



IECI REGULATION 08 / 2004

GOVERNORATE COUNCIL ELECTIONS

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 CPA 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. “Governorate council election” means an election in that governorate for the Council of that governorate, to be held on the same day as the National Assembly election.
- 1.4. “Governorate Electoral Office” means the main office of the Electoral Administration of the IECI in the governorate.
- 1.5. “Governorate” is one of the 18 existing sub-national districts whose boundaries will not change during the transitional period.

Section 2 The Electoral System

- 2.1. An election for a governorate council will be held in every governorate of Iraq, on the same day as the National Assembly election, and Kurdish regional elections scheduled for January 2005.
- 2.2. Elections for governorate councils shall be by direct, universal and secret ballot.
- 2.3. Baghdad governorate council will have 51 seats, and all other governorate councils will each have 41 seats.
- 2.4. Each governorate will be a single electoral constituency for the purpose of its governorate election. All seats in each governorate council will be allocated among political entities through a system of proportional representation. The formula for the allocation of seats will be the same as that adopted for the national assembly election to be held at the same time, and seats shall be allocated to candidates, not political entities.

Section 3 Voter Eligibility

- 3.1. The electoral law states that in order to vote in the election of the National Assembly, a person must
 - 3.1.1. according to Article 11 of the TAL, be deemed an Iraqi citizen, be entitled to reclaim Iraqi citizenship, or be eligible for Iraqi citizenship;
 - 3.1.2. have been born on or before 31 December 1986; and
 - 3.1.3. be registered to vote according to procedures issued by the Commission
- 3.2. In order to be able to vote in the governorate council elections, voters must satisfy the above requirements and must, in addition, appear on the voter register as being resident in the appropriate governorate.

Section 4 Candidate Eligibility

- 4.1. Article 31 of the TAL sets conditions for the eligibility of candidates for the National Assembly. In harmony with this, each candidate for a governorate council must meet the following criteria:
 - 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 Governorate Council.
 - 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. In addition to the above, any candidate for a governorate council must
 - 4.2.1. be resident in the governorate for whose council s/he is standing for election
 - 4.2.2. not be a contestant for any other office in this round of elections.

Section 5 Candidate Nominations

- 5.1. Any political entity, or coalition of political entities, may submit to the IECI separate lists of candidate nominations for one or more different governorate

councils. The IECI will designate a period of time during which it will receive applications for certification of political entities or coalitions and for their candidate lists. No applications for certification will be accepted either before or after this period. The method of submitting applications is outlined in IECI regulations 03/2004 and 04/2004.

- 5.2. Only certified political entities and coalitions (as specified in IECI regulation 03/2004), which submit a list of candidate nominations for a governorate council election, may contest that election.
- 5.3. The lists of candidates will be in ranked order. The lists 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 and other IECI regulations, and are submitted before the end of the period for corrections to candidate lists.
- 5.4. 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.
- 5.5. The minimum number of candidates on any list shall be three, and the maximum shall be the number of seats on the governorate council, except that individual persons certified by the Commission as political entities may present themselves on a list as a single candidate.