



## IHEC Regulation No.2

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 6<sup>th</sup> article, point (2) of the amended law of the Kurdistan-Iraq Region's National Council's elections no. (1) Of 1992, we decided issuing the following regulation:-

### **(Certification of Political Entities for Kurdistan Parliament Elections in Iraq)**

Regulation no. (2)  
Of 2009 of Iraqi Kurdistan Region's Parliament Elections

#### **(Preamble)**

IHEC was established according to law no. (11) Of 2007 to be the only electoral authority in Iraq. It is a professional, governmental, independent, and neutral body with a legal personality belongs to the state and supervised by the Council of Representatives. Kurdistan Region is one of the regional offices that followed to IHEC and subjected to the supervision of council of parliament. It got the authority of making elections and inquiries in the same region with the supervision of IHEC.

#### **Part 1 (Terminology)**

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

1. **"Commission"**:-means The Independent High Electoral Commission.
2. **"The Qualified Voter"** is the person who got all the legal conditions to be qualified and conductance in voting.
3. **"National Office"**:- It is the central IHEC office of the Electoral Administrative in Baghdad.



## IHEC Regulation No.2

4. **"Electoral Regional Office: -** It is the central IHEC office of the Electoral Administrative in Kurdistan Region.
5. **"Electoral Office of the Governorate":**-It is the central IHEC office of the Electoral Administrative in the exact governorates.
6. **"Coalition":**- Is a gathering of two Political Entities or more to produce a unified list of candidates in specified elections.
7. **"Chief of a Political Entity":**- is the person who defined as the chief of the internal regulation (organization or a political party), or a person by his/her own when a political entity is a person.
8. **" Electoral Judicial commission"**-Is a commission in the court of cassation of Iraqi Kurdistan Region which consisted of three part-timer judges to adjudicate on appeals referred to it by the Commission, individuals or entities affected by the decisions of IHEC that are final.
9. **"Previous Elections":**- are the elections of the National Assembly held in (31/1/2005), Iraqi parliament elections in (15/12/2005), and the Governorate Council Elections in 31/1/2008.

## Part 2 (Political Entities)

1. The political Entity has been defined as-
  - a ) An organization, including the Political Party. Consisted of a qualified voters who join forces voluntary on the base of shared interests, thoughts, and point of views to achieve the goal of expressing their interests, power, and enable their agents to nominate themselves to a general post on the condition of getting the official accreditation to the political entity from the IHEC.
  - b ) The person (individual) who intended to nominate his/her self by his/her own for elections, for a component seat of Armenians on the condition that this individual gets the official accreditation as a Political Entity by IHEC.
2. Political Entity is not allowed to name its nominators unless it is registered by IHEC.



## IHEC Regulation No.2

3. For free competition in elections, political Entities got the right in forming a coalition to unify interests, and managing the electoral campaign for the nominators in the coalition.

### Part 3

#### (Accreditation of Political Entities)

1. IHEC set a period to receive requests of the Political Entities' accreditation; requests will not be received before or after this period.
2. Any party, organization, gathering, group, or person could submit IHEC a request to get the accreditation as a political entity for the sake of competition. When a request is submitted, a sum of money should be deposited in order that the political entity will be accredited by IHEC. The political entity deposited (5.000.000) five million Iraqi Dinars if he wished to be accredited by IHEC .And (25000.000) twenty five million Iraqi Dinars for the group who wished to be accredited by IHEC.
3. If a financial penalty is imposed on an entity or a coalition due to a violation of an electoral law, electoral regulations, code of conduct, etc. . . .the financial penalty will be discounted from the imposed amount if it was enough to cover the fine amount otherwise the political entity must pay the rest of the amount.
4. If any financial penalties have not been imposed. Then Return the deposit sum in full after the elections, on the condition that the entity or the coalition got the needful votes to win a seat in any elections that he participated in, in addition to the accredited entities or coalitions that did not submitted their nominators' lists in the elections. If the political entity got fewer numbers of votes, the sum will be credited as a fund to the state's budget.
5. The Political Entity must submit petition in writing using sample made by IHEC for this purpose, the request could be submitted to the national office in Baghdad, the regional office in Kurdistan, or to the governorate electoral office.
6. The submission should include the following information:-



## IHEC Regulation No.2

- a) A full name of a Political Entity.
  - b) A name of the chief of the political entity or the single person and address, information to make contact with and the signature.
  - c) A copy of the Code of Conduct signed by the political entity's head.
  - d) Depositing financial insurance.
  - e) An electronic and paper copy of the internal regulation which organizing the political entity's activities (except individuals); on condition that the technique should be taken into consideration in choosing heads and candidates on the base that this regulation should be available to each one of the public to take a look at.
  - f) An electronic and paper copy of the political entity's logo.
  - g) A list of qualified candidates no less than (500) voters including their names, dates and places of their born, addresses, and their signatures or seals with numbers and dates of their national certificates. Those must not sign for another political entity for the same purpose.
  - h) Name of the political entity's authorized representative, address, and means of communication, he/she considered as liaison with IHEC on the national, regional, and provincial level.
7. Accredited Political Entities of the previous elections and Governorate Council Elections on 30/1/2005; are exempted from provisions of article No (6). These political entities should be liable to the following points:-
- a) Producing the previous number of accreditation.
  - b) Payment of insurance provided in article (2) of this section.
  - c) Signing on the Code of Conduct provided in article (9) of this section.
8. Provisions of article (7) are applied on the political entities who wished to keep the same name and logo and the chief of the political entity which accredited by IHEC in both the previous elections and 31st of January elections. The provisions of article (6) are applicable on the political entities who intended to change their names, logo, and head.



## IHEC Regulation No.2

9. A political entity who requests accreditation must sign the Code of Conduct with the way decided by IHEC in which it declares the following:-
- a) Do not have any connection with armed force, militias, or leftover military unit that has been defined in order (91) of the year 2004.
  - b) Do not have a direct or indirect financing from any armed force, militias, or leftover military unit.
  - c) Commitment of Iraqi laws and regulations, including provisions of public meetings, and prevented irritation of hatred and violence, frightened others, and support and use of terrorism.
  - d) Compliance with the regulations, rules, suggestions, procedures, and the Code of Conduct issued by IHEC.
10. Political Entity will be accredited by IHEC if the following conditions were approved:-
- a) There is no substantial lack of the submission.
  - b) Name of a Political Entity and its logo should not be the same as the name and logo of a party, organization, assembly, existent movement, or a political Entity registered or under registration, otherwise priority will be for the previous registered entity.
  - c) The name of the political entity must not arise hatred and violence or violating the general regulation, mustn't contain any personal photo or symbols either military or religious.
11. If the submission lacked the conditions of accreditation, then IHEC will inform the political entity with its decision, the submission which is submitted from the side who submitted it could be amended or done on the condition that IHEC will deliver it within the specified period for the validation of the political entities.
12. IHEC will inform the political entity that IHEC accepted its submission by publishing it in the electronic web site of IHEC then hanging it on the bulletin board of the electoral office to which the submission was produced and also on the bulletin board of the electoral national office in Baghdad. In case of refusal, IHEC will





## IHEC Regulation No.2

- inform the political entity about that by publishing the decision in the Electronic web site of IHEC and in three daily newspapers for three days at least, and in both Arabic and Kurdish languages.
13. Any of the political entities got the right to complain to the BOC about any decision set by IHEC according to this regulation.
  14. Any of the political entities got the right to appeal on the Board's decision in front of the judicial commission of elections within two days from the date of notifying them with the decision.
  15. IHEC kept a certified political entities' special register.
  16. It is not allowed to amend accreditation's requests of the political entities after producing them to IHEC, unless it asked for these amendments for the sake of applying this regulation.
  17. For participating in elections, the political entities offer a list of their nominators of these elections according to what is set in the regulation of (Certification of Candidates), and it is possible to offer these lists to Kurdistan regional electoral commission, or the GEO, then send them all to the national office to study and audit them to be accredited on by the National Office.
  18. The political entity will be accredited for the competition in any elections if IHEC finds, in addition to the certification requirements above, that the lists of candidates produced by the political entity, meet the conditions provided in the regulation of the Candidates' accreditation.
  19. The political entity is not allowed to withdraw from the competition at the end of certification period on candidates' lists.

### **Fourth Section** **(Coalition of the Political Entities)**

1. It is allowed for two or more political entities to form a coalition to produce a shared list of candidates according to a sample made for this purpose by IHEC.
2. The political entity is not allowed, in a particular election, to submit, at the same time, an individual candidates' list and candidates within a coalition. As well as it is not allowed to participate in more than one coalition at the same elections.



## IHEC Regulation No.2

3. All requests related to the certification of the coalition are produced to Kurdistan Regional Office of elections or to the GEO. A period of time will be set by IHEC to receive requests within this period to certificate the coalition, any requests after or before this period will be refused.
4. When Political entities form coalitions, they have to submit a written application according to a form prepared by IHEC.
5. The application should include the following information:-
  - a Full name of the coalition.
  - b Number of allied political entities.
  - c Electronic and a piece of paper copy of the coalition's logo.
  - d Names of persons who had been appointed by the political entity as representatives in IHEC on the regional, or national, or governmental level.
  - e The submission must be signed by the heads of allied political entities and accompanied with copies of the Code of Conduct for each political entity within the coalition according to the Article (9) of the 3<sup>rd</sup> section of this regulation.
6. The coalition considered certified by IHEC if the following conditions provided:-
  - a The lack of essential inaccuracy in the submission.
  - b The political entity's name or symbol should not be (according to the satisfaction of IHEC) alike to any other political party, association, organization, existing movement, other coalition, previously registered or under registration. This matter is up to the estimative authority of the commission.
  - c The name and logo of a political logo shouldn't provoke hatred, violence, or violation to the general regulation and it mustn't contain a personal photograph or either political or religious symbols.
7. The political entity isn't allowed to withdraw from a coalition after the end of the specified period which is set for producing the political entities' or coalition's candidates' lists.
8. If political entity withdraws from a coalition before the end of the specified period to produce the political entities' or the coalition's



## IHEC Regulation No.2

candidates' lists; then the rest political entities within the coalition got the right to produce a new list, and the withdrawal entity got the right to produce a new list. If a coalition formed of two entities then it was broken up, the two separated entities got the right to produce two separated lists.

9. The coalition will be certified by IHEC to compete in an election, if the above certified conditions were present.
10. In the end of the limited period set by IHEC to produce candidates' lists; an appointment will be set for balloting on certified coalitions, political entities, and on their candidates' lists to get the number of balloting which will identify the political entity or the coalition in the balloting paper.
11. All the coalitions which have been certified by IHEC in the previous elections will be broken up. And if these coalitions wished to be certified on again or producing a list of its candidates, it should submit a new submission to IHEC.
12. A- It is not allowed to register a coalition formed of political entities in the name of a broken up coalition which took part in the previous elections without the entities which has been registered in it.  
B- In case of submitting a submission to register a coalition by the use of its previous name and which has been registered in the previous elections; then it should be submitted by the absolute majority (a half + one) at least for the entities which formed the coalition.

## Part 5

### (Decisions of the commission)

IHEC will set techniques for applying its regulations in front of any PE or a coalition. These might include financial fines or withdrawal of the certification of the PE or the coalition.

## Part Six





## IHEC Regulation No.2

### (Date of Enforceability)

This regulation shall enter into force as from the date it was approved by the BoC on 2/4/ 2009.

#### Board of Commissioners

