



## **FREQUENTLY ASKED QUESTIONS: THE INDEPENDENT ELECTORAL COMPLAINTS COMMISSION (IECC)**

### **What is the Independent Electoral Complaints Commission (IECC)?**

Established in 2013 as a permanent national body, the Independent Electoral Complaints Commission (IECC) is responsible for addressing objections and complaints relating to the conduct of elections. By investigating electoral disputes and addressing allegations of fraud, the IECC holds all actors accountable for their actions and is critical in conducting credible elections.

### **How is the IECC different from the IEC?**

The IECC and Independent Election Commission (IEC) are legally and functionally independent and distinct from one another. They are also mutually-accountable, each ensuring the proper conduct of the other and preserving the accuracy and integrity of the electoral process. While the IEC is responsible for planning and conducting the elections, it is only authorized to announce the electoral results after the IECC has investigated all complaints. Conversely, in cases where the IECC declares votes to be invalid, it is required to provide the IEC with a full account of its investigation and to justify its decision.

### **How are IECC Commissioners selected?**

In order to qualify as a member of the IECC, a person must be a citizen of Afghanistan; 30 years of age or older; hold a Bachelor's degree in the field of law or jurisprudence; be competent and of good repute, have a minimum of five years' work experience or three years if their education is higher than a Bachelor degree level; and cannot have been convicted of a felony or a crime against humanity. During their tenure as a member of the IECC, a Commissioner may not be member of a political party.

Those who meet these qualifications must nominate themselves for membership of the IECC and submit their *curriculum vitae* to a selection committee. The committee identifies the 15 most qualified applicants and, from these, the President selects and appoints five persons – including at least one female – to serve as IECC Commissioners for a period of 6 years. While these Commissioners are based in a central commission office in Kabul, with the approval of the President, they will recommend an additional three provincial IECC commissioners to serve in each of Afghanistan's 34 provinces, making a total of 102 provincial IECC commissioners. (Law on the Structure, Duties and Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission, Article 22).

### **What happens in cases where the IECC confirms the occurrence of fraud?**

In cases where the IECC confirms the occurrence of fraud, it is entitled to warn relevant parties and instruct them to take corrective actions; impose cash fines; invalidate ballot papers; or recount votes in specific polling centers, prior to the certification and announcement of final election results by the IEC (Electoral Law, Article 64).

If there is evidence of criminal activity, the IECC may refer the concerned party to judicial authorities for prosecution. (Law on Structures, Duties and Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission, Article 26)