

## Islamic Republic of Afghanistan Independent Election Commission

### POLLING REGULATION

#### Legal Base

This regulation has been approved by the Independent Election Commission (hereafter referred to as the Commission) under Article 79 of the Electoral Law.

#### Purpose

This regulation shall regulate affairs related to polling process in 2014 presidential and provincial council elections taking into account the provisions of Articles 6 and 56 of the Electoral Law.

#### Right to Vote

##### Article 1:

1. Any Afghan citizen who has completed 18 years of age, has not been deprived of civil rights by a court and been registered as a voter, may attend predetermined polling stations in the relevant electoral constituency on Election Day and cast his/her vote by presenting the voting card issued by the Commission in accordance with the current procedures.
2. The Commission shall provide necessary conditions to maintain secrecy of the vote.

#### Polling Centers and Stations

##### Article 2:

1. Polling shall be conducted in the centers which will be established by the Commission across the country based on population, geographical situation and voters' accessibility.
2. The Commission shall, to the extent possible, provide facilities for the following eligible voters such as hospitalized patients, prisoners, personnel of military units and for persons who are in shelters.

3. Voting centers shall, to the extent possible, be established in areas where the public and specially the handicapped have accessibility.
4. Polling centers and stations shall not be established inside personal houses and places.
5. Separate polling stations shall be established for female voters inside every polling center.
6. Considering population and number of voters, the Commission will determine the number of polling stations in each polling center.
7. If nomads are located far away from polling centers, a separate polling center shall be established in proportion to their population.

### **Election Day and Polling Times**

#### **Article 3:**

1. The Commission shall specify Election Day in electoral calendar and inform the public of polling start and end time.
2. If more than one election is held on the same day, necessary voting conditions and facilities shall be provided to voters for this purpose.
3. If riot, violence, storm, flood and or other unexpected incidents occur as a result of which the polling process become impossible or deranged in polling stations or centers, the field coordinator or polling center manager shall give order to stop the polling process temporarily and or completely close the polling center.
4. The field coordinator is obliged to inform the Commission of his decisions about paragraph 3 of this article through the Provincial Officer as soon as possible.
5. After resolving the situations stated, the field coordinator may, after receiving permission from the provincial office, extend the polling process on that day as long as it was abandoned.
6. Before announcing the ending time of polling, the last voter in the queue is marked and the voters standing in the queue are allowed to cast their votes. No one can join the voters' queue to vote after announcing polling end time.
7. Considering conditions and necessity, the Commission may decide on extending polling hours in one or several polling centers or constituencies for up to two hours.

## **Polling Officials in Polling Centers**

### **Article 4:**

- 1) The polling process in polling stations shall be managed by electoral officials under the direct supervision of chairperson of polling station, polling center manager and field coordinator.
- 2) In case of violation of the Constitution, the Electoral Laws, regulations, and other documents approved by the Commission, for better polling process administration, the chairperson of a polling station may, subject to the approval of the center's manager, order agents, observers, media representatives and special guests to leave the polling station.
- 3) If the polling station is overcrowded by observers, media representatives and special guests, the chairperson of the station shall consider necessary measures for equal presence of them in the polling station.

## **Polling Station Journal**

### **Article 5:**

Every polling station shall have a journal. The journal contains information about complaints filed in the station and the actions taken about them and information regarding major events of the polling station which must be recorded regularly in the journal by the chairperson of the polling station in chronological order.

## **Presence Permission in Polling Stations**

### **Article 6:**

- 1) Nobody is allowed to enter polling stations except the following persons:
  - a) Polling station staff, the Commissioners and the officials assigned by the Secretariat of the Commission;
  - b) The persons introduced by the Electoral Complaint Commission;
  - c) Eligible voters carrying their VR cards to cast their votes.
  - d) National and international agents, observers and media representatives accredited by the Commission;
  - e) Special guests introduced by the Commission;
  - f) Persons who are allowed to help voters who need assistance in accordance with paragraph 3 of Article 10 of this regulation.
  - g) Security officials authorized by chairperson of a polling station
  - h) No one shall be allowed to carry firearms and stabbing weapons at a distance of 500 meters from polling

centers except for security officials authorized by Ministry of Interior

- 2) Those persons attending polling centers should respect secrecy of the vote.

### **Eligibility of Voters**

#### **Article 7:**

- 1) Before obtaining a ballot paper, a voter is obliged to present his/her voter registration card specified by the Commission to prove his/her identification.
- 2) The specifications of voters' VR cards shall be recorded by the electoral staff in the relevant station.

### **Challenge to Right to Vote**

#### **Article 8:**

The following persons may file a challenge regarding the right to vote of a voter in a polling center:

- Citizens eligible to vote
- Accredited agents and responsible authorities

Challenges in this regard shall be discussed with the chairperson of a polling station before casting a ballot by the voter. The chairperson shall make a decision in this regard and record the challenge along with the reasons and the decision made in the polling station journal.

### **Complaints against Polling Process**

#### **Article 9:**

- 1) The following persons may file complaints about electoral infringements and violations:
  - Citizens eligible to vote
  - Accredited agents and responsible authorities
- 2) If not satisfied with the decision of the station's chairperson, the objector or the person who has been challenged may file a complaint with the Electoral Complaint Commission.
- 3) Cases related to challenges and complaints shall be referred to the Electoral Complaint Commission taking into account the relevant regulation.

## **Polling**

### **Article 10:**

- 1) A voter shall mark his/her favorite candidate by his/her own will on a ballot paper secretly.
- 2) Electoral staff shall provide a voter with required information on how to mark his/her favorite candidate on the ballot before he/she enters voting screen. Electoral staff, by no means, shall influence or attempt to influence the voter's choice either directly or indirectly.
- 3) A voter who needs assistance may request an authorized and reliable person including the polling station chairperson to assist him/her with marking a ballot paper as follows:
  - a) A person assisting a voter in marking a ballot paper shall mark the ballot in the voter's presence in the way the voter wishes.
  - b) No person except a polling station's chairperson may assist more than one voter in a polling station to vote. The person must hold a voter registration card.
  - c) Any assistance given to a voter in accordance with this article shall be recorded in the journal of the polling station.
  - d) The person assisting a voter, who needs help, must respect secrecy of the voter's vote.
- 4) Each voter's finger shall be marked with both special inks before receiving a ballot paper. An individual whose finger has been marked with the special ink shall not be allowed to enter a polling station except if he/she comes to assist a person who needs assistance.
- 5) If more than one election is held on the same day, each voter has the right to vote in the elections held on that day.
- 6) If a ballot paper is damaged in a way that causes the ballot to be invalidated, the ballot issuer may provide the voter with a new ballot. In this case, the spoiled ballot shall be kept and the issue be recorded in the polling station journal and result form.
- 7) Ballots of a center or station shall not be transferred to another center or station.
- 8) Only 600 ballot papers shall be used in one polling station.
- 9) When all the ballots are finished in a station or center, the polling process shall be stopped and the agents and observers may stay with the ballot boxes until the counting process begins.
- 10) If a polling center encounters shortage of ballot papers, ballots shall not be sent to the center, yet a new station shall be established inside the center providing that request for establishing a new station is made before one o'clock pm on Election Day and that the distance between the center and provincial office is less than one hour.

## **Post-Polling Period**

### **Article 11:**

1. After the last voter casts his/her ballot, the polling station chairperson shall seal the ballot boxes, collect the polling materials and keep them in a safe place and keep record of all the ballots.
2. Sealing ballot boxes and keeping record of ballot papers shall be observed and monitored by the agents, observers and media representatives. In case of non-presence of agents, observers and media representatives, the matter shall be recorded in the journal of the polling station and confirmed by the polling center manager.

## **Entry into Force**

### **Article 12:**

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