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Elections in Afghanistan

April 5 Presidential and Provincial Council Elections

Frequently Asked Questions

Europe and Asia

International Foundation for Electoral Systems

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Frequently Asked Questions

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*Disclosure:
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When is Election Day?

Election Day is scheduled for April 5, 2014.

If no presidential candidate receives 50 percent plus one of the votes, a second round of voting is scheduled for May 28, 2014. The Independent Election Commission (IEC) will announce a new official schedule if a run-off election is required.

Who are citizens voting for on Election Day?

Citizens will vote for a new President and for members of the country's 34 provincial councils. The presidential election is expected to mark the country's first democratic transition of power. The candidates for president are (in alphabetical order):

- Dr. Abdullah Abdullah
- Ashraf Ghani Ahmadzai
- Hedayat Amin Arsala
- Qutbuddin Hilal
- Zalmay Rassoul
- Abdul Rab Rassoul Sayyaf
- Gul Agha Sherzai
- Mohammad Daud Sultanzoy

Qayum Karzai, elder brother of current President Hamid Karzai, withdrew from the race on March 6, 2014, and endorsed Rassoul. Former Defense Minister Abdul Rahim Wardak withdrew from the race on March 16. Sardar Mohammad Nadir Naeem withdrew on March 26, and also endorsed Rassoul. The names of candidates who have withdrawn will still appear on the official ballot. Each presidential candidate runs on a ticket with candidates for the positions of first and second Vice President.

For provincial councils, each citizen can vote for one candidate running in his/her province of residence. There are a total of 458 seats on provincial councils throughout the country, with councils varying in size between nine and 33 members, based on the population of the province.

The official list of provincial council candidates announced by the Independent Election Commission included 2,713 candidates, 308 of whom are women. Since the publication of the final list, the Independent Electoral Complaints Commission has disqualified 115 candidates based on its review of eligibility criteria, mostly related to failure to meet requirements regarding age and education.

What are the terms of office for the President and provincial council members?

The President is elected for a five-year term and is limited to serving two terms in office, as stated in the Constitution of Afghanistan. Current President Hamid Karzai is ending his second term and, as such, is not running for re-election.

Provincial council members are elected for four-year terms. However, the Independent Election Commission postponed the upcoming provincial council election from 2013 to April 2014, thereby extending the terms of current members.

Who can vote in the country?

All citizens of Afghanistan who are 18 or older on Election Day, registered to vote and “have not been deprived of civil rights by law or an authorized court” are eligible to vote. The 2013 Election Law states that “eligible voters shall have the right of equal vote which they use directly in elections,”¹ meaning that proxy voting is officially prohibited.

How many registered voters are there?

As of March 27, 2014, a total 20,845,988 voters have been registered in Afghanistan since 2003, according to official data published by the Independent Election Commission (IEC).² This includes 3,685,442 voters that registered during an IEC campaign, which began in May 2013 and ended until two weeks before Election Day. Of these newly registered voters, IEC statistics show that 1,263,962 (34%) are women.

What is the structure of the government?

The government has three branches: executive, legislative and judicial.

The executive branch consists of the Office of President, who is both head of State and the head of government. President Hamid Karzai currently holds this office. The executive branch also includes a first and second Vice President, 26 Cabinet ministers, the National Security Council and other government agencies.

The legislature of Afghanistan is a bicameral National Assembly (*Jirga*) consisting of the House of Elders (*Meshrano Jirga*), with 102 seats, and the House of the People (*Wolesi Jirga*), with 249 seats. Each of the

¹ Government of the Islamic Republic of Afghanistan. “Election Law.” (Ratified on July 20, 2013.) Unofficial English translation. http://iec.org.af/pdf/legalframework/law/electorallaw_eng.pdf.

² Independent Election Commission of Afghanistan. “Voter Registration.” Accessed online on March 27, 2014, at <http://iec.org.af/2012-05-31-16-45-49/voter-registration>

country's 34 provinces has a provincial council. The number of members in each council can range from nine to 33 depending on the size of the province. One member from each provincial council is also selected as a representative to the *Meshrano Jirga*.

The judicial branch consists of the Supreme Court (*Stera Mahkama*), Courts of Appeals and "Primary Courts."³ Supreme Court judges are appointed by the President and approved by the *Wolesi Jirga*, while judges for the lower courts are proposed by the Supreme Court and approved by the President.

What is the electoral system in Afghanistan?

The President of Afghanistan is elected by an absolute majority vote, using a two-round system. If no presidential candidate receives more than 50 percent of the vote in the first round, a subsequent run-off election is held between the two candidates who received the largest percentage of votes in the first round.

Members of each provincial council are elected using the single non-transferable vote (SNTV) system,⁴ in which participants may cast one vote for an individual candidate in the multi-member constituency. The SNTV system makes it easier for independent candidates to participate and be successful in elections. It encourages large numbers of candidates; discourages formation of political parties; and leads to candidates winning elections with a small percentage of the vote.

Are there reserved seats for women? What is the gender balance within the candidate list?

According to the 2013 Election Law, "at least 20% of the seats of each Provincial Council shall be allocated for female candidates." This is a decrease from the prior electoral framework, which set aside 25 percent of provincial council seats for women.

There are no female presidential candidates in the 2014 presidential election. There are three female candidates for Second Vice President:

- Habiba Sarabi, former Governor of Bamiyan province and the first female governor in Afghanistan, is running with Zalmay Rassoul
- Kazima Mohaqiq, a university teacher, is running with Mohammad Daoud Sultanzoy

³ Government of the Islamic Republic of Afghanistan. *The Constitution of the Islamic Republic of Afghanistan*. (Ratified on January 26, 2004). Unofficial English translation. <http://www.embassyofafghanistan.org/page/constitution>.

⁴ As noted by the United Nations Assistance Mission in Afghanistan (UNAMA), "The SNTV system is uncommon. It was once used for parliamentary elections in Japan, South Korea and Taiwan. Today, it is still used in Vanuatu, the Pitcairn Islands and Jordan, as well as the elections of the upper house in Indonesia and the Thai senate." [UNAMA. "Primer on the Single Non-Transferable Vote System." (n.d.) <http://unama.unmissions.org/Portals/UNAMA/Documents/Election%20System%20in%20Afghanistan%20Primer.pdf>

- Safia Seddiqi, a former Member of Parliament, is running with Hedayat Amin Arsala

For provincial council elections, 308 of 2,713 candidates on the ballot are female. However, an unknown number of female candidates may have been disqualified due to the review of eligibility criteria conducted by the Independent Electoral Complaints Commission of Afghanistan following publication of the official candidate list.

What is the election management body? What are its powers?

The Independent Election Commission (IEC) is the election management body of Afghanistan. Its responsibilities and authorities, as established in the 2013 Structure Law,⁵ include:

- Managing voter registration
- Certifying the final lists of candidates and voters
- Establishing the calendar for the electoral cycle
- Developing and implementing the budget and operational plans for elections
- Recruiting and training electoral officials and staff
- Conducting voter education and public outreach
- Accrediting domestic and international election observers and monitors
- Establishing voter registration centers, polling centers and stations, and counting stations
- Implementing elections on Election Day
- Announcing preliminary election results as well as certifying the final results following the completion of adjudication by the Independent Electoral Complaints Commission

The IEC has offices in all 34 provinces, and is administered at a local level by District Field Coordinators and Polling Station Committees.

How are election officials selected?

New procedures for selecting and appointing election officials were established in the 2013 Structure Law,⁶ which provides for a more transparent process. Under the new legal framework, the President is given a shortlist of candidates prepared by a selection committee. This committee is made up of National Assembly Chairpersons, the heads of two oversight commissions,⁷ the Chief Justice of the Supreme Court, and one representative selected from elections-focused civil society organizations. The

⁵ Government of the Islamic Republic of Afghanistan. "Law on the Structure, Duties and Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission." (Ratified on July 20, 2014.) Unofficial English translation. http://iec.org.af/pdf/legalframework/law/law_structure_iec_duties_authorities_eng.pdf.

⁶ Ibid.

⁷ Specifically, the Independent Commission for Oversight of the Implementation of the Constitution and the Afghanistan Independent Human Rights Commission

president appoints nine Independent Election Commissioners, at least two of whom must be female, and five Independent Electoral Complaints Commissioners, at least one of whom must be female.

Commissioners are appointed to six-year terms and are immune from prosecution regarding their work, barring flagrant public offences. The Independent Election Commission and Independent Electoral Complaints Commission are responsible for recruiting and training central and provincial staff members. Each commission is supported by a Secretariat, which is responsible for legal, financial, administrative, training, public outreach and operational work of its respective commission.

What is the legal framework for the election?

The election is being administered under the legal framework of two electoral laws passed by Parliament and signed by President Karzai in July 2013 – the Election Law and the Structure Law.⁸

The Election Law details:

- Qualifications and obligations for voters and election observers
- Qualifications and obligations for candidates in presidential and mayoral elections, as well candidates for the National Assembly and provincial, district and village councils
- Size and composition of the legislative bodies noted above
- Electoral systems and constituencies for each type of election
- Rules for allocating seats to female candidates
- Basic frameworks for the voter list, electoral calendar and campaign schedule
- Authorities of the Independent Election Commission (IEC), Independent Electoral Complaints Commission (IECC) and Media Commission
- Guidelines for vote counting and results certification as well as electoral security, integrity and dispute resolution

The Structure Law details:

- The structure, duties and authorities of the IEC and IECC
- Qualifications and appointment procedure for IEC and IECC Commissioners
- Immunity from prosecution, barring gross negligence, and grounds for dismissal
- Rules for recruitment of Secretariat staff and application of civil service regulations

This marks the first time that an election in Afghanistan has been conducted under a legal framework established by the legislative process rather than presidential decree. It also marks the first election in

⁸ Government of the Islamic Republic of Afghanistan. “Law on the Structure, Duties and Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission.” (Ratified on July 20, 2014.) Unofficial English translation. http://iec.org.af/pdf/legalframework/law/law_structure_iec_duties_authorities_eng.pdf.

which the IEC and IECC are both permanent, standing electoral management bodies, giving particular importance to precedents established in this electoral cycle.

What is the official campaign period?

The official campaign period for presidential candidates runs from February 2-April 2, 2014. Campaigns for provincial council candidates are conducted from March 2-April 2, 2014. All campaigns are required to observe a 48-hour period of silence prior to Election Day on April 5.

What is a polling center? What is a polling station?

According to the 2013 Election Law, a polling center is “[a] venue envisaged by the [Independent Election] Commission for the polling purpose, which comprises multiple stations.”⁹ A polling station is “[a] place related to a polling center determined for the exercise of the right to vote.” For example, a polling center might be a school, while a polling station would be a classroom within the school.

Due to limitations of the voter registration system, voters are permitted to vote for President at any polling station in the country and for provincial council candidates at any polling station in their province of residence. In Afghanistan, to accommodate prevailing gender norms, separate polling stations are established for women and men to vote.

How many polling centers are set up on Election Day?

According to the final list announced by the Independent Election Commission (IEC) on February 28, there will be 6,775 active polling centers which will encompass a total of 21,603 polling stations. The IEC has announced that 396 polling centers are expected to remain closed, and more may be closed on Election Day, due to high security risks.

Is out-of-country voting allowed?

The 2013 Election Law states that voting is a right for Afghan refugees and diplomatic personnel living outside the country. In the past, voting centers for refugees were established in Pakistan and Iran, which enabled displaced Afghan citizens to cast their ballots.¹⁰ For this election, however, the Independent Election Commission website states that this service will not be available for these elections due to financial and logistical constraints.

⁹ Government of the Islamic Republic of Afghanistan. “Election Law.” (Ratified on July 20, 2013.) Unofficial English translation. http://iec.org.af/pdf/legalframework/law/electorallaw_eng.pdf.

¹⁰ Ben Goldsmith. (n.d.) “Out-of-Country Voting in Post-Conflict Elections.” ACE Electoral Knowledge Network. <http://aceproject.org/today/feature-articles/out-of-country-voting-in-post-conflict-elections>.

How will voters with disabilities cast their ballots?

Voters with disabilities in Afghanistan are permitted to cast their ballots with the assistance of a trusted friend or family member, or with the assistance of a polling station Chairperson. As a fraud deterrent measure, only polling station Chairpersons are permitted to assist more than one person.

Although Afghanistan has ratified the Convention and Optional Protocol on the Rights of Persons with Disabilities, further practical measures supporting electoral access for persons with disabilities currently remain limited.¹¹

What technology will be used?

On Election Day, multiple voting will be mitigated through the use of two kinds of indelible ink.

The Independent Election Commission (IEC), with support from the United Nations, now uses an online system to track the movements and identify details of sensitive materials. Barcoded ballots and sealed tamper-evident bags are intended to secure the integrity of results data transmission, as results are conveyed physically from polling stations through provincial centers to the capital.

At the National Tally Center, results are tabulated and aggregated using software that automatically crosschecks mathematical consistency of entries, which are entered twice by two separate staff members. The system will not accept inconsistent information.¹² The IEC plans to publish results forms, once cleared, on its website for public scrutiny. The IEC and Independent Electoral Complaints Commission are both required by law to publish their procedures, regulations and decisions on their respective websites, providing the public with greater access to information.

Will the election management body use a media center?

The Independent Election Commission (IEC) has an on-site media center and a five-member Media Commission – temporarily established in 2013 for these elections. A Media Commission is required by the 2013 Election Law.¹³ The Media Commission is responsible for creating and overseeing regulations for media coverage of the elections. The Election Law establishes that the Media Commission will adjudicate complaints and impose sanctions specifically related to media misconduct.

¹¹ National Democratic Institute. "The 2010 Wolesi Jirga Elections in Afghanistan." <http://www.ndi.org/files/Afghanistan-2010-election-observers-final-report.pdf>.

¹² ACE Electoral Knowledge Network. (n.d.) "Afghanistan: Results Management System." http://aceproject.org/ace-en/topics/vc/vcy/cvy_af.

¹³ Organization for Security and Cooperation in Europe (OSCE). (January 23, 2014). "Presidential and Provincial Council Elections, 5 April 2014: OSCE/ODIHR Exploratory Team Report." Office for Democratic Institutions and Human Rights (ODIHR). Warsaw, Poland. Accessed online on March 24, 2014, at <https://www.osce.org/odihr/elections/110503>.

Where are vote counting and tabulation held?

After polling stations close on Election Day, ballot counting is required to begin immediately, at the polling station, under the supervision of the polling center Chairperson. Accredited observers and candidate representatives are authorized to observe the process of counting, recording and securing the ballots and other sensitive material in tamper-evident containers. The ballots are required to depart for the provincial center by the following day, with several days required for transportation in some remote locations. Results forms are conveyed from provincial centers to the Independent Election Commission's National Tally Center in Kabul, where data entry, tabulation and auditing take place.¹⁴

Who will observe during Election Day? How can they get accreditation?

The Free and Fair Elections Foundation of Afghanistan (FEFA), the Transparent Election Foundation of Afghanistan and Democracy Watch Afghanistan are among the many Afghan organizations accredited as observers for the upcoming elections. Representatives of political parties and candidates can also be accredited as observers. Eight international organizations are accredited to conduct official observation missions, although several are reviewing their participation due to security concerns. As of March 18, 2014, a total of 72,401 observers have been accredited, 12,915 (18%) of whom are female.

All official observers are required to apply for and attain accreditation from the Independent Election Commission (IEC). The 2013 Election Law provides that observers have the right to be present at polling and counting centers; to lodge complaints; to publish reports; and to access information regarding the electoral process.

When will official results be announced?

According to the official timeline for the elections established by the Independent Election Commission (IEC), final presidential election results are to be announced on May 14, 2014, following the final IECC decisions on complaints adjudication and appeals. A run-off election, if required, is scheduled for May 28. In the event this takes place, the IEC will publish an updated timeline for adjudication and announcement of official results. Final provincial council elections results are scheduled to be announced on June 7.

How will election disputes be adjudicated?

The Independent Electoral Complaints Commission of Afghanistan (IECC) has responsibility for adjudicating all electoral disputes, including challenges regarding the preliminary list of candidates; the conduct of campaigns; and alleged fraud and malpractice during the voting and counting period. The

¹⁴ ACE Electoral Knowledge Network. "Afghanistan: Results Management System." http://aceproject.org/ace-en/topics/vc/vcy/cvy_af.

2013 Structure Law established the IECC as a permanent institution, headed by five Commissioners and supported by a Secretariat.¹⁵

The 34 provincial IECCs have primary jurisdiction to address alleged violations of election laws. Each provincial IECC has a secretariat with legal, financial and administrative staff to assist in processing complaints. In exceptional circumstances, the central IECC may decide as the primary authority. The law provides for a right to appeal to the central IECC against provincial IECC decisions.

Complaints on the voting and counting process can be filed within 48 hours after Election Day.^{16,17} Formal complaints are filled out on an IECC complaints form, which may be filed at the relevant provincial IECC offices or at central IECC, and – on Election Day – at polling centers and stations. Any person who has full legal competence may file a complaint or challenge, either in person or through a legally authorized representative.

The legal department at the commission with primary jurisdiction receives, registers, categorizes and conducts an initial assessment of the complaint and related evidence, followed by formal legal opinion by a senior lawyer, before a recommendation is drafted and submitted to the Commissioners. The complaints are prioritized by urgency and importance, and then assessed and ruled upon by the central or provincial IECC, as appropriate. Decisions are made based on the vote of a majority of the IECC Commissioners present at the meeting and, in the case of a tie, according to the decision of the IECC Chairperson.

The newly adopted 2013 Structure Law,¹⁸ as well as IECC procedures, provide for IECC meetings on complaints adjudication to be open. It allows representatives of the media, civil society, media groups, political parties and observers to participate. IECC decisions, as defined by the 2013 Election Law, are “final and applicable” and the 2013 Structure Law states “announcement of the final election results that takes place based on the decision of the Complaints Commission shall be unchangeable.”

The Election Law includes deadlines on the decision making process of the IECC. The provincial IECCs are legally bound to adjudicate complaints within 10 days after Election Day, while the central IECC has one month after Election Day to finalize decisions on all complaints and appeals.

¹⁵ Government of the Islamic Republic of Afghanistan. “Law on the Structure, Duties and Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission.” (Ratified on July 20, 2014.) Unofficial English translation. http://iec.org.af/pdf/legalframework/law/law_structure_iec_duties_authorities_eng.pdf.

¹⁶ Independent Electoral Complaints Commission of Afghanistan. “Procedure on Filing and Adjudicating Electoral Challenges and Complaints.” (Approved on February 4, 2014).

¹⁷ The Independent Electoral Complaints Commission of Afghanistan procedure on filing and adjudication does not establish deadlines for complaints related to campaign or preliminary results.

¹⁸ Government of the Islamic Republic of Afghanistan. “Law on the Structure, Duties and Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission.”

How will Election Day security be ensured?

The Afghan National Security Forces (ANSF) encompass the Afghan National Army and the Afghan National Police. The ANSF will have primary responsibility for security on Election Day. The government of Afghanistan has established coordinating bodies at the provincial level with the goal of more effective security coverage. The International Security Assistance Force will support the ANSF.

As in previous years, the limited number of female soldiers and police officers is expected to present a risk for electoral security, integrity and women's right to vote. Without female security forces to conduct body searches and provide additional observation, women's polling stations can more easily become targets for attack and fraud.

Resources

- Independent Election Commission of Afghanistan ([English](#))
- Independent Electoral Complaints Commission of Afghanistan ([English](#), [Dari](#), [Pashtu](#))
- ElectionGuide.org: Islamic Republic of Afghanistan, Election for President ([English](#))
- IFES Afghanistan ([English](#))
- IFES Begins Two New Complementary Programs in Afghanistan ([English](#))
- IFES Afghanistan: Handbook for Women’s Rights Advocates ([English](#))