



DUALITY BY DESIGN: The Iranian Electoral System

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International Foundation for Electoral Systems
1850 K Street, NW, 5th Floor
Washington, D.C. 20006
Tel: +1.202.350.6700
Fax: +1.202.350.6701
www.IFES.org



Alem

Yasmin Alem



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Yasmin Alem

with contribution from

Jørgen Elklit

Mehrangiz Kar

March 2011

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Yasmin Alem

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International Foundation for Electoral Systems (IFES)
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Foreword

Since 1987, the International Foundation for Electoral Systems has provided technical insights on the election process based on an understanding of the structure of national election management bodies and national election law. In the aftermath of Iran's last election, it became clear there is a gap in understanding the architecture, history and practices of the Iranian electoral system.

Duality by Design: The Iranian Electoral System is a comprehensive overview of the "rules of the game" for presidential, parliamentary and local council elections in the Islamic Republic of Iran. It also provides an assessment of the election management bodies involved in the implementation and supervision of elections.

Iran's constitution establishes the nation as both a democracy and a theocracy, blending the liberal notion of popular sovereignty with oversight by the Guardian Council to ensure political candidates, laws and regulations adhere to Islamic practices. This duality is reflected in its electoral system. For example, citizens cast ballots for president and parliament, but the candidates are first vetted by the Guardian Council. The Ministry of Interior manages the country's elections, but the Guardian Council monitors and verifies the election processes.

This report captures the tandem construct of Iran's democratic system. It organizes and makes available both historical information going back nearly 100 years along with an overview of elections since the 1979 Islamic Revolution. IFES hopes this contribution permits greater understanding of the role of elections in Iran.

Bill Sweeney
President & CEO

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Yasmin Alem
Author

About IFES

The International Foundation for Electoral Systems (IFES) is the leading election assistance and democracy promotion non-governmental organization.

IFES promotes democratic stability by providing technical assistance and applying field-based research to the electoral cycle in countries around the world to enhance citizen participation and strengthen civil societies, governance and transparency.

Every IFES project is staffed by national and international personnel while partnering with local election management bodies and civil society organizations. This homegrown approach ensures that the expertise offered by IFES fits the needs of the country or client and the benefit of assistance outlasts the life of the project. Our work is nonpartisan and includes projects that:

- Help citizens participate in their democracies
- Increase politicians' accountability to the electorate
- Strengthen government institutions

Since its founding in 1987, IFES has worked in more than 100 countries — from developing democracies to mature democracies.

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1

INTRODUCTION

Introduction

The Islamic Republic of Iran's hybrid political system is *sui generis*; it encompasses both elements of democracy and theocracy. The constitution blends the liberal notion of popular sovereignty with the principle of *velayat-e faqih*¹, or rule of the jurisconsult. It establishes appointed institutions dominated by the clergy, such as the office of the Leader and the Guardian Council, while stipulating four tiers of popularly elected institutions: president, parliament, local councils, and the Assembly of Experts.

The Islamic Republic has held 29 elections since its inception in 1979. Legislative, presidential, Assembly of Experts, local council elections and referendums have provided the electorate with a platform to exercise political participation. The degree to which this platform is perceived to be democratic, free and fair is intensely debated – particularly in the aftermath of the June 2009 presidential election. Yet, it is impossible to evaluate the nature and the outcome of any particular election in Iran without accurate knowledge and proper understanding of the country's electoral system. For example, the century old precedent of a “litmus test” for candidates in Iran's electoral system, which in the absence of a full-fledged party system served to filter out unqualified nominees, has become an instrument for political exclusion under the Islamic Republic. Vague candidate eligibility criteria set out in the law for presidential, parliamentary and local council elections coupled with a multi-layered vetting process have led to the rejection of thousands of candidates and contributed to limited political pluralism.

This report will provide an overview of the context under which elections take place in Iran. It sheds light on the “rules of the game” for the most politically significant elections including, parliamentary, presidential and local council elections. An examination of the legal provisions governing the supervision and conduct of elections as prescribed in the constitution and five supplementary electoral laws informs the basis of this study. Instead of providing normative analysis on a particular poll, this report presents empirical data on the results of elections held over the past three decades, and offers an inclusive and exhaustive picture of elections in the Islamic Republic of Iran.

Since Iran has more than a century of electoral experience, the second chapter of the report provides a historical perspective of elections in Iran from the Constitutional Revolution of 1906 to the Islamic Revolution of 1979.

The current electoral system is, in many ways, a patchwork of historical and current Iranian realities; therefore, a knowledge of the past is essential for understanding the present. The third chapter provides a summary of the legal framework governing elections in the Islamic Republic. Presidential, parliamentary and local council electoral laws and bylaws provide the rules for candidate eligibility, voter qualifications, elections administration, the power and functions of executive committees, election violations, and complaint resolution mechanisms. Two supplementary codes on election supervision define the role of the Guardian Council in the monitoring and verification of election processes. The fourth chapter provides an overview of Iran's election management bodies (EMBs). In this chapter, the powers and functions of the Guardian Council and its supervisory committees are presented, and a detailed description of the role of the Ministry of Interior in the administration of elections is provided. Chapter four is a user-friendly resource for those who wish to learn more about the role of Iran's EMBs and their division of power. Chapters five, six and seven outline the electoral systems for parliamentary, presidential and local council elections, respectively.

Chapter eight discusses the topic of referendums. The historical significance of this tool, as well as a description of the different variation of referendums permitted under the constitution, is outlined. Chapter nine is an overview of political party development from 1906 to the present. The establishment of political factions under the Islamic Republic is highlighted with a short description of their role in parliamentary politics. Chapter ten is a summary of historical and current debates on electoral reform. The rules governing electoral reform, as well as a summary of electoral reform measures enacted by the legislature, are introduced.

The Iranian electoral system, in parallel to the numerous transmutations of the Islamic Republic, has undergone tremendous change over the past three decades. Estimates suggest that over 40 amendments and modifications have changed the rules of the electoral game in Iran's post-Revolution era. In the aftermath of the June 2009 presidential election, Iran faced its most significant crisis since the Islamic Revolution of 1979. In 2012, Iranians will go to the polls for the first time since the 2009 disputed elections to elect the members of the 9th Majlis. The upcoming elections will be a litmus test which will determine the future of electoral politics in Iran.

“

Since 1906 Iranians have regularly participated in electoral competitions. Universal male suffrage and direct elections were established in 1911. Iranian women, however, were extended the franchise in 1963. In 1949, the Senate or upper house of chamber, comprised of 60 senators, convened for the first time. The tradition of legislative elections endured until the 1979 Islamic Revolution. Shortly after the establishment of the Islamic Republic, the Parliament and Senate were dissolved and a new unicameral legislature entitled the Islamic Consultative Assembly (or commonly referred to as the Majlis) was established by the new regime.

”

2 HISTORICAL PERSPECTIVE



Historical Perspective

Historically, the prevailing form of government in Iran was a patrimonial monarchy. At the turn of the 20th century, however, a growing economic crisis, resentment over the autocratic rule of the Qajar dynasty, the inflow of Europe's liberal ideas into Iran and changing regional dynamics led to the Constitutional Revolution of 1906: an indigenous political reform movement comprised of secular intellectuals, merchants and enlightened clerics calling for accountable and representative institutions. Central to the objectives of the constitutionalists was the establishment of a “house of justice,” an autonomous representative body responsible for administering justice, upholding the rule of law and protecting citizens’ rights. While a written constitution and an elected parliament were not part of the original demands of the constitutionalists, by the summer of 1906, widespread protests in the capital forced the shah to issue a royal proclamation instructing the prime minister to set up a National Consultative Assembly², known also as the Majlis.

Elections for the 1st Majlis began right away. They were conducted on the basis of the electoral law adopted in September 1906. The law provided for 156 deputies to be elected for two-year terms. Sixty representatives were elected by direct ballot from Tehran, with the remaining 96 deputies indirectly elected by a college of electors in the provinces. The law stipulated the division of the electorate into six classes: Qajar princes; religious scholars and seminary students; nobles and notables; merchants; landowners with property worth at least 1,000 tumans³; and tradesmen and craftsmen belonging to a recognized trade guild. Seat allocations in the provinces were determined based on population size. Out of Iran’s twelve provinces, four provinces elected twelve representatives each to the National Consultative Assembly, and eight provinces elected six representatives each. Elections in the provinces were based on a two-stage process. In each electoral district, one delegate from each class of the electorate was chosen to travel to the provincial capital to elect the provincial representative to the parliament by a majority vote.⁴

To stand for elections, a candidate had to be at least 30 and not more than 70 years of age; be able to read, write and speak Persian; hold Iranian citizenship; and have insight into the affairs of the state. The voting age was 25, and women were not allowed to vote. Election administration was decentralized, and two tiers of councils (local and provincial), comprised of representatives from the six classes of electors were responsible for supervising the electoral process.



Figure 1 - Members of the 1st Majlis (1906-1908)

In 1909, the electoral law underwent significant amendments, and a number of the essential sections were revised. Most notably, the class division of the electorate was abolished; the number of deputies was reduced to 120; the minimum voting age was lowered to 20; and the number of representatives in Tehran was reduced to 15. The new law guaranteed

the representation of religious minorities in the legislature by allocating a seat each to Armenians, Chaldeans, Zoroastrians and Jews. The notion of secret ballot was also introduced to the electoral system, while the method of indirectly electing delegates endured. The conduct and implementation of elections was formally awarded to temporary committees – entitled “Councils of Supervision” – which were established in each electoral district. They were in charge of administering all election-related activities in their electoral districts, including informing the public about the date of elections, distributing and collecting voting papers, counting and tabulating election results, and investigating election complaints. By law, all councils were to be dissolved within one week after the conclusion of the elections.⁵

Direct elections and universal male suffrage were established in 1911 after further amendments to the electoral law. At the same time, property and educational requirements for the electorate were abolished, and the number of the deputies was fixed at 136. The rules and regulations governing the administration and supervision of elections were left unaltered, however. Many experts believe that the elections to the first, the second, and to a certain extent, the third Majlis were generally free and fair elections, as government interference was minimal in the process.⁶

With the fall of the Qajar dynasty in 1925 and the ascension of Reza Shah Pahlavi to the throne, further amendments to the electoral law were adopted. Most notably, the Ministry of Interior was introduced as the body responsible for preparing the logistical aspects of elections. Its functions included printing and distributing ballots, drafting the budget for elections, funding technical operations, and validating the credentials of persons elected to serve in the Councils of Supervision. The new amendments also introduced two tiers of supervision: the councils established in the provincial capitals and the councils formed in smaller cities in the provinces. Between 1925 and 1941, Reza Shah, with the support of the army, played a crucial role in determining the outcome of the elections. At the start of the election cycle, the government, with the help of the royal court, prepared a list of acceptable candidates for membership in the Majlis to be sent to the shah for approval. Once the monarch approved the list and undesirable figures were eliminated, all those whose name appeared on the final list were guaranteed success in the elections.⁷

In 1941, Reza Shah Pahlavi abdicated the throne in favor of his son Mohammad Reza Pahlavi. The first elections under his custodianship in 1943 were regarded as the first openly contested elections in fifteen years.

In 1949, the electoral law for the elections of the Senate was adopted. While the constitution of 1906 had provided for the establishment of an upper house of representatives, the Senate convened for the first time in 1949. According to the constitution, the shah had the right to appoint thirty of the sixty senators. The public elected the remaining thirty members for a six-year term. The election formula for the Senate was based on a cumbersome two-stage process; however, in 1960 a proposal by the government resulted in the replacement of the two-stage process with direct elections. Voting age was set at 25, and women were not excluded from the franchise. To become a candidate, a person had to be at least 40 years of age, of the Muslim faith, and well known in his electoral district.⁸

In 1963, the Shah's program of social reform, the so-called "White Revolution," allowed women to run for office. For the first time in Iranian electoral history, eight women were elected to the legislature in 1963. While the parliament was regularly elected between 1963 and 1979, it had no real power. Mandatory voting was introduced in 1975 to combat voter apathy, but was revoked after the revolution. The Shah was overthrown four years later, and the Islamic Republic was established by a popular referendum in 1979. The new clerical regime in Tehran wasted no time in drafting a new set of electoral laws, which, in many ways resembled those of the *ancien régime*.

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The Electoral Law of 1909 guaranteed the representation of religious minorities in the legislature through allocation of a seat each to Armenians, Chaldeans, Zoroastrians and Jews. This progressive practice endured over 70 years and was adopted into the Constitution of the Islamic Republic of Iran in 1979. Today, Iran's approximately 300,000 members of recognized religious minorities elect a total of five representatives to the Majlis.

”

3 LEGISLATIVE FRAMEWORK



Legislative Framework

The Islamic Republic of Iran is a hierarchy ruled by an Islamic jurist (valiyeh faqih). There are four elected institutions permitted under the constitution, and according to Article 6, “the affairs of the state shall be managed by relying on public opinion, and through elections such as the election of the president, the representatives of the Islamic Consultative Assembly, and the members of the local councils or through referendum.” The Constitution of the Islamic Republic of Iran as promulgated in 1979, and amended in 1989 and five electoral laws provide the legal framework for governing elections.

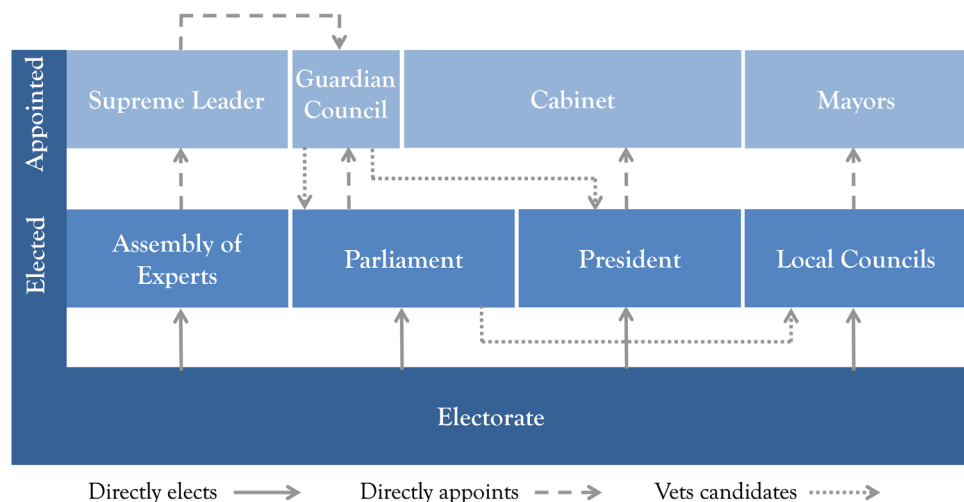


Figure 2 - Political system in Iran

Articles 114-120 of the constitution set out the election system for the presidency, candidate qualification, maximum period between elections and terms of re-election. Under the constitution, voters elect 270 deputies to the Majlis for four-year terms.⁹ Five parliamentary seats are reserved for recognized religious minorities. Zoroastrians, Jews, Armenian Christians from the North, and Armenian Christians from the South each elect one representative to the legislature. Assyrians and Chaldean Christians jointly elect one deputy to the Majlis. Moreover, constitutional provisions related to parliamentary elections guarantee the right to direct vote and secret ballot and broadly set out the conditions for the delimitation of electoral districts and

increase in the number of parliamentary seats. Article 100 of the constitution underlines the significance of local councils in the administration of affairs but defers issues related to the quality, conduct and management of these elections to legislation.

The constitution makes no reference to the type, composition and responsibilities of Iran's election management bodies with the exception of Article 99, which states that, "The Guardian Council has the responsibility of supervising the elections of the Assembly of Experts for Leadership, the presidency, the Majlis, and referenda."

Beyond the constitution, these five electoral laws provide for the legal framework governing election administration and supervision in Iran:

- The Law on Presidential Elections;
- The Law on Islamic Consultative Assembly Elections;
- The Law on the Organization, Functions and Elections of Islamic Councils and Mayors;
- The Law on the Guardian Council's Supervision of the Presidential Elections of the Islamic Republic of Iran;
- The Law on the Guardian Council's Supervision of the Elections of Islamic Consultative Assembly.¹⁰

The Law on Presidential Elections

The *Law on Presidential Elections* sets out election provisions on the franchise, the conduct and administration of elections, the electoral system, candidate registration and qualification, campaigning, electoral dispute resolution and electoral violations and punishment. Article 1 outlines the term of the presidency as four years from the time the Leader of Iran endorses the president's credentials. Article 10 specifies that the president must be chosen by a direct popular vote and through secret ballot. Presidents are allowed to seek only two consecutive terms, but have the option to seek re-election after a one-term break.

Presidential elections in Iran are based on a straight winner-takes-all contest, with candidates competing for an absolute majority of the votes. Run-off elections, as stated in Article 14 of the law, take place the Friday following Election Day between the two candidates with the highest number of votes.

The Law on Islamic Consultative Assembly Elections

The *Law on Islamic Consultative Assembly Elections* provides the rules and regulations governing legislative elections. The Islamic Consultative Assembly (commonly referred to as the Majlis) is a unicameral parliament of 290 deputies elected from a mix of single and multi-member constituencies.¹¹ Representatives are elected based on the two-round voting system for four years with no term limitations. Candidates able to secure at least one fourth of the votes cast in the first round are elected to the Majlis. If in the first round of elections, one or more candidates fail to receive one fourth of the casted votes, a second round of voting is held. The number of candidates who may run in the second round is restricted to twice the number of seats to be filled in a single member constituency (i.e. two candidates) and one and a half times the number of seats to be filled in a multi-member constituency. The electoral system used in the second round is based on a straight run-off contest with the highest polling candidates filling the positions regardless of the percentage of the vote achieved.

The Law on the Organization, Functions and Elections of Islamic Councils and Mayors

The law on the elections of the local councils passed by the legislature in 1999 consists of five chapters covering topics such as the organization of councils, conduct of elections, the powers and functions of the councils and procedures for investigating council-related violations. Article 1 defines the function and purpose of the local councils as “responsible for promoting social, economic, development, public health, cultural, and educational programs according to local needs.” The law sets out the term of council membership as four years and provides population-based conditions for the composition of councils at the village, district, city, county, and provincial level.

Chapter 2 of the law provides the electoral provisions for the city and village council elections. By law, council members are elected based on the principles of universal, equal, direct and secret ballot. The electoral system for the local council elections is based on a plurality system, and voters have as many votes as the number of councilor positions in their respective electoral district. Candidates with the highest votes in their constituency are elected as councilors.

Electoral Laws of the Guardian Council's Supervision

The laws on the Guardian Council's supervision of presidential and parliamentary elections are a supplement to Article 99 of the constitution. Adopted in 1985 and 1986, they lay down the Guardian Council's supervisory rights and outline the tiers of supervisory committees established for each election. The laws also provide the composition, duties and limitation of power for the supervisory committees.

“

The disqualification of over 90 percent of presidential candidates by the Guardian Council in the past nine elections has undermined the legitimacy of the institution as an independent and impartial organ. The partisan approach of the Ministry of Interior during electoral events has also damaged the integrity of elections. The establishment of an election commission, as independent as possible from the incumbent holders of political and administrative power, can be a positive step for restoring the trust and confidence of the electorate in Iran's elections management bodies.

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4 ELECTION MANAGEMENT BODIES



Election Management Bodies

Two bodies are charged with managing presidential and parliamentary election-related activities in Iran: the Guardian Council and the Ministry of Interior. The Guardian Council has autonomy to monitor, supervise and set policies for the conduct of elections, while the Ministry of Interior implements election operations under the Council's authority. City and village council elections are presided over by the parliament, with the Ministry of Interior responsible for their organization and administration.

The Guardian Council

The idea for establishing the Guardian Council was borrowed from Iran's 1906 constitution, which envisaged a body composed of senior clerics overseeing legislation passed in the Majlis with the objective of preventing laws in conflict with the Islamic code from becoming legislation. Article 2 of the Supplementary Fundamental Laws of October 1907, stipulated the composition of a council with a minimum of five devout theologians elected by the members of the National Consultative Assembly from a list presented by the ulama.¹² The formation of such a council, however, did not transpire under the monarchy, and it was only after the revolution of 1979 that the Guardian Council convened for the first time.

The Guardian Council is a twelve-member body composed of (1) six qualified theologians who are well versed in Islamic jurisprudence, and (2) six Muslim jurists who specialize in different areas of law. The Leader of Iran directly appoints the six theologians, while the six Muslim jurists are nominated by the head of the judiciary and elected by a plurality vote in the Majlis. Since the Leader directly and indirectly appoints members of the Guardian Council, their religious, social and political penchants reflect that of the Leader.¹³ Their term of office is six years, with half of the membership changing every three years based on a random draw. The Guardian Council, since its establishment, has been a male-dominated Shi'a institution. Discriminatory practices and laws have excluded women, Sunni Muslims, and recognized religious minorities from serving in one of Iran's most powerful institutions. While there are no legal restrictions for the election of female jurists to the Guardian Council, so far, the head of the judiciary has failed to nominate a single female jurist to be elected by the Majlis. The same is true for Sunni Muslims. Finally, recognized religious minorities are excluded from

membership in the Council since the constitution stipulates that all members of the Council must be Muslim.

	Name	Period					
		80 - 86	86 - 92	92 - 98	98 - 04	04 - 10	10 - 16
Clerics	Almad Jannati	•	•	•	•	•	•
	Mohammad Moemen Qomi		•	•	•	•	•
	Mohammad Emami Kashani		•	•			
	Gholam Reza Rezvani		•	•	•	•	•
	Abolghasem Khazali		•	•			
	Seyed Mahmood Hashemi Shahrودي				•	•	•
	Abdolkarim Rabani Shirazi	•					
	Lotfollah Safi Golpayeghani	•	•				
	Yousef Sanei	•					
	Mohammad Reza Mahdavi Kani	•					
	Mohammad Mohammadi Gilani		•	•			
	Reza Ostadi Moghadam				•		
	Hassan Taheri Khoram Abadi				•		
	Mohammad Yazdi				•	•	•
	Mohammad Reza Modarress Yazdi					•	•
	Mohammad Mehdi Rabani Amolshi	•					
Sadegh Larijani					•		
Jurists	Mehdi Hadavi	•					
	Mohsen Hadavi*	•					
	Mohammad Salehi	•	•				
	Ali Arad	•	•		•		
	Goudarz Eftekhar Jahromi	•					
	Hossein Mehrpour	•	•				
	Seyed Jalal Al'din Madani			•			
	Khosrow Bijani	•	•	•			
	Hassan Fakheri		•	•			
	Mohammad Reza Alizadeh		•	•	•	•	•
	Hassan Habibi		•	•	•		
	Almad Alizadeh		•	•			
	Mohammad Reza Abbasifar d			•	•		
	Seyed Reza Zavarehi			•	•		
	Ebrahim Azizi				•	•	
	Abbas Ali Kadkhodaei					•	•
	Gholam Hossein Elham					•	
	Abbas Kabi					•	
	Mohsen Esmaili				•	•	•
	Mohammad Salimi						•
Siamak Rahpeyk						•	
Hossein Ali Amiri						•	

Figure 3 - Members of the Guardian Council from 1980 - 2016. Each period represents a six-year term from July to June. (Note: The number of members in a given period might exceed the maximum twelve-members quota because of the random rotations prescribed in the law.)

The Guardian Council has an executive board consisting of a secretary, deputy secretary and a spokesperson. According to the bylaws of the Guardian Council, members of the executive board are elected for a one-year term by an absolute majority vote.¹⁴ Currently, Ayatollah Jannati is the Secretary of the Council, a position he has held for the past two decades. Five of the six current clerical members are members of the Assembly of Experts, an elite clerical institution responsible for supervising the conditions and comportment of the Leader. Two clerical members are also Friday prayer Leaders: Ayatollah Jannati leads Friday prayers in Tehran, and Ayatollah Mohammad Reza Modarres Yazdi leads Friday prayers in the city of Yazd. Two current members have previously headed Iran's judiciary as well: Ayatollah Mohammad Yazdi served as the chief of the judiciary from 1989-1999, and Ayatollah Mahmoud Shahrudi served in this capacity from 1999-2009.

The Guardian Council has extensive legislative and executive jurisdictions. It reviews all legislation passed in the Majlis and has the power to approve or reject a bill on the basis of its adherence with Islamic precepts and constitutional law.¹⁵ Only the six theologians in the Guardian Council are authorized to determine the compatibility of legislation with Islamic laws, while all members of the Council decide on the compatibility of parliamentary resolutions and government ordinances with constitutional law. Estimates suggest that the proportion of legislation rejected by the Guardian in different periods has been between 27 to 40 percent.¹⁶ The Guardian Council also has the power to evaluate statutes approved by the cabinet and other state organs to ensure their conformity with Islamic criteria. Article 4 of the constitution asserts that, "All laws and regulations including, civil, penal financial, economic, administrative, cultural, military, political shall be based on Islamic principles," and "it shall be decided by the theologians of the Guardian Council whether or not such laws and regulations conform to this article."

The interpretation of the constitution is also entrusted to the Guardian Council. Article 98 of the constitution states that, "The authority to interpret the constitution is vested with the Guardian Council, which is to be done with the consent of three-fourths of its members" and can be initiated by an application from the Leader, president, head of the parliament, head of the judiciary, or a member of the Guardian Council. The decision to review an application requires an absolute majority vote by all members of the Council.¹⁷ Economic relations between Iran and foreign countries, relations between different state institutions or the extent of the authority of a given

state body have, in the past, been subject to the Council's interpretations.

The Guardian Council also has the politically sensitive duty of supervising the elections of the Assembly of Experts, president, Majlis, and referendums. Dominated by conservative right factions, the Guardian Council has been an instrument of political control, particularly in the aftermath of Ayatollah Khomeini's death. This topic will be explored in the next section.

Article 99 stipulates that the Guardian Council is in charge of monitoring the elections of the president, Majlis, and referendums to the Guardian Council. In 1991, the Council interpreted this article to assert that, "Its supervision of elections is approbationary and applies to all stages of the electoral process, including the approval and rejection of candidates." While this interpretation was not formally adopted in the *Law on Islamic Consultative Assembly Elections* until 1995, the Guardian Council wasted no time in vetting candidates. Beginning with the 4th Majlis elections in 1992, the Council used its authority to exclude many contenders from the political arena. The number of disqualified candidates increased from an average of 15 percent for the first three Majlis elections to 35 percent for the 4th Majlis elections in 1992 and 39 percent for the 5th Majlis elections in 1996.¹⁸ This trend has continued with an average of 30 percent of candidates disqualified from running in each parliamentary election.

Date	Number of registered candidates	Number of disqualified candidates	% of disqualified candidates
1980	3,694	447	12
1984	1,592	266	17
1988	1,999	333	16
1992	3,150	1,100	35
1996	5,365	2,089	39
2000	6,856	576	8
2004	8,172	2,000	24
2008	7,697	2,200	29

Figure 4 - The number of candidates disqualified by the Guardian Council for the Majlis elections 1980-2008 (Source: Ministry of Interior)

The deference of the Guardian Council to the Leader's authority has also led to selective disqualification of presidential candidates with the rules being applied disproportionately against those critical of the regime. The complete control over the choice of candidates has resulted in the rejection of an average of 86 percent of presidential nominees over the past thirty years.

Date	Number of Presidential candidates	Number of qualified candidates	% of disqualified candidates
1980	124	123	1
1981	71	4	94
1981	46	4	91
1985	50	4	92
1989	79	2	97
1993	128	4	97
1997	238	4	98
2001	814	10	99
2005	1,014	7	99
2009	475	4	99

Figure 5 - The number of candidates disqualified by the Guardian Council for presidential elections 1980-2009 (Source: Ministry of Interior)

Beyond validating the credentials of candidates, the Guardian Council has significant supervisory powers, including:

- Approving the date of elections;
- Receiving complaints and adjudication of electoral disputes;
- Monitoring the work of the Election Campaign Monitoring Commission, which regulates the conduct of presidential candidates and their campaign-related activities;
- Annuling elections in an electoral district or stopping the election process;
- Approving amendments to and revisions of all electoral laws;
- Certifying election results.

The Guardian Council carries out its monitoring activities by establishing supervisory committees during presidential and parliamentary elections.

These committees are composed of temporary members and formed at the start of the election campaign. All members of the supervisory committees and supervisors are remunerated for their services.

For presidential elections, the Guardian Council sets up a Central Supervisory Committee (CSC) composed of seven members elected by an absolute majority. The composition of the CSC consists of two members of the Guardian Council and five informed, trustworthy and reputable Muslims.¹⁸ Often, the Guardian Council appoints more than two of its members to the Central Supervisory Committee. For example, in the 2009 presidential election, four members of the CSC were also members of the Council.¹⁹

The Central Supervisory Committee is responsible for monitoring all stages of the electoral process, the conduct of the Ministry of Interior and all matters concerning the validity of elections. The CSC must also appoint election supervisor(s) for each county. With 368 counties in Iran, the CSC must, as a minimum, appoint 368 informed, trustworthy and reputable Muslims. These supervisors are responsible for monitoring the election process at the county level and reporting infringements or misdemeanors to the Central Supervisory Committee. By law, the Guardian Council is entitled to appoint the county level election supervisors directly, if it deems necessary.²⁰ Finally, to ensure that the supervision of elections is completed at all levels, one space in all polling stations across Iran is reserved for a Guardian Council poll monitor.

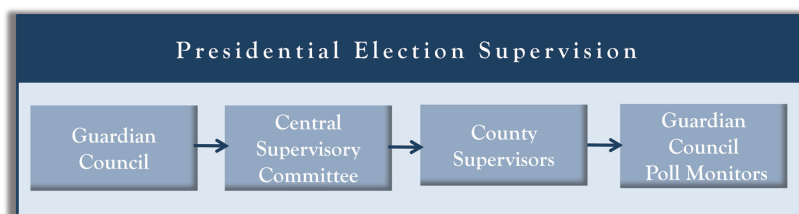


Figure 6 - Supervision of presidential elections by the Guardian Council

Much like the presidential election, the Guardian Council establishes a Central Supervisory Committee (CSC) for the Majlis elections. The CSC is composed of one member of the Guardian Council and four informed, trustworthy, and reputable Muslims, elected by an absolute majority vote among the twelve members of the Guardian Council. The Central Supervisory Committee has two main responsibilities:

- Validating the competency of registered candidates for parliamentary elections; and
- Monitoring all stages of the electoral process, including the conduct of the Ministry of Interior.

Provincial and electoral district level supervisory committees assist the CSC. Similar to the CSC, these bodies are meant to be temporary committees that are set up for the duration of each electoral process. Over the past decade, however, the supervisory committees have established permanent offices in Iran's counties and provinces operating year round. In 2003, Seyed Reza Zavarehi, a member of the Guardian Council, stated that 384 supervisory offices had been established in Tehran and the provinces to train individuals in electoral laws and prepare them to serve as supervisory committee members during elections. It is important to note that the legality of this action has been highly contested.²¹

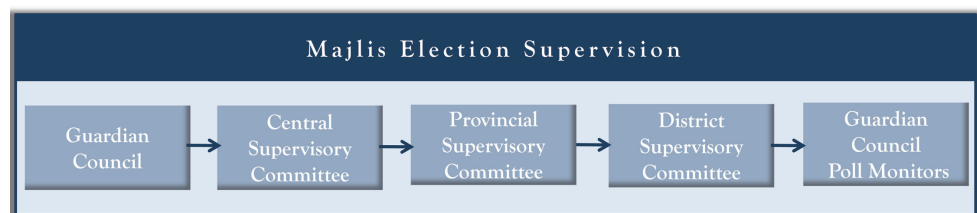


Figure 7 - Supervision of Majlis election by the Guardian Council

According to Article 5 of *The Law on the Guardian Council's Supervision of the Elections of Islamic Consultative Assembly*, the Provincial Supervisory Committees (PSC) are similar to the CSC in both numbers and manner of appointment. The PSCs monitor the conduct of election executive committees, which are established by the Ministry of Interior for administering elections. The election executive committees are required to consult with the PSCs about all election-related issues and seek their advice. Further, the PSCs validate the credentials of persons nominated for membership in the election executive committees and review the list of candidates approved for the Majlis elections by the executive committees.

The provincial supervisory committees, with the approval of the Central Supervisory Committee, appoint three-member District Supervisory Committees (DSC) in their province. There are 207 electoral districts for the Majlis elections, each headed by a district supervisory committee with identical appointment process and composition to that of the provincial

supervisory committees. According to Article 7, the district supervisory committees appoint trustworthy, informed and reputable Muslims to serve as the Guardian Council's poll monitors in the polling stations.

The Ministry of Interior

The Ministry of Interior (MoI) administers all election-related activities under the supervision of the Guardian Council. In essence, the MoI functions as the subordinate implementing arm of the Guardian Council. While temporary national and local bodies – established at the start of the election cycle – conduct the implementation of voting, a permanent Election Office comprised of professionals operates throughout the year, planning and organizing the logistical aspects of elections.

The Elections Office is a permanent structure in the Ministry of Interior. It is located in the Bureau of Political Affairs, and is staffed with permanent officers including, a director, two deputy directors, and 25 senior experts in the areas of statistics, elections, legal affairs, logistics, and budgets. The Elections Office is charged with planning and making preparations for national and local elections. This includes, among other functions:

- Drafting and finalizing election budgets (a process which takes seven to eight months);
- Planning of electoral logistics and the design of a timeline for each election;
- Advising on the delimitation of electoral districts boundaries;
- Issuing manuals with detailed guidelines for the conduct of elections to local electoral bodies;
- Printing and distributing ballots;
- Designing and distributing a unique election stamp for each election;
- Advising and making recommendations to the legislature on electoral reform issues; and
- Archiving electoral documents.²²

The Elections Office also conducts a wide range of other election-related activities throughout the year. Most significantly, it compiles an overview of the number of eligible voters for each election using information provided by: (1) Iran's Statistical Center; (2) the Civil and Registration Office; and (3) statistical experts in the Offices of the Governor Generals in Iran's 30 provinces. The number of eligible voters informs the number of ballots printed and distributed among electoral districts. To ensure that enough ballots are

available on voting day, the Elections Office normally prints 10 percent more ballots than required.²³ The absence of an electoral roll system in Iran has increased the potential and space for fraud. Chief among these problems is illegal voting, graveyard voting, ballot stuffing, and the capacity of the government to print extra documentation.

At the start of the election cycle, the Minister of Interior establishes the National Election Commission (NEC) in the Bureau of Political Affairs. The NEC is usually in operation two months prior to Election Day, and directly answers to the minister. While the election laws do not define the composition and membership of the NEC, in an interview published in 1999, Mostafa Tajzadeh, the head of Iran's NEC under President Khatami, described the composition and function of the National Election Commission in this way: "The National Election Commission consists of experts from the Elections Office, Legal Bureau, Political Bureau, Boundary Delimitation Office, who come together during the election cycle to provide administrative support to the electoral districts across the country."²⁴

The National Election Commission consists of 45 members. Twenty members are appointed from different departments in the Ministry of Interior with the remaining 25 members comprised of staff from the Election Office. The NEC has a chairman, who is appointed by the Minister of Interior and is usually the Deputy of the Bureau for Political Affairs.²⁵ In parallel, provincial election commissions are established in the office of the 30 Governor Generals to assist with the coordination of activities between the executive committees and the NEC.

Depending on the election (presidential or parliamentary) several levels of local executive committees are established to assist with the implementation of electoral procedures. The function and responsibilities of the executive committees are:

- Deciding the number and location of polling stations;
- Conducting voter information, including informing the public about the election date, voting hours, voting station locations and voter eligibility;
- Ensuring the implementation of electoral rules and regulations outlined in the law; and
- Appointing polling station officers.

These election executive committees differ slightly in structure for presidential

and parliamentary elections. The formula for the composition of the executive committees for both elections, however, is such that it gives the ruling party a de facto majority in all committees, including the chairmanship positions. For presidential elections, 368 County Executive Committees (CEC) are established in all of Iran's counties, and 920 District Executive Committees (DEC) are formed in rural districts.²⁶ According to Article 38 of the *Law on Presidential Elections*, these committees are constituted of a Governor/District Administrator (who chairs the committee and is an appointee of the Minister of Interior), the county/district prosecutor, the head of the civil registration office, a local councilor, and seven trustworthy members of the public. The seven members of the public are invitees of the Governor/District Administrator and must have the following qualifications:

- Have faith and trust in Islam, with virtual obligation and practical engagement in Islamic tenets;
- Have a good reputation;
- Be literate; and
- Not have adhered to or held office in the former regime.

The DECs assign five-member polling station committees for each polling station composed of a chief, a deputy, and three secretaries. Additionally, the Governor of each county has a representative at each polling station.

For Majlis elections, executive committees are established in Iran's 207 electoral districts. Each electoral district is comprised of a combination of counties, cities and rural districts, and the number of the executive committees varies in each.²⁷ A central executive committee is established in each electoral district, which oversees the activities of the executive committees under it.

For example, the province of Tehran is divided into seven districts for the Majlis elections.

The electoral district of Tehran, Rey, Shemiranat and Islamshahr is composed of approximately four counties and ten rural districts. The central executive committee is established in the city of Tehran; it screens the eligibility and credentials of registered candidates for the entire district. Ten executive committees operating under it are established in each of the rural districts, and their primary function consists of determining the number of polling stations in their constituency and recruiting polling officers. For the Majlis elections, unlike the presidential elections, county level executive committees are not formed.



Figure 8 – The electoral map of the province of Tehran

The membership of all executive committees consists of the Governor/District Administrator (who chairs the committee and is an appointee of the Minister of Interior), the county/district prosecutor, the head of the civil registration office, a local councilor, and eight trustworthy members of the public. The eight members of the public are invitees of the Governor/District Administrator and must have the following qualifications:

- Have faith and trust in Islam, with virtual obligation and practical engagement in Islamic tenets;
- Have a good reputation;
- Be literate;
- At minimum have a five year record of residency in the electoral district; and
- Not have adhered to or held office in the former regime.

The City and Village Council Elections

The election management bodies involved in the supervision of the city and village council elections are slightly different from those of the presidential and legislative elections. Most notably, the Guardian Council does not supervise the electoral process for these elections. Instead, a five-member Central Supervisory Committee composed of three members of the Parliament's Commission on Councils and Internal Affairs, and two members of the Parliament's Commission on Article 90 elected by the members of parliament supervise and monitor all election-related activities.²⁸ Provincial and county/district level supervisory committees assist this parliamentary committee in

monitoring the electoral process and, among other functions, review and validate the credentials of candidates. Similar to presidential and legislative elections, members of these committees are composed of temporary staff and are responsible for monitoring the electoral process for compliance with the electoral law.

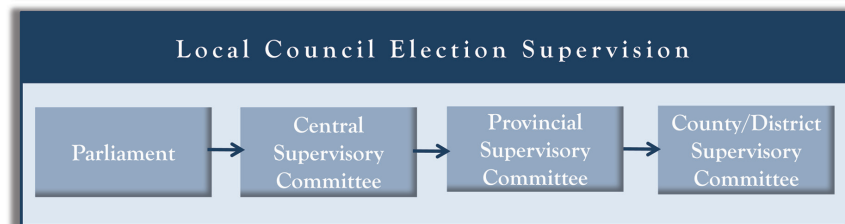


Figure 9 - Supervision of the local council elections by the parliament

Election administration is decentralized and composed of two tiers: the Country Executive Committees (CEC) and the District Executive Committees (DEC). The former is an eleven-member committee consisting of the Governor, the head of the civil registration office, the head of the department of education and eight trustworthy members of the public; this committee administers city council elections. The latter is also composed of eleven-members consisting of the District Administrator, the head of the civil registration office, head of the department of education, the head of the department of agriculture and development and seven trustworthy members of the public; this committee administers village council elections. The election executive committees also have election implementation duties including:

- Deciding the number and location of polling stations;
- Investigating the backgrounds of candidates and reporting their findings to the parliamentary committee supervising elections;
- Conducting voter information including, informing the public about the election date, voting hours, voting station locations and voter eligibility; and
- Appointing polling station officers.

“

Eight Majlis elections have taken place since the establishment of the Islamic Republic. Voter turnout has fluctuated between 51 and 71 percent. General membership trends include an increase in the number of female parliamentarians from four members in the 1st Majlis to fourteen members in the 5th Majlis. The under-representation of women in the parliament is despite the fact that the number of candidates from the 1st Majlis elections increased from 90 to 827 candidates by the 8th Majlis elections. A decline in the number of clerics and an increase in the number of deputies with Master's and doctorate degrees are among other notable trends.

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5 PARLIAMENTARY ELECTIONS



Parliamentary Elections

Iran has had a century long history of parliamentary elections. In 1906, Iran's first Majlis was established with a combination of directly and indirectly elected representatives. The constitution of 1906 also stipulated the creation of a Senate (upper house of representatives), which, however, only convened for the first time in 1949. Following the Islamic revolution, the Majlis and the Senate were both dissolved. The new regime opted against an upper house of representatives, and instead, the constitution of 1979 provided for a single parliamentary chamber: the Islamic Consultative Assembly (or Majlis).

The *Law on Islamic Consultative Assembly Elections* provides the rules and regulations governing legislative elections in Iran. Drafted by leading members of the Revolutionary Council, the document was first adopted in 1980.²⁹ The first draft consisted of nine chapters and two main components: (1) candidate qualifications and (2) the system for monitoring and implementing elections. Controversy and opposition surrounded the new electoral law, which many political parties, at the time, saw as an instrument of political exclusion and an attempt by the clerics to consolidate their power. Many secular and non-Islamic groups contested its proposed two-round voting system and demanded a proportional representation system under which parties could gain a more fair (proportional) representation.³⁰ However, on March 14th 1980, a month after the new law was adopted, the first Majlis elections were held. The Ministry of Interior led the administrative efforts, while the Revolutionary Council was charged with screening candidates and supervising the election process. Ayatollah Khomeini endorsed the elections and advised, "Elect those who are one-hundred percent Muslim, and are committed to Islamic principles."³¹

Since 1980, the electoral law has undergone numerous amendments. Today, the Majlis is a body consisting of 290 directly elected deputies who compete in a mix of single and multi-member districts.³² Five parliamentary seats are reserved for recognized religious minorities. Zoroastrians and Jews each elect one representative. Assyrians and Chaldean Christians jointly elect one representative. Armenian Christians from the North elect one deputy to the Majlis, as do the Armenian Christians from the South.

Elections for the Majlis are held every four years and decided by a two-round voting system. The electoral system is based on a modified block vote system, as voters in multi-member districts have as many votes to cast as

there are seats to fill. Candidates able to secure at least one fourth of the votes cast in the first round are elected to the Majlis. Run-off elections are held in districts where one or more seats are left uncontested. The number of candidates who may run in the second round of elections is restricted to twice the number of seats to be filled in a single-member district (i.e. two) and one and a half times the number of seats to be filled in a multi-member district. In run-off elections, candidates with the most votes win the contested seats.

The *Electoral District Law*, adopted in 1985, allocates parliamentary seats among Iran's 207 electoral districts. Many of the country's 368 counties are retained as an electoral district, while some are the result of a merger between two, three or four counties.

The districts vary in geographic size; however, seat allocations are based on a formula, which entitles every 150,000 voters the right to elect one representative to the Majlis. Increases to the number of seats are permitted under the constitution, and Article 64 establishes the conditions for an increase stating "The number of parliamentary seats can increase by no more than twenty seats for each ten-year period, and the decision to do so must be based on population growth, political and geographic factors."

Currently the province of Tehran elects the highest number of Majlis deputies with 38 representatives, while the provinces of Ilam, South Khorasan, Qom and Kohgiluyeh and Boyer-Ahmad elect the least number of representatives, namely three deputies each. The seat allocation for each province is shown in Figure 10.



Figure 10 - Majlis seat distributions based on province
(Source: Majlis Research Centre)

Once elected to the Majlis, deputies do not face term restrictions; however, the Guardian Council must validate the suitability of all incumbents seeking re-election.

With an average incumbency rate of 29 percent, freshman deputies have dominated Iran's post-Revolution Majlis. While there is no accurate data on the number of incumbents seeking re-election, in the five elections between 1992 and 2008, a significant number of incumbents have had their credentials rejected by the Guardian Council. In 1992, the Council rejected the credentials of 40 incumbents; in 2004, 80 incumbents were rejected; and in 2008, the Guardian Council declared 20 incumbents unfit.³³

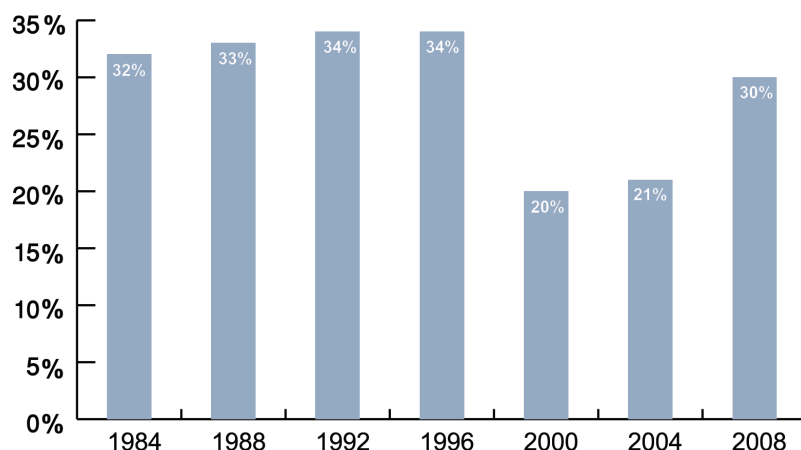


Figure 11 - Percentage of incumbents in the Majlis 1984-2008 (%)
(Source: Majlis Research Centre)

Lower than average incumbency rates in the 2000 and 2004 Majlis can be explained by political events. In the 2000 Majlis elections, the Ministry of Interior (under the control of reformist President Mohammad Khatami) insisted on the rights of candidates whose applications had been rejected without hearings and due process. Further, President Khatami, by public demand, directly intervened in the vetting process by meeting with the members of the Guardian Council and requesting that they uphold the law. In the end, the Guardian Council disqualified the credentials of less than ten percent of candidates. As a result, the pool of candidates widened, providing the electorate with greater choice and more competition. Many reformist candidates who had not participated in previous elections ran successful campaigns, won conservative seats and formed a majority in the Majlis.

The second event occurred four years later, when the Guardian Council rejected the credentials of over 2,000 reformist candidates including some 80 incumbents, who were high profile members of the parliament.³⁴ The result was a 26-day sit-in by over 100 deputies, the resignation of 124 members, the election of 229 freshman lawmakers, and an incumbency rate of 21 percent.

To stand for Majlis elections, a candidate must be at least 30 and not more than 75 years of age. Candidates must also satisfy the following requirements:

- Have faith and trust in Islam, and virtual obligation and practical engagement in Islamic tenets (except for religious minorities);
- Hold Iranian citizenship;

- Demonstrate loyalty to the constitution, and the principle of *velayat-e faqih* (absolute rule of the jurisconsult);³⁵
- Hold a Master's degree or its equivalent;
- Be in good physical health; and
- Have a good record and reputation in the respective district.

According to Article 29 of the Majlis electoral law, individuals with a criminal record (as laid out in the law), adherents and office-holders of the former regime, persons affiliated with illegal organizations, and persons convicted of a crime against the state are banned from becoming candidates. Moreover, under Article 29 of the same law, civil servants holding certain positions, including the president, vice-president, secretary of the Expediency Council and his advisors, advisors to the president and the vice-president, ministers, members of the Guardian Council and the Central Supervisory Committee, the prosecutor-general, directors of ministries, head of the judiciary and his advisors, governors, district administrators, mayors, employees of the armed forces and the Ministry of Intelligence are required to resign from their positions six months ahead of the elections to be eligible for candidacy.

Under Iran's electoral system, individuals are required to nominate themselves, although they normally have close political affiliations with one of the two main political factions: reformist or conservative. The candidate nomination period is seven days from the time the Ministry of Interior announces the start of the election process. Potential candidates must submit a completed candidate nomination application to the office of their local Governor/District Administrator within the allotted period.

At the national level, the MoI compiles a preliminary candidate list, which it shares with the Guardian Council and the Central Supervisory Committee. The preliminary candidate list is sent to the Ministry of Intelligence, Office of the Attorney General, the Central Civil and Registration Office and Interpol for a background check of all nominees. These four authorities investigate the records of nominees to ensure that they meet candidate eligibility criteria. For example, the Civil and Registration office is tasked with conducting a background check of the nominees to verify that they are Iranian nationals, while the Ministry of Intelligence investigates the records of nominees to ensure that they are not affiliated with illegal organizations or rank-holders within the former regime. Within five days of receiving the candidate list, the four aforementioned authorities are required to share the results of their findings, which must be based on evidence, with the Ministry of Interior. The Ministry of Interior sends these findings to the central executive committees.

At the local level, the central executive committees and the provincial supervisory committees conduct a background check of all registered candidates in their electoral district against the criteria laid out in the law. They are required to share the results of their findings by validating or rejecting a nominee with the Central Supervisory Committee within ten days. Under Article 50 of the Majlis electoral law, their decision must be based on the law and accompanied by legal evidence and documentation.

In recent years, however, supervisory committees send investigatory teams to the neighborhoods of registered candidates to interview local residents and inquire about a candidate’s loyalty to Islamic tenets, and his or her commitment to the absolute rule of the jurisconsult – or in other words the Leader of Iran – as part of the vetting process.³⁶

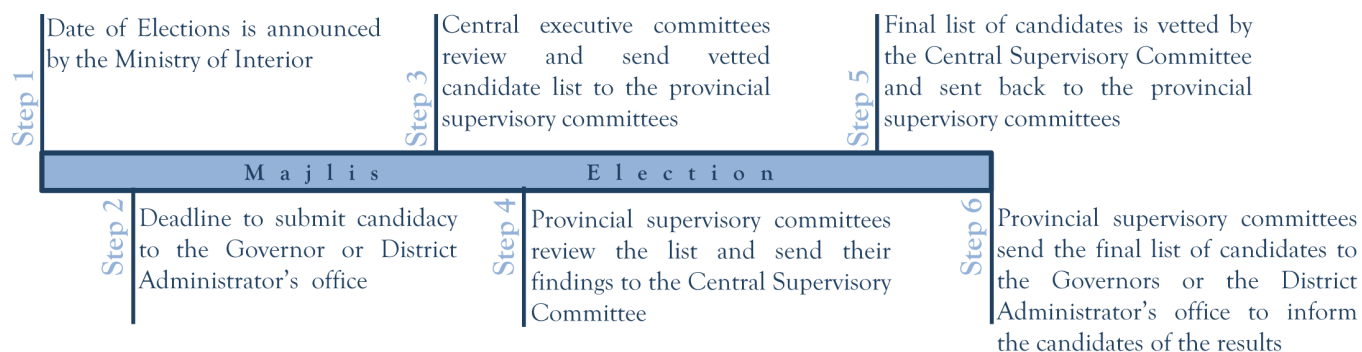


Figure 12 - Vetting process for Majlis elections

Candidates, whose credentials have been rejected by the central executive committees, have four days to file an appeal with their Provincial Supervisory Committee (PSC). The PSC must review complaints within seven days and consult with the CSC before disqualifying a candidate from participating in the elections. In circumstances where the executive committees validate the credentials of a candidate, but the Central Supervisory Committee vetoes it, the candidate can file an appeal with the Guardian Council. The Guardian Council receives all appeals and renders a final judgment within twenty days on the credentials of the candidate. It is important to note that since 1992 the Guardian Council has played a direct and prominent role in the vetting of candidates through the Central Supervisory Committee. Instances where the central executive committees have validated the credentials of a candidate only for the candidate to be later disqualified have been on the rise in the past four Majlis elections.

The electoral campaign for Majlis elections officially starts eight days and ends 24 hours before Election Day. The campaign is comparatively short as official electoral campaign periods in other countries are often between two and four weeks.³⁷ The briefness of the period in which candidates can present their policies, electoral platforms and agendas to their respective constituents makes it difficult for voters to collect and digest the information they ideally should have in order to make an informed electoral decision.

The election law stipulates the following provisions governing campaign activity:

- It is illegal to destroy the posters or ads of any candidate during the campaign period;
- Candidates and their supporters are prohibited from insulting or slandering other candidates;
- It is prohibited to post announcements, posters or any kind of advertising outside of a designated campaign rally;
- Campaigning activity through the Islamic Republic of Iran's National Broadcasting, Friday prayer sermons, or any other official government organ is prohibited;
- Making use of government resources, including the resources of state-owned and public companies, foundations, or any organizations with a public budget, for or against a candidate is illegal; and
- All campaign-related advertisements must be removed from polling stations 24 hours before the start of the elections.

Moreover, election officials are required to remain neutral during the electoral campaign and are barred from campaigning for particular candidates. Government employees are also prohibited from campaigning for or against a candidate. Candidates who violate campaign regulations are subject to prosecution and fines.

Under the law, voting for the Majlis elections takes place on a Friday during a ten-hour period. Voting hours can be extended by the Minister of Interior should the voter turnout warrant it.

For each polling station, the executive committees must establish a polling committee comprised of between five and seven trustworthy and literate individuals. Additionally, in each polling station, a representative of the Governor/District Administrator and a poll monitor from the Guardian Council

are present at all times. Accredited candidate agents can also be present during voting hours as well as during the count to monitor the process.

Iran does not have a voter registration system, and electors can vote anywhere as long as they present their national identification card, or *shenasnameh*. Iran has a two-part ballot – the ballot itself and a stub portion. When a voter enters a polling station, their *shenasnameh* is checked for voter eligibility. To be eligible to vote, an elector must be 18 years of age, a citizen of Iran, and be “wise and sensible.”

The Election Office designs and distributes a unique election stamp among all of the polling stations in the country. The polling station officers are required to examine the voter’s *shenasnameh* to ensure that an election stamp from the current elections does not already exist in it. Once the voters cast their ballot into the designated ballot box, a polling officer stamps their *shenasnameh* and index finger. The counting process commences as soon as the polling stations close. Vote counting is conducted manually. Only the polling station committees and the representatives of the Guardian Council, Governor and candidate agents are permitted to be present during this process. Once the votes are counted and results tallied, the polling station members along with representatives of the Guardian Council and Governor prepare minutes and transfer a copy of this along with excess voting material and ballots to the central executive committees (in each electoral district). A copy the meeting minutes and the election results – for each polling station – is then sent to the Governor. The Governor, in turn, sends a copy of the final election results and meeting minutes to the Guardian Council and the National Election Commission and, subsequently, publishes the results in his electoral district.

Majlis Elections at a Glance

A statistical analysis of voter participation levels for the past eight Majlis elections demonstrates that national voter turnout has, on average, been 63 percent. For the past 15 years, the province of Kohgiluyeh and Boyer-Ahmad has consistently had the highest voter turnout with an average of 92 percent, whereas the province of Tehran has had the lowest with an average of only 44 percent.

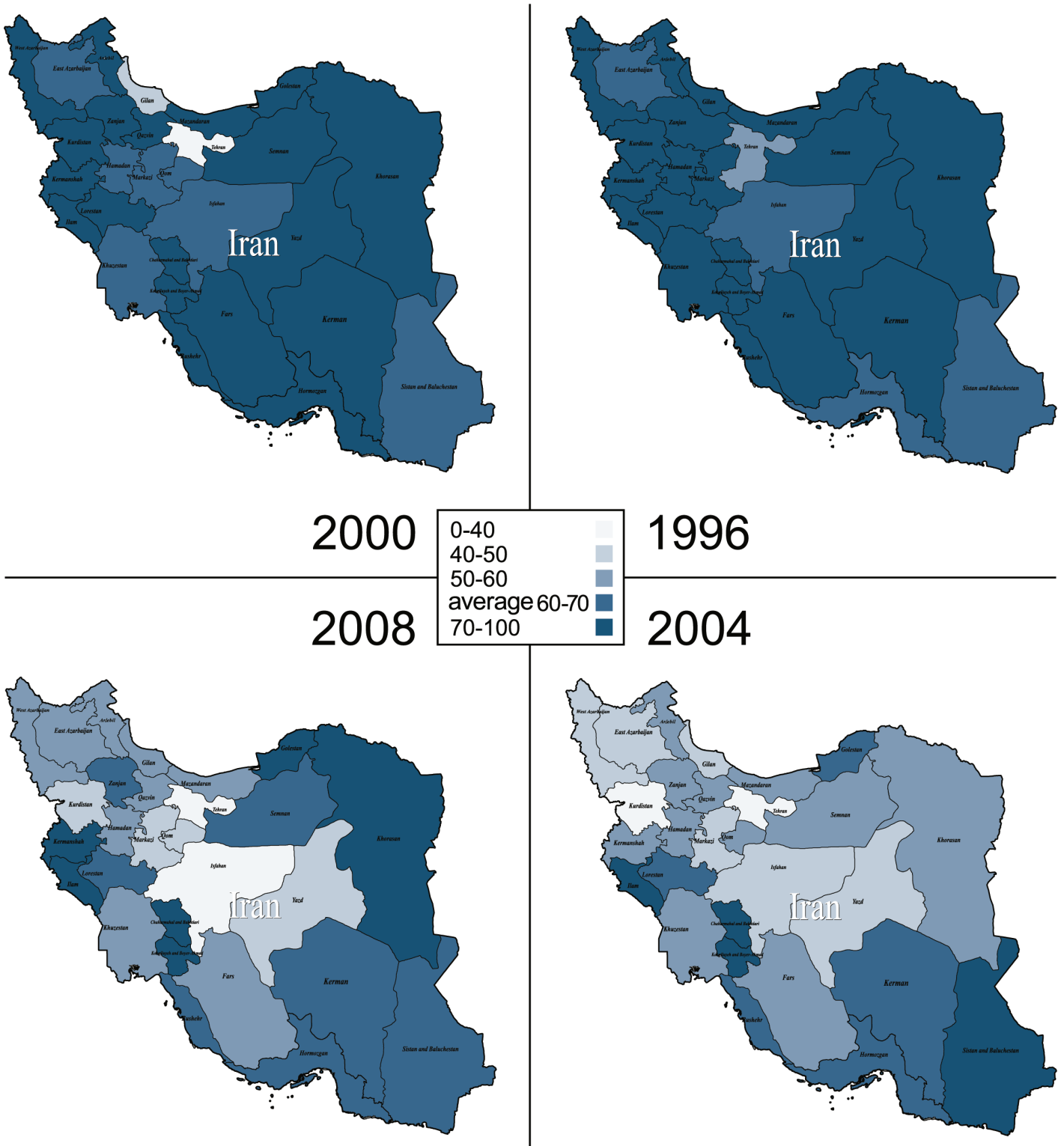


Figure 13 – Voter turnout rates in Majlis election 1996-2004
(Source: Ministry of Interior)

Little is known about the ties between voters and their representatives in Iran; however, it is possible to point to some general tendencies behind successful electoral campaigns. In the provinces and smaller cities, people often vote based on such factors as familial, ethnic, and tribal loyalties. As elsewhere, successful candidates should be able to demonstrate benefits to their constituencies such as funding for infrastructure, local projects and services. In major cities, such as Tehran, elections are more personality-based, with electors voting for candidates based on the candidates' political affiliations and leanings.

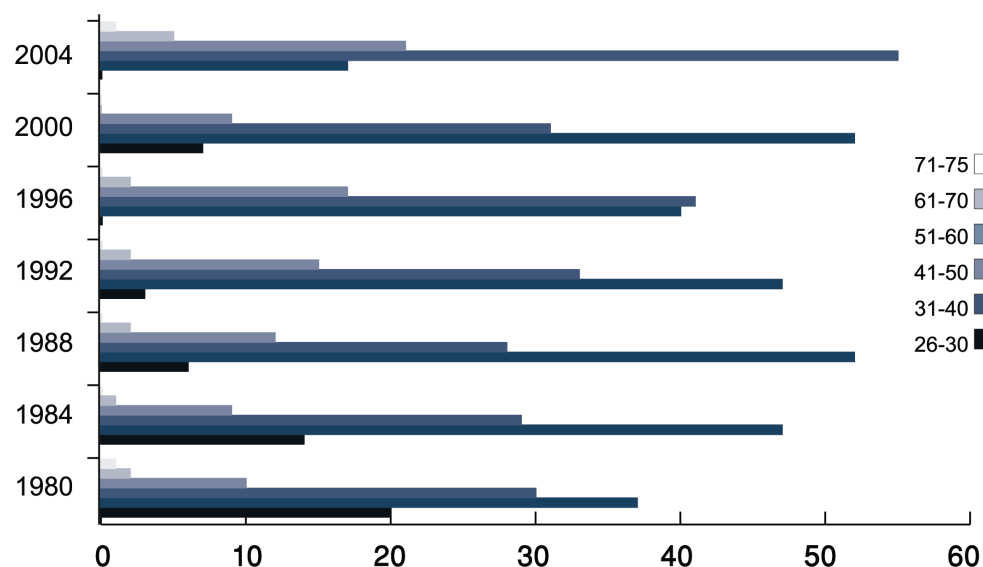


Figure 14 - The age range of Majlis deputies 1980-2004 (%)
 (Source: "Comparative Analysis of Educational Levels and Political Affiliation of Members of Parliament," Bureau of Political Affairs, Ministry of Education)

Between 1979 and 2000, the majority of Majlis representatives have been between 31 and 40 years old. While this does not necessarily prove that voters prefer younger deputies, it demonstrates that the average age of the Majlis deputies in Iran is lower than in neighboring countries.

The level of education among Majlis representatives has changed significantly over the past 30 years. While in the 1980's and early 1990's the majority of deputies only held a bachelor's degree, starting in the mid 1990's the number of representatives holding a master's degree doubled. The same is true of representatives with a doctorate. In the 6th and 7th Majlis, not less than one quarter of representatives held a doctorate degree. This trend can be attributed to factors such as an increase in the value for education in

Iranian culture as well as broader accessibility to higher education through privately owned universities, such as Azad University.

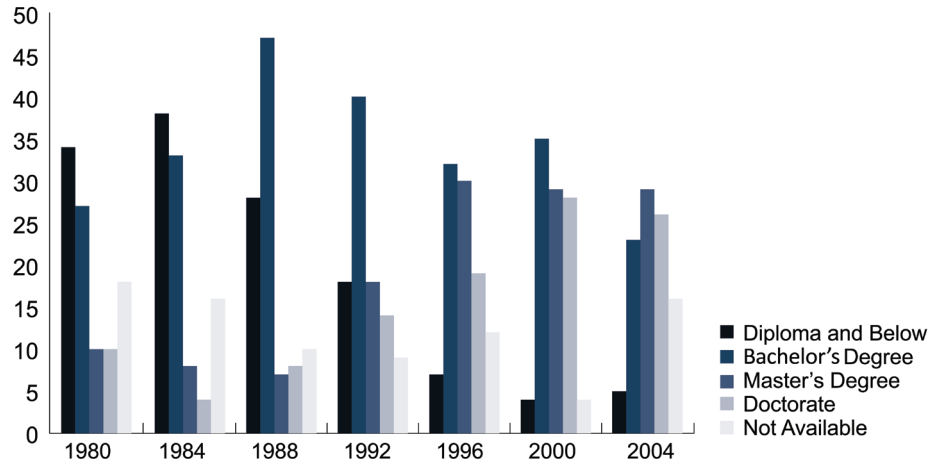


Figure 15 - Education level of Majlis deputies 1980-2004 (%)
 (Source: "Comparative Analysis of Educational Levels and Political Affiliation of Members of Parliament," Bureau of Political Affairs, Ministry of Education)

The number of clerics in the Majlis has declined significantly from 1980 to 2008. Today, clerics comprise less than 14 percent of the deputies. It is difficult to explain this decline due to a lack of data; however, factors such as a decrease in the number of cleric candidates, an increase in the general pool of candidates, and a general decline in voter preference for clerical nominees may have played a role in this trend.

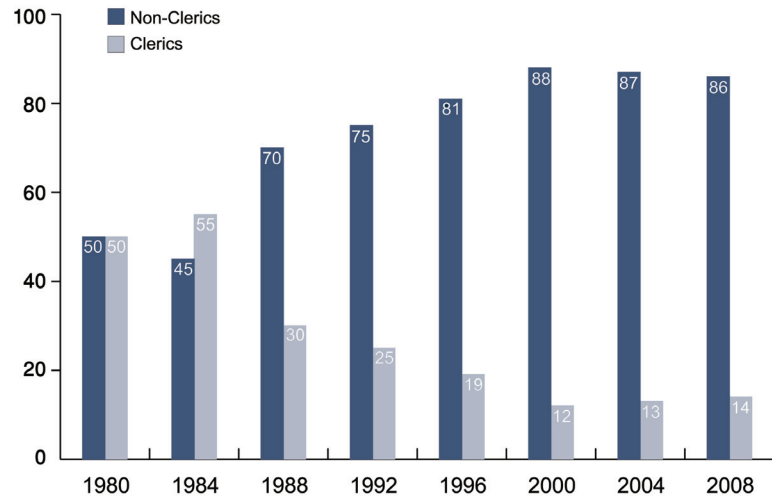


Figure 16 - The number of clerics vs. non-clerics in the Majlis 1980-2008 (%)³⁸
 (Source: Comparative Analysis of Educational Levels and Political Affiliation of Members of Parliament," Bureau of Political Affairs, Ministry of Education)

While the constitution guarantees equal rights for women and men, the number of women elected to the legislature has been generally low. As demonstrated in the chart below, between 1980 and 1988 on average only four female deputies were elected to the Majlis from the province of Tehran. In 1992, with the election of four female deputies from the provinces (two from the city of Tabriz, one from Kermanshah and one from Mashhad) and five women from Tehran the number of female deputies more than doubled. In 1996, changing political dynamics, increased participation of women in politics and the nomination of prominent female candidates, such as Faezeh Hashemi (the daughter of then President Hashemi Rafsanjani) resulted in the election of 14 female deputies. This trend continued in the 6th and 7th Majlis as women increasingly engaged in political life. Nevertheless, a comparative analysis between the percentage of female deputies in Iran and its neighboring countries demonstrates that women, who comprise almost half of the total population, are under-represented in the legislature. On average less than three percent of parliamentarians in Iran are female deputies as compared to Afghanistan's 27 percent, Iraq's 25 percent, United Arab Emirates 22 percent, Tajikistan's 17.5 percent, Syria's 12.4 percent, Azerbaijan's 11.4 percent, and Turkey's 9.1 percent.³⁹

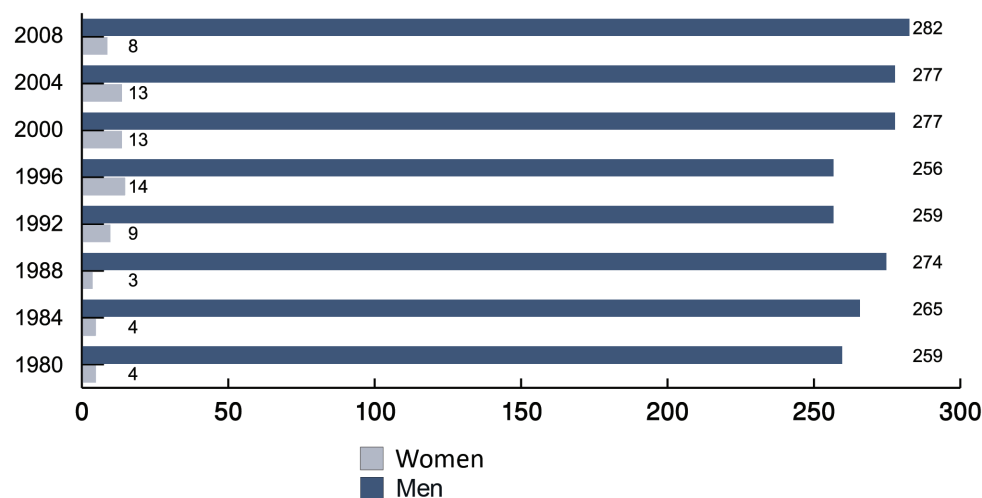


Figure 17 - The number of women vs. men in the Majlis 1980-2008
 (Source: "Comparative Analysis of Educational Levels and Political Affiliation of Members of Parliament," Bureau of Political Affairs, Ministry of Education)

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The post of the president was first introduced in the 1979 constitution with ten presidential elections held since then. Of Iran’s six presidents, half have been clerics, and one has been impeached. Voter turnout has varied between 50 and 85 percent. With the exception of the 2009 disputed presidential election, voter turnout rates are generally low during incumbency elections. The official election campaign period is less than a month long. Accredited candidate agents can be present in polling stations during voting hours and the election count. However, domestic and international observers are banned from monitoring the electoral process. The absence of independent observers has damaged the integrity of elections as allegations of fraud and of voter engineering has become a dominant discourse in Iranian elections.

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6 PRESIDENTIAL ELECTIONS



Presidential Elections

The constitutional amendment of 1989 changed Iran's political structure dramatically. The post of prime minister was abolished and the president, elected by a direct popular vote, became the head of the executive branch.

According to the constitution, the president occupies “the highest official post in the country after that of the Leader.”⁴⁰ The president is responsible for implementing the constitution and acting as a link between the three branches of government: the judicial, the executive and the legislative. He is elected by popular vote for a four-year term and may not serve more than two consecutive terms. To stand for elections, a candidate must be:

- A religious or political personality;
- Iranian by origin;
- A citizen of Iran;
- A qualified executive with management and leadership abilities;
- Reputable, trustworthy and pious; and
- A person of faith who professes loyalty to the principles of the Islamic Republic and the official religion of the state.

The electoral regulations pertaining to candidate eligibility have restricted and, at times, posed practical challenges in presidential elections. Since neither the constitution nor the election law provides minimum or maximum age limits or education preconditions, many unqualified people register to be a candidates. Furthermore, ambiguity concerning the word *reja*⁴¹ (personality), part of the first condition of candidacy, has in practice impeded women – who compose 48 percent of Iran's population – from qualifying as presidential candidates. Sunni Muslims, recognized religious minorities, and believers of other faiths are also excluded from candidacy based on the condition regarding “Faith and loyalty to the official religion of the state.”

The rules governing presidential elections are based on a majority run-off system: an absolute majority (i.e. 50 percent +1) is required for victory in the first round, with a run-off round if this does not occur. Out-of-country voting is administered in Iranian consulates and embassies abroad. With the exception of the 2005 election, the outcomes of all presidential elections have been determined in the first round of voting.

Presidential hopefuls must complete a candidate nomination form and submit it to the Ministry of Interior within five days after the announcement of the start of the elections. The Ministry of Interior collects the applications and sends them to the Guardian Council.

While the Guardian Council is vetting the candidate list, candidates also have the opportunity to submit information or testimonials that confirm their eligibility and qualifications. The Guardian Council screens the applications within five days and sends the Ministry of Interior a list of qualified candidates. The Ministry of Interior announces the final candidate list to the public.

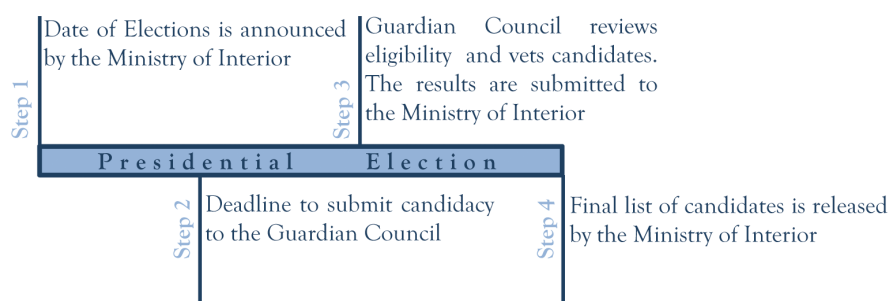


Figure 18 - Vetting process for presidential candidates

Presidential campaigns start with the publication of the final list of candidates and end 24 hours before Election Day. Election campaigns are generally less than a month long. For example, the June 2009 presidential campaign was only 20 days long, the 2005 election campaign was 23 days in length, and the official campaign period for the 2000 elections was 20 days.⁴²

Presidential election campaigns of only three weeks duration may look short, but it can be argued that it is long enough for voters to make up their minds regarding whom they should vote for, especially when the frontrunners are well-established national figures. It is in any case positive that the campaign period is considerably longer than that of the Majlis and local council elections.

The law guarantees equal campaign conditions for nominees, including equal access to Iran’s state owned-media, the Islamic Republic of Iran’s Broadcasting (IRIB). The Election Campaign Monitoring Commission (ECMC), a temporary body established by the Mol, monitors the election campaign to ensure equal access of candidates to state resources. Membership of the ECMC consists of the Attorney General or his representative, the

Minister of the Interior or his representative, the Director of the IRIB, and a representative of the Guardian Council.

Nominees can present their policies and inform the public of their issue positions using the IRIB platform. With the exception of the 1997 and 2009 presidential elections, televised debates between presidential nominees have not been broadcasted on state-media in the past 20 years. Incidentally, the voter turnout for both the 1997 and 2009 elections have been the highest recorded for presidential elections in the thirty-two year history of the Islamic Republic.

The election law contains detailed regulations for campaigning, print advertisement, and the media. Some regulatory provisions include the following:

- Advertisements for or against a candidate are prohibited during Friday prayer sermons;
- Government officials, institutions or organizations are barred from publishing statements or posters, or making announcements in support for or against a candidate;
- Candidates and their supporters are banned from insulting or dishonoring other candidates;
- Advertisements and campaign material are to be removed from polling stations 24 hours before election day; and
- Election officials must remain neutral during the election period and are barred from campaigning for or against candidates.

Two months ahead of the presidential elections, the National Election Commission becomes operational. Once the Minister of Interior announces the start of the election campaign, the election executive committees at the county and rural district level are formed. The main responsibility of the executive committees is to provide logistical support. These committees determine the number and location of polling stations, and select polling station officers. The executive committees carry out voter information measures including informing the public about polling station locations, voter eligibility, and election violations. Little is known about the degree of training provided to election officers by the executive committees. The Elections Office produces manuals for polling stations officers with guidelines for the conducts of officers on Election Day. However, a dry run of elections day activities and procedures are not practiced in Iran.

Polling stations are open for ten hours on Election Day with an extension of voting hours possible should the turnout warrant it. Similar to the Majlis elections, electors present their *shenasnameh* to vote. A system of voter registration does not exist for presidential elections and Iranian citizens over the age of 18 who are “wise and sensible” can vote at their polling station of choice. Upon entering a polling station, an election officer conducts a two-stage checking process by (1) checking the voter’s index finger to ensure that it does not have a trace of stamp ink, which indicates that the voter has already cast a ballot, and (2) examining the voter’s *shenasnameh* to ensure that it has not been stamped with the election stamp designed for the given election. Once this process is completed, the voter is handed a ballot and directed to a private area to fill it out with the name of the desired candidate. After casting the filled out ballot in the ballot box, the election officer stamps the *shenasnameh* of the elector and their index finger with ink to prevent double voting.

According to the *Law on the Presence of Candidate Agents in Polling Stations* adopted in 2000, candidates or their representatives are required to present the Governor/District Administrator with the names of their agents in the respective county or rural district five days before Election Day. The Governor/District Administrator must issue a card for the agents of candidates and deliver it to the campaign headquarters of the candidates no later than 48 hours before voting begins.

The counting process, tabulation and announcement of election results is similar to the Majlis elections with candidates permitted to have an agent present in the polling station during voting hours as well as during the count.

Since 1980 turnout for presidential election has varied between 50 and 85 percent. Ten elections have been held during this period with the highest turnout in 2009, at 85 percent. The outcome of presidential elections is tightly controlled by the state. Over the past three decades, the electorate’s right to participate in political life and freely elect their candidate of choice has been systematically suppressed. In each election, between two and ten candidates have been vetted by the Guardian Council and with the exception of Mohammad Khatami’s upset victory in 1997, the “establishment’s candidate” has always won the electoral contest.⁴³

The first presidential election held after the revolution took place in February 1980. Abolhassan Bani-Sadr won 10 out of 14 million votes and became Iran’s first president. His election campaign message included restoring

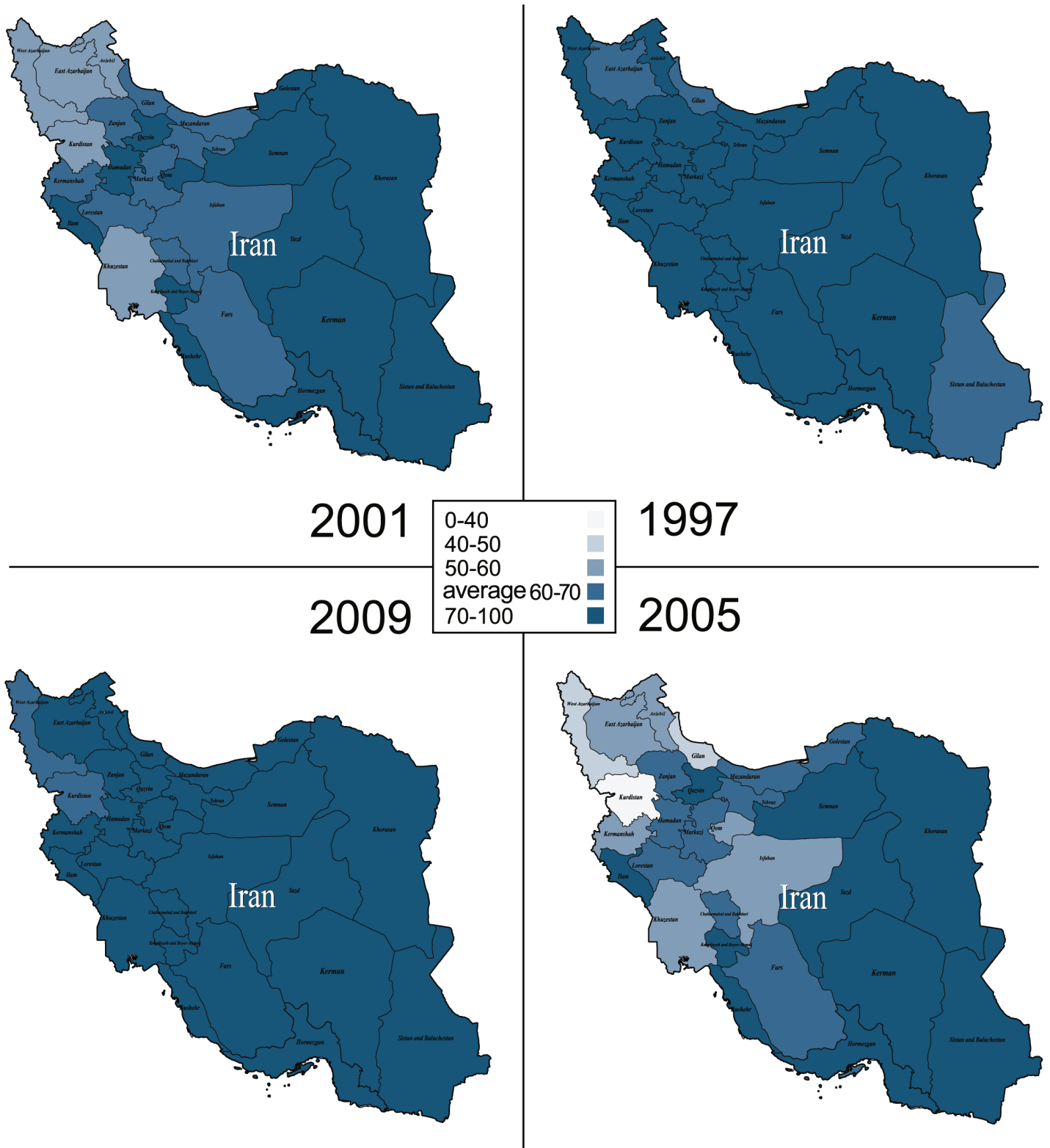


Figure 19 – Voter turnout rate for presidential elections 1997-2009
(Source: Ministry of Interior)

the rule of law and the authority of the government; however, his term in office was brief as he was impeached in June 1981 by the parliament. Less than a month later, the second presidential election was held. The front-runner, Mohammad Ali Rajai won the electoral race, but was assassinated a month later. For the third time, in less than a year, presidential elections were held. Ali Khamenei became Iran's first clerical president by winning 15 out of the 16 million votes. Voter participation was high with 74 percent of eligible voters casting their ballots at the polls. The presidency during his tenure and his predecessors was mainly a symbolic position, and the prime minister managed the day-to-day affairs of the country. Ayatollah Khamenei was re-elected for a second term and remained in office until Ayatollah Khomeini's death in 1989.

In 1989, the constitution was amended, and the Assembly of Experts appointed Ayatollah Khamenei as Khomeini's successor and Iran's leader. The fifth presidential election was held immediately. Of the two final candidates, Ayatollah Hashemi Rafsanjani was the Speaker of the Parliament, while Abbas Sheybani was a relatively unknown personality. Rafsanjani ran on a ticket of war reconstruction and presented moderate and pragmatic platforms on important issues such as relations with the West and the economy. He won the election with 15 out of 16 million votes in 1989 and was reelected in 1993. Voter participation in the 1993 election was the lowest in the history of the Islamic Republic with only 50 percent of eligible voters casting their ballot on Election Day.

In 1997, Iranians participated in one of the most vibrant elections in the history of the Islamic Republic. The outgoing president, Ayatollah Rafsanjani, guaranteed a free and fair election and voters for the first time felt a sense of relative freedom of choice and real electoral competition. Two top candidates emerged in the final weeks of the campaign: Mohammad Khatami and Ali Akbar Nateq-Nouri. The former was a little known cleric and a previous Minister of Guidance and Culture. The latter was the Speaker of the Parliament and was known to be the favored candidate of the Leader. With 80 percent voter turnout, Mohammad Khatami won 20 out of 29 million votes and became Iran's fifth president. His successful candidacy was due to the appeal of his campaign's message which called for democratic reform, restoring the rule of law, strengthening of civil society, and the promotion of tolerance. His message resonated well among a wide constituency consisting of youth, women, ethnic minorities and intellectuals. Khatami was re-elected for a second term in 2001, but by his second term in office, many electors had become disillusioned with his message of reform.

In June 2005, Iran's ninth presidential election was held. Reformists failed to unite under the umbrella of a single candidate and could not offer a viable and strong reformist candidate. The conservatives initially introduced three candidates: Mahmoud Ahmadinejad (Tehran's Mayor), Mohammad Baqer Qalibaf (former head of the police) and Ali Larijani (member of the National Security Council). As the date of the elections approached, the populist Mahmoud Ahmadinejad won the endorsement of many hard-line groups as well as those of lower-income voters. His political campaign included agendas such as restoring the ideals of the revolution, enforcing anti-corruption measures, and promoting social justice and equality. On Election Day, former president Hashemi Rafsanjani along with the other candidates failed to secure more than 50 percent of the popular vote in the first round; thus, for the first time in Iran's electoral history a second round of voting was held, and the top contenders Ahmadinejad and Rafsanjani competed for the presidency. The result was a victory for Ahmadinejad who won 17 out of 27 million votes to become Iran's first non-clerical president in 24 years.⁴⁴ Hashemi Rafsanjani and Mehdi Karoubi publically raised concerns about the health of the elections and argued that significant voter fraud had occurred. The Guardian Council, however, ignored their concerns and certified the results of the elections.

The tenth presidential election was held in the very same year that the Islamic Republic celebrated its 30th anniversary in 2009. The election was arguably the most contested and disputed election in the history of the Islamic Republic. The Guardian Council validated the credentials of four candidates: Mir Hossein Mousavi (Iran's prime minister from 1980-1989) Mohsen Rezaei (current Secretary of the Expediency Council and former commander of the Islamic Revolutionary Guard Corps), Mehdi Karoubi (former Speaker of the Majlis) and Mahmoud Ahmadinejad (incumbent). An eventful campaign period included televised debates, which engaged two candidates in a face-to-face format and galvanized the Iranian political sphere. Street rallies in Tehran and other major cities brought out crowds of thousands who used candidate specific colors to show support for their candidate of choice. The campaign fervor reached its peak on Election Day when over 40 million eligible voters turned out to cast their votes. While the preliminary results were being announced, Mir Hossein Mousavi held a press conference and declared himself the winner. Only a few hours later, security forces raided his campaign headquarters, confiscated all his documents and closed his offices.

Mahmoud Ahmadinejad was officially announced the winner with 63 percent of the popular vote. Ayatollah Khamenei, the Leader of Iran, endorsed the incumbent's re-election a few hours after state media declared him the winner. His action was in direct contrast to the election law, which stipulates that the Guardian Council must certify the election results before the Leader endorses it.

In the aftermath of the election, opposition candidates refused to accept the elections results. The Guardian Council recounted 10 percent of the votes, but in the end, certified the election. Mir Hossein Mousavi and Mehdi Karoubi refused the Guardian Council's final judgment and unprecedented protests and street demonstration erupted in Tehran and several major cities.

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Article 100 of the constitution establishes the management of urban affairs by locally elected institutions. City and village council elections have taken place since 1999, electing over 110,000 councilors every four years. Unlike the presidential and parliamentary elections, the Guardian Council does not supervise these elections. A parliamentary commission composed of five deputies is responsible for monitoring all stages of the electoral process. Since 1999, the electorate has participated in three local council elections. The fourth city and village council elections scheduled for the winter of 2011 have been postponed and will take place during the 2013 presidential elections. Voter turnout has varied between 49 to 64 percent for these elections.

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7

CITY AND VILLAGE COUNCIL ELECTIONS



City and Village Council Elections

The concept of councils, or *shuras*, first emerged in Iranian political discourse during the Constitutional Revolution of 1906. As part of the call for democratic reform, the constitutionalists demanded the establishment of representative institutions for administering local and national affairs. Articles 91 to 93 of the Supplementary Fundamental Laws of 1907 set out the conditions for the creation of local councils with the power to supervise matters affecting public welfare.

The adoption of the 1966 municipalities' law extended the supervisory powers of the city councils considerably. Most notably, the city councils, among other functions, were granted the right to determine urban tax rates, scrutinize municipal income and expenditure, appoint and dismiss mayors, and supervise urban development projects.

After the 1979 Islamic Revolution, all city councils were dissolved; however, the notion of localized urban management was adopted into the new Constitution of the Islamic Republic. Article 100 sets out the provisions pertaining to the formation and functions of Islamic councils on five administrative levels: village, rural district, city, county and province. The constitution is explicit in stating: "The councils are to undertake their duties with consideration for national unity and integrity of the country."⁴⁵

In 1982, the Majlis ratified the *Law on the Government Organization of the Islamic Councils*, which sets out provisions on the power and functions of the local councils. The task of drafting the election law was deferred to the Ministry of Interior; between 1983 and 1996, the Ministry submitted several draft legislations to the Majlis, but each draft was either rejected by the deputies or vetoed by the Guardian Council. Finally in 1996, the Majlis and the Guardian Council ratified the rules and regulations governing the elections and organization of the Islamic councils. The final version of the law provided the Islamic councils with diminished decision-making powers compared to the original 1980 bill. While the village and district council's responsibilities center on promoting citizens' participation in the administration of local affairs and the development of economic, environment, public health and social affairs, the city councils main duties include:

- The right to appoint and dismiss mayors;⁴⁶
- Ratification of municipal budgets and allocations;
- Approval and supervision of municipal contracts;
- Determination of urban taxes; and
- Approval of development and construction projects.

The election of the city and village councils is based on a single round of plurality voting. Candidates with the highest number of votes in each precinct are elected for a four-year term. Voters have as many votes to cast as there are councilor positions in their district. While both the constitution and the law provide for five councils on administrative levels, the electorate only directly elects city and village councilors. The district, county and provincial councils are established as a result of internal elections. For example, a district council is comprised of five councilors elected from amongst the village councilors under the district's jurisdiction.

To become a nominee for local councils, a candidate must:

- Hold Iranian citizenship;
- Be 25 years of age;
- Have faith and trust in Islam, and virtual obligation to the principle of *velayat-e faqih* (absolute rule of the juristconsult);⁴⁷
- Demonstrate loyalty to the constitution; and
- Possess a military service completion card or an exemption from conscription, if male.

The election law also provides minimum education requirements for city and village council candidates. To become a nominee in a village with less than 200 households, a candidate must have a high school diploma, while candidates from villages with more than 200 households must hold an associate degree. Candidates for local councils in cities with up to 20,000 residents must hold an associate degree, while candidates in cities with more than 20,000 residents must, at minimum, have a bachelor's degree. Similar to the election law of the Majlis, most government officials and civil servants must resign from their posts before becoming a nominee.

Every four years, 110,000 people are elected as city and village councilors across the country. The number of seats on the city and village councils depend on the number of residents in the municipality. Within each council there are between three and eleven councilors, with the exception of the

Islamic City Council of Tehran, which has fifteen members. According to the 2006 Population and Housing Census, Iran has six cities with a population over one million, 70 cities with a population between 100,000 and one million, and 202 cities with a population between 50,000 to 100,000.

Council Seats	Population
Village Level	
3	<1,500
5	>1,500
City Level	
5	<50,000
7	50,000 - 200,000
9	200,000 - 1,000,000
11	>1,000,000

Figure 20 - Composition of village and city councils

The candidate registration period is seven days from the time the Ministry of Interior announces the start of the elections. Once a candidate registers with the office of his or her local Governor/District Administrator, the election executive committees begin the vetting process. As part of the background check, the executive committees consult with the local department of intelligence, the police office, the department of justice, and the civil and registration office. The executive committees have 10 days to vet candidates and to share the result of their findings with the county supervisory committees. The county supervisory committees must examine the list of qualified and disqualified candidates and within seven days submit a final list of vetted candidates to the local Governors, who are responsible for announcing the final list to the public.

Candidates whose credentials have been rejected by the executive committees can submit an appeal with the county/provincial supervisory committees. The supervisory committees review each appeal case and send the final list of vetted candidates to the executive committees within ten days.

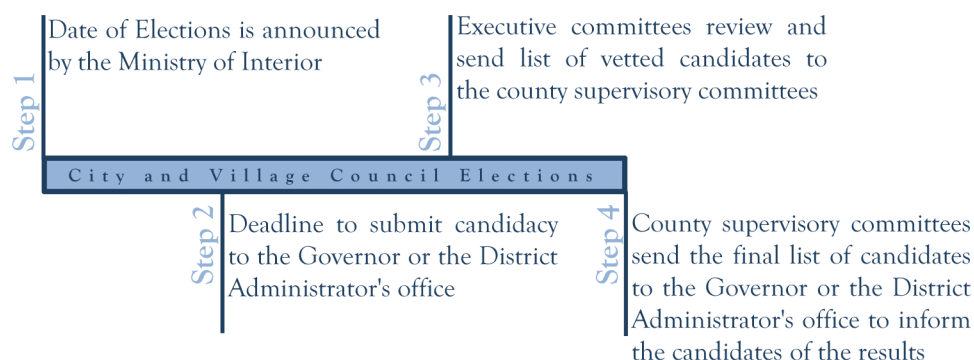


Figure 21 - Vetting process for local council candidates

The length of the formal campaign period is eight days for the local council elections. The campaign rules are similar to those of the presidential and Majlis elections. Political advertisements on the IRIB or during Friday prayer sermons are prohibited. Government employees are barred from campaigning for or against a candidate, and the use of government resources and supplies from state-owned organizations, companies, foundations and ministries is illegal. Advertisement posters and billboards are permitted but only in specifically designated areas. Negative campaigning by the candidates and their supporters is strictly prohibited.

The administration of the elections is decentralized and a grassroots effort. The local executive committees oversee all administrative activities such as screening candidate applications, establishing polling stations, appointing polling station committees, and providing election information to their constituencies. The executive committees are under the authority of the Ministry of Interior and are responsible for the accurate implementation of the electoral law.

Elections for the local councils are held on a single day across the country. The voting period is normally eight hours. The voting procedures for the local council elections adhere to same legal framework as the Majlis elections. All those aged 18 or above, holding Iranian citizenship, and with a record of one-year of residency in their voting precinct enjoy the right to vote.⁴⁸

The election law provides that the local council elections will be conducted under the supervision of a Central Supervisory Committee comprised of five members of parliament. The CSC is assisted by provincial and county/rural district level supervisory committees, which monitor the electoral process.

The vote counting process begins as soon as polling stations close, and the procedures are similar to those of the Majlis elections. Once all the votes are counted and the results are tallied, the ballots are returned to the ballot box, sealed and transferred from the polling station to the executive committees. The executive committee members, in the presence of the county supervisory committees, compile a report on the results of voting in each district and forward a copy of the report to the local Governor/District Administrator, who is responsible for announcing the results to the public.

The supervisory committees also deal with electoral disputes arising from challenges to election results. The process of investigating electoral disputes is based on a bottom–up approach. First, the County Supervisory Committee examines the results of complaints filed with it. If the County Supervisory Committee validates the results of the disputed polling station(s)/district the matter is resolved locally. However, if it rejects the election results, the complaint is sent to the Provincial Supervisory Committee. The PSC after reviewing the complaint has two options: (1) to validate the results of the elections in the polling station(s)/electoral district, or (2) to send a complaint with reasonable ground to the Central Supervisory Committee for a final appeal process.

The Local Council Elections at a Glance

The election of the first city and village councils took place in February 1999, almost twenty years after the constitution had envisioned their creation. The outcome was a major victory for President Khatami and his reformist allies, with four-fifths of the popular vote cast in favor of his supporters. Further, a national average voter turnout of 64 percent demonstrated the Iranian electorate’s enthusiasm to support citizen participation in urban governance. This triumph, however, was short-lived as a number of problems plagued the first term of the local councils. Chief among the setbacks was the fact that the councilors spent the majority of their first term laying down the foundations for the newly created institution as opposed to managing local affairs. The lack of executive power and cooperation between the councils

and local government organizations also hindered the institutionalization of the councils and their overall efficiency. Moreover, survey results in several cities concluded that the councils failed to meet citizens' expectations in their first term.⁴⁹

The public's frustration with the reformists and with the institution of the local councils manifested itself through voter apathy in the 2003 local council elections. Less than 49 percent of eligible voters participated in the second local council elections. Labeled as one of Iran's freest elections in the past 30 years, voter turnout in the province of Tehran was remarkably low with only 29 percent of eligible voters turning out on Election Day (only 12 percent of eligible voters in the capital city of Tehran cast their votes). The same was true for the provinces of Esfahan (34 percent voter turnout) and East Azerbaijan (47 percent voter turnout), which experienced a 20 percent decline from the 1999 elections. The political implications of the turnout were gloomy for the reformists, who lost the majority of their seats to conservative and hard-line candidates. This electoral victory also paved the road for the success of the conservatives in the 2005 presidential elections. In fact, Mahmoud Ahmadinejad, who later won the 2005 presidential election, was elected as the mayor of Tehran shortly after the second local council elections by the Islamic City Council of Tehran.

Elections for the third local councils were held in December 2006 and on the same day as the elections for the Assembly of Experts; this event was unprecedented in Iran's post-revolutionary era. Voter turnout for the elections was significantly higher than the previous elections with 60 percent of eligible voters casting their votes nationally. The outcome of the elections was an upset for President Ahmadinejad and his cohorts as they lost many of their seats to moderate conservatives, pragmatics and reformist candidates.

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Referendums are the single direct democracy tool permitted under the Iranian constitution. The constitution distinguishes between constitutionally mandated referendums and statutory referendums. The Leader of Iran can only initiate the former. The latter is permitted if two-thirds of the legislature votes in favor of it. To date, three referendums have taken place in the Islamic Republic. The first referendum, with a 99 percent voter turnout rate, changed the nature of the regime from a constitutional monarchy to an Islamic Republic in 1979. The second referendum, in late 1979, voted in a new constitution. The third and last referendum amended the constitution in 1989. While members of the parliament have - at times - raised the issue of a statutory referendum to overcome political stalemates, this has not transpired in the last thirty years. It remains to be seen what role, if any, this instrument will play in the future of the Islamic Republic.

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8 REFERENDUM



Referendum

The Islamic Republic of Iran was founded by a national referendum in 1979. Following the overthrow of the monarchy, 98 percent of electors voted “Yes” to the question “Islamic Republic: Yes or No?” Less than six months later, in December of 1979, 75 percent of eligible voters took to the polls for a second time to vote in a new constitution. The result was an overwhelming endorsement of the draft constitution as 99 percent voted in favor of replacing the constitution of 1906 with the newly drafted Constitution of the Islamic Republic. Following Ayatollah Khomeini’s death, in 1989, a third national referendum was held to amend the constitution. However, this time around, little more than half of eligible electors (55 percent) participated in the vote, which amended 40 articles of the constitution.⁵⁰

The Constitution of the Islamic Republic of Iran provides for a single mechanism of direct democracy: referendum. It distinguishes between statutory referendums on extraordinary political, economic, cultural and social issues and constitutional referendums. Referendums are only permitted at the national level, and there are no provisions for citizens’ or agenda initiatives, or for the recall of elected officials.

The rules and regulations governing referendums can be found in two different legal acts: the Constitution of the Islamic Republic of Iran and the Referendum Act of the Islamic Republic of Iran. The Referendum Act provides a detailed legal framework for the conduct of referendums and includes provisions on issues such as voter qualifications, voting procedures and regulations, and the functions of election management bodies in the process.

By law, the legislature may refer extremely important matters to a referendum when the subject is important enough to warrant it. Article 59 of the constitution stipulates: “In extremely important economic, political, social, and cultural matters, the function of the legislature may be exercised through direct recourse to popular vote through a referendum. Any request for such a direct recourse to public opinion must be approved by two-thirds of the members of the Islamic Consultative Assembly.” The outcome of such a referendum is binding, and it affords citizens the opportunity to make decisions about specific laws and issues without delegating the decision-making process solely to their elected representatives. The role of the Guardian Council in this type of referendum is limited to supervising the vote, and the Council possesses no clout on whether a referendum is allowed to take place or not.

In the 32-year old history of the Islamic Republic, however, the legislative branch has never exercised its power to call for a referendum. At times, political authorities have publicly discussed this instrument as a means of overcoming political stalemate. For example, during the presidency of Mohammad Khatami, a group of parliamentarians threatened to call for a referendum when the Guardian Council rejected a twin bill proposed by the government. The controversial bill aimed at increasing presidential powers and curtailing those of the Guardian Council by removing the Council's ability to validate the nominations of candidates.⁵¹ A two-year bitter battle ensued between the 6th Majlis and the Guardian Council and culminated with President Khatami's withdrawal of the bill, thus putting an end to all talk about a potential referendum.

A constitutional referendum is held to approve or reject amendments to the constitution. According to Article 177 of the constitution only the Leader – not the people or the parliament – can initiate proceedings to amend the constitution. After consultation with the Expediency Council, the Leader issues a decree to the President, which includes all additions and amendments to the constitution, and instructs him to establish an Assembly for Revising the Constitution composed of the following members:

- All members of the Guardian Council;
- The heads of the three branches of the government;
- Permanent members of the Expediency Council;
- Five members of the Assembly of Experts;
- Ten representative selected by the Leader;
- Three government ministers;
- Three members of the judiciary;
- Ten representatives of the Islamic Consultative Assembly; and
- Three representatives selected from among university professors.

The draft amendment, after endorsement by the Leader, is put to a national referendum. If the electorate by an absolute majority votes in favor of the reforms, the document is adopted.

The democratic credentials of this type of referendum are seriously undermined given that the only members in the Assembly elected by the people are the ten MPs, five members of the Assembly of Experts, the head of the Majlis and the president; all other members of the Assembly for Revising the Constitution are direct appointees of the Leader. Moreover, Article 177 excludes major tenets of the regime from the being the subject

of a referendum. These “unalterable” issues include:

- The Islamic and republican characters of the state;
- Islamic principles and Islamic faith as the source of all government laws and ordinances; and
- The absolute *velayat al-'amr*, the Leadership of the Islamic community (*umma*), the administration of affairs through reliance on public opinion and the official religion of Iran.

The Referendum Act provides the rules and regulations for the conduct of referendums in the Islamic Republic. It stipulates that Iranians from all strata of society are free to take part in referendums and express their choice by voting for or against a proposal on the ballot.

The principles of direct, universal and secret ballot apply to referendums. Electors vote by using their identity cards. By law, the vote must take place on an official holiday. Iran’s state-owned media, the Islamic Republic of Iran Broadcasting, is responsible for voter information measures and communicating all press releases issued by the Ministry of Interior to the public.

The administration and supervision of referendums, much like other elections in Iran, is the responsibility of the Ministry of Interior and the Guardian Council, respectively. Suffrage is extended to all Iranian nationals over the age of 16 who are “wise and sensible.” While voting age in presidential, parliamentary and local council elections is 18 years of age the lower age of voting in referendums is due to the fact that the Referendum Act, unlike other electoral laws in Iran, has not been subject to reform since 1989.

Out-of-country voting is mandated by law for referendums and takes place in Iranian consulates or embassies. Voters must present their passport as a means of identification. All the regulations outlined in the law apply to out of country voting, and the vote must take place on the same day as the referendum is held inside Iran. Important issues not outlined in the Referendum Act include the timing for a referendum, and regulations for the ballot text (the question put on the ballot paper).

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Factional politics is a significant attribute of the Iranian political system in the post-revolutionary era. Political parties and organizations act more like factions than full-fledged parties. The party law adopted in 1981 provides the rules and regulations governing the conduct of political parties, and a commission in the Ministry of Interior issues permits for new political organizations and associations and monitors their activities.

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9

POLITICAL FACTIONS AND ELECTIONS



Political Factions & Elections

The origin of political parties in Iran can be traced back to the early 20th century. The establishment of the parliament in 1906 and the subsequent elections for the National Assembly triggered the formation of a large number of political parties, organizations, associations and guilds in Tehran and the provinces. After parliament was inaugurated in October 1907, the members coalesced into two loosely defined parties: the Liberal Party (*Hezb-e Demokrat*) and the Moderate Party (*Hezb-e E'tedal*).

With the rise of Reza Shah Pahlavi in the 1920's, Iran's fragile party politics entered into a new phase. The new monarch took absolute control of the political system, transformed the parliament into a rubber stamp institution, and banned all political parties.

In 1941, following the abdication of Reza Shah and the ascension of Mohammad Reza Pahlavi to the throne, the internal political vacuum prompted the emergence of new political parties. Within months after the young monarch succeeded his father, a group of European educated Iranians formed the Marxist Party (*Hezb-e Tudeh*). By the mid-1940's, the Marxist Party claimed it had more than 50,000 members, six parliamentary seats, and its own newspaper with a circulation three times that of Iran's official newspaper. Taking advantage of the political opening in the system, a number of other parties formed in the 1940's including the Iran Party, the Socialist Party and the Jangali Party.

The political clout of the Marxists was short-lived, and by the 1950's, a new nationalist movement had gained momentum. The National Front (*Jebhe-ye Mellî*) under the leadership of Mohammad Mossadeq was created through an alliance between several parties, associations, and guilds. However, the coup d'état of 1953 froze Iran's political space and curtailed the ability of political parties to operate as usual; only the three pro-establishment parties were unscathed: The Nationalists, the People and New Iran. Between 1953 and 1975, these pro-regime parties dominated the Majlis in two blocs. In 1975, however, the Shah decided to dissolve all political parties in favor of a single party system. The Resurgence Party (*Hezb-e Rastakhiz*) was formed from a marriage of the New Iran Party and the People's Party. The Shah declared that Iran would become a one-party state, and all citizens had the duty of joining the state party.⁵²

After the collapse of the single-party system in 1979, there was a brief shift towards political pluralism. During the first two years of the revolution, nearly 100 political organizations sprang into being. Article 26 of the newly drafted Constitution of the Islamic Republic promulgated the freedom of organizations and broadly defined the parameters for their operation: “The formation of parties, societies, political or professional associations, and Islamic or other religious societies of the recognized minorities is permitted, provided they do not violate the principles of independence, freedom, national unity, Islamic standards and essentials of the Islamic Republic.”

In September 1981, the Majlis passed the *Law on the Activities of Political Parties, Trade Societies, and Islamic and Recognized Religious Minority Associations*, which provided a detailed legal base for the regulation of political parties by the government, and subjected their formation to a permit issued by a commission in the Ministry of Interior. This supervisory organ entitled the Commission on Article 10 is composed of one representative of the Attorney General, one from the judiciary, one from the Ministry of Interior, and two representatives of the parliament. The law gives the commission a wide mandate, such as deciding the licensing of parties, monitoring their activity and their finances. A number of loosely defined offenses are included in the law and include:

- Promoting anti-Islamic propaganda and distributing immoral books and publications;
- Exploiting existing religious, racial and cultural diversity to create or intensify conflict within the nation;
- Exchanging information or conspiring with foreign embassies against national security;
- Receiving funds from foreign sources;
- Concealing and carrying illegal weapons;
- Spreading false information or slandering; and
- Harming Islamic principles and the foundations of the Islamic Republic.

If a party violates the provisions outlined in the law, the commission has the power to intervene. This can include issuing a warning, a written ultimatum, or the suspension of the party’s license. It is important to note that according to Article 17 of the law, the dissolution of a party is only possible through a court order.

Political development has been seriously challenged under the Islamic Republic. The main impediments to the development of party politics can be summarized in obstacles originating from legal, structural, and societal factors. The imperfection of the legal base has become evident through its regulatory bodies. Since 1988 the Commission on Article 10 has refused to issue permits for many organizations based on claims that they are anti-Islamic Republic.⁵³ It has also revoked the permits of organizations, while the state has forced the dissolution of a number of leading parties because of their criticism of government policies. Overall, a zero tolerance policy has been the state's response to opposition parties. The issue of party registration – and in particular the denial of registration – has been a major source of contention. Having a partisan commission in the MoI registering and issuing licenses for parties has led to arbitrary judgments, which has further complicated a confusing process.

Structural problems have also plagued party politics in Iran; thus, leading them to act like political factions rather than real parties. Internal organization within Iranian parties is largely top-down; membership is usually restricted to founding members; and coherent political programs and discernable policy platforms are lacking. There is no strategy for linking the electorate to the party and direct control or influence over the powers of government for the majority of parties has been naught.⁵⁴

Societal obstacles are primarily rooted in Iran's under-developed culture of political participation. Over the past century, Iran has been ruled by authoritarian regimes, which have prevented the growth and development of democratic institutions. The absence of freedom of speech, the lack of independent media and widespread censorship have also hindered political development.

As the political environment in the Islamic Republic has not been conducive to the creation of parties, political factionalism has dominated Iran's post-revolutionary era. The two dominant factions in the political spectrum are the left and the right. There have been several fissures in the factions, which have produced organizations such as the Executives of Construction (modern right), and Prosperity for Islamic Iran (ultra-conservatives or neo-principalists). For the purpose of this study, the traditional terminology of the right and left factions will be used in describing the shift in power politics.

It is difficult to categorize the disposition and ideological views of the factions over the past 30 years since they have undergone significant transformation.

It is, however, possible to distinguish the two main currents in Iranian political system according to their views on religio-political, socio-cultural and economic issues. In the post-Khomeini era, the radical left factions (commonly known as reformists), while remaining loyal to the concept of *velayat-e faqih* (absolute mandate of the jurisconsult), believe that the legitimacy of the regime is also dependent on its populist dimensions. This interpretation is in direct contrast to that of the conservative right or hardliners, who believe that the populist dimensions of the regime are subordinate to the concept of *velayat-e faqih*. On sociocultural issues, the left preaches tolerance, moderation and cultural diversity, while the right emphasizes the preservation of Islamic culture. On economic issues, the left factions pursue the eradication of socioeconomic injustices and believe in the equal distribution of wealth. The conservative right, on the other hand, because of their its connection with the bazaar supports a free market economy with minimal state control.⁵⁵

Elections and Political Factions

Elections in Iran are candidate-centered, and individuals are self-nominated. Factional politics, however, play an important role in the electoral contest as candidates are often closely affiliated with one of the ruling factions. For the Majlis elections, the factions usually form coalitions to improve their chances of election to the legislature. In 1980 during the 1st Majlis elections, Islamic factions consisting of the radical left and conservative right were united. An Islamic coalition consisting of organizations such as the Association of Combatant Clergy (ACC), the Islamic Revolution Mujahedeen Organization, and the Islamic Republic Party were able to win the majority of seats with the election of 130 members. In contrast, the secular and liberal opposition parties such as the National Front and the Freedom Movement – which were not united in a coalition but who opposed the monopolization of power by the clergy – only gained 50 seats. The political cleavage in the Islamic coalition first appeared during the 2nd Majlis elections. Confident that the opposition forces had been weakened, differences within the Islamic coalition led to a split in the 1984 Majlis elections. The result was the birth of the left and right factions, which have come to dominate Iranian politics.⁵⁶

The conservative right in the 2nd Majlis elections consisted of organizations such as the Combatant Clergy Association, Society of Qom Seminary Teachers, and Association of Merchants and Guilds. The left factions consisted of the Islamic Revolution Mujahedeen Organization, the Office for

Consolidation of Unity and the Association of Islamic Teachers among other organizations. The radical left successfully gained a majority in the 2nd and 3rd Majlis elections, while the conservative right dominated the Guardian Council. The left, however, lost the 1992 Majlis elections to the right after the Guardian Council rejected the credentials of 1,100 candidates, including 40 incumbents. The vetting of candidates awarded to the conservative-dominated Guardian Council produced an electoral victory for the right faction. Conservatives won 122 seats in the 1992 elections, while the left suffered a major electoral defeat with only 40 seats. In the 1996 Majlis elections, the conservative right was able to retain its leadership when the Guardian Council nullified election results in 16 districts.⁵⁷

In a sweeping electoral victory, the reformists were able to regain control of the Majlis in the 2000 elections. Empowered by the election of President Mohammad Khatami in 1997 and organized in a coalition of some 18 organizations and political parties, they won the majority of seats in all the important electoral districts and major cities. In Tehran alone, 29 out of 30 seats were won by candidates part of the reformist coalition. With only 70 incumbents re-elected, the election was a blow to the conservatives, which had organized in a coalition comprised of 15 organizations.⁵⁸ This victory was short-lived as the conservatives won back the majority of seats in the 2004 election. The same was true of the 2008 Majlis elections with 140 seats won by conservative candidates, while the reformist left candidates only won 20 official seats.

“

Iran is an ethnically diverse country. Of the 75 million people living in Iran, 51 percent are Persian; 24 percent are Azeri; 8 percent are Gilaki and Mazandarani; 7 percent are Kurd; 3 percent are Arab; 2 percent are Lur; 2 percent are Baloch; 2 percent are Turkmen; and 1 percent belong to another ethnic group. The current majority run-off system for legislative elections, however, excludes minorities from fair representation in the legislature. A re-evaluation of the legislative electoral formula and the substitution of the current system with a proportional representation formula might provide for a legislative body that better represents Iran's ethnically diverse society.

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10

ELECTORAL REFORM



Electoral Reform

The process of electoral reform – with the exception of constitutional amendments – consists of the government or members of the legislature submitting draft amendments to the parliament for review. If the Majlis adopts the recommendations, they are then sent to the Guardian Council for a final review before any amendments are made to the legislation. The Guardian Council reserves the right to reject electoral reform measures approved in parliament, if it finds them incompatible with the constitution or with Islamic law. In the past, the Council has used its veto rights to return bills adopted by the legislature, for further revisions. In very rare cases, it has exercised its right to reject a bill altogether; in 2003, the Guardian Council rejected a bill aimed at removing the Guardian Council’s approbation of the supervision of election on the grounds that it contradicted the constitution on 39 counts and Islamic law on 10 counts.⁵⁹

During the past 32 years, Iran’s electoral laws have been subject to frequent reform. They have – according to some estimates – undergone 40 amendments during this period. Some of the common issues subject to amendment in the Majlis as well the presidential and the local council election laws have been the minimum age of voting, candidate qualifications, campaign regulations and issue pertaining to ballots, to name a few.

Of all the election laws, the *Law on Islamic Consultative Assembly Elections* has been subject to the most reforms, some of which will be discussed in the section below. The first major amendment to the Majlis election law was approved in 1984, which introduced additional provisions for candidate eligibility. Most notably, candidates were required to submit proof of education and were required to have “faith and commitment to Islam” and “total loyalty to the Great Leader and the institution of *faqih*.” The political implications of the last two additions become manifest in subsequent elections and enabled the arbitrary disqualification of candidates. The next set of electoral reform measures were adopted after the Majlis enacted the *Law on the Guardian Council’s Supervision of the Presidential Elections* in 1985 and the *Law on the Guardian Council’s Supervision of the Islamic Consultative Assembly Elections* in 1986. While Article 99 of the constitution stipulated that the Guardian Council was in charge of supervising presidential and Majlis elections, the legal and institutional framework, including the mechanisms for monitoring the electoral process, had not been fully developed in earlier laws. As discussed in earlier sections, the new laws introduced several tiers of supervisory committees for each election and changed the nature

of election management in Iran. The role of the Ministry of Interior in the conduct of elections was significantly weakened and reduced to a body solely responsible for administering elections. In 1995, an amendment to the Majlis election law defined the supervision of the Guardian Council set out in the constitution as of the approbation and applying to all stages of the electoral process, including the vetting of candidates.

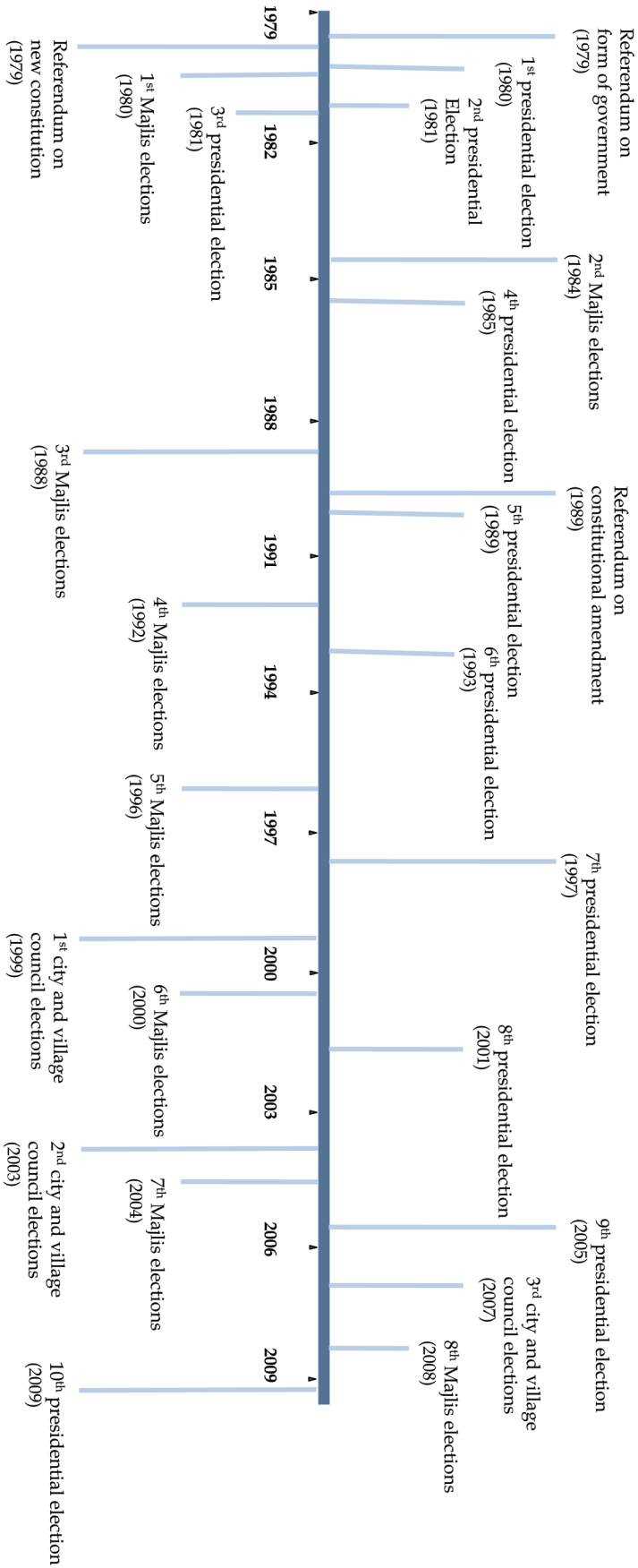
Another aspect of the electoral system subject to change includes the minimum threshold for elections. In the first Majlis electoral law, the threshold for electoral victory was set at an absolute majority (i.e. 50% +1). An amendment to the law reduced this to one-third of the votes. In 1999, the minimum threshold was reduced for the third time from one-third of the votes to one-fourth, and the number of deputies increased from 270 to 290. To provide a fair electoral contest, in 2007, an amendment to the law mandated that civil servants and government officials prescribed in the law were required to resign from their official posts six months before the elections to be eligible for candidacy (as opposed to three months in the earlier version).

Current Debates on Electoral Reform

Since 2006, there has been significant debate about the continuous holding of elections in Iran. With four elections mandated by law, 29 elections have taken place since the 1979 revolution, which translates to an average of almost one election per year. Following widespread criticisms of the manner in which the 2009 elections were organized, a bill proposing to reform the electoral law was reintroduced in parliament. This bill – among other things – proposed to merge the four elections into two elections implemented every second year. Specifically, it proposed the merging of local council elections (scheduled to take place in early 2011) with the presidential election planned for 2013. It similarly proposed the merging of parliamentary elections with those of the Assembly of Experts. Proponents of the bill argued that by combining two elections the heavy costs of administering elections would be significantly reduced and voter turnout would be encouraged. In June 2010, the parliament ratified the bill and sent it to the Guardian Council for final approval. The Guardian Council accepted the amendments on the simultaneous administration of local council and presidential elections; however, it sent back part of the proposal for further revisions to the parliament. The merging of elections is unprecedented in the Islamic Republic, and it remains to be seen whether the simultaneous administration of elections produces the desired outcome. One thing, however, is certain and that is that the electoral system is undergoing significant changes again.

APPENDIX I

Timeline of Iranian Elections Since The Islamic Revolution



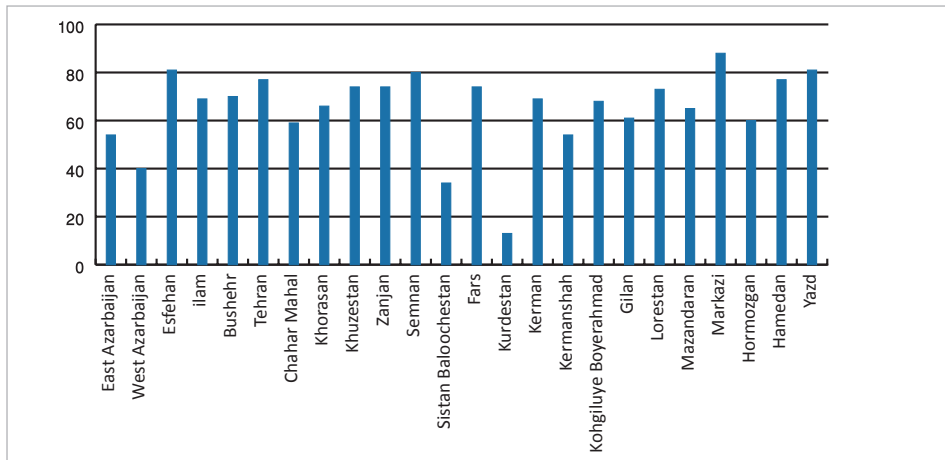
APPENDIX II

1st Presidential Election

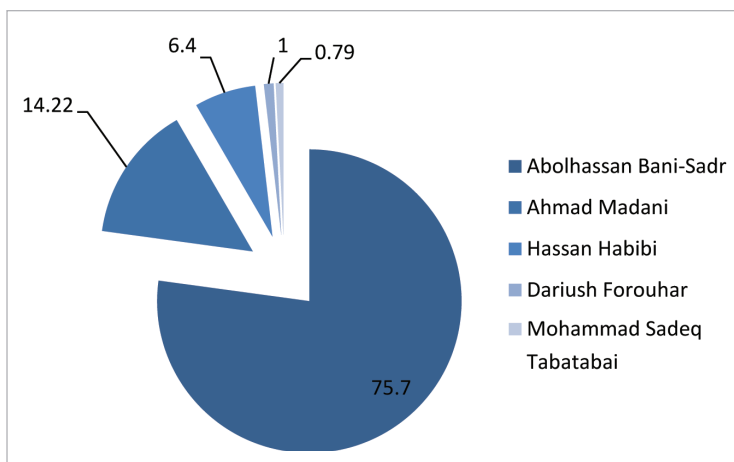


Date of Election	25 January 1980
Number of Eligible Voters	20,993,643
Total Vote	14,152,887
Percentage of Voter Turnout	67.4
Election Winner	Abolhassan Bani-Sadr

Voter Turnout and Results:

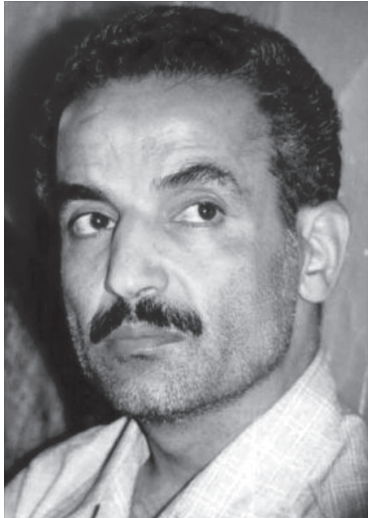


Voter turnout rate according to province



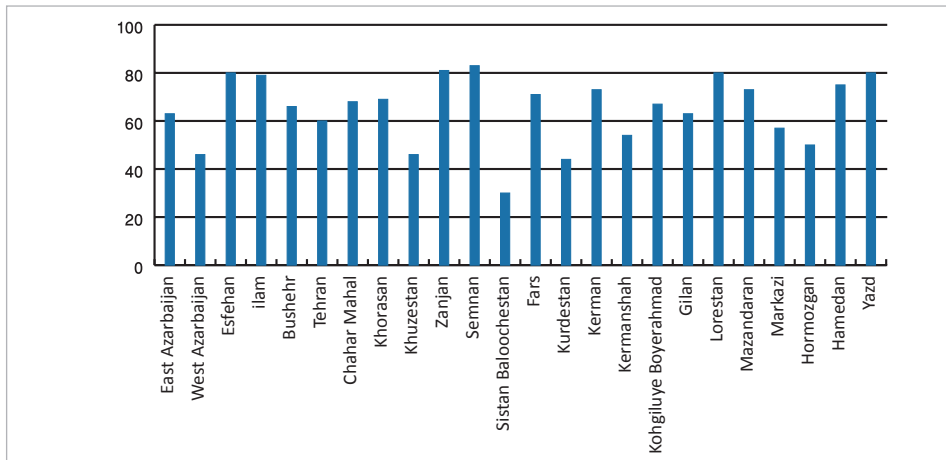
Top presidential contenders and their share of the votes

2nd Presidential Election

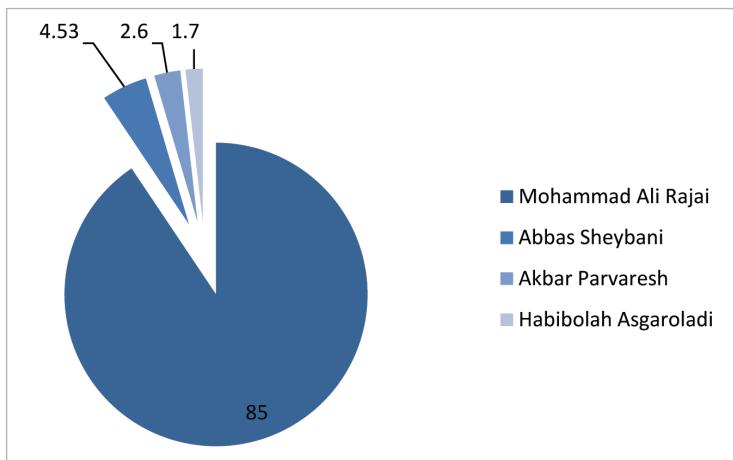


Date of Election	24 July 1981
Number of Eligible Voters	22,687,017
Total Vote	14,573,803
Percentage of Voter Turnout	62.6
Election Winner	Mohammad Ali Rajai

Voter Turnout and Results:



Voter turnout rate according to province



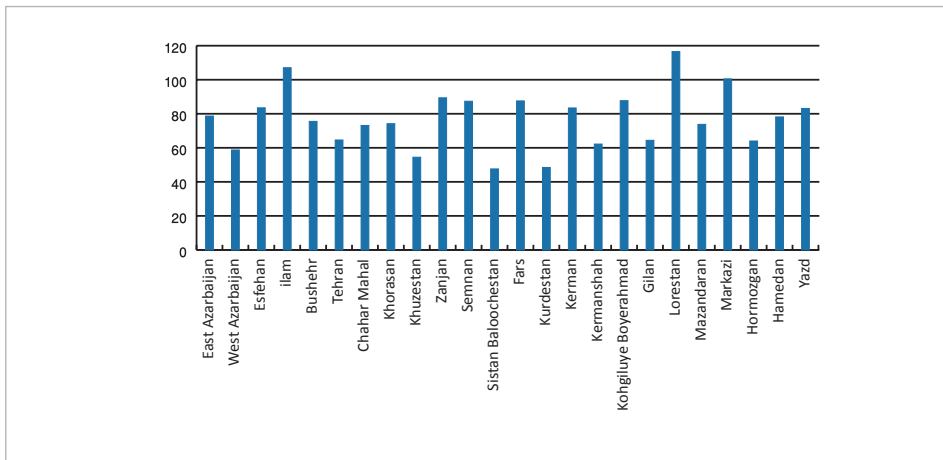
Top presidential contenders and their share of the votes

3rd Presidential Election

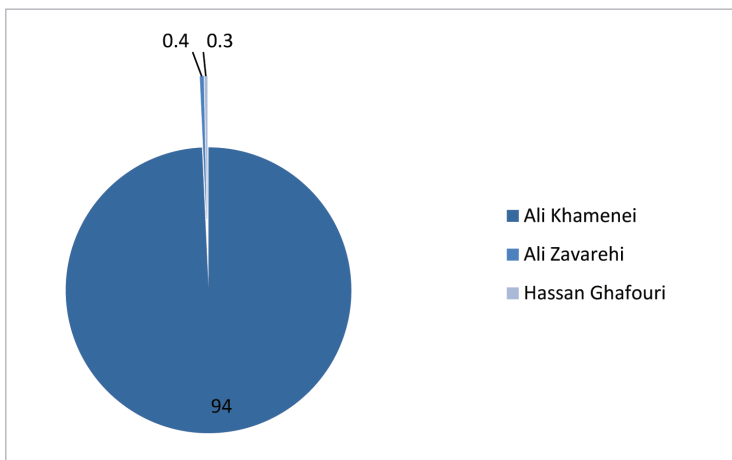


Date of Election	2 October 1981
Number of Eligible Voters	22,687,017
Total Vote	16,847,717
Percentage of Voter Turnout	74.2
Election Winner	Ali Khamenei

Voter Turnout and Results:



Voter turnout rate according to province



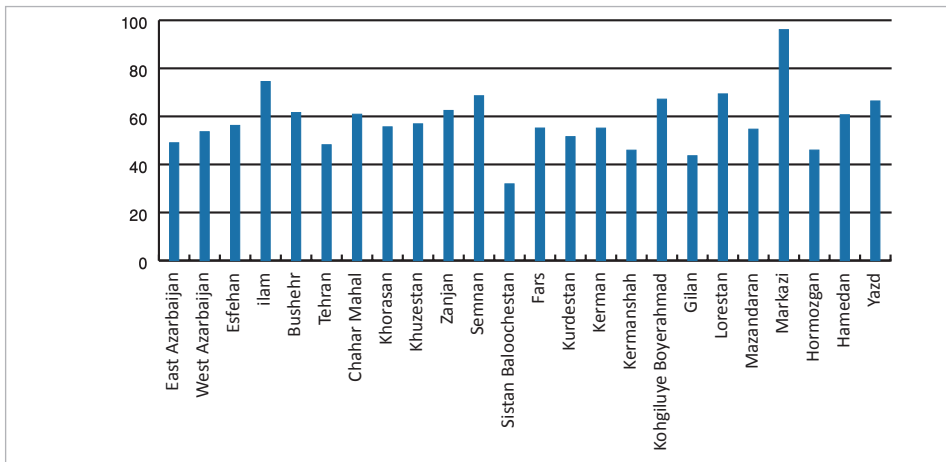
Top presidential contenders and their share of the votes

4th Presidential Election

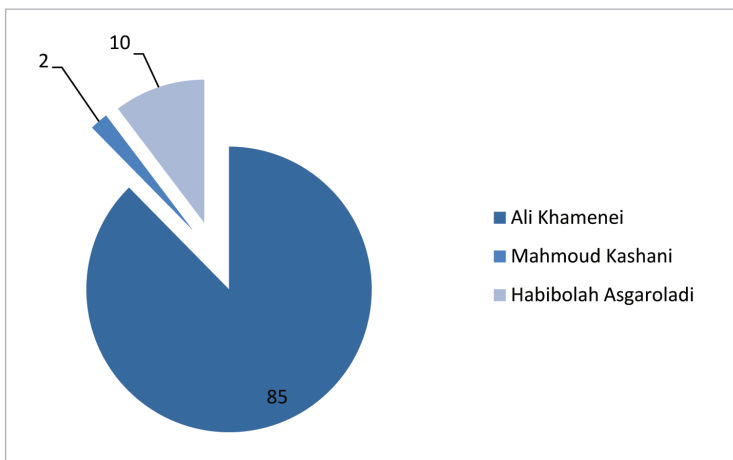


Date of Election	16 August 1985
Number of Eligible Voters	25,993,802
Total Vote	14,238,587
Percentage of Voter Turnout	54.7
Election Winner	Ali Khamenei

Voter Turnout and Results:



Voter turnout rate according to province



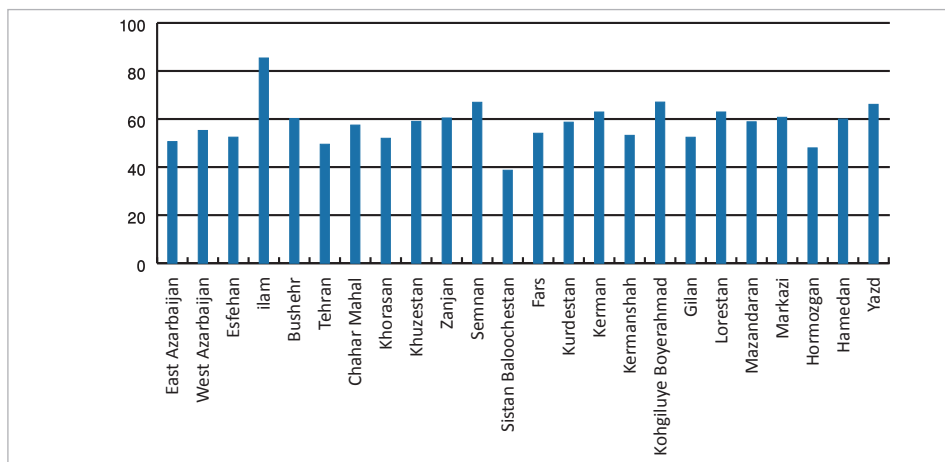
Top presidential contenders and their share of the votes

5th Presidential Election

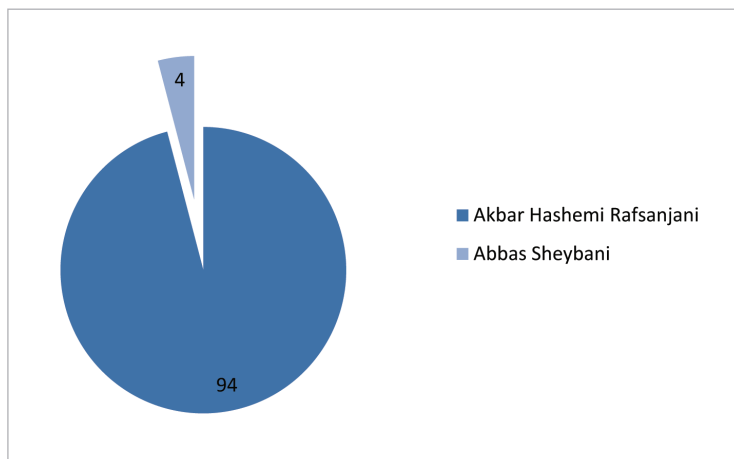


Date of Election	28 July 1989
Number of Eligible Voters	30,139,598
Total Vote	16,452,677
Percentage of Voter Turnout	54.5
Election Winner	Akbar Hashemi Rafsanjani

Voter Turnout and Results:



Voter turnout rate according to province



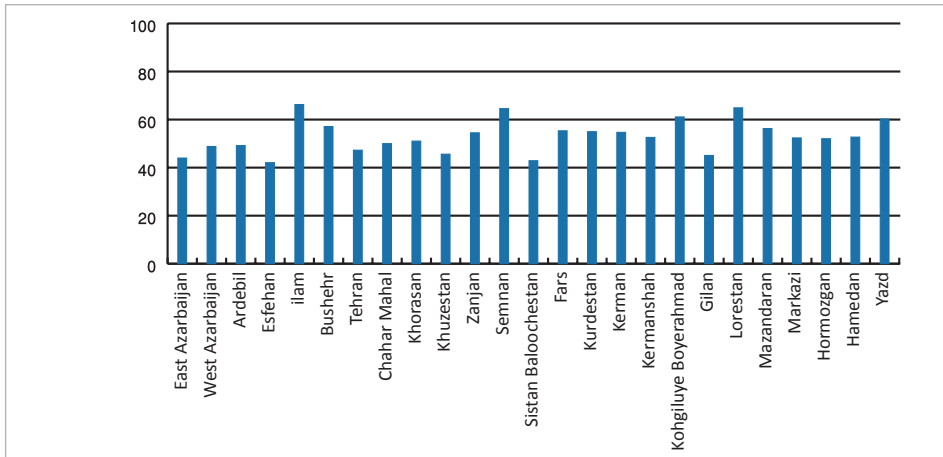
Top presidential contenders and their share of the votes

6th Presidential Election

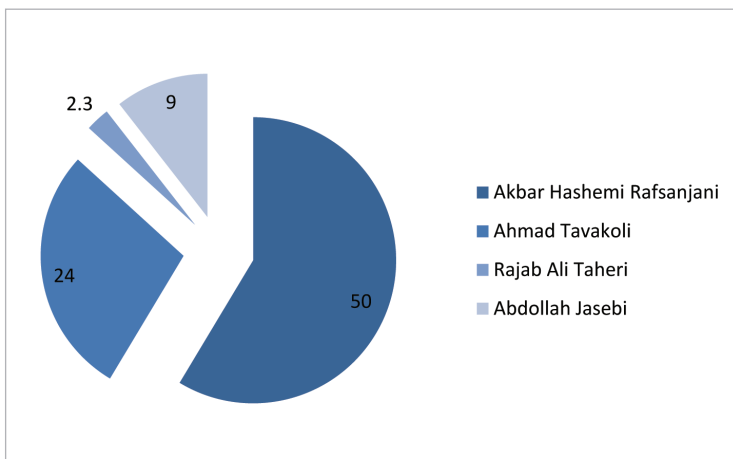


Date of Election	11 June 1993
Number of Eligible Voters	33,156,055
Total Vote	16,796,787
Percentage of Voter Turnout	50
Election Winner	Akbar Hashemi Rafsanjani

Voter Turnout and Results:



Voter turnout rate according to province



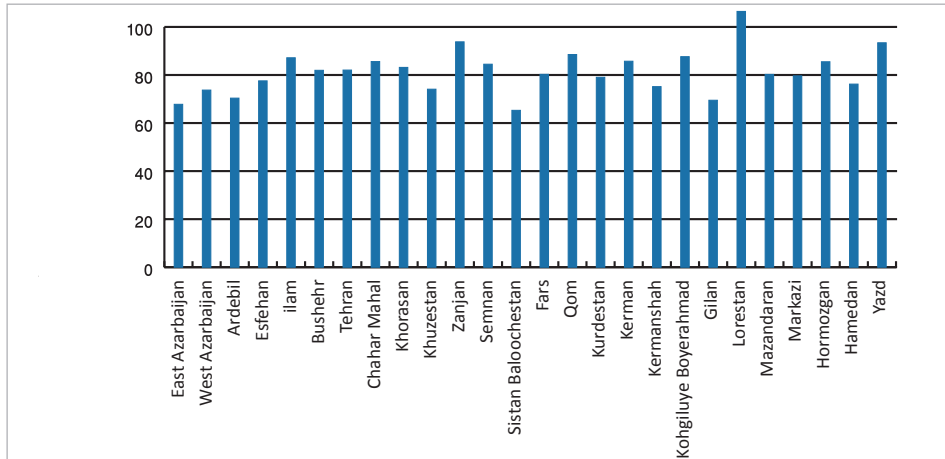
Top presidential contenders and their share of the votes

7th Presidential Election

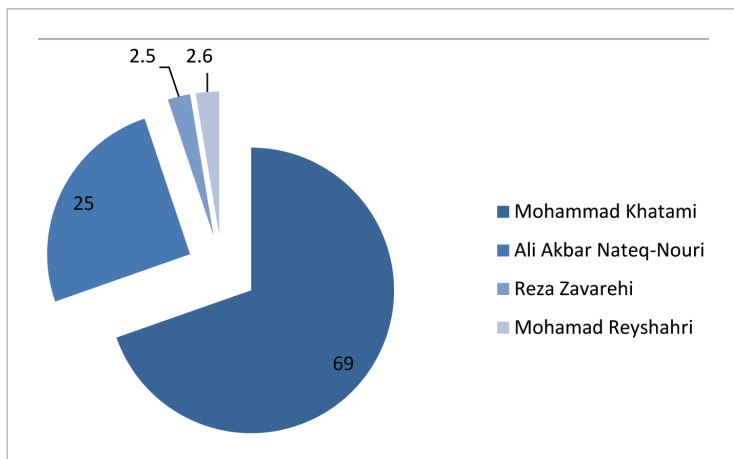


Date of Election	23 May 1997
Number of Eligible Voters	36,446,487
Total Vote	29,145,754
Percentage of Voter Turnout	79.9
Election Winner	Mohammad Khatami

Voter Turnout and Results:



Voter turnout rate according to province



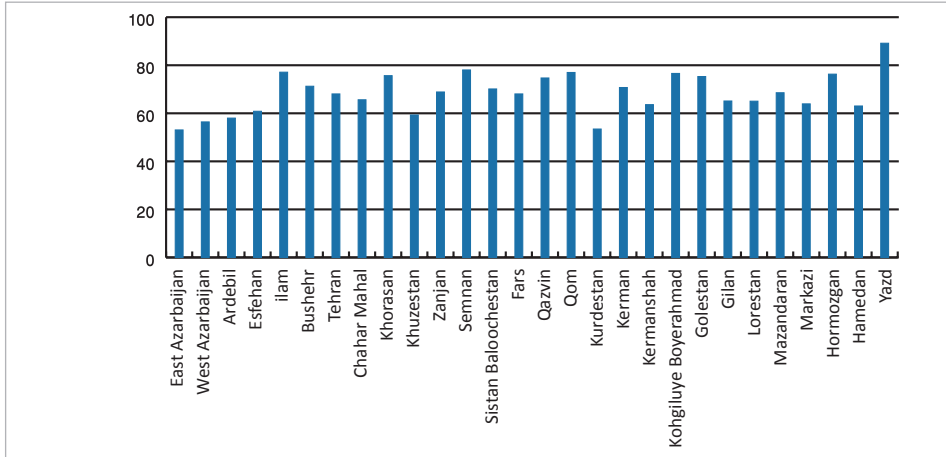
Top presidential contenders and their share of the votes

8th Presidential Election

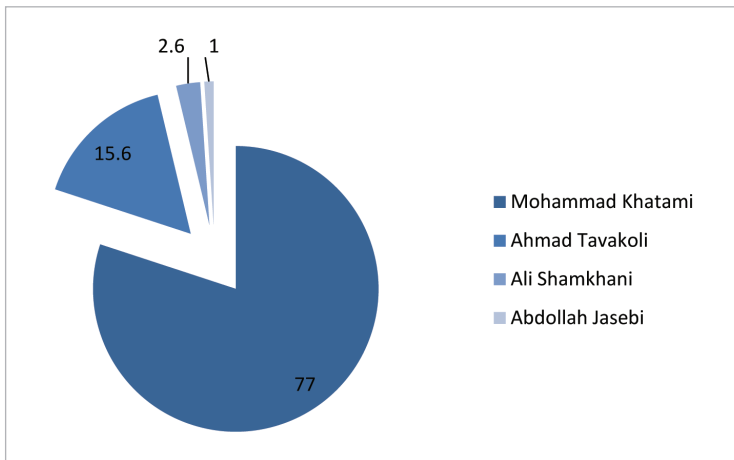


Date of Election	8 June 2001
Number of Eligible Voters	42,170,239
Total Vote	28,081,930
Percentage of Voter Turnout	66.5
Election Winner	Mohammad Khatami

Voter Turnout and Results:



Voter turnout rate according to province



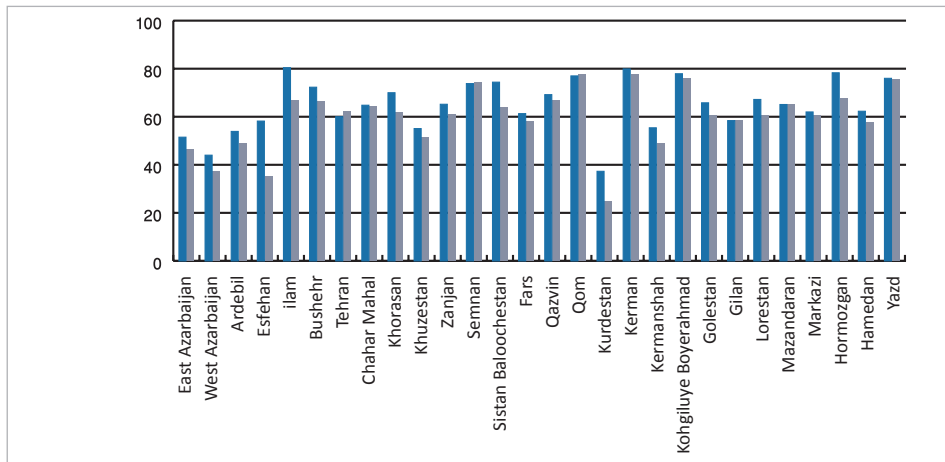
Top presidential contenders and their share of the votes

9th Presidential Election

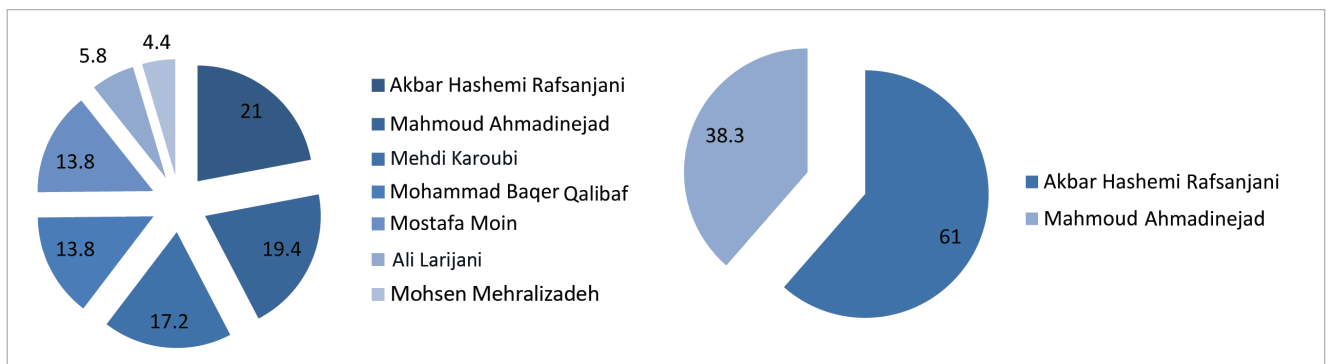


Date of Election	17 June 2005
Number of Eligible Voters	46,786,418
Total Vote	29,400,857
Percentage of Voter Turnout	62.8
Election Winner	Akbar Hashemi Rafsanjani
Date of Election (Run-off)	24 June 2005
Number of Eligible Voters	46,786,418
Total Vote	27,958,931
Percentage of Voter Turnout	59.7
Election Winner	Mahmoud Ahmadinejad

Voter Turnout and Results:



Voter turnout rate according to province



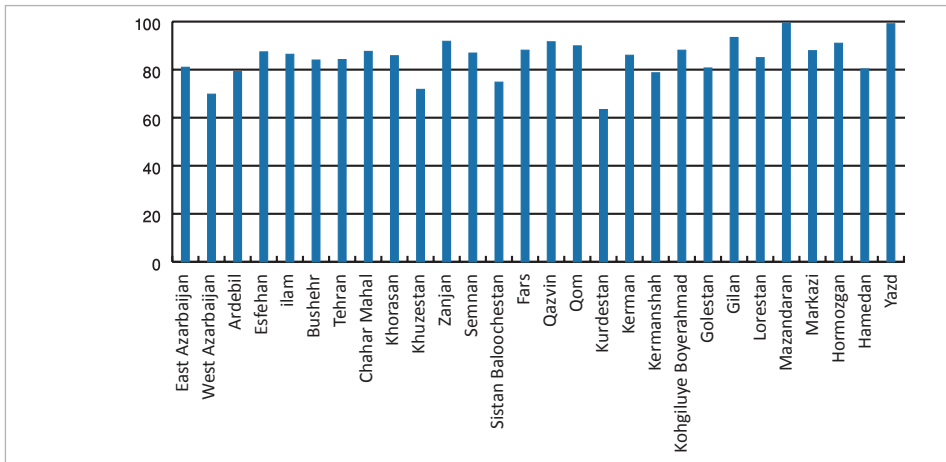
Top presidential contenders and their share of the votes

10th Presidential Election

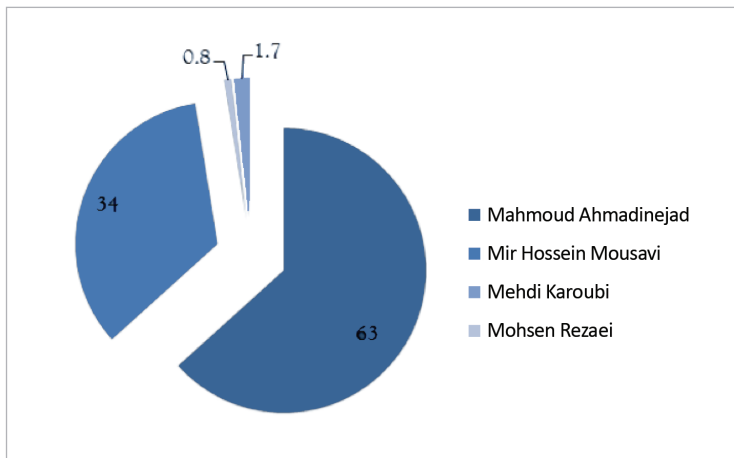


Date of Election	12 June 2009
Number of Eligible Voters	46,200,000
Total Vote	39,371,214
Percentage of Voter Turnout	85.2
Election Winner	Mahmoud Ahmadinejad

Voter Turnout and Results:



Voter turnout rate according to province



Top presidential contenders and their share of the votes

APPENDIX III

Comparison of Iran's electoral system with select countries in the region

Country	Electoral System for National Legislature	Electoral System for President	Legislature Size	Women in Legislature (Percentage in 2008)
Iran	TRS	TRS	290	2.8
Turkey	List PR	N/A	550	9.1
Iraq	List PR	N/A	275	25.5
Afghanistan	SNTV	TRS	249	27.7
Egypt	TRS	●	454	1.8
Azerbaijan	Parallel (TRS & List PR)	TRS	125	11.4
Saudi Arabia	■	N/A	150	0
Bahrain	TRS	N/A	40	2.5
Pakistan	FPTP	N/A	342	22.5
Lebanon	BV	N/A	128	4.7
Turkmenistan	TRS	TRS	50	16
Kuwait	BV	N/A	65	3.1

TRS Two Round System

FPTP First Past The Post

PR Proportional Representation

BV Block Vote

SNTV Single Non-Transferable Vote

N/A Not Applicable

● Elected by legislature, Confirmed by referendum

■ Appointed by the King

Endnotes

- ¹ *Velayat-e Faqih* (rule of the jurisconsult) is a post-age-of-occultation theory in Shiite Islam, which holds that Islam gives a *faqih* (Islamic jurist) or *fuqaha* (jurists) custodianship or guardianship over those in need of it. Khomeini extended the doctrine to embrace the actual sovereignty of the jurist. For him, *velayat* should not be restricted to the mere pronouncement of judicial judgments, but should encompass the authority of the *faqih* to render decisions on any matter affecting the welfare of the community. For additional information see, "The Shi'i Clergy of Iran and the Conception of an Islamic State," by Eric Hooglund and William Royce published in the journal of State, Culture, and Society Vol. 1, No. 3 (Spring, 1985), pp. 102-117.
- ² The name of the Majlis was changed from the National Consultative Assembly to the Islamic Consultative Assembly after the Islamic Revolution in 1979.
- ³ 1,000 tumans in 1906 was the equivalent of 200 British pounds.
- ⁴ The Electoral Law of 1906, Art. 1-13.
- ⁵ The Electoral Law of 1909, Art. 1-12.
- ⁶ "Elections." *Encyclopaedia Iranica*.
- ⁷ "Elections." *Encyclopaedia Iranica*.
- ⁸ Article 10 of the Election law set out further conditions on candidacy eligibility, which have not been included for the purpose of this paper.
- ⁹ Article 63 of the constitution permits a maximum twenty-seat increase in the number of legislative seats every ten years according to population growth, political, geographic and other factors.
- ¹⁰ The election of the Assembly of Experts and the electoral laws governing it have not been included for the purpose of this study.
- ¹¹ In 1999, the number of parliamentary seats was increased from 270 to 290.
- ¹² Supplementary Fundamental Laws of 1907, Art. 2.
- ¹³ The constitution has endowed the Leader of Iran with significant authority over the appointment of high officials in the Islamic Republic including the head of the judiciary. Consequently, the six Muslim jurists in the Guardian Council can be considered indirect appointees of the Leader.
- ¹⁴ Bylaws of the Guardian Council, Art. 24.
- ¹⁵ Constitution of the Islamic Republic of Iran, Art. 91.
- ¹⁶ Schirazi, Asghar. *The Constitution of Iran: Politics and the State in the Islamic Republic*. Trans. John O'Kane. London: I.B. Tauris & Co Ltd, 1997. 91.
- ¹⁷ Bylaws of the Guardian Council, Art. 18-22.
- ¹⁸ The Law on the Guardian Council's Supervision of Presidential Elections, Art. 2.
- ¹⁹ "The Names of the Central Supervisory Committee Members for the 10th Presidential Elections is Announced." Farsnews, 8 October 2008.
- ²⁰ Law on the Guardian, Art. 4-6.
- ²¹ The Ministry of Interior and the Planning and Budget Organization contested the legality of permanent supervisory offices in Iran's counties and provinces. The Guardian Council, however, dismissed the Ministry of Interior's claim that establishing permanent offices was illegal and filed a complaint with the Court of Administrative Justice. The Court ruled in favor of the Guardian Council and rejected the Ministry's objections.
- ²² *Report on the Activities of the Elections Office*. Ministry of Interior, September 2008. <http://havades.moi.ir/Portal/Home/ShowPage.aspx?Object=News&CategoryID=da0b5c54-7d49-4abd-8086-97712561a65a&WebPartID=99e35474-d86a-45e5-9ae8-b4b788e3ae2c&ID=0b25ea6c-6507-413c-9626-9dca3ed123fe>; *Duties and Function of the Bureau of Political Affairs*. Ministry of Interior, <http://www.moi.ir/portal/Home/Default.aspx?CategoryID=7fc03d4f-e21e-483a-a9d2-20b86c8a2674>.
- ²³ Serajedin Mirdamadi. personal interview. 19 August 2010. Mr. Mirdamadi was the Deputy Director of the Elections Office during the first term of Mohammad Khatami's presidency.
- ²⁴ "A Review on Tajzadeh's Comments from Eight Years Ago: The Head of Khatami's National Election Commission." *The Centre of Islamic Revolution Documents* 15 June 2009. <http://www.ircd.ir/fa/content/7197/default.aspx>.
- ²⁵ Mirdamadi, Serajedin. "A Technical Look at the Tenth Presidential Election." *Gozaar: A Forum on Human Rights and Democracy in Iran*. Freedom House, 22 July 2009. <http://www.gozaar.org/english/articles-en/A-Technical-Look-at-the-Tenth-Election.html>.
- ²⁶ The source of this information is the Ministry of Interior and can be accessed through the Portal of the Ministry of Interior, <http://www.moi.ir/portal/home/default.aspx?categoryid=2645f07f-8791-4a28-91a5-ada3d19b5166>.
- ²⁷ The exact number of counties, cities and rural districts differ in each electoral district.
- ²⁸ The Commission on Article 90 is a parliamentary committee responsible for investigating public complaints against the Majlis, the government and the judiciary.
- ²⁹ The Revolutionary Council was established by Ayatollah Khomeini in Tehran to act as a watchdog over the Provisional Government following the fall of the monarchy. The Council had a broad mandate and issued laws and rulings on matters of the state.
- ³⁰ *Kayhan* March 4, 1980.
- ³¹ Khomeini, Ruhollah. *Website of the Islamic Revolution Leader*. <http://imam-khomeini.com/ShowItem.aspx?id=12042&lang=fa>.

³² In 1999, the number of parliamentary seats was increased to 290 to address population growth.

³³ Sarabi, Farzin, "The Post-Khomeini Era in Iran: The Election of the Fourth Majlis." *Middle East Journal* 48.1 (1994) 96-97.

³⁴ Mir-Hosseini, Ziba. "Fatemeh Haqiqatjoo and the Sixth Majlis: A Woman in Her Own Right." *Middle East Report* (2004) 233.

³⁵ In July 2010, Ayatollah Khamenei issued a *fatwa* and explained that a demonstrated obligation to the principle of *velayat-e faqih* is: "Obeying governmental orders and ordinances of *valiye-faqih* (the absolute jurisconsult) is the indication of full commitment to the principle of *velayat-e faqih*." Source: <http://www.rahesabz.net/story/19874/>.

³⁶ *A Member of the Guardian Council Addresses Criticism on the Council's Arbitrary Decision*. Fars News, 13 July 2010. [http://www.farsnews.com/newstext.php?nn=8904221276](http://www.farsnews.com/newstext.php?nn=8904221276;);

The Legal Framework for Vetting Candidate. *Aftab News*, 16 January 2008. <http://www.aftabnews.ir/vdcauon49anoi.html>; *A Commentary on the Electoral Reform Bill Proposed by the Expediency*. Official Website of the Government of Iran, 16 March 2010. <http://www.dolat.ir/NSite/FullStory/?id=187867>.

³⁷ *A Specific Campaign Period?* Ace Project: the Electoral Knowledge Network. <http://aceproject.org/ace-en/topics/media-and-elections/mec/mec02>.

³⁸ The number total number of Majlis deputies in 1980, 1984 and 1988 were respectively 264, 269 and 277.

³⁹ Reynolds, Andrew. *Designing Democracy in a Dangerous World*. Oxford: Oxford University Press, 2011. 135-137.

⁴⁰ Constitution of Iran, Art. 113.

⁴¹ *Rejal* is an Arabic word for 'men'. In past presidential elections there have been arguments for and against the eligibility of women to stand as candidates based on this condition.

⁴² *The Ministry of Interior Releases the Names of the Final Candidates for the Eighth Presidential Elections*. Iranian Student News Agency, 18 May 2001. <http://www.isna.ir/ISNA/NewsView.aspx?ID=News-44327>; *The Ministry of Interior Announces the Names of Final Candidates for the Presidential Election*. MehrNews, 24 May, 2005 <http://www.mehrnews.com/fa/NewsDetail.aspx?NewsID=187512>; *The Head of Iran's National Election Commission Provides Details on the Timing of Presidential Elections*. Islamic Republic of Iran Broadcasting, 26 April 2009. http://www.irib-news.ir/Default.aspx?Page=MainContent&news_num=188206.

⁴³ The 1980 presidential election was an exception to this rule. The Guardian Council was not involved with vetting candidates for these elections and, instead, the Revolutionary Council validated the credentials of 123 out of 124 registered candidates.

⁴⁴ The profile of presidential elections from 1980-2005 is based on information from BBC Persian's website and a special page dedicated to a review of the first nine presidential elections in Iran. It can be accessed at http://www.bbc.co.uk/persian/specials/1526_election/page7.shtml.

⁴⁵ Constitution, Art. 100.

⁴⁶ Restrictions added to the final version of the law subjected the appointment of mayors by city councils to a confirmation by the Minister of Interior in provincial centers and cities with a population of more than 200,000 and by the Governor in cities with less than 200,000 occupants.

⁴⁷ Recognized religious minorities must demonstrate their faith and trust in their religion.

⁴⁸ The one-year residency requirement does not apply to cities with a population of more than 100,000 residents. The law remains ambiguous on the mechanism for verifying residency at the polling stations; thus, allowing polling officers to use their discretion for this condition.

⁴⁹ Imani Jajarmi, Hossein, and Mostafa Azkia. "Challenges for Local Democracy in Iran: A Study of Islamic City Councils." *Middle East Critique* 18.2 (2009): 156-158.

⁵⁰ Abrahamian, Ervand. *A History of Modern Iran*. Cambridge: Cambridge University Press. 2008. 163-165.

⁵¹ Rezaei, Ali. "Last Efforts of Iran's Reformists." *Middle East Report* 226 (2003): 44-45.

⁵² Ebraharian. *A History*, 100-139.

⁵³ The law on political parties was not enforced systematically until 1988. The Commission on Article 10 only started accepting and reviewing registration applications from organization, parties and associations after the conclusion of the Iran-Iraq war.

⁵⁴ Razavi, Reza. "The Road to Part Politics in Iran (1979-2009)." *Middle Eastern Studies* 46.1 (2010): 88-89.

⁵⁵ Moslem, Mehdi. *Factional Politics in Post-Khomeini Iran*. Syracuse: Syracuse University Press, 2002. 99-122.

⁵⁶ Bashiriyeh, Hossein. *An Introduction to Iranian Political Sociology*. Tehran: Negah Moaser Tehran, 1997. 78.

⁵⁷ Moslem. *Factional Politics*, 240-241.

⁵⁸ Bakhash, Shaul. *Iran, Iraq and the Arab Gulf States*. Ed. Joseph A Kechichian. New York: Palgrave, 2001. 13-20.

⁵⁹ *A Review of the Twin Bill Fiasco*. Iran Cultural Media Center, 23 March 2003.

About the Author and Contributors

Yasmin Alem is the author of *Duality by Design: The Iranian Electoral System*. Born and raised in Iran, she is a specialist in international development with more than seven years of research and management experience in international organizations and the non-profit sector. Her professional experiences include working with The United Nations' Office of the High Commissioner for Human Rights, Human Rights Watch, the Institute for War and Peace Reporting and the International Foundation for Electoral Systems. She holds a Master of Business Administration in International Organizations from the University of Geneva, and a Bachelor's degree in Near and Middle Eastern Civilizations from the University of Toronto.

Jørgen Elklit is a professor of political science at Aarhus University, Denmark. His main academic interests are electoral systems, electoral administration, political parties, and Danish politics, including local politics. He has published extensively on these topics. He has also - since 1990 - been engaged as an advisor on elections and democratization in more than 20 countries in Europe, Africa, and Asia, including Bosnia-Herzegovina, South Africa, Kenya, Lesotho, China, Nepal, and Afghanistan.

Mehrangiz Kar is a prominent Iranian human rights defender, legal scholar and activist. She has over three decades of professional legal experience in Iran's civil and criminal courts. In April of 2000, following her participation in a symposium in Berlin, she was arrested and imprisoned on charges of acting against the national security of the Islamic Republic of Iran. Since 2001 she has been living in the United States and has been a Visiting Scholar with institutions such as the Woodrow Wilson International Center for Scholars, Washington College of Law, Carr Center for Human Rights Policy at Harvard University, the Saban Center for Middle East Policy at the Brookings Institution. Ms. Kar is the author of over a dozen books on issues ranging from women's right under the Islamic Republic, family law, children's rights and human rights issues. She has also received numerous awards including the 2004 Annual Human Rights First Award, the 2002 Democracy Award of the National Endowment for Democracy (NED), 2002 Hellman/Hammett Grant from Human Right Watch, and the 2000 PEN/NOVIB Award of the International PEN Club.

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