Iraq
Electoral Fact Sheet

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Who is responsible for organizing the elections?

- The **exclusive jurisdiction for the oversight, organization and conduct of the transitional elections** has been vested in the **Independent Electoral Commission of Iraq (IECI)** - established by the Coalition Provisional Authority (CPA) order 92 (31 May 2004).
- The IECI is also the **authority responsible for certifying political parties, associations, groups and independent candidates** as political entities – to compete in the election. The **IECI is the arbiter of electoral disputes and can impose penalties against political entities** for election related offences.
- As the electoral process evolves, the **IECI will become the main focus of political pressure**. The IECI's capacity to **withstand political pressure** will depend largely on its **ability to remain independent, impartial and consistent** – in reality and perception.

What is the role of the UN?

- The **UN is advising and supporting the IECI** in its work to deliver credible and inclusive elections. The UN has been providing technical, administrative, logistic and financial support. **The UN is not responsible for supervising the elections or determining key decisions.**
- The **UN cannot observe Iraq's elections** while it is providing support to the commission.
- The **Secretary-General has appointed an international commissioner** (Carlos Valenzuela) to work with the IECI and also **heads a multi-organization International Electoral Assistance Team**. The UN, at the request of the IECI, is **responsible for coordinating all international assistance to the electoral process**. The **UN has 56 electoral experts working inside Iraq and in locations outside of the country** to support the preparations for elections.

What is the election date?

- The actual date of the election is **30 January 2005. Nonetheless, the Out-of-Country Voting will take place the 28, 29 and 30 January.**

How will voters be registered?

- The registration started **on 1 November** and finished on 15 December.
- In total, over 458 of 542 **(85%) registration centres were operational**.
- Iraqis were able to check if their names are properly registered on a provisional voters' roll prepared by the IECI **with help from United Nations electoral experts** and derived from the ration card system.

What is the out come of the Registration Process?
- Close to 4,500 deceased were removed and over 7,000 changes of location were processed. More importantly, over 3,200,000 corrections were made and close to 1,200,000 additions were registered.
- The final register includes 14,270,000 eligible voters

What has been the extent of UN electoral support?

✓ **Strategic Planning and Advice**
- Elections are a complex operational and political task. The UN has been directly **advising the** Board of Commissioners of the **IECI on the variety of options they have available for each key decision they must consider**. Main concerns involve both the **impact on the timing of elections and how these decisions affect the minimum standards of a credible and fair election**.

✓ **Operation Planning**
- Elections require extensive and complex field operations to prepare, which necessitate detailed planning. The UN has several electoral experts working with the IECI to **plan out the necessary steps of the election with a view to ensuring that delays are minimized and international standards are addressed**.

✓ **Electoral Regulations and Procedures**
- The electoral framework requires extensive regulations and procedures to be prepared, which will determine how the election will be administered and conducted. The UN is **providing advice and support to the IECI on the elaboration of these regulations and procedures to ensure a process that meets international standards**.
- **The IECI has issued 16 Electoral Regulations covering all issues and processes related to the organization of January's elections.**

✓ **Training**
- The newly created IECI must select, recruit and deploy large numbers of Iraqi electoral staff to perform the necessary functions of the election. The UN has **developed training materials (based on the procedures and regulations) and has been training Iraqi Trainers on the delivery of these materials**.
- The number of IECI core staff is over 1,000 at both HQ and in the governorate electoral offices. In addition, the IECI has 6,000 staff at the district level. The IECI finalized the hiring and training of approximately 194,000 staff to operate polling stations, work in warehouses and provide assistance at headquarters during the electoral process.

✓ **Capacity Development**
- Capacity building is the task of establishing and expanding the capabilities of the indigenous institution towards self-sustainable operation. The development of senior Iraqi electoral staff to carry out the work of the IECI is the goal. The UN has prepared and **trained several senior officials in electoral and administrative work, and continues to support them in their day-to-day tasks in an advisory role**.

✓ **Public Information**
- Public information campaigns are an essential component of successful elections. The UN has been **advising and supporting the IECI in the development and production of information campaigns** directed at voters, candidates and political entities for the upcoming elections. These include **voter and civic education campaigns**, to inform Iraqis on how to exercise their political rights in the electoral process.
- Currently the public information campaign is in process through Iraqi and satellite television, radio, and print materials, including posters, pamphlets and newspapers.

✓ **Information Technology Support**
- The UN has been supporting the IECI with the development of the necessary databases for the preparation of the voters' roll. A team of experts has been working with IECI and Ministry of Trade officials to **prepare, design and implement the main voter registry system**.

✓ **Operational Support**
- The operational preparations necessary for elections require extensive work in **contracting and procuring services and materials**. As requested, the UN has been assisting and advising the IECI to support these activities with international and national contracting.

✓ **Coordination of International Technical Assistance**
- At the request of the IECI and in accordance with SCR 1546, the UN has taken a lead role in coordinating the assistance of the international community towards elections. This includes the **identification of work, prioritisation and ensuring that duplications are avoided**.
- Currently, the total number of the international technical team in Baghdad is 40, including 21 UN electoral staff. Altogether 56 UN staff are currently working on electoral assistance for Iraq.

What is to be elected?

- Article 57B of the TAL calls for three elections at the same time. The election of the Iraqi National Assembly, Governorate Councils and the Kurdistan National Assembly.

✓ **Iraqi National Assembly**
- **The Iraqi National Assembly (INA)** is to be elected to **draft Iraq's new permanent constitution.** As such, it will represent **a milestone in the transition to a fully democratic government**. The national assembly will **also form the Iraqi Transitional Government replacing the Iraqi Interim Government (IIG)** and administer Iraq throughout the rest of the transition.
- The Transitional Administrative Law (**TAL**), under Article 57B, **also calls for the election of Governorate Councils and a Kurdistan National Assembly** at the same time the INA is elected.

✓ **Governorate Councils**
- In a major step towards realizing Governorate Council elections, the IECI, in agreement with the Council of Ministers, determined that the number of seats of all governorate councils will be set at 41, with the exception of Baghdad which will be 51 (Electoral Regulation 8).
- The electoral system will be proportional representation with lists and independent candidates. Lists will be a minimum of 3 candidates up to the maximum number of seats for the Governorate.

✓ **Kurdistan National Assembly**
- The number of seats of the Kurdistan National Assembly was fixed to 111, as established by the election law in effect in Kurdistan.

Why is it important that the election is inclusive?

- Elections have the potential to contribute to the restoration of peace and stability in Iraq, as well as conveying legitimacy on the new Transitional Government.
- It is **crucial for the legitimacy and success of the constitutional exercise** that the **national assembly** represents a **broad and diverse cross-section of Iraqi society** as possible. The **electoral process** must therefore seek to gain the greatest inclusiveness and transparency as possible – **offering the widest opportunity for Iraqis to participate as voters and candidates**.

How is the election different from the National Conference?

- The **election is fundamentally different from the National Conference which was a selection process**. The **election will enfranchise all Iraqis to participate as voters and candidates,** whereas the **National conference was constituted using a caucus type mechanism**. The **election**, in contrast, will be organized following the principle of **universal suffrage (one person, one vote) and a secret vote**. It will be **administered by an independent institution that has no stake in the process**.

Why did the UN become involved in the electoral preparations?

- At the request of the Iraqi Governing Council (IGC) and Coalition Provisional Authority (CPA) the **United Nations was requested to assist in the formulation of the electoral system** for Iraq. Between March and May 2004, the UN undertook **wide ranging discussions with political, academic, religious and social actors throughout Iraq**, as well as the Electoral Committee of the IGC.

How was the current system chosen?

- Several electoral systems were discussed, including proportional representation, majority and mixed systems. Ultimately, the **range of considerations and consensus led to the adoption of the proportional representation system**. The main concerns that were addressed were **inclusiveness, practicality and avoiding delays**. The choice was further

conditioned by the **requirements of the Transitional Administrative Law (TAL)**, which included: the number of **seats fixed at 275**, a goal of **25% representation of women** and the **fair representation of minorities**.

- The **IGC appointed an Electoral Committee of 18** members to address the electoral issues and formally engage with the UN mission. The **UN electoral mission also held extended consultations with Iraqi actors** including: political groups, civil society, women's groups, youth groups, academics, tribal leaders, media, religious leaders, professional and labour groups and government representatives. **Consultations were conducted** as meetings or town hall gatherings **in 9 of Iraq's 18 Governorates**: Baghdad, Kirkuk, Mosul, Basra, Erbil, Sulamaniya, Hilla, Najaf and Nasiryah.

- In addition to **a legal analysis of previous Iraqi electoral practices and laws** and the **framework governing the transitional period**, **the UN presented** to the Electoral Committee of the GC a set of **three options for discussion**. Each of the three options was **presented with mathematical scenarios and technical feasibility studies**.

- The **Electoral Committee**, after considering all options, **endorsed the Single Constituency Proportional Representation (PR) system** and presented it to the IGC. **In plenary, the IGC adopted the electoral system with 21 votes in favour and 4 votes against**.

What is Iraq's Proportional Representation (PR) System?

- Elections for the **Iraqi National Assembly** will be conducted according to a **closed list proportional representation** system with the entire country considered as **a single electoral district**. The system will elect representatives to **275 seats with a goal of having 25% female representation**.

What were the alternative systems?

- The **main competitor** for the electoral system was **Iraq's traditional system of a multi-member majority system**. That is, a system of electoral districts from which several members are elected. For example, 55 districts of 5 members each. However, this was **not possible** because it required the **redefinition of electoral boundaries** into small districts (the system is impracticable in large districts), **operationally impossible** (within the timeframe) and **politically sensitive** (forced migration – especially in Kirkuk) under the given deadlines. **This system would have created delays in the holding of credible elections.**

- A **second alternative** considered **proportional representation at the Governorate** level. However, the **lack of credible population figures** made the allocation of seats operationally difficult (**a delay in the process**) **and controversial**. More importantly, the **extremely contentious issue of displaced populations** within the various governorates, particularly in the north, would make any **electoral exercise particularly hazardous**.

Furthermore, this system disadvantages less densely populated governorates by increasing the natural threshold for election.

What are the advantages of the PR System?

✓ **Inclusive:**
- The main purpose for the national assembly in the transition is to form a constituent assembly. The **legitimacy of the constitution** will depend heavily on **broad inclusiveness and representation of interests** amongst the national assembly. The **PR system is most effective in gaining inclusive representation** for a range of groups, rather than a "winner-take-all" system (plurality-majority systems), where large groups can secure an overwhelming majority.

✓ **Simple and transparent:**
- The PR system allows a voter to cast one vote, which **simplifies the voting process** – lowering the voter education requirements – and creates a more **transparent system**. The simplicity of the system also makes it **more operationally feasible** to implement.

✓ **No census data required:**
- The system **can be implemented** on a single national district **without census data** and a lengthy and controversial exercise to determine sub-national electoral districts. In so doing, it also **minimizes difficulties and controversy of population movement** within the country (e.g. Kirkuk).

✓ **Best for women and minorities:**
- The system **accommodates** the goal for achieving **women's representation and fair representation of minorities**, as they will be able to vote collectively from around the country for the same list or candidate. (If the elections were conducted in sub-national districts, their votes would be restricted to localized parties or large national groups with the resources to compete around the country.)

✓ **Encourages alliances and moderate positions:**
- The system **encourages political groups to form alliances** around the country and appeal to as many constituencies as possible. Similarly, this need to appeal to differing constituencies **tends to moderate** a groups position. At the same time, the PR system also **allows independent candidates to be elected**, without forcing them to join political parties.

✓ **Permits local representation:**
- By not requiring national coverage/presence and permitting partial lists (of as few as 12 candidates), as well as independent candidates – the **system permits a basis for localized representation** to emerge.

✓ **Least vulnerable to security problems:**
- The national district **permits candidates to campaign with less disruption caused by localized violence or insecurity**. By being placed on a national ballot, the effectiveness of

targeted political violence against candidates is minimized. Similarly, lists of candidates reduce the ability to individually target and intimidate.

   ✓ **<u>Most accommodating to out-of-country voting:</u>**
- The system **accommodates a practical response to out-of-country voting**. A national district permits out-of-country voters to participate in the process, as their vote does not have to be counted towards a sub-national location, which can be highly controversial.
- The IECI has decided to pursue a limited (will occur in several countries) out-of-country operation that is estimated to cost about US$90 million. (The countries in which out of country voting may occur have not been determined at this time.)

Who can modify the current electoral system?

- The **legal framework for the electoral system is broadly defined within the TAL and several laws** (CPA Orders 92, 96 and 97). Within this framework, **no authority has the power to modify the electoral system as it is defined** in those laws. However, the **IECI has the exclusive authority for defining the electoral regulatory framework**. By design, the electoral laws and TAL articles are sufficiently broad that the regulatory framework will predominantly influence the process.

Who can compete in the elections?

- **Political parties, associations and independent candidates** will be able to **register as political entities** with the Independent Electoral Commission of Iraq (IECI) to compete in the election. To do so, they **must collect up to, but no more than 500 signatures** and, if they are an **independent, pay a deposit of 2.5 million** Iraqi Dinars, or if a **group, a deposit of 7.5 million Iraqi Dinars**. **Parties, associations or groups with militia wings will not be able to be registered**. A candidate can only represent one political entity (i.e. they cannot be on several lists).

How are candidates presented?

- Closed lists of candidates and individual candidacies can be presented. A closed list means that the political entity determines the order of the candidates, which cannot be modified by a voter. The number of seats won by a list is allocated to candidates starting from the top of the list. **Lists can be as small as 12 candidates and up to 275 candidates long**. To meet the women's quota, **a female candidate must be at least one of every three** candidates in the order of a list.

Are coalitions/alliances permitted?

- Political entities **can form coalitions and alliances** for the elections. **A party that joins a coalition cannot submit a separate list of candidates in the same election**. Notably, political entities are not required to establish a national presence to compete.

How many votes are needed to win a seat?

- The **number of votes required to gain a seat** (the natural threshold) will be **determined by the number of total valid votes cast**. A **maximum** estimation of 14,270,000 valid votes would create an initial threshold **of 51,891 votes** to gain a seat; 10 million votes would require 36,363 votes; and, 5 million votes would require 18,181 votes.
- The chosen **electoral formula (the Hare formula)** proceeds after the natural threshold calculation based on the "largest remainder". In effect, this means that **subsequent seats (for lists that pass the natural threshold) cost fewer votes.**

What actors will the electoral system favour?

- The electoral system is **open to the full spectrum of actors** (large parties, regional parties, local parties and independent candidates) possible. **Projections on these outcomes are purely speculative until the certification of candidate lists and voter registration information** is available. **Subsequent projections** would be more meaningful, but will be **heavily caveat by the ability of the actors to maximize the benefits** from the system both **in terms of strategic alliances and tactical campaigning**.

How does security affect the process?

- The security environment is an important factor, since violence has the potential to disrupt both campaigning and polling, directly and through intimidation. **Elections present a choice for Iraqis – not only to elect their representatives, but to define their path through the transition**. The **IECI** has the exclusive mandate for the oversight, organization and conduct of elections and will be the **final arbiter of whether the conditions exist under which the elections can occur**.

How does security affect UN electoral support?

- The current **security environment does limit the ability of the UN to deploy** its technical personnel. And yet, the UN is working with the IECI and other partners, and **electoral preparations are going forward on schedule.**

Will Iraqis outside of Iraq be able to participate in the election?

- The IECI has recently approved **Regulation 10 that defines Out of Country voting**. Out of country voting **is to take place in 14 countries:** Australia, Canada, Denmark, Sweden, France, Germany, the Netherlands, the United Kingdom, the United States, Jordan, Syria, Turkey, the United Arab Emirates and Iran.

- **A person can register to vote if** they were **born on or before 31 December 1986, deemed an Iraqi citizen, or be entitled to reclaim Iraqi citizenship, or be eligible for Iraqi citizenship.** Persons seeking to register to vote will need to prove their claim to Iraqi citizenship using documents identified for this use by the IECI.

- **The voter registration for the Out-of-Country Voting occurred between the 17 and 25 January. The polling will take place the 28, 29 and 30 January.**

Who will be conducting the out of country voting operation?

- The IECI has signed a Memorandum of Understanding with the **International Organization of Migration (IOM)** for that organization **to implement the out of country voting on behalf of the IECI**. (IOM has recently worked on the OCV operation in Afghanistan and will reassign their personnel towards Iraq's election.)
- While IOM is in charge of the implementation of the OCV exercise, the IECI has established, with assistance of the UN, a program to monitor the implementation of the Iraqi OCV exercise and provide regular feedback to the IECI on its progress and operations. To achieve this objective, the IECI is dispatching monitoring teams composed of one IECI official support by one UN-provided international electoral expert to each OCV host country.

How much will the Out of Country voting exercise cost?

- The **cost of the out of country voting** operation has been estimated to be in the order of **US$90 to US$100 million** dollars. The **Iraqi Interim Government has transferred to the IECI US$92 million** for this purpose.

How many political entities have been certified?

- **223 Political entities and 34 coalitions are taking part in January's elections.** In total, approximately 18,900 candidates make up the lists, of which 7785 are running for the 275 seats of the National Assembly, and 463 for the 111 seats of the Kurdistan National Assembly.

When is the electoral campaign period?

- The **IECI has approved Regulation 9** that **sets out the official electoral campaign period**. Under that regulation **electoral campaigns can be conducted between 15 December and up to 48 hrs before polling day**.

Electoral Observation

- Several international electoral observer delegations have been accredited with a total of 122 international observers to observe the process. As, if not more important however, is the role of national observers and political agents. **In this regard, 18,052 national observers and 23,015 party agents have been accredited** as of 25 January to observe the election.