



Procedure for Electing One-third Members of the Mishrano Jirga(MJ) and Administrative Board of Provincial Council

2014

Introduction:

Under Articles 27, 71 and 72 of the Electoral Law, the IEC shall hold, administer and supervise internal election of provincial councils and one-third members of the Mishrano Jirga (MJ) and election of administrative board of provincial councils (chief, deputy chief and secretary).

Following issuance of certifications to winning candidates within 15 days after the establishment of provincial councils, the IEC shall hold their internal elections in order to elect members of the MJ on behalf of provincial councils. Members of provincial council of each province shall elect one of their members for membership in the MJ through a secret and direct election for a period of 4 years.

The IEC, within 20 days after the establishment of provincial councils, shall hold internal elections of the councils to elect their administrative boards. Members of each provincial council shall elect 3 members of a provincial council as chief, deputy chief and secretary through secret and direct election for a period of one year. Election is held annually to elect the administrative board.

Elections of provincial councils to elect one third members of the MJ on behalf of provincial councils and election of administrative boards of provincial councils shall be held in two separate dates announced by the IEC. Election of provincial councils to elect one third members of the MJ shall be held first and elections for electing administrative boards of provincial councils shall be held after presenting a replacement member (a replacement for the candidate who is elected for membership in the MJ) to the provincial council from among the candidates who received the highest votes in the election according to the IEC list.

This procedure which has been developed in the light of the Electoral Law, will guide the IEC provincial office staff through conducting election to elect one third members of the councils for the MJ and through internal elections of provincial councils, and the staff should act accordingly.

Electoral Staff

Provincial Electoral Officer (PEO):

- PEOs shall be responsible to hold, administer and supervise elections
- They shall coordinate with provincial council members on the venue of holding elections in harmony with the Independent Directorate for Local Government
- They shall explain a procedure for nomination, polling and counting to provincial council members at the first meeting of provincial council and before conducting the election.

Co-workers:

- Two provincial office staff shall assist with the IEC provincial officer in conducting the election
- Co-workers make sure that all required materials are ready according to check list one day before holding the election.

Management of Electoral Process

- Provincial officers shall manage the electoral process
- Provincial officers ensure that order is maintained during electoral operation
- He will cooperate with the staff with regard to proper implementation of the electoral procedure
- He makes sure that all provincial council members are well-aware of nomination, polling and counting procedure.

Who are allowed to be Present in Polling Station?

The following persons are allowed to be present during election:

- Provincial council members
- A representative of the Independent Directorate for Local Government
- Provincial office staff who assist in holding the election
- Representatives of civil society organizations
- Media representatives
- Special guests
- A representative of the Independent Electoral Complaint Commission
- Security forces if necessary

The IEC provincial officer shall be responsible for organizing people inside the polling station. The civil society organizations and media representatives shall be responsible for observing the election in accordance with the code of conduct and avoid any interference in the electoral affairs. Civil society representatives may share their concerns, if any, with provincial officers and acting chief of the councils and record them in the journal.

Eligibility of Candidates

Member of MJ shall:

- Be a member of provincial council
- Have 35 years of age at the time of his/ her candidacy

Administrative Board of Provincial Council (Chief, deputy chief and secretary) shall:

- Be a member of provincial council

- Have 25 years of age at the time of his/her candidacy

Application for Candidacy

- Each candidate has to go to candidate nomination team in person to receive application Form 1.
- Candidates shall submit the application form to the nomination team after filling it out correctly.
- The nomination team shall receive complete forms (Form 1) and if there is discrepancy between the form and provincial council list on age of a candidate, first, his/her national ID (Tazkira) is credible provided that it has been obtained before candidate nomination process, but if it is obtained after the process, his/her voter registration card is credible to identify his/her age.
- The nomination team shall provide primary list of candidates and submit it to provincial officer after receiving all registered forms.
- After announcement of the primary list, the candidates included in the list may withdraw from their candidacy within two hours before holding election.
- The nomination team shall prepare final list of candidates and submit it to provincial officer to announce it.

Withdrawal from Candidacy

- Candidates, who withdraw from their candidacy, shall in person go to the nomination team.
- The nomination team shall record names of persons, who withdraw from their candidacy, in the journal and obtain their signatures or finger prints.
- The nomination team deletes name of the candidate from the primary list.

Provision of Security

Before holding election, provincial officers in coordination with acting heads of provincial councils make sure that security is ensured during the election. Security forces are responsible to ensure security of electoral process including provincial council members, electoral staff and materials.

Security personnel should be outside the meeting hall. They may only enter the hall if provincial officer or acting head of the council asks them in to keep order. They expel persons whose behaviors are threatening and disobey the orders of provincial officer. Moreover, security forces will be responsible for physical search of people in key areas to make sure of a safe environment.

Note: Security forces must not interfere in the electoral affairs and avoid influencing the process.

Polling and Counting

- Nomination team shall provide ballots after announcement of final list of candidates

- Polling team is composed of two persons, an identification officer and a ballot issuer.

- ❖ Ballot: The information on a ballot includes number of a candidate on the ballot, name of a candidate and a blank box for marking.
- ❖ Electoral Campaign: those candidates who are on the final list, given the number of candidates, will have 3 to 5 minutes to campaign before polling

Before Start of Polling

Provincial Electoral Officer shall:

- Call out names of provincial council members from the provincial council list form “form 2”.
- Announce quorum of the meeting based on the prepared list in annex 2.
- Announce, if the quorum is complete, the number of votes a candidate needs to obtain to be a member of the MJand to become head of administrative board of provincial council.
- Announce primary list of candidates for relevant positions

Acting head of meeting:

- ❖ In the internal election conducted before electing the administrative boards of provincial councils to elect members of the Upper House, one of the oldest council members who is not a candidate himself shall be appointed as the acting head of the meeting
- ❖ At the first election of administrative boards of provincial councils, one of the oldest council members who is not a candidate for the administrative positions shall preside over the meeting.
- ❖ At annual election of the councils’ administrative boards, chief, deputy chief and secretary of a council shall preside over the meeting if they are not candidate themselves, otherwise, one of the oldest members of the council shall chair the meeting.

- Announce deadline for withdrawal from candidacy to provincial council members
- Announce list of persons who have withdrawn and also final list of candidates
- Prepare ballots (annex 3) sample of which are already exist, by computer based on the final list of candidates within two hours following announcement of the final list
- Ballots shall be printed as equal as the number of present members of the councils plus 5 extra ones (in case of any mistake in marking the ballot, a new ballot paper shall be issued).
- Voting booth and ballot box shall be put in a suitable place
- One of the polling team members shall show the empty ballot box to participants, call out aloud seal numbers of ballots, show them to two members of the provincial council and record the numbers in the journal
- Explain polling process briefly to the council members

What to do if the quorum is incomplete?

To conduct election for electing members of the MJand administrative boards, presence of two-third member of a provincial council is necessary. If the quorum is incomplete, the IEC provincial officer along with acting head of provincial council shall postpone the conduct of election until next day.

Polling Process

Voters shall be organized in a queue near the polling team.

Identification Officer shall:

- Take finger prints or signature of each council member on the council members' list form.
- Guide the voters in turn to ballot issuer

Ballot Issuer shall:

- Stamp the back of ballot with the IEC stamp
- Guide a voter how to mark a ballot
- Issue a ballot to a voter
- Guide a voter to the voting booth
- A voter goes to the voting booth and mark his/her favorite candidate on the ballot
- The voter bends the ballot and cast it
- The voter sits back in his/her place

Spoiled Ballots:

If a voter marks a ballot by mistake or the ballot is damaged in a way that makes the candidate's specifications invisible, he/she returns the ballot to the ballot issuer and asks for a new ballot paper. The IEC provincial officer writes down "spoiled ballot" on the back of the ballot and puts it inside the spoiled ballot envelope.

Count of Votes:

Counting staff sets up the place for count of votes.

The following stages shall be carried out:

Counting staff shall:

- Put the ballot box (contains ballots) on the table and calls out their seal numbers
- Break the ballot seals before all those person present
- Empty the ballots onto the table

- Show the empty box to those persons present
- Unfold the ballots and put them on the table in a way that its blank side faces upward
- Count the ballots and compare them with the provincial council members' list form (Form 2).
- Write down name of each candidate on a sheet of paper and put it on the table. Write "invalid ballots" in a sheet of paper.
- Present the ballots one by one to the IEC provincial officer

IEC Provincial Officer shall:

- Verify validity of a ballot
- Call out names of the candidates
- Put ballots on the table before name of each candidate
- Ask one of the candidates to count votes of each candidate separately and in order
- Recount votes of each candidate
- Write down number of counted ballots of each candidate on a blank piece of paper and fasten them together with a paper clip
- Record number of votes of each candidate on the result form (Form 3).
- Sign the result form and give it to the acting head of the council

Acting Head of Provincial Council shall:

- Sign the result form
- Announce votes of all candidates
- Announce the winner

Note:

Of the three copies of the result form, one shall be with the acting head of provincial council, the second shall be posted in the polling station and the third one shall be sent to the IEC HQ for certification.

Important Points:

Validity of ballot:

- Only one candidate is marked
- Shall be stamped with the IEC validation stamp

Invalidity of ballot:

- A ballot without the IEC validation stamp
- More than one candidate is marked on the ballot
- A ballot is completely blank

- Two or more than two candidates are crossed out on a ballot
- Any writing and signature which discovers identity of a voter
- When a marking between two candidates is indistinguishable on a ballot paper

Wining Candidate:

A Two Round System shall be used in the election of members of the MJ and head of administrative board of a provincial council. In this system, each voter is enfranchised only one vote and the winning candidate must obtain 50% + 1 valid votes of present members of a provincial council.

- If none of the candidates obtain 50% + 1 vote, a run-off shall be held between two candidates who gained the most votes. Any of the two candidates who polls the most votes, shall be announced the winner.
- If more than two candidates receive equal number of votes in the first round, two candidates with the highest level of education and in case of equal level of education, the two candidates with longer term of work experience in administration shall be recognized as the candidates for the run-off.
- If the first candidate receives the most votes, but the second and the third candidates have equal number of votes, any of the two candidates with the highest level of education and in case of equal level of education, the one with longer term of work experience in administration shall be selected for the run-off.
- If the two candidates receive equal number of votes in the run-off, the candidate with the highest level education and in case of equal level of education, the one with longer term of work experience in administration shall be selected as a member of the MJ or head of a provincial council.
- A Majority System shall be used for election of secretary and deputy head of provincial councils. Any candidate who obtains the most votes shall be the winner. If more than one candidate receives equal number of votes for the mentioned positions, the candidate with the highest level of education and in case of equal level of education, the one with the longer term of work experience shall be declared as the winner.
- No candidate may withdraw from his/her candidacy in favor of another candidate after announcement of the primary list, appearance on the ballot paper and or after counting votes.

Electoral Complaints:

Each member of a provincial council and interested persons may file a complaint if he/she witnesses any kind of violation of electoral procedure and the Electoral Law.

A complaint may be filed within 48 hours following the conduct of election.

A complaint may be filed on a complaint form or any other kind of paper. The complaints filed, shall be carried to the IEC provincial offices by the offices' staff or a representatives of the

Independent Electoral Complaint Commission. The IECC shall review and adjudicate on the complaints within 48 hours after their collection.

Postponement of Election Process:

The IEC provincial officer may postpone the election if he finds that the election does not proceed in accordance with the procedure approved by the IEC. The IEC provincial officer is authorized to put off the conduct of election in the following conditions:

- If the acting head of a provincial council avoids receiving guidance or acts impartially
- If provincial council members ignore instructions or chaos happens in the meeting
- If the secrecy of vote is compromised
- If the procedures are not followed
- In case of existence of any kind of riot, revolt, flood and storm which hinder conduct of election
- Inappropriate security situation

Annexes:

Form number 1(Application Form)

Form number 2 (List of members of provincial council)

Form number 3(Result form)