

Iraq's Endless Electoral Law Debate

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Brief Analysis

The Coordination Framework is poised to yet again change Iraq's electoral law, continuing a history of such changes that have destabilized and delegitimized the political system.

Iraq's parliament held the first reading of a suggested amendment to the country's electoral law, which proposes the implementation of the Sainte-Laguë method of parliament seat distribution. Although the first reading of the draft was [voted \(https://www.alsharqiya.com/en/news/the-end-of-the-first-reading-of-the-proposed-council-elections-law-in-iraq\)](https://www.alsharqiya.com/en/news/the-end-of-the-first-reading-of-the-proposed-council-elections-law-in-iraq) on and finalized in mid-February—backed by the Shia Coordination Framework—the amendment received pushback from the Sadrist Movement and other political formations supported by protesters, including the Ishraqat Kanoun and Emtedad movements. Due to this pushback and disagreements between the amendment supporters on quotients for seat distribution, the parliament failed to conduct a second reading of the draft meaning the proposed amendment was withdrawn from parliament.

The formation of a government after an election is a critical step in the democratic process, but in the case of Iraq, government formation has historically been an arduous and lengthy process since 2003, with multiple factors contributing to delays. The most recent Iraqi government was formed a record 382 days after the 2021 parliamentary elections, but this is far from the only instance of such delays—the average time it has taken to form a government after elections in Iraq is 203 days, while the shortest period, after the 2005 elections, still took 98 days. Although political and security issues have certainly contributed to these delays, the electoral system used has also had an impact on the length of time taken for government formation. These delays have been especially apparent in the wake of the 2021 elections, given the improved security environment after the military victory over ISIS and the end of the 2019 popular protests that shook the country.

Iraq has had five parliamentary elections, excluding the transitional parliamentary elections held in January 2005, and the method of seat distribution has changed repeatedly over the past two decades. During the initial elections after the fall of Saddam Hussein, voters were forced to choose from lists compiled by political parties and were not

given a chance to pick their favorite candidate within a list. In this method, the voters' will was not fully represented in election outputs because candidate positions and legislative powers were wholly determined by the political parties. Iraq's Federal Supreme Court subsequently ruled this electoral law unconstitutional, on the basis that the law was legislated before the 2005 constitution and contradicted the Transitional Administrative Law of 2004. Before the 2010 elections, changes were made to allow voters to select candidates within lists. This law was amended again after the 2010 elections, and in 2014 a modified version of the Sainte-Laguë method was used, with a quotient of 1.5 for all parties.

The same method was used in the following elections, but the quotient changed to 1.7 in 2018. As a result of the change, much of the advantage enjoyed by independent candidates and smaller political parties in the 2014 elections was lost, causing significant frustration amongst voters who felt their voice was not being heard.

The resulting October 2019 protests, known as the Tishreen Movement, created shockwaves around the country and led to yet another round of changes at the parliamentary level. Once Prime Minister Adel Abdul Mahdi resigned and the Mustafa al-Kadhimi government formed, new electoral laws were quickly passed which allowed for elections to be conducted using a single, non-transferable vote. The law also divided Iraq into 83 multi-member constituencies—ranging between three to five members each—instead of the 18 provincial-based constituencies previously used.

With the political parties affiliated with the Tishreen Movement now sidelined from the Iraqi government and the Sadrist Movement resigned from parliament, the Coordination Framework—the main supporter of the government's backing coalition, the “Management of the State Coalition”—is seeking to once again alter the electoral laws, this time in their favor.

Indeed, adopting the Sainte-Laguë method would give larger political parties, such as those affiliated with the Framework, an advantage at the expense of the current advantage enjoyed by independent candidates and smaller political parties. The scale of this advantage will be based on the quotient. For example, in the 2018 elections, the Sadrist Movement participated with the Saairun Coalition and won 54 seats with 14% of the vote. With the law changed in 2021, the Sadrist Movement gained 74 seats with only 10% of the vote. In contrast, the Fatah Coalition lost nearly half of its votes and more than two-thirds of its seats in 2021.

The Sainte-Laguë method clearly moderates the results so that larger organizations can earn a similar number of seats. If the Coordination Framework continues to pursue this method, despite the failed second reading in parliament, it is entirely possible that their parties will win big in the next elections, even if the Sadrist Movement becomes the largest political party by itself.

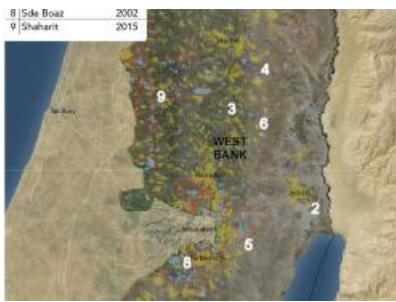
As parties continually change the laws back and forth to suit their purposes, however, Iraq's complex and fragile political situation hangs in the balance. In order to ensure the stability and unity of the country, a number of key factors must be addressed, including the need for a fair and impartial electoral system, as well as a genuinely independent electoral commission that can oversee the electoral process without being influenced by political parties or other interest groups. In the past, the appointment of members of the Independent High Electoral Commission (IHEC) was based on the quota system, which meant that each member was aligned with a particular political party or interest group. Inevitably, this has created an environment in which decisions are made based on the interests of individual groups rather than the needs of the country as a whole. Case in point, the IHEC's decision to **prevent Iraqi expats (<https://shafaq.com/en/Iraq-News/Controversy-in-the-parliament-over-IHEC-s-decision>)** from voting, as well as its allegedly false **announcements (<https://www.basnews.com/en/babat/727353>)** of preliminary results, have been largely criticized as biased.

Although establishing a new, truly independent electoral commission is essential for transparent and fair elections moving forward, Iraq's ethnic and sectarian divisions and identity-driven political atmosphere remain an obstacle to

such progress. Creating an independent system would require commitments from all parties involved to put the needs of the country first, rather than prioritizing factional interests. Until these respective parties are able to agree to such efforts, alternating changes to the electoral law in favor of the ruling party will be a perennial aspect of Iraqi political life.

Of course, Iraq's electoral commission is far from the only issue hampering Iraqi political life—there is a need to dismantle identity politics, promote national reconciliation, and find ways to integrate militia groups into the broader political and social fabric of the country. Nevertheless, ensuring transparent elections is a key pillar in a more stable, functional, and representative political process in Iraq. Ultimately, the future of Iraq will depend on the ability of its leaders and citizens to work together in the face of these challenges, and to build a more inclusive and equitable society that can meet the needs of all its people. ❖

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