

**Chapter 1**

**General Provisions**

**Basis**

**Article 1:**

This law has been enacted pursuant to the provision of articles 33, 86 and 156 of the Constitution for the presidential election as referred to in Articles 60, 61, 62, 65 and 67, National Assembly elections as referred to in Articles 83, 84, 85, 86, and provincial, district, village councils elections as referred to in Articles (138 and 140) and elections of Municipality and their councils as referred to in articles 141 of the Constitution.

**Objectives**

**Article 2:**

The objectives of this law are:

- 1- Administration of free, universal, secret, direct, fair and transparent elections.
- 2- Establishing requirements and qualifications of voters and candidates.
- 3- Determining the electoral constituencies.
- 4- Manner of election and how to conduct it.
- 5- Managing affairs related to addressing the violations, objections and complaints arising from the elections.

**Abbreviation**

**Article 3:**

1. The Independent Election Commission, the institution established pursuant to the article 156 of the Constitution, shall hereinafter be referred to as the Commission in this law.
2. The Independent Electoral Complaint Commission shall hereinafter be referred to as the Complaint Commission in this law.

Terminologies

**Article 4:**

The following terminologies in this law shall have the following meanings:

1. **Election:** The legal and formal process of electing representatives for the elected seats stated in the Constitution through free, universal, secret and direct vote.
2. **By-election:** An Election to replace a representative in the elected seats for the remaining period.
3. **Electoral Calendar:** Date foreseen for timely execution of the electoral activities in accordance with the Constitution and conditions stated in this law.
4. **Electoral Constituency:** An area determined for electing representatives for elected seats.
5. **Vote:** Use of the will of a person for electing his/her favorite candidate.
6. **Voter list:** Is a table containing the names of persons eligible to vote and is displayed at specific polling centers.
7. **Polling Center:** A venue envisaged by the Commission for the polling purpose, which comprises multiple stations.
8. **Polling station:** A place related to a polling center determined for the exercise of the right to vote.
9. **Counting center:** Is a polling station where ballot papers are counted immediately after the completion of the polling.
10. **Candidate:** Is a person who participates in elections to assume an elected seat.
11. **Preliminary list of candidates:** Is a list in which names of the applicants for assuming the elected seats are registered and published.

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12. **Final List of Candidates:** Is a list in which names of eligible candidates are published by the Commission after the adjudication of objections and final approval of the Complaint Commission.
13. **Agent:** A person who, on behalf of a political party, an independent candidate and national and international organizations, receives accreditation letter from the Commission for the purpose of monitoring an electoral process.
14. **Observer:** A national or international natural or legal person or mass media who, after obtaining accreditation letter from the Commission, observes the electoral process.
15. **Accreditation letter:** Is a written document issued by the Commission in accordance with the provisions of this law allowing for monitoring and observation of or preparation of a report on the electoral process.
16. **Electoral campaign:** Political campaign activities carried out by parties or coalition of political parties or independent candidates for garnering support and more votes of the voters.
17. **Quarantine:** Temporary exclusion of suspected ballot boxes from the counting process until they are re-examined and a decision is taken by the Commission and or the Complaint Commission.
18. **Initial results:** Figures that are announced after the end of the polling at a counting center.
19. **Partial Results:** Figures which are announced by the Commission from time to time during tallying results.
20. **Preliminary results:** Figures which are announced and published by the Commission after the completion of tallying and before the adjudication of the complaints.
21. **Final Results:** Figures that are certified, announced, published and implemented by the Commission after being verified and decided upon by the Complaint Commission.

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22. **Kuchi:** A citizen of the country lacking fixed place of residence, his/her main occupation is raising livestock and moves from one place to another due to climatic conditions.
23. **Referendum::** Is a political process which is conducted in the country in accordance with the provisions of the Constitution, for expressing the assent or dissent of the general opinion and vote of the people of Afghanistan in regard to the important national political, social and economic issues.
24. **Fraud:** Faking documents, increasing and or decreasing votes in favor of or against candidates during counting and recording results of votes, and bringing changes in the election results.

**Right to Participate in Election**

**Article 5:**

- (1) Vote eligible citizens including men and women shall have the right to register as a voter or a candidate and participate in elections.
- (2) In case persons mentioned in paragraph 1 of this article are deprived of the right to register and or the right to elect or be elected, they have the right to file a complaint with the relevant competent authority.
- (3) Every voter shall have the right to have access to a polling center to exercise his/her vote.
- (4) Eligible voters shall have equal right of vote which they use directly in elections. Imposing any kind of direct or indirect restrictions on voters and candidates on the basis of language, religion, ethnicity, sex, clan, region, residency and social or occupational status and or disability shall be prohibited.
- (5) Kuchis, refugees, staff of diplomatic missions based abroad, military personnel and eligible prisoners shall have the right to participate, if possible, in elections in separate polling centers established by the Commission.

**Obligation of Voter:**

**Article 6:**

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(1) To get a ballot paper, a voter is obliged to present the citizenship Tazkira (National ID) or the voting card having a record and which is determined by the Commission for proving his/her identity.

(2) In case the basis is the citizenship Tazkira, the Population Registration Department is obliged to complete at the Commission's expense the list of persons holding citizenship E-Tazkira and will have completed 18 years of age on Election Day, and submit it to the Commission not later than three months before the conduct of the elections.

(3) Every voter shall, in an election, have the right of one vote which he/she can use directly in favor of his/her candidate of choice.

(4) In case a voter may need guidance about finding his/her candidate of choice, he/she can seek help of a person he/she trusts.

**Obligation of Commission**

**Article 7:**

- (1) The Commission shall administer and supervise the elections mentioned in this law.
- (2) The Commission is obliged to establish polling centers taking into account the location of voters.
- (3) The Commission is obliged to record and publish the voter list in polling centers prior to conducting an election.
- (4) The Commission is obliged to make available all materials necessary for election at the polling centers prior to the Election Day and provide, for voters and candidates, all possible facilities for the participation and exercising of the right to vote.

**Obligation of Institutions:**

**Article 8:**

- (1) Governmental and non-governmental organizations, parties and coalition of political parties, and social organizations are obliged to cooperate in the election process with the

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Commission, the Complaint Commission and the Media Commission, and shall comply with and abide by the decisions made by them in accordance with the provisions of this law.

(2) The general directorate of the Central Statistics Organization is obliged to provide the Commission with the latest accurate and official figures of the population of each province, city, *Nahia (city area)*, district and village including Kuchis within the timeframe determined by the Commission.

**Non- interference**

**Article 9:**

(1) Natural and legal persons cannot interfere directly or indirectly in the electoral affairs.

(2) Use of any governmental assets, facilities and resources in favor of or against a specific candidate or candidates shall be prohibited.

Equal use of state-owned and public resources and facilities in favor of all candidates in accordance with the provisions of this law shall be an exception to this provision.

**Chapter 2**

**Electoral Constituencies**

**Determination of Electoral Constituencies**

**Article 10:**

The electoral constituencies for the conduct of Presidential, Wolesi Jirga, Provincial Council, District Council, Village Council, Mayoral and members of Municipality Councils elections are determined as below:

1. For the presidential election, the whole country shall be a single electoral constituency.
2. For the members of Wolesi Jirga, the province.
3. For the members of the provincial council, the province.

4. For the members of the District Council, the district.
5. For village council election, every village shall be an electoral constituency.
6. For mayors, the city
7. For the seats of Municipality Councils, every *Nahia (city area)* is an electoral constituency. The cities that are not divided into *Nahias (city areas)*, the relevant city shall be an electoral constituency.

**Determination of Boundaries of Electoral Constituencies:**

**Article 11:**

- (1) Determination of the boundaries of the electoral constituencies is related to the Independent Directorate for Local Governance.
- (2) The Independent Directorate for Local Governance is obliged to specify the boundaries of the electoral constituencies and officially notify the Commission 180 days prior to conducting an election.

**Chapter 3**

**Requirements for Voters and Candidates**

**Requirements for Voters**

**Article 12:**

An eligible voter shall meet the following requirements:

1. Shall have the citizenship of Afghanistan.
2. Shall have completed 18 years of age on the Election Day.
3. Shall not have been deprived of civil rights by the law or a competent court.
4. His/her name shall have been registered in the voter list.

**Requirements for Presidential Candidate**

**Article 13:**

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(1) A person who nominates himself/herself for the presidency, he/she shall meet the following requirements:

1. Shall be an Afghan citizen, a Muslim and born to Afghan parents and shall not have the citizenship of another country.
2. Shall not be less than 40 years of age on the day of candidacy.
3. Shall not have been convicted of crimes against humanity and felony or deprived of civil rights by the court.
4. No person can be elected as a president for more than two terms.

(2) The Vice-Presidents shall also meet the requirements mentioned in paragraph 1 of this article.

**Requirements and Qualifications for National Assembly Candidates:**

**Article 14:**

(1) A person who runs for or is appointed as a member of the National Assembly, besides meeting the requirements for electors, he/she shall also meet the following requirements and qualifications:

1. Shall be an Afghan citizen or shall have obtained the citizenship of the State of Afghanistan at least 10 years before the day of candidacy or appointment..
2. Shall not have been convicted of crimes against humanity and felony or deprived of civil rights by the court.
3. The members of Wolesi Jirga shall have completed 25 years of age on the day of candidacy and the members of Meshrano Jirga shall have completed 35 years of age on the day of candidacy or appointment.

**Candidacy Requirements for Membership of Provincial Council and District Council**

**Article 15:**

A person may nominate himself/herself for the membership of the Provincial Council or District Council who in addition to the voter's qualifications also meets the following:



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1. Shall have completed at least 25 years of age on the day of candidacy.
2. Shall hold at least the graduation certificate of 12<sup>th</sup> grade.

**Candidacy Requirements for Membership of Village Council**

**Article 16:**

A person may nominate himself/herself for the membership of a village council who, in addition to the voter's qualifications also meets the following requirements:

1. Shall have completed at least 25 years of age on the day of candidacy.
2. Shall at least be able to read and write.

**Requirements for Mayoral Candidate**

**Article 17:**

A person may nominate himself/herself as a mayor who in addition to the voter's qualifications also meets the following requirements:

1. Shall have completed at least 30 years of age on the day of candidacy.
2. A candidate for the capital of a province shall hold at least a bachelor's degree and a candidate for other cities shall hold at least a 12<sup>th</sup> grade graduation certificate.
3. Shall be living at least for five years before the day of candidacy in the city where he/she nominates himself/herself.

**Candidacy Requirements for Membership of Municipal Council:**

**Article 18:**

A person can nominate himself/herself for membership of the municipal council who in addition to a voter's qualification also meets the following requirements:

1. Shall have the citizenship of Afghanistan.

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2. Shall not have been convicted of crimes against humanity, felony or deprived of civil rights by a competent court.
3. Shall have completed at least 25 years of age on the day of candidacy.
4. Shall hold at least the 12<sup>th</sup> grade educational certificate.
5. Shall be living at least for five years before the day of candidacy in the city where he/she nominates himself/herself.

**Restriction on Candidacy**

**Article 19:**

(1) The following persons are not allowed to nominate themselves for any elected seats mentioned in this law unless they resign from their positions:

1. Chief Justice and members of the Supreme Court and other judges;
2. Attorney General, prosecutors and professional members of the Attorney General Office.
3. Ministers, advisor to ministers, advisors to the President, deputy ministers, director generals of the independent directorates, chairpersons and members of the independent commissions, governors and their deputies, district governors, ambassadors, and the staff of the political missions of the country resident abroad.
4. Military personnel of the Ministry of National Defense, Ministry of Interior Affairs, General Directorate of National Security and other ministries and bodies having military set-up.
5. Civil servants.
6. Temporary or permanent staff of the Commission.
7. Instructors of the state-run institutes of higher education and members of academic cadre of the Academy of Sciences of the Islamic Republic of Afghanistan.

(2) In case the persons stated in paragraph 1 of this article do not win election, they can be reappointed in accordance with the provisions of the law. In this case, the consequences of resignation do not apply to the persons mentioned in sections 5 and 7 of paragraph 1 of this article.

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(3) In case one of the members of the elected seats including the appointed members of the Meshrano Jirga intends to nominate himself/herself for another elected seat, he/she is obliged to resign from the membership of the current seat.

Members of the Provincial Council and District Council, who nominate themselves for the membership of Meshrano Jirga or members of the Meshrano Jirga who nominate themselves for the membership of Provincial or District Council, shall be an exception to this provision.

(4) No one can nominate himself/herself concurrently in more than one electoral constituency or for more than one elected seat.

**Chapter Four**

**Presidential Election**

**Election of the President**

**Article 20:**

(1) The President shall be elected by obtaining more than 50% of the votes of voters through free, universal, secret and direct polling.

(2) In case none of the candidates receive majority of more than 50 percent of the votes in the first round, a run-off elections shall be held within 2 weeks after the date of the announcement of the final results of elections, and in this round only the two candidates who polled the highest votes during the first round of elections are obliged to participate.

(3) In case of equality of votes amongst more than two candidates who have obtained the most votes in the first round, those two candidates who meet the highest criteria shall be selected as candidates for the second round. The highest criteria are as follows respectively:

1- Level of education.

2- Academic rank.

3- Work experience in the governmental and non-governmental organizations.

4- Having honorary insignia, medal and title.

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(4) The candidate who receives majority of votes in the run-off election shall be recognized as the president. In case of equality of votes between the two candidates in the second round, the winning candidate is determined based on the highest criteria mentioned in paragraph 3 of this article.

(5) In case one of the presidential candidates dies during the first or second round of voting or after the elections and before the announcement of the election results, new elections shall be held among the remaining candidates within a maximum of 30 days in accordance with the provisions of this law.

(6) The winning person begins his/her work as the President thirty days after the announcement of the results and after obtaining the certificate from the Commission.

**Chapter Five**

**Elections for Members of Wolesi Jirga**

**Number of Members of Wolesi Jirga**

**Article 21:**

Wolesi Jirga has 249 seats out of which 239 seats are allocated to the provinces in proportion to their population and the remaining 10 seats are allocated to *Kuchis* (non-resident population of the country)

**Allocation of Seats to Provinces**

**Article 22:**

(1) The Commission allocates the 239 seats to the provinces as per the following order:

1. The total population of provinces is divided by 239 seats to determine the population quota for one seat.

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2. The population of each province is divided by the quota of a seat to determine the number of seats for each province.
3. Each province is allocated a number of seats equal to the whole number of the quotient obtained from the division under section 2 of this paragraph.
4. Seats not allocated under section 3 of this paragraph, are allocated based on the descending order of the remaining decimal number from the division in section 2 of this paragraph.
5. If as a result of this calculation, one or more provinces receive less than one seat, such province shall be allocated two seats.
6. The total number of seats and the population figures of the provinces to which additional seats are allocated under section 5 of this paragraph is deducted from the total population of the provinces. For the remaining provinces, a new seat allocation quota is calculated and the allocation of seats to these provinces is repeated as stated in sections 2 and 5 of this paragraph.

(2) The Commission is obliged to publish the calculations used in the allocation of the seats mentioned in this article.

**Right to vote, Candidacy and Allocation of Seats to Kuchis**

**Article 23:**

- (1) For Kuchis, the whole country is divided into seven zones in a way to consider the presence and movement of Kuchis in them.
- (2) In each Kuchi electoral zone, one seat shall be allocated for the male, and three female candidates who poll the highest votes at Kuchi zones level shall be recognized the winners.
- (3) In case of equality of votes amongst candidates for the last seat, the candidate with higher level of education and in case of equal education, the one with longer work experience in administration shall be announced as the winner.

**Awarding Seats to Candidates**

**Article 24:**

(1) In every province the seats including the Kuchi seats are awarded to the candidates who have garnered the most valid votes.

(2) In case of equality of votes between the two candidates for assuming the last seat, the winner shall be selected based on the highest criteria. The highest criteria are as following respectively:

1- Level of education.

2- Work experience in governmental and non-governmental organizations.

(3) If an elected member of Wolesi Jirga may not be able to take up his/her seat or due to any reason leaves his/her seat or dies or resigns or is appointed to another office in accordance with the law during the term of Wolesi Jirga; or if he/she loses his/her membership on the order of the law; or becomes handicapped or disabled in a way that permanently prevents him/her from doing his/her job, if more than one year remains until the end of the term of office of Wolesi Jirga, his/her seat shall be assigned according to the prepared list of the Commission to the next candidate of the same sex (male or female) with the highest votes.

**Seat Allocation to Female Candidates**

**Article 25:**

(1) Allocation of Wolesi Jirga seats to female candidates takes place as per the following order to realize the purpose of article 83 of the Constitution.

1. The total population of all provinces is divided by the seats allocated to female candidates; as a result the population quota for a seat is determined.
2. The population of each province is divided by the quota of a seat; as a result the number of seats for each province is determined.
3. Each province is allocated a number of seats equal to the whole number of the quotient obtained from the division under section 2 of this paragraph.
4. Seats not allocated under section 3 of this paragraph, are allocated in descending order of the decimal remainder from the division in section 2 of this paragraph.
5. If as a result of this calculation, one or more provinces receive less than one seat, that province is allocated one seat.

6. The total number of seats and population figures of provinces allocated with additional seats under section 5 of this paragraph is deducted from the total population of provinces. For the remaining provinces, a new seat allocation quota is calculated and the allocation of seats to these provinces is repeated as stated in sections 2 and 5 of this paragraph.

(2) The candidate who garners the highest number of valid votes in the relevant electoral constituency; shall fill the allocated seat.

(3) In case there are not sufficient women on the candidate's list to occupy the allocated seat/seats, the Commission shall, in accordance with a separate procedure, take such measures to ensure that the seats allocated to women do not remain vacant.

## **Chapter 6**

### **Elections for Members of Meshrano Jirga**

#### **Composition of Meshrano Jirga**

##### **Article 26:**

The number of the members of Meshrano Jirga shall be three fold the number of the provinces of the country that are elected and appointed in accordance with the provision of Article 84 of the Constitution of Afghanistan.

#### **Election of Member of Provincial Council to Membership of Meshrano Jirga**

##### **Article 27:**

- (1) The Commission shall within fifteen days of the establishment of the Provincial Councils hold internal elections within the Provincial Council of each province in accordance with the provisions of this law and procedures of the Commission to elect a member for Meshrano Jirga.
- (2) The quorum of the provincial council meeting for holding this election shall be the presence of at least two-thirds of all the members of the Provincial Council; the person receiving more than half of the votes of the present members, he/she shall be recognized as the

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member of the Meshrano Jirga. In case no candidate receives more than half of the votes, new elections shall be held between the two candidates who have received the most votes. In this case, the candidate with the highest number of votes shall be recognized as the winner.

- (3) In case of equality of votes among more than two candidates who have received the highest number of votes in the first round, two candidates respectively with the highest level of education and in case of equal level of education, the two candidates with long term work experience shall be recognized as the candidates for the second round.
- (4) In case of equality of votes among the two candidates in the run-off election, from among the two persons, the person who holds the highest level of education shall be the winner; and in case of equal level of education, the candidate with long term work experience shall be recognized as the winner.
- (5) In case an elected member may not be able to assume his/her seat or during the term of Meshrano Jirga, due to any reason, abandons his/her seat or dies or resigns or holds another office in accordance with the provisions of the law; or loses his/her membership based on the order of the law; or becomes handicapped or disabled in a way which permanently prevents him/her from doing his/her job, the Commission shall in accordance with the provisions of this article hold election amongst the members of the relevant Provincial Council to elect the member for the Meshrano Jirga for the remaining period.

**Election of Member of District Council to Membership of Meshrano Jirga**

**Article 28:**

- (1) The Commission shall, within 15 days of the establishment of the Districts Councils, hold elections among the members of the Districts Councils at the office of the Provincial Council of the province to elect the member for Meshrano Jirga.
- (2) The quorum of the District Councils for holding these elections shall be the presence of at least two-thirds of all the members of the District Councils. The person who receives more than half of the votes of the present members shall be recognized as the member of Meshrano Jirga; In case no candidate receives more than half of the votes, new elections shall be held



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between the two candidates who have received the most votes. In this case, the candidate who receives most of the votes shall be recognized as the winner.

- (3) In case of equality of votes among candidates who have received the highest number of votes in the first round, two candidates respectively with the highest level of education and in case of equal level of education, the two candidates with longer work experience shall be recognized as candidates for the second round.
- (4) In case of equality of votes among the two candidates in the second round, from among the two persons, the person who respectively holds the highest educational degree shall be recognized as the winner and in case of equal educational degree, the candidate with longer work experience shall be recognized as the winner.
- (5) In case an elected member may not be able to assume his/her seat or during the term of Meshrano Jirga, due to any reason, abandons his/her seat or dies or resigns or holds another position pursuant to the provisions of the law; or loses his/her membership based on the provisions of the law; or becomes handicapped or disabled in a way to permanently prevent him/her from doing his/her job, the Commission shall hold election amongst the members of the relevant Districts Councils to elect the member of Meshrano Jirga for the remaining period.

**Chapter 7**

**Election of Members of Provincial Council**

**Provincial Council**

**Article 29:**

Each province shall have a provincial council the members of which shall be elected by the voters of the same province for a period of four years.

**Allocation of Seats to Provincial Council**

**Article 30:**

- (1) The seats of the provincial council shall be determined in proportion to the population of each province as per the following order:

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1. A province with a population of up to five hundred thousands, 9 seats.
  2. A province with a population of more than five hundred thousand up to one million, 15 seats.
  3. A province with a population of more than one millions up to two millions, 19 seats.
  4. A province with a population of more than two millions up to three millions, 23 seats.
  5. A province with a population of more than three millions up to four millions, 29 seats.
  6. A province with a population of more than four millions, 33 seats.
- (2) At least 20 % of the seats of each Provincial Council shall be allocated to female candidates.
- (3) A Kuchi may participate in any province in the provincial council elections as a voter or a candidate.

**Acquiring Membership of Provincial Council**

**Article 31:**

- (1) A candidate who has received the highest number of votes in the relevant province shall be recognized as the member of the Provincial Council.
- (2) In case of equality of votes among candidates for the occupation of the last seat, the candidate fulfilling the highest criteria shall be selected as the member of the Provincial Council. The highest criteria are the following respectively: :
  1. Education level
  2. Work experience in governmental and non-governmental organizations.
  3. History of residence in the relevant electoral constituency.
- (3) In case a Provincial Council member is elected as a member of the Meshrano Jirga or may not be able to take up his/her seat and/or due to reasons, abandons his/her Provincial Council seat during the term of the Provincial Council, or if he/she dies or resigns and/or holds any other official position in accordance with the provisions of the law, or loses his/her membership on the order of the law, and/or becomes handicapped or disabled in a way that permanently prevents him/her from doing his/her job; his/her seat shall belong to the next candidate of the same sex (male or female) with the most votes based on the list prepared by the Commission.

**Chapter 8**

**Election of Members of District Council**

**District Council**

**Article 32:**

Each district shall have a council members of which shall be elected by the voters of the same district for a term of three years.

**Allocation of Seats to District Council**

**Article 33:**

(1) The seats of district council are allocated in proportion to the population of each district as below:

1. A district with a population of up to twenty thousand, 5 seats.
2. A district with a population of more than twenty thousand up to forty thousand, 7 seats.
3. A district with a population of more than forty thousand up to sixty thousand, 9 seats.
4. A district with a population of more than sixty thousand up to eighty thousand, 11 seats.
5. A district with a population of more than eighty thousand up to one-hundred thousand, 13 seats.
6. A district with a population of more than one-hundred thousand, 15 seats.

(2) A Kuchi may participate in district council election of any district as a voter and or a candidate.

**Acquiring Membership of District Council**

**Article 34:**

(1) Candidates who have received the highest number of votes in the relevant district shall be recognized as the members of the District Council.

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- (2) In case of equality of votes among the candidates for the last seat, the candidate fulfilling the highest criteria shall be selected as the member of the District Council. The highest criteria are the following respectively: :
1. Education level
  2. Work experience in administration.
  3. History of residence in the relevant electoral constituency.
- (3) If a district council member is elected as a member of the Meshrano Jirga or may not be able to take up his/her seat and/or due to reasons, abandons his/her district council seat during the term of the district council, or if he/she dies or resigns and/or holds any other position in accordance with the law or loses his/her membership on the order of law and/or becomes handicapped or disabled in such a way that permanently prevents him/her from doing his/her job; his/her seat shall belong to the next candidate of the same sex (male or female) with most votes based on the list prepared by the Commission.

**Chapter 9**

**Elections of Members of Village Council**

**Village Council**

**Article 35:**

Each village shall have a council members of which shall be elected by the voters of the same village for a term of 3 years.

**Seat Assignment**

**Article 36:**

- (1) The seats for the members of the Village Council shall be determined in proportion to the population of each village as per the following order:
1. A village with a population of one hundred up to three hundred persons, 3 seats.

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2. A village with a population of more than three hundred up to five hundred persons, 5 seats.
3. A village with a population of more than five hundred up to seven hundred persons, 7 seats.
4. A village with a population of more than seven hundred up to one thousand persons, 9 seats.
5. A village with a population of more than one thousand persons, 11 seats.

(2) A Kuchi may participate in a village council election of any village as a voter or a candidate.

**Acquiring Membership of Village Council**

**Article 37:**

- (1) A candidate who receives the most valid votes in the relevant village council elections, he/she shall be recognized as the member of the Village Council.
- (2) In case of equality of votes among candidates for the last seat, the candidate fulfilling the highest criteria shall be selected as a member of the Village Council. The highest criteria are the following respectively: :
  1. Education level
  2. Work experience in administration.
  3. History of residence in the relevant electoral constituency.
- (3) If an elected member may not be able to take up his/her seat and/or due to reasons, abandons his/her seat during the term of the Village Council, or if he/she dies or resigns and/or holds any other position in accordance with the provision of the law and/or loses his/her membership on the order of law and/or becomes handicapped or disabled in a way that permanently prevents him/her from doing his/her job; his/her seat shall belong to the next candidate with the most votes based on the list prepared by the Commission.

**Chapter 10**

**Elections of Mayors**

**Manner of Election of Mayor**

**Article 38:**

- (1) One Mayor shall be elected for each city. The mayor shall be elected for a term of four full years by receiving the highest number of votes of the voters of the same city.
- (2) In case none of the candidates receive the majority of more than 50% of votes in the first round, a run-off election shall be held within two weeks of the announcement of election results, and in this round, only the two candidates who have received the highest number of votes in the first round shall participate; and the person who receives the most votes shall be recognized as the winner.
- (3) In case of equality of votes among candidates, the candidate who fulfills the highest criteria shall be recognized as the Mayor. The highest criteria are the following respectively:
  1. Education level
  2. Work experience in administration
  3. Longer period of residence in the relevant city.
- (4) The winning candidate shall start work within ten days of the announcement of the election results.

**Selection of New Mayor**

**Article 39:**

In case the elected mayor may not be able to take up the seat or due to any reason, within the term of municipality, abandons the seat, dies or resigns or holds another position in accordance to the law; or is deposed on the order of law; and/or gets handicapped or disabled in a way that permanently prevents him/her from doing his/her duty, his/her seat shall belong to the next

candidate with the highest number of votes in accordance with the list prepared by the Commission.

## Chapter 11

### Municipal Council Elections

#### Municipal Council

##### **Article 40:**

The members of Municipality Council are elected for a term of four years by the voters of the *Constituency* of the relevant city.

#### Number of Seats

##### **Article 41:**

- (1) The Municipality Council shall consist of a minimum of three seats.
- (2) In case a municipality is divided into two *Nahiyas (a city area)*, each *Nahiya* shall be a constituency for election of each of its seats. For the third seat, the entire city shall serve as an electoral constituency.
- (3) For a Municipality Council that has more than two *Nahiyas (city areas)*, one person from every *Nahiya* shall be elected.
- (4) A municipality that hasn't been divided into *Nahiyas (city areas)*, in general its council shall have 3 to 5 seats given the number of the population and delivery of urban services depending on the case.
- (5) Given the number of their *Nahiyas (city areas)*, the number of seats of the Municipality Councils shall be determined by the Commission based on the data provided by the Independent Directorate for Local Governance.
- (6) Given the number of its *Nahiyas (city areas)*, the number of seats of the Kabul Municipality Council shall be determined by the Commission based on the data provided by the Kabul Municipality.

**Allocation of seats:**

**Article 42:**

(1) For the municipality that has *Nahiyas (city areas)*, each *Nahiya (a city area)* shall be recognized as one electoral constituency and one member shall be elected from each of the *Nahiyas (city areas)* to the Municipality Council. The eligible voters that live in the same constituency and have registered themselves as voters shall have the right to vote in the mentioned constituency.

(2) For the municipality that is not divided into *Nahiyas*, the entire area of the municipality shall be recognized as an electoral constituency. The eligible voters that live in the same municipality and have registered themselves as voters shall have the right to vote.

(3) The candidate who has received most valid votes in the relevant municipality council elections shall be recognized as the member of the Municipality Council.

(4) In case of equality of votes among the candidates, the candidate fulfilling the highest criteria shall be recognized as the member of the Municipality Council. The highest criteria are as following respectively: :

1. Education level.
2. Work experience in administration.
3. History of residence in the relevant electoral constituency.

(5) In case an elected member may not be able to take up the seat or due to any reason, within the term of the Municipality Council, abandons the seat, dies or resigns or holds another position in accordance with the provisions of the law or loses his/her membership due to the order of law and/or gets handicapped or disabled in a way that permanently prevents him/her from doing his/her duty, his/her seat shall belong to the next candidate with the highest number of votes in accordance with the list prepared by the Commission.

**Chapter 12**



**Election Date**

**Article 43:**

- (1) The Commission shall announce the Election date at least 180 days before the Election Day. Conducting by-elections shall be an exception to this provision.
- (2) The Commission shall publish the Electoral Calendar at least 120 days before the Election Day.

**Voter List**

**Article 44:**

The Commission shall certify the names of the voters who participate in the elections and shall, in compliance with the electoral calendar, make it publicly accessible in the polling centers determined by the Commission.

**Application for Candidacy**

**Article 45:**

- (1) The persons, who nominate themselves for the elected seats set forth in this law, are obliged to provide to the Commission their written application of candidacy for registration within the determined period.
- (2) The application for registration shall contain the following information:
  1. Name and specific address.
  2. A copy of the document which shall prove his/her identity;
  3. Verified copy of educational documents as mentioned in this law.
  4. Information on non-conviction, age, health status, movable and immovable properties, permanent and current residence addresses, latest employment address and other instances stated in this law.

5. List of names, number of the voter registration cards and the finger prints of the voters residing in the respective electoral constituency who support the candidacy of the person in the ballot paper and shall be in the following order:
- For the presidential candidate, one hundred thousand voters, from a minimum of twenty provinces, two percent from each province.
  - For the Wolesi Jirga candidate, one thousand voters.
  - For Kuchi, one thousand Kuchi voters.
  - For the Provincial Council candidate, from two hundred to six hundred voters depending on the number of population.
  - For the District Council candidate, from one hundred to three hundred voters depending on the number of population.
  - For the Village Council candidate, ten voters.
  - For mayoral candidate, in the capitals of first grade provinces, two thousand; for the second grade provinces, one thousand; for the third grade provinces, five hundred; and for all other municipalities, two hundred and fifty voters.
  - For the candidate of the Municipality Council, in the capitals of the first grade provinces, one thousand; for the second grade provinces, five hundred; for the third grade provinces, two hundred and fifty; and for all other municipality councils, one hundred and twenty five voters.
6. Provision of official document of resignation from the government positions pursuant to the provisions of the law.
- (3) A presidential candidate shall provide to the Commission, at the time of nomination, the names of his/her two vice-presidents who fulfill the conditions set forth in this law.
- (4) The candidates are obliged to pay the deposit money in the following order:
1. For the Presidential candidate, an amount of one million Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least ten percent of the valid votes polled in the first round of the election.

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2. For the Wolesi Jirga candidate, an amount of thirty thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the valid votes polled.
3. For the Provincial Council candidate, an amount of twenty thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the valid votes polled.
4. For the District Council candidate, an amount of ten thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the valid votes polled.
5. For the Village Council candidate, an amount of five thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the valid votes polled.
6. For the mayoral candidate of the first grade provinces, one hundred thousand Afghanis; for the mayoral candidate of second grade provinces, fifty thousand Afghanis; for the mayoral candidate of third grade provinces, twenty five thousand Afghanis and for all other mayoral candidates, twelve thousand and five hundred Afghanis. These amounts shall be returned to them in case of winning or receiving at least 5 percent of the valid votes polled by the mayoral candidate of the first grade provinces; 3 percent of the valid votes polled by the mayoral candidate of second grade provinces; 2 percent of the valid votes polled by the mayoral candidate of third grade provinces; and 1 percent of the valid votes polled by the mayoral candidates of other municipalities.
7. For the Municipal Council candidate of first grade provinces, twenty thousand Afghanis; for the Municipal Council candidate of second grade provinces, ten thousand Afghanis; for the Municipal Council candidate of third grade provinces, five thousand Afghanis and for the other municipal council candidates two thousand and five hundred Afghanis. These amounts shall be returned in case of winning or receiving at least 4 percent of the valid votes polled by the municipal council candidate of the first grade provinces; 3 percent of the valid votes polled by the municipal council candidate of second grade provinces; 2 percent of the valid

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votes polled by the municipal council candidate of the third grade provinces; and 1 percent of the valid votes polled by candidates of other municipal councils.

(5) The Commission is obliged to deposit into the bank account of the State revenues, the money deposited by the candidates who were unable to garner the percentage of the valid votes mentioned in paragraph 4 of this article.

**List of Candidates**

**Article 46:**

- (1) The Commission is obliged to publish the preliminary list of candidates soon after the completion of the nomination period.
- (2) The persons, who may have objections to the preliminary list of the candidates, may submit their objections to the Complaint Commission within a maximum of two weeks following the publication of the list. These objections shall be addressed in compliance with the relevant procedure and this decision shall be final.
- (3) Once all the objections are addressed by the Complaint Commission, the final list of candidates shall be published by the Commission. This list shall be unchangeable.
- (4) The Commission is obliged to display the final list of candidates at the polling centers on the Election Day.

**Withdrawal from Candidacy**

**Article 47:**

- (1) In case a candidate withdraws from his/her candidacy, he/she is obliged to inform the Commission in writing prior to the date determined in the electoral calendar.
- (2) In case a candidate withdraws from his/her candidacy or dies after the date determined in the electoral calendar or if he/she is disqualified by the Complaint Commission, the votes related to him/her shall not be counted during counting the votes.

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- (3) Only the deposit money of the candidate who withdraws in accordance with the electoral calendar or dies shall be refundable.

**Electoral Campaign Period**

**Article 48:**

The electoral campaign period for candidates shall be determined in the following order:

- 1- Presidential election, 60 days.
- 2- Wolesi Jirga elections, 30 days
- 3- Provincial council elections, 30 days.
- 4- District council elections, 20 days.
- 5- Village council elections, 10 days.
- 6- Mayoral and municipal council elections, 20 days.

This period ends 48 hours before the start of the Election Day.

**Electoral Expense Limits**

**Article 49**

(1) Candidates for elected seats shall not spend more than ten million (10,000,000) Afghanis in the presidential election campaign; more than one million (1,000,000) Afghanis in the Wolesi Jirga; more than five hundred thousand (500,000) Afghanis in the Provincial Council ; more than one hundred thousand (100,000) Afghanis in the District Council; more than ten thousand (10,000) Afghanis in the Village Council; more than one million (1,000,000) Afghanis in the Mayoral elections; and more than one hundred thousand (100,000) Afghanis in the electoral campaign of the municipality council elections.

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(2) The candidates referred to in paragraph 1 of this article shall not accept or receive technical or financial assistance from foreign citizens or states and/or diplomatic missions of the foreign countries based in Afghanistan.

**Broadcast and Publication of Candidates' Objectives**

**Article 50**

- (1) In the course of the electoral campaign, television, radio, newspapers, publications and other mass media may disseminate and publish, in compliance with the procedures enacted by the Commission, the manifestoes, views and objectives of the candidates in a fair and impartial manner.
- (2) The state-run mass media are obliged to publish and broadcast fairly and impartially the opinions, aims, and manifestos of candidates with taking into account the procedure of the Commission.
- (3) The mass media are obliged to stop publishing and broadcasting of the electoral campaign related activities 48 hours before the start of the Election Day.
- (4) The manner of the electoral campaign and their nature of financial affairs shall be regulated by a separate procedure.

**Removal of Campaign Materials**

**Article 51:**

The Commission shall order the removal of the campaign materials displayed at a distance of one hundred meters from the polling centers 48 hours before the Elections Day.

**Prohibition on Carrying Weapons to Polling Centers**

**Article 52:**

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No one shall carry fire arms or injuring tools inside or in the vicinity of polling centers. Security personnel according to the procedure of the Commission shall be an exception to this provision.

**Security of Vote**

**Article 53:**

For the purpose of avoiding misusing ballot papers, boxes and other electoral materials before and after the polling day; the Commission is obliged to take measures according to a separate procedure, including packaging, sealing, marking, manner of packing, delivery, safeguarding and manner of opening them in the presence of agents and observers.

**Ballot Paper**

**Article 54:**

- (1) The Commission shall act to prepare the ballot papers in accordance with the electoral calendar.
- (2) The ballot paper shall contain a specific mark determined by the Commission.
- (3) The shape and number of ballot paper and its other specifications are determined by the Commission in a way to enable a voter to use his/her vote in favor of his/her favorite candidate easily and without any error.
- (4) The order and identification of position of candidates and their photos on the ballot paper and assignment of electoral symbols to candidates shall be regulated by the Commission through drawing lots.
- (5) The Commission specifies in the electoral calendar, the period for correction of the candidates' specifications.

**Rights and Obligations of Agent and Observer**

**Article 55:**

- (1) Domestic agent and observer shall have the following rights:
  1. Receiving accreditation letter.
  2. Presence in the electoral process, polling and counting centers and stations.
  3. Access to information in accordance with the relevant procedure.

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4. Lodging an objection or complaint by the agent with the relevant authority in case of occurrence of a violation.
5. Preparation of a report on the electoral process by an observer.
  - (2) International observers and monitors shall have the right to access the information in regard to the electoral process.
  - (3) International observers and monitors may prepare an impartial report on the electoral process within the specified period of time and may submit it to the Commission, government, offices of the United Nations, and media. They have the right to file a challenge or a complaint with the Complaint Commission.
  - (4) An agent and observer shall have the following obligations:
    1. Observation of the provisions of this law, other legal documents in place and relevant procedures.
    2. Observation of the principle of reality s during preparation of a report by an observer and lodging a complaint by an agent.
    3. Avoidance of making rumors and creation of tension.
    4. Observance of other issues stated in the relevant procedures.

**Period of Polling**

**Article 56:**

- (1) The start and end of polling shall be determined by the Commission in accordance with the electoral calendar.
- (2) The Chairperson of the polling station is obliged to mark the end of the queue of the voters at the end of the specified polling time and allow them to cast their votes.
- (3) The manner of polling shall be in accordance with the procedure of the Commission.
- (4) If necessary the Commission may extend the polling period in one or several centers or constituencies by a maximum of up to two hours.



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- (5) In case of riots, violence, storm, flood or any other unexpected events in the polling stations and centers that makes the polling process impossible or difficult; the chairperson of the polling center shall stop voting and shall immediately ask the Commission for instructions.
- (6) In case the polling process stops due to any reasons including finishing ballot papers; the employees of the Commission and the responsible security authorities shall not banish the observers and agents from the ballot boxes.

**Vote Counting**

**Article 57:**

- (1) Count of votes shall take place at polling stations.
- (2) The Commission is obliged to announce the results of the vote count making a distinction between a station, center and constituency.
- (3) The manner of vote counting shall be regulated by a separate procedure.

**Quarantine**

**Article 58:**

- (1) The Commission is obliged to quarantine the relevant ballot boxes containing ballot papers in case of justifiable complaints or presence of visible signs of fraud on the ballot boxes.
- (2) The Commission is obliged to investigate the quarantined boxes in the presence of agents, observers, media and representatives of candidates. Following the completion of the investigations, the quarantined boxes shall be included into the vote count process or shall be excluded from the counting process based on the justifiable reasons.
- (3) An agent and candidate may file his/her complaint within 24 hours following the communication of the Commission's decision on the box quarantined. The Complaint Commission is obliged to address the complaint within 48 hours and shall make a final decision based on justifiable reasons.

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(4) The Commission is obliged to explain in a procedure, the manner of investigation of the quarantined box, counting and or not counting votes and other affairs related to the quarantine.

**Certification and Announcement of Results**

**Article 59:**

- (1) In case the vote counting process is challenged, the Commission and the Complaint Commission may order the re-count of all the ballots or part of it in an electoral constituency prior to the certification of the final results.
- (2) A low turnout of people in some of the electoral constituencies or polling centers shall not mean tainting the principles of free and universal elections.
- (3) The Commission is obliged to announce and publish the final election results after the completion of the counting process, and the adjudication of all the polling and counting related complaints by the Complaint Commission.
- (4) In case the Commission finds the Complaint Commissions decisions as unfair, it may within 24 hours of the receipt of the decisions of the Complaint Commission, raise objection against the decision. In this case, after the hearing of the objection made by the Commission, the decision of the Complaint Commission with citing justifiable reasons shall be final.
- (5) Allocation of more than 80% of votes in a box in favor of a candidate shall not be deemed alone as a reason for fraud unless there is an objection with justifiable reasons and evidence showing fraud.

**Certificate of Election**

**Article 60:**

(1) The Commission is obliged to issue and award, after the announcement of the final results of election, Certificates of Election to the President, Members of Wolesi Jirga, elected members of Meshrano Jirga, mayor and members of the Municipal Councils at the capital.

(2) The provincial offices of the Commission are obliged to issue and award Certificates of Election to the members of the Provincial Councils, members of the District Councils, members of the Village Councils, mayors and the members of the Municipality Councils of the provinces.

### **Media Commission**

#### **Article 61:**

(1) The Media Commission shall be established by the Commission at least 90 days prior to the Election Day for the purpose of monitoring fair and impartial reporting and publishing/broadcasting electoral campaign and addressing violations related to the objectives, policies and procedures of the mass media.

(2) A voter, candidate, agent, party or a coalition of political parties, social organizations and other persons may file a complaint in written with the Media Commission or the Commission in regard to the media violations.

(3) In case a media violation is proved, the Media Commission may take one of the following actions depending on the condition:

1. Issue a warning and order to correct the violation.
  2. Impose a fine of five thousand to one hundred thousand Afghanis depending on the case.
  3. Refer the perpetrator for prosecution to the relevant authorities after the approval of the Commission.
- (4) Duties and authorities of the Media Commission shall be regulated by the Commission.
- (5) The Media Commission shall enact procedures for the purpose of regulating the relevant affairs which are enforced after the approval of the Commission.

(6) The Media Commission, after the completion of the duties assigned to it, shall be dissolved within a maximum of 45 days following the announcement of the final results, and all its related affairs shall be transferred to the Commission.

## **Chapter 13**

### **Electoral Infringement and Violation**

#### **Manner of Addressing Electoral Complaints**

##### **Article 62:**

- (1) The Complaint Commission may, as soon as it is informed of perpetrating an infringement, fraud and or violation, address the issue even in the absence of an objection or complaint.
- (2) The manner of addressing complaints and objections shall be regulated in accordance with the procedure prepared by the Complaint Commission.

#### **Filing and Recording Objection and Complaint**

##### **Article 63:**

- (1) Natural and legal persons may, within 48 hours of the publication of the preliminary list of candidates, file objections in regard to their ineligibility.
- (2) A candidate and or his/her agent may file a complaint during voting, counting and or within 48 hours after the Election Day in the center and provinces. The provincial complaint commissions are obliged to finalize and publish the results of their investigations in regard to these complaints within 10 days following the Election Day.
- (3) In case the complainant candidate may not be satisfied with the decision of the provincial complaint commission, he/she may personally or through his/her authorized representative file a written objection with the Central Complaint Commission within 72 hours after the publication of the decision.

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(4) The Central Complaint Commission is obliged to re-investigate the instances of the objection over the decision of its provincial commissions' decisions in the light of the documents and evidence, and issue its final decision.

(5) The Central Complaint Commission shall not delay adjudication of the complaints and challenges filed against the decisions of its provincial commissions for more than a month after the Election Day.

(6) In case the time determined in the paragraphs 1, 2 and 3 of this article coincides with holidays, the hours of the holidays shall be deducted from the time determined.

**Authorities of Complaint Commission**

**Article 64:**

(1) The Central and Provincial Complaint Commissions have the following authorities:

1. Addressing challenges against the list of candidates and voters, and requirements and qualifications of the candidates brought forward during the election.
2. Addressing complaints resulting from the electoral violations provided that the complaints are registered in their due time pursuant to the provisions of this law.
3. Issuing advice, warning and or instruction to the person or organization perpetrating the violation to take a corrective action.
4. Imposing cash fines, depending on the condition, in accordance with the provisions of this law.
5. Taking action to recount votes in specific polling centers prior to the certification and announcement of the election results.
6. Invalidation of the ballot papers not fulfilling the necessary requirements.

(2) The Complaint Commission may disqualify a candidate if based on reliable documents it is proved that pursuant to the provisions of this law, he/she has not been eligible to nominate.

**Invalidation of Vote**

**Article 65:**

(1) The votes of a candidate in a polling station or center shall be considered as quite void in the following instances:

1. Use of force which causes deprivation of freedom or serious injury of the electoral worker.
2. In case a candidate and or his/her immediate relatives take possession of electoral materials and ballot boxes using force in a way that others cannot make use of them.
3. Use of fire arms or injuring tools in order to gain benefit or to disrupt the electoral process.
4. Existence of evidence in regard to offering or giving bribe.
5. Using voting cards of persons collectively in the absence of the holders of the cards.

(2) The provisions of the paragraph 1 of this article shall not result in the invalidation of the votes of other candidates in the same polling center or station.

**Authority for Addressing Electoral Complaints**

**Article 66:**

(1) The provincial complaint commission shall be the primary authority for addressing the electoral complaints. In exceptional conditions, the Central Complaint Commission can be the primary authority for addressing the electoral complaints.

(2) In case of a government official's interference or exertion of influence in the electoral affairs, the Commission may, based on documented reasons, request the relevant competent authority for his/her dismissal or punishment..

(3) In case a violation is committed by an electoral staff, the Complaint Commission shall take one of the following actions depending on the condition:

1. Advice or warning.
2. A Cash fine that shall not exceed the three months' salary of the perpetrating staff member.
3. Dismissal from job as an electoral staff.

(4) Decision of the Complaint Commission in regard to addressing the electoral objections and complaints and its results shall be final and applicable unless stipulated otherwise in this law.

**Infringement**

**Article 67:**

- (1) An infringement includes actions that are committed unintentionally and mistakenly by a voter, a candidate, electoral staff member, agent, observer, media and other stakeholders involved in the electoral process.
- (2) Electoral infringements may be addressed by the Commission, the central and provincial Complaint Commissions while taking into consideration the relevant procedure.
- (3) The infringements related to the media shall be addressed by the Media Commission.
- (4) The type of an infringement and how it would be addressed shall be regulated by a separate procedure.

**Violation and Fraud**

**Article 68:**

- (1) Addressing the instances of infringement, violation and fraud as mentioned in this law shall be among the duties of the Complaint Commission. The Complaint Commission shall refer criminal cases to the judicial bodies.
- (2) The investigation and issuance of orders by the judicial organs regarding criminal instances relevant to the electoral process does not affect votes of a candidate and an election results.
- (3) The following actions shall be considered as electoral violations and fraud:
  1. Provision of inaccurate or unreal information to the Commission, Complaint Commission and the Media Commission.
  2. Registering more than once in an election.
  3. Fraud in registration, obtaining voting card and or electoral documents.
  4. Holding more than one citizenship Tazkera (National ID), and or other voting document.
  5. Voting or an attempt to vote using fake documents.
  6. Voting by using another person's document or card..
  7. Voting or an attempt to vote more than once in an election.

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8. Changing or replacing electoral documents without a permit and or distorting and faking documents.
9. Burning, destroying or stealing electoral documents without a permit or theft of the documents.
10. Hiding the electoral documents for the purpose of concealment of the truth.
11. Using and keeping the list, card, ballot paper, form and other electoral materials by unauthorized persons.
12. Use of symbol, color, slogan and other signs related to a candidate in polling centers.
13. Use of symbol and other signs related to the Commission and government institutions in the campaign materials.
14. Interference in electoral materials and equipment or in a ballot box without a permit.
15. Disruption of the work of the electoral officials.
16. Breach of the code of conduct for candidates, agents, observers and electoral workers.
17. Breach of code of conduct for the media
18. Exertion of pressure, prevention from access to information and imposing illegal and unjustifiable restrictions on journalists preparing reports on electoral events.
19. Use of facilities and financial resources received from illegal sources.
20. Receiving or accepting financial and technical assistance from foreign citizens or states or diplomatic missions of the foreign countries based in Afghanistan.
21. Threat, intimidation, irreverence, use of violence and exertion of pressure against a voter, a candidate, agent, observer, media and electoral worker.
22. Misleading or attempt to incite or provoke someone to commit a violation.
23. Fraud in voting or counting or other affairs related to elections.
24. Offering and or accepting bribe for the purpose of exerting influence in the electoral phases or of any other intention.
25. Non-observance of the provisions of this law, regulations and procedures of the Commission, the Complaint Commission and the Media Commission.
26. Preventing the national and international monitors and observers from monitoring the electoral process.
27. Increasing or decreasing votes in favor or against a candidate(s) during counting votes and tallying results which have not affected the final results.



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28. Resort to violence in favor or against a person or persons in a polling center along with using fire arm, stabbing or beating weapons .
29. Collective angry and violent movement which results in tension and disruption of social order and interruption of the electoral process.
30. Preventing the participation of eligible voters, candidates, agents, observers and media owners in the electoral process using physical and armed force.
31. Misuse of tools, uniform and signs related to military including the army, police and national security for the purpose of frightening or influencing a voter, candidate and or agent and observer in favor or against a candidate.

**Sanction**

**Article 69:**

The perpetrators of violations mentioned in Article 68 of this law, depending on the condition, shall face the sanctions mentioned in this article:

1. The perpetrator of violation mentioned in section 1 of Article 68.3 shall pay a cash fine as per the following:
  - A voter, an amount of twelve thousand (12,000) Afghanis.
  - An agent, an amount of fifty thousand (50,000) Afghanis.
  - A candidate, an amount of eighty thousand (80,000) Afghanis.
2. The perpetrator of violations mentioned in section 2 shall pay a cash fine as per the following:
  - A voter, an amount of twelve thousand (12,000) Afghanis.
  - A candidate, an amount of fifty thousand (50,000) Afghanis.
3. The perpetrator of violation mentioned in section 3 shall pay a cash fine as per the following:
  - A voter, an amount of twenty thousand (20,000) Afghanis.

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- An agent, an amount of fifty thousand (50,000) Afghanis.
  
- A candidate, an amount of one hundred thousand (100,000) Afghanis.
  
- 4. The perpetrator of violations mentioned in section 4, 6 and 7 shall pay a cash fine of twelve thousand (12,000) Afghanis.
- 5. The perpetrator of violations mentioned in section 11 shall pay a cash fine of twelve thousand (12,000) to sixty thousand (60,000) Afghanis.
- 6. The perpetrator of violations mentioned in sections 12 and 13 shall pay a cash fine as per the following:
  - An independent candidate, an amount of fifty thousand (50,000) Afghanis.
  - A candidate of a political party or coalition of political parties: an amount of one hundred thousand (100,000) Afghanis.
- 7. The perpetrator of violations mentioned in sections 14 and 16 shall pay a cash fine of twelve thousand (12,000) to one hundred thousand (100,000) Afghanis.
- 8. The perpetrator of violations mentioned in sections 17 and 18 shall pay a cash fine of ten thousand (10,000) to sixty thousand (60,000) Afghanis.
- 9. The perpetrator of violations mentioned in section 19 shall pay a cash fine of ten thousand (10,000) to one hundred thousand (100,000) Afghanis.
- 10. The perpetrator of violations mentioned in section 26 shall pay a cash fine of one hundred thousand (100,000) to five hundred thousand (500,000) Afghanis.
- 11. The perpetrator of violations mentioned in section 28: for the first time shall be advised, for the second time shall be warned and for the third time, according to the conditions, shall pay a cash fine of ten thousand (10,000) to sixty thousand (60,000) Afghanis.
- 12. The perpetrator of the violations mentioned in sections 8, 9, 25,27 and 29) shall pay a cash fine of fifty thousand (50,000) to one hundred thousand (100,000) Afghanis.
- 13. The votes of the candidate who perpetrates the violations mentioned in section 24 are invalidated in the relevant stations and centers.
- 14. The perpetrator of violations mentioned in sections 5, 10, 22, 23, 30 and 31 shall be obliged to pay a cash fine of forty thousand (40,000) to Eighty thousand (80,000) Afghanis, and all the votes of the relevant candidate in the relevant stations and centers shall be invalidated.

15. In case of fluctuations in the value of Afghani currency, the Commission shall determine a commensurate fine considering the value of the national currency at the time of approval.

**Provoking and Inciting to Commit a Violation**

**Article 70:**

In case a violation(s) mentioned in Article 68 of this law are perpetrated as a result of seduction and incitement, the persuader and instigator shall be ordered to pay double the amount of the cash fine stated to be paid by the actual perpetrator.

**Chapter 14**

**Internal Elections of Organizations**

**Elected Bodies**

**Article 71:**

(1) For the purpose of electing the administrative board of the Provincial Councils, District Councils, and Municipality Councils, the Commission shall administer and supervise their internal elections.

(2) The internal elections of the Village Councils for electing their administrative board shall be held by themselves.

**Administrative Board of Provincial Council**

**Article 72:**

(1) The administrative board of the Provincial Council shall be appointed through direct election of its members for a term of one year.

(2) The Commission shall hold the internal election for the appointment of administrative board of the Provincial Council at most twenty days after the establishment of the Provincial Council and annually after the beginning of their session.

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- (3) The Commission shall enact, in accordance with the provisions of this law and the Provincial Council Law, a procedure for holding elections for the administrative board of the provincial councils.
- (4) The elections for the administrative board of the provincial council shall be held in the presence of at least two-thirds of all its members.

A candidate who obtains more than half of the votes of the present members shall be considered the winner. In case, none of the candidates obtain more than half of the votes in the first round, a run-off election shall be held between the two candidates who have the most votes . In the second round, any of the candidates who obtains majority of the votes of the present members shall be recognized the winner.

- (5) In case of equality of votes among the candidates in the second round, the candidate with the higher level of education and in case of equal education, the one with longer work experience in administration shall be announced the winner.

**Administrative Board of District Council**

**Article 73:**

- (1) The administrative board of the District Council shall be appointed through the direct election of its members for a term of one year.
- (2) The Commission shall hold the internal election for the appointment of administrative board of the District Council at most twenty days after announcement of final results of the District Council and annually after the beginning of the session of the District Council.
- (3) The Commission shall enact, in accordance with the provisions of this law and the District Council Law, a procedure for holding the elections for the administrative board of the district councils.
- (4) The election for the administrative board of the District Council shall be held in the presence of at least two-thirds of all its members.

A candidate who obtains more than half of the votes of the present members shall be considered the winner. In case none of the candidates obtain more than half of the votes in the first round, a run-off election shall be held between the two candidates who have the most votes . In the

second round, any of the candidates who obtains the majority of votes of the present members shall be considered the winner.

(5) In case of equality of votes among the candidates in the second round, the candidate with higher level of education and in case of equal education, the one with longer work experience in administration shall be announced the winner.

**Administrative Board of Municipality Council**

**Article 74:**

(1) The administrative board of the Municipality Council shall be appointed through the direct election of its members for a term of one year.

(2) The Commission shall hold the internal election for the appointment of administrative board of the Municipality Council at most twenty days after the establishment of the Municipality Council and annually after the beginning of the session of the municipality councils.

(3) The Commission shall enact, in accordance with the provisions of this law and the Municipality Law, a procedure for holding elections for the administrative board of the municipality councils.

(4) The elections for the administrative board of the Municipal Council shall be held in the presence of at least two-thirds of all its members.

A candidate who obtains more than half of the votes of the present members shall be considered the winner. In case none of the candidates obtain more than half of the votes in the first round, a run-off election shall be held between the two candidates who have the most votes. The candidate who obtains majority of the votes of the present members in the second round shall be considered the winner.

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- (5) In case of equality of votes among the candidates in the run-off election, the candidate with higher level of education, and in case of equal education, the one with longer work experience in administration shall be announced the winner.

**Elections in other Organizations**

**Article 75:**

- (1) Social, political, economic, cultural and other organizations and societies that are legally authorized and want to appoint their administrative board and leadership through elections, may request for the cooperation of the Commission at least one month prior to the date of conducting the elections.
- (2) The Commission through provision of possible facilities shall administer and supervise their elections.
- (3) Cooperation with such organizations takes place in accordance with the Memorandum of Understanding between the Commission and any organization that shall not be in opposition to this law.
- (4) Complaints arising from elections of organizations shall be addressed, in accordance with a separate procedure, by the Central Complaint Commission in the specified time.
- (5) The Commission is not obliged to bear the costs of these elections.

**Chapter 15**

**Referendum**

**Manner of Referendum**

**Article 76:**

- (1) The President may hold a referendum on important national, political, social or economic issues.

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(2) In case the President decides on a referendum , the matter shall be referred to the Commission at least three months ahead of the referendum.

(3) Taking into consideration the subject on which the referendum shall be held, the Commission is obliged to take necessary measures within the determined period of time.

(4) The referendum shall be held in one day across the country; and the conduct of this process shall be monitored by agents and observers from political parties, civil society organizations, free media and the international organizations.

(5) The manner of the referendum while taking into consideration its subject shall be regulated by a separate procedure.

**Chapter 16**

**Miscellaneous Provisions**

**By-elections:**

**Article 77:**

(1) In case a member of the Wolesi Jirga, Provincial Council, District Council, Village Council and Municipal Council is assassinated, an election shall be conducted at the relevant constituency level for the remaining term; provided that at least one year of the term is left.

(2) In case a mayor is assassinated, an election shall be conducted at the relevant electoral constituency level.

**Affidavit**

**Article 78:**

Candidates, parties or coalitions of political parties, media, agents and observers are obliged to sign the affidavit prepared by the Commission.

**Enactment and Publication of Regulations, Procedures and Guidelines**

**Article 79:**

(1) For the purpose of better implementation of the provisions of this law, the Commission and the Central Complaint Commission each on their part are obliged to enact and publish separate regulations, procedures and guidelines.

(2) The Commission and the Central Complaint Commission are obliged to publish the regulations, procedures and guidelines mentioned in this law at least 90 days prior to the Election Day.

**Entry into Force**

**Article 80:**

(1) This law shall enter into force from the date of signing and shall be published in the Official Gazette.

(2) In case issues related to election in other laws may contradict the provisions of this law, the provisions of this law shall prevail.

(3) With the enforcement of this law, all laws, legislative decrees, amendments and annexes previously enforced regarding the elections shall be annulled.