



جمهورية العراق
الموضية العليا المستقلة للانتخابات
كۆميسونى بالآى سه ربه خوى هه لبرارد نه كان
The Independent High Electoral Commission

IHEC Regulations 7 - UN Unofficial Translation

According to the authority given to the Board of Commissioners in item (4) paragraph (Eighth) of IHEC law no. (11) for 2007, and item six (Second) of the amended Kurdistan National Assembly Elections Law – Iraq (KNA) no. (1) for 1992, we decided to issue the following regulation:

**Electoral Complaints and Disputes for
Kurdistan Parliament Elections – Iraq
-no. (7) for 2009**

(Preamble)

The Independent High Electoral Commission was established according to law no. (11) for 2007 to be the exclusive electoral authority in Iraq. IHEC is a professional, independent and neutral commission, with a juridical personality, related to the country and subject to the supervision of the Council of Representatives.

**Section One
(Terminologies)**

The following terms represent the meaning opposite to each one of them:

- 1- IHEC: The Independent High Electoral Commission.
- 2- The Board: Board of Commissioners (BoC).
- 3- Electoral Judicial Commission (EJC): A commission consisting of three part-time judges appointed by Kurdistan Court of Cassation – Iraq, to adjudicate on challenges referred to it by IHEC or individuals or PE who have been damaged by IHEC decisions. Their decisions are final.
- 4- Regional Electoral Office (REO): IHEC electoral administration office in Kurdistan Region – Iraq.
- 5- Political Entities Code of Conduct: Principles and regulations issued by IHEC to ensure that the political entities adhere to IHEC laws and regulations.



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Section Two (Authorities)

- 1- The Board is exclusively authorized to adjudicate disputes arising during the preparation, implementation and conduct of elections, which includes all issues related to adjudication procedures of complaints and disputes related to elections. The Board can issue any procedures or additional amendments to this regulation, if necessary, according to the law.
- 2- The Board can authorize the electoral administration to settle certain types of disputes.
- 3- The Board must refer any criminal case to relevant authorities, in case there was evidence of a criminal violation that occurred affecting the safety of elections.

Section Three (Submission of complaints)

- 1- Any person, excluding elections' observers, has the right to submit an application to the Board that includes a complaint or a dispute regarding the elections.
- 2- To ensure the integrity of the electoral process, the Board may impose penalty or corrective measures in case there was a violation of the electoral rules, even if there was no complaint in this regard.
- 3- The following conditions must be met in complaint:
 - A. The complaint must be written and signed by the person who witnessed the violation.
 - B. It must be submitted within three days from the date the violation occurred.
 - C. The complaints, during the registration period, must be submitted to RC manager or to GEO manager. During polling period it should be submitted to the station manager, or to PC manager, or to GEO manager or to REO manager. The complainant has the right to submit a complaint to NO directly.
- 4- The complaint must include the following information:
 - A. The name of the complainant, his address, and any necessary information to contact him.



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- B. The name and information needed to contact the person complained of, if available.
 - C. Detailed description of the alleged violation including date, time, place and circumstances.
- 5- The Dept. of Electoral Advice & Complaints in SG/BoC handles investigations in complaints, and submits its recommendations to BoC in coordination and cooperation with REO and governorate offices in the region.
 - 6- Complaints units, in REO and region governmental offices, coordinate with the Dept. of Electoral Advice & Complaints in the investigation process and in giving recommendations.

Section Four (Hearings)

- 1- The Board may call witnesses or both parties in the case, and hold general or private hearings, according to BoC decisions.
- 2- The Board may ask for, and receive evidence related to the hearing session, in every possible way , and record them in the minutes of hearing.

Section Five (Response to Complaints)

- 1- In case the complaint is approved, the party complained of will be informed in writing whenever possible, and be given the opportunity to respond within a specific time.
- 2- The response of the party complained of must be submitted in writing and signed by the party complained of or his representative. In case it is a PE, the head of PE or authorized representative shall sign the response.
- 3- The response will be submitted to REO or to any electoral office in the region, and delivered to the Board confidentially as soon as possible.
- 4- The Board continues to review complaints even if there was no response from the party complained of. The Board has the right to act only after the specified period given to the party complained of ends.



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- 5- The Board can reconsider the complaint in the following cases:
- If new evidence is provided.
 - If there was a delay in receiving the response by the Board after it was submitted within the specified date.

Section Six

(Adjudication of Complaints)

- The Board may reject any complaint that does not have sufficient evidence or reasonable grounds or does not meet the formal requirements.
- Submitting a malicious complaint by PE or anyone else, is considered a violation of this regulation and to the PE code of conduct. Submitting malicious complaint by the voter or any other party is also a violation of the terms of this regulation.
- The Board can refer the complaint, or parts of the complaint not within its jurisdiction, to the authorized party.
- The Board reviews the evidence submitted neutrally and on time, and ensures the confidentiality of the information, except the right of the parties in dispute to know the subject of the complaint.

Section Seven

(Penalties)

- The Board may take legal steps against any person or (PE) that violates any law, or regulation, or instructions, or code of conduct, or any valid decision related to the preparation and implementation of the elections.
- Political Entities are responsible for any violations committed by its members or candidates or agents.
- If a violation was proved, the Board will impose the following penalties:
 - Revert to the status quo before the violation occurred, if possible.
 - Financial penalty.
 - Cancel the accreditation of PE.
 - Prevent PE from participating in the elections.
 - Cancel the accreditation of the candidate from the candidates' list.



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- F. Prevent the person from participating in elections as a candidate, or an electoral staff, or a PE agent.
 - G. Bar or cancel the accreditation of a team of observers, or individual within the observers' team, in these elections or in future elections.
- 4- The penalties collected are considered as revenue to the public treasury.

Section Eight
(Enforcement of the Decisions)

- 1- The Board decisions should be implemented within the specific period, otherwise, the violator (PE or individual) will be subject to a more severe penalty.
- 2- The Board decisions (related to complaints and electoral appeals) will be published according to the terms mentioned in article (8) fifth of IHEC law.

Section Nine
(Appealing Board Decisions)

- 1- The Board's final decisions can be appealed at the EJC according to paragraph (4) of article (6) of Kurdistan Region Parliament elections Law no. (1) for 1992, amended.
- 2- The Board decisions include notification for the parties of their right to appeal.

Section Ten
(Enforcement Date)

This regulation shall enter into force from the date of accreditation by the Board of Commissioners on 29/4/2009.

Board of Commissioners