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No. 31

Independent High Electoral Commission Law

No. (31) of 2019

قانون المفوضية العليا المستقلة للانتخابات

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Laws

**In the name of the people
Presidency of the Republic**

Resolution no. (30)

Based on what the Parliament has approved, in accordance with the provisions of Item (First) of Article (61) and Item (Third) of Article (73) of the Constitution, the President of the Republic decided on December 23, 2019 issuing the following law:

**No. (31) 2019
The Independent High
Election Commission Law
Chapter One**

Article 1

First: A commission called (the Independent High Election Commission) shall be established under this law. It shall be an independent and impartial body that enjoys moral personality and financial and administrative independence and shall be subject to the monitoring of the Parliament and shall undertake the following:



Laws

- First: Laying down the regulations and instructions adopted by the federal and local elections and referendums all over Iraq to ensure their implementation in impartial and fair way.
- Second: Announcing, and implementing all kinds of federal and local elections and referendums in not-organized-into-a region governorates and supervising them in accordance with the provisions of the constitution in all over Iraq.
- Third: Regions Elections Commission, in coordination and cooperation with the National Bureau, shall undertake the tasks of and federal electoral administration and systems for the region under the supervision of the Independent High Electoral Commission.



Laws

Chapter Two

Article 2

The Independent High Electoral Commission shall be composed of:

First: The Board of Commissioners.

Second: The Electoral Administration.

Article 3

The Board of Commissioners shall be consisted of nine members, as follows:

First: Five first-class judges selected by the Supreme Judicial Council from among the of candidates, taking into account justice between the appellate areas.

Second: Two first-class judges chosen by the Supreme Judicial Council from among the total number of candidates sent by the Kurdistan Region Supreme Judicial Council, taking into account their distribution to the appellate areas in the region.

Third: Two members of the State Council who are advisors exclusively and candidates from the State Council, to be selected by the Supreme Judicial Council.

Fourth: Those mentioned in items (First, Second and Third) shall be chosen by direct lot in the Supreme Judicial Council in the presence of the representative of the United Nations and whatever wishes from the media, organizations and syndicates.

Fifth: The representation of women shall be taken into account in the selection of the nine members of the Board of Commissioners.



Laws

Article 4

That who is nominated to the Board of Commissioners shall be required to be:

First: An Iraqi residing in Iraq permanently.

Second: Good behavior.

Third: Politically independent.

Fourth: Not covered by the law of the Supreme National Commission for Accountability and Justice.

Fifth: Not convicted of a disgraceful crime or Illicit enrichment at the expense of public money by a final judicial ruling, even if he/ she included by a general or special amnesty.

Article 5

The Supreme Judicial Council shall send the names of the nine members of the Council of Commissioners who were chosen in accordance with what is stated in Article (3) of this law to the Presidency of the Republic for the purpose of issuing the decree within a period not exceeding (15) fifteen days.

Article 6

The first session of the Commission Board shall be held under the chairmanship of the oldest from among the (nine) members to elect the following:

First: A Chairman for the Board from among one of its judges.

Second: Vice-Chairman and Rapporteur for the Board from among its other members.



Laws

Article 7

First: The mandate of the members of the Commissioner Board shall be for a period of (4) four years, which cannot be extendable, starting from the date of issuance of the republican decree, taking into account the provisions of Item (Second) of this article.

Second: The Chairman of the Board shall be the legal representative of the Commission, and accordingly he/ she may represent it before third parties.

Third: The Chairman or his/ her representative shall exercise the following powers:

- a. Managing the organizational and administrative work of the Board.
- b. Calling for and presiding over the meetings of the Board, including any meeting requested by at least four members of the Board.
- c. Any other tasks assigned to him/ her by the Board.

Fourth: The Chairman of the Board of Commissioners and its members shall take the legal oath before the President of the Supreme Judicial Council, in the following form:

"I swear by Almighty God to perform my legal and professional responsibilities with honesty, devotion and sincerity, and to work to accomplish the tasks entrusted to me with independence and impartiality, and God is a witness to what I say)"

Fifth: The meeting of the Board shall be valid by the absolute majority of its members, and its decisions shall be taken by the absolute majority of its members. In the event of equality of votes, the side with which the Chairman voted shall be prevailed.



Laws

Article 8

The members of the Board of Commissioners shall elect from among its members a head of the Electoral management, who shall exercise his/ her duties for a period not exceeding (1) a year, non-renewable.

Article 9

The Board of Commissioners shall be affiliated to the following departments:

First: **General Secretariat of the Board of Commissioners:** It shall be managed by an employee with the rank of Director General, who holds at least a initial university degree, who has experience and specialization, and has an actual service of not less than (10) ten years, it shall undertake the administrative and organizational work of the Board.

Second: **Department Political Parties and Organizations Affairs Department:** It shall be managed by an employee with the rank of Director General who has experience and specialization, who holds a higher degree in law or political science, and has an actual service of not less than (10) ten years shall undertake issuing licenses of establish parties and following up on their work and activities in accordance with the Political Parties Law No. (36) of 2015 or any law that replaces it.



Laws

Chapter Three Powers of the Board of Commissioners

Article 10

The Board of Commissioners shall exercise the following powers:

First: Approving the voter register.

Second: Approving the registry of political entities for the purpose of running for elections

Third: Approving the list of candidates for the elections.

Fourth: Adopting election observers, agents of political entities, media professionals and international observers.

Fifth: Deciding on all electoral complaints and appeals, and its decisions shall be appealable before the Judicial Authority for Elections.

Sixth: Approving counting and sorting procedures

Seventh: Approving and announcing the final results of the elections and referendum after their approval by the competent judicial authorities, with the exception of the results of the Parliament elections that are approved by the Federal Supreme Court.

Eighth: Develop regulations and instructions that preserve the integrity of the electoral process

Ninth: Approving the structure of the Independent High Commission for Elections and appointments to all its senior positions

Tenth: Drawing up the financial policy of the Commission



Laws

Eleventh: Choosing a head of the electoral management from among its members, and the term of office of the electoral administration shall not exceed more than (1) one year, non-renewable.

Twelfth: Granting allocations that it deems appropriate to the Commission's employees other than members of the Board of Commissioners and Directors General, provided that they shall not exceed 200% of the total monthly earnings.

Thirteen: Establishing a rule of procedure for the Commission

Fourteen: Adopting the appropriate method for publishing its decisions in the two official languages within (3) three days as of the date of their issuance.

Fifteen: Preparing quarterly reports on the Commission's work and submitting them to the parliament.

Sixteen: Spreading electoral culture, educating voters, and promoting democratic practice by available means.

Article 11

First: Membership in the Board of Commissioners shall end for one of the following reasons:

- a. Accepting the resignation of a board member.
- b. The death of a board member.
- c. The board member's inability to perform his/ her duties based on a medical report issued by a competent medical committee .

Second: If one of the seats in the Board of Commissioners becomes vacant for one of the reasons mentioned in this article, it shall be replaced with a member chosen from the same category and in accordance with the mechanism stipulated in this law.



Laws

Article 12

Members of the Board of Commissioners shall not be subject to dismissal or impeachment, except in the event that a final judicial ruling is issued against a member of the Board for a disgraceful crime or a felony, or they are exempted after interrogation in the Parliament in accordance with the provisions of Article (61-Eighth-e) of the Constitution.

Article 13

First: The Chairman of the Board of Commissioners shall have the powers of the competent minister in relation to the work of the Commission.

Second: The Chairman and members of the Board of Commissioners shall be given the choice between the salary and allowances they receive from their previous departments or a financial reward equivalent to the salary and allowances received by the Undersecretary.

Third: The Chairman and the members of the Board of Commissioners shall be given the choice, at the end of their jobs, between returning to their previous jobs or being referred to retirement, provided that they receive a pension of 80% of what they receive during their job.

Fourth: Service in the Commission shall be counted as actual service for the purposes of salary bonus, promotion and retirement.



Laws

Chapter Four Electoral Management

Article 14

First: The electoral management shall be consisted of national bureau and electoral bureaus in the region (Kurdistan) and governorates in accordance to structure suggested by the Head of Electoral Management and approved by board of commissioners.

Second: The electoral management shall undertake the execution of decisions, orders and procedures issued by commissioner's board and preparing the technical and operational plans for any electoral process and Following-up of its administrative formations and managing administrative works and technical activities in electoral affairs.

Article 15

The commissioner's board shall choose the assistants of the Head of the Electoral management as follows:

First: **Assistant Head of the Electoral Department for technical affairs:** This position shall be occupied by a staff member with a Director-General degree with at least a initial university degree with expertise and specialty of no less than (10) ten years to monitor the implementation of activities of an operational and procedural nature and to follow-up the work of the Department of Operations and the Department of Information and



Laws

Public Communication in the National Bureau and technical aspects in the provincial bureaus.

Second: **Assistant Head of Electoral Department for Administrative and Financial Affairs:** This position shall be occupied by an employee with a general manager degree who has at least an initial university degree in administrative, accounting or legal specialties, with competence and not less than (10) years of experience, to monitor the implementation of activities of a legal, administrative and financial nature and to supervise the work of the administrative and legal service and the financial service of the National Bureau and the administrative aspects of the provincial bureaus.

Article 16

The National Bureau shall be consisted of:

First: **Administrative and Financial Department:** It shall be managed by a staff member with a general manager degree who holds a initial university degree in administrative, financial or appropriate specialties, or appropriate specialties, with not less than (10) years' experience, he/ she shall be responsible for administrative and administrative matters of the Commission and its staff and human resources and responsible for its financial affairs, auditing and internal control.

Second: **Legal Department:** It shall be managed by a staff member with a general manager degree who holds an initial university degree in law and of at least (10) ten years' experience, and shall be undertake the following:

- a. Following-up on the implementation of laws, regulations and instructions relating to Commission's work.



Laws

- b. Following-up on cases and lawsuits to which Commission is a part and representing the Commission before courts and agencies by a power of attorney issued by the Commission's head.
- c. Submitting proposals, expression of opinion and legal advice on all matters submitted to him/ her by the Head of the Electoral Administration or his/ her assistants.

Third: **Department of Operations and Information Technology:** It shall be managed by a staff member with at least a initial university degree and has not less than 10 years of experience in computer science and engineering or administrative disciplines to provide technical support for the development of the Commission's performance in the National Bureau and governorates, and shall be responsible for the management of activities of a technical nature for electoral operations in accordance with the schedule of the electoral process.

Fourth: **Department of Information and Public Communication:** It shall be managed by a staff member with a Director-General degree who has at least a initial university degree in appropriate disciplines and with no less experience (10) ten years. It shall cover the activities of the Commission, highlight the importance of those activities and disseminate them through the media, contribute to the development of programmes, prepare the elements of information plan for the electoral process in the national bureau and provincial bureaus, accredit agents and observers, receive lists of candidates and conduct electoral awareness-raising activities.



Laws

Article 17

First: The bureaus of the electoral governorates shall be managed by a staff member with a degree of director with a primary university degree at least in the appropriate disciplines and with experience of not less than (10) ten years, and shall be responsible for the management of elections in the governorate before the Board of Commissioners and the head of the electoral management.

Second: Provincial electoral bureaus and the bureaus of the Kurdistan region shall be linked to the electoral management.



Laws

Chapter Five Complaints

Article 18

First: The Board of Commissioners shall have the power to adjudicate complaints submitted to it and the Board of Commissioners shall refer criminal cases to the competent authorities if there is evidence of misconduct relating to the integrity of the electoral process.

Second: The Board shall have the exclusive power to resolve disputes arising from the preparation and implementation of national elections at the regional or governorate level and may delegate power to the electoral administration to resolve disputes at the moment of their occurrence.

Article 19

First: The Supreme Judicial Council shall form electoral judicial body composed of three part-time judges of no less than the first class, to hear appeals referred to it by the Board of Commissioners or submitted by those affected by the Council's decisions directly to the judiciary.

Second: The decisions of the Board of Commissioners may only be appealed before the Judicial Authority for Elections in matters relating to the electoral process.



Laws

Third: Decisions of the electoral judiciary shall be deemed to be final.

Article 20

- First: The political party or candidate may appeal the decision of the Board of Commissioners within (3) three days starting from the day following its publication, and the appeal request shall be submitted to the National Bureau or any electoral bureau of the Commission or directly to the judicial Authority.
- Second: The Board of Commissioners shall answer the requests of the Judicial Authority for Elections and its inquiries regarding appeals within a period not exceeding seven working days as of the date of access to it.
- Third: The Judicial Authority for Elections shall decide on the appeal submitted within a period not exceeding (10) ten working days from the date of the Board of Commissioners' response to the appeal.



Laws

Chapter Six Final Provisions

Article 21

The Commission may seek the assistance of experts from the United Nations Electoral Assistance Office in the stages of preparation and holding of elections and referendums.

Article 22

The Commission has an independent annual budget that shall be prepared in accordance with the foundations and rules. It shall be proposed by the Electoral Administration, approved by the Board of Commissioners, and submitted by the Council of Ministers within The federal general budget of the state and shall be subject to the supervision of the Federal Financial Monitoring Bureau.

Article 23

The Independent High Electoral Commission shall appoint all its employees in accordance with the law Civil Service No. (24) of 1960, the Personnel Law No. (25) of 1960 and the instructions in force in this regard and its amendments or any law that replaces it



Laws

Article 24

The Head of the Supreme Judicial Council shall invite the candidate bodies mentioned in Article (3) to submit the names of the candidates immediately after the approval of this law for the purposes of the first session.

Article 25

First: The Independent High Electoral Commission Law No. (11) of 2007 and its amendments shall be repealed.

Secondly: The current members of the Board of Commissioners shall be referred to retirement as their peers former commissioners, as an exception from the provisions of the Unified Retirement Law No. (9) of 2014 Amendment as amended, or setting them as permanent personnel members in state institutions in accordance with their duties and their last job grades.

Third: The current general managers (original and assigned) with their grades and financial allocation) (as Managers General) shall be transferred outside the staff of the Commission to state institutions, and shall be referred those who wish to the retirement as an exception to the provisions of the Unified Retirement Law No. (9) of 2014 as amended.

Fourth: The assistants of the general managers in the current commission shall, with their grades and financial allocations, be transferred to state institutions or referred those who wish to retirement, as an exception of the Unified Retirement Law No. (9) of 2014 as amended, and bosses of sections and divisions shall be relieved of their positions.



Laws

Article 26

Any text that contradicts the provisions of this law shall not be applied.

Article 27

Under this law, general managers shall be appointed in the Commission from outside cadres of current commission.

Article 28

This law shall be implemented from the date of its approval in the Parliament and shall be published in the Official Gazette.

Barham Salih,
President of the Republic