

Iran's June 14, 2013 Elections

National Democratic Institute – Washington DC – June 12, 2013

Introduction and Executive Summary

On June 14, 2013, 50 million Iranians are eligible to vote in the country's 11th Presidential and 4th City and Village Council elections. Iranians will select a new president, as term limits prohibit the current president from running, and will elect more than 126,000 council members. While democracy is about more than the electoral process, elections provide a window onto the nature of a society. Not only do political fault lines emerge, but a country's commitment to basic human rights and freedoms is tested. Elections should allow citizens to freely determine who governs on their behalf – although that is far from the case in Iran. The 2013 elections, as in past exercises, will demonstrate the Iranian Government's commitment to the principles enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Iran is a signatory.

Each election must be understood and analyzed as a new case, and every election provides citizens some opportunity to exercise their right to vote, however limiting the circumstances might be. Past elections in Iran have failed to clearly demonstrate the country's adherence to democratic principles. Elections in 2005 that led to the country's first presidential runoff election were widely criticized. Subsequent presidential elections in 2009 led to mass protests and a violent government crackdown. In both cases, citizens' concerns about the conduct of the elections and a lack of transparency in the process undermined public confidence that the official results accurately reflected the people's will. Though citizens could vote, the process left many with the impression that the outcome was manipulated, at best, or pre-determined, at worst.

Because Iran does not invite or allow international organizations to observe the election process, the National Democratic Institute (NDI) statement is based on publically available information and official sources in Iran, data and analysis from the 2009 election, media reports, research from universities and think tanks, and reports from other interested observers and analysts. It does not purport to be an exhaustive or authoritative assessment of the pre-election environment in Iran. Rather, it is a snapshot of some of the issues at stake, the election framework, the conduct of the campaign period, and a summary of potential problems and violations to watch for on election day and during the post-election period.

Based on the pre-election period and the conduct of past elections, there are five significant issues that are of particular interest for those evaluating the 2013 process:

- The candidates for President were vetted in advance and several potential contestants were disqualified for arbitrary reasons. This limits the choice of voters and calls into question the very principle of a free election.
- Iran does not allow independent, domestic, non-partisan observation of election processes and does not invite qualified international observers to witness election processes. While there is a government-appointed body to supervise the work of the Ministry of Interior,

that body is not independent. Lack of independent oversight can negatively impact the credibility of the process and erode public trust.

- Iran does not create or maintain rolls of qualified voters. Voters can cast their ballot at any polling station. Lack of a voters roll deprives election officials of an important check on illegal or double voting. The ability to vote at any station necessitates the printing and distribution of excess ballot papers, which creates opportunities for ballot box stuffing and other forms of fraud.
- Results for individual polling stations are not publicly posted, and the compilation of final results takes place behind closed doors with no independent supervision. This exacerbates a lack of transparency in the overall process.
- In the case of a recount or disputed results, the custody and integrity of ballot boxes may be an issue, as they are stored without any independent supervision. This creates an opportunity for ballot tampering and potential fraud concerning the results.

Despite the possible shortcomings, all elections offer some opportunity to express political opinion; Iran's 2013 contest is no exception. Iranian citizens have a chance to make their views known through the ballot box, and international attention and scrutiny, along with local efforts, may increase the chance that their choices are respected and that the result reflects their true intent.

Electoral Framework

Constitution and Laws

Iran's constitution and election related laws do not provide for the independent administration of elections. They provide the basic legal framework for the presidential as well as city and village council elections. Articles 113 to 121 cover presidential elections, while Article 110 relates to elections for city and village council members. Article 99 of the constitution tasks the Guardian Council with overall responsibility for supervising elections. Logistical management of the process is the responsibility of the Ministry of Interior.

Other central pieces of legislation include:

- *Law of Guardian Council Supervision over the Islamic Republic of Iran's Presidential Election;*
- *Islamic Republic of Iran's Presidential Election Law;*
- *City and Village Council Election Law; and*
- *Law of the Presence of the Representatives of the Presidential Election Candidates' at Polling.*

The Guardian Council

The Guardian Council was established to uphold the constitution and the laws of Islam (*Sharia*) in the Iranian political process. As such, the Council has two main functions: 1) to confirm that legislation is constitutional and in line with *Sharia* law; and 2) to oversee all stages of the election process.

There are 12 members of the Guardian Council, with six experts each for religious law and constitutional law. The Supreme Leader directly chooses the six religious experts from among the ranking members of the clergy with authority in religious matters and Sharia law. The head of the judiciary nominates six constitutional jurists. The nominees are then approved by the Iranian Assembly, or *Majlis*, for six-year terms and indefinite re-election. Half of the members of the council, three clerics and three jurists, stand for re-election every three years.

The Ministry of Interior

The Ministry of Interior is responsible for executing and managing the logistics of the elections; however, if the Guardian Council is concerned about the preparations or conduct of the elections, it has the authority to invalidate or stop the process.

Immediately after the Minister of Interior announces the date of elections, governors establish boards in each province for the administration of the elections. The boards include: a Ministry of Interior representative; the head of the province's Judiciary Department; the chief prosecutor for the province; and nine civilian trustees. The boards are responsible for determining the number and locations for candidate registration and polling stations. Nine days before the election, these boards announce details such as voting hours and dates, polling station locations, and the electoral regulations in effect.

Central Executive Election Board

A new Central Executive Election Board (CEEB) was created following a 2013 amendment to the Presidential Election Law. Under this amendment, the CEEB is formed five months before the end of the incumbent president's term and consists of: the Minister of Interior, who chairs the board; the Prosecutor General; the Intelligence Minister; a Member of the *Majlis* Assembly Board of Directors (who serves as an observer with no voting rights); and seven civilian trustees (nominated by the *Majlis* and approved by the Guardian Council).

Pre-Election

Elections are a process encompassing much more than just election day. In the Iranian situation, a crucial factor is the role that the Guardian Council plays in candidate registration; they can restrict the ability of citizens to stand for office and limit the choices citizens have when voting for president.

Candidate Registration

Qualifications to stand for President are contained in Article 115 of the constitution, which states that the President must be elected from among religious and political personalities possessing the following qualifications: Iranian origin; Iranian nationality; administrative capacity and resourcefulness; a good past-record; trustworthiness and piety; and convinced belief in the fundamental principles of the Islamic Republic of Iran and the official religion of the country.

Candidate registration is a complex process. Prospective candidates must first register with the Minister of Interior, who then submits the names to the Guardian Council. The Guardian Council then reviews each candidate's application to ensure they meet the constitutional requirements. The names of successful candidates are then sent back to the Ministry of Interior which, in turn, announces the official candidates.

For these elections, initial registration of presidential candidates took place from May 7 to 11, 2013. A total of 686 people registered with the Ministry of Interior as prospective candidates. Ultimately, only eight candidates were approved by the Guardian Council to stand for president (two of whom subsequently withdrew their candidacy).

Voter Registration

Unlike elections in many countries, Iranian elections do not employ a voters roll; as such, there is no voter registration process and eligible voters are not issued voter cards. Rather, on election day, eligible voters can vote at any polling station using only their birth certificate, or *shenasnameh*, to verify that they are an Iranian citizen and 18 years or older. The Ministry of Interior estimates that 50 million people are eligible to vote in these elections. The lack of a voters roll removes a critical check on illegal and multiple voting. In many, if not most, democratic systems, a voters roll is produced and verified in advance. Voters are usually assigned to a polling station in advance. Not being assigned to a station requires election officials to print and distribute excess ballot papers to ensure adequate supplies at all polling stations. As noted, excess ballot papers provide an opportunity for ballot box stuffing and fraudulent voting.

Campaign Environment

Elections season in Iran is usually characterized by the loosening of normal restrictions on civil society and the media to allow candidates to spread their messages and garner support. This year's elections have not witnessed the expected liberalization. Ayatollah Hashemi Rafsanjani – whose previous presidential campaigns were known to attract large groups of supporters on the streets and therefore known as “elections carnivals” – was disqualified from the race before it started. Security forces are conducting public exercises as a show of force and a special volunteer police force was established to maintain security on election day and after. The Guardian Council refrained from announcing the final list of candidates until the last possible legal moment to minimize the planning period for organizing public mobilization. After the public protests that followed the 2009 elections, it would appear that the government wants to avoid similar incidents – even at the expense of lower voter enthusiasm and turnout.

Media

On the last day of 2012, the Judiciary announced to Iranian media organizations that the publication of content calling for an election boycott or suggesting that citizens should not participate in the elections will be considered a crime, and that the perpetrators will be prosecuted. *Iran* newspaper, which typically supported incumbent President Ahmadinejad, was shut down in early June for defamation. As a mouthpiece for Ahmadinejad, *Iran* newspaper was

an invaluable tool for the president to challenge and possibly threaten the ruling establishment after his close associate, Esfandiar Rahim Mashaei, was disqualified by the Guardian Council. Apart from these limitations, the debate between the approved candidates is raging in both print media and on state television, and newspapers regularly publish candidate-sponsored content and campaign advertisements.

Candidate Debates

In late May and early June, the Islamic Republic of Iran Broadcasting (IRIB) organized three debates featuring all eight approved presidential candidates. The first debate focused on economic policy, the second on cultural policy, and the third on domestic and foreign policy. In addition to television, all three debates were also carried on YouTube. While independent estimates are not available, IRIB has stated that 45 million people watch the debates.

Internet Freedom

Internet users in Iran have been reporting a drop in internet speed since April. Earlier this year, all Virtual Private Networks in Iran were shut down, further limiting internet access. To evade internet censorship, many Iranians employ circumvention technology; however, when internet speed is reduced to near-zero levels, such tools are rendered useless, such as the period following the 2009 elections. There are many recent reports of internet “throttling” and anecdotal reports that even downloading email has become difficult.

Election Day

In order for citizens to have an equal and reasonable opportunity to vote and for those votes to be counted fairly, clear and transparent procedures must be implemented uniformly at all polling stations. Many people inside and outside Iran have expressed unease about the tabulation of votes and the announcement of results because of the opaqueness of the process and the previous controversies over the accuracy of the official results of the 2005 and 2009 processes.

As noted above, Iran does not allow independent, non-partisan international or domestic observation of the voting process, which could lend credibility to the elections, given such concerns. Since the mid-1980s independent, non-partisan, citizen observers, as well as international observers, have played a critical role in enhancing public confidence and increasing transparency in the electoral process. These contributions have been codified in the *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations* as well as the *Declaration of Principles for International Election Observation*. Both of these documents were launched at the United Nations reflecting the global consensus of the central role citizen and international observation play in credible elections.

Polling Station Setup

The elections will take place at more than 67,000 polling stations located across Iran's 31 provinces (including approximately 3,400 polling stations, or 5 percent of the total, in Tehran).

In addition, there will be 285 polling stations in 120 countries to enable Iranians living outside of the country to vote.

Each polling station should have six people responsible for administering the election, including: a chief; a deputy; three secretaries; and a representative of the provincial governor. The staff should arrive an hour before the polls open to prepare the station. At this time the ballot boxes should be opened and verified as empty.

Under the *Law of the Presence of the Representatives of the Presidential Election Candidates' at Polling*, political contestants are permitted to have representatives present at polling stations throughout the process – from the opening of the polls through voting, counting, and the announcement of the results (writing of the minutes).

Under the 1985 *Law of Guardian Council Supervision over the Islamic Republic of Iran's Presidential Election*, the Guardian Council deploys monitors to oversee the process on its behalf. While these monitors have authority over election officials, given the nature of the Guardian Council itself, they cannot be reasonably described as disinterested or objective parties. The General Inspection Organization, a government oversight body, also has authority to observe elections, as granted by the Judiciary in 2009. Neither of these bodies is politically independent and neither can provide independent, non-partisan observation and information on the process.

Voting

Voting should commence at 8 AM and conclude at 8 PM. Upon arrival at the station, voters should present their birth certificate, *shenasnameh*, to prove their right to vote. To prevent double voting, the *shenasnameh* should be stamped with a unique mark to indicate that the holder has voted. In addition, voters' fingers are marked with indelible ink. When voters present their *shenasnameh*, their fingers should also be checked by polling officials for indelible ink.

After verification of their ability to vote, the voter is issued with ballot papers for the presidential election as well as the city and village council elections.

Each ballot paper has a stub where the voter's information should be recorded. The stub is retained to help determine the number of ballots that should be in the ballot box at the end of counting. There should be no serial number or other identifying mark on the stub that would permit it to be associated with its respective ballot paper (thereby undermining the secrecy of the ballot).

Counting

Immediately after the polls close, stubs and ballot papers should be counted at polling stations in the presence of candidate representatives. In a case where there are more ballot papers in the ballot box than stubs, extra ballot papers are removed arbitrarily from the box and discarded. No action is taken if there are more stubs than ballot papers. The results are recorded on an official

form and that form, along with other election materials, is sent to a collation center for aggregation.

In many countries, results from a polling station are posted for public inspection and copies of the official results are given to candidate or party representatives. The immediate public posting of results increases transparency and enhances public confidence in the accuracy of the count. However, in Iran, candidate representatives are not entitled to a copy of the official count and results are not posted publicly at polling stations.

Tabulation

Tabulation of results typically takes 24 hours. The tabulation process in Iran is opaque. There is no independent observation by candidate representatives, non-partisan, citizen observers, or international observers to see how results from the approximately 66,000 polling stations are added together at different levels to determine the outcome of the various races. The results are compiled behind closed doors with no candidate or independent witnesses present. Combined with the failure to post official results at polling stations, it is not possible in Iran to have any independent confirmation of the officially announced results.

Post-Election

Just as elections do not begin with voting, neither do they end with the announcement of results. To fully understand the degree to which the elections conform to international best practices, attention must also be given to the post-election period.

Possible Presidential Runoff Election

The presidential election could go to a runoff; the city and village council elections cannot. City and village council elections are decided by the first-past-the-post method, meaning the candidate with a simple plurality of votes is elected. Article 117 of the constitution stipulates that the president must be "elected by an absolute majority of the voters polled." If no presidential candidate secures 50 percent +1 of the vote, a second round of voting should be held between the top two candidates from the first round. In the case that one or both of the candidates securing the greatest number of votes in the first round withdraws, then the runoff election will be held between the two remaining candidates who secured the greatest number of votes in the first round.

The presidential election went to a runoff for the first time in 2005, as none of the six candidates secured more than 25 percent in the first round. Unfortunately, Iran's constitution explicitly stipulates that the runoff must be held the Friday after the presidential election. This provides little opportunity to address any challenges or shortcomings identified during the first round.

Objections and Appeals

Candidates, as well as citizens, should have 72 hours after election day to dispute the results with the Guardian Council Secretariat or the council's representative in each region. The elections

boards hold sessions with the representatives of the Guardian Council to examine complaints, attach a report, and forward them to the Ministry of Interior. According to the elections law, if the complaint “lacks evidence” the individual who submitted it may be prosecuted in court for defamation. There is no deadline for the verdict. If there are indications of fraud in one or several polling regions, the CEEB has the authority to call for a recount, void the results in the affected regions, or to call for new elections.

Security of the Election Materials

In the aftermath of the 2009 presidential elections, questions about the accuracy of the official results led the Guardian Council to offer a recount of “disputed ballot boxes.” However, opposition candidates were far from satisfied. For two weeks the ballot boxes had been under government control without independent security or observation. Thus, even where redress may be granted in theory, in practice it may not remedy legitimate grievances.

Announcement of Results

Once a winner is determined for the presidential election and the Guardian Council approves the election process, the Minister of Interior should announce the winner via state media. The new president then takes the oath of office before the Supreme Leader.

National Democratic Institute

The National Democratic Institute (NDI) is a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government.

Since NDI's observation mission to the Philippines in 1986, the Institute has become one of the leading international nongovernmental organizations in the field of international election observing. NDI has conducted more than 200 international election observer missions including observation of elections in the Middle East and North Africa, including polls in Algeria, Egypt, Jordan, Lebanon, Morocco, Tunisia, and Yemen.

The Institute has concentrated on providing accurate and impartial analysis through its observation missions in order to inform the international community and domestic actors of strengths and weaknesses in electoral and political processes and to offer, where appropriate, recommendations for strengthening democratic processes and electoral frameworks.

This statement was prepared with support from the Munk School for Global Affairs at the University of Toronto through its Global Dialogue on the Future of Iran (GDFI). NDI is solely responsible for the content of this statement. For more information on the statement contact: *Leslie Campbell, Senior Associate and Director for Middle East and North Africa Programs, (202) 728-5695.* For more information on GDFI and the Munk School, contact: *Sean Willett, Chief of Communications, (416) 946-8904.*