



IECI REGULATION 13 / 2005

POLLING AND COUNTING IN IRAQ

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 and in the revised Kurdistan Elections Law.

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. “Polling centre” means a location where polling is to take place.
- 1.4. “Polling station” means a place inside a polling centre where a team of polling officials carries out the process which enables voters to cast their ballots.
- 1.5. “Counting centre” means a location where counting is to take place.
- 1.6. “Counting station” means a place inside a counting centre where a team of counting officials sorts and counts the ballots.
- 1.7. “National tally room” means the location in which the results of the elections are collated

Section 2

Polling and Counting Locations

- 2.1. Polling in Iraq will take place on 30 January 2005 for the national assembly, Kurdistan national assembly, and governorate council elections.
- 2.2. Polling centres will be set up at convenient locations throughout Iraq. Each polling centre will contain a number of polling stations, where voters will cast their votes.
- 2.3. Each polling centre will be staffed by a polling centre coordinator, who will supervise polling centre queuing and security staff, and will organise the centre as a whole.
- 2.4. Each polling station will be staffed by a presiding officer, who will supervise the polling officials in that station.
- 2.5. Counting of ballots cast in the National Assembly, Kurdistan National Assembly and governorate council elections will take place at a counting station located in the polling station where the ballots were cast, immediately after the close of polling.
- 2.6. Each counting station will be managed by the presiding officer of the corresponding polling station, and will be staffed by the polling officials from that polling station or centre.
- 2.7. All polling/counting staff will sign the IECI Code of Ethics, promising their impartiality in the electoral process.
- 2.8. A person entering a polling centre will be subject to a body search. No person may bring a bag or other container into a polling centre, except IECI staff bringing in equipment for polling and counting.

Section 3

The voter register

- 3.1. Each registered voter is assigned on the voter register to a polling centre where s/he will be allowed to vote once for each election for which s/he is eligible.

- 3.2. Voters may only vote in person at a polling station in a polling centre where s/he is on the voters list; there will be no proxy voting or voting in other locations, such as homes, hospitals or prisons.
- 3.3. In addition to being on the voters list, every voter must produce some photographic identification to prove their identity. This requirement may be waived, at the discretion of the presiding officer of the polling station, only if the presiding officer is convinced of the identification of the person by some other means.
- 3.4. A person who is not on the voters list, but who can prove by production of a registration form 1, 2 or 3 that her/his name should be on the voters list, will be allowed to vote.
- 3.5. For people from areas where security or other constraints have made it impossible to assign each voter to a polling centre, a different method, to be determined by the IECI, will be used to enable eligible voters to vote.
- 3.6. Polling officials and security officers will vote at the polling centre where they are working but only in elections for which they are eligible voters.

Section 4 The Polling Process

- 4.1. Polling centres will open to voters at 7am on 30 January 2005, and will close at 5pm on the same day. However, anyone who is in the queue at the polling centre at 5pm will be allowed to vote.
- 4.2. Every voter will receive two ballot papers: one for the National Assembly election and one for the Governorate Council election of the governorate in which they are shown on the voter register to be resident.
- 4.3. Voters resident in Iraqi Kurdistan will also receive a ballot paper for the Kurdistan National Assembly election.
- 4.4. Voters will be instructed to put a mark next to only one political entity or coalition on each ballot paper.
- 4.5. Each voter will mark her/his ballots in secret. A voter who needs assistance because of illiteracy or because of blindness or other disability may be assisted

by a relative or friend of their choice, or by the presiding officer of the polling station. No person, other than the presiding officer, may assist more than two people.

- 4.6. Each voter must allow her/his finger to be marked with indelible ink. Any voter who does not allow her/his finger to be inked will not be allowed to vote.
- 4.7. Any person presenting her/himself at a polling station, whose finger is marked with indelible ink in such a way as to convince the presiding officer that s/he has already voted, will not be allowed to vote again.

Section 5 The Counting Process

- 5.1. The counting process follows immediately after the end of polling and the completion of the polling forms in each polling station.
- 5.2. At the end of polling, the presiding officer calculates the number of ballots issued to voters and cast for each election in her/his polling station. The first step of the counting process is to count the ballots in each of the ballot boxes, and reconcile that with the number of ballots issued and cast in the corresponding election in that polling station.
- 5.3. The second step of the counting process is to count the number of votes cast for each political entity or coalition.
- 5.4. All decisions about ballot validity, or about the entity or coalition for which the voter cast the ballot, shall be made by the presiding officer, who will follow IECI guidelines in making her/his decision. The over-riding principle set out in the guidelines will be that if the intention of the voter is clear, then the ballot will be valid and will be counted for entity for which the voter intended to vote. The decision of the presiding officer is final, unless it is questioned by a counting official. In that case the counting officials will vote on the issue and the presiding officer will have a deciding vote if their votes are equal.
- 5.5. Political entity and coalition agents may object to a decision made by a presiding officer, but the presiding officer does not have to accede to any such objections.

Section 6

Agglomeration of results

- 6.1. When the presiding officer is satisfied with the accuracy of the count, s/he will announce the provisional results of each election to those present in the counting station, and will transmit these results to a central location in the manner and form directed by IECI.
- 6.2. At an IECI national tally room, results will be entered into a database. National Assembly results from counting stations throughout the country will be combined with results from out of country voting to get the final ballot totals for the National Assembly elections. Governorate council election results from counting stations within each governorate will be combined to get the final ballot totals for each of the governorate council elections, and Kurdistan National Assembly results from counting stations in Iraqi Kurdistan will be combined to get the final ballot totals for the Kurdistan National Assembly elections.
- 6.3. After the final ballot totals for an election are known, the seats on the relevant assembly or council will be allocated by a process established by IECI regulation.

Section 7

People authorised to attend a polling/counting centre and station, and the IECI national tally room

- 7.1. The following people are authorised to enter and remain in a polling centre or station, a counting centre or station, or the national tally room:
 - Voters waiting to vote, or in the process of voting (for polling centres and stations)
 - Polling and counting officials (including the polling centre coordinator and the presiding officers), who may enter and remain in the centre or station where they are working
 - National tally room staff, who may enter and remain in the national tally room
 - Other members of IECI staff
 - Accredited political entity or coalition agents
 - Accredited electoral observers
 - Accredited members of the media.

- Members of the security forces (if called in under point 7.4)

7.2. In general,

7.2.1. the number of electoral observers allowed inside a polling centre or station, a counting centre or station, and the national tally room is not limited, and

7.2.2. the number of political entity or coalition agents allowed is one per entity or coalition contesting an election in that centre or station.

However, in the case of overcrowding the presiding officer or the polling centre coordinator has the right to restrict access to the station and the centre, and the tally room manager has the right to restrict access to the national tally room, so that the electoral process is not disrupted.

7.3. No one may make a film or take a photograph of anyone entering, inside or leaving a polling or counting centre or station or the IECI national tally room without the express permission of those individuals being filmed or photographed. Even with the permission of a voter, the film or photograph may not reveal the intention of a voter in marking her/his ballot. No interviews may be conducted inside the polling centre.

7.4. Members of the security forces should remain outside the polling or counting centre or the national tally room unless their presence is needed within the location in an emergency, or is requested by an IECI official.