المفوضية العليا المستقلة للانتخابات في العراق
کۆمیسیۆنی بالای سەربەخۆی هەلبژاردنەکان لە عیراق

The Independent Electoral Commission of Iraq

Under the authority of the Law of Administration for the State of Iraq for the Transitional Period and the Independent Electoral Commission of Iraq Law and the Political Parties and Entities Law (Orders 92 and 97 dated 31/5 and 5/6/2004), the Board issues the following regulation:

IECI REGULATION 13-2005
ALLOCATION OF SEATS

Preamble

CPA Order number 92 of 31 May, 2004 established the Independent Electoral Commission of Iraq 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.

Section 1
Application

1.1. This regulation applies to an election of a Council of Representatives scheduled for December 15th 2005 under the Election Law, the allocation of seats distributed to governorates and the allocation of the compensatory seats and the national seats.

Section 2
Terminology

2.1. "Commission" and "IECI" mean the Independent Electoral Commission of Iraq, as established by CPA Order number 92.

2.2. "Council of Representatives" means the Council of Representatives elected under Article 1 of the Elections Law.

2.3. "Elections Law" means the law passed by the National Assembly September 12th, 2005.

2.4. "entity" means a political entity, a coalition or an independent candidate.

2.5. "vote" means a valid vote for an entity.

2.6. "compensatory seats" means those seats that are allocated to the entities that did not gain any governorate seats.

2.7. "national seats" means those seats that will be awarded to the entities that won governorate seats.

2.8. "total votes" means all the valid votes cast in Iraq and in the out of country voting.

Section 3
Distribution of Seats to Governorates

3.1. Of the 275 seats in the Council, the Elections Law provides that 230 shall be distributed to the governorates and 45 shall be compensatory and national seats.

3.2. The seats distributed to each governorates are in proportion to the number of registered voters in the governorate, based on the public food distribution card database used for the January 30th, 2005 election; as following:

    3.2.1. The total number of the voters listed in the voter registration list is divided by the total number of the seats allocated to the governorates, and the result is called the "national quota".

    3.2.2. The number of registered voters in the governorate is divided by the national quota. This results in a number which is a whole number and a remainder of less than one. Every governorate is given seats equal to the whole number.

    3.2.3. Any seats that are not distributed after the previous step are distributed to the governorates that have the highest remainders one after another until all the seats are allocated.

Section 4
Allocation of Seats from Governorate Votes to Political Entities

4.1. The seats distributed to each governorate are allocated to entities by the following steps:

    1. The total number of votes in the governorate is divided by the total number of seats distributed to the governorate to obtain a "governorate quota."

    2. The number of votes obtained by each entity is divided by the governorate quota. This results in a number which is a whole number and a remainder of less than one. The entity is allocated seats equal to the whole number.

    3. If any of the seats remain unallocated after step 2, they are allocated to the entities with the largest remainders, one by one, until all seats distributed to the governorate have been allocated.

    4. If an entity has been allocated more seats than there are candidates on its list, it is allocated only the number of candidates on the list. Then, a new governorate quota is calculated by deducting the seats allocated to and the votes won by that entity from the totals referred to in step 1 and dividing the resulting number of votes by the resulting number of seats. Steps 2 to 4 are then repeated until all the seats distributed to the governorate have been allocated to entities.

Section 5
Awarding Seats from Governorate Votes to Candidates

5.1. Seats allocated to an entity under section 4 shall be awarded to candidates from the entity's certified list for that governorate, in the order in which they appear on the list.

5.2. A candidate awarded a seat under section 5.1 may not refuse it nor resign it before becoming a member of the Council.

5.3. If a candidate on an entity's list certified by IECI who is to be awarded a seat has died or become permanently incapacitated or disqualified, the candidate's place shall be taken by the next candidate on the entity's list, but if the candidate to be replaced was a woman, the place shall be taken by the next woman on the list unless no woman remains on the list. This also applies to awarding the compensatory and national seats.

Section 6

Allocation of Compensatory and National Seats to Entities

6.1. Every entity that was not allocated any seats in the governorates but that won a number of votes equal to or higher than the national threshold calculated under section 6.1.1, is allocated seats from the 45 compensatory and national seats by the following steps:

1. The total number of votes cast in the election in Iraq is divided by the total number of seats in the Council (275). The result is called the "national threshold".

2. The number of votes for each such entity is divided by the national threshold to give a whole number plus a remainder of less than one.

3. Each entity is allocated a number of compensatory seats equal to the whole number.

If the steps (1 to 3) resulted in distributing more than (45) seats to the entities, then the quotient for each entity, being the number of votes for each seat awarded to the entity will be calculated then seats will be withdrawn from entities that have lowest quotient one after another, but the last seat will not be withdrawn from any entity before insuring that every entity has at least one seat, and time a seat is taken away from an entity, a new quotient for the entity will be calculated. This process will be continued until the number of the awarded compensatory seats is reduced to 45 seats.

6.2. The remainder of the 45 seats that have not been allocated under section 6.1 are referred to as "national seats". They are allocated to the entities that were allocated one or more seats in the governorates, excluding individual candidates, based on the ratio of the votes of the entity to the total votes.

6.3. The allocation referred to in section 6.2 is carried out by the following steps:

1. The total votes of the entities mentioned in 6.2 is divided by the number of the national seats, and the result is called the "national quota".

2. The total number of the votes cast for each entity is divided by the national quota, resulting in a number which is a whole number and a remainder of less than one.

3. Every entity is allocated a number of national seats equal to the whole number calculated for it under step (2).

4. If any national seats remain unallocated after step (3), they are allocated to the entities with the largest remainders, one by one, until all national seats have been allocated.

Section 7

Lists of Candidates for Compensatory and National Seats

7.1. IECI shall post on a notice board at the national head office in Baghdad:

7.1.1. The number of seats allocated to each entity under section 4.

7.1.2. The candidates to whom seats have been awarded under section 5.

7.1.3. The number of compensatory and national seats allocated to each entity under section 6.

7.2. Within 48 hours after the information is posted under section 7.1 every entity entitled to any compensatory or national seats shall deliver to IECI a final list in writing of sufficient candidates to fill all the compensatory and national seats allocated to it.

7.3. The information posted under section 7.1 will not be notified or delivered directly to the entities and every entity is responsible for obtaining it from the tally centre at

IECI. The information may also be published on the website or in the media, but the 48 hours nevertheless runs from the time it is posted at the tally centre.

7.4. According to the Election Law a candidate for a compensatory or national seat must:

    7.4.1. be a qualified candidate under the Elections Law.

    7.4.2. be on a list certified for a governorate under IECI regulations.

    7.4.3. not have been awarded a seat under section 4.

7.5. Every list must comply with the requirement in Article 11 of the Elections Law that no fewer than one out of the first three candidates on the list must be a woman, no fewer than two of the first six candidates must be a woman, and so on until the end of the list.

7.6. The list must state the governorate for which the candidate was certified under IECI Regulation 9-2005.

7.7. An entity may not withdraw or change a list submitted under section 7.2, unless IECI orders the entity to change it to comply with the Elections Law or this regulation, in which case the entity must submit the changed list to IECI within the 48 hour deadline set in section 7.2, or by a later time not exceeding 2 hours after that deadline, as ordered by IECI.

7.8. IECI shall certify a list that is submitted if it complies with the Elections Law and this regulation.

Section 8

Awarding Compensatory and National Seats to Candidates

8.1. Seats allocated to an entity under section 6 are then awarded to candidates from the entity's certified list of candidates for compensatory and national seats in the same order as they appear on the list.

8.2. A candidate awarded a seat under section 8.1 may not refuse it nor resign it before becoming a member of the Council.

8.3. If a political entity won one or more compensatory or national seats according to section 6, and did not submit a list of candidates to occupy those seats within the deadline mentioned in 7.2, or the list the political entity submitted contains less candidates than the seats the entity won, the rest of the remaining compensatory and national seats will be allocated to the candidates of that entity who where accredited in the governorates according to IECI Regulation 9-2005, after excluding the candidates who won seats according to section 5, by the following steps:

    1. In each governorate in which the entity participated in the election the number of the votes the entity obtained is divided by double the number of seats the entity won plus one and the result is called the quotient of the entity in such governorate. In the case of an entity that did not win any seats in the governorate level the quotient is the number of the votes cast for that entity.

    2. For each entity, the quotients are ranked from the highest to the lowest, and a tie is determined by drawing lots.

    3. The first seat allocated to the entity is awarded to the highest candidate remaining on the entity's list in the governorate where the entity has the highest quotient. As soon as a seat is allocated to an entity in the governorate a new quotient for the entity is calculated as described in step 1 after adding one seat to the seats that entity won in that governorate.

    4. If an entity is allocated more seats than the candidates on the list of candidates of that entity, then the entity is awarded seats equal to the number of the candidates on the list. Then new quotients are calculated as described in step 1, after deleting

the votes cast for that entity from the total votes and deducting the seats won by that entity from the national seats, then by returning to step 2 for the remaining entities.

5. This is repeated until all the national seats are allocated to candidates.

Section 9
Entry into Force

9.1. This regulation comes into force from the date it is passed by the Board of Commissioners, 13/11/2005.