



Islamic Republic of Afghanistan
Independent Election Commission

Regulation on Counting

Under authority given by article (56) and (66) of the Electoral Law, this regulation has been approved by the Independent Election Commission to regulate vote counting.

Terms

Article 1:

The following terms in this regulation have the meaning stated:

1. Commission: Independent Election Commission (IEC) established under article (156) of the Afghan Constitution.
2. ECC: Electoral Complaint Commission established in accordance with article (61) of the Election Law.
3. Political party: A political party registered with Ministry of Justice.
4. Candidate: A vote eligible Afghan citizen who nominates himself/herself in elections to attain an electoral seat.
5. Agent: A natural person who participates in an election on behalf of a political party or an accredited candidate to monitor the election.
6. Observer: A natural person who is introduced by accredited national or international electoral observer organizations to observe an electoral process.
7. Media representative: A natural person who is introduced by accredited national or international media organizations to provide a report on an election.
8. Vote counting: The counting process of the votes cast in ballot boxes.
10. Tally Center: A center which is determined by the Commission, located in Kabul where the results of relevant polling stations are collected and declared.

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 in the polling centers predetermined by the commission.

Counting Officials

Article 4:

Counting officials include the polling staff who shall count the votes in the same polling station after the polling procedure

Counting Responsibility in Polling Stations**Article 5:**

1. Vote counting shall be carried out by the polling station's staff under the supervision of the station's chairperson soon after polling comes to an end.
2. The chairperson, in accordance with the procedures approved by the Commission, is responsible for the counting station and correct implementation of the counting process.

Counting Station Journal**Article 6:**

Every counting station shall have a journal. It contains information on complaints recorded at the station, the actions taken on them, and the information as to major events of the station which must be regularly entered by the station's chairperson.

Attending Counting Stations**Article 7:**

No one is allowed to enter a counting station except the following:

1. The Commissioners
2. Assigned polling staff and the officials appointed by the Commission's Secretariat.
3. Representatives of the ECC.
4. Agents, observers, and accredited representatives of media.
5. Special guests introduced by the Commission

Reconciliation of Ballots**Article 8:**

The officials of the counting station shall open ballot boxes in the full view of the persons mentioned in article 7 and compare the number of ballots cast in each ballot box with the Polling Station Official Reconciliation Form.

Ballot Counting**Article 9:**

- 1) The station's staff shall count votes based on the following criteria:
 - a- Providing conditions for the persons present in the station to observe and monitor the counting process.
 - b- Making efforts to ensure transparency of the process
 - c- Counting of votes in accordance with the procedures approved by the Commission
- 2) The station's officials, in conformity with the Commission's procedures, shall sort ballot papers into the following categories:
 - a- Valid ballot: A ballot which is not invalid.
 - b- Invalid ballot: Ballot papers are invalid in the following conditions:

- A ballot in which a voter's intention is not clear
- The candidate died after the final list had been published
- A ballot without an official seal.
- A blank ballot
- Ballots which define the voter's identity

Further details on ballot classification are specified in the related procedure.

Irregularities

Article 10:

Violations and disorders in counting stations will first be decided by the station's chairperson and the official in charge of the center. If the decision is not accepted by the persons mentioned in article 7 (excluding observers, media representatives, and special guests) the issue can be referred to the Electoral Complaint Commission to be reviewed.

The Commission's Secretariat will, in the relevant procedures, include steps to ensure transparency of the process and avoid the abuse of functional authority.

End of Counting Process

Article 11:

- 1) After the counting process, the chairperson of the station will compare the results obtained with the ballots cast and if there is not any discrepancy between them, he / she will enter the results on the result form and ask the agents present at the station to sign the form. In case of any difference in the figures, a recount can be carried out. The procedure for a recount is stated in a separate procedure.
- 2) Several copies of the result forms will be made. The original copy of the form is handed over to responsible person of the counting center by the polling station's chairperson. The result forms' copies are sorted as follows:
 - a) is placed in its related ballot box with the ballots and the box is sealed in the presence the agents and observers.
 - b) One copy is posted in the counting station.
 - c) The other copies are given out to agents in accordance with the relevant procedure.
- 3) The polling center's responsible person shall place the original copies of the counting forms with other documents in Tamper Evident Bags, seal them and hand them over to the regional coordinator in order to be transferred to the provincial electoral office.

Transmission of Result Forms to the Tally Center

Article 12:

After making sure of the correctness of the Tamper Evident Bags containing all the forms related to vote counting results, the provincial electoral officers shall send them to the Tally Center located in Kabul. and dispatch of the Tamper Evident Bags is regulated in a separate procedure.

Agents, Observers, Media Representatives and Special Guests:

Article 13:

- 1) Agents, observers, media representatives and special guests during their presence at the counting stations shall respect the secrecy of vote and must not disrupt or cause any delay in the counting process.
- 2) A station's chairperson may:
 - a- Order agents, observers, media representatives and special guests to leave the counting station in case of violating the Constitution, Election Law, regulations, and other documents approved by the Commission with the approval of the center's chairperson.
 - b- Consider necessary measures to let agents, observers, media representatives and special guests have equal presence in the counting station in case there is excessive crowd of them.
- 3) Agents, observers, media representatives and special guests are not entitled to handle the documents declared confidential by the Commission.

Challenges and Complaints:

Article 14:

- 1) Agents and all citizens eligible to vote can file complaints about the counting process with the ECC according to the Commission's procedure.
- 2) If a challenge or a complaint is made after the transference of the results to the Tally Center, the ballot box about which the challenge or complaint was made can be recounted in the presence of the introduced delegates of the Commission, ECC, the agents, observers and media representatives in accordance with related procedures and the Commission will be notified of the result.

Tally Center:

Article 15:

- 1) If there is any evident sign of fraud or change in figures, the result forms and the related documents shall be temporarily excluded from the process in the presence of the responsible person of the Tally Center, the representative of the ECC, agents and observers.
- 2) The results and ballot boxes mentioned in paragraph (1) are reviewed by the Commission in the presence of the representative of the ECC, agents and observers. If there are signs of fraud, the results and ballot boxes can be declared null and void after the ECC's approval.
- 3) If there are no signs of fraud, the ballot boxes and the results are valid and the results entered into the database.

Entry into Force

Article 16:

This regulation enters into force on the day it is approved and shall be published.