



Islamic Republic of Afghanistan Independent Election Commission

Regulation on Regulating Financial Affairs of Electoral Campaigns of 2019 Presidential Candidates

Basis

Article 1:

This regulation has been enacted by the Independent Election Commission (hereinafter referred to as the Commission) pursuant to the provisions of articles 77, 78 and 108 of the Election Law considering the provisions of sections 5, 11, 31 and 35 of paragraph (1) and (2) of article 98 of the Election Law.

Purpose

Article 2:

This regulation regulates the financial affairs of campaigns of presidential candidates (hereinafter candidates) during the 2019 presidential elections.

Candidates' Campaign Finance Management Section

Article 3:

- (1) The candidates campaign finance management section, which is established under the Legal Department, is responsible to manage affairs related to financial affairs of candidates' campaign.
- (2) The staff needed by this section is recruited on time and the equipment and resources necessary for managing the candidates campaign finance affairs are provided to this section.
- (3) The Candidates' Campaign Finance Management Section is created temporarily for the elections and dissolves after accomplishing the assigned duties. The documents of this section are kept in the Legal Department and its duties and obligations are assigned to this department.

Registration of Properties of Candidates

Article 4:

- (1) The presidential candidates and their running mates shall upon submission of application for candidacy, record the information about their movable and immovable properties in the form specified by the Commission and submit it to the Commission according to the applicable regulation and procedure.
- (2) This information shall include those movable and immovable properties of the candidates inside or outside the country which has a value of two hundred thousand (200,000) Afghanis or above. The value of the properties is determined by the candidate or his running mate according to the market price.

- (3) Home appliances and necessities used in daily life of candidates such as jewelries, 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 are for electoral purposes and are kept confidential with the Commission. The information may be accessible according to the law to the ECC or another competent authority only upon their official request. The mentioned authorities do not have the right to make this information public unless provided for by the law. The sharing of properties registration forms with other authorities after the elections may take place after approval by the Commission.
- (5) The Commission uses the information on movable and immovable properties of candidates for preparing final report of candidates and reconciling the campaign expenses with the properties.

Limits of The Campaign Expenses of Candidates

Article 5:

- (1) According to paragraph (1) of article 77 of the Election Law, the limits for campaign expenses by candidates are determined as below considering the number of eligible persons to vote, the area and geographical location (terrain) of the relevant electoral constituency:
 1. The number of voters of the constituency is specified based on the final voters list;
 2. The number of voters of the constituency is multiplied by 30;
 3. The area of Afghanistan, which according to the GIS Section of the Commission is 652,237 square kilometers, is multiplied by 10;
 4. The product of section 2 of this paragraph is added to the product of section 3 of this paragraph;
 5. 30, 50, and 70 per cent of the sum of section 4 are determined;
 6. Depending on the information of the GIS section of the Commission, if the constituency is passable, 30%, if it is impassable, 70%, if mixed (impassable and passable), 50% of the sum of section 4 of this paragraph is added to the 100% of the sum of section 4 of this paragraph to determine the ceiling for campaign expenses of the constituency;
 7. The presidential constituency is mixed. Therefore, the sum of section 4 of this paragraph plus 50% of the sum of section 4 of this paragraph are equal to the ceiling for campaign finance expenses for presidential elections;
 8. If the number of eligible voters is not determined until 15 days before the campaign period of the presidential candidates, the final voter list of 2018 Wolesi Jirga elections is deemed valid and actions shall be taken accordingly;
 9. The IT Department shall have the duty to prepare final information on the number of voters of the entire country and share it with the Legal Department for subsequent actions. In case of the information not finalized, the IT Department shall share the final voters figures of every constituency of the 2018 Wolesi Jirga elections with the Legal Department;
 10. The formula of determining the ceiling for the candidates' campaign expenses and the limits of the campaign costs of the presidential elections is implemented and determined in annex (1) of this regulation.

- (2) No candidate may spend more than the determined ceiling during the campaign. If the expenses exceed the ceiling, the ECC may take necessary decision according to the Election Law and the applicable procedures.

Financial Contributions to Campaigns

Article 6:

- (1) The following persons can make contributions to the campaigns of candidates:
 - a. Afghan citizens inside and outside of the country; and
 - b. Political parties and other non-governmental national legal persons
- (2) The financial contributions made to the candidates by the persons mentioned in paragraph (1) of this article shall be subject to the following limitations:
 1. Up to 200,000 Afghanis by a natural person
 2. Up to 1,000,000 Afghanis by a legal person
- (3) No governmental agency may contribute to the campaign of a candidate or provide him/her with public resources.
- (4) No person may use public resources for the campaign of candidates unless equal resources are provided to all candidates by the government of Afghanistan.
- (5) Candidates may not receive or accept financial contributions from foreign citizens or countries and/or political missions of foreign countries in Afghanistan and/or unknown sources. Receiving any contributions takes place according to provisions of article 7 of this regulation.
- (6) Provision of free services or discounts shall be deemed financial contribution and a receipt must be given to the service or discount provider according to its market value.
- (7) Taking a loan for use in a campaign is deemed financial contribution.
- (8) Provision of security to a candidate by the state security agencies is not deemed as financial contribution.
- (9) Candidates are responsible for receiving any contribution against provisions of the law and this regulation.

Record of the Campaign Contributions

Article 7:

- (1) Any contribution received for conducting campaign shall be recorded by the candidate and reported to the Commission using the relevant forms.
- (2) Candidates shall have the obligation to provide the contributor with a receipt for every campaign contribution which is equal to or exceeds 100,000 Afghanis showing the date the contribution was received, the amount or value of the contribution, name and contact number of the contributor and signature of the candidate or his/her financial agent. The candidate shall retain a copy of the receipt. Such contributions shall be recorded on the contribution form and reported to the Commission.
- (3) If the value of the contribution is less than 100,000 Afghanis, the amount of the received contribution, the date the contribution was received, name, father's name and contact number of the contributor shall be recorded in the Contributions Logbook. In this case, issuance of receipt to the contributor is not

necessary. The contribution logbook is the book which is used for recording contributions which are less than 100,000 Afghanistan. One copy of this book is provided to the Commission along with the report.

- (4) A loan must be recorded, which shall show the details of the lender, the amount of the loan and the terms of the loan.
- (5) The candidates shall have the duty to determine in the market the real value of the contributions that they receive in form of goods and/or services and present their report to the Commission using the relevant forms. The price of the goods and services are determined according to the rate of the day they are provided to the candidate.

Record of Campaign Expenses

Article 8:

- (1) Any campaign expenses shall be recorded by the candidate and their report presented to the Commission using the relevant forms.
- (2) Candidates shall have the obligation to record the expenses the value of which is equal to or exceeding 100,000 Afghanis, using the form provided by the Commission.
- (3) Candidates shall receive a receipt for the expenses referred to in paragraph (1) of this article. The receipt shall include details of the candidate, type and value of the goods and or the services provided, the date on which the services were provided and details of the provider.
- (4) Those financial expenses the value of which is less than 100,000 Afghanis, shall be recorded in the Expenses Logbook along with the amount paid, details of the goods or services, the date of payment, details of the recipient of the spent amount.
- (5) The Expenses Logbook is a book which is used for recording expenses that are less than 100,000 Afghanis. A copy of this provided to the Commission along with the report.

Bank Account

Article 9:

- (1) Candidates shall open one bank account in one of the national banks to manage the affairs related to receiving contributions, keeping campaign funds and paying for the campaign expenses. The mentioned bank account shall be disconnected from any other accounts of candidates.
- (2) The bank account shall be opened before start of the campaign period and the candidate shall provide the bank account details to the Commission on the due date and using the form determined by the Commission.
- (3) No expenses and contributions related to campaign of the candidate may be handled outside of the relevant bank account. Receiving cash contributions, paying for campaign expenses and keeping the campaign funds shall take place only using this bank account.
- (4) The presidential candidates and/or his financial agent shall have the obligation to deposit all the received contributions in the relevant bank account and pay for the campaign expenses through this bank account.
- (5) The presidential candidates may take out specific amounts from the bank account for the expenses less than 100,000 Afghanis.

Financial Agent

Article 10:

- (1) Using the relevant form, candidates shall introduce their financial agents to the Commission within the time determined by the Commission. A candidate also can act as financial agent of himself.
- (2) The financial agent is responsible for reporting and managing financial affairs of the relevant candidate's campaign.
- (3) In case of termination or end of the contract or death or resignation of the financial agent, the candidate shall within 72 hours inform the Commission of the matter and submit the name and contact details of the new agent to the Commission.

Reporting Period

Article 11:

- (1) During the campaign, candidates shall submit to the Commission one financial report for the first 30 days and one final report. Candidates shall submit the first report to the Commission between the days 30th and 35th and the final report during the silence period (48 hours prior to the Election Day). In the second report and using the relevant form, they shall also provide to the Commission a summary of the total received contributions, campaign expenses, loans and bank statement and the manner of using of personal property.
- (2) Candidates shall have the obligation to submit to the Commission their final report according to paragraph (1) of this article and which shall contain the total expenses, contributions, loans and detailed bank statement of the candidate's campaign.
- (3) The reports envisaged in this regulation are provided using the standard forms. The Commission prepares these forms and provides them to the candidates.

Report of the Financial Contributions and Expenses

Article 12:

- (1) Candidates shall submit to the Commission's HQ an accurate and correct report of their financial expenses and the contributions they have received using the specified forms and within the timeframe set by the Commission.

1. The reporting forms shall have the following details:

a. Contribution Forms:

1. Details of the candidate;
2. Details of the contributor;
3. Type of the contribution;
4. The date on which a contribution received; and
5. The amount or value of the contribution received.

b. Expenses Forms:

1. Details of the candidate;
2. Details of the payee (seller or service provider);
3. Explanation on the expenses;
4. Date of expenses; and
5. The amount paid.

- (1) Candidates shall submit the counterfoil of the received contributions which are equal to or exceeding 100,000 Afghanis along with a copy of the logbook for recording the contributions which are less than 100,000 Afghanis.
- (2) The presidential candidates shall submit to the Commission (report) of the expenses which are equal to or exceeding 100,000 Afghanis along with a copy of the logbook for recording the expenses which are less than 100,000 Afghanis.
- (3) Using the relevant form, candidates shall have the obligation to submit to the Commission the final report on the contributions they have received, loans and campaign expenses.
- (4) In case, the total campaign expenses of a candidate exceed the total of his/her registered properties, the received contribution and loans of the candidate, the candidate must provide detailed information about how he/she has received that money (the source of money) to the Commission.

Reporting by Media to the Commission

Article 13:

- (1) Using the relevant form, the media, including audio, visual, print and electronic shall have the obligation to present reports to Media Committee of the Commission on the amounts they receive during the campaigns from the candidates.
- (2) The Media Committee shall have the responsibility to share through the Legal Department with the Candidates' Campaign Finance Management Section, the report submitted to it according to paragraph (1) of this article.

Keeping Documents

Article 14:

Candidates shall keep with them all the documents related to their campaign finance until six months after the announcement of the final results of the relevant elections. These documents include the following instances:

1. One copy of the candidate property registration form;
2. Contributions logbook and expenses logbook;
3. One copy of all the receipts issued to contributors;
4. One copy of all the bills or documents paid for goods or services;
5. One copy of all the cheques issued to payees receiving money from the bank account introduced by the candidate;
6. Details of the bank account and copy of the bank statement;
7. Copy of all the financial reports (including expenses, contributions, movable and immovable properties, loans, etc.) that were shared with the Commission; and
8. Other papers, forms and reports related to campaign finance.

Database

Article 15:

- (1) The Commission shall create a database for processing the reports of campaign finances of the candidates and public access to the reports.

- (2) The Commission shall upload the financial reports (expenses and contributions) of the candidates' campaign to the database and publish them on the website of the Commission (www.iec.org.af) for information of the people.
- (3) The IT Department shall be responsible for creating and proper functioning of the data base. The Candidates' Campaign Finance Management Section shall use this data base for managing the financial affairs of candidates (contributions, expenses, reporting, reconciliation of reports).

Monitoring

Article 16:

- (1) The Commission publishes the reports of the candidates' campaign financial affairs after uploading to the data base and reconciliations.
- (2) Eligible voters, mass media and observer and monitoring organizations may monitor the campaign events of the candidates and reconcile them with the reports presented by the candidates.
- (3) If people, media and/or observer or monitoring organizations find that candidates have not reported to the Commission on some of their contributions, expenses and campaign activities, or have received contributions from illegal sources, or have breached the provisions of this regulation in a way, they may inform the Commission or the ECC of the matter in a document way.
- (4) The monitors and observers may share their findings on the candidates' campaign financial affairs with the Commission, the ECC and the Media Committee.

Enacting Internal Procedure and Fact Sheets

Article 17:

- (1) The Commission enacts an internal procedure on managing the financial affairs for managing the affairs related to division of duties of the financial affairs staff and the manner of activities of the Candidates' Campaign Finance Management Section.
- (2) The Candidates' Campaign Finance Management Section prepares a fact sheet for guidance of the candidates and their financial agents and provides it to them. This guideline clearly describes the duties and obligations of candidates and their financial agents in relation to financial affairs of candidates' campaign.

Publishing of Report

Article 18:

Non-compliance with provisions of this regulation is deemed a violation. The Commission publishes the list of violating candidates simultaneously with announcement of preliminary results of the elections and refer the violating candidates to the ECC.

Limits of Run-off Expenses

Article 19:

1. The limits of run-off campaign expenses are determined according to the relevant electoral calendar proportional to the days of the campaign.
2. The Candidates' Campaign Finance Management Section through the Legal Department drafts and presents to the Commission for approval the forms related to financial affairs of the campaign.

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.