
Iran Presidential Elections

Out-of Country Voting Handbook

Introduction

This handbook is intended to serve as a guide for Iranians resident abroad to understand the out-of-country (OCV) voting process for the presidential elections and participate in that election as voters and observers. An estimated five million Iranians reside outside of Iranⁱ and Iran has offered external voting in its presidential elections since at least 1980.ⁱⁱ Individuals who held Iranian citizenship, were mentally capable and whose dates of birth were registered prior to May 30, 1991, were eligible to vote in the 2009 presidential election.ⁱⁱⁱ

Out-of-Country Voting - A Global Perspective

According to a global survey conduct by International IDEA, OCV is currently allowed in 114 countries – 28 countries in Africa, 16 countries in the Americas, 41 countries in Europe, and 10 in Oceania. There are three policy questions which must be addressed in formulating an OCV process. First, in what types of elections does OCV apply? Longtime citizens abroad may have the right to cast ballots in national elections, but if required to provide a permanent address within the country, may be ineligible to cast ballots in sub-national elections. The table below shows the type of election and number of countries surveyed which permit OCV in those elections.

Table I
OCV and Type of Election

Type of Election	Number of Countries
Legislative elections only	31
Presidential elections only	14
Legislative and presidential elections	20
Legislative and presidential elections and referenda	11
Legislative, presidential, and sub-national elections and referenda	6
Legislative elections and referenda	7
Presidential election and referenda	7

Other combinations	19
Referenda only	0
Total	114

Second, who is eligible to vote? OCV may be open to all citizens abroad regardless of status or length of absence. Or, certain restrictions can be placed on participation, such as voting by diplomatic and military personnel only; voting for those only on short-term absences; and voting directed toward forcibly displaced electorates, such as refugees and asylum seekers. In the latter instances, there have been five sets of elections and one referendum where the international community has supervised the conduct of OVC. In each case, this supervision was provided by the International Organization for Migration (IOM). These elections included Bosnia and Herzegovina, East Timor, Kosovo, Afghanistan, Iraq, and the South Sudan referendum

Third, what are the modalities for casting a ballot? For OCV, there are four modalities: 1) in-person; 2) postal; 3) proxy; and 4) Internet voting. The in-person modalities require the voter to be physically present at a polling station to cast a ballot, such as Argentina, Hungary, and South Africa. In postal voting, the ballots are cast and mailed back to the electoral authorities, such as in Canada, Mexico, and Norway. In proxy voting, the voter who is abroad can designate someone within the country to cast a ballot on their behalf. An in Internet voting ballots are cast via a web site established by the electoral authority, such as in Estonia. Two countries, Australia and New Zealand, permit casting ballots via facsimile machine in some cases. The most common modality is in-person voting, although there are also mixed systems employing multiple modalities. The most common locations for voting are embassies and consulates of the home country which may impose travel obstacles for otherwise eligible voters.

The table below shows the number of countries employing each of these modalities.

Table II
OCV Voting Modalities

Voting Modality	Number of Countries
In-person voting only	54
Postal voting only	25
Proxy voting only	4
Mixed modalities	27
Not available	4

Total	114
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In addition to the franchise, eleven countries also allow for representation of the OCV electorate in the national legislature, in effect, OCV seats. These countries are Algeria, Angola, Cape Verde, Colombia, Croatia, Ecuador, France, Italy, Mozambique panama, Portugal. Within these countries the number of OCV seats set aside range from one (Colombia) to 12 (France and Italy; and, as percentage of total seats, the range is from 0.6 percent (Colombia) to 8.3 percent (Cape Verde).¹

Legal Framework for Out-of-Country Voting

Two documents provide the legal framework for presidential elections in Iran: the *Presidential Election Law of the Islamic Republic of Iran* (Presidential Election Law)^{iv} and the *Bylaw on the Implementation of the Law on Presidential Election of the Islamic Republic* (Bylaw).^v These documents are supplemented by additional bylaws and administrative decrees that together promulgate the procedures, eligibility requirements, and rights and responsibilities for participation in presidential elections.^{vi} Neither of the above documents explicitly authorizes external voting, nor is it referenced in the Iranian Constitution. However, both contain references to organizing voting outside of Iran. The relevant sections are excerpted below.

Presidential Election Law

- 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.
- 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.

¹ IDEA and the Federal Electoral Institute of Mexico, *Voting from Abroad – the International IDEA Handbook*, 2007

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The Bylaw details specific national and sub-national procedures for organization of the election. The only reference to external voting is found at the end of the document. Article 42 holds that “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.”

Unlike many countries that employ OCV, Iran does not restrict entitlement to voting based on length of stay abroad or reason for stay abroad. The legal framework also contains no distinct documentation rules or procedures for external voters. According to news reports, however, external voters in many locations were allowed to produce a passport in lieu of a birth certificate or national identity card, as was required in-country.^{vii}

There is no advance voter registration process either in-country or out-of-country, and no explicit mechanisms are provided in regards to observation of the external vote or the activities of political parties and candidates abroad. It is almost certain that many OCV procedures are determined by administrative decree or by procedural directives, but public access to these documents is not available. Thus, many of the rules and procedures described in this document are taken from news reports and first-hand accounts of the OCV process or are implied by the corresponding rules regarding domestic voting inside Iran.

Out-of-Country Voting – Iran Modalities

Overview

Iran allows only personal voting and does not allow voting by proxy or mail. Overseas Iranians must vote in polling stations set up in their resident country, or return to Iran to vote.^{viii} Seyed Mohammad Javad Rasouli was appointed by Iran’s Foreign Minister as Head of the Out-of-Country Election Headquarters of the 10th Presidential election.^{ix} Rasouli was also the Director General for Iranian Expatriates at the Ministry of Foreign Affairs of Iran.^x

The High Council of Iranian Affairs Abroad was established in Iran in 2004.^{xi} The Council initially worked as a division under the Ministry of Foreign Affairs.^{xii} However, the status of the council was elevated and it started operating under the Presidential Office when the 9th government took office.^{xiii} Mahmoud Ahmadinejad is President of the council, Presidential Chief of Staff, Esfandiar Rahim Mashaei is Deputy President and

Maysam Taheri is the head of the council.^{xiv} Khabar-Online, which is allied with Parliament Speaker, Ali Larijani, reported in 2008 that the ninth government paid particular attention to Iranian expatriates, and that the appointment of Mashaei to the position of Deputy President of the council had been made to achieve that goal.^{xv}

Shortly prior to the elections, Executive Boards of Presidential Elections were formed at out-of-country voting locations in accordance with Article 53 of the Presidential Election law. The Executive Boards were tasked with the overall management of the external vote, including finding polling locations and staff, and implementing the voting process. As per Article 54 of the Presidential Election Law, votes were aggregated and counted by the Executive Boards and the results were communicated to the Iranian Ministry of Foreign Affairs. The Foreign Ministry then transmitted the results to the Ministry of the Interior, which announced the final election results via public media after it is in receipt of the out-of-country and in-country results.^{xvi} These results have subsequently been removed from the MOI website.

Out-of-country voting was reportedly administered in 130 countries in the 2009 presidential election although various news reports differ on the exact number of countries and polling locations.^{xvii} According to Farsi language, 304 ballot boxes were designated to accommodate Iranian expatriates.^{xviii} The ballot boxes were located at Iranian embassies and consulates general, and if permitted, in mosques, shrines, and universities.^{xix} Nine individuals were stationed at each ballot box and approximately 450,000 ballots were dispatched to Iranian embassies and diplomatic missions around the world.^{xx}

The Iranian Ministry of Foreign Affairs asked foreign ministries of countries in which out-of-country voting was intended that ballot boxes be placed at both diplomatic and non-diplomatic locations.^{xxi} Research, however, shows that in at least one instance (Canada) out-of-country voting did not take place at non-diplomatic locations.^{xxii} In addition, OCV in the United States was organized through the Interest Section of the Islamic Republic of Iran at the Pakistani Embassy in Washington D.C., as Iran does not maintain diplomatic relations with the United States. Polling stations across the United States were established and operated by local volunteers chosen by the interests section. According to press reports, the voting locations and staffing were decided about two weeks before the election.^{xxiii}

An overview of polling arrangements by country is shown in the table below.

Table III
OCV Polling Arrangements

Country	Polling Stations
Canada	Iranian embassy in Ottawa. ^{xxiv}
Pakistan	Iranian embassy in Islamabad. ^{xxv}
India	Iranian embassy in New Delhi and the consulate generals in Mumbai and Hyderabad. Voting also

	took place in Pune, Maisur, and Bangalore. ^{xxvi}
China	Iranian embassy in Beijing. ^{xxvii}
Kazakhstan	Voting was held at three polling stations in Kazakhstan: Iran's Consulate General in the city of Astana, the headquarters of the Road-Making Iranians Project in the city of Akkol, the Iranian embassy in the city of Almaty, and at the Iranian Goods Permanent Fair in Chimkent. ^{xxviii}
Kyrgyzstan	Iranian embassy in Bishkek. ^{xxix}
Uzbekistan	Iranians could vote at two polling stations: The Iranian embassy in the capital city of Tashkent and the Tashkent International Airport. ^{xxx}
Malaysia	Six polling stations were designated to Iranian voters in Malaysia: The Embassy of Iran, The Imam Khomeini School in Malaysia, Multimedia University (MMU), Universiti Teknologi Malaysia (UTM) in Johor Bahru, and Universiti Sains Malaysia (USM) Pinang. In addition, three portable ballot boxes were designated to out-of-country voting at Universiti Putra Malaysia (UPM), Desaminium Mosque, Goutta Mines Complex, South City, University of Malaya (UM), UCSI University, Asia Pacific Institute of Information Technology (APIIT), Sunway University, KBU International College, and KDU University College. ^{xxxi}
Singapore	Shangri-La hotel in Singapore. ^{xxxii}
Indonesia	Iranian in Jakarta, Indonesia. ^{xxxiii}
Thailand	Iranian embassy in Bangkok. ^{xxxiv}
Vietnam	Iranian embassy in Hanoi. ^{xxxv}
The Philippines	Iranian embassy in Makati City in the Philippines. ^{xxxvi}
Japan	Iranian embassy in Tokyo. ^{xxxvii} Also, portable ballot boxes were designated to voters in Nagoya, Osaka, and Sendai. ^{xxxviii}
South Korea	Iranian embassy in Seoul. ^{xxxix}
North Korea	Iranian embassy in Pyongyang. ^{xl}
Australia	Iranian embassy in the Australian Capital Territory (ACT). ^{xli}
New Zealand	Iranian embassy in Wellington. ^{xlii}

Sri Lanka	Iranian embassy in the capital city of Colombo. ^{xlvi}
Belarus	Iranian embassy in the capital city of Minsk. ^{xlv}
Syria	Seven ballot boxes were designated to Iranian expatriates and pilgrims in Syria. Iranians cast their ballots at the Embassy of Iran and at Zaynab and Ruqayya Mosques in Damascus. Iranians also voted in the cities of Halab, Lazaqiah and Bab al-salam. Also, a portable ballot box was designated to voters at the Damascus airport, Bab-alsaghir Cemetery, Daria and Zain-Alabedin areas in Damascus. ^{xlv}
Turkey	The exact locations of polling stations are not clear. Voting took place in Ankara, Istanbul, Izmir, and Trabzon. ^{xlvi} The Iranian embassy is located in Ankara and its consulate general is in Istanbul.
Italy	Iranian embassy in Rome and the consulate general in Milan were designated as polling stations for Iranian voters. ^{xlvii}
Qatar	Six ballot boxes were placed at the Iranian embassy in Doha and a girls' school and a boys' school in Qatar. ^{xlviii}
Kuwait	Five polling stations in Kuwait were located at the Iranian embassy in Kuwait City, the Iranian consulate, the cultural Office, and the Iranian girls' and boys' schools. ^{xlix}
Bahrain	Iranians in Bahrain voted in the Building of the Iranian embassy and the consular section of the embassy in Manama in Bahrain. ⁱ
The United Arab Emirates	The election was held at the Iranian embassy in Abu Dhabi, the Iranian consulate in Dubai, and other designated locations in Shahrul Ain, Sharjah, and Fujairah. ⁱⁱ
Iraq	14 ballot boxes were available in Iraq to accommodate Iranian voters. ⁱⁱⁱ 12 ballot boxes were located in Basra, Najaf, Karbala, Sulaymaniyah, Erbil, Baghdad, Kazemain and Samarra. ⁱⁱⁱⁱ Two portable ballot boxes were placed on the border of Shalamchah, and at Baghdad Airport. ^{lv}
Saudi Arabia	It was estimated that approximately 5000 pilgrims would be able to vote at the Iranian consulate on arrival in Saudi Arabia, departure for Medina, or departure from Saudi Arabia. ^{lv}
Oman	Two ballot boxes were placed at the Iranian embassy in Muscat in Oman, one of which was portable. ^{lvi}

England	Iranians voted at the consular section of the Iranian embassy in London. ^{lvii}
Belgium	Voting took place at the Iranian consulate in Belgium. ^{lviii}
The United States	Only names of cities where voting took place are available. Voting was held at 38 polling stations across the United States. ^{lix}

Out-of-Country Electoral Issues - 2009

Confusion with Ballot

Both in-country and OCV voters were apparently issued identical ballots. Voters were required to write in the candidate's name and a unique code assigned to each candidate. To vote for Ahmedinijad, for example, the voter was instructed to write his name and enter the code 44. To vote for Mousavi, they entered the code 77. According to PBS, however, OCV voters were sometimes provided incorrect numbers or numbers that did not correspond with the code used in country. In California and London, "voters were told that Mousavi's code was simply '4.' Thus, Mousavi voters wrote in his name and entered the number '4' in the code box. To add to the confusion and perhaps credibility to the claim that Mousavi's code was '4,' Mousavi was listed as the fourth candidate on the ballot. In New York, the system differed from even that: voters who asked about the box were told to 'leave it blank.'^{lx}

These issues open opportunities for electoral manipulation at counting centers. During the verification process for each ballot, the tabulator could either invalidate the ballot or make an assumption about the voter's intent. In either case, these issues provided opportunities to manipulate the tally.

Lack of Ballots

A shortage of ballots was reported in: San Francisco, Tysons Corner (Virginia, US) – PBS report

Counting and Reporting

According to Article 53 of the Presidential Election law, The Executive Boards aggregate the votes and the results are communicated to the Iranian Ministry of Foreign Affairs.^{lxi} The Iranian foreign ministry then transmits the results to the Ministry of the Interior.^{lxii} The Interior Ministry announces the final election results via public media after it is in receipt of the out-of-country and in-country results.^{lxiii} Article 18 of the Presidential Election Law requires that the Ministry of Interior (MOI), after counting the ballots

inside and outside the country, must inform the public about the final results of the elections through mass media.^{lxiv}

There is no available information on how OCV votes were tallied and whether the counting process was observed by political parties.

The MOI data reported by Iran Press TV appears incomplete. Only 95 countries or territories are listed on the official results released by the MOI, while other press reports indicated that polling would take place in 130 countries or territories. Because of discrepancies and reporting deficiencies (i.e., invalid votes were not reported by polling station except in one case), it is not clear how many total votes were cast abroad. Figure range from 234,812 votes (Iran Press TV claiming to report Ministry of Interior figures) to 372,225 (calculations made by AEI based on the Press TV data).

A review of the reported results finds the following major inconsistencies:

- The results from Quetta Pakistan report 74 votes cast, yet 177,542 votes for candidate Moussavi. This is likely the result of simple human error.
- In a number of countries (such as the United States, Turkey, Iraq, and the United Arab Emirates among others), Press reports indicate multiple polling locations across the country, but results are only reported for one city. In the United States, it is clear that polling occurred in at least 31 locations and that tens of thousands of Iranians voted. Yet results are only released from New York.
- Only one polling station (Lahore in Pakistan) provides data for spoiled ballots (the number reported was zero). In many cases, however, there is a discrepancy between the summed total of votes cast for each candidate. This implies that in many cases, there were indeed spoiled ballots. It is not clear why these data were not included in the MOI report. In a few cases (Canberra, Australia, for example), the summed total of votes cast for each candidate exceeded the reported number of total votes cast.

It is possible that these inconsistencies reflect human error rather than wide-scale attempts to manipulate the external vote. Nevertheless, The OCV vote tabulation should have been a relatively straightforward exercise. If the tabulation process was able to produce the significant number of errors and inconsistencies identified, one must wonder about the overall quality control of the vote aggregation and reporting process at the MOI.

Observing Out-of-Country Voting

International and domestic election observation is defined as: “the systematic, comprehensive, and accurate gathering of information concerning the laws, processes and

institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis.” Election observation can be short term or long term in nature; observation can be conducted by international, regional or domestic stakeholders. The goal is to observe the administration and conduct of an election in order to enhance its transparency and accountability, and to build public confidence in the election results, and ensure that the outcome reflects the will of the people.

Election observation can be conducted over a short-term (days or weeks around Election Day itself), medium-term (with more time committed to observing the pre-and post-election periods), or long-term (a field presence of at least a few months). Observation can also be conducted using a combination of these methods, with a smaller long-term presence on the ground supplemented by a larger short-term presence around Election Day itself. In recent years election observation groups have placed a greater emphasis on longer-term observation and reporting.

Different forms of election observation can be conducted by a variety of agents, including:

- Domestic organizations;
- Political parties;
- Regional organizations;
- International organizations;
- Inter-governmental organizations;
- Alliances; and
- Independent experts, parliamentarians, and notable figures.

Observation of the participation of OCV presents new challenges to the structure, staffing, and resources of an observation program. Coordinating the observation of displaced voter participation can be particularly challenging when the conflict has produced a widespread dispersal of electors in many countries. Observation of postal or electronic voting programs can also require unique expertise that is not typical for an election observation mission. Finally, out-of-country processes may require the permission of host-states for observers to conduct their work.

When making the decision to observe the participation of displaced voters, an organization must assess its capacity to do so and frame its reporting and commentary appropriately. If a lack of resources prevents an organization from observing displaced electorate registration, campaigning, and voting in a reasonable number of locations, the

observer organization must be sure that its capacity and methodology are clearly identified and that any recommendations or reporting is framed within this context.

Although organizations may face many challenges in observing OCV, the following is a check list of items election observation groups should consider.

- Assess the political environment: Is there general agreement on the terms for OCV? Is there general confidence in the process?
- Assess the legal framework and the Electoral Management Bodies (EMBs)
- Where campaigning is allowed, assess the campaign period: can voters make an informed choice from out-of-country?
- Assess the role of host-states in facilitating the participation of refugees and the overall commitment to a genuine and inclusive process.
- Determine if adequate voter and civic education is available to out-of-country electorates.
- Where voting is done in-person, observe polling and ballot tabulation.
- Where voting is done in-person at embassies, ensure that the embassy is considered “neutral” space by all segments of the displaced electorate.

Through voting and monitoring, Iranians resident abroad can take steps to ensure that the integrity of OCV is intact and, if not, where the focus of reform should be directed in order to improve the integrity of OCV.

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ii “Voting From Abroad: The International Idea Handbook,” International IDEA Website, P. 239, Retrieved August 15, 2012, http://www.idea.int/publications/voting_from_abroad/upload/chap1.pdf.

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vi Not all of these documents are available online. A useful collection of available Iranian electoral laws translated into English is available at “The Iran Electoral Archive” maintained by the Scoula Superiore Sant’Anna at: http://www.sssup.it/context_eng.jsp?ID_LINK=7928&area=47&lang=UK.

vii “*Iranian-Americans Cast ballots on Iran’s Future*,” CNN, Retrieved August 2, 2012, <http://edition.cnn.com/2009/US/06/12/iran.elections.voting>.

viii See “*Voting From Abroad: The International Idea Handbook*,” P. 23.

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xi The High Council of Iranian Affairs Abroad, Retrieved April 6, 2012, <http://www.iranianshouse.ir/index.aspx?siteid=6&pageid=1060>

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xiii See The High Council of Iranian Affairs Abroad.

xiv See The High Council of Iranian Affairs Abroad.

xv “*Special Attention Given to Votes of Expatriates*,” khabar-online, Retrieved April 4, 2012, <http://www.khabaronline.ir/detail/8258/politics/election>.

xvi See Article 54 of Presidential Election Law.

xvii See “*Overseas Iranians Dumped Ahmadinejad and Voted Overwhelmingly in Favor of Mousavi*,” Vancouverite, Retrieved July 29, 2012, <http://www.vancouverite.com/2009/06/16/overseas-iranians-dumped-ahmadinejad-and-voted-overwhelmingly-in-favour-of-mousavi>; “*Iranians abroad question impact of elections*,” Aljazeera, Retrieved July 30, 2012, <http://www.aljazeera.com/indepth/features/2012/02/201222075034498638.html>; and “*Heavy Absentee Voting by Iranians in Iraq*,” New York Times, http://www.nytimes.com/2009/06/13/world/middleeast/13baghdad.html?_r=1

xviii “*Presidential Elections to be Held in 130 Countries*,” Arya News Agency, Retrieved 27 March, 2012, <http://www.aryanews.com/Lct/fa-ir/News/20090531/20090531123618956.htm>.

xix “*Presidential Elections to be Held in 130 Countries*,” Arya News Agency.

xx “*Presidential Elections to be Held in 130 Countries*,” Arya News Agency; also See “*Iranian Expatriates Ready to Vote with People of Iran in 9th Presidential Elections*,” Jam-e Jam Online, Retrieved March 29, 2012, <http://www.jamejamonline.ir/newstext.aspx?newsnum=100909231790>.

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xlix *"82 Percent turn-out in Presidential Election, Election Results in Kuwait and Qatar,"* Naft News.

^l See *"Inked Fingers beyond Borders,"* Ebtekar Newspaper, Retrieved April 4, 2012,
<http://www.ebtekarnews.com/Ebtekar/News.aspx?NID=50294>

li *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

lii *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

liii *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

liv *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

lv *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

lvi *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

lvii *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

lviii *"Inked Fingers beyond Borders,"* Ebtekar Newspaper.

^{lix} *"Increase in Number of Presidential Polling Stations in the United States,"* Simorgh Website , Retrieved April 5, 2012: <http://www.seemorgh.com/news/default.aspx?tabid=2392&conid=32046>

^{lx} <http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2009/06/the-expat-vote.html#ixzz21Ytwldtq>

^{lxi} Article 54 of Presidential Election law provides: "The Executive Board mentioned in the above article documents the results after the election comes to an end and the votes are aggregated. The ambassador, consul general, or the highest-ranking official of the diplomatic mission is then obliged to notify the Ministry of the Interior of the results through the Foreign Ministry via the fastest possible communication means."

^{lxii} See Article 54 of Presidential Election Law.

^{lxiii} See Article 18.

^{lxiv} Election Law