



NDI - Iraq Political Party Newsletter

S U P P L E M E N T A L S E P T E M B E R 2 0 0 5

New Electoral Law Passed

On Wednesday, September 14th the Iraqi National Assembly passed a law governing the elections. Under the new system the National Assembly will have 275 seats. 230 of these seats will be divided among the governorates based on the population of the governorate (defined as the number of individuals who were registered for the January 2005 election using the ration card system). The remaining 45 will be divided among parties who did not receive enough votes in any one Governorate to receive a seat but meet a threshold of votes at the national level when adding up votes from all governorates. Any remaining seats after that allocation will be distributed to the entities that are represented in the electoral districts "based on the ratio of the number of its votes to the total votes."

Political Entities Must Register by September 30th

The IECI has published the rules for political party and coalition registration. The actual regulations are at the bottom of this newsletter but note that while political entities who qualified for registration in January do not have to re-register, however they do need to submit the money deposit and sign the Code of Conduct. The deadline for both actions, registration or re-certification is September 30th.

Coalition Registration

ALL coalitions have to re-register for the December elections. ***In addition, the coalitions must have their candidate lists prepared and submit them when they register on or before September 30th.***

Candidate Listing Process

Note that although the IECI has not yet established a deadline for submitting candidate lists; the process for certifying those lists could begin as early as the end of September. Parties that intend to submit a list should begin the process now of identifying their list structure. Keep in mind that the quota for women remains in effect. Under Article 11, ***"At least one woman must be among the first three nominees on the list and at least two women must be among the first six nominees on the list and so on until the end of the list."***

Constitution Finalized and Set for Printing

The United Nations will be printing 5,000,000 copies of the constitution for public distribution and review. Political parties are one important mechanism for getting copies of the constitution to the general public. We encourage you to include the text of the constitution as you encourage your members to vote on October 15th. If you would like to distribute the constitution among your members please send an e-mail including your party name and how many copies you would like to iraq.politicalparty@ndi.org. Please no more than 5,000 copies per party.

NDI to Produce Q and A on the Constitution

Now that the constitution has been finalized and is ready for distribution among the general public, NDI has produced two booklets answering basic questions about the content of the constitution and its implications on various groups. You may also request these booklets for distribution to your party members.

Answers to Party Questions on Electoral Law

Below find some basic questions that different parties have asked NDI about the new electoral law and IECI regulations. Note that some issues have yet to be resolved, as we get more information, we will pass it on to you.

Do political entities who registered in January have to register again?

Under Regulation 6-2005, section 3.7 entities certified in January that were certified in any of the previous elections need only provide their old number, pay the deposit and certify they not associated with armed forces as in 3.9.

Where do parties/entities who must register go?

IECI at Governorate or National Electoral Office

What is the deadline for registration?

Period is 4-30 September

Where can registration forms be submitted?

IECI Governorate or National Electoral Office

Will parties be allowed to have workers inside polling places?

Not unless registered as Agents. See regulation 3-2005 on website.

Will parties be allowed to do campaign activity on Election Day?

No.

If someone moves after registering to vote and after the registration deadline is passed can they vote at the polling station nearest to them or must they go to the old polling location that they are registered at?

They can ONLY vote at the center where they are registered.

Can individuals on the list submitted for a governorate also be on the national list submitted for compensatory seats?

Yes.

Can votes be postponed for specific provinces under Article 4, or will all voting be suspended if that is called into effect? Who has the authority to decide to suspend voting?

Either could happen. The Commission will decide.

Who issues the elections decree (Article 4) and under what circumstance may an election be called?

The decree in Article 5 will be a Presidential Decree.

IECI REGULATION 6 – 2005 – CERTIFICATION OF POLITICAL ENTITIES

Preamble

The Independent Electoral Commission of Iraq (IECI) is the exclusive electoral authority in Iraq under the law. It is an independent and autonomous, non-partisan, neutral and professional government office, with the authority to promulgate, implement, and enforce regulations, rules and procedures with the full force of law in connection with elections during the Transitional Period.

Section 1

Terminology

1.1. "Commission" and "IECI" mean the Independent Electoral Commission of Iraq, established by CPA Order number 92.

1.2. "Eligible voter" means a person who satisfies the legal requirements to vote in a referendum or election.

1.3. "National Electoral Office" means the main office of the Electoral Administration of the IECI in Baghdad. "Governorate Electoral Office" means the main office of the Electoral Administration of the IECI in a governorate. "Regional Electoral Office" means the main office of the Electoral Administration of the IECI in the Kurdistan Region.

1.4. "Coalition" means a grouping of two or more political entities with the purpose of nominating a joint list of candidates for a given election.

1.5. "Leader of a political entity" means in the case of a group or organization forming a political entity, the person defined as the head of the group by the statutes of the political entity, or, in the case of an individual forming a political entity, the individual her/himself.

1.6. "Personal portrait" means any portrait of any type or medium, portraying a human being

1.7. "TAL" means Transitional Administrative Law.

Section 2

Political Entities

2.1. Political entity includes political parties and other political entities.

2.1.1 "political entity" means an organization, including a political party, of eligible voters who voluntarily associate on the basis of common ideas, interests or views, for the purpose of articulating interests, obtaining influence and having their representatives elected to public office, that is officially certified as a political entity by the IECI.

2.1.2 "political entity" also means an individual who intends to stand for election to public office, who is officially certified as a political entity by the IECI.

2.2. No organization may offer candidates for election unless certified as a political entity by the IECI.

2.3. Political entities, to compete freely and openly in an election, are free to form coalitions to aggregate interests, and to build a campaign for candidates around coalitions of such interests.

Section 3

Certification of Political Entities

3.1. The IECI will designate a period of time during which it will receive applications to certify a political entity. No applications for certification will be accepted either before or after this period.

3.2. For the purpose of contesting the elections, any group or individual may apply to the IECI to be certified as a political entity. When making the application, they must pay a deposit to the IECI. An individual seeking certification as a political entity will pay

2.5 3 million Iraqi Dinars as a deposit, and a group seeking certification as a political entity will pay 7.5 million Iraqi Dinars as a deposit.

3.3. If the entity or coalition incurs any financial penalties as a result of its violations of any electoral laws, regulations, codes of conduct, etc., the amount of the penalty will be deducted from the deposit.

3.4. If no financial penalties have been incurred, the deposit will be returned in full after the election so long as the entity, or a coalition of which it is a member, has received a minimum of 50% of the votes required to win a seat in any one of the elections in which it is fielding

candidates. If the entity or coalition receives fewer votes than this, the deposit will be forfeited to the national treasury.

3.5. The application must be in writing, in the form to be prescribed by the IECI. It may be submitted to the IECI at the National Elections Office in Baghdad, or it may be submitted at a Governorate Elections Office or the Kurdistan Regional Elections Office.

3.6. The information required will include:

3.6.1. the full name and the symbol of the political entity;

3.6.2. the name, address, other contact information, and signature of the individual, or of the leader of the group, applying for certification;

3.6.3. the name, address, and other contact information of the persons designated by the political entity as that entity's liaison officers with the IECI; at national, regional or governorate level;

3.6.4. the names, dates and places of birth, addresses, signatures, personal stamps or thumbprints, of no fewer than five hundred (500) persons who are eligible to vote and have not signed in support of another political entity, together with the numbers and dates of their nationality certificates; and

3.6.5. in the case of a group applying for certification, the statutes governing the organization and operation of the political entity, including the method or process for selecting leaders and candidates

3.7. Despite section 3.6, an organization applying to be certified as a political entity that won a seat in the National Assembly, the Kurdistan National Assembly or a governorate council in the last elections need only

3.7.1 provide its previous certification number,

3.7.2 make the payment under section 3.2 and

3.7.3 sign a certification under section 3.7.

3.8. A political entity certified by IECI for the January 30 election that wishes to keep the same name, symbol and leader must apply under section 3.7, but if it wishes to change its name, symbol or leader, it must apply under section 3.6.

3.9. The individual or leader of the group applying for certification must also sign a written declaration, in a form to be prescribed by the IECI, stating that

3.9.1. the individual or group does not have and is not associated with an armed force, militia or residual element;

3.9.2. the individual or group is not directly or indirectly financed by any armed force, or a residual element of such a force;

3.9.3. the individual or group will abide by all laws and regulations in Iraq, including public meeting ordinances, prohibitions on incitement to violence, hate speech, intimidation and support for the practice of and the use of terrorism; and

3.9.4. the individual or group will abide by the IECI Code of Conduct for political entities and by all IECI regulations, procedures, decisions, etc.

3.10. An individual or group will be certified as a political entity if IECI is satisfied that

3.10.1 there is no significant deficiency or inaccuracy in the application;

3.10.2. the political entity does not, in the opinion of IECI, have a name or symbol which is the same as or similar to that of any established organization, movement or political party, or of any political entity which has previously submitted an application for certification or which has already been certified; and

3.10.3 the name and symbol of the entity does not incite hatred or violence or contravene a regulation and does not contain a personal portrait or religious or military elements.

3.11. If IECI is not satisfied that the criteria for certification have been met, it will explain its decision to the individual or group in writing; the individual or group may submit an amended application, so long as this application is received by IECI within the time period set for certification of political entities.

3.12. IECI shall notify the individual or group of the success or failure of the application for certification. Such official notification will be by publication on a notice-board at the Electoral Office where the application was submitted, and on a notice-board at the National Electoral Office in Baghdad.

3.13. A political entity may, if it wishes, complain to the Board of IECI about a decision made by IECI under this regulation and may appeal to the Transitional Electoral Panel against the final decision of the Board.

- 3.14. IECI will maintain a record of certified political entities.
- 3.15. Applications for certification may not be amended by the political entity after submission to IECI, unless such amendments have been requested by IECI in order to make the application compliant with this regulation.
- 3.16. In order to contest an election, a political entity must also submit a list of candidates as provided in the regulations, which may be submitted to the National Electoral Office or the regional or governorate office to be forwarded to the National Office.
- 3.17. A political entity will be registered to contest an election only if, in addition to the above requirements for certification, the IECI is satisfied that the candidate list submitted by the entity satisfies all the requirements of IECI Regulation 04-2004.
- 3.18. A political entity may not withdraw from contesting after the end of the period of time set for registration of candidate lists.
- 3.19. A political entity will only appear on the ballot paper for the election in constituencies for which it has been certified to contest.

Section 4

Coalitions of political entities

- 4.1. Any two or more certified political entities may form a coalition for the purpose of fielding a joint list of candidates, if it is certified by IECI.
- 4.2. A political entity may enter into different coalitions for different constituencies and may field its own candidates for other constituencies.
- 4.3. In a constituency election, no entity may field candidates both on its own behalf and as part of a coalition and no entity may be a part of more than one coalition.
- 4.4. All applications for certification as a coalition will be assessed at the National Elections Office of the IECI, although they may be submitted at a governorate or regional elections office. The IECI will designate a period of time during which it will receive applications for certification as a coalition. No applications for certification will be accepted either before or after this period.
- 4.5. When applying to form a coalition, the political entities must submit to the IECI in writing, in a form to be prescribed by IECI, the name and symbol of the coalition, the name, address, and other contact information of the persons designated by the coalition as that coalition's liaison officers with the IECI at national or governorate level, and a declaration as in section 3.9. The application must be signed by the leaders of all the political entities in the coalition
- 4.6. The coalition must submit with, and at the same time as its certification application, the lists of candidates to be fielded by the coalition for each governorate-based constituency that it is planning to contest.
- 4.6. A coalition will be certified by IECI if IECI is satisfied that
- 4.6.1. there is no significant deficiency or inaccuracy in the application;
 - 4.6.2. the coalition does not, in the opinion of IECI, have a name or symbol which is the same as or similar to that of any established organization, movement or political party, or of any political entity or coalition which has previously submitted an application for certification or which has already been certified; and
 - 4.6.3. the political entity symbol does not contain personal portraits or religious or military elements and is not, in the opinion of the IECI, such as to incite hatred or violence or to cause public offence.
- 4.7. No political entity may withdraw from a coalition after the period set to present lists of candidates. If a political entity withdraws from a coalition after the end of the period for submission of political entity or coalition candidate lists, then neither the political entity nor the coalition will be able to contest the election(s) for which the coalition was certified.
- 4.8. If a political entity withdraws from a coalition before that date, then the remaining entities in the coalition may submit a new candidate list, and each political entity may submit a new candidate list. If the coalition was formed of only two entities, then each entity may submit a new candidate list.
- 4.9. A coalition will be registered by the IECI to contest a given election if the list of candidates nominated by the coalition for that election satisfies the requirements stated in the regulations, as cited above.
- 4.10. At the end of the period set by IECI a time will be set for a draw to give each certified political entity a number to identify it on the ballot paper.

4.11. A coalition certified by IECI for the January 2005 election that wishes to be certified or present a list of candidates must apply to be re-certified as a coalition and present a list of candidates.

4.12. The name of a certified coalition will appear only on the ballot paper of the election for which it has been certified.

Section 5

Decisions of the IECI

5.1. The IECI may define mechanisms for enforcing its regulations against any political entity or coalition; such mechanisms may include financial penalties and/or decertification of the entity or coalition.

Section 6

Entry into Force

6.1. This regulation comes into force from the date it was passed by the Board, 27/8/2005.