



جمهورية العراق  
المفوضية العليا المستقلة للانتخابات  
كۆمیسونی بآلای سه ربه خۆی هه لێژارد نه كان  
**The Independent High Electoral Commission**

Pursuant to the authority granted to the Board of Commissioners in Article 4, Paragraph "Eighth" of the Law of Independent High Electoral Commission no. 11 (2007), and the modified Law no. 36 (2008) on the Election of Governorate, Qada'a and Nahiya Councils, we have decided to issue the following regulation:

**Regulation No. 15 (2008)  
On Seat Allocation**

**Preamble**

The Independent High Electoral Commission (IHEC) was established in accordance with Law no. 11 (2007) to be exclusively the sole electoral authority in Iraq. It is an independent, autonomous, neutral and professional governmental body, subject to the supervision of the Council of Representatives.

**Section One  
Terminology**

For purposes of this regulation, the definitions of the following terms shall apply:

1. The Commission: the Independent High Electoral Commission.
2. The Board: the Board of Commissioners.
3. The Governorate Council: the council elected in accordance with the modified Law no. 36 (2008) on the Election of Governorate, Qada'a and Nahiya Councils
4. Electoral District: every specified area with a specified number of seats allocated to it in accordance with the provisions of the modified Law no. 36 (2008) on the Election of Governorate, Qada'a and Nahiya Councils
5. Valid Votes: the votes valid for counting.
6. General Seats: the seats specified in Article 24 of Section Five of the modified Law no. 36 (2008) on the Election of Governorate, Qada'a and Nahiya Councils, after excluding the seats allocated for the components.
7. Seats allocated for components: seats allocated in the governorate councils for the components mentioned in Article "First" of the Law no 44 (2008) on the modification of the Law on the election of Governorate, Qada'a and Nahiya Councils.
8. Component list: a single list representing a political entity competing in the electoral district for the seat allocated to the component.
9. Single list: a political entity list for a single candidate.
10. Open list: a list containing the announced names of candidates provided that it does not exceed the number of seats allocated to the district.

11. Electoral Divider: the quotient of dividing the total number of valid votes (minus the valid votes that have been cast for the components) by the number of general seats for each of the governorate councils.
12. Vacant Seats: the seats that have not yet been distributed.
13. The excluded entity: the political entity that has been excluded from the distribution of the general seats for its lack of attaining the electoral divider.
14. The exhausted entity: a political entity that has been allocated a number of seats equal to or exceeding its number of candidates.
15. Vacant seat ratio of the list: the quotient obtained through the division of the number of seats received by the non-exhausted winning list by the total number of general seats allocated to the winning lists.

## **Section Two**

### **The Number of Governorate Council Seats**

The seats of the Governorate Councils shall be determined as follows:

**First:** The Governorate Council is made up of twenty five (25) seats, in addition to one additional seat for every two hundred thousand (200,000) people in excess of five hundred thousand (500,000) people, in accordance with Article 24 of the modified Law no. 36 (2008) on Governorate Council Elections.

**Second:** Based on the latest census for the food ration card, the number of governorate council seats, including the seats allocated to components, shall be according to the following table:

<b>Governorate</b>	<b>Number of general seats</b>
Baghdad	57 seats, including 2 for components
Anbar	29 seats
Ninawa	37 seats, including 3 for components
Salah al-Din	28 seats
Diyala	29 seats
Kerbala	27 seats
Najaf	28 seats
Babel	30 seats
Wasit	28 seats
Missan	27 seats
Thi-Qar	31 seats
Qadissiya	28 seats
Muthanna	26 seats
Basrah	35 seats, including 1 for components

## **Section Three Distribution of Seats**

### **First: the distribution of component seats**

1. The valid votes received by the lists competing for the seats allocated to the components are added, and a component seat shall be allocated to the list that receives the highest number of votes.
2. In case two or more lists receive the same number of valid votes for the same component, IHEC shall hold a draw among them to determine the winner.

### **Second: the distribution of general seats**

The process of distribution of general seats shall be as follows:

#### **Step 1 (according to the electoral divider):**

1. The number of valid votes of a list shall be calculated by adding the number of valid votes cast for every candidate within the political entity's list to the number of valid votes to the entity.
2. The electoral divider shall be calculated through the division of the total number of valid votes cast to all the political entities (minus the valid votes cast for the components) by the number of general seats of the governorate council.
3. In case a political entity attains a number of votes less than the electoral divider, no seats shall be allocated to that entity, and it shall be considered an excluded entity.

#### **Step 2 (distribution of general seats):**

1. The number of seats for every winning political entity shall be the result of dividing the total number of valid votes that it has attained by the electoral divider.
2. The seats shall be allocated in accordance with the whole integer obtained for each list based on what has been mentioned in paragraph 1 above, and in case some seats remain available they shall be considered vacant and shall be distributed in accordance with **Step 3** below.
3. In case all seats have been allocated, the subsequent step shall be to apply **Section Four** concerning the allocation of seats to candidates.
4. In case all the candidates of a certain list (single or open) win seats, the list shall be excluded from any subsequent distribution and it shall be considered an exhausted list.

#### **Step 3 (distribution of vacant seats):**

The vacant seats shall be distributed according to the following:

1. The general seats that were allocated in accordance with paragraph 2 above shall be added together.

2. The ratio of each open list to the vacant seats shall be calculated by means of dividing the number of seats that each list has attained by the total of what the winning lists have attained.
3. The open list shall be awarded a number of vacant seats equal to the result of multiplying the ratio of vacant seats of the list with the number of vacant seats.
4. The vacant seats are allocated to each winning list in accordance with the whole integer reached as indicated in paragraph 3 above.
5. In case some other vacant seats remain, one seat shall be allocated to every winning open list in accordance with the decimal order from top to bottom up until all seats have been allocated.
6. In case not all vacant seats have been allocated in accordance with the above mentioned procedures, the aforementioned steps 2, 3, 4 and 5 shall be repeated after excluding the exhausted lists, taking into account the change occurring in the total number of allocated seats and in calculating the ratio of vacant seats.

#### **Section Four**

#### **Allocation of Seats to Candidates**

1. The sequence of the names of candidates shall be rearranged within the open list based on the number of votes received by each candidate from top to bottom.
2. The seats attained by the list shall be allocated to candidates in accordance with paragraph 1 above, and there must be a woman at the end of every 3 winners, regardless of the male winners, within the lists that won three seats or more.
3. In case the ratio of women has not been attained within a list in accordance with Paragraph 2 above, the following shall apply in order to complete the ratio:
  - a. The ratio of women in each list shall be specified by dividing the number of seats allocated to the winning list by three, and neglecting the decimals.
  - b. Calculating the number of the remaining seats for women in every winning list by deducting the number of seats of winning women, in accordance with the aforementioned paragraph 1, from the quota of women in the list.
  - c. The last seat allocated to men shall be given instead to the woman that has attained the highest number of votes up until all required seats for women have been allocated to them.
4. In case two or more candidates within the same list receive the same number of votes, the seats shall be allocated to them in accordance with their rank within the list of the political entity.

#### **Section Five**

#### **Loss of membership**

1. If a member of the council loses his/her seat for any reason, the candidate who received the next highest number of votes in his/her list shall substitute him/her.
2. If the council member is of a single list, a by-election shall be held within the same electoral district.
3. If the council member loses his/her seat and was one of the components, the provisions of paragraph 1 above shall be applied, and in case only one candidate was available for the component a substitute candidate shall be appointed during the

candidacy phase, and the substitute candidate shall take over his/her duties and shall be certified in accordance with the law.

**Section Six**  
**Final Provisions**

In case the seats of a certain governorate cannot be distributed in accordance with the regulation herein, IHEC shall have the right to issue a supplementary regulation based on the highest average system according to D'Hondt method.

**Section Seven**  
**Effective Date**

This regulation shall enter into force as of the date of its ratification by the Board of Commissioners on December 31, 2008.