



جمهورية العراق

المفوضية العليا المستقلة للانتخابات  
كۆمیسونی بالای سه ربه خۆی هه لێژارد نه كان  
The Independent High Electoral Commission

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)**  
**(Distributing Seats)**  
**No. 15, 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.

**(1<sup>st</sup> Section)**  
**(Terms of IHEC)**

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

1. **"Commission"**:-means the independent High electoral commission (IHEC).
2. **"The Board"**:- Is the Board of commissioners.
3. **" Governorate Council"**:- Is the elected council by the amended law no.36 of governorate council, districts, and sub-districts' elections
4. **"Constituency"**:- is referred to each specific area which got a number of seats according to the rules of the law of GC no.36 of the year 2008 the amended.
5. **"Valid Votes"**:- Is the voices of voters proper which are proper to be counted.



6. **"General seats"**: - Are those seats mentioned in the fifth chapter five of Governorates, Districts, and sub-districts election Law no. 36 (amended) of 2008 after the exclusion of the Component Reserved Seats.
7. **"Component Reserved Seats"**:- Are those CRS s in GC for the components mentioned in the first article of the law of amending the law of Governorates, Districts, and sub-districts election Law no. 44 of the year 2008.
8. **"Component List"**:- Is an isolated list stand for the PE in the constituency which competes on the RCS.
9. **"Individual List"**:-Means A PE list of an isolated candidate.
10. **"Open List"**:-A list which contains the announced candidates' names on the condition that it should not exceed the institutions' reserved seats.
11. **"Electoral Denominator"**:-Is number of the valid votes (except valid votes) divided on the number of the general seats for the council of each governorate.
12. **"Vacant Seats"**: Seats which has not been yet distributed.
13. **"Eliminated Entity"**: Is the entity which has been eliminated from distributing general seats for not having the Electoral Denominator.
14. **"Depleted Entity"**: Is apolitical entity which got number of seats equal or exceeds the number of its candidates.
15. **"Lists' vacant seats' proportion"**: Is the result of dividing the number of seats won by the non-depleted win list on the total reserved general number of win lists.

## (2<sup>nd</sup> Section)

### (Number of GCs seats)

GCs seats are set according to the following:-

**First:** - GC is composed of (25) twenty five seat plus one seat for each (200000) two thousands human being for what exceeded (500000) five hundred thousands people according to the provision (24) of the law of GC no.36 of the year 2008 the amended.

**Second:** - Depending on the latest survey of the Ration Card; number of GC s seats included it CRS as in the below chart:-



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| Governorate name | Number of General Seats                 |
|------------------|---|
| Baghdad          | 57 seat, 2 of them for components       |
| Al_Anbar         | 29 seat                                 |
| Nineveh          | 37 seat, 3 of them for the components   |
| Saladin          | 28 seat                                 |
| Diyalah          | 29 seat                                 |
| Karbala          | 27 seat                                 |
| Holy Najaf       | 28 seat                                 |
| Babylon          | 30 seat                                 |
| Wassit           | 28 seat                                 |
| Maisan           | 27 seat                                 |
| Thikar           | 31 seat                                 |
| Kadisiyah        | 28 seat                                 |
| Muthanna         | 26 seat                                 |
| Basra            | 35 seat , one of them for the component |

(3<sup>rd</sup> Section)  
(Seats Distribution)

**First: - Distribution of the component seats**

1. Valid Votes which lists got after the competition on the CRS s, will be collected, then a component seat will be specified for the list which got the utmost number of voices.
2. If two or more lists got the same number of valid votes, IHEC will made a ballot between them to choose the winner.

**Second: - Distribution of the General Seats:-**

Distribution of General Seats will be as follows:-

**The first step (Counting the Electoral Denominator):-**

1. Number of Valid votes of the list would be counted by collecting the number of valid votes cast for each candidate in the list of a political Entity, with the number of valid votes of the entity.
2. The electoral Denominator will be counted by dividing the total number of valid votes cast for all political entities (subtracted from



them the valid votes cast for the components) on the number of the general seats of the governorate.

3. If the political entity won number of valid votes less than the electoral denominator, any seat will not be allocated for that entity and considered as one of the excluded entities.

### **The second step (Distributing general seats):-**

1. Number of seats will be specified for each winner PE by dividing the total number of valid votes which it got, on the electoral denominator.
2. Seats will be allocated according to the valid number resulted for each list as in item 1 above, if left seats were existed then it considered as a vacant seats and distributed as in third step below.
3. If all seats were allocated then remove to the fourth section related to specifying seats on the candidates.
4. In case all the lists' candidates win seats whether the list was isolated or open, then it will be excluded from any following distribution and considered as a depleted entity.

### **The third step (Distributing vacant seats):-**

Vacant seats will be distributed as below:

1. General seats have been allocated in accordance with point 2 of the second step above.
2. The ratio of each open list of vacant seats will be counted by dividing the number of the seats obtained by each list, on the total number of what the winner lists got.
3. Given the open list number of vacant seats that are equal to the result of multiplication the ratio of the list's vacant seats, by the number of vacant seats.
4. Vacant seats will be allocated for each winner open list in accordance with the valid number resulted as in point (3) above.
5. In case of existence of remained vacant seats remained, then one seat will be allocated for each open winner list according to the decimal fracture from the maximum to the minimum.
6. If all vacant seats had not been allocated according to the procedures above, steps (2,3,4,5) above will be repeated after the



exclusion of depleted lists, taking into consideration the change that occurred in the grand total of seats which has been allocated in the proportion of vacant seats' ratio.

#### (4<sup>th</sup> Section)

##### (Allocation seats for the candidates)

1. All the names of candidates in the open list will be rearranged in the open win list according to the votes had been got by each candidate from the top to the lowest level.
2. The allocation of seats obtained by the list of candidates as in item (1) above and there should be a woman winner candidate at the end of each three men winners candidates regardless of the number of the men winners in the lists that win three or more seats.
3. in the case of the lack of the proportion of women in the list according to the description mentioned in point (2) above ; the following steps will be followed to complete the rate:-
  - A. Women share in each list are determined by dividing the specified seats number in the winner list on (3) on the condition that the decimal fracture will be ignored.
  - B. Counting the left women' seats in each winner list by subtracting number of seats referring to the winner women as in item (1) above, from the women's list share.
  - C. One seat will be specified for women after each two winner men regardless from the number which got by men, till all the wanted seats will be allocated.
4. If two or more candidates in one list were in case of equally, then seats will be allocated among them according to their sequence in the PE list.

#### (5<sup>th</sup> Section)

##### (Lost of membership)

1. If the member of a council lost his seat for any reason, the next candidate will replace him/her in number of votes which he/she got in the list.



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2. If the member of a council was within an individual list, supplementary elections will be held in the same constituency.
3. If the member of a council lost his/her seat who is one of the components, then rules of item (1) will be applied. In case of the existence of only one candidate of the component, a substitute candidate will be appointed during the nomination period who will receive all his/her tasks and be accredited by the law.

**(6<sup>th</sup> Section)**

**(Final Provisions)**

In the absence of the possibility of the distribution of seats for the provincial council in accordance with these rules, the commission has the confirmation of the supplementary regulation based on system of the strongest rate in accordance with (Dehont theory) .

**(7<sup>th</sup> Section)**

**(Date of enforceability)**

This Regulation shall enter into force from the date of its ratification by the Board of Commissioners on 31/12/ 2008.

Board of Commissioners