

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 96

THE ELECTORAL LAW

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003), and Resolution 1511 (2003); Reaffirming the right of the Iraqi people, as recognized in Resolutions 1483 and 1511, to freely determine their own political future;

Noting that the Law of Administration for the State of Iraq for the Transitional Period (the "TAL") provides for the Iraqi people to choose their government through genuine and credible elections to be held by the end of December 2004 if possible and, in any event, no later than 31 January 2005;

Determined to achieve the transitional goals of the TAL, including the drafting and ratification of a permanent constitution, and the establishment of an elected government under that constitution;

Committed to electing the drafters of the Iraqi constitution by a direct, universal and secret ballot of the Iraqi people;

Noting the Iraqi Governing Council's adoption of Resolution 87 of 2004 endorsing use of a single electoral district and proportional representation in the election of the National Assembly of the Iraqi Transitional Government;

Having consulted extensively with representatives of the United Nations and benefited from their consultations with the Governing Council and a broad cross-section of Iraqis,

I hereby promulgate the following:

Section 1

Purpose

This Order forms part of the legal framework for genuine and credible

elections to determine the membership of the National Assembly of the Iraqi Transitional Government.

Section 2

Definitions

For purposes of this Order, the following definitions shall apply. Words importing the singular include and apply to several persons, parties, or things; words importing the plural include the singular; and words importing the masculine gender include the feminine:

- 1) "Commission" means the Independent Electoral Commission of Iraq, as established by CPA Order No. 92 (CPA/ORD/31 May 2004/92).
- 2) "Iraqi Interim Government" means the government that will assume full governmental authority on 30 June 2004 and retain such authority until the formation of the Iraqi Transitional Government.
- 3) "Iraqi Transitional Government" means the government that is to be established after nationwide elections occurring no later than 31 January 2005.
- 4) "National Assembly" means the National Assembly of the Iraqi Transitional Government, as described in the TAL.
- 5) "Political Parties and Entities Law" means the law that will govern the recognition of Political Entities in Iraq during the Transitional Period.
- 6) "Political Entity" means a political entity as defined in the Political Parties and Entities Law.
- 7) "Threshold" means the minimum number of valid votes necessary to obtain a seat in the National Assembly.

Section 3

System of Representation

- 1) The election for the National Assembly shall be by direct, universal and secret ballot.
- 2) Consistent with Article 31 of the TAL, elections for the National Assembly will choose 275 members. Consistent with Article 31(A) of the TAL, a separate law

enacted after such elections will govern the replacement of members of the National Assembly in the event of resignation, removal or death.

3) Iraq will be a single electoral constituency. All seats in the National Assembly will be allocated among Political Entities through a system of proportional representation.

4) The formula for the allocation of seats in the National Assembly will be based on a first calculation employing a simple quota (Hare quota) and subsequent calculations employing the largest remainders. The Threshold shall be the natural threshold, which is calculated by dividing the total number of valid votes by 275.

The procedure for use of this formula shall be set forth in such regulations promulgated pursuant to Section 6.

Section 4

Electoral Candidates

1) Any Political Entity may present a list of candidates for election to the National Assembly to the Commission so long as the candidates on the list meet the applicable legal criteria.

2) The lists presented to the Commission must have the candidates in a ranked order.

Seats in the National Assembly shall be allocated to candidates according to the ranked order on the list. The candidates on the lists may not be reordered or otherwise changed after a date to be established by the Commission.

3) No fewer than one out of the first three candidates on the list must be woman; no

fewer than two out of the first six candidates on the list must be woman; and so

forth until the end of the list.

4) No list shall contain fewer than twelve or more than 275 candidates, except that

individual persons certified as Political Entities by the Commission may present

themselves on a list as a single candidate. The requirement of Section 4(3) does

not apply where a list contains an individual person certified as a Political Entity.

5) Seats shall be allocated to candidates, not Political Entities. At no time may a

Political Entity withdraw a seat in the National Assembly from the candidate to whom it was allocated.

Section 5

Entitlement to Vote

1) To be eligible to vote in the election of the National Assembly, a person must:

- a) According to article 11 of the TAL, be deemed an Iraqi citizen, be entitled to reclaim Iraqi citizenship or be eligible for Iraqi citizenship;
- b) Have been born on or before 31 December 1986; and,
- c) Be registered to vote according to procedures issued by the Commission.

2) The Commission shall interpret Article 11 of the TAL in an inclusive manner. The Commission shall not be dependent on the conclusion of any administrative or legal processes undertaken by the Iraqi Interim Government in order to implement Article 11 of the TAL.

Section 6

Implementation

The Commission may issue regulations, rules, procedures and decisions to implement this Order;

Section 7

Inconsistent Legislation

Any provision of Iraqi law that is inconsistent with this Order is hereby suspended to the extent of such inconsistency.

Section 8

Effective Date

This Order shall enter into force on the date of signature.

L. Paul Bremer, Administrator

Coalition Provisional Authority



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