



Global Expertise. Local Solutions.
Sustainable Democracy.

Elections in Afghanistan

2018 National Parliamentary (Wolesi Jirga) Elections

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

2011 Crystal Drive | Floor 10 | Arlington, VA 22202 | www.IFES.org

October 15, 2018

Frequently Asked Questions

- When is Election Day?..... 1
- Who is eligible to vote in this election? 1
- How are voters registered in Afghanistan? 1
- Who will be competing in this election?..... 1
- What are the terms of office for the Wolesi Jirga members? 2
- What is the structure of the government? 2
- What is the electoral system in Afghanistan? 2
- Are there reserved seats for women? What is the gender balance within the candidate list? 3
- What are the election management bodies? What are their powers? 3
- What is the legal framework for the election? 4
- What is the official campaign period and what are the rules on campaigning? 5
- What is a polling center, what is a polling station and how many are set up on Election Day? 5
- What is the process for voting on Election Day? 5
- What are the rules that relate to media during the electoral campaign? 6
- How will voters with disabilities cast their ballots? 7
- When will counting take place? 7
- Who will count the votes? 7
- Who will be observing during Election Day? How can they get accreditation? 8
- When will official results be announced? 8
- How will election disputes be adjudicated? 8

Disclosure:
These FAQs reflect decisions made by the Afghan elections authorities as of October 15, 2018, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

As of time of the writing of this document, the parliamentary election in Afghanistan is scheduled for October 20, 2018.¹ Initially, the election was scheduled for October 15, 2016, but was postponed to July 7, 2018, and then again to October 20, 2018. The last parliamentary election took place on September 18, 2010.

Who is eligible to vote in this election?

All Afghan citizens, who are at least 18 years of age on Election Day, “have not been deprived from his/her civil rights by the law or by a competent court”² and with valid voter ID card will have the right to vote in this election. The electoral law also requires that voters’ names be registered in the voter list. Registration cards issued in 2003, 2004, 2005, 2008, 2010 and 2014 are invalidated, as for this election, the Independent Election Commission carried out a voter registration exercise to create its first voter list that will be used to verify voters’ eligibility.

How are voters registered in Afghanistan?

Under the new voter registration exercise, all eligible voters were required to take their national ID cards to the Independent Election Commission (IEC) registration centers to verify eligibility, be registered as voters and get a voter registration sticker on their national ID card (Tazkira). Voter registration was conducted in three phases: April 14 to May 13, 2018, in the provincial capitals, May 15 to 28, 2018, in district centers and May 30 to June 12, 2018, in villages. Being at least 18 years old and in possession of a valid Tazkira were the only requirements for voter registration. According to IEC statistics, 8,843,151 eligible voters are registered for this election, of whom 5,768,549 are men and 3,074,602 are women.

Who will be competing in this election?

A total of 2,691 candidates filed their nomination papers with the Independent Election Commission (IEC). Thirty-five candidates were disqualified by the Electoral Complaints Commission and removed from the list, mainly for links with illegal armed groups, and on August 13, 2018, the IEC released the final list of 2,565 candidates competing in the *Wolesi Jirga* elections. The list includes 417 female candidates. Separate lists have been published for each province.

There are 250 elected seats in the Wolesi Jirga, and candidates from 33 of the 34 provinces in Afghanistan are running in this election, due to the postponement of the election in the Ghazni province. The National Assembly includes both a Lower House or House of the People (*Wolesi Jirga*) and an Upper House or House of Elders (*Meshrano Jirga*), but only members of the Lower House are directly elected. The Upper House consists of a mixture of parliamentarians chosen from provincial councils, district councils and those appointed by the president. There are 102 seats in the Upper House, where 34 members are indirectly elected from each of the 34 provincial councils, 34 members are elected from

¹ The election will be held in 33 of Afghanistan’s 34 provinces. Ghazni province elections have been postponed and are likely to be held along with the presidential election scheduled for April 2019.

² Electoral Law, art. 37 (2016)

each province district councils and 34 members are appointed by the president. Legislature passed in the Lower House must be approved by the Upper House.

As stated in the Electoral Law, Article 39, Wolesi Jirga candidates must meet the voting eligibility requirements, and must also:

- Be an Afghan citizen or have obtained citizenship of Afghanistan for at least 10 years before the day of candidacy or appointment;
- Have not been convicted of crimes against humanity, a crime, or have not been deprived of their civil liberties by a court; and
- Must be over 25 years of age in case of the Wolesi Jirga and 35 years of age in case of the Meshrano Jirga on the day of candidacy or appointment.

What are the terms of office for the Wolesi Jirga members?

The *Wolesi Jirga* is elected for a five-year term, as stated in the Constitution of Afghanistan. Elections must be held between 30 and 60 days prior to the expiration of the term. However, the Independent Election Commission postponed the parliamentary election from 2015 to October 20, 2018, and the term of the current Wolesi Jirga was therefore extended by a presidential decree until the new representatives are elected. The terms of the members of the *Meshrano Jirga* do not have an end date. Rather, the term of its members depends on whether they are elected by provincial or district councils or are appointed by the president.

What is the structure of the government?

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

The executive branch consists of the office of the president, who is both head of state and the head of government. President Mohammad Ashraf Ghani 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. As part of National Unity Government Agreement, the post of chief executive officer (CEO) was created within the structure of government. Dr. Abdullah Abdullah, who was competing against President Ghani in the second round of 2014 presidential election, is currently holding the CEO position.

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 250 seats.

The judicial branch consists of the Supreme Court (*Stera Mahkama*), Courts of Appeals and Primary Courts. 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?

Members of the *Wolesi Jirga*, provincial council and district councils are elected using the single non-transferable vote (SNTV) system, in which participants may cast one vote for an individual candidate in

the multi-member constituency. Despite discussion during the 2015-16 legal reform process on the adoption of a new electoral system, the SNTV system remains in place for the upcoming parliamentary elections.³ This system encourages large numbers of candidates, discourages formation of political parties, and leads to candidates winning elections with a small percentage of the vote. Afghanistan has held Wolesi Jirga elections in 2010, and provincial council elections in 2014, but has never held district council elections in the past.

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

The Afghanistan Constitution provides for reserved seats for women in Parliament and provincial councils.⁴ In the current Parliament, 27 percent of seats have been allocated to women in the *Wolesi Jirga*, and 17 percent of seats have been allocated to women in the *Meshrano Jirga*.⁵ For this election, 417 of the 2,565 candidates are women. No changes have been made in the 2016 Electoral Law for the representation of women in the Wolesi Jirga election. If there are not sufficient women on candidate lists to occupy the seats allocated to women, the Independent Election Commission adopts procedures and a formula, based on the population of each province, to ensure that sufficient seats are allocated to women.

What are the election management bodies? What are their powers?

The Independent Election Commission (IEC) is the election management body of Afghanistan. Its responsibilities and authorities, as established in the 2016 Election Law,⁶ include:

- Administration and supervision of all types of elections;
- Managing voter registration;
- Approval of the administrative, budgetary, managerial and elections operational plans;
- Certifying the final lists of registered candidates and voters;
- Approving the calendar for the electoral cycle;
- Planning civic education and public awareness campaigns at the country level;
- Establishing procedures on the use of mass media;
- Determining and verifying voter registration centers, polling and counting stations;
- Accrediting domestic and international election observers, monitors, and representatives of mass media;
- Establishing voter registration centers, polling centers and stations, and counting stations;
- Announcing preliminary election results, as well as certifying the final results following the completion of adjudication by the Electoral Complaints Commission (ECC);

³ The current system also includes a combined reserved seat for the Hindu and Sikh communities in the Wolesi Jirga.

⁴ In the Wolesi Jirga (House of the People), 27 percent of seats are reserved for women (two from each province) and in the Meshrano Jirga (House of Elders), approximately 17 percent of seats are reserved for women. The Electoral Law provides that 25 percent of seats in provincial councils must be reserved for women.

⁵ [Inter-Parliamentary Union](#), Report Afghanistan. Directly elected members includes 10 seats reserved for Kuchis, including at least three women, and 65 additional seats reserved for women; thus at least 68 women in total.

⁶ Electoral Law 2016, at art. 19, available at http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

- Monitoring performance of the IEC’s secretariat and provincial offices; and
- Monitoring recruitment of the staff of the secretariat and the provincial offices of the IEC.

The IEC has offices in all 34 provinces and is administered at a local level by district field coordinators and polling station committees.

Since 2013, the legal framework provides for a permanent ECC. The ECC is responsible “to address objections and complaints arising from electoral negligence and violations, and to identify crimes related to the elections.”⁷ The ECC can receive, assess, and decide on complaints relating to the preliminary candidate list, voter registration, or polling and counting. The ECC is a permanent organization and is composed of five commissioners and a secretariat at the central level. The Electoral Law also introduced the option of the government to appoint two United Nations international election experts as non-voting members to “ensure further transparency.”⁸ During elections, 34 Provincial Complaints Commissions composed of three commissioners and a secretariat are set up to address challenges and complaints in each province of Afghanistan.

Both the IEC and ECC Commissioners are appointed by the president following a proposed list of applicants by a selection committee. Individuals submit their application to the selection committee, which then reviews applications based on criteria set in the Electoral Law and prepares a list of names, taking into consideration the highest legal standards, ethnicity, and gender.⁹

What is the legal framework for the election?

The election is being administered under the legal framework of an Electoral Law passed by decree in September 2016. This new law repealed the 2013 Electoral Law and the Law on Structure, Duties and Authorities of the Independent Election Commission (IEC) and the Electoral Complaints Commission (ECC).¹⁰

The Election Law details:

- Qualifications and obligations for voters and election observers;
- Qualifications and obligations for candidates in presidential and mayoral elections, as well as candidates for the National Assembly and provincial, district and village councils;
- 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 IEC, ECC and Media Committee;

⁷ Electoral Law 2016 at arts. 12-13; 28-34

⁸ EL, at art. 29 (6). In 2009 and 2010, international election experts were appointed as voting members of the ECC. In 2014, the ECC was only composed of Afghan members.

⁹ Electoral Law 2016 at arts. 28-29

¹⁰ Electoral Law, at art. 109; Afghanistan Analysts Network, *Afghanistan’s Incomplete New Electoral Law* (January 2017): <https://www.afghanistan-analysts.org/afghanistans-incomplete-new-electoral-law-changes-and-controversies/>

- The structure, duties and authorities of the IEC and ECC, as well their qualifications and appointment procedure;
- Immunity from prosecution, barring gross negligence, and grounds for dismissal;
- Rules for recruitment of secretariat staff and application of civil service regulations;
- Guidelines for vote counting and results certification as well as electoral security and integrity; and
- Rules for filing and resolving challenges and complaints, as well as the list of election violations, offenses, and their remedies and sanctions.

What is the official campaign period and what are the rules on campaigning?

The electoral campaign period is intended to allow candidates the opportunity to inform voters about their policies and platforms. During this period voters may seek information from parties and candidates, and may choose to support parties or candidates through, for instance, events or funding to a campaign. According to the Independent Election Commission's (IEC) regulations on election campaign period, the official electoral campaigning period for *Wolesi Jirga* candidates is 20 days, and this period ends 48 hours before Election Day. No campaigning event is allowed during this silent period. The IEC defines the start and end date of the electoral campaign on the electoral timeline at least 120 days ahead of Election Day.¹¹

What is a polling center, what is a polling station and how many are set up on Election Day?

According to the 2016 Election Law, a polling center is “[an] area that the [Independent Election] Commission has determined or the purpose of polling and has multiple polling stations. A polling station is “[a] place specified within the polling center for exercising the right to vote.”¹² For example, a polling center might be an office building, while a polling station would be an office within the building.

According to Article 7 of the Election Law, the Independent Election Commission (IEC) is obliged to establish polling centers with the consideration of the number of voters and their geographic locations in a balanced matter. For the first time, the IEC released a list of polling center location months before the election and allowed voters or candidates to file complaints with the Electoral Complaints Commission in December 2017.

There will be 5,074 polling centers and 20,053 polling stations set up for this election.

What is the process for voting on Election Day?

Voters will queue up at their assigned polling center and polling will start at 7:00 a.m. and end at 4:00 p.m. Voters must have the national ID card (Tazkira) containing the voter registration certificate to show to polling staff. The voter's eligibility will be verified using the polling center voter lists and ID card and

¹¹ Electoral Law, art. 71

¹² http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

their Tazkiera will be marked with invisible ink. Each voter will then be recorded via the newly-introduced biometric verification of voters system. The machine will record both index fingerprints and take a photo of each voter, his/her Tazkira and the voter registration certificate. The voter will then proceed to a ballot station where a ballot paper issuer will place a unique receipt from the biometric verification machine on the back of the voter's ballot and issue it to the voter. The official will also ink the index finger of the voter and guide the voter to the voting screen. The voter will mark the ballot behind a secrecy screen and place it inside the ballot box prior to departing the polling station.

What are the rules that relate to media during the electoral campaign?

According to the Code of Conduct for Media of the Independent Election Commission (IEC), accredited media institutions may be present at all stages of the election process to prepare reports in accordance with provisions of the Constitution, the Electoral Law, the Media Law, and regulations and procedures issued by the IEC.

The 2016 Electoral Law explicitly provides that the meetings of the IEC on a number of topics shall be open, including vetting of documents and eligibility of candidates, determination and verification of the registration and polling centers and number of stations, preparation of the voter lists, and determination of the electoral constituencies. Representatives of political parties, civil society, mass media and national and international monitors and observers holding accreditation letters are authorized to attend these meetings.¹³

During the reform, there were calls to establish a permanent Media Commission within the IEC, but the law maintained a temporary Media Committee (MC) to be set up one month before the election.¹⁴ The MC is responsible for monitoring the fair and impartial reporting on and broadcasting of electoral campaigns and addressing media violations. The IEC, the Electoral Complaints Commission (ECC) and the MC can impose sanctions and take other major steps for any violation of the IEC code of conduct that are committed by the media or their representatives. If the MC believes a crime has occurred, it will refer the case to the relevant legal authorities, after the approval of the ECC.

These codes of conduct include:

- Refrain from broadcasting or releasing election-related reports that could cause violence or tribal, linguistic, regional, ethnical or religious discrimination;
- Ensure all election-related reports are prepared with impartiality, accuracy, fairness and equity;
- Provide to the public detailed information concerning the different election processes;
- Refrain from printing, broadcasting or publishing incorrect information that could mislead the participants in an election;

¹³ The Electoral Law uses the term "monitor," which means a party or candidate agent in the Afghan context.

¹⁴ Electoral Law, art. 27. A legislative Decree adopted earlier in the year (no. 158) introduced a permanent Media Commission, but this change was not reproduced in the Electoral Law. The committee is to be dissolved 45 days after the announcement of the results.

- Refrain from publishing partial reports and avoid focusing only on activities that support or harm a specific political party or candidate;
- Use only the official numbers and information for preparing and publishing reports, and refrain from publishing or broadcasting rumors or gossip; and
- Specify the sources of opinions and information.

How will voters with disabilities cast their ballots?

Voters with disabilities in Afghanistan can cast their ballots with the assistance of a trusted friend or family member, or with the assistance of a polling station chairperson if they wish.¹⁵ As a fraud deterrent measure, only polling station chairpersons are permitted to assist voters with disabilities. Additional practical measures supporting electoral access for persons with disabilities currently remain limited.

When will counting take place?

Counting of votes will take place in polling stations immediately upon conclusion of polling. At each polling station, the station chairperson is responsible for organizing the count in the presence of monitors. The counting should be completed without breaks or interruptions.¹⁶

Who will count the votes?

As stated by the Independent Election Commission (IEC), persons who may enter and remain for the count include:

- Polling officials;
- IEC officials with duties related to polling and counting;
- Persons introduced by the Electoral Complaints Commission;
- Accredited agents of political parties, coalitions, and independent candidates;
- Accredited national and international electoral observers;
- Accredited members of the media;
- Permitted special guests by the IEC; and
- Security staff permitted by the chairperson of the station.

In case the monitor and observers are not present during the vote counting process, the polling center manager will proceed with the counting process and must record the absence of monitors and observers in the vote counting station journal. Upon completion of the vote counting process, the station's chairperson will record the results in the relevant form and receive signatures of all assigned candidates' agents in the station.

¹⁵ Electoral Law art. 6 (6)

¹⁶ <http://www.iec.org.af/component/content/article/20-english-uk/for-voters/75-counting-tallying?highlight=WyJjb3VudGluZyJd>

The Electoral Law describes as an election violation preventing national and international monitors and observers from monitoring the electoral process. Article 99 of the Election Law defines “preventing the participation of monitors, observers and media during the polling and counting process for purpose of concealing the truth” as an electoral crime.¹⁷

Who will be observing during Election Day? How can they get accreditation?

The election will be observed by accredited domestic observers, candidate agents, media and special guests invited by the Independent Election Commission (IEC). All observers and guests are required to apply for and attain accreditation from the IEC to observe elections. This is done through submitting the appropriate paperwork to the IEC external relations department’s accreditation office or IEC provincial office. Decisions on accreditation of organizations are taken by the IEC. To date, more than 200,000 accreditations have been issued by the IEC, of which about 6,500 are for domestic observer groups.¹⁸ No formal international observation mission will be deployed, making this the least observed election in Afghanistan.

When will official results be announced?

The Independent Election Commission (IEC) is charged with announcing and publishing the final election results after the completion of the vote counting process. The IEC may publish initial results (figures that are announced after the counting at the counting center), partial results (figures that are announced by the IEC during the tallying of results), and preliminary results (figures that are announced and published by the IEC after completion of the tallying and prior to adjudication of the complaints).

Due to the delayed elections and the goal of holding parliamentary elections before the presidential election, the timeline for announcing official results has not been set. This will follow the Electoral Complaints Commission’s (ECC) final decisions on complaints adjudication and appeals. According to Article 91 of the Election Law, the ECC is obliged to finalize and publish the results of investigations within 15 working days following the expiration of the deadline for filing and registering complaints and objections.

How will election disputes be adjudicated?

The Electoral Complaints Commission (ECC) has the responsibility of adjudicating all electoral disputes, including challenges regarding voter registration, the preliminary list of candidates, the conduct of campaigns, campaign finance expenditure limits, alleged fraud and malpractice during the voting and counting period, and the Independent Election Commission’s (IEC) decision on the quarantined box. A complainant – a voter, a candidate or a party agent -- can file a complaint at the provincial ECC or at polling station location directly. Except in exceptional circumstances, the complaint should be filed at

¹⁷ http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf

¹⁸ Transparent Elections Foundation of Afghanistan Organization, Election and Transparency Watch Organization of Afghanistan, Afghan Civil Society Forum Organization, Free and Fair Election of Afghanistan Organization, Afghan Amputee Bicyclists for Rehabilitation and Recreation

the provincial ECC first. If the complainant is not satisfied with the decision of the provincial ECC, he/she may file an appeal personally or through an authorized representative with the central ECC within three working days after the publication of the decision.

The ECC cannot delay adjudication of complaints and objections filed against the decisions of provincial ECCs for more than 15 working days, and its decisions are final.¹⁹

The Electoral Law provides for a list of election crimes with corresponding punishment. If the ECC believes a crime has been committed, it will refer the case to the attorney general's office for prosecution. It is worth noting that the new penal code also contains a list of election crimes.²⁰

¹⁹ Electoral Law, art. 91 (6) and 92. See also, ECC procedure on complaints and objection adjudication.

²⁰ Penal Code, 2018 (entry into force)

Resources

- Independent Election Commission Website: <http://www.iec.org.af/>
- Electoral Complaints Commission Website: <http://iecc.gov.af/en>
- 2016 Electoral Law:
http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf