



IECI REGULATION 10 / 2004

OUT OF COUNTRY REGISTRATION AND VOTING

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. "Transitional period" means the period commencing with the Transfer of Authority and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution.
- 1.3. "Commission" and "IECI" mean the Independent Electoral Commission of Iraq, as established by CPA Order number 92
- 1.4. "IOM" means the International Organisation for Migration
- 1.5. "National Assembly" means the National Assembly of the Iraqi Transitional Government, as described in the TAL
- 1.6. "Voter register" means the list of voters who are eligible to vote in the National Assembly election scheduled to be held in January 2005
- 1.7. "Host government" means the government of a country in which an out of country registration and voting office is to be established

- 1.8. “Out of country registration and voting” means the operation to enable eligible Iraqis living outside Iraq to register and vote in the election for the National Assembly, scheduled to be held in January 2005.

Section 2

Entitlement to Vote

- 2.1. The Electoral Law stated that in order to vote in the election of the National Assembly, a person must:
 - 2.1.1. according to Article 11 of the TAL, be deemed an Iraqi citizen, be entitled to reclaim Iraqi citizenship, or be eligible for Iraqi citizenship;
 - 2.1.2. have been born on or before 31 December 1986; and
 - 2.1.3. be registered to vote according to procedures issued by the Commission
- 2.2. The IECE will give the opportunity to eligible Iraqis living in certain countries outside Iraq to register for and to vote in the National Assembly election, scheduled to be held in January 2005. The exact countries where this will be conducted will be determined by the IECE, in consultation with potential host governments.
- 2.3. There will be no opportunity for any Iraqis living outside Iraq to vote in the governorate council elections or the Kurdistan Assembly elections, which are also scheduled to be held in January 2005.

Section 3

Administrative Structure

- 3.1 The out of country registration and voting operation will be managed and implemented by the International Organisation for Migration (IOM) under the overall guidance and supervision of the Board, according to the memorandum of understanding signed between IOM and the IECE.
- 3.2 County offices for out of country registration and voting will be established in each host country. Additional sub-offices may also be established in host countries with large Iraqi populations.

- 3.3 The out of country registration and voting offices will deal only with registration and voting processes, and will not deal with other areas of electoral administration unless specified by the IECE.

Section 4 Voter Registration

- 4.1 Voter registration centres will be set up in those host countries outside Iraq, where out of country registration and voting is to be conducted, and will function at places and between dates to be agreed by the IECE and IOM.
- 4.2 The voter register for out of country voters will be separate from the register of voters in country, and will be developed during the out of country voter registration period.
- 4.3 Any person who believes her/himself to be eligible to vote can apply at the voter registration centre(s) in a given country to be added to the Register. In order for the application to be considered, the person will need to provide such documentary evidence of eligibility as is determined by the IECE to be necessary for this purpose.
- 4.4 The voter registration process will be conducted according to procedures issued by the IECE.
- 4.5 If a person who believes her/himself to be eligible to vote is living in a country where no voter registration centre is set up, s/he may travel at her/his own expense to a country where there is a voter registration centre in order to register during the registration period and to vote on election day(s).
- 4.6 No applications for registration will be accepted either before or after the period defined for out of country voter registration.

Section 5 Display of voter register

- 5.1 The voter register for a given country will be displayed at the voter registration centre(s) of that country during a two day period immediately after the voter registration period.

- 5.2 During the display period, potential voters may check that they are correctly listed on the register
- 5.3 An eligible voter may challenge the absence of her/his own name from the voter register, on the grounds that her/his name was added to the voter register during the voter registration period. The eligible voter must produce her/his registration receipt as proof of the challenge.
- 5.4 No new applications for addition to the register will be accepted during the display period.
- 5.5 An eligible voter may challenge the inclusion of a name on the voter register on the grounds that the person whose entry is challenged:
 - 5.5.1 is not an Iraqi citizen, not entitled to reclaim Iraqi citizenship, and not eligible for Iraqi citizenship; or
 - 5.5.2 was born after 31 December 1986; or
 - 5.5.3 is dead.
- 5.6 Where the inclusion of a name on the voter register is challenged, the challenger must state the reasons for the challenge and must support the challenge with documentary evidence where possible.
- 5.7 All challenges will be adjudicated by the chair of the polling station.
- 5.8 Any appeal to the Board of Commissioners against the decision of the polling station chair will not affect the voter register for the National Assembly elections scheduled for January 2005.

Section 6

Polling

- 6.1 Polling in locations outside Iraq will take place over a period to be determined by the IECI.
- 6.2 As far as possible, polling centres outside Iraq will be in the same locations as those used for out of country voter registration. No voter will be allowed to vote at any location other than the one determined by the location of her/his voter registration centre.
- 5.1 Polling will be conducted according to procedures issued by the IECI for out of country voting.

- 5.2 Following the close of polling, ballots will be returned, under procedures to be issued by the IECI, to a central location where they will be counted. The results will be will be amalgamated with those from the voting inside Iraq, in order to determine the seat allocations for the National Assembly.