



Islamic Republic of Afghanistan
Independent Election Commission

**Regulation on Vote Counting in
the 2019 Presidential Elections**

Basis:

Article 1:

This regulation has been enacted by the Independent Election Commission (hereinafter, the Commission) according to the provisions of article 108 and paragraph (5) of article 85 of the Amended Election Law considering the provisions contained in article 20.3, paragraphs (2, 5 and 6) of article 83 and articles 75, 85, 86, 87 and 91 of the Election Law and Decision No.30-1398 of 23 of Sawr 1398 [May 13, 2019] and Decision No.35-1398 of 8 of Jawza 1398 [May 29, 2019] of the Commission.

Objective:

Article 2:

This regulation regulates the affairs related to the counting of votes in the 2019 presidential elections.

Vote Counting Station:

Article 3:

After the end of polling, the relevant polling station immediately turns into counting station and the votes of voters are counted there.

Responsibility of Vote Counting

Article 4:

- (1) The polling staff are responsible for counting votes after end of the polling. These staff count votes inside the polling station in presence of monitors and observers.
- (2) According to procedures of the Commission, the PS Chairperson is responsible for setting up and leading of the counting and thorough implementation of the vote counting process in the relevant station.

- (3) If due to severe illness or other justifiable reasons that are acceptable to the team members, the PS Chairperson is unable to discharge his/her duties, the ballot issuer/identification officer carries out the duties of the PS Chairperson. This matter shall be recorded in the journal and confirmed by the monitors and observers.

Vote Counting Station Journal

Article 5:

Each vote counting station shall have a journal. The station's chairperson shall record in the station's journal the information about the seals of the boxes, the complaints filed in the station, measures taken regarding main incidents of the vote counting station and presence and or non-presence of monitors and observers at the vote counting station and other information according to the relevant procedure.

Presence at the Vote Counting Stations

Article 6:

(1) Except for the following persons no one can be present at the vote counting stations:

1. Designated vote counting staff, members of the Commission and the staff assigned by the Commission;
2. Representatives of the Electoral Complaints Commission;
3. National and international monitors, observers as well as representatives of the media who are accredited by the Commission and bearing the monitoring, observation or reporting cards with themselves;
4. Special guests introduced by the Commission; and
5. Security staff permitted or requested by the Center Manager/Station Chairperson according to the procedure.

(2) Except for the security personnel who are assigned for ensuring the security of the polling and counting centers, no one shall be allowed to bear stabbing or fire arms within one hundred meters from the vote counting centers.

(3) The security personnel at the polling and counting centers are responsible for enforcing the provisions of paragraph (2) of this article.

Observation, Monitoring and Preparation of Report

Article 7:

- (1) The observers and monitors holding valid identity cards may carry out observation and monitoring of the counting process at the polling centers, the name and code number of which are written on their identity cards. Media reporters and special guests are an exception to this (specific center/station requirement).
- (2) The PS Chairperson shall write in the PS journal the details (as appear on the ID Cards) of at most 20 observers and monitors with ID cards and shall get their signature on the journal.
- (3) Monitors, observers, media representatives and special guests while attending the vote counting stations, shall not disrupt or cause delay in the vote counting process.
- (4) In case of violation of the Constitution, Election Law, regulations, procedures and other Commission's approved documents by monitors, observers and media representatives, the Station Chairperson is authorized after confirmation of the Vote Counting Center Manager, to ask the violator/infringer to leave the vote counting station. In case of refusal of the violator, the PC Manager requests support from the assigned security forces at the relevant PC.
- (5) The vote counting centers and stations staff shall not prevent monitors, observers and media representatives from attending the vote counting station. In case of overcrowd of observers, monitors, media representatives and special guests at the counting station, the Station Chairperson takes necessary measures to prevent excessive crowd, and ensure equal presence at the counting station.
- (6) The Station Chairperson cannot provide electoral documents and materials to the monitors, observers, media representatives and special guests, unless the Commission's procedure envisages differently.
- (7) In case of absence of monitors and observers during the counting, the PC Manager shall initiate vote counting and shall record the absence of monitors and observers in the journal and request the relevant PCM to confirm the matter.
- (8) Monitors, observers and media representatives shall not express their sentiments about number of votes of candidates during the vote counting and shall avoid disrupting the order.

Vote Counting

Article 8:

- (1) Vote counting station's staff shall be required to specify the number of the unused and spoiled ballot papers prior to opening of the box which contains ballot papers,

and record them in the journal and the results form according to the relevant procedure;

- (2) The PS Chairperson shall have the obligation to record the serial number and other information of the first ballot paper of the partially used pad and the number of full unused pads on the journal and sign and stamp the relevant page according to the procedure.
- (3) The vote counting station's staff shall read aloud the seal numbers of the ballot boxes and shall open the ballot boxes in full view of monitors, observers, media representatives and special guests.s
- (4) In the first step, the vote counting station's staff shall sort the ballot papers that are in the ballot box as below and according to the relevant procedures:
 1. **Ballot paper with the QR Code:** These ballot papers are sorted and counted according to the applicable procedure.
 2. **Ballot paper without the QR Code:** these ballot papers lack validity and are counted as invalid ballot papers.
- (5) The vote counting staff in the second step sort the ballot papers with the biometric certificate as below and according to the applicable procedures:
 1. **Valid Ballot Papers:** Ballots used in accordance to the procedures of the Commission, and in which the purpose of the voter is clearly marked. These ballots are sorted separately based on each of the candidates.
 2. **Invalid Ballot Papers:** The ballots shall be considered invalid in the following instances:
 - The ballot paper which does not discern the voter's intent;
 - The ballot paper which does not have the official stamp of the Commission;
 - The ballot paper which reveals identity of the voter;
 - The ballot paper which has more than one candidate marked on it;
 - The ballot paper which is not marked according to the procedure;
 - The ballot paper with writing on it which results in ambiguity in determining the intent of the voter.
 - The ballots paper not issued by the Commission and or which does not look like the original ballot.

- The ballots papers torn in a way that the information of a candidate or candidates including the tick mark field is completely removed.
- Ballots cast in the ballot box without marking (blank ballot paper).
- The ballot papers which do not related to this polling station according to the applicable procedures.

(6) Further information on counting of the ballots is provided in the applicable regulation and procedure.

Transparency of the Vote Counting Process

Article 10:

The vote counting station staff count the votes considering the following criteria:

1. Paving the way for observation and monitoring of the vote counting process for the individuals mentioned in sections 1-4 of paragraph (1) of Article (6) of this regulation.
2. Facilitating maximum transparency of the vote counting process; and
3. Ensuring compliance with the provisions of this regulation and procedures of the Commission.

Objections and Complaints Against the Counting Process and Addressing the Irregularities

Article 11:

- (1) In case of oral objection to the counting process at the counting stations, the relevant station Chairperson provides clarification and the issue is addressed by representative of the Complaints Commission. In case of the objector or the respondent not satisfied, the complaint shall be registered in the complaint form with the ECC. The PS Chairperson records the issue in the PS Journal.
- (2) In case of occurrence of negligence and violation during the counting process, eligible voters and national monitors register this using the complaint form and submits it to the ECC representative. The PS Chairperson records the issue in the PS Journal.
- (3) The registered complaints are collected by the ECC representative and by the PS Chairperson in his/her absence and are sent to the ECC according to the applicable procedure and guideline.

- (4) The chairperson of the counting station is responsible for managing the counting station and addresses irregularities within the scope of his/her authorities according to the applicable procedures.
- (5) The chairperson of the counting station shall record irregularities and any other significant incident in the PS Journal and shall report significant issues to the provincial office of the Commission. The provincial offices shall forward these reports to the HQ without any manipulation.

Quarantine

Article 12:

- (1) In case the sensitive electoral materials of a Polling Station or Center are illegally seized by electoral workers, candidates, first degree relatives of candidates, supporters of candidates and or unauthorized individuals or when the designated staff lose control of it, the votes of the mentioned Station or Center shall not be counted, and shall be sent to the relevant provincial office along with a detailed report which is signed by the PS Chairperson. In presence of monitors and observers, this report needs to be confirmed by them.
- (2) In the cases mentioned in paragraph (1) of this article, the provincial office of the Commission shall have the duty to quarantine and separately keep the ballot boxes of such Polling Station and Centers and report the issue to the IEC HQ considering the hierarchy;
- (3) The Commission shall investigate the quarantined boxes in presence of monitors, observers and candidate agents and shall take a decision on this as warranted by the provisions of applicable the law, regulations and procedures.

End of the Vote Counting

Article 10:

- (1) After the end of the vote counting process, the station's chairperson shall record the results on the result form and sign and stamp on it. Then, the chairperson shall request the monitors and observers present at the station to sign and or place their fingerprints on the result forms after writing their name and identity card number, name of the candidate, party or entity on behalf of whom they are monitoring and observing. In case of absence of monitors, the issue shall be recorded in the journal and confirmed by the Polling Center Manager. In case of absence of monitors and observer, the PS Chairperson shall record and confirm their absence in the section of the result form which is specified for signatures of monitors and observers, shall also record the same issue in the journal which shall be signed by the PS Chairperson and PCM in person.

- (2) The PS Chairperson shall apply the scotch tape over the completed result form (reconciliation done, votes of candidates recorded on, signed and stamped by the PS Chairperson) according to the procedure.
- (3) The PS Chairperson and/or another staff under his/her supervision, fills the digital result form that is installed on the biometric device according to the procedure and the completed result form. The PS Chairperson shall be responsible for reconciling the original result form with the digital result form.
- (4) Using the biometric device, the PS Chairperson or another staff under his/her supervision takes the photo of the completed original result form which is stamped and signed by him/her, signed by monitors and scotch-taped according to the procedure and shall send it to the HQ.
- (5) At the time of taking photo of the result form, the date and time of capturing the photo shall automatically be recorded by the biometric device.
- (6) The biometric device is configured in a way to allow for automatic detection of the location, date and time of taking the photo and which are not changeable by the user.
- (7) Result forms shall be prepared in ten copies. The manner of distributing them is regulated in the relevant procedure according to the provisions of paragraph (3) of article 85 of the Amended Election Law.
- (8) Prior to distributing the copies of the result forms, the PS Chairperson shall write “an identical copy of the original” on all copies of the forms and shall sign and stamp next to it.
- (9) The chairperson of the counting station shall place the original results forms of the Polling Station along with the documents specified in the related procedures, in the TEBs, seal them and send them to the provincial office of the Commission according to the relevant procedure.
- (10) The counted ballot papers (valid, blank and invalid) and unused ballot papers and the envelope of the spoiled ballot papers shall be placed inside the specific TEB and after closing the TEB, shall be placed inside the box according to the procedure and sealed in presence of the monitors and observers.
- (11) After undertaking the above steps, the PS Chairperson shall hand over according to the applicable procedure all the sensitive and non-sensitive electoral materials of the polling station to the PC Manager.
- (12) After ensuring the completeness of the electoral materials and proper implementation of the procedures on the TEB details and closure of the result form TEB, sealing of the ballot paper box, completeness of the various steps of

the software installed on the biometric devices and completeness of accessories of the biometric device (including the device, charger and printer), the PS Manager receives the materials from the PS Chairperson to send them to the provincial office of the Commission according to the applicable procedure.

Movement of TEBs That Contain Result Forms to the National Tally Center

Article 14:

- (1) The DEOs shall have the obligation to move and hand over the electoral materials to the provincial office properly and according to the procedure.
- (2) The head of the provincial office of the Commission receive according to the applicable procedure the electoral materials after ensuring their completeness and propriety, store the ballot paper boxes in warehouses, and according to the applicable procedures and guidelines and in a timely manner, move to the HQ the electoral materials that need to be sent to the HQ for processing.
- (3) The PEO shall ensure the following when dealing with the materials:
 1. Completeness of the electoral materials (ballot boxes, TEBs, biometric devices and their accessories and other electoral materials according to the applicable procedure).
 2. Completeness of the information and details on the TEBs and ballot boxes.
- (4) In case of incomplete electoral materials, the PEO shall search for them. If not found, he/she shall prepare a report on it and send it to the Secretariat of the Commission.
- (5) In case of ballot boxes not sealed, shall store and quarantine them as they are in the warehouse and shall send a report on it to the Secretariat.
- (6) In case of the TEB's mouth not closed, the PEO shall scotch-tape it in a way that does not allow for moving anything in or out of it, shall write a report on this and affix it at the back of the TEB.
- (7) The PEO shall ensure that the biometric devices and their accessories are retrieved to the provincial office according to the applicable procedure and that the biometric devices and their accessories are intact and complete and then shall move them all to the HQ.
- (8) The manner of retrieval and movement of electoral materials is detailed in a separate procedure.

Transferring of the Data to the HQ

Article 15:

- (1) The PS Chairperson and the PCM shall have the obligation to send to the HQ, in case of availability of internet, the photo of the result form, the digital form and the statistics/list of individuals who have voted.
- (2) The biometric device shall be configured in a way that in case of lack of internet coverage, if it is re-connected to the internet, the device shall restart transferring the data.
- (3) In case of not having access to internet, the PS Chairperson/PC Managers shall hand over the devices to the DEO and shall get the handover receipt which signed by the DEO according to the applicable procedure. The DEO shall transfer in presence of monitors and observers the data referred to in paragraph (1) of this article to the relevant HQ server from provincial office of the Commission or other location as specified in the applicable procedure. The biometric devices along with their accessories are handed over to the provincial office according to the applicable procedure and guideline. The PEO shall safely maintain the devices and shall send them to the HQ.

Compliance with the Laws

Article 16:

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

Enforcement

Article 17:

This regulation shall enter into force from the date of its signing and shall be published.