sub- constituency.

In case of one parliamentary seat allocated for women becomes vacant , it shall be occupied through sub-election in same constituency in accordance with the provisions of this law and within a period not exceeding sixty days from the date when the council of parliament notifies the Prime Minister about vacant seat. Only women who are fit to occupy the nomination conditions can be nominated.

According to the Article (43 / A), The Minister of Interior announces the General election results within a period not more than two days after he receive the records and then they are published in the Official Gazette.

This text is not consistent with what is stated in the election law, because the election law has granted the Central Commission great authorities from the first phases of the electoral process till sorting the votes, so it's prior to be granted the authority to declare the winners. Minister of Interior main role should be to issue a certificate for winners. and if the legislator insisted on granting such authority to minister of interior, he should be at least declare the results as soon as they arrive to hem

Conclusion

The electoral process has a great importance in the Jordan political system which take into consideration the parliamentary democracy and It is also the main channel for the democracy practices, and therefore the integrity of this process is the only way for the credibility of the people in showing the presence of a real democracy or not. The level of peoples civilization is measured through the level of actual and true democracy practices. This practices are improved through the political consciousness of citizens and awareness of their rights. The political rights are most prominent areas of public freedoms, including - according to the constitutional and political fields - the right to vote and to submit for membership of the parliamentary councils. The French doctrine identify the elections as "the right to vote in a manner in which the qualified wills race to the practice."

The election is a collective and conditional work that enables the person who meets the conditions the right to vote. Also, practicing the right to vote requires the availability of certain conditions which enable the citizen to use .The right to be a candidate requires to meet certain conditions so that it can be used a nominated to the parliamentary councils elections. The right to be a candidate is one of the means to participate in the political life for citizen.

The individual and list election are popular ways in most of the countries which practices democracy as a civil mean to take over the public authorities and the peaceful transfer of power in the country. To make elections, each State divides its territory into several constituencies, each has one or more parliament member so that each voter - at level of his constituency- can achieve good governance and good choice for the nation representatives. It can't be done to make the whole state as one electoral unit. This constituencies could be very small which leads to elect one representative as in Yemen or two such as Egypt, this is called an individual franchise. Or the state can be divided into large constituencies in which a certain number of candidates are elected, this system is called an election by list.

The principle of one vote per voter is the most distinguishing feature of the current Jordanian parliamentary representation system which is based on the direct election system disregarding list elections which had been used in Jordan for long period. The candidate wins if he geta simple majority of valid votes.

If we go back to the British system of parliamentary representation, we find also that it relies on the principle of one vote for one voter. It is an individual franchise system. the country is divided into constituencies equal to the number of parliament seats, which is at present 651 seats. That means the voters vote for 651 parliament members in which the candidate wins if he geta simple majority of valid votes. This seems that there is no difference between the electoral system in Jordan and Britain, but in fact they are not the same. It is true that the two systems depend on the principle of one vote, but regarding identifying constituencies, the Jordanian system is different from the British system. Jordan is divided into relatively main constituencies, while in Britain it is, as noted, divided into a number equal to the number of parliament seats.

The way of nominating candidates differ in each of the two systems. The candidates in Britain are nominated by political parties, thus the wining of candidates reflects winning " party list." And by this way the party reach executive authority, while the representation system in Jordan is an individual representation in which the parties has weak effect. somebody may argue that parliamentary representation in both Jordan and Britain are similar and the difference is in form not in content because Jordanian parties do not nominate candidates so none of them can reach to the executive authority. Actually, even the oldest and most popular of Jordanian political parties - does not have a specific mechanism approved and clear in the nomination of their members as the case in Britain. Therefore, the nomination and voting mechanism depends on the personal reputation of the candidate and social influence and clan position, even if politically he belongs to a party. It does not depend on the popular influence of the supporters of the party, but on the personal loyalty of his relatives and clan and small percentage of voters sympathize politically "partisan" with him.

Compared to the representation system in Germany, we noted that German electoral system combines the two types of individual and list election, and there are certainly partisan candidates in addition to a very small percentage of independent candidates. and the voter votes twice, once for individual candidate in the election constituency and the other one is for a candidate in the party list at the state level. we can say that each voter has two votes in which two candidates are elected. In this way, the German system combines between the advantages of individual and lists representation and give the chance to the parties and political organization to nominate their representatives to the parliament.

We can conclude from our study of the electoral systems in Jordan, Germany and Britain that proportional representation systems are considered the choice of the most electoral systems in a lot of democratic political systems. The "mixed" electoral systems -as is in Germany case- integrates the positive features of majority and proportional representation systems. The proportion of parliament members are elected -almost the half- such as in (Germany, Bolivia and Venezuela) by majority methods, usually from single member constituencies, while the rest are elected by proportional representation lists.

In addition, the electoral system has a role in the development of the parties. some systems encourage parties consistency among them while the others encourage dispersals and trigger ethnic ties and ties of kinship. Political parties play an important role in the democratic system. parties which are well organized win the elections, accumulate the social interests and present alternatives to the policies. the competition among the parties contributes in government accountability and the find solutions to the problems of citizens.

These days, The common denominator between both countries Jordan and Britain is that they are busy in reforming of the electoral systems in force. In Britain, peoples' referendum on changing individual election system in force which gives all British voters one vote in which the results of the election is calculated on the basis of a majority, so candidate who gets the majority of votes in the constituency wins regardless of the votes obtained by the rest of the candidates has been conducted. The new electoral system which referendum has been conducted about is called the alternative voting system and this new system depends on the idea that the winning candidate of parliamentary seat is who obtains an absolute majority of votes in a particular constituency. If that not happened, the votes are differentially re-ordered till one of the candidates obtained the absolute majority and win elections. that means, if no one of the candidates reaches the absolute majority, The candidate who received the lowest number of votes is to excluded that's after the distribution of votes obtained to other candidates until someone gets an absolute majority.

In Jordan, the preliminary recommendations of the National Dialogue Commission pointed to the cancellation of the one-vote system and replace it with proportional voting, which presupposes the introduction of the election list which allows the distribution of seats among the majority and the minorities and ensures that the small political parties access to the parliament. Proportional representation system is applied either with the election closed list system in which the voter chooses one applicant lists without change or modify it, or with the election open list system which allows combining among election lists in which the candidate may form a list of candidates of his choice from several lists without adhering to any names list.

Recommendations with Regard to the Electoral System Appropriate to Jordan

Even though the election law/2012 doesn't meet the our ambition yet, the issue of the election system is not a legalistic problem in essence but linked to the environmental, social and political conditions. Even though the reality has its importance (civilized level of political forces in the country, the power of public opinion, the circumstances of the environment in particular; social forces known in that environment), we can devise some rules and reforms that we need namely:

First, Hashemite Kingdom of Jordan kingdom to be divided into two types of constituencies

1. Small constituencies in which its number not less than half of parliament members number.
2. Large constituencies includes small constituencies and they are now fifteen (12 governorate/ +3 Bedouin)in which its representatives to be equal to the number of representatives in small constituencies.

Second: each voter shall have two votes ((he votes twice at one time and one place and given two cards)) for the initial vote; he writes down the name of candidates in his small constituency) second one; he votes for nominations list at the level of main constituency which includes the small constituencies.

In order to avoid the consequences of adapting the bases of minorities, religious, racial and ethnical representation regarding the constitutional violations and disadvantages as applied in Jordan, especially those that make the parliament member is a representative of these minorities rather the whole people. In order is to deepen the spirit of religious tolerance, the minorities must be nominated in main constituencies to be elected by all voters in these main constituencies.

Third: according to all political forces parties, the one-vote system has been proved to be wrong -contrary to what somebody may see. This failure led to weaken the chance of competencies to access to the parliament and on the other hand; governments still refuse to give the voters the right of voting to a number of candidates equal to the number of seats allocated to his constituency. The voters have the at least the right to vote for three candidates from his constituency, one for who wants to vote for the candidate of the clan, the second one for the party candidate and the third one for efficient candidate.

Fourth: to get rid of adoption of quota system, as a mean to achieve the social integration of nation people. Any social category shouldn't feel that they are different minority from the rest of society or need a special care through articles devoted to them by laws. (illustrated by Article 6 of the Constitution, that " In front of the law, all Jordanians are equal without any distinction in rights and duties on grounds of traditions, language or religion."

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