



Decree
of the
President of the Transitional Islamic State of Afghanistan
on the
The Adoption of Electoral Law

Number: (28)

Date: 27/05/2004

Article 1.

This Electoral Law containing (11) chapters and (62) articles and approved by the Council of Ministers through decision number 10 on 12 May 2004, is hereby signed.

Article 2.

This decree shall come into force from the date of its signature and shall be published together with the Law in the Official Gazette.

Hamed Karzai
President of the Transitional Islamic State of Afghanistan

THE ELECTORAL LAW

Chapter I. General Provisions

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In the Name of God , Most Merciful, Most Compassionate

The Electoral Law

Chapter I General Provisions

Article 1.

This law is issued pursuant to Articles 33, clause (1) and 159 of the Constitution of Afghanistan to regulate electoral affairs in the country.

Type of Election:

Article 2.

Elections shall be conducted on the basis of free, secret, universal, and direct ballots.

The Principle of Equality in Election:

Article 3.

All voters shall have equal right of participation in the elections.

The Use of Voting Rights:

Article 4.

A voter has right to a single vote, and can only vote on his own behalf.

Respect for the Principle of Free Will:

Article 5.

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

Cooperation from Relevant Institutions and individuals:

Article 6.

All government institutions, social organizations, and relevant persons shall cooperate with and implement the decisions of the Independent Electoral Commission made within the scope of its authority.

Chapter II Electoral Administration

Independent Electoral Commission:

Article 7.

The process of election is managed by the Independent Electoral Commission (IEC).

Electoral Staff:

Article 8

The IEC Secretariat shall appoint electoral officials at country, provincial, and district level for conducting a free and fair election in accordance with the guidance issued by IEC.

Impartiality and Declaration of Secrecy:

Article 9.

- (1) Electoral officials shall perform their functions in a neutral and impartial manner and shall not, in the performance of their duties, seek or receive instructions from any governmental and non-governmental authority/office, apart from the Director of Independent Electoral Commission Secretariat.
- (2) Prior to their employment, electoral official shall formally undertake to uphold the confidentiality of polling and the tallying of votes in a manner established by the IEC.

Disqualification from Acting as Election Official:

Article 10

- (1) No person holding a position in a political party or nominated as a candidate for election shall be eligible for or be appointed to carry out the duties of an election official.
- (2) Any official appointed to carry out any of the duties of an electoral official shall be ineligible for nomination as a candidate for election while he or she continues to hold such appointment.
- (3) Father, grandfather, up to three generation grandsons, mother, grandmother, brother, sister, spouse, aunt, uncle, father in-law and mother in-law of the candidate shall not be eligible for or be appointed to carry out duties of an election official in related constituencies.
- (4) No person found electoral and/or registration offender during registration and election, shall be eligible for or be appointed to carry out the duties of an election official.

Chapter III Constituencies

Determination of Electoral Boundaries:

Article 11.

For the purposes of electing members of the Wolesi Jirga, provincial councils, and district councils, district and provincial electoral boundaries are designated and announced by the President in a decree no later than (120) days prior to the election.

Electoral Boundary Dispute:

Article 12.

- (1) Disputes arising over the right to be registered or to vote, to be a candidate, or the counting and awarding of votes will be investigated by IEC and Election Officials.
- (2) Disputes relating dependency of a village, district and a province due to constituencies boundaries determination will be investigated by the Ministry of Interior and the decision will be made on the bases of technical criteria and received information. The IEC will be informed of the decision and the taken actions as soon as possible.
- (3) Disputes related to electoral boundaries can be raised up to (110) days prior to the elections.

Chapter IV Electors and Candidates

Qualification for Electors and Candidates:

Article 13

1- Electors qualification

Every Afghan who meets the following conditions can vote in presidential, parliamentary, and provincial and district assembly elections:

1. Has completed eighteen years of age at the time of the election;
2. Has Afghan citizenship at the time of registration;
3. Is not deprived of any political and civil rights by an authoritative court
4. Is registered in the voters registration list.

2- Candidates qualifications

1. Each qualified Afghan can candidate himself or herself for presidential, parliamentary, provincial, and district councils elections.
2. Chief Justice, members of the Supreme Court and Attorney General cannot candidate themselves for presidential, parliamentary, provincial and district council elections, while in duty.
3. Officials of armed forces (Ministries of National Defense and Interior Affairs and General Department of National Security) while in duty, cannot candidate themselves for presidential, parliamentary, provincial and district council elections, unless they have resigned from their institutions (75) days before the holding of elections.
4. Judges, attorneys and civil servants who want to candidate themselves for the president's post or for parliamentary, provincial and district councils, shall resign (75) days before the holding of elections.
5. If the candidates in clause (4) of this sub-article are not elected, the consequences of resignation will not apply to them, if they return up to 20 days after the elections; they can continue to work in their previous jobs. However, the electoral time periods, the period between the end of the elections and return within 20 days, will be counted as their annual leave.

Location of Voting:

Article 14

- (1) Electors shall cast their votes in the place where their names are registered in the voter registration list.
- (2) The Independent Electoral Commission may exceptionally provide facilities for nomadic population, refugees and internally displaced persons, armed forces, IEC officials on duty and civil servants.

Voter Identification:

Article 15

1. Voters shall present their voter registration card for verification of their identification prior to being issued a ballot.
2. The Independent Electoral Commission may exceptionally provide necessary facilities for Afghan refugees in Iran and Pakistan.

Chapter V Candidacy and Election of the President

Candidate Eligibility:

Article 16

- (1) Persons who fulfill the condition of eligibility established in Article 62 of the Constitution can candidate themselves for the president post. The presidential candidate shall announce the names of two vice presidents to the nation at the time of candidacy simultaneously.
- (2) Presidential candidates must present the copies of voter's registration cards according to article (44) of this law, and pay the fees.
- ..
- (3) Candidates shall not:
 - a) Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution.
 - b) Use force, or threaten with, or propagate the use of, force;
 - c) Incite ethnic, linguistic, regional or religious tension and discrimination;
 - d) Create real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
 - e) Have non-official military forces or be part of them;
 - f) Receive funds from foreign sources
 - g) Receive funds from internal illegal sources
- (4) The Independent Electoral Commission shall verify and approve the eligibility of the candidates.

Election of the President:

Article 17

- (1) The President is elected, in accordance with article 61 of the Constitution and this law, by a majority of the valid votes of voters cast in an election.
- (2) If no candidate wins more than 50% of the valid cast votes in the election, a runoff election shall be held between the two most-voted candidates within 2 weeks after the announcement of the election results. The candidate receiving the most valid cast votes in the runoff election shall be declared elected.
- (3) The most voted candidate in accordance with Article (160) of the Constitution shall assume his duties thirty days after the result of the election has been proclaimed.
- (4) In case of death of one of the candidates during the first or second round of polling or after elections and before announcement of the results, then new elections will be held according to the provisions of law.

Chapter VI Parliamentary Elections

Part I Wolesi Jirga

Number of Seats:

Article 18. There shall be 249 seats in the Wolesi Jirga allocated among the provinces in proportion to their population.

Allocation of Provincial Seats:

Article 19.

(1) At least **90** days prior to each election, the Central Statistic Office will provide the official population figures or estimates for each province to the IEC.

(2) The IEC shall allocate seats among the provinces as follows:

- a. The total population of the provinces to be allocated seats is divided by the number of seats to be allocated (249) to obtain the seat allocation quota.
- b. The population of each province is divided by the seat allocation quota. The result shall be the number of seats allocated to each province.

If the result of these calculations leads to any provinces initially being allocated less than two seats, those provinces should be allocated two seats. The seats, which are not allocated by this method, their allocation will be done according to their large decimal remainders.

c. The procedures and mathematical formulas for making the calculations in a. and b shall be published in regulations by the IEC.

Candidates:

Article 20.

(1) Candidates can nominate themselves in each constituency (province or district) .

(2) Candidates shall not:

- a) Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;
- b) Use force, or threaten with, or propagate the use of, force;
- c) Incite ethnic, linguistic, regional or religious tension and discrimination;
- d) Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
- e) Have non-official military forces or be part of them;
- f) Receive funds from foreign sources
- g) Receive funds from internal illegal sources

(3) Candidates must pay fees and present the copies of voter registration cards according to article (44) of this law.

(4) Political parties registered may nominate a number of candidates in each province up to 100% of the seats to be filled in that province.

Candidate Eligibility:

Article 21

(1) The Independent Electoral Commission shall verify that candidates to the Wolesi Jirga fulfill the conditions of eligibility established in Article 85 of the Constitution and in this law.

(2) Candidates shall not be eligible to stand for election in more than one constituency.

(3) Political party candidates who are found ineligible by the IEC may be replaced by their political parties at any time up to the nomination deadline.

Awarding of Provincial Seats to Candidates:

Article 22

- (1) Subject to the provisions of sub article 2 in article 19 of this law, provincial seats are awarded to candidates according to the number of votes obtained.
- (2) The most voted candidates will be awarded seats in each province.
- (3) No candidate shall be allocated more than one seat.
- (4) If a candidate is not able to take his/her seat, or if such candidate abandons that seat during the Wolesi Jirga term for any reason, the seat will belong to the next most voted candidate of the same gender.

Allocation of Seats to Female Candidates:

Article 23

- (1) The IEC will set procedures and a formula, based on the population of each provinces, for defining a minimum number of female candidates that will be elected in each province in order to meet the requirement of article 83 of the Constitution by which the number of female candidates must be at least twice the number of existing provinces.
- (2) The most voted female candidates in each constituency will be allocated seats in accordance with the formula in sub-paragraph (1). After the quota requirements have been met the remaining seats will be allocated in accordance with article 22 of this law.
- (3) In the provinces in which there is only two seats allocated one seat will be awarded to the most voted female candidate. The remaining seat will be awarded to the most voted candidate regardless of his/her gender.

Part II Meshrano Jirga

Composition of the Meshrano Jirga:

Article 24

The number of Meshrano Jirga members shall be thrice the number of existing provinces. One third of them will be appointed by provincial councils, one third of them by district councils and the remaining one third by the president.

Election of Provincial Representatives:

Article 25.

- (1) Within 15 days after its installation, each provincial council will in a secret election elect one of its members to a seat in the Meshrano Jirga for a period of four years.
- (2) The election will be presided over by the council chairman, if that person is not a candidate for election to the Meshrano Jirga. If the chairman is a candidate, the deputy chairman will preside over the election. If the deputy chairman is also a candidate, the eldest member who is not a candidate shall preside over this election.
- (3) Election is by absolute majority among the council members present. If no candidate receives more than half the votes in the first round, run-offs must be conducted between the candidates with the two highest vote totals until one member receives a majority of the votes.
- (4) If the elected member of the Meshrano Jirga abandons the seat prior to the end of the term, according to clause (3) of this Article, a new Member shall be elected in the same way from among the current members of the provincial council for the remainder of the term.

Election of District Councils Representatives for Meshrano Jirga:

Article 26.

- (1) Within 5 days of the installation of the district councils, the IEC shall provide each provincial council with a list of the individuals elected to the district councils in their respective province. The members of the district councils in each province shall elect one from among their members to seat in the Meshrano Jirga for a three-year period.
- (2) The chairman of the provincial council is responsible for convening members of the district councils in the province for an election within 15 days of the installation of the 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 third of the members of the district councils must participate for the election to be valid.
- (4) Election is by absolute majority among the council members present. If no candidate receives more than half the votes, run-offs must be conducted between the two candidates with the highest vote totals in the first round until one member receives a majority of the votes.
- (5) If the elected member of the district councils for Meshrano Jirga abandons the seat prior to the end of the term, a new Member shall be elected according to the sub-article (4) of this article from among the current members of the district councils for the remainder of the term.
- (6) The IEC shall confirm, according to Article 85 of the Constitution, the eligibility of individuals elected by district and provincial councils. If it is proven that according to Article 85 of the Constitution a candidate is not eligible, the IEC will ask the respective district and provincial councils to elect another member.

Appointment of Individuals to the Meshrano Jirga:

Article 27.

- (1) Within two weeks after the presidential inauguration, the President shall invite civic organisations, political parties, and the public to nominate individuals to be appointed to the Meshrano Jirga in accordance with Article 84 (3) of the Constitution. The nomination period shall remain open for one week.
- (2) No more than seven days following the close of nominations, the Office of the President shall forward to the IEC nomination papers in conformity with clause (1) of this article for those individuals it intends to appoint.
- (3) The IEC shall verify the eligibility of those individuals, according to clause (2) of this Article and shall advise the Office of the President no later than seven days following receipt of the nominations.
- (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 I Election of the Provincial Council Members

Provincial Councils:

Article 28.

There shall be a provincial council in every province elected through free, secret, universal, and direct elections by the voters of the province.

Composition:

Article 29

- (1) The number of members of each provincial council will be determined according to population in the following manner:
 - Provinces with less than 500,000 inhabitants: 9 members
 - Provinces with 500,000-1000,000 inhabitants: 15 members
 - Provinces with more than 1,000,000- 2,000,000 inhabitants: 19 members
 - Provinces with more than 2,000,000-3,000,000 inhabitants: 23 members
 - Province with more than 3,000,000 inhabitants: 29 members
- (2) Official population figures or estimates of each province will be prepared and provided to the IEC at least 90 days before the election date by Central Statistic Office.

Candidates:

Article 30.

- (1) Candidates seeking to participate in the election of the members of a provincial council must submit their nomination papers to the IEC.
- (2) Political parties which have nominated candidates for election to the Provincial Council must use the same name and logo in the provincial council elections as in the Wolesi Jirga elections.
- (3) Political parties may nominate a number of candidates in each province up to 100% of the number of seats to be filled on the provincial council. All candidates to the provincial councils must pay a fee established in article 44(5) of this law.
- (4) Candidates to the provincial councils shall not:
 - a) Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;
 - b) Use force, or threaten with, or propagate the use of, force;
 - c) Incite ethnic, linguistic, regional or religious tension and discrimination;
 - d) Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
 - e) Have non-official military forces or be part of them;
 - f) Receive funds from foreign sources
 - g) Receive funds from internal illegal sources
- (5) Candidates for provincial council elections must reside in the province they seek to represent.

- (6) Candidates for Wolesi Jirga elections can also stand for election to their respective provincial council, but cannot be a member of the Wolesi Jirga and the provincial council at the same time.

Allocation of Seats to Provincial Councils:

Article 31.

- (1) Seats on each provincial council are determined in the following manner
- a. The IEC will determine the number of seats for each Provincial Council on the basis of the population
 - b. The most voted candidates will be elected for the provincial Councils.
 - c. The top two most voted female candidates in each provincial council shall be automatically elected. The remaining seats will be awarded to the most voted candidates irrespective of their gender.
- 2) If a candidate cannot occupy his/her seat or by any reason leaves his/her seat during the provincial council's period, the next most voted candidate of the same gender shall be awarded the seat for the remainder of the electoral term.

Part II
District Councils

District Councils:

Article 32.

There shall be a district council in every district elected through direct, free, universal and secret election by the voters of the district.

Composition of District Councils:

Article 33.

- (1) The number of members of each district council will be determined according to population in the following manner:
- a) District up to 20,000 inhabitants: 5 members
 - b) Districts with more than 20,000 to 40,000 inhabitants: 7 members
 - c) Districts with more than 40,000 to 60,000 inhabitants: 9members
 - d) Districts with more than 60,000 to 80,000 inhabitants: 11members
 - e) Districts with more than 80,000 to 100,000 inhabitants: 13members
 - f) Districts with more than 100,000 inhabitants: 15 members
- (2) Official population figures or estimates of each district will be provided to the IEC at least 90 days before the election date by Central Statistic Office.

Candidates:

Article 34.

- (1) Political parties and independent candidates seeking to participate in the election of the members of a district council must submit their nomination papers to the IEC.
- (2) Political parties which have nominated candidates for election to the National Assembly or Provincial Council must use the same name and logo in the district council elections as in the Wolesi Jirga and provincial council elections.
- (3) Registered Political parties may nominate a number of candidates in each district up to 100%

of the number of seats to be filled on the district council.

- (4) Candidates for district council elections must reside in the district they seek to represent.
- (5) Candidates for Wolesi Jirga elections can also stand for election to their district council, but cannot be a member of the Wolesi Jirga, a provincial council, or a district council at the same time.

Nomination of Candidates to District Councils:

Article 35.

- (1) Candidates for the district council elections can run as individuals or as part of a political party list.
- (2) All candidates for district council elections must pay a fee established in article 44 (6) of this law.
- (3) Candidates shall not:
 - h) Pursue objectives that are opposed to the principles of the holy religion of Islam and the word and spirit of the Constitution;
 - i) Use force, or threaten with, or propagate the use of, force;
 - j) Incite ethnic, linguistic, regional or religious tension and discriminations;
 - k) Create a real danger to the rights or freedoms of individuals or intentionally disrupt public order and security;
 - l) Have non-official military forces or be part of them;
 - m) Receive funds from foreign sources;
 - n) Receive funds from internal illegal sources;

Allocation of Seats to District Councils:

Article 36

- (1) Seat allocation for each district council is determined in the following way:
 - a. The IEC shall determine the seats for each district council on the basis of that district population
 - b. The IEC will allocate seats to the most voted candidates in each council
- (2) The top two most voted female candidates in each district will get automatically elected. The remaining seats will be allocated to the most voted candidates irrespectively of their gender.
- (3) If a candidate cannot occupy his/her seat or by any reason leaves his/her seat during the provincial council's period, the next most voted candidate of the same gender is given the seat for the remainder of the electoral term.

Chapter VIII Preparation for Elections

Election Date:

Article 37

- (1) The Independent Electoral Commission shall declare the date for each election after consultation with the government and registered political parties at least 90 days prior to the intended date of polling.
- (2) The IEC shall prepare and publish an electoral calendar showing clearly all appointed dates of the election.

Voters Roll:

Article 38.

The IEC must certify the voters roll or the segments of the voters roll to be used in the election and make it available for inspection 15 days ahead of election in public places determined by the IEC.

Campaigning:

Article 39

(1) The IEC shall establish a 30-day period for political campaigning. This period shall cease 48 hours before the commencement of polling.

(2) The IEC shall issue rules regulating the campaign period.

Establishing of Polling Centres, Provision of Electoral Materials, and Issuance of Instructions:

Article 40.

(1) The IEC shall establish polling centers all over the country and shall allot voters among such polling centers in such a manner as to facilitate voter access to the electoral process.

(2) The IEC 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.

Ballot Papers:

Article 41.

(1) The Independent Electoral Commission shall undertake the following tasks in relations to the ballot papers

- (a) The provision of the ballot papers
- (b) Provisions for allocation of symbols and drawings to candidates
- (c) Providing a procedure whereby such ballot papers are to be marked by voters;
- (d) Determining the languages to be used on ballot papers; and
- (e) Providing a procedure for counting the ballot papers

(2) Specifying the order of candidates on the ballots through draw and lot.

Ballot Boxes:

Article 42

The Independent Electoral Commission shall undertake the following tasks in relations to the ballot boxes:

- (a) Seek for and supply the design and material of ballot boxes, ensuring that each ballot box is capable of being securely closed and sealed.
- (b) The manner in which ballot boxes are to be marked and identified; and
- (c) The manner in which ballot boxes are to be closed, secured, opened, sealed, and unsealed.

Observers:

Article 43.

The Independent Electoral Commission shall state the rights and duties of observers and shall determine procedures for accreditation of domestic and international election observers, and of agents of political parties and of independent candidates

Nomination of Candidates:

Article 44

- (1) Political parties and candidates for election shall notify the IEC in writing of such intent at least 75 days prior to the election. Such notice shall contain the following items:
 - a. Name and address of the candidate
 - b. Copy of the candidate's voter registration card
 - c. Political party candidates must submit copy of the party registration with the Ministry of Justice
 - d. Sworn statement attesting to the candidate's date and place of birth, and citizenship
 - e. Acceptance of the nomination signed by the candidate
 - f. The candidate's or party's choice of symbol to appear on the ballot
- (2) Nomination papers with the confirmed resignation must be filed with the Independent Electoral Commission at least 75 days before the elections.
- (3) The filing fees for presidential candidate shall be Afghani 50,000 , which fees shall be refunded if the candidate receives at least 15 % percent of the valid votes cast in the first round of the election.
- (4) The filing fees for all the Wolesi Jirga candidat shall be Afghani 15,000, which fees shall be refunded if the candidate is elected or receives at least 3 % percent of the valid votes cast in the respective constituency.
- (5) The filing fees for all the provincial council candidate shall be Afghani 5,000, which fees shall be refunded if the candidate is elected or receives at least 3 % percent of the valid votes cast in the respective constituency.
- (6) The filing fees for all the district council candidate shall be Afghani 3,000, which fees shall be refunded if the candidate is elected or receives at least 3 % percent of the valid votes cast in the respective constituency.
- (7) In addition to the fees candidates for either Presidential, Wolesi Jirga, Provincial or District Council, must be supported by the copies of voters' registration cards:
 - a) Presidential candidacy must be supported by the copies of (10,000) voter registration cards that include different ethnic groups and provinces of the country
 - b) Wolesi Jirga candidacy by the copies of 500 voters' registration cards
 - c) Provincial council candidacy by the copies of 300 voter registration cards
 - d) District council candidacy by the copies of 200 voter registration cards
 - e) No person will provide photocopy of his/her voter's card to more than one candidate in each type of election.The copy of the collected cards will be kept with the IEC secretly.
- (8) The Independent Electoral Commission shall verify that candidates fulfill the conditions of eligibility established in the Constitution and in this law.

Disqualification of Candidates:

Article 45

- (1) If a candidate is not eligible for office under the terms of the constitution and/or this law, the Independent Electoral Commission shall notify the candidate (and the nominating party, if any) of the reasons for finding the candidate ineligible within 7 calendar days of receiving complete nomination papers.
- (2) The Independent Electoral Commission shall give a party or independent candidate the opportunity to rectify any deficiency in the nomination process within 7 days.
- (3) Following the nomination deadline and the examination of the nomination papers, the Independent Electoral Commission shall publish the names of all eligible and duly nominated candidates.

Objection to or Refusal of Candidates:

Article 46.

- (1) Any person may object to the nomination of a candidate that the candidate is not qualified to stand in the election.
- (2) The objection, listed in clause (1) of this Article must be made to the IEC by a date fixed by the IEC. The IEC shall after making the necessary inquiries about the objection take a decision and inform the parties of that decision.
- (3) If a candidate decides to reject his nomination, the IEC will make decision regarding this and allow the candidate or registered political party an opportunity to comply with the requirements for nomination at any time prior to the deadline for the IEC to compile and exhibit the list of eligible candidates.

List of Eligible Parties for Electoral Campaign and Final List of Candidates:

Article 47.

- (1) At least 60 days before the election date, the IEC must compile and exhibit a final list of the eligible registered political parties and independent candidates
- (2) Appropriate lists shall be posted at polling places on polling day.

Removal of Campaign Material:

Article 48.

The Independent Electoral Commission shall order the removal of campaign materials displayed within 100 meters of polling sites on polling day.

Prohibition of Carrying Arms at Polling Stations:

Article 49.

Except with the authorisation of the Ministry of Interior for the purpose of providing security at and in the close vicinity of a polling station, a person shall not carry or use any weapon of any kind, or any instrument capable of use as a weapon, at or within 500 meters of any polling site

Commencement and Closing of the Poll:

Article 50.

- (1) Voting at all polling stations shall commence and shall close at times to be fixed by the IEC.
- (2) Voting shall be conducted in accordance with procedures published by the IEC.

- (3) The Chairperson of a polling center shall order a suspension of polling if the polling station is threatened by riot, violence, storm, flood, or any other occurrence which will make the proper conduct of polling impossible.
- (4) The Chairperson, before closing the voting at the polling station at the time fixed under sub article (1) of this Article, shall mark the end of the line at closing time and shall permit every voter who at that hour is waiting in line at the polling station, to cast his or her vote.
- (5) The IEC shall ensure that measures are taken to facilitate the vote of persons with disabilities.

Objections Concerning Voting:

Article 51

- (1) Before a voter has been handed a ballot paper, a candidate agent may object to that voter being entitled to vote or to vote at the voting center concerned.
- (2) The Chairperson shall determine whether to accept such objection and shall note the particulars of the objection and his/her reason for rejecting or accepting the objection in the official act of polling day.

Sealing of Ballot Boxes and Other Material by Chairperson:

Article 52

- (1) As soon as the ballot box is full or balloting has ended, the Chairperson, in the presence of any candidate agents and election observers, shall seal the box in the prescribed manner and allow any candidate agents who may wish to do so, to record the number of the seals.
- (2) The Chairperson shall deliver the ballot boxes and packets to the counting center in accordance with the IEC's instructions.

Place and Time of Counting of Votes:

Article 53

Votes shall be counted at counting centers as established by the IEC.

Presentation and Certification of Results:

Article 54.

The IEC is responsible for the presentation of the election results which must be published in the Official Gazette.

Fair and Neutral Publication and Dissemination of Ideas:

Article 55

- (1) During the election campaign, in order to ensure that the general public is informed of the political platforms, the views and goals of candidates in a fair and unbiased manner, the mass media, including television and radio, shall conduct its news broadcasts and other programs covering the electoral campaign in accordance with the Code of Conduct established by the IEC.
- (2) Candidates should have access to State owned media. For the purpose of public awareness during the campaign period, the government media shall broadcast the views, goals and objectives of candidates by approval of IEC in an impartial and fair manner.

Media Commission:

Article 56

The Independent Electoral Commission shall set up, at least 60 days prior to the election date, a Media Commission to monitor the reporting and coverage of the electoral campaign and advise it on any breaches of fair reporting and coverage of the election campaign and of any breaches of the provisions of the code of conduct (procedures) for the elections relating to the media that may occur during the election campaign. Following the recommendation of the MC, the IEC may issue a public reprimand of the media involved or refer the matter to the Director of Public Prosecution.

Chapter IX

Investigation of Complaints and Offences Inquest

Electoral Complaints:

Article 57

- (1) Complaints regarding voting procedures raised at the polling station should be resolved unanimously by the polling station committee in question. If unanimity cannot be reached the two-third majority decision prevails.
- (2) Complaints regarding counting and results of presidential and national assembly elections should be raised at the time when the counting is done, or the results are being announced. If the complaint is not resolved by the corresponding authority by unanimity, then an appeal can be made to the Provincial Electoral authority within 48 hours after the counting of election results. The Provincial Electoral authority should resolve the matter within 3 days from receiving the complaint. An appeal can also be made within the next 48 hours before the IEC, who shall resolve the matter within 7 days of receiving the complaint. The decision of the Independent Electoral Commission is final and binding.

Electoral Offences:

Article 58.

- (1) A person who commits any of the following actions during campaign or election will be subject to prosecution:
 - (a) Threatens or intimidates a voter or a candidate or causes a disturbance of the electoral process;
 - (b) Prevents the presence of voters, candidates or their agents in the polling stations without due cause;
 - (c) Commits fraud or cheating in voting or vote counting
 - (d) Votes with and/or through a false card or through the card of another person;
 - (e) Changes, replaces, steals, or destroys electoral documents;
 - (f) Manufactures false cards;
 - (g) Commits fraud in the voter registration card
 - (h) Attempts to use a forged voter registration card;
 - (i) Attempts to vote more than once;
 - (j) Opens and/or breaks the padlock of a secure storage location, or the lock or seal of the ballot boxes without due authority;
 - (k) Impedes voters or candidates from participating in the electoral process;

- (l) Makes use of funds originating in illegal activities or from foreign sources
 - (m) Uses insulting speech
 - (n) Encourages or provoke other persons to commit any of the actions before
- (2) The IEC may sanction political parties or independent candidates if it determines that a party or an independent candidate directed or sanctioned electoral offences committed by individuals.
- (3) Where the Independent Electoral Commission believes that an infraction has taken place it shall refer the matter to the relevant law enforcement or prosecutorial authorities, giving the reasons for its request.

Chapter X Miscellaneous

Postponement or Suspension of Election:

Article 59

In case the security, financial and technical conditions and unpredictable events cause the holding of elections impossible or in general damage the legitimacy of elections, the IEC may postpone or suspend the polling in concern constituency until elimination of the barrier.

Preparing rules and regulations:

Article 60

- (1) The provisions of this law shall apply only to the first presidential, national assembly, provincial council and district council elections.
- (2) In order to better implement the provisions of this law, the Independent Electoral Commission shall issue separately regulations, procedures, and guidelines.

Chapter XI

Elections During the Transitional Period

Article 61.

For the preparation, organization, conduct and oversight of the first electoral processes, which will mark the completion of the transitional period, the Islamic Transitional State of Afghanistan has requested the support of the United Nations *inter alia* through the establishment of the Joint Electoral Management Body (JEMB), with the participation of international experts appointed by the United Nations as provided for in Decree No 110 of 18 February 2004. Until the end of the transitional period, the JEMB shall exercise all the powers of the IEC as laid down in this law. The IEC, after its creation, will replace the Interim Electoral Commission within the JEMB. Upon completion of the transitional period, the IEC will assume all the powers of the IEC under the law. Until that time, decision-making in the JEMB and the voting rights of the international members will remain as defined in decree No 110.

Effective Date:

Article 62

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, rules contrary to this law shall be annulled.