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# **Elections in Iraq**

## *April 20 Governorate Council Elections*

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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### *Disclosure:*

*These FAQs reflect decisions made by the Iraqi elections authorities as of April 15, 2013, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## **Who will Iraqis elect on April 20, 2013?**

On October 30, 2012, the Government of Iraq announced that Governorate Council elections (GCE) would be held on April 20, 2013. Iraqi citizens will elect their representatives to replace the Governorate Councils (GCs) elected in 2009. The elections will be held in the governorates not organized into regions.

This means elections will be held in 14 of the country's 18 provinces, excluding Kirkuk and the three provinces of the autonomous region of Kurdistan: Sulaymaniyah, Erbil and Dahuk. On March 19, the Council of Ministers also announced the postponement of the elections for a maximum of six months in Anbar and Ninawa provinces. A total of 447 provincial council seats will be up for election. The election will be based on an open list where voters can select either a political entity and a specific candidate or a political entity only.

While Iraqis vote for GC members, council leadership is indirectly selected. Elected members select the GC head and two deputies within 15 days of the certification of election results.

## **What is a Governorate Council? What is its mandate?**

A Governorate Council (GC) exercises broad powers necessary to administer its governorate. The GC has the highest legislative and oversight authority within the administrative boundaries in each of the 18 governorates in Iraq. It has the right to issue local legislation, regulations and procedures that are legal within the boundaries of the governorate on the principle of administrative decentralization and in a manner that does not contradict the Constitution of Iraq and any federal laws.

The GC head is the highest-ranking governmental officer in the governorate and is responsible for drafting general governorate budgets and executing federal policies.

## **What is the legal framework for Governorate Council elections in Iraq?**

Provincial elections are mandated in Article 122, Paragraph 4, of the Constitution of Iraq, which states, "a law shall regulate the election of the Governorate Council, the governor, and their powers."

From this, Law 21 (2008), the Law of Governorates not Organized into Regions, governs the procedures and formation of Iraq's provinces that are not arranged into regions (such as Iraqi Kurdistan). This law sets out the basic functions of Governorate Councils and sets their term limits. Further, Law 36 (2008), the amended Governorates, Districts and Sub-districts Councils Elections Law, sets forth the provisions guiding the process of elections in these sub-national entities. Throughout 2012, Law 36 was subject to parliamentary review and has been amended four times. These amendments dealt with several issues, including de-Ba'athification,<sup>1</sup> the number of candidates per electoral district, electoral district design, minority seat arrangements and seat allocation formula.

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<sup>1</sup> De-Ba'athification refers to a Coalition Provincial policy outlined in CPA Order 1, which entered into force on May 16, 2003. The policy's goal was to remove the Ba'ath Party influence in Iraq. To accomplish its goal, the policy declared that all public sector employees affiliated with the Ba'ath Party were to be removed from their positions and to be banned from any future employment in the public sector.

Finally, the Independent High Electoral Commission has issued regulations on the electoral process including Regulation No. (11) 2013 on Polling, Counting and Sorting Procedures.

## **How many electoral constituencies have been established?**

The amended Governorates, Districts and Sub-districts Councils Elections Law divides Iraq into multiple electoral districts based on governorates; each governorate represents one electoral district. Therefore, there are 18 governorates and 18 electoral districts. The Independent High Electoral Commission (IHEC) has registered political entities and certified candidate lists based on this division and created ballots specific to each of the 14 governorates in which elections will be conducted. Elections will not be conducted in the three governorates of the Kurdistan region and Kirkuk Governorate.

The IHEC assigns a base number of seats to each governorate. Then, using data provided by the Central Bureau of Statistics, additional seats are added depending on the approximate population of the governorate.

## **What is the electoral system?**

The elections for Governorate Councils (GCs) will be conducted according to an open list proportional representation system. On December 13, 2012, the Council of Representatives approved the fourth amendment to Law 36 (2008), which adopted the Sainte-Laguë highest quotient seat allocation method into the legal framework, which regulates GC elections for districts that are not incorporated into a region.

The Sainte-Laguë method means that seats will be distributed among the candidates on the open list. The seats are first allocated to participating political entities based on the number of valid votes received. The candidates within each open list will then be re-ranked based on the number of votes obtained by each. The candidate who secures the highest number of votes within the open list shall be deemed the winner and so on for the rest of the candidates accounting for the 25 percent quota for women candidates.<sup>2</sup>

Previously, seats were determined by dividing the total number of valid votes for a candidate or list by an electoral divider. The amended law increases the number of reserved seats allocated for specific components in certain governorates as follows:

- In Baghdad Governorate: one seat for Christians, one seat for Sabeen Mandeans, one seat for Fili Kurds and one seat for Turkmens
- In Ninewa Governorate: one seat for Christians, one seat for Yezidis and one seat for Shabaks
- In Basra Governorate: one seat for Christians
- In Wassit Governorate: one seat for Fili Kurds

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<sup>2</sup> The detailed steps for seat allocation are described in the IHEC Regulation No. (12) of 2013, Seat Allocation Regulation for the Governorate Council Elections, for Governorates not Organized in a Region.

## **Who is eligible to vote?**

To qualify to vote, an Iraqi needs to prove that he or she is: an Iraqi citizen, at least 18 years of age in the year of the election, legally qualified and listed in the voter register. The legal qualification criterion requires that a person is of sound mind (not ruled by a court as mentally incompetent) and has not been convicted of a serious crime (crime punishable by more than five years of imprisonment).

Internally displaced persons (IDPs) who are qualified to vote are provided an entitlement to vote based on their identified place of origin. Special provisions under Iraq's electoral laws also define an IDP as: "An Iraqi who has been forcefully displaced from his permanent place of residence to another place within Iraq after April 9, 2003, for any reason." Similarly, Iraqi Security Forces are entitled to vote based on their place of origin.

## **Who can be a candidate?**

Candidate eligibility is established in the Constitution of Iraq. Eligibility criteria are defined around a common basis: a candidate is required to be an Iraqi citizen who is at least 30 years of age, with an education level of at least secondary school, of good moral reputation and not convicted of a crime of moral turpitude. A candidate cannot be a serving member of the security forces or subject to the de-Ba'athification law, nor have illegally enriched him or herself at the expense of public funds.

Governorate Council requirements have an extra criterion: the candidate must be a native (according to the civil status record) of their governorate or have resided in it for at least 10 years (and not due to demographic change).

The Independent High Electoral Commission (IHEC) submits the list of candidates to the Justice and Accountability Commission (JAC) to determine eligibility within 10 days from submission. Once potential candidates are vetted through the JAC, they are put forth for approval by the IHEC. Approved candidates are then eligible for nomination to the councils through an open list system in which voters select a list or any candidate from the list. The number of candidates on a list is limited to double the number of seats allocated for the constituency.

## **How is the election administration structured?**

The Independent High Electoral Commission (IHEC) is responsible for conducting all elections and referendums in Iraq and implements these in accordance with policies and procedures defined by the IHEC Board of Commissioners.

Established by the Council of Representatives (CoR) in May 2007, the IHEC is an independent electoral authority consisting of nine members appointed by and under the supervision of the CoR. The IHEC is comprised of eight permanent election commissioners and one Chief Electoral Officer (CEO). The CEO heads the IHEC administration and is a non-voting member of the IHEC Board of Commissioners.

The IHEC has 19 Governorate Electoral Offices (GEOs) one in each governorate, with two in Baghdad, a regional office in Kurdistan and a headquarters office in Baghdad.

The main functions of the IHEC are detailed in Article 4 of IHEC Law No. (11) of 2007, which gives the IHEC the authority to:

- Establish and update the voter registry
- Regulate registration and certification of parties for the purpose of contesting elections
- Regulate and certify candidate lists for elections
- Accredite election observers, party and media agents
- Adjudicate all electoral complaints and appeals (themselves appealable only before a special judicial electoral panel)
- Certify tally procedures
- Declare and certify election and referenda results (except CoR results)
- Set regulations and instructions preserving a fair electoral process
- Certify the structure and senior appointments of the electoral administration
- Set the financial policy for the IHEC

## **How was voter registration conducted?**

The voter registration update (VRU) ahead of the Governorate Council elections started on December 9, 2012, and was accessible to voters across 893 voter registration centers.

Voters were not permitted to register in more than one district and the Independent High Electoral Commission (IHEC) is required to publicly display the voter list for each district in alphabetical order. If a voter finds that his or her name was not listed or was erroneous, he or she must register a written objection with the IHEC National Office or with the governorate's electoral office. The IHEC is obligated to correct the error within a specified period of time prior to an electoral event.

The VRU was originally scheduled to close on December 28, 2012. However, the IHEC chose to extend the registration period to January 7, 2013, due to an overlap with religious holidays. At the end of the period, over 300,000 registration forms were issued, with approximately 25,000 for internally displaced persons. Voter lists were posted for public scrutiny during an exhibition and challenges period from January 1-7, 2013.

## **How were polling stations allocated to voters?**

The distribution of voters was based on the existing Independent High Electoral Commission registration database and on the food agent database obtained from the Ministry of Trade.<sup>3</sup> Polling centers will be established in schools and each center will have a predetermined number of polling stations, with maximum 450 voters allocated to each station.

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<sup>3</sup> In the absence of population census data, the Ministry of Trade's data for the food ration card system (whereby Iraqis are provided food rations) was used.

## **Who registered to compete for the elections?**

The registration period for political entities concluded on December 13, 2012. Entities had to have 500 signatures of qualified voters in order to be approved. A total of 265 political entities were ratified. After the ballot position lottery on January 10, 2013, the Independent High Electoral Commission (IHEC) announced that 89 political entities will contest the elections.

The registration period for coalitions<sup>4</sup> concluded on December 20, 2012. IHEC regulations state that coalition lists should contain at least three candidates and no more than twice the total of the number of allocated seats in a single district, unless the coalition is comprised of only one person. At least 25 percent of candidates must be women. A total of 50 coalitions were registered. Of these, two coalitions, comprising 19 political entities, will compete for reserved seats.<sup>5</sup>

The registration period for candidates concluded on December 31, 2012. A total of 8,302 candidates were submitted by political entities. Out of these, 2,205 candidates were women. All candidate names were submitted to the Justice and Accountability Commission on January 13, 2013. In March, the IHEC announced that a total of 8,138 candidates with 2,207 women candidates were approved to run in the elections.

## **What are the rules on campaigning?**

Fundamental principles of the electoral campaign are equality between all candidates, neutrality of the administration and transparency of the campaign. Campaigning and campaign paraphernalia cannot be displayed in government buildings or in polling locations.

In February 2013, the Independent High Electoral Commission announced that the electoral campaign period would start on March 1 instead of March 25 to give entities and candidates more time to launch their campaigns.

Political campaigns conclude at midnight on April 19 – the day before Election Day.

## **What rules should media follow during the electoral campaign?**

Media in Iraq is regulated by the Communication and Media Commission (CMC). The Independent High Electoral Commission (IHEC), in consultation with the CMC, produced regulations governing the media during the election period. These regulations stipulate the roles the CMC, the IHEC and the judiciary play in controlling the media.

The media campaign period for all political entities, coalitions and candidates ends 24 hours before Election Day. The IHEC issues accreditation and provides the media with access to IHEC facilities to observe the voting. The IHEC also issues the Media Code of Conduct, which regulates media

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<sup>4</sup> According to the IHEC Regulation No.(2) of 2012 Accreditation of Political Entities and Coalitions for the Governorate Council Elections, a coalition is an alliance of two or more political entities for the purpose of presenting a unified list of candidates in a given election.

<sup>5</sup> The list of coalitions and their political entities can be found at: <http://www.ihec.iq/ihecftp/English/lottery.pdf>.

responsibility during the elections. According to these regulations, the media must not interfere with IHEC staff in the conduct of the electoral process; must respect the secrecy of the ballot; and must not interfere with the movement of voters inside polling centers.

The regulations also prohibit posting campaign material at certain venues, such as religious sites and government offices. It also prohibits certain content, such as government logos and images of religious figures who are not running as candidates. The IHEC may withdraw media accreditation from media entities that violate these regulations. Violations may be referred to the CMC for action.

## **Where can one find information about the elections?**

Information about the election process can be found on the Independent High Electoral Commission's (IHEC) website at [www.ihec.iq](http://www.ihec.iq). The website contains information on elections and the electoral process in Arabic, English and Kurdish. Regulations, procedures, press releases and outreach products are uploaded on a daily basis. The IHEC has a Facebook page (<https://www.facebook.com/ihec2013>), Twitter and Flickr accounts in Arabic.

The IHEC set up a call center (with Arabic, Kurdish and Turkoman-speaking staff), which can be accessed using the short code 5777. As of March 1, 2013, the call center had logged 45,000 queries.

## **What are the basic rules for Election Day?**

Governorate Council elections will take place on Saturday, April 20, 2013. Polling stations will be open from 7:00 a.m. until 5:00 p.m. for regular and absentee voting.

Voters are assigned to polling centers on the basis of updated voter data during the voter registration period. Each polling station will have a copy of its voter list. Voter names will be listed in alphabetical order and each voter who wishes to vote will sign the voter list prior to casting a ballot.

The ballot should be cast in person and proxy voting is prohibited. Indelible ink will be used as a safeguard against possible multiple voting.

## **How many poll workers are in the polling station and what are their main duties?**

A polling center that has one or more polling stations will have five polling center staff:

- Polling Center Coordinator
- Queue Controller (one male, one female)
- Inspector (one male, one female)

A polling center that has three or more polling stations will have two additional staff members:

- Polling Center Registrar
- Voter Data Information Officer



Each polling station is composed of five members:

- Polling Station Manager – responsible for the smooth conduct of the election process; supervises polling staff and all activities in the polling station to ensure procedures are followed correctly
- Queue Controller – prevents polling station from becoming overcrowded; checks voters' finger for ink and ensures voters are prepared for voting
- Identification Officer – checks voter ID cards; finds name on the voter list; requests voter to dip right index finger in ink; makes voter sign the list; and withholds ID card for the time of voting
- Ballot Issuer – explains method of voting; stamps the back of each ballot; folds the ballot to make it easier for the voter to fold after marking the ballot so stamp is visible; and issues a ballot to each voter
- Ballot Box Monitor – monitors ballot box at all times and ensures the right index finger of the voter is inked with indelible ink; each ballot is stamped with the official Independent High Electoral Commission ballot stamp; and each voter places her or his ballot in the ballot box

## **What are the types of polling centers and stations?**

For the purposes of conducting Governorate Council elections, the Independent High Electoral Commission (IHEC) will establish 6,228 polling centers. Each polling center consists of one or more polling stations. There are 38,383 polling stations for regular voting and 94 polling stations exclusively for internally displaced persons (IDPs)/absentee voting. Each polling station will serve approximately 450 voters.

### ***Regular Polling Centers***

Voting in this type of center will take place in accordance with the Final Voter List. Voter list posters are displayed at polling centers one week prior to the Election Day.

There are 16,271,240 voters on the Final Voter List for this election.

### ***Absentee Voting Polling Stations (IDPs)***

Specific polling centers or stations will be established for IDPs who registered to absentee vote during the voter registration period. IDPs will be able to vote in their current area of residence (including the Kurdistan Region and Kirkuk) and may cast a ballot for the political entity and candidate of their choice for the governorate from which they were displaced. There are 53,682 voters registered to vote in these polling stations.

### ***Polling Stations for Special Need Voting of the Iraqi Security Forces (ISF)***

Using information submitted by the Ministry of Defense and the Ministry of Interior, the IHEC created a Special Voter List. The list contains approximately 733,500 voters working for the army forces and the police who will get an opportunity to vote on April 13. Names of these voters have been removed from the Final Voter List. There will be 420 polling centers and 1,846 polling stations established for special need voting.

## **Conditional Voting**

Conditional voting allows voters not included on a voter list to cast a ballot and to have their ballot conditionally accepted while the IHEC verifies their eligibility. The IHEC Board of Commissioners limited conditional voting to hospitals and prisons only. Detainees and hospital patients will vote at the same time as the general vote occurs. These voters will be provided a ballot and two envelopes. After making his or her selection on the ballot, the voter will insert the ballot in the envelope, seal it and complete the information on the front of the envelope including name, voter ID, date of birth, voter registration center name, family number from the food ration card and previous voting center name, if any.

The IHEC will process cast ballots at each governorate count center to verify the voter's eligibility from the registration database. If the voter is eligible, the outside envelope is opened and the ballot is removed and mixed and counted among other ballots. Otherwise, the ballot is considered invalid.

The IHEC also approved the plan to activate 163 mobile polling stations to accommodate over 55,000 hospital patients and 31 mobile stations for 11,897 detainees in several prisons.

## **When will polling stations be set up?**

Poll workers will meet on April 19 at agreed upon times with the Polling Center Coordinator and Station Manager to set up the polling center and station. They will perform an inventory of polling material and display voter lists and other posters. The Polling Center Coordinator and Station Manager will distribute functions and organize a layout for Election Day.

## **What are the poll workers' first duties on Election Day?**

Poll workers should arrive at their polling station by 6:00 a.m. on April 20. At least three staff members must be present to open the polling station. They will check sensitive electoral material stored in the ballot box to ensure all materials have arrived. The Station Manager will empty the box, show it to all who are present, and put a tight seal on each side of the ballot box, leaving the top slot open for voters to cast their ballots.

Polling should start at exactly 7:00 a.m.

## **What are the steps for voting?**

There are four steps for voting:

### **Step 1:** Queuing in order in front of the polling station

- The Queue Controller checks the voter's hands to ensure there is no ink on the fingers, particularly on the cuticles. If there is ink on the voter's fingers, the voter will not be permitted to enter the polling station.
- The Queue Controller guides the voter to use the posters at the entrance to the polling station, and then to check the name and number of the political entity and candidate of his or her

choice.

- The Queue Controller allows voters to enter the polling station after opening at 7:00 a.m.

**Step 2:** Identification of voter, finding the voter's name on the list, inking the finger and signing the register

- The voter shows her or his photo ID document (civil identification card, Iraqi nationality card, Iraqi passport, retirement card, international passport or international ID card) to the Identification Officer.
- The Identification Officer checks that the photograph on the ID document is of the person presenting that document.
- The Identification Officer searches the voter list in alphabetical order to locate the voter's name. The voter must be on the voter list for that polling station in order to cast a ballot.
- The Identification Officer asks the voter to sign or thumbprint with the thumb of the left hand (for illiterate voters) next to his or her name on the voter list. Any person who refuses to sign or thumbprint the voter list will not be permitted to vote.
- The Identification Officer directs the voter to the Ballot Issuer.

**Step 3:** Distribution of the ballot paper to the voter

- The Ballot Issuer detaches the next ballot from the pad according to the consecutive serial numbers.
- The Ballot Issuer clarifies to the voter the mechanism of marking the ballot and he or she must ensure that the explanation on how to mark the ballot is completely impartial. The Ballot Issuer must not point to the ballot, as it may appear that he or she is telling the voter who to vote for.
- The Ballot Issuer folds the ballot and stamps it so the stamp is clearly visible on the folded ballot. This will help the voter fold it in the same manner so the Ballot Box Monitor can easily see the stamp on the ballot before the voter casts it into the ballot box. This aims to ensure all legitimately-cast ballots are stamped; unstamped ballots will not be included in the results.
- The Ballot Issuer tells the voter to go behind one of the empty voting screens and mark the ballot in secret. The ballot must be folded so that no one can see the voter's choice.

If the voter makes a mistake on the ballot, he or she may return the ballot to the Ballot Issuer to receive a new one. Without looking at the front of the ballot, the Ballot Issuer writes the word "Spoiled" across the back of the spoiled ballot and puts it in an envelope labeled "Spoiled and Discarded Ballots." A new ballot is then issued to the voter.

**Step 4:** Casting a Ballot

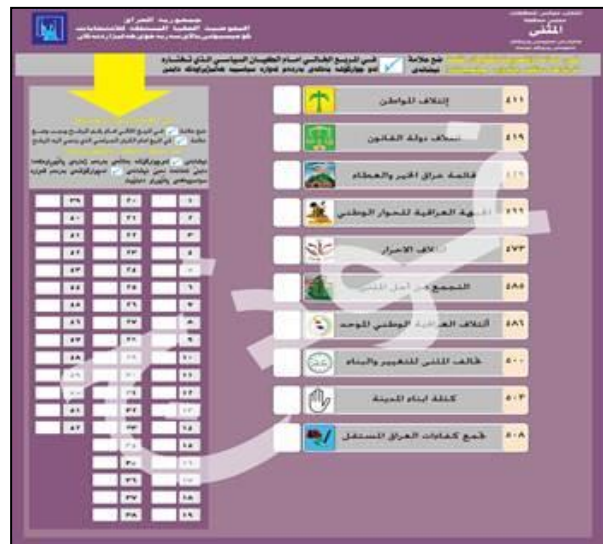
- The Ballot Box Monitor admits one voter at a time into the ballot box area.
- The Ballot Box Monitor must ensure the voter dips his or her right index finger into the indelible voter marking ink so that the ink covers the cuticle of the voter's fingernail before the voter is allowed to cast a ballot into the ballot box.

- The Ballot Box Monitor must also ensure the voter does not try to wipe her or his finger before the ink dries. Any voter refusing to ink his or her finger will not be permitted to cast a ballot. In this case, the ballot will be discarded.
- If a voter has missing fingers, the Ballot Box Monitor dips one of his or her other fingers of the right hand, and, if he or she has no right hand, the voter will dip one of the fingers from his or her left hand. If the voter has no fingers, it is not necessary to apply ink.
- The Ballot Box Monitor ensures the ballot is stamped and that the voter places the folded ballot in the ballot box and then instructs the voter to leave the polling station.

## What will the ballot paper look like?

A total of 24.5 million ballot papers of 14 different designs specific to each governorate and one national ballot designed for special and absentee voting will be printed.

Pictured to the right, the ballot paper lists all competing political entities in the governorate with their registration number, name and logo. A blank box is located next to each political entity to allow the voter to mark his or her preference. If the voter wishes to vote for a specific candidate, he or she should mark the box next to the candidate number in the candidates' area on the left hand side of the ballot, in addition to the mark for the political entity.



The ballot also contains instructions on how to make selections in Arabic and Kurdish, a genuine watermark and other security features to prevent any possible tampering.

## Who can be assisted to cast their votes?

A voter who is illiterate, blind, has severed hands or cannot write, and therefore requires assistance in voting, may ask the Polling Station Manager for assistance. The Polling Station Manager must not communicate the voter's choice to anyone on Election Day, or on any other occasion. A friend or relative may also assist the voter, but no person may assist more than two voters. The Polling Station Manager must explain to the friend or relative the need to maintain absolute respect for the voter's choice and keep the voter's choice secret. Agents and electoral observers may not assist a voter and may not witness assisted voting.

## **What efforts are being made to accommodate voters with physical or sensory impairments?**

For the forthcoming Governorate Council elections, the Independent High Electoral Commission (IHEC) has been proactive in identifying and responding to the needs of people with physical or sensory impairments. Public service announcements (PSAs) have included people with physical impairments to signal that persons with disabilities are eligible to vote and the IHEC will provide assistance, as necessary. The PSAs also include sign language interpretation. The IHEC Call Center staff has been trained to respond to persons with disabilities and provide information on the support that IHEC polling center staff will provide to them.

Public outreach materials are also being produced using less text, bigger fonts and more images to help people with visual impairments. The IHEC is working with the Ministry of Transport to provide vehicles to take people with mobility problems to polling centers.

## **When will counting take place?**

Counting of votes will take place in polling stations immediately after polling stations close. This is in contrast to previous Governorate Council elections when ballots were transported to the Independent High Electoral Commission National Office in Baghdad for counting. However, the counting process for absentee voting and special need voting will take place in each governorate's count center on April 20.

Counting should be completed without breaks or interruptions.

## **Who will count the votes?**

The poll workers assigned to the polling station are responsible for counting votes. All national and international observers, media representatives and political entity agents will be allowed to observe counting. Observers and poll workers are not authorized to leave the premises during the counting process.

## **Will election results be publicly displayed?**

Yes, of the four copies of the results form prepared by polling station staff, including the number of votes received by all political entities and candidates, one form will be posted on the wall of the polling station so observers and agents can view and record the information.

## **When will election results be announced?**

Primary polling results are scheduled to be announced on April 24 in the provinces where elections took place; final results will be announced on May 7.

Complaints will be adjudicated by May 10, with final results certified by May 17, 2013.

## **Who will monitor the Governorate Council elections?**

Electoral observers, political entity agents and media representatives have an important role in ensuring that the elections are free and fair.

Elections observers are representatives of domestic and international organizations with missions registered and accredited by the Independent High Electoral Commission (IHEC) to observe voter registration processes, as well as voting and counting processes. The role of election observers is to observe the electoral processes and report whether they were conducted in accordance with the law and adhered to international standards. Only election observers accredited in accordance with the rules and procedures set forth by the IHEC will be allowed to access and observe the electoral processes. The IHEC registers only organizations or networks of organizations, and not individual observers. Domestic and international organizations will nominate individuals to enable the organization to perform the role effectively. Observers cannot file an official complaint, but they may submit concerns in public reports to the organization they represent.

Political parties and candidates agents are allowed to be present at the polling station when it opens as well as during polling and counting. Political entity agents have the right to object to decisions of the Polling Station Manager. However, the Polling Station Manager is not obliged to act upon each objection. Political entity agents have the right to submit a complaint to the IHEC by completing a Complaint Form 110, which are available from the Polling Center Coordinator.

Accredited media are free to cover polling, counting and sorting processes inside polling centers and polling stations. However, media representatives are prohibited from disrupting processes inside polling centers and stations, which means no interviews are allowed inside polling stations; accessing or filming behind a voting screen is prohibited. Media representatives are not allowed to carry any electronic equipment (cameras, recording devices) except in certain polling centers identified by the IHEC.

No more than one observer from each organization or more than one agent from each political entity may be present in the polling station at a time.

## **What are electoral offenses?**

Forging voter lists, knowingly submitting false registration information, undermining the secrecy of balloting, voting more than once and altering the vote of another person are all electoral crimes punishable by a monetary fine and six months in prison. More severe crimes are punishable with year-long prison terms, including insulting, defaming or assaulting a member of the Independent High Electoral Commission.

## **What is the role of the Iraqi judiciary in the electoral process? How will disputes be adjudicated?**

Iraq has used a unified model of electoral complaint adjudication with complaints first being presented to the Independent High Electoral Commission (IHEC). The IHEC Board of Commissioners (BoC) has

exclusive jurisdiction to resolve disputes arising out of the preparation for and execution of national, regional and governorate elections, and may delegate jurisdiction to resolve disputes in the first instance to the electoral administration. The IHEC has adopted procedures related to electoral complaints. These procedures ensure all complaints are reviewed as quickly as possible, the most important complaints are considered first and complainants find out what decision has been made.

All BoC decisions should be published in three daily newspapers, in both Arabic and Kurdish languages, for a minimum of three days. Any appeals should be submitted within three days starting from the second day of the publication of the final decision.

Complaints may be submitted at any stage of the process to the IHEC, which will investigate and issue a decision in response. Complaints can be submitted to the IHEC national office and to governorate electoral offices. On polling and counting complaints, voters and political entity agents will be allowed to submit complaints to the Polling Station Manager using Complaint Form 110. Complaint Form 110 will be available on Election Day at polling centers, governorate electoral offices, governorate counting centers, and the IHEC National Office. After Election Day, Complaint Form 110 will be available at the same places, except for polling centers and GEO counting centers. A complaint must be submitted within 48 hours of the start time of polling.

The Court of Cassation nominates the Electoral Judicial Panel with the sole jurisdiction to adjudicate appeals on BoC final decisions. The panel should decide within 10 days, starting from the day that the appeal was referred to them by the BoC. All decisions of the Electoral Judicial Panel are final. After all appeals have been decided by the Electoral Judicial Panel, the BoC will certify the election results.

## Resources

- The 2005 Constitution of Iraq ([English](#))
- The Governorates not Organized into a Region Law No. (21) of 2008 ([English](#))
- The amended Governorates, Districts and Sub-districts Councils Elections Law No. (36) of 2008 ([English](#))
- The IHEC Law No. (11) of 2007 ([English](#))

All IHEC Regulations can be found at: <http://ihec.iq/en/sys-2013.html>

- The IHEC Regulation No. (1) of 2012 Accreditation of Political Entities and Coalitions for the Governorate Council Elections
- The IHEC Regulation No. (2) of 2012 Political Entities and Coalitions Components Approval
- The IHEC Regulation No. (3) of 2012 Political Entity Agents for Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (4) of 2012 Observers of Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (5) of 2012 Media Regulations of Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (7) of 2012 Exhibition and Challenge, and Voter List Update for Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (8) of 2012 Ratification of the Lists of Candidates for Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation No. (9) of 2012 Candidates Seats Allocated for the Components of Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (10) of 2013 Electoral Campaigns of Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (11) of 2013 Voting, Counting and Sorting Procedures for the Governorate Council Elections, for Governorates not Organized in a Region
- The IHEC Regulation no. (12) of 2013, Seat allocation regulation for the Governorate Council Elections, for Governorates not Organized in a Region