

**IEAT working paper # 8b:
REALISTIC OPTIONS SUMMARY**

1. Introduction. The Law on Provincial Powers adopted on 13 February 2008 requires an electoral law for the conduct of the provincial elections to be passed within 90 days. Following the 2005 elections, there have been increasing requests to change some features of the “closed list proportional representation” electoral system used for those elections. The IEAT has been holding a series of meetings with Iraqi politicians, civil society representatives and election experts in order to balance the desire for change with the technical and timeframe constraints on holding provincial elections no later than 1 October 2008. In that sense, it is worth highlighting that most IHEC planning has been made on the assumption that the 2005 model would remain. Any major changes at this stage may affect the 1 October deadline. The technical terminology used in this paper has been explained in detail in the IEAT factsheets and other working papers.

2. The assessment of the realistic options is based on the following criteria:

- The electoral system must be acceptable to most political and social groups;
- It must be technically feasible and implementable within the current timeline;
- It must be easy to understand by voters and political parties;
- It must be inclusive and provide options for representation of women and minorities; and
- It must be representative (i.e. it must reflect the will of the voters and the resulting councils must reflect the make up of the society).

3. System of Representation.

- **Options:** Electoral systems can be either
 - a) Majoritarian,
 - b) Proportional representation (PR), or
 - c) Mixed.
- **Assessment** most political groups expressed support for a PR system.
- **Realistic Option:** Proportional representation.

4. Unit of Representation. There is a call for having smaller units of representation at the district level to ensure heightened territorial ties between elected council members and the voters. As highlighted by many interlocutors, there is no reliable population data in Iraq and it is unrealistic to expect that a full voter registration can take place. Hence the initial voters list will be based on an extract from the Public Distribution System database, with opportunities for additions, deletions and corrections.

- **Options:**
 - a) province;
 - b) districts.

- **Assessment:** IHEC and IEAT have concluded that the PDS is not reliable below governorate level. Going to a district-based constituency would have major operational implications, challenging the capacity of IHEC, creating a risk of missing the polling date and making it difficult to maintain the timelines established. There are additional issues related to the disputed nature of many district boundaries. Finally, small units would make IDP absentee voting very impractical.
- **Realistic Option:** For these elections, the more feasible option, both political and operational, is to maintain the existing provinces as the electoral constituencies.

5. Ballot structure

A -Options

- a) “closed” list (party centered)
- b) “open” list (candidate centered)
- **Assessment:** Technically both “closed” list and “open” list elections could be implemented within the timeline. “Closed” list elections are easier to administer for the IHEC, although there seems to be wide political support for the “open” list modality. There can be independent candidates in either system.
- Realistic Option:** “Open” list.

B- If the CoR decides to switch to an “open” list formula

- Options

- a) One candidate choice per voter
- b) Multiple candidate choices per voter
- **Assessment:** IHEC and most political groups favor one candidate choice per voter. Multiple candidate options would be much more complicated for both voters and the electoral administration.
- **Realistic Option:** One candidate choice per voter.

C- If CoR decides on one candidate choice per voter

- Options

- a) Limited Open List PR: the voter chooses one candidate from a party’s list. Parties receive seats proportionally to their share of all the candidate votes; the candidates with the most votes in each party are elected to the seats won by that party.
- b) Single Non-Transferable Vote: the voter chooses one candidate. Votes are not aggregated along party lines. The candidates with the most votes win the seats.
- c) Mixed System. Similar to a) except the voter marks the party of choice and may then vote for one candidate within that party’s list.
- **Assessment:** SNTV produces extremely disproportional results, factionalizes political parties and is likely to result in dysfunctional councils. A Mixed System would require a more complicated voter education campaign.
- Realistic Options:** Limited Open List PR or Mixed System.

6. Women’s representation

-Options

- a) Quota for women’s representation in each provincial council

- b) Requirement for women to be included in each party's list of candidates
- c) Best losers
- **Assessment:** All parties support the introduction of a quota for women's representation in each provincial council in the new electoral law.
- **Realistic Options:** If the CoR maintains the Closed List system, a level of at least of 25% representation for women would be secured by requiring there to be at least one woman in every three list candidates. This requirement should also be implemented if the CoR decided to introduce an "open" list modality. The quota would then be achieved by replacing the least voted elected male candidates in each provincial council with the most voted non-elected female candidates until the quota is reached.

7. Representation of minorities

- **Options**
 - a) Reserved Seats
 - b) Remove Thresholds
 - c) Both
- **Assessment.** All parties have expressed support for mechanisms to facilitate the election of minorities to the provincial councils. Reserved seats require the CoR to determine how many seats will be reserved for minorities, in which councils, and who can contest and vote for them. Removing thresholds would require the election law to state that parties representing minorities can win seats without achieving any threshold that applies to other parties.
- **Realistic Options:** all three options are realistic.

8. Internally Displaced Persons.

- **Options**
 - a) IDPs vote for their place of origin
 - b) IDPs vote for their current place of displacement
 - c) IDPs choose for which place they will vote
- **Assessment.** All parties support finding a balance between facilitating IDPs' participation and preventing their votes from being manipulated. There was concern that IDPs could be "used" to alter the demographics and the election results if they were allowed to vote for their current place of displacement.
- **Realistic Option:** IDPs are given the choice to vote for their place of origin, with IHEC providing for this through special arrangements for voter registration and voting by IDPs.

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