

By virtue of the prerogatives given to the Board of Commissioners in article 4 paragraph 8 of the Independent High Electoral Commission Law n°11 of 2007, in the decision of the Coalition Authority n°97 of 2004, in law n°25 of 2007 and in the law related to the Republic of Iraq joining the United Nations Convention Against Corruption of 2004, we decided to issue the following regulation:

Regulation n°1 of 2013

Regulating the Electoral Campaign Spending

The terms referred to below shall have the meanings opposite to them:

1. Commission: the Independent High Electoral Commission.
2. Board: Board of Commissioners of the Independent High Electoral Commission.
3. Constituency: any determined district to which a number of seats is allocated pursuant to the provisions of the law.
4. Electoral campaign: all legitimate means and activities used by entities, coalitions and candidates to influence voters and gain their trust for the purpose of voting for them.
5. Elections spending: all cash and in-kind money spent by entities and candidates during the electoral campaign period.
6. Elections spending ceiling: maximum expenses authorized to be spent for the electoral campaigns.
7. Cash contributions: money in cash given as contributions for the benefit of an entity or a candidate during the electoral campaign and deposited into the electoral campaign account.
8. In-kind contributions: goods and services given in-kind for the benefit of an entity or a candidate during the electoral campaign. Their equivalent values shall be indicated in the electoral campaign account.
9. Electoral campaign account: an account that shall be open in one of the accredited Iraqi banks and dedicated exclusively to electoral campaign spending.
10. Chartered accountant: the person in charge of aggregating, classifying, documenting all financial transactions of an entity and a candidate during the electoral campaign and of preparing financial reports corroborated with the supporting documents pursuant to the accounting principles legally authorized.
11. Financial reports: all financial information and data declared by an entity and a candidate and submitted in accordance with a model accredited by the commission for the purpose of disclosing the electoral campaign contributions and expenditures.
12. Market price: prevailing price of goods and services in the market.

Part two

Regulating the electoral campaigns

1. The electoral campaigns regulation n° () of () shall be considered for what is related to the regulation of the electoral campaigns provisions, except what is mentioned in this regulation.
2. Control over the elections spending for the purposes of this regulation shall start as of the date of the beginning of the electoral campaigns until three days after the end of the Election Day.
3. The entity and candidate electoral campaign expenditures shall not exceed the maximum determined for the elections spending ceiling fixed in part three of this regulation.
4. The Commission shall monitor the violations related to the pursuit of the prerogatives of this regulation through monitoring committees created for this purpose and through following-up and documenting entities and candidates electoral campaigns components and costs during the whole period of the electoral campaign.

Part three
Elections spending ceiling

1. The elections spending ceiling for a candidate shall be composed of:
A variable amount of 50 dinar multiplied by the number of voters in the constituency provided that this amount does not exceed in any case 100 million dinar.
2. The elections spending ceiling for a political entity shall be composed of the amount fixed for a candidate (pursuant to article 1 of this part) multiplied by the number of candidates on the list of the political entity in the constituency.
3. The elections spending ceiling for closed lists shall be calculated according to the mechanism mentioned in article 2 of this part and according to the following equation:
(50 Iraqi dinar X number of voters in the constituency X number of candidates on the closed list of the entity).
4. Candidates may spend money on their electoral campaigns from their private money. The spouse's money and any of his/her assets or ramification shall be considered as private money and all expenses spent from private money shall be subject to the spending ceiling.
5. Any contribution to the electoral campaign of an entity or a candidate from non-Iraqi or any foreign party shall not be authorized.
6. Voluntary services provided by individuals for an entity or a candidate shall not be considered as contributions for the purposes of this regulation.
7. The following shall be considered as elections expenditures but not exclusively:
 - a. Renting elections offices and their expenses.
 - b. The amounts paid to the staff working for the electoral campaign.
 - c. The expenses related to the printing, the publication, the distribution and the display of banners and photos.
 - d. The preparation and the printing of books, notebooks, folders and other media materials and the distribution of messages through Internet and cellular phones.
 - e. The amounts spent for organizing meetings, seminars, conferences and festivals and the accompanying banquets for electoral purposes.
 - f. The amounts spent for transporting voters and the staff working for the electoral campaign.
 - g. The amounts paid for press and audio-visual advertisements.

Part four
Electoral campaign account

1. Each political entity and candidate shall open an account for the elections spending in every constituency in which they are running for election.
2. The electoral campaign account shall be open in one of the accredited Iraqi banks.
3. The electoral campaign account shall not be subject to bank secrecy and candidates and entities are considered as conceding by rule bank secrecy for this account as of its opening.
4. All contributions shall be received during the electoral campaign exclusively through this account and all expenses shall be settled through it.
5. The Commission can request the campaign's bank statement or any other documents related to this account during the electoral campaign or after its end.
6. The total of cash and in-kind contributions shall not exceed the elections spending ceiling fixed pursuant to part three of this regulation.
7. It is not authorized to collect or disburse any amount that exceeds one million dinar except with a campaign account check.

Part five
Chartered accountant

1. Each political entity and candidate shall nominate a chartered accountant to be in charge of all financial affairs related to the electoral campaign, the registration, the classification of all financial transactions and the preparation of the financial reports.
2. The chartered accountant shall be independent of any party and shall not be candidate for the elections.

Part six
Financial reports

1. Political entities and candidates shall submit their preliminary financial reports after 3 days of the Election Day. These reports shall include:
 - a. All cash and in-kind contributions deposited into the electoral campaign account.
 - b. The total of expenditures paid through the electoral campaign account.
 - c. A financial statement of the electoral campaign account.
2. Final reports shall be submitted to the Commission in a period of 30 days as of the day the results are announced. These reports shall include:
 - a. Details related to in-kind contributions and the expenses deposited into the electoral campaign account.
 - b. Details related to the expenses spent through the electoral campaign account.
 - c. Final bank statement of the electoral campaign account (closure of the electoral campaign account).
 - d. All supporting documents for the elections contributions and expenses.
3. Financial reports shall be signed by the political entities authorized persons and the chartered accountant and shall be ratified by the Iraqi Union of Accountants.
4. The Commission shall provide a model for the financial report pursuant to the accounting laws and regulations in force.
5. The Commission shall publish the financial report on its website or any other means to give the possibility to the public to have access to them.
6. For the purposes of the application of this regulation, the Commission's competent officers shall have the right to pay surprise visits to the political entities and parties premises to review accounting records and other documents without prior notice.

Part seven
Violations and penalties

1. The following actions shall be considered as violations to the provisions of this regulation:
 - a. The entity or the candidate exceeds the elections spending ceiling.
 - b. The entity or the candidate does not submit the report (preliminary and final) in the deadlines fixed in part six of the regulation.
 - c. The financial report contains fraud.
 - d. The accountant is not a chartered accountant.

- e. The financial report does not comply with the model requested by the Commission or it does not include the requested data.
 - f. It is proven that some or all the documents attached to the report are invalid.
2. In case it is proven that the political entity or the candidate has violated one of the provisions of this regulation, the Commission shall impose one or more of the following penalties:
- a. A fine.
 - b. Prohibiting the entity or the candidate from running for future elections (for one or two elections).
 - c. Annuling the votes obtained by the entity or the candidate in the constituency.
3. Inflicting the above mentioned penalties shall not prevent the Commission from referring the offender to the competent courts if the act included a criminal element pursuant to the laws in force.

Enforcing the regulation

This regulation shall be considered enforced starting from the day of its ratification by the Board of Commissioners on 30 July 2013.

Board of Commissioners