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Elections in Afghanistan

2019 Presidential Election

Frequently Asked Questions

Asia-Pacific

International Foundation for Electoral Systems

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Frequently Asked Questions

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Disclosure:

These FAQs reflect decisions made by the Afghan elections authorities as of September 23, 2019, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

The presidential election in Afghanistan is scheduled for September 28, 2019.

The election was previously scheduled for April 20, 2019, and then July 20, 2019. On May 29, 2019, however, the Independent Election Commission (IEC) [announced](#) the September date for the presidential elections. While provincial council elections, district council elections and the delayed *Wolesi Jirga* (House of the People) elections in Ghazni province were originally also scheduled for this date, due to lack of time and budget they will not be held at this time.

If no candidate receives an absolute majority from the September 28 election, a runoff between the top two candidates will be held. The law requires the runoff to be held within two weeks of the announcement of final election results.¹ According to the IEC, November 23, 2019 is the likely date for a run-off election.²

Why is this election important?

After a controversial parliamentary election in 2018, the Afghan government replaced commissioners in both the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC) and made significant amendments to the Electoral Law in early 2019. The 2014 presidential election process was fraught with fraud allegations and finally yielding a negotiated power-sharing agreement. The election is being held within weeks of the recently cancelled negotiations between the United States and the Taliban, and there is no shortage of operational and security challenges facing the election.

Who are the candidates?

Presidential and vice-presidential candidates in Afghanistan must meet several requirements: they must be Afghan citizens, Muslim and born to Afghan parents; they cannot hold citizenship of another country; they must be at least 40 years of age on the day of candidacy; they cannot have been convicted of crimes against humanity and felony or deprived of civil rights by the court; and they cannot have previously completed two terms as either a vice president or president. If, for example, someone has previously served as vice president for two terms, he or she cannot run for either president or vice president.

While the Political Party Law envisions the right of political parties to nominate candidates at all elections, the Electoral Law provides no basis for candidate nomination or candidate registration by political parties. Instead, the Electoral Law establishes a system of self-nomination, whereby aspiring candidates garner the support of a predetermined number of voters commensurate with the office they seek.

The current candidates for president are (in alphabetical order):

- Abdullah Abdullah
- Gulbuddin Hekmatyar
- Nur Rahman Liwal

¹ Electoral Law, Art. 45 (2)

² [IEC Election Timeline 2019](#)

- Abdul Latif Pedram
- Ahmad Wali Massud
- Enayatullah Hafiz
- Faramarz Tamana
- Ghulam Faruq Nejrabi
- Mohammad Ashraf Ghani
- Mohammad Hanif Atmar
- Mohammad Hakim Tursan
- Mohmmad Ibrahim Alekozai
- Mohammad Shahab Hakimi
- Nur ul-Haq Ulumi
- Rahmatullah Nabil
- Sayyed Nurullah Jalili
- Shaida Muhammad Abdali
- Zalmi Rassul³

The president has two vice-presidents, first and second. The presidential candidates are required to declare the names of both vice-presidential running mates at the time of nomination.

What is the term of office for the president?

The president is elected for a five-year term and is limited to serving two terms in office, as stated in the Constitution of Afghanistan.⁴ President Ashraf Ghani is the current president of Afghanistan and he is also one of the candidates contesting the upcoming election.

What is the role of the president?

The president is the head of state and commander-in-chief of the armed forces of Afghanistan, executing his authorities in the executive, legislative and judicial fields in accordance with the provisions of the Constitution. The president can call for a referendum on national, political, social and economic issues. Notably the president can also convene the *Loya Jirga* - a national grand assembly of representatives from the various ethnic, religious and tribal communities in Afghanistan; proclaim and terminate a state of emergency with the endorsement of the National Assembly; and appoint Supreme Court justices with the endorsement of the House of People.⁵

Who can vote in the country?

In order to vote in the presidential election, one must be an Afghan citizen, be at least 18 years of age on Election Day, hold a valid *Tazkira* (national ID card) and not have been “deprived from his/her civil rights by the law or by a competent court.”⁶ The Electoral Law also requires that voters’ names be registered on the voter list.

How many registered voters are there?

According to Independent Election Commission (IEC) statistics, there are 9,665,745 eligible voters registered for this election; 3,334,230 (35 percent) of whom are women. This is an increase from the 2018 parliamentary election, when 8,843,151 eligible voters were registered, with women accounting for 3,074,602 (35 percent).

Prior to the 2018 parliamentary elections, the IEC initiated a new voter registration exercise in which all eligible voters were required to take their national ID cards to IEC registration centers to verify eligibility,

³ Zalmi Rassoul has indicated that he is no longer contesting, but because he did not withdraw his name before the April 22 deadline for the withdrawal period, his name will be listed on the ballot.

⁴ The Constitution of Afghanistan, Arts. 61-62.

⁵ The Constitution of Afghanistan, Arts. 60, 64 and 65

⁶ Electoral Law, Arts. 5 (2); 37

be registered as voters and get a voter registration sticker for their national ID card. A voter registration update took place ahead of the 2019 elections to add new voters who recently reached eligible voting age and register internally displaced people.

What is the structure of the government?

The Afghan government has three branches: executive, legislative and judicial.

The executive branch consists of the office of the president, who is both head of state and head of government. President Mohammad Ashraf Ghani currently holds this office. The executive branch also comprises a first and second vice president, 26 cabinet ministers, the National Security Council and other government agencies. As part of National Unity Government Agreement formed in 2014, the post of chief executive officer (CEO) was created within the structure of government. Dr. Abdullah Abdullah, who competed with Mohammad Ashraf Ghani in the second round of the 2014 presidential election, currently holds the CEO position. He is also contesting for the presidency. Given that the CEO position is neither a constitutional nor a legal position, the CEO's term will likely end when the current National Unity Government finishes.

The legislature of Afghanistan is a bicameral *Jirga* (National Assembly) consisting of the *Meshrano Jirga* (the House of Elders) with 102 seats, and the *Wolesi Jirga* (House of the People) with 250 seats. The legislature was elected into office in 2018.

The judicial branch consists of the Supreme Court, Courts of Appeals and Primary Courts. Supreme Court judges are appointed by the president and approved by the *Wolesi Jirga*, while judges for the lower courts are proposed by the Supreme Court and approved by the president.

What is the electoral system in Afghanistan?

The president of Afghanistan is elected by an absolute majority vote, using a two-round system if needed. If no presidential candidate receives more than 50 percent of the vote in the first round, then a run-off election is held between the two candidates with the highest percentage of votes in the first round.

What is the gender balance within the candidate list?

There are no female candidates in the 2019 presidential election. There are three female candidates for first and second vice president:

- Farida Momand (first vice president for Ahmad Wali Massud)
- Khadija Ghaznawi (first vice president for Mohammad Ibrahim Alekozai)
- Massuda Jalal (second vice president for Rahmatullah Nabil)

No woman has ever been elected as president or vice-president in Afghanistan.

What are the election management bodies? What are their powers?

The Independent Election Commission (IEC) is the election management body of Afghanistan. The IEC's responsibilities and authorities, as established in the 2016 Electoral Law (and 2019 Amendments), include the following:

- Administration and supervision of all types of elections;
- Management of voter registration;
- Approval of the administrative, budgetary, managerial and electoral operational plans;
- Certification of the final lists of registered candidates and voters;
- Approval of the calendar for the electoral cycle;
- Planning of civic education and public awareness campaigns at the country level;
- Establishment of procedures on the use of mass media;
- Determination and verification of voter registration centers;
- Accreditation of domestic and international election observers, monitors and representatives of mass media;
- Accreditation of candidate and political party agents;
- Establishment of polling centers and stations and counting centers and stations;
- Announcement of preliminary election results, as well as certifying the final results following the completion of complaints adjudication by the ECC;
- Monitoring of the performance of the IEC's secretariat and provincial offices; and
- Monitoring of the recruitment and training of the staff of the secretariat and the provincial offices of the IEC.

The IEC has offices in all 34 provinces and is administered at the local level by district field coordinators and polling station committees who are temporarily employed by the IEC.

Since 2013, the legal framework provides for a permanent Electoral Complaints Commission (ECC). The ECC is responsible "to address objections and complaints arising from electoral negligence and violations, and to identify crimes related to the elections."⁷ The ECC receives, assesses and decides on complaints relating to the preliminary candidate list, voter registration, polling and counting. The ECC is a permanent organization and is composed of five commissioners and a secretariat at the central level. During elections, 34 Provincial ECCs, composed of three commissioners and a secretariat, are set up to address challenges and complaints in each province of Afghanistan.

The IEC and ECC are responsible for recruiting and training their respective central and provincial staff members. Each commission is supported by a secretariat, which is responsible for the legal, financial, administrative, training, public outreach and operational work of its respective commissions.

⁷ Electoral Law 2016, Arts. 12-13; 28-34

How are election officials selected?

New procedures for selecting and appointing election officials were established in February 2019. Political parties registered with the Ministry of Justice now present one candidate each, and election-related civil society organizations present a list of 15 candidates, at least five of whom must be women (Art. 13). These candidates are presented to the president for appointment to membership of the Independent Election Commission (IEC) and the Electoral Complaints Commission (ECC) and heads of secretariats of both electoral commissions.

In case the sitting president is among the presidential candidates, as is the case with President Ashraf Ghani, the president and the presidential candidates each vote on the 14 candidates introduced by political parties and election-related civil society organizations (CSOs), as members of the IEC, ECC and heads of commissions' secretariats. The president then appoints those candidates who obtained the most votes, while respecting the ethnic and gender composition, including at least two female members. For the purpose of further transparency in the election process, the government may appoint, in consultation with the United Nations Assistance Mission in Afghanistan (UNAMA), two international election experts as non-voting members of the IEC and ECC.

On March 3, 2019, President Ashraf Ghani appointed new commissioners and heads of secretariats for both electoral commissions. The electoral commissioners who managed the 2018 *Wolesi Jirga* elections were all dismissed.⁸

What is the legal framework for the election?

The election is being administered under the Electoral Law passed by decree in September 2016. In February 2019, the president adopted a series of amendments to the Electoral Law relating to the following:

- Changed composition of the Independent Election Commission (IEC) and Electoral Complaints Commission (ECC), including:
 - Introduction of the role of registered political parties and election-related CSOs to present one candidate each to the president for appointment;
 - The staggered appointment of IEC and ECC members;
 - Revised qualifications for members; and
 - Introduction of an optional appointment of two international non-voting members for both the IEC and ECC.
- Changed the election dispute resolution process, including:
 - Finality of ECC decisions now excludes decisions regarding the removal of a candidate from a list, and invalidation of a polling center or constituency;
 - Establishment of a Joint Committee for resolution of disputes between the IEC and ECC; and

⁸ "Afghanistan's 2019 Elections (3): New electoral commissioners, amendments to the electoral law", Afghan Analysts Network, March 5, 2019, <https://www.afghanistan-analysts.org/afghanistans-2019-elections-3-new-electoral-commissioners-amendments-to-the-electoral-law/>

- Establishment of jurisdiction of a Special Court by the Supreme Court in the adjudication of some types of election disputes that are not resolved by the Joint Committee.
- Introduced the use of technology, including biometrics, and the requirement of a technical assessment by national and international authorities prior to implementation.

When is the official campaign period?

The official campaign period for presidential candidates runs from July 28, 2019 through September 25, 2019. All presidential candidates are required to observe a 48-hour period of silence prior to Election Day.

What is a polling center, what is a polling station and how many are set up on Election Day?

Polling centers are determined by the Independent Election Commission (IEC) and may have multiple designated polling stations within the polling center. For example, a polling center might be a school, while a polling station would be a class room within the building. Each polling center will have at least one dedicated polling station for women and another one for men.

The IEC is obliged to establish polling centers with the consideration of the number of voters and their geographic locations in a balanced matter. A polling station can have a maximum of 400 registered voters.

The IEC has identified 5,373 polling centers and 29,586 polling stations for this election, which is largely the same number as for the 2018 *Wolesi Jirga* elections. The IEC published the full list of polling stations, centers and map on its website.⁹

Some polling centers may be closed on Election Day due to security issues. The IEC, in coordination with the Ministry of Interior (MoI), has jointly identified approximately 430 centers that will be closed in high-security areas. The decision to close a polling center due to security risks will be taken by the OCCP (Operational Coordination Center – Provincial) or OCCR (Operational Coordination Center – Regional). The regional and provincial coordination centers are led by the Highest Commander of Afghan National Army in each province or zone and include representation from the IEC, Ministry of Interior, National Directorate of Security and the NATO-led Resolute Support Mission.¹⁰

Is out-of-country voting allowed?

The 2016 Electoral Law states that voting is a right for Afghan refugees and diplomatic personnel living outside the country. In the 2005 elections, voting centers for refugees were established in Pakistan and Iran, which enabled displaced Afghan citizens to cast their ballots. For this election, as since the first Parliamentary elections, the IEC has decided that this service will not be available for these citizens due to financial and logistical constraints.

⁹ IEC Elections 2019 Polling Stations Map, <http://www.iec.org.af/pdf/Elections2019PollingStations.pdf>

¹⁰ Resolute Support is the NATO-led military support to the Afghan National Security Forces.

How will voters with disabilities cast their ballots?

Voters with disabilities in Afghanistan can cast their ballots with the assistance of a trusted friend or family member, or with the assistance of a polling station chairperson if they wish.¹¹ Additional practical measures supporting electoral access for persons with disabilities are currently limited.

What technology will be used?

As outlined below, the Independent Election Commission (IEC) will utilize technology related to four key areas: tracking of electoral materials; voter verification; results transmission; and results tabulation.

Electoral Materials Tracking: The IEC uses an online system to track movement and identify details of sensitive materials. Barcoded ballots and sealed tamper-evident bags are intended to secure the integrity of results handling, as results are conveyed physically from polling stations through provincial centers to the capital.

Voter Verification: During the election, each polling station will conduct polling and counting based on the regulated procedures, with the voter verification process assisted by a handheld device. The biometric voter verification (BVV) device will be used to enter the voter's unique ID number as recorded on a label that was affixed to the back of the voter's national ID card during the voter registration exercise. Once the ID number is confirmed as assigned to that polling station, the BVV device will capture each voter's fingerprints (two fingers), photograph, and an image of the national ID card to record that voter's participation at that polling station. Once the voter is verified and biometric data is stored in a separate database, the BVV device signals an associated printer to issue a coded sticker that will be applied to the voter's ballot, which allows the voter to proceed to the polling booth to cast his or her ballot. The coded sticker cannot be traced to the individual, thus safeguarding against concerns around secrecy of the ballot.

If the voter is not at the right polling station but is registered in the same province, the BVV device will display detailed information about where the voter is registered to vote. If the person is in the wrong province, the BVV device will display the correct province where the voter is registered. If the person has already voted at the same polling station, the device will indicate that fact and prevent the voter from voting more than once.

The BVV device will encode the fingerprints onto a custom template, and this coded template will be stored along with the coded number that was affixed to the ballot. The fingerprint image is not stored, and recreating the fingerprint is not possible from the image. The identity of the voter will not be stored with the coded template. This will allow a subsequent de-duplication of fingerprints of all voters nationwide, enabling the IEC to identify any multiple voters and to remove any ballots that have been cast by the same person with the matching fingerprints, while still protecting the secrecy of the ballot. The BVV device does not verify the voter using the biometric data but by using the voter ID number. The biometric data is captured to ensure that a voter only votes once.

¹¹ Electoral Law, Art. 6 (6)

Results Transmission: Following the close of polling and the count of ballots, the BVV device will be used to data enter the results and take a photograph of the results form and then electronically transmit the encrypted results and results form image via the mobile phone network as explained in the counting and tabulation below.

Results Tabulation: At the National Tally Center (NTC), polling station results are tabulated and aggregated using software that automatically crosschecks mathematical consistency of entries through a double-blind data entry process where two separate staff members enter the same results form for comparison. The system will not accept inconsistent information and flags mismatching forms for quarantine, investigation and resolution. The IEC plans to release preliminary results data and publish verified results forms on its website for public scrutiny. The IEC and Electoral Complaints Commission (ECC) are both required by law to publish their procedures, regulations and decisions on their respective websites, providing the public with greater access to information and increasing electoral transparency.

How will the media be monitored and regulated during the election?

The Independent Election Commission (IEC) has an on-site media center and a five-member media committee – temporarily established for these elections in accordance with the 2016 Electoral Law. The media committee is responsible for creating and overseeing regulations for media coverage of the elections and to adjudicate complaints and impose sanctions specifically related to media misconduct.

Where are vote counting and tabulation held?

After polling stations close on Election Day, ballot counting is required to begin immediately at the polling station under the supervision of the polling center chairperson. Accredited observers and candidate representatives are authorized to observe the process of counting, recording and securing the ballots and other sensitive material in tamper-evident containers.

Following the counting of votes, the results will be hand-written onto results forms. This information will also data entered into the handheld Biometric Voter Verification (BVV) device. The operator will then capture a photo of the handwritten results form. The data and the photo image will be transmitted via mobile phone network to the National Tally Center as provisional election results. Due to limited cellphone coverage in several rural areas of Afghanistan, the results information will only be transmitted at a later stage once the handheld devices are within range in a more urban setting.

The ballots are required to depart the polling centers for the provincial center by the day after election day, with several days required for transportation in some remote locations. Original polling station results forms are conveyed from provincial centers to the Independent Election Commission's (IEC's) National Tally Center in Kabul, where data entry, tabulation and auditing take place.

Carbon copies of the polling station results forms will be posted outside the polling center and distributed to candidate agents, citizen observers, and media representatives. Two carbon copies will be sent to the provincial Electoral Complaints Commission (ECC) office, with one of those designated for the national ECC office.

Who will observe during Election Day? How can they get accreditation?

The Independent Election Commission (IEC) issues accreditation letters to monitors, observers and media. All official observers are required to apply for and obtain accreditation. They must submit their applications for accreditation by September 21, 2019 to the IEC central or provincial offices. On September 11, the IEC announced that it had issued accreditation for all presidential candidate agents, and 62 institutions thus far. The Free and Fair Elections Foundation of Afghanistan (FEFA), the Transparent Election Foundation of Afghanistan (TEFA) and Democracy Watch Afghanistan (DWA) are among the many Afghan organizations accredited as observers for the upcoming elections. As of September 16, 2019, a total of 69,328 observers have been accredited, 25,444 (37 percent) of whom are women.

The 2016 Electoral Law and 2019 amendments provide that observers have the right to be present at polling and counting centers, to publish reports and to access information regarding the electoral process, including “movement of electoral materials, opening of polling centers and stations, the polling and counting process, entry of results on the form, placing the result forms in the special envelope, electoral material storage facilities, recount process, location for receiving special envelopes (intact) and the national tally center.”

When will official results be announced?

According to the official timeline for the elections established by the Independent Election Commission (IEC), preliminary presidential election results are to be announced on October 19, 2019. Following the final Electoral Complaints Commission (ECC) decisions on complaints adjudication and appeals, announcement of final results is scheduled for November 7, 2019. The Electoral Law provides that all complaints must be resolved prior to the announcement of final results, and thus any delays in the adjudication process may impact the above schedule.

A run-off election, if required, is tentatively scheduled for November 23, 2019. In the event this takes place, the IEC will publish an updated timeline for adjudication and announcement of official results.

How will election disputes be adjudicated?

The Electoral Complaints Commission (ECC) has responsibility for adjudicating all electoral disputes, including challenges regarding the preliminary list of candidates, the conduct of campaigns and alleged fraud or malpractice or both during the voting and counting period.

Complaints on the voting and counting process can be filed within 48 hours of Election Day. Formal complaints can be made using the ECC’s complaints form, which may be filed at the relevant provincial ECC offices or at central ECC, and, on Election Day, at polling centers and stations. Any person who has full legal competence may file a complaint or challenge, either in person or through a legally authorized representative. Complaints may also be filed relating to quarantine decisions – temporary separation of electronic votes or suspicious ballot boxes from the counting process until a review and a decision is made by the Independent Election Commission (IEC) or ECC. Complaints may also be filed regarding the preliminary results.

The provincial or central complaints commissions with primary jurisdiction receives, registers, categorizes and assesses each complaint and related evidence to make a decision. The complaints are prioritized by whether they can impact the results, and then assessed and ruled upon by the central or provincial ECC, as appropriate.

The 2019 amendments to the Electoral Law include deadlines on the decision-making process of the ECC. Provincial ECCs are legally bound to adjudicate complaints within 15 working days from the end of the filing period, and central ECC should adjudicate appeals filed against Provincial ECC decisions within 15 working days.

The 2016 election law and ECC procedures provide that provincial ECCs and the central ECC can conduct open sessions when deemed necessary. This allows representatives of the media, civil society, political parties and observers to participate.

The ECC decisions are final except for decisions relating to the removal of names of candidates from the candidate list, and invalidation of votes of a polling center or constituency. If the IEC contests these types of decisions by the ECC, a joint IEC-ECC committee will be formed to resolve these differences. The decision of the joint committee is final. If the joint dispute committee fails to resolve IEC disagreements on ECC decisions, then the cases shall be referred to a Special Court established by the Supreme Court and the decisions of the Special Court is final.

Who will provide Election Day security?

The Afghan National Security Forces (ANSF) have primary responsibility for security on Election Day. The ANSF comprises the Afghan National Army and the Afghan National Police, with support from the NATO-led Resolute Support Mission. The government of Afghanistan has also established coordinating bodies at the provincial level with the goal of more effective security coverage.

Resources

- Independent Election Commission Website: <http://www.iec.org.af/>
- Electoral Complaints Commission Website: <http://iecc.gov.af/en>
- 2016 Electoral Law with 2019 amendments:
http://moj.gov.af/content/files/OfficialGazette/01201/OG_01226_English.pdf