



## THE FOUNDATION FOR DEMOCRATIC ADVANCEMENT

Electoral Fairness Research

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The Journalist Protection Law

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## **Political Background on Iraq**

### **The Preamble to the Iraqi Constitution 2005**

*In the name of God, the Most merciful, the Most compassionate*  
**{We have honored the sons of Adam}**

We, the people of Mesopotamia, the homeland of the apostles and prophets, resting place of the virtuous imams, cradle of civilization, crafters of writing, and home of numeration. Upon our land the first law made by man was passed, and the oldest pact of just governance was inscribed, and upon our soil the saints and companions of the Prophet prayed, philosophers and scientists theorized, and writers and poets excelled;

Acknowledging God's right over us, and in fulfillment of the call of our homeland and citizens, and in a response to the call of our religious and national leaderships and the determination of our great authorities and of our leaders and politicians, and in the midst of international support from our friends and those who love us, marched for the first time in our history towards the ballot boxes by the millions, men and women, young and old, on the thirtieth of January 2005, invoking the pains of sectarian oppression inflicted by the autocratic clique and inspired by the tragedies of Iraq's martyrs, Shiite and Sunni, Arabs and Kurds and Turkmen and from all other components of the people, and recollecting the darkness of the ravage of the holy cities and the South in the Sha'abaniyya uprising and burnt by the flames of grief of the mass graves, the marshes, Al-Dujail and others and articulating the sufferings of racial oppression in the massacres of Halabcha, Barzan, Anfal and the Fayli Kurds and inspired by the ordeals of the Turkmen in Bashir and the sufferings of the people of the western region, as is the case in the remaining areas of Iraq where the people suffered from the liquidation of their leaders, symbols, and Sheiks and from the displacement of their skilled individuals and from drying out of its cultural and intellectual wells, so we sought hand in hand and shoulder to shoulder to create our new Iraq, the Iraq of the future, free from sectarianism, racism, complex of regional attachment, discrimination, and exclusion.

Accusations of being infidels, and terrorism did not stop us from marching forward to build a nation of law. Sectarianism and racism have not stopped us from marching together to strengthen our national unity, following the path of peaceful transfer of power, adopting the course of just distribution of resources, and providing equal opportunity for all. We, the people of Iraq, who have just risen from our stumble, and who are looking with confidence to the future through a republican, federal, democratic, pluralistic system, have resolved with the determination of our men, women, elderly, and youth to respect the rule of law, to establish justice and equality, to cast aside the politics of aggression, to pay attention to women and their rights, the elderly and their concerns, and children and their affairs, to spread the culture of diversity, and to defuse terrorism.

We, the people of Iraq, of all components and across the spectrum, have taken upon ourselves to decide freely and by choice to unite our future, to take lessons from yesterday for tomorrow, and to enact this permanent Constitution, through the values and ideals of the heavenly messages and the findings of science and man's civilization. The adherence to this Constitution preserves for Iraq its free union of people, of land, and of sovereignty.

Article 1:

The Republic of Iraq is a single federal, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq.

Article 2:

First: Islam is the official religion of the State and is a foundation source of legislation:

- A. No law may be enacted that contradicts the established provisions of Islam
- B. No law may be enacted that contradicts the principles of democracy.
- C. No law may be enacted that contradicts the rights and basic freedoms stipulated in this Constitution.

Second: This Constitution guarantees the Islamic identity of the majority of the Iraqi people and guarantees the full religious rights to freedom of religious belief and practice of all individuals such as Christians, Yazidis, and Mandaean Sabians.

Article 3:

Iraq is a country of multiple nationalities, religions, and sects. It is a founding and active member in the Arab League and is committed to its charter, and it is part of the Islamic world.

Article 4:

First: The Arabic language and the Kurdish language are the two official languages of Iraq. The right of Iraqis to educate their children in their mother tongue, such as Turkmen, Syriac, and Armenian shall be guaranteed in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

Second: The scope of the term “official language” and the means of applying the provisions of this article shall be defined by a law and shall include:

- A. Publication of the Official Gazette, in the two languages;
- B. Speech, conversation, and expression in official domains, such as the Council of Representatives, the Council of Ministers, courts, and official conferences, in either of the two languages;
- C. Recognition and publication of official documents and correspondence in the two languages;
- D. Opening schools that teach the two languages, in accordance with the educational guidelines;
- E. Use of both languages in any matter enjoined by the principle of equality such as bank notes, passports, and stamps.

Third: The federal and official institutions and agencies in the Kurdistan region shall use both languages.

Fourth: The Turkomen language and the Syriac language are two other official languages in the administrative units in which they constitute density of population.

Fifth: Each region or governorate may adopt any other local language as an additional official language if the majority of its population so decides in a general referendum.

## **Election Law for the 2010 Council of Representatives Elections (from the UNAMI Office of Electoral Assistance on Iraq: ):**

### **What is the seat allocation for the Council of Representatives?**

The Parliament or Council of Representatives consists of 325 seats of which 310 are general seats allocated to 18 governorates and 15 are complementary seats, of which 8 are allocated to minorities. Seat allocation has been based on the 2005 population data obtained from the Ministry of Trade and adjusted for 2.8% annual growth across all governorates.

### **What is an “open list” ballot?**

Open list ballots are those in which voters must mark their preferred political entity and are given a choice of that entity’s candidates to choose from within an open list. The seats won by the political entity are then distributed to their candidates on the basis of their popular vote. Although it adds some complication to training and counting processes, the system enhances the role of the voter in the election beyond casting a vote for just the political entity.

### **Electoral system and seat allocation**

The electoral system for the Council of Representative election is determined by the provisions of the Electoral Law of 2005, as amended in 2009. The Board of Commissioners of the IHEC has adopted regulation 21 of 2010 to implement these provisions. This regulation explains how votes are translated into seats, and how seats are awarded to candidates within each winning list.

### **Open list system**

Political entities can either be parties, who participate by submitting lists of candidates, or individual candidates, who are also known as “single lists”. Political entities can submit up to two times as many candidates as there are seats in a governorate. 25 % of a list’s candidates must be women.

The election will be held on the basis of an “open list” system: voters will express their preference for a list, but they can also mark their preferred candidate within that list. The latter is referred to as an individual vote. The number of such individual votes will determine which candidates within a winning list will be awarded a seat.

### **Governorate seats**

According to the Electoral Law, there are 325 seats in the Council of Representatives. 310 of these are known as governorate seats: each governorate has a certain number of seats determined by law, based on population figures. Each governorate is one constituency. This means that political entities compete for votes in the respective governorates, and results are calculated governorate by governorate. (This is why there are different ballots for each governorate for in-country voting).

A proportional system is used to distribute the governorate seats: seats are awarded based on each list’s share of the valid votes in a constituency. This is done in a number of steps or calculations set out in the IHEC seat allocation regulation.

To be awarded a seat, each list must have won a number of votes that is at least equal to the “electoral divider”. The electoral divider is different in each constituency. It is calculated by dividing the number of all valid votes cast for governorate seats by the number of those governorate seats. If a list’s vote total does not reach the electoral divider, the list will not win any seat.

A list cannot win more seats than it has candidates. Single lists, even if they receive a large share of the

votes, will not receive more than one seat.

Within each winning list, candidates are ranked by the number of their individual votes, from highest to lowest. In principle, this ranking will determine which candidates will be awarded a seat. However, this initial ranking will be adjusted if necessary to fulfill women's quota. See below.

### **Component seats**

Of the 325 seats in the Council of Representatives, 8 are reserved for minorities. These are known as component seats. There is one seat reserved for the Yazidi community in Ninewa, one for the Sabea in Baghdad, and one for the Shabak in Ninewa. Each of these three seats represents a separate constituency and a separate race. The list with the most votes in a constituency will win the seat.

There are also 5 seats reserved for Christians. Each of these seats is linked to one governorate: Baghdad, Erbil, Ninewa, Dahuk or Kirkuk. Nevertheless, the five seats constitute one national constituency, and all lists compete for the five seats at the same time. Seats are allocated in proportion to each list's share of the total valid votes, provided the list has reached the electoral divider. Within each winning list, seats are in principle awarded to candidate(s) with the most individual votes. At the same time, to win a seat, a candidate must be registered to run in the governorate to which the seat is linked, and all five winners must be registered in a different governorate. Adjustments will be applied and priority will be given to single lists if necessary.

### **Compensatory seats**

The remaining 7 seats in the Council of Representatives (after 310 governorate seats and 8 component seats) are known as compensatory seats. Compensatory seats are awarded to winning lists in proportion to the governorate seats they won in the country as a whole. A winning list's compensatory seats are awarded to the candidate(s) who did not yet win a seat, and who received the list's highest share of individual votes when compared to candidates running for that list in other governorates.

### **Women's quota**

The Constitution and the Electoral Law protect the participation of women in the Council of Representatives. If at least 82 women (25% of 325 seats) get elected through the processes described above, no additional steps are required in the distribution of seats. However, if the number of women is below 82, a special mechanism will be applied.

The governorates with the lowest share of elected women will be identified. These will need to increase the number of winning female candidates until the number in the Council of Representatives reaches 82. Within each of the governorates so identified, the winning lists with the lowest share of elected women will be identified, and these will need to increase the number of women, until the required number is reached for the governorate. Within each list so identified, the list of candidates will be re-ranked so that women candidates move up the list to winning positions to replace male candidates, until the required number is reached for that list.

This adjustment mechanism will ensure that there are at least 25% women in the Council of Representatives, although the percentage of women in each governorate and each list may vary.

# **1. Laws and regulations that pertain to the political content of the media and broadcasters before, during, and after an election**

## **Main Research Findings:**

There are no restrictions on the political content of public and private media.

The state disallows journalists from releasing unconfirmed information which harms the reputation of the public and government officials, and harms national security.

Journalists have a right of access to information as long as the information does not have national security.

The 2011 Journalism Protection Laws has measures to protect journalists in carrying out their profession, including freedom from attend conferences and public meetings, and the same rights and protections as a civil servant.

## **Research Excerpts:**

### **Iraqi Constitution**

Article 38:

The State shall guarantee in a way that does not violate public order and morality:

A. Freedom of expression using all means.

B. Freedom of press, printing, advertisement, media and publication.

C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.

### **The Journalists Protection Law**

Article 1:

Any violation against a journalist while he is performing his journalistic role is considered to be an assault tantamount to a violation against a civil servant while he is performing his official duties. The offender is to be punished by the legally provided sentences (for violations against) a government employee.

Article 2:

The journalist is not to be arrested or detained because of his work as a journalist except by a court order and after notifying the Iraqi Journalists Syndicate and the participation of its representative in the investigation.

Article 3:

The journalist has the right to access any information in the custody of the government departments and public institutions to transmit them to the public. These bodies are not entitled to refuse the journalist's request to obtain information except in the case that revealing the information would cause great damage to the national interests, in a greater way than the damage that would obtain if this information were not published, and were concealed from the public.

Article 4:

The journalist has the right not to reveal the sources of information, unless it is necessary to prevent a crime or discover the perpetrator (of a crime), on the condition that a court order be issued by the court concerned in the matter. Claims for compensation are not permitted after three months of the date of issue (of the court order).

Article 5:

It is not permitted to confiscate the journalist's equipment except by order of the court, and that (the confiscation) be necessary to prevent a crime or in the investigation of (a crime).

Article 6:

The state is to establish an effective capability to protect the journalists and media outlets, and to investigate the crimes to which they are subjected.

Article 7:

The security agencies are to conduct immediate investigations in the case of any journalist being subjected to any kind of threat or harm, and to make every effort to punish the perpetrators.

Article 8:

Journalists are permitted to carry out their work without interference on the part of the security forces unless there is legitimate justification.

Article 9:

The state will be responsible for the care for families of martyrs of the press by appropriating pensions for them.

Article 10:

The state will appropriate salaries for journalists who are subjected to disability because of their work, if the disability is greater than 50 percent.

Article 11:

The state is responsible for health care of journalists, and to make outlays for treatment expenses inside and outside the country if the injury or disability occurred because of their journalistic work.

Article 12:

It is incumbent upon the presidents of the local and foreign media institutions working in Iraq to sign business contracts with the journalists that are working in their institutions according to forms prepared by the Iraqi Journalists Syndicate (enumerating) the rights of the institution and the employee. A copy of the contract is to be submitted to the Syndicate.

Article 13:

It is not permitted to dismiss a journalist from his work except after notifying the Journalists' Syndicate of the pretexts for the dismissal. If the Syndicate has conducted an arbitration stage between the journalist and the institution, the provisions stated in the labor law will apply after the expiration of the contract.

Article 14:

The journalist has the right to attend conferences, general sessions and public meetings in order to perform his professional work.

Article 15:

The law is the only authority over journalists in the conduct of their work.

Article 16:

A journalist is one who works for press (outlets) that may be read, heard, or viewed, and who is affiliated with the Iraqi Journalists Syndicate.

Article 17:

The Press Law, number 206 of the year 1968 is canceled with all its amendments.

Article 18:

This law is to be considered effective from the date of its publication in the official newspaper. Included in this law is prohibition against the journalists from publishing information that would threaten national security or endanger the public in anyway, and unconfirmed information that is hostile to public institutions, harms reputation of public and government figures.

## **2. Laws and regulations that pertain to the influence of political candidates and parties before, during, and after an election**

### **Main Research Findings:**

The Council of Representatives elects the President of the Republic from among the candidates by a two-thirds majority of the number of its members. If none of the candidates receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be declared.

The state requires political parties and candidates to be accredited/registered with the IHEC.

The state requires the political candidates and parties to pay the following amounts to be accredited (registered):

(5.000.000) five million Iraqi Dinars for candidates

(25000.000) twenty five million Iraqi Dinars for political parties

The deposits will be returned if the political entities win at least one seat.

Municipalities determine the rules for the dissemination of election propaganda in the form of posters and other forms of election propaganda.

The state forbids election propaganda to be present at polling stations.

The state disallows state's departments and local authorities cannot assist with candidate's or party's election campaign.

The state forbids military and security, mosques and Shiite mosques and holy shrines, shrines and sales, churches and other places of worship to be used for the purposes of electoral propaganda for the political entities, lists, or candidates.

The state forbids political entities, coalitions and candidates from making false statements or defamation against a candidate or a political entity that involved in the electoral process or against the Commission.

The state forbids any political entity or coalition from using ideas for the call for arising national, religious, sectarian, tribal, or regional sectarianism between citizens, whether through the logos, pictures, posters, television, radio broadcasting or other media and various communication means.

The state prohibits any political entity, coalition, or candidate from using gifts, donations, or any other benefits influence voting.

The state forbids political entities, coalitions and candidates from violence, hatred, intimidation, or supporting, practicing, using or arising terrorism during the electoral campaign, through the expression of the views or speeches, writings, posters or visual media or audio or any other mean.

A candidate must be a voter no less than 30 years of age, with at least high school certificate (or its

equivalent), must not be covered by the Deba'athification law, or be convicted of a crime violating honor, or have enriched himself illegally, or be a member of the armed forces upon nomination; the candidature will be subject to the approval of the IHEC. At least one woman must be among every three nominees on each **entity list**.

**The Electoral Commission will impose a fine on any political entity, coalition, or candidate who violates the electoral regulation or the code of conduct of political entities, signed by them.**

**Political entities which violated the electoral campaigns will be informed to remove the offense during (3) days from the date of notification; or else the fine will be doubled in case that the entity is not complying, then the names of violated entities will be published in media.**

**5. Deposits will not be returned to political entities who won one seat except after the payment of amounts of removing irregularities, if deposits were not enough to pay these amounts or political entities did not get a seat in the elections, then they should pay within (10) days and bring what prove that; otherwise legal action would be taking against them.**

**Political parties not approved by the Electoral Commission can submit lists of candidates for elections. on to submit lists of candidates for elections.**

**Compensatory seats:**

1. According to the electoral law, the number of compensatory seats for the components as follows:
  - A. **Christian component:** - five seats are distributed to the governorates of Baghdad, Nineveh, Kirkuk, Dohuk and Erbil. Iraq will be considered as one electoral district for the Christian Component
  - B. **Aezidian component:** - one seat in the province of Nineveh.
  - C. **The Serbian Mandaean component:** - one seat in the province of Baghdad.
  - D. **Shabak component:** - one seat in the province of Nineveh.The lists of candidates for a party must not exceed the **number of candidates in the list double the number of seats allocated to the constituency and be at least three candidates, excluding a political entity.**
  - C. **The proportion of women is not less than 25% in the list.**
  - D. **Entities components should provide a list of two candidates for each seat from the components seats.**

**The state requires that candidate meet the following conditions to be accredited/registered:**

1. A candidate should be a full eligible Iraqi, as well as the following conditions:-
  - A. **Should be at least at the age of thirty years.**
  - B. **Should not be covered by the law of accountability and justice.**
  - C. **Has not illegally enriched at the expense of the homeland and public money.**
  - D. **Not convicted of a crime involving moral turpitude, and should be known by the good curriculum.**

**E. To be the holder of a high school diploma or equivalent as a minimum.**

F. Should not be a member of the armed forces when nominating.

**2. Candidates are subject to the approval of the Commission.**

**Political entities and their candidates have the right to appeal the decision of the Commission on which candidates and parties are permitted on the electoral lists. ("Electoral Judicial Body": -A body which consisted of three judges appointed by the court of appeals that looks in appealing on the final decisions of the BoC or those submitted from those affected by the decisions of the Board.)**

**Candidates and parties can challenge election results. The challenges must be submitted within three days of the publication of the election results.**

**In order to be certified, the states requires political entities to pay a deposit of (5.000.000) five million Iraqi Dinars for the candidate who wish to be certified on as a political entity. In addition (25000.000) twenty five million Iraqi Dinars, for the group who wish to be accredited as a political entity.**

**If the state imposes a fine on a political entity, the amount of the fine will be deducted from the deposit.**

**A political entity must win at least one seat in the election for the deposit to be returned, otherwise the state credits the deposit to a state fund.**

**Political entities must have no less than (500) qualified candidates who have not signed to another party as well.**

**The state requires a political entity which requests certification must sign the IHEC Code of Conduct in which it declares the following:-**

a ) Do not have any connection with armed force, militias, or leftover military unit that has been defined in order (91) of the year 2004.

b) Do not have a direct or indirect financing from any armed force, militias, or leftover military unit.

**c ) Commitment to Iraqi laws and regulations, including provisions of public meetings, and prevent irritation of hatred and violence, frightened others, and support and use of terrorism.**

**d) Comply with the regulations, rules, suggestions, procedures, and the Code of Conduct published from IHEC.**

Political entities have the right to complain to the Board of Commission about any decision made by the IHEC and also appeal a Board's decision in front of the electoral judicial body within three days on the next date of publishing.

Political entities are permitted to form coalitions, but must have one list of candidates. Also, political entities can only participate in one coalition.

### **Election Law for the 2010 Council of Representatives Elections**

The Council of Representatives is composed of 325 members, 310 seats shall be distributed to the governorate constituencies and 15 shall be compensatory seats from which 8 shall be reserved for

component candidates. Each governorate is one electoral constituency and shall be allotted a number of seats proportional to the estimated population in that governorate using official statistics from the Ministry of Trade.

### **Component seats**

Of the 325 seats in the Council of Representatives, 8 are reserved for minorities. These are known as component seats. There is one seat reserved for the Yazidi community in Ninewa, one for the Sabea in Baghdad, and one for the Shabak in Ninewa. Each of these three seats represents a separate constituency and a separate race. The list with the most votes in a constituency will win the seat.

There are also 5 seats reserved for Christians. Each of these seats is linked to one governorate: Baghdad, Erbil, Ninewa, Dahuk or Kirkuk. Nevertheless, the five seats constitute one national constituency, and all lists compete for the five seats at the same time. Seats are allocated in proportion to each list's share of the total valid votes, provided the list has reached the electoral divider. Within each winning list, seats are in principle awarded to candidate(s) with the most individual votes. At the same time, to win a seat, a candidate must be registered to run in the governorate to which the seat is linked, and all five winners must be registered in a different governorate. Adjustments will be applied and priority will be given to single lists if necessary.

### **Compensatory seats**

The remaining 7 seats in the Council of Representatives (after 310 governorate seats and 8 component seats) are known as compensatory seats. Compensatory seats are awarded to winning lists in proportion to the governorate seats they won in the country as a whole. A winning list's compensatory seats are awarded to the candidate(s) who did not yet win a seat, and who received the list's highest share of individual votes when compared to candidates running for that list in other governorates.

### **Women's quota**

The Constitution and the Electoral Law protect the participation of women in the Council of Representatives. If at least 82 women (25% of 325 seats) get elected through the processes described above, no additional steps are required in the distribution of seats. However, if the number of women is below 82, a special mechanism will be applied.

The governorates with the lowest share of elected women will be identified. These will need to increase the number of winning female candidates until the number in the Council of Representatives reaches 82. Within each of the governorates so identified, the winning lists with the lowest share of elected women will be identified, and these will need to increase the number of women, until the required number is reached for the governorate. Within each list so identified, the list of candidates will be re-ranked so that women candidates move up the list to winning positions to replace male candidates, until the required number is reached for that list. This adjustment mechanism will ensure that there are at least 25% women in the Council of Representatives, although the percentage of women in each governorate and each list may vary.

The Iraqi proportional system allows smaller parties, which do not attain a majority of votes in an electoral constituency, get a seat in the Council of Representatives, as long as they at least match the electoral divider number.

## Research Excerpts:

IHEC Regulation No.19

3. "The political entity": Is an organization, including the political party or the person who intends to stand alone for the elections on the condition that they obtain certification of a political entity by the Commission.

### Section 2

(The Electoral campaign period)

1. The political entities, coalitions and candidates authenticated by the Commission got the right to begin their electoral campaigns starting from the day following the date of publication of the names of candidates approved by ,campaigns will stop before (24) hours from the time the polls centers are opened.
2. The electoral campaign of the political entities, coalitions and candidates approved by should be free and within the limits of existing laws and regulations of the Commission.

### Section 3

**(Terms of electoral campaigns)**

1. Baghdad Municipality and the relevant municipalities in the provinces Determine in coordination with the commission; the places in which it is prohibited to practice the electoral propaganda and paste the electoral announcement throughout the campaign period preceding the day of the elections and prohibiting the publication of any propaganda programs or pictures of the candidates at polling stations.
2. Political entities, coalitions and candidates should be sure that their electoral campaign in any location within the conditions prescribed in this regulation and codes of conduct signed by the President of a political entity, as part of the authentication process.
3. Prohibiting the use of adhesives (gum, asafetida, and other materials) as well as writing on the walls using paint and Spray in the exercise of the electoral campaign.
4. Prohibiting the use of the official emblem of the State in the meetings, announcements and bulletins in the electoral writings and fees that are used in the electoral campaign.
- 5. It is Allowed to use the images and symbols of personal publicity for non-candidates but no references to religion.**
6. It is allowed to use the state's departments, including its **military and security, mosques and Shiite mosques and holy shrines, shrines and sales, churches and other places of worship to support the electoral process exclusively, may not be used for the purposes of electoral propaganda for the political entities, lists, or candidates.**
7. The staff of government departments and local authorities of different degrees and level are not allowed to exploit their posts, the state resources, or its means including its

military and security systems to arrange the electoral campaign for their benefits or for any candidate or political entity, or to influence voters.

**8. Political entities, coalitions and candidates are not allowed to issue false statements or defamation against a candidate or a political entity that involved in the electoral process or against the Commission.**

**9. It is prohibited for any political entity or coalition participating in the elections; to include its election campaigns ideas calls for arising national, religious, sectarian, tribal, or regional sectarianism between citizens, whether through the logos, pictures, posters, television, radio broadcasting or other media and various communication means.**

**10. It is prohibited for any political entity, coalition, or candidate to submit, during the electoral campaign, any gifts, donations, or any other benefits, by the intention of influencing voting.**

**11. Political entities, coalitions and candidates should refrain from violence, hatred, intimidation, or supporting, practicing, using or arising terrorism during the electoral campaign, through the expression of the views or speeches, writings, posters or visual media or audio or any other mean.**

12. It is prohibited to spend on electoral campaigns from the public money, the budget ministries, endowment funds or funds of external support.

13. An obligation not to assault or exposure to any other election propaganda concerning political entities or coalitions, or candidates.

14. The candidates as well as employees in government's departments or members of local authorities are not allowed to distribute work programs on the day of voting by either him /her self or by another.

15. It is not permitted to use the pictures of candidates at polling stations.

#### **Section 4**

##### **(Implications of the violation of the conditions of electoral campaigns)**

1. Monitoring committees, which is formed in IHEC offices, will coordinate with directorates and municipal departments to control violations of the electoral campaign.

**2. Commission imposed a fine on any political entity, coalition, or candidate violates this regulation or the code of conduct of political entities, signed by them, IHEC will also takes legal action to enforce the penalties stipulated in the amended Electoral law No. 16 of 2005.**

**3. Political entities which violated the electoral campaigns will be informed to remove the offense during (3) days**

**from the date of notification; or else the fine will be doubled in case that the entity is not complying, then the names of violated entities will be published in media.**

4. Political entities should remove all items of the media campaign during the (30) days from the day following the polling day, otherwise it will be loaded cost of removing such violations, which are identified by the directorates and departments of the municipality.

**5. Deposits will not be returned to political entities who won one seat but after the payment of amounts of removing irregularities, if deposits were not enough to pay these amounts or political entities did not get a seat in the elections, then they should pay within (10) days and bring what prove that; otherwise legal action would be taking against them.**

### **IHEC Regulation No.17**

10. "**Component Seats**":- Are seats allocated by the Electoral law for the components (Christian, Alaezidians, Sabians, **Mandaeans and Shabak**).

### **Part 3**

#### **(Political entities and candidates)**

1. It is not permissible for a political entities not approved by the **Commission to submit lists of candidates for elections.**

2. Two political entities or more could form a coalition to share the interests and produce a list of their nominators and to arrange media campaign for nominators included in the coalition.

3. Political entities present lists of candidates to contest the elections in one electoral district or more, at the same time forming a coalition with another political entity to provide a list of candidates to constituencies other than in which the political entity on its own.

4. Political entities and coalitions wishing to contest the elections in one precinct or more provide a list of candidates to contest **the elections in each precinct.**

### **Section 4**

#### **(Component Lists)**

1. According to the electoral law, the number of compensatory seats for the components as follows:

**A. Christian component:** - five seats are distributed to the governorates of Baghdad, Nineveh, Kirkuk, Dohuk and Erbil. Iraq will be considered as one electoral district for the Christian Component

**B. Aezidian component:** - one seat in the province of Nineveh.

C. **The Serbian Madaeans component:** - one seat in the province of Baghdad.

D. **Shabak component:** - one seat in the province of Nineveh.

2. The type of component that the political entity wants to compete for seats for the entities competing for the components seats; must be specified.

3. Lists of candidates will be provided during the period specified **by the Commission.**

## **Section 5**

### **(Lists of candidates)**

1. In the lists of candidates, it is required as follows:

A. Filling the list of candidates submitted to the commission electronically.

**B. Not exceeding the number of candidates in the list double the number of seats allocated to the constituency and at least three candidates, excluding a political entity, the individual.**

**C. The proportion of women is not less than 25% in the list.**

**D. Entities components should provide a list of two candidates for each seat from the components seats.**

2. May not be for a political entity or coalition, to withdraw or change lists of candidates after they submit them to the commission, lists of candidates submitted considered final, unless they are requested by the commission for the purpose of making the list meets the requirements of the regulation. In this case, a new list must be submitted in accordance with the changes required before the expiry of the period specified by the Commission for its approval of the candidates. Political entities must make sure from the lists before their submission.

## **Part 6**

### **(Eligibility of the candidate)**

1. A candidate should be a full eligible Iraqi, as well as the following conditions:-

**A. Should be at least at the age of thirty years.**

**B. Should not be covered by the law of accountability and justice.**

C. Has not illegally enriched at the expense of the homeland and public money.

**D. Not convicted of a crime involving moral turpitude, and should be known by the good curriculum.**

**E. To be the holder of a high school diploma or equivalent as a minimum.**

F. Should not be a member of the armed forces when nominating.

**2. Candidates are subject to the approval of the Commission.**

**12. Political entities and their candidates got the right to appeal the decision of the Commission to reject the ratification of the lists of candidates to the judiciary commission for the elections.**

## **Part 8**

### **(Challenging on the results of elections)**

1. Challenges on results are submitted to the electoral office in the governorate, regional electoral office, in the national office, or directly to the electoral judicial commission.
2. The chief of the PE, or the candidate, or the authorized representative of the entity could submit the challenge, if the electoral system depends on the system of open list.
3. The challenge is produced before one of the sides mentioned in the item (1). The same challenge is not allowed to be submitted to more than one side.
4. Publishing results in at least three daily newspapers and in both languages, English and Arabic once. The results will be challenged within three days starting from the next day of **publication.**

10. "**Electoral Judicial Body**": -A body which consisted of three judges appointed by the court of appeals that looks in appealing on the final decisions of the BoC or those submitted from those affected **by the decisions of the Board.**

## **Regulation No. 15**

### **Part 2**

#### **(Certification of Political Entities)**

1. IHEC set a period of time to receive submissions of the certifications of the Political Entities; requests will not be received before or after this period.
2. Any group or person got the right to compete in elections by submitting a petition to IHEC to get the certification by IHEC as a political entity. **When submitting a request, financial credits should be deposit for (5.000.000) five million Iraqi Dinars for the individual who wish to be certified on as a PE. In addition (25000.000) twenty five million Iraqi Dinars, for the group who wish to be accredited as a PE by IHEC.**
3. **If the PE or the Coalition were imposed to a financial fine as a result to the violation of any electoral law, electoral regulations, code of conduct...etc.; a financial fine will be discounted from the imposed sum of money if it was enough to cover the amount of, fine otherwise the PE must pay the rest of the amount.**
4. **If any financial penalties have not been imposed, then the entrusted sum will be back in whole after the elections, on the condition that the entity or the coalition got the needful votes to win a seat at least in these elections, in addition to the accredited entities or coalitions which did not submit their nominators' lists. If the PE or the coalition got less than the above ratio, the sum will be credited as a**

## **fund to the state's budget.**

5. The Political Entity must submit a petition in writing using a sample made by IHEC for this purpose; the request could be submitted to the national office in Baghdad, or the regional electoral office, or to the governorate electoral office.

6. The submission should include the following information:-

- a) A full name of the Political Entity.
- b) A name of the chief of the political entity or the single person and address, information to make contact with, and his signature.
- c) A copy of the Code of Conduct signed by the political entity.
- d) Depositing financial insurance.
- e) An electronic and paper copy of the internal regulation which organizing the political entity's activities (except individual PE); on condition that the technique in choosing heads, candidates, secretariat, commission, or the political office and to point to the resources of financing the party and this regulation is available to the people to review it.
- f) Electronic and in writing copy of the political entity's logo.
- g) A list of qualified candidates no less than (500) voters including their names, dates and places of their born, addresses, and their signatures or seals with numbers and dates of their national certificates. Those must not sign for another political entity for the same purpose.**
- h) Name of the political entity's authorized representative, address, and means of communication, as a responsible liaison with IHEC on the national, regional, and provincial level.
- i) Political Entities should produce an E-mail address for the sake of informing and addressing.
- j) Curriculum Vitae of the chief of the political entity and the members of the side got the authority of changing the chief of the entity and according to the internal regulation.

7. PE s that had been Certified on in the previous elections, got the right to keep the same logo and name in the case of not changing name, logo, or chief of the entity on the condition that they should provide the necessary documents of certification.

**8. A political entity who requests certification must sign the Code of Conduct with the way decided by IHEC in which it declares the following:-**

- a) Do not have any connection with armed force, militias, or leftover military unit that has been defined in order (91) of the year 2004.
- b) Do not have a direct or indirect financing from any armed force, militias, or leftover military unit.

**IHEC Regulation No.15**

**c ) Commitment of Iraqi laws and regulations, including provisions of public meetings, and prevented irritation of hatred and violence, frightened others, and support and use of terrorism.**

**d) Compliance with the regulations, rules, suggestions, procedures, and the Code of Conduct published from IHEC.**

9. Political Entity will be accredited by IHEC if the following conditions were approved:-

a ) Lack of substantial deficiency where the submission should meet the conditions.

b) Name of a Political Entity and its logo should not be similar to the name and logo of a party, organization, assembly, existent movement, or a political Entity registered or under registration, otherwise priority will be for the previous registered entity.

c )The name of the political entity must not arise hatred and violence or violating the general regulation, must not contain any personal photo or symbols either military or religious.

10. If the submission lacked the conditions of certification, the PE will be informed by IHEC about its decision, by then PE should amend or finish the submission, and deliver it within a specified period to certify on the PE s.

11. IHEC will inform the PE with its agreement on the submission by publishing it on the electronic web site of IHEC in addition to label it on the advertising board of the electoral office (which received the petition) and in the advertising board the national office in Baghdad. In case of refusing IHEC will inform the PE s of the refusal by publishing its decision in the electronic web site of IHEC and in a three daily newspapers for at least (three days) and in both languages English and Arabic.

**12. Any of the PE s got the right to complain to the BOC about any decision made by IHEC according to this regulation.**

**13. Any of the PE s got the right to appeal on the Board's decision in front of the electoral judicial body within three days starting with the next date of publishing.**

14. IHEC kept a special record of the certified political entities.

15. Accreditation's requests submitted by PE s to IHEC is not allowed to be amended after producing them to IHEC, unless IHEC requests these amendments for applying this regulation.

16. The political entity is not allowed to withdraw from the competition at the end of the certification period on candidates' lists.

17. PE s Re not allowed to nominate it candidates unless it is registered and certified on by IHEC as a PE.

18. Political Entities are entitled to form a coalition to collect interests and to do the electoral campaign for candidates in the coalition.

19. All Political Entities including certified individuals are equal before the law.

### **Part 3 (Coalition of the Political Entities)**

1. Two or more political entities are allowed to form a coalition to produce a shared list of candidates according to a form made by IHEC for this purpose.

2. The political entity is not allowed, in particular elections, to produce an individual list of candidates and at the same time it submitting candidates within a coalition. It is not allowed to participate in more than one coalition at the same elections.

3. Every political entity got the right to participate in the different coalitions. Or the political entity could submit, by its self, list of candidates for participating in a particular election in case that the electoral system is a single electoral district.

4. The Political Entity must submit a petition in writing using prepared sample made by IHEC for this purpose.

5. The submission should include the following information:-

- a. A full name of the Political Entity.
- b. Number of the united political entities.
- c. An electronic and in written copy of the Code of Conduct signed by the political entity as representatives in IHEC on the regional, national, or governmental level.
- d. Name of the persons appointed by the political entity as representatives in IHEC on the national, regional, and provincial level.
- e. The petition should be signed by the heads of all the united political entities. It should contain copies of the code of conduct as in the Item (c) of the sixth Article of the second section of this regulation.

6. Political Entity will be certified by IHEC if the following conditions were approved:-

- a. ) lack of substantial insufficiency and the submission

should meet the conditions.

b. )Name of a Political Entity and its logo should not be the same as the name and logo of a political entity or another coalition previously registered or in registration , also it is not allowed to give the name of one of the entities of the coalition to the coalition it self.

c. )The name of the political entity must not arise hatred and violence or violating the general regulation, mustn't contain any personal photo or symbols either military or religious.

7. The political entity is not allowed to withdraw from the coalition at the end of certification period on candidates' lists or coalitions.

8. If a political entity withdraws from a coalition before the end of the specified period to produce the political entities' or the coalition's candidates' lists, then the rest political entities within the coalition got the right to produce a new list, and the withdrawal entity got the right to produce a new list. If a coalition of two entities was broken up, the two separated entities got the right to produce two separated lists.

9. The coalition will be certified by IHEC to compete in an election, if it meets the above conditions.

10. After the certification on the PE s, coalitions, and lists of candidates , a date of polling will be specified to get number of polling that proved the existence of the PE or the coalition in the polling paper.

11. All the coalitions which have been certified by IHEC in the previous elections will be broken up. And if these coalitions wished to be certified on again or producing a list of their candidates, they should submit a new petition to IHEC.

12. a- It is not allowed to register a coalition from political entities in the name of a broken up coalition which took part in the previous elections without the entities who registered in it.

b- In case of producing a submission of registering a coalition which participated in the previous elections, then it should be submitted by the absolute majority (a half + one) at least for the entities which formed the coalition.

### **Election Law for the 2010 Council of Representatives Elections (UNAMI Office of Electoral Assistance on Iraq):**

#### **Electoral system and seat allocation**

The electoral system for the Council of Representative election is determined by the provisions of the Electoral Law of 2005, as amended in 2009. The Board of Commissioners of the IHEC has adopted regulation 21 of 2010 to implement these provisions. This regulation explains how votes are translated

into seats, and how seats are awarded to candidates within each winning list.

### **Open list system**

Political entities can either be parties, who participate by submitting lists of candidates, or individual candidates, who are also known as “single lists”. Political entities can submit up to two times as many candidates as there are seats in a governorate. 25 % of a list’s candidates must be women.

The election will be held on the basis of an “open list” system: voters will express their preference for a list, but they can also mark their preferred candidate within that list. The latter is referred to as an individual vote. The number of such individual votes will determine which candidates within a winning list will be awarded a seat.

### **Governorate seats**

According to the Electoral Law, there are 325 seats in the Council of Representatives.

310 of these are known as governorate seats: each governorate has a certain number of seats determined by law, based on population figures. Each governorate is one constituency. This means that political entities compete for votes in the respective governorates, and results are calculated governorate by governorate. (This is why there are different ballots for each governorate for in-country voting).

A proportional system is used to distribute the governorate seats: seats are awarded based on each list’s share of the valid votes in a constituency. This is done in a number of steps or calculations set out in the IHEC seat allocation regulation.

To be awarded a seat, each list must have won a number of votes that is at least equal to the “electoral divider”. The electoral divider is different in each constituency. It is calculated by dividing the number of all valid votes cast for governorate seats by the number of those governorate seats. If a list’s vote total does not reach the electoral divider, the list will not win any seat.

A list cannot win more seats than it has candidates. Single lists, even if they receive a large share of the votes, will not receive more than one seat. Within each winning list, candidates are ranked by the number of their individual votes, from highest to lowest. In principle, this ranking will determine which candidates will be awarded a seat. However, this initial ranking will be adjusted if necessary to fulfill women’s quota. See below.

### **Component seats**

Of the 325 seats in the Council of Representatives, 8 are reserved for minorities. These are known as component seats. There is one seat reserved for the Yazidi community in Ninewa, one for the Sabea in Baghdad, and one for the Shabak in Ninewa. Each of these three seats represents a separate constituency and a separate race. The list with the most votes in a constituency will win the seat.

There are also 5 seats reserved for Christians. Each of these seats is linked to one governorate: Baghdad, Erbil, Ninewa, Dahuk or Kirkuk. Nevertheless, the five seats constitute one national constituency, and all lists compete for the five seats at the same time. Seats are allocated in proportion to each list’s share of the total valid votes, provided the list has reached the electoral divider. Within each winning list, seats are in principle awarded to candidate(s) with the most individual votes. At the same time, to win a seat, a candidate must be registered to run in the governorate to which the seat is linked, and all five winners must be registered in a different governorate. Adjustments will be applied and priority will be given to single lists if necessary.

### **Compensatory seats**

The remaining 7 seats in the Council of Representatives (after 310 governorate seats and 8 component seats) are known as compensatory seats. Compensatory seats are awarded to winning lists in proportion to the governorate seats they won in the country as a whole. A winning list's compensatory seats are awarded to the candidate(s) who did not yet win a seat, and who received the list's highest share of individual votes when compared to candidates running for that list in other governorates.

### **Women's quota**

The Constitution and the Electoral Law protect the participation of women in the Council of Representatives. If at least 82 women (25% of 325 seats) get elected through the processes described above, no additional steps are required in the distribution of seats. However, if the number of women is below 82, a special mechanism will be applied.

The governorates with the lowest share of elected women will be identified. These will need to increase the number of winning female candidates until the number in the Council of Representatives reaches 82. Within each of the governorates so identified, the winning lists with the lowest share of elected women will be identified, and these will need to increase the number of women, until the required number is reached for the governorate. Within each list so identified, the list of candidates will be re-ranked so that women candidates move up the list to winning positions to replace male candidates, until the required number is reached for that list. This adjustment mechanism will ensure that there are at least 25% women in the Council of Representatives, although the percentage of women in each governorate and each list may vary.

## **Carnegie Endowment, Inside the 2010 Iraqi Election**

### **Election Date**

While the Iraqi constitution had determined January 31 to be the deadline for holding elections, disputes over the 2010 election law have delayed the election date to March 7, 2010.

### **The Electoral System**

Elections will be held under a system of proportional representation, with parliamentary seats apportioned among parties on the basis of the number of votes they receive in each of the provinces into which Iraq is divided. The number of representatives per province is based on population, and in the 2005 elections varied from a low of seven in Maysan and Dahuk to a high of 59 in Baghdad. In 2010, the total number of seats is expected to increase to 325.

Smaller parties or ethnic and confessional minorities often favor proportional representation, which enables them to obtain seats in parliament even when they cannot win a majority of the votes in any one district. But proportional representation also enhances the role of the party over that of individual candidates, as citizens cast their main vote for an organization and its entire slate of candidates, not for individuals. Thus, if a party gets enough votes to obtain three seats in parliament, the first three candidates on its list will get those seats. The system strengthens party bosses, who decide which candidates make the list, and how close to the top they are.

To reduce the excessive power of party bosses, some countries employ proportional representation systems with open lists, which allow voters not only to cast a vote for a party, but also to indicate their preference for particular candidates on the list. If voters avail themselves of that right in large numbers—and in many countries, they do not—they can overrule the party leadership and ensure a parliamentary seat for a candidate whose name appeared lower on the list.

In Iraq, the 2005 parliamentary elections were conducted under a closed list system, but the January 2009 provincial council elections used an open list and, after much debate, the 2010 parliamentary elections will do the same. A preliminary analysis of the 2009 provincial elections suggests that enough voters availed themselves of the opportunity to prioritize individual candidates to affect the outcome. No overall figures are yet available to indicate how many seats were affected.

### **3. Laws and regulations on electoral finance**

#### **Main Research Findings:**

There are no limits on electoral donations.

There are no limits on electoral spending.

There is no regulation of candidate and party finances.

The state forbids political candidates and parties from offering gifts, donations or any other benefits in order to influence voting.

The state forbids public monies, budget ministries, endowment funds, and foreign funds to be used for electoral campaigns.

The state requires the political candidates and parties to pay the following amounts to be accredited (registered):

(5.000.000) five million Iraqi Dinars for candidates

(25000.000) twenty five million Iraqi Dinars for political parties

The deposits will be returned if the political entities win at least one seat.

#### **Research Excerpts:**

##### **IHEC Regulation No.19**

**10. It is prohibited for any political entity, coalition, or candidate to submit, during the electoral campaign, any gifts, donations, or any other benefits, by the intention of influencing voting.**

12. It is prohibited to spend on electoral campaigns from the public money, the budget ministries, endowment funds or funds of external support.

#### **Section 4**

##### **(Implications of the violation of the conditions of electoral campaigns)**

5. Deposits will not be returned to political entities who won one seat but after the payment of amounts of removing irregularities, if deposits were not enough to pay these amounts or political entities did not get a seat in the elections, then they should pay within (10) days and bring what prove that; otherwise legal action would be taking against them.

2. The type of component that the political entity wants to compete for seats for the entities competing for the components seats; must be specified.
3. Lists of candidates will be provided during the period specified **by the Commission.**
4. Lists of candidates in the province will be provided in the province which a political entity or coalition wants to run elections in it.
- 5. It is not allowed to repeat the names of candidates in the lists of candidates of different entities and coalitions.**
6. Seats of the Christian component will be distributed on the base of one seat for the first winner from each governorate of the mentioned governorates which has been mentioned in Item 1/A of this section.
- 7. The political entities and coalitions that compete on the Christian component seats; are not allowed to produce candidate lists for the GS (General Seats).**

## **IHEC Regulation No.16**

### **Part 2**

#### **(Authorities)**

1. The Board got the authority to resolve disputes arising during preparing, arranging, implementing, and performing of elections; this includes all matters related to the adjudication procedures in complaints and disputes related to elections. The board can issue any procedures or additional adjustments on this regulation if necessary and according to the law.
2. The Board can entrust its authorities to the GEO to settle a particular disputes.
3. The Board must refer any criminal issue to the specialized authorities in case of having evidences on occurring criminal misconduct against the safety of elections and referendum. If the Board applies a civil sanction on a violation; then it does not mean that there is no criminal penalty is applied under applicable Iraqi laws.

### **Part 3**

#### **(Procedures of Submitting a Complaint)**

1. Any person, except electoral observers, got the right to submit complains 'or dispute' petitions to the Board on the electoral process.
2. In order to protect the integrity and safety of the electoral process, the Board initiatively applies a penalty or any corrective procedures in case of any electoral rules breach even if there is no complaint about.
3. Submission of complaints takes the following steps:-
  - a. The complaints should be written and signed by the person or who deputizes him/her who witnesses the

event in which the violation occurred.

b.If the complainant was a political entity then its deputy must sign the complaint.

c .The complaint could be produced in the stage of registration to the manager of registration center or the manager of the electoral office in the governorate. The complaint will be produced in polling stage to the manager of the station, the manager of polling center, the manager of regional electoral office, the GEO or to the national office directly.

d. Complaints of the polling stage will be submitted within (42) hours starting from the date of the occurrence of the violation.

4. The complaint must be composed of the following information:-

a .The name of the complainant, his/her address, and required information to call him/her.

b .The name and information helps to call the supposed violator, if available.

c .Detailed description of the supposed violation including date, time, place, and environment.

d .Any other complaints related to the electoral process are submitted either to the concerned GEO's manager who will refer them confidentially or directly to the National Office.

5. The department of complaints and consultants in the secretariat of the BoC will investigate the complaint and makes recommendations to the BoC by coordination and cooperation with the regional electoral office or the GEO s.

#### **Part 4**

##### **(Hearings)**

1. The Board may call witnesses or polls of the case, and then hold meetings which might be general or private according to the Board's point of view.

2. The Board may ask or receive evidences in relation; in the hearing's sessions by all means.

3. The whole evidences will be presented to the Board, should be approved in the minutes and then attached with the complaint.

#### **Part 5**

##### **(Replying to Complaints)**

1. When the Board decided that the complaints is based on legal fundamentals, the complained of, is informed in writing, whenever it is possible, then he/she is given an opportunity to respond to the complaint in a specific time.

2. The complainer of produces his/her respond in writing or signed by his/her deputy. If the complainer of was a political entity, then its leader or representative will sign the response.

3. A respond may be submitted to the electoral regional office or

to the GEOs and it should be submitted secretly to the BoC as fast as it possible.

4. The Board keeps on examining the complaint even if the complainer did not produce any response.

5. The complaint might be run over again in the following cases:-

a. In case of finding new evidences.

b. In case of delaying the submission of the response to the Board after it had been submitted by the exact day.

## **Part 6**

### **(Adjudication to complaints)**

1. The Board got the right to refuse a complaint that is not accompanied with efficient evidences or lacked, obviously, what rationalized it; or that which lacked the formal conditions.

2. Submitting vexatious complaint by a political entity or any body, considered as a violation to the rules of this regulation.

And be subject to the penalty imposed on by the Board of commissioners.

3. The Board might refer the complaint or sides of it that lies outside its jurisdiction, to a special authority.

4. The Board ran over the complaints produced in the proper time, neutrally, with the guaranty of the secrecy of special information submitted, except what refers to the right of feud polls in knowing the subject of the complaint.

## **Part 7**

### **(Sanctions)**

1. The Board imposes penalties on any person or (political entity) that violates any rule, regulation, instructions, any code of the Code of Conduct, or any decision came into force which is related to arranging or carrying out election.

2. Political Entities are responsible on any violations had been done by their members, candidates, or agents. When the proper penalty is determined, then the Board may consider, whether the political Entity has made the necessary efforts to avoid such violations.

3. If a violation was approved, the Board imposes the following penalties on the violators:-

**a. returning back the situation to what it was before the violation took place if it is possible.**

**b. Financial fine.**

**c. cancellation of the certification on the accreditation of a Political Entity of elections.**

**d. Preventing a Political Entity from participating in the future elections.**

**e. Eliminating the name of the candidate from the candidate's lists of elections.**

**f. Preventing a person from participating as a candidate, an**

electoral employee, or as a Political Entity in this elections or in the future elections.

**g.** Preventing or canceling the accreditation of a team from the observers' teams or a person within the observers' team in this election or the future elections.

**h.** The Board got the right at any time before certifying the results; to order a recount of the ballot papers and votes in some center, or took another proper act.

**i.** Monies collected from penalties imposed on by the Board, will be considered as revenue to the public **treasury.**

10. "**Electoral Judicial Body**": -A body which consisted of three judges appointed by the court of appeals that looks in appealing on the final decisions of the BoC or those submitted from those affected by the decisions of the Board.

## 4. Laws and regulations on voter say

### Main Research Findings:

**Iraqi citizens have freedom of speech and assembly as long the citizens do cause violence, hatred, and religious incitement.** (As stated in the Constitution, any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political **pluralism in Iraq.**)

**The Iraqi public and private media have no restrictions on their political content, barring the promotion of violence, hatred, and sectarian conflict.**

**Political posters etc. are regulated according to municipal laws.**

**The state does not censor the internet.**

**There are no limits of political donations and spending, except that the state and foreigners are disallowed from financially support electoral campaigns.**

The state forbids military and security, mosques and Shiite mosques and holy shrines, shrines and sales, churches and other places of worship to be used for the purposes of electoral propaganda for the political entities, lists, or candidates.

The state forbids political entities, coalitions and candidates from making false statements or defamation against a candidate or a political entity that involved in the electoral process or against the Commission.

The state forbids any political entity or coalition from using ideas for the call for arising national, religious, sectarian, tribal, or regional sectarianism between citizens, whether through the logos, pictures, posters, television, radio broadcasting or other media and various communication means.

### Compensatory seats:

1. According to the electoral law, the number of compensatory seats for the components as follows:

**A. Christian component:** - five seats are distributed to the governorates of Baghdad, Nineveh, Kirkuk, Dohuk and Erbil. Iraq will be considered as one electoral district for the Christian Component

**B. Aezidian component:** - one seat in the province of Nineveh.

**C. The Serbian Mandaean component:** - one seat in the province of Baghdad.

**D. Shabak component:** - one seat in the province of Nineveh.

The lists of candidates for a party must not exceed the **number of candidates in the list double the number of seats allocated to the constituency and be at least three candidates, excluding a political entity.**

**C. The proportion of women is not less than 25% in the list.**

**D. Entities components should provide a list of two candidates for each seat from the components seats.**

**Any citizen can make a complaint to the electoral Board regarding electoral wrongdoing. The state provides a judicial process for dealing with complaints such as hearings, right of appeal, and sanctions which include**

**b.Financial fine.**

**c .cancellation of the certification on the accreditation of a Political Entity of elections.**

**d.Preventing a Political Entity from participating in the future elections.**

**e.Eliminating the name of the candidate from the candidate's lists of elections.**

**f . Preventing a person from participating as a candidate, an electoral employee, or as a Political Entity in this elections or in the future elections.**

**The date of elections are determined by a decree by the Council of Representatives Presidency Council and announced 60 days before holding the election.**

**A voter in the election must be** an Iraqi citizen, legally competent, 18 years old and registered to vote in accordance with the procedures established by Independent High Electoral Commission of Iraq (IHEC).

A candidate must be a voter no less than 30 years of age, with at least high school certificate (or its equivalent), must not be covered by the Deba'athification law, or be convicted of a crime violating honor, or have enriched himself illegally, or be a member of the armed forces upon nomination; the candidature will be subject to the approval of the IHEC. At least one woman must be among every three nominees on each entity list.

Out of country voters will be allowed to vote for their governorate of origin. The IHEC will require proof of **citizenship and documentary evidence of origin.**

Iraqi citizens who have been internally displaced have the right to vote in absentee.

Any Iraqi citizen has the right to file a complaint to the IHEC for electoral wrongdoing. The complaint must be filed with two days of the incident. Claims which impact the vote count will be given priority. Election results will not be finalized until all complaints have been addressed. Appeals of complaints are permitted within three days of publication of IHEC decisions on complaints.

The state conducts a de-Ba'athification program which is the state's attempt to eliminate every element of the Baath party. The program removes all mid and high ranking public sector employees affiliated with the Ba'ath Party from their positions and bans them from any future employment in the public sector. The intent of the process as outlined in the Accountability and Justice Act (2008) is "to intellectually, administratively, politically, culturally and economically dismantle the Ba'ath Party system in Iraqi society, state institutions, and civil society institutions."

**Research Excerpts:**

**IHEC Regulation No.17**

## Section 4

### (Component Lists)

1. According to the electoral law, the number of compensatory seats for the components as follows:

A. **Christian component:** - five seats are distributed to the governorates of Baghdad, Nineveh, Kirkuk, Dohuk and Erbil. Iraq will be considered as one electoral district for the Christian Component

B. **Aezidian component:** - one seat in the province of Nineveh.

C. **The Serbian Mandaean component:** - one seat in the province of Baghdad.

D. **Shabak component:** - one seat in the province of Nineveh.

2. The type of component that the political entity wants to compete

for seats for the entities competing for the components seats; must be specified.

3. Lists of candidates will be provided during the period specified

**by the Commission.**

4. Lists of candidates in the province will be provided in the province which a political entity or coalition wants to run elections in it.

**5. It is not allowed to repeat the names of candidates in the lists of candidates of different entities and coalitions.**

6. Seats of the Christian component will be distributed on the base of one seat for the first winner from each governorate of the mentioned governorates which has been mentioned in Item 1/A of this section.

**7. The political entities and coalitions that compete on the Christian component seats; are not allowed to produce candidate lists for the GS (General Seats).**

## Section 5

### (Lists of candidates)

1. In the lists of candidates, it is required as follows:

A. Filling the list of candidates submitted to the commission electronically.

**B. Not exceeding the number of candidates in the list double the number of seats allocated to the constituency and at least three candidates, excluding a political entity, the individual.**

**C. The proportion of women is not less than 25% in the list.**

**D. Entities components should provide a list of two candidates for each seat from the components seats.**

2. May not be for a political entity or coalition, to withdraw or change lists of candidates after they submit them to the commission, lists of candidates submitted considered final, unless they are requested by the commission for the purpose of making the list meets the requirements of the regulation. In this case, a new list must be submitted in accordance with the changes required before the expiry of the period specified by the Commission for its approval of the candidates. Political entities must make sure from the lists before their submission.

## IHEC Regulation No.16

### Part 2

#### (Authorities)

1. The Board got the authority to resolve disputes arising during preparing, arranging, implementing, and performing of elections; this includes all matters related to the adjudication procedures in complaints and disputes related to elections. The board can issue any procedures or additional adjustments on this regulation if necessary and according to the law.

2. The Board can entrust its authorities to the GEO to settle a particular disputes.

3. The Board must refer any criminal issue to the specialized authorities in case of having evidences on occurring criminal misconduct against the safety of elections and referendum. If the Board applies a

civil sanction on a violation; then it does not mean that there is no criminal penalty is applied under applicable Iraqi laws.

### **Part 3**

#### **(Procedures of Submitting a Complaint)**

1. Any person, except electoral observers, got the right to submit complains 'or dispute' petitions to the Board on the electoral process.
2. In order to protect the integrity and safety of the electoral process, the Board initiatively applies a penalty or any corrective procedures in case of any electoral rules breach even if there is no complaint about.
3. Submission of complaints takes the following steps:-
  - a. The complaints should be written and signed by the person or who deputizes him/her who witnesses the event in which the violation occurred.
  - b.If the complainant was a political entity then its deputy must sign the complaint.
  - c. The complaint could be produced in the stage of registration to the manager of registration center or the manager of the electoral office in the governorate. The complaint will be produced in polling stage to the manager of the station, the manager of polling center, the manager of regional electoral office, the GEO or to the national office directly.
  - d. Complaints of the polling stage will be submitted within (42) hours starting from the date of the occurrence of the violation.
4. The complaint must be composed of the following information:-
  - a. The name of the complainant, his/her address, and required information to call him/her.
  - b. The name and information helps to call the supposed violator, if available.
  - c. Detailed description of the supposed violation including date, time, place, and environment.
  - d. Any other complaints related to the electoral process are submitted either to the concerned GEO's manager who will refer them confidentially or directly to the National Office.
5. The department of complaints and consultants in the secretariat of the BoC will investigate the complaint and makes recommendations to the BoC by coordination and cooperation with the regional electoral office or the GEO s.

### **Part 4**

#### **(Hearings)**

1. The Board may call witnesses or polls of the case, and then hold meetings which might be general or private according to the Board's point of view.
2. The Board may ask or receive evidences in relation; in the hearing's sessions by all means.
3. The whole evidences will be presented to the Board, should be approved in the minutes and then attached with the complaint.

## **Part 5**

### **(Replying to Complaints)**

1. When the Board decided that the complaints is based on legal fundamentals, the complained of, is informed in writing, whenever it is possible, then he/she is given an opportunity to respond to the complaint in a specific time.
2. The complainer of produces his/her respond in writing or signed by his/her deputy. If the complainer of was a political entity, then its leader or representative will sign the response.
3. A respond may be submitted to the electoral regional office or to the GEO s and it should be submitted secretly o the BoC as fast as it possible.
4. The Board keeps on examining the complaint even if the complainer of did not produce any respond.
5. The complaint might be run over again in the following cases:-
  - a . In case of finding new evidences.
  - b. In case of delaying the submission of the respond to the Board after it had been submitted by the exact day.

## **Part 6**

### **(Adjudication to complaints)**

1. The Board got the right to refuse a complaint that is not accompanied with efficient evidences or lacked, obviously, what rationalized it; or that which lacked the formal conditions.
2. Submitting vexatious complaint by a political entity or any body, considered as a violation to the rules of this regulation. And be subject to the penalty imposed on by the Board of commissioners.
3. The Board might refer the complaint or sides of it that lies outside its jurisdiction, to a special authority.
4. The Board ran over the complaints produced in the proper time, neutrally, with the guaranty of the secrecy of special information submitted, except what refers to the right of feud polls in knowing the subject of the complaint.

## **Part 7**

### **(Sanctions)**

1. The Board imposes penalties on any person or (political entity) that violates any rule, regulation, instructions, any code of the Code of Conduct, or any decision came into force which is related to arranging or carrying out election.
2. Political Entities are responsible on any violations had been done by their members, candidates, or agents. When the proper penalty is determined, then the Board may consider, whether the political Entity has made the necessary efforts to avoid such violations.
3. If a violation was approved ,the Board imposes the following penalties on the violators:-
  - a. returning back the situation to what it was before the violation took place if it is possible.
  - b. **Financial fine.**

**c .cancellation of the certification on the accreditation of a Political Entity of elections.**

**d.Preventing a Political Entity from participating in the future elections.**

**e.Eliminating the name of the candidate from the candidate's lists of elections.**

**f . Preventing a person from participating as a candidate, an electoral employee, or as a Political Entity in this elections or in the future elections.**

**g.Preventing or canceling the accreditation of a team from the observers' teams or a person within the observers' team in this election or the future elections.**

**h.The Board got the right at any time before certifying the results; to order a recount of the ballot papers and votes in some center, or took another proper act.**

**i .Monies collected from penalties imposed on by the Board, will be considered as revenue to the public treasury.**

### **Election Law for the 2010 Council of Representatives Elections**

Elections shall be held by public process, direct voting and secret ballot, in one day, with the date determined by a decree from the Council of Representatives Presidency Council and announced through all the media 60 days before holding the elections.

- A voter must be an Iraqi citizen, legally competent, 18 years old and registered to vote in accordance with the procedures established by Independent High Electoral Commission of Iraq (IHEC).
- A candidate must be a voter no less than 30 years of age, with at least high school certificate (or its equivalent), must not be covered by the Deba'athification law, or be convicted of a crime violating honor, or have enriched himself illegally, or be a member of the armed forces upon nomination; the candidature will be subject to the approval of the IHEC. At least one woman must be among every three nominees on each entity list.
- Out of country voters will be allowed to vote for their governorate of origin. The IHEC will require proof of **citizenship and documentary evidence of origin.**

### **VOTING FOR INTERNALLY DISPLACED PERSONS (Absentee Voting)**

Amendment to the Law No. 16 passed on 8 November 2009 has stipulated voting for internally displaced Iraqis. A displaced voter is an Iraqi who has been forcibly displaced from his/her permanent place of residence to another place inside Iraq after 9 April 2003 for whatever reason. They will be given the opportunity to vote absentee; that is, for their governorate of origin in the place of their displacement. The IHEC will establish absentee polling facilities where they will receive the ballot of their governorate of origin, as well as the booklet with names of candidates for that governorate.

### **Voters Registered with IHEC for Absentee Voting**

An absentee voter can vote for the governorate of his or her original residence, but does so from the location of displacement. There are over **97,000 internally displaced persons** registered to vote absentee during the Voter Registration Update periods that took place in 2008 and 2009.

Absentee voters will vote for their governorates of origin in designated absentee polling stations or regular polling stations that have been designated to also serve absentee voters. Absentee voters are

subject to the same laws and regulations as regular voters.

**The following special provisions will be made for these voters:**

- **Absentee polling stations** will be reserved for absentee voters so they can vote for a political entity and candidate from their governorate of origin. These polling stations will be established in polling centre locations where the IDP absentee voters currently reside.
- In some cases absentee voters will vote in **regular polling stations, which have been assigned to also serve absentee voters.** These stations will be provided with separate ballots, political entity lists and ballot boxes. Additional polling staff will be allocated to assist absentee voters.

**Special Polling Stations for Conditional Absentee Voting**

Special polling stations will be opened according to figures on IDP registered population by the MoDM in all governorates. Voters will be given the opportunity to vote in those polling stations by conditional ballot.

Conditional voting allows for the eligibility of the voters to be verified after the votes are cast, and prior to the vote being included in the count. Voters are required to provide relevant personal data, for recording on the conditional ballot envelope. Voters failing to provide the required information will not be allowed to vote. On the basis of this information, if the voter is proven to be eligible for the governorate for which the ballot is cast according to the voter register, then the ballot will be counted.

Votes will be verified in the GEO Count Centers prior to counting taking place. Only votes of those voters who were not registered with the IHEC for absentee voting nor for voting in the governorate of displacement and who are registered with the MoDM will be counted.

**Counting Process**

Counting of absentee ballots will not be counted in the polling station, as is the case for regular polling. Instead, the sealed ballot boxes will be transported to governorate Count Centres, where counting will take place.

**Fraud Mitigation Measures for the Iraqi Council of Representatives Election – Out of Country Voting**

International best practice and the experience of countries around the world have determined that the following measures are successful in combating efforts to commit fraud during in country and out of country voting. IHEC is undertaking to implement all these measures with the support of the United Nations.

**General fraud mitigation measures applicable to the in and out of country vote:**

**Production and planning of Election Cycle**

Ballot security features (e.g. watermarks, ballot batch serial numbers); timely production of procedures and training for polling officials; planning for polling locations – easy access and equitable distribution; engagement of civil society and political parties; challenge period and complains system.

**Material Distribution and Retrieval**

Chain of custody procedures for the transportation and storage of sensitive material; election material security measures including the use of tamper evident bags, serial numbers and confidential reporting lines; Security and contingency planning; political entities should be encouraged to accompany all sensitive material transfers and confirm storage is secure.

## **Registration and Voting**

Transparent hiring of staff; clear training and procedures; Fraud attempted through simultaneous registration on the three days of OCV voting election will be countered by the display of the final voters list outside of the polling stations; analysis and audit of list for repeat registrations; complaints system; stringent documentation requirements; security at centres and materials storage locations Use of conditional ballots; display of the voters list; transparent ballot boxes and indelible ink; ballot stamp and serial numbered ballots; seals on ballot boxes; secure and transparent transportation of ballots and ballot boxes; widespread dissemination of procedures

## **Counting and Results**

Timely counting procedures; count at polling station level; posting of polling station results; comprehensive training on procedures and reconciliation; transparent tabulation of results; complaints procedures put in place; contingency plans

### **Additional detail on Fraud Mitigation Measures for the OCV:**

**Conditional Ballot Envelope** – In the absence of a voters list prior to polling day this is a major fraud prevention mechanism against multiple voting during OCV and will reduce possibilities or attempts of fraud. This augments application of indelible ink. The conditional ballot envelope and voter details it contains will allow the opportunities to separate votes that might be subject of challenges. The use of conditional ballots, in conjunction with the opportunity for challenges to registrations, maximizes opportunities for identifying and cancelling fraudulent registrations and voting.

**Display of the voters' list/challenges & complaints on voter eligibility** – while the in country vote will have voters lists created from a pre-registration, no such list exists prior to polling day for the out of country process. It is therefore essential and legally required, that a list is compiled on polling day. It is also essential, and a legal requirement, that the list is available for inspection. Fraudulent or multiple attempts at voting may be detected by IHEC, through the verification process, but they may also be detected by Political Entities and their agents. Therefore in order to maximize detection both measures will be used. Voters' lists will be given to the data entry clerk for immediate cross referencing and subsequently returned to the custody of the polling station manager and can be viewed upon request. Therefore the display of the voters list, after polling, will be a realistic and effective anti-fraud measure.

**Division of the voters list** – On each day of polling, every polling centre will use a voters list that is divided into three segments. One segment will be used between the opening of polling at 8am and 12pm, the second segment between 12pm and 3pm and the third segment between 3pm and the close of polling at 6pm. At the end of each of time period the voters list will be underscored to prevent any further entries and given to a data entry clerk for immediate data entry and cross referencing. On the second and third days of polling the previous days cross referenced voters lists will be in the custody of the polling centre manager and available for inspection by eligible voters, accredited political entity agents and accredited observers. On the fourth day the twelve cross referenced segments that form overall polling station voters list will be in the custody of the polling station manager and can be viewed upon request. While complicating polling procedures, the division of voter's lists in such a manner is an anti-fraud mechanism that limits fraudulent additions to the voters list and stuffing of ballot boxes after the close of polling by polling staff. This is a high visibility anti-fraud mechanism.

**Contingency materials** – In the absence of a pre assigned voters list, in order to deal with possible problems on polling day, such as damaged material or unforeseen high turnout, the IHEC will distribute limited amounts of contingency material to all ocv countries. This material will be strictly controlled,

will only be issued under strict conditions and will have to be accounted for at all times. At the end of polling and counting all polling centres and country offices will be required to provide a report on if and how the contingency material was used.

**Storage of materials in a guarded location within the polling centre** – At the end of each day of registration and voting all ballot box top slots will be sealed and recorded. Ballot boxes and sensitive materials placed in one guarded and lockable location within the polling centre; if no single room exists the materials will be left in the polling station over night. Unused ballots will also be sealed in an additional ballot box and seals recorded. At the start of each day all material will be removed from the safe location and opened in the presence of observers (if present).

**Chain of custody** – Maintaining the chain of custody in the transportation of sensitive materials will be vital to the integrity of the election process through registration voting to counting and storage of the counted ballots pending announcement of results.

**Audit Teams** – Following any evidence of fraud identified through the conditional ballot system or through complaints Iraqi IHEC staff will conduct audits of selected ballot boxes and forms completed at polling stations after Election Day. If evidence of fraud is proven, votes or even polling station results will be excluded.

**Complaint Procedures** – The IHEC has a system in place, through the complaints committee, to investigate, citizen and political entity complaints on irregularities in the electoral process. A separate fact sheet on complaints procedures will be available in early February.

### **Electoral Complaints**

Allegations about electoral irregularities may arise throughout the electoral process, including the campaign period, polling and counting, and the publication of results. According to the Law on the Independent High Electoral Commission (IHEC), the Board of Commissioners has the exclusive authority to address such complaints. The process for handling complaints is set out in the IHEC complaints regulations and procedures. These also apply to out-of-country voting.

If a person believes that an electoral violation has taken place and wishes to complain, he or she must file a complaint within two days of the alleged incident. Only eligible voters and political entity agents may file a complaint. A complaint must also meet other requirements, such as providing the name and contact details of the complainant, and a detailed description of the incident.

On polling day, IHEC complaint forms will be available at all polling centers and stations, and at other IHEC offices throughout the country, including the IHEC National Office. Following polling day, complaint forms can also be obtained at the count centers.

All complaints will be transferred to the IHEC National Office. Trained complaints staff will determine whether a complaint meets all the formal requirements and, if so, whether it could have an impact on the vote count, for example in the event of fraud. Such cases will be handled on a priority basis.

Where necessary, the IHEC will undertake investigations, for example by contacting the complainant and witnesses for more details, or investigating ballot boxes. The IHEC may order the results from a polling station to be “quarantined” until the complaint has been resolved.

The names of complainants will be kept strictly confidential by the IHEC. If the alleged violation was committed by someone outside the IHEC (for example, a candidate), the IHEC must give the person an opportunity to comment. The identity of the complainant, however, will not be disclosed.

If the IHEC concludes that there is adequate evidence to support the allegation, it may impose a sanction or take corrective measures, such as excluding or correcting results for one or more polling stations. The IHEC may also refer serious cases to other authorities, for example for criminal prosecution. IHEC decisions on complaints will be published.

The IHEC will not finalize the election results until it has processed all complaints and decided on each case that could impact on the vote counts.

Appeals against IHEC decisions on complaints may be filed within three days of publication, and will be decided by the Electoral Judicial Panel, an independent judicial body. Once the Electoral Judicial Panel has ruled on all appeals, the IHEC will submit the final results to the Federal Supreme Court for certification.

## **Council of Representatives Out-of-Country Voting Comprehensive Fact Sheet**

### **1. GENERAL INFORMATION ON THE IRAQ OCV PROGRAM**

#### **1.1 What is the Iraq Out-of-Country Voting Program?**

The Iraq Out-of-Country Voting Program, or Iraq OCV, is a program organized to enable Iraqis residing outside of Iraq to register and vote in the upcoming election for the Iraqi Council of Representatives.

#### **1.2 When will the Out of Country Voting take place?**

Registration of voters and polling will take place simultaneously during a three day period between 5 and 7 March. Registration and polling will occur between 8am and 6pm. Only those Iraqis who meet IHEC eligibility conditions and provide required documentation will be allowed to register and vote.

#### **1.3 Who is implementing the Out of Country voting program?**

In accordance with the Election Law the Independent High Electoral Commission (IHEC) is mandated to conduct Out-of-Country Voting operations for the 2010 Council of Representatives election. The Independent High Electoral Commission has requested and is receiving support from a UN International Elections Assistance Team and the International Foundation for Electoral Systems (IFES). Both organizations are providing technical assistance to the IHEC OCV HQ and the OCV country offices.

#### **1.4 What is the Independent High Electoral Commission (IHEC)?**

The IHEC, is a professional body under supervision of the Council of Representatives (CoR), is the only body that has the authority to declare, organize, implement and oversee all electoral activities including voter registration, governorate council elections, and referenda.

The IHEC is comprised of eight permanent Election Commissioners and the Chief Electoral Officer (CEO). The CEO heads the IHEC Administration and is a non-voting member of the Board of Commissioners. IHEC is comprised of 19 offices in the Governorates (two in Baghdad), a regional office in Kurdistan, a national headquarters office in Baghdad and the IHEC OCV HQ in Erbil.

#### **1.5 What does the Council of Representatives do?**

The Council of Representatives will enact federal laws, monitor the performance of the executive authority, elect the President of the Republic, regulate the ratification process of international treaties and agreements, and approve the appointment of the President and members of the Federal Court of Cassation, the Chief Public Prosecutor, and the President of Judicial Oversight Commission. The

Council will also approve other ambassadorial, ministerial and military positions. The council will monitor the performance of these appointees. Any member of the Council of Representatives may direct questions to the Prime Minister and Ministers on any subject within their specialty.

### **1.8 What is a "Political Entity"?**

A "political entity" is an organization, including a political party, of eligible voters who voluntarily associate on the basis of common ideas, interests or views, for the purpose of articulating interests, obtaining influence and having their representatives elected to public office. Political Entities for the Iraqi elections must be officially certified as a political entity by the IHEC. A political entity also includes individual persons who intend to stand for election to public office, provided that the individual person is officially certified as a political entity by the Commission.

### **1.9 Who will be elected?**

Iraqi voters will choose between certified political entities and their selected candidates. Each certified political entity has submitted a list of candidates to the IHEC. No list, except the final list certified by the IHEC may contain fewer than three or more than double the numbers of seats allocated to the governorate.

### **1.10 Will the Council of Representatives include women?**

Yes. The IHEC requires from each political entity that at least one quarter of its listed candidates be women. This will ensure a good representation of women in the Council of Representatives.

## **2. POLLING LOCATIONS**

### **2.1 Where will polling centres for the Iraq OCV Program be located?**

The IHEC will open approximately 1000 polling stations within approximately 140 polling centers in the following 16 countries: Austria, Australia, Canada, Denmark, Egypt, Germany, Iran, Jordan, Lebanon, The Netherlands, Sweden, Syria, Turkey, United Arab Emirates, United Kingdom and United States of America.

## **3. REGISTRATION, POLLING AND COUNTING**

3.1 Can anyone vote in the out-of-country election for the Iraqi Council of Representatives elections?

No, to vote you must be eligible and register.

3.2 How can I prove I am eligible?

According to the Electoral Law and IHEC regulations, to be eligible to vote in the 2010 CoR election, a person must:

Hold Iraqi nationality

Be legally competent – fully eligible

Be born on or before 31/12/1992

Prove a link to an Iraqi Governorate that you will vote for.

Submit the required documents to prove the above

Only those who can present documentation proving eligibility will be allowed to register and vote.

3.3 How can I register to vote?

3.4

In order prove eligibility and subsequently vote, you must present at least **TWO** acceptable and original documents which confirm all of the following:

i) Identity can be proven by a document issued by a state, state agency or international institution,

which contains a recognizable photograph. This may include, for example: Iraqi or foreign passport or ID card, driver's license, refugee identification (refugee ID card or official travel document).

*ii Birth* on or before 31 December 1992;

*iii Proof of Iraqi nationality*: In order to prove Iraqi nationality, you must present a document or documents issued by state, state agency, international institution or a National Red Cross Society/Office in the country of current residence, which confirm that you were born in Iraq; or you have current or had previous Iraqi citizenship; or your father has Iraqi nationality;

*iv) Proof that you are affiliated with the governorate in Iraq that you will vote for*. In order to prove this you must produce documentation, or your father's documentation showing residency or place of birth in that governorate.

Note: Only one document proving all of the above will not be acceptable. Remember to bring at least TWO documents with you to the Registration Centre.

#### UNAMI Report 2011:

Despite some violent incidents in the lead up to the election and Election Day itself, the Iraqi people were not deterred from participating in the elections and exercising their rights to freely elect their representatives. According to the Independent High Electoral Commission (IHEC) approximately 62.4 percent of the 18.9 million registered voters were established across the 18 Governorates of Iraq. There were also 37 stations were opened in the International Zone. Voting, however, had commenced earlier on 4 March (Special voting Day), when IHEC opened 711 polling centres containing 2,856 polling stations in all governorates of Iraq for special voting to be conducted for eligible police, military, detainees and persons in hospitals. IHEC reported approximately 600,000 persons had been registered as special category voters. While the majority of police and military had been registered by IHEC on the special voter list, the IHEC Board of Commissioners following a request by the ISF which was supported by UNAMI, opened conditional voting stations on Special Voting Day to accommodate voting for those military and police personnel omitted from the special list. Detainees and those hospitalized participated via conditional voting. The Out of completed over three consecutive days between 5 and 7 March. Icast their ballots in 16 out-of-country locations. The elections itself was monitored and observed by 114,614 Iraqi observers, 657 international observers, 476,366 political agents and approximately 2000 international and national media. UNAMI vis Najaf, Sulaymaniyah, Salahuddin, Diyala, Basra, Dahuk and Baghdad. On Election Day, all the votes cast were counted at the polling stations. Original results sheets from all governorates were then transferred to the IHEC Data Entry Centre in Baghdad where they were tabulated. The results of the elections were announced by IHEC on 26 March 2010. Overall UNAMI assessed that the electoral process, including the adoption of the election law, the campaign....

.... Following a complaint lodged by the State of Law Coalition regarding certain election results, the Electoral Judicial Panel ordered IHEC to conduct a manual recount of all ballots cast in the Baghdad governorate and to announce the results of the count. "The manual complaints and thus has affirmed the legitimacy of the elections", the SRSR noted.<sup>162</sup> On 1 June 2010, the Federal Supreme Court certified the results of the CoR election in accordance... However, there followed several months of political deadlock as the major political blocs and parties negotiated the formation of a government that was not concluded until December 2010. Overall the general elections were largely considered to have been free and fair, despite the violence....

.... country and marks another significant step in securing Iraq's future as a State based on democracy and the rule of law. Numerous, serious acts of violence perpetrated in many different areas within the country marred the pre-election period as well as Election Day itself. It was predominantly ordinary

civilians who became victims of his violence, but some candidates in the election were also targeted. Furthermore, there were reports of attacks against minority groups, particularly Christians, possibly aimed at deterring them from votes freely. Nonetheless, the violence did not deter nearly two thirds of Iraqi citizens from turning out to exercise their political right to vote nor did it effect the overall conduct of the election process. Elections-related violence occurred in central Basra, where on 22 January, according to information received by UNAMI, gunmen attacked the office of the National Congress Party, but they were repelled by the security guards and no casualties were reported. In the run up to the elections, media reported that at least five candidates of the Iraqi List and Kurdish Islamic Group political parties were killed. On 7 February, Dr. Suha Abdullah al-Shemagh, a candidate of the Iraqi List, was assassinated by unknown gunmen in Ras al-Jadeh in the centre of Mosul on the right (western) bank of the Tigris. On 28 February, UNAMI received reports that an unnamed member of the Kurdish Islamic Group had been shot de Tuz Khormatu in Salahuddin Governorate. On 6 March, Sirwan Kakai'e, a candidate of the Kurdistan Democratic Party (KDP), reportedly escaped an assassination attempt in Kirkuk. Closer to Election Day violence increased. On 3 March, a series of bombs struck the city of Ba'quba (Diyala Governorate), targeting government buildings. It killed at least 29 people and wounded 42 others. According to various media reports received by UNAMI, between 4 and 7 March mortar attacks and bombings killed at least 57 civilians and wounded more than 96 others. On the eve of the elections on 6 March, a car bomb exploded in Najaf Governorate, killing three and wounding 54 others. On Election Day on 7 March, 25 people were killed when mortars hit a residential building in Baghdad's Ur neighbourhood (al-Ad'hamiya District). In terms of the number of attacks across Iraq, Election Day was by far the most the violent day of 2010. Attacks on polling stations were particularly numerous in Baghdad, al-Anbar, Diyala, and Mosul where three stations had to be closed due to violence.

### **Carnegie Endowment:**

Under the election law approved in November 2009, all residents registered in Kirkuk in 2009 had the right to cast their votes, but the law also set up a process to review the problem of eligibility after the election, at which point, major controversy is sure to erupt.

### **Iraqi Constitution**

Article 7:

First: Any entity or program that adopts, incites, facilitates, glorifies, promotes, or justifies racism or terrorism or accusations of being an infidel (takfir) or ethnic cleansing, especially the Saddamist Ba'ath in Iraq and its symbols, under any name whatsoever, shall be prohibited. Such entities may not be part of political pluralism in Iraq. This shall be regulated by law.

Second: The State shall undertake to combat terrorism in all its forms, and shall work to protect its territories from being a base, pathway, or field for terrorist activities.

C- The Iraqi armed forces and their personnel, including military personnel working in the Ministry of Defense or any subordinate departments or organizations, may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by Ministry of Defense regulations. This ban includes the activities of the personnel mentioned above acting in their personal or professional capacities, but shall not infringe upon the right of these personnel to cast their vote in the elections.

**Section Two**  
**Rights and Liberties**  
**Chapter One**

**[Rights]**

**First: Civil and Political Rights**

Article 14:

Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status.

Article 15:

Every individual has the right to enjoy life, security and liberty. Deprivation or restriction of these rights is prohibited except in accordance with the law and based on a decision issued by a competent judicial authority.

Article 16:

Equal opportunities shall be guaranteed to all Iraqis, and the state shall ensure that the necessary measures to achieve this are taken.

Article 17:

First: Every individual shall have the right to personal privacy so long as it does not contradict the rights of others and public morals.

Second: The sanctity of the homes shall be protected. Homes may not be entered, searched, or violated, except by a judicial decision in accordance with the law.

Article 18:

First: Iraqi citizenship is a right for every Iraqi and is the basis of his nationality.

Second: Anyone who is born to an Iraqi father or to an Iraqi mother shall be considered an Iraqi. This shall be regulated by law.

Third:

A. An Iraqi citizen by birth may not have his citizenship withdrawn for any reason. Any person who had his citizenship withdrawn shall have the right to demand its reinstatement. This shall be regulated by a law.

B. Iraqi citizenship shall be withdrawn from naturalized citizens in cases regulated by law.

Fourth: An Iraqi may have multiple citizenships. Everyone who assumes a senior, security or sovereign position must abandon any other acquired citizenship. This shall be regulated by law.

Fifth: Iraqi citizenship shall not be granted for the purposes of the policy of population settlement that disrupts the demographic composition of Iraq.

Sixth: Citizenship provisions shall be regulated by law. The competent courts shall consider the suits arising from those provisions.

Article 19:

First: The judiciary is independent and no power is above the judiciary except the law.

Second: There is no crime or punishment except by law. The punishment shall only be for an act that the law considers a crime when perpetrated. A harsher punishment than the applicable punishment at the time of the offense may not be imposed.

Third: Litigation shall be a protected and guaranteed right for all.

Fourth: The right to a defense shall be sacred and guaranteed in all phases of investigation and the trial.

Fifth: The accused is innocent until proven guilty in a fair legal trial. The accused

may not be tried for the same crime for a second time after acquittal unless new evidence is produced.

Sixth: Every person shall have the right to be treated with justice in judicial and administrative proceedings.

Seventh: The proceedings of a trial are public unless the court decides to make it secret.

Eighth: Punishment shall be personal.

Ninth: Laws shall not have retroactive effect unless stipulated otherwise. This exclusion shall not include laws on taxes and fees.

Tenth: Criminal laws shall not have retroactive effect, unless it is to the benefit of the accused.

Eleventh: The court shall appoint a lawyer at the expense of the state for an accused of a felony or misdemeanor who does not have a defense lawyer.

Twelfth:

A. Unlawful detention shall be prohibited.

B. Imprisonment or detention shall be prohibited in places not designed for these purposes, pursuant to prison laws covering health and social care, and subject to the authorities of the State.

Thirteenth: The preliminary investigative documents shall be submitted to the competent judge in a period not to exceed twenty-four hours from the time of the arrest of the accused, which may be extended only once and for the same period.

#### **Article 20:**

**Iraqi citizens, men and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office.**

#### Article 21:

First: No Iraqi shall be surrendered to foreign entities and authorities.

Second: A law shall regulate the right of political asylum in Iraq. No political refugee shall be surrendered to a foreign entity or returned forcibly to the country from which he fled.

Third: Political asylum shall not be granted to a person accused of committing international or terrorist crimes or to any person who inflicted damage on Iraq.

### **Chapter Two [Liberties]**

#### Article 37:

First:

A. The liberty and dignity of man shall be protected.

B. No person may be kept in custody or investigated except according to a judicial decision.

C. All forms of psychological and physical torture and inhumane treatment are prohibited. Any confession made under force, threat, or torture shall not be relied on, and the victim shall have the right to seek compensation for material and moral damages incurred in accordance with the law.

Second: The State shall guarantee protection of the individual from intellectual, political and religious coercion.

Third: Forced labor, slavery, slave trade, trafficking in women or children, and

sex trade shall be prohibited.

Article 38:

The State shall guarantee in a way that does not violate public order and morality:

- A. Freedom of expression using all means.
- B. Freedom of press, printing, advertisement, media and publication.
- C. Freedom of assembly and peaceful demonstration, and this shall be regulated by law.

Article 39:

**First: The freedom to form and join associations and political parties shall be guaranteed, and this shall be regulated by law.**

**Second: It is not permissible to force any person to join any party, society, or political entity, or force him to continue his membership in it.**

Article 40:

The freedom of communication and correspondence, postal, telegraphic, electronic, and telephonic, shall be guaranteed and may not be monitored, wiretapped, or disclosed except for legal and security necessity and by a judicial decision.

Article 41:

Iraqis are free in their commitment to their personal status according to their religions, sects, beliefs, or choices, and this shall be regulated by law.

Article 42:

Each individual shall have the freedom of thought, conscience, and belief.

**Second: The Federation Council**

**Article 65:**

**A legislative council shall be established named the "Federation Council," to include representatives from the regions and the governorates that are not organized in a region.**

**A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.**

**Article 70:**

**First: The Council of Representatives shall elect a President of the Republic from among the candidates by a two-thirds majority of the number of its members.**

**Second: If none of the candidates receive the required majority vote then the two candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be declared**

**Second: Council of Ministers**

Article 76:

First: The President of the Republic shall charge the nominee of the largest Council of Representatives bloc with the formation of the Council of Ministers within fifteen days from the date of the election of the President of the Republic.

Second: The Prime Minister-designate shall undertake the naming of the members of his Council of Ministers within a period not to exceed thirty days from the date of his designation.

Third: If the Prime Minister-designate fails to form the Council of Ministers during the period specified in clause "Second," the President of the Republic shall charge a new nominee for the post of Prime Minister within fifteen days.

Fourth: The Prime Minister-designate shall present the names of his members of the Council of Ministers and the ministerial program to the Council of Representatives. He is deemed to have gained its confidence upon the approval, by an absolute majority of the Council of Representatives, of the individual Ministers and the ministerial program.

Fifth: The President of the Republic shall charge another nominee to form the Council of Ministers within fifteen days in case the Council of Ministers did not win the vote of confidence.

Article 77:

First: The conditions for assuming the post of the Prime Minister shall be the same as those for the President of the Republic, provided that he has a college degree or its equivalent and is over thirty-five years of age.

Second: The conditions for assuming the post of Minister shall be the same as those for members of the Council of Representatives, provided that he holds a college degree or its equivalent.

Article 78:

The Prime Minister is the direct executive authority responsible for the general policy of the State and the commander-in-chief of the armed forces. He directs the Council of Ministers, presides over its meetings, and has the right to dismiss the Ministers, with the consent of the Council of Representatives.

Article 79:

The Prime Minister and members of the Council of Ministers shall take the constitutional oath before the Council of Representatives according to the language stipulated in Article 50 of the Constitution.

Article 80:

The Council of Ministers shall exercise the following powers:

First: To plan and execute the general policy and general plans of the State and oversee the work of the ministries and departments not associated with a ministry.

Second: To propose bills.

Third: To issue rules, instructions, and decisions for the purpose of implementing the law.

Fourth: To prepare the draft of the general budget, the closing account, and the

development plans.

Fifth: To recommend to the Council of Representatives that it approve the appointment of undersecretaries, ambassadors, state senior officials, the Chief of Staff of the Armed Forces and his deputies, division commanders or higher, the Director of the National Intelligence Service, and heads of security institutions.

Sixth: To negotiate and sign international agreements and treaties, or designate any person to do so.

Article 134:

The Iraqi High Tribunal shall continue its duties as an independent judicial body, in examining the crimes of the defunct dictatorial regime and its symbols. The Council of Representatives shall have the right to dissolve it by law after the completion of its work.

**Article 135:**

**First: The High Commission for De-Ba'athification shall continue its functions as an independent commission, in coordination with the judicial authority and the executive institutions within the framework of the laws regulating its functions. The Commission shall be attached to the Council of Representatives.**

**Second: The Council of Representatives shall have the right to dissolve this Commission by an absolute majority after the completion of its function.**

**Third: A nominee to the positions of the President of the Republic, the Prime Minister, the members of the Council of Ministers, the Speaker, the members of the Council of Representatives, the President, members of the Federation Council, their counterparts in the regions, or members of the judicial commissions and other positions covered by de-Ba'athification statutes pursuant to the law may not be subject to the provisions of de-Ba'athification.**

Fourth: The conditions stated in clause "Third" of this Article shall remain in force unless the Commission stated in item "First" of this Article is dissolved.

Fifth: Mere membership in the dissolved Ba'ath party shall not be considered a sufficient basis for referral to court, and a member shall enjoy equality before the law and protection unless covered by the provisions of De-Ba'athification and the directives issued according to it.

Sixth: The Council of Representatives shall form a parliamentary committee from among its members to monitor and review the executive procedures of the Higher Commission for De-Ba'athification and state institutions to guarantee justice, objectivity, and transparency and to examine their consistency with the laws. The committee's decisions shall be subject to the approval of the Council of Representatives.