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## IECI REGULATION 14 / 2005

### KURDISTAN NATIONAL ASSEMBLY ELECTIONS

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#### 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. The legal framework for the Kurdistan National Assembly elections also includes the Kurdistan Electoral 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. “Iraqi Kurdistan Region” means the territories administered by the Kurdistan Regional Government on 19 March 2003 in the governorates of Dohuk, Erbil, Sulaimaniya, Kirkuk, Diyala and Nineveh, as stated in Article 53(A) of the TAL.
- 1.4. “Kurdistan National Assembly election” means an election in the Iraqi Kurdistan Region for the Kurdistan National Assembly, to be held on the same day as the Iraqi National Assembly election.
- 1.5. “Governorate Electoral Office” means the main office of the Electoral Administration of the IECI in the governorate.

- 1.6. “Kurdistan Regional Electoral High Committee” means the main office of the Electoral Administration of the IECI in the Iraqi Kurdistan Region.
- 1.7. “Governorate” is one of the 18 existing sub-national districts whose boundaries will not change during the transitional period.
- 1.8. “Certified political entity” means an individual or a group of people, including political parties, as defined in CPA Order 97, which has gained certification from the IECI in order to contest an election.

## Section 2 The Electoral System

- 2.1. An election for the Kurdistan national assembly will be held in the Iraqi Kurdistan region, on the same day as the Iraqi national assembly election, scheduled for January 2005.
- 2.2. The election for the Kurdistan national assembly shall be by direct, universal and secret ballot.
- 2.3. The Iraqi Kurdistan region will be a single electoral constituency for the purpose of its national assembly election. All seats in the Kurdistan national assembly 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 Iraqi national assembly election to be held at the same time. However, if no entity among a group of entities representing an ethnic minority group (one of Turkmen, Chaldean, Assyrians, Armenians, or Arabs) gains a seat, then one seat will be allocated in the ‘remainders’ round to the entity in that group which gained the largest number of votes.
- 2.4. The Kurdistan national assembly will have 111 seats. Seats shall be allocated to candidates in accordance to the ranking on the lists submitted by the political entities.

### **Section 3 Voter Eligibility**

- 3.1. The electoral law states that in order to vote in the election of the Iraqi 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 Kurdistan national assembly election, voters must satisfy the above requirements and must, in addition, appear on the voter register as being resident in the Iraqi Kurdistan region.

### **Section 4 Exhibition of and Challenges to the Voter Register**

- 4.1. During a period to be determined by the IECI, the voter register will be exhibited at the voter registration centres. During this period, members of the public may go to the voter registration centres to check that they are correctly and appropriately listed on the voter register.
- 4.2. Any challenges to the accuracy of the voter register must be submitted during the exhibition and challenges period to the governorate elections officer. The governorate electoral officer will rule on all challenges no later than one day after the end of the exhibition and challenges period.
- 4.3. Further details of the exhibition and challenges period are defined in IECI Regulation 07/2004.

### **Section 5 Candidate Eligibility**

- 5.1. Article 31 of the TAL sets conditions for the eligibility of candidates for the Iraqi National Assembly, and Article 21 of the Kurdistan electoral law sets conditions for eligibility of candidates for the Kurdistan national assembly. In accordance with these articles, each candidate for the Kurdistan national assembly must meet the following criteria:

- 5.1.1. S/he shall be an Iraqi no less than 30 years of age.
  - 5.1.2. 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.
  - 5.1.3. 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 Kurdistan national assembly.
  - 5.1.4. 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.
  - 5.1.5. S/he shall not have enriched her/himself in an illegitimate manner at the expense of the homeland and public finance.
  - 5.1.6. S/he shall not have been convicted of a crime involving moral turpitude and shall have a good reputation.
  - 5.1.7. S/he shall have a command of reading and writing.
  - 5.1.8. S/he shall not be a member of the armed forces at the time of her/his nomination.
- 5.2. In addition to the above, any candidate for the Kurdistan national assembly must
- 5.2.1. be resident in the Iraqi Kurdistan region
  - 5.2.2. not be a contestant for any other office in this round of elections.

## Section 6 Candidate Nominations

- 6.1. Any political entity, or coalition of political entities, may submit to the IECI a list of candidate nominations for the Kurdistan national assembly. The IECI has designated a period of time during which it will receive applications for certification of political entities or coalitions and for their candidate lists. The method of submitting applications is outlined in IECI regulations 03/2004 and 04/2004.

- 6.2. Only certified political entities and coalitions (as specified in IECI regulation 03/2004), which submit a list of candidate nominations for the Kurdistan national assembly election, may contest that election.
- 6.3. 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.
- 6.4. On any list, except one presented by an individual person certified as a political entity, no fewer than one out of the first four candidates on the list must be a woman, no fewer than two of the first eight candidates must be a woman, and so on until the end of the list.
- 6.5. The minimum number of candidates on any list shall be four, and the maximum shall be one hundred and eleven (111), except that individual persons certified by the Commission as political entities may present themselves on a list as a single candidate.
- 6.6. Lists of approved candidate nominations will be printed in the media, and may be displayed elsewhere as decided by the Board.