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Elections in Iraq

September 21 Iraqi Kurdistan Region Parliamentary Elections

Frequently Asked Questions

Middle East and North Africa

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Iraqi elections authorities as of September 20, 2013, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

Who will residents of the Iraqi Kurdistan Region elect on September 21, 2013?

On May 23, 2013, the Kurdistan Regional Government announced that Iraqi Kurdistan Region parliamentary elections would be held on September 21, 2013. Residents of this region will elect representatives to replace members of parliament elected in 2009.

The elections will be held in three governorates of the Iraqi Kurdistan Region: Sulaymaniyah, Erbil and Dahuk. One-hundred and eleven parliament seats will be up for election in an open list system. This means a voter can select a specific political entity and a candidate from the list, or just a political entity.

Article 10 of Iraqi Kurdistan Region Presidency Law No. 1 of 2005 stipulates the Iraqi Kurdistan Region President will call the Parliament of Kurdistan to convene its first session within 10 days from the announcement of final results. During this first session, the Iraqi Kurdistan Region Parliament will elect the Speaker, Deputy Speaker and Secretary by a vast majority vote of members.

What is the electoral system to be used in this election?

An open list system will be used in this election. This means a voter may select both a political entity and a specific candidate within a list, or a political entity only. Seat allocation uses the electoral divider method with the remainder of seats awarded to the highest winning party.

A "political entity" is defined as one of the following:

- A party registered under the Parties Law of the Iraqi Kurdistan Region No. 17 of 1993 (as amended), which is presenting a list of candidates for election
- An individual entity, such as an independent candidate
- A combination of the two aforementioned entities, such as a coalition of two or more political parties or individuals presenting a unified list of candidates for election

The law also stipulates specific seats for minority components: five seats are allocated to Chaldean, Syrian, and/or Assyrian candidates; five seats to Turkmen; and one seat to Armenians.

What is the Iraqi Kurdistan Region Parliament? What is its mandate?

Kurdistan, also known as the Kurdistan Region or Iraqi Kurdistan, is an autonomous region of northern Iraq. The Iraqi Kurdistan Region Parliament is the governing body of Iraqi Kurdistan. The parliament is made of representatives from various parties and lists elected every four years. It is a 111-member unicameral body; 11 seats are reserved for non-Kurdish minority communities of the Iraqi Kurdistan Region. Parliament holds two sessions per year, each spanning four months.

According to Article 121 of the Iraqi Constitution, the Iraqi Kurdistan Region Parliament has the right to exercise legislative powers in accordance with provisions of the Iraqi Constitution, with the exception of exclusive competencies of federal authorities of Iraq. It has the right to issue regional legislation, elect the regional Prime Minister and approve the regional budget, among others.

Law proposals and bills are initiated by the Regional Council of Ministries, or an endorsement from 10 individual members of parliament. Proposals are then voted on and eventually sent to the President of the Iraqi Kurdistan Region for ratification.

What is the legal framework for this election?

The Iraqi Kurdistan Region parliamentary elections are governed by amended Law No. 1 of 1992 – Law of Iraqi Kurdistan Region Parliamentary Elections. This law outlines basic functions and the term of parliament.

Throughout 2013, the law was subject to parliamentary review and was amended seven times. The amendments dealt with several issues, including the structure of the electoral system, adding 11 seats for minority constituents, the status of the Iraqi Kurdistan Region as one constituency and the seat allocation formula. Additionally, the Independent High Electoral Commission issued regulations pertaining to the 2013 electoral process.

Who is eligible to vote?

To qualify to vote, an Iraqi needs to prove that he or she is:

- An Iraqi Kurdistan Region citizen at least 18 years of age in the year of the election
- Legally qualified to register to vote
- Listed in the voter register

The legal qualification criterion requires a person is of sound mind (not ruled by a court as mentally incompetent) and has not been convicted of a crime. A crime is categorized as an action punishable by more than five years of imprisonment.

Who can be a candidate?

Candidate eligibility is established in amended Law No. 1 of 1992 – Law of Iraqi Kurdistan Region Parliamentary Elections. Eligibility criteria stipulate that a candidate must be an Iraqi citizen who lives in the Iraqi Kurdistan Region and is at least 25 years old. He or she must be able to read and write fluently; have a good moral reputation; and have never been convicted of a crime of “moral turpitude and integrity.” Further, the candidate must have never been convicted or imprisoned due to murder or theft. He or she must not have participated in crimes that were planned and executed by suppressive authorities in the Iraqi Kurdistan Region.

The Iraqi Kurdistan Region Ministry of Interior (Mol) is the authoritative body that verifies a candidate’s eligibility. Once potential candidates are vetted through the Mol, they are put forth for approval by the Independent High Electoral Commission.

Approved candidates are then eligible for nomination in elections. Political party lists must have at least three candidates.

How is the election administration structured?

According to amended Article 6 of Law No. 1 of 1992 – Law of Iraqi Kurdistan Region Parliamentary Elections, the Independent High Electoral Commission (IHEC) is responsible for conducting parliamentary elections in the Iraqi Kurdistan Region. The IHEC implements these in accordance with the policies and procedures defined and adopted by the IHEC Board of Commissioners.

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

The IHEC has 19 governorate electoral offices – one in each governorate and two in Baghdad, a regional office in Kurdistan and headquarters in Baghdad.

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

- Establish and update the voter registry
- Regulate registration and certification of parties contesting elections
- Regulate and certify candidate lists
- Accredite election observers, political parties and media
- Adjudicate all electoral complaints and appeals
- Certify tally procedures
- Declare and certify election and referenda results
- Set regulations and instructions preserving a fair electoral process
- Certify the structure and senior appointments of the electoral administration
- Set financial policies for the IHEC

How was voter registration conducted? How were polling stations allocated to voters?

The voter registration update ahead of Iraqi Kurdistan Region parliamentary elections was held from June 17 to July 7, 2013. It was accessible to voters across 190 voter registration centers.

During the update period, 1,388 voters updated their information and 16,999 visited registration centers to confirm their registration status. The Independent High Electoral Commission (IHEC) was required to display the voter list for each voter registration center in alphabetical order for exhibition and challenges from July 1 to July 7, 2013. If a voter found that his or her name was not listed or was erroneous, he or she had to submit a written complaint to the IHEC national office or to the governorate electoral office. The IHEC was obligated to respond to the complaint within two days of receipt.

The distribution of voters was based on the existing IHEC registration database and on the food agent database obtained from the Ministry of Trade.¹ Polling centers will be established in schools and each center will have a predetermined number of polling stations, with a maximum of 450 voters allocated to each station.

Who registered as a candidate?

The registration period for political entities was from June 17 to June 28, 2013. Entities were required to have 500 signatures from registered voters to be approved. Independent High Electoral Commission (IHEC) Regulation No. 7 of 2013 – Ratification of the Lists of Candidates for the Iraqi Kurdistan Region Parliament Elections – also states that at least 30 percent of candidates must be women.

After the ballot position lottery on July 25, 2013, the IHEC announced 31 political entities will contest the elections.²

The candidate nomination process ended on July 20, 2013, with 31 certified political entities listing a total of 1,138 candidates, including 366 women (32%). All candidate names were submitted to the Iraqi Kurdistan Ministry of Interior (MoI) for verification to determine eligibility. Once potential candidates were vetted through the MoI, they were put forth for approval by the IHEC.

On August 27, the IHEC announced that 1,129 candidates, including 366 women candidates, were approved to run in the elections.

What are the rules on campaigning?

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

The Independent High Electoral Commission announced the electoral campaign period would start on August 28, 2013, and would conclude at 7:00 a.m. on September 19, 2013, 48 hours before Election Day.

¹ In the absence of population census data, the Ministry of Trade's data for the food ration card system (whereby Iraqis are provided food rations) was used.

² The lottery determines the number/placement on the ballot paper assigned to each political entity.

What rules should media follow during the electoral campaign?

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

The IHEC issues accreditation and provides media with access to IHEC facilities to observe the electoral process. The IHEC also issues the Media Code of Conduct, which regulates media responsibility during elections. According to these regulations, the media:

- Must not interfere with IHEC staff during elections
- Must respect secrecy of the ballot
- Must not interfere with movement of voters inside polling centers

Regulations also prohibit posting campaign material at certain venues, such as religious sites and government offices. It also prohibits certain content, such as government logos and images of religious figures who are not running as candidates. The IHEC may withdraw media accreditation from those who violate these regulations.

Violations may be referred to the CMC and the Iraqi Kurdistan Region Ministry of Culture and Youth for action, according to IHEC Regulation No. 5 of 2013 – Media Regulations of Kurdistan Region Parliamentary Elections.

Where can one find information about the elections?

Information about the election process can be found on the Independent High Electoral Commission's (IHEC) website (www.ihec.iq). The website contains information on elections and the electoral process in Arabic, English and Kurdish. Regulations, procedures, press releases and other products are uploaded daily.

The IHEC also has a Facebook page (<https://www.facebook.com/ihec2013>), Twitter and Flickr accounts in Arabic.

Further, the IHEC set up a call center (with Arabic, Kurdish and Turkoman-speaking staff), which can be accessed using short code 5777.

What are the basic rules for Election Day?

The Iraqi Kurdistan Region parliamentary election began with special need voting (SNV). This took place two days before the general election on Thursday, September 19, 2013. Regular voting will take place on Saturday, September 21, 2013. Polling stations will be open from 7:00 a.m. until 5:00 p.m. for both SNV and regular voting.

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

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

What are the types of polling centers and stations?

Polling centers serve a coordination role, with polling stations located within the center. The Independent High Electoral Commission (IHEC) will serve 2.8 million voters through 1,398 polling centers and 6,699 polling stations, including 6,264 regular polling stations, 63 conditional voting polling stations and 372 special need voting polling stations.

Regular Polling Centers

Voting in regular centers will take place in accordance with the final voter list. Voter list posters will be displayed at polling centers one week prior to Election Day. There are 2,653,743 voters on the final voter list for these elections: 579,285 in Dahuk; 1,137,901 in Sulaymaniyah; and 936,557 in Erbil.

Polling Stations for Special Need Voting (SNV)

Using information submitted by the Ministry of Interior, the Ministry of Peshmerga Forces of the Kurdistan Regional Government and the other respective authorities, the IHEC created a special voter list for the Kurdistan Security Forces and Peshmerga Regional Forces. They had the opportunity to vote on September 19, 2013. Names of these voters have been removed from the final voter list. There were 372 polling stations with 99 polling centers established for the 153,739 SNV voters.

Conditional Voting

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

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

There will be 57 polling centers and 63 polling stations established for conditional voting.

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

A polling center will have seven polling center staff:

- Polling center coordinator
- Two queue controllers (one male, one female)
- Two inspectors (one male, one female)
- Two guides

Each polling station is composed of five members:

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

When will polling stations be set up?

Poll workers will meet on September 20, 2013, with their polling center coordinator and station manager to set up the polling center and station. They will perform an inventory of polling material and display voter lists and other posters.

The polling center coordinator and station manager will also assign tasks and organize the layout of the station for Election Day at this time.

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

Poll workers should arrive at their polling station by 6:00 a.m. on September 21, 2013. At least three staff members must be present to open the polling station. They will check sensitive electoral material stored in the ballot box to ensure all materials have arrived. The station manager will empty the box; show it to all present; and put a tight seal on each side of the ballot box, leaving the top slot open for voters to cast their ballots.

Polls should open for voting at exactly 7:00 a.m.

What are the steps for voting?

There are four steps for voting.

Step 1: Queuing in front of the polling station:

- The queue controller allows voters to enter the polling station after 7:00 a.m.
- The queue controller checks voters' hands to ensure there is no ink on their fingers, particularly on the cuticles. If there is ink on the voter's fingers, the voter will not be permitted to enter the polling station.
- The queue controller refers voters to posters at the entrance of the polling station to ensure voters are aware of the name and number of the political entity and candidate of their choice.

Step 2: Identifying voters, finding names on the voter list, inking fingers and signing the register:

- The voter shows her or his photo ID document (civil identification card, Iraqi nationality card, Iraqi passport, retirement card, driving license, international passport or international ID card) to the identification officer.
- The identification officer checks the photograph on the ID to ensure it matches the person present at the polling station.
- The identification officer searches the voter list in alphabetical order to locate the voter's name. The voter must be on the voter list to cast a ballot.
- The identification officer asks the voter to sign or provide a thumbprint of the left hand (for illiterate voters) next to his or her name on the voter list. Any person who refuses to sign or thumbprint the voter list will not be permitted to vote.
- The identification officer directs the voter to the ballot issuer.

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

- The ballot issuer detaches the next ballot from the pad according to consecutive serial numbers.
- The ballot issuer explains to the voter how to mark the ballot; he or she must ensure the explanation is impartial. The ballot issuer must not point to the ballot, as it may appear that he or she is telling the voter for whom to vote.
- The ballot issuer folds the ballot and stamps it with both ink and electronic stamps so that both are visible on the folded ballot. This will help the voter fold it in the same manner so the ballot box monitor can easily see the stamps before the voter casts the ballot. This ensures all legitimately-cast ballots are stamped; unstamped ballots will not be included in the results.
- The ballot issuer tells the voter to go behind one of the empty voting screens and mark the ballot in secret. The ballot must be folded so no one can see the voter's choice.
- If the voter makes a mistake on the ballot, he or she may return the ballot to the ballot issuer to receive a new one. Without looking at the front of the ballot, the ballot issuer writes the word "Spoiled" across the back of the ballot and puts it in an envelope labeled "Spoiled and Discarded Ballots." A new ballot is then issued to the voter.

Step 4: Casting a ballot:

- The ballot box monitor admits one voter at a time into the ballot box area.
- The ballot box monitor must ensure the voter dips his or her right index finger into the indelible ink so the ink covers the cuticle of the voter's fingernail before the voter is allowed to cast a ballot into the ballot box.
- The ballot box monitor must ensure the voter does not try to wipe her or his finger before the ink dries. Any voter refusing to ink his or her finger will not be permitted to cast a ballot. In this case, the ballot will be discarded.
- If a voter has missing fingers, the ballot box monitor dips one of his or her other fingers of the right hand, and, if he or she has no right hand, the voter will dip one of the fingers from his or her left hand. If the voter has no fingers, it is not necessary to apply ink.
- The ballot box monitor ensures the ballot is stamped and the voter places the folded ballot in the ballot box, and then instructs the voter to leave the polling station.

What will the ballot paper look like?

A total of 3.25 million ballot papers were printed.

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

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



Who can be assisted to cast their votes?

A voter who requires assistance in voting – including those who are blind, illiterate or cannot write due to a physical disability – may ask the polling station manager for assistance. The polling station manager must not communicate the voter's choice to anyone. A relative may also assist the voter, but no person may assist more than two voters. The polling station manager must explain to the relative the need to

maintain secrecy of the voter's choice. Agents and electoral observers may not assist a voter and may not observe assisted voting.

When will counting take place?

Counting of votes will take place in polling stations immediately after polling stations close. However, the counting process for conditional and special needs voting will take place in each governorate's count center on September 21.

For the Iraqi Kurdistan Region parliamentary elections, the Independent High Electoral Commission (IHEC) introduced intake-audit centers, which will audit polling station results forms and conduct a recount of any polling station ballots if discrepancies are found. The process is conducted according to audit procedures set by IHEC Regulation No. 10 of 2013 – Voting, Counting and Sorting Procedures for Kurdistan Region Parliamentary Elections.

Who will count the votes?

Poll workers assigned to the polling station are responsible for counting votes. All national and international observers, media and political entity agents will be allowed to observe counting at polling stations, count centers and intake-audit centers. Observers and poll workers are not authorized to leave the premises during counting.

Will election results be publicly displayed? When will election results be announced?

Four copies of the results form are prepared by polling station staff. This form includes the number of votes received by all political entities and candidates. One form will be posted on the wall of the polling station so observers and agents can view and record the information.

Preliminary polling results are to be announced on September 24, 2013. The certified results will be announced after complaints are adjudicated by the Electoral Judicial Panel, which has the sole jurisdiction to adjudicate appeals on the Board of Commissioners' final decisions.

Who will monitor the Iraq Kurdistan Region parliamentary elections?

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

Election observers are representatives of domestic and international organizations with missions registered and accredited by the Independent High Electoral Commission (IHEC) to observe voter registration, voting and counting processes. The role of election observers is to watch electoral processes and report on whether or not they were conducted in accordance with the law and adhered to international standards.

Only election observers accredited in accordance with the rules and procedures set forth by the IHEC will be allowed to access and observe electoral processes. The IHEC registers only organizations or

networks of organizations, not individual observers. Domestic and international organizations will nominate individuals to enable the organization to perform their role effectively. Observers cannot file an official complaint, but may submit concerns via public reports for the organization they represent.

Political entity and candidate agents may be present at the polling station during polling and counting. Political entity agents have the right to object to decisions of the polling station manager. However, the polling station manager is not obliged to act on each objection. Political entity agents have the right to submit a complaint to the IHEC by completing Complaint Form 110, which is available from the polling center coordinator.

Accredited media are free to cover polling, counting and sorting processes inside polling centers and polling stations. However, media representatives are prohibited from disrupting processes, which means no interviews are allowed inside polling stations and filming is prohibited.

Media representatives are not allowed to carry electronic equipment, including cameras and recording devices, except in polling centers identified by the IHEC.

What are electoral offenses?

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

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

Iraq has a unified model of electoral complaint adjudication, with complaints first being presented to the Independent High Electoral Commission (IHEC). The Board of Commissioners (BoC) has exclusive jurisdiction to resolve disputes arising from preparation for and execution of national, regional and governorate elections, and may delegate jurisdiction to resolve disputes in the first instance to the electoral administration.

The IHEC adopted procedures on electoral complaints. These procedures ensure all complaints are reviewed as quickly as possible, the most important complaints are considered first and complainants are notified of all decisions. All BoC decisions are published in three daily newspapers – in Arabic and Kurdish – for a minimum of three days. Any appeals should be submitted within three days, starting from the second day of the last publication of the final decision.

Complaints may be submitted at any stage of the process to the IHEC, which will investigate and issue a decision in response. Complaints may be submitted to the IHEC national office, Kurdistan Regional electoral office, governorate electoral offices or the judicial panel directly.

On polling and counting complaints, voters and political entity agents are allowed to submit complaints to the polling station manager using Complaint Form 110. Complaint Form 110 will be available on Election Day at polling centers, in governorate electoral offices, governorate counting centers, the Kurdistan Regional electoral office and the IHEC national office. After Election Day, Complaint Form 110 will be available at the same places, except for polling centers and governorate electoral office counting centers. A complaint must be submitted within 48 hours of the start of polling.

The Court of Cassation of the Iraqi Kurdistan Region nominates three judges for the Electoral Judicial Panel with the sole jurisdiction to adjudicate appeals of BoC final decisions. All decisions of the Electoral Judicial Panel are final. After the Electoral Judicial Panel has decided all appeals, the BoC will certify election results.

Resources

- The amended Law No. 1 of 1992 Law of Iraqi Kurdistan Region Parliamentary Elections (English)
- The 2005 Constitution of Iraq ([English](#))
- The IHEC Law No. 11 of 2007 ([English](#))

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

- The IHEC Regulation No. 1 of 2013 Exhibition and Challenge, and Voter List Update for the Iraqi Kurdistan Region Parliamentary Elections
- The IHEC Regulation No. 2 of 2013 Accreditation of Political Entities and Coalitions for the Iraqi Kurdistan Region Parliamentary Elections
- The IHEC Regulation No. 3 of 2013 Political Entity Agents for the Iraqi Kurdistan Region Parliamentary Elections
- The IHEC Regulation No. 4 of 2013 Observers of the Iraqi Kurdistan Region Parliamentary Elections
- The IHEC Regulation No. 5 of 2013 Media Regulations for the Iraqi Kurdistan Region Parliamentary Elections
- The IHEC Regulation No. 6 of 2013 Electoral Campaigns for the Iraqi Kurdistan Region Parliamentary Election
- The IHEC Regulation No. 7 of 2013 Ratification of the Lists of Candidates for the Iraqi Kurdistan Region Parliamentary Elections
- The IHEC Regulation No. 8 of 2013 Complaints and Appeals for the Iraqi Kurdistan Region Parliamentary Election
- The IHEC Regulation No. 10 of 2013 Voting, Counting and Sorting Procedures for the Iraqi Kurdistan Region Parliamentary Elections