

## Islamic Republic of Afghanistan Independent Election Commission

### Decision of Independent Election Commission

Decision No:	33 -1393
Subject:	Criteria for recount and nullification of votes for audit of all run-off election polling stations
Implementing Authority:	IEC Secretariat
Date & Venue of Meeting:	July 30, 2014, IEC HQ
Present Members:	1. Dr. Ahmad Yosuf Nooristani 2. Mr. Abdulrahman Hotaki 3. Ms. Gulalai Asikzai 4. Mr. Sareer Ahmad Barmak 5. Professor. Muhammad Hussain Gurziwani 6. Mr. Muhammad Aziz Bakhtiari 7. Jurist. Sulaiman Hamid 8. Ms. Laila Ehrari 9. Ms. Sharifa Zurmati Wardak

Under Article 13 of the Structural Law of the IEC and IECC, the provisions included in Articles 58 and 59 of the Electoral Law and the technical framework agreed on between the run-off election candidates and the United Nation, the IEC decided:

#### 1. Recount of votes should be carried out in the following conditions:

##### A. General investigation of electoral materials inside ballot box

- if the result sheet copy does not exist inside a ballot box or there is evidence of tampering with the result sheet
- if the total number of ballots recorded on the result form ( valid, invalid, spoiled, blank) exceeds 600
- if there is an obvious discrepancy between the number of ballots recorded on the result sheet copy inside a ballot box and the one obtained from the National Tally Center
- if the voter list is missing, blank or there are 10 or more ID card number logged sequentially
- if there is a 50% discrepancy between the number of voters on the result sheet and the number of voters on the list of voters
- if a ballot box is broken or damaged to the extent that a hand could be placed inside the box or the seals are sufficiently loose that a hand could be placed inside the box

- if two or more ballot box seals on the side of the box are broken or show obvious signs of tampering; or the serial numbers of two or more of the ballot box seals on the side of the box do not match with the serial numbers recorded on the record of seal forms in the ballot box

**B. Visual scan of ballot papers**

- If during visual scan of ballot papers (4 bundles), at least 20 ballot papers are marked similarly or are not marked in accordance with the procedure; ballots of this ballot box should be recounted.

**2. Ballot should be nullified in the following conditions:**

- If the marked ballots are not detached from the stub
- If there are marked ballots without validation stamp
- If ballots are not marked according to the procedure
- When there are ballots of a polling center inside a box (ballots of a different polling station in the same polling center put aside and will be recounted for its correct station which causes a recount in both cases)
- **Similarly marked ballots:** 15% of all obviously similarly marked ballots per station will be included into the vote count process which will equally include ballots of both candidates. All other obviously similarly marked ballots will be excluded from the count process. This 15% of ballots will not apply to the cases where all votes in an entire box will be excluded from the count process due to the following reasons:

**3. Ballot boxes shall be nullified in the following conditions:**

- If a ballot box is not of the same type distributed by the Commission for the run-off election
- If there is not any ballot paper inside a ballot box or none of the ballots are stamped or all ballots are not marked according the procedure or all ballots are obviously marked similarly or all ballots are not detached from the stub
- If there are reports in the journal of the polling station about use of force, occurrence of fighting and loss of control of the electoral material from the electoral staff
- If the list of voters is missing or blank and at least 33 % of all ballots are not stamped or are not marked according to the procedure or obviously marked similarly or not detached from the stub
- If there are 10 or more VR card numbers logged sequentially on the list of voters and at least 33 % of all the ballots are not stamped or are not marked in accordance with the procedure or are obviously marked similarly or are not detached from the stub
- If a ballot box is broken or damaged to the extent that a hand could be placed inside the box and there is visual evidence of tampering with the result sheet or ballot bundles

- If two or more ballot box seals on the side of the box are broken or show obvious signs of tampering or the seals are sufficiently loose that a hand could be placed inside the box and there is visual evidence of tampering with the result sheets or ballot bundles
- If the serial numbers of two or more ballot box seals on the side of the box do not match with the serial numbers recorded on the record of seal form inside the ballot box and there is visual evidence of tampering with the result sheets or ballot bundles

### **Missing and damaged ballot boxes**

- During investigation of ballot boxes that are missing or are broken or damaged due to any other reason, all relevant information in the possession of the IEC and reports or information from other sources will be used.

The IEC decision with regard to the audit process, review of the audit check list, recount or nullification of votes must be made in open meetings in the presence of candidates, agents, and observers in accordance with Article 12 of the Structural Law of the IEC and IECC.

<b>In Opposition to the Decision</b>	<b>Names of Members</b>	<b>In Agreement with the Decision</b>
	Dr. Ahmad Yosuf Nooristani	
	Mr. Abdulrahman Hotaki	
	Ms. Gulalai Asikzai	
	Mr. Sareer Ahmad Barmak	
	Prof. Muhammad Hussain Gurziwani	
	Mr. Aziz Bakhtiari	
	Jurist. Suliman Hamid	
	Ms. Laila Ehrari	
	Sharifa Zurmati Wardak	