

IHEC LETTREHEAD

Pursuant to the authority granted to the Board of Commissioners in Article 4, Paragraph "Eighth" of the Law of Independent High Electoral Commission no. 11 (2007), and article 6 of Kurdistan National Assembly Elections Law – Iraq (KNA) No. 1 (1992), as amended, we have decided to issue the following regulation:

Regulation No. 10 (2009)
Kurdistan Parliament of Iraq: Seat Allocation

Preamble

The Independent High Electoral Commission (IHEC) was established in accordance with Law no. 11 (2007) to be the exclusive electoral authority in Iraq. It is an independent, autonomous, neutral, professional body, has the moral personality, and it is part of the state, and subject to the supervision of the Council of Representatives.

Section One
Terminology

For the purposes of this regulation, the definition of the following terms shall apply:

1. "IHEC": the Independent High Electoral Commission of Iraq.
2. "General Seats": the seats specified in Article 1 of Kurdistan National Assembly Elections Law – Iraq (KNA) No. 1 (1992) amended.
3. "Component Seats": seats allocated in the Parliament for the components mentioned in Article 36 of Kurdistan National Assembly Elections Law – Iraq (KNA) No. 1 (1992) amended.
4. "Entity": Any organization or political party formed of eligible voters voluntarily gathering on grounds of common ideas, interests or opinions to express their welfare, and certified by the IHEC.
5. "General List": a list of candidates presented by an entity to compete for the general seats.
6. "Component list": a list of candidates submitted by an entity to the IHEC to compete for a seat (in the case of the Armenian component) or seats, allocated in accordance with the law, to a specific component.

7. “Exhausted list”: an entity list that has been allocated a number of seats as it has candidates, and is then excluded from any further calculations.
8. “Vacant Seats”: seats that have not yet been allocated to an entity.
9. “Valid Votes”: votes that have been determined as valid, in accordance with the regulations and procedures of the IHEC.
10. “Electoral Divider”: The result from dividing the total number of valid votes cast by the number of seats.

Section Two General and Component Seats

Kurdistan Parliament of Iraq constitutes of (111) seats assigned as follows:

1. One hundred (100) general seats.
2. Eleven (11) seats reserved for components, assigned as follows:
 - a. Five (5) seats are reserved for a component of Chaldeans, Syrians and Assyrians.
 - b. Five (5) seats are reserved for a Turkmen component.
 - c. One (1) seat is reserved for an Armenian component.

Section Three Distribution of Seats

First: Distribution of General Seats

1. A quota is calculated by dividing the total number of valid votes for the general lists, by the number of vacant general seats.
2. The number of valid votes received by each general list is then divided by the quota. Each general list is allocated a number of seats equal to the integer value resulting from this calculation.
3. If a general list has been allocated an equal number of seats, as it has candidates, it is declared to be exhausted, and is excluded from any further calculations.
4. The seats remaining after the distribution in paragraph 2 above are vacant seats, allocate one vacant seat to the list with the highest remainder, then one seat to the list with the next highest remainder, and so on.

5. If any other vacant seats remain, they will be distributed as follows:
 - a. A new quota is calculated by dividing the number of valid votes cast after deducting the votes cast for the exhausted lists by the number of general seats after deducting the seats allocated in the paragraphs above.
 - b. A number of vacant seats equal to the integer value -resulting from dividing the total number of valid votes received by the list by the new quota- is allocated to each list.

6. In the case that only one vacant seat remains, and two or more lists have an equal remainder to claim that seat, the IHEC shall hold a lottery to determine which list will receive the last vacant seat.

Second: Distribution of Components Seats

The components' (except the Armenian) seats are allocated as follows:

1. A component-quota is calculated by dividing the total number of valid votes for the component's lists, by the number of reserved seats for that component.
2. Each component list is allocated a number of seats equal to the integer value resulting from dividing the total number of valid votes it received by the quota.
3. If a component list has been allocated an equal number of seats, as it has candidates, it is declared to be exhausted, and is excluded from any further calculations.
4. The seats remaining after the distribution in paragraph 2 above are vacant seats, allocate one seat to the list with the highest remainder, then one seat to the list with the next highest remainder, and so on.
5. If any other vacant seats remain, they will be allocated as follows:
 - a. A new quota is calculated by dividing the number of valid votes cast after deducting the votes cast for the exhausted lists by the number of component seats after deducting the seats allocated in the paragraphs above.
 - b. A number of vacant seats equal to the integer value -resulting from dividing the total valid votes received by the list by the new quota- is allocated to each list.

6. In the case that only one vacant component seat remains, and two or more lists have an equal remainder to claim that seat, the IHEC shall hold a lottery to determine which list will receive the vacant seat.

Third: Distribution of the Armenian Component Seat

1. The valid votes received by the lists competing for the Armenian component are calculated, the seat is allocated to the list with the highest number of valid votes.
2. In the case that two or more lists receive an equal number of valid votes, the IHEC shall hold a lottery to determine the winner of the Armenian component seat.

Section Four Awarding Seats to Candidates

1. Seats allocated to an entity will be awarded to the candidates based on their order, as ranked by the entity and certified by the IHEC. The entity may not change the candidates or their order from the list that has been certified by the IHEC.
2. If a candidate dies, is incapacitated or is disqualified, and that candidate would have been allocated a seat, then the next candidate on the list shall replace him. If the candidate was female, she will be replaced by the next female on the list, unless no female candidates remain on the list.
3. General lists that have been allocated more than 3 seats must have at least 30% of seats awarded to female candidates. If less than 30% of candidates on the list awarded seats are female, then the lowest ranked male candidate awarded a seat on the list will be replaced by the next available unseated female candidate, and so on, until the 30% list quota is met, or no unseated female candidates remain on the list.
4. If the total number of female candidates awarded seats in the Parliament is less than 30% of the total seats, then the following shall be applied:
 - a. The number of female candidates required to be awarded seats to meet the 30% parliament quota will be calculated by subtracting the total number of seats awarded to female candidates from 34.
 - b. The IHEC shall conduct a lottery among the winning lists for the general seats, which have been allocated more than 3 seats , and still have unseated female candidates. The lowest ranked male candidate that has been awarded a seat on the general list identified through the lottery draw shall then be replaced by the next available unseated female candidate on the list.

Section Five Entry into Force

This regulation comes into force from the date that it is passed by the IHEC's Board of Commissioners on June , 2009.