



## Independent Election Commission (IEC)

# Procedures for Nomination of Provincial Council Candidates

Provincial Council Elections

# Afghanistan 2009

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## **Introduction**

This manual sets out procedures to be applied in the Candidate Nomination process for the Provincial Council Elections in 2009. It is intended for use by Independent Election Commission Secretariat (IECS) staff who will be conducting Candidates' Nomination activities for Provincial Council Elections. It contains detailed information on Candidate Nomination processes and administrative guidelines for the nomination process.

## ***Provincial Council Elections***

On 20<sup>th</sup> August 2009, Afghans living throughout Afghanistan will be given the chance to vote in elections for the Provincial Councils.

Members of the Provincial Councils will be elected through a system known as 'SNTV', or Single Non-Transferable Vote. In this system, voters select one candidate on the ballot. The most voted candidates in the constituency will fill the available seats.

## ***Conditions for Candidate Nomination***

Prior to the Provincial Council Elections to be held in 2009, a Candidate Nomination process will take place. This is the process which provides citizens of Afghanistan the opportunity to be registered as candidates in the Provincial Council Elections.

Afghans, who wish to stand as candidates in the Provincial Council Elections of 2009, must apply for nomination in order to appear on the ballot. Submission of applications period is from 25 April – 8 May 2009.

In order to stand as a candidate in Provincial Council Elections of 2009, a person must:

1. Fulfill the candidate eligibility criteria,
2. Meet the conditions of candidacy,
3. Fulfill the application requirements.
4. Appear for the nomination in the provincial candidate nomination center

The Candidate Nomination Officer is responsible for ensuring that eligibility and application requirements are met. The Candidate Nomination Officer checks that the Application documentation is complete and that the candidate has signed the Application form confirming that he/she meets the conditions of candidacy.

## **Eligibility Criteria**

In order to stand as a candidate for Provincial Council Elections, a person must fulfill the following candidate eligibility criteria, according to the Constitution of Afghanistan and the Electoral Law:

1. Shall be a citizen of Afghanistan or shall have obtained citizenship of the state of Afghanistan;
2. Shall not have been deprived of civil and political rights by court;
3. Shall not be less than 18 years old on the day of candidacy;
4. Be registered as a voter according to procedures approved by the IEC.

## **Candidacy Conditions**

The following persons can only be candidates if they resign from office upon submission of their Candidate Nomination application:

1. Chief Justice, Members of the Supreme Court and Judges;
2. Attorney General and Public Prosecutors;
3. Ministers and their Deputies, Governors and their Deputies, and District Administrators;
4. Mayors and Nahia Administrators;
5. Members of Ministry of Defense, Ministry of Interior, and the General Directorate of National Security;
6. General Directors and Directors of Ministerial Departments and Government Offices at the Central and Provincial Level; and
7. Electoral Officials.

Individuals who practically command or are members of unofficial military forces or armed groups shall not be qualified to candidate themselves for the elections, (Electoral Law article 15 sub article 3).

## **Application Requirements**

Apart from above requirements, candidate willing to contest for Provincial Council Elections must fulfill application requirements, meaning that each candidate in person must complete and submit necessary forms to the IEC Candidate Nomination Center in the provincial offices.

***Important:*** The candidate must be present at the Candidate Nomination Center in order to have photograph taken.

## ***Persons Permitted to Observe Candidate Nomination Process***

In order to ensure transparency of the process, the following persons accredited by the IEC may be permitted to observe, monitor, report and provide assistance to international advisors in the Candidate Nomination Center:

1. Political Party Agents,
2. Domestic Observers,
3. International Observers,
4. Interpreters of International Observers,
5. Media, and
6. Special Guests.

Any of the above authorized to observe, monitor, report and provide assistance to international advisors processes in the Candidate Nomination Center, must display their accreditation cards issued by the IEC at all times.

The Candidate Nomination Officer is responsible for permitting access to the Candidate Nomination Center. The number of persons present within the Candidate Nomination Center at any one time is at the discretion of the Candidate Nomination Officer.

## **Candidate Nomination Centers**

In order to complete the Candidate Nomination process, the Candidate Nomination Centers will be established in the 34 provinces of Afghanistan to administer the Candidate Nomination process. Candidate Nomination Centers will be established in IEC Provincial Offices in the provincial capitals.

The Candidate Nomination Center is the focal point in each province for all activities relating to candidate nomination. Afghans who fulfill eligibility criteria to register as a candidate for Provincial Council elections will be informed if they wish to register as a candidate; they must in person go to the Candidate Nomination Center in the province in which they wish to stand in order to submit their application forms, to check the status of their candidacy during specified periods, and to gain information on the candidate nomination process.

## **Candidate Nomination Period**

The Candidate Nomination period will run for 14 days, from 25 April to 8 May, Saturdays to Thursdays between 0800hrs to 1600hrs (On Thursdays between 08:00hrs to 13:00hrs).

During this period, the Candidate Nomination Forms will be available for collection from either IEC Provincial Offices, or IEC website at: [www.iec.org.af](http://www.iec.org.af)

## **Administrative Guidelines**

The Candidate Nomination Officer in the IEC Provincial Office will be responsible for issuing and receiving applications for nomination from respective candidates. Candidates may collect at most, two applications for nomination.

One of the responsibilities of the Candidate Nomination Officer before issuing application forms is to provide detailed information to the applicants, on how she/he must complete the Candidate Nomination Forms and what are the requirements in order to be registered as a candidate for Provincial Council Elections.

The Candidate Nomination Officer will create a file for each individual candidate. The file will be clearly labeled with the candidate voter registration card number and province code and filed in numerical order in the lockable filing cabinet. In the file, the Candidate Nomination Officer will keep all documents related to the candidate application.

The Candidate Nomination Officer, will be responsible for safekeeping of copies of all the documents and all correspondence related to a candidate's nomination, including the copies of the Voters Registration Cards. A separate numbered file will be maintained for each candidate.

**Important:** The Candidate Nomination Officer for the transparency of the Candidate Nomination process must attend one candidate at a time.

The Candidate Nomination Officer when receiving forms from candidates must follow steps as outlined below:

1. Opens a file for a candidate,

2. Checks VR Cards of the candidates. The Candidate Nomination Officer photocopies the VR Cards of candidates, (if the candidate is not registered during voter registration period, she/he can register in the Voter registration Center in the provincial office).
3. Receives duly completed Candidate Nomination Application Form (CNP-01) and ensures it is accurately completed.
4. If a Political party endorses the Candidate, the Candidate Nomination Officer will check that the Political Party Endorsement Form (CNP-02) has been submitted and that it is accurately completed and signed by the Political Party Leader/Founder or Delegate.
5. In case of Coalition endorsing a candidate, the Candidate Nomination Officer will check that the Coalition Endorsement Form (CNP-03) has been submitted and that it is accurately completed and signed by the Coalition Leader/Founder or Delegate.
6. The candidate submits the resignation letter from office (if applicable).
7. The Candidate Nomination Officer receives the Notice of Liaison Officer Form (CNP-04) with the telephone number of Liaison Officer and if applicable e-mail address of the person to contact by the IEC for any matter related to the Nominations.
8. For each candidate the Candidate Nomination Officer receives list with names, VR card numbers and signatures of 200 of supporters. VR cards must be from the supporters residing in the province where candidate nominates. The list of supporters must be kept confidential.
9. The Candidate Nomination Officer receives the receipt from the candidate for Nomination fee where Afs 4,000 has been deposited. The receipt must be kept securely by the Candidate Nomination Officer, together with other documents submitted by candidates. Bank and account details will be provided to each potential candidate prior to the commencement of the Candidate Nomination process.
10. The endorsed candidates by political parties/coalitions and the independent candidates will select symbols using lottery. Selected symbol from the lottery box will be put in the file of the candidate. Details of how the lottery will be conducted are provided later in these procedures.
11. The Candidate Nomination Officer while receiving Nomination application from candidates, will use the checklist to verify and certify that all forms have been submitted (correctly and complete) to the Candidate Nomination Officer. The Candidate Nomination Officer upon receipt of Candidate Nomination Applications signs the Receipt-Check List Form (CNP-05) and gives a copy to the candidate.
12. The Candidate Nomination Officer then directs the candidate to the Data Entry Officer and she/he hands over the file to the Data Entry Officer. Details of the data entry are given in page 9.

**Important:** If some attachment/papers/symbol or any other relevant document is missing or there is any deficiency in the Candidate Nomination Applications, the Candidate Nomination Officer will not accept the Candidate Nomination Applications and will request from candidate to correct the deficiency and only after the deficiency has been corrected, she/he can accept Candidate Nomination Applications from the candidate. This must take place within the Candidate Nomination Period.

**Below are documents to be submitted by candidates to the Candidate Nomination Officer:**

**Candidates endorsed by political party:**

1. Voter registration card of the candidate.
2. Candidate Nomination Application Form (CNP-01)
3. Political Party Endorsement Form (CNP-02) or Coalition Endorsement form (CNP-03) in case of candidates being endorsed by Political Parties or Coalitions
4. Resignation letter from office if applicable
5. Notice of Liaison Officer Form (CNP-04)
6. List with names, signatures and VR card numbers of 200 supporters
7. Bank receipt as proof of paid 4,000 Af

**Independent Candidates:**

1. Voter registration card of the candidate.
2. Candidate Nomination Application Form (CNP-01)
3. Resignation letter from office if applicable
4. Notice of Liaison Officer Form (CNP-04)
5. List with names, signatures and VR card numbers of 200 supporters
6. Bank receipt as proof of paid 4,000 Af

## **The Candidate Nomination Process**

### ***Method of Candidate Nomination***

1. Nominations for the Provincial Council Elections must be lodged in person by the candidate in the provinces.
2. Individuals may be registered as Independent Candidates.
3. A registered political party retains the right to endorse individuals who indicate that they are affiliated to a political party, and wish to run for election as a member of that particular party.
4. Candidates may also be nominated as coalition candidates.
5. Affiliation of the endorsed candidates will be displayed in words on the ballot papers not by displaying official logos of their related political parties and coalitions.

### ***Receipt of Candidate Nomination Applications***

1. Candidate Nomination Applications will be submitted to the Candidate Nomination Officer in the Candidate Nomination Center at the IEC Provincial Office.
2. The receipt of the Candidate Nomination Applications (completed Nomination Forms) and relevant documents will not constitute an acceptance of the nomination as additional processes, scrutiny and display, will need to be completed.
3. The Candidate Nomination Officer receiving the Nomination Applications and relevant documents will check that all the documents are present and properly completed. If there is a mistake in the forms or the documents are incomplete, the Candidate Nomination Officer should bring this to the attention of the person lodging the forms. The Candidate Nomination Officer will request from the person submitting the documents to correct errors identified and only then receives Nomination Applications.

4. The Candidate Nomination Applications submitted by the candidates during the Candidate Nomination Period will be sent to the IEC HQ for scrutiny. If they determine that the papers submitted are complete, they will approve the Nomination accordingly. The scrutiny period will take place from 26 April-11 May 2009.
5. If the IEC determines that there is a deficiency in the documents submitted they will notify the Candidate on deficiency and the nature of deficiency. The last day for notification of deficiencies is 12 May 2009.
6. Upon receipt of the information on the deficiency from the IEC, the Candidate can remedy the deficiency any day from the day she/he is notified on the deficiency and not later than 14<sup>th</sup> of May. The last day to remedy these deficiencies will be 14 May 2009.

### ***Candidate Nomination Fee***

The nomination fee must be paid into the designated account in "Kabul Bank" which will already have been opened for the purpose by the IEC in each provincial capital. The Candidate shall submit the deposit receipt along with the Candidate Nomination Applications.

The nomination fee is 4,000 Afs. The fee will be refunded if the Nomination application is rejected, the candidate is elected or gains more than 2% (percent) of votes cast or withdraws before the final list of candidates is published.

The Nomination fee, wherever refundable, will only be paid to the candidate personally, or to a deceased candidate's legal heir.

### ***Endorsement of Political Party Candidates***

Registered Political Parties must endorse their candidates for the Provincial Council Election, if they desire to endorse a candidate(s). The Leader/ Founder or Delegate of political party must sign the Political Party Endorsement Form (CNP-02) on behalf of the party. A Political party for the Provincial Council Elections can endorse more than one candidate and as many as the number of the vacant seats in the constituency.

The Political Party Endorsement Form (CNP-02) must be submitted together with the Candidate Nomination Application Form (CNP-01).

### ***Endorsement of Coalition Candidates***

A Coalition must endorse their candidates for the Provincial Council Election, if they desire to endorse a candidate(s). The Leader/Founder or Delegate of coalition must sign Coalition Endorsement Form (CNP-03) on behalf of the coalition. A Coalition for the Provincial Council Elections can endorse more than one candidate and as many as the number of the vacant seats in the constituency.

The Coalition Endorsement Form (CNP-03) must be submitted together with the Candidate Nomination Application Form (CNP-01).

### ***Allocation of Symbols to Candidates***

1. The endorsed candidates by political parties/coalitions and the independent candidates will select symbols using lottery
2. The process of lottery is as described below:



- a. The Candidate Nomination Officer in the Candidate Nomination Center will shake the lottery box and place it on the table, than she/he will ask the candidate to:
    - i. Take three symbols out of the box,
    - ii. The candidate unfolds the symbols/logos, and places them on the table,
    - iii. Selects ONE symbol from the three on the table and gives the selected symbol/logo to the Candidate Nomination Officer.
  - b. The selected symbol must be removed from the lottery and the Candidate Nomination Officer puts the symbol in the candidates file. Symbols selected by the candidates will **not** be used again.
  - c. The Candidate Nomination Officer returns the two not chosen symbols to the lottery box.
3. Affiliation of the endorsed candidates will be displayed in words on the ballot papers.

### ***Data entry process***

Each Candidate Nomination Center for the purposes of candidate nomination will have two Data Entry Officers operating in the Candidate Nomination Centers. The role of the Data Entry Officers in the Candidate Nomination Centers is to create electronic data for each candidate. The process of entering the data in computer is as follows:

1. The Data Entry Officer requests from the Candidate Nomination Officer file of the candidate,
2. In the presence of the candidate, completes the form in the computer using Candidate Nomination Application Form (CNP-01),
3. Takes the photo of the candidate using digital camera connected to his computer and attaches it to the electronic form,
4. Takes the symbol selected by the candidate from her/his file and generates from the list of symbols in her/his computer the same symbol, and attaches it to the form in the computer,
5. Once all the details of candidate are entered, prints out the form with the candidate information and asks the candidate to check if particulars recorded in the form are correct, if yes,
6. She/he asks the candidate to sign the form confirming that all entered particulars including photo and symbol are correct,
7. Signed copy of the form then is put in the file of the candidate,
8. The Data Entry Officer generates a unique number for the each candidate and records it on the cover of the file including provincial code,
9. Data Entry Operator retains hard copy of list of supporters for data entry.
10. Hands over completed file to the Candidate Nomination Officer,
11. Transfers the data on daily basis to the IEC HQ in Kabul.

### ***Candidate Nomination Center Logbook***

The Nomination team will have a Nomination Logbook for use throughout Candidate Nomination Process. The province name must be written on the front cover. The logbook will be used to record data and incidents related to Nomination activities in the Candidate Nomination Center, including:

1. Number of applicants received during the day,
2. Number of withdrawals during the process,
3. Number of nominations,
4. Refusals, in case person have not complete documentation, etc.

## **Daily Statistical Reports**

On daily basis, the Candidate Nomination Officer will fill in the Daily Statistics Form (DS-01), and she/he will report this information to the External Relations Department at IEC HQ through Regional Office.

## **Publication of Preliminary List of Candidates**

Soon after the end of Candidate Nomination Period, after scrutiny and correction of deficiencies, the IEC will announce and publish the Preliminary List of Candidates. Preliminary List of Candidates will be displayed for a period of 6 days from 16 – 21 May 2009. The Preliminary List of Candidates will include: the name of the candidate, the exclusive number of the candidate, the photograph and the electoral symbol of each candidate. The Preliminary List of Candidates will be publicized as widely as possible throughout the Province.

## **Corrections**

During the display of the Preliminary List of Candidates, the candidates can review the list for accuracy.

Candidates, who note that their information on the Preliminary List is not correct, may request in person from IEC within 6 days after the Preliminary List is announced or published for correction of information.

Request for correction may be filed for the following reason:

- The Preliminary Candidate List contains incorrect candidate information (name, symbol or photograph).

## **Challenges**

A political party agent or any Afghan citizen eligible to vote may challenge the eligibility of candidates included in the Preliminary List, after the list is displayed.

Candidates can be challenged on the basis that:

1. Candidate is not an Afghan citizen,
2. Candidate is not of a sufficient age,
3. Candidate has been deprived of civil and political rights by a court,
4. Candidate has not resigned from public office,
5. Candidate is affiliated to unofficial military forces,
6. Candidate has falsified application information (including signatures of supporters).

Challenges to any candidate on the Preliminary List of Candidates must be submitted to the Electoral Complaints Commission (ECC), 6 days from the day the Preliminary List is displayed. Challenge forms will be available in the IEC Provincial Offices.

All challenges must state in full the grounds for the challenge, and be accompanied by all relevant documents, used to support facts alleged in the challenge. Such documents may include sworn witness statements.

The ECC shall take the final decision on the issue after evaluating and reviewing the challenge. Further information on the Challenge process will be duly provided by the ECC.

### ***Withdrawal of Nomination by Independent Candidates***

Any registered independent candidate may withdraw her/his candidature by submitting in person a Notice of Withdrawal of Nomination Form (CNP-06). The Notice of Withdrawal of Nomination Form (CNP-06) shall be submitted to the Candidate Nomination Officer at the IEC Provincial Office.

If a candidate wishes to withdraw nomination, the following applies:

1. The candidate will return in person to the IEC provincial office,
2. The candidate will present her/his:
  - a. Voter registration card
  - b. Nomination receipt-checklist
3. Submits two copies of completed Notice of Withdrawal of Nomination Form (CNP-06),
4. The candidate and the Candidate Nomination Officer will both sign the withdrawal form,
5. The Candidate Nomination Officer must ensure that Candidate Nomination Deposit is refunded,
6. The Candidate Nomination Officer will retain the Candidate Nomination Receipt and attach it to the withdrawal form,
7. The Candidate Nomination Officer will:
  - a. Receives two copies of the withdrawal form, she/he signs and gives one copy of the form to the applicant,
  - b. Note the withdrawal in the Logbook and Daily Statistics Form
  - c. File the original withdrawal form.

### ***Withdrawal of Endorsement by Political Party/Coalition***

Political parties/coalitions retain the right to withdraw the endorsement of the candidate. In order to withdraw the endorsement of candidate, political party/coalition leader/founder or delegate has to sign and stamp the Political Party Withdrawal of Endorsement Form (CNP-07). The form must be submitted by a political party/coalition to the Candidate Nomination Officer at the IEC provincial office.

However, this does not prevent the candidate from running for the elections, as she/he can run in the elections as independent candidate if she/he wishes to.

If a party/coalition withdraws endorsement of candidate, the following applies:

1. The representative of political party/coalition submits two copies of the completed Political Party Withdrawal of Endorsement Form (CNP-07) to the External Relations officer at the Provincial Office,
2. The forms must be signed by political party/coalition leader or delegate and stamped with party/coalition stamp,
3. The Candidate Nomination Officer signs the withdrawal form,
4. The Candidate Nomination Officer must ensure that Candidate Nomination Deposit is refunded to the candidate if she/he states that she/he will not run for elections as independent,
5. The Candidate Nomination Officer will:
  - a. Receive two copies of the withdrawal form, she/he signs and gives one copy of the form to the applicant,
  - b. Note the withdrawal in the Logbook and Daily Statistics Form (DS-01),

- c. File the original withdrawal form.

***If the candidates states that she/he will run as independent candidate, than the deposit will not be refunded to the candidate.***

The Notice of Withdrawal of Nomination must be lodged before the publication of the final list of contesting candidates, in which case the Nomination fee will be refunded. This must take place before **8 June 2009**

***A Notice of Withdrawal of Nomination will not be accepted after the publication of the final list of contesting candidates. A Notice of Withdrawal of Nomination Form shall, in no circumstances, be withdrawn or revoked.***

### ***Final List of Contesting Candidates***

The IEC will publish the final list of contesting candidates at least 60 days prior to the election date. The External Relation Department of IECS will inform all Provincial Election Officers of the final list of candidates. The Final List of Candidates will be publicized as widely as possible throughout the Province.

Immediately after the Final List of Candidates is published, IEC will distribute CDs to all candidates appearing in the Final List of Candidates.

CDs issued to candidates will contain following information:

1. Name of Candidate,
2. Number/order in which candidate appears in the ballot paper,
3. Photo of the Candidate, and
4. Logo of the Candidate.

### ***Retrieval of Nomination materials***

All candidate Nomination applications will be kept at the IEC provincial office with the Candidate Nomination Officer until the end of the Candidate Nomination Period. Following the end of the Candidate Nomination Period, all candidate files, and withdrawal forms submitted, will be retrieved to the IEC HQ in Kabul.

In transferring any candidate documents, Form CMT-01 – Candidate Materials Transfer Form will be used.

## Annex 1

Table of Nomination Forms

Form	Used	Description
(CNP-01) Candidate Nomination Application Form	Candidate Nomination Period	Form is to be completed by each applicant in order to apply for candidate Nomination.
(CNP-02) Political Party Endorsement Form	Candidate Nomination Period	The form will be used for endorsement of candidate by political party
(CNP-03) Coalition Endorsement Form	Candidate Nomination period	The form will be used for endorsement of candidate by coalition
(CNP-04) Notice of Liaison Officer Form	Candidate Nomination Period	Form will be used to notify IEC on the liaison officer for a specific candidate
(CNP-05) Receipt-Check List Form	Candidate Nomination Period	The form will be used as a checklist to verify and certify that all forms have been submitted to the Candidate Nomination Officer
(CNP-06) Notice of Withdrawal of Nomination	Candidate Nomination Period	The form to be used when a candidate wishes to withdraw her/his Nomination.
(CNP-07) Political Party/Coalition Withdrawal of Endorsement Form	Throughout the Candidate nomination process before the final list of candidates is submitted	The form to be used when a Political Party/Coalition wishes to withdraw endorsement of nominated candidate
(CNP-08) Correction Form	Correction Period	The form will be used by candidates to request correction of particulars in the provisional list of candidates
(CNP-09) Supporters Signature Form	Candidate Nomination Period	The form will be used by the candidate to collect supporters name, VR card number and signatures/thumbprints
(DS-01) Daily statistics Form	On daily basis during the entire period of nomination	The form will be used to record daily statistics, of registered, withdrawals, corrections etc.
(CMT-01) Candidate Material Transfer Form	End of Candidate Nomination Period	The form will be used to track material movement from provincial level to HQ