



Islamic Republic of Afghanistan Independent Election Commission

Decision of Independent Election Commission

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| Decision No: | 37 -1393 |
| Subject: | Decision-making on audit and recount results of run-off election ballot boxes |
| Implementing Authority: | IEC Secretariat |
| Date & Venue of Meeting: | August 16, 2014, IEC HQ |

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| Present Members: | <ol style="list-style-type: none">1. Dr. Ahmad Yosuf Nooristani2. Mr. Abdulrahman Hotaki3. Ms. Gulalai Asikzai4. Mr. Sareer Ahmad Barmak5. Professor. Muhammad Hussain Gurziwani6. Mr. Muhammad Aziz Bakhtiari7. Jurist. Sulaiman Hamid8. Ms. Laila Ehrari9. Ms. Sharifa Zurmati Wardak |
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The IEC makes its decisions on the results of run-off elections and findings of audit/recount under Article 13 of the Structural Law of the IEC and IECC, Articles 58 and 59 of the Electoral Law and the Afghan Presidential Election Technical Framework agreed on by the two Presidential Run-off Elections candidates with the mediation of the United Nations, and with reference to the following decisions:

- The IEC Decision No 27 on 100 % audit of run-off election ballot boxes
- Procedure for audit and recount of run-off election ballots
- The IEC Decision No 33 on criteria for recount and invalidation of run-off election ballots, and
- the IEC Audit Procedure Clarification dated 8 August 2014

The Independent Election Commission decided:

A. Audit Database:

The National Tally Center should enter the following data into the database:

1. Audit checklist
2. Recount result form

B. Audit Database Reports

In order to enable the IEC commissioners to implement their decision No 33 on recount results, invalidation of votes or exclusion of ballot boxes from count of votes, the National Tally Center provides the following reports based on audit database information:

a) Ballot boxes being recounted:

Under the IEC decision No 33, ballots of a polling station will be recounted in the following cases and the Commission will issue a new decision on its result:

1. if the result sheet copy does not exist inside a ballot box or there is evidence of tampering with the result sheet
2. if the total number of ballots recorded on the result form (valid, invalid, spoiled, blank) exceeds 600
3. 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
4. if the voter list is missing, blank or there are 10 or more ID card number logged sequentially
5. 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
6. 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
7. if two or more ballot box seals on the side of the box are damaged or 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 seal serial numbers recorded on the record of seal form inside the ballot box
8. If there are at least 20 ballots in one ballot box, which are obviously similarly marked or marked not in accordance with the procedure.

With reference to question no16 of the IEC Audit Checklist, the IEC will approve the recounts of those 6,000 ballot boxes which the two campaign teams have

identified for special scrutiny. A separate report shall be generated from the audit database for this category.

b) Boxes Being Invalidated:

In case the following findings are found during the audit, the Independent Election Commission based on its Decision No 33 will invalidate the entire box:

1. If the ballot box is not of the same type distributed by the Commission for presidential run-off election;
2. If there are no ballots in the ballot box, or none of the ballots are stamped, or all ballots are not marked in accordance with the procedure, or all ballots are obviously similarly marked, or all ballots are not separated from the stub
3. If there are reports in the journal of the Station Chairperson in regard to exertion of force, occurrence of fight and loss of control of the electoral material from the electoral staff.
4. If the list of voters is missing or blank and at least (33%) of the all ballots in the box are not stamped, or are not marked in accordance with procedure, or are obviously similarly marked, or not detached from the stub.
5. If there are 10 or more voter registration 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 similarly marked, or are not detached from the stub.
6. If the 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 bundled ballots
7. 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 results sheets or bundled ballots.
8. If the numbers of two or more of the ballot box seals on the sides of the box do not match with the numbers recorded on the record of seals form in the ballot box, and there is visual evidence of tampering with the results sheets or bundled ballots

c) Ordinary boxes with no problems:

Based on the IEC Decision No 33, the IEC shall decide on the results of all other polling stations where it did not find irregularities of the kind outlined in paragraphs 1,2 and 3 of the decision no 33

d) IEC Decision on Polling Station Results of Run-off Election

a. Decisions

- b. The Independent Election Commission will issue decisions in batches and groups with regard to boxes with similar findings. However, the Commission may when deemed necessary, in addition examine individual checklists for further clarification

The basis for the decisions of the Commission on the results of the audit and recount will be the criteria laid out in IEC Decision no 33 on Recount and Invalidation Criteria, the IEC Audit and Recount Procedure for the 2014 run-off election and the IEC Audit Procedure Clarification dated 8 August 2014.

In each meeting of the Commission, polling stations of different provinces across the country will be processed. The process of choosing polling stations for decision making will be conducted in a balanced manner as for data entry and adjudication purposes, polling stations shall be selected in a way that balance should be considered between the areas supporting for the candidates.

The IEC will publicly announce on its web site 24 hours in advance the polling stations cases which it will be deciding on.

b. Decision-making

Decisions on the results of polling stations will be made in the following instances:

1. On the ballot boxes, which based on the paragraphs 1, 2 and 3 of the IEC Decision No 33, no irregularities were found in them.
2. On ballot boxes which the audit found evidence for the existence of irregularities and based on Article 3 of the IEC Decision No 33, the result of the entire polling station shall be excluded.
3. On polling stations where the audit found evidence for the existence of irregularities, and based on Articles 1 and 2 of the IEC Decision No 33, a recount shall be conducted.
4. On the result of the ballot boxes where a recount has taken place

according to the IEC Decision No 33.

5. On the result of polling stations ballot boxes of which based on the IEC Decision No 33 are lost or due to other reasons are missing or damaged or destroyed.
6. On polling stations as defined by the IEC which might not fall under any category above.
7. If there are blanks or incomplete information in the audit checklist, the Commission assumes:
 - ii. Where nothing is recorded in the checklist in relation to questions (2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13 and 14), it is considered normal.
 - iii. Where the checklist for a certain question contains figures but the yes / no tick box is not filled, the information for yes / no can be obtained from the answers to questions (8, 9, 10, 11, and 12).
 - iv. Where the yes / no tick box on the checklist is blank, the information (if available) can be taken from the narrative text (Question 13)

The UN will provide advice based on international best practice to the Commission throughout the entirety of the audit process.

c. Open hearing

Under Article 12 of the Structural Law of the IEC and IECC, the IEC decision shall be taken in open meetings and in the presence of accredited candidate agents, national and international observers and media representatives.

d. Publication of Results

All IEC decisions on polling station results shall be posted on the IEC webpage on a daily basis. The IEC shall clearly mention its decision along with the reasons on each ballot box.

| In Opposition to the Decision | Names of Members | In Agreement with the Decision |
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| | Dr. Ahmad Yosuf Nooristani | |

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| | Mr. Abdulrahman Hotaki | |
| | Ms. Gulalai Asikzai | |
| | Mr. Sareer Ahmad Barmak | |
| | Prof. Muhammad Hussain Gurziwani | |
| | Mr. Aziz Bakhtiari | |
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