



IECI REGULATION 01 / 2004

RULES OF PROCEDURE OF THE BOARD OF COMMISSIONERS

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. It is independent of the executive, legislative and judicial branches of government, and is composed of the Board of Commissioners (the “Board”) and the Electoral Administration.

This regulation elaborates on the legal framework already in place, and is issued by the IECI in consequence of the authorizations given in the TAL and in CPA Orders 92, 96 and 97.

Section 1 Terminology

- 1.1. “TAL” means Transitional Administrative Law
- 1.2. “Transitional Period” means the period commencing with the Transfer of Authority and lasting until the formation of an elected Iraqi government pursuant to a permanent constitution.
- 1.3. “Commission” and “IECI” mean the Independent Electoral Commission of Iraq, as established by CPA Order number 92
- 1.4. “National Assembly” means the National Assembly of the Iraqi Transitional Government, as described in the TAL
- 1.5. “Board” means the Board of Commissioners of the IECI.
- 1.6. “CEO” means the Chief Electoral Officer of the IECI

- 1.7. “Transitional Electoral Panel” means a panel of three judges appointed by the Higher Juridical Council which may consider appeals against final decisions of the Board, as explained in CPA Order 92 section 7.

Section 2 The Board of Commissioners

- 2.1 The Board shall consist of nine members, including seven voting members who shall be Iraqi citizens, and two non-voting members. The two non-voting members shall be the Chief Electoral Officer (CEO) and an international electoral expert to be chosen by the United Nations.
- 2.2 The Board shall head the IECI. The Board shall have the exclusive authority to promulgate, implement, and enforce regulations, rules, procedures and decisions, and take any other action to ensure the successful organization, planning, implementation and oversight of nationwide and local elections throughout Iraq.
- 2.3 The Board is supported by a Secretariat, which provides such services as record-keeping, legal research, secretarial services, and other responsibilities specific to the business of the Board, as required.
- 2.4 These rules will govern the administrative procedures of the Board. Using the following procedures, the Board shall, *inter alia*:
- 2.4.1 Issue regulations;
 - 2.4.2 Oversee the work of the CEO and the Electoral Administration;
 - 2.4.3 Exercise fiscal responsibility for the use of IECI resources;
 - 2.4.4 Approve any instructions, guidelines and other administrative instruments to be issued by the CEO; and,
 - 2.4.5 Consider any dispute, complaint, appeal or matter concerning the electoral process, for inquiry, report or adjudication.
- 2.5 As it deems necessary, the Board shall issue further rules of procedure to amend or supplement the following.

Section 3 Transparency and Accountability

- 3.1 The Board shall conduct its affairs in a transparent and accountable manner.

- 3.2 In general, sessions of the Board shall be closed, but open sessions may be held on any issue at the proposal of four of the voting commissioners.
- 3.3 A written record will be maintained of all meetings of the Board, as described in these procedures. The written record shall include an agenda, minutes, decisions, reasons, and documents considered, and shall be maintained by the secretariat using standard forms. Unless specifically deemed otherwise by the Board, the written record shall be available for public viewing.
- 3.4 The Board will ensure that efforts are made to involve political entities and other stakeholders in consideration of issues of importance to the electoral process.
- 3.5 The secretariat shall maintain a contact list of people and entities which wish to be informed about the activities of the Board and shall make reasonable efforts to inform such people and entities of issues of interest.

Section 4

Meetings, Attendance, and Decisions

- 4.1 The Chairperson of the Board shall determine the time and venue of meetings of the Board. If convenient, the Board may meet according to a regular schedule. Any four commissioners may request a meeting of the Board, which will then be convened by the Chairperson.
- 4.2 The Chairperson shall prepare the agenda for meetings of the Board after consultation with the other commissioners, using a standard form. In general, formal meetings of the Board should consider substantive issues; other issues may be discussed more informally.
- 4.3 In the absence of the Chairperson, the Vice-Chairperson shall act on his or her behalf. In the absence of the Chairperson and Vice-Chairperson, the voting commissioners shall designate an Acting Chairperson.
- 4.4 The quorum for meetings of the Board shall be four voting commissioners. In the event of an emergency precluding the convening of four voting commissioners, a smaller number, with the assent of the Board's international electoral expert, may suffice as a quorum.
- 4.5 Board decisions shall, wherever possible, be taken on consensus. Where consensus cannot be reached, a simple majority of the voting commissioners

present, provided that a quorum is present, shall prevail, unless Order no. 92 stipulates otherwise.

- 4.6 If it is necessary to take a vote of commissioners on an issue, such a vote shall be taken openly, unless one voting commissioner requests that the vote be taken by a secret ballot. Ballots shall be tallied by the Chairperson in view of all the commissioners present.
- 4.7 All commissioners shall be expected to attend all meetings of the Board. There shall be no proxy voting. Should a commissioner be unavailable for a meeting, the Chairperson shall, if possible, reschedule the meeting. If this is not possible, the decision will be made by a simple majority, as stated in 4.5 above
- 4.8 The seven voting members may each designate a deputy, who may attend meetings of the Board on her/his behalf. The deputy is not allowed to vote at Board meetings.
- 4.9 The CEO or the Board's international electoral expert may choose to absent himself or herself from a meeting of the Board if, in his or her judgment, it is preferable that the Board deal with a particular issue in his or her absence.
- 4.10 If, in the view of a majority of the voting commissioners present at a meeting of the Board, it is desirable that some of the proceedings of that meeting take place without the presence of the CEO or the Board's international electoral expert, the CEO or the Board's international electoral expert shall absent himself from the proceedings in question.
- 4.11 The Board may invite a person who is not a commissioner to attend a Board meeting (including a meeting held in closed session) to provide information or advice to the Board.

Section 5

Documents Received by the Board

- 5.1 The Board can receive three kinds of documents:
 - 5.1.1 Submissions, which contain a recommendation for action to be taken by the Board, may be submitted only by a commissioner, including the CEO or his or her delegate and the Board's international electoral expert or his or her delegate.
 - 5.1.2 Memoranda, which do not contain a recommendation for action to be taken by the Board, may be submitted only by a commissioner,

including the CEO or his or her delegate and the Board's international electoral expert or his or her delegate.

- 5.1.3 Correspondence, which shall include any document addressed to the Board, as distinct from the IECI as a larger institution, may be submitted by any person or entity with an interest in the electoral process.
- 5.2 Whenever a commissioner (including the CEO) receives in his or her official capacity (including the capacity of CEO) a document or correspondence which relates in any way directly or indirectly to the functions of the Board, or to matters which will or may, at any time in the future, be subject to consideration by the Board, he or she must submit it to the Board as correspondence or as part of a submission or memorandum.
- 5.3 Any complaints, disputes, or claims may be presented to the Board as per the procedures required in section 6, below.
- 5.4 When the secretariat receives a document to be submitted to the Board, it shall:
 - 5.4.1 Note the time and date of receipt and the mode of delivery;
 - 5.4.2 Allocate the document a document number noting if it is a submission, memorandum, or correspondence;
 - 5.4.3 Complete a cover sheet for the document according to a standard form;
 - 5.4.4 As soon as possible, prepare and deliver copies of the cover sheet and document for each commissioner;
 - 5.4.5 Prepare a copy of the cover sheet and document and place it in both hard copy and electronic files which are to contain all documents received by the Board in document number order;
 - 5.4.6 Prepare a copy of the cover sheet and place the original of the document, under the cover sheet, in a file containing all Board papers relating to the subject to which the document relates; and,
 - 5.4.7 Consult the Chairperson, with the view to scheduling consideration of the document at a meeting of the Board at the earliest opportunity.
- 5.5 In general, a document received by the Board will not be considered at a meeting of the Board held earlier than the second day after the day on which the document is received by the secretariat.

Section 6

Decisions

- 6.1 The Board shall express the outcome of its deliberations as decisions. Decisions may include, *inter alia*, issuance of regulations, approval of procedures, instructions to the CEO, resolution of claims, or authorization of correspondence.
- 6.2 All decisions of the Board shall be recorded in a standard form.
- 6.3 The secretariat shall:
 - 6.3.1 Allocate a decision number to each decision;
 - 6.3.2 As soon as possible, prepare copies of the numbered decision for each commissioner;
 - 6.3.3 Prepare a copy of the numbered decision and place it in both hard copy and electronic files which are to contain all decisions of the Board, in decision number order; and,
 - 6.3.4 Prepare a copy of the numbered decision and place that copy in a file containing all Board papers relating to the subject to which the decision relates.

Section 7

Statements of Reasons

- 7.1 The Board may, at its discretion, produce a statement of reasons, in a standard form, in relation to a decision. If any voting commissioner has dissented from the decision, he or she may include an explanation of his or her dissent in the statement of reasons.
- 7.2 The secretariat shall:
 - 7.2.1 As soon as possible, prepare and distribute copies of the statement of reasons for each commissioner;
 - 7.2.2 Prepare a copy of the statement of reasons and place it in both hard copy and electronic files which are to contain all decisions of the Board, in decision number order, attached to the decision to which it relates;
 - 7.2.3 Prepare a copy of the statement of reasons and place that copy in a file containing all Board papers relating to the subject to which the

statement of reasons relates, attached to the copy of the decision to which it relates.

Section 8 Complaints

- 8.1 As per Section 7 of Order no. 92, the Board has exclusive jurisdiction with respect to the civil enforcement of its own procedures and regulations. The Board may refer a criminal case to appropriate authorities if it finds evidence of criminal misconduct relating to the integrity of the electoral process. The Board has exclusive jurisdiction to resolve disputes arising out of the preparation for and execution of national, regional and governorate elections. Unless otherwise stated, final decisions of the Board may normally be appealed to the Transitional Electoral Panel as described in Section 7 of Order no. 92.
- 8.2 The Board may, on the basis of information received by it, or complaints made or referred to it, or on its own initiative, inquire into, and, where appropriate, rule on any matter or situation which in its view may involve, by any person or entity whatsoever, an act or omission constituting intimidation, obstruction, coercion, corruption, or the publication of false information, or any other act or omission intended to or actually resulting in the obstruction or frustration of the preparation for, or the conduct of, credible and legitimate elections.
- 8.3 The Board will adjudicate any dispute related to the electoral process including any dispute relating to the certification of political entities and the certification of candidates, the eligibility of voters and candidates, and the validity of votes cast.
- 8.4 The Board shall issue procedures to make it convenient for any concerned person or entity to submit a complaint regarding the electoral process.
- 8.4.1 Complaints against the Electoral Administration shall be submitted to the CEO.
- 8.4.2 Any appeals against decisions of the CEO shall be received initially by the Chairperson of the Board. He or she will request an explanation of the situation from the CEO, before the Board adjudicates the appeal.