



International Foundation  
for Electoral Systems

## **Elections in Iraq**

### *2021 Council of Representatives Elections*

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

HQ | 2011 Crystal Drive | Arlington, VA 22202 | USA | [www.IFES.org](http://www.IFES.org)

October 5, 2021

**Frequently Asked Questions**

When is Election Day? ..... 1

What type of electoral system will be used in these elections?..... 1

Will any seats be reserved for women or minority groups? ..... 1

What is the Council of Representatives? What is its mandate? ..... 1

What is the legal framework for these elections? ..... 2

Who is eligible to vote? ..... 2

What is the candidate registration process? ..... 3

What is the election management body that will implement the Council of Representative elections?..... 4

What are the primary duties of the Independent High Electoral Commission? ..... 4

How was voter registration conducted?..... 4

How many polling centers and polling stations will there be? ..... 5

What are the rules for campaigning?..... 5

What rules should media follow during the electoral campaign? ..... 6

Where can one find information about the elections? ..... 6

What technology is used in the electoral process? ..... 7

What are the electronic card and biometric voter cards?..... 8

What are the basic rules for Election Day?..... 9

How will internally displaced persons vote? ..... 9

How many poll workers are assigned to a polling center and polling station?.....10

When will polling stations be set up?.....10

What are the steps for voting? .....10

What will the ballot paper look like? .....10

Who may receive assistance in casting their votes? .....11

What provisions are in place to promote the equal participation of voters with disabilities? .....12

When and how will the counting of votes take place? .....	12
When will election results be announced?.....	12
How is the results management system audited? .....	12
Who will observe the Council of Representatives elections? .....	13
What are electoral offenses?.....	13
What is the role of Iraq's judiciary in the electoral process? How will disputes be adjudicated? .....	13
Resources.....	14
About IFES in Iraq.....	14
Disclosure .....	14

## **When is Election Day?**

On October 10, 2021, Iraq will hold elections for the Council of Representatives (CoR) in 83 electoral constituencies in 18 governorates. All 329 seats in the CoR will be up for election. Special voting will take place on October 8, 2021 to accommodate special needs voting for the Iraqi security forces, police, prisoners and internally displaced persons.

## **What type of electoral system will be used in these elections?**

In 2020, the previously used open list proportional representation system was replaced by the single non-transferable vote (SNTV) system. SNTV is a plurality electoral system based on multi-seat electoral constituencies. Each voter casts one vote for one candidate, and the candidates who receive the most votes win seats. However, the Elections Law stipulates that seats will be allocated according to the first-past-the-post system. This means that voters will vote for a candidate of their choice, and the candidate who receives the most votes wins.

The electoral system will use the 83 districts as constituencies. Each district is one electoral constituency and is allotted three to five seats, proportional to its estimated population. Each governorate has been divided into several constituencies based on the number of women who should be elected from that governorate.

## **Will any seats be reserved for women or minority groups?**

According to the Constitution of Iraq, 25 percent of all seats in the Council of Representatives (CoR) are reserved for women. Furthermore, the Elections Law stipulates that at least one seat in each of the 83 constituencies is set aside for female candidates. These are minimums, and more female candidates can be elected. If the number of women who win is below 25 percent of the seats in the CoR, a special mechanism is applied to re-rank candidates in constituencies with the lowest share of elected women.

Nine seats are reserved for minority groups at the national level: five seats allocated to Christians in Baghdad, Ninewa, Kirkuk, Dohuk and Erbil; one seat to Yezidis in Ninewa; one seat to Sabeen Mandeans in Baghdad; one seat for Shabaks in Ninewa; and one seat for Fayli Kurds in Wasit.

## **What is the Council of Representatives? What is its mandate?**

The Council of Representatives (CoR) is the main elected body of Iraq. It comprises 329 members elected to four-year terms, with two sessions held each year. The CoR passes federal laws, oversees the executive branch of government, ratifies treaties and approves the nominations of certain officials. It also elects the Iraqi president, who then selects a prime minister from the majority coalition in the CoR. Subsequent to the elections, newly elected CoR members will be responsible for electing the president within 30 days from their first convening.<sup>1</sup>

---

<sup>1</sup> Per Article No. 76 of the Iraqi Constitution of 2005, "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."

The CoR approves appointments to the Federal Court of Cassation and of the chief public prosecutor and the president of Judicial Oversight Commission (as proposed by the Higher Judicial Council). It also approves the appointment of the Army chief of staff, his assistants, those holding the rank of division commanders and above and the director of the Intelligence Service, as proposed by the Cabinet.

## What is the legal framework for these elections?

The emergence of large grassroots protests (often called *tishreen*) throughout the south of Iraq in October 2019 created a chain reaction of political events, leading the Council of Representatives (CoR) fundamentally changing the parliamentary electoral system.

The legislative framework for this year's CoR elections is based on CoR Elections Law No. 9 of 2020, passed on December 16, 2019, approved by the president on November 5, 2020, and published in the official Iraqi gazette on November 9.

In accordance with the new CoR law, each of Iraq's 18 governorates was divided into a total of 83 constituencies. Each constituency will be represented by three to five members of Parliament, depending on its population. The constituency boundaries were a source of disagreement and controversy within the CoR for nearly a year after the initial vote on the Elections Law in December 2019. Rather than using a geographic information system to define the constituencies, the CoR's political solution uses the so-called "medium-sized districts" method, according to which 120 existing districts were rearrange into 83 constituencies.

In addition to Elections Law No. 9, the Independent High Electoral Commission issued regulations to govern the 2021 electoral process. These provide guidance for local election officials and set out election operations processes and procedures.

## Who is eligible to vote?

To qualify to vote, a voter needs to prove that he or she is:

- An Iraqi citizen, at least 18 years of age in the year of the elections;
- Legally qualified to register to vote;
- Fully competent;<sup>2</sup>
- Listed in the voter register; and
- In possession of an electronic or biometric voter card and either one of two forms of identification with photo: the Iraqi national ID (*Jensiyah*) or the Iraqi personal status certificate. Alternatively, the national unified ID serves as identification.

Voting by proxy is not permitted.

---

<sup>2</sup> According to Article 6 of the Iraqi Nationality Law 26 of 2006, "The person concerned is of good conduct and reputation and was not convicted of an offense or dishonorable misdemeanor."

## What is the candidate registration process?

To qualify as a candidate, one must:

- Be an Iraqi citizen at least 28 years of age;
- Be fully competent;
- Be a registered voter;
- Not be disqualified pursuant to provisions under the law of the Supreme National Commission for Accountability and Justices (AJC), or any other law;
- Hold a high school certificate or its equivalent;
- Reside in the governorate where she or he is being nominated;
- Be an individual who runs for election in a constituency and submits a list of unduplicated names of at least 500 supporting voters registered within the same constituency and in accordance with Board of Commissioners (BoC) instructions;<sup>3</sup>
- Not have been convicted of a felony or misdemeanor or of having been unlawfully enriched by misuse of public money according to a final verdict, even if covered by amnesty;
- Not be a member of the armed forces or security services or the head of an independent body<sup>4</sup> during the candidacy; and
- Not be employed by the Independent High Electoral Commission (IHEC), including as a member of the BoC and senior officials.

To be eligible to nominate candidates for the 2021 Council of Representatives elections, a political entity must be certified by the IHEC.

The names of 3,523 candidates (963 female and 2,560 male) were submitted to the Justice and Accountability Commission, Ministry of Education, Ministry of Defense and Ministry of Interior for verification of their qualifications before the IHEC certified the final list. The vetting process concluded on April 10 with a total of 3,249 candidates (including 951, or approximately 29 percent, women) approved to run in the elections. Of those, 789 candidates will run as individuals, 1,501 will run as candidates within political parties and 959 will run within coalitions.

Lotteries to determine the order in which candidates will appear on the ballots were held for minority candidates on July 7 at IHEC Headquarters and in IHEC governorate electoral offices for all remaining candidates. The IHEC published the complete list of candidates on its [website](#).

---

<sup>3</sup> Except those whose candidacies are pursuant to the quota components referred to in Article 13 of the Elections Law.

<sup>4</sup> Independent bodies, listed in Chapter 4 of the Iraqi Constitution of 2005 are independent commissions that are part of the government but outside the executive, legislative and judicial branches, such as the IHEC, Independent High Commission for Human Rights and others.

## **What is the election management body that will implement the Council of Representative elections?**

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

Established by the Council of Representatives (CoR) in May 2007, the IHEC is an independent electoral authority comprising nine commissioners appointed by and under the supervision of the CoR. The IHEC elects a chief electoral officer (CEO) from its membership to serve for one year, with the position rotating each year among the nine commissioners. The CEO heads the IHEC administration and is a non-voting member of the IHEC BoC. The IHEC has 19 governorate electoral offices — one in each governorate except Baghdad, which has two; a regional office in Kurdistan; and a headquarters office in Baghdad with permanent staff. The IHEC also recruits *ad hoc* poll workers staff for elections events.

## **What are the primary duties of the Independent High Electoral Commission?**

The main functions of the Independent High Electoral Commission (IHEC) are detailed in Article 4 of [IHEC Law No. 31 of 2021](#). These include:

- Establishing and updating the voter registry;
- Regulating the registration and certification of parties for elections;
- Regulating and certifying candidate lists for elections;
- Accrediting election observers and party and media agents;
- Adjudicating all electoral complaints and appeals (which may be appealed only before a special judicial electoral panel);
- Certifying tally procedures;
- Declaring and certifying elections and referenda results (except Council of Representatives results, which are certified by the Supreme Federal Court);
- Setting regulations and instructions to ensure a fair electoral process;
- Certifying the structure and senior appointments of the electoral administration; and
- Setting financial policy for the IHEC.

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

Voter registration in Iraq is a continuous process that takes place in the 1,079 voter registration centers across the country. Voter registration teams enter voters' names and other personal data into the system through a biometric registration form. They also capture biometric data such as fingerprints and photos of the registrants, and they issue registration receipts, which voters exchange for their registration cards once they are produced. The purpose of biometric voter registration is to create an accurate and up-to-date voter list database.

The voter registration update (VRU) ahead of the 2021 Council of Representatives elections took place from January 2 to April 15, 2021, and was accessible to voters across all 1,079 voter registration centers and through 1,274 mobile teams.

The VRU process allows voters to view the preliminary voter lists and request any corrections to their records. It also enables security forces, police, detainees and internally displaced voters to register, and it carries forward the process of biometric data collection and voter card distribution.

Voters were not permitted to register in more than one district.<sup>5</sup> The 23,986,741 voters listed on the final voter register include approximately 120,000 internally displaced persons and 1,075,727 armed forces members. Voter lists were posted for seven days for public scrutiny during an exhibition and challenge period.

## **How many polling centers and polling stations will there be?**

Polling centers (PCs) serve a coordination role, with one or more polling stations (PSs) located within each center. PCs will be established in schools, and each center will have a predetermined number of PSs, with a maximum of 450 voters allocated to each station. Approximately 308,000 polling staff will serve in the elections.

### **Regular Polling Centers**

Voting in regular centers will take place in accordance with the final voter list. The Independent High Electoral Commission will serve voters through 8,273 regular PCs and 55,041 regular PSs.

### **Polling Centers for Special Voting**

Using information provided by the Ministry of Defense and the Ministry of Interior, the Independent High Electoral Commission created a special voter list of voters working for the armed forces; police personnel of the Ministry of Defense, Ministry of Interior and other security institutions; detainees; and internally displaced persons (IDPs). These voters were removed from the final voter list and placed on the special voting list; they will go to the polls on October 8. There will be 595 PCs and 2,584 PSs for members of the armed forces and 86 PCs and 309 PSs for IDPs.

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

The fundamental principles of the electoral campaign are equality among all candidates, neutrality of the electoral administration and transparency of the campaign. Campaigning cannot occur and campaign paraphernalia cannot be displayed in government buildings or at religious sites or polling locations. Laws on campaigning also prohibit certain content, such as government logos and the images of religious figures who are not running as candidates.

---

<sup>5</sup> Each identified area for which a number of seats have been allotted in accordance with the provisions of the Council of Representatives Elections Law No. 9 of 2020.



The electoral campaign period started on July 8, 2021, at 12:00 a.m. and concludes at 6:00 a.m. on October 7, 2021, 24 hours before special voting begins for members of the armed forces; police personnel of the Ministry of Defense, Ministry of Interior and other security institutions; detainees; and internally displaced persons.

The Independent High Electoral Commission (IHEC) has established monitoring committees composed of IHEC officials at the central and governorate levels to report and follow up on violations of electoral campaign rules. All reports from local committees are collated and submitted to the central level in Baghdad for onward submission and consideration by the IHEC Board of Commissioners. Based on the electoral law, penalties will be imposed against those found to have committed electoral offenses and/or violated electoral campaign rules.

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

The 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 of the CMC, the IHEC and the judiciary in regulating the media.

According to the CMC's Code for Media During Elections, the Iraqi Media Network, as a publicly funded media broadcaster with a legal obligation to educate and inform Iraqis, shall provide free air time for political debates and political discussions, allowing each candidate to appear at least once during elections programs. The IHEC may withdraw media accreditation from media entities that violate these regulations. Violations may be referred to the CMC for action.

The media campaign period for all political entities, coalitions and candidates ends 24 hours before Election Day.

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

Public outreach and voter education campaigns by the Independent High Electoral Commission (IHEC) are conducted in up to four languages (Arabic, Assyrian, Kurdish and Turkmen). The campaigns use TV, radio, newspapers, large-scale materials and direct outreach to voters through symposiums, public meetings, call centers and websites to reach the target populations.

Information about the elections and the election process can be found on IHEC's website in [Arabic](#) and in [English](#). Regulations, procedures, press releases and outreach products are uploaded daily. The IHEC has an Arabic [Facebook page](#), and it posts on Instagram and Twitter.

The IHEC will establish 19 results display centers (RDCs) in the 18 governorate electoral offices and in Baghdad to display election results as they become available during the transmission, tabulation and announcement of results. Access to RDCs will be granted to electoral stakeholders, including political parties and candidates' agents, international and domestic observers, civil society organizations and the media.

## What technology is used in the electoral process?

The Independent High Electoral Commission (IHEC) continues to introduce technology to the electoral process. In September 2013, the IHEC Board of Commissioners (BoC) took a formal decision to implement an automated voter registration system to prevent fraud and improve the accuracy of the voter list. In September 2017, the BoC decided to introduce electronic voting and results transmission systems for the May 12, 2018, elections. This was a significant step toward automating Iraqi elections.

Several election technologies (Figure 1) will be used during 2021 elections:

- A voter verification device (VVD) to identify voters before they are allowed to cast ballots. The process will include verification by fingerprint for holders of biometric cards and collection of fingerprints for those with electronic cards. The VVD will also capture and record QR code of each ballot paper issued to voters.
- The polling center optical scanner (PCOS) to cast ballots. It is linked to the VVD and will verify issued ballot papers by matching the QR codes. It will read each ballot via optical scanning to determine whether a ballot is marked and is valid or invalid. It will then record the vote.
- A Results Transmission System (RTS) device, be connected to the PCOS, to transmit the results securely using a satellite link.

**Figure 1: PCOS, VVD and RTS**



At all polling stations, PCOS machines will count ballots electronically as ballot papers are inserted. One polling station in each polling center will be randomly selected for a manual count. If the difference between the manual and electronic count is greater than 5 percent, all polling station results in that polling center will also be counted manually, and the manual count will prevail.

The VVD and PCOS (Figure 2) E-VD will shut down automatically at exactly 6:00 p.m. on Election Day.

Figure 2: PCOS



## What are the electronic card and biometric voter cards?

Two types of voter cards are issued for these elections:

**Biometric voter cards** are printed for persons who visit voter registration centers and register biometrically. The card contains the voter's personal and biometric data (10 fingerprints and a photo) and assigned polling location (Figure 3).

Figure 3: Biometric Card

<p>Governorate name Unique voter identification number Voter's full name Voter's date of birth Family food ration card number Voter registration center code Polling center code and name/location Voter's photo</p>	
<p>Serial number of the card, QR code containing card serial number plus unique voter registration number and short instructions for the voter:</p> <ul style="list-style-type: none"> <li>• Make sure to have your card with you on Election Day;</li> <li>• You can only vote in the polling center that is indicated on your voter card;</li> <li>• Proxy voting is not allowed; and</li> <li>• You can vote only one time.</li> </ul>	

The voter verification device (VVD) reads the data on the card and takes the voter's fingerprint from the left thumb. Then the voter may vote.

- **Electronic voter cards** are printed for voters who did not register biometrically. The card contains the voter's personal data and assigned polling location information, but no biometric data (Figure 4). Voters who hold electronic voter cards must present either two identification cards—the Iraqi national ID (*Jensiyah*), and personal status certificate—or only the national unified ID in addition to the electronic card.

Figure 4: Electronic Card



Electronic voter cards are the older cards issued by the Independent High Electoral Commission that include the voter's data (full name, voter number, year of birth, family number, registration center number and name and number of polling station). These cards have an embedded chip that contains biographic data only. Voters with electronic cards will be asked to provide prints from all 10 fingers.

The electronic and biometric cards will be active only 7:00 a.m. to 6:00 p.m. on Election Day and will be deactivated for three days after being used to vote. They cannot be used to vote more than once.

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

The elections will take place on Sunday, October 10, 2021. Polling stations (PSs) will be open from 7:00 a.m. until 6:00 p.m. for regular voting. Voters are assigned to polling centers based on updated voter data collected during the voter registration period. Each PS will have a polling station voter verification device, a copy of its voter list to confirm each voter's identity, a polling center optical scanner and a Results Transmission System device. Each voter will sign the voter list prior to casting a ballot in person. Proxy voting is prohibited.

### How will internally displaced persons vote?

Special provisions under Iraq's electoral laws define an internally displaced person (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.” Approximately 120,000 IDPs are eligible to vote in the upcoming elections.

IDPs will vote on the special voting day, October 8, 2021, upon presentation of a biometric voter registration cards. For the purpose of IDP voting, the IHEC identified 309 polling stations in 18 governorate electoral offices. Each of these polling stations will have special ballot papers, as IDPs may vote based on their identified place of origin but voting takes place at the polling station nearest to the location of their displacement.

## **How many poll workers are assigned to a polling center and polling station?**

Each polling center will have five polling center staff: a polling center coordinator, two queue controllers (one male and one female) and two inspectors (one male and one female). Each polling station will have five members: a polling station manager, queue controller, identification officer, ballot issuer and ballot box monitor.

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

Poll workers will meet on October 9, 2021, with their polling center (PC) coordinator and station managers to set up the PC and stations. They will inventory polling material and display voter lists and voter information posters. The PC coordinator and station manager will assign other tasks and organize the layout of the station for Election Day.

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

There are six steps for voting:

- The polling center queue controller ensures that each voter has an electronic or biometric voter card.
- Election staff identify voters using the voter verification device to scan voter cards, take electronic thumb prints from voters who have biometric cards or 10 fingerprints from those with electronic cards and then scan the ballot QR code.
- The voter signs the paper voter list (or uses a thumbprint if he or she is illiterate), and the ballot issuer provides a ballot and basic guidance on voting. For a voter using an electronic card, the card is withdrawn and the voter receives a receipt.
- The voter takes the ballot into the polling booth to mark it with his or her choice.
- The voter the right index finger into ink to color the fingernail, signifying he or she has voted.
- Finally, the voter deposits the ballot in the polling center optical scanner box.

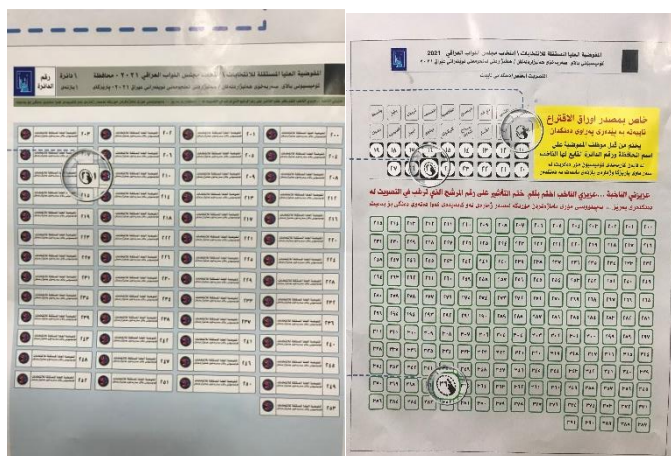
## **What will the ballot paper look like?**

The ballot paper for regular voting (Figure 5) lists each candidate in a given constituency with his or her registration number, name and photo or logo. The voter marks his or her preference in a box next to each candidate’s name. Voters will receive different ballots based on their districts.



A poster in each polling booth will present instructions in Arabic and Kurdish on how to make selections.

**Figures 5 and 6: Regular and Special Ballots**



In addition to the 83 ballots (one for each electoral constituency), another ballot will be used for the special voting process for members of the armed forces; police personnel of the Ministry of Defense, Ministry of Interior and other security institutions; detainees; and internally displaced persons. The special ballot paper (Figure 6) is designed to allow a vote regardless of the constituency of voter registration.

On the special ballot paper, candidates are represented only by numbers drawn during a lottery, with each number displayed in a box. Information on the number that corresponds to each candidate for whom a voter wishes to vote will be displayed at the polling station. Before the special ballot is used, the identification officer will select the governorate and constituency of the voter's registration. The voter will then select a candidate by marking the appropriate box.

### **Who may receive assistance in casting their votes?**

A voter who requires assistance to vote, including one who has low vision or is blind, illiterate or unable to write due to a physical disability, may ask the polling station manager for assistance. The polling station manager must not communicate the voter's choice to anyone. A relative to the fourth degree<sup>6</sup> may also assist the voter, but no person may assist more than two voters. The polling station manager must explain to the relative the need to maintain the secrecy of the voter's choice. Agents and electoral observers are not allowed to assist a voter and may not observe anyone marking a ballot.

<sup>6</sup> A relative to the fourth degree is one separated by four distinct relationships. For instance, an individual is separated from his or her parents by one degree, from aunts and uncles by two degrees, from children of aunts or uncles (cousins) by three degrees and from a cousin's children by four degrees. This measure helps protect against family voting, in which a close relative might sway an individual voter's decision.

## **What provisions are in place to promote the equal participation of voters with disabilities?**

For the forthcoming Council of Representatives elections, the Independent High Electoral Commission (IHEC) has been proactive in identifying and responding to the needs of voters with physical or sensory disabilities. Public outreach materials are being produced using less text, larger fonts and more images to help people with low vision. The IHEC is working with the Ministry of Transport to provide vehicles to take voters with physical disabilities to polling centers.

## **When and how will the counting of votes take place?**

Votes will be counted electronically and without any human interference at polling stations (PSs) using the polling center optical scanner (PCOS) and Results Transmission System device immediately after the polls close.

However, one PS in each polling center will be selected randomly for manual counting. If the difference between the manual and electronic count is greater than 5 percent, all PS results in that polling center will also be counted manually, and the manual count will prevail.

The PS manager, supported by PS staff, will count the signatures on the voter list and will categorize and count the unused, spoiled and discarded ballots. They will enter this information on the reconciliation form, along with the number of ballot papers received before voting begins. The results will be transmitted via satellite to the Independent High Electoral Commission (IHEC) national office directly after the end of the collection and tabulation process. The PCOS will automatically save the data on a USB drive that will be sent to the IHEC.

The PCOS will also issue a detailed report of votes in each PS, with 10 copies. Up to seven copies will be provided to political parties, political coalitions and candidates' agents. A results report for special voting will not be printed at PSs, as those results will be announced together with the general voting results.

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

Preliminary polling results will be announced within 24 hours after regular polling ends. The Independent High Electoral Commission must adjudicate all polling day complaints before announcing the final electoral results. Political parties, coalitions and candidates have the right to appeal the final results to the Electoral Judicial Panel. The certified results will be announced after all appeals are adjudicated by the Electoral Judicial Panel, which has sole jurisdiction to adjudicate appeals on the final decisions of the Board of Commissioners.

## **How is the results management system audited?**

The Independent High Electoral Commission (IHEC) contracted an independent company to review the set-up for the information technology systems for polling, counting and results management. To date, the company has produced three detailed reports based on two polling

day simulations. It will continue to assess the entire process as part of ongoing simulations that the IHEC is conducting.

The IHEC has carried out two major voting simulations that mirrored the actual polling day process and used the electoral devices to be used on Election Day, including the voter verification device, polling center optical scanners and Results Transmission System. After the simulations, the IHEC identified and addressed issues and flaws in the process to prevent similar mistakes on Election Day. A third, larger-scale simulation took place on September 22 and was open to the media, observers, party agents and the public.

## **Who will observe the Council of Representatives elections?**

National and international election observers accredited by the Independent High Electoral Commission (IHEC) will be allowed to observe voting and counting processes for the Council of Representatives elections. The IHEC registers only organizations or networks of organizations, not individual observers. Observers are not permitted to file official complaints based on their observations, but they may submit concerns via public reports on behalf of the organizations they represent. Representatives of political parties and coalitions, and candidates' agents, may be present at polling stations during polling and counting and may submit official complaints based on their observations. Accredited media are free to cover polling, counting and sorting processes inside polling centers and polling stations.

## **What are electoral offenses?**

Several electoral offenses are listed in the Elections Law. 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 insulting, defaming or assaulting a member of the Independent High Electoral Commission or nominating oneself in more than one constituency. These crimes are punishable by one year in prison.

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

Iraq uses a unified model for electoral complaint adjudication with complaints first presented to the Independent High Electoral Commission (IHEC). The IHEC Board of Commissioners (BoC) has exclusive jurisdiction to resolve disputes arising from the preparation for and execution of national, regional and governorate elections. It may delegate jurisdiction to resolve disputes in the first instance to special committees created by the BoC. The Court of Cassation nominates an Electoral Judicial Panel with sole jurisdiction to adjudicate appeals of BoC final decisions. The panel should issue decisions within 10 days after it receives all the answers it may need from the IHEC. All decisions made by the Electoral Judicial Panel are final. After it adjudicates all appeals, the BoC will certify the election results then send them to the Federal Supreme Court for ratification.



## Resources

- The [2005 Constitution of Iraq](#)
- The Independent High Electoral Commission (IHEC) [Law No. 31 of 2021](#)
- The Council of Representatives Elections Law No. 9 of 2020
- Coalition Provisional Authority Order No. 97, Political Parties and Entities Law of 2004
- [IHEC Regulations](#)

## About IFES in Iraq

Since 2003, the International Foundation for Electoral Systems (IFES) has provided technical electoral assistance to Iraqi authorities and civil society stakeholders. IFES has provided advice to these stakeholders on incorporating electoral processes into Iraq's post-conflict transition and establishing a legal and institutional framework for elections, including the creation of an independent election body.

The overall objective of IFES' current electoral assistance program is to support the Independent High Electoral Commission (IHEC) in planning and conducting credible elections and ensuring integrity of the electoral process. IFES' "Iraq Provincial Election Activity" (IPEA) project provides technical and operational assistance to the IHEC.

## Disclosure

These FAQs reflect decisions made by the Iraqi elections authorities as of October 5, 2021, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

This document is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The information herein is provided by the author(s) and does not necessarily reflect the views of USAID or the United States Government.