

## **Iran: Bylaw on the Implementation of the Law on Presidential Election of the Islamic Republic**

### **Summary:**

This bylaw covers the executive affairs of the presidential election. It defines the responsible bodies, special organizations and committees that are responsible for the election, as well as their specific functions. The bylaw explains how the bodies interact with each other as well as how they resolve disputes.

The bylaw determines the location of election sites, the rules for voting sites, as well as the mechanisms in place for protecting voters. Finally, the bylaw demonstrates how the votes are counted and recorded.

It is important to note that the Presidential election in Iran is completely different from the Parliamentary contest, in that there is a singular election district (the entire country is considered one area).

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Article 1. In accordance with article 8 of the Law on Presidential Election, governor and deputy governor are obligated to invite the members of the Guardian Council's Election Supervision Committee, and provide all necessary preconditions for their complete observation throughout the election process.

Article 2. The Central Election Supervision Committee, as appointed by the Guardian Council, must provide a copy of the guidelines for their observer(s) to the National Elections Commission, the Province Governor Generalship Elections Commission, Governor Generalships, and Deputy Governor Generalship.

Article 3. Upon the receipt of a copy of the guidelines of the Election Supervision Committee, governor and deputy governor must invite and meet with the assigned individuals.

Article 4. The presence of observer(s) in the meeting of the Executive Committees is to ensure the correct implementation of the Law on Presidential Election. Their absence or refusal to sign the minutes of the meetings of the Executive Committees does not impede the work of the Executive Committee.

Article 5. In case the entire Supervision Committee cannot attend the meetings [of the Executive Committees], it must select a representative and design the agenda for the meetings. The representative should attend the [Executive Committee] meetings and present the governor or his deputy with the designed agenda for the archive of election records.

Article 6. The legal authority regarding the delivery of the reports of the observers (the subject of Note 5 of article 80 of the Law on Presidential Election) lies in: the Guardian Council, the Central Election Supervision Committee, and the National Elections Commission.

Article 7. Municipal Executive Committees are obligated to forward a copy of the agenda of their actions to the observer(s) of the Guardian Council as well as to the National Elections Commission.

Article 8. In elections, the criterion for the compliance of deputy governor generalship with the governor generalship is the National Divisions Law, and not the divisions of the Parliamentary Elections of the Islamic Republic.

Article 9. Upon the receipt of the orders of the Ministry of Interior regarding the Presidential Elections, the governor should inform the Ministry of Interior of the beginning of election plans, and through telegram or telegraph forward his orders concerning the formation the Executive Committees in the districts within the jurisdiction of the governor generalship to the pertinent deputy governors (Forms No. 1 and 2).

Article 10. Annulled.

Article 11. Annulled.

Article 12. After necessary investigation, the governor and the deputy governor choose 30 trustworthy citizens of different social classes from their city or district, and upon the approval of the Election Supervision Committee, invite the administrative members of the Executive Committee (the general prosecutor or his representative and the director of the National Organization for Civil Registration) and the 30 trustworthy citizens for a meeting to select the primary and substitute trustworthy individuals (Form No. 3).

Article 13. In cities and districts where Islamic Councils have been formed, the governor and the deputy governor act to implement Note of article 38 of the Law on Presidential Election (Form No. 4).

Article 14. In the presence of at least 20 of the trustworthy persons, they select (whether from among themselves or not) 8 primary trustworthy persons and 5 substitute trustworthy individuals through secret votes with a simple majority. Each round of this selection is mentioned in the minutes of the meeting and signed by those present. (Form No. 5)

Note: The deputy governor forwards two copies of the minutes of the meetings to select the trustworthy persons of their district to the governor. The governor sends two copies of the minutes of the meeting to select the trustworthy individuals of their city to the National Elections Commission (Forms No 6 and 7).

Article 15. After the first meeting of the Executive Committee, the governor reports to the National Elections Commission about the progress (Form No 8).

Article 16. Annulled

Article 17. The District Executive Committee meets immediately after the selection of the trustworthy persons, and assigns the number and locations of the registration and polling stations; this process should be reflected in the minutes of the meeting. The Committee sends the minutes of the meeting, through the deputy governor, to the governor in order for it to be discussed in the Municipal Executive Committee of the city (Forms 9 and 11).

Article 18. Deputy governors act to implement of the orders of the Executive Committee regarding [the appointment of] the liaison member (Form 10).

Article 19. The Municipal Executive Committee, in accordance with article 45 of the Law on Presidential Election, having assigned the locations of voter registration and polling stations of the capital city and its district, and having approved the decisions of the District Executive Committees regarding the number and the locations of registration and polling stations, starts its effort in the publication and announcement of election flyers containing information on date and hours, locations of registration and polling stations, voter qualifications, and penal rules throughout the city. (Form 12)

Article 20. Governors, with the help of the police force, act in order to publish and distribute election flyers in the city (Form 13).

Article 21. In implementing article 46 of the Law on Presidential Elections, governors are obligated to forward three copies of election flyers published in the city to the National Elections Commission and one copy to the Province Governor Generalship Elections Commission (Form 14).

Article 22. Municipal and District Executive Committees implement article 47 of the Law on Presidential Elections regarding the design of the minutes of the meeting to assign members of the registration and polling stations (Form 15).

Article 23. Deputy Governors submit a copy of the meeting minutes regarding the appointment of the members of registration and polling stations to the governor generalship of the capital city (Form 16).

Article 24. Governors and their deputies are obligated, keeping in mind the meetings minutes regarding the appointments of the members of registration and polling stations, to communicate with the appointed individuals and invite them to obtain the ballot box, registration forms, and other necessary equipment (Form 17).

Article 25. Governors and their deputies present the members of the registration and polling stations with the necessary forms and documents, including ballots for the

members of the polling stations, and explain the method and process of registration and cast of ballots; they make arrangements so that the members of the registration and polling stations are called to the locations one day before the election date (Form 18).

Article 26. Governors act to make orders regarding the selection of a representative (Form 19).

Article 27.\* Governors and their deputies, in order to secure the registration and polling stations, with the collaboration of the police force, call on at least three police officers to accompany the members at the registration and polling stations.

Article 28.\*\* Plans for the Election day

Members of the registration and polling station are present at the location at least one hour before the opening of the station. Firstly, they act to elect a director, a deputy director, and three secretaries from among themselves.

Then, they should open the ballot box in the presence of the representative of the Election Supervision Committee, and the governor's representative, and having ensured that the ballot box is empty, they wrap and seal the ballot box with the stamp and seal of the registration and polling station. In case the box is made in a way that does not need to be wrapped, they just seal and stamp the box on the assigned places of the box throughout the day; the opening to put the ballots inside should be sealed at the end of the election day. All the stages of this process are reflected in the five copies of the report. The process of registration and cast of ballots begins following the six stages below:

First – stage of arrival of voters

Second – checks stage

Third – Registration stage

Fourth – stage of cast of ballots

Fifth – stage of counting of ballots

Sixth – stage of writing the report

First – stage of arrival of voters

1) The members of the station should try to assign separate doors for entrance and exit, if possible. Police officers, following the orders of the representative of the governor or the director of registration and polling station, prevent crowding of the station, so that ballots can be cast in a peaceful environment.

2) Voters should bring the original copy of their birth certificates and enter the stations in an orderly manner in order to register and cast their votes.

Second – checks stage

Checks are done in two steps

A. Birth certification checks: The governor representative, the director of the station, or any of the three secretaries of the registration and polling station should keep in mind the following points in checking the birth certificate of voters:

1) The birth certificate should not already hold the stamp of the presidential election of the same stage

2) The birth certificate should belong to the voter present at the station, who must be at least sixteen years old.

B. Finger print checkup: The governor representative, the director of the station, or any of the three secretaries should check the index finger of the right hand of the voter to ensure it has no trace of stamp ink, which may indicate they have already cast their ballot.

Note: In case the birth certificate already holds the election stamp of the same election or the index finger of the voter has traces of ink on it, the voter should be prevented from casting a [second] ballot under the orders of the governor's representative.

#### Third – Registration stage

1) After the checkup stage has been completed, and it has been ensured that the birth certificate belongs to the person present in the station, and that the individual is qualified to vote, one of the secretaries [hereafter 'the registrar'] should record the birth certificate information and other necessary information in the [provided] form, put the finger print of the voter on that form, and sign it.

2) The registrar should stamp the birth certificate of the voter with the election stamp and return it to the voter.

3) If elections are processed manually, the Ministry of Interior can create forms to gather statistical information such as sex, age, or marital status of the voter.

Governor's representative, deputy governor, or a member of the station is obligated to fill such form during the registration of the voter. At the end of the election day, these forms will be submitted to the governor generalship, or deputy governor generalship.

#### Fourth – cast of ballots stage

1) The registrar will separate the ballots from the election booklet on the truncation line and present that to the voter. The voter should mark in front of the name of one of the candidates; and without putting any additional marks or writings and without folding the ballot the voter should drop the ballot into the ballot box. If elections are processed manually, the voter needs to write down the name of the candidate in the specific space on the ballot, fold it, and drop it into the ballot box.

2) Governor's representative and the members of the registration and polling station should make such arrangements so that the cast of ballot be done in confidentiality and without the influence of a third party. None of the members of the stations, the governor's representative, police officers, the representative from the Election Supervision Committee, or any other person involved in any of stages has the right to recommend a particular candidate.

It is obvious that in case the voter in order to cast a ballot needs the help of another person, the voter can use a person from outside the station whom the voter can trust; and the members of the station should check to see nothing illegal takes place.

4) The governor's representative or the director of the registration and polling station needs to ensure that no armed person enters the polling station. The police officers at the entrance are responsible to ensure this.

#### Fifth – stage of counting of ballots

1) The members of the station, after the closing of the station, having ensured that all voters have dropped their ballots into the ballot box and that nobody else is present in the

station to cast a ballot, should immediately count the truncated forms and record that in the report. They will then, in the presence of the ballot box guards, representative from the Election Supervision Committee, and the governor's representative, start to read and count the ballots.

2) The order of reading and counting the ballots is such that first the director, or the deputy director of the polling station, with the help of one of the secretaries, counts the truncated forms, and then breaks the seal of the ballot box and counts the ballots without reading them, compares it to the number of the truncated form, and does one of the following:

A. If the number of ballots in the box exceeds the number of truncated forms, he will take the extra ballots, write down the word "void" in red ink, mention this in the report, and attach the voided ballots to the report.

B. If the number of the ballots in the box equals or is smaller than the number of truncated forms, it should be included in the report.

3. After the ballots have been counted in the manner above, the reading of the ballots will start in accordance with articles 25 and 26 of the Law and its Notes with the approval of the Election Supervision Committee or its representatives.

#### Sixth – stage of writing the report

After the counting and reading of the ballots, the report on the registration and cast of ballots is written in five copies and attached to the guidelines sent from the Ministry of Interior and number of ballots of each candidate will be mentioned at the back of the report in a special form (the Results Form). After the writing of the report, it is signed by the governor's representative, the members of the registration and polling station, the ballot box guards, and the representative of the Election Supervision Committee.

Immediately all election documents and forms and one copy of the report are put in the ballot box(es) and the ballot box(es) are again sealed and stamped. The members of the registration and polling station, in the presence of governor's representative and the police officers, will officially hand in the ballot box(es) along with all the documents and two copies of the report to the Executive Committee. Also, the observer and the director of the registration and polling station each receive a copy of the report (Form No. 22).

If there is any problem on the election day, the problem(s) should be mentioned at the end of the report and signed by the members of the station, the governor's representative, the ballot box guards, and the representative of the Election Supervision Committee.

Remark: The number of votes of candidates is mentioned in the form on the back side of the report (Form No. 22).

Article 29. If, for any reason, some of the registration and polling stations are unable to complete the reading and counting of the ballots, the Executive Committees should directly take actions to read and count and complete the report of such stations.

The plans for the election day's second round

1) When the birth certificate of the voter is not stamped with the two stamps of the current elections:

2) If the birth certificate of the voter holds only the stamp of the first round, it will be stamped with the stamp of the second round election.

3) If the birth certificate of the voter does not hold the stamp of the first round of presidential election, it will be stamped twice with the second round stamp so that the voter cannot cast a ballot for a second time.

Article 30.\* District Executive Committees, with the exception of the central District and the capital city, upon the receipt of the ballot boxes and all the documents and reports of the registration and polling stations, take immediate actions to complete the report on the collection of the stations' [ballot boxes, documents, and reports] in the presence of observer(s) of the Guardian Council in five copies; and they should submit all equipment, documents, and ballot boxes and two copies of their report to deputy governor so that these can be forwarded to the capital city (Forms No 23 and 24).

Article 31. Deputy governors across the country, except those of the central districts and capital cities, are obligated to forward as soon as possible all the equipments, documents, and ballot boxes along the reports of the District Executive Committees to the Governor Generalship of the capital city in order for them to be submitted to the Executive Committee of the capital city (Form No 26).

Article 32. Governors are obligated, upon the receipt of the results of the elections in the districts within their jurisdiction, and complete a report on the general election results of the capital city in the order of the number of ballots and through telegram or telegraph forward this report to the National Elections Commission (Form No 28).

Article 33. The responsibility for the protection of election documents and ballot boxes lies with the deputy governor, until they are delivered to the Executive Committee of the city.

Article 34. Governors, after the receipt of the reports of the reading of the ballots in the districts of their jurisdiction, forward all the documents, equipments, and ballot boxes to the Executive Committee of the capital city. The Executive Committee of the capital city in the presence of the Supervision Committee completes the report on the elections result of the capital city (Form No. 29).

Article 35. Governors, upon the receipt of the report of the Executive Committee of the city, and following article 30 of the Law on Presidential Election, forwards two copies of the report to the National Elections Committee. After the receipt of the recommendation of the National Elections Committee concerning the publication of the election results, take action to publish the results throughout the city (Forms No 30 and 31).

Article 36\*\*.\* After the expiration of the legal period (at least two days after the publication of the election results in the city) the Executive Committee of the city meets in the presence of the observer(s) of the Guardian Council, to examine the merits of complaints and complete a report in five copies and submit a report to the governor (Form No 33).

Note: If no complaints are filed with the Executive Committee during the legal period, the report of lack of complaints should also be completed in five copies and surrendered to the governor (Form No. 32).

Article 37. The governor forwards three copies of the report on addressing the complaints completed by the Executive Committee of the city to the National Elections Commission (Form No. 34).

Article 38. The National Elections Commission forwards two copies of the report mentioned in the article above to the Central Election Supervision Committee for them to be considered and addressed by the Guardian Council.

Article 39.\* Ministry of Interior, upon the receipt of the recommendations of the Guardian Council concerning the correct process of the election, or the halt of election, or voiding the entire or part of the presidential election, will announce its advice to the officials responsible for holding the election.

Article 40. Governors, upon the receipt of the recommendations of the Guardian Council through the National Elections Commission, immediately take actions to complete the final report on presidential election and along with the final results will forward two copies of the final report to the National Elections Commission (Forms No. 35, 36, and 37).

Article 41. Governors across the country, after the receipt of the orders from the Ministry of Interior concerning the destruction of the ballots and presidential election documents, act in the presence of the members of the Executive Committee, and if possible in the presence of Elections Supervision Committee of the city in order to destroy the ballots and other paperwork in the appropriate manner, and file a report and forward two copies to the National Elections Commissions (Forms 38 and 39).

Article 42.\*\* If outside the country or in all or some of the cities in one province, keeping in mind the resources and other reasons, votes cannot be counted by a counter machine, reading and counting of the ballots will be done manually following the rules below.

- 1) All the amendments regarding Articles 1 through 27 of the [present] Bylaw are still valid and still apply.
- 2) Stages 1 through 4 of Article 28, as amended, are still valid and still apply. However, stages 5 and 6 of this article should be applied as they were before the amendments were made but only with the conditions that Articles 25, 26, 27, and 28 of the Law on Presidential Election are implemented as amended.
- 3) Articles 29, 30, 31, 32, 33, 34, and 35 of the [present] Bylaw should be applied as they were before the amendments were made.

Article 43. Annulment or amendment of the Forms mentioned in the present Bylaw or the issuance of new necessary forms can be applied after the approval of the Ministry of Interior.



**Source Information:**

Website of the Ministry of the Interior, Deputy of Political Affairs- Election Office- 2007  
The laws and bylaws were approved by the Sixth Parliament of the Islamic Republic of Iran.

Translated by Ali Afshari.

<http://moi.ir/Portal/File/ShowFile.aspx?ID=ae5dc3a7-59fb-490d-a1b9-c7bc6d84b1db>