

Elections Law

Chapter One Application of the Law

Article 1

This law applies to the following:

1. Election of a House of Representatives.
2. Election of the National Assembly in the case where item (E) of Article 61 of TAL is implemented.
3. Elections of the national parliaments of the regions, governorate councils and local councils, unless otherwise provided by law.

Chapter Two The Right to Vote

Article 2

Elections shall be held by public process, direct voting and secret ballot.

Article 3

The voter must be:

1. An Iraqi citizen.
2. Legally competent.
3. 18 years old, in the month in which elections are held.
4. Registered to vote in accordance with the procedures established by the Independent Electoral Commission of Iraq.

Article 4

- 1- Voting shall be conducted in one day.
- 2- Voting may be postponed in one or more districts if the security situation requires it.

Article 5

The date of the elections will be determined by a presidential decree and it shall be announced through all of the media 60 days before the date of holding the elections.

Chapter Three

The Right to be a Candidate

Article 6

A candidate must be a voter, in addition to the following:

- 1- Must be no less than thirty years old of age.
- 2- Must not be covered by the Deba'thification law.
- 3- He must not have enriched himself illegally at the expense of the state or public funds.
- 4- He must not have been convicted of a crime that violates honor and must be known for his good conduct.
- 5- He must have at least a high school certificate or its equivalent.
- 6- He must not be a member of the armed forces upon nomination.

Article 7

Nominees shall be subjected to the approval of the Independent Electoral Commission of Iraq.

Article 8

A qualified nominee can be a candidate in any district he wants.

Article 9

Candidacy shall be through the closed list method, but a candidate may contest as an individual.

Article 10

The number of nominees in a list must not be less than three and not more than the number of seats allotted to the election district.

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.

Article 12

Seats allotted to an entity or coalition shall be awarded to candidates in accordance with the order of the names on the list.

Article 13

Seats shall be awarded to candidates and not political entities. No political entity may withdraw from a candidate the seat awarded to him.

Article 14

First: If a member of the House loses his seat for any reason he shall be replaced by the next candidate on the list according to the order on the list.

Second: If the vacant seat belonged to a woman, it is not necessary that the woman be replaced by a woman unless not doing so would affect the percentage of women's representation.

Third: If the vacant seat belongs to a political entity composed of one person or an entity that has no more candidates, the seat shall be allotted to another candidate from another political entity that obtained the minimum number of votes specified for obtaining a seat, otherwise, the seat shall remain vacant.

Chapter Four

Electoral districts

Article 15

First: The House of Representatives shall be composed of 275 members, 230 seats shall be distributed to the electoral districts and 45 of them shall be distributed as compensatory seats.

Second: Each governorate is one electoral district in accordance with official borders and shall be allotted a number of seats proportional to the number of registered voters in the governorate in accordance with the elections of January 30, 2005 "based on the public distribution list"

Article 16

Seats allotted to electoral districts shall be allocated to entities through the system of proportional representation and in accordance with the following procedures:

- 1- The total number of valid votes in the district shall be divided by the number of seats allotted to the district to obtain “the election quota.”
- 2- The total number of votes obtained by each entity shall be divided by "the election quota" to determine the number of the seats to be allocated to each entity.
- 3- The remaining seats shall be allocated by the method of the largest remainders.

Article 17

The compensatory seats shall be distributed as follows:

- 1- The total number of valid votes in Iraq shall be divided by the number of the seats in the House of Representatives, to obtain the “national average”.
- 2- The total number of votes obtained by each entity shall be divided by the "national average" to determine the number of seats allotted to it.
- 3- Compensatory seats shall first be allocated to entities which did not obtain representation in the election districts, but that obtained at least the national average of votes.
- 4- The remaining seats shall be distributed to the entities that have been allocated seats in the electoral districts based on ratio of the number of its votes to the total votes.

Article 18

Political entities shall present lists of its nominees for occupying the compensatory seats.

Article 19

Iraqis outside of Iraq shall vote in polling centres designated by the Independent Electoral Commission of Iraq and the votes will be counted on the National level.

Chapter Five
Media campaign

Article 20

The election campaign shall be free in accordance with provisions of this law, and candidates may commence their campaigns from the date of nomination and continue to the day immediately preceding the date designated for holding the election.

Article 21

Organizing electoral meetings in any building occupied by ministries and various government offices shall be prohibited.

Article 22

The use of any official government emblem in meetings, advertisements or electoral leaflets and in all types of written and drawn materials that are used in the electoral media campaign shall be prohibited.

Article 23

Local authorities and government employees may not conduct the media campaign for the interest of any candidate.

Article 24

Defaming any candidate or inciting sectarianism, religious bigotry, tribalism or regionalism among the citizens during the political campaign is prohibited.

Article 25

Presenting gifts, donations or any other assistance or promises thereof by any candidate for the purpose of influencing the voters shall be prohibited.

Article 26

Publishing or posting or placing of any advertisement or leaflet or poster including pictures, photographs or writing is prohibited, except at locations for such purposes designated by the local council and municipalities.

Chapter Six
Election Offences

Article 27

Any of the following acts committed by any person constitutes an electoral offence:

- a- Voting more than once.
- b- Impersonating, or using the name of another person for the purpose of voting.
- c- Nominating oneself in more than one district or on more than one list.
- d- Carrying a firearm, or any other instrument that threatens security in any polling centre on the day of the election.
- e- Entering an election or tally centre by force to influence the election process or to inflict harm on any of the election officials.
- f- Impeding the freedom of election or hampering the election process.
- g- Tampering with any of the voting boxes, counting sheets or ballots or stealing any of these boxes, sheets or ballots or destroying them or conducting any act with the intention of affecting the integrity of and secrecy of the election.
- h- Committing any prohibited act stipulated in Chapter Five of this law.

Chapter Seven
Final Provisions

Article 28

Order No. 96 of year 2004 “the elections law” is repealed.

Article 29

The Independent Electoral Commission of Iraq has the right to issue regulations and instructions necessary for the implementation of this law.

Article 30

This law shall enter in force as of the date of its issuance and shall be published in the official gazette.

Reasons for the Law

The existing Election Law number (96) of the year 2004 was enacted by the Transitional Coalition Authority in a historical period with its special circumstances. The goal of the law was to establish a National Assembly whose principal task was to prepare a draft constitution. The Law was based on a system which considered Iraq as one electoral district. This system was suitable in its time.

This law is enacted to provide an election system which is more representative for the voters, the system of multiple districts, without neglecting the advantage of the system of one election district.