



FREQUENTLY ASKED QUESTIONS: ELECTORAL INTEGRITY

How can one be sure that election results reflect the will of Afghan people?

The Independent Election Commission (IEC) is an independent legal entity, and is not under the authority or influence of any of the three pillars – executive, legislative or judiciary – of Government of the Islamic Republic of Afghanistan. The IEC carries out all of its duties and responsibilities in line with the laws of the country, and according to the principles of impartiality, professionalism and independence.

The IEC is Constitutionally-mandated to administer and supervise every kind of election (Article 156) and responsible to fulfil this mandate in line with domestic legislation as well as with universal principles of democratic election, as enshrined in the International Covenant for Civil and Political Rights to which Afghanistan is signatory, as well as: the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; and the Convention on the Rights of Persons with Disabilities.

Members of the IEC Board of Commissioners and the Secretariat (permanent and temporary staff) are required to sign the Code of Conduct for Electoral Staff, committing themselves to carry out their electoral responsibilities impartially, transparently, and with respect for the rights of all eligible voters; and breaches of contract have serious repercussions.

In addition, in September 2014, the IEC issued a Code of Conduct for Government Authorities and Employees of the Islamic Republic of Afghanistan during the 2014 Presidential and Provincial Council Elections. This provides a series of ethical rules and principles that should be observed by all governmental authorities and employees at different levels during the elections.

President Karzai also issued a decree in July 2013, reiterating that all officials and workers of government institutions are obliged to act according to principles of impartiality and non-interference during the electoral process. In case a government official or worker violates the provisions of Article 1 of this decree and the violation is substantiated, he or she will be referred to the judicial institutions of the country for prosecution.

Voters also uphold the integrity of the electoral process, by using their own ballots to express their own choice of candidate – and not being unduly influenced by others when it comes time to vote. In making their choice of candidate, voters should examine the political platforms of the various political candidates and vote accordingly. This is how voters contribute to a better future for Afghanistan.

What practical measures are being taken to protect the integrity of election results?

Afghanistan's electoral authorities have gained experience through successive elections, and are therefore better positioned to conduct the 2014 Presidential and Provincial Council elections. Fraud mitigation measures focus on improvements to the technical process and include: the use of indelible and UV ink to be applied to voters' fingers as a means to counter multiple voting; improved reporting, tracking and receipting throughout the delivery of sensitive voting materials; and procedures to improve the accuracy of the vote count and results tabulation.



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Elections will be monitored by domestic and international observers, candidate and political party agents, as well as polling and IEC staff. Observers are entitled to detail any questionable incidents in their official reports and also to share them publicly. Candidate and political party agents are entitled to record questionable incidents in the complaint forms found at every polling station, which will then be forwarded to the Independent Electoral Complaints Commission (IECC) for investigation. Fraudulent ballots will be disqualified, so as to preserve the accuracy of election results. Ballots that are cast for candidates that have withdrawn or been disqualified will also be considered null and void.

Afghan National Security Forces (ANSF) will provide security throughout the electoral process. The media, observers and civil society are also positioned to report actions that are unlawful or that compromise the integrity of the electoral process.

Most importantly, the Independent Election Commission (IEC) is working with Afghans to promote community ownership. Collective and concerted efforts to promote and protect the voting rights of eligible Afghan voters are critical to producing accurate results, which ultimately reflect the will of the electorate.

What practical measures may be taken by voters, to protect the integrity of their vote?

Ultimately, the success of elections depends on the people of Afghanistan. Afghans – community and religious leaders, civil society, and political actors – are critical in encouraging civic responsibility, and discouraging behavior that is unlawful or that compromises the integrity of the electoral process.

Every eligible voter has the right to support the candidates of his or her choice. To protect this right, every ballot is cast in a private polling booth where they are not visible to others.

It is a legal offense to vote more than once; to buy, sell, take or use a card that belongs to someone else; to threaten, intimidate or obstruct other voters; or to incite fraudulent acts. Voters who witness any of these behaviors should submit a formal complaint to the IECC. To facilitate this process, complaint forms are available at every polling station. Alternately, voters may contact their provincial IECC office and submit a complaint, within 72 hours of having witnessed the incident in question. Ballots found to have been cast by someone other than the card owner will be considered fraudulent and be disqualified.

How are the IEC and its election staff held accountable?

In addition to substantive technical mechanisms to ensure that votes cannot be tampered with, IEC and election staff are accountable to one another and to their fellow citizens; and are monitored by accredited agents and observers, throughout the electoral process.

In the case that an official complaint is brought to the IECC, the individuals in question – regardless whether they are permanent IEC staff, temporary polling staff, or any other individuals or groups – will be subject to investigation and held to account. Moreover, those who violate the Election Law or any other laws of the country may be referred to judicial authorities (Law on Structures, Duties and



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Authorities of the Independent Election Commission and the Independent Electoral Complaints Commission, Article 11).

How will the IEC protect ballots from misuse, in polling centers that remain unopened?

All voting materials are coded and tracked from the time they leave the IEC, throughout the election period, and until they are returned to the IEC after Election Day. Reports from various actors confirm whether or not each station is actually opened, and ballots coming from stations that have been confirmed to have been closed on Election Day are not counted.

What constitutes fraud?

According to Afghanistan's Electoral Law (Article 68), fraud refers to:

- Provision of inaccurate or false information to the IEC, IECC or Media Commission;
- Registering more than once, to vote;
- Provision of false information in the process of voter registration;
- Holding more than one *Tazkira* and/or voter card;
- Attempts to vote using fake documents;
- Use of a voter card that belongs to someone else;
- Attempts to vote more than once in an election;
- Falsification, alteration, destruction or theft of electoral documents;
- Destruction or theft of electoral documents;
- Obscuring or concealing information on electoral documents;
- Unauthorized use of any electoral materials;
- Use of any symbols, colors, slogans or signs related to a candidate, in the polling center;
- Use of any symbols or signs related to the IEC or government institutions in campaign materials;
- Interference with electoral materials;
- Disruption of the work of election officials;
- Violation of the respective codes of conduct for candidates, agents, observers, election officials or media;
- Exertion of pressure, prevention from access to information or restrictions to journalists, covering electoral events;
- Use of illegally sourced resources or funds;
- Acceptance of financial or technical assistance from foreign citizens, states or foreign diplomatic missions;
- Exertion of pressure – through threat, intimidation or violence – against a voter, candidate, agent, observer, media or election personnel; attempts to provoke or incite a violation;
- Manipulation of vote, vote-counting or other electoral activities;
- Extending or accepting a bribe for the purpose of influence in the electoral process;
- Non-observance of the provisions in the Electoral Law, regulations or procedures of the IEC, IECC or Media Commission; impeding the work of national or international observers;
- Adding or removing ballots during the vote-counting or results-tally process;



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- Posing threat, use of physical or armed force, or causing injury voters;
- Collective violence or non-peaceful protest; or
- Misuse of uniforms, equipment or signs associated with military or security forces, to frighten or influence a voter, candidate, agent or observer, to favor one candidate over another.