



Islamic Republic of Afghanistan Independent Election Commission

Regulation on Managing Campaign Finance during 2014 Presidential and Provincial Council Elections

Legal basis:

This regulation has been approved by the IEC (hereafter referred to as the Commission) under Article 79 of the Electoral Law.

Purpose:

Article 1:

This regulation shall regulate campaign finances during 2014 presidential and provincial council elections given the provisions of Article 45.2.4, Article 49, and subparagraphs of 1, 19, and 20 of Article 38.3 of the Electoral Law.

Registration of Candidate Assets

Article 2:

1. While submitting their candidacy application forms, all presidential and vice presidential candidates and provincial council candidates shall include information on their movable and immovable properties in the form determined by the Commission and submit them to the Commission otherwise their application shall be denied.
2. The information shall include candidates' movable and immovable properties inside and outside the country with the value of 100000 Afghani and or more than that.
3. Home appliances and necessities used in daily life of candidates such as jewels, carpet, utensils, ornaments, books, paintings, sculptures and similar items are not included in the properties to be registered with the Commission.

4. The documents submitted by the candidates on their movable and immovable properties, shall be kept confidential with the Commission. The information might be accessible to the ECC only upon their official request.

Limits of Electoral Expenses

Article 3:

Limits of electoral expenses during electoral campaigns are as follows:

1. 10000000 Afghani for presidential candidates
2. 500000 Afghani for provincial council candidates

Campaign Contributions

Article 4:

1. The following persons are allowed to make contributions for electoral campaigns of candidates:
 - a) Afghan citizens
 - b) Political parties and other non-governmental domestic legal persons
2. The contributions made by the persons mentioned in Article 4.1 shall be subjected to the following limitations:
 - A. For presidential candidates:
 - a. Up to 50000 Afghani by natural persons
 - b. Up to 500000 Afghani by legal persons
 - B. For provincial council candidates:
 - a. Up to 20000 Afghani by natural persons
 - b. Up to 50000 Afghani by legal persons
3. No government department may contribute to the political campaign of a candidate or provide him / her with public resources unless equal conditions and facilities are considered for all candidates.
4. No person may use public resources for electoral campaign unless similar conditions are provided to all candidates by government.
5. A contribution of property or provisions of free services or discounts shall be deemed financial contribution of the market value of the property or services and a receipt must be given to the donor for its market value.
6. A loan for use in a political campaign is a campaign contribution.

7. The provision of security to a candidate by the state security organizations is not a campaign contribution

Record of Campaign Contributions

Article 5:

1. Presidential candidates shall present the donor with a receipt for every campaign contribution which is equal to or exceeds 20000 Afghani showing the date the campaign contribution was received, the amount or value of the contribution, name of contributor and signature of the candidate or his/her financial agent. The candidate shall retain a copy of the receipt. IF the value of the contribution is less than 20000 Afghani, the amount of the contribution, the date on which the contribution received, name, father's name and contact number of the contributor shall be recorded in Contributions' Logbook. In this case, issuance of receipt to the contributor is not necessary.
2. Provincial council candidates shall present the donor with a receipt for every campaign contribution which is equal to or exceeds 10000 Afghani showing the date the campaign contribution received, the amount or value of the contribution, name of the contributor and signature of the candidate. The candidate shall retain a copy of the receipt.
3. A loan must be recorded; showing the details of the lender, the amount of the loan and the terms of the loan.

Record of Campaign Expenses

Article 6:

1. Presidential candidates shall regulate their campaign expenses as follows:
 - a) Campaign expenses which are equal to or exceeds 20000 Afghani shall be recorded on the form provided by the Commission.
 - b) Every candidate shall receive a receipt as stated in Article 1.1. The receipt shall include details about the candidate, type and value of the goods and or the services provided, the date on which the services provided and details about the provider.
 - c) Those financial expenses value of which are less than 20000 Afghanis shall be recorded in the Expenses' Logbook along with the

amount paid, the date of payment, details about the receiver and the amount spent. It is not necessary to obtain a receipt or record the details stated in Article 6.1b.

- d) Provincial council candidates shall record campaign expenses value of which are equal to or exceeds 10000 Afghani and report them to the Commission using the form provided by the IEC.

Bank Account

Article 7:

1. Presidential candidates shall maintain a designated account at a financial institution in order to manage their campaign finances. The account shall be separate from any other account held by the candidate.
2. The account shall be established before the campaign period commences and the candidate must report to the Commission the bank account number on the date set by the commission.
3. All monetary contributions shall be deposited into the candidate's bank account and monetary expenses might be paid from the candidate's account.

Financial Agent

Article 8:

1. Prior to beginning the campaign period and at the time set by the Commission, presidential candidates shall officially introduce an agent to the commission to deal with his/ her campaign finances.
2. Using the relevant form, the candidate must advise the Commission of the name and contact details of the financial agent.
3. In case a candidate replaces his/ her financial agent, the candidate shall immediately inform the Commission of the name and contact details of the new agent.

Report of Contributions and Expenses

Article 9:

1. Every presidential and provincial council candidate must submit to the Commission a correct report of his/her campaign expenses and the contributions he/she receives on the specified forms and within the timeframe set by the Commission. The reporting forms shall have the following specifications:
 - A. Contribution forms:
 - a. Details of the candidate
 - b. Details of the contributor
 - c. Type of the contribution
 - d. The date on which a contribution received
 - e. The amount or value of the contribution received
 - B. Campaign expenses form:
 - a. Details of the candidate
 - b. Details of the receiver
 - c. Explanation of expenses
 - d. Date of expenses
 - e. The amount paid
2. If the contributions for a presidential candidate are less than 20000 Afghani, a general report of all contributions along with a copy of the logbook for recording the contributions which are less than 20000 Afghani shall be submitted.
3. If a presidential candidate spends less than 20000 Afghani, a general report of all expenses shall be submitted along with a copy of the logbook for recording the expenses which are less than 20000 Afghani.
4. If the total expenses exceeds the candidate's total recorded assets and the contributions and the loan he/she received, valid reasons shall be provided.
5. While submitting their campaign finance reports, presidential candidates shall attach to the reports a bank statement for their electoral campaign.

Preservation of Documents

Article 10:

Candidates shall keep all their campaign finance documents for a period of 12 months after elections.

Database

Article 11:

The Commission shall establish a database in order to process campaign finance reports and to be available for the public access.

Publication of Reports

Article 12:

1. The Commission shall, for public information, publish submitted reports after a scrutiny.
2. The commission shall also publish the total figure of the contributions and expenses which are less than 20000 Afghani and received and made by presidential candidates.

Offences

Article 13:

Failure to observe the provisions of this regulation shall be considered an offence. In this case, the Commission shall, after publishing a list of the offending candidates, present them to the Electoral Complaint Commission.

Entry into Force

Article 14:

This regulation shall be entered into force and published after approval.