

**In the Name of the People  
The Presidency Council**

**Decree No. 20**

Based on what has been approved by the Council of Representatives, and pursuant to the provisions of Article 61/First and Articles 49/First, and 138/Fifth/B of the Constitution, the following law has been enacted

The Presidency Council decreed in its session held on 9 December 2009 the issuance of the following Law:

**Law No. 26 (2009)**

**The Amendment Law of the Elections Law No. 16 (2005)**

**Article (1):** Article 15 of the Law shall be repealed and replaced by the following:

**First:** The Council of Representatives shall consist of a number of seats at a ratio of one [seat] for each 100,000 individuals based on the 2005 Ministry of Trade statistics for the governorates, provided that an annual population growth percentage of 2.8 for each governorate is added.

**Second:** Iraqis, regardless of their location, shall vote for the lists of their governorates or candidates, provided that voters outside Iraq are included in the special voting conditions.

**Third:** The following components shall be given a quota (which will be calculated from the seats allotted to their governorates); this should not affect their percentages if they participate in the national lists:

- a. The Christian component: 5 seats to be distributed to the Governorates of Baghdad, Ninawa, Kirkuk and Dahuk.
- b. The Yizidi Component: One seat in Ninawa Governorate.
- c. The Sabean Mandeian Component: One seat in Baghdad Governorate.
- d. The Shabak Component: One seat in Ninawa Governorate.

**Fourth:** 5% of the Seats shall be allocated as compensatory seats which shall be distributed on lists based on the percentage of seats they acquired.

**Fifth:** Christian quota seats shall be within one electoral district.

**Article (2):**

Each governorate, with its official administrative boundaries, shall be one electoral district which shall be allotted a number of seats proportional to the number of the governorate population as per the latest statistics used for the PDS cards.

**Article (3):**

Articles 9, 10, 11 and 16 shall be cancelled and replaced with the following:

**First:** Nomination shall be based on the open-list system provided that the number of candidates is no less than three and no more than double the number of the allocated seats for the electoral district. The voter may vote for the list or one of its candidates. Individual candidacy shall be permitted.

**Second:** valid votes for a list in one electoral district shall be divided on the electoral divider to determine the number of seats allotted for that list.

**Third:** seats shall be divided by re-arranging the candidates order based on the number of votes acquired by each candidate. The first winner shall be the candidate who gets the highest number of votes. The same applies to other candidates provided that the proportion of women is no less than quarter of the winners. In case of equal votes to candidates in the same list, drawing of lots shall be applied.

**Fourth:** Vacant seats shall be given to the winning lists which acquired a number of seats based on the proportion of the votes they acquired.

**Article (4):**

**Special voting** includes:

**First:** military or personnel of the Ministry of Defense, Ministry of Interior and other security institutions. Vote shall be conducted through special procedures established by the IHEC based on official lists which include the names and locations. The abovementioned ministries and institutions shall submit such lists within a period no less than 60 days prior to the Election Day. Accordingly, these names shall be deleted from the voter registry. If the aforementioned lists were not sent, the personnel of the abovementioned ministries and bodies shall vote as part of the general voting according to the voter registry.

**Second:** inmates, detainees and prisoners. Voting process shall be based on measures established by the IHEC based on lists provided by the Ministries of Justice and Interior within a period no less than 30 days prior to the Election Day.

**Third:** Patients in hospitals and other health institutions. These parties shall submit lists before they can vote in line with procedures established by the IHEC.

**Fourth:** Voting for Displaced Persons

- a. A displaced voter: is an Iraqi who has been forcibly displaced from his/her permanent place of residence to another place inside Iraq after 9 April 2003 for whatever reason.
- b. Voting by displaced persons shall be conducted in accordance with the latest census provided to the IHEC by the Ministry of Displacement and Migration and the Ministry of

Trade whereby a displaced person shall have the right to vote for the electoral district from which he/she was displaced provided that he/she has not transferred his/her PDS card to the governorate to which he/she was displaced.

**Fifth:** IHEC shall have the power to formulate instructions for the out of country voting.

**Article (5):**

**First:** The provisions of Chapters 6 and 7 articles of Law No. 36 of 2008 shall apply to the elections of the Council of Representatives.

**Second:** The candidate may request the IHEC Governorate office to provide him with the number of votes he received.

**Third:** A member of the Council of Representatives shall be entitled to access information related to the electoral process and vote counting forms in the various electoral districts.

**Article (6):**

**First:** elections in Kirkuk and other governorates which registries are disputed shall be held on its specified date as an exception.

**Second:** Governorates which records are disputed are those which population growth rate has grown at an annual rate that is higher than 5% provided that requests [to contest such records] are filed by a minimum of fifty MPs and approved by the simple majority of the Council of Representatives.

**Third:** The Council of Representatives shall form a committee composed of its members for Kirkuk and each of the governorates with questioned registries in accordance with Article 7/Second. The committee shall be composed of representatives of the components of the governorate in question and of the Ministries of Planning, Interior and Trade as well as the IHEC and with the assistance of the United Nations in reviewing and scrutinizing errors and additions in voter registries in accordance with official data and criteria stipulated in the final provisions and Article (2) of this Law, to rectify the voter registry. The committee should complete its work within one year of the assumption of its duties.

**Fourth:** The election results in Kirkuk Governorate, or any other governorate with disputed registries, that precede the completion of the scrutiny process shall not be adopted as a basis for any future or former electoral process and shall not be used as a precedent for any political or administrative situation.

**Final Provisions**

**Article (7):** the following criteria shall be adopted for the implementation of the provisions of Article (6).

**First:** the difference in the number of people registered in the 2004 registry, before the update, and the number of those registered in the 2010 elections shall be determined.

**Second:** The scrutiny process for the abovementioned difference and the increases in the years 2004, 2005, 2006, 2007, 2008 and 2009 shall be conducted with the focus on:

1. Population additions (births, deaths and record transfers from the governorate) for the period between 2004- 2009.
2. Returned deportees according to official records.
3. Any other demographic changes taking place during this period.

**Third:** a scrutiny process shall be conducted to determine the validity and legality of records as well as any illegal cases. The difference and the number of seats it represents shall be calculated.

**Fourth:** the number of the Council of Representatives members representing Kirkuk or the questioned governorate shall be determined through population ratios which will be adopted by the Council after subtracting seats resulting from violations.

**Fifth:** Valid numbers shall be considered for the governorate. Numbers outside the governorate shall be considered part of the national share.

#### **Article (8):**

**First:** any article contradicting the provisions of this Law shall be annulled.

**Second:** the Law comes into force as of the date of ratification and shall be published in the Official Gazette.

Tariq Al-Hashimi - Vice President    Adel Abdulmahdi - Vice President    Jalal Talabani -  
President of the Republic

#### **Justifying Grounds**

For the purpose of holding free, democratic and fair elections in Iraq and in order to raise these elections to the required level in accordance with the adopted international criteria and the demands of the people, this Law has been enacted.