



Fact sheet



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Elections for Iraq's Council of Representatives

FACT SHEET # 5 **Complaints and Appeals**

What is an electoral complaint?

Allegations about electoral irregularities and violations of the law, regulations and instructions, may arise throughout the electoral process. They could relate to such areas as: candidate and voter registration; campaigning; polling, counting and tabulation; and the announcement of preliminary results. Individuals or political parties whose electoral rights are denied, restricted or violated, should have the right to file a complaint for redress. The right to submit a complaint against electoral irregularities and having access to legal redress are key elements in ensuring the integrity of the elections.

Is it possible to submit an electoral complaint for the Council of Representatives elections?

Yes, it is possible to submit a complaint at any stage of the electoral process – within the specified periods and in accordance with the electoral legislation.

Which institution has the jurisdiction and authority to consider electoral complaints?

According to the law on the Independent High Electoral Commission (IHEC), the Board of Commissioners (BoC) has exclusive authority to resolve election-related disputes arising from preparation and implementation of the national elections. The process of handling the complaints is set out in the IHEC complaints regulations and procedures. This applies to any step of the election process. Meanwhile, election-related criminal cases are referred to the relevant authorities (courts) by the BoC.

Who can file a complaint?

Complaints may be filed by eligible voters and agents of political parties, coalitions and candidate. Observers are not allowed to file complaints; however, they can submit reports to their organizations.

How can one file a complaint?

If an individual or political party believes that an electoral violation has taken place and wishes to file a complaint, then they can submit a complaint that includes the necessary information,

such as the name and contact details of the complainant and a detailed description of the incident.

Complaints before Election Day may be submitted to IHEC at its Governorate Electoral Offices (GEOs), its Kurdistan Regional Electoral Office (KREO), or its National Office in Baghdad. If the complaint relates to voter registration, then it should be addressed to the registration centers.

When can one submit a complaint?

Complaints about voter registration should be submitted within two days of the date of the alleged violation.

Any complaint about Election Day polling and counting 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.

Complaints about electoral campaigns should be submitted any time from the date of the violation until the end of the campaign period.

Any complaint about candidate registration should be submitted between the date of the violation and the date when the final candidate list is approved.

How are the complaints processed?

All complaints are transferred to the IHEC National Office and then reviewed and decided upon by the BoC.

Regarding complaints related to Election Day, classification committees, which are composed of one BoC member and staff from the IHEC National Office's Complaints and Appeals Section, will determine whether a complaint meets all the formal requirements and, if so, whether it could have an impact on the vote count, i.e. in the event of fraud. Such cases will be handled on a priority basis.

Does IHEC conduct investigations?

Yes, IHEC will conduct investigations when necessary. For example, it will examine ballot boxes or seek more details from complainants and witnesses. IHEC then decides on complaints after examining evidence.

For Election Day complaints, IHEC may order specific ballot papers and polling station results to be "quarantined" until a complaint has been resolved.

IHEC is able to act, ex officio, on electoral irregularities and to provide redress.

How are complaints redressed by the BoC?

To redress irregularities, the BoC can impose financial fines; restore the situation to the way it was before the violation occurred; revoke its approval of the alliance, political party or candidate; cancel the certification of accreditation of the political party's agent; cancel the accreditation of observers or the observer organization's registration approval; cancel the votes of the candidates against whom the complaint is submitted; deny the candidate the ability to stand for elections in the future; or recount the votes.

The BoC can impose disciplinary penalties if the complaint is related to anyone employed by IHEC and request the relevant ministry to take the necessary legal measures if the complaint concerns one of their employees.

Does IHEC inform complainants about the decision?

Yes, BoC decisions are published on the IHEC website in Arabic and Kurdish within three days of being issued.

What is an appeal?

An appeal is an official communication submitted to a competent body to seek the review of an earlier decision taken by the competent electoral body.

Is it possible to appeal against decisions of the BoC?

Yes, it is possible to appeal against the decisions of the BoC at the Electoral Judicial Panel (EJP), which consists of three judges. In that regard, individuals and political parties can appeal against a decision of the BoC within three days following its publication. The appeal can be submitted at the IHEC National Office, Governorate Electoral Offices (GEOs) or IHEC's Kurdistan Regional Electoral Office (KREO) – or directly to the EJP.

The BoC is required to respond to the EJP's requests and inquiries regarding appeals within a period not exceeding seven days from the date of their receipt. The EJP shall decide on the appeal submitted to it within 10 days from the date of the BoC response.

Decisions of the EJP are final and binding.