

Backgrounder #39

2009 Provincial Elections Factsheet

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Introduction

On January 31, 2009, fourteen of Iraq's eighteen provinces will hold Provincial Elections. Elections in the Kurdish region, including the provinces of Kirkuk, Dahuk, Arbil, and Sulaymaniyah, will be held at a later date. Iraq's last Provincial Elections were held in 2005.

The Iraqi Provincial Elections will be a critical step towards a more stable and sovereign Iraq if they are legitimate. The Sunni, who boycotted the 2005 Iraqi elections, will have the opportunity to achieve proportional representation in the country's provincial councils. Iraq's nascent political party system will have a chance to develop, and Iraq as a whole will be given the chance to demonstrate its ability to hold free and fair elections with a minimum of Coalition support. In short, the elections are a critical test of Iraq's ability to conduct the most fundamental function of a sovereign democracy.

This fact sheet provides information on the upcoming Provincial Elections. It includes details on the bodies which oversee elections, the registration process for political parties, an explanation of the system by which polls are to be conducted, descriptions of security measures in place for the elections, and identification of provinces where elections are likely to be contentious.

Election Numbers

- A total of 502 parties have registered to participate in the election, and a total 14,431 candidates, including 3,912 women, will be vying for 440 open seats on the provincial councils of Iraq.¹
 - List of registered parties [Arabic]: <http://www.nmciraq.com/pnews/2008/11/keyanat.htm>.
- There is an average of 33 candidates per position.²
- 36 Coalitions will participate in the elections.³

Provincial Councils

- A provincial council is a governing body similar to an American state legislature.
- The council has jurisdiction over all of the districts in a given province, and elects that province's governor. The governor need not have been a candidate in the Provincial Elections. The Iraqi people do not, therefore, elect their provincial governors directly.
- Under the Provincial Powers Law of March 19, 2008, provincial councils and governors are given significant authority. The councils have the power to make laws for the province and to allocate funds for projects within that province.⁴ Additionally, the provincial council and provincial

governor can appoint and dismiss provincial police chiefs, and senior security officials in the governorate.⁵

- The original Provincial Powers law was vetoed on February 28, 2008 by the Presidency Council of Iraq under pressure from the Islamic Supreme Council of Iraq (ISCI), a political party who believed that the law gave too much power to the national government and not enough power to the provinces.⁶ The revised law was passed by the Council of Representatives on March 19, 2008.⁷ Under the new law, governors are part of a national high commission for governorate administration headed by the prime minister. Governors are the highest executive authority in their province.⁸
- Iraqi law requires provincial councils to elect provincial governors within 30 days of convening its first session. The governor must then be officially confirmed by a republican (presidential) decree from the government of Iraq within fifteen days of his election.⁹
- The number of seats on a provincial council ranges from 28 in Salahedin to 41 in Diyala to 57 in Baghdad.¹⁰ **Each council is comprised of 25 seats, plus one seat for every 200,000 people** (for more than 500,000 people).¹¹ Because this standard is a result of the new Provincial Elections Law, the number of seats allotted to many councils will be changing in the 2009 elections.
- Sunni have smaller representation on the councils relative to Shia and Kurd because they boycotted the last elections in 2005.¹² They plan to participate fully in 2009.

Independent High Electoral Commission

- The Iraqi Provincial Elections are overseen by the **Independent High Electoral Commission (IHEC)** in coordination with the **United Nations High Commissioner for Refugees (UNHCR)**.
 - IHEC website: <http://www.ihec.iq/English/index.aspx>.
 - UNHCR website: <http://www.unhcr.org/cgi-bin/texis/vtx/home>.
- IHEC was founded in **2004** by the **Coalition Provisional Authority (CPA)** as the “Independent Election Commission of Iraq.” In 2007 it became the Independent High Election Commission, and is **under the Iraqi Ministry of the Interior**.¹³
- The UN Assistance Mission for Iraq (UNAMI) is expected to accredit over 100,000 election observers and political entity agents to monitor the elections.¹⁴
- IHEC’s national membership was originally divided up among the major Iraqi political parties. The UN began a selection process on **March 10, 2008** for a director for eight provinces in which a director had not been selected.¹⁵ This was to help ease the partisan tensions surrounding the council, and allow for a more transparent elections process. Ultimately, nine directors were chosen, and were trained by the **United Nations Assistance Mission in Iraq (UNAMI)** in New Delhi, India between May 27 and June 8, 2008.¹⁶
- IHEC has “exclusive authority to announce, implement and deliver regulations, rules and procedures related to referenda and elections. The IHEC is responsible for ensuring that Iraqi citizens can participate in decision-making processes through their elected representatives and

the peaceful delegation of authority.”¹⁷

- IHEC is overseen by a **Board of Commission (BoC)**, which is comprised of eight Permanent Election Commissioners and one Chief Electoral Officer, who is not a voting member of the BoC. Two of the commissioners are women, and two must be lawyers.¹⁸ The current members are Faraj al-Haidari (President), Amal Arif Ali, Ayad Hussein Kinari, Hamdia al-Husseini, Kareem al-Tamimi, Osama al-Ani, Qasim al-Aboudi, Sa’ad al-Rawi, and Sardar Abdul Kadir.¹⁹
- Shia clerics (**Mohammed al-Yacoubi, Sayyid Ali al-Sistani**) have generally supported IHEC and have called for Shia to respect the work of the commission.²⁰ Shia Prime Minister **Nouri al-Maliki** has also held meetings with the commission.²¹
- Some Sunni accuse IHEC of failing to purge “non-independent” members.²² Also, new political entities are not represented on IHEC, including the **Sunni Awakening Councils**.²³ IHEC has also fined the Sunni **al-Hadba list in Ninewa province** for issuing a statement violating IHEC regulations.²⁴
- **Kurds** have not issued major statements regarding IHEC, most likely because elections are not happening in most Kurdish areas. They likely support IHEC’s fine on al-Hadba as the Sunni and the Kurds are political rivals in Ninewa.
- Major tension developed between some Shia in **Basra province** and the IHEC over a ballot measure to create a **Basra federal region**. On November 15, 2008, MP **Wa’il Abdel Latif**, a Shia member of the secular Iraqi National List, submitted a petition of 34,800 citizens of Basra to open a referendum campaign on creating a Basra federal region.²⁵ In response, IHEC opened up 34 centers to collect signatures for the referendum for a period lasting from December 15, 2008 until January 19, 2009.²⁶ On January 21, 2009, the referendum bid, failing to garner enough signatures, failed.²⁷

Registration Process for Political Entities

- Provincial Elections were originally scheduled for October 1, 2008, but were delayed due to disagreements over electoral procedure for Kirkuk, a city hotly contested between Sunni Arabs, Kurds, and Turcomen. The Provincial Election Law, passed September 24, 2008, calls for Kirkuk’s elections to take place later, under a separate process.
- On November 18, 2008, the Iraqi parliament set **January 31, 2009** as the date for elections.²⁸ Due to the delay, party and coalition registration deadlines were extended from May 2008 to October 25, 2008.²⁹
- In order to appear on a ballot, parties and coalitions were obligated to register with both the national and provincial offices of the UN High Commissioner for Refugees (UNHCR). Party registration for both national and provincial offices opened April 5, 2008, and coalition registration opened May 28, 2008.³⁰
- Registration requirements for **political entities with no change from the 2005 elections:**

- Documentation of previous registration.
- Filing fee of 25 million dinar (\$21,550) for a party or five million (\$4,310) dinar for an individual.³¹
- **Registration requirements for new parties and those with a change in name, president, or emblem:**
 - Pay filing fee.
 - File a request for approval.
 - File a list of at least 500 eligible voters supporting the party.
 - File an electronic and paper version of the party's emblem.
 - File an electronic and paper copy of the party's rules of procedure.
 - File a copy of the code of conduct signed by the party's president.³²
- **502 political parties and 36 coalitions** have registered to participate in the elections.³³
- 80% of the political parties had formed after the 2005 elections.³⁴
- All entities were subject to **approval by a De-Baathification Commission and the IHEC.**³⁵ As of yet, the **De-Baathification** has taken minimal action towards political entities.

Registration Process for Voters

- Registration occurred over a six-week period beginning the week of July 21st, 2008 and ending August 28th, 2008. It was overseen by **6500 IHEC employees at 564 voter registration centers** throughout Iraq.³⁶
- **2.9 million Iraqis (17% of the electorate)** ensured they were on the voter registry, which was created using the Public Distribution System (PDS) database. The PDS is used to distribute food rations.³⁷
- IHEC also created **410 mobile registration teams** and a call center to oversee registration efforts.³⁸

Registration Process for Internally Displaced People (IDPs)

- IDPs (defined as those displaced after April 9, 2003) “must be over 18 before or in the month of a particular election, register to vote, and be legally competent.” **IDPs may vote either in their province of origin (provided their name appears on the final voter list) or in their province of current residence (via absentee ballot).**³⁹
- Registration: IDPs must present “**two official documents** (one with a photo ID) at the voter registration update center.” If an IDP is not on the final list, they may “apply to the governorate displacement and migration office for an IDP status certificate or confirmation letter addressed to the voter registration centre confirming IDP status and governorate of origin.”⁴⁰

- IHEC had “**549 voter registration centers and over 400 mobile registration teams** to register IDPs and people in remote communities.”⁴¹

Open List versus Closed List

- A significant difference between the 2009 Provincial Elections and the elections held in 2005 is the switch from a “closed list” system to an “open list” system.
- Under the **closed-list system**, citizens voted for a party, which was then given a number of seats in the parliament proportional to the percentage of the vote they had garnered. For example, a party that won 40% of the vote would receive 40% of the seats in the Council of Representatives, or a total of 110 seats. These 110 seats would be subsequently allocated to the first 110 candidates on a list issued by the party in advance of elections.
- The 2009 Provincial Elections will take place using an **open list, proportional representation** system. At the polls, Iraqis will select both a party, and individuals within that party. Representation on the provincial council will be based on the percentage of votes garnered by each party,⁴² with the membership in the council subsequently being given to the candidates with the highest percentage of the vote, rather than their position on a party-generated list.⁴³
- Iraq’s Provincial Elections Law legislated the change **from a closed to an open list system** in response to criticism that closed-list systems favored party leaders at the expense of genuine representation of the people.⁴⁴
- However, because candidates run by party, **the new system still favors bigger political parties**, as well as individuals with good name recognition.⁴⁵

Election Security

- The **Election High Security Committee**, comprised of senior security officials from the Iraqi Interior Ministry, Defense Ministry, Office of the National Security Advisor, MNF-I, Independent High Electoral Commission (IHEC) and UNAMI, advises the IHEC Board of Commissioners on matters of security.⁴⁶
- Ballots were flown into Iraq. After arriving into Baghdad, Basra, and Mosul airports, **US Military convoys** transported blank ballots to secure warehouses.⁴⁷
- Prior to elections, Coalition Forces met with Iraqi National Police in each province to ensure that the provinces, which the National Police are dividing into security zones, would be secure. The Government of Iraq requested Coalition support to ensure security in volatile areas such as Ninewa and Diyala provinces. In Ninewa, for example, concrete blocks are being put in front of polling stations for added security.⁴⁸
- Iraqi election security will be coordinated jointly between the Ministry of the Interior (MOI) and the Ministry of Defense (MOD). These forces will not be permitted to enter any polling station.⁴⁹

- During the elections, the Iraqi Army (IA) will provide the “inner cordon” or security. “Area security,” (National Police) will provide quick reaction forces, if needed.⁵⁰
- This structure represents a greater operational responsibility on the ISF in 2009 than in 2005. In 2005, the US provided both troops on the ground and intelligence.⁵¹ In 2009, the US is providing predominantly intelligence and “logistical support,” while ISF and NP provide “all security at polling stations.”⁵²
- During voting, Coalition Forces will become involved only in “exigent circumstances – [defined as a situation] requiring immediate aid or action. ‘Exigency’ is that which is required in a particular situation.”⁵³
- 59,842 local observers, fourteen international bodies from the Arab League, the Organization of the Islamic Conference (OIC), and the European Union will monitor the elections.⁵⁴
- All observers are required to register with IHEC. No election observers may have media accreditation or be agents of a political party or candidate. Organizations also may not send more observers to a province than total polling stations in that province.⁵⁵

Voting Procedure

- Iraqi voters will be able to vote at one of 42,000 stations in 7,000 polling locations in Iraq.⁵⁶
- After waiting in line, the voter will provide a photo ID to an identification officer. After their identity is verified, the voter must sign or thumbprint next to his or her name.⁵⁷
- Inside the polling station, the ballot issuer will explain how to mark the ballot. The voter will then go behind a screen and vote. Parties are listed on the right side of the ballot, and voters may choose one party. For each party, a poster at the polling station will list all candidates in that party with a corresponding number. The voter must check off the number of the candidate he or she wishes to vote for in a box on the left side of the ballot. If a voter chooses to “place a [checkmark] only for a candidate, with no [checkmark] for a political entity, [their] vote is invalid.”⁵⁸

Sample ballot [Page 9]:

http://ihec.iq/content/file/ihec_procedures/ihec_procedures_polling_counting_annex_en.pdf.

Tabulation Procedure for Ballots

- IHEC outlines voting and tabulation procedures in a report entitled “Polling and Counting Procedures for the Governorate Council Elections.” The full report may be viewed at: http://www.ihec.iq/content/file/ihec_procedures/ihec_procedures_polling_counting_en.pdf.
- The report includes very specific instructions for station managers, including instructions to tape tables together to prevent ballots from falling through, and to allow only red pens on the table at the time of tabulation.⁶¹

- After polls close at 5:00 p.m., station managers of each polling place will oversee a **hand tabulation of the ballots**. The ballots will be placed on large tables and each ballot will be counted twice in order to reduce the chance of error. The station manager will announce each new step to the election observers, who will stand a reasonable distance from the tabulation tables and may not touch any ballot.⁶²

Provinces with Expected Complications: Diyala, Basra, Ninewa, Anbar

As Provincial Elections approach, both Coalition Forces and IHEC have been preparing for the threat of civil unrest. In a change from 2005, security for the 2009 elections will be provided by the Iraqis.⁶³ Despite these preparations, four provinces in particular are at an increased risk for civil unrest before and after the election.

- 1) **Diyala Province:** Diyala is one of Iraq's most diverse provinces. The current Diyala provincial council is occupied by twenty members of a Shiite coalition consisting of the Islamic Supreme Council of Iraq (ISCI), Dawa, and Badr, fourteen members of the Sunni Iraqi Islamic Party (IIP), and seven members of a Turkomen /Kurd /Arab coalition.⁶⁴ Its governor, Ra'ed al-Tamimi, is Shia and a member of ISCI.⁶⁵ However, this composition does not accurately represent the population of the province, which is predominantly Sunni. While the Sunni may win more seats on the council in the 2009 elections, political divisions among the Sunni may diminish the constituency's political leverage. The Sunni are also competing with experienced Shia and Kurdish political parties, which may also limit their ability to gain seats. If these factors lead to reduced Sunni gains in the elections, it may lead to unrest or violence. Further complications may result from disappointment over elections by the Shia who are likely to lose seats in the Diyala Provincial Council because of increased Sunni participation.
- 2) **Basra Province:** Iraq's southernmost province is heavily contested. The current 41 seat council is dominated by twelve Fadila members and twenty ISCI members.⁶⁶ Basra's governor, Mohammed Wa'ili, is affiliated with Fadila. Basra is an important economic hub, as it contains much of Iraq's oil wealth and Iraq's only maritime access.⁶⁷ Accordingly, Prime Minister Maliki's Shia Dawa party and the Islamic Supreme Council of Iraq (ISCI) are competing to increase their representation on the provincial council.⁶⁸ Since March 2008, when he oversaw operations in Basra against Sadrist militias, Prime Minister Maliki has continued to engage tribal leaders in Basra in order to establish a Dawa constituency to compete with ISCI's political efforts.⁶⁹ This has led to contention at both the provincial and national levels. Additionally, the Shia political parties have sparred over the creation an autonomous region in Basra, an idea strongly supported by ISCI and Fadila, and strongly opposed by Dawa.⁷⁰
- 3) **Ninewa Province:** Ninewa is the site of an ongoing political struggle between the Kurds and the Sunni. While the governor, Duraid Kashmoula, is Sunni, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK) hold 32 of the 41 current seats on the provincial council.⁷² The province however, is over 60% Sunni.⁷³ This disproportionate representation enflames tensions between the two groups, particularly as elections approach.⁷⁴ Prime Minister Maliki, while Shia, has been assisting the Sunni of Ninewa Province to establish a political movement known as the "Hadba Brigades" in an attempt to curb the influence of the Kurds.⁷⁵ The level of contention over the provincial election in Ninewa makes it a high-risk area for unrest or violence.

4) **Anbar Province:** Anbar province is dominated by the IIP. 37 of the province's 41 current seats are held by the Iraqi Islamic Party (IIP).⁷⁶ Anbar's governor, Maamoun Sami Rashid al-Awani is a Sunni and has ties to IIP.⁷⁷ The IIP is at odds with the numerous smaller Sunni parties in Anbar province including the Anbar Awakening Council, and other small and more secular groups.⁷⁸ These groups arose as a result of the Sunni Awakening and were not significant political entities in the 2005 elections. However, these parties have grown in power and may pose a formidable threat to IIP's ability to maintain a large constituency. As a result of elections, the legitimacy of either the IIP or its rival's power may be called into question, which in turn could lead to civil unrest.

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³ "Next Year elections made by Iraqis – IHEC," *Aswat al-Iraq*, December 4, 2008.

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