

**Islamic Republic of Afghanistan**

**Electoral Law**

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**In the Name of Allah, the Most Gracious, the Most Merciful**

## **Electoral Law**

### **Chapter I General Provisions**

#### **Article 1**

##### **Basis**

This Law has been codified pursuant to the provisions of Article 33 of the Constitution of Afghanistan for the purpose of regulating electoral affairs in the country.

#### **Article 2**

##### **Election Method**

Elections shall be through free, universal, secret, and direct ballot.

#### **Article 3**

##### **Principle of Equality in Elections**

Voters shall have equal rights of participation in the elections.

#### **Article 4**

##### **Voting System**

Each voter shall have one vote in the elections and shall vote only on his or her own behalf.

#### **Article 5**

##### **Respect for the Principle of Free Will**

Voters and candidates shall take part in the elections on the basis of their free will. Imposition of any kind of direct or indirect restriction on voters or candidates on the basis of language, religious, ethnic, gender, tribal, geographical, or social status is prohibited.

#### **Article 6**

##### **Cooperation from Relevant Institutions and Individuals**

Government and non-government institutions, political parties, social organizations, and relevant individuals shall cooperate with the Independent Electoral Commission (IEC) and other commissions established by the IEC, and also with the Electoral Complaints Commission, and shall implement the decisions made by these bodies within the scope of their respective jurisdictions.

## **Chapter II**

### **Electoral Administration**

#### **Article 7**

##### **Independent Electoral Commission**

(1) The electoral process shall be administered by the Independent Electoral Commission. The Independent Electoral Commission shall hereinafter be referred to as “the Commission”.

(2) The Commission may establish other subordinate commissions in addition to those cited in this Law and delegate tasks to them within its jurisdiction, as necessary for the orderly administration of the electoral process.

#### **Article 8**

##### **Electoral Officials**

Electoral officials at the central, provincial and district level shall be recruited by the Independent Electoral Commission Secretariat (hereinafter called “the Secretariat”) in accordance with procedures established by the Commission.

#### **Article 9**

##### **Impartiality and Commitment to Confidentiality**

(1) Electoral officials shall perform the duties assigned to them in an impartial and unbiased manner and may not seek or receive instructions from any government or non-government official or authority, except the Director of the Secretariat.

(2) Prior to taking office, electoral officials shall declare, officially and as specified by the Commission, that throughout the electoral process they will fulfill the duties assigned to them with decency, truthfulness, and confidentiality.

#### **Article 10**

##### **Recruitment Restrictions**

(1) The recruitment of officials of political parties and election candidates as electoral officials is disallowed.

(2) Electoral officials while in office cannot stand for elections.

(3) A father, grandfather, descendant up to the third generation, mother, grandmother, brother, sister, spouse, uncle, aunt, father-in-law, and mother-in-law of a candidate shall not have the right to work as an electoral official in the constituency in which the concerned candidate is running.

## **Chapter III Constituencies**

### **Article 11**

#### **Definition of Constituencies**

For the purpose of Wolesi Jirga, provincial council and district council elections, constituencies shall be defined as follows:

- a. For Wolesi Jirga elections, each province shall be one constituency. For nomads, the whole of the country shall be deemed to be one single constituency;
- b. For provincial council elections, each province shall be one constituency; and
- c. For district council elections, each district shall be one constituency.

### **Article 12**

#### **Disputes over Constituency Boundaries**

(1) Disputes over dependency of a village to a province or a district, due to delimitation of electoral boundaries of provincial and district constituencies, shall be resolved by the Ministry of Interior (MoI). The MoI shall make its decision on the basis of technical criteria and received information and shall inform the Commission of the decision as soon as possible.

(2) Disputes over constituency boundaries shall be raised no later than (170) days before the election date.

## **Chapter IV Voters and Candidates**

### **Article 13**

#### **Voter Eligibility**

A person is eligible to vote in the elections if that person:

- a. is at least 18 years of age on the day of the election;
- b. has Afghan citizenship at the time of registration;
- c. has not been deprived from his or her civil or political rights by a court of competent jurisdiction; and
- d. has been registered as a voter by the Commission.

## **Article 14**

### **Candidate Eligibility**

Any person meeting the eligibility criteria under Article 62 of the Constitution may candidate himself or herself for presidential elections. Any person who meets the eligibility criteria under Article 85 of the Constitution may candidate himself or herself for national assembly, provincial and district council elections.

## **Article 15**

### **Candidacy Requirements**

(1) The following individuals shall not be qualified to candidate themselves for presidential, national assembly, provincial, or district council elections, unless they have resigned from their positions at the time of filing their nomination papers:

- a) Chief Justice, Members of the Supreme Court and Judges;
- b) Attorney General and Public Prosecutors;
- c) Ministers and their Deputies, Governors and their Deputies, and District Administrators;
- d) Mayors and Nahia Administrators;
- e) Members of Ministry of Defense, Ministry of Interior, and the General Directorate for National Security;
- f) General Directors and Directors of Ministerial Departments and Government Offices at the Central and Provincial Level; and
- g) Electoral Officials.

(2) If the individuals listed in sub-article (1) are not elected, they shall not have the right to return to their previous positions unless they are reappointed.

(3) Individuals who practically command or are members of unofficial military forces or armed groups shall not be qualified to candidate themselves for the elections.

(4) No person shall candidate himself or herself in more than one constituency at the same time.

## **Article 16**

### **Voting Location**

(1) Voters shall vote in the constituency indicated on their voter registration card.

(2) The Commission may, on an exceptional basis, provide special facilities for nomads, refugees, internally displaced people, the handicapped and the disabled, members of the armed forces, civil servants and electoral officials.

## **Article 17**

### **Voter Identification**

- (1) Voters shall, prior to receiving the ballot paper, prove their identity by showing their voter registration cards.
- (2) The Commission may, on an exceptional basis, provide facilities for the registration of Afghan refugees in Iran and Pakistan.

## **Chapter V Candidacy and Election of President**

## **Article 18**

### **Election of President**

- (1) The President is elected in accordance with the provisions of Article 61 of the Constitution and the provisions of this Law by a majority of valid votes cast by voters.
- (2) If no candidate receives more than 50 percent of the valid votes cast, a runoff election shall be held between the two most voted candidates within two weeks following the announcement of election results. The candidate who receives more valid votes in the runoff election shall be declared elected.
- (3) In accordance with Article 160 of the Constitution, the candidate elected with a majority of votes assumes his or her duties thirty days after the announcement of election results.
- (4) If a presidential candidate dies during the first or second round of polling, or after polling and prior to the announcement of election results, the elections shall be held again in accordance with the provisions of this Law.

## **Chapter VI National Assembly Elections**

### **Part One Wolesi Jirga**

#### **Article 19**

##### **Number of Seats**

The Wolesi Jirga shall have 249 seats.

#### **Article 20**

##### **Allocation of Provincial Seats**

(1) The Central Statistics Office, under the Ministry of Economy, shall provide, at a time specified by the Commission, the latest official population figures or estimated population of each province to the Commission.

(2) Of all the allocated seats, 10 seats shall be allocated to nomads.

(3) The commission shall allocate seats to provinces in the following manner:

- a. The total population of provinces is divided by the total number of seats to be allocated to provinces (239) to determine the seat allocation quota;
- b. The population of each province is divided by the seat allocation quota;
- c. Initially provinces are allocated a number of seats equal to the whole number from the division under (b);
- d. Seats not allocated under (c), are allocated in declining order of the decimal remainder from the division in (b);
- e. If as a result of this calculation one or more provinces receive fewer than two seats, they shall be allocated two seats;
- f. The total number of seats and population figures of provinces allocated additional seats under (e) is excluded from the total number of seats (239) and the total population figures of provinces. For the remaining provinces a new seat allocation quota is calculated and the allocation of seats to these provinces is repeated as in (b) through (f).

(4) The Commission shall publish the calculations used in the allocation of seats under this article.

#### **Article 21**

##### **Awarding of Provincial Seats to Candidates**

(1) Subject to the provision of article 22 of this Law, Provincial seats shall be awarded to candidates on the basis of the number of votes they have received.

(2) In each province, seats shall be awarded to the most voted candidates.

(3) No candidate shall be awarded more than one seat.

(4) If a candidate is not able to take, or abandons, his or her seat during the term of the Wolesi Jirga, the vacant seat shall belong to the next most voted candidate from the same gender.

## **Article 22**

### **Allocation of Seats to Female Candidates**

(1) The Commission shall develop procedures and formulae, based on the population of each province, to determine the number of female candidates to represent each province in accordance with the requirements of Article 83 of the Constitution, according to which the number of female representatives shall be at least twice the number of existing provinces of the country.

(2) The most voted female candidates in each constituency shall be awarded seats in accordance with sub-article (1) of this article. Once the representation requirements are met, the remaining seats shall be awarded according to article 21 of this Law.

(3) If there are not enough female candidates on the list of candidates to fill the seat(s) allocated to women in a particular constituency, the seat(s) in question shall remain vacant until the next intended Wolesi Jirga elections.

## **Part Two Meshrano Jirga**

## **Article 23**

### **Composition of Meshrano Jirga**

The number of members of the Meshrano Jirga shall be thrice the number of the provinces of the country. One third of these shall be elected by the provincial councils, one third shall be elected by the district councils, and one third shall be appointed by the President.

## **Article 24**

### **Election of Provincial [Council] Representatives**

(1) Within 15 days of its establishment, each provincial council shall elect, by secret ballot, one of its members to the Meshrano Jirga for a period of four years.

(2) Elections to the Meshrano Jirga shall be presided over by the chairperson of the provincial council, provided he or she is not a candidate. If the chairperson is a candidate, the vice chairperson shall preside over the elections. If the vice chairperson is also a candidate, the eldest member of the council who is not a candidate shall preside over the election.

(3) The elections shall be by majority from among the members of the council present. If no candidate receives more than half of the votes, a second round of elections shall be held between the two most voted candidates, following which the candidate receiving the most votes shall be elected.

(4) If the elected candidate is not able to take, or abandons, his or her seat prior to the end of the term, the provincial council in question shall elect, in accordance with the provisions of this article, another person to serve for the remaining period.

## **Article 25**

### **Election of District Council Representatives to Meshrano Jirga**

(1) Within 5 days of the installation of the District Councils, the Commission shall provide each Provincial Council with a list of the persons elected to the District Councils in its respective province. District Councils in each province shall elect one of their members to a seat in Meshrano Jirga for a three-year period.

(2) The Chairperson of the Provincial Council is responsible for convening the members of the District Councils in the Province for an election within 15 days of the installation of the respective District Councils. The meeting shall take place at a venue which is as accessible as possible for all members of the District Councils in the province.

(3) At least two thirds of the members of the District Councils in a province must be present for an election to be valid.

(4) Election is by absolute majority among the Council members present. If no candidate receives more than half of the votes, a run-off election must be conducted between the two most voted candidates. The candidate who receives a majority of the votes in this round is elected.

(5) If an elected candidate is not able to take, or abandons, his or her seat prior to the end of the term, another member from among the existing members of the relevant District Councils shall be elected in accordance with the provisions of this article to serve for the remainder of the term.

## **Article 26**

### **Appointment of Individuals to Meshrano Jirga**

(1) Within two weeks after the assumption of presidential post, the President shall invite social organizations, political parties and the general public to nominate, in conformity with Article 84(3) of the Constitution, individuals to be appointed to the Meshrano Jirga. The nomination period for this purpose shall remain open for seven days.

(2) No more than seven days following the close of nomination period as indicated in sub-article (1) of this article, the Office of the President shall forward to the Commission nomination papers for those persons it intends to appoint.

(3) Following receipt of the nomination papers, the Commission shall confirm, within one week, the eligibility of the persons indicated in sub-article (2) of this article, and shall inform the Office of the President of its decision.

(4) Within two weeks of the close of nominations, the President shall announce appointments to the Meshrano Jirga in accordance with Article 84 (3) of the Constitution.

## **Chapter VII Provincial and District Elections**

### **Part One Election of the Provincial Council Members**

## **Article 27**

### **Provincial Councils**

Each province shall have a provincial council elected through free, secret, universal and direct elections by the voters of the province.

## **Article 28**

### **Composition**

The number of members of each Provincial Council shall be determined by population in the following manner:

- (a) Provinces with less than 500,000 inhabitants: 9 members;
- (b) Provinces with 500,000 - 1,000,000 inhabitants: 15 members;
- (c) Provinces with 1,000,000 - 2,000,000 inhabitants: 19 members;

- (d) Provinces with 2,000,000 - 3,000,000 inhabitants: 23 members; and
- (e) Provinces with more than 3,000,000 inhabitants: 29 members.

## **Article 29**

### **Allocation of Seats for Provincial Councils**

- (1) For each Provincial Council, seats shall be allocated in the following manner:
- a. The Commission shall determine the number of seats for each Provincial Council on the basis of the population of the province;
  - b. The most voted candidates shall be awarded seats in the Provincial Councils;
  - c. At least one quarter of seats in each Provincial Council shall be reserved for female candidates;
  - d. Subject to the reservation of seats under (c), seats shall be awarded to candidates on the basis of the number of votes they have received; and
  - e. The most voted women candidates in each constituency shall be allocated seats until the seats reserved in (c) are filled. After the representation requirements have been met, the remaining seats shall be allocated in accordance with (b).

(2) If a candidate is not able to take, or abandons for any reason, his or her seat before the end of the term, his or her seat shall belong to the next most voted candidate from the same gender.

(3) If there are an insufficient number of women on the candidate list to fill the seat or seats allocated to women as per this Article, then the seat or seats shall remain vacant until the next scheduled Provincial Council elections.

## Part Two District Councils

## **Article 30**

### **District Council**

Each district shall have a council elected through free, universal, secret, and direct elections by voters of the same district.

## **Article 31**

### **Composition of District Councils**

(1) The number of members of each District Council shall be determined by population in the following manner:

- a. Districts with less than 20,000 inhabitants: 5 members;

- b. Districts with 20,000 - 40,000 inhabitants: 7 members;
- c. Districts with 40,000 - 60,000 inhabitants: 9 members;
- d. Districts with 60,000 - 80,000 inhabitants: 11 members;
- e. Districts with 80,000 - 100,000 inhabitants: 13 members; and
- f. Districts with more than 100,000 inhabitants: 15 members.

## **Article 32**

### **Allocation of Seats to District Councils**

(1) Seats on each District Council are awarded in the following manner:

- a. The IEC shall determine the number of seats for each District Council on the basis of the population of the district;
- b. The Commission shall award seats to the most voted male and female candidates.

(2) If a candidate is not able to take, or abandons for any reason, his or her seat before the end of the term, the vacant seat shall belong to the next most voted candidate.

## **Chapter VIII**

### **Conduct of the Elections**

## **Article 33**

### **Election Date**

(1) The Commission shall announce the election date at least 140 days in advance.

(2) The Commission shall prepare and publish, at least 120 days prior to the scheduled election date, an electoral calendar clearly showing all appointed dates of the elections.

## **Article 34**

### **Voters List**

The Commission shall certify voters list or segments of it to be used in the elections and shall make it available for public inspection, at least 15 days prior to election date, in public places determined by the Commission.

## **Article 35**

### **Candidate Nomination**

(1) Presidential, Wolesi Jirga, Provincial Council and District Council candidates shall notify the Commission in writing, of their intent to stand as a candidate at a time stipulated by the Commission.

- (2) Each person in applying to be a candidate shall submit the following items:
- a. Name and clear address;
  - b. The candidate's voter registration card or other proof of voter registration;
  - c. Names, registration card numbers, and signatures or thumbprints of persons residing in the constituency supporting the candidate's appearance on the ballot as follows:
    - i. 10,000 to nominate for Presidential candidates;
    - ii. 300 to nominate for Wolesi Jirga candidates;
    - iii. 200 to nominate for Provincial Council candidates; and
    - iv. 100 to nominate for District Council candidates;
    - v. In the case of the Nomad Constituency, the candidate must present names, registration card numbers, and signatures or thumbprints of 300 persons registered as nomads supporting the candidate's appearance on the ballot;
  - d. Sworn statement attesting to the candidate's Eligibility and Qualifications, committing to uphold the Code of Conduct, confirming their resignation from any of the positions set out in Article 15(1), if applicable, confirming that they do not command, or belong to, unofficial military forces or armed groups, and confirming that they have not been convicted of crimes against humanity, or any other crime, or have been deprived of civil rights by a court;
  - e. Presidential candidates shall submit the names of two vice-presidential candidates; and
  - f. Candidates shall file a deposit for their candidacy as set out below.

(3) The filing deposit for a Presidential candidate shall be Afghani 50,000, which deposit shall be refunded if the candidate is elected or receives at least 15 % of the valid votes cast in the first round of the election.

(4) The filing deposit for a Wolesi Jirga candidate shall be Afghani 10,000, which deposit shall be refunded if the candidate is elected or receives at least 2 % of the valid votes cast in the respective constituency.

(5) The filing deposit for a Provincial Council candidate shall be Afghani 4,000, which deposit shall be refunded if the candidate is elected or receives at least 2 % of the valid votes cast in the respective constituency.

(6) The filing deposit for a District Council candidate shall be Afghani 2,000, which deposit shall be refunded if the candidate is elected or receives at least 2 % of the valid votes cast in the respective constituency.

(7) The Commission shall establish, by Regulation, procedures for the submission of candidate nominations.

### **Article 36**

#### **Candidate List**

(1) Upon closing of nominations, the Commission shall publish, as soon as possible, a preliminary candidate list.

(2) The Commission shall determine and publicize a period during which challenges and complaints related to the preliminary candidate list may be made. These challenges and complaints shall be adjudicated by the Electoral Complaints Commission (ECC) in accordance with its own procedures.

(3) After all challenges and appeals have been adjudicated by the ECC, the Commission shall publish the final candidates list, taking into account the decisions of the ECC. The Commission shall post the final list of candidates at polling centres on the election date.

### **Article 37**

#### **Death and Withdrawal of Candidates**

(1) If a candidate wishes to withdraw his or her candidacy for the purpose of excluding his or her name from the ballot paper, the candidate shall notify the Commission in writing of his or her intent prior to a date specified by the Commission in the electoral calendar.

(2) If a candidate withdraws his or her candidacy or dies after the end of the candidate nomination process, or if his or her name is excluded from the list of candidates by the ECC, the votes cast in his or her favour shall not have any effect on the counting process.

(3) If a candidate dies between the close of voting and before the certification of the election results, the votes cast in his or her favour shall be recorded. If it is determined that the deceased candidate had been elected, then his or her seat shall be filled by the next most voted person from the same gender.

### **Article 38**

#### **Campaigning**

(1) The Commission shall establish an official electoral campaign period. This period shall end forty eight (48) hours before the commencement of polling.

(2) The Commission shall issue rules to regulate electoral campaign period.

### **Article 39**

#### **Establishing of Polling Centres, Provision of Electoral Materials, and Issuance of Instructions**

(1) The Commission shall establish polling centres throughout the country and shall provide the conditions for the presence of voters in these centres so that voters may have easy access to the election process.

(2) The Commission shall furnish ballot papers, ballot boxes, voting compartments, seals and other required materials, and make such other arrangements to facilitate voting as may be deemed advisable for effectively conducting the election.

### **Article 40**

#### **Ballot Papers**

(1) The Commission shall undertake the following tasks in relation to the ballot papers:

- a. Produce ballot papers;
- b. Establish provisions for allocation of symbols and drawings to candidates where necessary;
- c. Establish the method by which voters will mark the ballot papers;
- d. Determine the languages to be used on ballot papers; and
- e. Establish a procedure for the counting of ballot papers.

(2) The Commission shall determine the order of candidates on the ballot paper by drawing lots.

### **Article 41**

#### **Ballot Boxes**

The Commission shall undertake the following tasks in relation to the ballot boxes:

- a. Specify the design and material of ballot boxes, ensuring that each ballot box can be securely closed and sealed;
- b. Specify the manner in which ballot boxes are to be marked and identified; and
- c. Specify the manner in which ballot boxes are to be closed, secured, opened, sealed, and unsealed.

## **Article 42**

### **Observers and Agents**

The Commission shall specify the rights and duties of observers, and shall develop procedures for the accreditation of national and international election observers and agents of political parties and of independent candidates.

## **Article 43**

### **Removal of Campaign Materials**

The Commission shall have the authority to order the removal of campaign materials displayed within 100 meters of polling centres on election date.

## **Article 44**

### **Prohibition of Carrying Arms at Polling Centres**

No person shall carry any weapon or any instrument capable of use as a weapon, at or within 500 meters of any polling centre. The carrying of weapons by security officials authorized by the Ministry of Interior shall be exempted from this provision.

## **Article 45**

### **Commencement and Closing of Polling**

(1) Polling at all polling centres shall commence and shall close at times to be fixed by the Commission.

(2) Polling shall be conducted in accordance with Procedures issued by the Commission.

(3) The Chairperson of a polling centre may order a suspension of polling if the polling centre is threatened by riot, violence, storm, flood, or any other sudden occurrence which makes the proper conduct of polling impossible. The Chairperson of the polling centre shall immediately inform the Secretariat of any such decision.

(4) The Chairperson of a polling centre shall mark the end of the queue of voters at closing time as per sub article (1) and shall permit every voter who is in the queue to cast his or her vote at that time.

(5) The Commission may provide facilities necessary for the voting of the disabled and the handicapped.

## **Article 46**

### **Objections Concerning Voting**

(1) Before a voter has been handed a ballot paper, an accredited agent of a candidate may object to that voter being entitled to vote or to vote at the polling centre concerned.

(2) The Chairperson of the polling centre shall determine whether to accept such objection and shall note the particulars of the objection and his or her reason for rejecting or accepting the objection in an official record.

## **Article 47**

### **Sealing of Ballot Boxes and Other Material**

(1) As soon as the ballot box is full or balloting has ended, the Chairperson of the polling centre, in the presence of accredited agents and election observers, shall seal the box in the prescribed manner and allow any accredited Agent who may wish to do so, to record the number of the seals.

(2) The Chairperson of the polling centre shall deliver the ballot boxes and packets to the Counting Centre in accordance with the Commission's instructions.

## **Article 48**

### **Place and Time of Counting of Votes**

Votes shall be counted in counting centres determined by the Commission.

## **Article 49**

### **Presentation and Certification of Results**

(1) The Commission is responsible for announcing the certified election results in each constituency once all counting procedures have been completed and after all complaints concerning polling and counting have been adjudicated by the ECC.

(2) Prior to the certification of results, the Commission or the ECC may order a recount of some or all of the ballots in a counting centre, or a repeat of the voting in any constituency.

(3) The results of the election are final and binding once they have been certified by the Commission.

(4) The Commission shall announce and publish the results of the election once they have been certified and all appeals have been adjudicated.

## **Article 50**

### **Fair and Neutral Publication and Dissemination of Ideas**

(1) For the purpose of public information during the electoral campaign period, the mass media (radio, television, and the press) shall publish and disseminate the platforms, views and goals of the candidates in a fair and unbiased manner, in accordance with the Code of Conduct established by the Commission.

(2) Candidates shall have access, to the extent possible, to the media. For the purpose of public information during electoral campaign period, state-run media shall publish and disseminate, as agreed with Commission, the platforms, views, and goals of the candidates in a fair and unbiased manner.

(3) State-owned media shall institute, as necessary, goals, policies and procedures to ensure fair coverage of the elections and implement the provisions of sub articles (1) and (2).

## **Article 51**

### **Media Commission**

(1) The Commission shall establish, at least 60 days prior to the election date, a Media Commission (MC). The MC shall monitor fair reporting and coverage of the electoral campaign period and shall deal with the complaints concerning any breaches of fair reporting or coverage of political campaign, or other violations of the Mass Media Code of Conduct. Appeals, may be lodged with the Commission.

(2) The composition, responsibilities, and authorities of the MC shall be determined by the Commission.

## **Chapter IX**

### **Electoral Complaints and Offences**

## **Article 52**

### **Electoral Complaints Commission**

(1) In order to deal with electoral offences, complaints and challenges, an Electoral Complaints Commission (ECC) shall be established with the following composition:

- a. One member appointed by the Supreme Court;
- b. One member appointed by the Afghan Independent Human Rights Commission; and
- c. Three International members appointed by the Special Representative of the Secretary General in Afghanistan.

- (2) The ECC shall elect one of its members as the Chairperson of the ECC.
- (3) The ECC shall have the jurisdiction to consider and adjudicate the following:
- a. Complaints relating to electoral offences, including violations of the law in the conduct of the electoral process, provided that the complaint has been received prior to the certification of the results of the election; and
  - b. Challenges to the list of candidates or to the eligibility or qualifications of a candidate raised during the electoral process.
- (4) The ECC shall develop and implement its own procedures for considering and adjudicating complaints.
- (5) The ECC may consider matters otherwise within its jurisdiction on its own initiative and in the absence of a formal complaint or challenge.
- (6) Decisions of the ECC shall be final.
- (7) The ECC shall discontinue its work no later than 30 days following the certification of results.
- (8) In order to deal with complaints arising in the provinces, the ECC may delegate its authority to commissions at provincial level, which commissions shall consider complaints within their jurisdiction and in accordance with the procedures established by the ECC.

### **Article 53**

#### **Electoral Offences**

The following acts shall constitute Electoral Offences:

- a. Providing false information to the Commission, any commission established by the Commission, or the Electoral Complaints Commission;
- b. Threatening, intimidating or attacking the dignity of a voter or candidate or a journalist covering the election in any way;
- c. Impeding anyone, including accredited observers and agents, from participating in the electoral process;
- d. Committing fraud in voting or vote counting;
- e. Offering or receiving a payment or other benefit for the purpose of influencing the electoral process;
- f. Possessing, or attempting to obtain, more than one voter registration card;

- g. Voting or attempting to vote using a forged or altered card or the card of another person;
- h. Changing, replacing, stealing, or destroying electoral documents without legal authorization;
- i. Manufacturing false voter registration cards, ballots, or official forms;
- j. Obtaining a voter registration card under false pretences;
- k. Attempting to vote more than once in an election;
- l. Interfering with election materials or ballot boxes without due authority;
- m. Interfering with electoral officials in the performance of their duties;
- n. Violating the Code of Conduct for Political Parties, Candidates and Agents, or the Code of Conduct for Electoral Officials;
- o. Making use of funds originating from illegal activities;
- p. Making use of foreign funds for the purpose of influencing the electoral process;
- q. Inciting or provoking other persons to commit an Electoral Offence;
- r. Violating provisions of this Law or other legal instrument governing the electoral process; and
- s. Failing to comply with any order of the Commission, the ECC, or the MC.

## **Article 54**

### **Sanctions and Penalties**

(1) Taking into consideration the circumstances, the ECC may, if it determines that an Electoral Offence has occurred:

- a. Issue a warning to, or order, the offending individual or organization, to take remedial action;
- b. Impose a fine not to exceed 100,000 Afghanis;
- c. Prior to the certification of results, order a recount of ballots, or a repeat of the voting;
- d. Remove a candidate from the candidates list, if there are justified reasons;
- e. Invalidate ballot papers not meeting the conditions for validity, or order the count or recount of a ballot paper or a group of ballot papers; and
- f. Prohibit an offending individual from serving in the Commission or its Secretariat for a period not exceeding 10 years.

(2) The ECC may impose sanctions on a political party or candidate for Electoral Offences committed by its members or supporters. In imposing such a sanction the ECC shall take into consideration any evidence demonstrating that the political party or candidate made reasonable efforts to prevent its members and supporters from committing Electoral Offences.

(3) In addition to imposing the above sanctions, the ECC may refer the offender to the Public Prosecution Office if it has evidence that the offender has perpetrated a criminal act.

## **Chapter X Miscellaneous Provisions**

### **Article 55**

#### **Postponement, Suspension, or Re-run of the Elections**

(1) If security, financial, or technical conditions or other unpredictable events or situations make the holding of an election impossible, or seriously threaten the legitimacy of an election, the Commission may postpone or suspend polling in the affected constituency until the elimination of the condition.

(2) If the Commission determines that the election in a constituency has been flawed, it may order a re-run of the election in the affected constituency.

### **Article 56**

#### **Preparing Rules and Regulations**

The Commission may issue Regulations, Procedures, and separate Guidelines to better implement the provisions of this Law.

## **Chapter XI Transitional Provisions**

### **Article 57**

#### **Joint Electoral Management Body**

(1) For the administration and oversight of the electoral processes during the Transitional Period, as defined by Article 159 of the Constitution, the JEMB, as established in Decree 11/1382 of 18 February 2004, shall exercise all the powers of the Independent Electoral Commission as laid down in Article 156 of the Constitution and in this Law.

(2) Upon completion of all duties related to the elections during the Transitional Period, the JEMB shall dissolve and the Independent Electoral Commission shall assume all the powers under Article 156 of the Constitution and this Law.

**Article 58****Date of Entry into Force**

This Law shall come into effect from the date of its signature and is to be published in the Official Gazette, and after its coming into force, the Electoral Law published in the Official Gazette number 829 on 31 May, 2004 shall be annulled.