
DRAFT
SECTION II: OPERATIONAL CONCEPT

Overview

1. The 15 November Agreement on Political Process calls for three elections in 2005: an election to a constitutional convention by 15 March, a referendum on a draft constitution, and a national election by 31 December. This schedule leaves little time for the constitutional convention to draft and negotiate a constitution, so it would be desirable to conduct the election to the constitutional convention as early as possible. In order to adhere to the 15 November timeline, and certainly in order to conduct an election to the constitutional convention as early as possible, voter registration should take place in 2004. Providing a public display of the electoral process during or soon after the selection of the Transitional National Assembly (TNA) would also serve to assuage Iraqi and international concerns about progress toward genuine representative elections in Iraq.

2. There is no obvious solution to establishing an electoral framework – institutionally, legally, or operationally – that will be credible in the Iraqi context. Several features of such a credible framework deserve mention. First, the election must be clearly owned by the transitional Iraqi authorities, beginning with full Iraqi participation in the development of the legal and institutional framework. Placing international staff in visible positions, either as senior policymakers or as supervisors in registration and polling centers, will probably detract from the legitimacy of the process. Second, no Iraqi institution now exists with the necessary technical skills, managerial scope, or public legitimacy to manage elections, which are among the most difficult logistic operations undertaken by democratic governments in peacetime. Reconciling these contradictory features will require balancing Iraqi decision making with substantial international management of the implementation of the elections. Finally, credible elections will depend on the development of modern political institutions such as political parties, civil society organizations, and media outlets able to mediate between the voters and the complicated process of democratic government.

3. The institutions designed to conduct the elections called for by the 15 November agreement must also be robust and credible enough to become permanent electoral institutions, managing national and sub-national election in Iraq well past 2005. Iraqi professionals and Iraqi institutions should replace international technical assistance as expeditiously as possible. So to the considerable challenge of conducting three post-conflict elections in nine months must be added the challenge of building a set of Iraqi electoral institutions capable of managing future elections with limited international technical assistance.

4. This operational concept, presented in response to the request for proposal issued by the Coalition Provisional Authority (CPA) and the Interim Governing Council (GC), lays out a path to the construction of an independent Iraqi electoral authority which, with substantial international managerial and technical assistance, would be able to conduct a voter registration in 2004 and a constitutional convention by 15 March 2005 and, with sharply reduced international assistance, would be able to conduct two further elections in 2005.

5. This concept begins with brief overviews of the required institutions and of the main phases of the operations. It then turns to a more detailed description of the voter registration and elections operations. This more detailed description is divided into major themes, in a generally chronological order. At the conclusion of each theme, a summary of proposed services is provided.

Institutional Overview

6. A number of institutions would need to be established in order to conduct elections according to the 15 November agreement: a Transitional Electoral Management Body (TEMB), an International Assistance Team (IAT), an International Advisory Council, and several bodies to administer political party, observation, and media development.

7. The Transitional Electoral Management Body would have several component parts:

(i) *Transitional Independent Electoral Commission (TIEC)*. The TIEC would be responsible for the regulation and oversight of the electoral process. IFES recommends that the TIEC be composed of roughly 8-12 prominent Iraqi leaders, appointed by the GC, most representing political factions, but with one or two representing civil society. In addition, an international Secretary-General would assist and act as a non-voting member of the TIEC. The TIEC should have a secretariat, supported by international election law experts, to assist with meeting management, legal research, and drafting. The TIEC might authorize local commission, most likely at the governorate level, to monitor the work of local election administration offices.

(ii) *Electoral Administration*. The Electoral Administration would implement the regulations and decisions of the TIEC. It would have a headquarters, Governorate Electoral Offices (GEOs), and Sub-Governorate Electoral Offices (SGEOs). Electoral Administration staff would be civil servants, not political appointees. In 2004 and 2005, international specialists would assume management and technical assistance roles in the headquarters and GEOs, with Iraqi professionals taking management responsibility as they are able or as the situation dictates.

(iii) *Electoral Disputes Mechanism*. A mechanism to resolve non-criminal electoral disputes would also be created. This mechanism can sit within the existing judiciary or act as a sub-commission of the TIEC. Its secretariat should be supported by international election law specialists.

8. The creation of the TEMB would require a legal framework, a civil service hiring process, and the identification, renovation, and equipment of office facilities.

9. The International Assistance Team (IAT) would provide management and technical assistance at all levels, including the TIEC and its secretariat, the Electoral Administration, and the disputes secretariat. Establishing the IAT would require a formal legal mandate from the CPA and GC, staff recruitment and deployment and preparations of accommodation and security arrangements. The IAT will begin with a 15 person preparatory team in January, expand to a 45 person build-up team for February, March, and April, and reach a full strength of roughly 220 in May.

10. The International Advisory Council would allow election professionals from respected electoral management bodies (such as Canada, Mexico, South Africa, and Muslim nations including Indonesia and Yemen) to advise the TIEC, monitor, and provide regular audit reports on the electoral process. The Council can be joined by an agreement on a general set of principles and guidance on the conduct of the election. The International Advisory Council is not budgeted for in this proposal, because it may also be charged with a fiduciary oversight function, but an indicative cost is provided.

11. Bodies to administer political party, observation, and media development are also not budgeted in this proposal because they fall outside the scope of election management, but several notes on likely costs are provided.

Timeline Phases Overview

12. This operational concept lays out the important steps in conducting the voter registration and the constitutional convention election. In much less detail, it describes the process leading from the constitutional convention election through the constitutional referendum and the first national election. In general terms, the phases of this set of electoral process would be:

(i) *Preparatory.* In January 2004: Work with the CPA and GC on the legal framework; prepare a recruitment plan for the professional Iraqi staff of the TEMB at the headquarters and GEO levels; recruit and prepare facilities for the international and local staff of the larger build-up phase.

(ii) *Build-Up.* February 2004 through April 2004: Finalize legal framework; Establish the TEMB; Field test existing population registry data sources; Make a detailed plan for voter registration and the elections; Recruit the TEMB professional staff at the headquarters and GEO levels; Begin a full capacity building program, starting with a formal election academy; Recruit the full IAT staff; Prepare headquarters and temporary GEO facilities.

(iii) *Pre-registration.* May 2004 through August 2004: Adopt registration regulations; Establish permanent GEO facilities, Recruit and train SGEO staff; Establish SGEO facilities.

(iv) *Registration.* September through November 2004: All eligible voters provided an opportunity to register to vote or confirm their registration, depending on the registration model adopted; Data entry; Production of Provisional Voters Lists; Public exhibition of Provisional Voters Lists.

(v) *Constitutional Convention Election.* Political entities and candidates certify for participation in the election; Electoral campaign; Election Day; Counting; Tabulation, certification, and publication of results.

(vi) *Referendum and National Government Elections.* Thorough evaluations of the TEMB, the voters list, and electoral regulations and procedures; Increase Iraqi staff managerial responsibilities; Plan and conduct voters list improvement operations; Plan and conduct elections.

(vii) *Handover.* By the end of 2005, full responsibility for the management of elections in Iraq handed over to the TEMB or its successor, along with all equipment and supplies.

13. While this plan is drafted under the assumption of a specific institutional arrangement for the conduct of voter registration and elections, including an Iraqi-led TEMB receiving technical assistance from an IAT charged with the implementation of capacity building, voter registration, and the constitutional convention election, several other institutional models might be adopted, including United Nations management. The Fundamental Law may also force modifications in this plan regarding timelines or services. The preparatory team would conduct its work so as to lay an appropriate basis for the several most plausible institutional and operational models.

14. At various points in this model, responsibility for international assistance could be transferred between institutions. For example, should the United Nations be charged with the support of the TEMB after the adoption of the Fundamental Law, it could gradually assume responsibility during the build-up or pre-registration periods, taking full advantage of the work products of an earlier team.

General Considerations

15. Throughout their activities and operations, the TEMB and the IAT would observe several general principles: transparency to election participants, observers, and media; simplicity for voters and political entities; and, support to a vibrant, multi-party political culture.

16. Transparency would include access to TEMB decision making and planning and procedures designed to ensure observer and media access to voter registration and polling locations. Equally importantly, the TEMB and IAT would facilitate the growth of domestic observation organizations and the deployment of independent international observers. In Iraq's current context, with weak political party and civil society organizations, this facilitation would be essential to establishing the strongest possible domestic observation.

17. Simplicity would be achieved through the design of the legal framework, the drafting of procedures, and the public information and voter education campaign. A complex legal or procedural framework would make the election opaque to the average voter and thus the results less accepted.

18. While direct political party support would be inappropriate in an election administration, the TEMB and IAT would endeavor to support the formation of political entities and coalitions through the legal framework and would provide strong administrative support to new political entities grappling with registration, certification, and other requirements.

19. Taken together, these principles would improve the TEMB and IAT's ability to conduct elections which will be transparent and legitimate and which will result in popularly accepted results.

Legal Framework

20. The legal framework should consist of the electoral components of the Fundamental Law, ordinary laws on elections, political parties, civil society, and media, and regulation. Under ordinary circumstances, the bulk of election administration issues would be addressed in constitutional and ordinary law, but given the tight timelines for the conduct of elections in Iraq

and the understood intention to remove political transition issues (including elections) from the competency of the Transitional National Assembly, a great deal of electoral law would need to be addresses in TIEC regulation rather than in legislation.

21. The legal framework should adhere throughout the three elections under the 15 November agreement. It would therefore need to address the system of representation for the constitutional convention, referendum, and the first national elections. Although the new constitution may call for a different system of representation, there would be very limited options for implementing a new system in time for an election before 2006. The first national elections should take place under the transitional legal framework, and any modifications contained in the new constitution should come into effect prior to any subsequent national election. (Some modifications may be possible. For example, if the constitution calls for an upper chamber elected under a straightforward system, it may be possible to add an additional ballot to the first national election. These questions will need to be addressed on a case-by-case basis by the TEMB and the constitutional convention.)

22. The paragraphs below identify issues to be contained in the Fundamental Law and electoral law. Depending on political circumstances, some of these issues may be moved between the two documents or assigned to the competencies of the TEMB. During the preparatory phase and the first month of the build-up phase, however, as many of these issues as possible should be addressed by the GC, working with advice and legal council provided by the IAT. The more electoral law issues included in this political agreement rather than in technical regulation, the more authoritative and legitimate the legal framework will be.

23. The Fundamental Law should address the following issues:

- (i) System of representation
- (ii) The TEMB and its authorities
- (iii) Voter eligibility and the creation of the voters List
- (iv) Voter eligibility abroad
- (v) Candidate eligibility; certification of political entities and candidates
- (vi) Special provisions for the referendum

24. A separate electoral law, perhaps annexed to the Fundamental Law, should address the following issues:

- (i) Detailed provisions of the system of representation, including apportionment of mandates and allocation of seats
- (ii) Electoral commissions below the TIEC
- (iii) Adjudication of complaints

- (iv) Rights of election observation
- (v) The voters list and right to challenge or appeal voter eligibility
- (vi) General provisions on voting and counting
- (vii) Recruitment of polling station staff
- (viii) Filling vacancies

25. The GC should also adopt laws on political parties, media, and civil society, which the TIEC can, again, use as the basis for more detailed regulation. While these laws would most likely be subject to amendment by the Transitional National Assembly, it is important that the legal basis for modern political institutions be laid at the same time as the selection process is underway; otherwise, the empowerment of traditional political structures in the selection process may stifle the development of more representative structures.

Summary of Proposed Services

26. International election law specialists, working on the preparatory and build-up teams of the IAT, work closely with the CPA and GC to draft the electoral components of the Fundamental Law and of electoral, political party, media, and civil society laws.

The TEMB

27. The TEMB would be formally established after the adoption of the Fundamental Law and the appointment of members to the TIEC. Even before this formal step, however, the IAT can begin work of the time-critical tasks of recruiting TEMB staff and identifying, renovating, and equipping TEMB facilities.

Recruitment and Capacity Building

28. The preparatory team would develop terms of reference (ToRs) for all Iraqi professional positions at the HQ and GEO levels and identify recruitment mechanisms to allow for the speedy distribution of job announcements and applications and for systems to review applications, conduct interviews, and select candidates. Some technical positions would require secondment from existing Iraqi institutions rather than new recruitment, including the Ministry of Planning Central Statistical Organization, the Ministry of Trade Public Distribution System and Computer Department, the Ministry of Education, and the Ministry of the Interior.

29. The build-up team would distribute job announcements and execute the TEMB staff recruitment plan. One-week would be allotted for the distribution of job announcements and two-weeks for the submission of applications. Applications would be reviewed on a rolling basis as they are received and interview short lists established. As a general rule, application screeners would be asked to provide three candidates for every position, but in many cases applicants would be interviewed for several positions, meaning that the short listing process could be flexible and inclusive. Interviews would be scheduled in each governorate capital for a one week period, with several teams covering the entire country. Candidates would be selected and recruited for the most senior managerial jobs, and short lists for more junior and SGEO jobs would be maintained.

30. If the TIEC is established early enough, it would participate in the recruitment process, both approving ToRs and also joining application screening, interview, and selection panels. Should the establishment of the TIEC be delayed, the GC would be asked to appoint provisional representatives to participate in the recruitment process.

31. A formal, one month training program would be established to provide newly hired election officials with essential skills and background information. The training curriculum would be devised in January, followed by the production of training materials such as manuals, classroom aides, and participatory exercises. Existing training programs leading to formal credentials, including the United Nations' BRIDGE program, will be considered as the basis of this curriculum.

32. Training would be conducted in several waves to allow time for recruitment in the field, to minimize class size, and to allow for replacement of failed candidates. Training would be centralized in a location chosen for cost and security. Although it would be desirable to conduct the training in Baghdad, it may prove prohibitively expensive and time consuming to provide secure training facilities and accommodation, in which case it would be necessary to consider alternatives, including training locations in Jordan.

33. As TEMB staff complete their formal training, they would be deployed to their duty stations, in either the headquarters or the GEOs. The focus of capacity building would shift at this point to on-the-job learning, but this would continue to be supplemented by formal training. TEMB staff would receive financial support and, when possible, flexible working hours, to pursue computer, English, or other professional training from commercial providers. Training materials would be distributed on a regular basis, and HQ capacity building staff would both provide formal training seminars and support to both Iraqi and international staff on mentoring and evaluation. Appropriate senior managers would have the opportunity to observe other elections, especially in transitional and Islamic democracies.

34. The first task of the newly trained professional staff at the GEOs would be to recruit and train junior GEO staff and SGEO staff.

35. Both the election academy and continuing capacity building efforts would be strengthened by careful monitoring and evaluation to gauge the extent to which TEMB staff are meeting professional benchmarks and progressing toward a rapid assumption of managerial and technical responsibilities between the first and third electoral events.

Preparing Facilities

36. The headquarters would require approximately 4000 square meters of office space, 3000 square meters of warehouse space, and parking for 100 vehicles, all in a secure compound. The GEOs would require approximately 150 square meters of office space and 1000 square meters of warehouse space. The SGEOs would require approximately 30 square meters of office space and 50 square meters of warehouse space. These numbers are, of course, averages, and may vary from location to location. While it is believed that these facilities should be provided from existing government buildings, some funds are budgeted for the contingency that rent is required in some locations. The Public Distribution System has a large and well-functioning network of

warehouses, mainly at the governorate level. These could serve as the backbone of the election distribution network.

37. The cost estimate includes 21 GEOs, including 3 for Baghdad and 2 for Ninewa. 600 SGEOs are budgeted, roughly following the Public Distribution System for collection of ration card data, but expanding it slightly to better mirror existing administrative divisions at the Nahia level and below. The number of SGEOs required may prove to be substantially less, with GEOs able to manage and supply registration and polling centers directly, but for planning purposes, the larger model is budgeted pending careful field examination during the build-up period.

38. The preparatory team would identify and prepare a 150 square meter facility with 70 workspaces for the build-up period, ready for occupancy on 1 February. The build-up team would identify and prepare a full headquarters facility, ready for occupancy no later than 1 May, and ideally allowing for rolling occupancy during renovations. The headquarters would be outfitted with full network and telephone communications, office equipment, and document production tools.

39. The build-up team would also identify short-term facilities, perhaps at the regional rather than governorate level, for GEOs. The IAT field staff and newly trained TEMB professional staff would identify permanent facilities for the GEOs and SGEOs. GEOs would be ready for occupancy 1 July, SGEOs 1 August.

40. Although GEO and SGEO and warehouses and offices would only be identified after the deployment of field staff, the build-up team would make all contractual arrangements to activate construction contractors and deliver equipment so as to have functioning field offices within 30 days of the deployment of core field staff. The standard equipment kit for the GEOs would include computers and office equipment, VSAT, Thuraya, VHF and HF communications, and armored and soft vehicles. The standard equipment kit for SGEOs would include computers and office equipment, Thuraya or HF communications, and hired vehicles.

41. The large initial procurement requirements would need to be routed through an experienced international procurement subcontractor.

Summary of Proposed Services

42. The IAT prepares a recruitment plan for the professional staff of the TEMB at the headquarters and GEO levels; the IAT and Iraqi counterparts select qualified professionals, who are then provided formal training in election administration. IAT field staff and newly trained TEMB professional staff recruit and train more junior TEMB staff. The IAT establishes a build-up election facility, followed by a full election headquarters. GEO and SGEO facilities are identified and equipped by IAT field staff and newly trained TEMB professional staff.

The IAT

43. The IAT would establish a corporate structure and head office staff capable of managing an operation of this size and complexity, including a full-time internal audit office.

44. The IAT would establish secure accommodations for international staff at a standard comparable to that established by USAID for itself and its contractors.

45. Iraqi staff, distinguished from civil service TEMB staff, would be hired to support the IAT, including assistants and translators. The most important and difficult requirement in this regard would be the establishment of a translation and interpretation cell. Arabic/English and Kurdish/English speakers would be recruited and provided professional training in written translation and simultaneous interpretation. The translation and interpretation cell would begin work on an elections glossary, would be distributed widely, in order to create a standard elections vocabulary understood by political, media, and civil society actors.

Summary of Proposed Services

46. The IAT would provide the support network for its own activities.

Voter Registration and Election Planning

47. This document is an operational concept attached to a cost estimate. A full operational plan and budget would be prepared by the build-up team. Operationally planning would be, by necessity, incremental, as procurement would need to begin at the start of the build-up period, before full planning is complete.

Voter Registration Planning

48. Two basic registration models are available: a full voter registration exercise in which all eligible voters must attend a registration center and submit a form in order to registered to vote; and, an expanded confirmation and challenge exercise in which voters are asked to confirm their data from an existing population registry (such as the Public Distribution System ration card database) and to submit new data only if their registration is missing or incorrect. Either model may produce a basis for a future permanent civil and voter registry. For the purpose of the cost estimate, registration model has been used, because the existing population data has not yet been assessed.

49. Another model would be the development of a computerized civil registry, including bio-data such as photographs and fingerprints, to replace the outdated civil identification system, now maintained in ledger books in police stations around the country. This is a complicated process, involving careful planning in order to integrate the various users (e.g. tax authorities, electoral authorities, public utilities) and data providers (e.g. birth, death, and marriage registrars) and to construct a permanent structure of civil registration offices. It is unlikely that these arrangements can be made in time to conduct a civil registration capable of producing a voters list for the 2005 elections. However, the voters list constructed for these elections should serve as a backbone for future registration efforts, both in the data it collects and in its network of offices, data entry arrangements, and quality control methodologies. The TEMB and IAT would participate in any civil registration planning to ensure that the registration efforts are carefully integrated.

50. A decision between the models is dependent on full testing of the existing population registries. This testing would begin with database queries and statistical tests conducted by the preparatory team in January. These would require the conversion of FoxPro databases into MS Access or SQL, which is complicated by the need to preserve Arabic text. The databases would then be checked for internal consistency (field population, redundancy in unique key fields, sums of similar measures from different tables). The data would also be compared to other data sources, such as the 1997 census, to determine potential problem areas, such as neighborhoods

with over- or under-reported populations. On the basis of these tests, plans would be devised for field testing of the data. This may involve techniques such as door-to-door canvassing in targeted neighborhoods and confirmation of family data at food ration agents. Both the computer and field testing would seek to identify duplicates: individuals registered more than once, including double registrations between the main and Kurdish databases. The field testing would be conducted during the build-up phase.

51. On the basis of the results of this testing, a registration model would be chosen by the TIEC and planned by the TEMB and IAT, with a plan and budget completed during the build-up phase.

52. Should the full registration model be adopted, as many as 7,000 registration centers would be opened throughout the country. A major public information campaign would explain the registration process and, on a local level, direct voters to correct registration locations. Potential voters would attend the registration centers with identification and other supporting documentation. With the assistance of registration center staff, registration forms would be completed and the newly registered voters given a receipt with important reminders such as their registration center number and location. Registration centers would be located in the same places as future polling centers. This would allow for a simple voter education message of "vote where you registered," which can be delivered at the time of registration and repeatedly through public information campaigns.

53. Should the expanded confirmation and challenge be feasible, provisional registration lists would be distributed through standard mechanisms, such as the food ration agents, if this system is still functioning in its current form. Voters would be asked to confirm their presence on the provisional voters list over a set period of perhaps one month. Eligible voters not found on the provisional voters list and eligible voters found on the list but with mistaken information would be asked to visit a registration facility at the SGEO level to submit registration or correction forms. Polling centers would be identified before the production of the provisional voters lists and voters would be assigned to polling centers by food ration agent. When the voter confirms her registration, she would also be informed of her polling center location, which could later be confirmed through public information messages capitalizing on public familiarity with the food ration system.

54. Field testing would also produce useful information about the kinds of identification documents and other documentation possessed by most people, including women, young people, and the elderly. This information would be used later in drafting registration regulations and procedures.

Election Planning

55. Elections require precise planning for facilities management, transportation, and other logistical issues. This planning is in part contingent on the registration model adopted, which may affect the structure of polling centers, as described below. Upon the adoption of a registration model, detailed logistical planning for the constitutional convention would begin.

56. Detailed planning for the referendum and first national election would build upon the constitutional convention plan, but would be refined in order to incorporate lessons learned. This planning would focus on the progressive assumption of responsibility by Iraqi professional staff.

Out-of-Iraq Planning

57. The Fundamental Law must address the issue of voter eligibility for Iraqi citizens residing abroad. On the basis of the Fundamental Law, the TEMB and IAT would plan a voter registration and election operation for Out-of-Iraq voters.

58. This service could be based on a requirement that eligible voters return to Iraq to register and vote at special registration and polling centers open for several weeks prior to Election Day. More elaborate models could include voting at Iraqi embassies or other dedicated polling locations in countries with large Iraqi populations or voter registration and voting by mail.

59. These different service models would have very different implications in cost, the number of voters using the service, and the danger of fraud or allegations of fraud. The IAT would advise the CPA and GC on these implications during the drafting and negotiation of the Fundamental Law.

60. This operational concept and cost estimate includes planning for Out-of-Iraq operations, but not the operations themselves. These would need to be funded separately and, depending on the model adopted, could cost as much as \$30 per voter, or \$60 million for 2 million potential voters.

Summary of Proposed Services

61. On the basis of further investigation, voter registration will be fully planned and a logistics plan would be drafted in by the TEMB and IAT and approved by the TIEC. An initial plan for Out-of-Iraq operations would also be drafted on the basis of the Fundamental Law.

Public Information and Voter Education

62. Large scale public information and voter education would begin in Summer 2004 in order to inform the potential electorate of technical aspects of the electoral process, but also to demonstrate movement in the direction of democratization and transparent popular elections.

63. Public information and voter education would have five objectives:

(i) To provide prospective voters, political contestants, observers, and media with education and information about how and where voter registration will occur;

(ii) To provide registered voters, political contestants, observers, and media with education and information on the conduct of the balloting for the Constitutional Convention, constitutional referendum, and national elections;

(iii) To provide non-voters, voters, political contestants, observers, and media with education and information about the constitution and the institutions that will be established by the electoral process;

(iv) To correct disinformation and misinformation messages that may diminish confidence in or understanding of the electoral process; and

(v) To provide civic education and conduct special events such as concerts and contests that will provide motivation for Iraqis to participate in the electoral process.

64. In order to initiate the program, a voter attitude survey would be conducted during the build-up phase to establish a baseline of voter concerns, understandings, and issues. The survey will be repeated at different intervals in the process in order to monitor these concerns, understandings, and issues and adjust the education program accordingly. The survey will also provide insights into voter motivational issues so that voter education campaign themes, slogans, and logos can be developed for balloting for the Constitutional Convention, referendum, and national elections. The voter education messages would be tailored to each electoral event.

65. On the basis of the survey results, the education program will segment the target audiences into general audiences and subgroups. Education programming for general audiences will involve those messages and media for broad and indiscriminate dissemination. Education programming for subgroups will involve messages and media that are specific to the concerns, understandings, and issues specific to those groups. Examples of subgroups include women, youth, people with disabilities, ethnic minorities, internally displaced, external voters, rural residents, illiterate and semi-literate individuals, demobilized security forces, and educated elites.

66. Using the insights of the voter attitude survey, core messages for each step of the process will be developed. Messages specific to subgroups will developed after the survey results are evaluated; however, an illustrative set of general messages will pertain to the following issues:

(i) *Voter Registration*: Announcement and explanation of registration; Qualifications for registration (age, citizenship, etc.); Documents required; Locations for registration; Procedures at registration centres; Explanation of possible provisional registration should a registrant be subject to adjudication; Confirmation and challenges to the voter registry.

(ii) *Candidates and Parties*: Application procedures; Motivating citizens to register as candidates; Codes of conduct and campaigning; and, Rights and responsibilities of candidates, parties, and party agents.

(iii) *Constitutional Convention, Referendum, and National Voting*: Announcement of the day and times for voting; Secrecy of each individual's vote; The ballot and how to mark it; Security on Election Day; Location of polling stations; Steps in the voting process; Personnel in the polling station; Role and responsibilities of election observers and party agents; Counting the ballots; and, Announcing election results.

(iv) *Civic Education*: Structure of the election system; Why voting is about exercising a choice; The importance of participating in elections -- every vote counts; Holding elected representatives accountable; Explanation of the responsibilities of Constitutional Convention and national elected bodies; Explanation of the constitution; The role and responsibilities of the Election Management Bodies; Allocation of mandates; Political tolerance; and, Accepting the results of the election.

(v) *Quick Response*: To deliberate mis-information campaigns, false gossip, and idle rumors.

67. Public information and voter education would disseminate messages through all available media, including the public distribution system, television, radio, print products, outreach, and internet.

68. There are over 60 television stations that are accessible in Iraq on a regional basis. Iran, Lebanon, and Qatar are the only countries broadcasting into Iraq. Within Iraq, the stations represent a variety of political affiliations including the KDP, PUK, Union Islamic Movement, Conservative Party, Socialist Party, Communist Party, Islamic Union, and Toiler Party. Television stations are also operated by the CPA and Sulau University. The broadcast languages are Arabic, Kurmanji Kurdish, Sorani Kurdish, Assyrian, and English.

69. There will be two fundamental uses of television for electoral purposes: message specific "spots" and short "infomercials" about registration, elections, and citizenship and discussion forums featuring Iraq participants.

70. The messages to be featured in the spots and infomercials will be drawn from the illustrative list cited above and from insights gained in the voter survey. These information products can range from one minute in length to longer explanations of process that can be as long as 10 to 15 minutes in length. There are two kinds of discussion-format programming that can be produced; 1) episodic, thematic programs; and 2) regular, broadly thematic programming. The first category of programming can be produced at strategic intervals in the electoral processes to provide in depth examinations and discussions of these topics. The second category of programming can take the form of regular television shows devoted to developments in the election processes. The strategy behind this programming is to offer a schedule and consistent reporting on elections that represents a reliable source of news and information for Iraqis.

71. There are over 140 radio stations that are accessible in Iraq on a regional basis. These stations operate on a variety of frequency bands including AM, FM, SW, and MW. The stations offer a variety of points of origin and affiliations. Radio stations broadcasting from outside of Iraq originate from such countries as the United States, United Kingdom, Iran, Libya, Israel, Jordan, Kuwait, France, Saudi Arabia, Syria, Qatar, Oman, Azerbaijan, Egypt, Turkey, Yemen, United Arab Emirates, and Lebanon. Political movements and parties that operate radio stations include Kurdish parties such as the INA, CPIK, PUK, KDP, Kurdistan Conservative Party, Toiling Kurdistan Party. Other broadcasting parties include the Iraqi Communist Party, Islamic Union, Socialist Party, Conservative Party, Union Islamic Party, Turkeman Party, and Hizballah. Other broadcast affiliations include the CPA, Kurdistan Regional Government, Sulau University, Ministry of Higher Education, Radio France International, BBC World Service, Voice of America, and the governments cited above. The broadcast languages are Arabic, Kurmanji Kurdish, Sorani Kurdish, Assyrian, and English.

72. The use of radio programming will emulate that of television with the intent to have broad reach into non-urban areas and with language groups that may not have a pervasive access to television.

73. There will be two kinds of print products: educational/informational; and motivational. The educational/informational products will include high impact, illustrative posters, topic specific one-page handouts, process specific brochures, low literacy illustrated guides, and comprehensive voter guides. The motivational products are intended to instill interest in the electoral process through novelties. Such motivational items may include key rings and book marks. Items such as t-shirts and shopping bags may be avoided if the bearer can be considered targets for violence or intimidation.

74. To reach as many voter voters as possible, a civic outreach project would target traditionally marginalized groups and those without access to media. Outreach Teams would organize meetings with voters and brief them on procedures for registration, voting, and information about the institutions being elected. Teams would organize meetings through community leaders and organizations, schools, private clubs, political parties and non-governmental organizations. Where possible, sessions would be small (15 to 20 people) so that voters would be comfortable asking questions and discussing matters with the team. Sessions would last an average of 30 minutes, but should adapt to interest on the part of voters. Teams would have voter information materials to use in the sessions and to give to participants.

75. The TEMB would operate a multilingual web site that will be the source of education and information on all aspects of the election process. Motivational activities such as concerts and poster contests for students would also be organized.

Summary of Proposed Services

76. A public information and voter education program, beginning in Summer 2004 and based on a careful voter survey, would convey both essential technical messages and broader civic education messages to voters, potential voters, political actors, observers, and the media.

Voter Registration

Regulatory and Procedural Framework

77. The TIEC would issue a set of registration regulations on the following issues: documentary standards for proving voter eligibility criteria; access to voter registration sites; modalities at voter registration sites; maximum number of voters per polling location; rights of public inspection of the voters list; challenges and appeals; rights of observers during voter registration; data protection and security. On the basis of this regulatory framework, the electoral administration would develop detailed procedures, for approval by the TIEC.

78. Regulations and procedures would be carefully designed both to deter and detect fraud and so as not to pose an unreasonable burden to potential registrants. The information about identity and other documentation possession collected during field testing would guide the documentation standards in the regulations and procedures.

79. Regulations and procedures would be drafted in clear and simple terms, including examples of as many permutations as possible to provide a useful guide to registration staff and to minimize the necessity for discretionary judgments, especially on documentary standards.

80. Regulations and procedures would be designed with the intention of providing a strong starting point for future registration efforts, such as a new civil registration. If institutions

responsible for the civil registration are functioning, they would be integrated into this level of the planning process to ensure that the data collected is appropriate and appropriately verified for their purposes.

81. The electoral administration would produce procedures and forms to accredit observers for the voter registration process under the legal and regulatory framework.

Materials, Facilities, and Staff

82. The TEMB and IAT would develop and procure a full complement of forms, signs, and training materials. These would be combined with office supplies and specialized registration supplies such as tamper-evident seals and packaging into registration center kits for distribution to all registration centers. As much as possible of procurement and print production would be conducted within Iraq, and as much as possible of the packing of registration kits would be conducted at the GEO level. Some procurement, print production, and packing may need to take place internationally either to assure availability (of supplies such as tamper-evident seals and packaging), or to assure credibility and data protection (of sensitive registration forms or provisional voters lists).

83. The size, number, and nature of the registration centers, the size and training of the registration center staff, the length of the registration period, and materials distribution and recollection procedures would all vary based on the registration model chosen. This operation concept describes the elements in generic terms, which would be specified in the planning process after the selection of a registration model.

84. Using detailed criteria developed by the headquarters and monitored by the GEOs, the SGEOs would identify registration centers, using accessible public locations such as schools, municipal buildings, and community centers. The locations would be identified by SGEO staff working under the guidance of the GEOs. The identification of registration center locations would be coordinated with coalition military forces and Iraqi security forces to allow for full security assessments and security, policing, and crowd control planning.

85. Using detailed criteria developed by the headquarters and monitored by the GEOs, the SGEOs would recruit registration center staff. Under the full registration model, as many as 28,000 persons would need to be recruited for a period of four months. Under the data confirmation model, SGEO offices may expand, requiring as many as 10,000 additional staff.

86. Registration staff would then be trained in a cascade model, with training materials and courses developed in headquarters, and GEO staff prepared to train SGEO staff, who would in turn train registration center staff. Trainings would be audited by GEO or headquarters staff to ensure consistency and quality. The success of this model depends upon the production of high quality training materials, including manuals, classroom aides, and exercises, and upon evaluation and testing for quality assurance. Training would cover issues such as the physical layout of registration centers, evaluating documents and identifications, completion of forms, material receipt and return, handling of sensitive materials, security, and reporting.

87. Some training may also be necessary for non-registration staff. For example, if food ration agents are involved in public review of provisional voters lists, they will need some abbreviated

form of the training described above. Training may also be available for interested observers or media.

88. Registration forms, materials, and kits would be distributed to the registration centers. In some locations, this distribution would be directly from GEO warehouses, and in other it would be through satellite SGEO warehouses.

Operations

89. The public information and voter education campaign described above would explain the registration process and direct potentially eligible voters to the correct registration locations.

90. All aspects of the voter registration operation, including voter registration centers and data processing facilities, would be open to election accredited election observers according to procedures designed to protect personal data, voter privacy, and public order.

91. Potential voters would attend the appropriate registration venues in order to either check their registration or complete registration forms. In either case, some registrants would be required to complete registration forms. This would be done with the assistance of registration center staff, who would ensure that registrants possess appropriate identification and other documentation, as defined in the regulations and procedures. Voters without necessary documentation would be provided with both a written guide and a careful explanation of how to document voter eligibility. For example, voters needing to prove residency in Baghdad may be instructed to return with their police-issued Baghdad residency identification cards.

92. Voter registration would encompass all persons eligible to vote in any of the 2005 elections, meaning that persons turning 18 between the first and third elections would be registered, along with their date of eligibility, in the first data collection.

93. Forms would be completed by registration center staff, not by registrants. Registration staff would be trained to use a simple, clear alphabet to ensure high quality data entry. Registrants would receive a registration receipt. While not an identification card, this would be a useful reminder of where to vote, and information on the receipt could be used in later public information campaigns.

94. Careful reconciliation and tracking mechanisms would be put into place to control blank and completed registration forms, which would also be stored in sealed, tamper-evident containers. On a regular schedule, completed registration forms and reconciliation and reporting forms would be returned from the registration centers to the SGEOs and from the SGEOs to the GEOs. At each level, the forms would be subjected to a standardized audit procedure for quality assurance and reconciliation. SGEO staff would address problems with refresher trainings or staff replacements.

95. Data entry would take place either centrally or through a contract with a data entry service provider abroad. The budget reflects the former model, which may cost \$0.50 as opposed to \$0.40 for the later, but which would create more than 1,500 technical jobs in Iraq and would assuage data protection concerns related to removing personal data from the country. Data entry would be designed to ensure high fidelity to the original forms, most likely through double entry.

96. The growing database would be regularly monitored through statistical tests and quality assurance mechanisms. This would alert the TEMB to systemic problems in the process, areas of potential fraud, and areas of under-registration. Staff seconded from the Ministry of Planning Central Statistical Office and the Ministry of Trade Public Distribution System would be especially helpful in these analytical roles. Identified problems would be addressed on a continuous basis through headquarters instructions to the GEOs.

Corrections, Appeals, and Challenges

97. After the close of the registration period, the data entry would be completed, and a provisional voters list would be compiled and printed. The provisional voters list would be displayed according to the provisions of the electoral law and TIEC regulations, most likely including display at SGEO and other election offices and distribution in a "cleansed" version (without sensitive individual information) to political parties, election observers, and other concerned interests.

98. During a defined period, corrections, appeals, or challenges to the voters list would be allowed. Corrections would be processed and data entered if submitted directly by the voter. Challenges to an individual's right to vote and appeals to exclusions from the voters list would be heard by the electoral disputes mechanism. The legal framework might delegate the initial processing of challenges to electoral commissions or judicial bodies at the governorate level. The electoral administration would act as a secretariat in processing all challenges and acting upon judicial determinations but would not have judicial authority.

99. The corrections and challenges period would serve as one test of the quality of the final voters list. The TEMB and IAT would also conduct other tests, including data mining tests and, where necessary, field testing, to ensure that the quality of the voters list data is high and that voters are informed of where to vote. Should problems be identified, they would be addressed through public information campaigns, data corrections, and, in extreme cases, additional data collection.

Summary of Proposed Services

100. Regulations and procedures would be drafted and approved by the TIEC. Registration facilities would be identified and staff would be recruited and trained. Forms and other materials would be designed, procured, and distributed to registration centers. A public information campaign would direct voters to appropriate registration centers, where registration staff would assist them. The registration center would be linked to a future polling center, and all voters would receive receipts reminding them of where to vote. Registration forms would be data entered, and the growing database would be carefully monitored and tested for evidence of flaws or fraud. Upon the completion of the voter registration period, a provisional voters list would be made available for public review, and procedures would be available for corrections, appeals, and challenges to the voters list.

Constitutional Convention Election

Regulatory and Procedural Framework

101. The TIEC would issue a set of regulations covering all electoral issues, including political entity and candidate certification; political entity codes of conduct and campaign rules; media codes of conduct and campaign rules; campaign finance restrictions and disclosure requirements;

behavior of security forces; administrative resolution of minor disputes; accreditation of observers and political agents; rights and obligations of observers; polling, counting, and reconciliation; handling of sensitive and non-sensitive materials; and, certification and publication of results. On the basis of the regulatory framework, the electoral administration would develop detailed procedures for approval by the TIEC.

102. Regulations and procedures would be drafted to meet high international standards of transparency, inclusiveness, and fraud prevention, while also recognizing Iraqi voters' inexperience with genuine elections. This would mean, for example, political entity and candidate certification rules designed to encourage list formation and coalition building. It may also mean allowing several forms of ballot marks to be counted as valid votes, so long as the intent of the voter is unambiguous.

Political Entity and Candidate Certification

103. In order to have a place on the ballot, political entities (such as parties, coalitions, citizens' initiatives, alliances, or independent candidates) would need to meet certain thresholds. These might include the submission of signature of support, a financial deposit to be refunded if the political entity wins one or more mandates, and a political platform. Certification would also require formal agreement to abide by the electoral legal and regulatory framework and, possibly, a code of conduct. The electoral administration would draft forms and procedures for political entity certification and publicize them through a targeted public information campaign.

104. Certification requirements would vary for different types of political entities. A political party, for example, would be able to certify on a national level and thus secure a place on each governorate ballot, but a national certification would require a substantial number of signatures of support in several governorates. Certification would also be possible for local political entities, on a governorate-by-governorate basis, at a lower threshold. Political parties may also be required to register as permanent legal entities, as opposed to certifying for the ballot in a single election.

105. Certification requirements may not seem onerous, but they can often be difficult for new or poorly organized political entities. The electoral administration would provide assistance to political entities to ensure that they understand the requirements imposed upon them and are able to fulfill them.

106. Upon the submission of certification applications, the electoral administration would review the applications for *prima facie* evidence of non-compliance such as missing or clearly fraudulent signatures or platforms contradictory to the code of conduct. The regulatory and procedural framework would define appropriate mechanisms for response to clear non-compliance, most likely beginning with an explanation of the rules and a second opportunity to comply. More extensive anti-fraud measures, such as field testing of signatures of support, would probably not be feasible under current security conditions, but this assessment would be regularly reevaluated. The electoral administration would make a recommendation to the TIEC for the certification or non-certification of each political entity. The TIEC would make a final determination in each case, guided by the legal and regulatory framework.

107. Certified political entities would be required to present candidate lists for each governorate in which they compete and, in the case of political entities certified for more than one governorate, for national compensatory seats. Both individual candidates and the lists as a whole would be required to meet certain standards. The electoral administration would draft forms and procedures for the submission of candidate lists and would, again support the political entities in meeting the administrative burden.

108. Candidate requirements would be determined by the legal and regulatory framework, but they would most likely include a requirement that all candidates be eligible to vote and prohibitions of convicted criminals, senior Ba'athists, or war criminals. These prohibitions would be contentious and difficult to enforce. Ideally, they would be simply the enforcement of another body's decision – such as the GC's war crimes tribunal. If the TEMB is required to make any determinations on its own authority, it would require clear criteria, high and strict burdens of proof, and a clear appeals procedure. Candidates may also be required to submit personal financial disclosure documents. Requirements for the candidate list could include gender balance requirements.

109. The electoral administration would make a recommendation to the TIEC regarding the compliance or non-compliance of each candidate and candidate list. The TIEC would be empowered to disallow a list, essentially de-certifying a party, to disallow a specific candidate or candidates, or to reorder the candidate list to achieve compliance. The TIEC would make a final determination in each case, guided by the legal and regulatory framework.

110. The electoral administration would produce procedures and forms to accredit observers for the voter registration process under the legal and regulatory framework.

Political Campaigns

111. The legal and regulatory framework would include provisions on political campaigns, including requirements to abide by public meeting ordinances, prohibitions on incitement to violence, hate speech, or intimidation, and requirements for campaign finance.

112. The TEMB would coordinate with coalition military forces and Iraqi security forces to ensure that institutions with police authority are well trained on the electoral legal and regulatory framework and can both keep the peace and report on potential violations. The secretariat of the electoral disputes mechanism and the TEMB would assist the electoral disputes mechanism in processing cases of violations.

113. Campaign finance regulations would be enforced by the TEMB. Under current circumstances, it would be difficult to police advanced campaign finance laws, such as contribution and spending limits. Although these might form part of the regulatory framework, the TEMB would focus its attention on assisting the political entities with full financial disclosure and assisting the media, observers, and civil society organizations in accessing and analyzing these disclosures. IFES recommends that political entities be provided with direct financial support. This would not be an appropriate task for the TEMB, but the TEMB could provide affidavits that a political entity has complied with the certification and financial disclosure regulations, thus providing a basis for another institution to make impartial funding decisions.

114. The legal and regulatory framework would also include requirements for the domestic media, including equal access to paid advertising, prohibitions on incitement, and perhaps limited free broadcast time for certified political entities and for TEMB public information and voter education. Media regulation and monitoring is now being planned for a separate regulatory institution, and the TEMB should not duplicate its media monitoring efforts, but it would coordinate closely to ensure that specific campaign regulations are understood and enforced.

Materials, Facilities, and Staff

115. A polling station would be the location in which the voter is found on the voters list, issued a ballot, given a private location in which to vote, and allowed to place the ballot into the ballot box. A polling station may serve as many as 800 voters, and as many as 21,000 may be required, depending on population density. A polling center would be the physical location of one to three polling stations, and as many as 7,000 may be required.

116. Each polling station would have a five member polling station committee. The polling station committee would be recruited in an open and transparent manner, attempting to balance political party representation. Existing government employees, including school teachers and Public Distribution System employees, may also be tasked as polling station staff. As many as 105,000 polling station staff may be required.

117. Polling station staff would be trained in a cascade model, with training materials and courses developed in headquarters, and GEO staff prepared to train SGE0 staff, who would in turn train polling center staff. Trainings would be audited by GEO or headquarters staff to ensure consistency and quality. The success of this model depends upon the production of high quality training materials, including manuals, classroom aides, and exercises, and upon evaluation and testing for quality assurance. Training would cover issues such as the physical layout of polling stations, crowd control, the rights of the voters, the rights of observers, identifying voters and using the voters list, counting and reconciliation, material receipt and return, handling of sensitive materials, security, and reporting.

118. Polling center staff would include a management team, ideally drawn from experienced voter registration staff, who would work in the weeks prior to the election on material distribution and preparing polling center sites. As many as 28,000 such staff may be required, and an additional 35,000 may be required as queue controllers on Election Day, although the final number is likely to be lower.

119. The TEMB would develop and procure a full complement of forms, signs, and training materials. These would be combined with office supplies and specialized polling station and polling center supplies such as tamper-evident seals and packaging and crowd control tools such as police tape and bullhorns into polling station and polling center kits for distribution to all polling stations and polling centers. As much as possible of procurement and print production would be conducted within Iraq, and as much as possible of the packing of polling station and polling center kits would be conducted at the GEO level. Some procurement, print production, and packing may need to take place internationally either to assure availability (of supplies such as tamper-evident seals and packaging), or to assure credibility and data protection (of ballots and voters lists).

120. Polling station kits would include ballots, the ballot box, privacy screens, the voters list, reconciliation and count forms, signs, normal office supplies, tamper-evident seals and packaging, normal office supplies, and any supplies for anti-fraud measures such as ballot stamps or voter identification ink. Polling center kits would include signs, crowd control tools, and normal office supplies. Polling center kits and some non-sensitive polling station materials, such as privacy screens, may be distributed to polling stations before Election Day. Early on election morning, the polling station chairperson would collect sensitive polling materials from GEO or SGEO.

121. Like any sensitive document, ballots and voters lists can have a range of security features such as ultraviolet ink, micro-printing, and watermarking. They may also be simple mass produced slips of paper, with fake ballots deterred through strong polling and counting procedures. How much to invest in secure ballots will depend on the degree of confidence local political actors have without secure ballots; secure ballots may be more strongly desired for the first national election that for the constitutional referendum.

122. Polling center locations would be identified prior to voter registration. Prior to Election Day, polling center staff would coordinate with coalition military forces and Iraqi security forces to produce crowd control and security plans for each site. Polling center staff would lay out crowd control mechanisms and polling station staff would lay out the furniture in the polling station in the days prior to Election Day.

Polling, Counting, and Recollection of Materials

123. All aspects of Election Day, including polling stations and polling centers, the count and reconciliation, and the results center, would be open to election accredited election observers according to procedures designed to protect personal data, voter privacy, and public order.

124. As described above, a comprehensive public information and voter education would inform voters of how, when, and where to vote.

125. The opening of polling stations will be at a preset time and will be preceded by procedures including the demonstration that the ballot box is empty and sealed.

126. Voters would enter the polling center assigned to them during registration. Signs and polling center staff would direct them to the correct polling station. They would present a photo ID (most likely a civil registration card, but other forms of identification such as passports, drivers licenses, residency cards, and nationality cards may also be found to be acceptable). Voters would be marked against the voters list and issued a ballot. (A permanent ink stain, either visible or invisible, may be applied to the voters finger to prevent double voting, but this would need to be decided in consultation with Iraqi experts to prevent religious offence or endangering voters.) Privacy screens would be supplied for voters to mark their choices, and voters would be instructed to fold their ballots and place them in the ballot box.

127. No provision is recommended for voters to cast their ballots in polling stations other than that to which they have been assigned. Such "tendered ballots" are convenient for voters, but they are often mistrusted and complicate election administration. Provisions would be required to handle "angry" voters without undue disruption to the polling station.

128. Special provisions would be made for disabled voters. A program for registration and voting by institutionalized voters is foreseen in the cost estimate, as is special needs outreach to traditionally marginalized groups including women, the rural poor, illiterate persons, youth, and ethnic, religious, or linguistic minorities.

129. The initial count would be conducted in the polling station in a process open to observers. A simple result sheet would be filled in three copies (for example, one for the polling station chairman, one to be posted, and one to be transmitted to the SGEO and further to the GEO and the headquarters for results tabulation). The results sheet would be signed by all polling station staff and any observers present.

130. The sensitive materials, including ballots and voters lists, would be sealed in tamper evident containers and then returned to the sub-governorate election offices by the polling station chairperson. A first check of the results sheets should be made at this time to ensure that they are minimally correct. If gross errors are noted, the polling station chairperson would be questioned and the answers recorded. The sensitive material would be transported to the governorate election office and stored, and the last copy of each polling station result sheet would be sent to the headquarters central data processing facility for electronic tabulation and auditing.

131. A random sample of ballot boxes may be opened and recounted for checks. The TIEC may also order ballot boxes opened and recounted if they have cause to fear fraud or error. These recounts would be ordered by the TIEC but conducted at the governorate election office, under the supervision of the TIEC and any observers.

132. Final tabulation would take place at the headquarters, where the results would also be subjected to statistical reliability tests to highlight anomalies. All elements of the collection of sensitive materials and tabulation of results would be open to observation.

133. The results of the election would be certified by the appropriate authority.

134. At a predetermined time after the certification of results, the sensitive materials would be destroyed at the GEOs. Reusable materials would be warehoused for use in future elections.

Summary of Proposed Services

135. A transparent and inclusive regulatory and procedural framework would be established. Political entities and candidates would be certified. Polling materials would be designed, produced, procured, and distributed as polling station and polling center kits. Polling centers would be identified, polling station and polling center staff would be recruited and trained. Polling and counting would be conducted, and the result would be certified and publicized. Materials would be recollected and stored; sensitive materials would be destroyed according to a schedule.

Referendum and National Elections

136. This operational concept focuses primarily on the voter registration and constitutional convention election. It is more difficult to conceptualize elections expected more than 18 months from now. Instead, this concept presents a mechanism for detailed planning between the first and third elections. The general concept calls for rapidly expanding Iraqi managerial and technical

roles between the first and third elections. The cost estimate reflects this concept and assumes an improved security environment and local police capacity, thus calling for less international security.

137. This is an ambitious program. In order to succeed, it would require the kind of extensive formal training and mentoring described above. If election preparations are delayed due to a lack of resources or facilities, this ambitious capacity building program would be cut back or sacrificed. This would result in lesser, and perhaps less legitimate elections. It would also, paradoxically, result in more expensive elections, as a larger international staff would need to be retained for 2005.

138. After each election, the TIEC and the IAT would oversee a thorough evaluation of the operation in order to define possible improvements, plan the forthcoming operation in detail, and promote Iraqi staff into managerial positions. Election observation reports would be an important tool in these evaluations.

139. The most important element of post-election assessment would be the replacement of international managers and technicians with Iraqi civil servants. The monitoring and evaluation component of the capacity building program, described above, will include tools for gauging the ability of Iraqi civil servants to handle increased responsibilities. Between the first and third elections, Iraqi civil servants will be promoted as their individual capabilities allow, leading to a fully Iraqi structure, with limited international technical assistance, after the third election. The cost estimate give impetus to this process by calling for a sharp reduction in international staff after the first election, meaning that international managers would, throughout the voter registration and constitutional convention election, understand that capacity building is a necessary and central element of their jobs, not an afterthought.

140. The voters list would also be evaluated to determine if it proved to be complete and accurate and if voters understood their polling location assignments. Additional data collection could be undertaken in problem areas, if identified. Before each election, a provisional voters list would be produced and made available for public inspection, correction, appeal, and challenge, as described above. This period would also allow voters an opportunity to record change of address.

141. The regulatory and procedural framework would also be evaluated. Because the elections would be inherently different, the regulatory framework would need to be modified to reflect the realities of each election. For example, the referendum would not require political entity and candidate certification, but it would require new campaign rules directed not at certified political entities but at political interest groups campaigning for or against ratification of the constitution. If the first national election includes an elected head of state or an upper house of parliament, political entity and candidate certification regulations and procedures would again need to be changed, as would polling and counting regulations and procedures, reflecting the need for multiple ballots.

142. The operation would also be evaluated to determine if design, production, procurement, and distribution can be improved or costs reduced.

143. On the basis of these assessments and modifications, the electoral events would be managed as described above. Insofar as possible, registration center, polling center, and polling station staff would be retained to ensure continuity and improving Election Day performance.

Local Elections

144. The 15 November agreement does not call for local elections before 2006. Should local elections become politically desirable, elections for governorate-level administrations (either legislatures, governors, or both) could be conducted at the same time as the constitutional convention elections or the first national elections, but ideally not at the same time as the referendum, which would not have a political entity certification component. These local elections would face similar constraints as the first national elections, namely that they would need to follow existing administrative boundaries. Additional costs would be incurred in conducting these elections, which would also require a special political party development program for local parties.

Summary of Proposed Services

145. Elections would be managed along the lines described for the constitutional convention but with increased Iraqi management of the TEMB and after improvements to the voters list and to the regulatory, procedural, and operational frameworks.

Security

146. Elections can be held in insecure areas. They can be part of a middle- and long-term strategy for political stabilization. In the short-term, however, elections can also create instability by bringing contentious issues to the surface and providing flashpoints such as registration and polling centers and campaign events. Iraq is now somewhere near the threshold on which elections are no longer possible. Should the security situation deteriorate or should election staff and offices become targets of violence, this concept would require consideration.

147. Security for the election operation would require contributions from several institutions: coalition military forces, Iraqi security forces, and private security contractors.

148. TEMB offices, warehouses, and staff and IAT staff and accommodations would require both point and close protection. Both would be provided by private security contractors, but additional point protection would be required from coalition military forces and Iraqi security forces at a number of locations, including the headquarters and GEO and SGEO locations in insecure areas. Coalition military forces and Iraqi security forces would also be expected to provide protection for convoys, including sensitive election materials.

149. Coalition military forces and Iraqi security forces would be expected to provide security for registration and polling centers and for political campaign events and to provide general police protection and investigation of election-related criminal acts.

150. In order to manage this complex institutional arrangement, the TEMB and IAT would establish a Joint Election Operations Center (JEOC), located with the TEMB and combining senior officers from coalition military forces and Iraqi security forces. The JEOC officers would need authority to task their respective institutions within bounds established by a memorandum of understanding between the institutions.

151. Members of coalition military forces and Iraqi security forces would be expected to adhere to certain standards of conduct regarding the role of armed and uniformed personnel in electoral events. The TEMB and IAT would provide trainings and materials for officials of military forces and Iraqi security forces explaining essential elements of the legal framework and of the role of armed and uniformed forces. These would include “train-the-trainers” events and materials for distribution to all personnel.

Summary of Proposed Services

152. The TEMB and IAT would contract a private security firm to provide close and point protection. Coalition military forces and Iraqi security forces would also be expected to provide substantial security services, including point protection, convoy protection, and crowd control and policing. The TEMB and IAT would provide a mechanism for coordinating these activities and training for security officials.

After the Political Transition

153. The TEMB would serve as the basis of a permanent Electoral Management Body (EMB). While the new constitution and national government would be fully able to change the framework of electoral institutions, IFES would recommend that an independent EMB, led by a politically balanced Independent Electoral Commission (IEC). The commission, then, would be replaced by the new national government, but the professional staff of the EMB would continue in their positions under civil service protections.

154. The permanent EMB would most likely continue at its initial size through its first several years, especially if the new constitution requires a change in system of representation such as new constituencies. Over time, the EMB would scale down to a small core staff, expanding only during election seasons, and perhaps sharing staff with other government functions, especially at a local level. The EMB should retain its independence, however, including a politically balanced IEC, a civil service workforce, and some measure of control over its own budget and resources.

155. The IAT would assist with the planning and management of this transition, including the handover of facilities, equipment, and other resources. Before dissolving in January 2006, the IAT would, if desired, assist the IEC with the production of a continuing professional development plan, with the identification of potential needs for continuing technical assistance, and with resources available to meet those needs.

Summary of Proposed Services

156. The IAT would assist with the smooth transition to Iraq’s permanent electoral institutions.

Support

157. As described in the Statement of Objectives, the CPA, GC, Iraqi government, and coalition military forces will provide the TEMB and the IAT with all necessary support, including:

- (i) Government owned facilities for headquarters, governorate, and sub-governorate offices and warehouses.
- (ii) Security for TEMB facilities and staff, where appropriate.

- (iii) Liaison and coordination officers for the JEOC.
- (iv) Transportation and logistical assistance.
- (v) Secondment of Iraqi government staff, where appropriate.

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SECTION I: EXECUTIVE SUMMARY

Overview

1. The 15 November Agreement on Political Process calls for three elections in 2005: the first to a constitutional convention, the second a referendum on the constitution, and the third a national election. This operational concept and cost estimate outlines a plan for implementing these elections and the associated voter registration activities. It also describes a process for the rapid establishment of an Iraqi electoral management body capable of managing elections in Iraq with limited technical assistance by the end of 2005. This is an ambitious program: voter registration, three elections, and accelerated institutional development and capacity building are much more than most election authorities and international election missions have achieved in two years in post-conflict environments.

2. The final estimated figure of \$385 million represents an investment in a democratically governed Iraq. At \$16 per potential voter for the voter registration and constitutional convention election and just over \$5 per potential voter for the two subsequent elections, the budget is well in the range of recent experience in post-conflict democracies. The 2005 elections would, in fact, be more comparable to generally less-expensive elections in transitional democracies.

3. Elections are politically sensitive and operationally challenging. In order to succeed under the terms of the 15 November agreement, election implementation work should begin immediately. Delays will risk increase costs, reduced capacity building, and political failures.

Operational Concept

4. Under the program presented, the Coalition Provisional Authority (CPA) and Interim Governing Council (GC) would build into the Fundamental Law a Transitional Electoral Management Body (TEMB) led by a Transitional Independent Electoral Commission (TIEC). The TIEC would be composed of a politically-balanced mix of Iraqi leaders and would have regulatory power to guide the electoral process throughout the tenure of the Transitional National Assembly.

5. The TEMB would be supported by an international assistance team, with international election specialists assuming managerial and technical positions, including the Chief Electoral Officer, during the voter registration and constitutional convention election. After the constitutional conventional election, Iraqi professional staff trained during the first year would begin to take managerial and technical roles, and the international presence would reduce by 50%. By the end of 2005, the TEMB would become a permanent electoral management body with a professional staff capable of managing elections with limited technical assistance, as in other transitional democracies. This is a high bar to meet, as such rapid institutional development and capacity building is not the norm. To achieve it, the recruitment and training of Iraqi professional staff would need to begin in February 2004, meaning that election preparations would need to begin immediately.

6. This concept describes an Iraqi-led election with international technical and managerial assistance. The GC would devise the legal framework, an Iraqi TIEC would make regulatory and other decisions, and Iraqi professionals would compose the bulk of staff at all levels. This fundamental Iraqi ownership would pose technical challenges, but would also allow for a better public acceptance of the election and its results.

7. At various points in this concept, responsibility for international assistance could be transferred between institutions. For example, should the United Nations be charged with the support of the TEMB after the adoption of the Fundamental Law, it could gradually assume responsibility during the build-up or pre-registration periods, taking full advantage of the work products of an earlier team.

8. Several open questions remain in the operational concept. The most important of these is the model for voter registration. While this operational concept and cost estimate plans for a full voter registration, in which all potential voters are expected to attend voter registration events and submit voter registration forms, it may be possible to conduct a less comprehensive voters list confirmation exercise based on existing registration data. Early in 2004, field testing of the Public Distribution System ration card database and other population registries should be conducted to determine their utility in the creation of a new voters list. Under either model, attention will be paid to developing the database and infrastructure to support future registration activities, such as a full civil registration.

9. The current timeline may not allow sufficient time for the constitutional convention to deliberate. Under the operational concept presented, and depending on resource availability, it may be possible to conduct the constitutional convention election before 15 March. Otherwise, in drafting the Fundamental Law, it may be prudent to postpone the dissolution of the Transitional National Assembly and the first national election to early 2006.

Cost Estimate

10. The operational concept and cost estimate does not include some programs which would be essential to transparent and legitimate elections but which would not fall under the authority of an election administration, including political party development and support, international and domestic election observation, civic education, and media monitoring. Together, these programs could cost \$90 to \$100 million. Other donor nations will very likely have an interest in these issues. The operational concept and cost estimate also does not include voter registration and election services for Iraqi citizens living abroad; this would need to be planned and budgeted in conjunction with the CPA and GC as decisions are made about the eligibility of refugees and the Diaspora. At the high end of both service and voter participation, an out-of-Iraq voter registration and voting program could cost up to \$60 million. Any decision about voting abroad must take into account operational feasibility and the possibility of discrediting the election in addition to political demands for broad service.

11. This is not an operational plan and budget, which would need to be produced after the establishment of a legal and institutional framework and by a larger team of specialists. It is, however, a carefully considered and researched concept and estimate, which IFES is confident will prove accurate to within +/- 20% of a final budgeted figure.

Action Points

12. In order to execute this operational concept, the CPA and GC would need to:

- (i)* Authorize and fund a preparatory team to begin election implantation work, deploying 3 January.
- (ii)* Fund the electoral budget, prepare to disburse \$60 million, and identify facilities for offices, warehouses, and accommodations by 10 January.
- (iii)* Establish a GC sub-committee to address electoral issues by 10 January.
- (iv)* Mandate, in conjunction with the GC, an international assistance team by 1 February.
- (v)* Negotiate and draft the electoral legal framework by 29 February.
- (vi)* External to this concept, fund political party, media, and civil society development programs, domestic and international election observation, and media monitoring.