

Islamic Republic of Afghanistan Independent Election Commission

Regulation on Polling for the 2019 Presidential Elections

Basis

Article 1:

This regulation has been enacted by the Independent Election Commission (hereinafter referred to as the Commission) pursuant to the authorities delegated to it under articles (19 and 108) of the (Amended) Election Law and taking into consideration the provisions of article 19.2, article 74.4 and articles 5, 6, 7, 83, 84, 91 and 98.1.18 of the Election Law, article 431 of the Penal Code and Decision No.30-1398 of 23/2/1398 [May 13, 2019] and Decision No.35-1398 of 8/3/1398 [May 29, 2019] of the Commission.

Objective:

Article 2:

This regulation regulates the affairs related to the polling during the 2019 presidential elections.

Right to Vote

Article 3:

- (1) Every citizen of the country who has completed 18 years of age by the Election Day, has not been deprived of his/her civil rights according to the provisions of the law or by the court, has been registered as a voter and has his/her name included in the voters list, may refer in the relevant constituency on the Election Day to the predetermined polling station at the polling center where he/she has registered himself/herself before and cast his/her vote in accordance with the applicable procedure by showing the citizenship Tazkera which has the registration certificate affixed to it.
- (2) The Commission takes necessary measures to ensure the secrecy of vote.

Polling Centers and Stations

Article 4:

- (1) Polling takes place at the polling centers that have been established by the Commission across the country in a balanced way considering the number of voters and their geographic location, and accessibility by the voters, and which have voters list;
- (2) The number of polling stations, both male and female polling stations, are determined by the Commission in proportion to the number of voters registered in a polling center, based on the voters list and considering that there is enough time for voters and proper time for counting of votes;
- (3) Every polling center has a minimum of 2 polling stations. If because of implementation of the top-up VR and preparation of final voters list, the number of voters of a PC exceeds

the usual limit, the Commission takes special measures, depending on availability of resources, to better organize the polling process;

- (4) In every polling center, separate polling stations are established for female voters proportionate to their number.
- (5) To the extent possible and according to the applicable procedure, the Commission provides necessary voting facilities for the designated polling staff and those eligible voters (hospitalized patients, military personnel, and eligible prisoners) who cannot go to the PCs where they have been registered as voters.
- (6) In case, Kuchis are located far from the polling centers in a way that does not enable them to visit those predetermined polling centers to cast their vote, separate polling center or stations will be established for them in a proper location in proportion to the number of the Kuchi voters and according to the applicable procedure.

Display of Final List of Candidates

Article 5:

The Commission displays the final list of candidates at polling centers on the Elections Day. This list is sent to the polling centers along with other electoral materials.

Allocation of Ballot Papers

Article 6:

- (1) Ballot papers are allocated to every polling station/center proportional to the number of voters in the voters list, with a limited and specific percentage of surplus ballot papers to be used instead of spoiled ballot papers;
- (2) The ballot papers of one polling center or station may not be transferable to another polling center or station;
- (3) In case the ballot papers and electoral materials of a polling center are burned or damaged in a way that they are no longer useable, the provincial office of the Commission reports the matter to the Commission's Secretariat and takes action according to the procedures after seeking the written or e-mail permission of the Chief Electoral Officer who also keeps the Commission informed of the matter; and
- (4) A maximum of (400) ballot papers may be used in one polling station.

Recording the details of the Biometric Device Operator

Article 7:

The biometric device operator shall have the duty to record his/her features and details in the beginning of the polling in the journal and after switching on the biometric device, if possible, also record in the device his/her name, facial photo, photo of Tazkera and fingerprint and details of the polling station and center according to the applicable procedure and guideline.

Day and Timing of Polling

Article 8:

- (1) The Commission specifies the Election Day in the electoral calendar and determines the start and end time of polling in the applicable procedure and makes them public.

- (2) In case of occurrence of riot, violence, storm, floods, and/or other unexpected incidents in polling stations and centers which may make the polling process impossible or difficult, the Polling Center Manager shall stop the polling and at the soonest time shall seek instruction from the Commission through the PEO and the CEO and shall act accordingly.
- (3) In case of occurrence of the incidents mentioned in paragraph (2) of this article, the PS Chairperson and the Polling Center Manager shall record their decision in the Polling Station's Journal.
- (4) After the end of the determined time and before announcing the end of the polling time, the end of the voters' queue shall be marked by the relevant staff and the persons present in the voters' queue shall be allowed to vote. After announcing the end of the polling time, no one may join the voters queue for voting.
- (5) The Commission may extend the polling process in one or more centers for up to a maximum of two hours.

Polling Staff at the Polling Centers

Article 9:

- (1) The polling staff are recruited and deployed at polling centers and stations according to the provisions of the applicable law, regulation and procedure.
- (2) The polling process at the polling stations is managed by the polling staff under the direct supervision of the (Polling Station Chairperson, Polling Center Manager and the DEO).

Training of Staff and Reaching out to Voters

Article 10:

- (1) The Electoral Training Department shall train the staff of polling and counting stations properly and timely on the polling process according to provisions of the applicable law, regulations and procedures, especially on use of technology (biometric devices) and other important topics that affect the polling and counting process, validity and invalidity of votes.
- (2) The Information and Public Outreach Department shall reach out to voters on use of technology (capturing biometric features of voters) and other important topics that affect the polling and counting process, validity and invalidity of votes.

Observation, Monitoring and Preparation of Report

Article 11:

- (1) The observers and monitors holding valid identity cards may carry out observation and monitoring at the polling centers, the name and code number of which are written on their identity cards. Media reporters and special guest are an exception to this (specific center/station requirement).
- (2) The PS Chairperson shall write in the PS journal the details of a maximum of 20 observers and monitors with ID cards who are present there and shall get their signature on the journal.

- (3) Upon request from the monitors and observers, the PS Chairperson may confirm the presences of the monitor or observer in the polling station with mentioning of time and hour of the presence on the checklist or form of the monitor or observer.
- (4) In case, the presence of monitors and observers at the polling center does not disrupt the polling process, and does not lead to crowd of monitors and observers, the Polling Station Chairperson/Polling Center Manager may allow such observers and monitors who do not have the name of this PC on their ID Cards and where there is no monitor or observer in this PC from the relevant entity to observe and monitor the polling process.
- (5) In case of excessive crowd of observers, monitors, media representatives and special guests at the polling station, the Polling Station Chairperson shall take necessary measures for preventing their excessive crowd, and allowing their equal presence at the polling station.
- (6) For better management of the polling process, the Polling Station Chairperson, in case of breach of provisions of the Constitution, the Election Law, regulations, procedures and other instruments adopted by the Commission, may instruct, after approval of the Polling Center Manager, the monitors, observers, media representatives and special guests to leave the polling station. This shall be recorded in the PS Journal.

Polling Station Journal

Article 12:

Every polling station has one journal. The Polling Station Chairperson records in an organized manner in the journal all the information, including the timing, related to the objections and complaints registered at the Polling Station as well as the actions taken on major incidents of that polling station and details of monitors and observers (a maximum of up to 20 persons) and other matters as mentioned in the applicable procedure.

Permission of Presence at Polling Stations

Article 13:

- (1) Except for the following persons, no person is allowed to be present at the polling stations:
 1. Polling staff of the polling station, members of the Commission and the staff members assigned by the Commission;
 2. The individuals eligible to vote who come to the polling station to exercise their right to vote by presenting the VR certificate attached to their Tazkera [*National ID*].
 3. The individuals introduced by the Electoral Complaints Commission;
 4. National and international monitors and observers accredited by the Commission and who bear their monitoring and observation card for the relevant polling center and media representatives who have ID Cards with them;
 5. Special guests introduced by the Commission;
 6. The persons who are allowed to assist voters in need according to paragraph (3) of article 18 of this regulation;
 7. Security personnel, with the permission from or upon request of the Polling Station Chairperson;

- (2) No one can bear firearms or stabbing weapons within the 100 meters radius of the polling centers, except for the security personnel who are assigned for ensuring security of the polling centers and stations.
- (3) The individuals present at the polling center and reporters, especially media photojournalists shall respect the secrecy of vote.

Voter's Verification

Article 14:

- (1) Before getting the ballot paper, the voter shall present the original Tazkera with the VR Certificate that the Commission has specified for verification of his/her identity.
- (2) The designated staff enters in the specific device the unique number of the VR certificate for verifying the inclusion of his/her name in the voters list and reconciling other information of voters.
- (3) In case of inclusion of the voter's name on the list and matching of his/her information, the biometric features of the voters are captured according to provisions of article 15 of this regulation and the applicable procedure, the voter is allowed to vote, marked in the device of this PS for exercising the right to vote and marked on the print voters list next to the voter's name.
- (4) The print voter list shall fully match with the list installed on the biometric device.
- (5) If the unique VR Certificate number is not there in the list of the polling station, or if the information on the voters list does not match with the voter's information, according to the applicable procedure, the person is not eligible in this polling station and shall be guided to the polling center or stations where his/her name is registered.

Capturing of Biometric Features

Article 15:

- (1) One biometric device is assigned to every polling station. The electronic list of every polling station shall be usable in the relevant polling station in the biometric device according to the applicable procedure.
- (2) The print voters list of every polling station is sent to the polling station along with electoral materials. The print list has a barcode with unique number which the biometric device finds the voter list of the same polling station by reading it.
- (3) One spare biometric device is assigned to every polling center. In case of not working of the device of one of the polling stations of the same center, the mentioned device is given for use to such polling station. The manner of using of it is regulated in the Polling Procedure.
- (4) The designated staff captures the facial photo, photo of Tazkera and thumbprint of both hands of the eligible voter.
- (5) After completion of the voters verification process and capturing of biometrics, a biometric registration code (QR Code) is printed, and affixed by the ballot paper issuer at the back of the ballot paper which is issued to this person. This shall not compromise the secrecy of ballot. To maintain secrecy of the valid votes, necessary measures are taken in the relevant procedure.

- (6) The biometric device shall be configured and programmed in a way to have the ability to link the captured information (facial photo, photo of Tazkera and thumbprints of both hands of the voter) to the voters name that is included in the voters list.
- (7) If the thumb of the eligible voter is damaged in a way that technically renders capturing the fingerprint impossible, or if the thumb of the voter is cut, the fingerprint of other finger shall be captured according to the applicable procedure.
- (8) If one hand of the voter is cut, two fingerprints of his/her other hand shall be captured according to the procedure.
- (9) If both the hand of the voter is cut, the facial photo and photo of Tazkera shall suffice and the person may exercise his/her right to vote. This matter shall be recorded in the PS Journal.
- (10) If the biometric device of the PS loses functionality due to any reason, the PS Chairperson shall initially try to solve the problem. If the problem is not solved in the soonest moment possible, the PC Manager shall provide the PS Chairperson with the spare biometric device.
- (11) If the biometric devices for more than one polling station lose functionality due to any reason, the PS Chairperson shall initially try to solve the problem. If the problem is not solved in the soonest moment possible, the PC Manager shall provide the spare biometric device to the PS Chairperson who has first asked for the device. In this case, the actions are taken according to the applicable procedure on the polling process in the rest of polling stations where the biometric devices have lost functionality and the issue shall be recorded in the PS Journal and reported to the provincial office.
- (12) The PS Chairperson and the designated electoral staff are responsible for proper use and protection of the biometric device and are accountable for any intentional damage or not using of the biometric device.
- (13) The details and manner of installation of the voters list on the biometric devices, their use on the polling day, capturing of finger prints, facial photo and photo of Tazkera of voters are regulated in the polling procedure.

Objection Against the Right to Vote

Article 16:

- (1) The following individuals may object to the voting right of individuals in a polling center:
 1. Citizens eligible to vote; and
 2. Monitors with accreditation letter/ID Card.
- (2) The objections made in this regard are shared with the Complaints Commission's representative and in case of his/her absence with the Polling Station Chairperson prior to casting of the ballot paper by the voter into the ballot box. Depending on the case, the Complaints Commission's representative or the Polling Station Chairperson takes decision in this regard and records the objection along with the reasons and the decision made, in the polling station journal. This decision is enforceable.
- (3) If the decision of the Complaints Commission or the PS Chairperson is not acceptable to the objector or the person who is objected to, he/she may file a complaint with the

Complaints Commission against the decision maker. The PS Chairperson shall also record the subject matter of the complaint in PS Journal.

Complaints about the Polling Process

Article 17:

- (1) The following persons may file a complaint regarding the electoral negligence and violations:
 1. Citizens eligible to vote; and
 2. Monitors with accreditation/ID Card.
- (2) The Complaints Commission's representative, in his/her absence the PS Chairperson, is responsible for collecting the complaints according to the applicable procedures. The PS Chairperson shall briefly record the subject matter of the complaint in the PS Journal.
- (3) The instances relevant to objections and complaints are referred to the Electoral Complaints Commission considering this regulation and the applicable regulations procedures.

Voting

Article 18:

- (1) Before a voter enters the voting screen, the polling staff provides the voter only with necessary information on how to exercise the right to vote. The polling staff in no way, directly or indirectly, interfere with the decision of the voter on voting.
- (2) The voter marks his/her favorite candidate on the ballot paper secretly and behind the voting screen. Taking photo and video recording of the person behind the voting screen of the person during voting in a way that compromise the secrecy of ballot, and video recording and taking photo of the ballot paper by the person are prohibited.
- (3) A voter in need of assistance in marking the ballot paper, may seek assistance from an authorized person and the person he/she trusts on, including the Polling Station Chairperson, in compliance with the following conditions:
 - a. The person who helps a voter in marking the ballot paper, shall mark the ballot paper in presence of and according to the desire and will of the voter.
 - b. No person except for the Polling Station Chairperson may assist more than one voter in the polling station.
 - c. Any assistance to the voters provided according to the provisions of this article, shall be recorded in the polling station journal.
 - d. The person who assists a voter shall observe the secrecy of the vote of the person in need of guidance.
- (4) The designated staff shall mark the voter's finger with the special ink before issuing the ballot paper to him/her. Those individuals whose fingers are marked with the special ink, shall not be allowed to enter the polling station unless he/she comes to assist a voter in need of guidance.
- (5) The Ballot Paper Issuer may provide the voter with a new ballot paper if the ballot is damaged in such a way which renders it invalid. In this case, the spoiled ballot paper shall be marked according to the applicable procedure and kept aside separately, and the matter shall be recorded in the polling station journal and on the results form.

- (6) In case of completion of the polling at a polling station and/or center, the polling process is stopped, and the monitors and observers may stay with the ballot boxes until the start of the counting process and after that.
- (7) The Commission takes necessary decision in case of occurrence of such incidents that disrupt the polling process technically.

Actions after the Polling

Article 19:

- (1) After the last voter standing in the queue votes, the Polling Station Chairperson shall seal the lid of the ballot box, collect all the polling materials and keep them in a safe place and shall determine and record the number of the unused and spoiled ballot papers.
- (2) The sealing of lids of the ballot boxes, recording the box seal numbers and determination of the number of unused and spoiled ballot papers are observed and monitored by the monitors, observers and representatives of the media. In case of non-presence of monitors, observers and the media representatives, the matter shall be recorded in the polling station journal and certified by the Polling Center Manager.
- (3) After determining the number of unused and spoiled ballot papers, the polling station staff shall immediately prepare the polling station for counting of the ballot papers and shall count the votes inside the ballot box in accordance with the applicable regulation and procedure.

Compliance with the Laws

Article 20:

No provisions of this regulation can be interpreted and construed in contradiction with the provisions of the effective laws. In case of contradiction, the applicable laws shall prevail.

Enforcement

Article 21:

This regulation shall come into effect and published from the date of approval.