

## 10th Majlis Election in Iran: Structural, Institutional, Legal, and Political Issues

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### Abstract

The 10<sup>th</sup> Majlis election was held in the Islamic Republic of Iran on 26 February 2016. The election witnessed a record number of disqualified candidates by the Guardian Council. Notwithstanding this, the pro-government candidates were well-received by the voters. President Hassan Rouhani's foreign policy and the nuclear deal that had concluded with the international community, held a special place in the political debates during the election. This paper first analyses the importance of the 10<sup>th</sup> Majlis election in Iran in the light of President Rouhani's foreign policy. Secondly, it explores the election process. This paper argues that elections in Iran suffer from four types of issues. First characteristic is closely linked with the theocratic nature of the Iranian political system. Second one is connected with the Iranian electoral system. Third one arises from the inefficiency of electoral institutions. Finally, those issues caused by the discriminative approach of the Iranian ruling elites towards certain political parties and ethno religious groups.

**Keywords:** Guardian Council, Majlis Election, Vetting of the Candidates, Iran

## İran'da Onuncu Meclis Seçimleri: Yapısal, Kurumsal, Yasal ve Siyasal Sorunlar

### Özet

İran İslam Cumhuriyeti, 26 Şubat 2016 tarihinde onuncu meclis seçimini gerçekleştirdi. Seçim, Anayasa Koruyucuları Konseyi tarafından rekor sayıda adayın elenmesine tanık oldu. Buna rağmen, hükümet yanlısı üyeler, seçmenler tarafından çok olumlu karşılandılar. Cumhurbaşkanı Hasan Ruhani'nin dış politika ve nükleer enerji konularında uluslararası toplumla anlaşmaya varması, seçim süreci boyunca yaşanan siyasal tartışmalarda önemli bir yer tutmuştur. Bu çalışma, ilk olarak Cumhurbaşkanı Ruhani'nin izlediği dış politika ışığında İran'daki onuncu meclis seçimlerinin önemini analiz etmektedir. İkinci olarak seçim sürecini ele almaktadır. Bu makale İran'daki seçimlerin dört farklı sorunla karşı karşıya kaldığını iddia etmektedir. Birincisi İran siyasal sisteminin teokratik doğasıyla yakından bağlantılıdır. İkinci sorun İran seçim sistemiyle ilgili olup üçüncüsü seçim kuruluşlarının yetersizliği sebebiyle ortaya çıkmıştır. Sonuncusu ise İran'ın yönetici seçkinlerinin belirli siyasal partilere ve etnik-dini gruplara yönelik dışlayıcı yaklaşımından kaynaklanmıştır.

**Anahtar kelimeler:** Anayasa Koruyucuları Konseyi, Meclis, İran, Seçim, Üyelerin incelenmesi

The Islamic Republic of Iran is essentially a theocratic state. But it has also accommodated some republican institutions such as Presidency, Islamic Consultative Assembly (Majlis e Shuray e Islami), and Islamic Councils for Cities and Villages (Shurahay e Islami e Shahr va Rusta) all based on popular votes. Therefore elections are regularly held in Iran, and the Iranian ruling elites are proud of these elections. They depict people's participation to these elections as a sign of support for their ruling style.

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However, what the Iranian ruling elites tend to ignore, is that the ‘election’ is not an ‘end’ but a ‘mean’. It is supposed to achieve three fundamental goals: First, to empower the citizens to choose their preferred policy and party from a group of contending policies and parties; second, to enable them to hold the authorities accountable for their policies and practices; and third, to practically materialize the idea of ‘sovereignty belongs to the people’.<sup>1</sup>

Moreover, the election is neither a single day event nor confined to the voting and results rather it is a long continuous process which starts from the very beginning of the establishment of a political system to the election-day and beyond. Therefore, before conducting an election, a society should have a sound electoral legal framework as primary requirement for a fair and credible election. Such a framework prepares the ground for various political forces and stakeholders to participate in the election.<sup>2</sup> It should also provide for a proper ‘Electoral Management’ that plans, organizes and delivers an election.<sup>3</sup> The election body is required to prove its legitimacy through political neutrality and impartiality.<sup>4</sup>

Within this background, this paper examines the 10<sup>th</sup> Majlis e Shuray e Islami (here after called 10<sup>th</sup> Majlis) election held on February 26, 2016. It specifically focuses on the following questions: What was the importance of the 10<sup>th</sup> Majlis election? How was it conducted? Did it meet basic standards for a free and fair election? Finally, what are the major fault-lines in the Iranian elections? To answer the above mentioned questions, first the paper looks at the Iranian electoral system. Second, it looks at the political environment in which the 10<sup>th</sup> Majlis election was held. Third, it discusses different dimensions of the election, and finally it analyses the results.

### Electoral System in Iran

The electoral system of the Islamic Republic of Iran is unique. It is customized to accommodate the requirements of a theocratic political system. In most areas, the democratic spirit of the system is compromised in favour of the theocratic structure. Bill Sweeney describes the Iranian electoral system as follows: “Iran’s constitution establishes the nation as both a democracy and a theocracy, blending the liberal notion of popular sovereignty with oversight by the Guardian Council to ensure political candidates, laws and regulations adhere to Islamic practices.”<sup>5</sup> This dichotomy is visibly manifested in the Islamic Republic of Iran’s electoral system.

The electoral system of Iran is tightly controlled by the Guardian Council, (Shuray e Nigah’ban), a body consisted of six Shia clergy and six Shia law experts. Since early 1990s, the Guardian Council is headed by an *octogenarian* hardline cleric namely Ayatollah Ahmad Jannati.

<sup>1</sup> Elklit, J. and Reynolds, A., A Framework for the Systematic Study of Election Quality, Democratization, 12(2), 2005, pp. 147-162.

<sup>2</sup> Esipisu, Manoah & Khaguli, Isaac, E.(Eds.), Eyes of Democracy: The Media and Elections, London, U.K, Commonwealth Secretariat, 2009, p. 1.

<sup>3</sup> Spinelli, Antonio, Strategic Planning for Effective Electoral Management: A Practical Guide for Electoral Management Bodies to Conduct a Strategic Planning Exercise, International Foundation for Electoral Systems, U.S.A, 2011, p. 9.

<sup>4</sup> Kerr, Nicholas N., Electoral Governance in sub-Saharan Africa: Assessing the Impact of Electoral Management Bodies’ Autonomy and Capacity on Citizens’ Perceptions of Election Quality, USA: International Foundation for Electoral Systems (IFES), 2009, p. 12.

<sup>5</sup> Alem, Yasmin, Foreword, P. (Eds.), Duality by Design: The Iranian Electoral System, Washington: International Foundation for Electoral Systems (IFES), 2011.

Therefore, while elections are regularly held in Iran, the results are partially predetermined, making it almost impossible to bring any substantial change to the theocratic political structure of the country. All nominees should undergo a double-phase vetting process, first by the Provincial Executive Committees, (Kumitih e Ijrayee Ustan'ha) controlled by the executive, and then by the Provincial Supervisory Committees, (Kumitih e Nezarat e Ustanha) functioning under the Guardian Council.

According to the article 28 of the Iranian Electoral Act, the qualification of the nominees must be confirmed based on several criteria including their firm belief in the theocratic political system of Iran and the absolute ruling authority of the juris-consult (*vilayat e mutlaqih e faqih*). In tandem with the article 48 of the Electoral Act, the qualification of the nominees should be determined on the basis of the reports from the following four sources: Ministry of Intelligence, Police Court, and the National Registration Authority. But, in practice, the Guardian Council has its own method of vetting and as such does not rely on the above sources. Traditionally, the Guardian Council would decide either a nominee was 'qualified' or 'disqualified' for contesting in the election. At the threshold of the 7<sup>th</sup> Majlis election held on February 20, 2004, the Guardian Council added a new group of nominees which included those who were 'not disqualified but their qualification also is not confirmed'.

Since then, in every election the Guardian Council categorizes the nominees into three categories: 1- Those whose qualifications could not be confirmed, which means that their eligibility is not evident to the Guardian Council. 2- Those who are disqualified, which means that the Guardian Council has arrived at a firm conclusion about their disqualification. 3- Those whose qualifications are confirmed, which means they are meeting all nomination requirements, thus are allowed to enter into the electoral race. Therefore, the Guardian Council's approach goes in opposite to the common legal rule which says "one is innocent until proven guilty". To the GC a nominee is disqualified until proven qualified.<sup>6</sup>

Essentially, the Iranian constitution mentions about the supervisory role of the Guardian Council over the elections, but it is silent on the nature of this supervision. Taking the advantage of this ambiguity, the Guardian Council exercises an 'Approbative Supervision'. It officially authorizes and sanctions throughout the elections processes. It has the power either to approve or rejects the results. The nature of the Guardian Council's supervision is an ongoing debate in the country; however, there is no any legal possibility from outside to change the 'Approbative' supervisory role of the Guardian Council, as it is the Guardian Council itself which is responsible for the interpretation of the constitution in tandem with the article 98 of the Iranian constitution.

Over the years, the Guardian Council has continued its encroachment to the executive domain in relations with elections. In 2003 it started establishing provincial units. In some provinces, these units were ordered closed by the respective provincial governors, declaring them as interference to the executive domain. But, the Guardian Council succeeded to restrain closure orders through challenging them in the Administrative Appeals Tribunal.<sup>7</sup>

It is necessary to note that the Guardian Council has also full control over the legislation. All laws passed by the Majlis, must be ratified and confirmed by the Guardian Council. Article 93 of the Iranian constitution asserts: "the Islamic Consultative Assembly

<sup>6</sup> Kayan, Spokesperson of the Judiciary: attacking the GC and its mandate is a crime, 4 Jan 2016, p. 10.

<sup>7</sup> Islamic Parliament Research Center, Bill no. 504/82, 7 Sep 2003, <http://rc.majlis.ir/fa/law/show/104227>, (13.05. 2016).

does not hold any legal status if there is no Guardian Council in existence [...]” Given the strong role of the Guardian Council in the elections and legislations, there is a debate over the actual purpose of the elections in Iran. There are scholars who believe that elections in Iran are safety valves,<sup>8</sup> and there are also some political groups who desperately call for election boycott.

### The Importance of 10<sup>th</sup> Majlis Elections

The 10<sup>th</sup> Majlis election was a significant political event in Iran for many reasons. Up to 2013 the executive and the legislature both were controlled by hardliner conservatives close to the Supreme Leader. In 2013 presidential election, they lost the executive to Hassan Rouhani, a moderate candidate, while the legislature (9<sup>th</sup> Majlis) remained under their control. The 9<sup>th</sup> Majlis was a real obstacle to President Rouhani’s moderate approach to various national issues particularly foreign policy. For instance, from May 28, 2015 to November 27, 2015, it forwarded about 2,456 warnings and 452 questions to President Rouhani’s government in relation to its internal and external policies.<sup>9</sup>

Right from the beginning, President Rouhani was determined to pull the country back from political and economic isolation, so that he can fulfill the economic promises he had made during his 2013 presidential campaign. To control the 10<sup>th</sup> Majlis became vital for President Rouhani when he concluded a historic nuclear accord with great powers. The 9<sup>th</sup> Majlis was against the deal. The conservatives were suspicious of the Americans, and believed that the American adherence to uphold the provisions of the deal, was part of penetration plan by the US to install its ‘moles’ in the Islamic Republic of Iran’s political system. Even, Ayatollah Khamenei, the Supreme Leader of the country, in his address to the Islamic Revolutionary Guards commanders on September 16, 2015 warned that the enemy wanted to penetrate into the Islamic Republic’s key decision-making institutions.<sup>10</sup>

Although, the Supreme Leader did not specifically mention about the channel and indicators of penetration, his supporters quickly picked the nuclear deal as ‘indicator’, and the elections as ‘channel’ of penetration. Following that, ‘penetrative agents’ became a key label for the supporters of Rouhani’s foreign policy. To the opponents of President Rouhani, sanction relief toward Iran was a US conspiracy to assist pro government forces in gaining votes during the 10<sup>th</sup> Majlis election. This view was particularly supported by close circle of the Supreme Leader, such as daily *Kayhan*, whose chief editor is a direct appointee of the Supreme Leader.<sup>11</sup> In one of its report, the daily wrote that ‘reconciliation’ and ‘nuclear deal’ were “two fast-horses through which the reformists were expecting to overtake Baharistan, [Majlis premise]”. The paper argued that reformists were expecting miracle from the nuclear deals during the 10th Majlis election.<sup>12</sup> In another report entitled “American Electoral Tactics: Moderate Mask on the Face of the Seditious” the daily quoted President Obama saying that a nuclear deal with Iran would strengthen the position of moderate forces in that country.<sup>13</sup> Meantime, some journalists and political activists were arrested by the Islamic Revolutionary Guards (IRG) on the charge of collaborating with the US and Western countries.<sup>14</sup>

<sup>8</sup> Milani, A., & Mcfaul, M., Democracy and the politics of parliamentary elections in Iran, *The Brown Journal of World Affairs*, 25(1), 2008, pp. 25-36.

<sup>9</sup> Shargh, Report by the Deputy Supervision of Majlis, 7 Jan 2016, p. 2.

<sup>10</sup> *Kayhan*, Supreme Leader’s Text of Speech, 17 Sep 2015, p. 3.

<sup>11</sup> *Kayhan*, The West’s wishful thinking: penetrating into election through nuclear deal, 7 Jan 2016, p. 2.

<sup>12</sup> *Kayhan*, The project of electoral use of the nuclear deal boomeranged, 31 Dec 2015, pp. 1 & 10.

<sup>13</sup> *Kayhan*, The US’s electoral tactic, 12 Jan 2016, pp. 1&2.

<sup>14</sup> Etimad, IRG Press Release, 4 Nov 2015, p. 2.

The closing weeks to the 10<sup>th</sup> Majlis election became more challenging to President Rouhani's government being coincided with the implementation stage of the nuclear accord. For instance, on January 16, 2016, the Guardian Council was supposed to release the list of qualified candidates. On the same day, Muhammad Jawad Zarif, the Iranian foreign minister, and John Kerry, the American state secretary, were supposed to meet in Vienna, Austria to declare lifting nuclear sanctions against Iran. Also, on the same day the International Atomic Energy Agency (IAEA), was scheduled to confirm and approve the measures Iran had taken to eradicate its nuclear facilities as a part of the nuclear deal. Therefore, to have a supportive Majlis behind, was vital for the success of the nuclear deal in its implementation stage as well. However, it was not an easy task. Having full control over the Guardian Council as a gate keeper, the hardliners possessed a powerful tool to maintain their hold over the Majlis.

In addition to legal debates over the nature of the Guardian Council's electoral mandate, there have always been allegations of systematic irregularities in the Iranian elections. Therefore, President Rouhani was also under pressure from his supporters to conduct a free and fair election. For instance, 296 academics from different Iranian universities in an open letter to the president supported his foreign policy including his nuclear deal, while demanding for a free and fair elections. They particularly urged that not conducting an election was far better than conducting a non-free and non-fair election.<sup>15</sup>

Being responsible for administering election process, President Rouhani seemed determined to conduct a transparent election. But the Guardian Council was beyond his control. It was expected that the Guardian Council would pave the way for hardliners' easy win by disqualifying potential pro government candidates. That is why, in his address to the cabinet members and provincial governors on August 19, 2015, President Rouhani came with his boldest ever remarks against the Guardian Council. He resembled the Guardian Council's role (as a supervisory body) to the 'eye' while the government's role (as the in-charge of administering the election) to the 'hand'. He argued that the 'eye' could not perform the function of the 'hands', and emphasized that the Guardian Council's function ought to be limited to supervision. He added that there was no institutions in the country which could deprive experienced and committed people to serve the country.<sup>16</sup>

President Rouhani's statement was followed by a chain of reaction from hardliners. The deputy secretary of the Guardian Council stated that the role of Guardian Council was clear, being 'approbative' in nature. He emphasized that the Guardian Council's decision with regard to the qualification of the nominees was final and absolute.<sup>17</sup> The speakers of the judiciary also warned that criticizing the responsibility of the Guardian Council was a crime that could invite severe punishment.<sup>18</sup> It was also reported that President Rouhani had received a warning from the Ayatollah Yazdi, the Head of Assembly of Expert during an official meeting. According to the report, Ayatollah Yazdi had warned the president that the role of the Guardian Council was not that of a spectator, and that the Assembly of Expert would not tolerate weakening the Guardian Council.<sup>19</sup> Meantime, Masud Jafari, the Commander of the Revolutionary Guard stated

<sup>15</sup> Kaleme, Letter of 296 academics to the president, 8 Feb 2016, <http://www.kaleme.com/1394/11/19/klm-237001/>, (19.05.2016).

<sup>16</sup> Etimad, Hassan Rouhani's text of speech, 20 Aug 2015, p. 2.

<sup>17</sup> Etimad, The GC's deputy reacted to Rouhani's statement, 22 August 2015, p. 2.

<sup>18</sup> Kayan, Spokesperson of the Judiciary: attacking the GC and its mandate is a crime, 4 Jan 2016, p. 10.

<sup>19</sup> Mahshid e Setudeh, Warning to Rouhani at the Assembly of Experts, Etimad, 2 Sep 2015, p. 3.

that: “those who want to open new ways for the penetration of the aliens to the country, should know that we will never allow such thinking to grow and be implemented”.<sup>20</sup>

### **Political Alignment in the Islamic Republic of Iran**

Essentially, the article 26 of the Iranian constitution provides for political parties, though it asserts that political parties cannot question the fundamental principles of the theocratic political system of Iran. According to Majid Khurshidi, deputy home ministers for political affairs, there are 243 registered political parties in the country.<sup>21</sup> But there is no any mass-based political party in its real sense in Iran. Therefore, political parties in Iran have no significant role in the Iranian politics. Some analysts label these parties as ‘non-real political parties’, ‘nascent political parties’, or ‘political ‘bands’.<sup>22</sup>

In the absence of parties, political alignment in Iran is characterized by ‘wing’. Till late 1990s, the mainstream political forces in Iran were classified under ‘right wing’ and ‘left wing’. The ‘right wing’ encompassed conservative forces attached with clerical entities such as Society of Islamic Coalition (Jamiat e Mutalifih Islami) and Combatant Clergy Association (Jamiheh Rouhaniyat Mubariz). This wing has always been dominant in the Iranian politics, owing its affinity with the Supreme Leader. The ‘left wing’ encompassed progressive forces, and attached with political entities such as Organization of the Warriors of the Islamic Revolution. (Sazman e Mujahedin e Inqilab e Islami).

In 1997’s presidential election, the ‘left wing’ supported Muhammad Khatami, a reformist, who won presidential election against his rival Nateq e Nouri, the ‘right wing’ candidate. Consequently, the ‘left wing’ was renamed as ‘reformist wing’. This wing became particularly powerful when it achieved a clean sweep in the 6<sup>th</sup> Majlis election held on February 18, 2000. Five years later the ‘right wing’ reorganized itself under the label of ‘principled wing’, and its candidate Mahmoud Ahmadinejad won 2005 presidential election. The ‘reformist wing’ was significantly marginalized after 2009 post-presidential election riots being the bastion of the so-called Green Movement.

At the threshold of the 2013 presidential election a new political brand namely ‘moderate wing’ was emerged under the leadership of Hassan Rouhani, the current president. This wing encompassed moderate forces from both ‘reformist’ and ‘principled’ wings. It is believed that the genesis of this wing is found at the Institute of the Strategic Studies, a think tank associated with the Iranian Expediency Council. At present there are three political wings in the political landscape of the Islamic Republic: Reformist, moderate, and principled. However, the ‘principled wing’ is politically more powerful given its attachment with the Supreme Leader of the Islamic Republic, the Islamic Revolutionary Guard, and some influential clergy stationed in Qom, the religious hub of the Islamic Republic.

It necessary to note that there are several groupings within each camp, each one following its own agenda. It is also possible that two or more conflicting groups operate under the banner of the same wing. For instance, the supporters of the former President Ahmadinejad are politically associated with the ‘principled wing’, but they are labelled as ‘deviant current’ by their own inmates. Moreover, many groups emerge only the time of the elections, and often refer to themselves as front, which are in fact loose federations of individuals. These groups do not have social roots and networks, and often based on the

<sup>20</sup> Dunyay e Iqtisad, Reaction to Rouhani’s electoral statement, 22 Aug 2015, p. 8.

<sup>21</sup> Arman Emruz, Majid Khurshidi’s text of statement, 1 Feb 2016, p. 1.

<sup>22</sup> Barrington, Lowell, Comparative Politics: Structures and Choices, Cengage Learning, Boston, Wadsworth, 2010, p. 369.

personalities, or are identified with the ‘wing’ with which they are associated. At the time of elections every front and group introduces its own list of candidates. It is also very common for an individual candidate to be in different candidacy list simultaneously.

In addition to political wings, one should also note that there is a highly politicized media existent in Iran. In the Islamic Republic, newspapers, instead of the professionalism, function as political parties. Hassan Behishtipur, a media analyst, describes this circumstances as follows:

The problem with the Iranian newspapers is that they function as political parties. It means that the newspaper is introduced to the people as a [political] party. It means that the newspapers not only have filled the empty places of political parties, but are also working as political parties on behalf of political parties.<sup>23</sup>

Therefore, while political parties are weak, newspapers in Iran are the main vehicles of factional politics in the Islamic Republic particularly during the elections. However, newspapers close to the ‘principled wing’ have an open hand in their reporting, while those associated with ‘reformist’ or ‘moderate’ wing are operating in a less secure environment. Thus, on August 29, 2015, President Rouhani openly criticized this discrimination with following words:

Whatever it (media close to the ‘principled wing’) says, nothing goes against it. I do not know how it insults, and accuses and lies; but on the other hand, if the other side (media close to moderate or reformist wing) commits a small or minor offence, the entire state apparatus becomes active to punish it.<sup>24</sup>

During the 10<sup>th</sup> Majlis election, the principled media was significantly active to undermine President Rouhani’s government’s performance particularly in the foreign policy domain.

### 10<sup>th</sup> Majlis Election

Given the importance of the 10<sup>th</sup> Majlis discussed earlier, countdowing about this election was started soon after the victory of President Rouhani in 2013 presidential election. However, it formally started with filing nomination applications. The nomination time-frame had been scheduled from December 17, 2015 to December 23, 2015. Over this period a record number of 12,477 nominees registered their names for 290 seats of the parliament.<sup>25</sup> Though, observers and analysts would expect a good number of applicants, non of them had expected such a huge number. The record number of applicants was particularly unexpected for the Iranian religious authorities. As a result, other political issues related to the election, the high number of applicants also turned into a political issue.

While, the moderates and reformist forces would view the high number of nominees as a sign of political progress, to the ‘principled wing’, it was a clear conspiracy against the Islamic Republic. Daily *Kayhan*, in a report, entitled, Behind the Curtain of Mass Nomination of So-called Reformists’, argued that the seditionists by their high

<sup>23</sup> Farhani, Ali, Interview with Hassan Behishtipur, Ebtikar, 16 Jan 2016, p. 2.

<sup>24</sup> Shargh, Hassan Rouhani’s Press Conference-Report, 30 Aug 2015, pp. 1&3.

<sup>25</sup> Farahani, Ali, 42% qualified, 30% unconfirmed, 25% disqualified-vetting report, Ebtikar, 18 Jan 2016, p. 2.

number of the nominees disclosed their plan for controlling key institutions of the Islamic Republic. The report claimed that the reformists had chalked out a three-layer-tactic, so that they can increase the political cost of their disqualification in the hand of the Guardian Council. The first layer, the paper claimed, would also function as protection shield for the second and third layers in order to exert heavy pressure on the Guardian Council. Therefore, *Kayhan* argued, with apparent disqualification of pro-government nominees, the western media would propagate against the Islamic Republic taking into account the statistics pertaining total number of applicants, and the percentage of disqualified candidates by the Guardian Council.<sup>26</sup> The Secretary of Guardian Council, Ayatollah Jannati, also criticized the high number of nomination. In his Friday prayers sermon speech on January 4, 2016 at Tehran University, Jannati stated:

Those who have been defeated and failed [in past], are seeking to sit on the chairs of the Majlis [...] after winning elections these individuals want to take control of the government. They have mobilized 12,000 nominees to register for Majlis. It is one of the rarest cases in terms of number [of nominees]. This issue is not normal, and these individuals have not come for registration on their own. Among these 12,000 nominees every kind of individuals can be found, but what is important is that many of those involved do not want Islamic laws to be implemented, and many of them believe that we should reconcile with Americans, whilst the Supreme Leader has regularly announced that the US is an enemy.<sup>27</sup>

Referring to 2009 post-election riots, Ayatollah Jannati further claimed that many leaders of those riots were eager to be a member of the Majlis, and were doing whatever in their hands to get their qualification approved by the Guardian Council.<sup>28</sup>

While the high number of applicants was unwelcomed by the ruling elites, the participation of the people to cast their votes and the overall election turnout has always been a matter of desire for them. They always project the election turnout as proof of citizens' support to the Islamic political system. In line with this, few weeks before any election the Supreme Leader would appeal to the people for their maximum participation. Following the same tradition, in his public address on January 9, 2016 in Qom, the Supreme Leader stated: "everyone, even those who do not recognize the *nezam* [Islamic political system] and the supreme leadership, should come to ballot boxes, as the election belongs to the nation, Iran and the Islamic political system".<sup>29</sup> He argued that the honour of the Iranian nation was at stake before the world community. He also urged voters to support faithful and revolutionary candidates not those who repeat the words of the Americans and the aliens.<sup>30</sup> The Supreme Leader's emphasis about not voting to pro-American candidates, along with his earlier statement about penetration attempts into the Islamic political system, apparently became a key pretext for the Guardian Council in the vetting stage.

<sup>26</sup> *Kayhan*, Behind the curtain of the mass-nomination of so-called reformists, 27 Dec 2015, pp. 1&2.

<sup>27</sup> *Itimad*, Remonstrance of the GC's general secretary about candidates, 5 Jan 2016, p. 2.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Shargh*, Supreme Leader's text of speech, 10 Jan 2016, p. 2.

<sup>30</sup> *Ibid.*

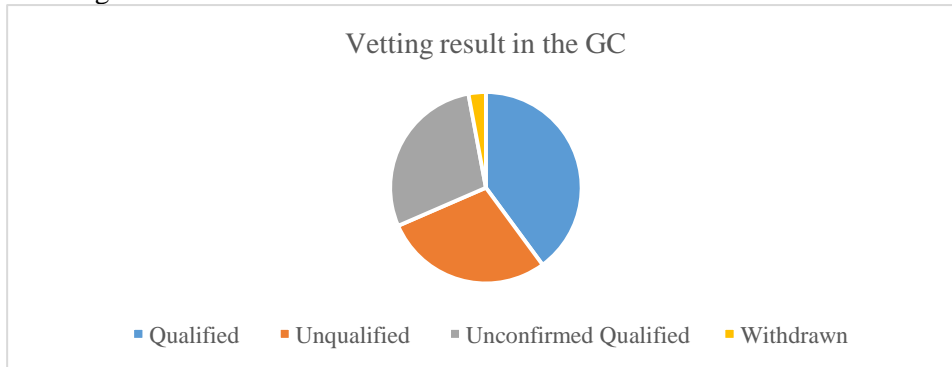


### Vetting Process

As noted earlier, the vetting process in the Iranian electoral system is a double-phase process. In line with this, the nomination applications initially underwent a screening process by provincial executive committees. Given that the provincial executive committees are controlled by the government, 10,954 (90 percent) applicants got their qualification confirmed, and only 814 applications were rejected. The rest withdrew their applications<sup>31</sup> The result was happily welcomed by moderate and reformist forces.

However, the next stage of vetting conducted by the Supervisory Committees showed a different picture of ground realities in the Iranian electoral politics. In this stage, the qualification of 42 percent (5,228) was confirmed, the qualification of 30 percent (3,744) could not be confirmed, and the qualification of 25 percent (3,120) got rejected. About the 3 (385) percent was reported to have withdrawn.<sup>32</sup>

**Chart 1:** Vetting Result in the Guardian Council



**Source:** Ali Farahani, Vetting report, Ebtikar, 18 Jan 2016, p. 2.

It was evident that majority of unsuccessful applications belonged to the political groups operating under the ‘reformist’ or ‘moderate’ wing. For instance, out of 54 candidates from People’s Trust Party (Hizbe Etimad e Melli), only one candidate was qualified. Democratic Party (Hizb e Mardom Salari) had nominated around 60 candidates out of which 10 candidates were qualified. Out of 100 candidates nominated by Executives of Reconstruction Party (Hizb e Kargozaran e Sazandagi), 26 candidates nominated by (Islamic Society of Medical Community (Anjuman e Islamic Jamih Pezeshki), and 146 candidates nominated by Unity of Iranian Nation Party (Hizb e Ittehad e Millat e Iran). No applicant from Islamic Society of Universities’ Lecturers (Anjuman e Islami Mudaressin e Danishgah’ha) was qualified. Moderation and Development Party (Hizbe Etedal Wa Tusi’ih), the main supporting party of persistent Rouhani had introduced 340 candidates out of whom only 40 were qualified.<sup>33</sup> Among the disqualified candidates were individuals with strong political background such as Mustafa Moein, former higher education minister,

<sup>31</sup> Watan e Emruz, Confirmation of qualification for 5,000 applicants, 18 Jan 2016, p. 2.

<sup>32</sup> Farahani, Ali, 42% qualified, 30% unconfirmed, 25% disqualified-vetting report, Ebtikar, 18 Jan 2016, p. 2.

<sup>33</sup> Borna News, Statistical analysis of qualified and disqualified applicants, 20 Jan 2016, <http://goo.gl/1BuWcI>, (19 May 2016).

who also contested in 2005 presidential election.<sup>34</sup> Thirty former provincial governors,<sup>35</sup> and 37 members of the 9<sup>th</sup> Majlis were also disqualified.<sup>36</sup>

According to the election act, disqualification of a candidate should be based on concrete and solid evidence. But most of the disqualifications took place on the pretext of “lacking practical engagement to Islam”. It was quite evident to the reformist and moderate applicants that they had fallen victim of their support to President Rouhani’s moderate approach particularly in the area of foreign policy. According to Dariush Ghambari, one of the reformist candidates, he had been told by the Guardian Council authorities that his support to the diplomatic team of the government had been the reason for his disqualification.<sup>37</sup>

### Reaction to the Disqualification

Generally, the vetting process has always been one of the most critical aspect of the Iranian elections. Sometimes, it has resulted into the protest of the applicants. So, much so, the mass-disqualification of the applicants in the 10<sup>th</sup> Majlis election invited reactions from large spectrum of the society.

Obviously, the ‘right wing’ forces supported the Guardian Council. They would do it in three different ways: First, those who would unconditionally support the Guardian Council and its decisions viewing the whole development as true reflection of the spirit of law and constitution. For instance, Ayatollah Kazem Seddiqi, one of Tehran Friday prayer leaders, stated, “The Guardian Council has given its exam excellently, and it has resisted against all pressures.”<sup>38</sup> He asserted that “Approbative supervision and resisting against any pressure is the legal responsibility of the Guardian Council as well as the rights of the people”.<sup>39</sup> Ayatollah Jannati, the head of Guardian Council, in his speech stated: “some says that vetting should be left to voters. And if they voted someone, [that means] he or she is qualified. This argument means that the law is useless. In no part of the world it is being practiced like this.”<sup>40</sup> Interestingly, Jannati referred to the American thinker Francis Fukuyama, and claimed: “This Fukuyama believes that the Guardian Council as symbol of strength and eternity of *velayat e faghih* should be omitted through a referendum, because as long as the Guardian Council exists, the approbative supervision cannot be eliminated. They are following such beliefs and we should be careful.”<sup>41</sup>

Second those who would support the Guardian Council through spreading allegations against the disqualified candidates. For instance, *Jam News*, a news website run by a group of ultra conservatives, on 23 January 2016 claimed that it had got access to a dossier sent by the Guardian Council to the top official of country pertaining disqualified applicants. The report claimed that according to above secret dossier, 603 candidates have been convicted on murder, 422 had been convicted on adultery, and 570 had been convicted on theft, while 340 candidate had three-fold conviction for murder, adultery, and theft. The report further claimed that 414 individuals had been members of outlawed

<sup>34</sup> Arman e Emruz, Vetting results in Fars province, 18 Jan 2016, p. 3.

<sup>35</sup> Arman e Emruz, Over 30 former provincial governors disqualified, 21 Jan 2016, p. 1.

<sup>36</sup> Entekhab News, List of Parliamentarians who were disqualified, 18 Jan 2016, <http://goo.gl/oIpWfV>, (19.05.2016).

<sup>37</sup> Iranian Labour News Agency, Interview with Dariush Ghambari, 22 Jan 2016, <http://goo.gl/t6zYqS>, (23.05.2016).

<sup>38</sup> Kayhan, Kazem Seddiqi’s text of speech, 10 Jan 2016, p. 3.

<sup>39</sup> Ibid.

<sup>40</sup> Shargh, Ahmad Jannati’s text of speech, 26 Dec 2015, p. 7.

<sup>41</sup> Ibid.

groups such as Mujahedin Khalgh, 176 have been dual national, 460 individuals had not provided any address on their nomination forms, while 330 individuals had not given a clear address to the elections authorities to conduct local investigation about them. The report also claimed that a NGO had provided the Guardian Council with 850 files containing supporting documents related to the disqualified candidates.<sup>42</sup>

Third, those who would pretend that nothing unusual had happened rather the Guardian Council had been very generous and lenient to the applicants. For instance, daily *Jawan*, associated with Islamic Revolutionary Guards tried to show that the list of the qualified candidates was comprehensive. It published a report on its front page about the demography of candidates based on their degree and profession, and claimed that people from all sides of life had representation in the contest.<sup>43</sup> Similarly, *Watan e Eruz*, only at the corner of its front page reported that 5,000 candidates were qualified, while its lead story was about President Rouhani's foreign policy and the failure of the nuclear deal.<sup>44</sup>

The moderate and reformist forces seemed determined to voice out against indiscriminate disqualification of candidates. President Rouhani also promised that he would employ all his constitutional authority to settle the issue.<sup>45</sup> The initial strategy of moderates and reformist was to criticize the disqualification based on the Supreme Leaders' call for maximum participation and his decree that election was 'people's right' (Haqqul Nnas). However, the Supreme Leader was quick to clarify on January 20, 2016 that he had meant that those who did not believe in the Islamic political system should only vote, not to be sent to the Majls,<sup>46</sup> Being completed disarmed by the Supreme Leaders' clarification, the reformists opted for a three-fold strategy in order to increase the number of their candidates: first, to negotiate with influential institutions such as the office of the Supreme Leader. According to the Interior Minister, he had five working meetings in the office of the Supreme Leader over the disqualification issue.<sup>47</sup> Second to approach influential personalities especially the religious clergy in Qom.<sup>48</sup> Third, to enter into direct negotiation with the Guardian Council. As reported by the spokesperson of the interior ministry, it had several meetings with the Guardian Council officials to increase the number of candidates.<sup>49</sup> Besides, some disqualified candidates would lobby with the Guardian Council directly or indirectly in their individual capacity.

Interestingly, the generosity of the Guardian Council toward the applicants associated with the 'principled wing' turned into a liability for this wing, as it faced oversupply of nominees. As a result, they had to launch in-home voluntarily-withdrawal campaign for the sake of unity.<sup>50</sup> It is necessary to note that the mass disqualifications also created a rift within the principle camp even inside the Guardian Council itself to the

<sup>42</sup> Jam News, Shocking statistics about some disqualified applicants, 23 Jan 2016, <http://www.jamnews.ir/detail/News/624481>, (29.05.2016).

<sup>43</sup> Javan, Peoples of different backgrounds among the qualified applicants, 21 Jan 2016, p. 1.

<sup>44</sup> Watan e Emruz, 18 Jan 2016, p. 1.

<sup>45</sup> Iran, After-shocks of extensive disqualification of reformists, 20 Jan 2016, p. 21.

<sup>46</sup> Shargh, Supreme Leader's text of speech, 21 Jan 2016, p. 3.

<sup>47</sup> Shargh, Rahman Fazli's press conference report, 15 Feb 2016, p. 2.

<sup>48</sup> Shargh, Extensive negotiation of reformists for the confirmation qualification at three levels, 31 Jan 2016, pp. 1&2.

<sup>49</sup> Shargh, Interior minister's meeting with the GC over disqualifications, 23 Jan 2016, p. 2.

<sup>50</sup> Etimad, Principled figures express readiness for withdrawal, 27 Jan 2016, p. 11. Also See. Etimad, Disqualification of 99% of reformists and withdrawal movement of principled, 28 Jan 2016, p. 11.

extent that the spokesperson of the Guardian Council also resigned mentioning working difference with Ayatollah Jannati.<sup>51</sup>

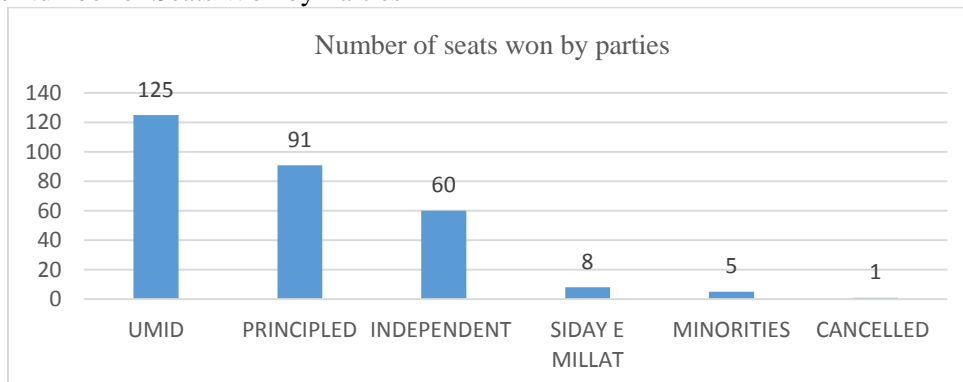
### Results and Analysis

After considerable back channel diplomacy, the Guardian Council increased the number of qualified candidates to approximately 6,300 (55%).<sup>52</sup> However, considering all withdrawals and seat arrangements, the figure finally shrank to 4,979 candidates.<sup>53</sup> A significant number of candidates contested individually while some others were contested under various candidacy lists introduced by different political groups. The notable ones were *List e Umid* (List of Hope) supported by reformist and moderate wings, *List of Principled* supported by the principled wing, and list e *Seday e Mellat* (List of Voice of Nation), a forward block from 'principled wing' led by Ali Mutahari.

The election was held on February 26, 2016 in 151 constituencies.<sup>54</sup> The number of eligible voters was 5,491,524 out of which over 3 millions were first time voters. Over 52,000 voting stations had been arranged.<sup>55</sup> In the first round 221 candidates made their way to the parliament while 138 candidates went for run-off to decide the destiny of 69 seats from 56 constituencies. The run off election was held on April 29, 2016.<sup>56</sup>

One hundred and twenty five seats were won by Umid List. The Principled List won 91 seats. Sixty seats were won by independent candidates. Siday e Millat also won 8 seats, and five seats went to the religious minorities on quota basis. The remaining one seat was won by a moderate candidate Minu Khaliqi from Isfahan, but the result was cancelled by the Guardian Council following the leakage of her photos without headscarf. Only 73 members of the 9<sup>th</sup> Majlis could retain their seats. Interestingly, the share of women increased from nine seats in the previous Majlis to 17.<sup>57</sup> While the number of the clergy reduced from 34 in the previous Majlis to 16. Therefore, for the first time in the history of the Islamic republic, the number of women overtook the number of clergy in the Majlis.<sup>58</sup>

**Table 1:** Number of Seats Won by Parties



**Source:**Zainab e Mosavi, Political Alignment of the Majlis, *Dunya-yi Iqtisad*, 1 May 2016,12, p. 8.

<sup>51</sup> Razaee, Mehdi, The GC spokesperson talks about reasons for his resignation-report, *Arman e Emruz*, 18 Jan 2016, p. 3.

<sup>52</sup> Etimad, End of vetting labour, 16 Feb 2016, p. 3.

<sup>53</sup> Iran, Over 54 million eligible voters in 31 provinces, 27 Feb 2016, p.14.

<sup>54</sup> Etimad, Competition of 138 candidates over 69 seats in the run-off election, 2 Mar 2016, p. 2.

<sup>55</sup> Iran, Over 54 million eligible voters in 31 provinces, 27 Feb 2016, p.14.

<sup>56</sup> Etimad, Competition of 138 candidates over 69 seats in the run-off election, 2 Mar 2016, p. 2.

<sup>57</sup> Zainab e Mosavi, Political Alignment of the Majlis, *Dunya-i Iqtisad*, 1 May 2016, p. 8.

<sup>58</sup> Tahmasbi, Abbas, Composition of the Majlis, *Khabar Online*, 7 May 2016, <http://www.khabaronline.ir/detail/534094>, (16.05.2016).

In the Iranian general elections, Tehran with 30 seats has a significant importance. The Umid List succeeded to scope all 30 seats from Tehran. Its head-list Muhammad Reza Arif said that he had been shocked by the result, as he had never thought all 30 candidates of his list would go to the Majlis all at once.<sup>59</sup> Haddad e Aadel, (the father in law of Mujtba Khameini, son of the Supreme Leader) who had scored highest number of votes from Tehran in the 9<sup>th</sup> Majlis election could not retain even his seat. Some other notable figures who had been key players in the 9<sup>th</sup> Majlis were also severely defeated. In this regards one can mention Hassan Ghafoorifard with 57,495 vote (63<sup>th</sup> Position), Mehdi Koochakzadeh with 46,521 (64<sup>th</sup> Position), Syed Muhammad Gharazi with 34,150 votes, (68<sup>th</sup> position) or Ali Fallahiyan with 4,683 votes (217<sup>th</sup> position).<sup>60</sup>

The defeat of the principled candidates particularly in Tehran was generally viewed as a sign of people's disappointment with the 'principled wing' President Rohani said that the election was meaningful and proved that people said 'no' to extremism and 'yes' to moderation. He emphasized that it was the main message which came out of the ballot boxes.<sup>61</sup> Therefore to the pro government forces, the election outcome was an indicator of citizen's support for president Rouhani's government particularly to its foreign policy.

On the other hand, the 'principled wing', had its own narration. To the principled leaders, their defeat was a western conspiracy. For instance, Mohsen Rezaee, the Secretary of the Expediency Council claimed that one of the CIA agent had entered into the country, and had initiated a soft war against the Islamic Republic. He particularly referred to the election results in Tehran, and argued that given the availability of advance communication facilities, the enemy took the advantage for its good. That is why it succeeded far better in Tehran as compared to other cities. Rezaee promised that he would reveal many related proofs in the near future.<sup>62</sup> However, apart from the result of the elections, the overall conduct of the election suggests four types of issues with the Iranian elections.

First, those related with the theocratic nature of the Iranian political system. Essentially, elections should materialize the citizens' will. So that the citizens would feel that they have a role in the affairs of their country. Therefore, the election by itself does not have any value. It is the freeness and fairness of an election which gives meaning to it. The top leadership of the Islamic Republic claim legitimacy primarily through religion no election. However, this religious oriented legitimacy of the Iranian ruling elites is under constant challenge due to advancement of democratic values in the modern world. It seems that elections in Iran are held mainly to solve the problem of legitimacy. That is why in every election, the election turnout is the main dimension which the Iranian ruling elites are eager to emphasize upon, though the statistics are largely inconsistent.<sup>63</sup> To borrow from Edward Luttwak, in Iran "elections are well understood and greatly valued, but not democracy itself"<sup>64</sup>.

Second, those issues arising from the underdevelopment of the Iranian electoral system. Iran has an inchoate party system. As a result, in every election many unserious

<sup>59</sup> Hussaini, Mujtab, & Mehrzad, Muhammad Hussain, Interview with Muhammad Reza Arif. Etimad, 2 Mar 2016, p. 11.

<sup>60</sup> Shargh, Wonders of the Tehran elections, 2 Mar 2016, p. 7.

<sup>61</sup> Etimad, Hassan Rouhani's statement, 2 Mar 2016, p. 2.

<sup>62</sup> Etimad, Mohsin Rezaee's text of speech, 2 Mar 2016, p. 2.

<sup>63</sup> Ammar e Maleki, Are election turnout statistics in Iran consistent, BBC Persian, 12 Mar 2016, [http://www.bbc.com/persian/iran/2016/03/160312\\_110\\_am\\_ir94\\_turnout](http://www.bbc.com/persian/iran/2016/03/160312_110_am_ir94_turnout), (21.05.2016).

<sup>64</sup> Luttwak, Edward, Why Turkey's Coup D'état Failed, Foreign Policy, 16 Jul 2016, <http://foreignpolicy.com/2016/07/16/why-turkeys-coup-detat-failed-erdogan/>, (22.07.2016).

and unknown individuals attempt to try their luck in the elections. The unpredictability of the Guardian Council at the vetting stage also add to this problem. There are several candidates who file nomination application hoping that the key candidates would be disqualified by the Guardian Council, and they would become the inevitable alternative options for the voters. As a result in every election there are candidates who get few or no vote. For instance, in the 10<sup>th</sup> Majlis election 1,021 candidates contested for 30 seats in Tehran and over 3,440,968 votes were cast. Five candidates did not even score a single vote, and nine candidates got only one vote. Seven candidates got two votes, four candidates got three votes, three candidates got four votes, three candidates got five votes, three candidates got 7 votes, and three candidates got eight votes. Two candidates got double digit votes, (20 and 84 votes), while 179 candidates got 3-digit votes between 139 to 995.<sup>65</sup>

Third, those issues related to the inefficiency of the electoral body in the Islamic Republic. In the Islamic republic the emphasis is on the supervision of an election rather than proper way of conducting an election. Even the constitution of the Islamic republic is silent on conducting an election while it has articles on supervision. Moreover, the Guardian Council as supervisory body is a huge machinery having branches in every province. Notwithstanding this, it could not confirm the qualification of over 3,500 candidates' (30%). Interestingly, the spokesperson of the Guardian Council admitted that the Guardian Council had disqualified some candidates due to the lack of time.<sup>66</sup> Although, few candidates returned to the race at the closing days to the election, they did not have enough time for election campaign. To be specific, such candidates, during the official campaign period, in fact were busy in appealing, and lobbying to get their qualification confirmed by the Guardian Council.<sup>67</sup>

Finally, those issues related to Islamic Republic of Iran's discriminative policy against certain ethno-religious minorities such as Arabs, the Balochs, Bahaées, Jews, etc. People from such backgrounds hardly play a role in the electoral process. For instance, Ahwaz and Abadan, are two main cities dominated by Arabs who send six members to the parliament, but no single Arab was in the Executive Committees of these two cities.<sup>68</sup> Similarly, certain political parties face extra pressure at the time of elections. On December 31, 2015, Ibrhami Yazdi, the leader of Freedom Movement Party (Nihzat e Azadi) wrote an open letter to the President declaring that in the eve of the election pressure had increased on his party.<sup>69</sup> The existence of such a discriminative environment in the 10<sup>th</sup> Majlis election was even admitted by some Iranian officials such as the Iranian Interior Minister.<sup>70</sup>

## Conclusion

The 10<sup>th</sup> Majlis election was conducted in a tense political atmosphere. The foreign policy approach of the President Rouhani was a key issue during this election which by and large had overshadowed other domestic issues. The Iranian ruling elites tried to manage the result of the election. To be more specific, the Iranian ruling authorities tried

<sup>65</sup> Shargh, Wonders of Tehran election, 2 Mar 2016, p. 7.

<sup>66</sup> Shargh, Interview with Nejatullah Ibrahimian, 2 Mar 2016, pp. 1, 6, &7.

<sup>67</sup> Iran, After-shocks of extensive disqualification of the reformists, 20 Jan 2016, p. 21.

<sup>68</sup> Shargh, Letter of a group of political activists from Khuzistan to the president, 30 Dec 2015, p. 7.

<sup>69</sup> Khabar, Mizan, Text of Ibrahimis Yazdi' open letter to Hassan Rouhani, 16 Jan 2016, <http://goo.gl/kmNW6U>, (16.05.2016)

<sup>70</sup> Shargh, Rahaman Fazli's Press Conference Report, 15 Feb 2016, p. 2.

to have a predetermined result. In line with this, the non-conformist candidates were heavily vetted during the vetting process. Despite this, the Iranian voters preferred unknown and low rank moderate and reformist candidates over the establishment-backed principled candidates. The voting patterns in the Iranian elections shows that the election is viewed by the citizens and the Iranian elites differently. To the citizens the election is a peaceful mechanism for change and democracy while for the establishment it is an event out of which it can project itself as 'popularly supported political system'. Taking the 10<sup>th</sup> Majlis election as a case, one can argue that the electoral system of Iran suffers from various structural and procedural problems. As a result, elections in Iran do not meet basic standards for free and fair elections. The Guardian Council, which is an elected and unaccountable body plays a key role throughout the election process. It in turn, makes the electoral system of Iran highly exclusive, which stands in contradiction with the very participative nature of the election. The overall situation suggests for restructuring the Iranian electoral system on the following grounds: First, the Guardian Council needs to be replaced with a more accountable body that is only responsible to monitor the conduct of a free elections without trying to influence the outcome of the election. Second, political parties need to be empowered so that they lay down the foundation of an appropriate party system. Third, the role of different ethno religious groups in the management of the election needs to be improved. Finally, there is a strong need for transparency throughout the election process in Iran.

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