



Elections for Iraq's Council of Representatives

FACT SHEET # 7

Election Day Complaints and Appeals

What is an Election Day (E-day) complaint?

Allegations about electoral irregularities may arise on E-day, including with concern to polling, counting and tabulation of results. Individuals or political parties, whose electoral rights are denied, restricted or violated on E-day, have the right to make complaints for redress. All E-day complaints and appeals will be adjudicated by the Independent High Electoral Commission (IHEC) and the Electoral Judicial Panel (EJP) as per legislation.

Who can submit E-day complaints?

Any voter or agent of a political party or individual candidate has the right to file a complaint on E-day provided that they were present at the polling station (PS) and that the agents are officially registered with IHEC (with their names registered in the PS manager's journal). Observers can report irregularities to the institutions to which they are affiliated or belong. However, they are not permitted to submit formal complaints to IHEC.

When should E-day complaints be submitted?

E-day complaints should be submitted within a two-day window. That window runs from the hour the polling begins to the official end of the following working day.

How can one file E-day complaints?

Complaint Form Number 110 will be available on E-day at polling centres (PC), Governorate Electoral Offices (GEOs), the Kurdistan Regional Electoral Office (KREO) and the IHEC National Office in Baghdad. On E-day, voters, agents or candidates who wish to file complaints should use the official Complaint Form Number 110, which has three copies (each in a different colour) and comes with a Complaint Envelope. Complaints are confidential.

A complainant should fill out the Complaint Form, date it, sign it, keep the last copy and put the first and second copies into the Complaint Envelope along with any other supporting documents (if available).

There are two ways to hand over the complaint. One can place it into the Complaint Box or hand it over to the PC Coordinator or the official at the IHEC National Office, GEOs or KREO.

What information should be included in the Complaint Form?

- Name, address and contact information of the complainant
- Name and contact information of the person alleged to have committed the violation (if available)
- Details of the alleged violation, including date, time, place and circumstances
- Name and contact information of any witnesses of the violation (if available)
- Any relevant document or other evidence supporting the complaint
- Comment of the PS Manager or PC Coordinator (If possible and desired, the complainant can ask the PS Manager or PC Coordinator to write their comments on the relevant part in the Complaint Form – except for complaints on the day following the polling day and if the complaint is against one of the polling officials)
- Signature of the complainant

How are E-day complaints processed?

Complaint Classifications Committees that are established at the IHEC National Office will determine whether a complaint meets all the formal requirements and, if so, whether it could have an impact on the result of the election. Such complaints will be categorized as red and will be handled on a priority basis. The complaints which do not affect the results of the elections but require an investigation will be categorized as yellow. Complaints that lack the formal and substantive conditions will be categorized as green and will be rejected.

The complaint committees in the GEOs will investigate complaints after being instructed to do so by the IHEC Complaints and Appeals Section and take all necessary measures to resolve the complaint within a period not exceeding 48 hours from the date of notification.

Upon receiving the investigation report, the IHEC Complaints and Appeals Section will present the complaint file, which will consist of the original complaint form, reconciliation form, results report, classification form, investigation results, any evidence or documents, and its recommendation to the Board of Commissioners (BoC) for a decision.

How are E-day complaints redressed?

After reviewing reports submitted by the IHEC Complaints and Appeals Section, the BoC will make a decision on the complaint. However, if it deemed necessary, the BoC can request a new investigation.

To redress E-day violations, the BoC can impose fines; cancel the results of the PS; impose disciplinary penalties if the complaint is related to an IHEC employee; request the relevant ministry to take necessary legal measures in case the complaint concerns one of its own employees; summon the complainant, defendant or witnesses if necessary; initiate a criminal case if the act committed contains a criminal element; decide not to hire anyone employed on a one-day wage contract at the PS in the future and/or deprive them of their financial reward; decide not to accredit the agent of the political party or observation team; cancel the results of a candidate or political party or disqualify them from running in the upcoming

elections for one term; cancel the approval of a political coalition, party or candidate; or reject the complaint.

Will the complainants be informed about BoC decisions on E-day complaints?

Yes, the BoC publishes its decisions in Arabic and Kurdish within three days of the date of issuance.

Can complainants appeal BoC decisions on E-day complaints?

Yes, it is possible to appeal BoC decisions at the Electoral Judicial Panel (EJP) within three days – starting from the day following the publication of the decision.