



IECI REGULATION 04 / 2004

CERTIFICATION OF CANDIDATES

(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, as defined in CPA Order number 96 and IECI Regulation 02 / 2004, to vote in the elections scheduled for January 2005,.
- 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.

Section 2 Political Entities and Candidates

- 2.1. The political parties and entities law states that no organization or group of individuals may offer candidates for elections in Iraq, and that no individual may stand for election in Iraq, unless certified as a political entity by the Commission. The electoral law also states that any political entity may present a list of candidates for election to the National Assembly so long as the candidates meet the legal criteria.
- 2.2. The same order states that 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.
- 2.3. To this end, political entities and coalitions of political entities may present lists of candidates for election. Any given political entity may present a list of candidates for one election, while at the same time joining with another political entity in a coalition to present a list of candidates for a separate election.

Section 3 Candidate lists

- 3.1. The electoral law states that for the lists of candidates for election to the National Assembly:
 - 3.1.1. The lists presented to the Commission must have the candidates in a ranked order.
 - 3.1.2. On any list, except one presented by an individual person certified as a political entity, no fewer than one out of the first three candidates on the list must be a woman, no fewer than two of the first six candidates must be a woman, and so on until the end of the list;
 - 3.1.3. No list, except one presented by an individual person certified as a political entity, may contain fewer than twelve or more than 275 candidates.
- 3.2. A list of candidate nominations may not be withdrawn or changed after the end of the candidate nomination period, unless such changes have been requested by the IECI in order to make the list compliant with this regulation and are submitted before the end of the period for corrections to candidate lists.

- 3.3. The same conditions shall apply to lists of candidates for the governorate councils, except that the minimum number of candidates on any list submitted by a political entity consisting of more than one person shall be three, and the maximum number shall be the number of seats in the Council.
- 3.4. The lists of candidates 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.
- 3.5. All lists of candidates fielded by a coalition for elections which that coalition is contesting must be submitted with and at the same time as the certification application of that coalition.

Section 4 Candidate Eligibility

- 4.1. Article 31 of the TAL states that candidates for the National Assembly must fulfill the following conditions:
 - 4.1.1. S/he shall be an Iraqi no less than 30 years of age.
 - 4.1.2. S/he shall not have been a member of the dissolved Ba'ath Party with the rank of Division Member or higher, unless exempted pursuant to the applicable legal rules.
 - 4.1.3. If s/he was once a member of the dissolved Ba'ath Party with the rank of Full Member, s/he shall be required to sign a document renouncing the Ba'ath Party and disavowing all of her/his past links with it before becoming eligible to be a candidate, as well as to swear that s/he no longer has any dealings or connection with Ba'ath Party organizations. If it is established in court that s/he lied or fabricated on this score, s/he shall lose her/his seat in the National Assembly.
 - 4.1.4. S/he shall not have been a member of the former agencies of repression and shall not have contributed to or participated in the persecution of citizens.
 - 4.1.5. S/he shall not have enriched her/himself in an illegitimate manner at the expense of the homeland and public finance.
 - 4.1.6. S/he shall not have been convicted of a crime involving moral turpitude and shall have a good reputation.
 - 4.1.7. S/he shall have at least a secondary school diploma, or equivalent
 - 4.1.8. S/he shall not be a member of the armed forces at the time of her/his nomination.

- 4.2. The same conditions shall apply to candidates for election to any governorate council, but, in addition, candidates who are standing for election to a governorate council must be resident in that governorate.

Section 5 Certification of Candidates

- 5.1. The IECI will designate a period of time during which it will receive applications for certification of candidate lists. No applications for certification will be accepted either before or after this period
- 5.2. Any political entity, or coalition of political entities, may submit to the IECI for certification separate lists of candidates for the National Assembly, the Kurdistan National Assembly, and/or any Governorate Council.
- 5.3. The application must be in writing, in the form to be prescribed by the IECI, and must be lodged with a Governorate Electoral Office, the Kurdistan Regional Electoral Office, or the National Electoral Office.
- 5.4. The information required will include:
- 5.4.1. the name of the election for which each list is submitted
 - 5.4.2. the name, date of birth, address and other contact information of each candidate on each list;
 - 5.4.3. a statement from each nominee, in a form to be prescribed by the IECI, confirming that s/he is eligible to be a candidate for the election in question, is willing to be nominated for the stated election by the political entity or coalition of political entities in question, and is not a candidate for any other political entity or coalition or in any other of the elections.
 - 5.4.4. an acknowledgement from each candidate that the Code of Conduct signed by the political entities also applies to her/him.
- 5.5. Any candidate who is found to have made a false statement on the application renders her/himself liable to disqualification.
- 5.6. The grounds on which the IECI may reject any candidate nominations include
- 5.6.1. that the political entity or coalition has not submitted the required documents satisfactorily,
 - 5.6.2. that the list of candidate nominations as a whole does not fulfil the requirements for such lists

- 5.6.3. that one or more of the nominees is ineligible to be a candidate
- 5.7. If the IECI rejects the list as a whole, it will inform the political entity or coalition, which may then submit a revised list, which must be received by the IECI within the time period set by the IECI for candidate nominations.
- 5.8. If the IECI rejects any individual candidate nominations, it will inform the political entity or coalition of the rejection(s). The list of the remaining nominations will stand as the complete list of nominations for the political entity or coalition, unless the political entity or coalition submits a revised list, which must be received by the IECI within the time period set by the IECI for candidate nominations. If the rejection of any individual candidates from the list results in the invalidation of the list as a whole, section 5.7 will apply.
- 5.9. If the number of candidate nominations on the list exceeds the maximum number of candidates permitted on the list for that election, the IECI will strike the excess candidate nominations from the bottom of the list, and will inform the political entity or coalition of its action. The list of the remaining nominations will stand as the complete list of candidate nominations for the political entity or coalition.
- 5.10. If the IECI finds the list of candidate nominations satisfactory, it will inform the political entity or coalition of this fact as soon as is practicable.
- 5.11. If a candidate is removed from the candidate list for a given election after the period of candidate nominations has ended, for an exceptional reason such as death or disqualification, the list of the remaining nominations will stand as the complete list of nominations of the political entity or coalition for that election.

Section 6 Decisions of the IECI

- 6.1. The IECI may define mechanisms for enforcing its regulations against any political entity or coalition; such mechanisms may include disqualification of candidates or decertification of the entity or coalition.