



Islamic Republic of Afghanistan
Independent Election Commission

Regulation on Counting

Under the authority of Article 56 of the Electoral Law, this regulation has been approved by Independent Election Commission to regulate the counting of votes.

Terms

Article 1:

In this regulation the following terms have the meaning shown:

1. Commission: Election Commission (IEC) established under Article 156 of the Afghan Constitution.
2. ECC: Electoral Complaint Commission established under Article 52 of the Electoral Law.
3. Political party: A political party registered with Ministry of Justice.
4. Candidate: An independent candidate or alliance of independent candidates.
5. Agent: A person who monitors an election on behalf of a political party or an accredited candidate.
6. Observer: A person representing accredited national or international electoral observer organizations to observe the election process.
7. Media representative: A real person who representing a national or international media organizations report on an election.
8. Vote Counting: The process of counting of votes cast in ballot boxes.
9. Counting station: A voting station in which votes are counted at the end of polling.
10. Tally Centre: A centre determined by the Commission, located in Kabul where the results of counting stations are tabulated.

Application

Article 2:

This regulation regulates counting in the following elections:

1. Presidential Elections
2. Parliamentary Elections
3. Provincial Council Elections
4. District Council Elections



Vote Counting

Article 3:

Vote counting is to be carried out at the polling station level in the polling centers determined by the commission.

Counting Officials

Article 4:

The counting officials are the polling staff, who count votes in the same polling station after polling and follow the stages prescribed in the relevant procedure.

Responsibility of Vote Counting in Polling Stations

Article 5:

1. Vote counting should be carried out by the polling station's staff under the direct supervision of the chairperson soon after polling comes to an end.
2. The chairperson, is responsible for counting the votes cast in a polling station and implementing an accurate counting process, in accordance with procedures approved by the Commission.

Journal of Counting Station

Article 6:

Every counting station shall have a journal to contain information on complaints recorded at the station, the actions taken about them, and major events at the station, which must be regularly logged by the station's chairperson.

Persons Authorized to Attend Counting Stations

Article 7:

No one is allowed to attend counting stations except the following:

1. The Commissioners
2. Assigned voting officers and officials appointed by the Commission's Secretariat.
3. ECC's representatives.
4. Accredited agents, observers, and media representatives.
5. Special guests approved by the Commission.

Reconciliation of Ballot Papers

Article 8:

The officials of the counting station must open ballot boxes in the full view of the persons mentioned in the Article 7 and reconcile the number of ballots cast in each ballot box on the Polling Station Official Reconciliation Form.

Ballot Counting

Article 9:

- 1) The counting station staff shall count votes based on the following criteria:
 - a- Providing conditions for observing and monitoring the counting process by the persons present in the station;
 - b- Making efforts to ensure transparency of the process;
 - c- Counting of votes in accordance with the procedures adopted by the Commission.
- 2) The station's officials are to sort ballot papers, in conformity with the Commission's procedures, into the following categories:
 - a- Valid ballot: Ballot in which a voter's intention is quite clear.
 - b- Invalid ballot: Ballot in which a voter's intention is not clear, or shows a vote for a candidate who died after the final list had been prepared, or a ballot without an official seal.



c- Blank ballot: Ballot without any mark by a voter to show his or her intention.

Further details on ballot classification are provided in the relevant procedure.

Offences

Article 10:

Violations and disorder in a counting station must first be investigated by the station chairperson and the person in charge of the centre. If the results are not accepted by the persons mentioned in Article 7 (excluding observers, media representatives, and special guests) the issue can be referred to the ECC.

The Commission's Secretariat shall, in the relevant procedure, provide for the transparency of the process and avoidance of misuse of authority.

After the Counting Process

Article 11:

1) After the counting process, the chairperson of the station will compare the total results obtained to the total ballots cast and if there is no difference between them, he or she will enter the results on the proper form and ask the monitors present at the station to sign the form. In case of any difference in the figures, a recount can be carried out. The recount is prescribed in the relevant procedure.

2) Several copies of the result forms are prepared. The original copy of the form is given by the polling station's chairperson to the person at the counting centre responsible for taking it to the provincial electoral office.

The copies of the result forms are sorted as follows:

- a) One copy is placed in a ballot box with the ballots and the box is sealed in the view of the agents and observers.
 - b) One copy is posted at the counting station.
 - c) The other copies are distributed to agents in accordance with the relevant procedure.
- 3) The polling centre manager places the original copy of the count form from each polling station along with other documents in a tamper evident bag and then hands it to the regional coordinator to be transferred to the provincial electoral office.

Transmission of Result Forms to Results Collection Center

Article 12:

After verifying the tamper evident bags containing the count forms and ballot reconciliation forms, the provincial electoral officer must send them to the Tally Centre in Kabul. The verification and dispatch of the tamper evident bags is regulated by the relevant procedure.

Agents, Observers, Media Representatives and Special Guests:

Article 13:

1) Agents, observers, media representatives and special guests during their presence at counting stations must respect the secrecy of the vote and must not delay or interfere with the vote counting process.

2) A station's chairperson can:

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a- With the approval of the counting centre's manager, order an agent, observer, media representative or special guest to leave the counting station if they violate the Constitution, the Electoral Law, the regulations or other documents approved by the Commission.

b- Establish necessary measures to let agents, observers, media representatives and special guests have equal presence in the counting station if there is a large number of them.

3) Agents, observers, media representatives and special guests are not entitled to handle any documents that are declared confidential by the Commission.

Challenges and Complaints:

Article 14:

1) Agents and all citizens eligible to vote can complain about counting process to the ECC according to that Commission's procedure.

2) If a challenge or a complaint is made after the transference of results to the Tally Centre, the ballot box to which the challenge or complaint refers may be recounted in the presence of the delegates of the Commission and ECC as well as the agents, observers and media representatives in accordance with the relevant procedures. The result of the recount must be reported to the Commission.

Tally Centre:

Article 15:

1) If there is any evident sign of fraud or change in figures, the result forms and the documents related them to be temporarily excluded from the process in the presence of the management of the Tally Centre, representative of the ECC, agents and observers.

2) The results and ballot boxes mentioned in paragraph (1) are examined by the Commission in the presence of the representative of ECC, agents and observers. If there are signs of fraud, the results and ballot boxes are to be declared null and void after the Commission's approval.

3) If there are no signs of fraud, the ballot boxes and the results can keep their legitimacy and the results can be stored in the data bank.

Entry into Force

Article 16:

This regulation enters into force on the date it is approved and must be published.

