

Iran: The Law on the Presidential Election

Summary:

This law demonstrates the general aspects of the presidential election. It assigns the required conditions of the potential candidates, responsible governmental bodies, the process of qualification, how the president is certificated and how he can officially start his presidency and so on. This law is important to understand the mechanism and nature of presidential elections in Iran. The law should be approved by the parliament in compliance with current constitution.

Chapter 1 - the Basics

Article 1 - the presidential term in the Islamic republic of Iran is four years. The terms begin with the approval of the accreditation letter from the Supreme Leader.

Article 2 - The Guardian Council drafts the accreditation letter for the presidency and presents it to the Supreme Leader.

Article 3 - The Ministry of Interior must begin the preparation for the presidential election, three months before the expiration date of four year presidency term. According to the articles 119 and 131 of the Constitution, the Ministry of Interior should inform the public, through the mass media, about the upcoming presidential elections and the date when registration of presidential candidates begins.

Article 4 - If any of the government employees will be elected as president, the years they serve as president shall be added to their government employment record.

Article 5 - If the Guardian Council, for any reason, would stop the presidential elections, or announce them as invalid, the Ministry of Interior must begin preparation for re-elections at the earliest possible time.

Article 6 - The Ministry of Interior's supervisor, in place of the Minister of Interior, supervisors of the provincial governors, governors, and deputy governors, with the approval of the Minister of Interior, shall serve as the provincial governor, governor, and the deputy governor.

Article 7 - The Ministry of Interior, with the approval of the Committee of Ministers shall draft and execute the Executive Law of Presidential Elections.

Article 8 - The Guardian Council shall monitor the presidential elections. The monitoring must be thorough and include every section and every phase of the elections.

Article 9 - If vote counting, in any of the provinces, shall be carried by a vote-counting machine, the computer system behind the machine must be designed in a manner which restricts access to its software and hardware, in every phase of the process, only at the presence of the members of the Guardian Council. All necessary decisions concerning maintenance of all software and

hardware should be taken mutually by the Ministry of Interior and the Guardian Council. All versions of the necessary software should be approved by the Guardian Council before the elections and should be locked and encrypted. With the agreement of both Ministry of Interior and Guardian Council and in their presence, the software will be installed in each polling station. Every modification and alteration of this software should be approved by the Guardian Council.

Chapter 2 - Quality of Election

Article 10 - elections shall be carried out through general, direct votes and confidential ballots. Former article 10 - was annulled.

Article 11 - If any of the presidential candidates whose qualification was obtained through this law, passed away ten days before the elections, the elections would be delayed for two weeks.

Article 12 - the presidential elections shall take place through absolute majority of votes.

Article 13 - if during the first round of elections, no candidate shall gain the absolute majority of votes, the second round of elections shall take place under which the two candidates who received the highest number of votes shall compete.

Article 14 - the second round of elections shall take place on Friday of the following week.

Article 15 - was annulled.

Article 16 - If during the second round of elections one of the two competing candidates who gained the highest votes will pass away, the elections shall be postponed for two weeks.

Article 17 - After the Guardian Council declared the conclusion of the elections, and after the Supreme Council signed the letter of presidency, the Ministry of Interior must destroy all election forms and ballots.

Article 18 - Ministry of Interior, after counting the ballots inside and outside the country, must inform the public about the final results of the elections through mass media.

Article 19 - In every round of election, the qualified persons can only vote once upon presenting his or her birth certificate.

note 1 - was annulled.

note 2 - was annulled.

note - those qualified voters outside the country, can present their valid Iranian passport in case they lack their birth certificate.

Article 20 - casting votes outside and inside the country shall take place in one day during 10 hours. If necessary, this timeframe can be extended.

note 1 - It is up to the discretion of the Minister of Interior whether the timeframe for casting votes should be extended and how much.

note 2 - the election day shall always be on Fridays.

Article 21 - All ministries, governmental, and revolutionary state organizations and offices shall allow the Ministry of Interior, provincial governors, governors, and deputy governors to use their staff and facilities until the elections are over. The time spent on election duty will be counted as work hours.

Article 22 - If at the time of presidential elections, another election will be carried out, the Minister of Interior shall order two separate ballot boxes, one for each election, to be placed in each registration and polling station.

Article 23 - The national television and radio stations are obliged to broadcast election-related programs, including educational and campaign programs that are approved by the Ministry of Interior or the Guardian Council's Central Supervision Committee.

Article 24 - The police and security forces shall ensure the safety of ballot boxes and the smoothness and peacefulness of the election process. Their activities shall abide by law and they cannot intervene in execution and monitoring of elections.

Article 25 - With the approval of the Supervision Committees or their representatives, the following categories of ballots shall be pronounced invalid. The ballots, however, will be counted for and registered and reported:

- The ballots which were unreadable.
- The ballots that were bought or sold.
- [note was annulled].
- [note was annulled].
- Empty ballots.

Article 26 - With the approval of the Supervision Committees or their representatives, the following categories of ballots shall be pronounced invalid. The ballots will not be counted for, but will be registered and reported:

- 1 - Ballots from a ballot box with a broken seal;
- 2- Extra /additional ballots (above the numbers that were legally issued);
- 3- Ballots from those who were under aged;
- 4- Ballots from those were deceased or from foreign nationals;
- 5- Counterfeit or illegal ballots (results of manipulation, miscounted or forged ballots);
- 6- Ballots from those who used a counterfeit birth certificate or used somebody else's birth certificate;
- 7- More than one ballot from the same person;
- 8- Ballots from absentees (who were not present with their birth certificate);
- 9- [note was annulled].
- 10- Ballots which were results of coercion.
- 11- Votes which were made on any paper other than official ballots.

Note 1- ballots from a ballot box which lacked all necessary papers or attached documents will be pronounced invalid but will be counted for.

Note 2- A number of ballots, equal to the number of additional ballots (section 2 of article 26), will be removed from the ballot box in a random manner.

Article 27 - was annulled.

Article 28- If more than one candidate name is checked or written in a ballot, that ballot is invalid and will not be counted.

Article 29 - Before any votes are cast, all empty ballot boxes, in the presence of the representative/s of the Supervision Committee, shall be inspected and sealed by the registration and polling stations' staff. The representatives of the Supervision Committee, shall register the number of the ballot boxes, and certify that the boxes were empty. If during the election it will become necessary to add an extra ballot box, the same procedure applies. Any additional box should be registered in the election report.

Article 30 -It is the duty of the Ministry of Interior to keep the public informed about the process and regulations of the elections.

Article 31 - Ministry of Interior is the body in charge of executing the Law of Presidential Elections. It is also responsible for ensuring the accuracy of elections. Therefore, it may send permanent or temporary inspectors to oversee the election process and cast of the votes in provinces, districts, and the registration and polling stations.

Article 32 - The election report shall include the outcome of the elections and have signatures of the Provincial Election Executive Committee and the Supervision Committee. Four copies of this report shall be produced, one copy shall remain with the Provincial Election Executive Committee, and the other three copies shall be sent to the relevant Supervision Committee, the Ministry of Interior, and the Central Supervision Committee.

Article 33 - The following acts are illegal and considered offenses:

- 1- Buying and selling votes.
- 2- Forging documents, election forms, ballots, or election reports.
- 3- Making threats or offering bribes.
- 4- Voting with a forged birth certificate.
- 5- Voting with another person's birth certificate.
- 6- Voting more than once.
- 7- Disrupting or impeding the election processes.
- 8- Adding or removing votes or election forms.
- 9- Swindle in voting or counting the votes.
- 10- Votes using birth certificate of absentees.
- 11- Recommending to vote for a particular candidate by the persons working or present at the registration and polling stations.
- 12- Any alteration, modification, forging, stealing, or destruction of documents related to election, including ballots, election forms, election reports, fax, telegrams, or telegrams.
- 13- Opening ballot boxes illegally or breaking into the place where ballots boxed are kept.
- 14- Removing, relocating, or manipulating any election-related document illegally.
- 15- Interfering in any election-related procedure using forged documents.
- 16- Terrorizing voter, with or without arms, at the registration and polling stations.

17- Interfering in any election-related procedure using a forged title or through any other illegal manner.

Note - If due to any of the above mentioned offenses, in one or some of the polling stations, elections cannot be carried out properly, and if this impacts the overall election results, the Ministry of Interior shall inform the Central Supervision Committee so they can inform the Guardian Council.

Article 34- In order to avoid any election related offense, the judicial bodies in each province and district shall make the necessary legal arrangements and coordinate their activities with representatives of the Guardian Council Supervision Committee and the Executive Committee.

Chapter Three - Candidate and Voter Requirements

Article 35- At the time of the candidate registration, the candidates should meet the following requirements:

- 1- Be a man of religion and political background.
- 2- Be of Iranian origin.
- 3- Be an Iranian citizen.
- 4- Be a mature leader and manager.
- 5- Have a good reputation, be trustworthy, and pious.
- 6- Have a strong faith and believe in the principles of the Islamic Republic of Iran and the official religion of the country.

Article 36- The voters should have the following requirements:

- 1- Be citizen of Iran.
- 2- Be at least 16 years old.
- 3- Be sane.

Article 37- All those who have a direct responsibility in supervision or execution of the election process, cannot run as candidates unless they resign from their position before the candidates registration.

Chapter Four - Execution Committees

Article 38- Immediately after the Minister of Interior issued the command to begin the election process, governors submit the order to establish Election Executive Committees to the deputy governors. The Minister of Interior must, within three days, establish the Provincial Election Execution Committees consisting of himself, the General Prosecutor, and the Head of Census Bureau or his representative, and eight other trustees.

Note 1- In every province or district, where there is an Islamic Council, one of their members, chosen by the Council, should be one of the eight members of the Provincial Election Execution Committee.

Note 2- If there is a general Prosecutor at a locality, he should personally attend the meetings of the Execution Committee.

Article 39- Thirty of the trustees, with the approval of the Guardian Council Supervisors and

written invitation of the governor, within two days from the date of the invitation, should have a meeting. With the presence of at least two third of the invitees (twenty people) and in presence of the Supervision Committee, these people should elect, amongst themselves or not, through secret ballot and with the relative majority of votes, eight people (in case of the lack of the Council) as main trustees, and five people as substitute trustees, for the Execution Committee.

Note 1- The number of the members of the Execution Committees, their qualifications, and their time lines must be the same in every province and district.

Note 2- The trustees of the Execution Committees and Guardian Council Supervisors should not have any convictions, by any qualified court, of any election-related offenses in the previous elections.

Note 3- The trustees of the Execution Committees should be pious and have proved commitment towards Islam and the Constitution, should have a good reputation, should be literate to read and write. They should not have any history of having worked towards strengthening the former regime or be related to any illegal groups.

Article 40- None of the members of the Execution Committees, the Guardian Council Supervisors, and the registration and polling stations should have any family relation, by birth or by marriage, with the candidates:

A- Relation by birth- father, mother, child, brother, or sister.

B- Relation by marriage- spouse, mother-in-law, father-in-law, sister-in-law, or brother-in-law.

Article 41- The members of the Execution Committees, after becoming a member, are obliged to attend the meetings and perform their legal duties.

Note 1- In case the governor, deputy governor, the general prosecutor, or the head of the census bureau or his representative, fails to attend the meetings, the Execution Committee must make an official report to the superior authorities.

Note 2- The Executive Committees must note the members' absences in their minutes, mentioning the reason for their absence, and report them to Ministry of Interior.

Article 42- If one or some of the trustees will miss two consecutive or four non-consecutive meetings, or if they don't fulfill their legal duties, or if majority of members of the Committee are absent, governor or the governor deputy shall invite the substitute trustees to replace them. If in despite of such replacements the majority of members of the Committee are still lacking, the rest of the missing members shall be nominated from the other thirty trustees.

Article 43- The District Executive Committees shall immediately meet after the selection of the trustees to determine the number and the location of the registration and polling stations. The Head of the District Executive Committee shall inform the governor of this decision so it can be included in the planning of the Provincial Executive Committee.

Article 44- The District and Provincial Executive Committees will become legal with the presence of two third of their members and their decisions require absolute majority.

Article 45- The Provincial Executive Committees, after determining the location of the registration and polling stations, and after review and approval of District Executive Committees' decisions on the number and place of their registration and polling stations, nine days before the

election day will publicize the elections information including the date and time of election, voter registration requirements, rules and regulations regarding election related offenses and their penalties, and the locations of registration and polling stations throughout the province.

Note - With the approval of the Ministry of Interior, in case of difficulties, the nine-day timeframe can be reduced to seven days.

Article 46- Governor must send three copies of the election information publication to the Ministry of Interior. The Ministry of Interior will send one copy to the Central Election Supervision Committee.

Article 47- The District and Provincial Executive Committees, after publicizing the election information, will choose five literate local trustees for each registration and polling stations, and will nominate them to the governor or deputy governor to finalize their nominations.

Note 1- The staff of the registration and polling stations will choose among themselves a director, deputy director, and three secretaries. They will arrange everything in a manner that one day before the elections the stations will be ready.

Note 2- The location of registration and polling stations cannot be changed after it is announced in election publications unless it is impossible to establish or operate from those location due to unexpected circumstances. In that case the Executive Committee and the Guardian Council Supervisors shall record the circumstances and reasons related to this change. A new station shall be established in the most possible proximity to the old location so that people's access to the new location will not be interrupted. The new location shall be announced to the public.

Note 3- It is against the law to hold registration and polling stations at museums.

Article 48- Governor must directly or indirectly through deputy governor nominate a representative for each registration and polling station.

Article 49- All matters related to the central district should be carried out by the Provincial Executive Committee.

Article 50- District Executive Committee with the approval of the Municipal Executive Committee can arrange for mobile registration and polling station in mountainous and geographically remote places where transportation is problematic and it is impossible to have a regular station. The Municipal Executive Committee can also, if deemed necessary, set mobile registration and polling stations at central district and main city of the province. It shall inform the Supervising Committee and arrange for a representative from the Supervising Committee to be present at the mobile station who will record the whereabouts of the ballot boxes at the mobile stations.

Article 51- was annulled.

Article 52 - was annulled.

Article 53- The Iranian embassies, consular sections, or political representatives abroad can form Executive Committees for presidential elections. These Executive Committees shall be led by the ambassador, senior consul, or the highest political representative. Three of the senior staff of the

embassy, consular section, or political representatives, and five resident expatriate Iranians, who are loyal to the Islamic Revolution and have been selected by the ambassador, senior consul, or the highest political representative, should join the Committee.

Article 54- The Executive Committees of the above-mentioned article should register and report the results of the election. The ambassador, senior consul, or the highest political representative is obliged to inform the Ministry of Interior of the election results with the fastest possible communication through the Ministry of Foreign Affairs.

Chapter five: Candidate Registration and Candidate Qualification Assessment

Article 55- Presidential candidates or their legal representatives, who have been given legal representation in written format, should report their candidacy to the Ministry of Interior within five days after the elections have been officially announced. They should fill the candidate application and submit it to the Ministry of Interior along with four copies of every page of their birth certificate and twelve recent photos (6 cm x 4 cm). They should receive a receipt upon submission of their application.

Note- If a candidate would like to withdraw his candidacy, he must personally, or through his legal representative, inform the Ministry of Interior in writing of his withdrawal.

Article 56- After the end of the candidate registration period, the Ministry of Interior must submit all candidates' documents to the Guardian Council's registrar.

Article 57- the Guardian Council should assess candidates' qualifications within five days after receipt of the candidates' documents. The assessment shall be recorded and a copy should be sent to the Ministry of Interior.

Note- If deemed necessary by the Guardian Council, it can extend this five day period for another five days and inform the Ministry of Interior about this extension.

Article 58- If there is any evidence of candidate disqualification, the Guardian Council will assess the evidence and disqualify the candidate. Their decision will be made public by the Ministry of Interior.

Article 59- The candidates may submit additional documentation in support of their application. They can also submit that documentation directly to the Guardian Council during the time period for candidate qualification assessment.

Article 60- The Ministry of Interior shall inform the public through the mass media of the final list of presidential candidates within two days after receiving the assessment of the Guardian Council.

Article 61- If the Guardian Council will establish, through reports or complaints, that members of the Supervising Committee have violated any of the rules or regulations, it should immediately fire and replace them.

Chapter Six: Campaign

Article 62- In order to ensure candidates' equal access to government facilities, the Ministry of Interior will call for formation of a Review Commission for Election Campaign.

Article 63- The members of the Review Commission for Election Campaign are as follows:

- 1- State general prosecutor or his legal representative.
- 2- Minister of Interior or his legal representative.
- 3- Executive Manager of Iranian National TV and Radio or his legal representative.

Note- The Guardian Council can select one of its members, or somebody from outside, to supervise this commission.

Article 64- Candidates' election radio and TV advertisement should be pre-recorded.

Article 65- All presidential candidates whose qualification have been approved by the Guardian Council and their candidacy has been announced by the Ministry of Interior have the right to use equal share of air time on Iranian state radio and television stations. The Review Commission for Election Campaign shall manage the quantity and quality of candidate election advertisements.

Article 66- Candidates election related activities officially begins at the time their names are announced as candidates by the Ministry of Interior and ends 24 hours before the election day.

Article 67- In the second round, candidates election related activities begins at the time the results of the first round of elections are announced and ends 24 hours before the second round of the elections.

Article 68- After the names of the candidates are officially announced, it is forbidden to conduct propaganda for or against any of the candidates using the Friday prayer sermons or any other use of state facilities and equipments of government employees during work hours, state offices or ministry's facilities, any government run or government related company or organization, or any other entity that runs on state budget (regardless of the amount of the budget). Violating this law is considered an offense.

Note 1- All organizations who are funded through public funds, such as the Foundation for the Oppressed, are included in the above article.

Note 2- The state organizations and institutions and their employees are forbidden to distribute campaign posters or brochures, using their official titles, for or against any of the presidential candidates.

Article 69- It is forbidden to post any election related posters, pictures, or campaign papers, on street signs, traffic signs, hospital banners, school banners, or any other state run educational institution. The police must detain those who violate these rules and submit them to the judiciary. The mayors and deputy governors should remove all these illegal posters.

Article 70- It is against the law to remove to destroy any election related and campaign advertisements which are installed in legal locations during the legal election time period. Violating this law is considered an offense.

Article 71- During the presidential campaigns, the presidential candidates and their supporters should not insult or slander other candidates. Violating this law is considered an offense.

Article 72- All campaign related materials and all posters and flyers shall be removed from the registration and polling stations before the election day.

Article 73- The Election Executive and Supervising Committees cannot campaign for or against any of the candidates. Violating this law is considered an offense.

Article 74- The press cannot publish anything against any of the presidential candidates three days before the elections. They also cannot publish anything that can imply candidate or candidates' withdrawal. In any case, the candidates have the right to reply to any such allegations within 18 hours of their publication. Their replies will be sent to the newspapers through the Ministry of Interior and the newspaper is obliged to publish them before the time such publications are banned by the press code. If the newspaper cannot publish candidate's reply before the banned period, the newspaper shall pay from its own budget to have that reply published in another publication that can be released during that period. Three days before the elections, such election-related material cannot be published in any other venue, even if they are not considered press. The candidates can publish their replies before this three-day ban.

Article 75- With written official request from candidates or their legal representatives, their election-related campaign material can be published in publishing houses.

Article 76- Publishing house's name and address, and the publication date should be printed below every election campaign material.

Article 77- The publishing houses must send four copies of each election campaign material, along with a copy of applicant's written official request, to the Ministry of Interior and the Guardian Council.

Note- the Ministry of Islamic Guidance must inform publishing houses of the articles 74, 75, and 76 through a circular letter. Those who violate these articles shall be brought to justice by the Ministry of Islamic Guidance according to the article 26 of the Law on Publishing Houses dated March 17, 1980, enacted by the Revolutionary Council.

Chapter Seven: Processing Complaints

Article 78- The Guardian Council can announce the results of complaints related to the presidential elections through public mass media.

Article 79- Within one week or maximum ten days from receipt of the presidential election results, the Guardian Council, shall announce its final opinion about the election results to the Ministry of Interior. The Ministry of Interior shall inform the public through the mass media.

Article 80- The Executive Committees shall process the complaints from the day candidates qualifications were announced until two days after the election results were announced. Within 24 hours from filing a complaint, the Executive Committee and the Guardian Council

Supervisors shall form a joint meeting and shall inform the Ministry of Interior about the outcome of their meeting in writing.

Note 1- Those who have any complaints regarding the way the elections were carried out can submit their complaints within three days after the elections to the Guardian Council Supervisors or their registrar.

Note 2- Only those complaints which have the full name of the petitioner/s, his occupation, full address, phone number, and signature, will be processed.

Note 3- If the petitioner files a complaint without any evidence and with the intention of incriminating the presidential candidate, the petitioner's act equals libel and can be prosecuted by law.

Note 4- Filing a complaint and processing a complaint is confidential and it is against the law to disclose this information.

Note 5- The investigators shall report their findings only to the qualified officials.

Article 81- The complaints which are reported to the Executive Committee during the elections, will not hold or stop the elections. These complaints shall be processed in due time.

Article 82- After processing and investigating complaints, if the Executive Committee determines that elections were not carried out properly in one or a number of stations, with the approval of the Guardian Council, the votes from these stations shall be pronounced void.

Article 83- The Ministry of Interior, after receiving the accreditation letter from the Guardian Council, will introduce the elected president to the Supreme Leader or the Leader's Council.

Chapter Eight: Penalties

Article 84- Violating the section 16 of the article 33 will result in the following:

A- If the violator causes fear and terror without an arm, he shall be lashed up to 74 times.

B- If the violator causes fear and terror, armed, he shall be lashed up to 74 times and faces maximum two years imprisonment.

Article 85- If a person votes using a forged title (section 16 of the article 33) he shall be punished by up to 50 lashes. If this person also forged a document he shall also be punished for forgery. If his actions impacted the outcome of elections and if because of his actions the outcome of elections in a district or a municipality were altered, he shall be imprisoned between one to five years.

Article 86- The penalty for violating article 21 and its note is two to six months suspension from office duty.

Article 87- If those members of the Executive Committee who are government employees (i.e. governor, deputy governor, head of census bureau, general prosecutor or his representative) violate the article 41 or the note 2 of the article 47 of this law, their monthly salary will be decreased down to one-third from one to six months according to the decision of court. If other members of the executive committee violate these laws they will be deprived from membership of Executive Committee and Supervisory Committees for two elections.

Article 88- Those who violate article 68, those who conduct campaigns for or against any presidential candidate using live television or radio programs, and those who assist with production of such recorded broadcasts, shall be sentenced to imprisonment between one to six months.

Article 89- If police officers who were ordered, by the governor or deputy governor, to remove campaign-related posters and flyers from public sign posts and other public places mentioned in article 60, refuse to do so, their monthly salary will be decreased down to one-third from one to three months. If a person will be arrested while committing these acts he shall be punished by 5 to 15 lashes.

Article 90- The penalty for violating article 72 is two term deprivation of service in registration and polling stations.

Article 91- The penalty for violating article 74 is closing the publication from one to three months. The author of the article (if known) and the editor-in-chief (if the author is unknown) shall be lashed up to 74 times. The same penalty, 74 lashes, will be applied in case of those violators who are not part of press.

Article 92- The penalty for violating article 71 is the same as the penalty for libel or spreading lies. In other cases the penalty is up to three months imprisonment.

Article 93- In order to assure the proper implementation of the article 99 of the Constitution and maintaining total impartiality, the Guardian Council Supervisors must, during the term of their duty, stay completely impartial. If they express any bias towards any of the candidates it is considered an offense.

Note- The penalty for violating the article above is suspension from duty from six months to one year, or imprisonment from six months to one year.

Article 94- The penalties of this chapter are not limited to the ones mentioned explicitly in the above articles. The judge can choose the penalty form the ones mentioned above or anything else according to the Islamic Penal Code (*Taazirat*).

This law comprises 94 articles and 29 notes. It was enacted on Wednesday, June 26, 1985, at the Islamic Parliament and was approved by the Guardian Council on June 30, 1985.

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.
Translation provided by Ali Afshari.

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