



IECI REGULATION 03 / 2004

CERTIFICATION OF POLITICAL ENTITIES (Amended 25 October 2004)

Preamble

CPA Order number 92 of 31 May 2004 established the Independent Electoral Commission of Iraq (IECI) to be the exclusive electoral authority in Iraq. It is an independent and autonomous, non-partisan, neutral and professional government office, with the authority to promulgate, implement, and enforce regulations, rules and procedures with the full force of law in connection with elections during the Transitional Period.

This regulation elaborates on the legal framework already in place, and is issued by the IECI in consequence of the authorizations given in orders 92, 96 and 97.

Section 1 Terminology

- 1.1. “TAL” means Transitional Administrative Law
- 1.2. “Commission” and “IECI” mean the Independent Electoral Commission of Iraq, as established by CPA Order number 92
- 1.3. “Eligible voter” means a person who satisfies the nationality and age requirements for eligibility to vote in the elections scheduled for January 2005, as defined in CPA Order number 96 and IECI Regulation 02 / 2004.
- 1.4. “Governorate Electoral Office” means the main office of the Electoral Administration of the IECI in the governorate. “Regional Electoral Office” means the main office of the Electoral Administration of the IECI in the Kurdistan Region. “National Electoral Office” means the main office of the Electoral Administration of the IECI in Baghdad.
- 1.5. “Coalition” means a grouping of two or more political entities with the purpose of nominating a joint list of candidates for a given election.
- 1.6. “Leader of a political entity” means

- 1.6.1. in the case of a group or organization forming a political entity, the person defined as the head of the group by the statutes of the political entity, or,
- 1.6.2. in the case of an individual forming a political entity, the individual her/himself
- 1.7. “Personal portrait” means any portrait of any type or medium, portraying a human being

Section 2 Political Entities

- 2.1. A “political entity” means an organization, including a political party, of eligible voters who voluntarily associate on the basis of common ideas, interests or views, for the purpose of articulating interests, obtaining influence and having their representatives elected to public office, so long as that organization of eligible voters is officially certified as a political entity by the IECI.
- 2.2. A “political entity” also means an individual who intends to stand for election to public office, so long as the individual person is officially certified as a political entity by the IECI.
- 2.3. Furthermore, no organization, group of individuals, or single individual may offer candidate(s) for election unless certified as a political entity by the IECI.
- 2.4. Political entities, to compete freely and openly in an election, are free to form coalitions to aggregate interests, and to build a campaign for candidates around coalitions of such interests.

Section 3 Certification of Political Entities

- 3.1. The IECI will designate a period of time during which it will receive applications for certification as a political entity. No applications for certification will be accepted either before or after this period.
- 3.2. For the purpose of contesting the elections, any group or individual may apply to the IECI to be certified as a political entity. When making the application, they must pay a deposit to the IECI. An individual seeking certification as a political entity will pay 2.5 million Iraqi Dinars as a deposit, and a group seeking certification as a political entity will pay 7.5 million Iraqi Dinars as a deposit.

- 3.3. If the entity or coalition incurs any financial penalties as a result of its violations of any electoral laws, regulations, codes of conduct, etc., the amount of the penalty will be deducted from the deposit.
- 3.4. If no financial penalties have been incurred, the deposit will be returned in full after the election so long as the entity, or a coalition of which it is a member, has received a minimum of 50% of the votes required to win a seat in any one of the elections in which it is fielding candidates. If the entity or coalition receives fewer votes than this, the deposit will be forfeited to the national treasury.
- 3.5. The application must be in writing, in the form to be prescribed by the IECI. It may be submitted to the IECI at the National Elections Office, or it may be submitted at a Governorate Elections Office or the Kurdistan Regional Elections Office for onward transmission to the National Elections Office.
- 3.6. The information required will include:
 - 3.6.1. the full name and the symbol of the political entity;
 - 3.6.2. the name, address, other contact information, and signature of the individual, or of the leader of the group, applying for certification;
 - 3.6.3. the name, address, and other contact information of the persons designated by the political entity as that entity's liaison officers with the IECI; at national level, if the entity is planning to contest the national assembly election; in Kurdistan, if the entity is planning to contest the Kurdistan assembly election; and in any governorate where the entity is intending to contest the governorate council election;
 - 3.6.4. the names, dates and places of birth, addresses, signatures, of no fewer than five hundred (500) persons who are eligible to vote, together with the numbers and dates of their nationality certificates; and
 - 3.6.5. in the case of a group applying for certification, the statutes governing the organization and operation of the political entity, including the method or process for selecting leaders and candidates
- 3.7. The individual or leader of the group applying for certification must also sign a written declaration, in a form to be prescribed by the IECI, stating that
 - 3.7.1. the individual or group does not have and is not associated with an armed force, militia or residual element;
 - 3.7.2. the individual or group is not directly or indirectly financed by any armed force, militia or residual element;

- 3.7.3. the individual or group will abide by all laws and regulations in Iraq, including public meeting ordinances, prohibitions on incitement to violence, hate speech, intimidation, and support for, the practice of and the use of terrorism; and
- 3.7.4. the individual or group will abide by the IECI Code of Conduct for political entities and by all IECI regulations, procedures, decisions, etc.
- 3.8. An individual or group will be certified as a political entity if the IECI is satisfied that
 - 3.8.1. there is no significant deficiency or inaccuracy in the application;
 - 3.8.2. the political entity does not, in the opinion of the IECI, have a name or symbol which is the same as or similar to that of any established organization, movement or political party, or of any political entity which has previously submitted an application for certification or which has already been certified;
 - 3.8.3. the name is not, in the opinion of the IECI, such as to incite hatred or violence or to cause public offence; and
 - 3.8.4. the political entity symbol does not contain religious or military elements or personal portraits, and is not, in the opinion of the IECI, such as to incite hatred or violence or to cause public offence.
- 3.9. If the IECI is not satisfied that the criteria for certification have been met, it will write to the individual or group explaining its decision; the individual or group may submit an amended application, so long as this application is received by the IECI within the time period set for certification of political entities.
- 3.10. The IECI shall notify the individual or group of the success or failure of the application for certification. Such official notification will be by publication on a notice-board at the Elections Office where the application was submitted, and on a notice-board at the National Elections Office.
- 3.11. A political entity may, if it wishes, appeal to the Transitional Electoral Panel against the final decision of the Board.
- 3.12. The IECI will maintain a record of certified political entities.
- 3.13. Applications for certification may not be amended by the political entity after submission to the IECI, unless such amendments have been requested by the IECI in order to make the application compliant with this regulation.
- 3.14. In order to contest any given election, a political entity must also submit a list of candidate nominations for that election. These lists may be submitted at the National Elections Office, or may be submitted at any Governorate Elections Office or at the

Kurdistan Regional Elections Office for onward transmission to the National Elections Office.

- 3.15. A political entity will be registered to contest a given election if, in addition to the above requirements for certification, the IECI is satisfied that the candidate list submitted by the entity for that election satisfies all the requirements as stated in IECI regulation 04/2004. Only entities which are registered for an election will appear on the ballot paper for that election.

Section 4

Coalitions of political entities

- 4.1. Any two or more certified political entities may form coalitions for the purpose of fielding a joint list of candidates for any given election.
- 4.2. Any given political entity may enter into different coalitions for different elections, or may field its own candidates for some elections and field coalition candidates for other elections.
- 4.3. In any single election
 - 4.3.1. no entity may field candidates both on its own behalf and as part of a coalition.
 - 4.3.2. no entity may be a part of more than one coalition.
- 4.4. All applications for certification as a coalition will be assessed at the National Elections Office of the IECI, although they may be submitted at a governorate or regional elections office. The IECI will designate a period of time during which it will receive applications for certification as a coalition. No applications for certification will be accepted either before or after this period.
- 4.5. When applying to form a coalition, the political entities must submit to the IECI in writing:
 - 4.5.1. in a form to be prescribed by the IECI, the name and symbol of the coalition, stating the election(s) for which the entities will field joint candidates
 - 4.5.2. the name, address, and other contact information of the persons designated by the coalition as that coalition's liaison officers with the IECI; at national level, if the entity is planning to contest the national assembly election; in Kurdistan, if the entity is planning to contest the Kurdistan assembly election; and in any governorate where the entity is intending to contest the governorate council election;
 - 4.5.3. a declaration as in part 3.5 of this regulation.

The application must be signed by the leaders of all the political entities in the coalition

- 4.6. The coalition must submit with, and at the same time as, its certification application, the lists of candidates to be fielded by the coalition for each election which it is planning to contest.
- 4.7. A coalition will be certified by the IECI if the IECI is satisfied that
 - 4.7.1. there is no significant deficiency or inaccuracy in the application;
 - 4.7.2. the coalition does not, in the opinion of the IECI, have a name or symbol which is the same as or similar to that of any established organization, movement or political party, or of any political entity or coalition which has previously submitted an application for certification or which has already been certified;
 - 4.7.3. the name is not, in the view of the IECI, such as to incite hatred or violence or to cause public offence; and
 - 4.7.4. the political entity symbol does not contain religious or military elements or personal portraits, and is not, in the opinion of the IECI, such as to incite hatred or violence or to cause public offence.
- 4.8. No political entity may withdraw from a coalition after the end of the period for submission of political entity or coalition candidate lists.
- 4.9. If a political entity withdraws from a coalition before that date, then the remaining entities in the coalition may submit a new candidate list, and the political entity may submit a new candidate list. If the coalition was formed of only two entities, then each entity may submit a new candidate list.
- 4.10. A coalition will be registered by the IECI to contest a given election if the list of candidates nominated by the coalition for that election satisfies the requirements stated in IECI regulation 04/2004. Only coalitions which are registered for an election will appear on the ballot paper for that election.

Section 5 Decisions of the IECI

- 5.1. The IECI may define mechanisms for enforcing its regulations against any political entity or coalition; such mechanisms may include financial penalties and/or decertification of the entity or coalition.