ISLAMIC REPUBLIC
OF
AFGHANISTAN
MINISTRY OF JUSTICE

OFFICIAL GAZETTE

Election Law

Date:25th SEPTEMBER .2016
ISSUE NO :(1226)

Election Law

Issue No. 1226

ELECTION LAW
Chapter One
General Provisions

Basis

Article 1:

This law has been enacted pursuant to the provisions of articles 33 and 156 of the Constitution of Afghanistan.

Objectives

Article 2:

The objectives of this law are:

1- Regulating affairs related to the presidential, national assembly, provincial councils, district councils, villages councils, mayors, and municipality councils elections.

2- Paving the way for conducting free, general, secret, direct, fair and transparent elections.

3- Regulating requirements and qualifications of the voters and candidates.

4- Determination of the electoral constituencies.

5- Regulating conduct of elections.

6- Regulating affairs related to the structure, duties, authorities and manner of operations of the Independent Election Commission and the Electoral Complaints Commission.

7- Regulating affairs related to addressingthe objections and complaints arising from the electoral negligence, violations and related crimes.

8- Regulating affairs of referral to the general public opinion.

Abbreviated Names:

Article 3:

(1) The Independent Election Commission shall hereinafter be referred to as the Commission in this law.

(2) The Electoral Complaints Commission shall hereinafter be referred to as the Complaints Commission in this law.

Terminologies

Article 4:

The following terminologies in this law shall have the following meanings:

1- **Election:** Is an operational process, for the election of the candidate or candidates in the elected seats, mentioned in the constitution of Afghanistan through free, general, secret and direct elections.

2- **Electoral Calendar:** is a specific timeline for the purpose of timely implementation of the electoral activities in accordance to the constitution and this law.

3- **Electoral Constituency:** is the area determined for the election of candidates for the elected seats.

4- **Vote:** is the will of a person, exercised for the purpose of election of his/her favorite candidate.

5- **Voters List:** is a list in which profile of the person's eligible to vote and the polling centers code are recorded.
6- **Polling Center:** is an area that the Commission has determined for the purpose of polling and has multiple polling stations.
7- **Polling Station:** is a place specified within the polling center for the purpose of exercising the right to vote.
8- **Counting Center:** is the polling station, where immediately after completion of the polling process, the votes of the voters are counted.
9- **Candidate:** is the person, whose name shall be registered in the final list of candidates for assuming an elected seat.
10- **Preliminary List of Candidates:** is a list in which names of the applicants for assuming elected seats are registered and published.
11- **Final List of Candidates:** Is a list in which names of eligible candidates are registered and published by the Commission after the adjudication of objections by the Complaints Commission.
12- **Supervisor:** is a person, who on behalf of a political party, a candidate, and national and international organizations receive accreditation letter from the Commission, for the purpose of monitoring an electoral process.

13- **Observer:** is a national or international natural or legal person or mass media, who after obtaining accreditation letter from the Commission, has the right to observe the electoral process.

14- **Accreditation Letter:** is a document issued by the Commission in accordance with the provisions of this law, for the purpose of permission of monitoring or observation of and or preparation of a report on the electoral process.

15- **Electoral Campaign:** are the publicity activities, carried out by parties, coalition of political parties and or independent candidates for the purpose of garnering support and receiving votes of the voters.

16- **Quarantine:** is the temporary exclusion of the electronic votes or suspicious boxes from the counting process, until they are reviewed and a decision is made by the Commission and or the Complaints Commission.

17- **Initial Results:** are the figures that are announced after the counting at the counting center.

18- **Partial Results:** are the figures that are announced by the Commission during the tallying of the results.

19- **Preliminary Results:** are the figures that are announced and published by the Commission after completion of the tallying and prior to adjudication of the complaints.

20- **Final Results:** are the figures announced, published and implemented by the Commission, after the completion of adjudications by the Complaints Commission.
21- **Nomad (Kuchi):** is a citizen of the country lacking fixed place of residence, his/her main occupation is raising livestock, and considering the climatic conditions moves from one place to another.
22- **Referral to the Public Opinion:** is a referendum, which is conducted in the country for the purpose of obtaining opinion of the general public of Afghanistan in important national political, social, and economic issues in accordance to the provisions of the constitution of Afghanistan and this law.

Right of Participation in Election:

Article 5:

(1) Every citizen eligible to vote, both men and women have the right to register as a voter or candidate and participate in elections.
(2) In case, a citizen mentioned in clause (1) of this article is deprived of the right to register or the right to elect or to be elected, he/she has the right to file complaint with the relevant competent authority.
(3) Every voter has the right to have access to one of the polling centers to poll his/her vote.
(4) The eligible voters have equal right of vote in elections which they use directly.

Imposing any kind of direct or indirect restrictions on voters and candidates on the basis of language, religion, ethnicity, sex, clan, region, residency and social or occupational status or disability is prohibited.

(5) Nomads, refugees, Hindus and Sikhs, staff of diplomatic missions based abroad, patients in hospitals, military personnel and eligible prisoners have the right to participate in elections, if possible, in separate polling centers established by the Commission.

Registration and Voting

Article 6:

(1) The person eligible to vote has to personally appear at the polling center, and register his/her name in the voters list based on the citizenship Tazkira (National ID) or document specified by the Commission for verification of his/her identity.

(2) No person can register his/her name more than once in the voters list.

(3) The voter is obliged to vote at the poling center, where his/her name has already been registered in the voters list of that polling center.

(4) To get a ballot paper, a voter is obliged to present the citizenship Tazkira or a document which is determined by the Commission for proving his/her identity.

(5) Every voter has the right of one vote and can use it directly in favor of his/her favorite candidate.

(6) In case a voter may need guidance about finding his/her candidate of choice, he/she can seek help of a person he/she trusts.

Establishment of Polling Centers

Article 7:

(1) The Commission is obliged to establish polling centers taking into consideration the number of voters and their geographical locations in a balanced manner.

(2) The Commission makes available all materials necessary for election at the polling centers prior to the Election Day, and provide the possible facilities to the voters and candidates to participate in elections and exercise their right to vote.

Preparation of the Voters List

Article 8:

The Commission is obliged to prepare a voters list by polling centers and shall link it to the national database center of the Commission.

Obligation of the Organizations

Article 9:

Governmental and non-governmental organizations, parties and coalition of political parties, and associations are obliged to cooperate in the electoral process with the Commission, the Complaint Commission and the Media Committee, and shall comply with and abide by the

decisions made by them in accordance with the provisions of this law.

(1) The Central Statistics Office is obliged, respecting provisions of the relevant law, to provide the Commission and the Complaints Commission with the latest accurate and official figures of the population of each province, city, *Nahia (city district)*, district and village including nomads within the timeframe determined by the Commission.

Non- interference

Article 10:

(1) No one is allowed to directly or indirectly interfere in the election affairs.

(2) Use of any governmental assets, facilities and resources in favor or against a specific candidate is prohibited. Equal use of state-owned and public resources and facilities in favor of all candidates in accordance with the provisions of this law shall be an exception to this provision.

Chapter Two
Commission
Establishment of the Commission

Article 11:

(1) For the purpose of administration and supervision of every kind of elections and referral to the general public opinion in the country, the Commission comprised of seven members is established in accordance to this law:

(2) The Commission shall have a Chairperson, Deputy (Operations), Deputy (Admin and Finance) and a Secretary (Spokesperson) that are elected from among the members of the Commission by themselves through free, secret, and direct elections in the following manner:
   1- Chairperson of the Commission, for a period of two years and six months.
   2- Deputies and secretary (spokesperson) of the Commission for a period of one year.

(3) Chairperson, Deputies and Secretary of the Commission may nominate themselves for the next rounds as well.

(4) Scope of duties and authorities of the deputies and secretary (spokesperson) shall be determined in the internal regulation to be adopted by the Commission.

Requirements for the Commission Membership

Article 12:

(1) A person who nominates him/herself for the membership of the Commission, shall meet the following requirements:
   1- Shall have citizenship of Afghanistan.
   2- Shall have bachelor level higher education in the fields of law, *sharia*, political sciences, management, sociology, economy and other fields related to them.
   3- Shall have good reputation.

4- Persons with Bachelor shall have at least 10 years, Masters at least 7 years, and Doctors at least 5 years of work experience in the government or non-government organizations.
5- Shall have completed at least 35 years of age.
6- Shall not have been convicted by a court for perpetration of crimes against humanity, felony or deprived of civil rights.
7- Shall not have membership of the political parties during incumbency of membership of the Commission.

(2) Candidates eligible under clause (1) of this article, shall submit their curriculum vitae, educational documents and citizenship Tazkira to the selection committee within the timeframe determined by the mentioned committee.
This timeframe cannot be more than seven working days.

Establishment of the Selection Committee

Article 13:

(1) For the purpose of verification of documents and determining competence and qualification of the candidates for membership of the Commission, the selection committee is established with the following composition:
1- Competent representative (Judge) of the Supreme Court, with the approval of the High Council of the Supreme Court, as the Chairperson of the selection committee.

2- One member of the Afghanistan Independent Human Rights Commission, as elected by that commission as the member.
3- One member of the Independent Commission of Oversight of Implementation of the Constitution of Afghanistan, as elected by that commission, as the member.
4- Elected representative of the civil society organizations related to elections, as member.
5- Elected representative of the civil society organizations advocating for the women rights, as member.

(2) Civil society organizations mentioned in sections (4 and 5) of the clause (1) of this article are obliged to introduce their representatives for the membership of the selection committee within seven working days of the date of notification. Otherwise, members stated in sections (1,2 and 3) of the clause (1) of this article will introduce 3 persons each from the organizations mentioned in sections (4 and 5) of the clause (1) of this article to the president; and the president will appoint two persons representing the two organizations as the members of the selection committee.

Verification of Documents of the Candidates for Membership of the Commission

Article 14:

(1) The selection committee will examine the documents mentioned in clause (2) of the article 12 of this law, and in case of any suspicion for the sake of ensuring its accuracy, refer them to the relevant authorities. The relevant authorities are obliged to provide complete information within three working days.

In case the suspicion is proved, the provider of the document shall be referred to the legal and judicial authorities.

(2) From among the candidates, the selection committee shall introduce 21 persons to the president that meet the highest and most appropriate legal standards, while taking into consideration the ethnic and gender composition.

(3) From among the candidates mentioned in clause (2) of this article, the president shall appoint members of the Commission, while respecting the ethnic and gender composition, having at least two female members for the first round, in the following order:

1- Four members for a period of five years.
2- Three members for a period of 3 years.

(4) Members of the Commission in the following terms shall be appointed for a period of five years.

(5) Meetings of the selection committee shall take place in an open manner in accordance to a

separate procedure, to be adopted by its members.

Oath Taking

Article 15:

Before occupying their position, members of the Commission shall take the following oath, in the presence of the President, administered by the Chief Justice of the Supreme Court:

"I swear to Allah the Great to perform, as member of the Independent Election Commission, all assigned duties honestly, with integrity, independently, fully impartially and neutrally in accordance with the provisions of the Constitution of Afghanistan, this law, and other laws of the country.

Conditions of Termination of the Member of the Commission

Article 16:

(1) A member of the Commission can be terminated from job in the following circumstances:

1- Faking of the educational documents.
2- Deprivation of civil rights on the order of a competent court.
3- Conviction for committing crimes of misdemeanor or felony.
4- Having membership in political parties during membership of the Commission.

5- Breaching provisions of the Constitution of Afghanistan, this law and other enforced laws in the country.
6- Suffering from an incurable or long-lasting disease which impedes performance of duties.
7- Continuous absence from job for more than twenty days without justifiable legal reasons.
8- Non-observance of provisions of Article 17 of this law.

(2) Member of the Commission may tender his/her resignation in written to the president.

(3) In case of resignation, termination or death of one or more members of the Commission, the President shall appoint new member (s) from amongst the remaining nominees stipulated in clause (2) of the Article (14) of this law; with due consideration to the ethnic and gender composition.

(4) In case the chairperson, deputy chairperson or secretary of the Commission lose their membership due to resignation, termination or death, new elections shall be conducted among the members of the Commission, in accordance with the clause (2) of the Article (11) of this law.

(5) Except for the conditions mentioned in sections (1, 2 and 3) of the clause (1) of this article, determination of other conditions shall take place by the Commission.

Avoid Acts of Discrimination and Prejudice

Article 17:

Members of the Commission are obliged to respect the highest interests of the country and provisions of the Constitution of Afghanistan in their decision making; and avoid all types of discriminations and prejudice on the basis of race, ethnicity, region, party, language, religion and gender.

Obligation of the Members of the Commission during Membership of the Commission

Article 18:

(1) Members of the Commission are obliged to perform their duties impartially and responsibly, in accordance to the provisions of this law and other legislative documents.

(2) Members of the Commission do not have the right to participate in political, military, and other jobs in the government and non-government organizations during the incumbency of this position.

Duties and Authorities of the Commission

Article 19:

(1) The Commission has the following duties and authorities:

1- Administration and supervision of all types of elections and referral to the public opinion, as stipulated in this law.

2- Approval of the executive procedures for the purpose of conducting elections.
3- Approval of the administrative, budgetary, managerial and elections operational plans.
4- Monitoring performance of the work of the Commission's Secretariat and provincial offices of the Commission.
5- Monitoring the processes of voter registration, preparing and updating of the voters list.
6- Certifying the list of registered candidates in the relevant elections and the final voters' registration list.
7- Approval of the electoral calendar.
8- Planning civic education and public awareness campaigns at the country level.
9- Approval of procedure on the use of mass media and ensuring fair access of political parties, candidates and civil society to the state-owned mass media during the electoral campaign.
10- Establishing relations and maintaining cooperation with the political parties, independent candidates and civil society organizations related to elections and media.
11- Determining and verifying voter registration centers, polling and counting stations.
12- Issuing accreditation letter to the presidential, Vice-presidential, the National Assembly, Provincial

Councils, District Councils, Village Councils, Mayoral and Municipality Councils candidates.

13- Issuing accreditation letter to the national and international observers and monitors, representatives of the political parties, independent candidates, and civil society organizations related to elections and the mass media.

14- Official announcement of the initial, partial, preliminary and final election results.

15- Monitoring the recruitment of the staff of the Secretariat and the provincial offices of the Commission.

16- Perform all other duties and authorities mentioned in this law.

(3) The Commission cannot amend relevant bills and procedures during the electoral process.

Meetings of the Commission

Article 20:

(1) Ordinary meetings of the Commission may be held regularly, extraordinary meetings shall be held at the decision of the Chairperson of the Commission or upon the request of three members.

(2) The quorum for meetings is completed by presence of five members and decisions shall be taken by a majority of votes of all the members. In case of equal vote, the view of the side to which the

Chairperson of the Commission votes shall be preponderant.

(3) The meetings of the Commission, in the instances of determination of the electoral calendar, review and vetting of the documents and powers of the candidates, determination and verification of the registration and polling centers & number of their stations, preparation of the voters lists, determination of the electoral constituencies, printing and publication of the sensitive electoral materials, counting of votes and announcement of results shall be open. Representatives of the political parties, civil society, mass media and national and international monitors and observers holding accreditation letters may attend meetings of the Commission.

Duties and Authorities of the Chairperson of the Commission

Article 21:

(1) The Chairperson of the Commission shall have the following duties and authorities:

1- Chair meetings of the Commission.
2- Lead and manage activities of the Commission.
3- Monitor implementation of the budget of the Commission.
4- Supervise and assess activities of the Secretariat.
5- Represent Commission in the relevant national and international organizations.

(2) In the absence of the Chairperson of the Commission, his/her duties and authorities shall be exercised by the Deputy of Operations and Deputy of Administrative and Financial Affairs respectively.

Secretariat of the Commission

Article 22:

(1) The Commission, for carrying out its administrative and executive affairs, shall have a Secretariat headed by a Chief Electoral Officer (CEO).

(2) The Chief Electoral Officer besides meeting the requirements stipulated in article 12 of this law, shall also have at least 5 years of work experience in the areas of human resources, financial management and information technology.

(3) The Commission shall through consensus of votes of majority of its members propose three most eligible persons to the president for appointment as the Chief Electoral Officer, and the president shall appoint one of them to the mentioned position.

(4) The Secretariat shall carryout its duties in accordance to the provisions of the law and the procedures adopted by the Commission, and shall be responsible before the commission.

Recruitment of Permanent and Temporary Employees

Article 23:

(1) Permanent employees of the secretariat and the provincial offices are recruited in accordance to the provisions of the law.

(2) Temporary electoral workers at the polling centers and stations shall be assigned from amongst the school teachers, lecturers of the government institutions of higher education and the personnel of the government administrations in accordance to the procedure to be enacted by the Commission.

In case of unavailability of the above mentioned persons at the polling centers and stations, temporary electoral workers shall be assigned from among other eligible persons.

(3) The Commission shall dismiss from job those permanent and temporary electoral employees, who have breached provisions of this law or other relevant laws, and shall refer them to the relevant competent authorities for legal prosecution.

Recruitment Barriers

Article 24:

(1) Officials of political parties and electoral candidates cannot be recruited as the permanent or temporary electoral employees.

(2) The permanent or temporary employees of elections cannot nominate themselves during incumbency.

(3) Father, mother, grandfather, grandmother, offspring, brother, sister, husband and wife of candidates cannot work as electoral employees in the relevant electoral constituency.
(4) The Provincial Electoral Officer of the provincial office of the Commission cannot be appointed from the relevant province.

Immunity from Prosecution

Article 25:

Member of the Commission cannot be arrested, detained or prosecuted without the warrant of a competent court; cases of evident crime shall be an exception to this provision.

Budget of the Commission

Article26:

The Commission shall prepare its budget in consultation with the government, shall be independent in its spending, and shall present its report in accordance to the provisions of the law.

Media Committee

Article 27:

(1) For the purpose of monitoring of reporting and fair and impartial broadcasting of the electoral campaigns and addressing the media violations that are in contradiction to the relevant objectives, policies and relevant procedures, a Media Committee comprised

of three members, at least one of whom shall be a women, is established by the Commission, one month prior to the commencement of the candidates' registration process.

(2) A person will be eligible for the membership of the Media Committee who meets the following requirements:
   1- Have citizenship of Afghanistan.
   2- Have higher education at least at bachelor level, and work experience in media of at least five years.
   3- Have good reputation.

(3) The eligible candidate may provide his/her application for the membership of the Media Committee to the Secretariat. The commission shall appoint the members from among them in accordance to provision stipulated in clauses (1 and 2) of this article.

(4) Voter, candidate, monitor, political party or coalition of political parties, associations, and other persons can file written complaints with the media committee or the Commission with regard to any media violations.

(5) The Media Committee may take one of the following decisions in case a media violation is verified:
   1- Issue warning and order correction of the violation.

2- Impose and determine fine in accordance to the condition, from five thousand to one hundred thousand Afghanis.
3- Referral of the violator to the relevant competent authorities for legal prosecution, after approval of the complaints board.

(6) In cases mentioned in the clause (5) of this article, decision of the Media Commission shall be final.
(7) Duties and authorities of the media committee is regulated based on the regulation adopted by the Commission.
(8) The media committee may draft procedures for the purpose of managing relevant affairs, which shall be applicable after being approved by the Commission.
(9) The media committee after completion of all its assigned duties, shall be dissolved within a maximum of (45) days after announcement of the final election results; and all affairs related to it shall be reverted to the Commission.

Chapter Three
The Complaints Commission

Establishment of the Central Complaints Commission

Article 28:

(1) For the purpose of addressing objections and complaints arising from negligence, violation and identification of crimes related to elections, the

Central Electoral Complaints Commission comprising of five members is established.

(2) The eligible persons mentioned in article 12 of this law, with higher education in the field of Law or Jurisprudence, may nominate themselves for the membership of the Complaints Commission, and submit their curriculum vitae to the selection committee mentioned in the clause (1) of the article 13 of this law.

Selection of Candidates for Membership of the Central Complaints Commission

Article 29:

(1) The Selection Committee proposes fifteen persons from among the persons stated in clause (2) of the article 28 of this law, to the president, taking into consideration the highest legal standards and ethnic and gender composition.

(2) The president appoints five persons from among the candidates as members of the Central Complaints Commission, in the following manner, and taking into consideration ethnic and gender composition:

1- Three members for a period of five years.

2- Two members for a period of three years.

(3) The members of the Complaints Commission are appointed for the subsequent terms in accordance with the provisions of this article for a period of five years.

(4) The chairperson, deputy chairperson, and secretary of the Central Complaints Commission are elected from

among its members by themselves through free, secret and direct voting in accordance with the relevant procedure.
(5) The provisions of articles 15, 16, 17, 18, 24 and 25 of this law are also applicable to chairperson and members of the Complaints Commission.
(6) For the purpose of ensuring further transparency in addressing objections and complaints arising from the electoral negligence and violation, the government may appoint in consultation with the United Nations two international election experts as non-voting members of the Central Complaints Commission.

Authorities of the Complaint Commission
Article 30:
(1) The Central and Provincial Complaints Commissions have the following authorities:
1. Addressing objections against the list of candidates and voters, and requirements and qualifications of the candidates brought forward during the election.
2. Addressing complaints arising from the electoral violations provided that the complaint is filed in accordance with the provisions of this law within the due period.
3. Issuing advice, warning and order of corrective action to the person or organization that has committed the violation.
4. Imposing cash fines, depending on the case, in accordance with the provisions of this law.

5. Issuing order of recount of votes in specific polling centers prior to announcement of the election results.
6. Invalidating the ballot papers not fulfilling the necessary requirements.

(2) The Central or provincial Complaint Commission can remove a candidate from the final list of candidates if proved based on credible documents that he/she was not eligible to nominate according to the provisions of this law.

The Provincial Complaints Commissions

Article 31:

(1) For the purpose of addressing objections and complaints arising from negligence, violations and crimes related to elections, the Provincial Complaints Commissions shall be established one month before the candidates' registration.

(2) The commission referred to in clause (1) of this article comprises three members; two members of which are appointed by the Central Complaints Commission taking into consideration the gender composition (one man and one woman) and one of its members is appointed by the Independent Human Rights Commission of Afghanistan upon the recommendation of the Central Complaints Commission and approval of the president taking into consideration the following conditions:

1. Shall have citizenship of Afghanistan.

2. Shall have completed higher education, at least Bachelor, in the field of law or jurisprudence.
3. Shall have competence, good reputation and at least five years of work experience in governmental non-governmental organizations.
4. Shall have completed at least thirty years of age.
5. Shall not have been convicted of crimes against humanity and felony.
6. Shall not be a member of any political party during the incumbency of this post.

(3) The Provincial Complaints Commissions is obliged to address the objections and complaints arising from negligence, violation and identification of crimes related to elections in the relevant constituency within a period of two weeks and report on its executions to the Central Complaints Commission.

(4) The Central Complaints Commission is obliged to report to the public through the mass media in regard to addressing the objections and complaints arising from negligence, violation and identification of crimes related to elections.

(5) The Provincial Complaints Commissions shall complete their work within one month after the announcement of the final election results and following dissolution, their authorities are transferred to the Central Complaints Commission.

The Secretariat of the Central Complaints Commission

Article 32:

(1) The Central Complaints Commission has a Secretariat headed by the Head of the Secretariat.

(2) The Head of the Secretariat, in addition to meeting the requirements mentioned in article 12 of this law, shall also have at least five years of work experience in human resource affairs, financial management and Information Technology.

(3) The Central Complaints Commission shall propose to the president by a majority vote three persons from among eligible persons to assume the post of the Head of the Secretariat. The president appoints one of them as the Head of the Secretariat.

(4) The Secretariat shall discharge the assigned duties according to the procedure approved by the Central Complaints Commission and be responsible before the Central Complaints Commission.

Recruitment of Permanent and Temporary Staff

Article 33:

(1) The permanent staff of the Central Complaints Commission are recruited in accordance with the provisions of the civil servants law.

(2) The temporary staff of the Complaints Commission are assigned from among the governmental school teachers, instructors of institutes of higher education and staff of government administrations according to the procedure enacted by the Complaints

Commission. In case of absence of the mentioned persons, the temporary staff are assigned from among the other eligible persons.

(3) The Complaints Commission terminates those relevant permanent and temporary staff from their jobs who breach the provisions of this law or other relevant laws or refers them to the competent authorities for judicial pursuit.

Budget of the Central Complaints Commission

Article 34:

The Complaints Commission prepares its budget in consultation with the government, and is independent in its spending; and presents its report as per the provisions of the law.

Chapter Four
Electoral Constituencies

Determination of Electoral Constituencies

Article 35:

The electoral constituencies for conducting presidential, Wolesi Jirga (lower house representatives), provincial council, district council, village council, mayors and members of the municipality council's elections shall be determined as following:

1- For the Presidential elections, the entire country shall be one electoral constituency.

2- For the purpose of determining electoral constituencies, and dividing them into smaller

constituencies, the Commission shall determine the Wolesi Jirga and Provincial Councils electoral constituencies in a manner, in which the provisions of clauses (4 and 6) of the article 83 of the constitution are observed.

3- For the district council elections, the entire district shall be one electoral constituency.
4- For the village council elections, the entire village shall be one electoral constituency.
5- For the elections of mayor, the entire city shall be one electoral constituency.
6- For the elections of members of the municipality councils, each *Nahia* (city district) shall be one electoral constituency. Cities that have not been divided into *Nahias*, the entire city shall be one electoral constituency.

Determination of Boundaries of the Electoral Constituencies

Article 36:

The boundaries of the electoral constituencies shall be determined at least (180) days before the Election Day, by the Independent Directorate of Local Governance with cooperation from the Central Statistics Office and other relevant agencies and in consultation with the Commission.

Chapter Five
Requirements for Voters and Candidates

Requirements for Voters

Article 37:

A person can be registered as a voter, who meets the following requirements:

1. Shall have the citizenship of Afghanistan.
2. Shall have completed 18 years of age on the Election Day.
3. Shall not have been deprived of civil rights by the law or a competent court.
4. His/her name shall have been registered in the voter list.

Requirements for Presidential Candidates

Article 38:

(1) A person may nominate himself/herself for the presidency, who meets the following requirements:

1. Shall be an Afghan citizen, a Muslim and born to Afghan parents and shall not have the citizenship of another country.
2. Shall not be less than 40 years of age on the day of candidacy.
3. Shall not have been convicted of crimes against humanity and felony or deprived of civil rights by the court.
4. Shall not have been elected as a president or vice-president for more than two terms.

(2) The vice-presidents shall also meet the requirements mentioned in clause (1) of this article.

Requirements and Qualifications for National Assembly Candidates

Article 39:

(1) A person may candidate himself/herself for or is appointed as a member of the National Assembly who besides meeting the requirements for voters, also have the following qualifications:

1. Shall be an Afghan citizen or have obtained citizenship of the State of Afghanistan at least 10 years before the day of candidacy or appointment.
2. Shall not have been convicted of crimes against humanity and felony or deprived of civil rights by the court.
3. The members of Wolesi Jirga shall have completed 25 years of age on the day of candidacy and the members of Meshrano Jirga (upper house representatives) shall have completed 35 years of age on the day of candidacy or appointment.

Requirements for Candidate for Membership of the Provincial Council and District Council

Article 40:

A person may nominate himself/herself for the membership of the Provincial Council or District Council who in addition to the voter's requirements also meets the following conditions:

1. Shall have completed at least 25 years of age on the day of candidacy.
2. Shall hold at least the graduation certificate of 12th grade of school.

Candidacy Requirements for Membership of Village Council

Article 41:

A person may nominate himself/herself for the membership of a village council who, in addition to meeting the voter's qualifications also meets the following conditions:

1. Shall have completed at least 25 years of age on the day of candidacy.
2. Shall at least be able to read and write.

Requirements for Mayoral Candidate

Article 42:

A person may nominate himself/herself as a mayor who in addition to the voter's qualifications also meets the following conditions:

1. The candidate for the office of mayor of the capital of a province shall hold at least a bachelor degree with five years of work experience; and the candidate for the office of mayor of other cities shall hold at least a 12th grade graduation certificate with three years of work experience.
2. Shall have lived at least for five years before the day of candidacy in the city where he/she nominates himself/herself.

Requirements for Candidate for Membership of the Municipal Councils

Article 43:

A person may nominate himself/herself for the membership of the municipal council who in addition to a voter's qualification also meets the following requirements:

1. Shall have completed at least 25 years of age on the day of candidacy.
2. Shall hold at least the 12th grade graduation certificate.
3. Shall not have been convicted of crimes against humanity and felony and or deprived of civil rights by a court.
4. Shall have lived at least for five years before the day of candidacy in the city where he/she nominates himself/herself.

Restriction on Candidacy

Article 44:

(1) The following persons cannot nominate themselves for the elected seats mentioned in this law before resigning from their positions:

1. Chief Justice and members of the Supreme Court and other judges.
2. Attorney General, prosecutors and professional members of the Attorney General Office.
3. Ministers, advisor minister, advisors to the President, deputy ministers, heads of agencies and their deputies, chairpersons and members of the independent

commissions, provincial governors and their deputies, district governors, ambassadors, and the staff of the political missions of the country resident abroad.

4. Military personnel of the Ministry of National Defense and Ministry of Interior Affairs and General Directorate of National Security and other ministries and bodies with military set-up.

5. Civil servants.

6. Temporary or permanent staff of the Commission.

7. Instructors of the governmental institutes of higher education and members of the academic cadre of the Academy of Sciences of Afghanistan.

(2) Persons who are commanders or members of the illegal armed groups may not participate in elections as a candidate. The commandership or membership of persons in illegal armed groups is vetted by and a necessary decision made about by a separate commission comprising representatives of the Ministries of National Defense and Interior Affairs, General Directorate of National Security and the Independent Directorate of Local Governance being chaired by the Chairperson of the Complaints Commission. Any complaint in this regard is adjudicated by the Complaints Commission; the decisions of which are final.

(3) In case the persons mentioned in clause (1) of this article do not win election, they may be re-appointed in accordance with the provisions of the law. In this case, the consequences of resignation shall not apply to the

persons mentioned in sections (5 and 7) of the clause (1) of this article.

(4) In case one of the members of the elected seats intends to nominate himself/herself for another elected seat; he/she shall resign from the current seat. Members of the provincial council and district council who nominate themselves for the membership of Meshrano Jirga or members of Meshrano Jirga who nominate themselves for the membership of provincial or district council are an exception to this provision.

(5) If an appointed member of the Meshrano Jirga intends to nominate himself/herself for an elected seat, he/she shall resign from the current seat.

(6) No one may nominate himself/herself at the same time in more than one electoral constituency or for more than one elected seat.

Chapter Six
Presidential Elections

Election of the President

Article 45:

(1) The President shall be elected by obtaining more than 50% of the votes of voters through free, general, secret and direct polling.

(2) In case none of the candidates receive the majority of more than 50 percent of the votes in the first round, the second round election is held within 2 weeks after the date of announcement of final election results, and in this round only the two candidates participate who have received the highest votes during the first round.

(3) In case of equality of votes amongst more than two candidates who have obtained the most votes in the first round, those two candidates who meet the highest criteria shall be selected as candidates for the second round. The highest criteria are as follows in the given order:

1- Level of education.

2- Academic rank.

3- Work experience in governmental or non-governmental organizations.

4- Having honorary insignia, medal and title.

(4) In the second round of elections, the candidate who receives majority of votes is recognized as the president. In case of equality of votes between the two candidates in the second round, the winning candidate is announced as the President based on the highest criteria mentioned in clause (3) of this article.

(5) In case one of the candidates may not participate in the elections in the second round, the other candidate is recognized as the winner.

Death of the Presidential Candidate

Article 46:

In case one of the presidential candidates dies during the first or second round of voting or after the elections and before the announcement of the election results, new elections shall be held among the remaining candidates in accordance with the provisions of this law.

Beginning of the Work of the Winning Candidate as the President

Article 47:

The winning candidate begins his/her work as the President thirty days after the announcement of the final election results.

Chapter Seven
Elections for Members of Wolesi Jirga

Number of Members of the Wolesi Jirga

Article 48:

Wolesi Jirga has (250) seats; out of which (239) seats are allocated to provinces in proportion to their population, (10) seats are allocated to Nomads, and (1) seat is allocated to Hindu and Sikhs.

Allocation of Seats to Provinces

Article 49:

(1) The Commission allocates 239 seats to the provinces in the following given order:

1. The total population of provinces, excluding theNomads,Hindu and Sikhs population, is divided by 239 seats to determine the population quota for one seat.
2. The population of each province is divided by the quota for one seat to determine the number of seats for each province.
3. Each province is allocated a number of seats equal to the whole number of the quotient obtained from the division under section 2 of this clause.

4. Seats not allocated under section 3 of this clause, are allocated based on the descending order of the remainder decimal number from the division in section 2 of this clause.
5. If as a result of this calculation, one or more provinces receive less than one seat, such province shall be allocated two seats.
6. The total number of seats and the population figures of the provinces to which additional seats are allocated under section 5 of this clauseis deducted from the total population of the provinces. For the remaining provinces, a new seat allocation quota is calculated and the allocation of seats to these provinces is repeated as stated in sections 2 and 5 of this clause.
(2) The Commission is obliged to publish the calculations used in the allocation of the seats mentioned in this article.

Awarding Seats to Candidates

Article 50:

(1) In every electoral constituency, the seats are awarded to the candidates who have garnered the highest number of valid votes.
(2) In case of equality of votes between two candidates for assuming the last seat, the winner shall be selected based on the highest criteria. The highest criteria are as follows in the given order:
1- Level of education.
2- Work experience in governmental or non-governmental organizations.

(3) If an elected member of Wolesi Jirga may not be able to take up his/her seat or due to any reason leaves his/her seat or dies or resigns or is appointed to another office in accordance with the law during the term of Wolesi Jirga; or if he/she loses his/her membership on the order of the law; or becomes handicapped or disabled in a way that permanently prevents him/her from doing his/her job, if more than one year remains until the end of the term of office of Wolesi Jirga, his/her seat shall be assigned according to the prepared list of the Commission to the next candidate of the same sex (male or female) with the highest votes.

Allocation of Seat to Female Candidates

Article 51:

(1) The Commission, for the purpose of the minimum number of female candidates that shall be elected from each province, prepares procedures and a formula that is based on the population of each province so that to meet the requirements of article 83 of the Constitution of Afghanistan that is the number of elected female candidates shall be at least twice the number of the current provinces.

(2) Candidates who receive the highest number of valid votes in each electoral constituency,are allocated seats as per the formula mentioned in clause (1) of this article. Upon the realization of the quota, the remaining seats are allocated according to the article 49 of this law.

(3) In case there are not sufficient number of women on the candidate's list to occupy the seat or seats allocated to women, the Commission shallundertake measures in accordance with the procedure mentioned in clause (1) of this article, to ensure that the seats allocated to women do not remain vacant.

Allocation of Seat to Nomads

Article 52:

(1) The nomads' seats are allocated to the candidates who have garnered the highest number of valid votes in the nomads' electoral constituency.

(2) Three nomads' seats are allocated to the female candidates who have garnered the highest number of valid votes in the nomads' electoral constituency.

(3) In case of equality of votes amongst candidates for the last seat, the candidate with higher level of education and in case of equal education, the one with longer work experience in administration is announced as the winner.

(4) In case the nomads elected member of Wolesi Jirga is unable to occupy his/her seat or for any reasons during the tenure of Wolesi Jirga, abandons, or resigns from, his/her seat or dies or is appointed to another job in accordance with provisions of law or loses his/her membership on the order of a competent court or is handicapped or disabled in a way that permanently prevents him/her from performing his/her job, if more than one year remains until the end of the term of office of Wolesi Jirga, his/her seat shall be assigned according to

the prepared list of the Commission to the next candidate of the same sex (male or female) with the highest number of votes.

Allocation of the Seat to Hindu and Sikhs

Article 53:

(1) The Hindu and Sikh seat, is allocated to the candidate who has garnered the highest number of votes.

(2) In case of equality of votes among the candidates, the candidate with higher level of education and in case of equal education, the one with longer work experience in administration is announced as the winner.

(3) In case the Hindu and Sikh elected member is unable to occupy his/her seat or for any reasons during the tenure of Wolesi Jirga, abandons, or resigns from, his/her seat or dies or is appointed to another job in accordance with provisions of law or loses his/her membership on the order of a competent court or is handicapped or disabled in a way that permanently prevents him/her from performing his/her job, if more than one year remains until the end of the term of office of Wolesi Jirga, his/her seat shall be assigned according to the prepared list of the Commission to the next candidate with the highest number of votes on the Hindu and Sikh list of candidates.

Chapter Eight
Election of Members of Meshrano Jirga

Number of the Meshrano Jirga Members

Article 54:

Number of the Meshrano Jirga members shall be three times the number of the provinces of the country that are elected and appointed in accordance to the provisions of the article 84 of the constitution.

Election of Member of Provincial Council toMembership of the Meshrano Jirga

Article 55:

(1) The Commission shall within fifteen days of the establishment of the Provincial Councils hold internal elections within the Provincial Council of each province in accordance with the provisions of this law and procedures of the Commission to elect a member for Meshrano Jirga.

(2) The quorum of the provincial council meeting for holding this election shall be the presence of at least two-thirds of all the members of the Provincial Council; the person receiving more than half of the votes of the present membersshall be recognized as the member of the Meshrano Jirga. In case, no candidate receives more than half of the votes of the present members in the first round, new elections shall be held between the two candidates who have received the highest number of votes. In the second

round, the candidate with the highest number of votes shall be recognized as the winner.

(3) In case of equality of votes among more than two candidates who have received the highest number of votes in the first round, two candidates respectively with the highest level of education and in case of equal level of education, the two candidates with long term work experience shall be recognized as the candidates for the second round.

(4) In case of equality of votes among the two candidates in the second round of election, from among the two persons, the person who holds the highest level of education shall be recognized as the winner; and in case of equal level of education, the candidate with longer term work experience shall be recognized as the winner.

(5) In case an elected member may not be able to assume his/her seat or during the term of Meshrano Jirga, due to any reason, abandons his/her seat or dies or resigns or holds another office in accordance with the provisions of the law; or loses his/her membership based on the order of the law; or becomes handicapped or disabled in a way which permanently prevents him/her from doing his/her job, if more than one year remains until the end of the term of office of the relevant council (provincial council), the Commission shall in accordance with the

provisions of this article hold election amongst the members of the relevant Provincial Council to elect the member for the Meshrano Jirga for the remaining period.

Election of Member of District Council to the Membership of Meshrano Jirga

Article 56:

(1) The Commission shall, within 15 days of the establishment of the Districts Councils, hold elections among the members of the Districts Councils at the office of the Provincial Council of the respective province to elect the member for the Meshrano Jirga.

(2) The quorum of the District Councils meeting for holding these elections shall be the presence of at least two-thirds of all the members of the District Councils. The candidate who receives more than half of the votes of the present members shall be recognized as the member of Meshrano Jirga; In case none of the candidates receive more than half of the votes, new elections shall be held between the two candidates who have received the most votes. In the second round of the elections, the candidate who receives most of the votes shall be recognized as the winner.

(3) In case of equality of votes between the two candidates who have received the highest number of votes in the first round, the two candidates

respectively with the highest level of education and in case of equal level of education, the two candidates with longer work experience shall be recognized as candidates for the second round.

(4) In case of equality of votes among the two candidates in the second round, the candidate who respectively holds the highest educational degree shall be recognized as the winner and in case of equal educational degree, the candidate with longer work experience shall be recognized as the winner.

(5) In case an elected member may not be able to assume his/her seat or due to any reason abandons his/her seat or dies or resigns or holds another position pursuant to the provisions of the law during the tenure of Meshrano Jirga; or loses his/her membership based on the provisions of the law; or becomes handicapped or disabled in a way that permanently prevent him/her from doing his/her job, if more than one year remains until the end of the term of office of the relevant district councils, the Commission in accordance to this law shall hold election amongst the members of the Districts Councils of the relevant province to elect the member of Meshrano Jirga for the remaining period.

Chapter Nine
Elections of Members of Provincial Councils

Provincial Council

Article 57:

Each province shall have a provincial council the members of which shall be elected by the voters of the same province for a period of four years.

Allocation of Seats to Provincial Council

Article 58:

(1) The seats of the provincial council shall be determined in proportion to the population of each province in the following order:

1 A province with a population of up to five hundred thousands, (9) seats.
2 A province with a population of more than five hundred thousand up to one million, (11) seats.
3 A province with a population of more than one millions up to two millions, (15) seats.
4 A province with a population of more than two millions up to three millions, (17) seats.
5 A province with a population of more than three millions up to four millions, (19) seats.
6 A province with a population of more than four millions, (21) seats.

(2) At least 25 % of the seats in each Provincial Council shall be allocated to female candidates.

(3) A nomad may participate in any province in the provincial council elections as a voter or a candidate.

Acquiring Membership of Provincial Council

Article 59:

1) A candidate who has received the highest number of votes in the relevant electoral constituency shall be recognized as the member of the Provincial Council.
2) In case of equality of votes among candidates, the candidate fulfilling the highest criteria shall be announced as the member of the Provincial Council. The highest criteria are as below in the given order:
    1. Education level
    2. Work experience in governmental and non-governmental organizations.
    3. History of residence in the relevant electoral constituency.
3) In case a Provincial Council member is elected as the member of the Meshrano Jirga or may not be able to assume his/her seat and/or due to reasons, abandons his/her Provincial Council seat during the term of the Provincial Council, or if he/she dies or resigns and/or holds any other official position in accordance with the provisions of the law, or loses his/her membership on the order of the law, and/or becomes handicapped or disabled in a way that permanently prevents him/her from doing his/her

job; in case more than one year of the term of service of the relevant council remains, his/her seat shall be given to the next candidate of the same sex (male or female) with the most votes based on the list prepared by the Commission.

Chapter Ten
Elections of Members of District Councils

District Council

Article 60:

Each district shall have a council, members of which shall be elected by the voters of the same district for a term of three years.

Allocation of Seats to District Council

Article 61:

(1) The seats of the district council are allocated in proportion to the population of each district as below:

1 A district with a population of up to forty thousand, (5) seats.
2 A district with a population of more than forty thousand up to seventy thousand, (7) seats.
3 A district with a population of more than seventy thousand up to one hundred thousand, (9) seats.
4 A district with a population of more than one-hundred thousand, (11) seats.

(2) A minimum of 25 % of the seats of each District Council shall be allocated to female candidates.

(3) A nomad may participate in district council elections of any district as a voter and or a candidate.

Acquiring Membership of District Council

Article 62:

(1) Candidates who have received the highest number of votes in the relevant district shall be recognized as the members of the District Council.

(2) In case of equality of votes among the candidates for the last seat, the candidate fulfilling the highest criteria shall be selected as the member of the District Council. The highest criteria are as below in the given order:

1. Education level
2. Work experience in government and non-government organizations.
3. History of residence in the relevant electoral constituency.

(3) If a district council member is elected as a member of the Meshrano Jirga or may not be able to take up his/her seat and/or due to reasons, abandons his/her district council seat during the term of the district council, or if he/she dies or resigns and/or holds any other position in accordance with the law or loses his/her membership on the order of law and/or becomes handicapped or disabled in such a way that permanently prevents him/her from doing his/her job; in case more than one year of the term of service of the relevant council remains, his/her seat shall belong to the next candidate

of the same sex (male or female) with most votes based on the list prepared by the Commission.

Chapter Eleven
Elections of Members of Village Council

Village Council

Article 63:

Each village shall have a council, members of which shall be elected by the voters of the same village for a term of 3 years.

Seat Determination of the Village Councils

Article 64:

(1) The seats for the Village Council shall be determined in proportion to the population of each village in the following order:

1 A village with a population of up to five hundred persons, (3) seats.
2 A village with a population of more than five hundred up to one thousand persons, (5) seats.
3 A village with a population of more than one thousand persons, (7) seats.

(2) A minimum of 25 % of the seats of each Village Council shall be allocated to female candidates.

(3) A nomad may participate in a village council election of any village as a voter or a candidate.

Acquiring Membership of the Village Council

Article 65:

(1) Candidates who receive the most valid votes in the relevant village council elections, shall be recognized as the members of the Village Council.

(2) In case of equality of votes among candidates for the last seat, the candidate fulfilling the highest criteria shall be announced as a member of the Village Council. The highest criteria are the following respectively:

1 Education level
2 Work experience in government or non-government organizations
3 History of residence in the relevant electoral constituency.

(3) If an elected member may not be able to take up his/her seat and/or due to reasons, abandons his/her seat during the term of the Village Council, or if he/she dies or resigns and/or holds any other position in accordance with the provision of the law and/or loses his/her membership on the order of law and/or becomes handicapped or disabled in a way that permanently prevents him/her from doing his/her job; in case more than one year of the term of service of the relevant council remains, his/her seat shall belong to the next candidate with the most votes based on the list prepared by the Commission.

Chapter Twelve
Elections of Mayors

Manner of Election of Mayor

Article 66:

(1) One Mayor shall be elected for each city. The mayor shall be elected for a term of four years by receiving the highest number of votes of the voters of the same city.

(2) In case none of the candidates receive the majority of more than 50% of votes in the first round, the second round election shall be held within two weeks of the announcement of the election results, and in this round, only the two candidates who have received the highest number of votes in the first round shall participate; and the candidate who receives the most votes shall be recognized as the winner.

(3) In case of equality of votes among the candidates, the candidate who fulfills the highest criteria shall be recognized as the Mayor. The highest criteria are the following in the given order:

1. Education level;
2. Work experience in government and non-government organizations;
3. Longer period of residence in the relevant city.

(4) In case the elected mayor may not be able to take up the seat or due to any reason, within the term of municipality, abandons the seat, dies or resigns or is appointed to another position in accordance to the law; or is deposed on the order of law; and/or gets

handicapped or disabled in a way that permanently prevents him/her from doing his/her job, his/her seat shall belong to the next candidate with the highest number of votes in accordance with the list prepared by the Commission.

Assuming Office by the Winner Candidate as the Mayor

Article 67:

The winning candidate shall assume office within ten days of the announcement of the election results.

Chapter Thirteen
Elections of Municipality Council

Municipal Council

Article 68:

The members of the Municipality Council shall be elected for a term of four years by the voters of the Constituency of the relevant city.

Number of Seats of the Municipality Council

Article 69:

(1) A Municipality Council shall consist of a minimum of three seats.

(2) In case a municipality is divided into two *Nahias* (city districts), each *Nahia* shall be a constituency for election of each of its seats. For the third seat, the entire city shall serve as an electoral constituency.

(3) For a Municipality Council that has more than two *Nahias*, one person from each *Nahia* shall be elected.

(4) A municipality that hasn't been divided into *Nahias*, in general its council shall have 3 to 5 seats given the number of the population and delivery of urban services depending on the circumstances.
(5) The number of seats of the Municipality Councils shall be determined by the Commission, based on the data provided by the Directorate of Local Governance in consideration of the number of their *Nahias*.
(6) The number of seats of Kabul Municipality Council shall be determined by the Commission based on the data provided by the Kabul Municipality in consideration of the number of its *Nahias*.

Allocation of seats
Article 70:
(1) For the municipality that has *Nahias*, each *Nahia* shall be recognized as one electoral constituency and one member shall be elected from each of the *Nahias* to the Municipality Council. The eligible voters that live in the same constituency and have registered themselves as voters shall have the right to vote in the mentioned constituency.
(2) For the municipality that is not divided into *Nahias*, the entire area of the municipality shall be recognized as an electoral constituency. The eligible voters that live in the same municipality and have registered themselves as voters shall have the right to vote.

(3) The candidate who has received most valid votes in the relevant municipality council elections shall be recognized as the member of the Municipality Council.

(4) In case of equality of votes among the candidates, the candidate fulfilling the highest criteria shall be recognized as the member of the Municipality Council. The highest criteria are as following respectively:

1. Education level.
2. Work experience in government and non-government organizations.
3. History of residence in the relevant electoral constituency.

(5) In case an elected member may not be able to take up the seat or due to any reason, within the term of the Municipality Council, abandons the seat, dies or resigns or holds another position in accordance with the provisions of the law or loses his/her membership due to the order of law and/or gets handicapped or disabled in a way that permanently prevents him/her from doing his/her duty, his/her seat shall belong to the next candidate with the highest number of votes in accordance with the list prepared by the Commission.

Chapter Fourteen
Conducting Elections

Election Date

Article 71:

(1) The Commission shall announce the Election date at least (180) days before the Election Day. Conducting by-elections shall be an exception to this provision.

(2) The Commission shall publish the Electoral Calendar at least (120) days before the Election Day.

Voters List

Article 72:

The Commission shall record the voters list in the National Data Center (Database) of the Commission and, in compliance with the electoral calendar, make it accessible to the public in the relevant polling centers for the purpose of their awareness and objections.

Application for Candidacy

Article 73:

(1) The persons who nominate themselves for the elected seats set forth in this law shall be obliged to provide to the Commission with their written application of candidacy for registration within the determined period.

(2) The application for registration as candidate shall contain the following information:

1- Name and specific address.
2- A copy of the document which proves his/her identity;

3- Verified copy of educational documents as mentioned in this law.

4- Information on non-conviction, age, health status, movable and immovable properties, permanent and current residence addresses, latest place of employment and other instances stated in this law.

5- List of names, number of the voter registration cards and the finger prints of the voters residing in the respective electoral constituency who support the candidacy of the person in the ballot paper and shall be in the following order:

- For the presidential candidate, one hundred thousand voters, from a minimum of twenty provinces, at least two percent from each province.
- For the Wolesi Jirga candidate, one thousand voters.
- For nomad candidate to the Wolesi Jirga, one thousand nomad voters.
- For Hindu and Sikh candidate to the Wolesi Jirga, two hundred Hindu and Sikh voters;
- For the Provincial Council candidate, depending on the number of population of the province, two hundred to six hundred voters.
- For the District Council candidate, depending on the number of population, one hundred to three hundred voters.
- For the Village Council candidate, ten voters.

- For mayoral candidate, in the capitals of the first grade provinces, two thousand voters; for the second grade provinces, one thousand voters; for the third grade provinces, five hundred voters; and for all other municipalities, two hundred and fifty voters.
- For the candidate of the Municipality Council, in the capitals of the first grade provinces, one thousand voters; for the second grade provinces, five hundred voters; for the third grade provinces, two hundred and fifty voters; and for all other municipality councils, one hundred and twenty five voters.

2 Provision of official document of resignation from the government positions pursuant to the provisions of the law.

(3) A presidential candidate shall provide to the Commission, at the time of nomination, the names of his/her two eligible vice-presidents who fulfill the conditions set forth in this law.

(4) The candidates are obliged to pay the deposit money in the following order:

1. For the Presidential candidate, an amount of one million Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least ten percent of the valid votes polled in the first round of the elections.
2. For the Wolesi Jirga candidate, an amount of thirty thousand Afghanis. This amount shall be returned to

the candidate in case of winning or receiving at least two percent of the valid votes polled.

3. For the Provincial Council candidate, an amount of twenty thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the valid votes polled.
4. For the District Council candidate, an amount of ten thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the valid votes polled.
5. For the Village Council candidate, an amount of five thousand Afghanis. This amount shall be returned to the candidate in case of winning or receiving at least two percent of the total valid votes polled.
6. For the mayoral candidate of the first grade provinces, one hundred thousand Afghanis; for the mayoral candidate of second grade provinces, fifty thousand Afghanis; for the mayoral candidate of third grade provinces, twenty five thousand Afghanis and for each of the other mayoral candidates, twelve thousand and five hundred Afghanis. These amounts shall be returned to them in case of winning or receiving at least 5 percent of the valid votes polled by the mayoral candidate of the first grade provinces; 3 percent of the valid votes polled by the mayoral candidate of second grade provinces; 2 percent of the

valid votes polled by the mayoral candidate of third grade provinces; and 1 percent of the valid votes polled by the mayoral candidates of other municipalities.

7. For the Municipal Council candidate of first grade provinces, twenty thousand Afghanis; for the Municipal Council candidate of second grade provinces, ten thousand Afghanis; for the Municipal Council candidate of third grade provinces, five thousand Afghanis and for the other Municipal Council candidates two thousand and five hundred Afghanis. These amounts shall be returned in case of winning or receiving at least 4 percent of the valid votes polled by the municipal council candidate of the first grade provinces; 3 percent of the valid votes polled by the municipal council candidate of second grade provinces; 2 percent of the valid votes polled by the municipal council candidate of the third grade provinces; and 1 percent of the valid votes polled by candidates of other municipal councils.

(6) The Commission shall be obliged to deposit into the bank account of the State revenues, the money deposited by the candidates who were unable to garner the percentage of the valid votes mentioned in clause (4) of this article.

List of Candidates

Article 74:

(1) The Commission is obliged to publish the preliminary list of candidates soon after the completion of the candidacy period.

(2) The persons, who may have objections to the preliminary list of the candidates, may submit their objections to the Central Complaints Commission within a maximum of two weeks following the publication of the list. These objections shall be addressed in compliance with the relevant procedure and this decision shall be final.

(3) Once all the objections are addressed by the Central Complaints Commission, the final list of candidates shall be published by the Commission. This list shall be unchangeable.

(4) The Commission is obliged to display the final list of candidates at the polling centers on the Election Day.

Withdrawal from Candidacy

Article 75:

(1) In case a candidate withdraws from his/her candidacy, he/she is obliged to inform the Commission in writing prior to the date determined in the electoral calendar.

(2) In case a candidate withdraws from his/her candidacy or dies after the date determined in the electoral calendar or if he/she is disqualified by the Complaints Commission, the votes related to him/her shall not be counted during counting of the votes.

(3) Only the deposit money of those candidates would be returned, who have withdrawn or died within the period of time determined in the electoral calendar.

Electoral Campaign Period

Article 76:

(1) The electoral campaign period for candidates shall be determined in the following order:

1 Presidential election, 60 days.
2 Wolesi Jirga elections, 20 days
3 Provincial council elections, 20 days.
4 District council elections, 15 days.
5 Village council elections, 7 days.
6 Mayoral and municipal council elections, 20 days.

(2) The period mentioned in clause (1) of this article ends 48 hours before the start of the Election Day.

(3) The method of electoral campaigns will be regulated through a separate procedure.

Electoral Expense Limits

Article 77:

(1) The limits for expenses by the candidates of Presidential, Wolesi Jirga, Provincial Councils, District Council, Village Council, Mayoral and Municipality Councils elections shall be determined taking into consideration the number of the persons eligible to vote, area and geographical location of the relevant electoral constituency, in accordance with procedures enacted by the Commission.

(2) The candidates for the elected seats referred to in clause (1) of this article shall be obliged to accurately report to the Commission on their funding sources and limits and areas of expenses in their electoral campaigns.
(3) The candidates referred to in clause (1) of this article may not accept or receive financial assistances from foreign citizens or states and/or diplomatic missions of the foreign countries based in Afghanistan.
(4) The media including audio, visual, printed and electronic shall be obliged to report to the Commission the amounts of money that they have received from the candidates stated in clause (1) of this article during their electoral campaigns.

Broadcast and Publication of Candidates' Objectives
Article 78:
(1) In the course of the electoral campaign, television, radio, newspapers, publications and other mass media may disseminate and publish, in compliance with the procedures enacted by the Commission, the manifestoes, views and objectives of the candidates in a fair and impartial manner.
(2) The state-owned mass media are obliged to publish and broadcast the opinions, aims, and manifestos of candidates in a fair and impartial manner, while taking into account the procedure of the Commission.
(3) The mass media are obliged to stop publishing and broadcasting of the electoral campaigns related activities 48 hours before the start of the Election Day.

(4) The manner of the electoral campaign financial affairs and their reporting shall be regulated by a separate procedure.

Removal of Campaign Materials

Article 79:

The Commission shall order removal of the campaign materials displayed at a distance of one hundred meters from the polling centers 48 hours before the Elections Day.

Prohibition on Carrying Weapons to Polling Centers

Article 80:

No one shall carry fire arms or injuring tools inside or in the vicinity of polling centers. Security personnel according to the procedure of the Commission shall be an exception to this provision.

Security of Vote

Article 81:

For the purpose of avoiding misusing ballot papers, boxes and other electoral materials before and after the polling day; the Commission is obliged to take measures according to a separate procedure, including packaging, sealing, marking, manner of packing, delivery, safeguarding and manner of opening them in the presence of monitors and observers.

Ballot Paper

Article 82:

(1) The Commission shall act to prepare the ballot papers or other similar document as specified by the Commission, pursuant to the electoral calendar.

(2) The ballot paper shall contain a specific mark determined by the Commission.

(3) The shape and number of ballot paper and its other specifications are determined by the Commission in a way to enable a voter to use his/her vote in favor of his/her favorite candidate easily and without any error.

(4) The order and identification of position of candidates and their photos on the ballot paper and assignment of electoral symbols to candidates shall be regulated by the Commission through drawing lots.

(5) The Commission specifies in the electoral calendar, the timeframe for correction of the candidates' specifications.

Rights and Obligations of Monitors and Observers

Article 83:

(1) National monitors and observers shall have the following rights:

4- Receive accreditation letter from the Commission.

5- Presence in the electoral process, polling and counting centers and stations.

6- Access to information in accordance with the relevant procedure.

7- Lodging an objection or complaint by the monitor with the relevant authority in case of occurrence of an electoral violation and crime.

8- Preparation of a report on the electoral process by an observer.

(2) International observers and monitors shall have the right to access the information in regard to the electoral process.

(3) International observers and monitors may prepare an impartial report on the electoral process within the specified period of time and may submit it to the Commission, government, offices of the United Nations, and media. They have the right to file anobjection or a complaint with the Commission.

(4) A monitor and observer shall have the following obligations:

1. Observation of the provisions of this law, other legal documents in place and relevant procedures.
2. Observation of the principle of reality during preparation of a report by an observer and lodging a complaint by a monitor.
3. Refrain from making rumors and creation of tension.
4. Observance of other instances as stated in the relevant procedures.

(5) In case, the monitor and observers are not present during the vote counting process, the polling center

manager shall proceed with the counting process, and shall record absence of the monitors and observers in the polling center journal.

(6) No one has the right to expel the monitor or observer from the polling or counting station, unless the vote counting has taken place and the ballot boxes are sealed.

Polling Time

Article 84:

(1) The start and end of polling shall be determined by the Commission in accordance with the electoral calendar.

(2) The Chairperson of the polling station is obliged to mark the end of the queue of the voters at the end of the specified polling time and allow them to cast their votes.

(3) The manner of polling shall be in accordance with the procedure of the Commission.

(4) If necessary the Commission may extend the polling time in one or several centers or constituencies to a maximum of up to two hours; or till the time that the voters already waiting in the queue to cast their votes, are allowed to cast their votes.

(5) In case of riots, violence, storm, flood or any other unexpected events in the polling stations and centers that makes the polling process impossible or difficult; the polling center manager shall stop polling and shall immediately ask the Commission for instructions.

(6) In case the polling process stops due to any reasons including finishing of ballot papers; the employees of the Commission and the responsible security authorities may not banish the observers and monitors from the ballot boxes.

Vote Counting

Article 85:

(1) Count of votes shall take place at the polling stations and in the presence of monitors.

(2) The Commission shall announce the initial, partial and preliminary election results of the vote count with breakdown of votes based on the polling station, center and constituency.

(3) The polling center manager shall be obliged to prepare the vote count results sheets in at least five copies in the following manner:

1. Send the original copy inside the Tamper Evident Bags to the Commission;
2. Place one copy in the ballot box;
3. Post and display one copy at the vote counting center;
4. Submit one copy to the Provincial Complaints Commission;
5. Give one copy to the candidate who has garnered the highest number of vote in that station.

(4) The Provincial Complaints Commission shall be obliged to provide, if requested, a copy of the results sheets to

the candidates or their monitors or observers in the relevant constituency.
(5) The manner of vote counting shall be regulated in a separate procedure.

Quarantine
Article 86:
(1) The Commission is obliged to quarantine the relevant ballot boxes containing ballot papers in case of justifiable complaints or presence of visible signs of perpetration of violation or crime on the ballot boxes.
(2) The Commission is obliged to investigate the quarantined boxes in the presence of monitors, observers, media and representatives of candidates. Following the completion of the investigations, the quarantined boxes shall be included into the vote counting process or shall be excluded from the counting process based on justifiable reasons.
(3) A monitor and candidate may file his/her complaint within 24 hours following the communication of the Commission's decision on the quarantined box. The Complaints Commission is obliged to address the complaints within 48 hours and shall make a final decision based on justifiable reasons.
(4) The Commission is obliged to explain in a procedure, the manner of investigation of the quarantined box, counting and or not counting of votes and other affairs related to the quarantine.

Announcement of Results

Article 87:

(1) In cases that the vote counting process is challenged, the Commission and the Complaint Commission may as per the conditions order the re-count of all the ballots or part of it in an electoral constituency prior to the announcement of the final results.

(2) A low turnout of people in some of the electoral constituencies or polling centers shall not mean jeopardizing the principles of free and universal elections.

(3) The Commission is obliged to announce and publish the final election results after the completion of the vote counting process, and the adjudication of all the polling and counting related complaints by the Complaint Commission.

(4) Allocation of more than 80% of votes in a box in favor of a candidate alone, cannot be considered as a reason for fraud, unless there is an objection with justifiable reasons and evidence showing perpetration of crime.

(5) The final election results announced after hearing and adjudication of the objections and complaints received in accordance to this law, shall not be changeable.

Certificate of Election

Article 88:

The Commission is obliged that after the announcement of the final election results, it shall issue and award a Certificate of Election to the President, Members of *Wolesi*Jirga, elected members of *Meshrano* Jirga,

members of the Provincial Councils, members of the District Councils, members of the Village Councils, mayors and the members of the Municipality Councils.

Provide Report

Article 89:

The Commission is obliged to report to the public through the mass media with regard to all the electoral process before and after the elections, and announcement of the preliminary and final election results.

Chapter Fifteen
Addressing Electoral Objections and Complaints

Manner of Addressing Electoral Objections and Complaints

Article 90:

(1) The Central Complaints Commission and its provincial commissions may address the issues that fall within the scope of their authorities in cases of existence of any objections or complaints, and even in the absence of any objection or complaint.

(2) The manner of addressing complaints and objections shall be regulated in accordance with the procedure adopted by the Central Complaints Commission.

Filing and Registering of Objection and Complaint

Article 91:

(1) Persons, political parties, and other organizations may, within two working days of the publication of the

preliminary list of candidates, file objections with regard to their ineligibility.
(2) A candidate or his/her monitor may file a complaint during voting, counting and or within two working days after the Election Day in the center and provinces.
(3)The provincial complaint commissions are obliged to finalize and publish the results of their investigations within 15 working days following the expiration of the deadline for filing and registering of complaints and objections.
(4) In case the complainant or the candidate is not satisfied with the decision of the provincial complaints commission, he/she may personally or through his/her authorized representative file a written objection or complaint with the Central Complaint Commission within three working days after the publication of the decision.
(5) The Central Complaints Commission is obliged to re-investigate the instances of objection over the decisions of its provincial commissions in the light of documents and evidences, and issue its final decision.
(6) The Central Complaints Commission may not delay adjudication of the complaints and objections filed against the decisions of its provincial commissions for more than fifteen (15) working days.

Removal of Candidates from the Final List of Candidates
Article 92:
The Central Complaints Commission or the provincial complaints Commission may remove the name of a

candidate from the final list of candidates, when it's proved by credible documents that in accordance to the provisions of the law, he/she has not been eligible for candidacy.

Decision of the Central Complaints Commission

Article 93:

Decision of the Central Complaints Commission with regard to addressing electoral objections and complaints is final.

Invalidation of Vote

Article 94:

(1) The votes of a candidate in a polling station or center shall be considered as completely invalid in the following instances, pursuant to provisions of the relevant regulation:

1. Use of force which causes deprivation of freedom or serious injury to the voter or the electoral worker.
2. In case a candidate and or his/her immediate relatives take possession of electoral materials and ballot boxes using force in a way that others cannot make use of them.
3. Use of fire arms or injuring tools in order to gain benefit or to disrupt the electoral process.
4. Existence of evidence in regard to giving or receiving bribe.
5. Use of voting cards of persons collectively in the absence of the holders of the cards.

(2) The Complaints Commission may not invalidate a candidate's votes in a polling station or center prior to the approval of the procedures relating to the invalidation.
(3) The provisions mentioned in the clause (1) of this article shall not result in the invalidation of the votes of other candidates in the same polling center or station.
(4) In case the number of votes cast in a polling center is more than the number of voters registered in the voters list of the relevant polling center, all votes of that center will be invalidated. In this case, the Commission will conduct new elections in that particular polling center.
(5) In case the principles of fair, secret and direct elections in an electoral constituency is jeopardized, the Central Complaints Commission may invalidate the election of that particular electoral constituency. In this case, the Commission will conduct new elections in that constituency within seven days.

Authority for Addressing of Electoral Complaints
Article 95:
The provincial complaints commission shall be the primary authority for addressing the electoral complaints and objections. In exceptional cases, the Central Complaints Commission may be the primary authority for addressing the electoral complaints.

Negligence
Article 96:
(1) A negligence includes actions that are committed unintentionally and mistakenly by a voter, a

candidate, electoral worker, monitor, observer, media and other stakeholders involved in the electoral process.

(2) Electoral negligence shall be addressed by the Commission, the central and provincial Complaint Commissions in accordance with the relevant procedure while taking into consideration the type of the negligence.

(3) The negligence related to the media shall be addressed by the Media Committee.

Addressing Negligence, Violation and Identification of Crimes

Article 97:

(1) Addressing instances of negligence and violation stated in this law is the duty of the Complaints Commission.

(2) The Complaints Commission investigate and identifies the crimes related to the electoral process; and refers the perpetrators to the relevant authorities for legal pursuit.

Electoral Violation and disciplined

Article 98:

(1) The following acts shall be considered electoral violations:

1. Registering more than once in the voters list;

2. Use of symbol and other signs related to a candidate in polling centers;
3. Use of symbol and other signs related to the Commission and government institutions in the campaign materials;
4. Provoking or inciting individuals to commit violations;
5. Refraining from timely reporting or providing false reports regarding financial affairs of electoral campaign;
6. Destroying the campaign materials of other candidates;
7. Preventing journalists' access to information and creating unlawful restrictions on journalists preparing reports on electoral events.
8. Preventing national and international monitors and observers from monitoring the election.
9. Prevention from registration or preparing of voters' list;
10. Launching electoral campaigns before or after the set timeframe;
11. Spending in excess of the limit set by the procedure stated in Article 77 of this Law for electoral campaigns.
12. Carrying weapons in polling centers;
13. Conduct of any campaigns in favor or against a candidate by a government employee;

14. Recruitment of electoral staff against the relevant procedures and rules;
15. Closing a polling station earlier than the due time without justified reasons;
16. Preventing the media and monitors from photographing and filming the voting process except for female stations where [photographing and filming] is subject to permission of the authorities;
17. Encouraging of voters to vote for a particular candidate by an electoral workers;
18. Filming or photographing a person while voting in a way that undermines secrecy of the vote;
19. Changing a polling center without consideration of the relevant procedures and rules;
20. Failure by the voter or electoral worker to mark the voter's finger with indelible ink while voting;
21. Failure to prevent the voting by underage persons;
22. Refraining from providing complaints forms to the candidates' monitors;
23. Voting for more than what is determined by law in an election;
24. Provision of false and inaccurate information to the Commission and Complaints Commission by a candidate regarding candidacy requirements;

25. Not opening of the polling centers by the Commission's workers in the specified time without any justified reasons.
26. Refraining from transferring of sensitive and required electoral materials by the Commission's workers without any justified reasons;
27. Failure to prepare, post and disseminate results sheets in the polling centers;
28. Failure by the Commission's assigned workers to sign and stamp the results sheets and other electoral documents;
29. Prevention or refraining of the filing of candidates and their monitors' complaints and objections;
30. Hindering the electoral process in a polling station or center;
31. Use of government's assets, facilities and resources in electoral campaigns;
32. Failure to address the complaints and objections within the timeframe set forth by law and procedures causing disruption to the electoral process;
33. Changing, replacing or destroying documents related to the voters' list;
34. Breach of the code of conduct for candidates, monitors, observers, media and electoral workers;

35. Failure to observance the procedures and rules of the Commission, Complaints Commission and the Media Committee;

(2) The perpetrators of violations mentioned in clause (1) of this Article shall be disciplined, based on the circumstances, as below:

1. The perpetrator of violation mentioned in section (1) shall pay a cash fine of twelve thousand (12,000) up to fifty thousand (50,000) Afghanis based on the circumstances.
2. The perpetrator of violations mentioned in sections (2 and 3) shall pay a cash fine of five thousand (5,000) up to fifty thousand (50,000) Afghanis based on the circumstances.
3. The perpetrator of violation mentioned in section (4) shall pay a cash fine of forty thousand (40,000) up to eighty thousand (80,000) Afghanis based on the circumstances and all votes of the relevant candidate shall be invalidated in the relevant polling centers and stations.
4. The perpetrator of violations mentioned in sections (5, 6, 7, 8 and 9) shall pay a cash fine of ten thousand (10,000) up to thirty thousand (30,000) Afghanis based on the circumstances.
5. The perpetrator of the crime stated in section (10) shall, in addition to being deprived of the rights under this law, pay a cash fine of fifty thousand

(50,000) up to one hundred thousand (100,000) Afghanis based on the circumstances.

6. The perpetrator of violation stated in section (11) shall pay ten percent of the spending in excess of the set limit for electoral campaigns.
7. The perpetrator of violations stated in sections (12 and 13) shall pay a cash fine of ten (10,000) Afghanis.
8. The perpetrator of violation stated in section (14) shall pay a cash fine of ten thousand (10,000) up to twenty thousand (20,000) Afghanis based on the circumstances.
9. The perpetrator of violations stated in sections (15 and 16) shall pay a cash fine of ten thousand (10,000) up to fifty thousand (50,000) Afghanis based on the circumstances, and be separated from the job.
10. The perpetrator of violations stated in sections (17 and 18) shall pay a cash fine of five thousand (5,000) up to ten thousand (10,000) Afghanis based on the circumstances.
11. The perpetrator of violations stated in sections (19, 20, 21, 22 and 23) shall pay a cash fine of fifty thousand (50,000) up to one hundred thousand (100,000) Afghanis based on the circumstances.
12. The perpetrator of the violation stated in section (24) shall, in addition to being deprived of the

rights under this law, pay a cash fine of ten thousand (10,000) up to fifty thousand (50,000) Afghanis based on the circumstances.

13. The perpetrator of violations mentioned in sections (25, 26, 27, 28 and 29) shall other than being separated from job, shall pay a cash fine of fifty thousand (50,000) up to one hundred thousand (100,000) Afghanis based on the circumstances.
14. The perpetrator of violations mentioned in section (30) shall be obliged to pay cash fine of ten thousand (10,000) up to thirty thousand (30,000) Afghanis, based on the circumstances.
15. The perpetrator of violations mentioned in sections (31 and 32) shall pay an amount of fifty thousand (50,000) up to eighty thousand (80,000) Afghanis, based on circumstances.
16. The perpetrator of violations mentioned in section (33) shall pay an amount of fifty thousand (50,000) up to one hundred thousand (100,000) Afghanis, based on circumstances.
17. The perpetrator of the violation mentioned in section (34) shall in addition to being deprived from the rights mentioned in this law, shall pay an amount of ten thousand (10,000) up to fifty thousand (50,000) Afghanis, based on circumstances.

18. The perpetrator of violation mentioned in section (35); the electoral worker, in addition to separation from job; and the voter and candidate [perpetrating the violation stated in section 35] shall, in addition to being deprived of the rights under this law, pay a cash fine of five thousand (5000) up to fifteen thousand (15,000) Afghanis based on the circumstances.

(3) In case violations mentioned in clause (1) of this article have taken place as a result of provoking, intimidation or encouragement, it is deemed as assistance in violation; the said perpetrator is obliged to pay the same cash fine as predicted for the actual perpetrator of the violation.

(4) The Commissionwhile taking into consideration the economic fluctuations and inflations, may propose to the government, changes in the amount of fine and other monetary amounts mentioned in this law.

Electoral Crimes and Their Punishments

Article 99:

(1) The following acts are considered as electoral crimes:

1- Misuse of military tools and signs including of the army, police and national security for the purpose of frightening or influencing a voter, candidate and or monitor and observer in favor of or against a candidate;

2- Receiving or offering bribes for the purpose of exerting influence in the electoral processes;

3- Threat, intimidation, irreverence, and exertion of pressure against a voter, a candidate, monitor, observer, media and electoral workers;

4- Hiding the results forms and ballot papers for the purpose of concealing the truth;

5- Displacing, transferring or taking into possession electoral documents without a lawful permit;

6- Receiving funding from illegal sources;

7- Receiving or accepting financial assistances in cash or in kind from foreign citizens or states or diplomatic missions of the foreign countries based in Afghanistan;

8- Bringing changes in the result forms in a way through the votes used in the ballot box, which do not correspond to each other.

9- Tampering with software and hardware systems of results tallying centers without legal authorization;

10- Exerting violence or pressure or disrupting the security situation that leads to interruption of the electoral process;

11- Stealing or destroying electoral documents and ballot papers or sensitive electoral materials;

12- Registration in the candidates list using fake documents;

13- Voting using fake documents;

14- Using the vote of a person in his/her absence;

15- Buying and selling of the votes;

16- Changing or replacing electoral documents including registration book, results sheets and ballot papers in favor of or against a candidate;

17- Increasing or decreasing votes in favor of or against a candidate during elections;

18- Hiding or not processing, in a timely manner, filed complaints and objections to conceal the truth;

19- Concealment or failure by the Commission's worker to report violations witnessed at the polling station.

20- Preventing the participation of monitors, observers and media during the polling and counting process for the purpose of concealing the truth;

(2) The perpetrators of the electoral crimes stated in clause (1) of this Article shall be sentenced to punishments as below:

1- The perpetrator of the electoral crimes stated in section (1) shall be sentenced to short-term imprisonment of not less than three months.

2- The perpetrator of crimes stated in sections (2 and 3) shall, in addition to being deprived of the rights under this law, be sentenced to 5 years in prison, the maximum short-term imprisonment.

3- The perpetrator of crime mentioned in section (4) shall be sentenced to mid-term imprisonment of two years.

4- The perpetrator of crimes mentioned in sections (5, 6, 7 and 8) shall be sentencedto mid-term imprisonment of up to three years.

5- The perpetrator of crime mentioned in section (9) shall be sentenced to imprisonment, which shall not be less than one month and more than a year.

6- The perpetrator of the crime mentioned in section (10) shall be sentenced to imprisonment of more than two years.

7- The perpetrator of the crime mentioned in section (11) shall be sentenced to a maximum of the medium-term imprisonment.

8- The perpetrator of the crimes mentioned in sections (12, 13 and 14) shall other than being deprived of the rights mentioned in this law, be sentenced to the short term imprisonment.

9- The perpetrator of the crime mentioned in section (15) shall be sentenced to medium-term imprisonment of up to three years.

10- The perpetrator of the crimes mentioned in sections (16 and 17) shall be sentenced to medium-term imprisonment of more than three years.

11- The perpetrator of the crime mentioned in section (18) shall be sentenced to short-term imprisonment of not less than 3 months.

12- The perpetrator of the crimes mentioned in sections (19 and 20) shall be sentenced to mid-term imprisonment of up to 3 years.

(3) In case the crimes mentioned in clause (1) of this article have taken place as a result of provoking, intimidation or encouragement, the perpetrator of that shall face the same punishments as of the actual perpetrator of the crime.

(4) The cash fines and punishments mentioned in this law, shall be declared by the Commission, and be implemented by the law enforcement authorities.

Chapter Sixteen
Referral to Public Opinion

Manner of Referral to the Public Opinion

Article 100:

(1) The President may refer to the general public opinion of the people of Afghanistan on important national, political, social or economic issues.

(2) In case the President decides on a referral to the public opinion, the matter shall be referred to the Commission at least three months ahead of the referendum.

Taking Measures and Manner of Conducting the Referral to the Public Opinion

Article 101:

(1) Taking into consideration the subject on which the referendum shall be held, the Commission shall be

obliged to take necessary measures within the determined period of time.

(2) The manner of the referendum while taking into consideration its subject shall be regulated by a separate procedure.

Monitoring Referral to the Public Opinion

Article 102:

The referendum shall be held in one day across the country; and the conduct of this process shall be monitored by monitors and observers from the political parties, civil society organizations, free media and the international organizations.

Chapter Seventeen
Miscellaneous Provisions

By-Elections

Article 103:

(1) In case one of the members of the Wolesi Jirga, Provincial Council, District Council, Village Council and Municipal Council is murdered, an election shall be conducted at the relevant constituency level for the remaining term in accordance to the provisions of the law; provided that one year of the term of office of the mentioned elected body remains.

(2) In case a mayor is murdered, elections at the relevant electoral constituency level shall be conducted in accordance to the law.

Postponement and Suspension of Elections

Article 104:

(1) In case, security situations, natural disasters and other similar conditions make impossible the principle of general and fair representation in holding elections and or undermine the credibility of the electoral process; the elections shall be upon the proposal of the Commission and endorsement of the Committee, comprised of the Head and members of the National Security Council, Chairmen of the two houses of the Parliament, Chief Justice of the Supreme Court, and Chairman of the Independent Commission of Oversight of Implementation of the Constitution of Afghanistan be postponed from the specific date for a period of up to four months.

(2) In case, situation and conditions mentioned in clause (1) of this article are not resolved within the period of four months, the Committee may extend the mentioned period for a period of another four months.

(3) Decision of the committee mentioned in clause (1) of this article is made by majority of votes of its members.

(4) In case, situation mentioned in clause (1) of this article is limited to one or more electoral constituencies, the Committee may postpone holding elections in those particular electoral constituencies till the removal of those conditions and improvement of the situation.

(5) In case, the elections are proved as defective in an electoral constituency, the Commission may order

conducting new elections in that particular electoral constituency.

(6) In case, elections are postponed or suspended, members of the elected bodies mentioned in this law, shall continue to serve in their positions until holding of elections and announcement of its results.

Affidavit

Article 105:

Candidates, parties or coalitions of political parties, media, monitor and observers are obliged to sign the affidavit prepared by the Commission.

Security of Elections

Article 106:

The Ministry of Interior Affairs and other relevant security agencies are responsible to undertake proper security measures for the security and safety of the members of the Commission, Central and Provincial Complaints Commissions, and their relevant offices.

Publication, Logo and Stamp

Article 107:

The Commission and the Complaints Commission shall have their specific publication, logo and stamp.

Enactment and Publication of Regulations, Procedures and Guidelines

Article 108:

(1) For the purpose of better implementation of the provisions of this law, the Commission and the Central Complaint Commission shall be obliged to enact and publish separate rules, procedures and guidelines.

(2) The Commission and the Central Complaint Commission are obliged to publish the rules, procedures and guidelines mentioned in this law at least 90 days prior to the Election Day.

Entry into Force

Article 109:

This law shall enter into force from the date of endorsement and shall be published in the Official Gazette; and with its enforcement, the Election Law and the Law on Structure, Duties and Authorities of the Independent Election Commission and the Electoral Complaints Commission published in the Official Gazette No.1207 dated 1394, and other provisions contradicting to it shall be annulled.