



According to the authority which has been given to the Board of commissioners in the article (4), item (8) of the Independent High Electoral Commission's law No. (11), in the year 2007 and the governorate council, districts, and sub-districts' elections no. (36) Of 2008 (amended), we decided issuing the following regulation:-

(Regulation)
(Crimes and Punishments of Elections and
Referenda)
No. 14, year 2008

(Preamble)

The independent High (Supreme) Electoral Commission in Iraq has been established according to the law no (11) of the year 2007 to be precisely the only electoral authority in Iraq, The commission is professional, autonomous, independent, and neutral, subjected to the supervision of the council of representatives.

(1st Section)
(Terms of IHEC)

The following terms represented the meaning in the face of each one of them:-

1. **"IHEC"**:-means the independent High electoral commission.
2. **" The Board"**:- Is the Board of commissioners.
3. ' IHEC employee includes:-
 - a. Any of IHEC Staff Members.
 - b. Any other person who was appointed to achieve tasks related to referendum and elections by cooperating with IHEC.
4. **"Law of elections"**:- Is the governorate council, districts, and sub-districts' elections law no. (36) Of 2008 (amended).
5. **"Elections"**:- Any elections which IHEC arranges.
6. **"Referendum"**:- Any referendum implemented by IHEC.



7. **"An electoral paper"**:- Any document that is related to referendum or elections.
8. **"Electoral laws"**:- Any valid laws, regulations, procedures, or any decisions that are issued by IHEC.
9. **"Electoral Crime"**:- Implementing or the abstention from doing a job which violates rules and provisions mentioned in both, the law of the provisions of governorates, districts and sub-districts amended law no.(36) of 2008, referendum law or the regulations of the IHEC.
10. **"Identification Document"**:- any original document that proves someone's identity.
11. **"PE (Political Entity)"**:- is an organization including the political party and the person who wants to nominate himself/herself individually for elections on condition that they are officially certified and approved as PE by the IHEC.
- 12.- **"Eligible voter"**: any voter who meets the legal and nationality conditions to vote in referenda and elections.
13. **"Accredited referendum and elections observer"**: a person who is registered within the observation group accredited by the IHEC to observe the voter registration update process, referenda and elections on behalf of the observation group.
14. **"Campaign period"**: the period of time during which PEs and coalitions are allowed to practice their media campaigns activities.
15. **"Voter Registration Center (VRC)"**: the place wherein people can modify or register their data in the voter list.
16. **"PC (Polling Center)"**: a place selected and run by the IHEC in which voters can cast their votes.
17. **"Counting center"**: a place selected and run by the IHEC wherein sorting of votes process is implemented.
18. **"Weapon"**: any tool can be used to attack someone or inflict harm such as (fire weapons, knives, explosives)
- 19.- **" Unjustified Effect"**: any advantages given for illegal reasons.



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(2nd Section)

(Holding weapons inside or around PCs, VRCs and counting centers)

- 1- He who accesses PCs, VRCs and counting centers with a weapon shall be punished with 10 years imprisonment except for security personnel requested by the IHEC to be present in these centers.
- 2- Carrying of weapons shall be banned within 100 meters around PCs, VRCs and counting centers.

(3rd Section)

(Prejudicing Voter Registration Process)

Anyone commits any of the following actions shall be imprisoned for a period of no less than six months and pay fines of no less than (100.000) on hundred thousand Iraqi Dinars and not exceed (500.000) five hundred thousand Iraqi Dinars:

1. Intentionally listed names(s) faked attributes in the voter lists or did not enroll a name in contrast with the provisions of the electoral law.
2. Managed to enlist his name/another person's name without meeting the necessary legal conditions and it was firmly established that he/she knows about that. This shall also apply to everyone who manages to delete or skip someone's name.
3. He who votes in elections and knows that his/her name was illegally listed in the voter list or that he/she lost the legal conditions necessary to use his/her right to vote.

(4th Section)

(Prejudicing Elections and Referenda Processes)

1. Any member of PE, coalition, group, organization, person or any other body committed any of the hereunder mentioned actions shall be imprisoned and pay fines of no less than (10.000.000) ten million Iraqi Dinars and not exceeding (25.000.000) twenty five million Iraqi Dinars:



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- A-Practicing any kind of pressure, intimidation, rating others as unbelievers, distrusting others, hinting at temptations providing/promising to provide material and immaterial profits.
- B- Keeping an armed militia.
- C- Closing an electoral region by force or threatening to use force for or against others.
- D. Using state departments (state offices) for campaigning.
2. Anyone who slanders, insults or beats an IHEC staff-member during polling shall be imprisoned for no less than one year.
3. Anyone commits one of the following acts shall be punished with no less than one year imprisonment and pay fines of no less than (100.000) one hundred thousand Iraqi Dinars and shall not exceed (500.000) five hundred thousand Iraqi Dinars:-
- A.** Takes hold of, hides, destroys, damages, deforms or steals ballots, voter lists or changes the results in anyway.
- B.** Violates the freedom of elections or its regulation by using force or threatening any one to do any of the following acts:
- One:** - Obstructing of any procedure stipulated in the electoral rules.
- Two:** - Preventing any IHEC staff-member from practicing his/her authorities or duties.
- Three:**-Anyone who direct or indirectly affecting, without justification, the referendum and elections staff by inflicting any kind of harm or threat which causes physical or psychological damage against anyone or his/her properties.
- Four:** - Access or stay at PCs, VRCs or sorting centers without the permission of the IHEC officer in charge of that center. This shall not apply to accredited observers or PE agents within the set number, registrants or voters within the necessary time.
- Five:** - Having an unauthorized person breaking or opening the seal of a stamped batch in the PCs or counted according to the election rules.
4. Anyone tampers with, steals or destroys ballot boxes or performing any act undermining the integrity and secrecy of the electoral procedures shall be punished by imprisonment of no more than one year.



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5. Anyone intentionally attacks candidates' pictures or their programs posted in the areas specified for that in favor of any party or person to do harm to this candidate or affect the progress of the electoral process shall be punished by imprisonment of no less than one month and no more than one year.

(5th Section)
(The Bribe)

1. Anyone commits one of the following crimes shall be imprisoned for less than one year:-
- A. Any IHEC employee or hired staff intentionally ask or agree to take an offer including any kind of unjustified profit for himself or for anyone else in order to do something or not to implement his/her duties .
 - B. Anyone intentionally provides or offers any kind of unjustified benefit directly or indirectly to badly affect the work of an IHEC staff when he/she performs his/her duties.
 - C. If any person intentionally asks or agrees to take an unjustified profitable offer in order to practice improper influence, as paragraph (B-1) of the above part.
 - D. If someone asks, accepts an offer or receive an unjustified profit directly or indirectly for him/her or for another person to impact the registration, voting of any person, support or oppose a referendum or a PE in any possible way.
 - E. If someone directly or indirectly gives or offers to give another person an unjustified profit to impact the registration, voting of any person, support or oppose a referendum or a PE in any possible way.
2. The legitimate announcement of a general policy or making a promise to launch a public work is not considered as crime as mentioned in paragraph no. (1) Of the above part.

(6th Section)
(Impersonation and Rigging)

Anyone commits one of the following acts shall be imprisoned for at least (6) six months and pay fines of no less than (100.000) one hundred



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thousand Iraqi dinars and shall not exceed more than (500.000) five hundred thousand Iraqi dinars:

- A. Registering as voter either by using another person's name whether he/she is alive, dead or even a false name.
 - B. Casting a vote in the ballot paper by using another person's name whether he/she is alive, dead or even a false name.
 - C. Voting in an election in which he/she already voted.
 - D. Changing the choice of an illiterate voter and writing a name or ticking a choice not the one wanted by the voter or hindered any voter to prevent him/her practice his/her right in elections.
 - E. Nominating in the candidate list in more than one constituency or with more than one PE.
2. Anyone commits one of the following acts shall be imprisoned for no less than one year:-
- A. Put anything other than the ballot paper into the ballot box except for what is allowed by the electoral rules.
 - B. Deceptively rigging and damaging any electoral paper/ballot paper or forging any official label on it.
 - C. Providing any person with an electoral paper/ballot paper without permission.
 - D. Deceptively taking out a ballot paper whether it is blank or used from any PC or counting center.
 - E. Destroying, taking hold of, or using any ballot box, voting screen, document or any other materials used in the VRCs, PCs or sorting centers; or intervening in the work unlike all the followed norms.
 - F. Intervention of any person deceptively or trying to intervene in the ballots' sorting process done by the IHEC staff.
 - G. Destroy, tamper with or remove any slogans or advertisements made in terms of the electoral rules without any authorization according to the followed norms.

(7th Section)

(Violating secrecy conditions)

Anyone commits one of the following acts shall be imprisoned for at least (6) six months and pay fines of no less than (100.000) one hundred



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thousand Iraqi dinars and shall not exceed more than (500.000) five hundred thousand Iraqi dinars:-

1. Prevent or try to prevent any voter when he/she ticks the ballot paper.
2. Forcing or trying to force someone, against his/her will, to expose information concerning the way he/she voted.
3. Getting or trying to get information about they way in which someone else voted.
4. Convincing or encouraging any voter to show his/her ballot paper after being ticked to reveal the way in which he/she voted.
5. If any IHEC staff-member, an observer, a PE agent, security personnel or media present at the PC on the E-Day convey information on a person existing in the PC to any other person which may undermine the secrecy of voting.

(8th Section)

(False and Illusive Announcements)

1. If a PE agent or candidate did an electoral campaigning which involves deceiving and cheating to the voters, publishes, disseminates, causes or allows to publish and distribute anything relative to referenda, elections and their results shall be imprisoned for no less than one month and no more than six months and shall pay fines of no less than one million Iraqi dinars and not exceeding five hundred thousand Iraqi dinars.
2. Anyone publishes or circulates, among voters, incorrect news on the behavior or reputation of a candidate to impact the election results through influencing the voters' views.
3. Anyone puts advertisements or distributes work programs, leaflets or cards in the name of a candidate who is not registered in the candidates lists shall be imprisoned for no less than one month and no more than six months and shall pay fines of no less than one million Iraqi dinars and not exceeding five hundred thousand Iraqi dinars.
4. Anyone announces the withdrawal of candidate(s) from the electoral process and he/she knows that it is incorrect in order to



affect voters or shifts the votes of that candidate to him/her shall be punished with no less than one month imprisonment and not exceeding one year.

5. It shall not be considered a crime if someone circulates publishes or distributes anything specifically concerning a public policy, political activities or promises to do a public work from a PE or a candidate in terms of paragraph (1) of the above part.

(9th Section) (Electoral Crimes)

1. Anyone uses force or threatens in order to prevent a voter from using his/her right so as to compel him/her to vote for some party or not to vote at all shall be punished with no less than one year imprisonment.
2. Anyone posts data, photos or electoral bulletins outside the places specified for that shall be punished with no more than one month imprisonment.
3. Anyone attacks the legally permitted channels of electoral campaigning for any reasons whether by scratching, shredding or any such behavior shall be punished with no less than one imprisonment and no more than one year.
4. Anyone commits one of the following acts shall be punished with no less than one month imprisonment and no more than six months, he/she must pay fines of no less than one million Iraqi dinars and no more than five million Iraqi dinars:
 - A. Organizing the electoral campaign prepared by the candidate or his/her supporters during the media campaign period by using state-owned building occupied by the various ministries and departments.
 - B. Using the official logo of the government in the meetings, advertisements, electoral leaflets and publications used in the electoral campaigns.
 - C. Utilization of state and local authorities' servants of their powers, state resources, its means or bodies for their benefits or



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for any candidate including its military and security forces in the electoral campaigning or influence voters.

- D. Insulting or defaming others.
- E. Funding campaigns from the public funds, budgets of the ministries, wakf funds (religious endowments) or external support funds.
- F. If a PE agent or a candidate on the polling day distributing work programs, leaflets, cards or nay other types of documents personally or through another one.
- G. If a state servant or a member of the local authorities distributes on the polling day work programs personally or through others.

(10th Section)

(Complains and Penalties)

1. Complains and challenges shall be adjudicated according to the electoral and regulations issued by the IHEC.
2. The BOC has the right to impose punishments on the employees, PEs, observers, PE agents or any person under its legal authority. It includes the following:-
 - A. Reparative procedures
 - B. Fines.
 - C. Canceling the certification of the PE.
 - D. Stripping the PE from the votes it gained in a specific PC.
 - E. Removing the name of a PE's candidate from the candidates' list.
 - F. Withdrawing the accreditation of an observation team.
 - G. Withdrawing the accreditation of an electoral observer or a PE agent.
3. Anyone commits any of the electoral crimes stipulated in the law shall be referred by the IHEC to the competent judicial authorities.
4. The imposition of a civil penalty for an electoral crime shall not prevent the imposition of a criminal penalty according to the valid Iraqi law.



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(11th Section)

(General Rules)

1. The beginning of the electoral crimes considered as it is mentioned in the law of governorates, districts and sub-districts no. 36 the amended of the year 2008 with a fully-completed crime.
2. Fines of (50.000.000) fifty million Iraqi dinars shall be imposed on any Political Entity found guilty of participating in committing any electoral crime.
3. Political Entities shall be responsible for the violations committed by its high-level members, candidates and agents.
4. If the Political Entity presents the evidences proving that it tried to prevent its members, candidates, agents and supporters from violating the code of conduct or the provisions of this regulation, then this shall be considered as a mitigating factor in the decision of the Board of commissioners to impose the proper penalty for a specific crime.

(8th Section)

(Date of enforceability)

This Regulation shall enter into force from the date of its ratification by the Board of Commissioners on 1/12/ 2008.

Board of Commissioners