



Elections for Iraq's Council of Representatives

FACT SHEET #2

Independent High Electoral Commission (IHEC)

What is Iraq's Independent High Electoral Commission (IHEC)?

IHEC is the body responsible for planning and administering national elections and referenda in Iraq in accordance with Iraq's Constitution, election laws and regulations. IHEC has financial and administrative autonomy and its own legal personality, and its functions are regulated by IHEC Law No. 31 of 2019. Pursuant to Article 102 of the Iraqi Constitution, IHEC is an independent public body, subject to the monitoring of the Council of Representatives (CoR). It is made up of a Board of Commissioners and Electoral Administration.

What is IHEC's mandate?

IHEC adopts regulations, instructions and policies for the administration of elections and referenda in Iraq and ensures their implementation. It announces, conducts and oversees federal and local elections and referenda. IHEC is also empowered to promote electoral culture, voter education and democratic practices.

What is the composition of IHEC's Board of Commissioners (BoC)?

The BoC is formed for a period of four years. There are 9 members with four-year non-renewable terms. Seven members are judges of the first degree – five chosen by the High Judicial Council via lottery, and two chosen by the Judicial Council of Kurdistan via lottery. The final two members are nominated by the State Council via lottery and chosen by the High Judicial Council.

The Commissioners cannot be subject to termination or dismissal except in cases of criminal conviction of a felony or misdemeanour, breach of honour, or after being questioned by the CoR. The Council has the right to relieve them of their duties if it is so decided by an absolute majority. BoC membership can end in the case of resignation, death or inability to perform duties due to medical reasons. In these cases, BoC members will be replaced using the same methodology, with judges of the same category.

What is the organizational structure of the BoC?

The Commissioners select a Chairperson, Deputy Chairperson and Rapporteur from amongst themselves. The Chair is the legal representative of the BoC. The Chair and Deputy Chair manage the BoC's organizational and administrative work; convene BoC meetings and fulfil any other tasks assigned by the BoC. The BoC General Secretariat is responsible for conducting the BoC's administrative and organizational work. The Department of Political Parties and Organizations, which is linked to the BoC, is responsible for issuing licenses to establish parties and follow up on their activities in accordance with Political Parties Law No. 36 of 2015.

What are the eligibility criteria for nomination to the BoC?

Nominees for the BoC should be Iraqi nationals residing in Iraq permanently; have good conduct and behavior; and be politically independent. They should not be sanctioned by the Supreme National Commission for Accountability and Justice (AJC). They should not be convicted of felonies or misdemeanours or of being unlawfully enriched by the misuse of public money, even if covered by special or general amnesty.

What are the powers of the BoC?

The BoC is responsible for implementing and overseeing all aspects of the electoral process according to the electoral calendar. The BoC approves the lists of voters, political parties and candidates. It accredits election observers and the media; reviews complaints and appeals and makes decisions; and approves counting and tabulation. It also approves and announces final results of elections and referenda – except CoR elections, which must be approved by the Federal Supreme Court. Moreover, the BoC has the power to adopt election-related regulations and instructions; approve the organizational structure of IHEC; adopt IHEC bylaws; appoint senior officials, including the Chief of the Electoral Administration (CEO); and adopt IHEC financial policy. In addition, the BoC adopts a method to publish its decisions in Arabic and Kurdish, and to prepare quarterly reports for submission to the Council of Representatives.

How are women represented in the BoC?

There is no gender quota for the BoC. But the IHEC Law requires women's representation on the Board. Currently one member of the BoC is a woman.

What is the meeting and decision quorum of the BoC?

The BoC is required to convene with an absolute majority (at least 5), and decisions are taken with the absolute majority (at least 5) of its members. If voting results in a tie, then the decision taken by the BoC Chair prevails.

What is the Electoral Administration?

The Electoral Administration consists of a National Office and all the Governorate Electoral Offices (GEOs) in the regions and governorates. The National Office is made up of an Administrative and Financial Department, Legal Department, Department of Operations and Information Technology, and Media and Public Outreach Department. The GEOs are responsible for the administration of elections in the governorates. The Chief of the Electoral Administration (CEO), who is appointed by the BoC, has two deputies for 'Technical Affairs' and 'Administrative

and Financial Affairs,' chosen by the BoC as well. The Electoral Administration is responsible for implementing the decisions, regulations and procedures endorsed and issued by the BoC; preparing and implementing technical and operational plans for any electoral processes; and managing all administrative and technical activities related to the electoral process.

What is the role of IHEC's Governorate Electoral Offices (GEOs)?

IHEC has GEOs in 18 governorates. Baghdad governorate has two GEOs – one in Rusafa and one in Karkh. Thus, in total, there are 19 GEOs. Their primary duty is to conduct, under IHEC Headquarters' supervision, all operational activities in the governorates, including recruitment and training of staff at the polling centres and stations; assignment and assessment of the polling centres; public outreach activities; movement of election material and equipment; and security of staff and equipment.