

UNAMI UNOFFICIAL TRANSLATION

Kurdistan National Assembly Elections Law – Iraq (KNA)¹

No. 1 for the year 1992

CONSOLIDATED AMENDMENTS

Article One:²

The Iraqi Kurdistan National Assembly (KNA) constitutes of (111) members.

Article Two:

Elections take place through direct secret voting.

Article Three:

The member of the assembly represents the people of Iraqi Kurdistan.

Article Four:³

1. It is prohibited to combine between the membership of the assembly and a general occupation, and that the employee is considered resigned from the day he gives oath in front of the assembly and he should inform the Assembly secretary about his employment status.
2. It is prohibited to combine between the membership of this assembly and the other elected assemblies relating to government bodies: The member should choose between one of these councils during eight days starting from the date the election results are announced. If he does not do that, it will be considered that he chose membership in the Kurdistan National Assembly and the council will be notified.

Article Five:⁴

All assembly members should be solely devoted to the Assembly and partisan assignments and activities, unions, public organizations as professional posts do not contradict with the purposes of this law.

¹ The name (KNA- Iraq) is replaced with (Kurdistan Parliament-Iraq KIP) stated in the amended Law no. 1 for 1992 and laws in force in the region according to article 1 of law (2) for 2009, Fourth Amendment of Kurdistan National Council Elections Law valid from 25/03/2009 which states the following:

Article One:

First: The name (KNA- Iraq) is replaced with (Kurdistan Parliament-Iraq KIP) stated in the amended Law no. 1 for 1992 and laws in force in the region.

Second: All terminologies and expressions stated in this law and ones in force in the region are amended to correspond with the amendment in paragraph (first) above.

² Amended in article 1 of law no. (47) for 2004, third amendment for law no. (1) for 1992, and was effective as of 21/11/2004 and published in the official newspaper of Kurdistan in article 53 on 19/12/2004.

³ Amended in article 1 of law no. (5) for 1998, second amendment of law no. (1) for 1992.

⁴ Amended in article 4 of law no. (5) for 1998, second amendment for law no. (1) of 1992.

Chapter two

Electing the assembly

Section one - Electoral Commissions

Article Six:⁵

1. An independent higher commission to be enacted to supervise the elections in Kurdistan, and to administer the electoral operations. It will be responsible for preparing Voter Lists (VLs), updating PCs and issuing instructions necessary to facilitate the electoral process, and to assign heads and members of electoral committees.

2.:⁶

First: IHEC will replace KREC in KRPE wherever it occurs in this law, to supervise the third parliamentary elections and administer them according to paragraph 4 of article 2 of IHEC law 11/2007.

Second: IHEC will enforce its regulations on KRPE if they do not conflict with the provisions of this law.

Third: IHEC will review objections and disputes arising during the preparations and conduct of the elections.

Fourth: Judicial committee will be formed in the Kurdistan Court of Cassation composed of three judges to adjudicate on challenges referred to it by KREO or individuals or PE who have been damaged by IHEC decisions. Their decisions are final.

Article Seven:⁷

The Independent high commission supervising elections within the KNA determines the methods for supervising the elections through administrative units and forming of electoral committees.

Article Eight:

The committee of the PC is made up of a chairman judge or attorney general or a juror and a representative of each electoral roster.

Article Nine:⁸

Kurdistan region of Iraq is considered as one election area divided into electoral centers.

⁵ Amended in article 2 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

⁶ The current text of article 6 repeated was added according to article 7 in the fourth amendment of law no. (2) for 2009 on 25/03/2009.

⁷ Amended in article 3 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

⁸ Amended in article 4 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

Article Ten:⁹

The citizens of Kurdistan, who reside outside their Region, have the right to participate in KRPE.

Article Eleven:

Supplementary elections for assembly membership are conducted according to the regulations stated in this law in Iraqi Kurdistan areas where it is difficult to conduct elections at the moment.

Article Twelve:¹⁰

The election date will be determined by a resolution of the President of the Region within 15 days from the date of expiration of the term of the Assembly or from a decision from the Assembly dissolving itself. It will be published in the media for the public at least one month before the Election date.

Article Thirteen:

Voting takes place on one day in all parts of Iraqi Kurdistan.

Article Fourteen: Cancelled¹¹

Article Fifteen:¹²

1. Voter Register¹³ should be prepared to Kurdistan region that contain the names of voters according to Polling Stations, and arranged alphabetically. Their occupations, addresses, date and place of birth should be mentioned, and if that is not possible then the High Electoral Body must find another way to accomplish this goal.

2 "Voter Register (VR)" replaces the phrase "Electoral Lists" wherever it occurs.

Article Sixteen:¹⁴

The High Electoral Body is responsible for distributing voter lists to Polling Stations in the region to be announced to the public, on special boards prepared for that purpose, at least fifteen days before the determined voting day, after stamping it with the seal of the High Electoral Body and fixing the announcement date taking into consideration what is stated in article (15) of this law.

Article Seventeen:

⁹ Deleted in article 5 of law no. (47) for 2004, third amendment of law no. (1) for 1992. Above text inserted through article 10 of law no (2) of 2009, fourth amendment of law no (1) of 1992.

¹⁰ Amended in article 6 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

¹¹ Amended in article 2 of law no. (2) for 2009, fourth amendment of law no. (1) for 1992.

¹² Amended in article 7 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

¹³ Article 15 repeated was added according to article 9 of law no. (2) for 2009 on 25/03/2009, fourth amendment of law no. (1) for 1992. "Voter Register (VR)" replaces the phrase "Electoral Lists" wherever it occurs.

¹⁴ Amended in article 8 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

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The Civil Status Department will provide each person who is eighteen years old or over with a voter's card according to a process put by the higher commission that regulates its form and characteristics through a document and the voter must provide proof of identification when voting.

Article Eighteen:¹⁵

1. Anyone who is eligible to vote but was not listed in the VR can request adding his name, and any voter can request adding any person's name that was not listed in VR or was deleted without the right to do so, within 10 days of announcing VR.
2. The request will be submitted to the High Electoral body along with the opinion of the competent electoral centre and the High Electoral Body will adjudicate the matter in a period not exceeding three days from the date of submission.

Article Nineteen:

Any Kurdish citizen, male or female, can be a voter or a candidate if they meet the conditions mentioned in this law.

Article Twenty:

The voter must be a citizen of Iraqi Kurdistan and has completed eighteen years of age.

Article Twenty One:¹⁶

Candidates for assembly membership must be:

1. A citizen and living in Iraqi Kurdistan.
2. Fully eligible and has reached twenty five years of age.
3. Must be able to fluently read and write.
4. Must not be convicted of any crime concerning general behavior and integrity.
5. Must not be convicted or imprisoned because of murder or theft.
6. Must not have participated in the crimes that were planned and executed by the suppressive authorities in Kurdistan.

Section six Nomination

Article Twenty Two:¹⁷

¹⁵ Second paragraph of this article was amended in article 9 of law no. (47) for 2004, third amendment for law no. (1) for 1992.

¹⁶ Second paragraph of this article was amended in article 3 of 4th amended law no. (2) for 2009, on 25/03/2009. Original text read: Fully eligible and has reached thirty years of age.

¹⁷ First paragraph of this article was amended in article 10 of law no. (47) for 2004, third amendment of law (1) for 1992. The first paragraph became as is according to article 4 of 4th amendment law no. (2) for 2009 on 25/03/2009.

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1. Each political entity in Kurdistan- Iraq has to submit a separate list of their candidates in Kurdistan Iraq; women should not be less than 30%. Candidate names should be arranged in a way that guarantees the representation of the required percentage of women in parliament, and each list must have 3 candidates as a minimum.
2. Candidate Lists will be submitted within ten days of the announcement of the elections, to the chairman of the higher commission with the needed documents that are mentioned in article twenty one of this law.

Article Twenty Three:¹⁸

1. The higher commission must adjudicate on the request within twenty four hours of submitting the request, and it will inform the candidate and the list representative of its decision within two days.
2. The candidate can appeal the High Electoral Body's decision at the court of cassation of Kurdistan within two days of being informed of the decision.
3. Kurdistan court of cassation adjudicates its final decision concerning the appeal within two days.
4. The stakeholders are considered informed of the decisions mentioned above as from the announcement date on the special board of the appropriate authority.
5. The higher commission announces Candidate Lists through media, and will be displayed on a special board made for this purpose, which is placed in each Polling Centre within the electoral area at least twelve days before election day.

Section seven Electoral propaganda

Article Twenty Four:¹⁹

Electoral campaigning is free within the framework of the law, public order and ethics, and the High Electoral Body must provide equal opportunity between the competing lists.

Article Twenty Five:

Electoral propaganda starts the next day of the announcement of the rosters of nominee and ends forty eight hours before the start of the voting process.

Section eight Voting

Article Twenty Six:

¹⁸ Paragraphs (2 & 3) of this article were amended in article 11 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

¹⁹ Amended in article 12 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

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The chairman of the electoral center committee and its members with the exception of the judges and the attorney generals take an oath before performing their duties for the area's committee and that the oath should be as follows:

(I swear by the holly God to do my job with truthfulness sincerity and neutrality)

Article Twenty Seven:

The higher commission gives out instructions that specify the form and size of the bottle boxes and the way they are opened and closed.

Article Twenty Eight:²⁰

The High Electoral Body will print the ballots and prepare the ballot boxes.

Article Twenty Nine:

1. Choosing one of the rosters must be done by writing on the voting cards, and that the characteristics of the card and the way it is fitted is determined by a memorandum issued by the higher commission.
2. Voters that cannot read or write can get help from some one else to help them fill out a voting card.
3. Substitution is not allowed in voting.

Article Thirty:

The committee's chairman of the electoral center is responsible for maintaining order in his corner and than he has the right to take any suitable action to ensure the continuation of the voting procedures and that internal security forces and any armed personnel are not allowed to enter the voting centers but can enter upon a request from the chairman of the committee.

Article Thirty One:

The central committee gives a verdict for every complaint forwarded to it regarding the costing procedures which will be fixed in a special journal.

Article Thirty Two:

The voting process starts at eight in the morning and ends at eight in the evening and that the higher commission can set other times that do not exceed the specified voting hours.

Article Thirty Three:

When the specified voting time is up the center's chairman of the committee announces the end of the voting process and then he puts that down in the voting

²⁰ Amended in article 13 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

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journal then the boxes are opened and the ballots are openly counted with the presence of the representatives of the competing rosters.

Article Thirty Four:

The following voting cards are considered invalid:

1. The voting card that does not have the stamp of the center's committee.
2. The voting card that does not have a sign indicating to one of the competing rosters or that causes contradiction in choosing one of the rosters.

Article Thirty Five: ²¹

Polling Centre committees prepare signed statements of voting results, and attach all related electoral documents, and place them in a closed and sealed envelope stamped by their stamp to be sent to High Electoral Body.

Article Thirty Six: ²²

Paragraph 1.

1. The total amount of votes is divided on the number of seats to obtain the voting average.
2. The votes obtained by each roster is divided on the voting average to calculate the number of seals won by the intended roster while taking into consideration what is mentioned in the own points below.
3. If a party within the group who competes for a component seat be it Turkmen, Chaldean, Assyrian Armenian, Arab does not reach the electoral divider, the party from that component with the highest number of votes will get one seat.
4. The vacant seats are given to the rosters that have the biggest remainders successively.

Paragraph 2.

First: five seats will be allocated to Chaldean, Syrian, Assyrians to be contested by the candidates of that component.

Second: Five seats are to be allocated for Turkmen, contested by candidates of that component.

Third: One seat is allocated for Armenians, contested by the candidates of that component.

Fourth: Candidates of each component are elected by voters of their components.

Article Thirty Seven: ²³

²¹ Amended in article 14 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

²² Paragraph (3) in amended in article 16 of law no. (47) for 2004, third amendment of law no. (1) for 1992. Subsequently Article 36 repeated was added according to article 8 of law no. (2) for 2009 on 25/03/2009. There is no indication on the part of the legislature that the other provisions in the article paras 1, 2, and 4 are to be changed.

1. The higher commission will announce the percentage each roster got and the number of seats awarded.
2. Higher Electoral Body will announce the names of winners for the membership of KNA after allocating the seats gained by each winning list, according to the priority of candidate ranking in the list, and the vacant seats go to the names in the list according to their order in the list, and no seat shall be withdrawn from any name in the list for any reason.
3. The higher commission announces the names of the winners that will be members of the Iraqi Kurdistan rational assembly.

Article Thirty Eight:

The higher commission has the authority to the annulment of the votes in any voting center if there was proof of fraud or deception that can affect the outcome of the elections.

**Chapter three
Membership in the assembly**

**Section one
Immunity and incentives**

Article Thirty Nine:

The member is not asked about his personal point of view or any facts that he may state during his work in the council.

Article Forty:

1. It is not permitted to pursue or detain any of the members because of a crime during session periods without the approval of the assembly with the exception of being caught while performing a criminal act.
2. It is not permitted to pursue or detain any of the members because of a crime not during session without the approval of the chairman of the assembly with the exception of being caught while performing a criminal act.

Article Forty One:

The chairman of the assembly his deputy the secretary and members receive monthly incentives which are determined by the assembly.

Article Forty Two:

1. The member's service in the assembly is accounted for in allowances promotion and retirement.

²³ Paragraph (2) was amended in article 16 of law no. (47) for 2004, third amendment of law no. (1) for 1992.

2. If one of the assembly members deceases because of serving the assembly or because of working in it then a pension will be awarded for the family of the deceased which will be determined by the assembly.

Section two End of membership

Article Forty Three:

Membership in the assembly ends in one of the following circumstances:

1. The assembly has reached the end of its term or is dismantled.
2. The resignation of a member and is approved from the date it is accepted by the majority of the assembly.
3. The absence of one of he conditions to nominate for the assembly have the assembly gives a decision by the majority of three quarters of the attendees.
4. The absence of a member for three centimes sessions with no suitable justifications.
5. The decease of a member.

Article Forty Four: Cancelled²⁴

Chapter four Work procedures in the assembly

Article Forty Five:

The assembly is held in Erbil and it is possible to hold it any where else chosen by the assembly – if needed.

Article Forty Six:²⁵

KIP will hold its first session within ten days after the regional decree summons. In case there was no summons, KIP should convene automatically the next day after the period ends.

Article Forty Seven:

The assembly holds its first session which will be headed by the eldest members and then the members will take the following vow:

(I swear by the holy God to safeguard the unity of the people and land of Iraqi Kurdistan and its higher interest)

Article Forty Eight:

²⁴ As amended by article 1 of law no. (4) for 1994, first Amendment of Law no. (1) for 1992. Cancelled in article 17 of law no (47) of 2004 third Amendment of Law no (1) of 1992

²⁵ Article 46 was amended according to article 5 of fourth amendment on 25/03/2009.

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The assembly votes in its first session and through secret ballots a chairman a deputy and a secretary and they must have the majority votes of the assembly members.

Article Forty Nine:²⁶

First: During its first session, KIP will set a timetable for its sessions not to be less than two sessions during the year.

Second: KIP President, or not less than one third of its members, may summon parliament for an extraordinary session. The meeting should cover the issues specified in the summons.

Third: The president may summon parliament for an extraordinary session based on a request by the president of the region or the Prime Minister.

Fourth: The session for discussion of region budget will not be adjourned until the budget is approved.

Article Fifty:²⁷

1. The assembly session is illegal unless the majority of members required are present; the assembly makes its decisions with the total majority of the attendees except for cases that require a special majority according to the law and when votes are equal, the President then has the casting vote.
2. Voting takes place on legislating laws subject after subject.

Article Fifty One:²⁸

The tenure of the Assembly is four years starting from the first session and ends with the last session on the fourth year.

Article Fifty Two:

The assembly's sessions are public and can be secret upon a request from the chairman of the assembly or a request from not less than a quarter of its members and the approval of the assembly with the majority of the attendees.

Article Fifty Three:

The executive authority of the assembly or ten of the members can suggest legislating laws, and that no law legislation can be discussed before being looked at by the specialized committee and every legislation that is denied by the assembly will not be forwarded to the assembly during the same session.

²⁶ Article (49) was amended according to article 6 of law no (2) of 2009, the fourth amendment of law no. (1) for 1992.

²⁷ Paragraph (1) of the article was amended according to article 2 of law no. (5) for 1998, second amendment of law no. (1) for 1992.

²⁸ The article was amended according to article 3 of law no. (5) for 1998 second amendment for above law.

Article Fifty Four:

1. Every member of the assembly can ask questions according to their internal system to the executive authority members regarding the subjects that are within their duties and authority and that they must answer the questions within seven days of being informed of them and discussing the issues of these questions in the assembly is done when needed.
2. Quarter of the number of the assembly members can forward a justified request to have a vote of no confidence on the executive authority or on one of its members, and that the assembly will not discuss this request until seven days have passed on its submission and then they will vote on it after two days of discussing the matter.
3. if the assembly decides to have a vote of no confidence on the executive authority or its chairman then the executive authority must submit its resignation immediately.

Article Fifty Five:

The chairman of the assembly or his deputy will take charge of keeping order in the assembly.

Chapter five
Duties and authorities of the assembly

Article Fifty Six:

The assembly practices the following duties and authorities

1. Legislating laws.
2. Making agreements and resolution concerning decisive issues for the people of Iraqi Kurdistan.
3. Designating a chairman for the executive authority who has the authority to chose the members of the executive authority from the members of the assembly or others.
4. A warding confidence or taking it away from the executive authority.
5. Assigning a general budget and development strategies.
6. Overlooking on the work of the executive authority.
7. Establishing commences to investigate any aspects that need to be investigated.
8. Laying the internal system specifying its staff putting its budget and employing employees.
9. Establishing fulltime and par time committees from its members in accordance to the internal system.
10. Putting regulations for accusing and prosecuting its members in causes where they dishonor the oath they took.
11. Giving verdicts in matters concerning appeals regarding the accuracy of electing its members and the membership will not be terminated unless there is decision from the majority of low thirds of the attendees.

Chapter six:
Electoral crimes

Article Fifty Seven:

The punishment of imprisonment for the following:

1. Who ever used money to allure voters or used any methods of frond or violence to elect someone or to deprive any one from getting elected.
2. Stealing of the voting box or forcing it open or destroying and doing similar acts to the voting cards or performing any criminal act regarding this will be dealt with according to the penalty law.
3. Registered their name twice in the voting rosters intentionally.
4. Gave their vote twice.
5. Voting against the wishes of those voters who require assistance.
6. Preventing a voter from voting in any manner.
7. Preventing the elections or disturbing it.
8. Forgery while sorting the votes.
9. Breaking the regulation regarding the electoral publicity.

**Chapter seven
Other provisions**

Added Article:²⁹

IHEC will replace (KHNA- Iraq) stated in this Law to supervise and administer the second elections.

Added article according to article 11 of law no.(2)for 2009 on 25/03/2009:³⁰

The voting process of the Army, Peshmerga, Internal Security officers in addition to hospital staff and patients, and prisoners, are held in polling centers determined by IHEC, and in coordination with related ministries, and the process is held 48 hours before the elections

Article Fifty Eight:

It is prohibited for any armed man or armed force to enter the assembly or to establish a fixed location near its gate only if requested by its chairman.

Article Fifty Nine:

No appeals of the time of the elections are heard after three months of its end.

Article Sixty:

The decrees issued by the assembly are published in a special newspaper put by the assembly and it will be effective from the first day of publication if no other date is determined for that purpose.

Article Sixty One:

The law is effective from the day it is published in Front Kurdish newspaper.

²⁹ This article was added to chapter seven of "other provisions" according to article 18 of law no. (47) for 2004 third amendment of law no. (1) for 1992, and according to article 19 of the law any text which conflicts with the provisions of this law will not be implemented, according to article 20 CoM has to implement it, and according to article 21 the law was implemented as from issuing date on 21/11/2004. It was published in the daily newspaper "Kurdistan Events" in article 53 on 19/12/2004. Article 18 added was amended in article 7 of law no. (2) for 2009 issued on 25/03/2009, and it replaced the previous amendment and was implemented as of 25/03/2009. (Please note article 6 repeated of 4th amendment of law no. (2) for 2009 on 25/03/2009).

³⁰ Article 11 was added to the law according to 4th amendment law no. (2) for 2009 on 25/03/2009