

Islamic Republic of Afghanistan Independent Election Commission

Regulation on Tallying, Certification and Announcement of Election Results

Legal Base:

Considering Article 79 of the Electoral Law, this regulation has been approved by the Independent Election Commission (henceforward, the Commission).

Objective:

This regulation regulates affairs related to tallying, verification and announcement of the results of 2014 presidential and provincial councils elections according to paragraphs (19, 20, 21) of Article 4 and Articles (20, 47, 58, 59, 60, 65) of Electoral Law and paragraph 3 of Article 12 of the Structural Law of the Commission and the Independent Electoral Complaints Commission (henceforward, the Complaints Commission).

Receiving and Checking Results

Article 1:

1. After ensuring the correctness of the information presented on back of temper evident bags (TEBs) and entering them into the system, provincial electoral officers shall send TEBs containing the result forms to National Tally Center (NTC) in Kabul. The method for collecting TEBs containing result forms and their processing in NTC is regulated through a separate procedure.
2. All scanned result forms after tally process shall be available to public access through the Commission's website.
3. During tallying, in case of suspicious results or existence of clear signs of fraud or inconsistency in the numbers of result forms, the forms shall be put in quarantine.
4. The Commission shall investigate and decide on quarantine forms in open sessions in presence of candidate agents, observers and media representatives.
5. The quarantined forms after being investigated and decided on shall be included in the vote counting process or excluded.
6. In case of dissatisfaction, the candidates and their agents can file their complaints with the complaints commission about the decision of the Commission until 24 hours after the announcement of the decision.
7. The complaints commission shall investigate the above filed complaints within 48 hours after submission and take the final decision.

Audit and Recount

Article 2:

1. The Commission, in case of suspicious results, clear sings of fraud, inconsistency of the numbers, existence of evident complaint about the counting process and decisions taken about the quarantined forms, before the announcement of the final election results, can order a full or partial recount of ballots constituency, polling center or polling station levels.
2. In case fraud is proven in favor or against a candidate or candidates in a polling station or center, the decision to invalidate the votes shall be applied to votes of the

- candidate who committed fraud and the votes of other candidates shall be valid and included in the database.
3. In case fraud is not proven, the forms shall remain valid/legitimate and their results shall be included in the database.

Tallying the Results

Article 3:

1. Votes of those candidates, who have withdrawn after the withdrawal period or died or their names have been dropped by the complaints commission, shall be considered void during ballot counting and tallying.
2. The winner of the presidential election shall have received more than 50 percent of the valid votes.
3. Candidates of provincial councils' elections shall be elected the ones who have received the highest number of valid votes in the relevant constituency.

Primary Results

Article 4:

The Commission shall announce the primary results of the elections after the vote counting process ends in polling stations.

Partial Results

Article 5:

The partial results of the elections during the tallying process shall be displayed in the media center of the Commission according to polling stations and published through its website.

Preliminary Results

Article 6:

1. The Commission shall act according to provisions of Article 58 of the Electoral Law in regard to including or excluding the votes reviewed.
2. The primary results shall be announced and published according to the decision of the Commission with segregation of votes casted for each candidate on polling station, center and constituency levels.
3. The Commission shall publish the primary results on its website as soon as possible.
4. In case the results of (a) station(s) or center (s) are not incorporated into the primary announcement of results, the Commission can include them in the results before announcing the final results.
5. In case the primary results of (a) station(s) or center(s) are announced wrongfully, the Commission after investigating the presented documents can rectify the results before announcing the final results.
6. The Commission shall inform the complaints commission of its proceedings in regard to paragraphs four and five of this article.

Announcement of the Final Election Results

Article 7:

1. The complaints commission shall inform the Commission of all its final decisions according to Article 63 of the Election Law and the electoral timeline.
2. The Commission shall arrange the final results according to decisions of the complaints commission and announce it with the names of the elected candidates and implement it after verification.
3. The final election results shall be published on the website of the Commission.

Certificate of the Elected Candidates

Article 8:

1. The Commission shall prepare and issue the certificate to every elected candidate.
2. The certificate for the winner of the presidential election shall be issued by the Commission within 30 days after announcement of the final results.
3. The elected presidential candidate shall start his work as the President within 30 days after the announcement of the final results and receiving the certificate from the Commission.
4. The certificates for the provincial councils elections' winners shall be issued by the relevant Provincial Electoral Officers.

Rights of Observers and Media

Article 9:

Agents of candidates, national and international observers and mass media that have accreditation letters have the right to observe all stages of tallying and announcement of results.

Entry into force

Article 10:

This regulation shall enter into force from the date of approval and be published.