



JOINT ELECTORAL MANAGEMENT BODY

Regulation on Political Campaign Finances

Article 1: Legal Basis and Purpose of this regulation

This Regulation is adopted pursuant to Articles 16.3, 39.2, and 61 of the Electoral Law. It shall govern the financing of the political campaign for the 2004 Presidential Elections.

Article 2: Interpretation

For the purposes of this regulation:

- (i) “In-Kind Contribution” means a contribution of materials, use of facilities, or professional services of non-military nature and which are not owned by the State, that is not paid for by the candidate or the respective campaign;
- (ii) “Independent Candidates” means individuals running for election without political party sponsorship or endorsement;
- (iii) “Market Value” means the price normally charged for similar goods or services on the open market;
- (iv) “Political Party” means an organization registered as such by the Ministry of Justice in accordance with the Law on Political Parties;
- (v) “Political campaign” means the period in which candidates for the elections and their parties carry out activities aimed at securing votes as stipulated in Article 39 of the Electoral Law;
- (vi) “Public Resources” means funds, materials, equipment, services, or movable or immovable property belonging to or controlled by any government entity at any level, including the free distribution of goods or services for social purposes, or staff time of public employees;

Article 3: General Provisions Regarding Campaign Contributions and Expenditures

- (i) Presidential candidates shall have the right to accept financial contributions and/or donations from Afghan citizens or Afghan organizations.
- (ii) Presidential candidates may contribute personal resources to their campaigns, subject to the same limits and reporting provisions as if the contribution were from another individual.
- (iii) All contributions are to be deposited into a bank account established specifically for the election campaign.

- (iv) Each Afghan citizen or organization may contribute up to two million Afghani to a campaign or candidate per campaign period.
- (v) The identity of any individual or organization contributing more than Afg1000 to a candidate's campaign shall be recorded and reported to the JEMB.
- (vi) Candidates shall file reports of their income and expenditures with the JEMB in the form included as Annex 1 on 21 September and 5 October. In case of a second round, additional reports shall be filed on 2 November and 16 November.
- (vii) Monthly bank statements showing campaign income and expenditures should be forwarded by the candidate within three days of their arrival to the Joint Electoral Management Body.
- (viii) In-kind contributions from Afghan individuals or organizations must be reported to the Joint Electoral Management Body at their market value at the time of the first report following receipt of the in-kind contribution.
- (ix) Acceptance of contributions, whether financial or in-kind, from foreign sources shall be strictly prohibited.
- (x) Receipt of funds from illegal sources shall be strictly prohibited.
- (xi) No government employee or contractor shall be solicited for any type of political contribution by a superior or any other individual with influence over that employee or contractor's status or remuneration, nor shall the making of any political contribution to whatever candidate or campaign or any uncoordinated expenditure be a factor in the retention, promotion, or salary consideration of such employee or contractor.

Article 4: Public Resources

- (i) Public resources shall not be used for electoral campaign purposes except as part of a program to benefit all candidates without discrimination under the oversight of the Joint Electoral Management Body or as provided below.
- (ii) Use of official transport for campaign purposes by a candidate shall not be permitted.
- (iii) Use of official residences for contacts and meetings for campaign purposes shall not be permitted.
- (iv) The cost of any security provided by the State for the protection of a candidate will not be accounted as part of the campaign expenditure.

Article 5: Responsibility and Penalties for Non-Compliance

- (i) Candidates may appoint an individual to manage their campaign finances.
- (ii) Candidates are ultimately responsible for the accuracy and completeness of financial reports from their campaign and shall sign the reports issued in respect of their campaign finances.
- (iii) The financial records of each candidate's campaign shall be made available for inspection by the Joint Electoral Management Body upon request of that body.
- (iv) Failure to submit required financial reports and bank statements in a timely manner shall constitute an electoral offence under Article 4 of the Electoral Offences Regulation.
- (v) Submission of false financial reports or failure to submit financial reports shall constitute an electoral offence under Article 4 of the Electoral Offences Regulation. In addition to the penalties provided by that Regulation, the infractor may also be declared ineligible by a competent court to compete in the elections scheduled for 2005.

- (vi) Making or attempting to make contributions in excess of the limits established in this regulation shall constitute an electoral offence under Article 4 of the Electoral Offences Regulation.
- (vii) Acceptance of contributions in excess of the limits established shall constitute an electoral offence under Article 4 of the Electoral Offences Regulation.
- (viii) Failure to record the identity of contributors as required by this regulation shall constitute an electoral offence under Article 4 of the Electoral Offences Regulation.
- (ix) Solicitation of political contributions by superiors or other activities prohibited by Article 3.x of this regulation shall constitute an electoral offence under Article 7 of the Electoral Offences regulation.
- (x) Use of public resources beyond those expressly authorized by this regulation shall constitute an electoral offence under Article 14 of the Electoral Offences Regulation.

Article 6: Entry into Force and Period of Application

- (i) The present regulation shall enter into force on the date of its signature.
- (ii) The present regulation shall remain in effect until two weeks after the declaration of the final results.

