

[IHEC Letterhead]

Pursuant to the authority granted to the Board of Commissioners in Article 4, Paragraph "Eighth" of the Law of Independent High Electoral Commission no. 11 (2007), and the law of the Council of Representatives Elections no. (16) for 2005, as amended, we have decided to issue the following regulation:

Regulation No .. (21) For 2010

Council of Representatives Elections: Seat Allocation

Preamble

The Independent High Electoral Commission (IHEC) was established in accordance with Law no. (11) for 2007 to be the exclusive electoral authority in Iraq. It is an independent, autonomous, neutral, professional body, has the moral personality, it is part of the state, and subject to the supervision of the Council of Representatives.

Section One

Terminology

For the purposes of this regulation, the definition of the following terms shall apply:

- * "IHEC": the Independent High Electoral Commission of Iraq.
- * "BoC": the Board of Commissioners at IHEC.
- * CoR: the council which will be elected in accordance with Elections law no,16 for 2005 as amended.
- * "Electoral Constituency": an area allocated a number of seats in accordance with the law of the Council of Representatives Elections no. (16) for 2005, as amended.
- * "Elections Law": the Elections Law no. (16) for 2005, as amended by Law no. 26 for 2009, interpreted by Clarification Decision.
- * "Valid Votes": the votes determined as valid for counting according to the IHEC procedures.
- * "General Seats": the seats specified in the valid Elections Law, after deducting the Compensatory Seats.
- * "Component Seats": seats reserved for the components in the CoR as specified in of Elections Law.

* “Component list”: a list representing an entity competing for the component reserved seat in the electoral constituency.

* “Single List”: a PE’s list of single candidate.

* “Open List”: a publicized list of candidates of no more than double the number of seats allocated for the constituency.

* “ED”: The result of dividing the total number of valid votes cast for a constituency by the number of seats in the constituency.

* “Vacant Seats”: seats that have not yet been allocated to the winning lists according to ED.

* “National Compensatory Seats”: the seats distributed to the winning lists according to the proportion of seats they have received, they are (7) seats in accordance with the Elections Law.

* “Exhausted Entity”: a PE that has been allocated a number of seats as it has candidates or more.

* “Excluded Entity”: a PE that has been excluded from the general seats distribution because it did not meet the electoral divider.

Section Two Number of Seats of the CoR

The Iraqi CoR constitutes of 325 seats, 318 seats will be distributed to the governorates as shown in the table below:

* General Seats : 310

* Component Seats : 8

The 7 remaining seats are National Compensatory Seats.

The seats will be distributed to the governorates as follows:	
Baghdad	70 seats, including 1 seat for the Christians and 1 seat for the Sabeen
Anbar	14
Ninewa	34 seats, including 1 seat for the Christians, 1 seat for the Yzidi and 1 seat for the Shabak
Salahaddin	12
Diyala	13
Kerbala	10
Najaf	12
Babil	16
Wassit	11
Missan	10

Thi-Qar	18
Qadissiya	11
Muthanna	7
Basra	24
Kirkuk	13 seats including 1 seat for the Christians
Dahuk	11 seats including 1 seat for the Christians
Erbil	15 seats including 1 seat for the Christians
Sulaymaniya	17 seats
Total	318

The following components shall be allocated a quota of seats to be added to the seats allotted to the electoral constituency, and as follows:

- Christian component : 5 seats (Baghdad, Erbil, Ninewa, Dahuk, Kirkuk)
- Yzidi component: 1 seat (Ninewa)
- Shabak component: 1 seat (Ninewa)
- Sabea component: 1 seat (Baghdad)

Section Three

Seats Apportionment

First: Distribution of the Governorate Seats

Step 1 - Calculation of Electoral Divider

1. The ED is calculated by dividing the total number of valid votes cast for all the PEs in the electoral constituency (subtracting the valid votes cast for the components) by the number of general seats for that constituency.
2. If a PE receives a number of valid votes that is less than the electoral divider, no seat shall be allocated to that entity and is considered an Excluded Entity.

Step 2 – Applying Electoral Divider

* The number of seats to be allocated for each winning PE is determined by dividing the total number of valid votes it receives in the electoral constituency by the Electoral Divider.

$$\text{Number of seats for the PE} = \text{PE's total valid votes} / \text{ED}$$

The seats are allocated according to the integer number of the result of the calculation for each PE in step (1) above, the remaining seats are vacant seats distributed as in Step 3 below.

If all seats are allocated, skip to Step 4 to award seats to candidates.

If all candidates in lists are awarded seats, their lists are excluded from any further award of seats and are considered exhausted lists.

Step 3 - Distribution of Vacant Seats

* Total the number of general seats distributed in paragraph (2) of Step 2 above.

* Each non-exhausted list's proportion of the vacant seats is calculated by dividing the list's total number of valid votes by the total number of valid votes of winning PEs which are not exhausted in the electoral constituency multiplied by the number of vacant seats, seats are allocated according to the integer and not according to the remainder.

$$\text{The list's share of the vacant seats} = (\text{PE's total votes} / \text{total votes of PEs not exhausted in the constituency}) \times \text{number of vacant seats}$$

If any other vacant seats remain, allocate them to the lists using the method of the highest remainder from paragraph (2) above.

In case of draw between two lists, if necessary a lottery will be conducted to determine the winner.

Step 4 - Allocation to candidates

* The ranking of the candidates within the open list is reordered from highest to lowest according to the number of valid votes each candidate receives.

1. The seats allocated to the list shall be initially awarded to the candidates according to paragraph (1) above.
2. In case of draw between two or more candidates in the same list, a lottery will be conducted.

Second: Distribution of the Component Seats

1. Distribution of Yzidi, Sabeen and Shabak Component Seats

1. The component seat is allocated to the list that receives the highest number of votes.
2. In case of a draw between two or more lists of the same component, the IHEC will conduct a lottery to determine the winner.

2. Distribution of the Christian Component Seats

Step 1 – Calculation of Electoral Divider

1. The valid votes cast for the lists competing for the Christian component reserved seats are divided by the number of seats to get the ED.
2. If a PE receives a number of valid votes that is less than the electoral divider, no seat shall be allocated to that entity and is considered an Excluded Entity.

Step 2 – Distribution of seats

1. The total valid votes for each list is divided by the ED to determine the number of seats allocated for each of the competing lists according to the integer of the result.
2. If all seats are allocated, skip to Step 3 to award seats to candidates.
3. If all candidates in single and open lists are awarded seats, their lists are excluded from any further award of seats and are considered exhausted lists.
4. If there are vacant seats, Step 3 of the first part of Section 3 will be applied.

Step 3 – Allocation of seats to candidates of Christian Component

1. Candidates from the winning lists are ranked within each list by the number of valid votes received. The candidates with the most valid votes in each list are identified, up to the number of seats that each list has won. If these five candidates are registered for five different governorates, the allocation of individual seats is completed.
2. If two seats won by one list belong to candidates registered for the same governorate, then one seat will be allocated to the candidate with the higher number of individual votes. In case that those two candidates have the same number of valid votes the winner will be determined by a lottery. If winners are registered for all five governorates after such changes are conducted, the allocation of individual seats is completed.
3. If one or more seats are allocated to winning single lists, then the initial priority for the seat(s) allocated for such governorates will be given to the single lists. If two single lists win a seat in the same governorate, the seat will be allocated to the single entity that won higher number of votes; in case of the same number of votes the winner will be determined by a lottery. Remaining seats will be filled from the winning lists. If winning candidates from the remaining lists are registered for same governorates the advantage will be given to the candidates who won the higher percentage of votes compared to the votes received for their entity. The first priority to get a seat goes to the candidate with the highest percentage and so on. If the percentage is the same the winner will be determined by a lottery.
4. If the winning entities do not provide candidates registered for all five governorates, the lists will be deemed exhausted, and the remaining seat(s) will be given to candidate(s) from entities who came closest to

5 Unofficial UNAMI translation

the electoral divider and which have a candidate registered for the missing governorate(s) .

Section Four
National Compensatory Seats
Step 1 - Allocation to Lists

1. The national compensatory seats will be allocated by dividing the number of seats the entity receives in all governorates by the number of the general seats (310) multiplied by 7 (national compensatory seats).
$$\text{(PE's number of seats) / (number of general seats) x 7 = PE's share of the compensatory seats.}$$

The seats are allocated according to the integer number of the result of the calculation for each PE in step (1) above,
If any other vacant seats remain, allocate them to the lists using the method of the highest remainder.

Step 2 - Allocation of National Compensatory Seats to candidates

1. The total votes of the non winning candidates will be divided by the total number of votes received by the list in the constituency. (Awarded one compensatory seat or more)
2. The compensatory seat will be awarded to the candidate who receives the highest proportion according to no. (1).
3. In case of draw between two or more candidates, a lottery will be conducted.

Section Five
Women's Quota

Step 1 - Calculation of the number of seats to be allocated to female candidates

1. All seats will be distributed including Minority and Compensatory seats regardless the candidates' gender.
2. This regulation shall guarantee achieving total number of female winners countrywide not less than 25% (82 women). If not, the abovementioned percentage, seats for each governorate will be determined according to Step 2 below.

Step 2 - Determination of the Governorates to provide seats to female candidates

1. The number of female winners for each of the governorates will be provisionally increased by 1.
2. The increased numbers of winners as per 2.1 will then be divided by the total number of seats for respective governorates including the component and national compensatory seats to determine the percentage of female winners for each of the governorates.
3. The number of female winners in the governorate with the lowest percentage will then be increased by 1. If two or more governorates

have the same percentage, one seat will be added to the governorate with the lower Electoral Divider. If the governorates have the same Electoral Divider then a lottery will determine to which of the governorates the number of female winners will be increased by one.

4. A new summary of female seats for all governorates will be calculated. If the summary is less than 82, a new process starting from 2.1 and considering the increase(s) already determined in 1.3 will be conducted. The process will be repeated until the total number of female winners reaches 82.

Step 3 - Determination of the lists to provide female candidates

1. The female quota for each of the governorates is determined as per Step 2 above. If the number of female winners in a governorate is equal to the determined quota then no replacement of male by female candidates is to take place.
2. If the total number of female winners is less than the determined quota then the number of female winners for each of the winning entities will be provisionally increased by 1.
3. The increased numbers of female winners as per 3.2 will be divided by the total number of seats allocated for the entity to determine the percentage of female candidates in case of an increase.
4. The number of female winners for the entity with the lowest percentage will be increased by 1. If the list of female candidates for the entity has been exhausted then the number of female winners of the political entity with the next lowest percentage will be increased by 1. If two or more entities have the same percentage, the number of female winners will be increased to the entity with the lowest number of valid votes. If the entities have the same number of valid votes then a lottery will determine to which of the entities number of female winners will be increased by one.

Step 4 - Allocations to female candidates

One male winner to be replaced by the highest voted female candidate of that entity who did not win a seat after the initial allocation

Step 5 - Achieving the women's quota in the determined Governorates

A new summary of female winners for the governorate will be calculated. If the summary is less than the determined quota, a new process starting from 3.2 and considering the increase(s) already determined in 3.4 will be conducted. The process will be repeated until the total number of female winners reaches the determined governorate quota.

Section Six

Entry into Force

This regulation comes into force from the date that it is passed by the IHEC's Board of Commissioners on 10/02 / 2010.